

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

July 10, 2008

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, July 10, 2008, 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: M.S. Mitchell, Chair; David Dennis; David Foster; Bud Hentzen; Hoyt Hillman; Bill Johnson; Ronald Marnell; John W. McKay, Jr.; Don Sherman; Debra Miller Stevens and G. Nelson Van Fleet. Don Anderson, Darrell Downing and Michael Gisick were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Bill Longnecker, Senior Planner; Derrick Slocum, Associate Planner; Neil Strahl, Senior Planner and Maryann Crockett, Recording Secretary.

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1. Approval of the June 19, 2008, MAPC meeting minutes:

HILLMAN identified several typographical and grammatical errors.

MOTION: To approve the June 19, 2008, Minutes, as amended.

HILLMAN moved, **MCKAY** seconded the motion, and it carried (10-0).

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2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB 2008-48 (Lot Split): Lot Width to Depth Ratio Modification (Ecco Industrial 2nd Addition)**, on the west side of Hoover and south of 31st Street South.

The lot split encompasses the proposed division of Lot 1, Block A into 5 lots – Parcels A through E. The maximum lot width to depth ratio of 3 to 1 for non-residential lots is exceeded by Parcel B and a modification needs to be approved by MAPC.

JOHNSON abstained from voting on this item due to a conflict of interest.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **HENTZEN** seconded the motion, and it carried (9-0).

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- 2-2. **SUB 2008-43: One-Step Final Plat - STOLZ COUNTRY ACRES ADDITION**, located on the west side of 167th Street West and north of 69th Street North. (Deferred from 6/19/08)

NOTE: This is unplatted property located in the County. It is in an area designated as “Rural” by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Colwich Area of Influence.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact County Code Enforcement 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 prior to MAPC.

- B. In conformance with the Urban Fringe Development Standards, for individual domestic wells that are proposed, a Safe Yield Analysis must be provided to Sedgwick County Code Enforcement prior to MAPC to assure the availability of an adequate, safe supply of water that does not impair existing water rights. Easements shall be dedicated for potential future extension of public water.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. County Engineering has approved the drainage plan.
- E. The preliminary plat should show adjacent owners.
- F. In accordance with Access Management Regulations for County plats, complete access control is required for arterials intersecting with local streets. Complete access control of 75 feet is needed along 73rd St. North from 167th St. West.
- G. Sedgwick County Fire Department advises that all access drives shall be in accordance with Sedgwick County Service Drive Code.
- H. The applicant shall guarantee the installation of the proposed cul-de-sac to a 36-foot rock suburban street standard. The guarantee shall include the installation of a temporary turnaround.
- I. GIS has requested that “73rd St. N.” shall be renamed as” 72nd St. N”. “167th St. W.” shall be labeled correctly.
- J. 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.
- K. 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.
- L. 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.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. 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.
- O. 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.

- P. 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.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Sedgwick County Rural Electric has requested additional utility easements to be platted on this property.
- S. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send 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 staff recommendation.

MCKAY moved, **HENTZEN** seconded the motion, and it carried (9-0).

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- 2-3. **SUB 2008-44: One-Step Final Plat - ROHMEYER ADDITION**, located on the north side of 55th Street South and east of 183rd Street West. (Deferred from 6/19/08)

NOTE: This is unplatted property located in the County. It is in an area designated as "Rural" by the Wichita-Sedgwick County Comprehensive Plan.

STAFF COMMENTS:

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. In conformance with the Urban Fringe Development Standards, for individual domestic wells that are proposed, a Safe Yield Analysis must be provided to Sedgwick County Code Enforcement to assure the availability of an adequate, safe supply of water that does not impair existing water rights. Easements shall be dedicated for potential future extension of public water. In the alternative, the property shall be serviced by the Rural Water District.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. County Engineering has approved the drainage plan.
- E. County Surveying requests a legend on the final plat.
- F. The plat proposes complete access control along the 55th St. South street frontage. In accordance with Access Management Regulations for County plats, complete access control is required for arterials intersecting with collectors. County Engineering has required complete access control of 150 feet along 179th St. West from 55th St. South.

- G. Sedgwick County Fire Department advises that all access drives shall be in accordance with Sedgwick County Service Drive Code.
- H. The applicant shall submit a copy of the instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- I. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- J. The recording information for all pipeline easements shall be indicated on the face of the plat.
- K. 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.
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. 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.)
- N. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- O. 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.
- P. 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.
- Q. 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.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Sedgwick County Rural Electric has requested additional utility easements to be platted on this property.
- T. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final

plat in digital format in AutoCAD. If a disc is not provided, please send 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 staff recommendation.

MCKAY moved, **HENTZEN** seconded the motion, and it carried (9-0).

PUBLIC HEARINGS

3. **Case No.: ZON2008-30** - Ron & Rebecca Sinclair (Principal Applicants); William, Ralph & Clea Dowell (Co-applicants); Ruggles & Bohm, Attn: Terry Smythe, Request a City zone change from GC General Commercial and B Multi-family Residential to LI Limited Industrial for expansion of existing manufacturing on property described as:

Lots 114, 116, 118, 120, 122, 124, 130, 132, 134 & 136, Block 19, Orme & Phillips Addition, Wichita, Sedgwick County, Kansas; generally located east of St. Francis and north of Morris (1010 South St. Francis).

BACKGROUND: The application area is .90 of an acre located east of South St. Francis Avenue, some 50 feet south of East Gilbert Street, and is developed with parking, a shed and a residence. The application area is currently zoned GC General Commercial (“GC”) and B Multi-family Residential (“B”). One of the co-applicants is the owner of a machine and manufacturing shop located east of the application area that fronts South Santa Fe Avenue, and is zoned LI Limited Industrial (“LI”). They also own the GC zoned portion of the application area. The other co-applicant is the owner of the B Multi-family Residential (“B”) zoned lot that is developed with a single-family residence. The first co-applicant requests a zone change to have one zoning district on their entire ownership, while the second co-applicant is thinking his property may have more value if it is rezoned to match adjoining properties. The short term plan for that property is that it will continue to be a single-family residence. This rezone will cause that property to become a legal non-conforming use. With the legal non-conforming use designation, the property will be subject to the regulations in Article VII of the Unified Zoning Code (“UZC”). It is understood by staff that this property will be acquired by the co-applicant in the near future for use in their current operation.

Properties to the north are zoned GC and LI, and are developed with a single-family residence, a social services office, retail store and a warehouse. Properties to the west of the site are zoned B and GC, and developed with single-family residences and duplexes. South of the subject site properties are zoned B and GC, and developed as a truck terminal, retail store and a single-family residence. Properties to the east of the site are zoned LI and are developed with a truck terminal, machinery shops and an office.

CASE HISTORY: The site was platted as even Lots 118-136, Block 19 of the Orme and Phillips Addition in 1876.

ADJACENT ZONING AND LAND USE:

NORTH:	“GC”	Single-family Residence
SOUTH:	“GC”	Truck Terminal
EAST:	“LI”	Machinery Manufacture
WEST:	“B”	Duplex
	“GC”	Single-family Residence

PUBLIC SERVICES: South St. Francis Street is a paved two-lane collector street with an 80-foot right-of-way at this location. The nearest arterial is East Lincoln Street, a minor arterial with a 60-foot right-of-way located two blocks to the south of the subject site. The Average Daily Traffic (ADT) for East

Lincoln Street, at the intersection of East Lincoln Street and South St. Francis Street, is approximately 7,830 ADT. The nearest major intersection, East Lincoln Street and South Washington Avenue, is located 3 blocks to the southeast of the site and averages approximately 20,200 ADT for South Washington Avenue and 16,700 ADT for East Lincoln Street. City water and sewer utilities are available at the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Employment/Industry Center.” This category encompasses areas with uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. One of the goals of the Wichita-Sedgwick County Comprehensive Plan is to promote the expansion of the city’s industrial base through the provision of suitable industrial sites. The objective of this goal is to promote industrial activities and development in a manner that is compatible with the built and natural environment. The strategies pointed out in the Comprehensive Plan include **Strategy IV.A1:** Protect areas identified as industrial in the Comprehensive Plan from encroachment or expansion of residential land uses, by requiring appropriate buffers for expansion of the residential use when a nuisance situation is likely to be created. **Strategy IV.A3:** States that traffic generated by industrial uses is to be channeled to the closest major thoroughfare with minimum impact upon local residential streets. Also, according to the locational guidelines, industrial areas should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial uses.

The application area is located in the South Central Neighborhood Plan. This application conforms to the plan along with initiatives that have been developed for this plan. This application conforms to the Business Improvement, Expansion and Retention initiative by working with existing businesses to improve the appearance of their property including landscaping and signage. Also, the applicants have consulted with the Metropolitan Area Planning Department about the zoning of their property to assist them in business retention. This application will also assist the area in providing an overlay to their zone request which includes provisions such as screening and landscape standards to appropriately buffer the nearby residential areas from the negative impacts of business operations.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the provisions of a Protective Overlay:

- (1) The site shall be limited to the following uses: safety service, construction sales and service, medical service, monument sales, nursery and garden center, office (general), parking area (commercial), printing and copying (limited), printing and publishing (general), retail (general), vehicle and equipment sales, vehicle repair (limited and general), warehouse (self-service storage), manufacturing (limited and general), warehousing, welding or machine shop and wholesale or business shop.
- (2) Dedication of complete access control onto South St. Francis Avenue except for one opening for lots 114-124 and 130-136, also, dedication of complete access control except for one opening for lots 126-128.
- (3) Screening and landscaping shall be per code.
- (4) No ground supported signage is allowed along the west sides of the site, and no building signs facing the west are permitted on the site as long as the property adjacent to or across the street is residential developed or zoned. No off-site or portable signs are allowed.
- (5) On-site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.

(6) The site shall be developed in conformance with all applicable regulations.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties to the north are zoned GC and LI, and are developed with a single-family residence, a social services office, retail store and a warehouse. Properties to the west of the site are zoned B and GC, and developed with single-family residences and duplexes. South of the subject site properties are zoned B and GC, and developed as a truck terminal, retail store and a single-family residence. Properties to the east of the site are zoned LI and are developed with a truck terminal, machine shop and an office.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned GC and B. The GC district provides a wide range of commercial uses; however the GC district requires the front of machine or manufacturing shops to have office uses. The site's B district zoning is sandwiched between GC zoning, making it even less suitable for the block face. The B and GC zoning were probably placed there to provide a buffer from the LI zoning located to the east and the mostly B zoned and residentially developed block located west of the site. Based upon the ownership pattern of the applicants, the site's existing GC and B zoning is problematic since their other property is zoned LI, and the B zoning is out of character with the area's existing zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: LI zoning permits a more intensive list of uses than permitted in the GC or B districts; however the recommended conditions of approval are designed to minimize potential impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "Employment/Industry Center." This category encompasses areas with uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices.
5. Impact of the proposed development on community facilities: The site is served by public services that are adequate to meet identifiable demands.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

HENTZEN asked about overlays to the east of the property?

SLOCUM said there were none on the properties to the east. He also clarified that the list he recited were limitations that "could" be put on the property.

MILLER STEVENS asked for clarification of permissible uses and non permissible uses.

CHRIS BOHM, RUGGLES & BOHM, on behalf of the applicant, said they have met with the neighbors at the DAB meeting and cut down 25% of the uses based on that meeting. He said they agree with the proposed protective overlay and conditions listed in the staff report.

MOTION: To approve subject to staff recommendations, including the protective overlay.

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

4. **Case No.: ZON2008-31** - Friends University Request City zone change from SF-5 Single family Residential, MF-18 Multi family Residential and MF-29 Multi-family Residential to U University on property described as:

The West 97.41 feet of Lots 28-30, Glenn Street, University Place Addition, Sedgwick County, Kansas; generally located on the east side of Hiram Avenue (512 and 518 South Hiram Avenue) and west side of Glenn Avenue (519 and 537 South Glenn Avenue).

BACKGROUND: The applicant is requesting a rezone from SF-5 Single-family Residential (“SF-5”), MF-18 Multi-family Residential (“MF-18”) and MF-29 Multi-family Residential (“MF-29”) to U University (“U”) zoning on four platted properties equaling 0.70 acres. The reason for the rezone is to bring zoning uniformity to Friends University owned properties. The application area is currently developed with single-family residences and multi-family residences.

The four properties are all located on the same block, two on the east side and two on the west side. Two of the properties in this application (519 and 537 South Glenn Avenue) are located northwest of the intersection of West University Avenue and South Glenn Avenue, while the other two properties (512 and 518 South Hiram Avenue) are located southeast of the intersection of West Mentor Avenue and South Hiram Avenue. Property to the north is zone SF-5 and is developed primarily with single-family residences. Property to the south is zoned SF-5, MF-18 and TF-3 Two-family Residential (“TF-3”) and is developed with single-family and two-family (duplex) residences. All property to the west is zoned U and is developed as the Friends University campus. And property to the east is zoned MF-29 and SF-5 which is developed with single-family residences and a church.

The properties at 512 and 518 South Hiram Avenue are located in the 500-foot buffer of the Davis Administrative Building historical environs. The proposed zone change and any future development would require conformance to all property development standards in the Wichita-Sedgwick County Unified Zoning Code (UZC) and the design guidelines within the Delano Neighborhood Overlay District.

CASE HISTORY: The application area was platted as the University Place Addition in 1986.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5”	Single-family Residence
SOUTH:	“U”	Single-family Residence
EAST:	“U” & “MF-29”	Apartment Complex & Church
WEST:	“U”	University & Single-family Residence

PUBLIC SERVICES: The four properties included in this application are located on a block bordered by University Avenue to the south, Hiram Avenue to the west, Glenn Avenue to the east and Mentor Avenue to the north. Glenn and University are classified as collector streets while Hiram and Mentor are classified as local streets. There are no traffic counts for these streets. The nearest arterial to the site is West Maple Avenue, a minor arterial with approximately 9,500 average daily trips, located one block north of the subject sites. City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Land Use Guide, as amended 1/02” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as “Urban Residential.” This category encompasses areas that reflect the full diversity of residential development densities and type typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes.) Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

This particular request conforms to the Comprehensive Plan category of Urban Residential since these are properties owned by Friends University and intended for student housing, thus retaining a residential character. The Unified Zoning Code ("UZC") states that the U district is intended to accommodate the development of universities, colleges, seminaries, or other institutions of higher learning. The UZC also states that the U district permits by right dormitories, group home (limited), group residences, day care (limited) and student and faculty housing. According to the UZC, the U district corresponds generally to the "Public/Institutional" land use designation of the Wichita-Sedgwick County Comprehensive Plan. According to the Locational Guidelines for Public/Institutional land uses, public and institutional facilities should have convenient access to arterial streets, public transportation and major utility trunk lines.

The subject sites are located in the Delano Overlay District. Any development of the area would have to conform to the design guideline as outlined in the Delano Neighborhood Revitalization Plan.

RECOMMENDATION: The majority of the property surrounding the application areas are zoned U University ("U") and developed with university and residential uses; this request is in conformance with all plans and policies. As this property develops, the *Unified Zoning Code* property development standards will apply.

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 majority of the property surrounding the application areas is zoned U and developed with university and residential uses. The requested zone change and existing residential use is in character with the surrounding neighborhood uses.
2. The suitability of the subject property for the uses to which it has been restricted: The SF-5, MF-18 and MF-29 zoned property has been developed with single and multi-family residential uses. The application area could continue to be used under the current zoning for residential purposes; however, U zoning would be more consistent with the surrounding zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change, from SF-5, MF-18 and MF-29 to U, and any proposed development, would require conformance to all property development standards in the *Unified Zoning Code*. This zone change, and any proposed development should not have any significant detrimental effect on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: This particular request conforms to the Comprehensive Plan category of Urban Residential since these are properties owned by Friends University for student housing, thus retaining their residential character. The Unified Zoning Code ("UZC") states that the U district is intended to accommodate the development of universities, colleges, seminaries, or other institutions of higher learning. The UZC also states that the U district permits by right dormitories, group home (limited), group residences, day care (limited) and student and faculty housing. According to the UZC, the U district corresponds generally to the "Public/Institutional" land use designation of the Wichita-Sedgwick County Comprehensive Plan. According to the Locational Guidelines for Public/Institutional land uses, public and institutional facilities should have convenient access to arterial streets, public transportation and major utility trunk lines.
5. Impact of the proposed development on community facilities: The requested rezoning should have little to no impact on community facilities.

MCKAY noted for the record that he was a past Chairman of the Friends University Board.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

SHERMAN in @1:35 p.m.

5. **Case No.: ZON2008-32** - Friends University request city zone change from SF-5 Single-family Residential and B Multi-family Residential to U University:

Lots 78-80 Glenn Street, University Place Addition, Sedgwick County, Kansas; generally located on the west side of Glenn Avenue, 1/2 block south of University (627 and 633 South Glenn Avenue) and the southeast corner of University Avenue and Bonn Street (2033 West University Avenue).

BACKGROUND: The applicant is requesting a rezone from SF-5 Single-family Residential (“SF-5”) and B Multi-family Residential (“B”) to U University (“U”) zoning on three platted properties equaling 0.71 acre. The reason for the rezone is to bring zoning uniformity to Friends University owned properties. The application area is currently developed with single-family residences and residences.

One of the properties (2033 West University Avenue) is located approximately 750 feet west of the other two properties in this application (627 & 633 South Glenn Avenue.) The property at 2033 West University Avenue is bounded by U zoning on its north, south and west sides, with a B zoned property adjacent to the east of the subject site. The U zoned property is developed with Friends University facilities and a parking lot, while the B zoned property is developed as a single-family residence. The properties at 627 & 633 South Glenn Avenue have SF-5 and MF-29 zoning to the north, U zoning to the west, SF-5 and MF-29 zoning to the east and the Kellogg Road (US-54) right-of-way to the south. Property to the north is developed with single-family residences, property to the west is developed with an apartment and the property to the east is developed with single-family residences.

The property at 2033 West University Avenue is located within the 500-foot buffer of the Davis Administrative Building historical environs. The proposed zone change and any future development would require conformance to all property development standards in the Wichita-Sedgwick County *Unified Zoning Code* (UZC) and the design guidelines within the Delano Neighborhood Overlay District.

CASE HISTORY: The application area was platted as the University Place Addition in 1986.

ADJACENT ZONING AND LAND USE:

(2033 West University Avenue)

NORTH:	“U”	University Uses
SOUTH:	“U”	Parking Lot
EAST:	“B”	University Uses
WEST:	“U”	University Uses

(627 & 633 South Glenn Avenue)

NORTH:	“SF-5”	Single-family Residences
SOUTH:	Right-Of-Way	Kellogg (US-54)
EAST:	“SF-5” & “MF-29”	Single-family Residences
WEST:	“U”	Student Housing

PUBLIC SERVICES: 2033 West University Avenue currently has access off of South Bonn Street, an improved local road with no recorded trip counts. 627 & 633 South Glenn Avenue are located at the end of Glenn Avenue where it terminates into a cul-de-sac. There are also no recorded trip counts for this section of South Glenn Avenue. The nearest arterial to the properties is West Maple Avenue, a minor arterial with approximately 9,500 average daily trips, located approximately 1,400 feet north of the subject sites. City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: For the properties at 627 and 633 South Glenn Avenue, the “Wichita Land Use Guide, as amended 1/02” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as “Urban Residential.” This category encompasses areas that reflect the full diversity of residential development densities and type typically found in a large urban municipality. The range of housing types found includes: single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes.) Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

The property at 2033 West University Avenue is identified as “Major Institutional” on the Wichita Land Use Guide. This category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.

This particular request conforms to the Comprehensive Plan category of both Major Institutional and Urban Residential since these are properties owned by Friends University for student housing, thus retaining their residential character. The Unified Zoning Code (“UZC”) states that the U district is intended to accommodate the development of universities, colleges, seminaries, or other institutions of higher learning. The UZC also states that the U district permits by right dormitories, group home (limited), group residences, day care (limited) and student and faculty housing. According to the UZC, the U district corresponds generally to the “Public/Institutional” land use designation of the Wichita-Sedgwick County Comprehensive Plan. According to the Locational Guidelines for Public/Institutional land uses, public and institutional facilities should have convenient access to arterial streets, public transportation and major utility trunk lines.

The subject sites are located in the Delano Overlay District. Any development of the area would have to conform to the design guideline as outlined in the Delano Neighborhood Revitalization Plan.

RECOMMENDATION: The majority of the property surrounding the application area is zoned U University (“U”) and developed with university and residential uses; this request is in conformance with all plans and policies. As this property develops, the *Unified Zoning Code* property development standards will apply.

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 majority of the property surrounding the application areas is zoned U and developed with university and residential uses. The requested zone change is and existing residential use is in character with the surrounding neighborhood and university uses.
2. **The suitability of the subject property for the uses to which it has been restricted:** The SF-5 and B zoned property has been developed with single-family residential uses. The application area could continue to be used under the current zoning for residential purposes; however, U zoning would be more consistent with the surrounding zoning.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change, from SF-5 and B to U, and any proposed development, would require conformance to all property development standards in the *Unified Zoning Code*. This zone change, and proposed development, should not have any significant have detrimental effect on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: For the properties at 627 and 633 South Glenn Avenue, the “Wichita Land Use Guide, as amended 1/02” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as “Urban Residential.” This category encompasses areas that reflect the full diversity of residential development densities and type typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

The property at 2033 West University Avenue is identified as “Major Institutional” on the Wichita Land Use Guide. This category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.

5. Impact of the proposed development on community facilities: The requested rezoning should have little to no impact on community facilities.

DERRICK SLOCUM, Planning staff presented the staff report.

MOTION: To approve subject to staff recommendation.

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

6. **Case No.: CUP2008-21** - Towne West Square, LLC (David Simon)/Roger Wilson (agent) request amendment to permit Tavern and Drinking Establishment and Night Club in the City on Parcel 1.

Lots 1, 3, 7, 8, 9, 10 and 11, Towne West Square Second Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of I 235 and West Kellogg (Towne West Square, 4600 West Kellogg).

BACKGROUND: The applicant is seeking to add “Tavern and Drinking Establishment” and “Night Club in the City” to the list of permitted uses in Parcel 1 of DP-71, the Towne West Square Community Unit Plan located northeast of the intersection of U.S. Highway 54/400 and I-234. Currently, Parcel 1 is permitted the following uses: regional shopping center, hotel and motel, and is developed with the Towne West Shopping Center. Towne West Shopping Center is one of Wichita’s significant mall-type retail shopping centers. Parcel 1 is permitted 977,000 square feet of gross floor area on 78.38 acres. The proposed night club and drinking establishment is to be located on the south side of the existing mall, in an existing portion of the building containing approximately 25,477 square feet of gross floor area located approximately mid-way between Dillard’s and J.C. Penny. Access to the site will not change, nor are they adding on to the mall. The uses will access to 356 parking spaces directly in front of the proposed location, and another 298 spaces in an outparcel.

The area is dominated by retail uses located in Towne West Square and surrounding outparcels and properties, except for the SF-5 Single-family Residentially (“SF-5”) zoned Christ the King church located to the north of the application area. The nearest residences are located north of the subject property across Maple. The subject property fronts onto the I-235 freeway and is separated from residential uses to the west by both the I-235 freeway and the Big Ditch. To the east there are other retail uses located in LI Limited Industrial (“LI”) district. To the south are other retail uses zoned LC.

CASE HISTORY: A zone change (Z-0970) from “AA” One Family to “B” Multiple Family was recommended for denial by the MAPC and withdrawn by the applicant on May 10, 1973. A zone change (Z-1598) from “AA” One Family to “E” Light Industrial was approved by the City Council on May 14, 1974, subject to platting the property. The applicant subsequently withdrew the request and requested a zone change (Z-1700) from “AA” One Family to “LC” Limited Commercial, which became effective on April 20, 1978, when the property was platted as Towne West Square Addition. The Towne West Square CUP (DP-71) was originally adopted July 15, 1975, and was amended to reduce floor area, change permitted uses, change parcel boundaries, and modify access controls on May 10, 1977. The subject property was replatted as Lot 9, Towne West Square 2nd Addition on April 17, 1979. On September 12, 2002, CUP2002-34, Amendment No. 2 increased the maximum height of building signs on Lot 9, Towne West Square 2nd Addition to 38.5 feet (Dicks Sporting Goods).

ADJACENT ZONING AND LAND USE:

NORTH: LC Limited Commercial, SF-5 Single-family Residential; retail, church
SOUTH: LC Limited Commercial, retail
EAST: LI Limited Industrial, retail
WEST: Unzoned; I-234 Highway

PUBLIC SERVICES: All municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Regional Commercial” development. The Commercial Location 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 Comprehensive Plan Objective II.B is to “Minimize the detrimental impacts of higher intensity land uses and transportation facilities located near residential living environments.”

The Unified Zoning Code requires a Conditional Use for a nightclub when it is located within 200 feet of a church, public park, school or residential zoning.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to the condition that the use be developed and operated consistent with the approved site plan and all other applicable codes and regulations.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site of the proposed tavern and night club is 25,477 square feet out of a commercial retail site permitted to have 977,000 square feet of regional shopping center and hotel/motel uses on LC zoned property. The majority of the area beyond the application area is also zoned LC or LI and used for commercial uses. There is a church located adjacent to the application area that is zoned SF-5, and is located some 747 feet from the entrance to the proposed club. Except for the church, the character of the property located south of west Maple Street and east of I-235 is retail commercial.

2. The suitability of the subject property for the uses to which it has been restricted: Uses permitted on the site today are regional shopping center and hotel/motel uses. The regional shopping center use permits a wide range of retail sales uses. The site could continue to be used as restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the parcels large size, 78.38 acres, and the fact the use is to be located on the southern side of the shopping mall, which creates the situation where the mall is the buffer between the mall and the church.
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 would presumably represent an economic gain for the applicant, and diversify the tenant mix of the mall. Denial would presumably require the potential user to find an alternate location.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is consistent with adopted plans and policies to the extent that it is to be located on a large tract that is well buffered from specified sensitive uses.
6. Impact of the proposed development on community facilities: Existing community facilities such as code enforcement, police, fire and emergency services are in place.

DALE MILLER, Planning staff reported that the applicant had requested a deferral until the August 7, 2008 MAPC hearing.

MOTION: To defer until the August 7, 2008, MAPC hearing.

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

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7. **Case No.: CON2008-29** - Alumni Housing Board of Kansas Eta Chapter of Sigma Phi Epsilon (owner/applicant); Spangenberg Phillips Architecture, c/o Brad Teeter (agent) request City conditional use to allow group residence, general, on property zoned B Multi-family Residential for a fraternity residence on property described as:

Even Lots 2 thru 20, on Vassar, together with the South 15 feet of Seventeenth Street right of way as vacated in Misc. Book 554 Page 246, adjacent to Lot 2, all in Fairmont Addition to the City of Wichita, Sedgwick County, Kansas; generally located on the southeast corner of 17th Street North and Vassar Avenue (1740 North Vassar).

BACKGROUND: The applicant is requesting a Conditional Use to allow a “group residence, general,” located on Lots 2-20 (even), the vacated south 15-feet of 17th Street North (Misc. Book 554, Page 246), all in the Fairmont Addition. The partially developed subject site is zoned B Multi-family Residential (“B”). The developed portion of the site is a single-story fraternity house (built 1958), while the undeveloped portion of the site appears to be a sand volleyball court in disrepair and a basketball court. The fraternity house is a non-conforming use for this site, which will be brought into conformance with the requested Conditional Use and will allow another fraternity building on the site. A “group residence, general” may be considered as a Conditional Use, on a site by site bases in the B zoning district. The Unified Zoning Code (UZC), Art.II, Sec.II-B, 5(l) defines a group residence, as “a residential facility providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children homes and emergency shelters for the homeless and for victims of crime, abuse or neglect.” The UZC, Art.II, Sec.II-B, 5(m), states that a “group residence,” general may be “occupied by more than 15 persons, including staff members who reside in the facility.”

The applicant's site plan shows the location of the existing one-storey fraternity house, the proposed additional two-storey fraternity house (13,400-square feet with a basement), existing and proposed parking. Landscaping is not identified as existing or proposed. A 20-foot setback is shown on the Vassar (west) and 17th (north) street sides. A 6-foot interior side yard setback is shown on the east side (parking) and no setback is shown on the south side, where the existing fraternity is located. The site plan shows the existing drives onto Vassar and 17th remaining. The attached elevations provided by the applicant shows the proposed fraternity house to have a design similar to an adjacent (south) fraternity.

The subject site is located south, across 17th Street North, from Wichita State University (WSU). This portion of the WSU campus, and most of its campus, is zoned SF. Properties located east and south of the site are zoned B, MF-29 Multi-family Residential ("MF-29"), TF-3 Duplex Residential ("TF-3"), and SF-5. The multi-family zoned sites are developed as a fraternity (1940), 1-3 storey apartments, a WSU student residence hall, three-plexes and some single-family residences. The TF-3 zoned properties are a mix of duplexes and single-family residences. The SF-5 zoned property is Fairmount Public Park. Properties located west of the site are zoned B and LC Limited Commercial ("LC"). Development includes parking lots for WSU students, the WSU radio station, a fraternity (1950) and a mix of apartments, three-plexes, duplexes, and some single-family residences. Walk up apartments are common in the area and single-family residences converted to apartments are not uncommon. The residential buildings in the immediate area appear to be built mostly in the 1950s or the 1940s, but building goes as far back to 1915 and into the mid 1960s. There are a few vacant lots within the site's block. WSU is the dominant development in the area and the housing probably reflects a large student population living/renting close to the school.

The area is part of the "Central Northeast Area Plan" with WSU being the second largest employer in the area after Wesley Medical Center, which is located 17 blocks south of the site and the WSU campus. The Plan does not specifically comment on the site's WSU oriented neighborhood, but does cite WSU, the WSU Self-Help Network, the WSU English Department, the WSU Center of Entrepreneurship and the WSU Small Business Economic Development Center as partners in various elements of the Plan.

CASE HISTORY: The Fairmount Addition was recorded with the Register of Deeds February 15, 1887. The area the site is located in an area that is part of the "Central Northeast Area Plan": Updated from the 1995 plan, Ord. 46-657, September 20, 2005 and Res. 158-05, September 14, 2005.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Wichita State University
SOUTH:	B	Fraternity, apartments
EAST:	B	WSU residence hall
WEST:	LC, B	Parking lot, apartments

PUBLIC SERVICES: Vassar Avenue is a paved residential street, with 60 feet of right-of-way (ROW). 17th Street North is a paved 4-lane, minor arterial street, with 70 feet of ROW. The 2030 Transportation Plan projects no change in their status. Traffic counts on 17th between Oliver and Hillside Avenues are between 10,638 and 10,473 average trips per day. All necessary utilities are present.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "urban residential." The "urban residential" category includes all densities of residential development found within the urban municipality. The B Multi-family residential zoned site is located south, across 17th Street North, of the WSU campus. The B zoning district accommodates very high density, multi-family residential development and complimentary land uses. The UZC defines a fraternity as a type of a group residence, general. A group residence, general can be considered, on a site by site consideration, for a Conditional Use in the B zoning district. Besides the existing fraternity on the subject site, there are two other fraternities within in the immediate area. 1-3 storey apartments, three-plexes, duplexes, and single-family residences converted to apartments are the most common housing in this area. WSU is the dominant development in the area and the

housing probably reflects a large student population living/renting close to the school. The site is just outside a historical environs.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED with the following conditions:

- (1) The site must be developed as shown on an approved site plan and conform to current standards in regards to parking, drainage, setbacks, easements, right-of-way, access control, drainage, landscaping and any other applicable standards. An approved site plan, all required dedications and a drainage plan must be submitted within 6 months of approval by the appropriate government body and before the issuance of a building permit.
- (2) The site shall be developed in conformance with all codes, policies, and regulations, including but not limited to zoning, building, health, and access management codes, policies, and regulations.
- (3) Parking lot light poles on the site shall not exceed 15 feet in height, and shall shield away from residential zoning.
- (4) The site shall conform to the Landscape Ordinance, which may include use of existing vegetation. A landscape plan submitted by a Kansas Landscape Architect shall require Planning Staff approval. This plan must be completed within 6 months of approval by the appropriate government body.
- (5) The site shall conform to all screening standards including solid screening for all dumpsters and mechanical equipment.
- (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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The applicant's request is not out of character with this neighborhood located south of this portion of WSU. The area's TF-3, MF-29, B, and LC zoning has been developed as mostly housing that probably reflects a large student population living/renting close to the school; a mix of 1-3 storey apartments (including walk ups), three-plexes, duplexes, single-family residences converted to apartments, and some single-family residences. Besides the applicant's existing fraternity house, there are two other fraternities in the area; one of them abuts the south side of the applicant's site and the other is located a short block west of the applicant's site. There are also parking lots for student parking and the WSU radio broadcasting studio in the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is best suited to remain a fraternity or high density multi-family residential.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Because of the area's immediate proximity to WSU (the City's largest college/university and the third largest in Kansas), there is always a potentially large student population looking for housing. A fraternity provides a particular niche in that housing market. The proposed Conditional Use will bring the current building into conformance and allow the construction of another fraternity building, which will bring an improvement to the area's current development. The conditions of the Conditional Use will further minimize the impact of the development on the neighborhood.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "urban residential." The area reflects most of the housing that is allowed by right or by Conditional Use in this category; a mix of apartments, three-plexes, duplexes, single-family residences converted to apartments, some single-family residences and three fraternities. The proposed use of a fraternity (group residence, general) is not out of character with its neighbors.

5. Impact of the proposed development on community facilities: The proposed development will probably impact drainage the most.

DIRECTOR SCHLEGEL pointed out a handout on the item, which was correspondence from the Fairmount Neighborhood Association.

BILL LONGNECKER, Planning staff presented the staff report.

MOTION: To approve subject to staff recommendation.

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

8. Case No.: CON2008-30 - Cook Construction LLC, Attn: Larry Cook (owner); Budget Car Rental, Attn: Rob Durrett (applicant); Poe & Associates, Attn: Tim Austin (agent) Request City conditional use for rental car (vehicle and equipment sales, outdoor) on property zoned LC Limited Commercial.

Lots 3, 5, 6 and 7, except the West 20 feet of Lot 6 for street, West Park Gardens Addition, Sedgwick County, Kansas Generally located East of Seneca Street (1802 and 1806 South Seneca).

BACKGROUND: The applicants request a conditional use for outdoor vehicle and equipment sales on a site located south of Harry Street, on the east side of Seneca Avenue. The applicants wish to restrict the Conditional Use to auto rental and leasing, for the renting of cars and trucks. Auto leasing falls under the same land use as vehicle sales in the Uniform Zoning Code (UZC), which requires a conditional use permit in the “LC” Limited Commercial zoning district. The site is being developed with new businesses and the applicants Budget Car Rental business is just one of the new businesses being developed at this location.

Property north of the site is zoned GO General Office (“GO”) and TF-3 Two-family Residential (“TF-3”) and developed with a single-family home and office use. Property south of the site is zoned LC Limited Commercial (“LC”) and is current vacant. Property west of the site, across Seneca, is zoned MF-29 Multi-family Residential (“MF-29”) and is currently being use as a park with a public swimming pool. Property east of the site is zoned LI Limited Industrial (“LI”) and is developed with a public works station for the City of Wichita. Currently, some screening does exist between the business site and the properties to the north, south and east.

The applicant’s site plan reflects the current use of the site. The car rental business includes an office and between 28-32 parking spaces.

CASE HISTORY: The site was platted as Lots 3, 4, 5, 6 and 7 of the West Park Gardens Addition in 1923.

ADJACENT ZONING AND LAND USE:

NORTH:	“GO”	Single-family Residence
	“TF-3”	Office
SOUTH:	“LC”	Vacant Commercial Land
	“TF-3”	Single-family Residence
EAST:	“LI”	Public Works Station
WEST:	“MF-29”	Recreation/Park

PUBLIC SERVICES: This site has access to Seneca Avenue, a four-lane principal arterial with a center turn lane. The nearest traffic volume data available for Seneca Avenue at this location is at the intersection of Harry and Seneca, two blocks north of the subject site. The traffic volume at this intersection is approximately 44,000 average daily trips per day (ADT). Municipal water and sewer services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for urban residential types of use. The current zoning does not conform to the Land Use Guide (rezoned from GO and TF-3 to LC with a protective overlay in 2006) but the request for a Conditional Use is allowed under the current zoning. This particular use conforms more to the local commercial use type. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The Commercial Locational Guidelines of the Comprehensive Plan recommends 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 conditions attached to a Conditional Use can address site design issues. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.

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

1. The Conditional Use shall be for automobile rental and leasing only. No vehicle sales shall be permitted on the site.
2. No outdoor speakers shall be used on the site.
3. The applicant shall comply with all provisions of Section III-D.6.x. of the Unified Zoning Code regarding supplementary use regulations of outdoor vehicle sales in the LC zoning district.
4. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed within one year of approval the revised site plan by the Planning Director.
5. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
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 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: Property north of the site is zoned GO General Office (“GO”) and TF-3 Two-family Residential (“TF-3”) and developed with a single-family home and office use. Property south of the site is zoned LC Limited Commercial (“LC”) and is current vacant. Property west of the site, across Seneca, is zoned MF-29 Multi-family Residential (“MF-29”) and is currently being use as a park with a public swimming pool. Property east of the site is zoned LI Limited Industrial (“LI”) and is developed with a public

works station for the City of Wichita. Currently, some screening does exist between the business site and the properties to the north, south and east.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. The property is will be developed with retail space and personal improvement services and is apparently suitable for the commercial uses to which it has been restricted. Outdoor vehicle and equipment sales uses may be permitted in the "LC" district with a Conditional Use and should be guided to areas, such as the location of the subject property, where similar uses exist.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code; the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance; and the recommended conditions of approval should limit noise, lighting, and other activity from adversely impacting residential areas to the south and should ensure attractive and orderly redevelopment along a major community thoroughfare.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for urban residential types of use. The current zoning does not conform to the Land Use Guide (rezoned from GO and TF-3 to LC with a protective overlay in 2006) but the request for a Conditional Use is allowed under the current zoning. This particular use conforms more to the local commercial use type. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.
5. Impact of the proposed development on community facilities: All public facilities are available and existing road facilities are adequate.

DERRICK SLOCUM, Planning staff presented the staff report.

FOSTER asked several questions about the staff report and clarified that the applicant has withdrawn the request auto sales.

SLOCUM responded "yes" and said that use would be for rentals only.

MOTION: To approve subject to staff recommendation.

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

9. Case No.: Development Trends Update Request Report Distribution and Information only.

STEPHEN BANKS, Planning staff presented the staff report. He briefly reviewed and summarized statistics on population; home sales; subdivision plats; vacant buildable lots; building activity and building permits.

HILLMAN asked if growth in the southeast part of the County and plans for a casino had been taken into account when identifying right-of-way in the southern part of the County.

BANKS commented that WAMPO had just recently developed a south area transportation corridor report but added that the report did not recommend building a loop but suggested improvements on existing arterials in that part of the County. He said he did not know to what extent casino development was

factored into their recommendations. He acknowledged that the casino will provide additional impact in the area with an estimated 1,500 new jobs, which will result in additional traffic; however, he did not feel the traffic numbers would impact enough to change their recommendations. He suggested **HILLMAN** ask **WAMPO** to give further comment on that issue.

HILLMAN asked about expanding right-of-way on existing routes.

BANKS said the report recommended different improvements including expanding some streets from two to four lanes and other improvements including a corridor out to Clearwater. He said the report was on the City's **WEB** Page.

The Metropolitan Area Planning Department informally adjourned at 2:00 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 _____, 2008.

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

(SEAL)