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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, November 3, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, November 3, 2016**, beginning at **1:30 PM** in the Planning Commission Conference Room, 271 West Third Street, 2nd Floor, Ste #203, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

Meeting Date: September 29, 2016

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

Items may be taken in one motion unless there are questions or comments.

SUBDIVISION CASE DETAILS

- 2-1. **SUB2016-00027: Final Plat - ROCKY FORD ADDITION**, located on the south side of 31st Street South, on the east side of Rock Road.

Committee Action: DEFERRED INDEFINITELY
Surveyor: Baughman Company, P.A.
Acreage: 19.35
Total Lots: 54

3. **PUBLIC HEARING – VACATION ITEMS**

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

Items may be taken in one motion unless there are questions or comments.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 271 West Third Street, 2nd Floor, Ste #201, Wichita, Kansas

- 3-1. **VAC2016-00047: City request to vacate portions of platted access control on property**, located on the southeast corner of W 13th Street North and North Tyler Road.

Committee Action: APPROVED 4-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2016-00041 (Deferred to 11-17-16)
Request: City zone change from SF-5 Single-family Residential and GO General Office to LC Limited Commercial, NR Neighborhood Retail, and GO General Office with a Protective Overlay to permit mixed use development.
General Location: North of Maple and west of 135th St. West.
Presenting Planner: Kathy Morgan

5. Case No.: CON2015-00027
 Request: City conditional use request to permit a Tavern and Drinking Establishment and Entertainment Establishment and Nightclub in the City within 300 feet of residential zoning on property in LC Limited Commercial zoning.
 General Location: Southwest of the intersection of East 17th Street North and North Gentry Street.
 Presenting Planner: Bill Longnecker
6. Case No.: CON2016-00032
 Request: City conditional use request to permit a Tavern and Drinking Establishment and an Entertainment Establishment and Nightclub in the City within 300 feet of residential zoning on property in LC Limited Commercial zoning.
 General Location: South of Waterman and east of Greenwich (300 S. Greenwich - Lizards Lounge).
 Presenting Planner: Bill Longnecker
7. Case No.: CON2016-00050
 Request: County Conditional Use to allow a temporary Rock Crushing operation associated with the Kellogg freeway project in SF-20 zoning district.
 General Location: Southwest of Pawnee and 143rd St East.
 Presenting Planner: Kathy Morgan

NON-PUBLIC HEARING ITEMS

8. Case No.: 2017 MAPC and City BZA Calendar

9. Other Matters/Adjournment

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan Area Planning Commission

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

September 29, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, September 29, 2016 at 1:30 p.m., in the Planning Commission Conference Room, 2nd Floor, Suite #203, 271 West Third Street, Wichita, Kansas. The following members were present: Carol Neugent, Chair; John Dailey; Bob Dool; Bill Ellison; David Foster; Mike Greene; Joe Johnson; John McKay Jr. (Out @3:00 p.m.); Debra Miller Stevens; Lowell Richardson; John Todd and Chuck Warren. Members absent were: Matt Goolsby and Bill Ramsey. Staff members present were: Dale Miller, Director; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney; Jon Von Achen, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the July 21, 2016 Planning Commission Minutes.

MOTION: To approve the July 21, 2016 Planning Commission minutes.

MCKAY moved, **RICHARDSON** seconded the motion, and it carried (11-0-1).
WARREN– Abstained

Approval of the August 4, 2016 Planning Commission Minutes.

MOTION: To approve the August 4, 2016 Planning Commission minutes.

WARREN moved, **TODD** seconded the motion, and it carried (9-0-3). **DOOL**,
MCKAY, **RICHARDSON** – Abstained.

CHAIR NEUGENT announced that Item #9 – Bylaws Amendments would be taken up out of order on the agenda.

BYLAWS AMENDMENTS

SCOTT KNEBEL, Planning Staff noted the two changes being the meeting location on page two and presentation time for the public from five minutes to three minutes with the Commission retaining the ability to extend the time by vote on page four.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **GREENE** seconded the motion, and it carried (12-0)

ELECTIONS

CHAIR NEUGENT thanked Mr. Dennis for being such a good Vice Chair; Mr. Goolsby for reminding her of Roberts Rules of Order and Mr. Dailey for teaching her patience.

MCKAY congratulated **NEUGENT** on the job she has done as Chair.

There was brief discussion on whether the Chair needed to be a City appointee, since **NEUGENT** was a County appointee. Staff indicated they could not find that provision in the Bylaws.

MCKAY indicated that alternating from City appointee to County appointee is how the Chair has been elected over the years.

MOTION: To amend the Bylaws to state that the Chair alternate from City to County appointee.

MCKAY moved, **DOOL** seconded the motion, and it carried (12-0).

CHAIR

RICHARDSON nominated **DAVID FOSTER**. **JOHNSON** seconded the nomination and it carried unanimously (12-0).

FOSTER in the Chair.

VICE CHAIR

MCKAY nominated **JOE JOHNSON**. **GREENE** seconded the nomination and it carried (11-0-1). **JOHNSON** abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

2-1. **SUB2016-00024: Final Plat – BROOKFIELD ADDITION**, located on the southeast corner of 37th Street North and Greenwich Road.

NOTE: This unplatted site is located in the County 322 feet north of Wichita's boundary. Upon the annexation of the property to the south (also owned by the applicant), this property will be eligible for annexation. The site is currently zoned Rural Residential (RR) and will be converted to Single-Family Residential (SF-5) upon annexation.

STAFF COMMENTS:

- A. Upon the annexation of the property to the south, the applicant for this plat shall apply for annexation to Wichita prior to this plat being forwarded to the City Council. Upon annexation, the property will be zoned Single-Family Residential (SF-5) and allow for the lot sizes being platted.
- B. City of Wichita Public Works and Utilities Department requires a guarantee for the extension of water (transmission and distribution) and sewer (mains and laterals) to serve all the lots being platted.

- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- D. City Stormwater Management advises the drainage plan is approved.
- E. County Public Works has approved the access controls. The plat proposes two street openings along 37th Street North and one street opening along Greenwich Road.
- F. Crest/Winston located in the northwestern corner of the plat is a one-block street segment with 19 lots on the north and west side of the street. The Subdivision Regulations indicate that no more than 12 lots per side in one block should be served by a 58-foot street segment. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- G. Brookview Court located in the southeastern portion of the plat is a one block street segment with 25 lots. The Subdivision Regulations indicate that no more than 24 lots in one block should be served by a 58-foot street segment. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- H. The applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- I. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- J. The Subdivision Committee recommended language in the restrictive covenant regarding City access to all reserves. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- K. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. City Fire Department has approved the street length of Brookview Ct. (1,330 feet) which has been platted with an intermediate turnaround.

- M. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- N. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations for various lots at the end of cul-de-sacs. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- O. GIS requests that Brookview Ct serving lots 52-76, Block F, be revised to Brookview Cir.
- P. Reserve "80" needs noted in the plattor's text in two places.
- Q. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- R. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- S. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- T. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- W. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

- X. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Y. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
- AA. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- BB. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- CC. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

RICHARDSON moved, **JOHNSON** seconded the motion, and it carried (12-0)

3. **PUBLIC HEARING – VACATION ITEMS**

- 3-1. **VAC2016-00035: City request to vacate a portion of a platted easement on property,** generally located midway between 31st Street South & I-135, on the northeast corner of K-15 and Crystal Street.

APPLICANT/OWNER: Gregory and Judy Gordon (applicant/owner)

LEGAL DESCRIPTION: Generally described as vacating all of the platted 10-foot wide by 23-foot (west side) – 27-foot (east side) long stub easement located on Lot 19, Block 1, Craig's Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located midway between 31st Street South & I-135, on the northeast corner of K-15 and Crystal Street (3300 East Crystal Street - WCC III)

REASON FOR REQUEST: Build over unused easement

CURRENT ZONING: The site, all abutting and adjacent north, east and south, across Crystal Street, properties are zoned SF-5 Single Family Residential. Adjacent west properties, across K-15, are zoned LI Limited Industrial

The applicants are requesting the vacation of the platted 10-foot wide by 23-foot (west side) – 27-foot (east side) long stub easement located on Lot 19, Block 1, Craig's Addition. There are no public utilities located within the subject easement. There does not appear to be Westar equipment located in the subject easement. Comments from other franchised utilities have not been received and are needed to determine if they have utilities located within the described easement. The Craig's Addition was recorded April 8, 1950.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MARC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 8, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described platted utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Provide a legal description of the vacated portion of the platted utility easement on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00035 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.

- (2) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00035 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) As needed provided Public Works-Sewer (and any other utility located within the subject easement) with a private project plan for the relocation/abandonment of the sewer line and manholes located within the subject easement for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2016-00035 proceeds to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

- (1) Provide a legal description of the vacated portion of the platted utility easement on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00035 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00035 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) As needed provided Public Works-Sewer (and any other utility located within the subject easement) with a private project plan for the relocation/abandonment of the sewer line and manholes located within the subject easement for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2016-00035 proceeds to the City Council for final action.

- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, GREENE seconded the motion, and it carried (12-0).

- 3-2. **VAC2016-00036: City request to vacate the plattor's text to amend uses allowed in a platted reserve**, generally located on the northwest side of 24th Street North and Rock Road.

APPLICANT/OWNER: Sycamore Village Home Owners Association (applicant/owner)

LEGAL DESCRIPTION: Generally described as vacating the plattor's text to amend the uses allowed in the platted Reserve B, Sycamore Village 4th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the northwest side of 24th Street North and Rock Road (WCC II)

REASON FOR REQUEST: Install a sidewalk

CURRENT ZONING: The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential.

The applicant is requested the vacation of the plattor's text to amend the uses allowed in the platted Reserve B, Sycamore Village 4th Addition. Reserve B runs parallel with a north portion of 24th Street North and between the side yards of the subject plat and the rear yards of three lots located in the west abutting Sycamore Village 3rd Addition. The plattor's text states that Reserve B is to be used for utilities, drainage, landscaping and open space. There is no language in this statement that permits sidewalks. This is a subdivision and neighborhood without sidewalks. The plattor's text further states that all reserves in the Sycamore Village 4th Addition are to be owned and maintained by the Homeowners Association (HOA). The HOA is the applicant for the vacation request and is aware that the HOA will own and maintain the sidewalks if the request is approved. There is a platted 10-foot wide utility easement, with sewer line located in it that is located in that portion of Reserve B that is located between the already noted lots that will remain in effect. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described reserve. The Sycamore Village 4th Addition was recorded May 20, 1985.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the plattor's text to amend the uses allowed in a platted reserve.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 8, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the plattor's text to amend the uses allowed in a platted reserve and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the plattor's text to allow sidewalks in the platted Reserve B, Sycamore Village 4th Addition, while retaining that Reserve B will continue to be used for utilities, drainage, landscaping and open space.
- (2) Retain the language in the plattor's text that states all reserves in the Sycamore Village 4th Addition are to be owned and maintained by the Homeowners Association and add that all sidewalks located in all reserves in the Sycamore Village 4th Addition shall be owned and maintained by the Homeowners Association.
- (3) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00036 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (4) As needed provided Public Works, including Stormwater (and any other utility located within the subject reserve) with a private project plan for sidewalks located within the subject reserve for review and approval. The sidewalk(s) shall be constructed to City Standards and at the applicant's expense. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2016-00036 proceeds to the City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.

- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

- (1) Vacate the plattor's text to allow sidewalks in the platted Reserve B, Sycamore Village 4th Addition, while retaining that Reserve B will continue to be used for utilities, drainage, landscaping and open space.
- (2) Retain the language in the plattor's text that states all reserves in the Sycamore Village 4th Addition are to be owned and maintained by the Homeowners Association and add that all sidewalks located in all reserves in the Sycamore Village 4th Addition shall be owned and maintained by the Homeowners Association.
- (3) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00036 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (4) As needed provided Public Works, including Stormwater (and any other utility located within the subject reserve) with a private project plan for sidewalks located within the subject reserve for review and approval. The sidewalk(s) shall be constructed to City Standards and at the applicant's expense. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2016-00036 proceeds to the City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, **GREENE** seconded the motion, and it carried (12-0).

- 3-3. **VAC2016-00037: City request to vacate a portion of a platted 30-foot front yard building setback on property**, generally located northeast of 13th Street North and 143rd Street East on the southeast corner of Sport of Kings and Sandpiper Streets.

APPLICANT/AGENT: Rob and Sankita Richardson (owners/applicants) Hawthorne Home Improvements, c/o Michael Gatschet (agent)

LEGAL DESCRIPTION: Generally described as vacating east 11 feet of the platted 30-foot front yard building setback located on and running parallel to the west lot/property line of Lot 4, Block 5, Savanna at Castle Rock Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located northeast of East 13th Street North and North 143rd Street East on the southeast corner of Sport of Kings and Sandpiper Streets (WCC #II)

REASON FOR REQUEST: Build onto garage

CURRENT ZONING: Site and all abutting and adjacent north, east and west properties are zoned SF-5 Single-Family Residential. Adjacent south property (across 13th Street North) is zoned SF-20 Single-Family Residential

The applicants propose to vacate the east 11 feet of the platted 30-foot front yard building setback located on and running parallel to the west lot/property line of the SF-5 Single-Family Residential zoned corner lot, Lot 4, Block 5, Savanna at Castle Rock Addition. Per the Unified Zoning Code's (UZC) the shorter of the two street frontages of a corner lot is the front yard; the west side of the lot that has Sandpiper Street frontage is the front yard. The UZC minimum front yard setback standard for the SF-5 zoning district is 25 feet. There are no platted easements located in the subject front yard building setback. There are easements or utilities located in the subject front yard building setback. The applicants have provided an e-mail that purports to having approval by the Home Owners Association. The Savanna at Castle Rock Addition was recorded with the Register of Deeds January 7, 1994.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted front yard building setback.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 1, 2016, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described portion of the platted front yard building setback and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the east 11 feet of the of the platted 30-foot front yard setback located on and running parallel to the west lot/property line of the SF-5 Single-Family Residential zoned corner lot, Lot 4, Block 5, Savanna at Castle Rock Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) The applicants must provide a letter from the Home Owners Association, with signatures, that approves the proposed garage addition and the design and materials used for the garage addition. This letter must be provided to the Planner prior to VAC2016-00037 going City Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the east 11 feet of the of the platted 30-foot front yard setback located on and running parallel to the west lot/property line of the SF-5 Single-Family Residential zoned corner lot, Lot 4, Block 5, Savanna at Castle Rock Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.

- (2) The applicants must provide a letter from the Home Owners Association, with signatures, that approves the proposed garage addition and the design and materials used for the garage addition. This letter must be provided to the Planner prior to VAC2016-00037 going City Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, GREENE seconded the motion, and it carried (12-0).

PUBLIC HEARINGS

4. **Case No.: ZON2016-00037 and CUP2016-00028** - DMD, LLC (Marlin Penner)/Baughman Company, PA, (Russ Ewy) request a City zone change from SF-5 Single-family Residential and GO General Office to LC Limited Commercial and amendment to CUP DP-233 Highland Springs described as:

All of Lots 1 and 2, Block A Highland Springs Commercial Addition, Wichita, Sedgwick County, Kansas, TOGETHER with Lot 2, Block B, in said Highland Springs Commercial Addition, except that part of Lot 2 in said Block B conveyed to the City of Wichita in the Kansas Warranty Deed recorded in DOC.#/FLM-PG:29317276, TOGETHER with that part of Reserve "A" as platted in said Highland Springs Commercial Addition described as follows: Beginning at the most easterly corner common to Lot 2 in said Block A and said Reserve "A"; thence S89°53'12"W along the lot line common to Lot 2 in said Block A and said Reserve "A", 236.70 feet to a deflection corner in said common lot line; thence S00°06'48"E, 30.00 feet to a point on the south line of said Reserve "A", said point being 30.00 feet east of the most southerly southwest corner of said Reserve "A"; thence N89°53'12"E along the south line of said Reserve "A", 236.70 feet to the southeast corner of said Reserve "A"; thence N00°06'48"W along the east line of said Reserve "A", 30.00 feet to the point of beginning, and TOGETHER with that part of Central Ave. as dedicated in said Highland Springs Commercial Addition lying east of and abutting the following described line: Beginning at the northwest corner of Lot 1 in said

Block A; thence N00°12'25"W, 148.93 feet to the southwest corner of Lot 2 in said Block B, and for a point of termination, and lying west of and abutting the following described line: Beginning at the northeast corner of Lot 1 in said Block A; thence N00°06'48"W, 150.00 feet to the southeast corner of Lot 2 in said Block B, and for a point of termination.

BACKGROUND: The subject site is located at the southwest corner of West Central and North 135th Street West and contains 2.5 acres that is zoned SF-5 Single-Family Residential and GO General Office subject to the development standards and general provisions contained in the Highland Springs Community Unit Plan (CUP) DP-233. Currently CUP DP-233 is a six-parcel CUP that currently permits the following uses: Parcel 1 – LC; Parcel 2 – GO; Parcel 3 – GO; Parcel 4 –SF-5; Parcel 5 – LC; and Parcel 6 – LC.

In addition to a zone change to LC on Parcels 2, 3, and 4, the applicant is proposing the attached CUP that contains the following amendments to CUP DP-233:

- 1) General Provision 6 is proposed to read: "Approval of Amendment #1 shall be contingent upon the replatting of the Highland Springs Commercial Addition, which shall address the realigned street Right-of-way, parcel layout, elimination of a portion of Reserve A, and any other alteration created by the plat. The applicant shall provide four copies of an updated CUP following the replat. Guarantees for left turn center lanes and right turn decal lanes to all full movement approaches, and other specific street improvements for 135th St W. and Central Ave., shall be further reviewed and determined at the time of platting."
- 2) General Provision 7(B) is proposed to read: "Flashing, rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted."
- 3) General Provision 7(C) is amended to prohibit LED signs.
- 4) General Provision 7(F) is proposed to read: "Signs shall be limited to one monument type per frontage for Parcel 3 and 4, no taller than 8 feet in height, and be limited to 48 square feet in area. Parcels 1, 2, 5, and 6 shall each be limited to a monument type sign no tall that 12 feet in height and a maximum of 60 square feet of signage. No signage shall be permitted in Reserve A, B, and C."
- 5) General Provision 16 is amended to include screening of loading docks and screening materials are to be similar to the building materials.
- 6) General Provision 17 is proposed to change the last sentence to: "The building in Parcel 4 shall appear residential in character."

7) General Provision 19 is proposed to read: "All parcels shall be zoned Limited Commercial. No parcel within this CUP shall allow the use of adult entertainment establishments, group residences, halfway houses, correctional placement residences, private clubs, taverns, drinking establishments, sexually oriented businesses and night club. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Restaurants with drive-through windows, convenience stores, service stations, and vehicle repair (limited) are not permitted within 200 feet of residential uses. Drive-through lanes shall be designed to ensure queuing lanes will not align vehicle headlights in a manner that faces residential uses. No overhead doors shall be permitted within 200 feet of residential uses and shall not face any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the CUP are prohibited."

8) Replat of "Reserve A."

The property has an existing screening wall along the southwest property lines of Parcels 5 and 6 that screen the existing LC zoning from adjacent residential uses. There are wood screening fences along the west and south property lines of Parcel 4 abutting and adjacent residential uses. The replat of the Highland Springs CUP (see attached CUP concept) proposes 35-foot building setbacks along the frontages of West Central and North 135th Street West and 30-foot setbacks for Reserve A, B and C along the southwest property lines of Parcels 4, 5 and 6.

Land to the north (across West Central) of the application area is zoned SF-20 Single-family Residential and is undeveloped. Properties located to the west, south and east of the subject site are zoned SF-5 and developed with single-family residences. Property east of the site, at the southeast corner of West Central and North 135th Street West, is zoned NO Neighborhood Office and is partially developed.

CASE HISTORY: The Highland Springs CUP was established in September 1999. This is the first Amendment and first zone change.

ADJACENT ZONING AND LAND USE:

North:	SF-5	County, Single-family residential
South:	SF-5	Single-family residential
East:	NO and SF-5	Partially developed Neighborhood Office; Single-family residential
West:	SF-5	Single-family residences, Highland Springs 2 nd & 3 rd Additions

PUBLIC SERVICES: The site is served by municipal services. West Central and 135th Street West is a paved five-lane arterial intersection with dedicated turn lanes. West of the intersection the lanes reduce to two-lane paved street; north of the intersection reduces to two-lane paved street; east of the intersection remains four lanes with dedicated turn access; south of the intersection reduces to three paved lanes with turn access. The proposed CUP amendment provides for controlled access along West Central and North 135th Street West

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept Map indicates the site is appropriate for “new employment growth” uses. The “new employment growth” category encompasses areas that are likely to be redeveloped by 2035 with uses that constitute centers or concentration of employment primarily in manufacturing warehousing, distribution, construction, research, technology, business services or corporate offices. In certain areas, especially those in proximity to existing residential uses, convenience retail centers likely will be developed.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends approval of the zone change and amendments to CUP DP233 subject to the development guidelines the amended CUP and the following conditions:

- A. The applicant shall record a document with the Register of Deeds indicating that this tract (referenced as CUP DP-233) has been replatted and includes special conditions for development on this property.
- B. Unless specifically modified, the development shall comply with all applicable ordinances, regulations or codes, including but not limited to zoning, fire, building and sanitation.
- C. The applicant shall submit four final copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land to the north (across West Central) of the application area is zoned SF-20 Single-family Residential and is undeveloped. Properties located to the west, south and east of the subject site are zoned SF-5 and developed with single-family residences. Property east of the site, at the southeast corner of West Central and North 135th Street West, is zoned NO Neighborhood Office and is partially developed.
2. The suitability of the subject property for the uses to which it has been restricted: The Highland Springs Commercial CUP DP-233 and its LC, GO and SF-5 zoning was established in September of 1999. The site could continue to be economically viable as currently zoned; however, the proposed zone changes and CUP amendment address existing market trends.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The zoning for the site was approved in 1999 and has been undeveloped since that time. The proposed zone change and CUP amendments address existing tenant needs. The requested changes should not detrimentally impact nearby property owners to any greater extent than the existing development.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it contributes to the area’s long term economic opportunity. Denial would presumably represent a loss in economic opportunity. The arterial intersection has been improved to accommodate the proposed uses.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map indicates the site is appropriate for “new employment growth” uses. The “new employment growth” category encompasses areas that are likely to be redeveloped by 2035 with uses that constitute centers or concentration of employment primarily in manufacturing warehousing, distribution, construction, research, technology, business services or corporate offices. In certain areas, especially those in proximity to existing residential uses, convenience retail centers likely will be developed.
6. Impact of the proposed development on community facilities: Existing or proposed improvements are in place to address anticipated demands.

KATHY MORGAN, Planning Staff presented the Staff Report.

The Planning Commissioners indicated that each of them had received ex-parte communication on the item through e-mails and U.S. Mail.

RICHARDSON asked when zoning was put into place didn't all section line roads come in with commercial zoning.

DIRECTOR MILLER said in 1958 certain intersections and section line roads outside the City limits were zoned commercial but there has never been a blanket zoning.

TODD asked staff to explain the bridges and drainage at Central Avenue and 135 Streets.

MORGAN said the bridges were located at 135th and Central Avenue. She added that any drainage issues associated with the CUP will be addressed by the drainage plan at the time of platting.

RUSS EWY, BAUGHMAN COMPANY, PA, 315 ELLIS, AGENT FOR THE APPLICANT commented this is part of a commercial addition that was platted at the same time as the Highland Springs Addition. He said most of the drainage on the site drains either southwest before going to the west and ultimately to a detention pond and drains to the north and back to the east. He stated that there have been four meetings with the neighborhood (which is outside the normal process) and two District Advisory Board meetings regarding the proposal. He said drainage was a primary concern to residents at each of those meetings. He said since the development was already planned for, there is a drainage plan on file with the City that was approved some 20 years ago; however, he said they will revisit all of the drainage issues when they file for the replat of the area.

EWY referred to a handout which were “Revised General Provisions” as a result of a meeting with about 50 residents at Auburn Hills Golf Course on August 25, 2016. He gave a brief overview of that meeting stating that they fielded a variety of questions about the proposal and the process. He said they took feedback from the meeting and tried to concentrate all issues down to a handful of concerns. He said the text highlighted in orange represents the applicant's final negotiated restrictions on the property. He said the applicant offered to limit the uses to the NO district; GO on what will ultimately become

Parcel 4 further limited to uses in the NO district with the exception of ancillary parking; with the two lots to the north zoned LC with an increase in the height of the screening wall to eight feet to the south where it affects residential property. He mentioned that the existing CUP already has one and one half times the landscape requirement for buffers and street trees. In addition, he said they would limited times of trash pickup on Parcel 4 from 6:00 a.m. – 10:00 p.m. He concluded by stating that there were a number of people present to speak. He added that he appreciated the neighbor's willingness to meet for negotiations. He said at the end of the day the parties were not able to come to an agreement on use restrictions on Parcel 3. He offered to answer any questions.

MCKAY asked the agent to explain the difference in the handout map provided at this meeting and what was provided with the Staff Report.

EWY gave a brief background of the zoning case on the parcels back in 1998 that was quite contentious. He said at that time the City Council voted 5-2 to approve the zone changes as they are today; however, there were sufficient protests to require a "super majority" or six votes to approve the application so the City Council action failed. He said the applicant appealed to the District Court and the Council decision was overturned and the CUP zoning was established. He said subsequently Central Avenue was realigned. He said as a result they feel that a lot the conditions that predicated the single-family residential and office zoning along Central Avenue are no longer in existence now. He said the handout map reflects the concept of how the property will look after the replat, with just those three parcels and vacation of the Central Avenue right of way; and reparcel 1, 5 and 6. He said those are the three steps that are somewhat unique to this application.

RICHARDSON clarified that all the homes built in Highland Springs were after this zoning was in place.

EWY said that was correct.

FOSTER asked for clarification of the proposed commercial zoning.

EWY stated that the original application asked for LC zoning on the entire CUP; however, after negotiations at the neighborhood meetings and in an effort to reach some kind of compromise, they are proposing limiting the LC zoning to Parcels 2 and 3 and requesting GO on Parcel 4 with further restrictions to NO uses and development standards. He said the existing CUP from 1998 already limits the building size to 8,000 square feet. He said Parcel 1 is outside of the application area and is currently zoned LC.

RICHARDSON noted a reduction in the size of Parcel 4.

DIRECTOR MILLER clarified that the UZC required that the CUP lots match the plat.

JOHNSON asked what was presently planned for Parcels 2 and 3.

EWY replied that right now nothing specific is planned on any of this development.

RICHARDSON clarified that the pond located to the southwest was part of the original drainage plan for the area.

EWY replied yes, and said that drainage requirements in the area have changed over time so they are anticipating changes to the drainage plan and perhaps some water retention on their property.

NEUGENT asked since the public was under the impression they would have five minutes each, can the Commission do a blanket motion to allow each speaker five minutes.

MOTION: To give each speaker five minutes.

NEUGENT moved, **JOHNSON** seconded the motion, and it carried (12-0).

LORI MARCEAU, 431 N. 135TH ST., WEST said her home for the last 28 years is just south of the application area. She said the neighborhood understands and accepts that there will some level of commercial development on the southwest corner of Central Avenue and 135th Street West. However, it is important to the neighborhood that the commercial development not have an adverse effect on the existing single family homes in close proximity.

MARCEAU brought up the following issues of concern: wall height; trash dumpster locations and collection times; landscaping, signage; hours of operation; types of businesses; odors and noises; LC zoning adjacent to SF-5 residential zoning and the fact that this proposal, if approved will open the door for a wider variety of commercial development in close proximity to established residential homes. She gave a brief history of the CUP case filed in 1998 which the applicant/owner appealed to the District Court in 1999. She said when the denial was overturned, Parcels 1, 5 and 6 were zoned LC; Parcels 2 and 3 were zoned GO; and Parcel 4 remained SF-5.

MARCEAU said since that time those who filed protest petitions were never notified of the appeal made to the District court, the reversal of the case and were surprised to learn that Parcels 1, 5 and 6 had been zoned LC. She said the last the neighbors knew the matter failed to pass at the City Council due to a lack of a super majority vote. She said the property was subsequently sold to a new owner. She said the area has remained undeveloped and a for sale sign has been on the property for many years.

MARCEAU briefly reviewed the current rezoning application noting that the process was delayed because the property owner closest to the application area (her) was not notified as required by law.

MOTION: To give the speaker one additional minute.

WARREN moved, **GREENE** seconded the motion, and it carried (12-0).

MARCEAU mentioned the various meetings with neighbors and the property owner's representative and the concerns expressed by the neighborhood including the close proximity of single family residences, traffic flow in/out of the LC development, lighting, types of businesses, hours of operation, etc. and the fact that the property owner has no specific plans for the type of businesses that will be part of the development.

CHRIS LATHAM, 605 N. FORESTVIEW COURT, AT LARGE BOARD MEMBER, RAINBOW LAKES WEST 4TH ADDITION referred to a picture of the view from his back deck looking west at Parcel 3 of the development.

LATHAM reviewed the Golden Rules as follows: 1 – The zoning, uses and character of the neighborhood. He said the property on three sides of the commercial development area is zoned SF-5; the age of houses to the west, south and east; currently there was no commercial development at this corner. 2 – The suitability of the subject property for the uses to which it has been restricted. All parcels are undeveloped; Parcel 4 is currently being used to store dirt from the 135th Street road development; Staff Report says the site could continue to be economically viable as currently zoned. 3 – Extent to which removal of the restrictions will detrimentally affect nearby property. Residential housing in close proximity on three sides, GO or NO zoning would be more appropriate next to SF-5 zoning as buffering. 4 – Length of time subject property has remained vacant as zoned. The property has never been developed possibly because of the economy.

FOSTER referred to the diagram of Parcel 4 and the buffer to the south.

LATHAM said in his perspective there are four sides to this story – the developers side, Ms. Marceau's side; people to the east of the property in Rainbow Lakes and the people who live in Highland Springs. He said all of them have different things on their agenda. He said Parcel 3 being zoned GO is the most significant from his perspective because it is right outside his backdoor.

WARREN asked what types of businesses they don't want.

LATHAM said 24 hour convenience store; drive thru restaurant and garage repair that would create ancillary noise.

BOB LAMBERGER, 13738 WEST HARDTNER COURT continued reviewing the Golden Rules 5 – Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant – commercial development is possible as currently zoned; use of NO and GO zoning would not deter development. 6 – Conformance of the requested change to the adopted or recognized Comprehensive Plan – Staff Report indicates site is appropriate for new employment and growth uses; Report states convenience retail centers likely will be developed in proximity to existing residential uses not immediately next to residential zoning. 7 – Impact of the proposed development on community facilities. Central Avenue west of 135th and 135th street north of Central Avenue is unimproved; questionable if widened 135th Street can accommodate traffic from commercial development; access in/out of the application area is uncertain; and close proximity of Jennie Street to Central Avenue poses traffic flow problems in/or out of the application area. 8 – Opposition or support of neighborhood residents. The surrounding neighborhoods (Rainbow Lakes, Highland Springs and individual property owners) are opposed to increasing LC zoning at this corner, current level of commercial zoning is appropriate for development, not one homeowner expressed support for increasing LC zoning at this corner at any of the meetings held. 9 – Recommendation of professional staff. Staff Report does not detail history surrounding the zoning; recommendation by staff does not take into consideration the numerous issues detailed in this presentation; select neighbors wish to work with the

owner/applicant to develop a compromise to the zoning of Parcels 3 and 4 and the general provision of the CUP. He concluded by stating that the neighborhood recommendation was as follows: Parcel 2 currently zoned GO – to LC zoning; Parcel 3 currently zoned GO – to remain GO; Parcel 4 currently zoned SF-5 – to NO zoning. They also request that fencing be either an eight foot cement wall or a six foot wall on top of a two foot berm around the entire CUP area and that trash collection be limited to the hours of 6:00 a.m. to 10:00 p.m.

DAVID DENNIS, 615 N. RAINBOW LAKE ROAD, PRESIDENT, RAINBOW LAKES WEST HOMEOWNERS ASSOCIATION said there are residents from three different HOA's which were Rainbow Lake West; Rainbow Lakes West 4th Addition; and Highland Springs. He said each group has their own concerns about the proposal. He said the homeowners are not opposed to development as long as the development meets the needs of the neighborhood.

DENNIS said the neighbors thought they had an agreement worked out after the meeting at Fire Station 21; however, the next day they received an e-mail with the current proposal provided to the Commission as a handout. He referred to the last slide of the neighbor's proposal. He asked since the agent is amending certain portions of the original CUP shouldn't the entire CUP come under review. He touched on the fact that the surrounding property owners did not know of the District Court decision until they started to research the current proposal. He mentioned a higher fence and limits on trash collection times. He said the owner to the south is looking for less intensive zoning in that area and Mr. Latham does not want to see LC right outside his back deck. He said NO and GO is used to buffer LC from residential development but this is proposing LC right next to homes. He concluded by congratulating David Foster and Joe Johnson on their election.

RAY PRIEKSDAD, 14342 W. HARDTNER COURT, TREASURER - HIGHLAND SPRINGS HOMEOWNERS ASSOCIATION commented that the parcels adjacent to residential should be GO or NO to act as a buffer. He said he supports the idea that the development will be a good neighbor to the residences that are already there and established. He commented that none of the homes in Highland Springs were there in 1999 when this zoning took place. He said Highland Springs contains 290 residents. He said some of those residences are within 100 feet of the development. He said they recognize that development is coming and they welcome the right kind of development that will be a good neighbor to those that already live in the community.

ELLISON asked Mr. Prieksdad what type of development he would like to see.

PRIEKSDAD mentioned that they don't want to see businesses that produce noise or have late hours. He said they would like to see office businesses and some type of LC businesses that would fit into an 8-5 timeframe that don't adversely impact the existing residential neighbors. He said they are also interested in some type of buffer wall on the south, southwest and west areas of the development.

ANNE KRUEGER, 518 N. FORESTVIEW COURT, PRESIDENT, RAINBOW LAKES HOMEOWNERS ASSOCIATION said the City just completed a major landscaping job and planted trees in the median along 135th Street. She said she is concerned about the level of traffic that a major commercial development will bring along 135th Street which is heavily travelled now and will eventually lead to an on-ramp to Kellogg. She also asked about the other part of this corner. She said the neighbors are not "no growth" but they want to limit the traffic in their neighborhood.

EWY clarified there would be no left turn function and it would be right in/right out only access onto 135th Street which was a known factor coming into the project. He said that will have a limited impact on the neighbors to the east. He said the major access will be off of Central Avenue with ancillary access off of 135th Street. He said there was discussion about platting, access controls and the possibility of getting a curb cut at the second meeting but he said the curb cut was a practical impossibility. He commented that a number of options and items were discussed at that meeting.

MOTION: To give the speaker an additional minute.

RICHARDSON moved, **GREENE** seconded the motion, and it carried (12-1).

EWY referred to the list of neighborhood concerns and commented that they have been able to address a certain number of them including trash pickup, location of dumpsters, and concessions on buffering on Parcel 4. He said the original CUP provides protections to adjacent homeowners in Highland Springs that were there when they purchased their home. He said they are not volunteering additional restrictions or lessening of any of the other pre-existing CUP conditions outside this application area.

RICHARDSON asked about the wall on Parcel 1. He clarified that there was already a requirement for a 6 foot wall on the entire south and west sides of the CUP.

EWY said currently there is a requirement for a 6-foot concrete masonry wall on the outer edge of a 30-foot landscaped buffer that is one and one half times the landscape requirement on the east edge of the CUP and a 6 foot masonry wall on the entire south and west sides of the CUP.

RICHARDSON asked if they would be willing to restrict trash pickup on Parcel 1.

EWY replied no.

GREENE referred to General Provision #19 of the current CUP with relation to businesses not allowed in the CUP including restaurants with drive thru windows, convenience stores, service stations and vehicle repair not being permitted within 200 feet of residential uses. He mentioned Mr. Latham's concerns about Parcel 3 and said it looks like those concerns are covered if he is reading the CUP correctly.

EWY said that provision restricts overhead doors associated with vehicle repair and no restaurants to que facing to the east so that eliminates drive thru restaurants. He said he believes the neighbors first choice was to keep Parcel 3 zoned GO. He said the client declined to eliminate convenience stores, service stations and vehicle repair. He added that the DAB voted to approve the request 7-0 based on the Revised General Provisions included in the handout.

There was discussion concerning what the neighborhood wanted and what the applicant agreed to and the discussions at various neighborhood meetings.

EWY briefly summarized the various meetings and levels of compromise at each meeting. He said the applicant could not give the neighbors the entire compromise they wanted but they did feel they have compromised on the most critical elements that were not zoning Parcel 4 to LC but downzoning it so for all practical purposes it is NO. He apologized to the neighbors who felt they were misled and thought that had given them an iron clad promise, because he was in no position to do that without first checking with his client. He said they felt like they have worked with the neighbors in good faith.

NEUGENT asked what the applicant has agreed to that is on the neighbor's list.

EWY said increasing the height of the wall to 8 feet and limiting trash collection to between 6:00 a.m. – 10:00 p.m. He said the difficult issue to get around is when he speaks, he is talking about the 3 parcels on the application, but when the neighbors speak, they are talking about the entire CUP. He said the applicant is not going outside the bounds of the amendment application that they have applied for and are present to talk about. He said they were not willing to volunteer restrictions outside of this application area that do have an economic impact on the client. He said the zoning pattern in this area is based on a condition that no longer exists. He said two of the parcels were zoned GO because they were located on arterial intersection pad sites.

MCKAY (Out @3:00 p.m.)

WARREN asked if the applicant could reverse the dimensions on Parcel 2 and 3. He said make Parcel 2 – 271 feet and Parcel 3 – 244 feet and give both of those LC zoning but restrict Parcel 3 to eliminate certain types of businesses which were: 24 hour convenience store, garage and drive through businesses. He asked the agent if that was a compromise the client could agree to.

EWY responded that his client has authorized him to offer only the concessions the Commission has before them.

JOHNSON suggested that the agent take the proposed compromise back to his client and that the Planning Commission defer action on the item until the next Planning Commission Meeting.

MOTION: To close the public hearing and that the agent take the proposed compromise back to his client and that the Planning Commission defer action until the next meeting (October 6, 2016).

JOHNSON moved, **NEUGENT** seconded the motion.

EWY clarified that he was to take the compromise proposed by Commissioner Warren back to his client and be prepared to respond at the October 6, 2016 Planning Commission Meeting.

DAILEY clarified that trash pickup times were only limited on Parcel 4.

EWY said that is correct. He said they felt Parcel 4 had the most impact on the residential development in the area.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY said City Ordinance limits trash pick to between 6:00 a.m. and 8:00 p.m. so that would apply to all parcels.

EWY said he thought that ordinance applied to residential trash collection and that commercial and industrial trash collection was different.

ELLISON asked if the neighbors were happy with what is being proposed.

WARREN asked about a point of order and said the discussion needs to involve the motion. He asked staff it would be appropriate if the Commission just made a substitute motion to include the proposed compromise.

MILLER STEVENS said she believes the Commission has jumped off course and are making things up as they go along. She said that is not the plat that they are talking about. She said she would prefer that the motion address the current case and platting not parcels that do not currently exist.

CHAIR FOSTER said he believes they should give the applicant time to consider the compromise offered by Commissioner Warren relative to making this a workable piece of property.

MILLER STEVENS said she believes the motion is illegal because the parcels don't exist.

VANZANDT explained that the applicant will have to come back with a plat that matches the discussion.

The **ORIGINAL MOTION** to close the public hearing and defer the item one week so the agent can present the proposed compromise to his client for consideration, which was to make Parcel 2 – 271 feet and Parcel 3 – 244 feet and give both of those LC zoning but restrict Parcel 3 to eliminate certain types of businesses which were: 24 hour convenience store, garage and drive thru businesses carried (9-2).

ELLISON and MILLER STEVENS – No.

5. **Case No.: CUP2016-00024** - Kellogg and Est LLC c/o Christian Ablah (owner/applicant), Kim Edgington (agent) request a City CUP major amendment to DP-332 to expand the CUP land area and amend signage regulations described as:

Lots 8, 9 and 10, except that part taken for Highway in Condemnation Case 84C-2867, Block 1, Eureka Gardens, Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant requests an amendment of the Eureka Gardens Commercial Community Unit Plan ("CUP") DP-332 on property located north of Kellogg Drive and east of West Street. The requested amendment expands the CUP from a one parcel, 1.1 acre CUP to a two parcel, 1.84-acre CUP. The additional parcel is located north and west of the existing parcel. Both parcels are zoned LI Limited Industrial. The existing parcel is developed with a building formerly used as a restaurant. The additional parcel is being developed with a retail building.

Parcel 1 is currently permitted one pole sign at the southwest corner of the parcel up to 65 feet tall with a total of 400 square feet signage, limiting any one sign on the pole to 300 square feet. The applicant requests an increase in overall signage allowed on the pole to 500 square feet, keeping the 65-foot height limitation and 300 square-foot limitation for a single sign. The applicant requests one pole sign for Parcel 2 up to 30 feet tall with a total of 190 square of signage. The Wichita-Sedgwick County Unified Zoning Code (“UZC”) does not require a CUP for this site, as the site is less than six (6) acres in size and is not zoned GC General Commercial (“GC”) or LC Limited Commercial (“LC”). The UZC states that a CUP is intended to provide well planned and organized commercial development to certain standards and provisions prescribed by the UZC to include ingress and egress, parking, drainage, facilities and sign controls. The Wichita Sign Code allows alternative or additional requirements concerning sign type, size, height and location on sites subject to CUP regulations. Common practice with CUPs is to consolidate signage, allowing individual signs increased height and size, but limiting the total number of signs on the site.

Properties north of this site and across West Street to the west of the site are zoned LI and developed with retail, automobile service, and restaurant uses. South of the site is the Kellogg Expressway, further south is property zoned LI and developed with warehousing and automobile service uses. East of the site is LC zoning with a hotel fronting Kellogg and automobile service and residences fronting Illinois Avenue. Several pole signs along the elevated portion of the Kellogg Expressway have been allowed additional height for visibility prior to the West Street exit. Several off-site billboards also exist at the Kellogg and West intersection.

CASE HISTORY: The site is located on portions of the Parkway Addition, recorded in 1954, and the Eureka Gardens Addition, recorded in 1941. A sign variance (BZA55-88) was granted in 1988 to permit a 45-foot tall pole sign. DP-332 Eureka Gardens Commercial CUP was approved in 2013.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Retail, automobile service, restaurant
SOUTH:	LI	Warehousing, automobile service
EAST:	LC	Hotel, automobile service, single-family residential
WEST:	LI	Retail, automobile service, restaurant

PUBLIC SERVICES: Kellogg is an elevated highway at this location. West Street is a section line arterial street at this location. The Kellogg and West Street interchange is currently being reconstructed.

CONFORMANCE TO PLANS/POLICIES: The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the subject property as “commercial.” The “commercial” category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.

RECOMMENDATION: Staff notes that this site could be developed with a variety of high intensity uses under the current LI zoning. The applicant is requesting to limit permitted uses to those in the GC zoning district and to use the CUP to consolidate signage, parking, landscaping and other development features. The requested signage is taller and larger than would be permitted by the sign code but is not excessive given the elevated Kellogg Expressway proximity and visibility need from exits. Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP be APPROVED, subject to the following conditions:

- A. General Provision #10 shall be added stating “Cross lot access shall be provided between Parcels 1 and 2 and between Parcel 1 and the property to the east as recorded in the cross lot access agreement in Film 1450, Page 1990. A pedestrian circulation plan shall be approved by the Planning Director prior to the issuance of building or occupancy permits that provides connections from building entrances to sidewalks on abutting streets.”

- B. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-332 Eureka Gardens Commercial CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days after approval of this case by the MAPC or Governing Body, as applicable, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties north of this site and across West Street to the west of the site are zoned LI and developed with retail, automobile service, and restaurant uses. South of the site is the Kellogg Expressway, further south is property zoned LI and developed with warehousing and automobile service uses. East of the site is LC zoning with a hotel fronting Kellogg and automobile service and residences fronting Illinois Ave.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LI and could be developed with a variety of uses. The proposed CUP would limit uses on the site to those permitted in the GC zoning district, the proposed CUP provides additional development standards.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested signage is taller and larger than would be permitted by the sign code but is not excessive given the elevated Kellogg Expressway proximity and visibility need from exits. The proposed CUP establishes other restrictions making development of this site more compatible with surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the subject property as “commercial.” The “commercial” category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.
5. Impact of the proposed development on community facilities: The proposed CUP will not impact community facilities beyond what is currently permitted on the site.

SCOTT KNEBEL, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

JOHNSON moved, WARREN seconded the motion, and it carried (12-0).

6. Case No.: CON2016-00042 - Jennifer Ethridge (owner/applicant) requests a City Conditional Use to permit Personal Improvement Service (massage therapy) on property zoned GO General Office described as:

BACKGROUND: The applicant requests a Conditional Use for a “Personal Improvement Service” on property zoned GO General Office to operate a massage therapy business at 353 North Hillside. The site is located at the south of North 3rd Street on the west side of Hillside. The property is currently developed with a two-story commercial building on the 0.15-acre site with on-site parking, as shown on the attached site plan.

Residential and office uses about the subject property. West of the site is zoned TF-3 Two-Family Residential, north is B Multi-Family Residential, east and south of the site is zoned GO.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines “Personal Improvement Service” as an establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature. Typical uses include portrait shops, photography studios, art and music schools, licensed massage therapists, health and fitness studios, swimming clubs and handicraft or hobby instruction.

CASE HISTORY: The City Council passed Ordinance 50-190 on April 29, 2016 requiring massage therapy business to obtain a City license and show proof of accredited training. The owner of the massage therapy business has operated in this location for several years without complaint. The request for the conditional use is to bring the business into compliance with the Unified Zoning Code.

ADJACENT ZONING AND LAND USE:

NORTH:	B	Office
SOUTH:	GO	Medical Services, eye clinic
EAST:	GO	Medical Services, dialysis
WEST:	TF-3	Single-family residences, vacant lot

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. Hillside is a five-lane arterial street. The site has one access point to Hillside as well as access to the paved parking area from the paved alley at the rear of the lot.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The site is also located within the Central Northeast Area Plan Update adopted in September 2005, which identifies retention of businesses in the area as one of the goals of the plan.

RECOMMENDATION: Based on information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: licensing requirements, building, fire and utility regulations or codes.
2. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Residential and office uses about the subject property. West of the site is zoned TF-3 Two-Family Residential, north is B Multi-Family Residential, east and south of the site is zoned GO.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GO which allows a conditional use approval for personal improvement services.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The site is developed with adequate on-site parking to accommodate the use.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The site is also located within the Central Northeast Area Plan Update adopted in September 2005, which identifies retention of businesses in the area as one of the goals of the plan.
5. Impact of the proposed development on community facilities: No additional community facilities demand will be created by allowing this request.

KATHY MORGAN, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

JOHNSON moved, WARREN seconded the motion, and it carried (12-0).

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7. **Case No.: CON2016-00043** - Paul Jeffrey Prichard Trust (owner)/K.S. Miller Engineering (agent) request a City Conditional Use to permit Personal Improvement Service (massage therapy) on property zoned General Office described as:

Lots 32 and 33, Block 11, East Highlands, Sedgwick County, Kansas.

BACKGROUND: The applicant requests a Conditional Use for a "Personal Improvement Service" on property zoned GO General Office to operate a massage therapy business at 603 North Edgemoor. The site is located north of East Central on the west side of Edgemoor. The property is currently developed with a one-story commercial building on the 0.16-acre site with on-site parking, as shown on the attached site plan.

Residential, retail and office uses about the subject property. West of the site is zoned SF-5 Single-family Residential, north is GO General Office, east of the site is zoned SF-5. South of the site on the northwest and northeast corners of Central and Edgemoor is LC Limited Commercial zoning.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines “Personal Improvement Service” as an establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature. Typical uses include portrait shops, photography studios, art and music schools, licensed massage therapists, health and fitness studios, swimming clubs and handicraft or hobby instruction.

CASE HISTORY: The City Council passed Ordinance 50-190 on April 29, 2016 requiring massage therapy business to obtain a City license and show proof of accredited training. The owner of the massage therapy business has operated in this location for several years without complaint. The request for the conditional use is to bring the business into compliance with the Unified Zoning Code.

ADJACENT ZONING AND LAND USE:

NORTH:	GO	Office
SOUTH:	LC	Strip center, fast food restaurant
EAST:	SF-5	Vacant National Guard Armory
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. Edgemoor is a paved four-lane local street. The site has shared access drive to Edgemoor with the property to the north. Access to the overflow parking area at the rear of the site is provided by this shared drive.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The site is also located within the Central Northeast Area Plan Update adopted in September 2005, which identifies retention of businesses in the area as one of the goals of the plan.

RECOMMENDATION: Based on information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: licensing requirements, building, fire and utility regulations or codes.
2. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Residential, retail and office uses about the subject property. West of the site is zoned SF-5 Single-family Residential, north is GO General Office, east of the site is zoned SF-5. South of the site on the northwest and northeast corner of Central and Edgemoor is LC Limited Commercial zoning.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GO which allows a conditional use approval for personal improvement services.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The site is developed with adequate on-site parking to accommodate the use.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The site is also located within the Central Northeast Area Plan Update adopted in September 2005, which identifies retention of businesses in the area as one of the goals of the plan.
6. Impact of the proposed development on community facilities: No additional community facilities demand will be created by allowing this request.

KATHY MORGAN, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

JOHNSON moved, **WARREN** seconded the motion, and it carried (12-0).

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8. **Case No.: DER2016-00002** - Adoption of the Wireless Communication Master Plan as an element of the Community Investments Plan 2015-2035, the Wichita-Sedgwick County Comprehensive Plan and Amendments to certain sections of the Wichita-Sedgwick County Unified Zoning Code (UZO) pertaining to the regulation of wireless communication facilities.

Background: Senate Substitute for House Bill No. 2131 was recently passed by the Kansas House and Senate. The bill has numerous State mandates regarding how local units of government can regulate wireless communication facilities. Wichita-Sedgwick County regulations of wireless communication facilities are based on the Wireless Communication Master Plan.

The following is a high-level summary of the State mandates that will need to be addressed through an amendment of the Wireless Communication Master Plan and the Wichita-Sedgwick County Unified Zoning Code (UZO). The bill prohibits the following established practices:

- 1) Requiring applicants to document that no collocation opportunity is available prior to permitting construction of a new wireless communication facility.
- 2) Requiring applicants to demonstrate that a wireless communication facility addresses a wireless service provider need rather than being constructed as a speculative facility.

- 3) Evaluating the merits of an application based on collocation opportunities.
- 4) Requiring small cell facilities in lieu of macro facilities in visually/ environmentally sensitive locations.
- 5) Requiring applicants to agree to permit collocation on their facility by other service providers as a condition of approval.

Additionally, the bill deems an application for a wireless communication facility approved if the application is not acted upon within 150 days for a new facility or 60-90 days (depending on type) for a collocation application. Finally, the bill requires equal treatment of wireless communication facilities with utility installations when applying to locate in right-of-way but establishes a right-of-way fee cap on local governments that is significantly lower than the fee charged utilities.

Staff in consultation with the Advanced Plans Committee has developed the attached drafts of the Wireless Communication Master Plan, September 2016 and the Amendments to the Wichita-Sedgwick County of the Unified Zoning Code. Combined, these documents contain the amendments to the Wichita-Sedgwick County Comprehensive Plan and Unified Zoning Code needed to comply with changes to State law.

The Metropolitan Area Planning Commission (MAPC) set a public hearing for August 18, 2016, to consider adopting the Wireless Communication Master Plan, September 2016 as an element of the Wichita-Sedgwick County Comprehensive Plan and to consider adopting implementing amendments of the Wichita-Sedgwick County Unified Zoning Code (UZC).

At the August 18, 2016, hearing, the MAPC tabled the item until September 29, 2016, to allow time for revisions to be prepared to the design guidelines for wireless communication facilities located in the right-of-way. The revisions are contained in the attached Draft Wireless Communication Master Plan, September 2016, which was recommended for approval by the Advanced Plans Committee at their September 22, 2016, meeting.

Additionally, on September 12, 2016, the Delano Advisory Committee reviewed the provisions of the D-O Delano Neighborhood Overlay District and recommended that wireless communication facilities be permitted in the D-O District with Conditional Use approval rather than prohibited. The recommended changes are contained in the attached Draft Amendments to the Wichita-Sedgwick County of the Unified Zoning Code.

Recommended Action: Approve the resolution adopting attached Draft Wireless Communication Master Plan, September 2016 as an element of the Wichita-Sedgwick County Comprehensive Plan and recommend that the governing bodies adopt the attached Draft Amendments to the Wichita-Sedgwick County of the Unified Zoning Code.

This recommendation is based on the following findings.

1. **The extent to which removal of the restrictions will detrimentally affect nearby property:** While the proposed amendments provide regulations and development standards that are less restrictive than existing regulations, the proposed amendments comply with state law and help mitigate detrimental impacts on nearby properties from the development of wireless communication facilities.
2. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon property owners:** The proposed amendments will further the health, safety, and welfare of the community by providing regulations that increase the compatibility of wireless communication facilities with surrounding properties and give those property owners more notice of potential facilities than would otherwise be provided under the provisions of state law alone. The proposed amendments comply with state law and provide sufficient development opportunities for wireless communication facilities as to not create an undue hardship for developers of facilities.
3. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The adopted 2035 Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, inadvertently does not have an element addressing wireless communication plan. Adopting the Wireless Communication Master Plan, September 2016 will provide the needed guidance in the Comprehensive Plan regarding wireless communication facilities.
4. **Impact of the Proposed Development on Community Facilities:** The Wireless Communication Master Plan, September 2016, provides guidance for wireless communication facilities located within the public right-of-way to help mitigate detrimental impacts on traffic or pedestrian safety and existing or planned locations of utilities, drainage, street lights, sidewalks, driveways, turn lanes, etc.

SCOTT KNEBEL, Planning Staff presented the Staff Report.

RICHARDSON asked what was the background on this issue and if this was an attempt to make the regulations consistent statewide.

KNEBEL responded that this is model legislation from a group called ALEC that is being pushed nationwide.

WARREN commented that issues such as “Not In My Back Yard” (NIMBY) have made it difficult to put in towers. He asked if this new legislation allowed towers to go anywhere even in a front yard.

KNEBEL said he didn't agree with that statement. He said staff believes that the State Legislation allows municipalities to continue to designate permitted tower locations on properties.

ELLISON mentioned seeing “environmentally friendly” towers in Colorado that resembled Pine trees.

KNEBEL said the legislation does not restrict design aesthetics of a tower and the City's plan does reference a “disguised” tower.

TODD clarified that approval of this proposal would bring the City into compliance with State Law.

KNEBEL replied that was correct.

CHAIR FOSTER commented that he believes this proposal ignores aesthetics and is industry driven. He asked staff about any "Home Rule" issues.

KNEBEL commented that discussion has occurred with the Law Department. He said there are provisions within the Statute that allow exercise of Home Rule that are limited to right of way and franchise agreements as opposed to the zoning code.

CHAIR FOSTER commented that the Commission doesn't have much choice on this matter.

MOTION: To approve subject to staff recommendation.

WARREN moved, **TODD** seconded the motion, and it carried (10-1). **MILLER STEVENS** – No.

The Metropolitan Area Planning Commission adjourned at 3:26 p.m.

State of Kansas)
Sedgwick County) ss

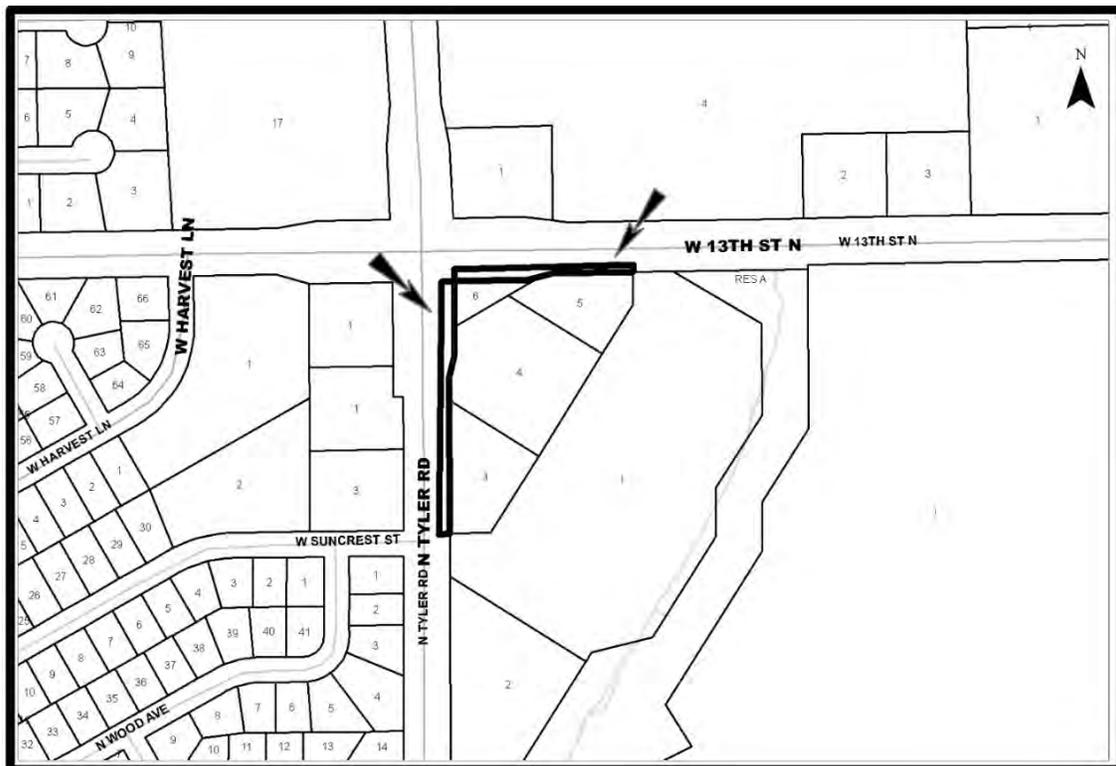
I, W. Dale Miller, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2016.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

STAFF REPORT

- CASE NUMBER:** VAC2016-00047 - City request to vacate portions of platted access control
- APPLICANT/AGENT:** Tyler Pointe LLC, c/o Gary Oborny (applicant/owner) MKEC Engineering, Inc., c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating that portion of platted access control to shift the location of two permitted drives onto Tyler Road off of Lots 1 & 2, Block A, Tyler Point Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the southeast corner of West 13th Street North and North Tyler Road (WCC V)
- REASON FOR REQUEST:** Reposition access control for anticipated sale of land
- CURRENT ZONING:** The site and abutting south and east property are zoned LC Limited Commercial. The site is also subject to CUP DP-329. Adjacent northern properties (across 13th Street North) are zoned LC. Adjacent western properties (across Tyler Road) are zoned SF-5 Single-Family Residential and LC.
- VICINITY MAP:**



The applicant proposes to vacate a 120-foot wide portion of the platted access control to allow a shared full movement drive onto the subject site from North Tyler Road; Lots 4 and 5, Block A, Tyler Pointe Addition. Currently a 60-foot wide right-in – right-out drive is permitted on the north end of Lot 3, Block A, Tyler Pointe Addition. The current right-in – right-out drive is located 287 feet south of the Tyler Road – 13th Street North intersection. The proposed drive will be located approximately 180 feet south of the Tyler Road – 13th Street North intersection. There is a permitted drive located approximately 290 feet south of the proposed drive; VAC2014-00047. The proposed full movement drive appears to line up with two commercial drives located west across Tyler Road. Tyler Road is a paved four-lane arterial with a left turn lane at this location. There is a rollover curbed median along the portion of Tyler where the vacation activity is proposed. The applicant proposes to dedicate complete access control on the remaining Tyler Road frontage of Lots 3 and 5, Block A, Tyler Pointe Addition. As proposed Lot 3 will not have direct access onto Tyler Road, but Lots 3, 4, and 5 Block A, Tyler Pointe Addition are under common ownership. The applicant is also proposing a boundary shift that would enlarge Lot 5 and reduce Lot 4; Administrative Adjustment CUP2016-41.

The applicant also proposes to an 80-foot wide full movement drive onto 13th Street North from Lot 5 Block A, Tyler Pointe Addition. Currently Lot 5 has complete access control along its 13th Street frontage. The proposed drive will be located approximately 140 feet from a permitted full movement drive located on the east abutting Lot 1, Block A, Tyler Pointe Addition. The proposed drive will be located approximately 200 feet from the Tyler Road – 13th Street North intersection. The proposed full movement drive appears to line up with a commercial drive located north across 13th Street North. 13th Street North is a paved four-lane arterial with a left turn lane at this location. There is a rollover curbed median along the portion of 13th Street where the vacation activity is proposed. The applicant proposes to dedicate complete access control on the remaining 13th Street frontage of Lot 5, Block A, Tyler Pointe Addition.

The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, Art VII – Design Standards – Part 2 Specific Standards – 7-204, L, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC.

Public water is located in the Tyler Road and 13th Street North right-of-ways. Westar has existing facilities in both 13th Street and Tyler Road, however Conditions #5 will cover Westar. Richard Aitken is Westar's northwest area Construction Services Representative and can be contacted at 261-6734; the applicant will be responsible for relocation of any light poles/utility poles at their own expense and to City Standards. Cox Communications has no cable in the proposed area of vacation and has no objections. There are City right-of-way trees that the applicant will be responsible for relocating or replacing at their expenses. The Tyler Point Addition was recorded with the Register of Deeds January 22, 2013.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted access control.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 29, 2016, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portions of platted complete access control, a platted front yard building setback and a portion of a drainage and utility easement dedicated by separate instrument and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Per the approval of the Traffic Engineer, vacate the platted access control to allow the shift of the two permitted/platted drives off of Lots 1 (Parcel 1) & 2 (Parcel 2), Block A, Tyler Point Addition onto Tyler Road. Provide a dedication of access control to establish the realign drives, with original signatures, to Planning Staff prior to the case going to Council for final action.
- (2) Provide a dedication of complete access control by separate instrument with original signatures, on the on the remaining North Tyler Road frontage of Lots 3 and 5, Block A, Tyler Point Addition. Provide a dedication of complete access control, by separate instrument with original signatures, on the on the remaining West 13th Street North frontage of Lot 5, Block A, Tyler Point Addition. These must be provided to Planning prior to VAC2016-00047 proceeds to City Council for final action and their subsequent recording at the Register of Deeds with the vacation order.
- (3) There are trees that may be located in the right-of-ways. Provide a survey confirming the location of the trees.
- (4) Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to VAC2016-00047 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (6) All improvements shall be according to City Standards and at the applicant's expense.

- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Per the approval of the Traffic Engineer, vacate the platted access control to allow the shift of the two permitted/platted drives off of Lots 1 (Parcel 1) & 2 (Parcel 2), Block A, Tyler Point Addition onto Tyler Road. Provide a dedication of access control to establish the realign drives, with original signatures, to Planning Staff prior to the case going to Council for final action.
- (2) Provide a dedication of complete access control by separate instrument with original signatures, on the on the remaining North Tyler Road frontage of Lots 3 and 5, Block A, Tyler Point Addition. Provide a dedication of complete access control, by separate instrument with original signatures, on the on the remaining West 13th Street North frontage of Lot 5, Block A, Tyler Point Addition. These must be provided to Planning prior to VAC2016-00047 proceeds to City Council for final action and their subsequent recording at the Register of Deeds with the vacation order.
- (3) There are trees that may be located in the right-of-ways. Provide a survey confirming the location of the trees.
- (4) Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to VAC2016-00047 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to Council for final action.
- (6) All improvements shall be according to City Standards and at the applicant's expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

4. Case No.: **ZON2016-00041 (Deferred to 11-17-16)**
Request: City zone change from SF-5 Single-family Residential and GO General Office to LC Limited Commercial, NR Neighborhood Retail, and GO General Office with a Protective Overlay to permit mixed use development.
General Location: North of Maple and west of 135th St. West.
Presenting Planner: Kathy Morgan

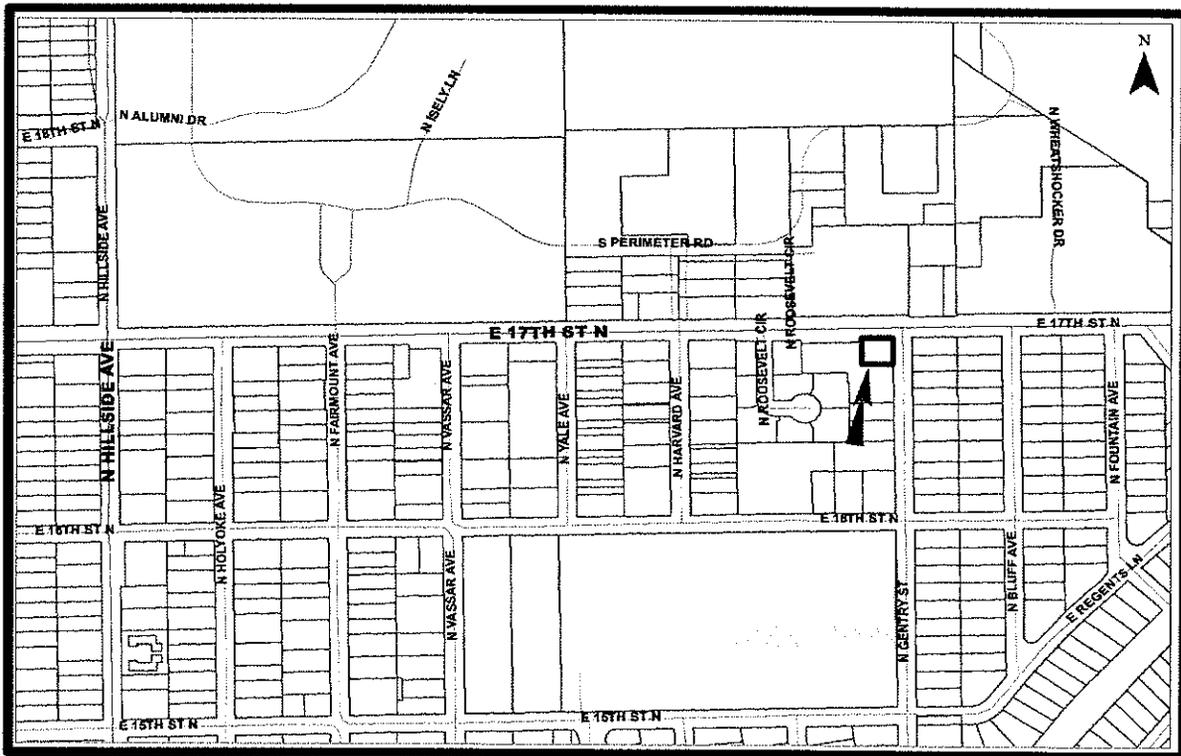


STAFF REPORT

MAPC November 3, 2016

DAB I November 7, 2016

- CASE NUMBER:** CON2015-00027
- APPLICANT/AGENT:** Homer Morgan Revocable Trust, c/o Homer Morgan (applicant/owner)
Stephen M. Joseph (agent)
- REQUEST:** Conditional Use to allow a nightclub in the city
- CURRENT ZONING:** LC Limited Commercial (LC)
- SITE SIZE:** Approximately 0.21-acres (100 feet x 90 feet)
- LOCATION:** Generally located generally located midway between North Hillside and North Oliver Avenues on the southwest corner of East 17th Street North and North Gentry Street (3825 E. 17th St. N.).
- PROPOSED USE:** Bring the site into conformance with the Unified Zoning Code



BACKGROUND: The LC Limited Commercial (LC) zoned site advertises itself as the “Field House” nightclub located south, across 17th Street North, from the Wichita State University (WSU) campus. The applicant’s agent has stated the site has continuously been a nightclub for over 30-years. An oral history of the site indicates the site had been a 3.2 tavern in the 1970s. The internet advertises the Field House as a sports bar with a young clientele. Planning could not find a Use Exception or Conditional Use for a tavern, drinking establishment or nightclub on this site. The nightclub is considered a nonconforming use, i.e., being established prior to the current Unified Zoning Code (UZC). The applicant is requesting a Conditional Use to bring the site into compliance with the current UZC, which was adopted by the City of Wichita and Sedgewick County in 1996.

The current UZC (Sec.III-D.6.w.) requires consideration of a Conditional Use for a LC zoned tavern, drinking establishment or a nightclub when it is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district. The site is adjacent (40 feet and beyond) to B Multi-Family Residential (B), MF-29 Multi-Family Residential (MF-29), TF-3 Two Family Residential (TF-3) and SF-5 Single-Family (SF-5) zoned properties on all sides.

WSU is the dominant development in the area and the state’s third largest university. The B zoned St Paul Catholic Student Center, B zoned WSU physical plant and maintenance building, and the SF-5 zoned Westar Substation are located north of the site across 17th Street North. All of these sites are located on the WSU campus, although the Catholic Student Center land has different ownership. Undeveloped LC zoned land abuts the west side of the site. The B zoned Lutheran Student Center is located west of the undeveloped LC zoned land, which it owns. MF-29 zoned brick four-plexes and single-family residences are located further west. LC zoned undeveloped land abuts the south side of the site, with an outdoor volley ball court located further south on B zoned property. The Lutheran Church owns these properties. B and SF-5 zoned single-family residences are located south of the volley ball court. A LC zoned brick, three story apartment and B zoned two story apartment are located east of the site across Gentry Drive. B and SF-5 zoned single-family residences are located further east and southeast of the site. Another nightclub, Kirbys, is located about a third of a mile west of the site, on Holyoke and 17th Street North

The applicant’s site plan is an aerial of the site, which lacks the detail needed to determine the required parking of one space per two occupants, as well as the screening, lights, location of the trash receptacles, etc. The manager of the Field House has stated that the posted occupancy for the site is 85, which requires 43 paved parking spaces. An 11:00 AM trip to the site could not determine parking, as the lot was full (14-15 vehicles?) of what was probably student parking. The trip showed no parking barriers separating the parking the sidewalk along 17th Street North. However the trip did confirm a screened and roofed outdoor area located on the east side of the building. At this time it cannot be determined how many more customers use the outdoor area, but it is probable/possible that it may trigger more parking. This is a small site and it is doubtful that the applicant will be able to provide the required parking. The trip to the site also showed what was probably student parking on the south abutting grassy/undeveloped area owned by the Lutheran Church, which would have to be paved before an off-site parking agreement could be approved. The trash dumpster was located on the southeast side of the building and was not screened.

CASE HISTORY: The site is located on unplatted land. Staff has not received calls protesting the request.

ADJACENT ZONING AND LAND USE:

NORTH: B, TF-3, SF-5 WSU physical plant and maintenance building, electric substation, Catholic Student Center
SOUTH: LC, B, SF-5 Undeveloped land, outdoor volleyball court, single-family

		residences
EAST:	LC, B, SF-5	Apartments, single-family residences
WEST:	LC, B, MF-29	Undeveloped land, Lutheran Student Center, four-plexes, single-family residences

PUBLIC SERVICES: The site has one drive onto East 17th Street North, a paved four-lane minor arterial. The site also has one drive onto Gentry Drive a paved two-lane residential street. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” (Land Use Guide) depicts this location as being appropriate for “new residential/employment mix.” This designation encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.

The site is across the street from the third largest university in the state, which is currently undergoing building expansion on their campus. The site’s and the other LC zoned properties located along this section of 17th Street North are not out of conformance with the Land Use Guide. Most of the LC zoned properties along 17th are developed with the intent to serve the WSU population. Those uses include, a small commercial strip building housing a self-serving laundry, parking, apartment buildings, a fraternity, a building that used to house the WSU radio station and two non-conforming nightclubs. It may be debatable how the two non-conforming nightclubs, the Field House and Kirbys, serve the WSU population, but the internet advertises their proximity to WSU and as a meeting place for past and current WSU students and WSU Shocker fans. Both nightclubs are legal non-conforming uses that have been in operation since the 1970s. Per the “Community Investment Plan” the nonconforming nightclubs probably do not contribute to promoting a safe, active, stable, and healthy living environment for a residential neighborhood. However, this this is not a typical residential neighborhood, it is a mixed neighborhood developed around WSU.

Planning could not find a Use Exception or Conditional Use for a tavern, drinking establishment or nightclub on this site. The current nightclub is considered a nonconforming use, i.e., being established prior to the current UZC and prior to the site being annexed into the City. The site is located within 300 feet of SF-5, TF-3, MF-29 and B zoned properties, which is the trigger that requires approval of Conditional Use to bring the site into compliance with the current UZC.

The site does have access onto the minor arterial 17th Street North, which meets the locational criteria for commercial uses. However, it also has access onto the residential street Gentry Drive, which means that the site will generate traffic and parking along the residences in the area.

RECOMMENDATION: The nightclub is not out of character with the development in the area, which is developed around WSU. It seems the main issue is the lack of parking, which the applicant will need to address with either a shared parking agreement (little opportunity for that) or a variance, which would result in the parking remaining as it currently is. If denied the site’s LC zoning would not be removed and applicant could continue to operate as a non-conforming nightclub, per the UZC’s Non-Conforming policies. Denial would make it more difficult for the site to continue to operate as a long time nonconforming use, prevent an expansion of the nightclub and could eventually remove the nonconforming nightclub and allow another use to operate by right on the LC zoned property. Based upon

the information available prior to the public hearings, Planning staff recommends that a Conditional Use for a tavern, drinking establishment or nightclub be **APPROVED**, with the following conditions.

- (1) The site shall be developed with an approved revised site plan, showing, but not limited to, existing parking spaces, any proposed additional parking, solid screening with a solid screening gate around the dumpster(s), showing the outdoor venue and providing how many seats are located within it, and solid railing or parking blocks around the site's 17th Street frontage. The site plan must be submitted for review within 60-days of approval by the MAPC or, as applicable, the appropriate governing body.
- (2) No outdoor speakers or outdoor entertainment are permitted.
- (3) The Conditional Use shall not be in effect until all improvements on the site are completed, including the required screening around the dumpsters, parking barriers and the paved parking lot is stripped to determine if any adjustments or variances are needed to resolve the required parking is completed. This must be completed within 90 days of approval by the MAPC or, as applicable, the appropriate governing body or the Conditional use shall be declared null and void.
- (4) If needed the applicant shall apply for a variance on the required parking. If denied the Conditional Use will be declared null and void.
- (5) The applicant shall obtain all required state, local and other applicable permits and inspections.
- (6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** WSU (established 1895) is the dominant development in the area and the third largest university in the state. The WSU campus is a mix of several zoning districts, including the SF-5, B and TF-3 zoned physical plant and maintenance building, and an electric substation located north of the site across 17th Street North. Development and zoning in this area located south of WSU, across 17th Street North is a mix of LC, B, MF-29 and SF-5 zoned facilities that provide housing opportunities for WSU students as well as some non-residential development. Those developments include religious based student services, parking, and two long time non-conforming nightclubs the subject site Field House and Kirbys.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC, which accommodates office and retail uses. If denied the site's LC zoning would not be removed and applicant could continue to operate as a non-conforming nightclub, per the UZC's Non-Conforming policies. Denial would make it more difficult for the site to continue to operate as a nonconforming use, prevent an expansion of the nightclub and could eventually remove the nonconforming nightclub and allow another use to operate by right on the LC zoned property that would be a more neighborhood oriented and compatible business for the area.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Typical concerns about tavern-drinking establishments include bad behavior resulting from unlimited liquor sales, noise, and the hours of the nightclub having a detrimental impact on the adjacent properties. If denied the site's LC zoning would not be removed and applicant could continue to operate as a non-conforming nightclub, per the UZC's Non-Conforming policies.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2030 Wichita Functional Land Use Guide” (Land Use Guide) depicts this location as being appropriate for “new residential/employment mix.” This designation encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.

The site is across the street from the third largest university in the state, which is currently undergoing building expansion on their campus. The site’s and the other LC zoned properties located along this section of 17th Street North are not out of conformance with the Land Use Guide. Most of the LC zoned properties along 17th are developed with the intent to serve the WSU population. Those uses include, a small commercial strip building housing a self-serving laundry, parking, apartment buildings, a fraternity, a building that used to house the WSU radio station and two non-conforming nightclubs. It may be debatable how the two non-conforming nightclubs, the Field House and Kirbys, serve the WSU population, but the internet advertises their proximity to WSU and as a meeting place for past and current WSU students and WSU Shocker fans. Both nightclubs are legal non-conforming uses that have been in operation since the 1970s. Per the “Community Investment Plan” the nonconforming nightclubs probably do not contribute to promoting a safe, active, stable, and healthy living environment for a residential neighborhood. However, this this is not a typical residential neighborhood, it is a mixed neighborhood developed around WSU.

Planning could not find a Use Exception or Conditional Use for a tavern, drinking establishment or nightclub on this site. The current nightclub is considered a nonconforming use, i.e., being established prior to the current UZC and prior to the site being annexed into the City. The site is located within 300 feet of SF-5, TF-3, MF-29 and B zoned properties, which is the trigger that requires approval of Conditional Use to bring the site into compliance with the current UZC.

The site does have access onto the minor arterial 17th Street North, which meets the locational criteria for commercial uses. However, it also has access onto the residential street Gentry Drive, which means that the site will generate traffic and parking along the residences in the area.

- (5) **Impact of the proposed development on community facilities:** Approval or denial of the request will not change the impact on community facilities, including police services.

STATEMENT OF REASONS

The property at 3825 E. 17th St. N., Wichita, Kansas, has been used as a Tavern and Drinking Establishment and Entertainment Establishment, as those terms are now defined in the Zoning Code (Section II-B.4.f. and Section II-B.13.b.), continuously for more than 30 years. It is currently occupied and has been continuously occupied for more than 30 years.

The property is in an LC district. Tavern and Drinking Establishments and Entertainment Establishments are permitted uses on LC zoning districts, subject to Section III-D.6.w of the Zoning Code (Zoning Code Section III-B.14.c.(3)). Because the property is within 200 feet of a residential zoning district, a conditional use permit is required for use as a Tavern and Drinking Establishment and Entertainment Establishment (Zoning Code Section III-D.6.w).

The use of the property as a Tavern and Drinking Establishment and Entertainment Establishment were permissible prior to this time because those uses were in place at the time the Zoning Code was adopted on March 25, 1996 (Zoning Code section VII-A.3.).

~~Cor 2015-27~~
Cor 2015-27

~~Con 2016-27~~

Con 2015-27

Site Plan

Legend

📍 3825 E. 17th St. N.

CONDITIONAL USE:

Tavern and Drinking Establishment and Entertainment Establishment

APPLICANT:

Homer Morgan, Trustee

AGENT:

Stephen M. Joseph

LEGAL DESCRIPTION:

Beg 202.5 Ft W & 35 Ft S NE Cor SW 1/4 Sec 11 S 90 Ft W 100 Ft N 90 FT E to Beg Sec 11-27-1E of 6th P.M.

BUSINESS:

The Fieldhouse Bar

ADDRESS:

3825 E. 17th St. N., Wichita

100'

Parking

90'

Parking

📍 3825 E 17th St N

Google earth

© 2015 Google



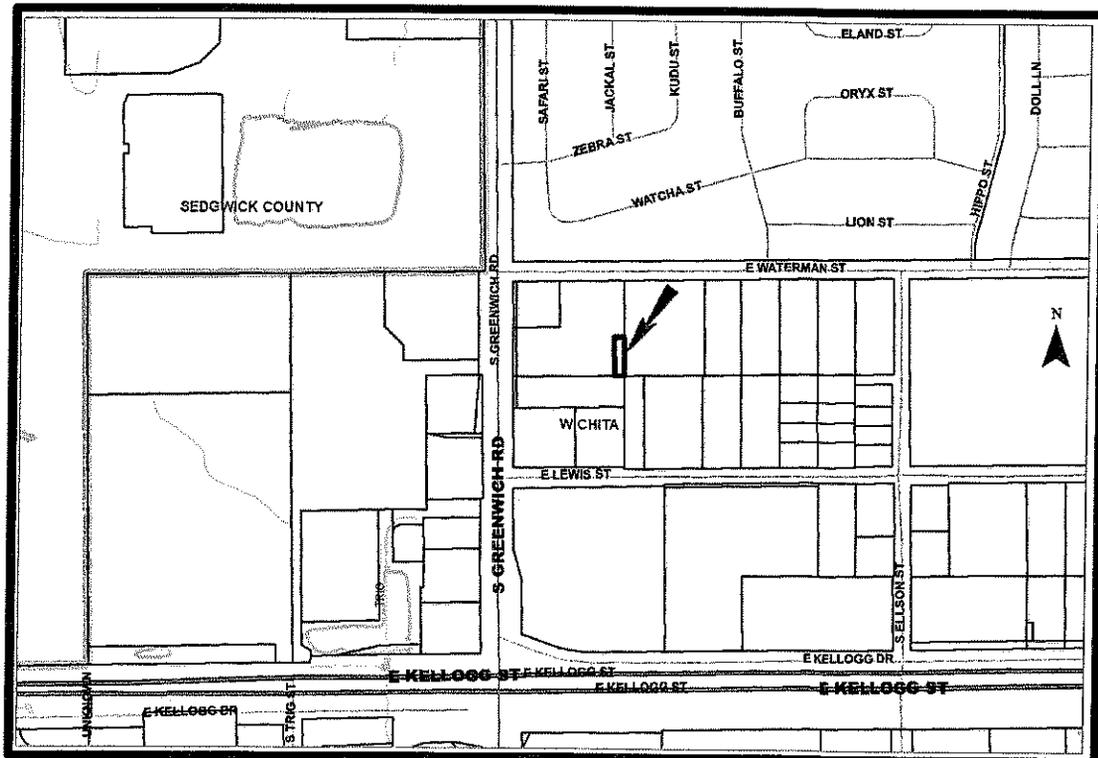
50 ft



STAFF REPORT

MAPC November 3, 2016
DAB II November 14, 2016

- CASE NUMBER:** CON2016-00032
- APPLICANT/AGENT:** Greenwich Village, LLC, c/o Han Diec (owner) Homer Morgan Revocable Trust, c/o Homer Morgan (applicant) Stephen M. Joseph (agent)
- REQUEST:** Conditional Use to allow a nightclub in the city
- CURRENT ZONING:** LC Limited Commercial (LC)
- SITE SIZE:** Approximately 0.87-acres
- LOCATION:** Generally located generally located north of East Kellogg Street, east of South Greenwich Road and south of East Waterman Street (300 S Greenwich Road)
- PROPOSED USE:** Bring the site into conformance with the Unified Zoning Code



BACKGROUND: The LC Limited Commercial (LC) zoned site advertises itself as “The Lizard’s Lounge” nightclub, located east of Greenwich Road and south of East Waterman Street. The applicant’s agent has stated the site has continuously been a nightclub for over 25-years. The internet advertises the nightclub as a dive bar featuring alcoholic drinks, live entertainment (bands) and food. Planning could not find a Use Exception or Conditional Use for a tavern, drinking establishment or nightclub on this site. The nightclub is considered a nonconforming use, i.e., being established prior to the current Unified Zoning Code (UZC). The applicant is requesting a Conditional Use to bring the site into compliance with the current UZC, which was adopted by the City of Wichita and Sedgewick County in 1996.

The current UZC (Sec.III-D.6.w.) requires consideration of a Conditional Use for a LC zoned tavern, drinking establishment or a nightclub when it is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district. SF-5 Single-Family Residential (SF-5) and MH Manufactured Housing (MH) zoned properties either abut or are adjacent to the site.

The Lizards Lounge is located in a commercial strip building (built 1972), which also houses a tattoo parlor, a vapor business, a Mexican restaurant, a liquor store and a vacant store front. A LC stand-alone BBQ restaurant (1972) is located on the same property as the Lizards Lounge/commercial strip building. Development located west of the site, across Greenwich Road, include LC zoned commercial strip buildings and a LI Limited Industrial (LI) zoned church and the Beechcraft aircraft manufacturing facilities (established 1932) and airstrips. Beechcraft is the largest development in this area and is one of the ten largest employers in Wichita. A GC General Commercial (GC) zoned hardware – U-Haul store (1979) and self-service storage warehouses (1989-1992) abut the south side of the site. A SF-5 zoned non-conforming manufactured home park is located off of the southeast corner of the subject site. There are two single-family residences (early built 1950s) also located on the same property as the manufactured home park’s units. MF-18 Multi-Family Residential (MF-18) zoned duplexes and TF-3 Two-Family Residential (TF-3) zoned single-family residences (1979-1981) are located further south. The duplexes, built 2006, appear to be some of the more recent development in the area. Undeveloped LC zoned land abuts the east side of the site, with a SF-5 zoned non-conforming multi-dwelling, a single-family residence (2004) and a MH Manufactured Home zoned manufactured home park located further east. The area’s largest MH zoned manufactured home park is located north of the site across Waterman Street.

The applicant’s site plan is an aerial of the site, which lacks the detail needed to determine the required parking of one space per two occupants, as well as the screening, lights, location of the trash receptacles, etc. The manager of the Lizards Lounge (site) has stated that the posted occupancy for the nightclub is 187 persons, which requires 94 paved parking spaces. A noon trip to the site counted 71 paved and marked parking spaces. The nightclub shares this parking with the rest of the tenants of the of commercial strip building. There appears to be an unpaved area used for parking that is located between the paved parking (closest to the nightclub/commercial strip building) and Waterman Street. Paving of this unimproved area used for parking could help resolve the lack of required parking. The owner of the commercial strip building also owns the parking used by the neighboring BBQ restaurant. An off-site parking agreement would also help resolve the lack of required parking. The trip also confirmed a screened and roofed outdoor area located on the east side of the building. At this time it cannot be determined how many more customers use the outdoor area, but it is probable/possible that it may trigger more parking. There is a trash dumpster located on the southeast corner of the site that is not screened. A small portion of the southeast portion of the site abuts SF-5 zoned property and solid screening may be required; a revised site plan will confirm the need or lack of solid screening.

CASE HISTORY: The site is located on Lot 1, Lyman Ray 2nd Addition, which was recorded with the Register of Deeds February 26, 1980. Staff has not received calls protesting the request. Staff did receive

a call from one of the partners of the owner of the property, Greenwich Village, LLC. This partner was not aware of the Conditional Use application. Planning staff has not received any more correspondence from this individual.

ADJACENT ZONING AND LAND USE:

NORTH: MH	Manufactured home park
SOUTH: GC, SF-5, MF-18 TF-3	Hardware – U-Haul store, self-service storage warehouses, manufactured home park, single-family residences, duplexes
EAST: LC, SF-5, MH	Undeveloped land, single-family residences, manufactured home park
WEST: LC, LI	Restaurant, commercial strip buildings, church, aircraft manufacturing facility

PUBLIC SERVICES: The site has two drives onto South Greenwich Road, a paved four-lane arterial with a center turn lane. The site also has two drives onto Waterman Street a sand and gravel two-lane residential street. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” (Land Use Guide) depicts this location as being appropriate for “new employment.” This designation encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed.

The Beechcraft Aircraft Company has manufacturing, warehousing, distribution, construction, research, technology, business services, and corporate offices at this site and is the trigger for the area’s designation as new employment. The area’s manufactured home parks are a high density residential development as recognized in the Land Use Guide’s new employment category. The area’s commercial strip buildings reflect a type of convenience retail as recognized in the Land Use Guide’s new employment category. The Lizards Lounge’s clientele may include shift workers from Beechcraft as well as the neighborhood.

The site does have access onto the arterial Greenwich Road, which meets the locational criteria for commercial uses. However, it also has access onto the residential street Waterman Street, which means that the site will generate traffic and parking along the residences in the area.

RECOMMENDATION: The longtime non-conforming Lizard Lounge nightclub is not out of character with the development in the area (although it appears it is the only drinking establishment/nightclub in the area), which is developed around the LI zoned Beechcraft aircraft facility. If denied the site’s LC zoning would not be removed and the applicant could continue to operate as a non-conforming nightclub, per the UZC’s Non-Conforming policies. The lack of the required on-site parking is not unusual for the numerous non-conforming nightclub Conditional Use cases that have been submitted this year. However, in this case there is an unpaved portion of the site that appears to have been used for extra parking as needed. If this area was paved it would provide additional parking spaces that would be to the benefit of all of the tenants of the commercial strip building, which includes the nightclub. The property owner also owns a BBQ restaurant on the same property, which has its own parking. This parking may be considered parking for the Lizard Lounge as the hours of operation for the nightclub and the restaurant vary; 11 AM – 9 PM for the BBQ and 12 PM to 2 AM for the nightclub. Denial would make it more difficult for the site to

continue to operate as a nonconforming use, prevent an expansion of the nightclub and could eventually remove the nonconforming nightclub and allow another use to operate by right on the LC zoned property. Based upon the information available prior to the public hearings, Planning staff recommends that a Conditional Use for a tavern, drinking establishment or nightclub be **APPROVED**, with the following conditions.

- (1) The site shall be developed with an approved revised site plan, showing, but not limited to, existing parking spaces, any proposed additional parking, solid screening, solid screening with a solid screening gate around the dumpster(s), the outdoor venue and providing how many seats are located within it, and solid railing or parking blocks around the site's Waterman Street frontage, if this area is paved. The site plan must be submitted for review within 90-days of approval by the MAPC or, as applicable, the appropriate governing body or the Conditional Use will be declared null and void.
- (2) No outdoor speakers or outdoor entertainment are permitted.
- (3) Provide a parking plan that would utilize the unpaved area as paved parking and if needed the parking of the BBQ business as a secondary parking area. The unpaved area must be paved within 120 days of approval by the applicable government body or the Conditional Use will be declared null and void.
- (4) If the applicant chooses not to pave the unpaved area for parking, the applicant must apply for an adjustment or variance on the parking requirements. If the adjustment or variance is not filed within 60 days of approval of the Conditional Use by the applicable government body the Conditional Use will be declared null and void.
- (5) The applicant shall obtain all required state, local and other applicable permits and inspections.
- (6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The LI Beechcraft facility is the largest development in this area and is one of the ten largest employers in Wichita. The area's SF-5 and MH zoned manufactured home parks are a type of high density residential development that may be a result of Beechcraft workers wanting to be in close proximity the facility. The area's commercial strip buildings have numerous restaurants as tenants that would seem to cater to Beechcraft employees as well as the neighborhood. The Lizards Lounge's cliental may include shift workers from Beechcraft as well as the neighborhood.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC, which accommodates office and retail uses. If denied the site's LC zoning would not be removed and applicant could continue to operate as a non-conforming nightclub, per the UZC's Non-Conforming policies. Denial would make it more difficult for the site to continue to operate as a nonconforming use, prevent an expansion of the nightclub and could eventually remove the nonconforming nightclub and allow another use to operate by right on the LC zoned property that would be a more neighborhood oriented and compatible business for the area.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Typical concerns about tavern-drinking establishments include bad behavior resulting from unlimited liquor sales, noise, and the hours of the nightclub having a detrimental impact on the adjacent properties. If denied the site's LC zoning would not be removed and applicant could

continue to operate as a non-conforming nightclub, per the UZC's Non-Conforming policies.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Wichita Functional Land Use Guide" (Land Use Guide) depicts this location as being appropriate for "new employment." This designation encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed.

The Beechcraft Aircraft Company has manufacturing, warehousing, distribution, construction, research, technology, business services, and corporate offices at this site and is the trigger for the area's designation as new employment. The area's manufactured home parks are a high density residential development as recognized in the Land Use Guide's new employment category. The area's commercial strip buildings reflect a type of convenience retail as recognized in the Land Use Guide's new employment category. The Lizards Lounge's clientele may include shift workers from Beechcraft as well as the neighborhood.

The site does have access onto the arterial Greenwich Road, which meets the locational criteria for commercial uses. However, it also has access onto the residential street Waterman Street, which means that the site will generate traffic and parking along the residences in the area.

- (5) **Impact of the proposed development on community facilities:** Approval or denial of the request will not change the impact on community facilities, including police services.

June 13, 2016

Scott -

Here is the revised application for the Lizard Lounge at 300 S. Greenwich Road. As you can tell from the new site plan, I'm limiting the CUP area to the bar itself and some space behind it. That's colored blue on the site plan. The dimensions for the CUP area are hard to read. It's 30 feet wide and 125 feet long. The total space is about 3,800 square feet. I included the area behind the bar because I didn't feel compelled to drive out there and measure the distance from the lot line to the building (and probably be wrong). That's why the legal description starts for the southeast corner of Lot 1.

The Lizard Lounge is just a small bar on east end of the shopping center. Homer Morgan rents the bar from Greenwich Village, LLC, so the application is actually being made by Greenwich Village, LLC, and is signed by one of the two members of that company.



Steve Joseph

Cor 2016-32

STATEMENT OF REASONS

The building on the subject property located at 300 S. Greenwich Road in Wichita, Kansas, have been used as a Tavern and Drinking Establishment and/or Entertainment Establishment, as those terms are now defined in the Zoning Code (Section II-B.4.I. and Section II-B.13.b.), for more than 25 years. Greenwich Village, LLC, is now the owner of the property.

The property is in an LC district. Tavern and Drinking Establishments and Entertainment Establishments are permitted uses on LC zoning districts, subject to Section III-D.6.w of the Zoning Code (Zoning Code Section III-B.14.c.(3)). Because the property is within 200 feet of a residential zoning district, a conditional use permit is required for use as a Tavern and Drinking Establishment and Entertainment Establishment (Zoning Code Section III-D.6.w).

The use of the property as a Tavern and Drinking Establishment and Entertainment Establishment were permissible prior to this time because those uses were in place at the time the Zoning Code was adopted on March 25, 1996 (Zoning Code section VII-A.3.).

Com 2016-32

300 S. Greenwich Rd. Lizard Lounge

Dec 2016 - 32

SITE PLAN

CONDITIONAL USE:

Tavern and Drinking
Establishment and
Entertainment
Establishment

APPLICANT:

Greenwich Village LLC

AGENT:

Stephen M. Joseph

LEGAL DESCRIPTION:

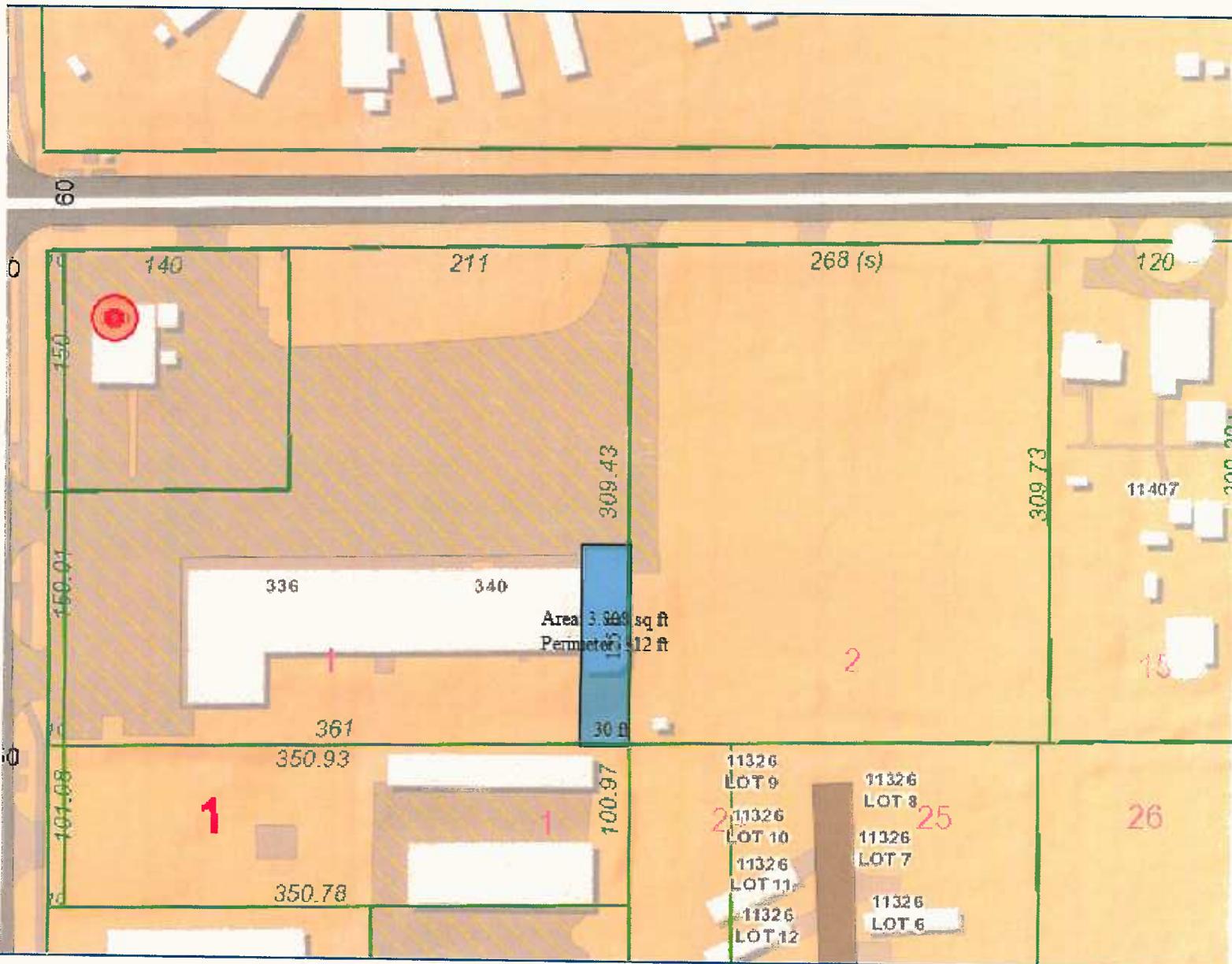
Beginning at the SE corner
of Lot 1, Lyman Ray 2nd
Addition to Wichita,
Sedgwick County, Kansas,
then E 30 Ft along the
south line of Lot 1, then N
125 Ft, then east 30 Ft to
the east line of Lot 1, then
S 125 Ft to the point of
beginning.

BUSINESS:

Lizard Lounge

ADDRESS:

300 G. Greenwich Rd.

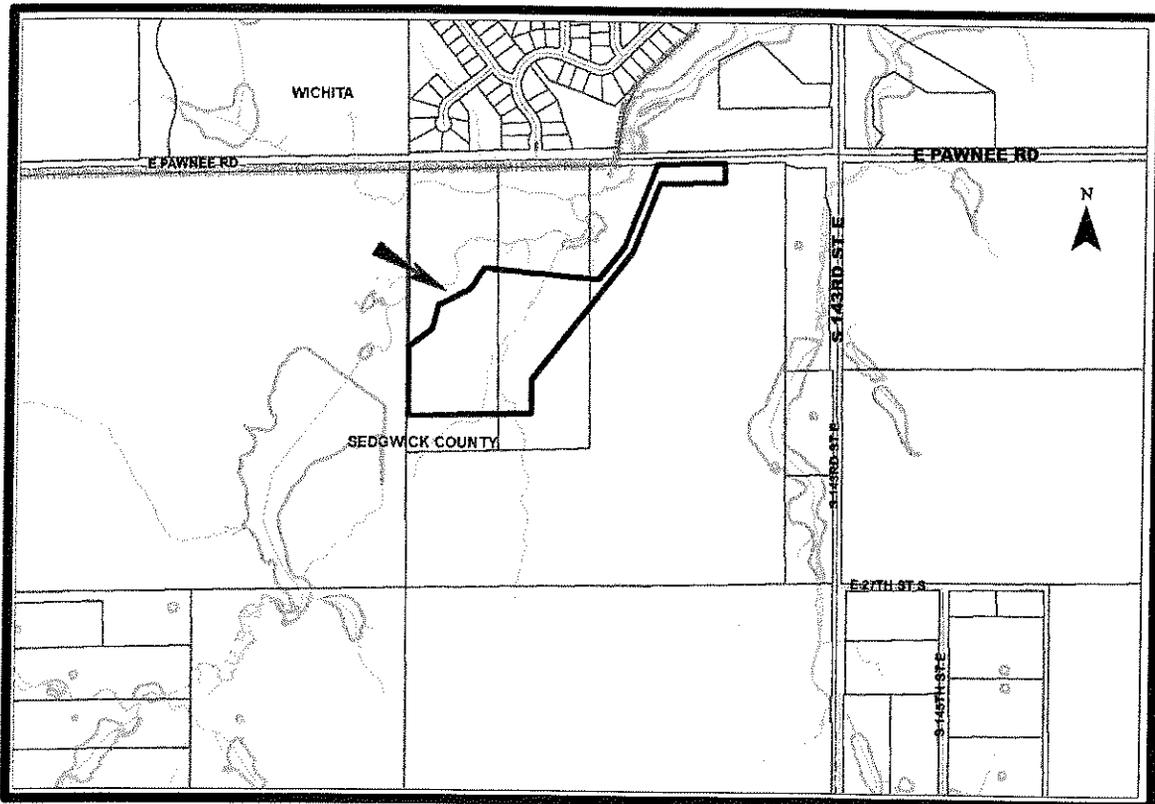


Geographic Information Services
Division of Information & Operations
www.sedgwickcounty.org/gis
525 N. Main, Suite 212, Wichita, KS 67203
Tel: 316.660.9290 Fax: 316.262.1174

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STAFF REPORT
MAPC November 3, 2016

- CASE NUMBER:** CON2016-00050
- APPLICANT/AGENT:** Stephen G. and Sally E. Miller (applicants/owners) Ruggles & Bohm, Will Clevenger (agent)
- REQUEST:** County Conditional Use to permit a temporary Rock Crusher for the East Kellogg Expansion Project
- CURRENT ZONING:** SF-20 Single-family Residential
- SITE SIZE:** 18.62 acres
- LOCATION:** Generally located southwest of Pawnee and 143rd Street East – BoCC 5
- PROPOSED USE:** Rock Crusher to be used for recycling, processing and sale of materials from East Kellogg Expansion Project



BACKGROUND: The applicant is requesting a “rock crusher” on the 18.62-acre, unplatted SF-20 Single-family Residential (SF-20) zoned county tract located southwest of Pawnee and 143rd Street East. The Unified Zoning Code (UZC) requires consideration of a conditional use for a rock crusher in the SF-20 zoning district; UZC, Sec.III.D

The applicant proposes to crush only the old concrete street pavement from the East Kellogg Expansion Project to city specifications and use it on site and in the East Kellogg Expansion Project. The remainder of the crushed rock will be sold.

The conditional use for the rock crushers will be in effect until June 1, 2022 or one year after the completion of the East Kellogg Expansion Project, whichever is the shorter time frame. The operation of the site will only be during daylight hours, two – to – five days per month Monday – Friday with Saturday optional depending on demand. Fifty to 100 trucks per day would be coming and going from the site depending on the demand. The stock piles will be no more than 30 feet tall.

The Kansas Department of Health and Environment (KDHE) has reviewed the information on the crushers and stated that they are familiar with these crusher models. The company will also need to get an air permit from KDHE to operate it in the State of Kansas and the equipment will be subject to EPA Regulation 40 CFR 60, Subpart 000 NSPS for Nonmetallic Mineral Processing Plants.

The zoning surrounding the subject site is SF-20 and is agricultural land. Along the northwest boarder of the subject property is a forested drainage buffer that is part of the Millers Meadows Bike Trails, which borders Clear Ridge Town Homes, an undeveloped MF-18 zoned parcel. On the north side of Pawnee from the subject property is an undeveloped single-family housing addition and a floriculture/nursery products business. Sierra Hills Golf Club office/club house is located on the north side of Pawnee, northwest of the subject site and is zoned NR Neighborhood Retail.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: SF-20, SF-5	Floriculture/Nursery products business, undeveloped single-family housing addition
SOUTH: SF-20	Agricultural land
EAST: SF-20	Agricultural land
WEST: SF-20	Agricultural land

PUBLIC SERVICES: The site currently has access onto East Pawnee, a paved two-lane secondary street with travel in both directions. East 143rd Street is approximately 700 feet east of the access drive and is a paved two-lane secondary street.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County

Comprehensive Plan, the *Community Investments Plan*, shows the site to be located in the City of Wichita's "2035 Urban Growth Area" and the "2035 Wichita Future Growth Map" depicts the site as "residential." East of the site at 127th and Pawnee is the new Southeast High School which opened in the fall of 2016. A new town home subdivision has been platted north of the subject site on land owned by the applicant.

The site's SF-20 zoning restricts development to single-family residential development, with some more intensive uses allowed by condition use as in this case. The conditional use for rock crushing is recommended only as a temporary use.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. The activity will be limited to the hours of 7:00 a.m. to 6:00 p.m.
- B. The site shall be developed and operated in conformance with the approved site plan and all applicable codes to include but not limited to zoning, building, fire and environmental regulations. All rock crushing operations and material storage shall take place within the designated site plan area, unless an adjusted site plan is approved by the Director of Planning.
- C. Prior to rock crushing operations, the applicant shall get an air permit from KDHE to operate it in the State of Kansas and that the equipment will be subject to EPA Regulation 40 CFR 60, Subpart 000 NSPS for Nonmetallic Mineral Processing Plants.
- D. Rock crushing operations on the site shall not create dust which travels on to surrounding properties.
- E. Only material associated with the East Kellogg Expansion Project is permitted as part of the rock crushing operations.
- F. All vehicular drives on the site, work and parking areas shall be surfaced with an all-weather material, which may include crushed rock, to minimize dust on the site. A water truck will be kept onsite to be used to control dust.
- G. Access to the site will be from the current drive located on Pawnee Street.
- H. All conditions shall be met and operations begun within one year of final approval or the Conditional Use shall be null and void.
- I. The rock crushing operation shall cease and all equipment and material shall be removed from the site one-year after completion of the East Kellogg Expansion Project or June 1, 2022, whenever is sooner. This time limit may be extended an additional year with an adjustment to the Conditional Use.
- J. If the Zoning Administrator finds that there is a violation of any of the provisions or conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The zoning surrounding the subject site is SF-20 and is agricultural land. Along the northwest boarder of the subject property is a forested drainage buffer that is part of the Millers Meadows Bike Trails, which borders Clear Ridge Town Homes, an undeveloped MF-18 zoned parcel. On the north side of Pawnee from the subject property is and undeveloped single-family housing addition and a floriculture/nursery products business. Sierra Hills Golf Club office/club house is located on the north side of Pawnee, northwest of the subject site and is zoned NR Neighborhood Retail.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-20, which permits agricultural activities, larger lot residential uses and a limited set of nonresidential uses by right.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** If approved the neighboring properties would have approximately five years of rock crushers (the noise, dust and truck traffic) being used to recycle concrete materials from the East Kellogg Expansion Project. Potential negative impacts should be mitigated by the conditions places on the temporary conditional use. The long term benefit of the rock crushers being used is the SF-20 zoned property would be in compliance encouraging the development residential uses once the East Kellogg Expansion Project is complete.

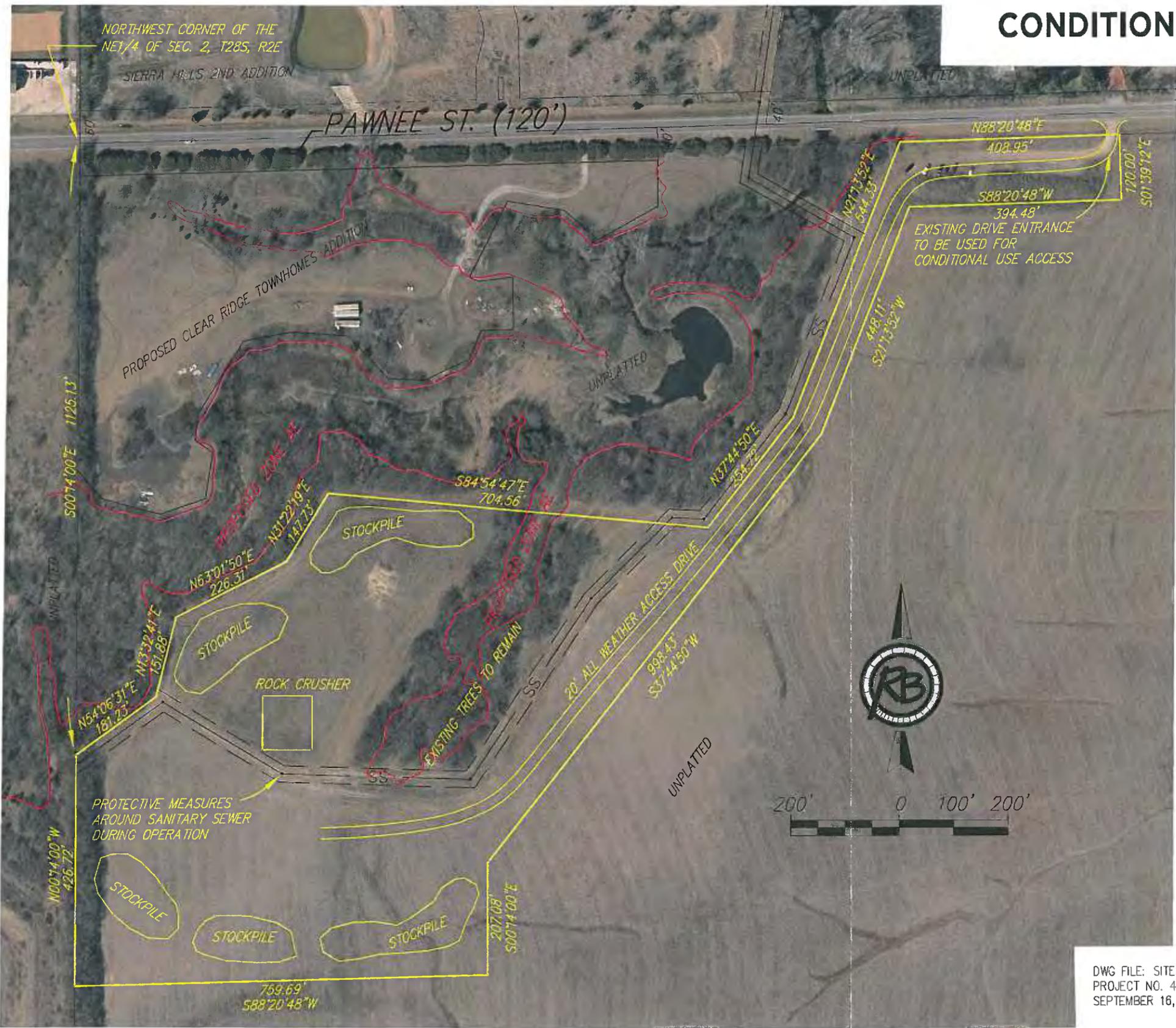
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, shows the site to be located in the City of Wichita's "2035 Urban Growth Area" and the "2035 Wichita Future Growth Map" depicts the site as "residential." East of the site at 127th and Pawnee is the new Southeast High School which opened in the fall of 2016. A new town home subdivision has been platted north of the subject site on land owned by the applicant.

The site's SF-20 zoning restricts development to single-family residential development, with some more intensive uses allowed by condition use as in this case. The conditional use for rock crushing is recommended only as a temporary use.

5. **Impact of the proposed development on community facilities:** The conditions of approval and other regulations should minimize impacts on community facilities. Traffic on 143rd Street and Pawnee could increase due to the rock crushing operations. The time limit on the rock crushing use should ensure future development on the site is compatible with community facilities.

SITE PLAN

CONDITIONAL USE FOR ROCK CRUSHING



Legal Description

That part of the NE1/4 of Sec. 2, T28S, R2E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northwest corner of said NE1/4; thence 500'14'00"E along the west line of said NE1/4, 1125.13 feet to the place of beginning; thence N54°06'31"E, 181.23 feet; thence N13°32'41"E, 151.88 feet; thence N63°01'50"E, 226.31 feet; thence N31°22'19"E, 147.73 feet; thence S84°54'47"E, 704.56 feet; thence N37°44'50"E, 254.72 feet; thence N21°13'52"E, 544.33 feet to a point 40.00 feet south of the north line of said NE1/4, said point being the south right of way of Pawnee Street; thence N88°20'48"E along said right of way, 408.95 feet; thence S01°39'12"E, perpendicular to said north line, 120.00 feet; thence S88°20'48"W, 394.48 feet; thence S21°13'52"W, 448.11 feet; thence S37°44'50"W, 998.43 feet; thence S00°14'00"E, 207.08 feet; thence S88°20'48"W, 759.69 feet to said west line; thence N00°14'00"W along said west line, 426.72 feet to the place of beginning.

OWNER:
 Stephen G. and Sally E. Miller
 P.O. Box 780789
 Wichita, KS 67278

(316) 259-2377

GROSS AREA:
 811,474.5 Sq. Ft.±
 18.62 Acres±



ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT
 924 NORTH MAIN WICHITA, KANSAS 67203 P (316) 264-8008 F (316) 264-4621
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DWG FILE: SITE PLAN
 PROJECT NO. 4786S
 SEPTEMBER 18, 2016

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BOARD OF ZONING APPEALS
2017 CALENDAR

The Ronald Regan Building, 271 West 3rd Street, Second Floor, Ste. 203, Wichita, Kansas

CLOSING DATE (Monday by 4:00 p.m.)	NOTICE TO OFFICAL NEWSPAPER (Monday 9:00 a.m.)	ADVERTISING DATE (Thursday)	MAPC/BZA HEARING DATE (1:30 p.m.)
November 21, 2016	December 12, 2016	December 15, 2016	January 5, 2017
December 12, 2016	December 23, 2016 (Friday)	December 29, 2016	January 19, 2017
December 30, 2016 (Friday)	January 13, 2017 (Friday)	January 19, 2017	February 9, 2017
January 13, 2017 (Friday)	January 30, 2017	February 2, 2017	February 23, 2017
January 30, 2017	February 13, 2017	February 16, 2017	March 9, 2017
February 13, 2017	February 27, 2017	March 2, 2017	March 23, 2017
February 27, 2017	March 13, 2017	March 16, 2017	April 6, 2017
March 13, 2017	March 27, 2017	March 30, 2017	April 20, 2017
March 27, 2017	April 10, 2017	April 13, 2017	May 4, 2017
April 10, 2017	April 24, 2017	April 27, 2017	May 18, 2017
May 1, 2017	May 15, 2017	May 18, 2017	June 8, 2017
May 15, 2017	May 26, 2017 (Friday)	June 1, 2017	June 22, 2017
May 26, 2017 (Friday)	June 12, 2017	June 15, 2017	July 6, 2017
June 12, 2017	June 26, 2017	June 29, 2017	July 20, 2017
July 3, 2017	July 17, 2017	July 20, 2017	August 10, 2017
July 17, 2017	July 31, 2017	August 3, 2017	August 24, 2017
July 31, 2017	August 14, 2017	August 17, 2017	September 7, 2017
August 14, 2017	August 28, 2017	August 31, 2017	September 21, 2017
August 28, 2017	September 11, 2017	September 14, 2017	October 5, 2017
September 11, 2017	September 25, 2017	September 28, 2017	October 19, 2017
September 25, 2017	October 9, 2017	October 12, 2017	November 2, 2017
October 9, 2017	October 23, 2017	October 26, 2017	November 16, 2017
October 30, 2017	November 13, 2017	November 16, 2017	December 7, 2017
November 13, 2017	November 27, 2017	November 30, 2017	December 21, 2017
November 27, 2017	December 11, 2017	December 14, 2017	January 4, 2018

The MAPC and the City BZA generally meet at 1:30 p.m. on the dates indicated above. If you have questions contact the Metropolitan Area Planning Department at 316- 268-4421.