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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, November 17, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, November 17, 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: October 6, 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. **SUB2016-00030: One-Step Final Plat – SANDCREST 2ND ADDITION**, located south of 29th Street North, on the east side of Hoover Road.

Committee Action: APPROVED 5-0
Surveyor: Baughman Company, P.A.
Acreage: 30.33
Total Lots: 49

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. **VAC2016-00048: City request to vacate a platted easement on property**, generally located southwest of East Harry Street and South Webb Road, on the southwest corner of Osie and Beech Streets.

Committee Action: APPROVED 5-0

- 3-2. **VAC2016-00049: City request to vacate a portion of a platted street side yard setback on property**, generally located west of North Rock Road on the northwest corner of East Central Avenue and Tallyrand Street.

Committee Action: APPROVED 4-1 (L.RICHARDSON -NO)

- 3-3. **VAC2016-00050: City request to vacate an easement dedicated by separate instrument on property**, generally located north of K-96, on the southeast corner of 27th Street North and Greenwich Road.

Committee Action: APPROVED 5-0

- 3-4. VAC2016-00051: City request to vacate the plattor's text to remove the pedestrian function from two platted utility and drainage easements & a utility easement on properties**, located southeast of Ridge and 37th Street North, along West Brookview Street and 34th Street North.

Committee Action: APPROVED 5-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

- 4.** Case No.: CON2016-00047 (Deferred from 10-20-16)
Request: City Conditional Use request for a Major Utility on LI Limited Industrial zoned property.
General Location: West of North Webb Road on the northwest side of East 39th Street North and Toben Street.
Presenting Planner: Bill Longnecker
- 5.** Case No.: ZON2016-00041 (Deferred from 11-3-16)
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
- 6.** Case No.: ZON2016-00042
Request: County zone change from RR Rural Residential to SF-20 Single-family Residential.
General Location: South of 79th St. S. and west of Hydraulic Avenue at the southwest corner of 81st Street South and Victoria Street (1415 E. 81st S.)
Presenting Planner: Kathy Morgan
- 7.** Case No.: ZON2016-00043 and CUP2016-00039
Request: City zone change from SF-5 Single-family Residential to LC Limited Commercial associated with an amendment to DP-229.
General Location: South of Central Avenue and east of Greenwich Road
Presenting Planner: Kathy Morgan
- 8.** Case No.: ZON2016-00044
Request: City zone change from TF-3 Two-family Residential to GO General Office.
General Location: South of Kellogg Avenue and east of Oliver Street (544 S. Bleckley St.)
Presenting Planner: Kathy Morgan
- 9.** Case No.: CON2016-00051
Request: City Conditional Use to permit a Wireless Communication Facility (replacing football field light pole) on property zoned U University.
General Location: North of Kellogg and east of Meridian (2100 W. University)
Presenting Planner: Bill Longnecker

NON-PUBLIC HEARING ITEMS

10. Other Matters/Adjournment

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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

October 6, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 6, 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: David Foster; Chair; Joe Johnson; Vice Chair; John Dailey; Bob Dool; Bill Ellison; Mike Greene; John McKay Jr. (Out @2:55 p.m.); Debra Miller Stevens; Bill Ramsey (Out @3:35 p.m.); Lowell Richardson; John Todd and Chuck Warren. Members absent were: Carol Neugent and Matt Goolsby. Staff members present were: Dale Miller, Director; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney; Justin Waggoner, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. No Minutes.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

2-1. **SUB2016-00023: Final Plat – FIREFLY WAY ADDITION**, located west of 127th Street East on the south side of 29th Street North.

NOTE: This site is a replat of the Greenwich Business Center Addition. A zone change (ZON2016-00034) has been approved from Limited Industrial (LI) to Multi-Family Residential (MF-18) and Single-Family Residential (SF-5).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) and extend sewer (lateral). A special acquisition fee is due.
- B. 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.
- C. City Stormwater Management advises the drainage plan is approved.
- D. Traffic Engineering has approved the access controls. The plat proposes one street opening along 29th Street North.
- E. A restrictive covenant shall be submitted prohibiting the connection of Firefly Way Addition to 29th Street North until the completion of paving of 29th Street. A petition is not required due to paving improvements being funded through a City CIP project.
- F. A restrictive covenant shall be submitted limiting development until the plat is in compliance with the City Fire Code regarding access.

- G. The Applicant shall guarantee the paving of the proposed streets. In accordance with the Subdivision Regulations, the cul-de-sacs must meet the minimum 35-foot paved radius requirement. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets. The paving guarantee shall include the installation of a temporary turnaround at the terminus of 27th Street North at the plat's west line.
- H. 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.
- I. 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.
- J. 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.
- K. Since this plat proposes the platting of narrow street right of way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- L. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations for Lot 13 and 17, Block A, and Lots 17 and 24, Block D. 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.
- M. GIS has approved the street names; however Lot 11, Block D should be shown to be included within Eagle Street, and the plat shall denote where Bracken ends and 27th Street begins. The applicant shall correctly label the street name blades "dead end" or "no outlet," as appropriate. Plans are available from Andy Smith (asmith@wichita.gov).

- N. Woodspring Court located in the south portion of the plat is a 58-foot street segment with 13 lots on the east and south 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.
- O. Since Reserve J includes a swimming pool, a site plan shall be submitted with the final plat for review by MAPD. The site plan shall include the information indicated in the Subdivision Regulations. The design for the pool must be submitted to Environmental Health Division for review prior to issuing a building permit for the pool.
- P. 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.
- 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 platting 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.
- T. 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.)
- U. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- V. 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.
- W. 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.

- X. 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.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. 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.
- AA. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense
- BB. 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.

MCKAY moved, GREENE seconded the motion, and it carried.

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- 2-2. **SUB2016-00029: One-Step Final Plat – HARP SUBDIVISION ADDITION**, located on the west side of 279th Street West, south of 53rd Street North.

NOTE: This unplatted site is located in the County. It is designated as: "Rural area" by the Community Investments Plan 2015-2035.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. 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.
- C. County Stormwater has received the drainage plan and is reviewing it. All issues are being addressed with the design engineer.

- D. County Public Works has requested access control denoted at the location of the existing entrance along 279th Street West.
- E. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- F. 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.
- G. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. 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.
- H. 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.
- I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- J. 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.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- L. 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.
- M. 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.

- N. 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.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. 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.
- Q. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- R. 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.

MCKAY moved, GREENE seconded the motion, and it carried.

3. PUBLIC HEARING – VACATION ITEMS

- 3-1. **VAC2016-00030: City request to vacate a portion of a platted alley**, generally located north of Pawnee Avenue on the west side of Hillside Avenue.

APPLICANT/AGENT: Quiktrip West Inc., c/o Jessica Glavas, Bryan L & Mindy L Prose (applicants), MKEC, c/o Brian Lindebak (agent)

LEGAL DESCRIPTION: Generally described as vacating the remaining east portion of a unimproved platted east-west 20-foot wide alley abutting the north sides of Lots 1 and 2, Block G, Maplewood Addition, the south sides of a tract and Lot 11, Block F, Maplewood Addition, and the west side of Hillside Avenue, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located north of Pawnee Avenue on the west side of Hillside Avenue (WCC III)

REASON FOR REQUEST: Rebuild Quik Trip convenience store

CURRENT ZONING:

The subject site is platted alley right of way. Properties located north of the alley are zoned TF-3 Two-Family Residential and B Multi-Family Residential. Properties located south of the site are zoned LC Limited Commercial

The applicants are requesting the vacation of the remaining east portion of a unimproved platted east-west 20-foot wide alley abutting the north sides of Lots 1 and 2, Block G, Maplewood Addition, the south side of a tract, the south side Lot 11, Block F, Maplewood Addition, and the west side of Hillside Avenue. Previously a north-south alley that intersected with the subject alley was vacated; appears to be Vacation Ordinance 21-774. Later VAC2003-41 vacated the west portion of the east-west alley as well a north south-alley on the west side of the east-west alley. The subject alley is the remnant of these previous vacation cases.

All of the abutting properties owners that have reversion rights have agreed to vacate the subject alley; Lots 1 and 2, Block G, Maplewood Addition and Lot 11, Block F, Maplewood Addition. The north abutting B zoned unplatted tract has no reversion rights, as the tract did not participate in the dedication of the alley, which in this case occurred during the platting process of the Maplewood Addition. No property will be denied access to public street right of way if the vacation is approved.

There is a sewer line, utility poles and lines and what appears to be a concrete drainage culvert located in the alley. The applicant has stated that the utilities will be relocated and easements provided as needed. The entrance to the alley will need to be closed by continuing the curb and guttering along the west side of Hillside Avenue. Westar has equipment and lines in the platted alley the applicant will need to either maintain that portion as easement or relocate at their expense. Conditions #4 & 5 will cover Westar. Shane Price, Construction Services Supervisor, and LaDonna Vanderford are the contacts for this vacation request. Shane Price can be reached at 261-6315 for and LaDonna Vanderford can be reached at 261-6490. The Maplewood Addition was recorded with the Register of Deeds June 28, 1951.

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 alley.

- 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 alley 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 letter, with original signatures from the owner of Lot 11, Block F, Maplewood Addition confirming the E-mail stating that the owner is in favor of vacating all of the platted alley. This must be provided prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Provide restrictive covenants, with original signatures, binding and tying the vacated described alley right of way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) Provide a legal description of the vacated alley right of way, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (4) All improvements shall be according to City Standards and at the applicant's expense. Provide Public Works and Westar approved plans for the relocation of utilities, including, but not limited to, sewer lines and manholes, stormwater equipment, all franchise utilities and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action. Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (5) Provided all needed dedications of utility drainage easement by separate instrument, with original signatures, for all relocated utilities. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (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

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a letter, with original signatures from the owner of Lot 11, Block F, Maplewood Addition confirming the E-mail stating that the owner is in favor of vacating all of the platted alley. This must be provided prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.

- (2) Provide restrictive covenants, with original signatures, binding and tying the vacated described alley right of way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) Provide a legal description of the vacated alley right of way, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (4) All improvements shall be according to City Standards and at the applicant's expense. Provide Public Works and Westar approved plans for the relocation of utilities, including, but not limited to, sewer lines and manholes, stormwater equipment, all franchise utilities and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action. Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (5) Provided all needed dedications of utility-drainage easement by separate instrument, with original signatures, for all relocated utilities. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (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, **WARREN** seconded the motion, and it carried (12-0).

OLD BUSINESS

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 nightclub. 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.

RUSS EWY, BAUGHMAN COMPANY, PA, 315 ELLIS, AGENT FOR THE APPLICANT briefly reviewed General Provision 19 commenting on the additional prohibitions on Parcel 3 including convenience stores, service stations, vehicle repair and restaurants with drive thru service. He said since restaurants with drive thru service are allowed on other parcels there was a provision that cuing lanes not face residential development so headlights will not be an issue. He added that Parcel 3 became slightly smaller and Parcel 2 became slightly larger in the latest, revised handout.

CHAIR FOSTER asked about condition #7 on signage regarding signage being perpendicular and not parallel to the roadway.

EWY said the applicant would be willing to specify that monument signs would be perpendicular to the roadway.

RICHARDSON asked if the applicant would be willing to add that there be no signs on Parcel 4 within 100 feet from the residential lot.

EWY said the applicant would be willing to limit signage to no closer than 100 feet of the south property line.

MOTION: To approve subject to staff recommendation with signage changes as agreed to at this meeting.

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

PUBLIC HEARINGS

4. **Case No.: ZON2016-00032** - Mike Love Construction (applicant/owner); Ruggles & Bohm – Will Clevenger (agent) request a City zone change request from Single-family Residential SF-5 to Two-family Residential TF 3 for 13 lots on Victoria Street on property described as:

Lots 43, 44, 45, 46, 47, 48 and 49, Block C AND Lots 1, 2, 3, 4, 5 and 6, Block D, Rivendale Addition, Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a zone change from Single-Family Residential (SF-5) to Two-Family Residential (TF-3) zoning on approximately 2.73 acres of Rivendale Addition to Wichita, Sedgwick County, Kansas. The applicant proposes to build duplexes on 13 platted lots located on either side of Victoria Street, immediately north of 55th Street South.

The subject site is located within the SF-5 zoned Rivendale Addition. The Rivendale Addition is partially developed with single family residences adjacent to the subject property to the north, west, and east. Immediately east and west of the subject property are single family residences on large, unplatted lots. South of the subject site is unplatted SF-5 zoned tracts developed with mobile homes.

CASE HISTORY: The site is located within the City limits of Wichita and consists of 2.73 acres of the Rivendale Addition platted in 2003.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5 Single-family residential, undeveloped (Rivendale)
SOUTH: SF-5 Single-family residential, unplatted lots
WEST: SF-5 Single-family residential, unplatted lot
EAST: SF-5 Single-family residential, unplatted lot

PUBLIC SERVICES: The site has access to local, paved collector streets that access East 55th Street South, a paved, two-lane arterial with 90-foot right of way. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City limit and the South Wichita/Haysville Area Plan. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality. The site is located in the South Wichita/Haysville Area Plan, which identifies the location for residential development.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is zoned SF-5 and is partially undeveloped. Properties immediately to the west, east and south are developed with single-family residences. The proposed duplexes are located within a stand-alone block at the entrance of the subdivision and are only adjacent to the rear of lots developed with existing single-family residences.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The vacant site is currently zoned SF-5 and is undeveloped. As zoned, these units would have to be single-family. With the proposed zoning, they could be single-family or duplexes.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal. Single-family residences have only partially developed in the Rivendale Addition and the proposed duplexes are in a separate portion of the subdivision. This separation should mitigate any detrimental effects on nearby property.
- (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 Wichita City limit. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality. The South Wichita/Haysville Area Plan identifies the area as appropriate for residential development.
- (5) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure.

KATHY MORGAN, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

5. **Case No.: ZON2016-00038** - ECD, LLC (applicant); KE Miller Engineering, Kirk Miller (agent) request a City zone change from Single-family Residential SF-5 to Limited Commercial LC on 2.45 acres on property described as:

Beginning at a point 650 feet South and 30 feet East of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence East along the South line of the tract taken under condemnation by the Board of Education of the City of Wichita, Kansas, a distance of 326 feet; thence South, parallel to the West line of said Southeast Quarter, a distance of 330 feet; thence West, parallel to the South line of said Southeast Quarter, a distance of 326 feet more or less, to a point 30 feet East of the West line of said Southeast Quarter; thence North on a line 30 feet East of and parallel to the West line of said Southeast Quarter, a distance of 330 feet, to the point of beginning.

BACKGROUND: The applicant requests LC Limited Commercial zoning on a 2.45-acres unplatted lot, generally located north of Central on the east side of Edgemoor. The lot has 325 feet of frontage along Edgemoor and is approximately 315 feet deep. The applicant intends to redevelop the existing building. The applicant has filed Edgemoor Commercial Addition plat for the subject property.

The surrounding neighborhood is developed with single-family residential, offices, retail, skilled care facility, restaurants and medical services. West of the site is GO General Office and SF-5 Single-Family zoning, north of the site is B Multi-family zoning. South and east of the site is LC Limited Commercial zoning in DP-126 Central Avenue Plaza Community Unit Plan.

CASE HISTORY: The site is unplatted and is currently developed with a masonry building, which served as a Kansas National Guard Armory. The building has been vacant since 2009.

ADJACENT ZONING AND LAND USE:

NORTH:	B Multi-family	Skilled Nursing Facility
SOUTH:	LC	Fast Food Restaurant, Retail Strip Center
EAST:	TF-3	Duplexes
WEST:	GO; SF-5	Offices; 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 a 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. The 2035 Wichita Future Growth Concept Map identifies the site as "Commercial." The "Commercial" category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

- (6) **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is zoned LC, GO, SF-5 and B. The subject property is bounded by LC zoned property on its east and south boundary.
- (7) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and is developed with masonry building that was used to house the Kansas National Guard Armory. As zoned, the subject property could only be used for single-family. With the proposed zoning, the property could be redeveloped in a manner compatible with the immediately adjacent properties.
- (8) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal; the site has enough space to provide on-site parking for commercial development.

(9) **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 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. The 2035 Wichita Future Growth Concept Map identifies the site as "Commercial." The "Commercial" category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban area.

(10) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure.

KATHY MORGAN, Planning Staff presented the Staff Report. She reported that the DAB I recommended approval 6-2-1. She said at this point in time the applicant has no defined plans for the property.

RICHARDSON asked about screening from SF-5 residential zoning across the street.

MORGAN stated that there was no screening requirement for properties across the street.

KIRK MILLER, K.E. MILLER ENGINEERING, AGENT FOR THE APPLICANT said they in agreement with staff comments.

RICHARDSON asked if the applicant was going to tear down the building or reuse it.

K.E. MILLER commented that the applicant will probably reuse the building.

ELLISON asked if they have had any feedback from the neighborhood concerning the proposal.

K.E. MILLER indicated they have not heard a word from the neighbors.

MOTION: To approve subject to staff recommendation.

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

6. **Case No.: ZON2016-00039** - Holland Paving and Holland Ventures -George Holland (applicant/owner); MKEC Engineering –Brian Lindebak (agent) request a City request to rezone from NR Neighborhood Retail and SF-5 Single family Residential to LC Limited Commercial on property described as:

Parcel 1:

A portion of the following: Lots 1 and 2, Chappelle Addition, Wichita, Sedgwick County, Kansas more particularly described as beginning at the northeast corner of Lot 1, Quiktrip 2nd Addition, Wichita, Sedgwick County, Kansas; thence S87°55'09"W, along the north line of Lot 1 in said Quiktrip 2nd Addition, and along the south line of Lots 1 and 2 in said Chappelle Addition, 185.39 feet to the southwest corner of Lot 1 in said Chappelle Addition, and the northwest corner of Lot 1 in said Quiktrip 2nd Addition; thence N03°47'51"W, along the west line of Lot 1 in said Chappelle Addition, 120.02 feet to the northwest corner of Lot 1 in said Chappelle Addition, and to a point in the south line of Lot 2 Park Acres Addition, Sedgwick County, Kansas, said point is 8.35 feet east of the southwest corner of Lot 2 in said Park Acres; thence N87°55'09"E, along the south line of Lot 2 in said Park Acres and the north line of Lots 1 and 2 in said Chappelle Addition, 190.38 feet; thence S01°24'51"W, parallel with the east line of Lot 2 in said Chappelle Addition, 120.00 feet to the point of beginning.

TOGETHER WITH,

Parcel 2:

A portion of Lot 2, Park Acres Addition, Sedgwick County, Kansas, described as commencing at the southwest corner of said Lot 2; thence N87°55'09"E along the south line of said Lot 2, 8.35 feet to the point of beginning, said point of beginning also being the northwest corner of Lot 1, Chappelle Addition, Wichita, Sedgwick County, Kansas; thence continue N87°55'09"E, along the south line of Lot 2 in said Park Acres, and the north line of Lots 1 and 2 in said Chappelle Addition, 190.38 feet; thence N01°24'51"W, parallel with the east line of Lot 2 in said Park Acres, 33.00 feet; thence N87°54'06"W, 191.75 feet to a point in the east line of North Tyler Road right of way; thence S03°47'51"E, along the east line of North Tyler Road right of way, 32.95 feet to the point of beginning.

BACKGROUND: The subject site is located at the northeast corner of West Maple and South Tyler and is currently zoned Single-Family Residential and NR Neighborhood Retail to LC Limited Commercial. The requested change in zoning would allow the existing convenience store at the northeast corner of Maple and Tyler to expand.

Land to the north of the application area is zoned SF-5 Single-family Residential and is developed with single-family residences. Properties located to the east are zoned NR and SF-5. South of the subject site lots are zoned LC and developed with restaurant, warehouse/storage, convenience store and strip retail center. Property west of the site (across West Central), is zoned NR and LC.

CASE HISTORY: The expansion of LC zoning includes Lot 1, Chappelle Addition, which has an existing single-family residential structure built in 1952; Lot 2, Chappelle Addition, which is vacant; and approximately 6,330 square feet of the southwest corner of Lot 2, St. Park Acres Addition that is developed with a single-family residential structure.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Single-family residence
South:	LC	Convenience Store, Retail Strip Center

East:	NR, SF-5	Vacant; Single-family residence
West:	LC	Restaurant, warehouse/storage

PUBLIC SERVICES: The site is served by municipal services. West Maple and South Tyler Road is a paved five-lane arterial intersection with dedicated turn lanes. West of the intersection the lanes reduce to four-lane paved street; north of the intersection reduces to four-lane paved street; east of the intersection remains four lanes; south of the intersection remains five-lane with turn access.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City limit. The Plan's 2035 *Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality. In certain areas, especially those at major arterial intersections in proximity to existing residential uses, convenience retail centers likely will be developed. The locational guidelines indicate that expansion of existing uses to adjacent areas should be supported.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject site is located at a major arterial intersection with LC zoning at all four corners surrounded by residential zoning. At the northwest corner LC zoning extends 370 feet west and 630 feet north. The northeast corner has 415 feet LC frontage along Maple and 315 feet LC frontage along Tyler. The southwest corner has 575 feet LC frontage on Maple and 770 feet LC frontage on Tyler. The southeast corner has 550 feet LC frontage on Maple and 550 LC frontage on Tyler.
2. The suitability of the subject property for the uses to which it has been restricted: Impact on surrounding property due to the requested zone change should be minimal as there will be required solid screening between LC and SF-5 zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change addresses expansion needs for the existing convenience store which has been at the northeast corner of Maple and Tyler since 1993. 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. The arterial intersection was designed 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 area is appropriate for “residential” uses. In certain areas, especially those at major arterial intersections in proximity to existing residential uses, convenience retail centers likely will be developed. The locational guidelines indicate that expansion of existing uses to adjacent areas should be supported.
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. She reported that DAB V recommend approval with a provision that the landscaping be one and one-half times what is required by the Landscape Ordinance. She said there is an existing Quik Trip to the south that is being expanded and developed into a “Gen 3 Store.”

RICHARDSON asked what was the reason the DAB requested one and one-half times the landscaping requirement.

MORGAN said there were concerns about just having a 6-foot wood fence and it was felt that extra landscaping would provide noise buffering.

BRIAN LINDEBAK, MKEC ENGINEERING, 411 NORTHWEBB ROAD, AGENT FOR THE APPLICANT AND JESSICA GLAVIS, QUIK TRIP, TULSA, OK said they met with both the neighborhood and DAB.

MCKAY asked if the applicant/agent were in agreement with staff recommendations.

CHAIR FOSTER asked if they agreed with the requirement for one and one-half times the landscape.

LINDEBAK said they had some reservations but yes they agree to the one and one-half times the landscape requirement.

RICHARDSON said he believes this will help traffic flow on the corner.

MOTION: To approve subject to staff recommendation.

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

7. Case No.: CON2015-00030 - Homer Morgan Revocable Trust (applicant/owner); Stephen M. Joseph (agent) request a City Conditional Use to permit a Tavern and Drinking Establishment and an Entertainment Establishment on property zoned LC Limited Commercial on property described as:

Lot 32, Northern Acres Addition to Wichita, Sedgwick County, Kansas

BACKGROUND: The LC Limited Commercial (LC) zoned site advertises itself as “Baby Dolls” a nightclub that provides its customers with dancing by employees and cereal malt beverages or alcoholic liquor for sell and consumption on the site. As defined by the Wichita-Sedgwick County Unified Zoning Code (UZC) this is a nightclub. The site has been zoned commercial since 1958 (see case history). 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 was perhaps previously known in the 1970s as the “49 A-Go-Go”, which provided the same services as the current nightclub. The site was annexed into the City of Wichita in 1998 (see case history). 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 UZC and prior to the site being annexed into the City. 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 Sedgwick 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 abuts SF-5 Single-Family (SF-5) residential property on its north side and is adjacent to SF-5 zoned single-family neighborhoods on its east (separated by a 20-foot wide alley), south (across 48th Street North) and west (across Arkansas Avenue) sides.

The site (built 1951) is located in an area that is zoned mostly SF-5 and developed with urban scale subdivision or large tracts and lots of an acre or more. A platted 20-foot alley separates the site from the east, adjacent SF-5 zoned single-family residences (built late 1940s – early 1950s). Large tract SF-5 zoned properties abut and are adjacent to the north side of the site. Most of these properties are being used as agricultural fields, with the only single-family residences located north of the site being built in 1950. It is difficult to determine what the abutting north SF-5 zoned property is being used for, but the aerial shows what appears to be an oval track and numerous out buildings. Directly south of the site, across 48th Street north, there is a LC zoned site that the appraiser’s link describes as car repair, paint shop and detail shop. There is a lot of outdoor vehicle parking or storage, including trailers for semis, on the site. SF-5 zoned single-family residences (built late 1970- early 1980s) are located further south, as is a SF-5 zoned Buddhist worship complex (built 2001). Approximately 17-acres of undeveloped LI Limited Industrial zoned property owned by the City of Bel Aire is also located south of the site. All of these abutting and adjacent north, east and south properties end up against the Chisholm Creek Diversion portion of the “Big Ditch.” The City of Park City is located east, across the Big Ditch. Properties located west of the site, across Arkansas Avenue are zoned SF-5 and are developed as single-family residences (built 140s -1980s). The exceptions are two LC zoned properties located directly west of the site across Arkansas Avenue. The larger of the two LC zoned sites has a single-family residence (built 1970) and the smaller is listed on the appraiser’s link as having a manufactured home located on it. There are also some undeveloped properties in the area.

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 required solid screening, lights, location of the trash receptacles, etc. The manager of Baby Dolls has stated that the posted occupancy for the site is 101, which requires 51 paved parking spaces. An on-site trip to the site could not determine parking. However it did reveal a wooden fence separating the site from the abutting north and a portion of the adjacent east properties and the location of an unscreened trash receptacle. Both the east fence and trash receptacle may be partially located in the platted 20-foot wide unimproved alley. The trip showed no parking barriers separating the parking from Arkansas Avenue and 48th Street North

CASE HISTORY: The site is located on Lot 32, Northern Acres Addition, which was recorded with the Register of Deeds June 16, 1948. The 1958 Sedgwick County zoning map shows the site being zoned LC Light Commercial, which was changed to Limited Commercial with the 1996 adoption of the UZC. As previously noted the site was annexed into the City in 1998; Annexation Ordinance Number 43-965. Staff has received numerous calls protesting the request.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Agricultural land, a single-family residence
SOUTH:	LC, SF-5	Garage for vehicle repair, painting and vehicle storage, single-family residences
EAST:	SF-5	Single-family residences, Big Ditch
WEST:	LC, SF-5	Single-family residences

PUBLIC SERVICES: The site has one drive onto North Arkansas Avenue, a paved two-lane minor arterial, with bar ditches on both sides of it. Access onto 48th Street North, a sand and gravel residential cul-de-sac street, is undefined but appears to be wherever a customer wants it to be. Public Water is available to the site. Public sewer is not available to the site nor to the area the site is located in. The applicant has not provided the location of an on-site sewer facility, which would be a septic system. All other 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 "residential" and "parks and open space" designations. Neither site's LC zoning nor its use as a nightclub is in conformance with the Land Use Guide. Per the "Community Investment Plan" the nonconforming nightclub does not contribute to promoting a safe, active, stable, and healthy living environment for what is overwhelmingly a single-family neighborhood.

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 zoned properties, which is the trigger that requires approval of Conditional Use to bring the site into compliance with the current UZC and the site losing its noncompliance status.

The nightclub provides dancing by employees for the entertainment of its customers. However, according to the Police Department's Vice Division and the Metropolitan Area Building and Construction Department's Code Enforcement Division the nightclub is not considered a "sexually oriented business", i.e., a SOB. The UZC (Sec.II.B.12.n and o.) defines a SOB and per that definition Vice and Code Enforcement has determined that the nightclub's dancing by its employees for the entertainment of its customers does not make it a SOB. Planning Staff has not visited the nightclub, but will rely on Vice and Code Enforcement for that determination.

The site does have access onto the minor arterial Arkansas Avenue, which meets the locational criteria for commercial uses. However, there is no buffer of less intensive uses between the nightclub and the abutting and adjacent, which is suggested for the location of commercial development.

RECOMMENDATION: The nightclub is out of character and incompatible with the development in the area, which is long time established single-family residential development. Even two of the three remaining LC zoned sites located in the area are developed as single-family residences, with the exception being what appears to be a nonconforming repair, paint and vehicle storage business. 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 **DENIED**. 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.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The area is overwhelmingly zoned SF-5 and developed with long established single-family residences. Even two of the four area's LC zoned sites are developed as single-family residences, with the exception being what appears to be a nonconforming repair, paint and vehicle storage business.
- (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 single-family residential neighborhood. Denial of the request could have a negative financial impact on the applicants.

- (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 “residential” and “parks and open space” designations. Neither site’s LC zoning nor its use as a nightclub is in conformance with the Land Use Guide. Per the “Community Investment Plan” the nonconforming nightclub does not contribute to promoting a safe, active, stable, and healthy living environment for what is overwhelmingly a single-family neighborhood.

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 zoned properties, which is the trigger that requires approval of Conditional Use to bring the site into compliance with the current UZC and the site losing its noncompliance status.

The nightclub provides dancing by employees for the entertainment of its customers. However, according to the Police Department’s Vice Division and the Metropolitan Area Building and Construction Department’s Code Enforcement Division the nightclub is not considered a “sexually oriented business”, i.e., a SOB. The UZC (see II.B.12.n and o.) defines a SOB and per that definition Vice and Code Enforcement has determined that the nightclub’s dancing by its employees for the entertainment of its customers does not make it a SOB. Planning Staff has noted visited the nightclub, but will rely on Vice and Code Enforcement for that determination.

The site does have access onto the minor arterial Arkansas Avenue, which meets the locational criteria for commercial uses. However, there is no buffer of less intensive uses between the nightclub and the abutting and adjacent, which is suggested for the location of commercial development.

- (5) **Impact of the proposed development on community facilities:** It is possible that approval of this request could result in an increased demand for police services.

However, if the MAPD finds the Conditional Use request for a nightclub appropriate and votes to approve it, the MAPD must make alternate findings. Planning Staff proposes the following conditions if the MAPD approves the Conditional Use:

- (1) The site shall be developed with an approved revised site plan, showing, but not limited to, the required parking spaces, locating dumpsters 20 feet from the north and east abutting and adjacent SF-5 zoned properties, solid screening with a solid screening gate around the dumpsters, and a solid wooden fence along the east property line. The site plan shall also confirm the location of the east abutting platted 20-foot wide alley to determine that the wooden fence and dumpster(s) are not located in the platted alley. The site plan shall also show barriers separating parking from all public street right of way and the platted alley. The barrier on the south side of the site shall be constructed to allow no access onto 48th Street North. 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 location of dumpsters 20 feet from the abutting and adjacent SF-5 zoned properties, the required screening (including 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 competed. 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) The applicant shall obtain all required state, local and other applicable permits and inspections.
- (5) 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.

BILL LONGNECKER, Planning Staff presented the Staff Report. He said staff has received a lot of calls on this case regarding traffic, bad behavior of bar patrons, littering, and the reputation of the bar itself. He said staff is recommending denial because they do not feel this is an appropriate site for this type of business. He said DAB VI did recommend approval as a way to try to get some improvements on the property to make it less of a nuisance. He commented that neither the applicant nor the agent is at this meeting nor were they at the DAB meeting.

MARVIN L. HAYS, 614 WEST 48TH STREET said his home is the residence immediately abutting the east side of Baby Dolls. He said he also owns commercial property to the south of the club. He said he has a long history in this area back to 1978. He said he has seen a lot of violence and drugs and poor behavior of everyone that has gone to the club. He said the only two times he has been in the club was to confront someone who was violating his space. He said he has found needles and condoms and other assorted trash next to the building and in the street and gutter. He said this business is particularly offensive to the neighborhood because a school bus stop is located in front of the place. He said the children are subjected to seeing girls who work at the club out front. He said you can "put lipstick on a pig - it is still a pig." He said this is a strip club and it is a sexually oriented business.

MOTION: To give the speaker one additional minute.

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

HAYS said he has been asked to represent the neighborhood and other commercial property owners located west of Arkansas across from this establishment. He said of the thirteen neighbors he visited, all thirteen of them absolutely and positively want this establishment closed. He said it is a nuisance, an eyesore and a cancer that needs to be removed. He said he can't stress it any more.

DAILEY explained that if the Commission denies this request, the neighbors realize that the club can continue to operate the way they are doing.

HAYS said yes they do. He said he doesn't have anything against the property owner but he has heard a rumor that the only reason he is making all his properties compliant with the zoning code is so he can sell them. He said he also understands that the owner can get more for the property if it is a strip club.

ELLISON asked about any WPD presence in the last six months.

HAYS said he has talked to several WPD officers who really can't give him any information, but it is a well-known location for drug dealers, distributors, pimps and prostitutes.

JUDY IRVING MORELAND, 4841 NORTH ARKANSAS said she has lived across the street from Baby Dolls since 1993. She said she realized that the club was 'grandfathered' in and that they have to live with it and put up with it. She said her home is blocked by trees and is well off the road. She said she has called the WPD numerous times for loud music, gunshots and motorcycle races. She said the windows in her home shake because the music is so loud. She said the club has gone downhill in the last year and the patrons and employees don't honor the neighborhood at all because they play loud music, dance, talk outside, and the girls are scantily clad out in front of the business. She said the school bus used to drop the kids off but they changed the location of the stop. She asked why not change the problem. She said this business is a degradation to the neighborhood. She asked the Commission to block this application. She said she understands that the business can continue as is and the neighbors will continue to call the WPD with nuisance and violation reports.

KELSEY HAYS, 435 W. 48TH STREET, NORTH said she used to ride the bus and be dropped off in front of the strip club. She said the bus drivers didn't want to drop the kids off there so they used to take them down to 47th street but the kids still had to walk past the club to get to their homes. She said she has seen patrons and employees smoking, doing drugs and drinking alcohol in broad daylight during the day. She said it has been that way since she was little. She said they would find used condoms, money and it was just overwhelming and terrible.

JERRY FORSHEE, 4917 NORTH ALEXANDER said his son lives at 424 West 48th Street and he owns two rental properties next to his son's home. He said he grew up in the area 5-6 blocks south of the club. He said he is familiar with the club and everything that goes on there. He said he hopes and prays that the Commission votes against it.

WARREN asked staff under what conditions would the property lose its legal non-conforming use. He for example, i.e. change of title, being vacant, etc.

LONGNECKER said abandonment or if the building is destroyed or damaged beyond 50% of the fair market value. He reviewed the section of the UZC with regard to the definition of abandonment. He commented that these places are hard to get rid of.

CHAIR FOSTER asked doesn't the amount of food or drink sold or the liquor license come into play on this.

LONGNECKER said no. He said letting a liquor license or entertainment license expire is not cause to lose non-conforming use status; they can re-apply for those licenses.

TODD asked if it was legal for them to operate a sexually oriented business at this location and how is that enforced, and why hasn't it been enforced.

LONGNECKER said staff notifies WPD Vice whenever a bar application comes up to see if there are any concerns about the operation. He commented that WPD is looking closer at the operation of this club and whether it is a nightclub in the City or a sexually oriented business. He said a sexually oriented business cannot be operated in this zoning district.

TODD asked staff why DAB approved this.

LONGNECKER said he thought the DAB was under the impression that if they approved the request they could have the property owner spend some money and make some improvements on the property such as putting a railing around it.

TODD clarified that if the request was approved there could be stipulations on making upgrades and maybe pressuring the owner into becoming a responsible good neighbor.

ELLISON said he understands that this is the roughest nightclub in the north end of Wichita. He said they advertise as a sexually oriented club. He asked how that doesn't violate the requirements.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY said the loop is they are a legal non-conforming club and have been for a long time since this area was annexed from the County. He said that would not be allowed if this were a new club.

RICHARDSON asked if there is any way to enforce any improvements required with the approval.

LONGNECKER said if the request is approved and the applicant does not make the required improvements within the prescribed timeframe, they still retain their legal non-conforming use.

WARREN said if the Commission approves the zoning, the zoning doesn't allow adult entertainment so is that a way to eliminate the use and give WPD the authority and teeth to enforce that.

VANZANDT explained that the Commission was not approving zoning but a Conditional Use permit.

CHAIR FOSTER asked if the agent or applicant would come to the podium.

LONGNECKER reported that neither the agent nor the applicant were present at the meeting and it was noted for the record.

TODD asked if anyone had any idea why the agent or applicant was not present.

RAMSEY commented that he has never heard of this place, but according to their web site they are very much an adult entertainment, sexually oriented business according to their advertising.

MOTION: To deny subject to staff recommendation.

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

8. **Case No.: CON2016-00023** - Homer Morgan Revocable Trust (applicant/owner); Stephen M. Joseph (agent) request a City Conditional Use to permit a Tavern and Drinking Establishment and an Entertainment Establishment within 300 feet of residential zoning, a church and a park, on LC Limited Commercial zoned property on property described as:

Lots 5, 6, 7 & 8, Lawrence Avenue, Paulline's Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is applying for a Conditional Use for a "tavern and drinking establishment," "entertainment establishment in the city" and "nightclub in the city" on the 95.2 feet by 140 feet LC Limited Commercial (LC) zoned South Broadway Avenue site; Lots 5, 6, 7, and 8, Paulline's Addition. The site is developed with a 1,389 square-foot building located in the southeast corner built in 1947. South of the building is an outdoor seating area. The remainder of the lot is paved parking. There are two drive approaches to South Broadway; however, one of them runs into the outdoor seating area. A third driveway is to the unpaved alley located west of the site. South Broadway Avenue is an arterial street. According to the applicant's agent, the site's building has been vacant for approximately 12 months, but has been used as a tavern and drinking establishment and entertainment establishment for more than 25 years. The agent also states that the owner is actively seeking a tenant to operate the establishment (see attached letter.) According to Metropolitan Area Building and Construction Department records, the last alcohol license for the application area (1321 South Broadway) expired on September 22, 2014. The property has wooden fencing along its southern property line and along its western property line, although the fencing along the west property line has missing boards. Solid screening is required by code along the rear lot line.

Located immediately north of the site is an LC and GC General Commercial (GC) zoned motel. North of the motel is a GC zoned parking lot or a museum. East of the application area, across the approximately 75-foot wide South Broadway Avenue, is the GC, LC and SF-5 Single-Family Residential (SF-5) zoned Lincoln Park. The SF-5 zoned portion of the park is located approximately 227 feet east of the application area. Located approximately 83 feet southeast of the site is the LC zoned Immanuel Baptist Church. South of the site is a duplex that is zoned LC. Farther south along South Broadway Avenue, but north of East Zimmerly Street, are single-family and two-family residences and offices also zoned LC. South of East Zimmerly Street, on the west side of South Broadway Avenue is Hamilton Middle School. Located west of the site, across a platted 20-foot wide alley, are single-family and two-family residences zoned TF-3 Two-Family Residential (TF-3). When a "tavern and drinking establishment," "entertainment establishment in the city" or a "nightclub in the city" is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a Conditional Use is required; Unified Zoning Code (UZC), Sec.III-D.6.w.

The applicants have provided an aerial site plan (attached) of the 13,328-square foot platted site. The aerial shows the existing building and paved parking located to the north and west. A tavern-drinking establishment requires one parking space per two occupants. The required parking total depends on the Fire Marshall's approved occupancy. Which is 49 occupants. If approved, the applicant needs to verify that the site can comply with the required 25 parking spaces or seek an administrative adjustment, variance or off-site parking solution.

The site has no landscaping; however, until the building is expanded by 30 percent or has improvements equal to 50 percent of its value the requirements of the landscape ordinance are not triggered.

The site is located within the “South Central Neighborhood Plan.” The Plan comments on the history of this portion of the City of Wichita and South Broadway Avenue. The Plan notes that the routing of US Highway 81 onto Broadway Avenue was the agent that began the change of development and zoning from residential to commercial along South Broadway Avenue. This change accelerated during the 1950s through the 1960s as automobile use increased and by the 1970s most of the residential uses along South Broadway Avenue had become commercial uses serving US Highway 81 travelers. The uses included motels, restaurants and service stations. In the 1980s Interstate Highway 135 was completed diverting automobile traffic off of South Broadway Avenue/US Highway 81, thus decreasing automobile traffic on South Broadway Avenue/US Highway 81 and leading to less need for the commercial business that had been established to serve travel on US Highway 81. The result was another land use transition along South Broadway Avenue /US Highway 81 which the area is still trying to define.

CASE HISTORY: Paulline’s Addition was recorded in 1910. The application area is located within the South Central Neighborhood Plan (DR2008-00006) area.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, GC	Motel, museum parking
SOUTH:	LC	Duplexes, offices and single-family residences
EAST:	LC, GC, SF-5	Public park, church
WEST:	TF-3	Single-family and two-family residences

PUBLIC SERVICES: The site has two drives onto South Broadway Avenue/US Highway 81, a four-lane minor arterial. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Future Growth Concept Map,” adopted in 2015 as part of the *Community Investments Plan*, depicts this location as being appropriate for “residential,” which encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Elementary and middle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas.

The site is also located within the “South Central Neighborhood Land Use Plan,” adopted in 2009 as part of the City’s comprehensive plan. The “South Central Neighborhood Land Use Guide Map” depicts the site as appropriate for “commercial uses.” The location guidelines of the South Central Neighborhood Land Use Guide identify bars as a “least desirable land use.” Least desirable land use properties should be restricted to uses that are permitted by right.

The South Central Neighborhood Plan also includes recommendations regarding taverns and drinking establishments:

- Page 31 of the Plan states in regards to South Broadway improvements, “...reduce the number of car lots, motels, and bars.”
- Page 34 of the Plan states that the “South Central Neighborhood businesses lack variety. Used car lots, motels and bars are common in the neighborhood...” and that they did not provide the local services needed by the neighborhood (pretty much repeated on page 37)

- Page 82 of the Plan states that, “Many of the business properties in the neighborhood are developed with motels, used car lots, and bars that do not provide direct goods and services to the neighborhood and create negative impacts on the residential areas.” = different businesses are needed
- Page 83 of the Plan states, “...discourage increased use of neighborhood commercial properties for motels, used car lots and bars.”

For comparison purposes selected land uses associated with the service of food or alcohol to the public and the uses’ definitions are provided below:

“Drinking establishment, restaurant” is not a defined use in the Wichita-Sedgwick County Unified Zoning Code (UZC); however, it is defined in the alcohol licensing portion of city code, and is defined as an establishment that serves alcoholic liquor or cereal malt beverage for consumption on the premises that derives in a six-month period of more than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises.

The UZC defines an “event center in the city” as “premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled.” (Article II, Section II-B.4.m)

An “entertainment establishment in the city,” as defined by the UZC, is “an “event center” or any person or entity that provides entertainment as defined by Chapter 3.30 of the Code of the City of Wichita or any person or entity that provides a venue for any such entertainment. For purposes of this code, entertainment establishment(s) in the city where the establishment is licensed to sell alcoholic liquor or cereal malt beverage or if alcoholic liquor or cereal malt beverage will be offered, consumed or served on the premises shall be considered a nightclub in the city.” (Article II, Section II-B.4.l) Entertainment includes dancing by patrons or employees or live acts, such as a live musician or group or band, including karaoke.

A “tavern and drinking establishment” is defined by the UZC as an “establishment engaged in the preparation and retail sale of alcoholic liquor or cereal malt beverage for consumption on the premises that derives in six-month period of less than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises.” (Article II, Section II-B.13.b)

The UZC defines a “nightclub in the city” as an “establishment located in the city that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, and which may or may not serve food.” (Article II, Section II-B.9.b)

With respect to hours of operation, no club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of two a.m. and nine a.m. on any day.

RECOMMENDATION: Based upon the information available prior to the public hearings, including the specific direction given in the South Central Neighborhood Plan, planning staff recommends that the request for a Conditional Use for the requested uses be **DENIED.**

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** Located immediately north of the site is an LC and GC zoned motel. North of the motel is a GC zoned museum. East of the application area, across the approximately 75-foot wide South Broadway Avenue, is the GC, LC and SF-5 zoned Lincoln Park. The SF-5 zoned portion of the park is located approximately 227 feet east of the application area. Located approximately 83 feet southeast of the site is the LC zoned Immanuel Baptist Church. South of the site is a duplex that is zoned LC. Farther south along South Broadway Avenue, but north of East Zimmerly Street, are single-family and two-family residences and offices also zoned LC. South of East Zimmerly Street, on the west side of South Broadway Avenue is Hamilton Middle School. Located west of the site, across a platted 20-foot wide alley, are single-family and two-family residences zoned TF-3.

It has been noted that the routing of US Highway 81 onto Broadway Avenue was the agent that began the change of development and zoning from residential to commercial along South Broadway Avenue. This change accelerated during the 1950s through the 1960s as automobile use increased and by the 1970s most of the residential uses along South Broadway Avenue had become commercial uses serving US Highway 81 travelers. The uses included motels, restaurants and service stations. In the 1980s Interstate Highway 135 was completed diverting automobile traffic off of South Broadway Avenue/US Highway 81, thus decreasing automobile traffic on South Broadway Avenue/US Highway 81 and leading to less need for the commercial business that had been established to serve travel on US Highway 81. The result was another land use transition along South Broadway Avenue /US Highway 81 which the area is still trying to define.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC, which accommodates at least 43 uses not subject to supplementary use standards, ranging from single-family, duplex and multi-family residential, office, retail sales and service uses, such as motel, commercial parking or service station. It is reasonable to expect that the property could be put to other economically viable uses than a drinking establishment or nightclub in the city.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Typical concerns about tavern-drinking establishments include nuisance behavior resulting from liquor and/or cereal malt beverage sales, late night noise, and the hours of the nightclub can have a detrimental impact on the adjacent and abutting residential uses. Nightclubs and drinking establishments may serve alcohol until 2:00 a.m. These are negative considerations that would be reintroduced to the adjacent single-family residential neighborhood, Lincoln Park and Immanuel Baptist Church after at least one year of inactivity at the site and two years without a liquor license.
- (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 would potentially add choice to the market place with respect to the requested uses. Denial would presumably represent a loss of economic opportunity for the applicant.

(5) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2035 Wichita Future Growth Concept Map,” adopted in 2015 as part of the *Community Investments Plan*, depicts this location as being appropriate for “residential,” which encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Elementary and middle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas.

The site is also located within the “South Central Neighborhood Land Use Plan,” adopted in 2009 as part of the City’s comprehensive plan. The “South Central Neighborhood Land Use Guide Map” depicts the site as appropriate for “commercial uses.” The location guidelines of the South Central Neighborhood Land Use Guide identify bars as a “least desirable land use.” Least desirable land use properties should be restricted to uses that are permitted by right.

A tavern-drinking establishment can be a local commercial type of development and can be permitted by right in some zoning districts. However, when a tavern-drinking establishment is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a Conditional Use is required; Unified Zoning Code (UZC), Sec.III-D.6.w. The LC zoned site is located approximately 20 feet east, across a platted alley, from a single-family and two-family residential uses zoned TF-3. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The site does have direct access onto South Broadway Avenue/US Highway 81, a four-lane minor arterial street. The close proximity of the proposed tavern-drinking establishment to the duplex to the south and the single-family and duplex residences located to the west make it difficult to become a compatible neighbor.

The South Central Neighborhood Plan includes recommendations regarding taverns and drinking establishments:

- Page 31 of the Plan states in regards to South Broadway improvements, “...reduce the number of car lots, motels, and bars.”
- Page 34 of the Plan states that the “South Central Neighborhood businesses lack variety. Used car lots, motels and bars are common in the neighborhood...” and that they did not provide the local services needed by the neighborhood (pretty much repeated on page 37)
- Page 82 of the Plan states that, “Many of the business properties in the neighborhood are developed with motels, used car lots, and bars that do not provide direct goods and services to the neighborhood and create negative impacts on the residential areas.” = different businesses are needed
- Page 83 of the Plan states, “...discourage increased use of neighborhood commercial properties for motels, used car lots and bars.”

The request is not in conformance with the South Central Neighborhood Plan or the Community Investments Plan.

- (6) Impact of the proposed development on community facilities:** It is possible that approval of this request could result in an increased demand for police services.

If the planning commission determines that the requested uses are appropriate, planning staff recommends that the request for a Conditional Use for a Nightclub in the City be **APPROVED**, with the following conditions:

- (1) The applicant shall obtain a parking reduction through a zoning administrative adjustment or variance and/or a shared parking agreement to conform to the UZC parking requirements.
- (2) The applicant shall submit a revised site plan, to be approved by planning staff that depicts that the site complies with minimum parking requirements.
- (3) The site shall be developed and maintained in conformance with the approved site plan.
- (4) No outside loudspeakers or outdoor entertainment is permitted.
- (5) The site shall maintain all necessary licenses for a nightclub in the city.
- (6) The site shall conform to all applicable codes and regulations to include but not limited to zoning, building, fire and health.
- (7) 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.

BILL LONGNECKER, Planning Staff presented the Staff Report. He reported that staff recommend denial of the application because they felt this is not a good site and something else needs to occur at this location. He said quite a few people spoke against it at DAB III who also recommended denial. He said the South Central Neighborhood Plan of 2009 was very specific that this was one of the least desirable land uses for the area.

CHAIR FOSTER asked if the agent or applicant would come to the podium.

LONGNECKER reported that neither the agent nor the applicant were present at the meeting and it was noted for the record.

GAYLE TENBROOK, ASSOCIATE PASTOR, EMMANUEL BAPTIST CHURCH, 1415 SOUTH TOPEKA AND MEMBER OF THE SOUTH CENTRAL NEIGHBORHOOD ASSOCIATION AND SOUTH CENTRAL IMPROVEMENT ALLIANCE said they strongly recommend that the Commission follow staff's recommendation for denial of this application. He said he has been on staff at Emmanuel Baptist Church for over 36 years and they have had constant problems with this location both during the day and at night. He mentioned that at one time the church had a food pantry and that patrons would trade food they got at the pantry for beer and the proprietor of the bar at that time would use the food pantry food to meet their requirement to sell so much food versus alcohol. He said this establishment has not been a good neighbor. He said many things are going well in south central and they would like to see that trend continue. He concluded by stating that the MAPC adopted the South Central Neighborhood Plan in February, 2009 which included this conditional use as one of the least desirable land uses for the area.

JANET PRICE, 2010 SOUTH WATER, PRESIDENT, SOUTH CENTRAL NEIGHBORHOOD ASSOCIATION AND SECRETARY, SOUTH CENTRAL IMPROVEMENT ALLIANCE said both organization's plan is to try and get better service and businesses in the area. She asked the Commission to support denial of the proposed land use.

TODD said he will support the motion but added that generally he supported legalizing non-conforming or "grandfathered" in uses because he believes that approving zoning changes after the fact limits private business and he is a big advocate of private property rights. He added that since neither the agent nor owner felt it was adequate to be present today, that was also why he was voting yes on the motion.

MOTION: To deny subject to staff recommendation.

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

MCKAY (Out @2:55 p.m.)

9. **Case No.: CON2016-00031** - Homer Morgan Revocable Trust (applicant/owner); Stephen M. Joseph (agent) request a City Conditional Use to permit a Tavern and Drinking Establishment and an Entertainment Establishment within 300 feet of residential zoning on property zoned LC Limited Commercial on property described as:

A tract in lot 2, Andeel Addition to Wichita, Sedgwick County, Kansas, described as beginning at the Southeast corner of lot 2, thence North 365.54 feet to the South line of a 20 foot drainage easement, thence West 142 feet, thence Southerly-Westerly and Northerly 210.9 feet to the intersection of the West line of lot 2 and the South line of a 20 foot alley, thence South 125.54 feet, thence East 150 feet, thence South 240 feet, thence East 70 feet to the point of beginning together with the South half of vacated cul-de-sac accruing thereto on the North.

BACKGROUND: The applicant is seeking conditional use approval for a "tavern and drinking establishment," "entertainment establishment in the city" and a "nightclub in the city." The application area, 4916 East Lincoln Street, is located east of South Oliver Avenue, north of East Lincoln Street. The property is zoned LC Limited Commercial (LC). The site currently has a commercial building than contains two commercial uses, one of which is The Hideaway Bar, which is located in the northern end of the building. The southern end of the building, 4900 East Lincoln Street, houses a separate commercial use. The applicant states that a "tavern and drinking establishment" and an "entertainment establishment" has functioned on the site for more than 25 years (see attached letter). According to Metropolitan Area Building and Construction Department records, the facility had a drinking establishment and entertainment center licenses that expired on April 27, 2016. Staff was not able to calculate the amount of parking located within the application area. Primary access is a single driveway off of East Lincoln Street; however, the site's parking lot is connected to the commercial use located to the west that has its own driveway (see attached aerial site plan).

The site has a drainage ditch located immediately east of the site that is zoned B Multi-Family Residential (B). One-hundred seventy feet farther east of the site, across the drainage ditch and Elpyco Street, are single-family residences zoned TF-3 Two-Family Residential (TF-3). Southeast of the site, across East Lincoln Street, is a B zoned apartment tower. Directly south of the application area, across East Lincoln Street, is an LC Limited Commercial (LC) zoned shopping center subject to Community Unit Plan DP-60. Connected to the Hideaway Bar building to the west is a LC zoned Dollar General store that is not owned by the applicant (or at least it is not titled in the applicant's same name). Located northwest of the site is an LC zoned diner (4834 East Lincoln Street). To the north of the site is an LC zoned office building (4930 East Lincoln Street), and an apartment building (4964 East Lincoln Street).

Nightclub in the city is defined by the Unified Zoning Code (UZC) as an establishment that provides entertainment and/or dancing, where alcoholic beverages are served and where food may or may not be served. The UZC permits a nightclub in the city in the LC zoning district by right, but requires a conditional use if the property is located within 300 feet of a church, park, school or residential zoning district.

CASE HISTORY: The site is a portion of the Andeol Addition recorded in 1970. The building on the site was constructed in 1973.

ADJACENT ZONING AND LAND USE:

North: LC	Office, diner and an apartment
South: LC, B	Retail, shopping center, apartment tower
East: B, TF-3	Drainage ditch, single-family residential
West: LC	Dollar General, auto parts,

PUBLIC SERVICES: East Lincoln Street is a paved arterial street with four lanes. All other urban utilities and services are available.

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 mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "new residential" and adjacent to areas identified as "new employment." The UZC requires one parking space per two seats for nightclubs. The use's occupancy load of the building is 99; therefore, 50 parking spaces are required. If the request is approved, the applicant will need to demonstrate that the site can provide the minimum required parking or can obtain a shared parking agreement or a combination of parking reduction through an adjustment or variance with a shared parking agreement to meet the UZC parking requirement.

RECOMMENDATION: The applicant indicates the site has been a "tavern and drinking establishment" and an "entertainment establishment in the city" for over 25 years. It appears that the use has not been incompatible with nearby uses. Approval of the additional request for a "nightclub in the city" should not add an additional burden to adjoining property owners. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a Nightclub in the City be **APPROVED**, with the following conditions:

- (1) The applicant shall submit a revised site plan, to be approved by planning staff, that indicates that the site can provide required parking or the applicant shall obtain a parking reduction through a zoning administrative adjustment or variance and/or a shared parking agreement to conform to the UZC parking requirements.
- (2) The site shall be developed and maintained in conformance with the approved site plan.
- (3) No outside loudspeakers or outdoor entertainment is permitted.
- (4) The site shall maintain all necessary licenses for a nightclub in the city.
- (5) The site shall conform to all applicable codes and regulations to include but not limited to zoning, building, fire and health.
- (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 site is the eastern edge of a larger commercial area centered on the intersection of East Lincoln Street and South Oliver Avenue. The site has a drainage ditch located immediately east of the site that is zoned B Multi-Family Residential (B). One-hundred seventy feet farther east of the site, across the drainage ditch and Elpyco Street, are single-family residences zoned TF-3 Two-Family Residential (TF-3). Southeast of the site, across East Lincoln Street, is a B zoned apartment tower. Directly south of the application area, across East Lincoln Street, is an LC Limited Commercial (LC) zoned shopping center subject to Community Unit Plan DP-60. Connected to the Hideaway Bar building to the west is a LC zoned Dollar General store that is not owned by the applicant (or at least it is not titled in the applicant's same name). Located northwest of the site is an LC zoned diner (4834 East Lincoln Street). To the north of the site is an LC zoned office building (4930 East Lincoln Street), and an apartment building (4964 East Lincoln Street).
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC and developed with a commercial building. The LC district accommodates at least 43 uses not subject to supplementary use standards, ranging from single-family, duplex and multi-family residential, office, retail sales and service uses, such as motel, commercial parking or service station. It is reasonable to expect that the property could be put to other economically viable uses other than a drinking establishment or nightclub in the city.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is zoned LC and could be developed with any range of permitted uses in that district. The proximity of residential zoning triggers the conditional use review for a nightclub. Noise and activity from the nightclub could impact nearby residences; proposed conditions prohibiting outdoor speakers and entertainment should mitigate this impact. The limited size of the site and building will prevent expansion beyond a neighborhood scale, and proposed conditions should mitigate impacts on surrounding properties.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial of the request would presumably be an economic hardship upon the property owner, as the applicant owns the property and desires to operate the proposed business within LC zoning. Approval of the request would maintain choice for such an establishment in the market place.
5. 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 mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "new residential" and adjacent to areas identified as "new employment." The UZC requires one parking space per two seats for nightclubs. The use's occupancy load is 99; therefore, 50 parking spaces are required. If the request is approved, the applicant will need to demonstrate that the site can provide the minimum required parking or can obtain a shared parking agreement or a combination of parking reduction through an adjustment or variance with a shared parking agreement to meet the UZC parking requirement.
6. Impact of the proposed development on community facilities: The proposed Conditional Use should not impact community facilities to any greater extent than other uses permitted in the LC zoning district.

BILL LONGNECKER, Planning Staff presented the Staff Report. He reported that DAB recommended approval of the application and no one from the neighborhood spoke at the DAB. He said he did receive one phone call from a nearby property owner east of the site on other side of the drainage canal along Elpyco who wanted to let him know that there had been a shooting at the site within the last couple of years.

MILLER STEVENS asked if the parking lot is adequate.

LONGNECKER said staff is asking for a revised site plan because it is hard to determine if parking is adequate from the aerial provided. He said one of the conditions of approval is that the applicant provide adequate parking or request a parking reduction through either an administrative adjustment or a variance.

CHAIR FOSTER asked if the agent or applicant would come to the podium.

LONGNECKER reported that neither the agent nor the applicant were present at the meeting and it was noted for the record.

DEANNA FABER, 842 ELPYCO said she has lived directly across from the location since 2009. She said this establishment has been a bar and currently is not operating. She said previously WPD had the establishment under surveillance and undercover WPD would be parked on Elpyco. She said she believed it was raided and closed down due to gang activities and drug issues. She said after that it reopened as the Hideaway. She said there is a noise issue and there

seems to be no insulation in the building. She said even with the doors closed they can still hear music booming in their house. She said there are fights, trash, traffic and she has even seen cars go into the canal. She said neighbors have contacted WPD regarding noise complaints and fights and were told that there is not enough manpower to patrol unless there are shootings in the area, then they can help them out.

CHAIR FOSTER asked if some trees were planted on the east side of the parking.

FABER indicated that the City planted some trees when they widened the canal several years ago. She said when the weather turns cold she can hear conversations outside of the bar with her windows closed, the television on and the heater blowing.

MOTION: To table the item until the applicant provides a site plan and comes to the meeting.

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

10. **Case No.: CON2016-00041** - Robert and Susan Snyder (applicants/owners); Ferris Consulting – Greg Ferris (agent) request a City Conditional Use to permit a Tavern and Drinking Establishment and an Entertainment Establishment within 300 feet of residential zoning on property zoned LC Limited Commercial on property described as:

Lot 1, Magnus Second Addition, Wichita, Sedgwick County, Kansas.

BACKGROUND: This conditional use application is for development located west of Hillside and immediately south of E. 31st St. South at 3201 E. 31st St. South on Lot 1, Magnus 2nd Addition. Annexed into the City of Wichita in 1961, this property has been developed and operated as a nightclub since the late 1960's (previously dba the Stables, the Casino, the Fantasy, and more recently as the Venue). Over the last 45 years, the property has changed hands many times. However, its use has remained unchanged along with its non-conforming use status. This property has been recently purchased. Although the nightclub facility could continue to be operated indefinitely, the new owner wishes to bring the use of Lot 1 into conformance with the current zoning code. The adjoining MF-18 and MF-29 multi-family zoned properties require that the applicant obtain a Conditional Use approval to bring this property into zoning conformance. When a LC-Limited Commercial zoned nightclub or a GC-General Commercial zoned outdoor patio/events area serving alcohol is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a Conditional Use is required under Unified Zoning Code (UZC), Sec.III-D.6.w.

This site was originally unplatted property zoned Limited Commercial, when it was annexed into the City of Wichita on October 21, 1961. It was later platted as Lot 1, Magnus 2nd Addition and recorded with the Sedgwick County Register of Deeds on June 19, 1980. In 1984, a portion of this lot (fenced outdoor patio/events area) was rezoned from Limited Commercial to General Commercial use (Case Z-2620). Lot 1 is predominately zoned LC-Limited Commercial, and includes the building and the north and east parking lot areas. The outdoor patio/events area adjacent to the west side of the building on Lot

1 is fenced and zoned GC-General Commercial. Additional nightclub parking is also provided immediately west of Lot 1 on the 50 foot-wide “flagpole” portion (portion zoned LC-Limited Commercial) of Lot 2, Magnus 2nd Addition. Lot 2 (also owned by the applicant) surrounds Lot 1 on its west and south perimeters.

Existing site development is characterized as follows:

- Indoor nightclub facility of approximately 4,360 square feet;
- Posted maximum building occupancy is 299 persons;
- Existing fenced outdoor patio/events area (12,000 sq. ft.) on west side of building;
- 92 newly striped on-site parking spaces north and east of the building, with the capacity (yet-to-be striped) for about 31 additional parking spaces west of the building. A total of 123 on-site parking spaces would allow a maximum building occupancy of 246 persons based on compliance with current UZC requirements (one on-site parking space per two occupants);
- Easterly 40 feet of Lot 1 contains dedicated utility and drainage easements which effectively create an open space buffer from existing residential and commercial developments located to the east. Deciduous tree row buffer adjacent to the east boundary of Lot 1, but no solid screen fencing on Lot 1;
- Established eight-foot high perimeter fencing along the west property line of Lot 2 with a dense shelterbelt of mature trees;
- Established eight-foot high perimeter fencing and tree line separate the parking lot areas from the adjacent portions of Lot 2 to the south.

CASE HISTORY: There is no record of a Use Exception or Conditional Use approval for a tavern, drinking establishment or nightclub on this site. In 1984, a portion of this lot (fenced outdoor patio/events area) was rezoned from Limited Commercial to General Commercial use. The use of Lot 1 for a tavern, drinking establishment and nightclub was established prior to the adoption of the Wichita-Sedgwick County Unified Zoning Code in 1996.

ADJACENT ZONING AND LAND USE:

- | | |
|-----------------|---|
| NORTH: LC | Long-established retail commercial strip mall and free-standing commercial development located northwest, north and northeast (vacant building). Gas station/retail service center development situated directly north. |
| SOUTH: MF-29 | Vacant/undeveloped parcel located immediately south (owned by the applicant). |
| EAST: LC, MF-48 | Retail commercial building (vacant) immediately to the east fronting E. 31 st St. South; Residential duplexes (Starkey facilities) immediately to the east; Southern Hills senior-living residential facility situated east of the residential duplexes. |
| WEST: LC | Nightclub parking lot located immediately west on “flag-pole” portion of Lot 2. Mobile home park residential units located west of Lot 2. |

PUBLIC SERVICES: All public utilities are available to the site. The site has two ingress/egress points on 31st St. South, which is a four-lane arterial street. Hillside Avenue is a four lane arterial street located northeast of the site, and terminates at 31st St. South.

CONFORMANCE TO PLANS/POLICIES: The “Community Investment Plan’s 2035 Wichita Future Growth Map” depicts the site and surrounding area south of E. 31st St. South as being “residential.” The residential designation encompasses areas that reflect the full diversity of residential development intensities and types typically found in a large urban municipality. The range of housing densities and types includes single-family detached homes, semi-detached homes, zero lot-line units, patio homes, duplexes, townhomes, apartments and multi-family units, mobile home parks and special residential accommodations for the elderly. A nightclub would not typically be considered an appropriate use within a residential designation. Notwithstanding this “residential” designation, the predominant zoning pattern for the immediate area surrounding the site to the east, west and north is LC-Limited Commercial. The only exceptions are MF-29 Multi-family zoning on the applicant’s vacant property immediately south, and MF-18 Multi-family zoning on the residential duplex development immediately to the east.

Locational criteria for commercial development include three key elements: development pattern, land use compatibility, and design. The nightclub development is visually buffered from adjacent land uses to the east, south and west. Given that a nightclub has operated at this site over many decades, staff has found no evidence or record that this use has created negative impacts to residential development in proximity to this site. The nightclub development is also compatible with the existing commercial development on the north side of E. 31st St. South.

RECOMMENDATION: Approval of this Conditional Use application would create current UZC compliance for an existing nightclub that was established long before the adoption of the Wichita-Sedgwick County UZC in 1996. If denied, the applicant could continue to operate as a lawful non-conforming use, but with the burden of maintaining the site’s non-conforming rights.

Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a nightclub facility be **APPROVED**, with the following conditions:

- (1) The nightclub facility inclusive of the outdoor patio/events area shall be limited to an occupancy of 246 persons, as permitted by off-street parking requirements set forth in Sec. IV-A.4 of the UZC. Alternately, the applicant shall meet the UZC parking requirements by obtaining a parking reduction and/or securing an off-site parking agreement.
- (2) Outdoor speakers and outdoor entertainment is permitted between the hours of noon and 11:00 p.m.
- (3) A 6 ft. to 8 ft. high solid screening fence shall be installed along the east boundary of Lot 1 where it abuts MF-18 Multi-family zoned property, in accordance with Sec. IV-B.3 of the UZC.
- (4) The site shall be developed in conformance with a revised site plan approved by planning staff. This plan shall depict, at a minimum, the occupancies contained on the subject property; required on-site parking spaces; freestanding lighting; trash dumpsters and screening enclosures; on-site signage; the fenced outdoor patio/events area; and, all landscaping and fencing/solid screening. The site plan must be submitted for review within 60-days of approval of the Conditional Use.
- (5) The site shall maintain all necessary licenses for a nightclub in the city.
- (6) The site shall conform to all applicable codes and regulations to include but not limited to zoning, building, fire, and health.

- (7) 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 predominant zoning pattern for the immediate area surrounding the site to the east, west and north is LC-Limited Commercial. The only exceptions are MF-29 Multi-family zoning on the applicant's property immediately south, and MF-18 Multi-family zoning on the residential duplex development immediately to the east. The nightclub facility is visually buffered from adjacent land uses to the east, south and west. The nightclub facility is also compatible with the existing commercial development on the north side of E. 31st St. South.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned the LC-Limited Commercial, which is meant to accommodate retail, commercial, office and other complementary uses. If approved, the request would transform the existing nightclub as a conforming use on the site.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Typical concerns about tavern/drinking establishment/nightclub include bad behavior resulting from unlimited liquor sales, the noise from music and dancing, and the hours of nightclub operations creating a detrimental impact on surrounding residential neighborhoods. Given that a nightclub has operated at this site over many decades, staff has found no evidence or record that this use has created negative impacts to residential development in proximity to this site.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "Community Investment Plan's 2035 Wichita Future Growth Map" depicts the site and surrounding area south of E. 31st St. South as being "residential." A nightclub facility would not typically be considered an appropriate use within a "residential" designation. However, the predominant and longstanding zoning pattern for the immediate area surrounding the site to the east, west and north is LC-Limited Commercial. Locational criteria for commercial development include three key elements: development pattern, land use compatibility, and design. This site has developed and operated as a nightclub since the late 1960's, and was established prior to the adoption of the Wichita-Sedgwick County Unified Zoning Code in 1996. The nightclub facility has long-established visual buffers from adjacent land uses to the east, south and west. The nightclub is compatible with the existing commercial development to the north.
- (5) **Impact of the proposed development on community facilities:** It is not likely that approval of this request would result in an increased demand for police services.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

- 11. **Case No.: CON2016-00044** - Spangles, Inc., c/o Dave Dooman (owner); T-Mobile Central, LLC c/o George Wyrick and PI Tower Development, LLC c/o Ron Bittner (applicants); Ferris Consulting c/o Greg Ferris I(agent) request a City Conditional Use to permit a 125 foot tall monopole wireless communication facility on property zoned LC Limited Commercial on property described as:

A Lease Area being a portion of a certain tract of land described in Document #28799010 as recorded in the Register of Deeds Office for Sedgwick County, Kansas, lying in the SW 1/4 of Section 29, Township 27 South, Range 2 East, Sedgwick County, Kansas and being more particularly described as follows:

Commence at a capped rebar (PLS 186) found in place at the NE corner of Lot 4, Triple J Addition, Drawer R-2 2-23 as recorded in said Register's Office; thence S 00°50'42" E along the easterly line of said Lot 4, a distance of 30.06 feet to a point; thence S 89°47'02" W leaving said easterly line a distance of 16.24 feet to a PK Nail set and the Point of Beginning; thence S 00°12'58" E a distance of 70.00 feet to a PK Nail set; thence S 89°47'02" W a distance of 19.00 feet to a PK Nail set; thence N 00°12'58" W a distance of 70.00 feet to a PK Nail set; thence N 89°47'02" E a distance of 19.00 feet to the Point of Beginning.

An easement being a portion of a certain tract of land described in Document #28799010 as recorded in the Register of Deeds Office for Sedgwick County, Kansas, lying in the SW 1/4 of Section 29, Township 27 South, Range 2 East, Sedgwick County, Kansas and being more particularly described as follows:

Commence at a capped rebar (PLS 186) found in place at the NE corner of Lot 4, Triple J Addition, Drawer R-2 2-23 as recorded in said Register's Office; thence S 00°50'42" E along the easterly line of said Lot 4, a distance of 30.06 feet to a point; thence S 89°47'02" W leaving said easterly line a distance of 16.24 feet to a PK Nail set; thence S 00°12'58" E a distance of 70.00 feet to a PK Nail set; thence S 89°47'02" W a distance of 9.50 feet to the Point of Beginning of an Ingress/Egress and Utility Easement being 20 feet wide and lying 10 feet each side of the following described centerline; thence S 00°18'26" W a distance of 104.78 feet to a point; thence S 38°50'18" W a distance of 14.84 feet to a point; thence S 54°31'41" W a distance of 99.32 feet more or less to the westerly line of said Lot 4 and the Point of Ending.

An easement being a portion of Lot 1, Block A Spangles Addition recorded in Drawer PC188-3 in the Register of Deeds Office for Sedgwick County, Kansas, lying in the SW 1/4 of Section 29, Township 27 South, Range 2 East, Sedgwick County, Kansas and being more particularly described as follows:

Commence at a capped rebar (illegible) found in place at the NE corner of Lot 4, Triple J Addition, as recorded in said Register's Office; thence S 00°50'42" E along the easterly line of said Lot 4, a distance of 30.06 feet to a point; thence S 89°47'02" W leaving said easterly line a distance of 16.24 feet to a PK Nail set; thence S 00°12'58" E a distance of 70.00 feet to a PK Nail set; thence S 89°47'02" W a distance of 9.50 feet to a point; thence S 00°18'26" W a distance of 104.78 feet to a point; thence S 38°50'18" W a distance of 14.84 feet to a point; thence S 54°31'41" W a distance of 99.32 feet more or less to the westerly line of said Lot 4, said westerly line also being the easterly line of said certain Lot 1, Block A and the Point of Beginning of an Ingress/Egress and Utility Easement being 20 feet wide and lying 10 feet each side of the following described centerline; thence N 89°58'10" W a distance of 150.00 feet, more or less to the easterly right of way line of S. Rock Road and the Point of Ending.

BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 125-foot high monopole tower for use by T-Mobile. The subject property is zoned LC Limited Commercial and is located north of Harry Street and east of Rock Road at 1214 S. Rock Rd. Wireless Communication Facilities over 120 feet in height in the LC zoning district require a Conditional Use.

The tower is proposed to be located within a 0.03 acre lease area as shown on the attached site plan. Access to the site is proposed via a 20-foot wide ingress/egress and utility easement to Rock Road. The tower is proposed to be located in the center of lease area. The equipment compound is proposed to have building and/or equipment pads for four telecommunication providers. Since the equipment compound is located within 150 feet of residential zoning, screening of the equipment compound is required. The proposed tower location conforms to all setback requirements of the Compatibility Height Standard. Due the proximity of McConnell Air Force Base, Federal Aviation Administration (FAA) has limited the height of the tower to 130 feet.

The character of the surrounding area primarily commercial at the arterial intersection of Harry Street and Rock Road. Property to the north is zoned LC and developed primarily with restaurant and convenience retail uses. Properties to the west are zoned B Multi-Family Residential and are developed with apartments.

CASE HISTORY: The subject property is platted as part of the Triple J Addition, which was recorded November 1, 1973. A Use Exception to permit a self-service car wash was granted September 25, 1979; however, the facility was not constructed within the one-year time frame granted by the Board of Zoning Appeals.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Commercial strip center
SOUTH:	LC	Fast food restaurant, convenience store
EAST:	B	Apartments
WEST:	LC	Restaurant, retail

PUBLIC SERVICES: No municipally-supplied public services are required. The applicant will extend electrical and phone service to the site. The site has access to Rock Road, an arterial street.

CONFORMANCE TO PLANS/POLICIES: The Wireless Communication Master Plan outlines the guidelines for locating Wireless Communication Facilities. The proposed tower conforms with the following Design Guidelines of the Wireless Communication Master Plan: 1) is consistent with the existing commercial character of the area; 2) minimizes the silhouette by its monopole design; 3) uses colors and materials that blend in with the existing environment 4) is placed in an area where buildings obscure some of the facility from view; and 5) is screened through fencing. The Unified Zoning Code currently requires Supplementary Use Regulations pertaining to collocation requirements for Wireless Communication Facilities that are inconsistent with recently enacted changes to State Law; therefore, approval of the Conditional Use can only be granted by the City Council, since a waiver of Supplementary Use Regulations would be required.

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

- A. The applicant shall obtain all permits necessary to construct the Wireless Communication Facility, and the Wireless Communication Facility shall be erected within one year of approval of the Conditional Use by the Governing Body.
- B. The support structure shall be a “monopole” design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- C. The support structure shall be no taller than 125 feet in height, plus an additional five (5) feet for lightning suppression equipment.
- D. The equipment compound shall be screened with a six (6) to eight (8) foot tall solid screening fence.
- E. A site plan and elevation drawing indicating the approved design of the Wireless Communication Facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the Governing Body and prior to the issuance of the Conditional Use Resolution.
- F. The site shall be developed in general conformance with the approved site plans. All improvements shall be completed before the facility becomes operational.
- G. The applicant shall obtain FAA approval regarding “objects affecting navigable airspace” and “impacts to terminal instrument procedures” for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the Metropolitan Area Building and Construction Department prior to the issuance of a building permit.
- H. The applicant shall obtain a Wichita Airport Hazard Zoning Permit Exemption for Area B from the Metropolitan Area Building and Construction Department prior to the issuance of a building permit.
- I. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- J. 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 VIII of 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 character of the surrounding area primarily commercial at the arterial intersection of Harry Street and Rock Road. Properties to the north, south, and west are zoned LC and developed primarily with restaurant and convenience retail uses. Properties to the west are zoned B Multi-Family Residential and are developed with apartments.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC and is currently used as parking and service access. The parking provided on the site is in excess of requirements and service access will still be provided after construction of the tower. A Conditional Use may be granted to permit a Wireless Communication Facility in the LC zoning district; however, the facility should conform to the guidelines of the Wireless Communication Plan. The proposed facility conforms to the plan's guidelines.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed tower location conforms to all setback requirements of the Compatibility Height Standard.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wireless Communication Master outlines the guidelines for locating Wireless Communication Facilities. The proposed tower conforms with the following Design Guidelines of the Wireless Communication Master Plan: 1) is consistent with the existing commercial character of the area; 2) minimizes the silhouette by its monopole design; 3) uses colors and materials that blend in with the existing environment 4) is placed in areas where buildings obscure some of the facility from view; 5) is screened through landscaping, walls, and/or fencing. The Unified Zoning Code currently requires Supplementary Use Regulations pertaining to collocation requirements for Wireless Communication Facilities that are inconsistent with recently enacted changes to State Law; therefore, approval of the Conditional Use can only be granted by the City Council, since a waiver of Supplementary Use Regulation would be required.
5. Impact of the proposed development on community facilities: FAA approval and a Wichita Airport Hazard Zoning Permit Exemption should ensure that the proposed tower does not detrimentally impact the operation of airports in the vicinity.

BILL LONGNECKER, Planning Staff presented the Staff Report. He asked the Commission to disregard the last six lines of the second paragraph on page two of the Staff Report (Conformance to Plans/Policies) where it talks about co-location. He noted that the item was scheduled to go to DAB II on October 10.

DOOL asked why the item didn't go to DAB first.

LONGNECKER said the Planning Commission public hearing schedule takes precedence when scheduling planning items. He added that the DAB is an advisory body to the City Council, not the Planning Commission, although the Planning Commission can take the DAB recommendation under consideration when reviewing an application.

DOOL asked so what happens if the Commission approves the request and the DAB recommends disapproval.

LONGNECKER said if the DAB recommends denial the Council Member can request that the item go to City Council for final action.

RICHARDSON clarified that the applicant needs another five feet and that is why the Commission is hearing the request.

LONGNECKER said that was correct.

RICHARDSON also asked how tall do towers have to be before they have to have lights on them.

LONGNECKER said he would let the applicant's agent answer that question.

GREG FERRIS, FERRIS CONSULTING, AGENT FOR THE APPLICANT, 144 S. BAY COUNTRY COURT said he represented both T-Mobile Wireless and Parallel Towers. He clarified that the applicant could not build this tower by right at the current location. He said the City has a grid of certain places where towers are allowed by right and this is not one of those locations. He said this location is not on the map.

FERRIS commented that T-Mobile needs a tower at this location to handle capacity not coverage issues. He said with more users using towers they need more capacity and more towers. He said cell phones are being used as primary phones in many homes so the towers need to be closer to residential zoning so they can penetrate the walls. He said they submitted information on the towers they are currently located on that are close to this location with their application. He said they wanted to get the FAA approval prior to submitting the application. He said lighting can be required from 60 feet on up depending on what the FAA requires. He said the FAA is not requiring lighting on this 125 foot tower. He said he likes to find sites that are less conspicuous and this is off the street and buffered by trees from the apartments and at least 250 feet from actual residential property so it seemed like a good spot.

FERRIS said staff has differing opinions as to whether or not this request needs to go to City Council. He said he has submitted a letter to the Planning Commission requesting that this be a co-locatable tower so he was asking the Planning Commission to add that to the list of conditions, at the applicant/agent's request. He concluded by saying that they concur with all other staff recommendations.

RICHARDSON asked if the FAA tells you what kind of lighting you can use or can the Commission weigh in on that.

FERRIS said the FAA specifies the type of lighting and added that City regulations prohibit strobe lights.

CHAIR FOSTER thanked Mr. Ferris for bringing the Planning Commission up to speed on industry changes.

RICHARDSON asked if the recent changes to the Wireless Communication Master Plan affected the grid map of pre-approved cell tower sites.

DIRECTOR MILLER said as far as staff is concerned no. He said the purpose of the grid was to establish areas where, if applicants met the design criteria, they could obtain permission to build a cell tower by right administratively.

FERRIS agreed that the City designated areas on the Wireless Communications Master Plan grid map will not be impacted by the change in the State Law.

MOTION: To approve subject to staff recommendation with the voluntary condition of co-location offered by the applicant.

JOHNSON moved, **RAMSEY** seconded the motion, and it carried (11-0).

RAMSEY (Out @3:35 p.m.)

- 12. Case No.: PUD2016-00007** - Tom George Investments, LLC c/o Tom George (owner); T-Mobile Central, LLC c/o George Wyrick and PI Tower Development, LLC c/o Ron Bittner (applicants); Ferris Consulting c/o Greg Ferris (agent) request a City request to amend Planned Unit Development PUD-5 to permit a 145 foot tall monopole wireless communication facility on property described as:

Lots 1 and 2, Sunnyside Village, Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is seeking a PUD Amendment to permit the construction of a 145-foot high monopole tower for use by T-Mobile. The subject property is zoned Sunnyside Village Planned Unit Development (PUD #5) and is located south of Kellogg Street and west of Hillside Avenue at 3003 E. Kellogg St.

The tower is proposed to be located within a 30-foot by 64-foot lease area on Parcel 1 of PUD #5 as shown on the attached site plan. Access to the site is proposed via a 25-foot wide ingress/egress and utility easement to Sunnyside Street. The tower is proposed to be located in the center of lease area. The equipment compound is proposed to have building and/or equipment pads for four telecommunication providers. Since the equipment compound is located within 150 feet of Parcel 2 of PUD #5, which is developed with residential uses, screening of the equipment compound is required. The proposed tower location conforms to all setback requirements of the Compatibility Height Standard.

The character of the surrounding area is dominated by the freeway interchanges of Kellogg and Hillside and Kellogg and I-135. Both interchanges have numerous tall light poles of similar height and design as the proposed tower. The property to the north across the Kellogg and Hillside freeway interchange is zoned Security Self Storage Planned Unit Development (PUD #13) and is developed a self-storage warehouse facility. Also north of the Kellogg and Hillside interchange are residential uses zoned SF-5

Single Family Residential and TF-3 Two-Family Residential that are developed on north-south streets with homes that do not directly face the proposed tower. The property to the south is developed with duplexes on Parcel 2 of PUD #5. To the east across the Kellogg and Hillside freeway interchange is a large cemetery zoned B Multi-Family Residential. West of the site is a mixture of commercial uses zoned LC Limited Commercial and residential uses zoned TF-3. While the residential uses immediately west of the site do face the proposed tower, the existing multi-story building on the site screens the proposed tower from view from these properties.

CASE HISTORY: The subject property was zoned Sunnyside Village Planned Unit Development (PUD #5) on November 17, 1998. The subject property is planned as part of the Sunnyside Village Addition, which was recorded March 3, 1999.

ADJACENT ZONING AND LAND USE:

NORTH:	PUD #13, TF-3, SF-5	Self-storage warehouse, residential uses
SOUTH:	PUD #5	Duplex
EAST:	B	Cemetery
WEST:	LC, TF-3	Commercial and residential uses

PUBLIC SERVICES: No municipally-supplied public services are required. The applicant will extend electrical and phone service to the site. The site has access to Sunnyside Street, a local street.

CONFORMANCE TO PLANS/POLICIES: The Wireless Communication Master Plan outlines the guidelines for locating Wireless Communication Facilities. The proposed tower conforms with the following Design Guidelines of the Wireless Communication Master Plan: 1) is consistent with the existing character of the area that is dominated by two freeway interchanges with tall light poles; 2) minimizes the silhouette by its monopole design; 3) uses colors and materials that blend in with the existing environment 4) is placed in an area where buildings obscure and an elevated freeway some of the facility from view; and 5) is screened through fencing. The Unified Zoning Code currently requires Supplementary Use Regulations pertaining to collocation requirements for Wireless Communication Facilities that are inconsistent with recently enacted changes to State Law; therefore, approval of the PUD Amendment can only be granted by the City Council, since a waiver of Supplementary Use Regulations would be required.

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

- A. The applicant shall obtain all permits necessary to construct the Wireless Communication Facility, and the Wireless Communication Facility shall be erected within one year of approval of the PUD Amendment by the Governing Body.
- B. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- C. The support structure shall be no taller than 145 feet in height, plus an additional five (5) feet for lightning suppression equipment.
- D. The equipment compound shall be screened with a six (6) to eight (8) foot tall solid screening fence.

- E. A site plan, elevation drawing, and revised PUD indicating the approved design of the Wireless Communication Facility shall be submitted for approval by the Planning Director within 60 days of approval of the PUD Amendment by the Governing Body and prior to publication of the PUD ordinance.
- F. The site shall be developed in general conformance with the approved site plans. All improvements shall be completed before the facility becomes operational.
- G. The applicant shall obtain FAA approval regarding “objects affecting navigable airspace” and “impacts to terminal instrument procedures” for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the Planning Director and Metropolitan Area Building and Construction Department prior to the issuance of a building permit.
- H. The applicant shall obtain a Wichita Airport Hazard Zoning Permit Exemption for Area B from the Metropolitan Area Building and Construction Department prior to the issuance of a building permit.
- I. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is dominated by the freeway interchanges of Kellogg and Hillside and Kellogg and I-135. Both interchanges have numerous tall light poles of similar height and design as the proposed tower. The property to the north across the Kellogg and Hillside freeway interchange is zoned Security Self Storage Planned Unit Development (PUD #13) and is developed a self-storage warehouse facility. Also north of the Kellogg and Hillside interchange are residential uses zoned SF-5 Single Family Residential and TF-3 Two-Family Residential that are developed on north-south streets with homes that do not directly face the proposed tower. The property to the south is developed with duplexes on Parcel 2 of PUD #5. To the east across the Kellogg and Hillside freeway interchange is a large cemetery zoned B Multi-Family Residential. West of the site is a mixture of commercial uses zoned LC Limited Commercial and residential uses zoned TF-3. While the residential uses immediately west of the site do face the proposed tower, the existing multi-story building on the site screens the proposed tower from view from these properties.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned PUD #5 and is currently used as open space. A PUD Amendment may be granted to permit a Wireless Communication Facility; however, the facility should conform to the guidelines of the Wireless Communication Plan. The proposed facility conforms to the plan’s guidelines.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed tower location conforms to all setback requirements of the Compatibility Height Standard.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wireless Communication Master outlines the guidelines for locating Wireless Communication Facilities. The proposed tower conforms with the following Design Guidelines of the Wireless Communication Master Plan: 1) is consistent with the existing character of the area that is dominated by two freeway interchanges with tall light poles; 2) minimizes the silhouette by its monopole design; 3) uses colors and materials that blend in with the existing environment 4) is placed in an area where buildings obscure and an elevated freeway some of the facility from view; and 5) is screened through fencing. The Unified Zoning Code currently requires Supplementary Use Regulations pertaining to collocation requirements for Wireless Communication Facilities that are inconsistent with recently enacted changes to State Law; therefore, approval of the PUD Amendment can only be granted by the City Council, since a waiver of Supplementary Use Regulations would be required.
5. Impact of the proposed development on community facilities: FAA approval and a Wichita Airport Hazard Zoning Permit Exemption should ensure that the proposed tower does not detrimentally impact the operation of airports in the vicinity.

BILL LONGNECKER, Planning Staff presented the Staff Report. He reported that DAB I approved the application and that the planning staff assigned to the case has indicated that they have received no protests on this use.

GREG FERRIS, FERRIS CONSULTING, AGENT FOR THE APPLICANT, 144 S. BAY COUNTRY COURT said he tries to find the least intrusive place for location of a cell tower. He said the tower will be located as far from residential and as close to the highway as possible. He said the tower will be 20-30 feet higher than the light poles in the area. He said the lease requires a solid wood screening fence around the entire perimeter of the leased area. He said since this is a PUD amendment it must go to City Council. He said they will be requesting that the building setback be vacated from 35 feet to 15 feet. He said he attended the DAB meeting where they recommended approval of the request. He said he also attended a neighborhood meeting where he answered questions and he believes obtained community support for the project. He said this tower will serve for both coverage and capacity in the area.

RICHARDSON asked what radius the tower would serve.

FERRIS said it depends on peak times but about a half mile range.

CHAIR FOSTER asked what makes it impractical for the State to allow providers on some of the lights poles, particularly since they are having revenue issues.

FERRIS said the State won't allow providers on their towers as a matter of policy. He said that may change and referred to the USD 259 policy that changed to allow other providers on their towers as a revenue source.

ELLISON asked about lighting.

FERRIS said they haven't heard from the FAA yet.

MOTION: To approve subject to staff recommendation.

JOHNSON moved, **RICHARDSON** seconded the motion, and it carried (10-0).

The Metropolitan Area Planning Commission adjourned at 3:50 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

DRAFT

STAFF REPORT

CASE NUMBER: SUB2016-00030 – SANDCREST 2ND ADDITION

OWNER/APPLICANT: RSRNHP, LLC, Attn: Jay Russell, P.O. Box 75337, Wichita, KS 67275-0337

SURVEYOR/AGENT: Baughman Company, P.A., Attn: Kris Rose, 315 Ellis Street, Wichita, KS 67211

LOCATION: South of West 29th Street North, on the east side of North Hoover Road (District V)

SITE SIZE: 30.33 acres

NUMBER OF LOTS

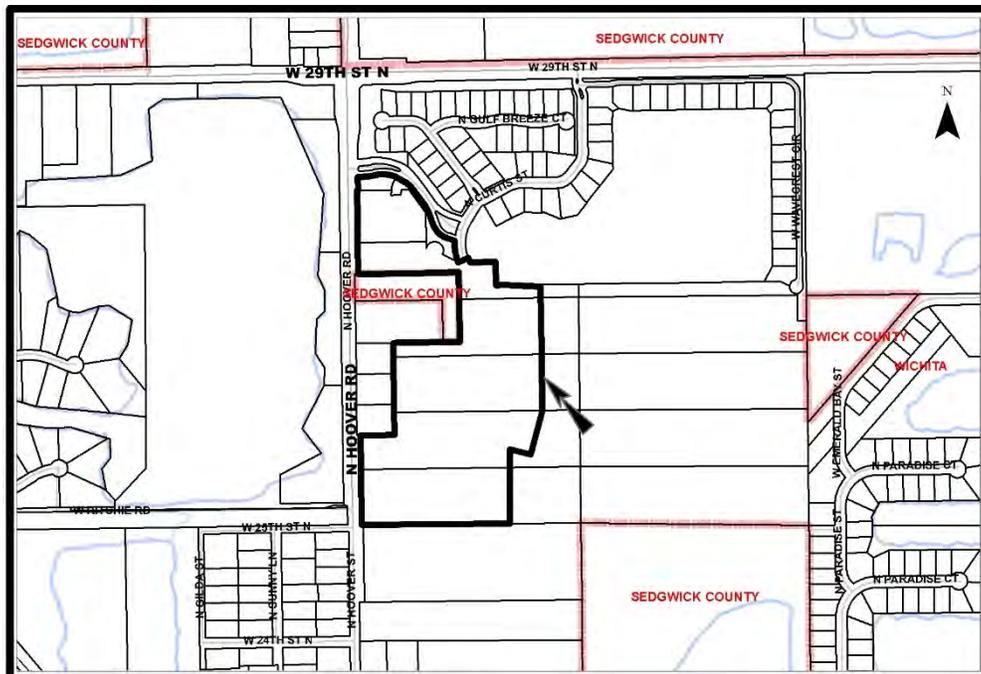
Residential:	49
Office:	
Commercial:	
Industrial:	—
Total:	49

MINIMUM LOT AREA: 8,450 square feet

CURRENT ZONING: Single-Family Residential (SF-5)

PROPOSED ZONING: Same

VICINITY MAP



**SUB2016-00030 -- Plat of SANDCREST 2ND ADDITION
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NOTE: This is a replat of a portion of Sandcrest Addition in addition to unplatted property. The boundaries of this plat were included in the overall preliminary plat of Pearl Beach Addition approved September 2015. This represents the second phase of development. The portion of this plat south of Lots 1-14, Block A is consistent with the preliminary plat in regards to lot configuration and street layout.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests extension of water (distribution) and extension of sewer (laterals) to serve all lots. In-lieu-of-assessments are due on the main benefit sewer and water transmission. The 50-foot waterline easement adjacent to Hoover Road should be extended through Reserve D.
- B. The platlor's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- 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 has approved the drainage plan.
- E. The plat proposes complete access control along the Hoover Road street frontage except for one street opening. Traffic Engineering has approved the access controls.
- F. The applicant shall guarantee the paving of the proposed streets. In accordance with the Subdivision Regulations, the cul-de-sacs must meet the minimum 35-foot paved radius requirement. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- G. 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.
- H. 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.
- I. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- J. The easement in Reserve C located west of Lots 8 and 9, Block B needs to be labeled.
- K. On Sheet 1 of the final plat, Block C and the building setback need labelled for Lot 1, Block C.

SUB2016-00030 -- Plat of SANDCREST 2ND ADDITION
November 17, 2016 - Page 3

- L. Lot 1, Block B shall be corrected to denote a 25-foot building setback.
- M. The arc distances of 888.27 feet shall be verified for 26th Court North.
- N. GIS requests the street name Curtis Ct be deleted as no new name is needed for Lots 15-17, Block A. The applicant shall correctly label the street name blades "dead end". Plans are available from Andy Smith (asmith@wichita.gov).
- O. The Applicant has platted 5-foot side yard building setbacks for Lots 1-14, Block A, which represents an adjustment of the Zoning Code standards which requires a 6-foot side yard setback for the SF-5 district. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- P. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- Q. 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.
- R. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- S. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- T. 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.)
- U. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- V. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: (316) 267-7710) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- W. 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.

SUB2016-00030 -- Plat of SANDCREST 2ND ADDITION
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- X. 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.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. 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.
- AA. Westar Energy has requested additional utility easements to be platted on this property. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- BB. 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).

STAFF REPORT

CASE NUMBER: VAC2016-00048 - Request to vacate a platted easement

APPLICANT/AGENT: J Turner Enterprises Inc, c/o John Turner (applicant/owner) Jennifer Rygg (agent)

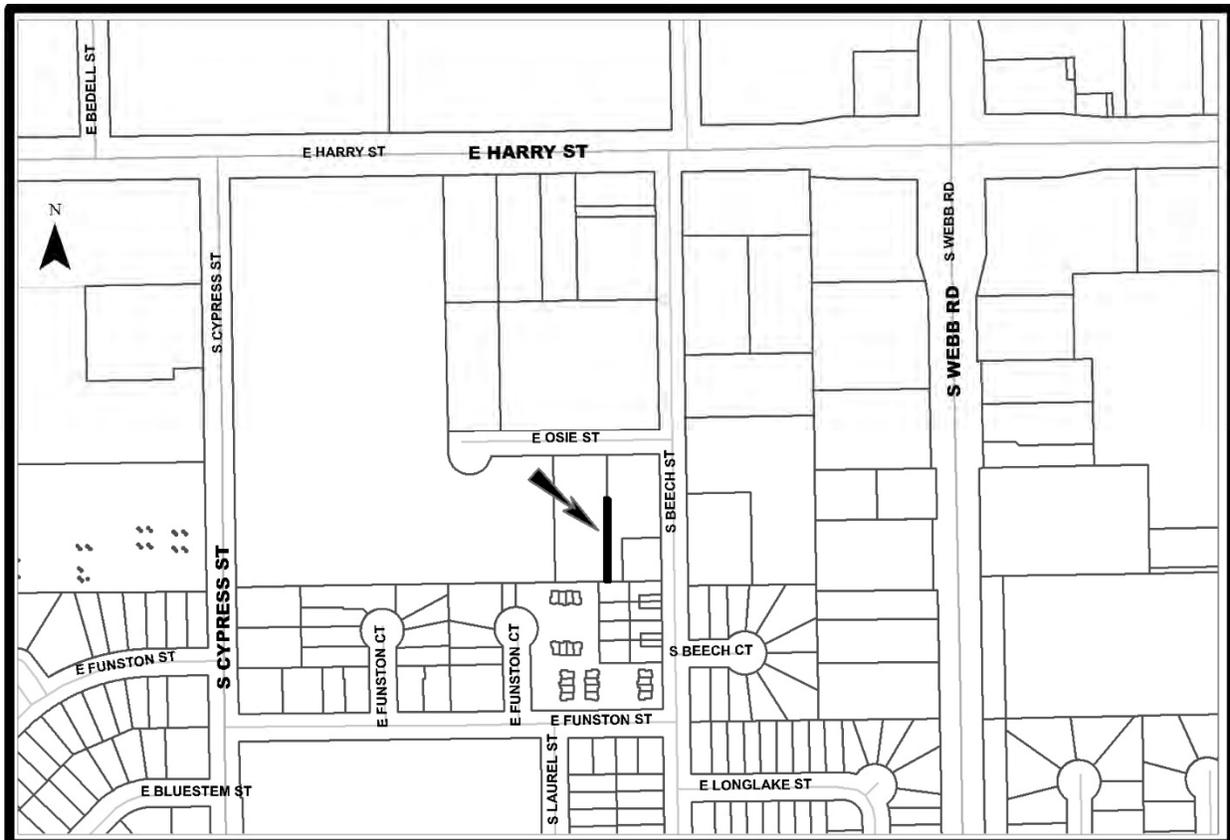
LEGAL DESCRIPTION: Generally described as vacating the platted 10-foot wide easement beginning 100 feet south of the common lot line of Lots 29 & 31, Hampton Acres Addition, and running parallel to the common interior lot line of said Lots, Wichita, Sedgwick County, Kansas

LOCATION: Generally located southwest of East Harry Street and South Webb Road, on the southwest corner of East Osie and South Beech Streets (WCC II)

REASON FOR REQUEST: Apartment project

CURRENT ZONING: The site and abutting south and west properties are zoned MF-29 Multi-Family Residential. Adjacent north and east properties are zoned MF-29, TF-3 Two-Family Residential and SF-5 Single-Family Residential

VICINITY MAP:



The applicants are requesting the vacation of a platted 10-foot wide easement that begins 100 feet south of the north front common lot line of Lots 29 & 31, Hampton Acres Addition and continues running south, parallel to the interior common lot line of said lots until its intersection with a platted 16-foot wide utility easement located and running parallel to said lots rear south lot lines. There are no public utilities located in the subject easement. The 16-foot wide utility easement has a sewer line and manhole located within it on the subject lots; the 16-foot wide utility easement will remain in effect. There is a duplex located on the southeast corner of the southeast portion of the subject site, Lot 31, with Beech Street frontage. Westar has equipment located in the south end of the subject easement that serves the duplex. The applicant will need to either maintain 10 feet of easement around that equipment or they can relocate at their expense. Conditions 1&2 will cover Westar. The Westar representative for this area representative can be contacted at 261-6490 for this project.

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 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 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 October 27, 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 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) As needed provide easements for public and franchised utilities. Westar has equipment located in the south end of the subject easement The applicant will need to either maintain 10 feet of easement around that equipment or they can relocate at their expense. Provide Planning with a legal description of the vacated subject easement that retains 10 feet of easement around their equipment. This must be provided to Planning before VAC2016-00048 proceeds to the City Council for final action
- (2) As needed provided Public Works and franchised utilities with a private project plan for the extension of utilities for review and approval. Utilities 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 VAC2016-00048 proceeds to the City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.

- (4) 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) As needed provide easements for public and franchised utilities. Westar has equipment located in the south end of the subject easement The applicant will need to either maintain 10 feet of easement around that equipment or they can relocate at their expense. Provide Planning with a legal description of the vacated subject easement that retains 10 feet of easement around their equipment. This must be provided to Planning before VAC2016-00048 proceeds to the City Council for final action
- (2) As needed provided Public Works and franchised utilities with a private project plan for the extension of utilities for review and approval. Utilities 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 VAC2016-00048 proceeds to the City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants’ expense.
- (4) 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.

STAFF REPORT

CASE NUMBER: VAC2016-00049 - Request to vacate a portion of platted street side yard setback on a lot

APPLICANT/AGENT: Morgan and Jason Martinez (owners), Jennifer Rygg (agent)

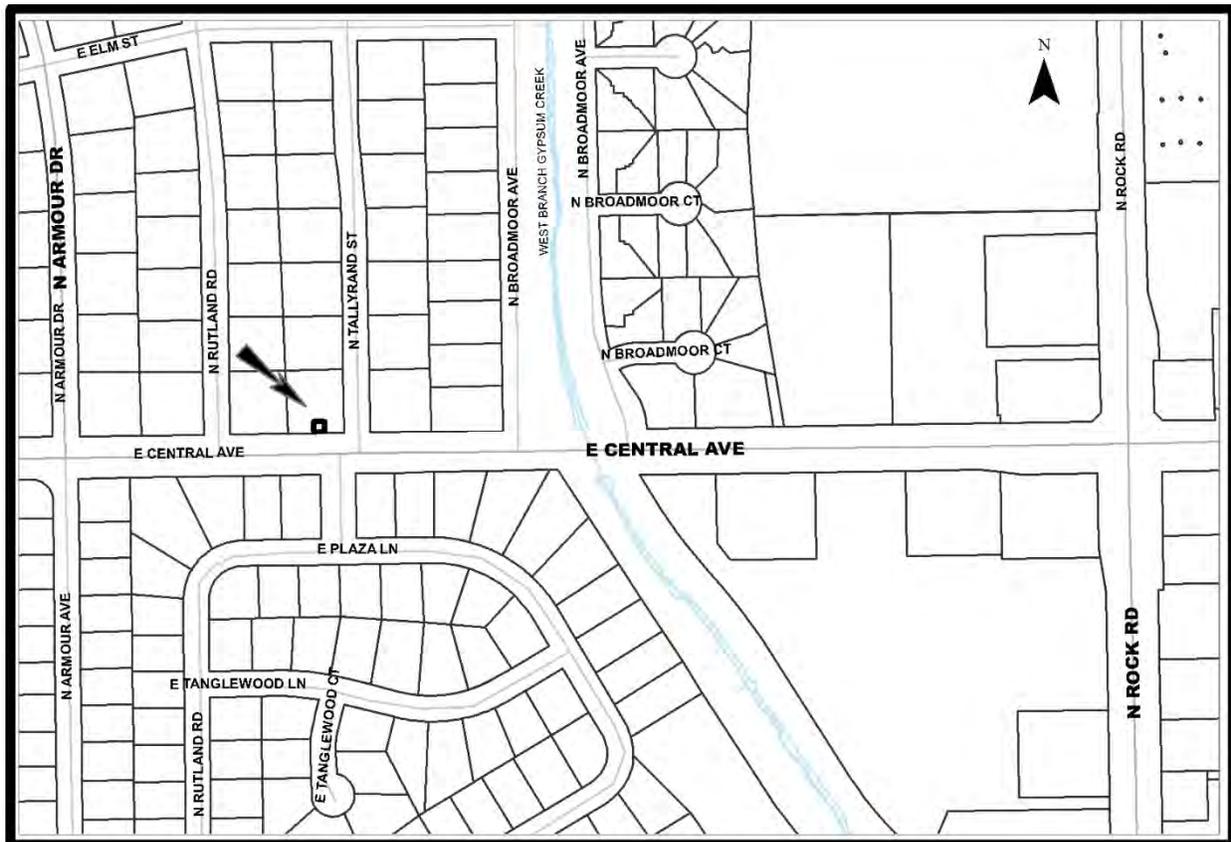
LEGAL DESCRIPTION: Generally described as vacating the inside 45 feet of the platted 50-foot front yard setback located on Lot 8, Block T, 2nd Addition to Woodlawn Village, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of North Rock Road on the northwest corner of East Central Avenue and Tallyrand Street (WCC #II)

REASON FOR REQUEST: Build a stand-alone garage

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

VICINITY MAP:



The applicant proposes to vacate the inside 45 feet of the platted 50-foot street side yard setback located on Lot 8, Block T, 2nd Addition to Woodlawn Village. The subject lot is zoned SF-5 Single-Family Residential (SF-5). The SF-5 zoning district has a minimum 15-foot street side yard building setback. The applicants' request exceeds the 20% reduction allowed by an Administrative Adjustment, however the MAPD has adopted the policy that vacating a platted setback allows the establishment of a new setback that may exceed what would be allowed by an Administrative Adjustment. The proposed vacation reduces the setback to a 5 foot street side yard building setback. The proposed reduction will keep the proposed stand-alone garage 5 feet behind the applicants' fence, which is located on the south property line. The vacation will not affect the platted sewer easement located at the back of the lot. Sewer is in the rear yard in the platted easement. Water is located in street right-of-way. Westar reports that they have no existing facilities in the street side yard setback. Becky Thompson is the area representative and can be contacted at 261-6320 for this project. The 2nd Addition to Woodlawn Village was recorded with the Register of Deeds July 1, 1958.

NOTE: The Subdivision Committee asked whether there was an HOA to be consulted on this issue, but there is no HOA for this neighborhood. Also, the shed on the property next to the proposed garage is not on a concrete foundation. The shed is on a wood skid so it can be moved.

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 the platted street side yard 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 October 27, 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 street side yard 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 only that portion of the inside 45 feet of the platted 50-foot Street side yard setback of Lot 8, Block T, 2nd Addition to Woodlawn Village, where the garage will be built. 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) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning an approved private project number for the relocation of public utilities. Provide Planning with any needed easements dedicated by separate

instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.

- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) 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 only that portion of the inside 45 feet of the platted 50-foot Street side yard setback of Lot 8, Block T, 2nd Addition to Woodlawn Village, where the garage will be built. 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) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning an approved private project number for the relocation of public utilities. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) 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.

STAFF REPORT

CASE NUMBER: VAC2016-00050 - Request to vacate an easement dedicated by separate instrument

OWNER/APPLICANT: WDDMBB LLC (owner/applicant), K.E. Miller Engineering P.A. c/o Kirk Miller, P.E. (agent)

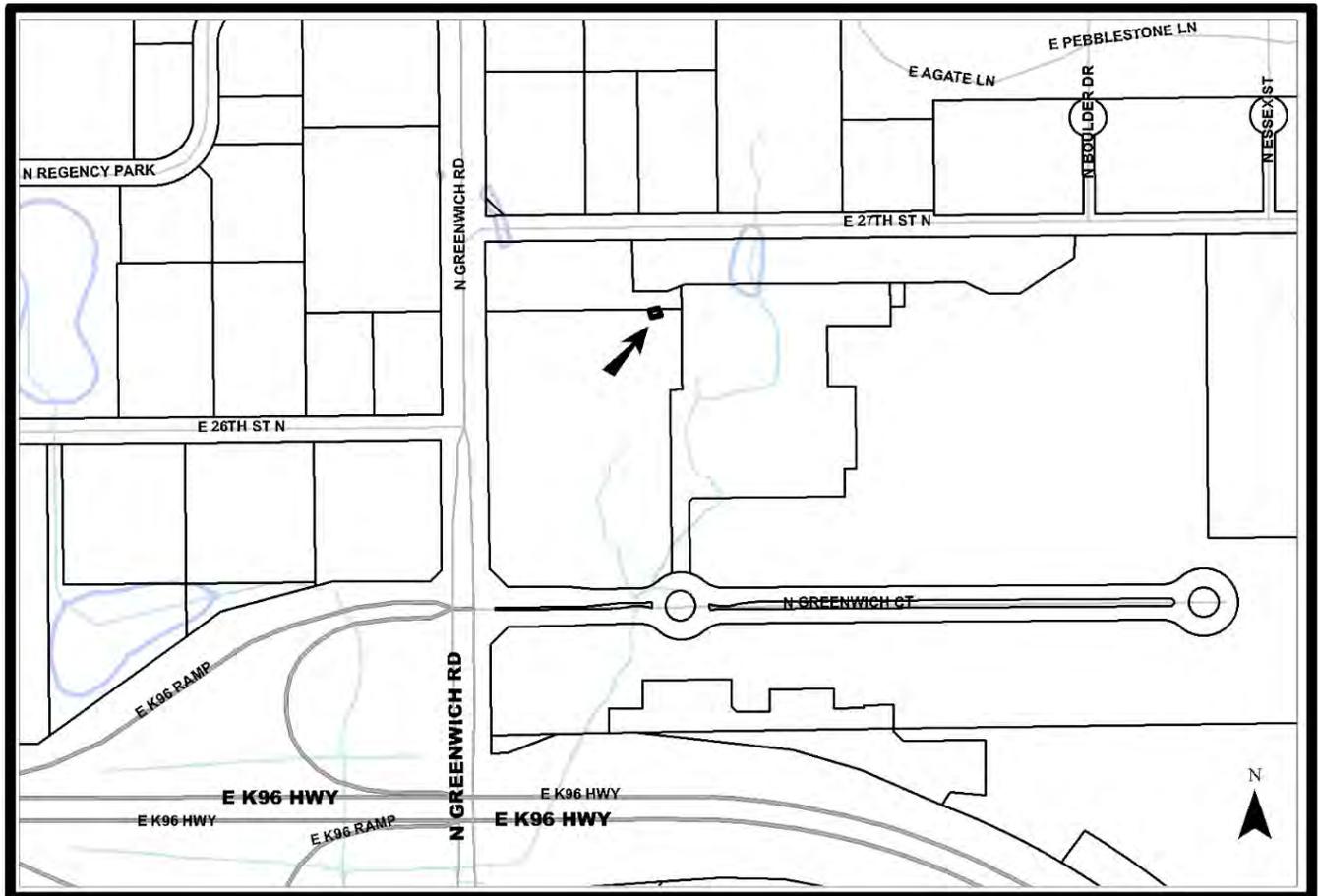
LEGAL DESCRIPTION: Generally described as vacating the west 28.00 feet of the sewer easement dedicated by separate instrument (Flm-Pg 29543558) located on Lot 1, Block A, Wichita Destination Development Addition

LOCATION: Generally located north of K-96, on the southeast corner of 27th Street North and Greenwich Road (WCC #II)

REASON FOR REQUEST: To get the easement out from under the proposed building

CURRENT ZONING: Site and all abutting and adjacent properties are zoned LI Limited Industrial.

VICINITY MAP:



The applicant proposes to vacate the west 28.00 feet of the sewer easement dedicated by separate instrument (Flm-Pg 29543558) located on Lot 1, Block A, Wichita Destination Development Addition. This portion of the easement is located on the east side of the undeveloped subject site; see exhibit and legal description. There is a sewer line and manhole located in the subject portion of easement being vacated. The remaining portion of the subject easement located in the east portion of the site and extending east into the adjoining parcel will remain in effect. A private project sewer has been approved contingent upon vacation approval. Westar has no existing facilities in the easement. Becky Thompson is the area representative and can be contacted at 261-6320 for this project. The Wichita Destination Development Addition was recorded June 5th, 2015.

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 the sewer easement dedicated by separate instrument.

- 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 October 27, 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 sewer 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) Abandonment or relocation/reconstruction of any/all utilities, including the sewer line and manhole, made necessary by the vacation of the described portion of the sewer easement dedicated by separate instrument shall be to City Standards and shall be the responsibility and at the expense of the applicant. The applicant has a PPS for review and approval for the abandonment of the sewer line and manhole located in the subject portion of easement being vacated. Provide an approved PPS number to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.

- (4) Per the approval of Public Works, vacate the west 28.00 feet of the sewer easement dedicated by separate instrument (Flm-Pg 29543558) located on Lot 1, Block A, Wichita Destination Development, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal descriptions of the vacated portions of the sewer easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (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

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities, including the sewer line and manhole, made necessary by the vacation of the described portion of the sewer easement dedicated by separate instrument shall be to City Standards and shall be the responsibility and at the expense of the applicant. The applicant has a PPS for review and approval for the abandonment of the sewer line and manhole located in the subject portion of easement being vacated. Provide an approved PPS number to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Per the approval of Public Works, vacate the west 28.00 feet of the sewer easement dedicated by separate instrument (Doc.#/Flm-Pg 29543558) located on Lot 1, Block A, Wichita Destination Development, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal descriptions of the vacated portions of the sewer easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

- (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.

STAFF REPORT

CASE NUMBER: VAC2016-00051 - Request to vacate the plattor's text to amend the uses allowed in platted utility and drainage easements & a platted utility easement

APPLICANT/OWNER: Matthew & Raeann Crosby - David & Karie Bradley, Scott & Lori Riley - Kevin & Melanie Brown, Kenneth A Bott - Brad & Wendy Riley, & Ridge Port North Home Owners Association; all applicants/owners

LEGAL DESCRIPTION: Removing the pedestrian access function from the platted 10-foot wide utility easement located between Lots 20 & 21, Block B, Ridge Port North 5th Addition and removing the pedestrian access function from the platted 20-foot wide drainage and utility easements located between Lots 15 & 16, and Lots 25 & 26, all in Block C, Ridge Port North 4th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located southeast of Ridge Road and 37th Street North, along West Brookview Street and 34th Street North (WCC V)

REASON FOR REQUEST: Access not being utilized

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

VICINITY MAP:



The applicant is requesting the vacation of the plattor’s text to remove the pedestrian access function from the platted 10-foot wide utility easement located between Lots 20 & 21, Block B, Ridge Port North 5th Addition and removing the pedestrian access function from the platted 20-foot wide drainage and utility easements located between Lots 15 & 16, and Lots 25 & 26, all in Block C, Ridge Port North 4th Addition. The platted easements will continue to function as a 10-foot wide utility easement and two 20-foot wide drainage and utility easements in their current width and length.

The pedestrian access function located in the platted 10-foot wide utility easement located between Lots 20 & 21, Block B, Ridge Port North 5th Addition, is to allow access onto Reserve A, Ridge Port North 4th Addition. The Ridge Port North 4th Addition states that Reserve A is to be used for open space, lakes, drainage, sidewalks, gazebos, hike and bike trails, landscaping and utilities confined to easements. Per the plattor’s text Reserve A is to be owned and maintained by a Home Owners Association. In this case the Ridge Port North HOA is the owner of Reserve A and is one of the applicants. The HOA has approved the vacation request by a vote of the members. A sewer line crosses east-west across the subject easement, but it is covered by a platted utility easement located on the north front yards of the subject site; this easement will remain in effect. Google maps shows a light pole located in the Brookview Street right-of-way in front of the subject sites.

The pedestrian access function located in the platted 20-foot wide utility and drainage easements located between Lots 15 & 16, and Lots 25 & 26, all in Block C, Ridge Port North 4th Addition, is to allow access onto Reserve B, Ridge Port North 4th Addition. The Ridge Port North 4th Addition states that Reserve B is to be used for open space, lakes, drainage, sidewalks, gazebos, hike and bike trails, landscaping and utilities confined to easements. Per the plattor’s text Reserve B is to be owned and maintained by a Home Owners Association. In this case the Ridge Port North HOA is the owner of Reserve B and is one of the applicants. A sewer line and a stormwater line is located in the subject easement located between Lots 25 & 26. A Stormwater line and equipment is located in the subject easement located between Lots 15 & 16.

The applicants have stated that access function to the platted reserves is not being utilized and that common access to the subject reserves is directly off of 34th Street North and Ridge Port Street and a property owned by the HOA.

Westar has existing facilities in the easements but because the easements will continue to function as a utility easement and drainage and utility easements they have no objection to the vacation request. Condition # 1 will cover Westar. Heide Bryan is the Westar area representative for this item and can be contacted at 261-6554. The Ridge Port North 5th Addition was recorded January 8, 2003. The Ridge Port North 4th Addition was recorded August 8, 2001.

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 remove the pedestrian access function from the subject easements.

- 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 October 27, 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 remove the pedestrian access function from the subject easements 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 remove the pedestrian access function from the platted 10-foot wide utility easement located between Lots 20 & 21, Block B, Ridge Port North 5th Addition and removing the pedestrian access function from the platted 20-foot wide drainage and utility easements located between Lots 15 & 16, and Lots 25 & 26, all in Block C, Ridge Port North 4th Addition. The platted easements will continue to function as a 10-foot wide utility easement and two 20-foot wide drainage and utility easements in their current width and length.
- (2) 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

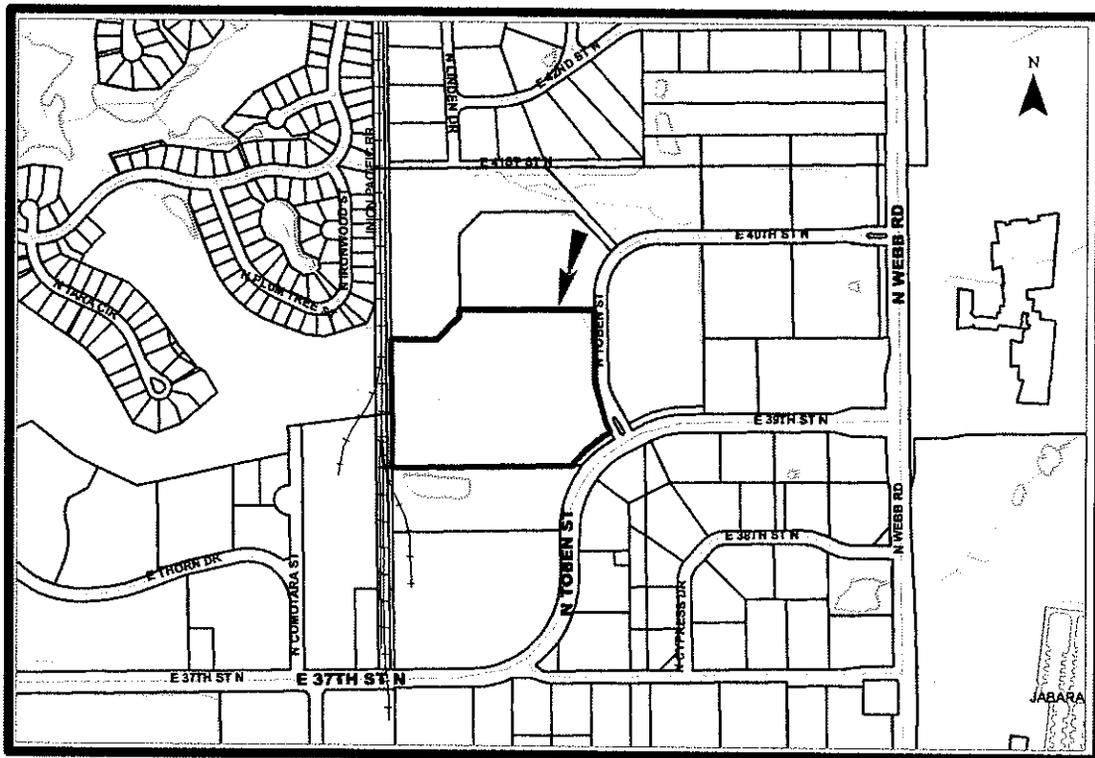
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the plattor’s text to remove the pedestrian access function from the platted 10-foot wide utility easement located between Lots 20 & 21, Block B, Ridge Port North 5th Addition and removing the pedestrian access function from the platted 20-foot wide drainage and utility easements located between Lots 15 & 16, and Lots 25 & 26, all in Block C, Ridge Port North 4th Addition. The platted easements will continue to function as a 10-foot wide utility easement and two 20-foot wide drainage and utility easements in their current width and length.
- (2) 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

STAFF REPORT

MAPC October 20, 2016
DAB II November 14, 2016
MAPC November 17, 2016

- CASE NUMBER:** CON2016-00047
- APPLICANT/AGENT:** Westar Energy (owner/applicant) Howard & Helmer Architecture, c/o, David White
- REQUEST:** A Conditional Use to permit a Major Utility
- CURRENT ZONING:** LI Limited Industrial
- SITE SIZE:** 18.93-acres
- LOCATION:** Generally located west of North Webb Road on the northwest side of East 39th Street North and Toben Street (WCC II)
- PROPOSED USE:** Westar service center



BACKGROUND: The applicant, Westar Energy, is requesting a Conditional Use for a “major utility”, specifically a service center on the 18.93-acre platted, undeveloped LI Limited Industrial (LI) zoned property. The Unified Zoning Code’s (UZC Art II., Sec. II-B.13.k) definition of a major utility is: “generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.” A major utility requires a Conditional Use in all of the zoning districts, except for the AFB Air Force Zoning District (AFB). The LI zoned site is located west of North Webb Road on the northwest side of East 39th Street North and Toben Street.

The site plan shows a 105,654-sqaure foot service center building with office space and multiple bay doors for servicing their fleet, a fuel station, a fleet garage, a storage building, trailer parking, and outdoor storage. The service center will allow Westar to house a fleet of trucks and materials that will be used to maintain and repair their infra-structure. A landscape buffer planted with 6-foot tall Canaerti Eastern Red Cedars platted on 10-foot centers is located on the west side of the site where it abuts SF-5 zoned property. The Canaerti Cedars can grow up to 30 feet with an 8-15 foot spread when mature.

The site is located in an LI zoned area that roughly runs from K-96 Highway to 41st Street North and east from Rock Road to both side of Webb Road. Development in this area includes, but is not limited to, office-warehouses, distributions warehouses, manufacturing, assembly, office, medical, dental, new auto sales, big box retail, and undeveloped land. The LI zoned Jabara Airport is the largest development in the area and the LI zoned Wichita Area Technical College is located north of the Airport. A southwest portion of the site abuts a total of 80-feet of SF-5 Single-Family Residential (SF-5) zoned railroad easement and a curious, narrow strip of undeveloped land. There are mature deciduous trees and evergreens running parallel to the railroad easement/narrow strip of land. The SF-5 zoned Willow Bend golf course and single-family residences (built late 1980s- early-mid 1990s) that are built around the golf course are located west of the railroad easement and strip of land. The SF-5 zoning triggers compatibility setback and height standards.

CASE HISTORY: The site is part of Lot 1, Block 1, Webb Business Park Addition, which was recorded October 4, 2007.

The MAPC considered this case at their October 20, 2016, meeting. There were protest to the request and they were primarily members of the Willowbend Home Owners Association (HOA). The HOA was concerned about the existing drainage in their west, adjacent single-family residential neighborhood and how development of the subject site would further impact their drainage. Speakers for the HOA spoke of the recent flooding of some the members’ homes. They were also concerned about the lack of maintenance and repair of the railroad easement that runs between the east LI zoned properties (which the subject site is part of) and their west residences. Lack of maintenance included railroad ties that had been removed and replaced on the actual tracks, but left loose within the railroad easement with some of them being washing

into their subdivision from recent rains and adding to the flooding in the HOA. Hedge apples being washed from recent rains into the HOA and clogging the HOA's drainage system were also noted as contributing to the flooding. The HOA was also concerned about the drainage's impact on their masonry wall, which they are scheduled to replace this year. There were also concerned about the impact that numerous Cedar trees and other trees have on the existing drainage. The MAPC deferred action on this case until their November 17, 2016, meeting, instructing staff to arrange a meeting with the HOA and other properties in the area that share drainage.

On November 3, 2016, members of City Planning, Stormwater, Public Works, Law and Property Management met with representatives for Westar, the Willowbend HOA, the Webb Business Park, and Central Plans Steel to discuss drainage. The results of that meeting seemed to indicate that the Westar drainage plan generally addressed their concerns about the Westar site's impact on the HOA's current drainage concerns. City Stormwater also provided information about recent improvements to the area drainage, including raising stormwater grates from being flush with the surface they are stalled on to a height that hedge apples could clear and not block drainage. What was not resolved was who was responsible for the maintenance and repair of the railroad easement, including the removal of loose railroad ties and trees. That lack of resolution lead to Westar offering to do a one-time cleanup of the east portion of said easement that abuts their site. The Comotara Industrial Owners Association (now Central Plans Steel) also offered to clean up the east portion of said easement, while noting that they had hauled off approximately 1,100 times this year.

Staff had another meeting the morning of November 10, 2016. The results of that meeting will be presented to the DAB and the MAPC at their respective meetings.

ADJACENT ZONING AND LAND USE:

NORTH: LI Undeveloped land
SOUTH: LI Irrigation supply, cell tower, commercial printing, undeveloped land
EAST: LI Undeveloped land, dry wall supply warehouse, aircraft parts manufacturing
WEST: SF-5 Private golf course, single-family residences

PUBLIC SERVICES: Access to the site is via Toben Street, a paved, full curbed, two-lane, 80-foot wide public street that brings traffic in and out of the area from 39th Street North and Webb Road. 39th Street North is a paved, full curbed, two-lane, 80-foot wide public street that functions as a collector street for the area. Webb Road is a major arterial. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "Community Investment Plan's 2035 Wichita Future Growth Map", identifies the application area as "new employment." This category encompasses areas likely to be developed or re-developed 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 are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In

areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed. The conditional use for a major utility, specifically a Westar service center is appropriate for the new employment category.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the Conditional Use be APPROVED, for a major utility, specifically a Westar service center subject to the following conditions:

1. The site shall be developed, maintained and operated in substantial compliance with the approved site plan and in compliance with all applicable laws and regulations.
2. Compatibility height standards shall limit all light poles located with 200-feet of SF-5 zoning to 20 feet, including the base. All lighting shall be directed away from residential uses and zoning.
3. Compatibility height standards and setbacks shall be in effect.
4. 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 VIII of 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:

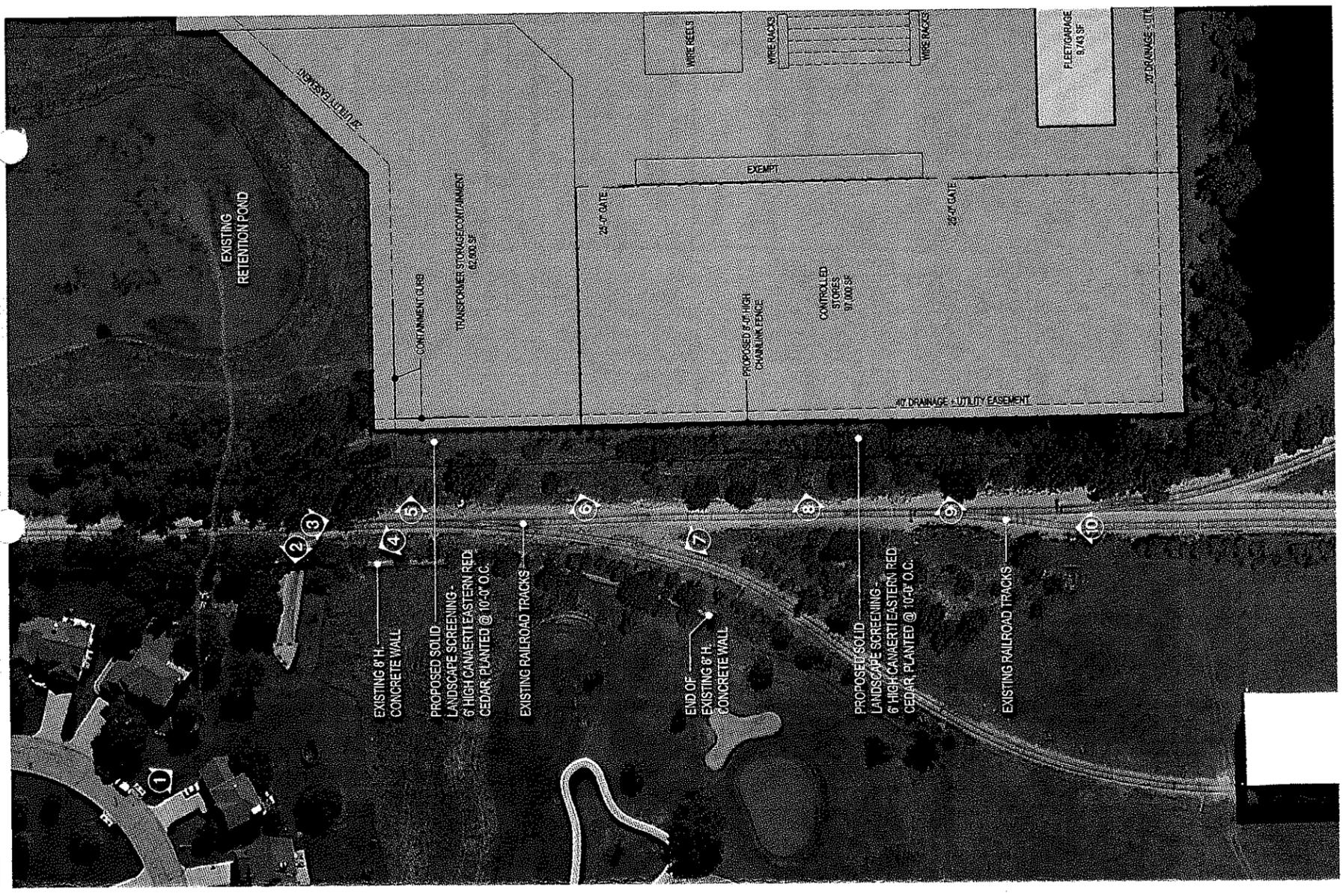
1. **The zoning, uses and character of the neighborhood:** The site is located in an LI zoned area that roughly runs from K-96 Highway to 41st Street North and east from Rock Road to both side of Webb Road. Development in this area includes, but is not limited to, office-warehouses, distributions warehouses, manufacturing, assembly, office, medical, dental, new auto sales, big box retail, and undeveloped land. The LI zoned Jabara Airport is the largest development in the area and the LI zoned Wichita Area Technical College is located north of the Airport. A southwest portion of the site abuts a total of 80-feet of SF-5 Single-Family Residential zoned railroad easement and a curious, narrow strip of undeveloped land. There are mature deciduous trees and evergreens running parallel to the railroad easement/narrow strip of land. The SF-5 zoned Willow Bend golf course and single-family residences (built late 1980s- early-mid 1990s) that are built around the golf course are located west of the railroad easement and strip of land.
2. **The suitability of the subject property for the uses to which it has been restricted:** The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The proposed Westar service center is an appropriate development for this zoning and area.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The west, adjacent SF-5 zoned Single-Family residential zoned properties will have more pole lights in closer proximity to them than they currently do. The compatibility height standards for pole lights shall limit all light poles located with 200-feet of SF-5 zoning to 20 feet, including the base. There is also an additional 80 feet of SF-5 zoned railroad easement and a narrow undeveloped strip of land that pushes the

site's pole lights a total of 280 feet from the west adjacent single-family residences.

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 site will enhance Westar Energy's ability to provide its customers with a reliable and adequate supply of electricity. Denial would presumably be an economic loss to the applicant and reduce the utility's efficiency on maintaining and repairing the infrastructure necessary to meet current and future energy demand.

5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "Community Investment Plan's 2035 Wichita Future Growth Map", identifies the application area as "new employment." This category encompasses areas likely to be developed or re-developed 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 are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed. The conditional use for a major utility, specifically a Westar service center is appropriate for the new employment category.

6. **Impact of the proposed development on community facilities:** The proposed facility would improve Westar's ability to maintain the infrastructure needed for the energy requirements of Wichita and Sedgwick County.



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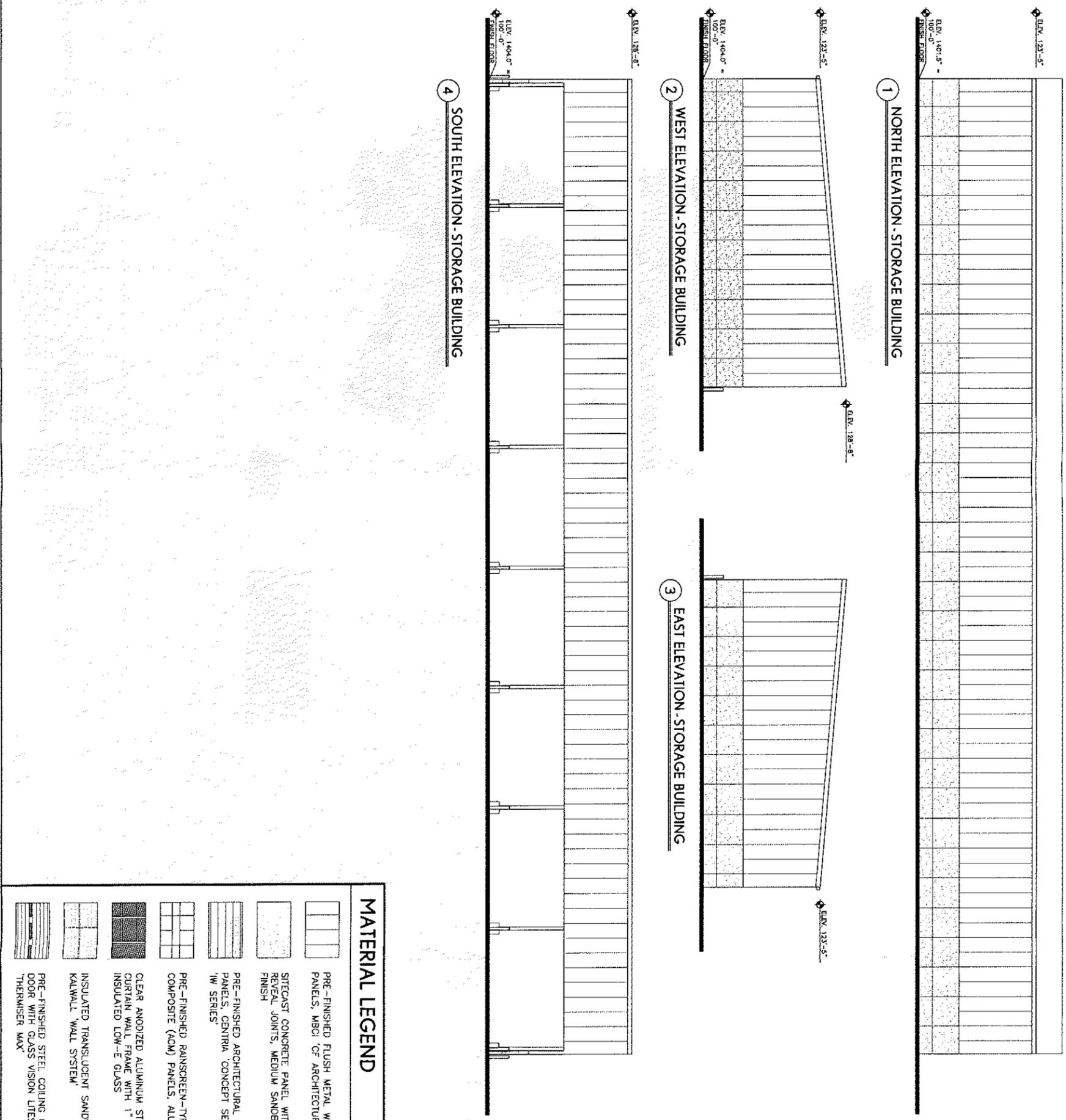


3000 South West Blvd.
 4th Floor
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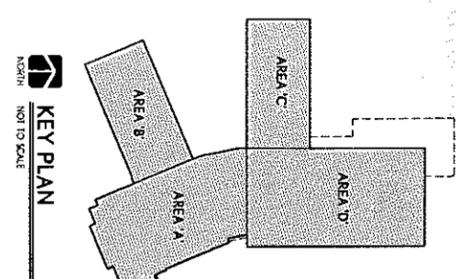
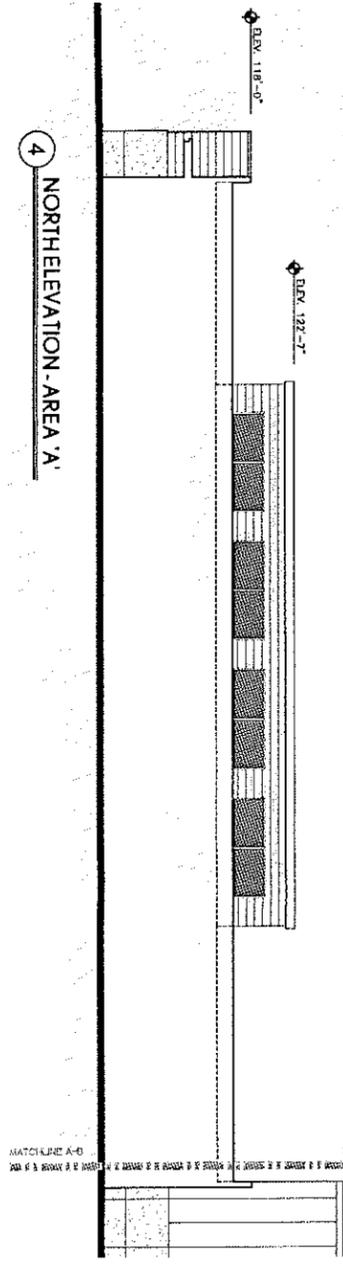
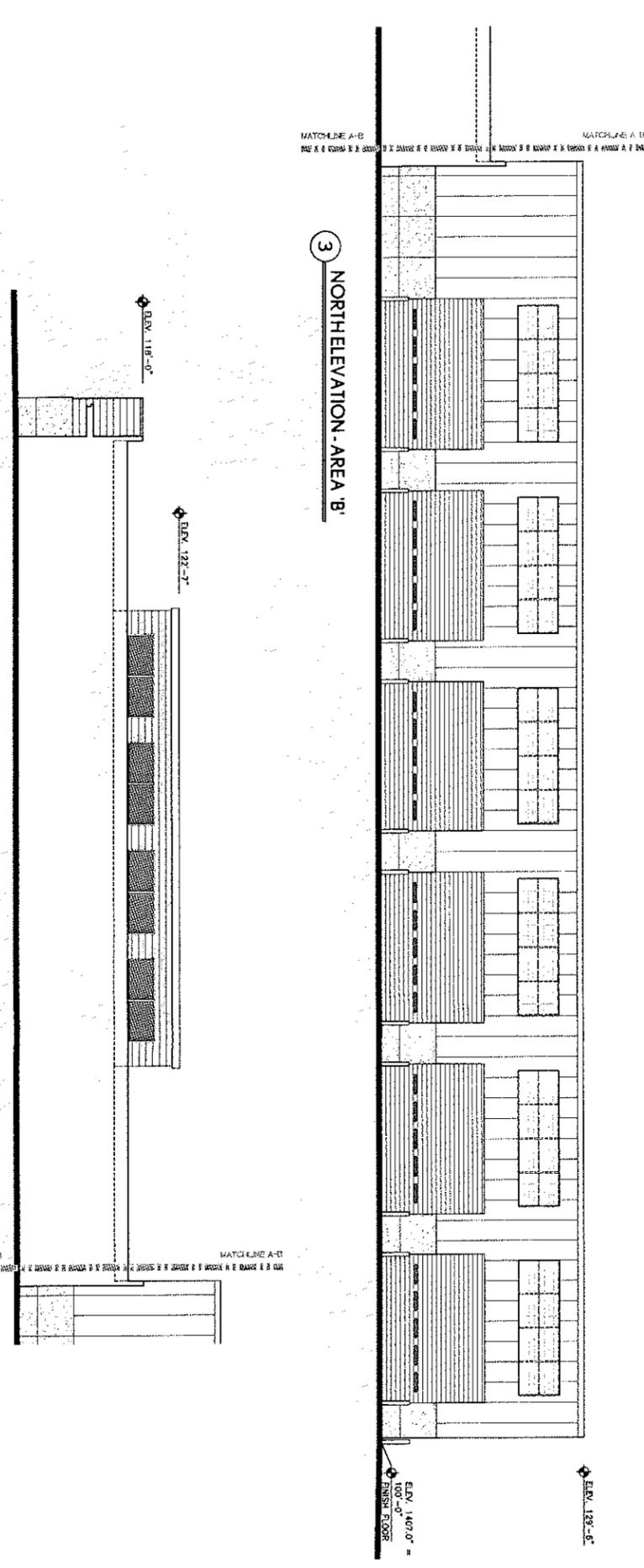
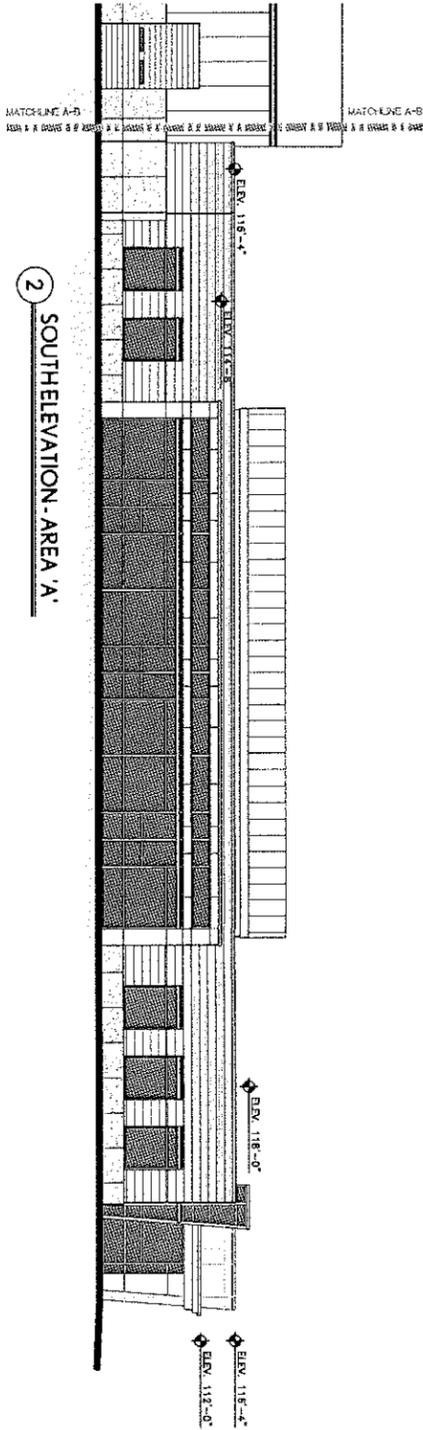
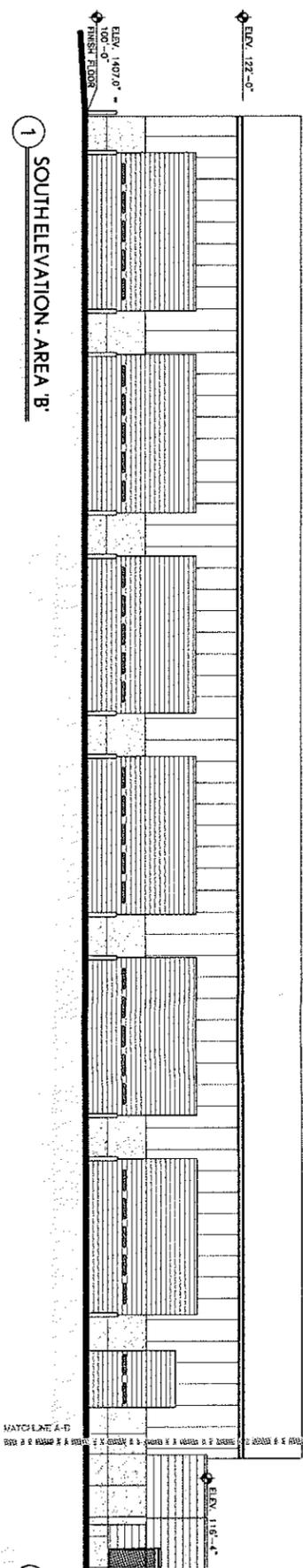
PROGRESS PRINT
 NOT FOR CONSTRUCTION

PROJECT NO: 0009
 DATE: 08/11/2010
 DRAWN: JUTZ
 CHECKED: JUTZ
 PROJECT: WICHITA SERVICE CENTER
 WICHITA, KANSAS

MATERIAL LEGEND	
	PRE-FINISHED FLUSH METAL WALL PANELS, MBCI 'CF ARCHITECTURAL'
	SITECAST CONCRETE PANEL WITH REVEAL JOINTS, MEDIUM SANDBLAST FINISH
	PRE-FINISHED ARCHITECTURAL METAL PANELS, CENTRIA 'CONCEPT SERIES' & 'IW SERIES'
	PRE-FINISHED RAINSCREEN-TYPE ALUMINUM COMPOSITE (ACM) PANELS, ALUOBOND
	CLEAR ANODIZED ALUMINUM STOREFRONT OR CURTAIN WALL FRAME WITH 1" GRAY TINT, INSULATED LOW-E GLASS
	INSULATED TRANSLUCENT SANDWICH PANEL, KALWALL WALL SYSTEM
	PRE-FINISHED STEEL COILING OVERHEAD DOOR WITH GLASS VISION LITES, CORNELL 'THERMISER MAX'



WICHITA SERVICE CENTER



MATERIAL LEGEND

	PRE-FINISHED FLUSH METAL WALL PANELS, MBCI OF ARCHITECTURAL
	SITECAST CONCRETE PANEL WITH REVEAL JOINTS, MEDIUM SANDBLAST FINISH
	PRE-FINISHED ARCHITECTURAL METAL PANELS, CENTRIA 'CONCEPT SERIES' 1/4" SERIES
	PRE-FINISHED RAINSCREEN-TYPE ALUMINUM COMPOSITE (ACM) PANELS, ALUCOBOND
	CLEAR ANODIZED ALUMINUM STOREFRONT OR CURTAIN WALL FRAME WITH 1" GRAY TINT, INSULATED LOW-E GLASS
	INSULATED TRANSLUCENT SANDWICH PANEL, KALWALL WALL SYSTEM
	PRE-FINISHED STEEL COILING OVERHEAD DOOR WITH GLASS VISION LITES, CORNELL 'THERMISER MAX'

DATE: 12/15/2023
 DRAWING NO.: 2304-001-05
 AREA: CHASIN

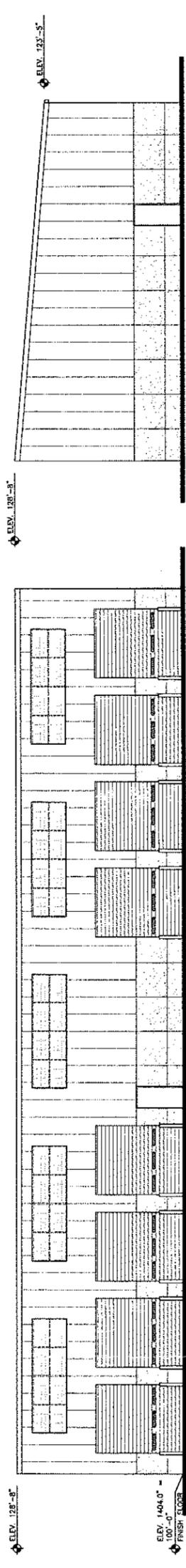


2023 NORTH STAR BUILDING
 144 S.W. 1407th AVE
 SUITE 1000
 MIAMI, FL 33149

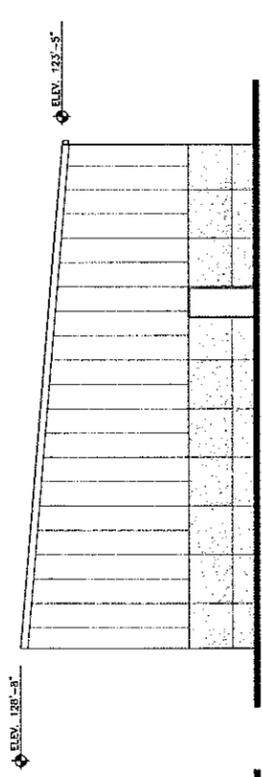
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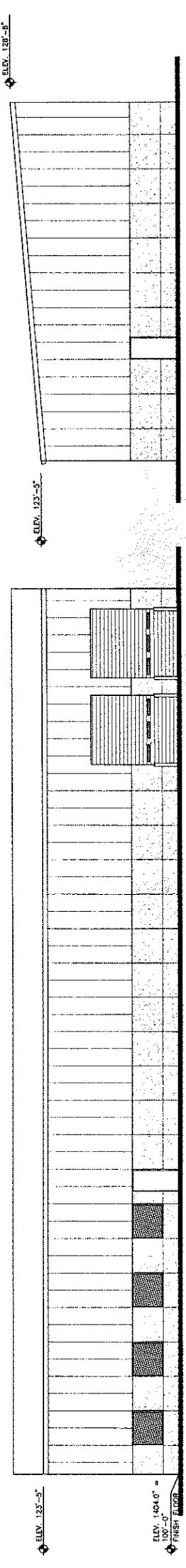
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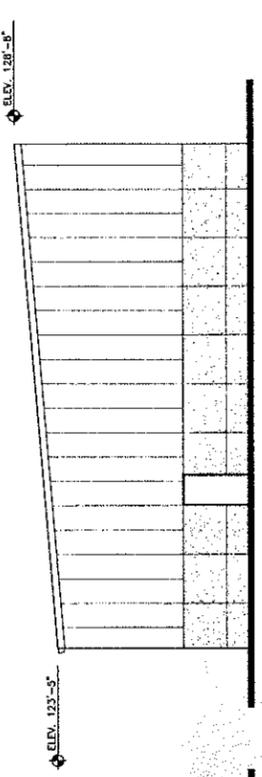
1 NORTH ELEVATION - FLEET / GARAGE



2 WEST ELEVATION - FLEET / GARAGE



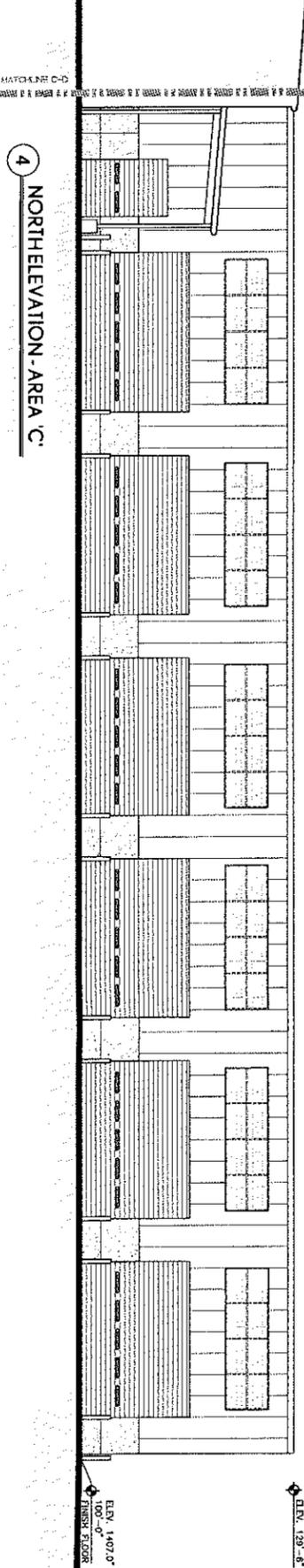
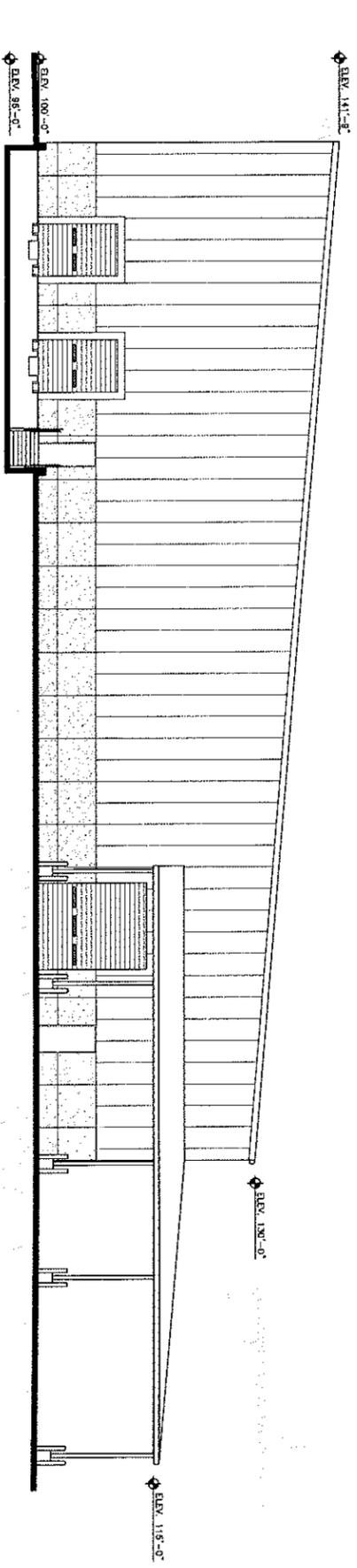
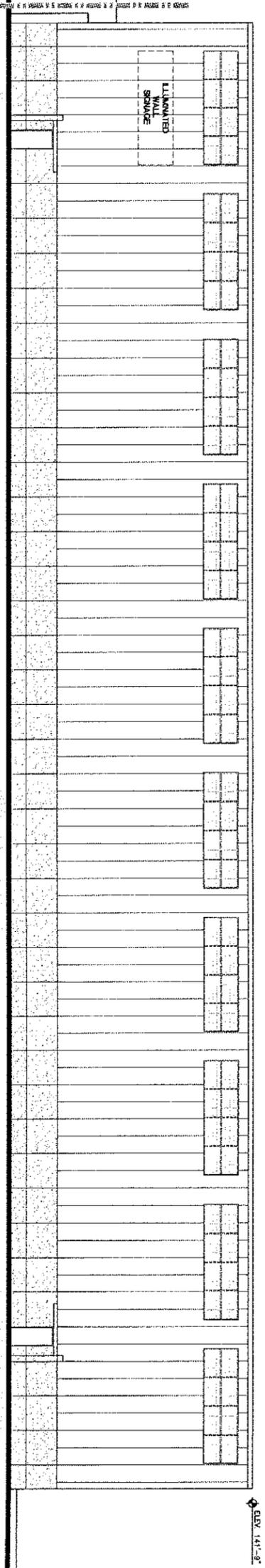
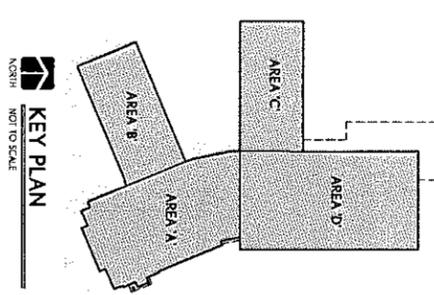
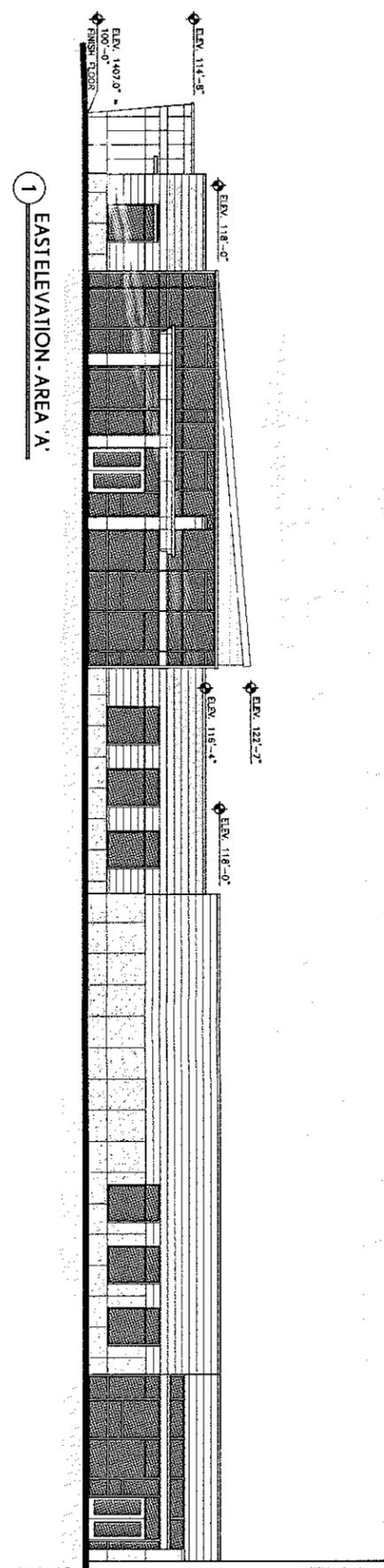
3 SOUTH ELEVATION - FLEET / GARAGE



4 EAST ELEVATION - FLEET / GARAGE

MATERIAL LEGEND

	PRE-FINISHED FLUSH METAL WALL PANELS, MBCI 'CF ARCHITECTURAL'
	SITECAST CONCRETE PANEL WITH REVEAL JOINTS, MEDIUM SANDBLAST FINISH
	PRE-FINISHED ARCHITECTURAL METAL PANELS, CENTRIA 'CONCEPT SERIES' & 'IW SERIES'
	PRE-FINISHED RAINSCREEN-TYPE ALUMINUM COMPOSITE (ACM) PANELS, ALUCOBOND
	CLEAR ANODIZED ALUMINUM STOREFRONT OR CURTAIN WALL FRAME WITH 1" GRAY TINT, INSULATED LOW-E GLASS
	INSULATED TRANSLUCENT SANDWICH PANEL, KALWALL 'WALL SYSTEM'
	PRE-FINISHED STEEL COILING OVERHEAD DOOR WITH GLASS VISION LITES, CORNELL 'THERMISER MAX'



MATERIAL LEGEND

- PRE-FINISHED FLUSH METAL WALL PANELS, MBCI OF ARCHITECTURAL
- SITECAST CONCRETE PANEL WITH REVEAL JOINTS, MEDIUM SANDBLAST FINISH
- PRE-FINISHED ARCHITECTURAL METAL PANELS, CENTRIA 'CONCEPT SERIES' & 'IW SERIES'
- PRE-FINISHED RAINSCREEN-TYPE ALUMINUM COMPOSITE (ACM) PANELS, ALUCOBOND
- CLEAR ANODIZED ALUMINUM STOREFRONT OR CURTAIN WALL FRAME WITH 1" GRAY TINT, INSULATED LOW-E GLASS
- INSULATED TRANSLUCENT SANDWICH PANEL, KALWALL WALL SYSTEM
- PRE-FINISHED STEEL COILING OVERHEAD DOOR WITH GLASS VISION LITES, CORNELL THERMISER MAX

DATE: 01/23/23
 DRAWING NO: 23-033
 PROJECT: WICHITA SERVICE CENTER
 APPLICATION: ARCHITECTURAL



PROGRESS PRINT
 NOT FOR CONSTRUCTION

Prepared by: [Name]
 Checked by: [Name]
 Date: 01/23/23
 Scale: AS SHOWN
 Project: WICHITA SERVICE CENTER
 Drawing No: 23-033



A-31

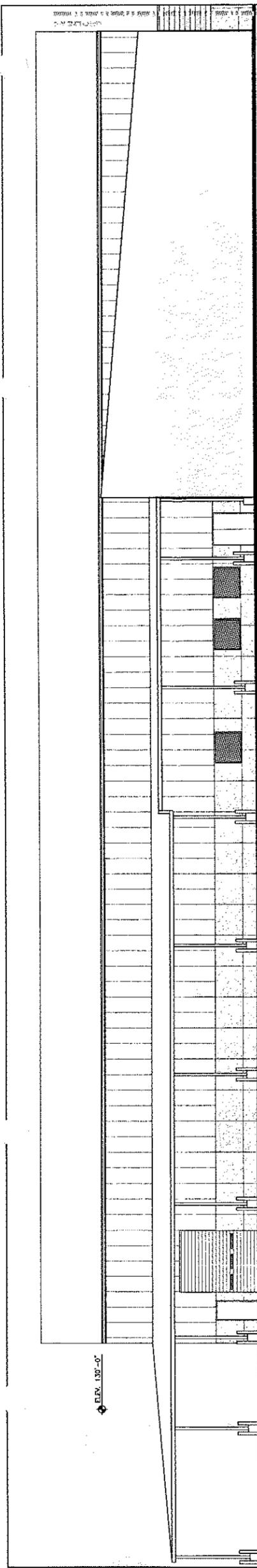


HOWARD+HELMER
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 1001 W. CENTRAL AVENUE
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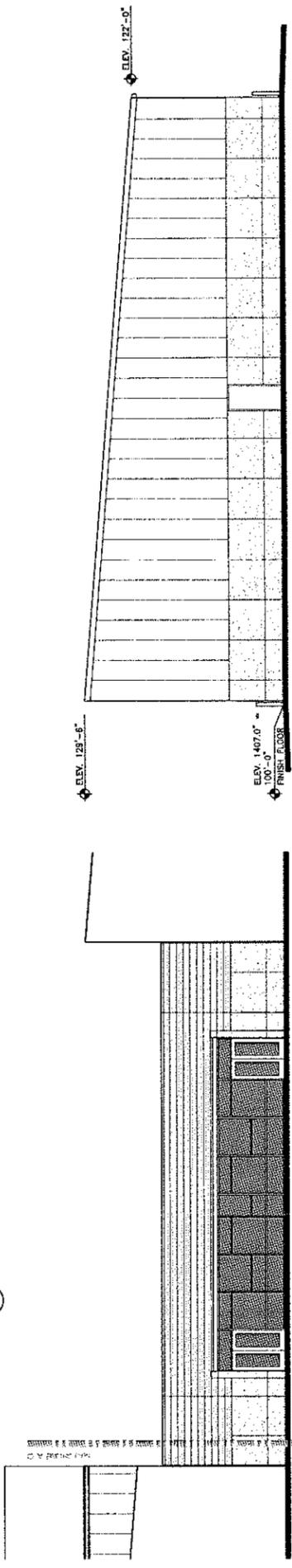
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PROGRESS
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PROJECT NO: _____
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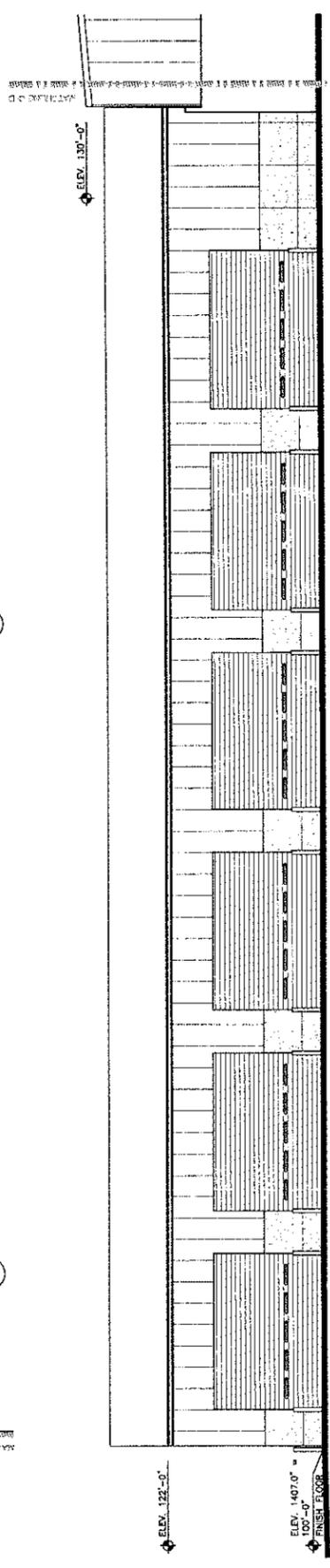


1 WESTELEVATION - AREA 'D'

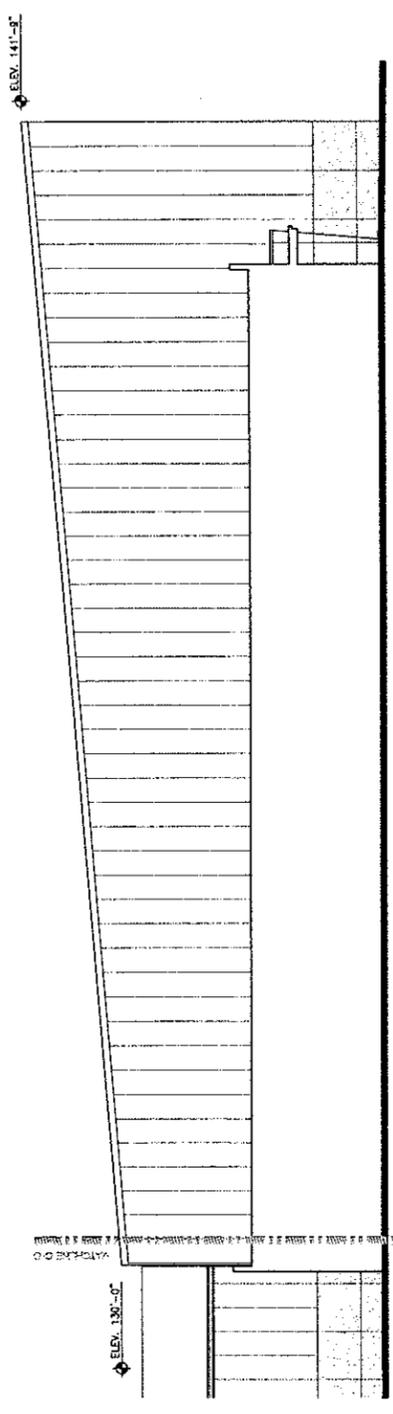


2 WESTELEVATION - AREA 'A'

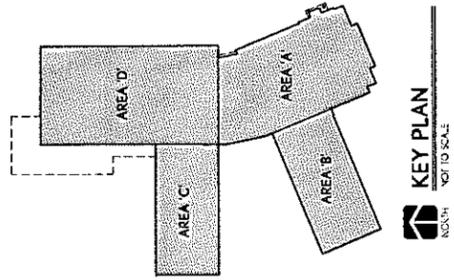
3 WESTELEVATION - AREA 'B' / 'C'



4 SOUTHELEVATION - AREA 'C'



5 SOUTHELEVATION - AREA 'D'



KEY PLAN
 NOT TO SCALE

MATERIAL LEGEND

	PRE-FINISHED FLUSH METAL WALL PANELS, MBCI 'CF ARCHITECTURAL'
	SITECAST CONCRETE PANEL WITH REVEAL JOINTS, MEDIUM SANDBLAST FINISH
	PRE-FINISHED ARCHITECTURAL METAL PANELS, CENTRIA 'CONCEPT SERIES' & 'W SERIES'
	PRE-FINISHED RAINSCREEN-TYPE ALUMINUM COMPOSITE (ACM) PANELS, ALUCOBOND
	CLEAR ANODIZED ALUMINUM STOREFRONT OR CURTAIN WALL FRAME WITH 1" GRAY TINT, INSULATED LOW-E GLASS
	INSULATED TRANSLUCENT SANDWICH PANEL, KALWALL 'WALL SYSTEM'
	PRE-FINISHED STEEL COILING OVERHEAD DOOR WITH GLASS VISION LITES, CORNELL 'THERMISER MAX'

STAFF REPORT
 MAPC November 17, 2016
 DAB V November 7, 2016

CASE NUMBER: ZON2016-00041

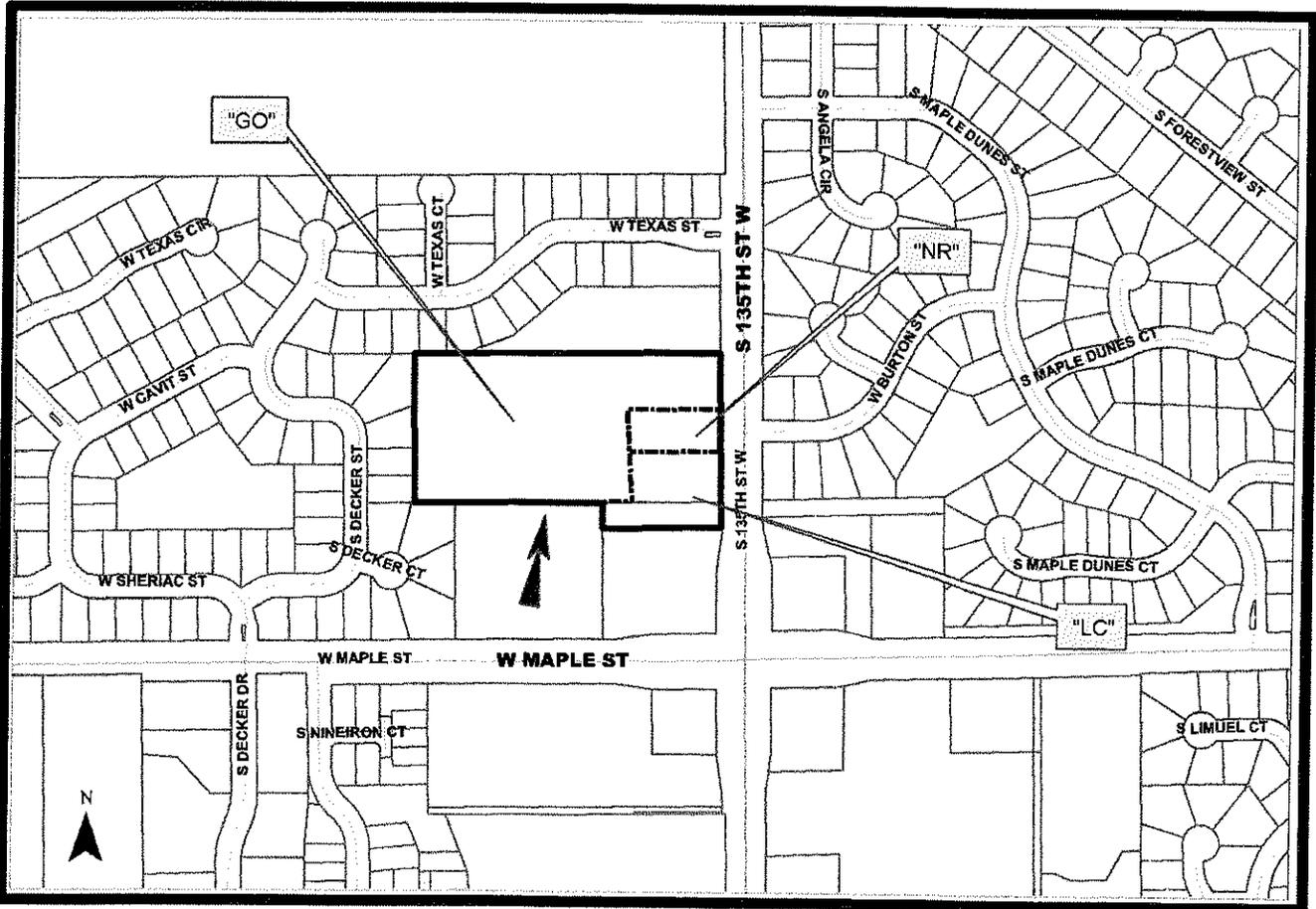
APPLICANT/AGENT: New Life Covenant Church (Owner) and Via Christi Property Services (Owner) Baughman Company, Russ Ewy (Agent)

REQUEST: LC Limited Commercial, NR Neighborhood Retail and GO General Office

CURRENT ZONING: SF-5 Single Residential and GO General Office

SITE SIZE: Approximately 8.2 acres

LOCATION: Generally located north of the northwest corner of Maple and 135th Street on the west side of 135th Street



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential (approximately 7.7 acres) and GO General Office (approximately 0.5 acre) to GO (approximately 6.27 acres), NR Neighborhood Retail (approximately 0.69 acre), and LC (approximately 1.27 acres) with a Protective Overlay (PO #309, attached). The applicant proposes to create a mixed-use development.

West and north of the subject property is the Shadow Woods Addition zoned SF-5 zoned and developed with single-family residences. East of the subject site is the Maple Dunes Addition zoned SF-5 and developed with single-family residences. SF-5, LC and GO zoned properties abut the south side of the subject property and are developed with single-family homes, financial institution and medical offices. The northeast, southeast and southwest corners of the arterial intersection of West Maple and South 135th Street are zoned LC and developed with retail, restaurants and grocery store.

The applicant met with the surrounding neighbors on two different occasions to arrive at the agreed upon PO language. DAB V reviewed the case on November 7 and recommended approval of the proposed zone change with the protective overlay as submitted (6-0-1).

CASE HISTORY: The property was platted as part of the Shadow Woods Addition (2003) and the Riverside Health System Addition (1997).

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residential
SOUTH: SF-5, LC, GO	Single-family residential, financial, medical office
WEST: SF-5	Single-family residential
EAST: SF-5	Single-family residential

PUBLIC SERVICES: The site has access to 135th Street South, a two-lane, paved arterial street with 80-foot right-of-way. All municipal utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Wichita Urban Growth Area. The Future Growth Concept Map identifies the area as New Residential. New Residential Growth will likely be developed or redeveloped by 2035 as predominately residential with pockets of major institutional and commercial uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood:** The site is located adjacent to single-family homes, financial institution, medical offices, retail, restaurant and grocery store. The other commercial corners at the intersection of Maple and 135th Street West are of similar scale and intensity and have similar site design features as the proposed mixed use development.
- (2) The suitability of the subject property for the uses to which it has been restricted:** LC, NR and GO zoning would allow single-family residences, duplexes, nursing facility, medical service, and financial institution to be built, which is an appropriate use for urban residential development. The most intensive uses on the site are located closest to the intersection. Uses are limited to assisted living, medical service and single-family residential. The proposed development would be required to provide screening per the Unified Zoning Code along property adjacent to residential as well as the protections identified in PO #309.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested GO zoning would buffer the NR and LC uses to the SF-5 zoned property to the west

and north. The uses proposed in the NR and LC zoning would be significantly restricted by PO #309. The site design standards of PO #309 will mitigate negative impacts on the surrounding properties.

- (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 being located within the Wichita Urban Growth Area. The Future Growth Concept Map identifies the area as New Residential. New Residential Growth will likely be developed or redeveloped by 2035 as predominately residential with pockets of major institutional and commercial uses.
- (5) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities will be addressed at the time of platting.

PROTECTIVE OVERLAY #309

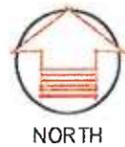
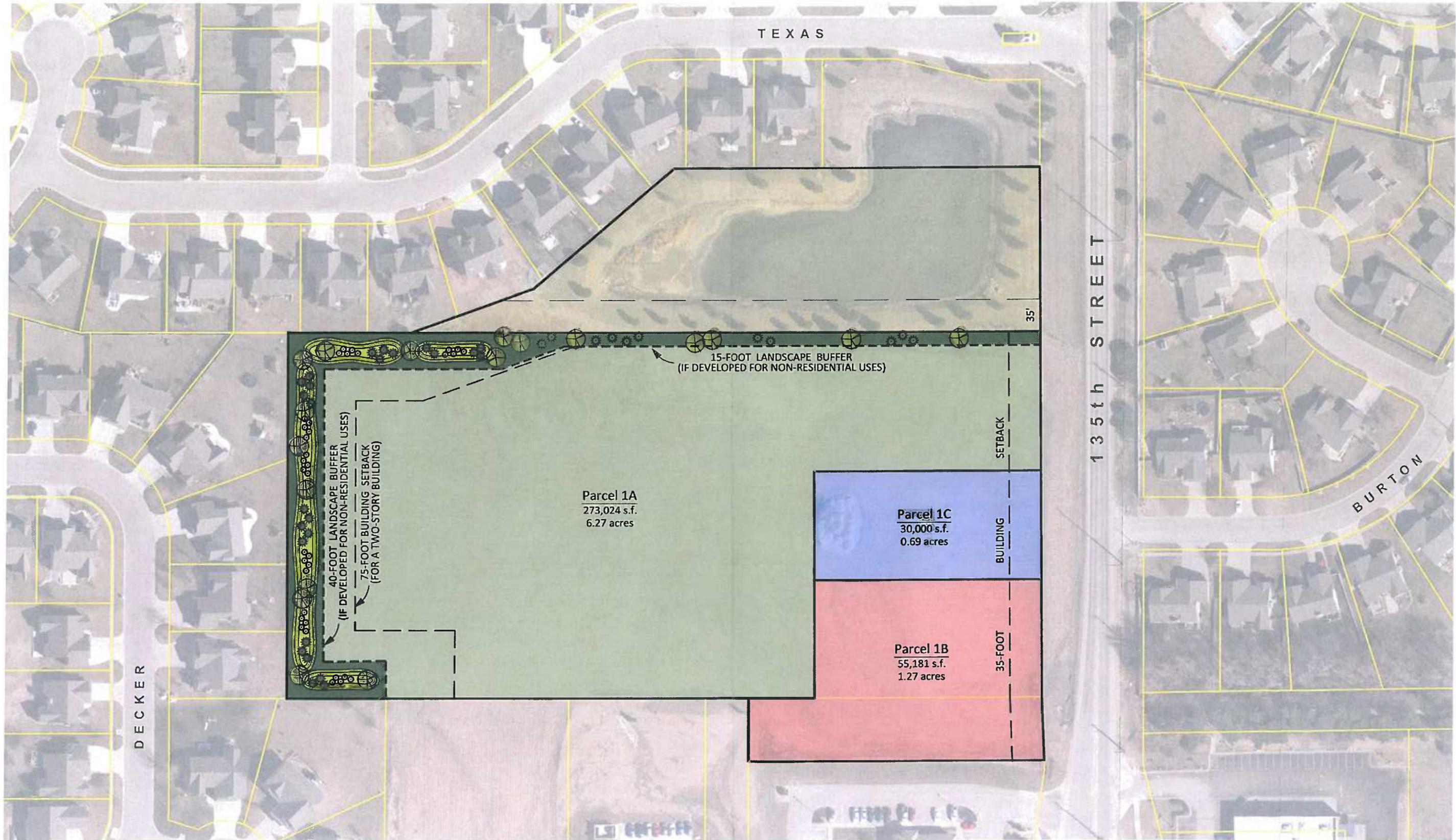
1. Approval of the zone change shall be contingent upon the replatting of the subject property. Guarantees for specific street improvements for 135th St W. shall be reviewed and determined at the time of platting.
2. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions:
 - A. Signs shall be limited to one monument type sign per frontage for each lot, no taller than 12 feet in height, and be limited to 120 square feet in area.
 - B. Portable, LED, and off-site signs are not permitted. Flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - C. No signs shall be allowed on the west or north elevations of any buildings.
 - D. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150 feet apart, irrespective of how land is leased or sold.
3. Access Controls shall be as shown on the final plat.
4. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
5. All lots shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
 - A. Limited height of light poles to 15 feet within 100 feet of abutting residential-zoned property, and 20 feet on the remainder of the tract.
 - B. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
6. Landscaping for this site shall be required as follows:
 - A. Requirements for street yard landscaping and buffer strip trees will be calculated at 1.5 times the minimum ordinance requirements. Requirements for parking lot landscape shall comply with the landscape ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
 - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the subject property being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
7. If the portion of the subject property to be zoned "GO" General Office develops with office (general), assisted living, or medical service, landscaping and screening shall be as follows:
 - A. A landscape buffer of 40 feet in width shall be provided along those property lines abutting residentially-developed lots, which shall include a series of berms 4-to-6 feet in height, and landscaping plantings per the "Buffer with No Screening" section of the Landscape Ordinance calculated at 1.5 times the minimum requirements (one tree, or two ornamental trees, and 5 shrubs per 20 feet). Said buffer shall be a combination of deciduous and evergreen landscaping, per ordinance. The minimum planting size of all deciduous trees shall be no smaller than 3-inch caliper, and all evergreen trees shall be a minimum of 6-feet in height. A solid screening fence shall not be required.

- B. Screening along the common property line with Reserve "C", Shadow Wood Addition shall be provided by a 15-foot landscape buffer with tree plantings calculated at 1.5 times the minimum ordinance requirements (one tree, or two ornamental trees, and 5 shrubs per 20 feet). Said buffer shall be a combination of deciduous and evergreen landscaping. Existing evergreen trees within the south 35 feet of Reserve "C" may be counted toward fulfilling the number of required buffer trees. A solid screening fence shall not be required.
8. Rooftop mechanical equipment shall be screened from ground level view per the Unified Zoning Code.
 9. For all non-residential uses, trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view, and shall be prohibited within 50 feet of residential-zoned property. Trash collection shall be limited to between the hours of 6:00 am to 10:00 pm within the subject property.
 10. All buildings in the subject property shall share uniform architectural character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominantly earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.
 11. The portion of the subject property to be zoned "GO" General Office shall be limited to the following uses: office (general), assisted living, medical service, and single-family residential.

The portion of the subject property to be zoned "LC" Limited Commercial and "NR" Neighborhood Retail shall not allow the following uses: adult entertainment establishments; sexually oriented business; correctional placement residences; group residential; night club in the city; tavern and drinking establishment; multi-family, auditorium/stadium; community assembly; recycling collection station; bed and breakfast; car wash; construction sales and service; convenience store; entertainment establishment; event center; hotel/motel; kennel; marine facility; monument sales; nursery and garden center; parking area (commercial); pawnshop; recreation and entertainment; recreational vehicle campground; second hand store; service station; teen club; vehicle repair; warehouse self-storage; and industrial uses.

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 shall be designed to ensure queuing lanes for drive-through windows will not align vehicle headlights in such a manner as to face residential uses. No overhead doors shall be allowed within 200 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the subject property are prohibited.

12. No single use shall occupy more than 8,000 square feet of floor area, with the exception of an assisted living complex.
13. All buildings shall be limited to 35 feet in height, and one story, in height, with the exception of an assisted living complex which may be two stories. If a two-story assisted living complex is developed within the portion of the subject property to be zoned "GO: General Office, a 75-foot building setback shall be required from those property lines abutting residentially-developed lots.



NORTH

SCREENING CONCEPT

135TH STREET WEST AND MAPLE STREET



BAUGHMAN

11/08/2016

BACKGROUND: The applicant requests a zone change from RR Rural Residential (RR) to SF-20 Single-family Residential (SF-20) on 1 acre. The site is located on the southwest corner of East 81st Street South and South Victoria Avenue. The subject property is located within the Ruud First Addition which is all zoned SF-20 with the exception of the subject property. The applicant proposes to build a new residential structure and demolish the existing residential structure. RR zoning requires a 2-acre minimum lot size; therefore the applicant is requesting the zone change to SF-20. The site is within the Haysville Urban Area of Influence.

Property east, south and west of the site is zoned SF-20 and located within the Ruud First Addition. Parcels size averages one acre and are developed with single-family residences. Properties north of the site are zoned SF-20 and are unplatted parcels ranging from 0.5 to 1 acre.

CASE HISTORY: Rudd First Addition was platted in September 1983.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Single-Family residential development
SOUTH:	SF-20	Single-Family residential development
EAST:	SF-20	Single-Family residential development
WEST:	SF-20	Single-Family residential development

PUBLIC SERVICES: East 81st Street South is an unpaved, two-lane local road with travel in both directions. The site has a water well and on-site sewer (modified septic systems) as approved by Metropolitan Area Building and Construction Department.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as being located within the Haysville Small City Growth Area. Small City Growth Areas are generally located adjacent to existing municipal boundaries, and indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** All property surrounding the site is zoned SF-20. Surrounding properties are developed with single-family residential structures and range from 0.5 – 1 acre lots.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned RR and cannot be redeveloped as zoned.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested SF-20 zoning will allow development on less than two acres. The zone change will not change traffic demands as the use is an existing non-conforming 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 being located within the Haysville Small City Growth Area. Small City Growth Areas are generally located adjacent to existing municipal boundaries, and indicate the likely

direction and magnitude of growth these communities can expect to experience out to the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

- (5) **Impact of the proposed development on community facilities:** East 81st Street South is an unpaved, two-lane local road with travel in both directions. There will be no increase in residential density and will not increase demand on community facilities, infrastructure and services.

STAFF REPORT

MAPC November 17, 2016
DAB II November 14, 2016

CASE NUMBER: ZON2016-43 and CUP2016-39

APPLICANT/AGENT: Canyon Properties, Inc. / MKEC Engineering (Brian Lindebak)

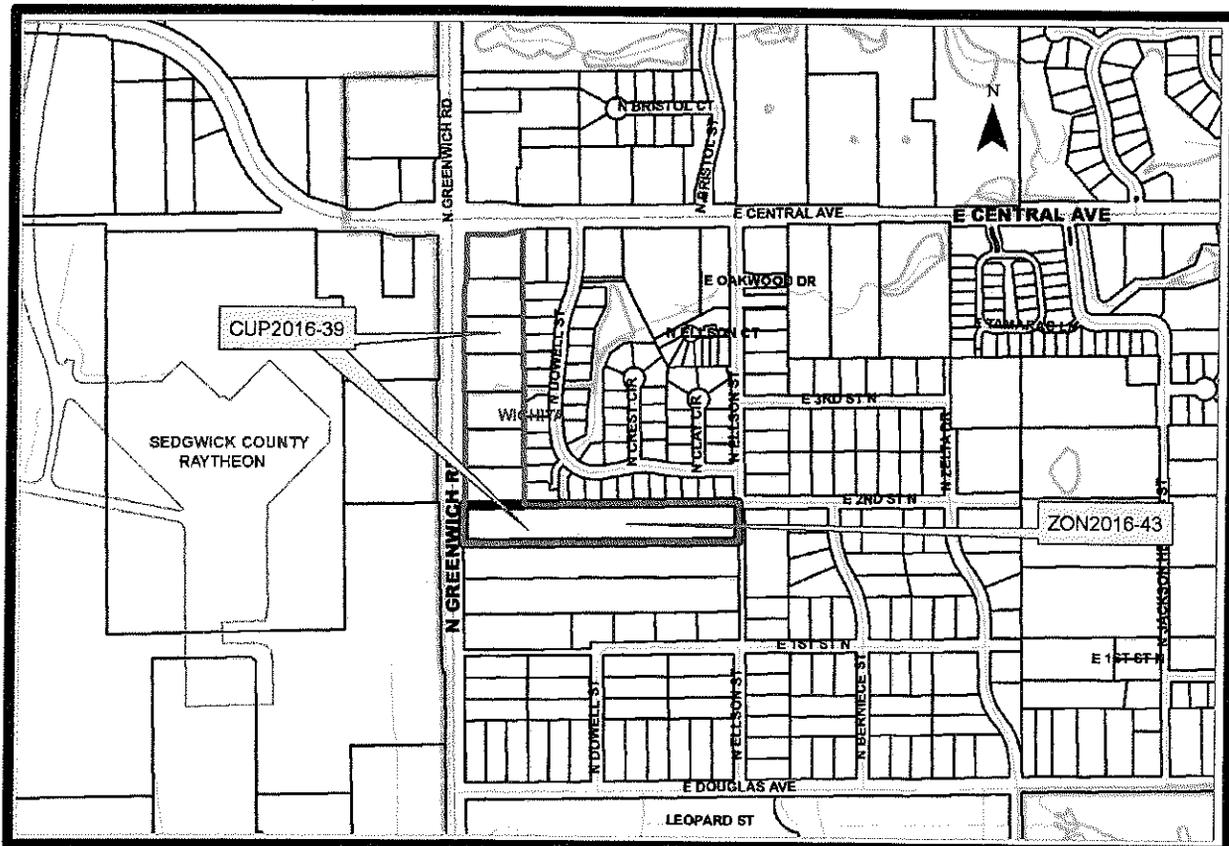
REQUEST: City zone change from SF-5 Single-Family Residential to LC Limited Commercial and amendment to CUP DP-229 to annex additional parcels into the CUP

CURRENT ZONING: LC Limited Commercial and SF-5 Single-Family Residential

SITE SIZE: 12.79 acres

LOCATION: Southeast corner of Central and Greenwich

PROPOSED USE: Limited Commercial Development



BACKGROUND: The subject site is located at the southeast corner of East Central and North Greenwich Road and contains approximately 12.79 acres that is zoned LC Limited Commercial and SF-5 Single-Family Residential. The applicant requests a zone change for the SF-5 portion to LC on the approximately 5 acres and annex the re-zoned property into an existing Canyon Properties Commercial CUP DP-229 to allow for new development (See attached site plan). In addition to a zone change to LC, the applicant is proposing to amend the existing CUP that will modify CUP DP-229 as outlined in the attached Proposed Revisions to DP-229.

Land to the north (across East Central) of the application area is zoned LC and developed with automobile/RV dealership and strip retail center. Properties located to the east and south of the subject site are zoned SF-5 and developed with single-family residences. Property west of the site, at the southwest corner of East Central and North Greenwich Road, is zoned LI Limited Industrial and is an aircraft manufacturing plant.

CASE HISTORY: The Canyon Properties Commercial CUP was established in August 1998. This is the first Amendment and first zone change.

ADJACENT ZONING AND LAND USE:

North:	LC	Automobile/RV dealership, strip store center
South:	SF-5	Single-family residences
West:	LI	Aircraft manufacturing
East:	SF-5	Single-family residences

PUBLIC SERVICES: The site is served by municipal services. East Central and North Greenwich are paved five-lane arterial streets with dedicated turn lanes at the intersection in all directions. The proposed CUP amendment provides for one additional access point along Greenwich.

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, retail centers likely will be developed.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the zone change and amendments to CUP DP229 be **APPROVED** subject to the development guidelines of the amended CUP and the following conditions:

- A. The applicant shall record a CUP Certificate with the Register of Deeds indicating the annexed parcel has special conditions for the development of the properties.
- B. The applicant shall submit the recorded CUP Certificate and 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 East Central) of the application area is zoned LC and developed with automobile/RV dealership and strip retail center. Properties located to the east and south of the subject site are zoned SF-5 and developed with single-family residences. Property west of the site, at the southwest corner of East Central and North Greenwich Road, is zoned LI Limited Industrial and is an aircraft manufacturing plant.
2. The suitability of the subject property for the uses to which it has been restricted: The Canyon Properties Commercial CUP DP-229 and its LC zoning was established in August of 1998. The site could continue to be economically viable as currently zoned; however, the proposed zone change and CUP amendment to expand the existing CUP address potential tenant needs.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The zoning and CUP DP-229 for the site was approved in 1998 and only the convenience store at the corner has been developed. The proposed zone change and CUP amendments address potential 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.

PROPOSED REVISIONS TO CUP DP-229

Changes and additions to the CUP are bolded and italicized.

General Provisions

1. This development contains **12.79 +/-** net acres, with a maximum building coverage (**30%**) of **166,942** sq.ft. and a maximum gross floor area (**30%**) of **166,942** sq.ft.
3. All utilities shall be installed underground, **except along street frontages.** (*due to existing power poles*)
5. Parking shall be provided in accordance with "**Article IV, Section A - Site Development Standards of the Wichita-Sedgwick County Unified Zoning Code.**"
6. Architectural, **Lighting, and Noise** Controls (*add*)
 - C. **On Parcels 8, 9, and 10, buildings shall have consistent predominant exterior building materials with consistent architectural character, color, and texture.**
 - D. **Lighting sources shall be limited to 15 feet in height within 200 feet of residential zoning districts, except on Parcel 1.**
 - E. **No sound amplification systems for projecting music or human voices shall be permitted on any property zoned Neighborhood Office or more intensive if the music and/or voices can be heard within any residential zoning district located within a 500 foot radius of the subject property, except on Parcel 1.**
7. Screening shall be in accordance with "**Article IV, Section B - Site Development Standards and Section III-C.2.b. of the Wichita-Sedgwick County Unified Zoning Code.**"
 - A. **On Parcels 8, 9, and 10, rooftop mechanical equipment shall be screened from ground level view per Wichita-Sedgwick County Unified Zoning Code.**
 - B. **On Parcels 8, 9, and 10, trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view with fencing and/or landscaping.**
8. Masonry wall
 - A. A solid or semi-solid wall constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire) at least six feet but not more than eight feet high shall be constructed along the east line of Parcels 2 thru 7, **a portion of the north line (84 ft.) and all of the south line of Parcel 8, the north and south lines of Parcels 9, and 10, and the east line of Parcel 10,** as shown. Construction of the wall will require a building permit. No wall shall be constructed in a utility easement.
 - B. **A six to eight foot tall masonry wall along the southern perimeter of Parcels 8, 9, and 10, and along the eastern perimeter of Parcel 10, and along the northern perimeter of Parcels 8, 9, 10, and Reserve A where abutting single family residential uses may be substituted with the following landscape buffer: The existing mature tree row is maintained within the north 20 feet of said Parcels and shall provide supplemental evergreens trees placed in any gaps greater than 10 feet in the existing tree row. Said supplemental evergreens shall be planted offset 10 feet on center in a staggered manner and shall be a minimum of eight feet tall at the time of platting forming a living wall effectively creating an opaque screen. Said trees and landscaping shall be maintained in good condition and be properly irrigated. In addition to the landscaping, a six foot wooden fence shall be built on the property line prior to the issuance of building permit. In the event that Ellson Street improvements are made, the wall requirement along the east line of Parcel 10 shall be released automatically without further action if the above landscape requirements are met. No limits to access to Ellson Street shall be implied with**

such screening measures.

9. Signs shall be in accordance with Chapter 24.04 of the Sign Code of the City of Wichita with the following exceptions:
 - A. No off-site, potable signs, or signs with rotating or flashing lights shall be permitted.
 - B. All signs along Greenwich Road and Central shall be monument type signs with a maximum height of 20 feet, and a maximum of one sign per parcel, **except for Parcels 9 and 10.**
 - C. **Parcels 8, 9, and 10 shall be allowed tenant signage along Parcel 8 frontage.**
 - D. **The Developer / Owners shall be responsible for allocating the sign areas.**
10. Access control
 - A. Access to Greenwich road shall be limited to 6 openings and access to Central shall be limited to 1 opening as shown on the plan.
 - B. There shall be complete access control to Greenwich Road and Central Avenue at those locations as shown on the plan.
11. A cross lot access agreement between all parcels shall be required at the time of platting, **and as amended from time to time.**
12. **Title**

The transfer of the title on all or any portion of the land included in the Community Unit Plan does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns and amended. However, the Director of the MAPD, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
13. **Reserves**

The specific location, uses, and size of the reserves shall be determined at the time of final platting; however, the location and size of the reserves shall generally be the same as indicated on the CUP unless modified by a CUP adjustment or amendment.
14. **No occupancy permits shall be issued for any development without services by municipal water and sewer services.**
15. **The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.**
16. **Any major changes within this Community Unit Plan shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations to the C.U.P. shall be done in accordance with the Unified Zoning Code.**

Parcel Descriptions

Parcels 2, 3, 4, 5, and 6 deleted maximum number of buildings

Parcels 2, 3, 4, 5, 6, and 7 changed to 20 feet interior side setbacks between parcels 2 & 3, 3 & 4, 4 & 5, 5 & 6, 6 & 7

Parcel 7

All uses permitted in the L.C. Zoning District except taverns and adult entertainment as defined by City Code

Net area - 1.09 acres± or 47,473 sq.ft.
Max building coverage - 30% or 14,200 sq.ft.
Max gross floor area - 30% or 14,200 sq.ft.
Max building height - 35 ft.
Max number of buildings – 1

Parcel 8

Proposed Use - All uses permitted in the L.C. Zoning District except taverns and adult entertainment as defined by City Code

Net area - 1.43 acres± or 62,329 sq.ft.
Max building coverage - 30% or 18,600 sq.ft.
Max gross floor area - 30% or 18,600 sq.ft.
Max building height - 35 ft.

Parcel 9

Proposed Use - All uses permitted in the L.C. Zoning District except adult entertainment, multi-family, manufactured home, correctional placement residential (limited and general), group home (limited, general, and commercial), animal care (limited and general), car wash, convenience store, hotel or motel, marine facility (recreational), night club in the City, pawn shop, indoor recreation and entertainment, restaurant, general retail, secondhand store, service station, sexually oriented business in the City, tattooing and body piercing facility, tavern and drinking establishment, and asphalt or concrete plant (limited) as defined by City Code

Net area - 1.64 acres± or 71,300 sq.ft.
Max building coverage - 30% or 21,300 sq.ft.
Max gross floor area - 30% or 21,300 sq.ft.
Max building height - 35 ft.

Parcel 10

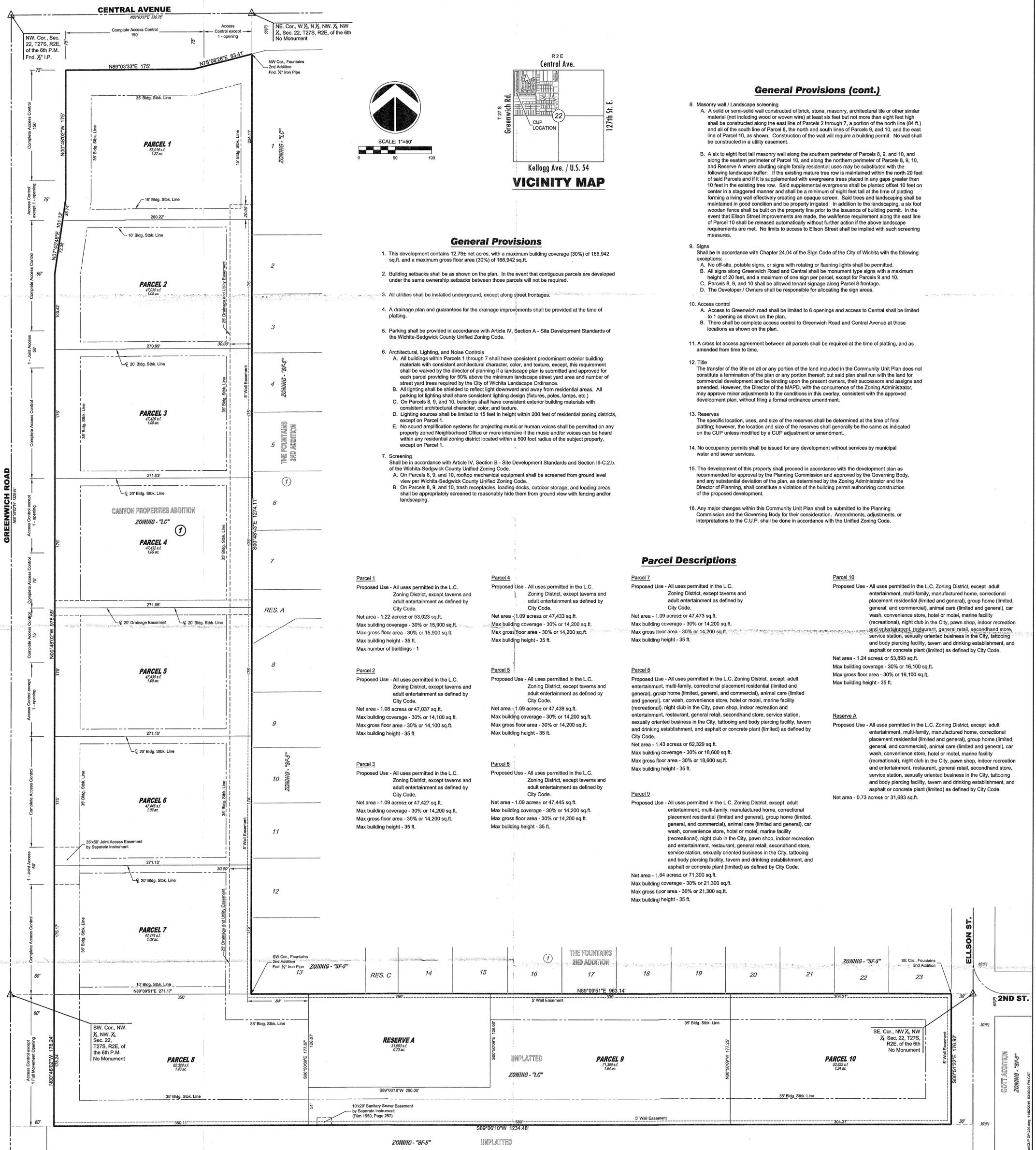
Proposed Use - All uses permitted in the L.C. Zoning District except adult entertainment, multi-family, manufactured home, correctional placement residential (limited and general), group home (limited, general, and commercial), animal care (limited and general), car wash, convenience store, hotel or motel, marine facility (recreational), night club in the City, pawn shop, indoor recreation and entertainment, restaurant, general retail, secondhand store, service station, sexually oriented business in the City, tattooing and body piercing facility, tavern and drinking establishment, and asphalt or concrete plant (limited) as defined by City Code

Net area - 1.24 acres± or 53,893 sq.ft.
Max building coverage - 30% or 16,100 sq.ft.
Max gross floor area - 30% or 16,100 sq.ft.
Max building height - 35 ft.

Reserve A

Proposed Use - All uses permitted in the L.C. Zoning District except adult entertainment, multi-family, manufactured home, correctional placement residential (limited and general), group home (limited, general, and commercial), animal care (limited and general), car wash, convenience store, hotel or motel, marine facility (recreational), night club in the City, pawn shop, indoor recreation and entertainment, restaurant, general retail, secondhand store, service station, sexually oriented business in the City, tattooing and body piercing facility, tavern and drinking establishment, and asphalt or concrete plant (limited) as defined by City Code

Net area - 0.73 acres± or 31,683 sq.ft.



COMMERCIAL C.U.P. DP-229

CANYON PROPERTIES

OWNER / DEVELOPER: Canyon Properties, Inc. Attn: Jerry Jones 727 N. Waco Avenue, Wichita, KS 67203 (316) 263-3201

Case History
 Amendment #1 CUP2016-00039 dated Nov. 17, 2016 in association with ZON2016-00043.
 Administrative Adjustment #1 dated 12-1-98



J:\Projects\2016\201600039\201600039_CUP_DP-229.dwg 11/20/16 09:03:00 AM
 Canyon Properties (CUP DP-229)

STAFF REPORT
 DAB III 12-7-2016
 MAPC 11-17-2016

CASE NUMBER: ZON2016-00044

APPLICANT/AGENT: Choices Medical Clinic Inc. (applicant), MKEC Brian Lindebak (agent)

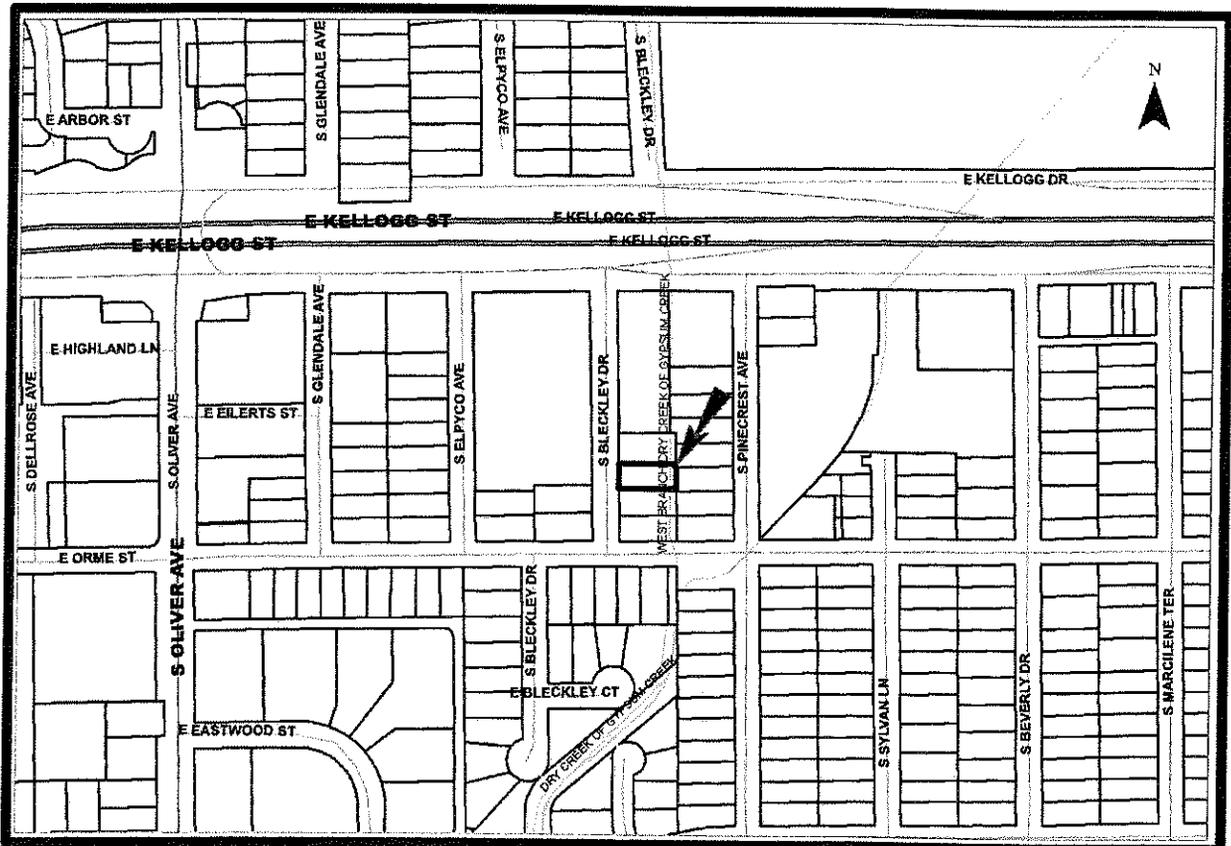
REQUEST: GO General Office

CURRENT ZONING: TF-3 Two-family Residential

SITE SIZE: 0.185 acre

LOCATION: East of Oliver and south of Kellogg (544 S. Bleckley)

PROPOSED USE: Expand General Office use



BACKGROUND: The applicant is seeking a zone change from TF-3 Two-Family Residential to GO General Office on a 0.185 acre lot located east of South Oliver and south of Kellogg. The subject site is Lot 11, Block A of the Nashville Park Addition. If approved, the GO zoning would permit the applicant's entire parcel, which includes the GO zoned parcel to the north, to be redeveloped with the range of permitted uses in GO.

The properties located east of the site are zoned MF-29 Multi-Family Residential developed with detached single-family residences. South of the subject site is TF-3 zoning district developed with detached single-family residences. Land to the west of the site is zoned LC and is a vacant used car sales lot. Land north of the site is zoned GO and is developed with a medical/dental clinic.

CASE HISTORY: The subject site is platted and is currently developed with a single-family residence.

ADJACENT ZONING AND LAND USE:

North: GO	Medical/Dental Clinic
East: MF-29	Detached Single-Family Residences
South: TF-3	Detached Single-Family Residences
West: LC	Vacant used car sales lot

PUBLIC SERVICES: The site is served by all usual municipal and private utilities and services.

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 Plan's locational guidelines indicate that the expansion of existing businesses to adjacent area should be supported.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties located east of the site are zoned MF-29 Multi-Family Residential developed with detached single-family residences. South of the subject site is TF-3 zoning district developed with detached single-family residences. Land to the west of the site is zoned LC and is a vacant used car sales lot. Land north of the site is zoned GO and is developed with a medical/dental clinic.

2. The suitability of the subject property for the uses to which it has been restricted: The site is located immediately south of GO zoned property and would allow the expansion of the existing medical/dental clinic.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the GO zoning should not create an increased negative impact on nearby property given the site location and the screening required by the Unified Zoning Code.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: GO zoning is appropriate for this location and provides economic viability to redevelop the property. Residential zoned property will be screened according to the Unified Zoning Code requirements.
6. 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 Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan's locational guidelines indicate that the expansion of existing businesses to adjacent area should be supported.

BACKGROUND: The applicant, Verizon Wireless, is requesting a Conditional Use to permit the construction of a wireless communication facility with a 105-foot tall, galvanized steel, monopole cell phone tower on the U University (U) zoned Friends University site. The proposed monopole will replace a 76-foot tall football stadium light pole and will be designed to look and function like the existing stadium light pole, including have lights and speakers placed on its lower portion. Wireless communication providers are particularly encouraged to modify or rebuild stadium light poles that are substantially similar in appearance to the removed stadium light pole. The site is also located within the Delano Overlay District which prohibits wireless communication facilities and their towers (see “Case History”).

The Unified Zoning Code (UZC) allows the consideration of wireless communication facilities as Conditional Uses on a site by site consideration; UZC Sec.III-C.8.cc.(1). The U zoning district permits undisguised towers up to 65 feet tall or disguised towers that are not significantly more visible or intrusive, including cumulative height extensions of up to 25 percent above the original structure height; Wireless Communication Facility Ordinance (Wireless Ordinance) Sec.VI.A. The proposed 105-foot tall monopole exceeds the allowed 25 percent extension. The site is also located within Airport Hazard Zone Area D, which allows a 300-foot maximum height. However, the site’s U zoning takes precedence over the Airport Hazard Zone Area D’s 300-foot maximum height. The lease site does not meet the UZC’s Compatibility Height standards for wireless communication facilities, as there is SF-5 Single-Family Residential zoned properties located west of the site, across St Claire Avenue, which trigger the UZC’s Compatibility Height standards Sec.IV-C.5.b.

The applicant has stated that the proposed facility is needed to increase capacity for more devices and larger amounts of data, a scenario exemplified by the proliferation of such devices as smart phones. The facility will also increase the chances that the applicant can maintain reliable services to the area, by helping to off-load existing capacity of the neighboring facilities. The applicant has listed the closest four existing Verizon sites. The applicant has provided current coverage and projected coverage maps showing the impact of the site in providing service to the area.

The applicant has also listed other communication facilities, including towers located closest to the Friends University football stadium site and two towers that are located within the DO that were considered for co-location. Both of these towers were existing prior to the DO being in effect. The applicant’s RF Engineer has stated that a 147-foot monopole located northeast of Douglas and Millwood Avenues will not work because of its proximity to Verizon’s existing small cells along North West Street. The Douglas and Millwood Avenues’ location will degrade the signal quality of these small cells while not significantly improving the overall quality in the target area. It will also leave some areas with no service due to poor signal quality. The self-supporting lattice tower located off of Athenian Avenue and 2nd Street is built for two-way radios and will not support cellular loading, and the site does not provide the desired coverage.

The proposed tower and associated communication frequencies and wattages must meet standards determined by the Federal Aviation Administration (FAA) to insure it poses no hazard to air navigation or interferes with other radio/communication frequencies; this must be provided

to staff prior to building permits being issued. Tower lighting must meet the FAA requirements for aircraft warning. The proposed galvanized surface of the tower will blend into the sky more readily than a red or white paint, which meets the intent of the “Design Guidelines” of the “Wireless Communication Master Plan.” The proposed 105-foot tower will be designed for co-location for at least two (2) other providers. Photo simulations of the proposed tower show the antennas mounted flush to the monopole.

As noted the site is located in the Delano neighborhood, which is one of the oldest (1862 Homestead Act) and most well established neighborhoods in the City of Wichita, and is located to the immediate west of the downtown area of Wichita. The Delano neighborhood boundaries are: the Arkansas River on the north and east, Meridian and US 54 Highway on the west and south respectively. In 1872 Delano was annexed into the City of Wichita.

The 12-foot by 28-foot lease site is located south of Maple Avenue, two blocks east of Meridian Avenue, on the northeast, St. Claire Avenue side of the stadium. Access to the site is provided by St. Claire Avenue. The two-acre Friends’ football stadium complex is located on the west side of the 54.5-acre U zoned Friends University campus (founded 1898), which is the dominant development in the Delano area. An SF-5 zoned active railroad track runs southwest – northeast through the area and abuts the U zoned parking lot located north of the site. SF-5 and U zoned small, one-story single-family residences (built mostly 1930-1950s) are located west and north of the site, across St. Claire Avenue and the railroad tracks. The rest of the U zoned Friends University campus is located south and east of the site.

CASE HISTORY: The site is located on parts of Lots 45, 47 and 49, University Place Addition. The University Place Addition was recorded with the Register of Deeds July 24, 1886. The site is located within Friends University, which was established in 1898. The site is also located in the Delano Overlay (DO), which was established in 2000. The Delano Overlay District prohibits wireless communication facilities and their towers

There is a proposed amendment to the UZC to allow a wireless communication facilities to be considered as a Conditional Use in the Delano Overlay. However, the State has recently changed the law in regards to the local governments’ permitting process for wireless communication facilities. The impact on the City is still being studied. This in turn has slowed and at times stalled the consideration of this case, which Staff has recommended contingent on the City’s final deliberation on the State’s changes to the local governments’ permitting process for wireless communication facilities.

District Advisory Board VI (DAB VI) considered request at their November 7, 2016, meeting and voted (unanimously) to approve the request with the conditions listed in the “Recommendation” section of this report. There were no protests to the request.

ADJACENT ZONING AND LAND USE:

NORTH:	U, SF-5	Friends University parking lot, railroad right-of-way, single-family residences,
SOUTH:	U	Friends University campus

EAST: U Friends University campus
WEST: U, SF-5, B Single-family residences, small apartment

PUBLIC SERVICES: Public water is located in St Claire Avenue and sewer is located in the easements on the Football Stadium site. All utilities are available to the site. The site has direct access onto St Claire Avenue, a curbed and paved two-lane residential street.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Future Growth Concept Map” of the Comprehensive Plan identifies the site as appropriate for “new employment.” The new employment category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. The 54.5-acre Friends University campus is a catalyst for research and technology as offered by its classes.

The “2035 Urban Growth Areas Map” identifies the site as being in the “Established Central Area.” The Established Central Area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. Friends University was established in 1898 and the Delano neighborhood, which Friends University is located in, was established in 1862, prior to it being annex into the Wichita in 1872, thus making this area one of the oldest in Sedgwick County. Commercial development in the Established Central Area should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential areas and the scale of the development is appropriate for its context. The proposed communication facility with its 105-foot tall monopole is designed to resemble and function like the 76-foot tall football stadium light pole it is replacing, including antennas mounted flush to the monopole. Traffic will be minimal and the facility will provide increased capacity for more devices and larger amounts of data for both the area.

The U zoning district is intended to accommodate the development of universities, colleges, seminaries, or other institutions of higher learning. The U zoning is appropriate for the Friends University campus.

The DO is intended to preserve, enhance, and promote the character of the Delano neighborhood as prescribed in the Delano Neighborhood Revitalization Plan. The DO is an Overlay District and as such property development within the DO shall comply with the Delano Neighborhood Design Guidelines, the standards of the DO and the underlying U zoning district. The DO prohibits wireless communication facilities. There is a proposed amendment to the UZC to allow a wireless communication facility as a Conditional Use in the Delano Overlay. However, the State has recently changed the law in regards to the local governments’ permitting process for wireless communication facilities. The impact on the City is still being studied.

The Wireless Master Plan encourages the modification or the rebuilding of stadium light poles that are substantially similar in appearance to the removed stadium light pole. This proposed monopole at this site appears to be possibly one of the least intrusive proposals for the area.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the proposed removal of the described site from the DO be **APPROVED**, subject to the following provisions:

- A. Final approval is contingent on the City's final deliberation and action on the State's changes to the local governments' permitting process for wireless communication facilities and the proposed amendment to the Delano Overlay to permit the consideration of wireless communication facilities as Conditional Uses.
- B. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met, with the exception that the Compatibility Height standards for wireless communication facilities be waived.
- C. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable or the Conditional Use shall be declared null and void.
- D. The support structure shall be a "monopole" design to resemble and function like the 76-foot tall football stadium light pole it is replacing including stadium lights and speakers mounted on its lower portion and antennas mounted flush to the monopole. The support structure that shall be silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- E. The support structure shall not exceed 105 feet in height and shall be designed and constructed to accommodate communication equipment for at least two (2) wireless service providers.
- F. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
- G. The 12-foot by 28-foot lease site shall be located on the Friends University football stadium site and shall be developed in general conformance with the approved site plan. The plan must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.
- H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- I. 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 VIII of 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 surrounding area:** The 54.5-acre U zoned Friends University campus (founded 1898) is the dominant development in the Delano area, which also includes other large institutional developments such as Lawrence Dumont Stadium, the Exploration Place science museum, the Masonic Home and is the future home of the Wichita Central Library. The two-acre Friends' football stadium

complex is located on the west side of the 54.5-acre U zoned Friends University campus. A SF-5 zoned active railroad track runs southwest – northeast through the area and abuts the U zoned parking lot located north of the site. SF-5 and U zoned small, one-story single-family residences (built mostly 1930-1950s) are located west and north of the site, across St. Claire Avenue and the railroad tracks. The rest of the U zoned Friends University campus is located south and east of the site.

(2) **The suitability of the subject property for the uses to which it has been restricted:**

The U zoning for the Friends University campus, including its football stadium, is appropriate. The DO, which Friends University is part of, is appropriate in that it is intended to preserve the Delano neighborhood’s historical integrity.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:**

The Conditional Use request to allow a wireless communication facility that would replace a 76-foot tall football stadium light pole with a 105-foot tall monopole that will be designed to look and function like the existing stadium light pole, including have lights and speakers placed on its lower portion, will have minimal effect on the nearby properties. The Wireless Master Plan encourages the modification or the rebuilding of stadium light poles that are substantially similar in appearance to the removed stadium light pole. This proposed monopole at this site appears to be possibly one of the least intrusive proposals for the area.

The applicant has stated that the proposed facility is needed to increase capacity for more devices and larger amounts of data, a scenario exemplified by the proliferation of such devices as smart phones. The facility will also increase the chances that the applicant can maintain reliable services to the area, by helping to off-load existing capacity of the neighboring facilities.

(4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:**

The “2035 Wichita Future Growth Concept Map” of the Comprehensive Plan identifies the site as appropriate for “new employment.” The new employment category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. The 54.5-acre Friends University campus is a catalyst for research and technology as offered by its classes.

The “2035 Urban Growth Areas Map” identifies the site as being in the “Established Central Area.” The Established Central Area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. Friends University was established in 1898 and the Delano neighborhood, which Friends is located in, was established in 1862, prior to it being annex into the Wichita in 1872, thus making this area one of the oldest in Sedgwick County.

Commercial development in the Established Central Area should have site design

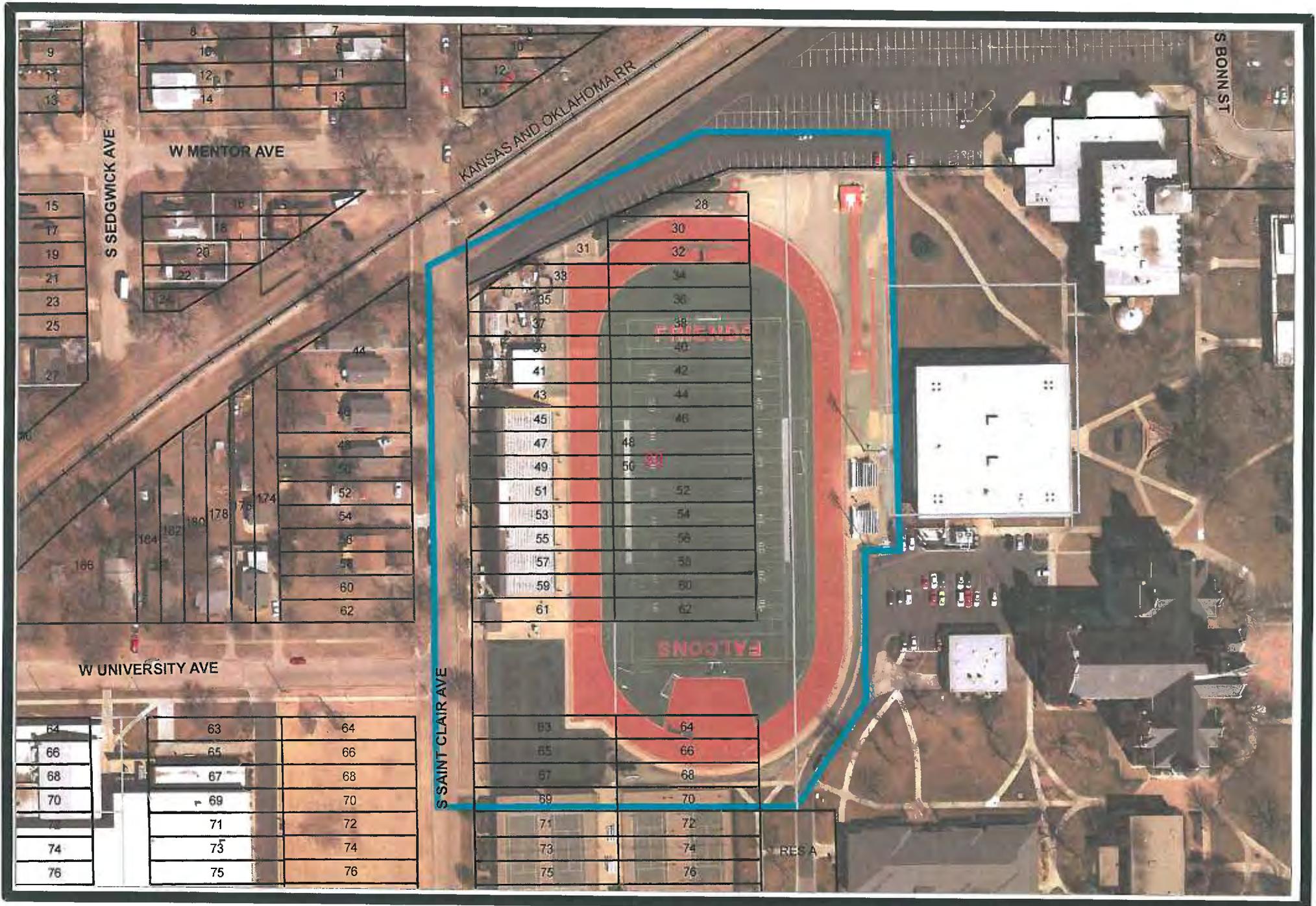
features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context. The proposed communication facility with its 105-foot tall monopole is designed to resemble and function like the 76-foot tall football stadium light pole it is replacing, including antennas mounted flush to the monopole. Traffic will be minimal and the facility will provide increased capacity for more devices and larger amounts of data for both the area.

The U zoning district is intended to accommodate the development of universities, colleges, seminaries, or other institutions of higher learning. The U zoning is appropriate for the Friends University campus.

The DO is intended to preserve, enhance, and promote the character of the Delano neighborhood as prescribed in the Delano Neighborhood Revitalization Plan. The DO is an Overlay District and as such property development within the DO shall comply with the Delano Neighborhood Design Guidelines, the standards of the DO and the underlying U zoning district. The DO prohibits wireless communication facilities. There is a proposed amendment to the UZC to allow a wireless communication facility as a Conditional Use in the Delano Overlay. However, the State has recently changed the law in regards to the local governments' permitting process for wireless communication facilities. The impact on the City is still being studied.

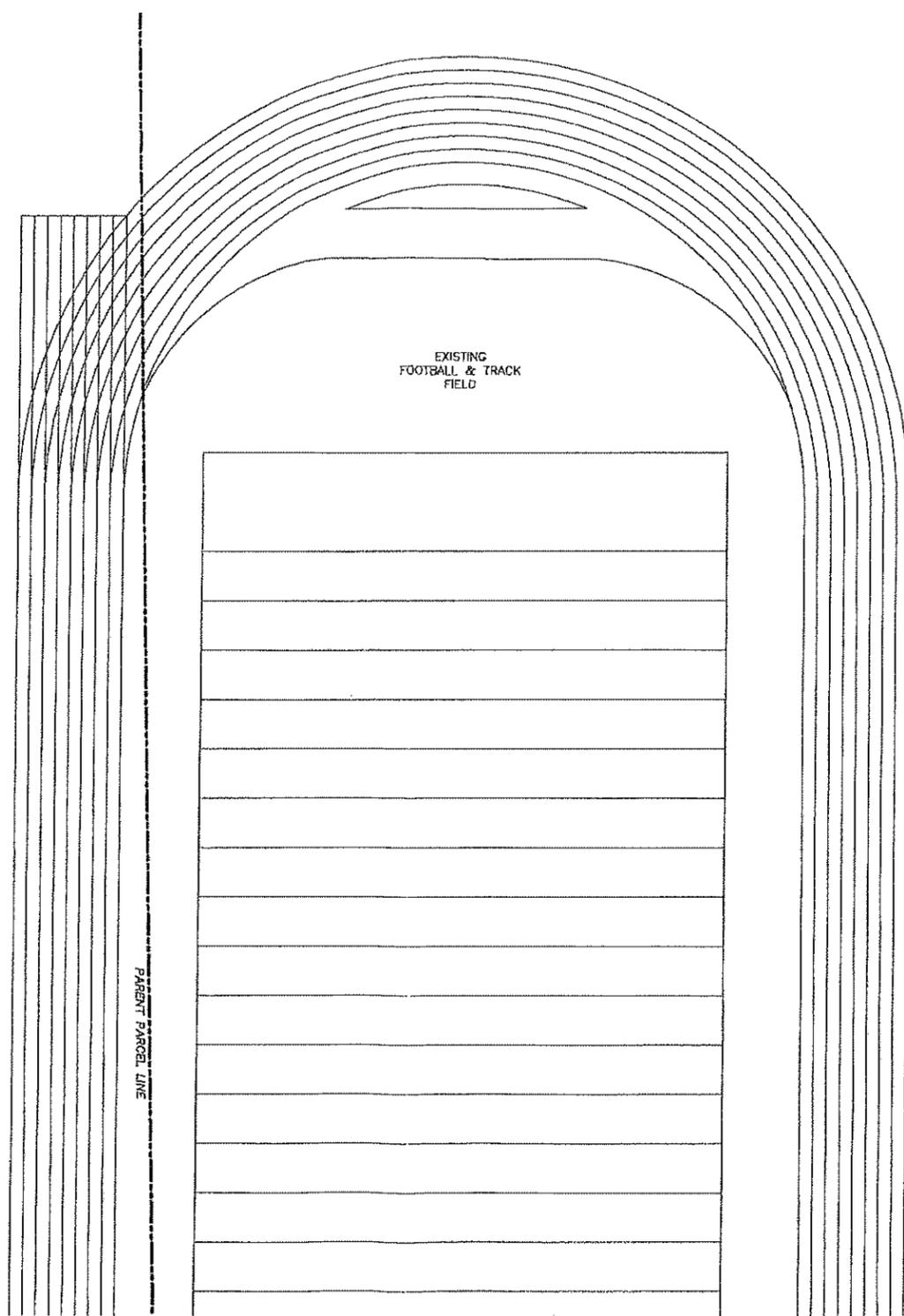
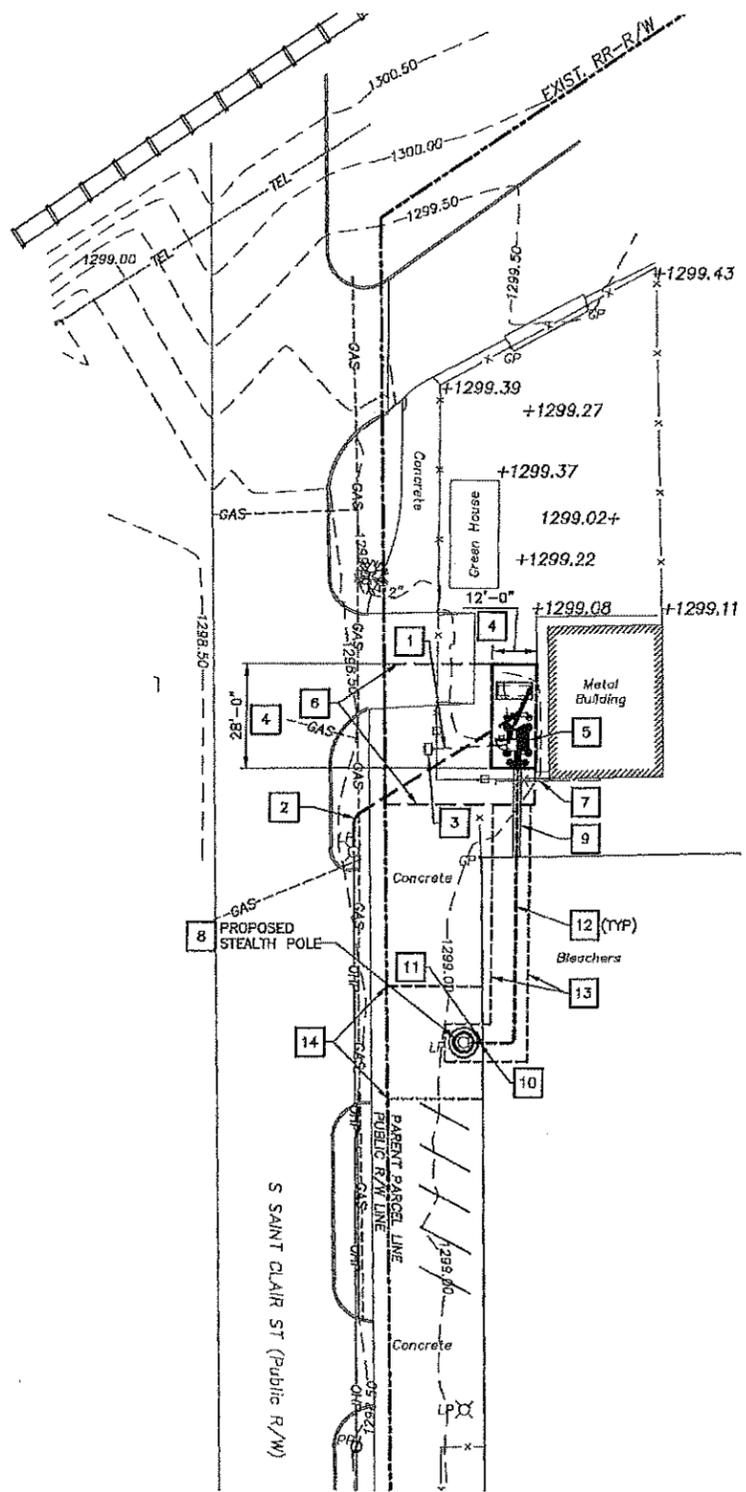
The Wireless Master Plan encourages the modification or the rebuilding of stadium light poles that are substantially similar in appearance to the removed stadium light pole. This proposed monopole at this site appears to be possibly one of the least intrusive proposals for the area.

- (5) **Impact of the proposed development on community facilities:** The site will generate less traffic onto St Claire Avenue than the adjacent single-family residences or the classes, sporting events or other activities on the Friends University campus. Drainage will not change.



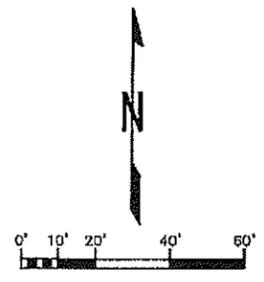


THE UTILITIES AS SHOWN ON THIS SET OF DRAWINGS WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THE INFORMATION PROVIDED IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.

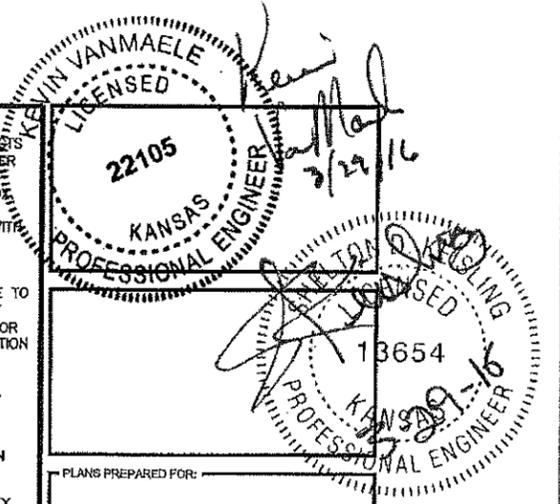


- NOTES:**
- 1 PROPOSED 4" CONDUIT W/ (3) 1" INNERDUCTS W/PULL ROPE IN EACH INNERDUCT FOR FIBER FROM PROPOSED TRAFFIC RATED FIBER HANDHOLE TO EQUIPMENT PLATFORM (APPROX LENGTH = 25') (CONTRACTOR SHALL FIELD VERIFY & COORDINATE CONNECTION POINT WITH LOCAL UTILITY)
 - 2 PROPOSED 3" CONDUIT FOR UNDERGROUND POWER FROM TRANSFORMER AT UTILITY POLE TO PROPOSED EQUIPMENT PLATFORM W/ UTILITY METER. (APPROX LENGTH = 60') (CONTRACTOR SHALL FIELD VERIFY & COORDINATE CONNECTION POINT WITH LOCAL UTILITY)
 - 3 PROPOSED TRAFFIC RATED FIBER HANDHOLE.
 - 4 PROPOSED 12' x 28' LEASE SPACE
 - 5 PROPOSED VERIZON WIRELESS EQUIPMENT ON PLATFORM
 - 6 PROPOSED NON-EXCLUSIVE ACCESS & UTILITY RIGHT-OF-WAY. (IRREGULAR SHAPE)
 - 7 EXISTING GATE
 - 8 REPLACE EXISTING FIELD LIGHT POLE WITH PROPOSED STEALTH POLE AT SAME LOCATION. EXISTING LIGHTS & SPEAKERS TO BE RELOCATED TO NEW POLE AT SAME ELEVATIONS.
 - 9 PROPOSED CABLE TRAY OVERHEAD TO BLEACHERS ENCLOSURE A MINIMUM OF 12' ABOVE GRADE AT ENTRANCE DRIVE
 - 10 PROPOSED CABLE ROUTE THROUGH BLEACHERS ENCLOSURE TO PROPOSED STEALTH POLE
 - 11 PROPOSED SABRE ENTRY PANEL PART # C20-131-004 OR APPROVED EQUAL. (ORDER 4" BOOT ASSEMBLIES PER CABLE SIZE) (SEE 1/G-5)
 - 12 PROPOSED SITE PRO 1 COAX CABLE SUPPORT BRACKET. BOLT TO BUILDING BEAM. (ORDER SNAP-IN HANGERS PER CABLE SIZE) (SEE 2/C-5)
 - 13 PROPOSED 10' WIDE NON-EXCLUSIVE CABLE RIGHT-OF-WAY
 - 14 PROPOSED 30' WIDE NON-EXCLUSIVE ACCESS RIGHT-OF-WAY (APPROX LENGTH = 26')

2016-20



OVERALL SITE PLAN



PLANS PREPARED FOR:
verizon

PLANS PREPARED BY:
9900 West 109th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700
Fax: 913-438-7777
SSC

ENGINEERING LICENSE:
STATE OF KANSAS
PE CERTIFICATE OF AUTHORIZATION #E-571
ENGINEER: KEVIN VANMAELE
PE # 22105 DISCIPLINE: STRUCTURAL/CIVIL SC
BY MICHAEL L. OWENS 18917 STRUCTURAL/CIVIL SC
REJ ROBERT E. JENSEN 15098 STRUCTURAL/CIVIL SC
TMS TERRANCE M. SUPER 9250 ELECTRICAL E
SOK SHELTON D. KOSLUNG 3654 ELECTRICAL E

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SUBMITTALS

DESCRIPTION	DATE	BY	REV
ISSUED FOR REVIEW	02/11/15	RKT	A
ISSUED FOR LESSOR REVIEW	03/20/15	JAB	B
PER CLIENT COMMENTS	06/25/15	RKT	C
ISSUED FOR CONSTRUCTION	11/02/15	RKT	6
PER CLIENT COMMENTS	02/16/16	RKT	1
PER CLIENT COMMENTS	03/14/16	RKT	2

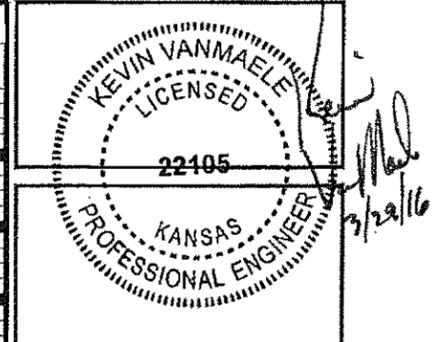
SITE NAME:
WICC METRO MERIDIAN

LOCATION NUMBER:
290269

SITE ADDRESS:
420 SOUTH ST. CLAIRE STREET
WICHITA, KANSAS
67213

SHEET DESCRIPTION:
OVERALL SITE PLAN

SSC #: SHEET NUMBER:
C-1



PLANS PREPARED FOR:

verizon ✓

PLANS PREPARED BY:

SSC

9900 West 109th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700
Fax: 913-438-7777

ENGINEERING LICENSE:

STATE OF KANSAS

PE CERTIFICATE OF AUTHORIZATION #E-571

ENGINEER: PE # DISCIPLINE:

MLO MICHAEL L. OWENS 16917 STRUCTURAL/CIVIL SC
KY KEVIN VANMAELE 22105 STRUCTURAL/CIVIL SC
REJ ROBERT E. JENSEN 18086 STRUCTURAL/CIVIL SC
TMS TERENCE M. MAUER 9280 ELECTRICAL E
SGK SHELTON D. KOSLINSKI 3854 ELECTRICAL E

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SUBMITTALS	DESCRIPTION	DATE	BY	REV
ISSUED FOR REVIEW		02/11/16	BKT	A
ISSUED FOR LESSOR REVIEW		03/20/16	JMB	B
PER CLIENT COMMENTS		06/25/16	BKT	C
ISSUED FOR CONSTRUCTION		11/02/16	BKT	0
PER CLIENT COMMENTS		02/16/16	BKT	1
PER CLIENT COMMENTS		03/14/16	BKT	2

SITE NAME:

WICC METRO MERIDIAN

LOCATION NUMBER:

290269

SITE ADDRESS:

420 SOUTH ST. CLAIRE STREET
WICHITA, KANSAS
67213

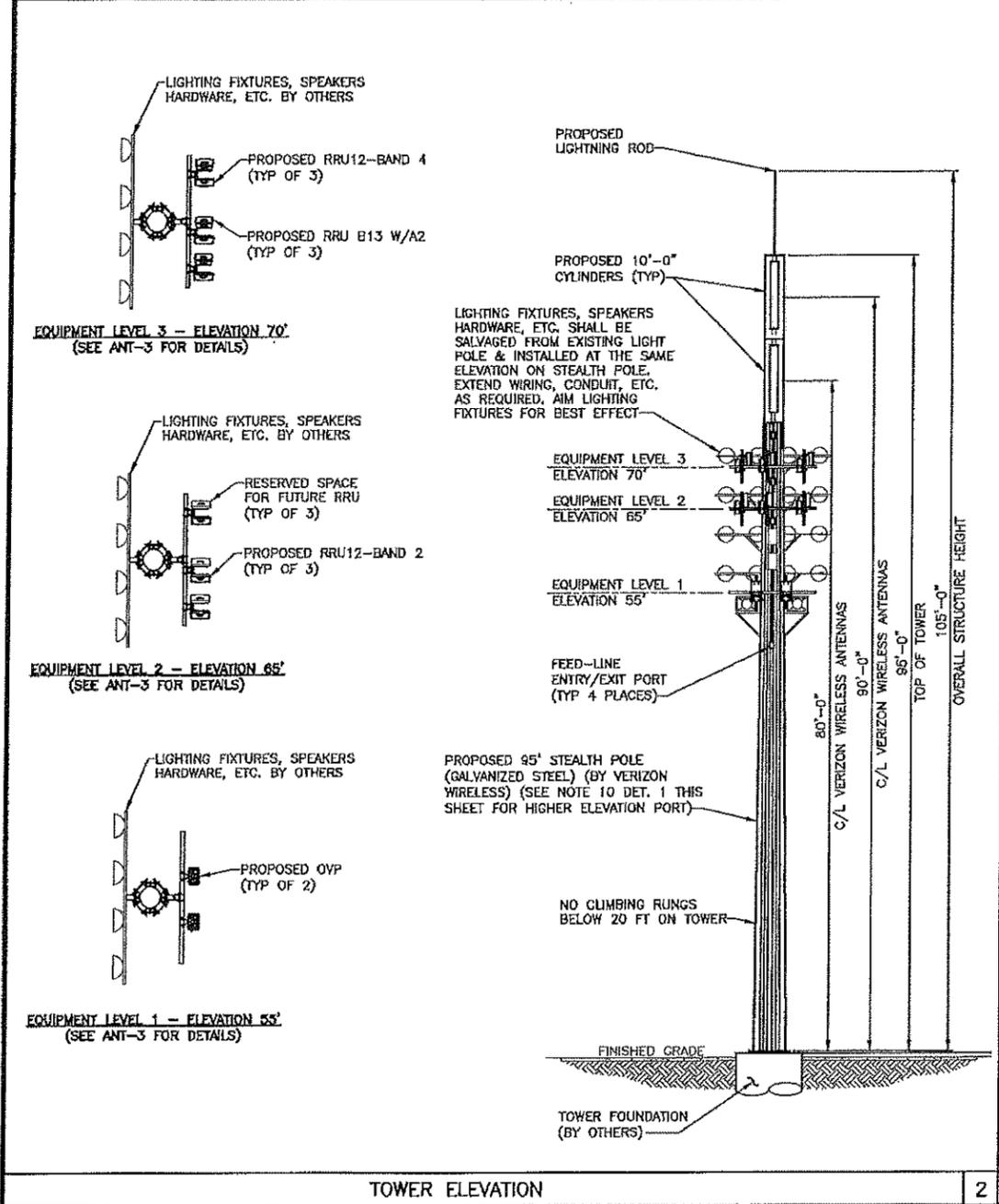
SHEET DESCRIPTION:

TOWER ELEVATION & ANTENNA INFORMATION

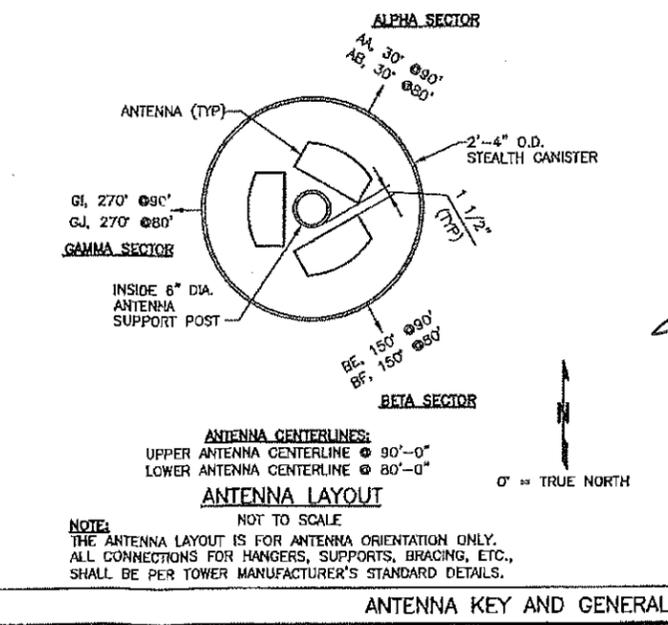
SSC #: _____ SHEET NUMBER:

ANT-1

PROPOSED ANTENNA KEY		Position	Status	Antenna Centerline (ft AGU)	Antenna Make / Model	Antenna Count	Height (in)	Width (in)	Depth (in)	Weight (lbs)	Altitude True/Mag North	Mech Down/tilt	Electrical Down/tilt	TMA Make/Model	TMA Count	Diplexer Make/Model	Diplexer Count	Coax Make/Model	Coax Count	Coax Size	Coax Length	RRU Make/Model	RRU Count	OVP Make/Model	OVP Count	Hybrid Cable Make/Model	Hybrid Cable Count	Hybrid Cable Size	Hybrid Cable Length	Hybrid Jumper Count	*RF Jumper Count																									
Mainline Cable & Distribution																																																								
Alpha Sector	A-700/AWS	Proposed	90	Kathrein/8001069ZV01	1	103	11.8	6	68.3	30°/29°	0°	LTE 1*/AWS 2*										Ericsson/R815 WTHA2	3	RFS/DB-B1-6C-2AB-02	2	RFS/HBF114-13U0512-250F	2	1 1/4"	150'		6																									
	B-700/PCS	Proposed	80	Kathrein/8001069ZV01	1	103	11.8	6	68.3	30°/25°	0°	PCS 3*										Ericsson/R815L12 (Band 2)	3			RFS/HFSS9-13U112-30F		5/8"	30'	9	2																									
	C	Empty																																																						
	D	Empty																																																						
Beta Sector	E-700/AWS	Proposed	90	Kathrein/8001069ZV01	1	103	11.8	6	68.3	150°/149°	0°	LTE 1*/AWS 2*																			6																									
	F-700/PCS	Proposed	80	Kathrein/8001069ZV01	1	103	11.8	6	68.3	150°/149°	0°	PCS 4*																			2																									
	G	Empty																																																						
	H	Empty																																																						
Gamma Sector	I-700/AWS	Proposed	90	Kathrein/8001069ZV01	1	103	11.8	6	68.3	270°/269°	0°	LTE 1*/AWS 2*																			6																									
	J-700/PCS	Proposed	80	Kathrein/8001069ZV01	1	103	11.8	6	68.3	270°/269°	0°	PCS 2*																			2																									
	K	Empty																																																						
	L	Empty																																																						
Antenna Total						8	TMA Total						0	Diplexer Total						0	Coax Total						0	RRU Total						9	OVP Total						2	Hybrid Cable Total						2	Jumper Total						9	24
* (4 ASG DAISSY CHAIN JUMPER CABLES PER SECTOR (TOTAL 12))																																																								



- ANTENNAS SHALL BE DESIGNATED FROM RIGHT TO LEFT, FACING THE ASSEMBLY FROM THE GROUND, LEFT TO RIGHT FACING THE BACK OF THE ANTENNA.
- THE OUTER MOST ANTENNAS ON EACH FACE SHALL BE DESIGNATED AS THE RECEIVE ANTENNAS. THE INNER ANTENNAS SHALL BE DESIGNATED AS THE TRANSMIT ANTENNAS.
- EACH TRANSMISSION LINE SHALL BE LABELED WITH BRASS "TOE TAGS", GRANGER PART NUMBER 1F035-8, STAMPED WITH 1/4" LETTERS/NUMBERS STAMPS, GRANGER PART NUMBER 3W639. THE LABELS SHALL BE ATTACHED WITH A SEMIPERMANENT METHOD (I.E. BLACK UV RESISTANT CABLE TIES). THE TAGS SHALL BE PLACED SO AS NOT TO COME IN CONTACT WITH THE CONNECTOR ON THE LINE AND THE METAL OF THE TOWER. LINES SHALL BE LABELED AT THE TOP, BOTTOM AT ENTRY PORT.
- EACH LINE SHALL ALSO BE LABELED AT THE LIGHTNING/SURGE PROTECTOR MOUNTING PLATE WITH A PRINTABLE LABEL MAKER TO INDICATE LINE NUMBER AND FUNCTION, THE SAME AS THE TOE TAG.
- THE TAG LABELING SHALL BE AS DESIGNATED IN THE ANTENNA KEY. FOR LUCCENT USE A-ALPHA, B-BETA, G-GAMMA, FOR MOTOROLA REPLACE A WITH X, B WITH Y AND G WITH Z.
- IN TWO-ANTENNA CONFIGURATION WHERE ONE ANTENNA WILL BE DUPLXED, THE DUPLXED ANTENNA SHALL BE LABELED AS RECEIVE.
- CONTRACTOR SHALL FIELD VERIFY THE EXACT TMA'S (IF THEY ARE REQUIRED) PER THE OPERATIONS MANAGER.
- CABLE FEEDER LENGTHS INDICATED ABOVE ARE APPROXIMATE. CONTRACTOR TO VERIFY ACTUAL LENGTH BEFORE ORDERING.
- CONTRACTOR SHALL INSTALL PLATFORM OR MOUNTING BRACKETS AND HARDWARE FOR ALL ANTENNAS AND SHALL BE PER THE TOWER MANUFACTURERS STANDARD DETAILS OR APPROVED EQUAL.
- CONTRACTOR TO FURNISH AND INSTALL AN EXIT PORT (IF ONE IS NOT EXISTING) IN ACCORDANCE WITH THE TOWER MANUFACTURER'S SPECIFICATIONS AND UPON THE TOWER OWNER'S APPROVAL. (TYP. AT PLATFORM AND AT BOTTOM).
- ALL ANTENNAS AND CABLES TO BE TAGGED WITH CARRIER ID.



EQUIPMENT FURNISHED AND/OR INSTALLED BY:

DESCRIPTION	FURNISHED	INSTALLED
ANCHOR BOLTS FOR TOWER	TOWER VENDOR	CONTRACTOR
ANCHOR BOLTS FOR PLATFORM	CONTRACTOR	CONTRACTOR
ANTENNA MOUNTS	TOWER VENDOR	CONTRACTOR
ANTENNAS	VERIZON WIRELESS	CONTRACTOR
COAX/CABLE SUPPORT	CONTRACTOR	CONTRACTOR
COAX/CABLE CONNECTORS	VERIZON WIRELESS	CONTRACTOR
CONNECTORS	CONTRACTOR	CONTRACTOR
ENTRY PORT BOOTS	CONTRACTOR	CONTRACTOR
GPS ANTENNA	VERIZON WIRELESS	CONTRACTOR
GROUND KITS	CONTRACTOR	CONTRACTOR
HANGER KITS	CONTRACTOR	CONTRACTOR
ICE BRIDGE MATERIAL	CONTRACTOR	CONTRACTOR
RF JUMPERS (TOP)	CONTRACTOR	CONTRACTOR
EQUIPMENT PLATFORM/CANOPY	VERIZON WIRELESS	CONTRACTOR
TOWER	VERIZON WIRELESS	CONTRACTOR
TOWER BUS BARS	TOWER VENDOR	CONTRACTOR
OVPs	VERIZON WIRELESS	CONTRACTOR
RRUS	VERIZON WIRELESS	CONTRACTOR

LOCATIONS OF ANTENNAS AS SHOWN HAVE BEEN APPROVED BY CLIENT AND/OR CLIENT'S RADIO FREQUENCY ENGINEERS. SSC ASSUMES NO RESPONSIBILITY FOR, NOR HAS SSC PERFORMED ANY INVESTIGATIONS OR STUDIES CONCERNING THE COMPLIANCE OR NONCOMPLIANCE OF SAID ANTENNA LOCATIONS WITH ANY FCC RADIO FREQUENCY EXPOSURE REGULATIONS.

CONTRACTOR SHALL OBTAIN A COPY OF VERIZON WIRELESS ENGINEERING SITE DATA FORM FOR ANTENNA INFORMATION.

ALL STRUCTURE INFORMATION SHOWN IS FOR ILLUSTRATION PURPOSES ONLY, AND MAY DIFFER FROM THE FINAL DESIGN PROVIDED BY THE STRUCTURE MANUFACTURER. THE CONTRACTOR SHALL CONSTRUCT THE STRUCTURE, FOUNDATION, AND ALL OTHER RELATED COMPONENTS IN ACCORDANCE WITH THE STRUCTURE MANUFACTURER'S DRAWINGS AND SPECIFICATIONS.

2 on 2016-20

TOWER ELEVATION

2

ANTENNA KEY AND GENERAL NOTES

1

Zon 2016-20


WICC Metro Meridian
Wichita, Kansas

2200 W. 10th St, Suite 300
Overland Park, Kansas 66210
913 439 7702



View looking Northeast

Existing view

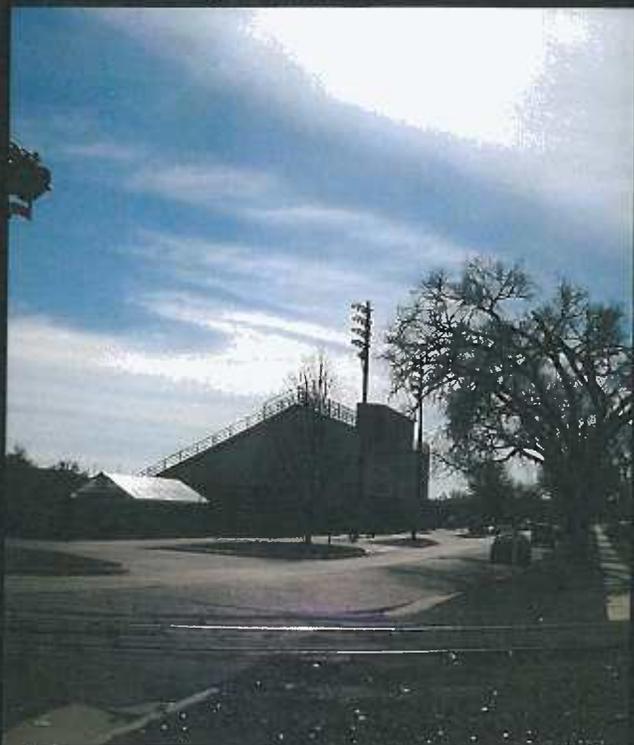

verizon wireless


SSC

WICC Metro Meridian
Wichita, Kansas

8800 W. 109th St, Suite 300
Overland Park, Kansas 66210
913 438 7700

20N2016-20



Existing view



View looking South