

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

June 4, 2009

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, June 4, 2009, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Darrell Downing, Chair; G. Nelson Van Fleet, Vice Chair; David Dennis; Shawn Farney; David Foster; Bud Hentzen; Hoyt Hillman; Bill Johnson (in @1:35 P.M.); John W. McKay Jr.; Don Sherman, Debra Miller Stevens and M.S. Mitchell. Don Anderson and Ronald Marnell were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Principal Planner; Derrick Slocum, Associate Planner; Joe Lang, Chief Deputy City Attorney; Bob Parnacott, County Counselor and Maryann Crockett, Recording Secretary.

-
1. Approval of the May 21, 2009 MAPC meeting minutes:

MOTION: To approve the May 21, 2009 Minutes as corrected.

MCKAY moved, VAN FLEET seconded the motion, and it carried (11-0).

-
2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**
Items may be taken in one motion unless there are questions or comments.

- 2-1. **SUB2009-36: One-Step Final Plat -- NEWMARKET SQUARE PHASE III ADDITION,**
located on the west side of Maize Road and north of 21st Street North.
NOTE: This is a replat of a portion of the Evergreen Addition.

STAFF COMMENTS:

- A. City of Wichita Water Utilities Department advises that water and sewer is available.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Engineering has approved the applicant's drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes one opening along Maize.
- E. The south line of Lot 2 does not coincide with the south line of the plat which essentially land locks Lot 2.
- F. The plat's text shall note the dedication of the streets to and for the use of the public.
- G. The plat's text shall include language that a drainage plan has been developed for the plat and 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.

- H. 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.)
- I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- J. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 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.
- L. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water 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.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD should be provided. If a disc is not provided, please send the information via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

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

DENNIS moved, **HENTZEN** seconded the motion, and it carried (11-0).

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2009-16: City request to vacate the plattor's text to amend the uses allowed in a platted reserve

OWNERS/AGENT: Stonehedge, LLC, c/o Mike Boyd, Baughman Company, PA, c/o Phil Meyer

LEGAL DESCRIPTION: Reserve F, Stonehedge Second Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of K-96, east of Rock Road on the south side of 35th Street North (WCC #II)

REASON FOR REQUEST: Allow for signage and allow an existing, encroaching private drive

CURRENT ZONING: Subject property and all abutting and adjacent properties are zoned LI Limited Industrial ("LI")

The applicants are requesting that the uses allowed in the described platted reserve be vacated and amended. Currently, the plat's text identifies that Reserve F, Stonehedge Second Addition is to be used for "...drainage, construction and maintenance of public utilities." The applicants request the vacation to allow signage and allow an existing, encroaching private drive. There are utilities and a sewer line in the platted reserve; they are not covered by easement. There appears to be no water lines in the platted reserve. The platted reserve is not located within any FEMA floodways or flood zones. The Stonehedge Second Addition was recorded with the Register of Deeds April 16, 1985.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, Water and Sewer, Storm Water, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the plat's text to amend the uses allowed in the described platted reserve with conditions:

- 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 on May 14, 2009, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the plat's text to amend the uses allowed in the described platted reserve and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Considerations (but not limited to) associated with the request to vacate the plat's text to amend the uses allowed in the described platted reserve have been identified, therefore, the vacation of the plat's text to amend the uses allowed in the platted reserve described in the petition should be approved with conditions:

- (1) Vacate the plat's text, amending it by allowing signage and a private drive in the platted Reserve F, Stonehedge Second Addition, per approval by City Public Works, Water and Sewer, Storm Water, and franchised utility representatives. Provide all needed plans for placement of signage and the encroaching private drive. Retain the original use as listed in the plat's text for Reserve F, Stonehedge Second Addition.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide staff with any needed easements, prior to the case going WCC 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 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, amending it by allowing signage and a private drive in the platted Reserve F, Stonehedge Second Addition, per approval by City Public Works, Water and Sewer, Storm Water, and franchised utility representatives. Provide all needed plans for placement of signage and the encroaching private drive. Retain the original use as listed in the plattor's text for Reserve F, Stonehedge Second Addition.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide staff with any needed easements, prior to the case going WCC 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 to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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.

HILLMAN moved, **FARNEY** seconded the motion, and it carried (11-0).

3-2. VAC2009-17: City request to vacate a portion of platted street right-of-way, generally located northwest of the Armour - Kellogg Street intersection.

APPLICANTS/OWNERS: Eck Properties, Inc., c/o Les Eck

AGENTS: Robert Kaplan

LEGAL DESCRIPTION: Generally described as a 5-foot wide portion of Whittier Street (public street) right-of-way (ROW), which abuts an east portion of Lot 1, Block 1, Rusty Eck Ford Addition (see attached legal), Wichita, Sedgwick County, Kansas.

LOCATION: Generally located northwest of the Armour - Kellogg Street intersection (WCC #II).

REASON FOR REQUEST: Allow a fence to stay and remove the requirement for a minor street permit

CURRENT ZONING: The site is a platted, developed public street ROW. Abutting property is zoned PUD Planned Unit Development ("PUD") and adjacent properties are zoned LC Limited Commercial ("LC").

The applicant is requesting the vacation of the described portion of Whittier Street. Whittier is a 70-foot wide local road (current standards are 60 feet), which intersects Armour Drive (south side) and Town East

Mall Drive (north side). There is a fence and parking lot encroaching (per the survey exhibit) 0.4 – 1.8 feet into the ROW. There are water lines within the Whittier ROW. Sewer appears to be in the platted 20-foot utility easement, which runs parallel to a portion of Whittier, along the east lot line of Lot 1, Block 1, Rusty Eck Ford Addition. The ROW is not located within any FEMA floodways or flood zones. There are no franchised utilities located within the described ROW. This portion of Whittier was originally platted as the Rockwood Fourth Addition, which was subsequently replatted as the Rockwood Fifth Addition, which a portion was then replatted as the Rusty Eck Ford Addition. The Rusty Eck Ford Addition was recorded with the Register of Deeds June 2, 2003.

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/Storm Water, 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 street right-of-way.

- 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 May 14, 2009, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the described portion of platted street right-of-way and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Considerations (but not limited to) associated with the request to vacate the described portion of platted street right-of-way have been identified, therefore, the vacation of the platted street right-of-way described in the petition should be approved with conditions:

- (1) Retain those portions of the vacated street ROW as utility and drainage easements as determined by City Public Works/Storm Water and franchised utilities. Provide Planning staff with a legal description of the approved vacated ROW on a word document via e-mail. Provide any additional easement as needed by dedication by separate instrument, prior to this vacation case going to City 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 applicants. Retain all public ROW until all utilities have been relocated, as needed. Provide Planning staff with conformation of this requirement being completed or that suitable guarantees have been provided.
- (3) All improvements shall be according to City Standards and at the applicant's expense. Provide Public Works with all needed guarantees to ensure that those improvements will be made, prior to this vacation case going to City Council for final action.
- (4) Resolution of outstanding minor street permit fees.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Retain those portions of the vacated street ROW as utility and drainage easements as determined by City Public Works/Storm Water and franchised utilities. Provide Planning staff with a legal description of the approved vacated ROW on a word document via e-mail. Provide any additional easement as needed by dedication by separate instrument, prior to this vacation case going to City 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 applicants. Retain all public ROW until all utilities have been relocated, as needed. Provide Planning staff with conformation of this requirement being completed or that suitable guarantees have been provided.
- (3) All improvements shall be according to City Standards and at the applicant's expense. Provide Public Works with all needed guarantees to ensure that those improvements will be made, prior to this vacation case going to City Council for final action.
- (4) Resolution of outstanding minor street permit fees.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

FOSTER recused himself from the item.

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

HILLMAN moved, **FARNEY** seconded the motion, and it carried (10-0-1).
FOSTER abstained.

PUBLIC HEARINGS

4. **Case No.: ZON2009-15** - Sedgwick County, c/o Robert Lawrence (owner/applicant), Baughman Company, PA, c/o Phil Meyer (agent) request; City zone change from SF-5 Single-family Residential to LC Limited Commercial on property described as:

Lot 1, Block Q, Callahan Addition, Wichita, Sedgwick County, Kansas, generally located south of Maple Street, at the southwest corner of University Street and Tyler Road (401 South Tyler Road.)

BACKGROUND: The applicant requests a zone change from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial ("LC"), with a Protective Overlay (PO) on Lot 1, Block Q, Callahan Addition. The approximately 0.49-acre site (150 feet {x} 140 feet) is located on the southwest corner of Tyler Road and University Avenue. The site is currently developed with a decommissioned 8,115 - square foot, one-story fire station/emergency service building (built 1954-1955), with a total of 10 bay doors facing both Tyler and University. This was an active building until the last few months. Access to

the site is off of Tyler, a principal arterial, and the residential street, University. The proposed LC zoning with the PO will allow more opportunities for the reuse of this facility.

The surrounding area is characterized by a mixture of single-family, duplex and multi-family residences, some office, public/civic and commercial uses. The properties to the south and west of the subject site are zoned SF-5 and are mostly developed as a single-family subdivision; the Callahan Addition. A church (on two lots) abuts the south side of the subject site. An undeveloped lot, owned by the same church, abuts the west side of the subject site. North of the site, across University, there is an LC zoned (with a CUP overlay) open bay, self service car wash, single-story apartments, a day care, small retail and office. East of the site, across Tyler, are MF-29 Multi-family Residential (“MF-29”) and LC zoned, 1-3 storey apartments, a bar, and TF-3 Duplex (“TF-3”) zoned duplexes.

To buffer the abutting and adjacent existing single-family residences from the commercial redevelopment on the site, the applicant has proposed a Protective Overlay (PO); see attached PO. The proposed PO limits signage, lighting, noise, and building height. It also requires a six – eight foot tall cedar fence along the west and south sides of the site and a six-foot wide landscape buffer, consisting of the existing landscape, along the south property line; both the landscaping and the fence will be activated by redevelopment of the site. If the existing landscape does not meet the minimum requirement of the Landscape Ordinance, it is proposed that there be additional planting of evergreens. Per the Landscape Ordinance, evergreens are to be a minimum of 5 feet in height. The proposed PO also prohibits certain uses that are less compatible with residential development and limits trash and delivery times.

The applicant has not addressed the required landscaping on the west, interior side yard, where the subject site abuts an undeveloped SF-5 zoned lot. The west side of the subject site appears to have concrete parking right up to the property line, thus preventing the easy installation of the required landscaping. Any installation of landscaping along the west side would possibly take away existing, limited on-site parking. An exception to the Landscape Ordinance that may apply to this site is “...renovating a nonresidential building, but the renovation does not increase the value of the property by more than 50%...” or “...does not alter the parking lot.” At this point there is no specific redevelopment plan for the building, thus the application of this exception cannot be applied at this time, but could in the future when a new use has been identified. Modification to the Landscape Ordinance can be made by the Planning Director. The BZA can waive the landscape requirements. Landscaping, parking and other code standard considerations are not uncommon on residential sized lots that are developed for nonresidential use.

CASE HISTORY: The subject property is Lot 1, Block Q, Callahan Addition, which was recorded August 19, 1954. The County fire station was built between 1954 and 1955. The area was annexed into the City between 1971 and 1980.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|-----------------|--|
| NORTH: | LC | Self service car wash, apartments, a day care, small retail and office |
| SOUTH: | SF-5 | Single family residences, church |
| EAST: | MF-29, LC, TF-3 | Apartments, bar, duplexes |
| WEST: | SF-5 | Undeveloped lot, single family residences |

PUBLIC SERVICES: The subject site has frontage/access to Tyler Road and University Avenue. University is a paved, curbed residential street. Tyler Road is a paved, four-lane, principal arterial. The 2030 Transportation Plan indicates no change to the status of either of these roads. Available traffic counts in the area show approximately 15,604 average trips per day on this section Tyler. Municipal water and sewer services are currently provided to the subject site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the area as appropriate for “Local Commercial” development. The “Local Commercial” category includes commercial, office and personal service uses that do not have a regional draw. 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 proposed PO

addresses these considerations. Additionally, the Commercial Locational Guidelines of the Comprehensive Plan recommend that commercially-generated traffic should not feed directly onto local residential streets. The corner site does have direct access onto University, a local residential road, with a stop sign located at its intersection with Tyler. The fire station/emergency service facility takes up most of the corner site and what on-site parking there is, is located off of University side, thus traffic generated off of the site will be using University for access. The other existing access is a drive onto Tyler and any vehicles using it probably would have to back onto Tyler, making it the least preferred access, for public safety reasons. Landscaping, parking and other code standard considerations are not uncommon on residential sized lots that are developed for nonresidential use.

RECOMMENDATION: The requested LC zoning does conform to the 2030 Wichita Functional Land Use Guide of the Comprehensive Plan. Considerations for redevelopment of the fire station/emergency service facility include limited area for on-site parking and landscaping on the west side. Adjustments, exceptions, modifications, or variances can be applied for at the time the fire station/emergency service facility is redeveloped. The abutting, undeveloped western, church owned property is shown on the Land Use Guide as being appropriate for "Local Commercial" development, as are the two southern/southwestern church properties; possible rezoning and development/redevelopment of these properties could be part of a later redevelopment of the subject site. The proposed LC zoning would allow for redevelopment of the existing facility either for single-family use (permitted by right in the LC zoning district) or for commercial uses. The alternative without the rezoning would possibly be a long standing vacant building. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following provisions of a Protective Overlay:

- A. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted along the south or west face of any building that is adjacent to any property that is zoned residential.
- B. Signs shall be in accordance with the City of Wichita sign code, with the exception that signs shall be monument-style and limited to 15 feet in height.
- C. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks.
- D. Outdoor speakers and sound amplification systems shall not be permitted.
- E. No buildings shall exceed one story in height with a maximum building height of 25 feet.
- F. At the time the site is redeveloped the owner shall install and/or maintain a 6-8-foot high cedar fence located parallel to the south and east property lines of the subject site, where it abuts existing residential zoning, along its south and west sides.
- G. At the time the site is redeveloped landscaping shall be installed that meets the Landscape Ordinance.
- H. Adjustments or variances to the parking standards can be considered at the time the fire station/emergency service facility is redeveloped, as needed.
- I. The following uses shall not be permitted: adult entertainment establishment; correctional placement residence; group home; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of single-family, duplex and multi-family residences, some office, public/civic and commercial uses. The properties to the south and west of the subject site are zoned SF-5 and are mostly developed as a single-family subdivision; the Callahan Addition. A church (on two lots) abuts the south side of the subject site. An undeveloped lot, owned by the church, abuts the west side of the subject site. North of the site, across University, there is an LC zoned (with a CUP overlay) self service car wash, single-story apartments, a day care, small retail and office. East of

the site, across Tyler, are MF-29 and LC zoned 1-3 storey apartments, a bar, and TF-3 zoned duplexes.

2. The suitability of the subject property for the uses to which it has been restricted: The single-family residential sized lot/subject site is zoned SF-5 which accommodates moderate-density, single-family residential development and complementary land uses. The site is currently a decommissioned 8,115- square foot, one-story County fire station/emergency service building (built 1954-1955) that served this area when it was in the County. The fire station/emergency service facility was built prior to County wide zoning (1984) and prior to the publication of the 1958 County – City of Wichita 3-mile ring zoning map. The 1958 map classifies the site as R-1 Suburban Residential, which subsequently became SF-6 Single-family Residential (now SF-5) when the site was annexed into the City. There is no history of a “Use Exception” or a Conditional Use for the fire station/emergency services facility on the site, which would be required under the current UZC. The subject site is located on the southwest corner of University Avenue and Tyler Road, one block south of the arterial intersection of Maple Street and Tyler. The subject site is located south, across University, from a self service, open bay car wash and LC zoning. Proximity to the above mention intersection and car wash make the site less attractive for single-family use. The money needed to tear down the fire station/emergency service building and redevelop the site as a single-family residence coupled with the site’s location further discourages single-family use. The proposed LC zoning would allow redevelopment of the existing facility either for single-family use (permitted by right in the LC zoning district) or for commercial uses. The alternative without the rezoning would possibly be a long standing vacant building.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Because of the size of the site, a single-family residential sized lot, and the unique structure (fire station/emergency service) redevelopment of this site could be challenging. Detrimental affects should be minimized by the provisions of the proposed Protective Overlay which would limit signage, lighting, noise, building height and prohibit certain uses that are less compatible with surrounding residential development. Redevelopment of residential sized lots (this lot is not unlike others in the Callahan Addition) that were developed with nonresidential buildings, which in this case are no longer needed, can be challenging, as available space for parking, landscaping, access, etc maybe limited. A vacant building on the site could have more of a negative impact on the area than the redevelopment opportunities for the site offered by the proposed LC zoning.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for “Local Commercial” development. 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 is located on the intersection of Tyler Road and University Avenue. Tyler is an arterial road and the corner lot/site has immediate access to it. The proposed PO addresses these considerations.
5. Impact of the proposed development on community facilities: Detrimental impacts on community facilities should be minimal, although there will be an increase in traffic generated from the site if a commercial use locates on the site. Off-site parking (on the street) may be an issue with the site’s current size and configuration.

BILL LONGNECKER, Planning Staff presented the Staff Report. He made two corrections to the Report. The first correction was on page two, first paragraph, fourth line from the bottom. He said 21,000-square feet should be 8,115-square feet. The second correction was on page four, provision “I” of the Protective Overlay, and that was “group home” should be removed as a prohibited use.

***JOHNSON** in @1:35 p.m

MOTION: To approve subject to staff recommendation.

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

NON-PUBLIC HEARING ITEMS

5. **Case No.: DR2008-00006** – Request Briefing on South Central Neighborhood-Wide Rezoning Proposal and Establishing a Public Hearing for July 9, 2009.

Generally located: The general boundaries of the South Central Neighborhood are: Kellogg on the north, Washington on the east, and the Arkansas River on the south and west.

Background: On February 19, 2009, the Metropolitan Area Planning Commission (MAPC) adopted the *South Central Neighborhood Land Use Plan, February 2009*. This Plan establishes the desired outcomes for future land use and provides a generalized guide for future rezoning decisions for the South Central Neighborhood, which is bounded by Kellogg on the North, the Arkansas River on the west and south, and Washington on the east.

The “Land Use Guide Map” that is an element of this Plan indicates that the majority of the South Central Neighborhood is appropriate for “Low-Density Residential” use in recognition of the existing pattern of development with single-family, detached dwellings that is predominate in the South Central Neighborhood. However, as is shown on the attached map entitled “South Central Neighborhood Existing Zoning,” the residential zoning in the South Central Neighborhood is entirely for two-family and multi-family dwellings.

As has been done in other neighborhoods such as Delano, McAdams, and Midtown with a similar mismatch between the current zoning and existing development pattern, a South Central Neighborhood-Wide Residential Rezoning Proposal has been developed by the Advance Plans Committee to change the residential zoning in the neighborhood to more closely match the “Land Use Guide Map” and existing development patterns. The proposal is shown on the attached map entitled “South Central Neighborhood Proposed Residential Rezoning.”

The Advance Plans Committee developed the South Central Neighborhood-Wide Residential Rezoning Proposal using the following parameters:

1. Only residentially-zoned properties are proposed to be rezoned, and no properties with office, commercial, or industrial zoning are proposed to be rezoned.
2. Proposed rezoning is only to a more restrictive residential zoning classification, and no new office, commercial, or industrial zoning is proposed to be established through the rezoning initiative.
3. Proposed rezoning is to the most restrictive zoning classification that permits the existing use *if* the existing use is consistent with the *South Central Neighborhood Land Use Plan, February 2009*.
4. Properties indicated as appropriate for redevelopment in the *South Central Neighborhood Land Use Plan, February 2009* (“East Bank River Center,” “Residential Redevelopment District,” and “Commercial Redevelopment Node”) are not proposed to be rezoned.
5. Properties indicated as appropriate for “Compact Residential” in the *South Central Neighborhood Land Use Plan, February 2009* are not proposed to be rezoned.
6. No new non-conformities in terms of use or development standards will be created through rezoning.

While the rezoning is proposed to be initiated by the MAPC, the notification of the proposed rezoning will contain a "Request for Exemption from Rezoning Form." Any property owner that submits this form prior to the July 9, 2009, public hearing will have their property remain as currently zoned.

Additionally, planning staff will be hosting a come and go open house from 4:00 – 7:00 P.M. on Monday June 22, 2009, at the WATER Center, 101 E. Pawnee, Wichita, KS. At the open house, materials will be on display providing information regarding the rezoning proposal, and property owners will have the opportunity for a personal consultation with a planning staff member regarding the specific impact of the proposed rezoning on his or her property.

Recommended Action: Set a public hearing for July 9, 2009, for consideration of the South Central Neighborhood-Wide Residential Rezoning Proposal.

Attachments: South Central Neighborhood Existing Zoning
South Central Neighborhood Proposed Residential Rezoning

SCOTT KNEBEL, Planning Staff presented the Staff Report. He said in February 2009, the Metropolitan Area Planning Commission (MAPC) adopted the *South Central Neighborhood Land Use Plan, February 2009*. He said the Plan establishes the desired outcomes for future land use and provides a generalized guide for future rezoning decisions for the South Central Neighborhood, which is bounded by Kellogg on the North, the Arkansas River on the west and south, and Washington on the east. He referred to the "Land Use Guide Map" which he said was an integral part of the plan. He compared the zoning on the map before and after the proposed rezoning. He said the Advance Plans Committee recommended that the rezoning have the following parameters:

1. Only residentially-zoned properties are proposed to be rezoned, and no properties with office, commercial, or industrial zoning.
2. Proposed rezoning is only to a more restrictive residential zoning classification, and no new office, commercial, or industrial zoning is proposed to be established through the rezoning initiative.
3. Proposed rezoning is to the most restrictive zoning classification that permits the existing use *if* the existing use is consistent with the *South Central Neighborhood Land Use Plan, February 2009*.
4. Properties indicated as appropriate for redevelopment in the *South Central Neighborhood Land Use Plan, February 2009* ("East Bank River Center," "Residential Redevelopment District," and "Commercial Redevelopment Node") are not proposed to be rezoned.
5. Properties indicated as appropriate for "Compact Residential" in the *South Central Neighborhood Land Use Plan, February 2009* are not proposed to be rezoned.
6. No new non-conformities in terms of use or development standards will be created through rezoning.

He said Planning staff will host an open house from 4:00 – 7:00 P.M. on Monday, June 22, 2009, at the WATER Center, 101 E. Pawnee, Wichita, KS. He said property owners will have the opportunity for a personal consultation with Planning staff regarding the specific impact of the proposed rezoning on his or her property. In addition, he said property owners will be given the opportunity to "opt out" of the proposed rezoning.

He concluded by asking that the MAPC to set a public hearing for July 9, 2009, for consideration of the South Central Neighborhood-Wide Residential Rezoning Proposal.

FOSTER asked if there was a legal time period for residents to use the "opt out" provision.

KNEBEL said staff was requesting that residents declare their option prior to the public hearing at 1:30 P.M. on July 9, 2009. However, he said he believes if they file a protest petition, the City Council could override the recommendation of the MAPC and recommend that a property not be rezoned.

HENTZEN asked if this was the first time the definition “*least desirable*” has been used in a planning document.

KNEBEL said he believes that is the first time that specific term has been used. He said he has recalled use of the term “undesirable” in land use guides, but doesn’t specifically recall any document that has used the term “*least desirable*”.

HENTZEN said he liked it; however, he questioned if it changes the rules that the Commission goes by and how it affects what they do.

JOE LANG, CHIEF DEPUTY CITY ATTORNEY said he did not think the terminology was a legal issue but rather a policy issue. He said Planning staff is required by state statute to make a recommendation. He asked Planning staff if they had anything to add to the discussion.

MILLER commented that he has seen the term “preferred use” on current plans maps that were mapped out in mile-by-mile sections years ago when he first arrived in Wichita.

HENTZEN said the change of wording makes him nervous, but maybe it is alright.

MOTION: To set a public hearing for July 9, 2009.

HILLMAN moved, **MILLER STEVENS** seconded the motion, and it carried (12-0).

The Metropolitan Area Planning Department informally adjourned at 1:47 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, 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 _____, 2009.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)