

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

November 15, 2007

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, November 1, 2007, at 1:30 P.M., in the Planning Department Conference Room, City Hall – 10th Floor, 455 N. Main St., Wichita, Kansas. The following members were present: M.S. Mitchell, Chair; Don Anderson, Vice-Chair; Elizabeth Bishop; David Dennis; Darrell Downing; Bud Hentzen; Hoyt Hillman; Ronald Marnell; G. Nelson Van Fleet and Michael Gisick. Bill Johnson, John W. McKay Jr., Debra Miller Stevens and Don Sherman were not present. Staff members present were: Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Neil Strahl, Senior Planner; Derrick Slocum, Associate Planner; and Lisa Estrada, Recording Secretary.

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1. Approval of the November 1, 2007 MAPC minutes.

MOTION: Approve the minutes.

DOWNING moved, **MARNELL** seconded the motion, and it carried (10-0).

❖ **Items # 2-1 through 2-4 may be taken in one motion unless there are questions or comments.**

2. Consideration of Subdivision Committee recommendations from the meeting of November 8, 2007.

- 2-1. **SUB 2007-75: Final Plat -- ROCKY FORD INDUSTRIAL PARK ADDITION**, located south of 31st Street South and on the east side of Rock Road.

NOTE: This is unplatted property located in the County within three miles of the City of Wichita. It is in an area designated as “2030 urban growth area” by the Wichita-Sedgwick County Comprehensive Plan. Two zone changes (ZON 2006-28 and ZON 2007-47) have been approved for Lots 1-6 from SF-20, Single-Family Residential to LC, Limited Commercial. A zone change (ZON 2007-19) has been approved from SF-20, Single-Family Residential to IP, Industrial Park for Lot 7 in addition to a Protective Overlay (P-O #190) regarding permitting uses.

A CUP Amendment for the Rocky Ford Commercial CUP (DP-300, CUP 2007-49) was also approved for Lots 1-6.

STAFF COMMENTS:

- A. County Engineering advises that public sewer and water is needed before any construction begins. City Water Utilities Department has advised that the applicant shall guarantee the extension of future sanitary sewer and City water (laterals and mains) to serve the lots being platted. County Fire Department has requested water service for fire protection installed along 33rd street. An outside-the-city water agreement shall be provided with petitions. *The applicant will be providing a restrictive covenant restricting development until water and sewer service is extended to the site.*

- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering requests a drainage plan. County Engineering has approved the applicant's drainage plan. The pond and channel need to have area around them for maintenance work. Some of the drainage and utility easements have slopes that may hinder utility placement. The storm sewer pipe in lot 6 appears to be located outside of the drainage easement. The applicant needs to show routing of the drainage for the cul-de-sac.
- D. County Engineering has approved the access controls. The plat proposes four access openings to Rock Road.
- E. This plat is in the county and following concerns/discrepancies are noted in the CUP wording per Sedgwick County Fire Department:
 - #17, the fire code of the city of Wichita has no jurisdiction in the county, thus any fire lane designations or requirements must meet the requirements of the fire code of Sedgwick County.
 - #5, #7 and #12 also refer to the city of Wichita requirements having jurisdiction in the county.
- F. The Applicant shall guarantee the paving of 33rd St. South to the commercial street standard. The paving guarantee shall include the installation of a temporary turnaround at the terminus of the street. On the final plat, the platting text should indicate that the vacation of the temporary turnaround area will be effective upon the extension of the street eastward.
- G. County Engineering has required accel/decel lanes for the access points on Rock Road. A southbound left-turn lane is also needed.
- H. Wall easements should be platted in accordance with the CUP drawing. The wall easements shall be referenced in the platting text. *The applicant has informed staff that a wall easement will be provided adjoining a 45-ft utility easement.*
- I. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- J. Sedgwick County Fire Department advises that all access drives shall be in accordance with Sedgwick County Service Drive Code.
- K. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- L. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- M. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

- N. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- O. GIS has approved the street names.
- P. The word "Wichita" needs removed from the title block.
- Q. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- R. "Lots, Blocks, Reserves and Streets" shall be referenced in the plattor's text.
- S. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- T. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- W. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. 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.
- X. 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.
- Y. 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 NPDES 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.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.

- AA. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- BB. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- CC. 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 as recommended by subdivision committee.

DOWNING moved, **DENNIS** seconded the motion, and it carried (10-0).

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- 2-2. **SUB 2007-98: One-Step Final Plat -- MIKE STEVEN MOTORS ADDITION,** located west of Rock Road and on the south side of Kellogg.

NOTE: This is a replat of the Chrysler Addition. E.M. Steven's 3rd Addition and a portion of the Keys 2nd Addition. The plat includes the vacation of Whittier. A zone change request from SF-5, Single-Family Residential to LC, Limited Commercial has been requested for the southeastern corner of the site. The Mike Stevens Motors Community Unit Plan (DP-308, CUP 2007-61) has also been proposed for this site.

STAFF COMMENTS:

- A. This plat will be subject to approval of the associated zone change and any related conditions of such a change.
- B. Municipal services are available to serve the site.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. City Engineering requests revisions to the drainage plan. A drainage easement is needed. A temporary drainage easement is needed to cover an existing storm sewer until relocation, which will be provided at site development.
- E. Traffic Engineering has approved the right-of-way platted for adjoining streets. Traffic Engineering requests a 60-foot contingent street dedication for Orme to extend through the site. The plat's text shall state, "The contingent street dedication shall become effective in the event that the City determines a need for the right-of-way for any street-related purposes.
- F. Traffic Engineering has requested complete access control be dedicated along Kellogg Drive extending from Gouverneur to Whittier. Access controls shall be referenced in the plat's text.
- G. The applicant shall provide a guarantee for closure of the street return. In the alternative, any driveways shall be constructed in accordance with City's standards.
- H. Since the vacation of Whittier creates an off-site dead end, a turnaround needs to be platted.
- I. City Fire Department advises the applicant that hydrant relocation is needed. A site plan is also

requested.

- J. County Surveying advises that the plat needs reference to section, township and range if vicinity map is not on final plat.
- K. County Surveying advises that contingent building setbacks need to be dimensioned.
- L. The wall easement shall be referenced in the plattor's text.
- M. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- N. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- O. 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.
- P. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Q. 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.)
- R. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. 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.
- T. 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.
- U. 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 NPDES 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.
- V. Perimeter closure computations shall be submitted with the final plat tracing.

- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- X. 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 defer action.

DOWNING moved, **DENNIS** seconded the motion, and it carried (10-0).

2-3. SUB 2007-96: One-Step Final Plat -- CHAUTAUQUA ADDITION, located south of 29th Street North and west of Hillside.

NOTE: This property has been approved for a vacation of street right-of-way (VAC 2006-47) that was originally dedicated with the Agee-Hunter Addition.

STAFF COMMENTS:

- A. Sanitary sewer services are available. A petition for the extension of water to Lot 2 has been provided. In accordance with the vacation case, additional utility easements are needed.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering requests a revised drainage plan. Additional drainage easements may be needed.
- D. As required for the Vacation case, the Applicant has provided a petition for paving of Lorraine.
- E. The plat^{or}'s text shall include reference to "lots and a block" in the owner's certificate.
- F. On the final plat tracing, the MAPC signature block needs to reference "M.S. Mitchell, Chair"
- G. The MAPC signature block needs to reference "John L. Schlegel, Secretary".
- H. County Surveying advises that that plats needs to reference section, township and range.
- I. The plat^{or}'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.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. 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.
- M. 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.
- N. 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 NPDES 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.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Q. 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.

NEIL STRAHL Planning staff presented staff report.

The one-step final plat was approved last week by the Subdivision Committee. Both of the two lots were the subject of a Vacation Case; previously the plat contained a right-of-way. The Subdivision Committee approved the plat subject to a petition for the extension of water to the easternmost lot. City Engineering had requested a revised drainage plan. That has been submitted, and the applicant will need to submit an off-site drainage easement. For item D, we have received a petition for the paving of Loraine that was required with the Vacation Case.

MOTION: To approve as recommended by subdivision committee.

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

2-4. SUB 2007-97: One-Step Final Plat -- CROSS POINTE 2ND ADDITION, located on the southeast corner of Greenwich Road and 21st Street North.

Note: This is a replat of a portion of the Cross Pointe Addition along with the Eastside Community Church Addition. This replat contains a new internal street and five fewer lots. The site is subject to a Community Unit Plan (CUP 2007-60, DP-279).

STAFF COMMENTS:

- A. Petitions have been provided with Cross Pointe Addition for sewer, water, drainage and paving improvements. Phase One Water, Phase One Sanitary Sewer, and Phase One Decel Lane have been built. New petitions are needed for future improvements.
- B. The applicant shall contact Debt Management regarding the need for submission of a respread agreement for existing improvements.
- C. A petition for the following transportation improvements was provided with the Cross Pointe Addition:
 - 1. A continuous accel/decel lane at major entrances on 21st Street North and Greenwich Road, left-turn bay at the easternmost opening on 21st St., and southbound center left-turn lane at major openings on Greenwich Road.
 - 2. Traffic signalization for the major opening on 21st Street when warranted.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. City Engineering has requested revisions of the drainage plan prior to MAPC. County Engineering requests a drainage plan. Drainage easements are needed.
- G. Traffic Engineering needs to comment on the access controls. The plat proposes two street openings along 21st St. North, five access openings along 21st St. North and three access openings along Greenwich Road. The applicant informed staff that the easternmost access opening along 21st St. North for Lot 5, Block 1 will be deleted from the final plat tracing in accordance with the associated CUP drawing. The plat's text also needs to be revised accordingly.
- H. In accordance with the proposed CUP, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- I. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- J. The Applicant shall guarantee the paving of the proposed street to the business street standard.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- L. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- N. GIS has requested that the western segment of the new street be named "Bristol" (extending to

the turnaround) and the eastern segment be named "Bedford". The applicant shall meet with GIS to discuss this matter prior to MAPC.

- O. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. 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.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. 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.
- S. 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.
- T. 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 NPDES 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.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- W. 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.

NEIL STRAHL Planning staff presented the staff report.

For Cross Pointe 2nd Addition, the plat was approved last week by Subdivision Committee with the conditions that the drainage issues and street name issues be resolved prior to today's meeting. The drainage issues addressed in item E have been addressed; City Engineering has approved the drainage plan. The street name issue is addressed in item N. The applicant and the street name committee still have not come to terms on a street name as requested by the Subdivision Committee.

ROB HARTMAN, PEC on behalf of the applicant. We contacted Jennifer Chambers and reviewed some names, but were unsuccessful. Our suggestion was to get a meeting set up with the address

committee with hopes that we could get that worked out. Hopefully, we can go ahead and approve this and hold it subject to City Council approval, until we get the street name worked out.

MOTION: To approve subject to the holding of the plat until street name is resolved.

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

❖ **PUBLIC HEARINGS – VACATION ITEMS**

3-1. VAC 2007-31: Request to vacate a portion of a sight distance easement

APPLICANTS: Crestview Country Club Association c/o Kerry Clark, President

AGENT: Martin & Churchill, Chartered, c/o Brad T Murphree

LEGAL DESCRIPTION: Generally described as the southern 10-foot wide portion of the easement for road intersection site distance, dedicated by separate instrument (Film/Page 28758160, recorded 2-22-2006), Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the southeast corner of 13th Street North & 127th Street East (BoCC 1)

REASON FOR REQUEST: Country club sign

CURRENT ZONING: The site and adjacent northern property are zoned “LC” Limited Commercial. Abutting southern and eastern property are zoned “SF-20” Single-family Residential. Adjacent western property is zoned “SF-5” Single-family Residential.

The applicant is requesting vacation of the southern 10-foot wide portion of the site triangle. There are no franchised or public utilities in the easement. This is the only corner of this intersection where 75-foot of half street right-of-way has not been dedicated for future turn lanes. This case is within the City of Wichita’s 3-mile jurisdiction ring and as such will have to be recommended by both the Wichita City County and the Sedgwick County Board of County Commissioners.

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 & Sewer/Storm Water, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the described portion of the of the easement for road intersection site distance easement, dedicated by separate instrument, 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 and the Derby Reporter, of notice of this vacation proceeding one time October 25, 2007 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 above-described portion of the easement for road intersection site distance, dedicated by separate instrument 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.

B. Therefore, the vacation of the portion of the easement for road intersection site distance easement, dedicated by separate instrument described in the petition should be approved with conditions;

- (1) Vacate the south 10-foot wide portion of the easement for road intersection site distance, dedicated by separate instrument as approved by the franchised utilities and City & County Public Works/Water & Sewer/Storm Water. Provide Planning staff with a legal description of the approved vacated (portion) of the easement on a word document via e-mail.
- (2) The remainder of the easement for road intersection site distance shall be dedicated as public street right-of-way as well as any additional right-of-way as needed, per the recommendation of the Traffic Engineer.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants. If utilities are to be relocated retain the easement, until they a relocated and a replacement easement is recorded with the Register of Deeds to cover the relocated utilities. Provide Planning Staff with the original dedication of easement for relocated public utilities to be recorded with the Register of Deeds.
- (4) All improvements shall be according to City Standards, at the applicant's expense.
- (5) 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the south 10-foot wide portion of the easement for road intersection site distance, dedicated by separate instrument as approved by the franchised utilities and City & County Public Works/Water & Sewer/Storm Water. Provide Planning staff with a legal description of the approved vacated (portion) of the easement on a word document via e-mail.
- (2) The remainder of the easement for road intersection site distance shall be dedicated as public street right-of-way as well as any additional right-of-way as needed, per the recommendation of the Traffic Engineer.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants. If utilities are to be relocated retain the easement, until they a relocated and a replacement easement is recorded with the Register of Deeds to cover the relocated utilities. Provide Planning Staff with the original dedication of easement for relocated public utilities to be recorded with the Register of Deeds.
- (4) All improvements shall be according to City Standards, at the applicant's expense.
- (5) 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: The applicant has requested a deferral.

BISHOP moved, **ANDERSON** seconded the motion, and it carried (10-0).

3-2. VAC 2007-32: Request to vacate a portion of a platted easement.

OWNER/APPLICANT: 119th & Kellogg Assoc., LLC c/o Grant Tidemann

AGENT: Baughman Company, PA, c/o Phil Meyer

LEGAL DESCRIPTION: Generally described as the platted 16-foot utility easement, running parallel to the common lot line of Lots 5 & 6, Block 2, the Wheatridge Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located north of Kellogg Street and west of 119th Street West (WCC #V)

REASON FOR REQUEST: Future building over lot lines

CURRENT ZONING: Subject property and abutting western property are zoned "GC" General Commercial, abutting northern properties are zoned "SF-5" Single-family Residential, adjacent (across 119th) eastern property is zoned "LI" Limited Industrial and adjacent (across Kellogg) southern property is zoned "SF-20" Single-family Residential.

The applicant is requesting consideration for the vacation of the described platted utility easement, as shown on the applicant's exhibit. The applicant proposes building over portions of the platted easement. There are no franchised or public utilities located within the easement. The Wheatridge Addition was recorded with the Register of Deeds April 8, 1968.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works/Storm Water/Water & Sewer, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted utility easement as described in the legal description with the following 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, by publication in the Wichita Eagle and the Derby Reporter of notice of this vacation proceeding one time October 25, 2007, 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 above-described portion of the platted utility easement 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.

B. Therefore, the vacation of the portion of the platted utility easement described in the petition should be approved with conditions:

- (1) Vacate only that portion of the platted utility easement as described in the legal description, as approved by City Water/Storm Water/Sewer/Public Works and franchised utilities. Provide Planning Staff the approved legal description of the vacated portion of easement, via e-mail on a Word document.
- (2) If needed retain the platted easement until all utilities have been relocated. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If needed provide all utilities with any needed plans for review for location of utilities. If needed provide a guarantee for the relocation of the public utilities and if needed the franchised utilities. If needed provide new easements for the relocated utilities to be recorded with the Register of Deeds.
- (3) All improvements shall be according to City Standards.
- (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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Vacate only that portion of the platted utility easement as described in the legal description, as approved by City Water/Storm Water/Sewer/Public Works and franchised utilities. Provide Planning Staff the approved legal description of the vacated portion of easement, via e-mail on a Word document.
2. If needed retain the platted easement until all utilities have been relocated. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If needed provide all utilities with any needed plans for review for location of utilities. If needed provide a guarantee for the relocation of the public utilities and if needed the franchised utilities. If needed provide new easements for the relocated utilities to be recorded with the Register of Deeds.
3. All improvements shall be according to City Standards.
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 items subject to staff recommendation.

ANDERSON moved, DOWNING seconded the motion, and it carried (10-0).

❖ **PUBLIC HEARINGS**

4. **Case No.: ZON2007-43** – OLC Properties; c/o Les Eck (applicant); Robert Kaplan (agent.)
City zone change from "B" Multi-family Residential to "GO" General Office on property described as;

Lot 1, EXCEPT East 30 feet, Normandy Village Addition, Sedgwick County, Kansas. Generally located east of Woodlawn Avenue, west of Armour Avenue, on the south side of Central Avenue.

BACKGROUND: The applicant is seeking a zone change from the "B," Multiple-family Residential to the "GO," General Office district on property located east of Woodlawn Avenue, west of Armour Avenue, on the south side of Central Avenue (7015 E. Central). The property is currently developed with an office building containing space for four tenants.

Surrounding land uses are: single family residential ("SF-5", Single family Residential) north of Central; multi-family residential ("B", Multi-family Residential) on the east and south; and a synagogue ("SF-5," Single family Residential) on the west. Access to the site is via two access points located on Central. Screening fencing currently exists along the south, east and west side of the property.

CASE HISTORY: Z-2643, a request for "OC," Office Commercial zoning was approved by MAPC, but withdrawn by the applicant prior to governing body hearing in 1984. (Minutes indicate the case was withdrawn due to a 60% protest.) Z-2782, a request for "GO," General Office was denied in 1986. Opposition comments centered on "striping out" Central with non-residential uses, decrease in property value caused by introduction of non-residential uses in an area which is predominantly residential and objections to office uses that near to residences. ZON2000-16 and CON2000-14 was approved by the MAPC in 2000, but was denied by the City Council. The Normandy Village Addition was recorded in 1965.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family Residential;	single-family residential
SOUTH:	"B"	Multi family Residential;	apartment
EAST:	"B"	Multi family Residential;	apartment
WEST:	"SF-5"	Single-family Residential;	synagogue

PUBLIC SERVICES: Public sewer and water services are available to the site. Central is currently a four-lane arterial with an average daily traffic volume between 21,000 and 22,000 vehicles.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide depicts this site as appropriate for "low-density urban residential" which permits densities of 1 to 6 dwelling units per acre. This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units. Schools, churches and other similar uses are also found in this category.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. However if the Planning Commission feels the request is appropriate, the application should be subject to the following Protective Overlay conditions:

- A. Uses permitted on the site are limited to those permitted in the "B", Multiple-Family Residential zoning district, and the only GO, General Office use permitted is "office, general." Permitted "office,

general” uses are the uses listed under “office, general” in the Unified Zoning Code, not the uses permitted in the ”GO”, General Office zoning district.

- B. The site shall be developed and utilized in general conformance with the site plan submitted with this request.
- C. No off-site, portable, variable or electronic message signs (LED) are permitted.
- D. Any violation of the conditions of approval shall render the conditional use permit null and void.

The recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding land uses are: single family residential (“SF-5,” Single family Residential) north of Central; multi-family residential (“B,” Multi-family Residential) on the east and south; and a synagogue (“SF-5,” Single family Residential) on the west. Central is a significant east/west arterial. At this mid-mile segment of Central, all uses except this office building and the synagogue are residential uses.
2. The suitability of the subject property for the uses to which it has been restricted. The site is zoned “B,” Multi-family Residential. This district permits a complete range of residential uses, medical offices and a few other public and civic uses such as church, day care, group home or convalescent care. The subject tract has been developed with a four-suite office type building, which limits the range of uses available to the applicant under this zoning. The applicant could wait for another medical service use to rent the space.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the “GO,” General Office district request would potentially allow uses not permitted in the “B” district. Examples of such uses are group residences, funeral home or hotel. Since the request is for office use, nearby properties would notice little difference between a medical office and the general office.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wichita Land Use Guide depicts this site as appropriate for “low-density urban residential” which permits densities in of 1 to 6 dwelling units per acre. This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units. Schools, churches and other similar uses are also found in this category.
5. Impact of the proposed development on community facilities: With the zone change to a less restrictive zone, there is the possibility for increased traffic and noise. The applicant will need to address additional parking that would be needed if the zone change were allowed.

DERRICK SLOCUM Planning staff presented the staff report.

BISHOP Noted that the District Advisory Board met on November 5th, but she has not seen the minutes from that meeting.

SLOCUM Have just received the DAB minutes today. They voted 8-0 for approval with the Protective Overlay that would limit the zoning to General Office.

BOB KAPLAN, 430 N. Market. Has had the pleasure of representing Les in this case for a very long time. Has never had difficulty with Planning Commission on this case, but we have had protests at the City Council. Les accommodated the neighborhood by simply withdrawing it, and has continued to

work with the property for the past 20 years in the "B" zoning. This has limited it to medical use. Over the past number of years, it has been fairly doable because the Central corridor did really support the medical office. Mr. Eck has been able to maintain some tenancy. However, as you are aware, the movement for medical services has been strongly to the northeast quadrant of the city. We have come in and asked for a little more flexibility with General Office. Staff suggested a Protective Overlay, and we are agreeable to that. The nearby neighbors are better off with General Office because some of the uses (convalescent care, community assembly, etc.) that could be put in there under the "B" zoning would be more obtrusive than General Office. Mr. Eck is going to be looking for professionals, architects, accountants, lawyers and business offices. For comment #3 on staff report, "Since the request is for office use, nearby properties would notice little difference between a medical office and the General Office." We agree.

Our request is for the General Office. A booklet was sent out for this case. With photos, the attempt was to show from the perspective of the building, that the condominium apartment complex, which lies to the south, is really protected. There is a screening fence all around the building. There have been comments about parking, and a written lease with Temple Emanuel has been provided to Mr. Slocum for the renting of additional parking spaces. If questions come up about parking, we do have additional parking to the west.

HENTZEN If your request is granted, will the medical office tenant be allowed to stay there?

KAPLAN Yes.

HENTZEN If we move to General Office, what about medical service?

KAPLAN If you check the code, General Office allows medical service.

MITCHELL To clarify, I have received an ex-parte communication. Please show me your hands if you have received an ex-parte communication, as well. All but three of the Planning Commission members have received that communication. It is assumed that none of you made up your mind prior to today.

BISHOP You are not referring to the item that we were mailed, correct?

MITCHELL I am referring to that item.

BISHOP I did receive that.

SCOTT COLBY, 7077 EAST CENTRAL AVENUE. Owner of a unit in the condominiums. A copy of my written comments has been provided to you. At the November 5 District Advisory Board meeting, there were two items of importance that came up. Item one - the staff had recommended that this zoning change be denied. Item two - if there were no building there now, and someone were applying to build this building, it would not be allowed because it is out of character with the rest of the surrounding neighborhood. That board member went on to make the comment that we have a building here that has a basic commercial use, and we have to deal with that reality. The rest of my remarks will address our feeling in the neighborhood that this request for zoning should be denied.

The current uses and the contemplated uses of the applicant's property do not even closely resemble the residential character of the surrounding neighborhood. When Central was widened, we decided to build a new driveway approach to the Chaumont condominiums. When we worked with the Planning Department, we were told that if you take the Temple's driveway, the west driveway of the applicant's property, the east driveway of the applicant's property, the west driveway of the Chaumont property and the east driveway of the Chaumont property, there are too many driveways. We were asked to move the entrance of our driveway 23 feet to the east, which is as far as you can move it without interfering with the new turn lane being constructed as a part of the street construction for Armour.

We agree that the street access is too intense for this place, and that is one reason why we believe that the use of this property is intrusive on the surrounding neighborhood.

The City guidelines specify for this property that you may have one parking place for every 250 square feet of rentable space. The building has 9,395 square feet of rentable space, which computes to 38 parking spaces. There are actually 51 with plus 10 spaces leased from Temple Emanuel. That is 61 parking spaces. If the building is fully occupied, there could be 61 daily trips for doctors, patients, etc. on a crowded street that has too many driveways.

The applicant is trying to use a protective overlay district in just the opposite from the way that it is intended to be used. The applicant is using the protective overlay to allow uses not allowed in the base zoning (B, Multi-family) and to increase the number of office units rented out to the public.

MITCHELL Your time has expired

COLBY Need two more minutes.

MOTION: To allow the applicant an additional two minutes.

MITCHELL moved, **BISHOP** seconded the motion, and it carried (10-0).

COLBY Residents of the neighborhood twice before protested the intrusive commercial use of this property and were successful. Protest petitions have been signed by 37% of the 30 property owners. Police records were submitted.

MARNELL Are the accident records before or after Central was improved?

COLBY The Police Department provided records for a 3-year period, which will include new and old Central.

MARNELL Central today is radically different from prior to that time.

COLBY It is different, but I sat in my driveway four minutes waiting for a break in the traffic.

BISHOP For staff, as it pertains to Mr. Colby testimony, Mr. Schlegel, if a protest petition is going to be engaged by citizens. Does it not have to follow today's date rather than having it signed previously?

SCHLEGEL Yes, protest petitions are protesting the decision of the Planning Commission. Filing it before the Planning Commission takes an action is not the right way to go. They need to file after the Planning Commission action.

BISHOP Can you define file?

SCHLEGEL It needs to be filed with the city clerk or delivered to our department.

COLBY Does that mean, any protest petition signed before today cannot be submitted or regardless of day signed they need to be submitted within fourteen days to the city clerk.

SCHLEGEL Both attorneys are looking into that. The protest petition should be filed after the planning commission takes action today.

COLBY When it was signed is not important.

JOE ALLEN LANG The statute speaks of the date filed, but someone could argue how effective they are if signed before. But you can file them afterwards. I am not going to give you a black and white answer on that. That is up to the applicant to dispute.

COLBY Each person I spoke to was explained the zoning case.

LANG The point is the time they signed those. They do not know what the planning commission's decision is going to be. The issue is they have to be filed after today's decision.

COLBY If the vote goes to approve it, then I will go back to get more protest petitions.

KAPLAN Many of these purchased the condos long after the building was in existence and leased. When we applied for the GO zoning, the staff came back with a denial. We met with staff with the protective overlay offer. In addition, every use was eliminated except general office and the medical use already there. There is a very changing corridor, and there is more commercial and more office. You recently approved a warehouse at Central and Webb Rd. Corridors change and circumstances change. The GO change with a protective overlay will not be obtrusive to the apartments.

MITCHELL Mr. Kaplan your time is up

KAPLAN Requesting 30 additional seconds.

MOTION: To approve 30 additional seconds for the speaker.

VAN FLEET moved, **BISHOP** seconded the motion, and it carried (10-0).

KAPLAN If you go to the ITC, you are going to find that five or six average daily trips multiplied by the number of units from the Chaumont are going to grossly exceed the number of trips that this building will generate.

HENTZEN Did you say that building was there before the Chaumont was built?

KAPLAN No.

GISICK Requested clarification of applicant's request and staff's recommendation. If we approve it as staff recommends, medical services would not be allowed in that building.

KAPLAN We intend and desire to keep the medical service. GO will also be allowed; it will allow office and medical.

GISICK Under GO, it normally would allow for medical. Would you like to amend to allow GO and medical services?

KAPLAN Yes. I will ask staff support for GO including office, general and medical services in the GO district.

GISICK This is different than what is written.

MITCHELL Clarify the use of the property as recommended by the staff and as requested by the applicant.

SLOCUM The current building is being used as general office and medical services allowed under GO as an amended to the protective overlay.

MITCHELL Does that answer your question, Mr. Gisick?

BISHOP Can staff point me to “office, general” in the zoning code?

GISICK On page 67.

SCHLEGEL Derrick, under “B” Multi-family Residential, would medical services still be allowed?

SLOCUM Yes, that is a permitted use.

MOTION: To approve per staff recommendation with protective overlay and medical service permitted.

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

BISHOP On page 67, it explains GO district. Trying to figure out the difference between General Office and Office, General. What does Office General look like?

SCHLEGEL There is a definition in the code.

SLOCUM Read the “Office, General” definition from the Unified Zoning Code.

BISHOP That is very helpful.

5. Case No.: ZON2007-46 (This case was deferred from the 10/18/07 MAPC Meeting.) – M & J Corporation (Bob Suellentrop)/Poe & Associates, Inc., (Tim Austin) Request City zone change from "NR" Neighborhood Residential to "LC" Limited Commercial on property described as;

Lot 1, Block 1, Chadsworth Plaza, an Addition to Wichita, Sedgwick County, Kansas. Generally located Midway between 21st and 29th Streets North, on the northwest corner of Maize Road and Maize Court.

BACKGROUND: The applicant is seeking “LC,” Limited Commercial zoning. The application area is located north of Maize Road Court, east of Maize Road, is platted as Lot 1, Block 1, Chadsworth Plaza Addition, and contains 1.01 acres. In 2001, the application area was rezoned from “SF-5,” Single-family Residential to “NR,” Neighborhood Retail, subject to Protective Overlay 111 (ZON2001-47). Protective Overlay 111 required construction of a masonry-screening wall along the south line of the application area, was subject to platting within one year, the property was to be developed according to the submitted site plan, and the “SF-5” zoned residential property to the east of the application area was be a part of the same plat as the application area.

The property has been developed with a strip commercial building divided into six storefronts that face west. The building’s parking is located just west of the structure, adjacent to Maize Road. The application area has platted complete access control across its 182.44 feet of Maize Road frontage. Access to the site is by way of Maize Road Court.

A median in Maize Road Court contains a 20-foot, 5-inch tall, 96 square-foot ground sign. BZA2005-33 permits a second 96 square-foot ground sign, located in the northwest corner of the site, for a total of 192 square feet of ground signage.

The “NR” zoning district permits one multi-tenant ground sign up to 96 square feet in size. Additional ground signs are permitted provided there is 150 feet of spacing between ground signs, and the total

amount of signage does not exceed .5 square feet of area times the frontage. Ground signs must also be located at least 15 feet from adjacent property. Ground signs are limited to a maximum height of 22 feet. "NR" district signage is limited to indirect or internal illumination of white light only. Flashing or moving images are prohibited; portable signs are prohibited, except for institutional uses. Building signs cannot exceed 32 feet in area; 30 feet in height, and are limited to one per building elevation for each major use provided the building elevation on which the building sign is to be attached has at least one of the following circumstances: street frontage, adjacent to a none residential zoning district or if adjacent to a residential zoning district there must be parking or open space with a depth of 150 feet or more measured from the face of the sign to the property line which adjoins the residential district. Building signs facing residential zoning are limited to direct or internal illumination of white light only. Flashing or moving images are prohibited. Off-site signs are prohibited.

In general, the "LC" district permits one ground or pole sign per zoning lot except that two signs are permitted on an interior lot with at least 180 feet of frontage. Properties with less than 330 feet of arterial street frontage are permitted 1 square-foot of ground signage per lineal-foot of street frontage up to a maximum area of 300 square feet. The height of a ground sign is not to exceed 20 feet except when the number of permitted signs exceeds one, then five feet of additional height can be added for every sign that is not installed, up to 25 feet. Building signs are permitted on any building elevation that has street frontage, or is adjacent to non-residential zoning, or if adjacent to residential use or zoning there must be 150 feet of parking or open space between the sign and the non-residential use or zoning. Building signs are limited to 20 percent of each tenant space up to 400 square feet in area with no more than a total of three signs per elevation. Off-site and portable signs are permitted subject to conditions. (The "LC" district does not prohibit flashing or moving images or off-site signs.)

Adjoining property is zoned "GO," General Office / offices (east), "SF-5," Single-family Residential / single-family residences (south), "LC," Limited Commercial / retail strip center (west) and "SF-5," Single-family Residential approved for "LC," Limited Commercial, subject to a community unit plan / single-family residence (north). There is a landscaped buffer running along the south side of Maize Court, adjacent to the residences located south of the application area.

The "NR" district permits "retail, general" but limits individual commercial uses to 8,000 square feet or less and does not permit outdoor storage or display for commercial uses. Restaurants in the "NR" district are limited to a maximum of 2,000 square feet, and are not permitted to provide drive-up window or in-vehicle food service. The "LC" district does not have these development standards. The "NR" district limits building height to 35 feet while the "LC" district permits 80 or higher with greater setbacks.

CASE HISTORY: The site was platted in 2002 (SUB2002-15). The site also received a variance to increase the area of a ground sign to 196 square feet ground sign (BZA2005-33).

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5,"	Single-family Residential, but approved for "LC," Limited Commercial; single-family residence
SOUTH:	"SF-5,"	Single-family Residential; single-family residences
EAST:	"GO,"	General Office; office
WEST:	"LC,"	Limited Commercial; retail sales

PUBLIC SERVICES: Maize Road is an arterial with four through lanes, a left-turn lane and a continuous right-turn lane carrying in excess of 20,000 average daily trips. The site is currently served by sewer, water and other normal publicly supplied services.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide conforms to the application area's current zoning by depicting the site as appropriate for "local commercial." This

land use category includes areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw.

RECOMMENDATION: Staff did not support the 2001 request for “NR” zoning. It was staff’s opinion then that the site’s location was not consistent adopted location guidelines for neighborhood retail uses given the fact that the property was not a transition from the lower intensity established Chadsworth single-family neighborhood to a more intense use since, at that time, Cadillac Lake was not zoned the way it is now, and there was adequate commercial zoning already in place west of Maize Road in New Market Square. Staff still has concerns about granting more intense zoning adjacent to Chadsworth given the issues that have arisen on the south side of Chadsworth. However, based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following Protective Overlay:

1. The following LC uses are prohibited: recycling collection station, public and private; construction sales and service; pawn shop; secondhand store; service station; vehicle repair, limited; wireless communication facility; asphalt or concrete plant, limited and outside storage. Off-site signage, billboards, flashing or moving signage, LED or video signage that can be seen from residentially zoned property is also prohibited. Also prohibited is building or identification signage that faces south.
2. Building heights are limited to 35 feet.
3. There shall not be any lighting or light fixtures directed to the south, and light fixtures shall be absolutely screened to the south to prevent light from spilling over on the residence to the south.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North Maize Road has been and is developing as a significant commercial corridor, especially between 21st Street and the City of Maize. Most nearby property is zoned or approved for commercial or office uses (LC or GO), but there is an established single-family subdivision, Chadsworth, zoned SF-5, located immediately south of the application area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is already zoned “NR,” Neighborhood Retail, which permits general retail uses subject to a limited set of restrictions discussed above. The site is developed with a strip commercial building that appears to be consistent with “NR” standards, therefore the site could continue to be operated as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval would introduce uses not currently permitted, and a reduction in development standards that are not currently permitted by the “NR” district. Some of the uses not permitted in the “NR” district but allowed in the “LC” district are: college or university, hospital, public recycling collection station, nurseries or garden center, farmers market in the city, convenience store, construction sales and service and drive-through restaurants. The “LC” district does not restrict the size of individual businesses to 8,000 square feet or less, and restaurants to 2,000 square feet or less, as the “NR” district does.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Presumably denial would be cause some form of economic loss to the applicant, otherwise the applicant would not spend the money to apply for this request. Denial would maintain the current development standards that the adjacent neighbors have experienced since this site was rezoned to “NR.”
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *2030 Wichita Functional Land Use Guide* depicts the application area’s current

zoning by depicting the site as appropriate for "local commercial." This land use category includes areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw.

6. Impact of the proposed development on community facilities: Community facilities are in place to serve the site, and approval of the request should not negatively impact public services.

DALE MILLER Planning staff presented staff report. DAB recommended that the applicant make a second attempt to meet with the neighborhood and homeowner association. This is a request for LC zoning, and the site is currently zoned NR. The application is for signage on this architectural feature. No response from president of homeowner's association. The applicant has proposed a protective overlay. The sign will have a dimmer switch to turn off when the business is not operating. No one showed up to DAB meeting.

HENTZEN Referred to picture, is that a lighted sign?

MILLER The individual letters will be internally lit.

HENTZEN They agreed to dim.

MILLER They will turn it off when the business closes in the evening.

BISHOP On page 4 of the staff report, requested clarification of the off-site signage statement. How is the line of sight determined?

MILLER The language will need to be modified if the protective overlay is accepted. That language was predicated on the idea that we were recommending denial of the south facing sign.

BISHOP I missed your recommended change.

MILLER It is not in there. The applicant has just offered the protective overlay today with the dimmer switch.

HENTZEN What are the operating hours?

MILLER I will let applicant answer that.

TIM AUSTIN, POE & ASSOCIATES They will operate until 11:00 p.m. Mrs. Bishop, I think we can go ahead and strike that language out. That was addressed at the DAB. If there is a sign, there will be no moving signs or LEDs. There will only be an internally lit sign. We are in agreement with staff comments.

MOTION: To approve with modified language for Protective Overlay.

MARNELL moved, **BISHOP** seconded the motion, and it carried (10-0).

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6. Case No.: ZON2007-51 – Utility Contractors (owner/applicant); K.E. Miller c/o Kirk Miller Request City zone change from "SF-5" Single-family Residential to "LI" Limited Industrial on property described as;

Beginning at the Southwest corner of the Northwest Quarter (NW/4) of Section 35, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, thence East 275.75 feet, thence North 163 feet, thence West 277.29 feet, thence South to beginning.

Beginning 275.75 feet East of the Southwest corner of the Northwest Quarter (NW/4) of Section 35, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence East 245.75 feet; thence North 163 feet; thence West 247.29 feet; thence South to beginning.

Generally located 1/2 mile South of the intersection of south Hoover and West Harry.

BACKGROUND: The applicant requests a zone change from “SF-5” Single-Family Residential to “LI” Limited Industrial on two unplatted lots totaling 1.70-acres located ½ mile south of the intersection of South Hoover and West Harry, the subject property is currently undeveloped. The applicant proposes to develop the property with an industrial building.

The surrounding area is characterized primarily by industrial uses; although, there is an SF-5 zoned lot south of the site. Further north on Hoover, towards the Harry intersection, are industrial uses zoned LI. The property to the west is zoned “LI” Limited Industrial and developed with warehousing and aviation uses. Directly to the east is the Wichita-Valley Center Flood Control Project.

Because property to the south is zoned residential, screening will be required along that property line. The compatibility setback standards will require a 25-foot building setback along the south property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback. Because the property to the south is zoned residential, a landscape buffer will be required when the site is developed; a landscape plan will require approval by the Planning Department.

CASE HISTORY: The property is currently unplatted, but the applicant is currently going through the platting process for this property. The platting will remove two property lines, creating one lot. The majority of the surrounding area has been rezoned to LI over time.

ADJACENT ZONING AND LAND USE:

NORTH:	“LI”	Warehouse/Office
SOUTH:	“SF-5”	Farmland/Vacant
EAST:	Wichita-Valley Center Flood Control Project	
WEST:	“LI”	Warehouse, Aviation Uses

PUBLIC SERVICES: The subject property has frontage along Hoover, a minor arterial with a 100-foot ROW. The site currently has one access point from Hoover. Public water and sewer service are currently available to the subject property, with the water and sewer lines running parallel along the west side of Hoover.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Employment/Industrial” development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. The Unified Zoning Code does not permit residential development in the LI district.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the property within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by industrial uses. Three properties along this block of Hoover, south of the subject

site, are zoned single-family residential, but this area has been identified as appropriate for industrial uses in City-County land use guide, and the properties along Hoover have slowly converted from residential to industrial use. The proposed "LI" Limited Industrial zoning is compatible with the zoning, uses, and character of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential, and is currently undeveloped. Given the long-standing guidance provided by land use guides that this area should be developed with industrial uses, residential development of the subject property would not be suitable and would be contrary to the community's goal of converting the area from residential to industrial use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residential zoned properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscape street yard, parking lot screening, buffer landscaping requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting the residential properties to the south.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Employment/Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. The Unified Zoning Code does not permit residential development in the LI district.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated with this request.

MOTION: To approve subject to staff recommendation.

MARNELL moved, **HENTZEN** seconded the motion, and it carried (10-0).

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7. **Case No.: ZON2007-52** – E.B. Investments LLC (owner); JBL, Inc., Attn: Jeff Lange (applicant); Baughman Company P.A., Attn: Phil Meyer (agent.) City zone change from "SF-5" Single-family Residential to "LI" Limited Industrial on property described as;

The South Half of the South Half of the Northwest Quarter (S/2 S/2 NW/4) of Section 13, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the North 395 feet of the West 660 feet thereof and EXCEPT the West 40 feet for roadway. Generally located 1/2 mile south of the intersection of MacArthur Rd. and West Street.

BACKGROUND: The applicant is requesting to rezone a 34-acre tract from "SF-5" Single-family Residential to "LI" Limited Industrial for limited industrial uses. No specific users are identified for the tract. The property is located south of MacArthur and along the east side of West Street.

North of the application area is SF-20 zoned property used for agriculture and a LI zoned property used for warehousing and office combination. East of the site is SF-20 zoned property which is currently vacant/agricultural land. South of the site is a 2.4-acre property zoned GC, developed with a mini-storage facility, and a larger, approximately 60-acre, property zoned MH, developed with a mobile home park. West of the site, across West Street, are large properties zoned LI, with uses from warehousing and aircraft manufacturing to a C&D Landfill.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-20” & “LI”	Agriculture & Warehousing
SOUTH:	“GC” & “MH”	Mini Storage & Mobile Home Park
EAST:	“SF-20”	Agriculture
WEST:	“SF-20” & “LI”	Farmstead & Warehousing

PUBLIC SERVICES: Greenwich is a paved two-lane minor arterial at this location with a 100-foot right-of-way (ROW). The 2030 Transportation Plan of the Comprehensive Plan designates this portion of West Street to be improved into a four-lane arterial; however, the project was not included in the most recent CIP adoption. The nearest traffic count for this stretch of West Street is at the intersection with MacArthur, north of the subject site. At that intersection there are 13,420 Vehicle Trips per day running north and south along West Street. All other normal services are available at this location.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Land Use Guide” identifies the property as an “Urban Residential.” The land to the north is identified as “Employment/Industry Center” and “Urban Development Mix.” Areas in and around Wichita identified as “Urban Development Mix” are largely undefined areas that, over the next 30 years, may be developed with uses extending from residential to industrial.

The Industrial Locational Guidelines recommend that industrial uses: (1) should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, rail spurs, airports and as extensions of existing industrial uses; (2) should not feed directly into local streets in residential areas; and (3) should be located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas.

RECOMMENDATION: The Functional Land Use Guide recommends this tract for an “Urban Residential.” This portion of West Street, south of I-235, has become an extension of the industry corridor along West Street north of I-235. The most recent land use case in this area was a Conditional Use permit for a C&D Landfill located about 1,200 feet west of the subject site. This site will abut a GC zoned mini-storage and MH zoned mobile home park to the south; LI zoned property to the north of the site is developed with warehouse/office combination as well as SF-20 zoned farmstead.

Impacts of industrial uses on the mobile home park to the south can be mitigated with a protective overlay. Because this site is unplatted, planning staff recommends that the applicant meet with the city transportation engineer in regards to any transportation improvements that may need to be addressed at the time of platting.

Based on the information available prior to the public hearing, planning staff recommends that the request for “LI” Limited Industrial zoning be APPROVED, subject to platting within one year and subject to the following conditions of Protective Overlay #198:

1. All uses permitted by right in the “LI” zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; kennel, boarding/breeding/training; night club in the city; pawn shop; secondhand store; sexually oriented business in the city; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; and grain storage. The City Traffic Engineer may require that additional traffic improvements, acceleration/deceleration lanes, be guaranteed to support the increased traffic volume.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
3. Storage of merchandise shall be allowed outside an enclosed building only in compliance with the general screening standards of the Unified Zoning Code and the following additional standards: (1)

- no outdoor storage or work areas shall be permitted in any building setback; (2) no required off-street parking space or loading area shall be utilized for storage; and (3) items stored outdoors shall be screened from view from West Street or any residentially zoned property.
4. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along West Street and any residentially zoned property.
 5. Minimum setback requirements shall be 35 feet along West Street and a 100-foot setback from the south property line, where adjacent to "MH" zoning.
 6. All signs shall be limited to signs that would be allowed in the "LC" Limited Commercial zoning district; no off-site, billboard or portable signs shall be permitted except for off-site signs advertising uses located within this tract that shall be allowed to have signage placed on signs fronting West Street.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the application area is SF-20 zoned property used for agriculture and a LI zoned property used for warehousing and office combination. East of the site is SF-20 zoned property which is currently vacant/agricultural land. South of the site is a 2.4-acre property zoned GC, developed with a mini-storage facility, and a larger, approximately 60-acre, property zoned MH, developed with a mobile home park. West of the site, across West Street, are large properties zoned LI, with uses from warehousing and aircraft manufacturing to a C&D Landfill.
4. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-family Residential and currently used for a farmstead. This property could continue to be used for agriculture or low-density residential as currently zoned. However, this site is within an industrial corridor along West Street, with close access to I-235 and to the Kansas Southwestern Railroad.
5. Extent to which removal of the restrictions will detrimentally affect nearby property: The main affect would be the potential for industrial uses to have a negative impact on the abutting mobile home park, or on future residential developments to the south. The proposed PO with use restrictions, screening requirements, and setback requirements should mitigate any impacts.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "Wichita Land Use Guide" identifies the property as an "Urban Residential." The land to the north is identified as "Employment/Industry Center" and "Urban Development Mix." Areas in and around Wichita identified as "Urban Development Mix" are largely undefined areas that, over the next 30 years, may be developed with uses extending from residential to industrial. The Industrial Locational Guidelines recommend that industrial uses: (1) should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, rail spurs, airports and as extensions of existing industrial uses; (2) should not feed directly into local streets in residential areas; and (3) should be located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas.
7. Impact of the proposed development on community facilities: This proposed industrial development would create additional traffic on West Street. Traffic improvements will be addressed at platting; the development will most likely generate the need for road improvements and the possible addition of a deceleration lane.

DERRICK SLOCUM Planning staff presented staff report. Would you like me to go through whole case? There is a possible amendment to the protective overlay.

MITCHELL Let us hear from the applicant.

PHIL MEYER, BAUGHMAN COMPANY There are two proposed changes to the protective overlay that staff has agreed to. Staff has recommended a 100-foot building setback along the south and east property lines. We are okay with that, but we want the option of reducing that to a 50-foot building setback if it is developed with the double landscape buffer. Second, there is no storage allowed in the building setback. We are requesting that storage be allowed in the building setback, but we will not exceed the height of the screening fence. With these two adjustments agreed by staff, we are fine with staff comments.

MITCHELL Where is the 1st change located in the six items?

MEYER Item #5.

MITCHELL You are also not completely complying with #1 under 3. Is that correct?

MEYER Correct.

MOTION: To approve with staff recommendation with agreed to changes in the protective overlay.

MARNELL moved, **DOWNING** seconded the motion, and it carried (10-0).

8. Case No.: ZON2007-53 – Sisters of Saint Joseph (owner), Law/Kingdon (agent) Request City zone change from "TF-3" Two-family Residential to "GO" General Office on property described as;

Lots 11 and 12, Block D, Elwell's Addition, to the City of Wichita, Sedgwick County, Kansas. Generally located /5 mile north of Harry on the west side of Bluffview Drive.

BACKGROUND: The application area is developed with a residential structure, which was converted to an office use. The applicant wishes to add on to the existing building, and now seeks the requested zone change to "GO" General Office. The existing office and future expansion will manage surrounding residential units, and will provide counseling services for residents.

All properties north, south, and west of the site are zoned TF-3. Single and two-family residences exist west and south of the site. Further south is the GO zoned Saint Joseph Hospital. North of the site is a community garden. East of the site are "B" Multi-family zoned residences.

CASE HISTORY: The site was platted as Lots 11 and 12, Block D of the Elwells Addition in 1951.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Community gardens
SOUTH:	"TF-3"	Two-family residential
EAST:	"B"	Two-family residential
WEST:	"TF-3"	Single-family residential

PUBLIC SERVICES: South Bluffview is a paved 2-lane local street with a 70-foot right-of-way at this location. All normal 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 “Urban Residential.” The Urban Residential category includes all densities of residential development found within the urban municipality. Institutional classification exists north and south of this site, reflecting the nearby hospital and convent.

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

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties to the south, east, and west are zoned TF-3 or B and developed with single and two-family residences. However, the subject property has been used as a residential management office, and the surrounding neighborhood is a mix of residential and institutional uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed with a single or two-family residence under the current zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow all land uses permitted in GO zoning on the site. The affect on nearby residents could be increased traffic, noise, and light from a non-residential use. However, the proposed use is to manage surrounding residences, and provide counseling services for nearby residents. The limited size of the site (.31 acres) would limit the intensity of any future non-residential use. The minimum standards of the UZC should mitigate any other potential negative affects on the surrounding residential neighbors.
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 “Urban Residential”. The Urban Residential category includes all densities of residential development found within the urban municipality.
5. Impact of the proposed development on community facilities: Traffic on the existing residential street could increase as a result of the proposed development. This site has access to Harry, a classified arterial.

MOTION: To approve subject to staff recommendation.

MARNELL moved, **HENTZEN** seconded the motion, and it carried (10-0).

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9. **Case No.: ZON2007-54/CUP2007-61** – Michael E. Steven and Nevets, Inc., c/o Harold Johnson (owner); Baughman Company, P.A., c/o Russ Ewy (agent.) City zone change from "SF-5" Single-family Residential to "LC" Limited Commercial accompanying the creation of DP-308 Steven's Toyota Community Unit Plan on property described as;

All of Lot 1, Chrysler Addition, Wichita, Kansas, Sedgwick County, Kansas, TOGETHER with all of Lot 1, E.M. Steven's Third Addition, Wichita, Kansas, Sedgwick County, Kansas TOGETHER with Lot 3, Key's Second Addition, Wichita, Kansas, Sedgwick County, Kansas except the west 37.00 feet thereof, TOGETHER with that part of Whittier Road as dedicated in Leoffler Addition to Wichita, Kansas and that part of Whittier Road as dedicated in Keys Addition to Wichita, Kansas, lying south of and abutting the following described line: Beginning at the Northwest corner of Lot 1 in said E.M. Steven's Third Addition; thence westerly along the extended north line of said Lot 1, 60.00 feet to a point on the east line of Lot 1 in said Chrysler

Addition, and there ending, and lying north of an abutting the following described line: Beginning at the most westerly Southwest corner of Lot 1 in said E.M. Steven's Third Addition, said most westerly Southwest corner also being the Northwest corner of Lot 1, Keys Second Addition to Wichita, Kansas; thence westerly along the extension of that part of the south line of Lot 1 in said E.M. Steven's Third Addition that is common with the north line of Lot 1 in said Leys Second Addition, 60.00 feet to a point on the east line of Lot 1 in said Chrysler Addition, and there ending. Generally located south and west of the intersection of Calhoun Drive and Kellogg Avenue (US-54.)

BACKGROUND: The applicant proposes to create DP-308 Mike Steven Motors Community Unit Plan, containing approximately 7.5 acres on the block of property bounded by Kellogg Drive on the north, Gouverneur Road on the west, Calhoun Drive on the east with SF-5, residentially developed property to the south. Concurrently, 0.15 acre of the property zoned SF-5 would need to be rezoned to LC so that the majority of the CUP would be designated as LC, 0.5-acre of the subject property is zoned GC. One lot along Whittier Road, zoned SF-5, is excluded from this request and is owned by another private property owner.

The majority of this tract already is zoned LC and used for an automobile dealership. The proposed vacation of Whittier Road would consolidate the Mike Steven Motors holdings and triggers the need for a CUP since the overall tract would exceed six acres of LC zoning. The proposed use for the CUP is auto sales and leasing and associated uses. The east half of the site, platted as E.M Stevens 3rd Addition with one lot in the Keys 2nd Addition, consists of a showroom, service building and vehicle storage facilities. The existing structure, on the east half of the site, is proposed to be expanded and used as the main showroom, service building and vehicle storage facility. The west half of the site, platted as Chrysler Addition, currently has an existing service and showroom building which is proposed to be removed for additional vehicle display. The approval of the CUP is contingent on the vacation of S. Whittier Road, which currently divides the proposed CUP in half. With the vacation of the stretch of road, the CUP will become one whole parcel for the automobile dealership.

Maximum building coverage would be 30 percent and maximum gross floor area would be 35 percent. An exception to the setbacks could be made since the existing structure on the east part of the property is currently setback 10 feet from the east side property line and the planned addition to the existing structure would be setback 15 feet from the rear property line. Other than those two locations, the remainder of the setbacks within the CUP should be 35 feet. Maximum building height would be 35 feet. Signs shall be spaced a minimum of 150 feet apart except that the spacing between two signs on Kellogg that may be reduced to 120 feet. Building wall signs are prohibited on facades facing Gouverneur Road, Calhoun Drive, and the south towards the residential development. Freestanding signs shall be prohibited within the south 145 feet of Gouverneur Road, within the south 100 feet of Calhoun Road, except for directional signs denoting parking spaces within the property. Outdoor speaker systems and elevated platforms for vehicle display would be prohibited in accordance to Unified Zoning Code Article III, Section III-D.6.x.

Access control shall be as shown on the plan. Dedication of access control shall be granted by separate instrument or by replatting the property. Access drives spaced less than 50 feet apart along Kellogg Drive shall be consolidated into a single access point. Requested screening on the south property line and southwest corner of the property, adjacent to residential zoning, would be with a six to eight foot high concrete wall with a planting screen of evergreen trees at a rate of one tree per 20 linear feet in between the property line and the concrete wall.

The Kellogg freeway borders the property on the north. The land north of the freeway is developed as an automobile dealership with "PUD," Planned Unit Development, zoning, Town East Square, zoned LC, is located northeast of the site and the residential enclave, Eastborough, is located northwest of the subject site. To the east of the site is a hotel and restaurant, zoned LC and "GO," General Office. Another automobile dealership on property zoned LC is located west of Gouverneur Road. All property to the south is zoned "SF-5" Single-family Residential and is developed with single-family residences.

CASE HISTORY: Two plats are in effect on the property: E.M. Stevens 3rd Addition, recorded October 15, 1985; and Chrysler Addition, recorded March 10, 1970. Property rezoned since 1960 include Z-2329 from BB to LC (E.M. Stevens Third Addition), Z-2612 from AA to LC (E.M. Stevens Third Addition), Z-3008 from C to LC and LC to C (Chrysler Addition,) and Z-3024 from LC to C (Chrysler Addition.) BZA24-81 and BZA 4-84 were approved requests to permit the expansion of a new and used car sales lot, and BZA 59-85 was a request to amend a previously approved exception for a new or used car sales lot.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, PUD, Eastborough	Kellogg freeway, Single-family, shopping center, automobile dealership
EAST:	LC	Hotel with restaurant
SOUTH:	SF-5	Single-family residential
WEST:	LC	Automobile dealership

PUBLIC SERVICES: Kellogg Drive is a one-way arterial frontage road for the Kellogg freeway (US-54) that is serviced from the Woodlawn on and off ramps. Traffic counts were not available for the frontage road. Other municipal services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “regional commercial,” which is the type of development proposed. The property south of the subject site is shown as “urban residential.” **Commercial Objective III.B** encourages future commercial areas to: “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses.” The tract has good access due to its location on Kellogg. Access control would be requested on Gouverneur Road and the northern 425 feet of Calhoun Drive. **Strategy III.B.3** seeks to reduce access points along arterial streets; the number of access points requested on the CUP is to be in alignment with the arterial separation standards of the Access Management Policy. **Commercial Locational Guideline #1** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use. The proposed CUP restricts signage, the height of parking lot lighting to 15 feet and the prohibition of outdoor speakers in the CUP.

RECOMMENDATION: Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting within one year, and subject to the following conditions:

- A. APPROVE the zone change (ZON2007-54) to LC Limited Commercial subject to replatting or dedication of access controls within one year;
- B. APPROVE the Community Unit Plan (DP-308), subject to the conditions of the CUP attached hereto and the following conditions:
 1. Parcel 1 shall be subject to the Unified Zoning Code Article III, Section III-D.6.x.
 2. Upon approval of the CUP, BZA59-85 and BZA39-65 shall be deemed superseded by the CUP requirements.
 3. A replat or dedication of access control to eliminate one access point on Kellogg as shown on the CUP shall be completed and the owner shall guarantee closure of the one drive. There will be one major access point along Kellogg Drive.
 4. A replat or dedication of access control to provide access control on Gouverneur Road, allowing one access opening, and access control along Calhoun Drive, allowing three access openings.

5. Add to General Provision #2 that signs shall be spaced a minimum of 150 feet apart except that the spacing between two signs on Kellogg that may be reduced to 120 feet. Add that building wall signs are prohibited on facades facing towards the residential development south of the subject site. Freestanding signs shall be prohibited within the south 145 feet of Gouverneur Road, and within the south 100 feet of Calhoun Drive, except for directional signs denoting parking spaces within the property.
6. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
7. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
8. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
9. The applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-308) includes special conditions for development on this property.
10. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The Kellogg freeway borders the property on the north. The land north of the freeway is developed with an automobile dealership with "PUD," Planned Unit Development, zoning, Town East Square, zoned "LC," Limited Commercial, is located northeast of the site and the residential enclave, Eastborough, is located northwest of the subject site. To the east of the site is a hotel and restaurant, zoned LC and "GO," General Office. Another automobile dealership on property zoned LC is west of Gouverneur Road. All property to the south is zoned "SF-5" Single-family Residential and in single-family residential use.
2. The suitability of the subject property for the uses to which it has been restricted: The area is most suitable for the LC zoning and uses so long as sufficient buffering and screening is provided along the south property line to protect the single-family residential neighborhood to the south.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The remaining property owner on property zoned SF-5 will be most affected by the rezoning as this property will be surrounded by intensive commercial use. The buffering and screening will provide some visual separation to the single-family homes on Gouverneur Road and to the south on Whittier Road and Calhoun Drive.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "regional commercial," which is the type of development proposed. The property south of the subject site is shown as "urban residential". **Commercial Objective III.B** encourages future commercial areas to: "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses." The tract has good access due to its location on Kellogg. Access would be prohibited on Gouverneur Road and the northern 425 feet of Calhoun Drive. **Strategy III.B.3** seeks to reduce access points along arterial streets; the number of access points requested

on the CUP is to be in alignment with the arterial separation standards of the Access Management Policy. **Commercial Locational Guideline #1** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use. The proposed CUP restricts signage, the height of parking lot lighting to 15 feet and the prohibition of outdoor speakers in the CUP.

5. Impact of the proposed development on community facilities: As proposed, no significant impacts.

BISHOP Asked if item #9 is the case that is associated with the previous plat that we deferred?

MITCHELL Yes.

DERRICK SLOCUM Planning staff presented the staff report.

DOWNING For the closing of Whittier Street, does that currently open onto Kellogg as a public street?

SLOCUM Yes, it did onto Kellogg Drive.

DOWNING If we do not close it, will it open onto Kellogg Drive?

SLOCUM Yes.

DOWNING This will include the closing of a public street, Whittier?

SLOCUM Yes.

SCHLEGEL In approving the zoning and CUP today, you would not be closing Whittier. That is part of the plat, the item that was deferred.

GISICK The Fire Chief requested that we add or remove a hydrant. Is that part of this request?

SLOCUM That is a platting issue.

HILLMAN What did neighborhood DAB think of this request?

SLOCUM DAB hearing is Monday Dec 3. They have not heard this, yet.

RUSS EWY, BAUGHMAN COMPANY With previous cases for car dealerships, we have come into conflict with the Office of Central Inspection concerning what is a car wash and what is an accessory detailing service as part of the dealership. I thought it was important for us to understand there was some confusion. For the record, when we discuss car wash or vehicle detailing as part of a dealership, it is not for the public and is simply a use for the dealership as a customer service.

BISHOP Has there been any direction in terms of not having outdoor speakers and lighting?

EWY It is part of condition #1. This is a broad base of restrictions for car dealerships.

STEVE BIRD, 663 WHITTIER REPRESENTING HIS DAUGHTER When his daughter bought a house 2 years ago, it was purchased because it was not on a dead-end street. She does not like living on a dead-end street. That is my only opposition.

GREG FERRIS I have been working with the Toyota dealership on this project. I just wanted to address the closure of Whittier because it is intimately involved with the CUP. If there was not any closure of Whittier there would not be any access control, and we would not be here. We met with staff, it was determined that a CUP and replatting were the appropriate processes. As part of the record, a letter has been mailed to everyone living along Whittier and three houses along Gilbert of our intention to vacate Whittier. Ms. Byrd is the only owner resident on Whittier that does not strongly support or oppose the closure of Whittier. This creates more of a neighborhood for them because the traffic from the commercial uses makes it impossible. There were seven people I was not able to reach. I wanted you to be aware that it is not a surprise that we're closing Whittier. Part of the CUP is closing the road. The reason we did not go to the DAB is that it was determined that it was a case that did not need to go to the DAB. Since that time, there have been some questions. We will be going to the DAB during December before the plat is returned to you. If Whittier does not close, there will be access to Kellogg Drive. In the future, you will only be able to go east.

MITCHELL Disclosed receipt of opposition letter from Chuck Lambertz

MOTION: To approve subject to staff recommendation.

MARNELL moved, **BISHOP** seconded the motion, and it carried (10-0).

10. Case No.: CUP2007-60 – Slawson East, Inc., c/o Jerry Jones (owner); Professional Engineering Consultants, PA c/o Rob Hartman (agent) Request DP-279 Amendment #1 to readjust parcels, uses, building heights and maximum building coverage, etc on property described as;

A Replat of Lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13 and the East 142.00' of Lot 6, Block 1, and Reserves A and B, Cross Pointe, an Addition to Wichita, Sedgwick County, Kansas; together with Lot 2, Block A, Eastside Community Church Addition to Wichita, Sedgwick County, Kansas. Generally located Southwest corner of K-96 and 21st Street North.

BACKGROUND: The applicant proposes to amend DP-279 Cross Pointe Community Unit Plan to develop the main parcel along K-96 as a mixed-use parcel with taller building heights. A new looped street is added to the CUP to improve circulation within the development. Other changes would include increasing building heights and maximum building coverage on certain parcels and minor adjustments to signage and screening.

The CUP consists of 60 acres of "LC" Limited Commercial property on the southwest corner of the intersection of K-96 with 21st Street North and extends from K-96 west to Greenwich. Amendment #1 encompasses all parcels in the CUP except three parcels located along 21st Street North under separate ownership.

In the redesigned CUP:

- New Parcel 1 (16.51 acres) would have frontage onto Greenwich Road plus an access strip onto 21st Street North. All of Parcel 2 and over half of Parcel 12 would be added to Parcel 1.
- Parcel 3 and Parcel 4 would be combined, along with a small portion of Parcel 12, to form the new Parcel 4 (3.21 acres); it would have direct access onto both Greenwich Road and 21st Street North.
- Parcel 8 and Parcel 9 would be combined, along with a small portion of Parcel 12, to form the new Parcel 8 (4.84 acres), which would have direct access onto 21st Street North.
- Parcel 13 would be expanded from nine to 17 acres (mostly from land in Parcel 12) and have 1,000 feet of common property line along K-96, with excellent visibility from the highway.
- Parcel 12 (now 5.10 acres) would retain 400 feet of common frontage along K-96.

- Reserve A would be shifted off the southern property line and shrink in size (now 1.77 acres). Reserve B (now 2.24 acres) remains in the same general location along the southern property line south of Parcel 13, but is smaller. Reserve C would be added as a 0.57-acre reserve bounded by Parcel 9 and the new internal loop street.
- Parcels 5, 6, 10 and 14 would remain the same.

Maximum building coverage would increase on Parcels 1, 4, 7, 8, 11, 12 and 13 from 21 percent to 30 percent. Gross floor area would increase from 21 percent to 38 percent overall for the CUP and to 30 percent for Parcels 1, 4, 7, 8 and 11, to 70 percent for Parcel 12 and to 55 percent for Parcel 13. Building height remains 35 feet for all parcels along Greenwich and 21st Street North. It increases from 35 feet to 55 feet for Parcel 12 and from 55 feet to 90 feet to Parcel 13. The applicant has indicated that they hope to build two condo high rise towers, a hotel and an office building, all with coordinated architectural controls, on Parcel 13 and another office building on Parcel 12.

Most uses allowed in LC, including residential uses, would be permitted. Uses eliminated are: correctional placement residences, vehicle storage yards (although this not a permitted use in LC), outdoor storage, pawn shops, freestanding retail liquor stores, nightclubs, asphalt or concrete plants, sexually oriented businesses and adult entertainment businesses. Convenience stores with gas islands, service stations and vehicle repair, limited, are limited to a maximum of three such uses in the CUP and only located on parcels with direct frontage on Greenwich or 21st Street North. Drive-in facilities are prohibited within 200 feet of residentially zoned property or facing residentially developed property.

Signage follows previously approved provisions but potentially allocates more signage on 21st Street North than would be allowed based on length of frontage. General sign provisions are major multi-tenant shopping center signs at the four major openings with a height of 30 feet and size of 300 square feet, and individual signs for parcels along Greenwich and 21st Street North with a height of 20 feet and a size of 200 square feet for Parcels 5, 6 and 10, but reduced to 12 feet and 60 square feet for the other individual signs. Along K-96 two taller signs (45 feet) with 325 square feet are permitted. Spacing is generally 150 feet apart but reduced to 100 feet between signs held to a maximum height of 12 feet. The number of sign locations would be per Wichita Sign Code; this means that for each five feet of height above 25 feet, the sign is counted as occupying two sign locations, with the number of sign locations based on the spacing of 150 feet apart.

Currently two fast food restaurants are located along 21st Street North and the remainder of the CUP is vacant.

The property east of K-96 is developed with a large medical complex, Wichita Clinic, on property zoned "GO" General Office and with a commercial development (DP-256 The Collective CUP) of specialty retail, a bank and medical offices on property zoned LC. The property north of 21st Street North includes a cemetery on property zoned LC and "SF-5" Single-family Residential, and a bank, some vacant land and a new commercial strip center fronting onto Greenwich Road, all located on property zoned LC. DP-234 Regency Lakes CUP is zoned LC and "LI" Limited Industrial and located to the northwest of 21st and Greenwich Road; it is developed with a SuperTarget, a large retail store and a restaurant. DP-274 Oak Creek CUP is zoned LC and located to the west. It is undeveloped along Greenwich Road but the interior of the CUP is being developed with large residences. The property to the south is approved for a CUP but no plat has been filed. Currently it is zoned SF-5 and "SF-20" Single-family Residential and is developed with a large acreage residence.

CASE HISTORY: The property is platted as Cross Pointe Addition, recorded July 22, 2005 except Parcel 14 that is platted as Eastside Community Church Addition, recorded October 29, 1998. The CUP was originally approved October 12, 2004 as DP-279 Slawson East CUP, and was renamed by the owner as Cross Pointe CUP.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, LC	Cemetery, bank, vacant
SOUTH:	SF-5, SF-20	Residential estate, vacant
EAST:	LC, GO	Retail, bank, medical offices, large medical complex
WEST:	LC	Vacant

PUBLIC SERVICES: On the Functional Classification Plan, K-96 is designated as a freeway or expressway, 21st Street North is designated as a principal arterial street and Greenwich Road is designated as a minor arterial street. The 2006 annual average daily traffic was 16,500 AADT on K-96, 11,523 AADT west and 6,599 AADT east of the 21st Street North at Greenwich and 7,348 AADT on Greenwich south of 21st Street North. 21st Street North is a seven-lane arterial with accel/decel lanes and left-turn center lanes; Greenwich Road is similar in configuration. Traffic signalization may be needed at a major entrance, depending on the level of traffic generation realized onsite. A petition for this improvement was given with the Cross Pointe Addition plat, along with other petitions for accel/decel and center turn lanes. Other normal public services are available.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “regional commercial.” This is in conformance with the proposed amendment. **Commercial Objective III.B** encourages future commercial areas to: “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses.” The location of the site at the interchange of 21st Street North and K-96 meets these guidelines. With the exception of the cemetery to the north, the surrounding properties either are zoned LC or GO or approved, subject to platting, for this zoning. **Strategy III.B.2** seeks to integrate out parcels to planned centers through shared internal circulation, shared signage, similar landscaping and building materials, and combined ingress/egress locations. The CUP conforms to these guidelines except with regard to shared signage on the small parcels.

RECOMMENDATION: Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting within one year and the following conditions:

C. APPROVE Amendment #1 to DP-279, subject to the following conditions:

1. General Provision #8A shall be revised so that the sign allocation and spacing conforms to the Wichita Sign Code.
2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
4. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property east of K-96 is developed with a large medical complex, Wichita Clinic, on property zoned GO and with a commercial development (DP-256 The Collective CUP) of specialty retail, a bank and medical offices on property zoned LC. The property north of 21st Street North includes a cemetery on property zoned LC and SF-5, and a bank, some vacant land and a new commercial strip center fronting

onto Greenwich Road, all located on property zoned LC. DP-234 Regency Lakes CUP is zoned LC and LI and is located to the northwest of 21st and Greenwich Road; it is developed with a SuperTarget, a large retail store and a restaurant. DP-274 Oak Creek CUP is zoned LC and located to the west. It is undeveloped along Greenwich Road but the interior of the CUP is being developed with large residences. The property to the south is approved for a CUP but no plat has been filed. Currently it is zoned SF-5 and SF-20 and is developed with a suburban residence on a large acreage.

2. The suitability of the subject property for the uses to which it has been restricted: The area is suitable for the use as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The increased height and intensity of use will make the development more visible from the surrounding properties, otherwise the restrictions on the development are similar to those already approved. Given the surrounding land uses and proximity to K-96, this should not be detrimental to nearby property.
4. Length of time the subject property has remained vacant as zoned: The first two parcels (two fast-food restaurants) have been developed on the site since the platting and zone change were completed in 2005.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “regional commercial.” This is in conformance with the proposed amendment. **Commercial Objective III.B** encourages future commercial areas to: “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses.” The location of the site at the interchange of 21st Street North and K-96 meets these guidelines. Except the cemetery to the north, the surrounding properties either are zoned LC or GO or approved, subject to platting for this zoning. **Strategy III.B.2** seeks to integrate out parcels to planned centers through shared internal circulation, shared signage, similar landscaping and building materials, and combined ingress/egress locations. The CUP conforms to these guidelines except with regard to shared signage on the small parcels.
6. Impact of the proposed development on community facilities: The requested amendment probably will result in more traffic on 21st Street North and Greenwich due to the increased level of maximum gross floor area. The access of the site to 21st Street North between K-96 on the east and connecting via Greenwich Road to K-96 one-half mile to the north, plus the site abutting two well-developed arterial streets with accel/decel lanes and left-turn center lanes, offers good transportation infrastructure for this type of major traffic generating use.

MOTION: To approve subject to staff recommendation.

MARNELL moved, **HENTZEN** seconded the motion, and it carried (10-0).

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11. **Case No.: PUD2007-04** – John and Ruth Strunk (owners); Via Christi Regional Medical Center, Inc., c/o R. Allan Alford (owner); Baughman Company, PA c/o Phil Meyer (agent) Request for a Planned Unit Development for the development of a new Via Christi hospital and other medical uses on property described as;

The Southwest 1/4 of Section 2, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas EXCEPT there from the following described tract: Beginning at the Southwest corner of said Southwest 1/4; thence N01°15'00"W along the west line of said Southwest 1/4, 665.57 feet; thence N88°38'01"E parallel with the south line of said Southwest 1/4, 1110.00 feet; thence S01°15'00"E parallel with the west line of said Southwest 1/4, 665.57 feet to a point on the south line of said Southwest 1/4; thence S88°38'01"W along the south line of said Southwest 1/4, 1110.00 feet to the point of beginning, all being said subject to road rights-of-way of record. Generally located Northeast corner of north 151st. St. West and west 21st. St. North.

BACKGROUND: The applicant proposes to create the 114-acre PUD #27 Via Christi West Campus Planned Unit Development. The PUD will consist of one parcel, primarily for the purpose of a hospital and associated uses. The property is located north of 21st Street North, and east of 151st Street West. The application is a county request; however, the applicants anticipate annexation within several years, and the PUD makes references to City standards for landscaping, signage, and access management. The PUD application is for one parcel, but the applicants anticipate future outparceling along the arterial streets.

The "PUD" Planned Unit Development special zoning district would replace the current zoning district of "SF-20" Single-family Residential with the following permitted uses: hospital, medical offices, medical uses, general office, retail uses related to medical (i.e.: pharmacies, medical supply/uniform stores, prosthetics, florist, gift shop), ambulance facility, helipad for medical uses, hotel, restraints, daycare, senior housing facilities, wellness center, and churches. The PUD prohibits the following uses: adult entertainment, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service.

Access controls are to follow the guidelines of the access management policy, and will be determined at the time of platting. Likewise, transportation improvements and guarantees are to be determined at platting. Signs are to be in conformance with the City Sign Code for the "LC" District, and include two signs along 21st Street N. with a maximum area of 600 square feet, with no single sign exceeding 300 square feet. Six signs are to be allowed along 151st Street W. with a maximum area of 1,800 square feet, with no single sign exceeding 300 square feet. All freestanding signs must be monument type signs. Hospital signage along either 21st or 151st shall have a maximum height of 30 feet. Multi-tenant signs shall have a maximum height of 20 feet. Single tenant signs shall have a maximum height of 15 feet. Monument signs will have a minimum 150-foot spacing. Electronic message boards shall be permitted, with no animated, slashing or moving images and graphics changes will be restricted to one change per second. Portable and off-site signs are not permitted. The applicant proposes unlimited directional signage within the development, with no single directional sign to exceed 50 square feet.

Parking lot lighting for the hospital and medical office building is limited to 30 feet in height, not including a base of up to 3 feet. All other parking lot lighting is limited to 20 feet in height (not including a base of up to 3 feet); all parking lot lighting located within 300 feet of residential zoning is limited to 20 feet. Landscaping will comply with the City Landscape Code. Screening to adjacent residential property will have a 30-foot screen buffer, and screening may be a combination of meeting the landscape ordinance and existing vegetation. All utilities are to be placed underground. All buildings in the PUD shall share a similar architectural character, color, texture and predominate exterior building materials. Exterior building walls must use predominantly earth-tone colors and may not be predominantly metal. Building heights are restricted to 100 feet for a hospital, and 50 feet for all other buildings. Cross lot circulation and a pedestrian walk system are required.

The application area excludes a farmstead location at the southwest corner of this quarter section. A state and national registered historic barn exists within the excluded property southwest of the application area. The applicant has worked with the State Historic Preservation Office (SHIPO) regarding proposed development at this site. The applicant will be required to have SHIPO approval for building permits within 1000 feet of the historic barn. The proposed Northwest Bypass touches the northwest corner of the

site, but will not impact the site plan. The Dry Creek Floodway consumes the southeast corner of this quarter section. The PUD designates this area as a reserve, and demonstrates a bridge connecting the hospital campus drive to 21st Street North.

The application area exists 650 feet west of the City of Wichita. North, south, east and west of the site is county property used for agriculture. 650 feet east of the site is the LC Limited Commercial zoned YMCA site. Southeast of the site is SF-20 zoned single-family residences, and northwest of the site are RR Rural Residential zoned large lot residences.

CASE HISTORY: The property is unplatted and has been used only for agriculture.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agriculture, single-family residences
SOUTH:	SF-20	Agriculture, single-family residences
EAST:	SF-20, LC	Agriculture, YMCA, single-family residences
WEST:	RR	Agriculture, single-family residences

PUBLIC SERVICES: 21st Street North and 151st Street West are both designated as section line arterial streets. Both are currently two-lane paved arterial streets. 21st Street North has a 70-foot half width right-of-way (ROW) at the application area. 151st Street West has a 30-foot half width ROW at the site. No traffic counts are available for this portion of 151st. 21st Street North had 7,356 vehicles per day two miles east of this location in 2006. The estimated daily traffic count on this portion of 21st Street North is under 7,000 vehicles. Public water and sewer are not yet available at the site. The applicant intends to extend city water and sewer to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide," 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identify the site as "Wichita 2030 Urban Growth Area." This category identifies Wichita's urban fringe areas that are presently undeveloped but have the potential to be developed by the year 2030, based upon Wichita population growth projections and current market trends. This is the area in which City limits expansion and extension of municipal services and infrastructure should be focused during the period from 2005 to 2030. Determination of growth direction and amount is based upon municipal political considerations, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

The Unified Zoning Code states that a PUD is intended to create a superior quality development that may not conform to all the requirements of the Unified Zoning Code by:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- (2) Allowing greater freedom in selecting the means to provide access, light, open space and design amenities;
- (3) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and
- (4) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code.

The proposed PUD addresses these criteria by permitting a mixture of medical uses and supporting commercial development. The PUD also incorporates provisions such as consistency in parking lot lighting elements, architectural standards, circulation requirements, and landscaping that enhances the quality of the development.

RECOMMENDATION: Planning Staff worked with the applicant and their agents on this request. Most standards presented in the PUD meet or exceed typical code requirements. The applicant has requested unlimited 50 square-foot directional signage within the hospital campus. The City of Wichita Sign Code allows unlimited directional signage limited to six square feet. Considering other hospital campuses in the region, staff feels that 20 square-foot directional signage limited to 6 feet in height would be appropriate. Based on these comments and information available prior to the public hearing, Staff recommends the application be APPROVED subject to the following conditions:

1. Amend 8.G. to allow unlimited directional signage with a single directional sign limited to 20 square-feet in size and 6 feet in height.
2. The application area shall be platted within one year following approval by the governing body, or the case shall be considered denied and closed.
3. The applicant shall submit 4 revised copies of the PUD to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North, south, east and west of the site is county property used for agriculture. Most of this property is zoned RR Rural Residential, some is zoned SF-20 Single-family Residential. 650 feet east of the site is the LC Limited Commercial zoned YMCA site. Southeast of the site is SF-20 zoned single-family residences, and northwest of the site are RR Rural Residential zoned large lot residences.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with suburban scale single-family residential use as zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the requested PUD will significantly affect nearby property with increased traffic, activity, noise (including noise from ambulances and helicopters), and light. The proposed PUD should mitigate these effects better than typical zoning code standards under a commercial zoning category.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide," 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identify the site as "Wichita 2030 Urban Growth Area." The Unified Zoning Code states that a PUD is intended to create a superior quality development that may not conform to all the requirements of the Unified Zoning Code.
5. Impact of the proposed development on community facilities: The proposed development will have a significant impact on community facilities. The applicant will be required to extend water and sewer to this location. Transportation improvements and guarantees are to be determined at platting. These improvements should accommodate the anticipated increase in traffic to this area brought by the proposed hospital development. Increased community safety and emergency services will be required with greater numbers of people working and visiting this location.

MOTION: To approve subject to staff recommendation.

MARNELL moved, **HENTZEN** seconded the motion, and it carried (10-0).

- 12. Case No.: CON2007-39** – Sheila A. Gorges, Linley J. Simon, Leslie D. Simon (owners)/Gregory J. Seiler (agent-contract purchaser) Request County Conditional Use to permit "animal care, general" on property described as;

The South 300 feet of the West 726 feet of the North half of the Northwest Quarter of Section 2, Township 27 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas. Generally located approximately 3/8 mile south of 29th Street North and east of 247th Street West.

BACKGROUND: The application area is five unplatted acres located 1,100 feet south of West 29th Street North, east of North 247th Street West. The contract purchaser is a large animal veterinarian, currently operating as Heartland Veterinary Services. Heartland Veterinary Services would like to establish a full service clinic that is in close in proximity to its clients, especially dairy and beef cattle producers. At some point in the future, the applicant may also want to offer other animal related goods and services, such as fencing, animal handling equipment, feed, tack and similar animal related supplies, tools and services for sale as well. The application area is currently used for cropland.

The applicant's site plan depicts a clinic, capable of future expansion located 200 feet east of the centerline of 247th Street. The clinic would offer a full range of animal care services, including large animal services, which require outdoor pens, chutes, corrals and holding pens typically needed to house, care and treat farm animals. Hay and grain storage may also be present. The clinic would have both indoor and outdoor dog kennel space. He would also have outdoor unloading and holding pens. The site plan specifically depicts horse stalls and outdoor corral areas. The applicant also intends to sell pet food and other small animal supplies normally associated with full service veterinary clinic. On the site plan, the areas marked "future expansion" is where the applicant would like to be able to sell the other animal related goods, supplies and services mentioned above.

"Animal care, general" is a use that provides veterinary services for large animals, and that may include small animals (household pets), and for which boarding facilities may also be provided.

The County Sign Code limits signage associated with a conditional use to eight square feet in area unless the County Commission approves larger signage. The applicant requests approval of a 32 square-foot sign, eight feet tall, to be centrally located on the property's frontage. It is the applicant's opinion that an eight square-foot sign would hardly be visible to traffic traveling 55 miles per hours on 247th Street. The applicant also proposes a building sign not to exceed 20 percent of the buildings façade.

The closest house is approximately 900 feet northeast of the site, and is owned by one of the co-applicants. The next closest house is approximately 1,600 feet to the north, while the third closest house is approximately 1,700 feet to the northwest. All surrounding land is zoned "RR," Rural Residential, and is used for cropland. The closest city is 3.5 miles to the north, Andale, and it is 6.5 miles to Goddard.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "RR," Rural Residential; cropland
SOUTH: "RR," Rural Residential; cropland
EAST: "RR," Rural Residential; cropland
WEST: "RR," Rural Residential; cropland

PUBLIC SERVICES: Public sewer and water are not available. The applicant will utilize on-site water and lagoon facilities. 247th Street is a paved two-lane county highway. 29th Street is a paved two-lane county highway.

CONFORMANCE TO PLANS/POLICIES: The “Wichita and Small Cities 2030 Urban Growth Areas” depicts this site as a “rural area.” The “rural area” encompasses land outside the 2030 urban growth areas for Wichita and the small cities. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.... Strategy III.B4 states that in those portions of rural unincorporated Sedgwick County outside the projected urban growth area, limit commercial development to those activities that are agriculturally oriented....

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year and the following conditions:

1. The site shall is permitted to be developed with uses permitted by-right in the “RR,” Rural Residential district plus “animal care, general,” including up to 10 outdoor dog kennel runs, and other outdoor stalls, pens, corrals and holding areas. Also permitted is the sale of other animal related goods and services, such as fencing, fence panels, animal handling equipment, feed, feeders, tack and similar animal related supplies, tools and services. Also permitted is the sale of household pet food and supplies.
2. The site shall be developed in substantial conformance with the approved site plan.
3. The site shall be permitted one 32 square-foot in area, eight-foot tall ground sign.
4. The applicant shall obtain all applicable permits, such as zoning, building or environmental, prior to offering any services or goods for sale.
5. If, after a finding of a violation of the conditions of approval by the director of planning and the zoning administrator, this conditional use may be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All of the land surrounding the application area is used for crop production with scattered farmhouses. All of the land is zoned “RR,” Rural Residential. The area is as rural as it gets.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned “RR,” Rural Residential, which permits large lot single-family residences and agricultural uses, among other low intensity uses. These permitted uses are appropriate for the site; however, a large animal veterinary clinic would be an appropriate use in a rural area like the application site.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the isolated nature of the site and the recommended and required conditions of approval should minimize any detrimental affects. The applicant does not propose any activities, except perhaps the outdoor kennels, which would not typically be found in the greater area’s ranching and farming milieu.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: According to information provided by the applicant, large animal veterinary services are becoming increasingly difficult to find. Approval would provide a more convenient location for large animal producers located in western Sedgwick County to obtain veterinary services. Denial would presumable be an economic hardship on the property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “Wichita and Small Cities 2030 Urban Growth Areas” depicts this site as a “rural area.” The “rural area” encompasses land outside the 2030 urban growth areas for Wichita and the small cities. This category is intended to accommodate agricultural uses, rural based uses that

are no more offensive than those agricultural uses commonly found in Sedgwick County.... Strategy III.B4 states that in those portions of rural unincorporated Sedgwick County outside the projected urban growth area, limit commercial development to those activities that are agriculturally oriented....

6. Impact of the proposed development on community facilities: The site will provide on-site sewer and water services. Traffic would increase, especially turning movements at the site, however existing facilities should be adequate for anticipated changes.

MOTION: To approve subject to staff recommendation.

MARNELL moved, **HENTZEN** seconded the motion, and it carried (10-0).

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13. **Case No.: CON2007-40** – Triple J. of Wichita c/o Ron Cornejo/ SourceOne Car Wash Company c/o Curt Koencke (applicant); Baughman Company, PA c/o Phil Meyer (agent) Request City Conditional Use to allow a car wash on property described as;

Lot 5, Block 1; Cornejo East 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located north of Central Avenue, on the northeast corner of Webb Road & Chamberlin Street.

BACKGROUND: The applicant proposes a Conditional Use for a car wash on the “GC” General Commercial zoned Lot 5, Block 1, Cornejo East 2nd Addition. There is a small vacant structure on the site. A car wash is listed as a permitted use in “GC” zoning, but, if it is located within 200-feet of residential zoning it can only be considered as a Conditional Use. The site is located within 200-feet of residential zoning on its south, east and northeast sides.

The proposed car wash is a completely enclosed automated facility, with customers driving their cars to one of two gated lanes, where they will proceed to select the type of wash they want from a menu board and then pay to enter the car wash. After paying, the customer drives to the entrance bay door of the car wash and remains in their car as it advances, via a conveyor system, through the automated car wash. The bay doors on the entrance and exit will remain open during fair weather, but raise and close for each individual car during foul weather. There will be a manager and an employee on site during the 8AM – 8PM hours of operation, seven days a week. The site plan identifies the 18 parking spaces for vacuum islands areas. The applicant has stated that the vacuum island will have only hoses above the ground, with the vacuum motor(s) located in a central enclosed area. The site plan shows one point of access onto Webb Road. The exit bay door of the car wash is facing Webb Road, towards a USD 259 elementary school. No lighting is shown on the site plan, although the applicant has told Staff that 15-foot tall (total height including base) pole light is acceptable. The only landscaping shown on the site is a 5-foot landscape buffer, which runs along only a portion of Webb.

Properties north of the site (all with frontage along Webb) are zoned “GC” and “LI” Limited Industrial, and include an abutting undeveloped property, two commercial strips (2002), and an outdoor recreational use (All Star Sports, 1988). Properties to the east include an abutting “GC” zoned warehouse/distribution building and a single-family residence (built 1935, with overlay CU322) and “SF-5” Single-family Residential zoned single-family residences (mid 1950s) and manufactured homes. Properties west and south of the site are zoned “SF-5” and are developed as the already noted USD 259 elementary school (west, across Webb), single-family residences (northwest, across Webb, late 1980s – early 1990s) and (south, across Chamberlin) single-family residences (1918 and mid 1950s), manufactured homes and some vacant land along Webb. There is an open, 8 self-service bays, two automatic bays (no conveyor system), with nineteen vacuum spaces, car wash (“LI”, CON2000-36) located two blocks south of the subject site.

Further to the north, east and south of the subject site, are the “LI” zoned Hawker-Beechcraft Company’s facilities. The Hawker-Beechcraft aircraft manufacturing facility is the dominant land use in the area and one of the largest employers in the county. Because of the airstrips used by Hawker-Beechcraft, this site is located within “Area A” of the “Airport Hazard Map” which limits heights to 25 feet unless specifically reviewed and permitted by a separate procedure.

CASE HISTORY: ZON2002-33 rezoned the site from “SF-5” to “GC.” The site was originally platted as the Cornejo East Addition, recorded 6-27-2003. The site was subsequently replatted as the Cornejo East 2nd Addition, recorded 6-18-2007. DAB II considered this case at their November 5, 2007 meeting and recommended approval, unanimously.

ADJACENT ZONING AND LAND USE:

NORTH: “GC” & “LI” vacant, strip commercial, outdoor recreation
SOUTH: “SF-5” & “LI” single-family, vacant, manufactured homes, auto repair, car wash
EAST: “GC” & “SF-5” warehouse/distribution, single-family, manufactured homes, church
WEST: “SF-5” USD 259 elementary school, single-family

PUBLIC SERVICES: Webb Road is an improved 4-lane arterial street that carries an average daily traffic volume of 17,495 vehicles. The 2030 Transportation Plan projects this segment of Webb Road to be four-lane arterial carrying an average daily traffic volume of 21,226. Chamberlain Street is a local residential street, constructed to minimum standards Public sewer and water and all utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this area as appropriate for “employment/industry center.” This category encompasses areas that contain concentrations of employment of industrial, manufacturing, or service. This category’s uses include manufacturing and fabrication facilities, warehousing and distribution centers, call centers and corporate offices. A car wash is considered a permitted use in the “GC” zoning district, but if it is located within 200-feet of residential zoning it can only be considered a Conditional Use. The site is located within 200-feet of residential zoning, thus the request for a Conditional Use.

The Unified Zoning Code (UZC) lists a car wash as a commercial use. Commercial Objective III.B encourages future commercial areas to “minimize detrimental impacts to other adjacent land uses.” The zoning to the north and east of the site is predominately “GC” and “LI,” with these properties having the most recent development in the area. There is also “SF-5” zoned older single-family and manufactured home development east and south of the site. An undetermined number of the manufactured homes are considered legal non-conforming uses. Commercial Locational Guideline #3 of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting and other activity from adversely impacting surrounding residential areas. The site does meet these location criteria and with the conditions of the Conditional Use should have a minimum impact on the site. The proposed design and operation of the facility, an enclosed, fully automated, conveyer propelled car wash, open 8AM – 8PM (7-days a week), with minimum of two onsite staff present during its operation hours, will contribute to a quieter, cleaner, supervised operation.

RECOMMENDATION: The immediate area contains a car wash, which means that this proposed car wash is not the first proposed for the area. A completely automated facility with continuous on-site staff during its 8AM – 8PM operation hours, the conditions of the Conditional Use, all applicable standards of the Unified Zoning Code (UZC), and the landscape ordinance will help to minimize the negative impact of the proposed facility. Based upon information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for an enclosed (including bay doors that would close during foul weather and perhaps for security), single bay, fully automated, conveyer propelled car wash be APPROVED, per the following conditions:

1. All the conditions of Art III, Sec III-D, 6(f) of the UZC, shall apply, including a minimum of two attendants will be on site during its 8AM – 8PM operation hours (seven days a week), no access onto Chamberlin Street, no building signage along the south and east sides where it is adjacent to “SF-5” zoning and single-family residences, and pole lighting shall be no taller than 15-foot tall,
2. The applicant shall submit a revised site plan and landscape plan for review and approval by the Planning Director, prior to the operation of the car wash, within six months of approval by the MAPC or the City Council. The site plan will include dimension control and show all aspects of the car wash facility. Elevations of the car wash facility will be provided for review and approval. Materials and signage will be provided. The site will be developed according to the revised site/landscape plan. The applicant shall install and maintain landscaping in accordance with the current landscape ordinance.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff’s recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: “LI” zoning dominates the area between Greenwich Road - Webb Road – Kellogg Street – 17th Street North, anchored by the Hawker-Beechcraft aircraft manufacturing facility. “SF-5” zoning and single-family development is predominate west of Webb Road. There is little smooth transition in terms of zoning in this area, basically Webb Road is the barrier between the “LI”/“GI” and “SF-5” zoning and their respective uses. The area’s development includes, east across Webb, an elementary school and further north (across Webb) single-family residences, built in the late 1980s and early 1990s. East of Webb, “SF-5” and “SF-20” zoned older single-family residences (1950s and older) and manufactured housing (some of it legal non- conforming) are surrounded by “LI” and some “GC” zoned properties, including the “GC” zoned site, which is adjacent to “SF-5” zoned residences. A large outdoor recreation facility (All Star Sports), and two commercial strips are located north of the site, while another car wash is located two-blocks south of the site.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned “GC” General Commercial. The property is suitable for the commercial uses to which it has been restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The biggest concerns with a car wash is that they can become a dirty, noisy, off hours gathering spot if allowed to stay open all 24 hours of a day, with no onsite staff to supervise and maintain the facility. The proposed enclosed, fully automated, conveyer propelled car wash is open 8AM – 8PM (7-days a week), and will have a minimum of two onsite staff present during its operation hours, all which will contribute to a quieter, cleaner, supervised operation.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Commercial Locational Guidelines recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and 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. An existing car wash established this type of use in the area, plus there is an auto repair garage, extensive industrial development, and a large outdoor

recreation facility in the area. The proposed car wash would not be introducing a use that has not already been established.

5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.

BISHOP Is there a DAB report?

BILL LONGNECKER Planning staff presented staff report. On page 3 of staff report, it was reported that the DAB recommended approval of this case at their November 5 meeting. The applicant is now asking consideration for condition #1. The request is for one static 10x7 back-lit sign on the south side of the building, and it would be located no further than 40 feet from the front of that building. A turn off switch for the sign would be included when the facility was not in operation (8 p.m. to 8 a.m.). Staff has no problem with this sign request.

PHIL MEYER, BAUGHMAN COMPANY I agree with what Bill said.

MOTION: To approve subject to staff recommendation with addition of sign revision.

DENNIS moved, **DOWNING** seconded the motion, and it carried (10-0).

4. Case No.: DER2007-12 – Request The City of Valley Center seeks annexation of various tracts of land located adjacent to the City of Valley Center - Resolution No. 525-07.

Background: On September 18, 2007, the City of Valley Center passed Resolution No. 525-07 authorizing a public hearing on November 20, 2007 for the purposes of considering the unilateral annexation of 20 tracts of lands located adjacent to the City of Valley Center. All proposed annexation areas fall within the Valley Center 2030 Urban Growth Area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in May 2005.

Prior to unilaterally annexing property, Kansas statutes require that a plan be prepared indicating the means by which city services will be extended to the area proposed for annexation. The City of Valley Center has not submitted to the MAPD, a copy of the service plan describing the extension of services to the annexation areas.

Analysis: Kansas statutes governing unilateral annexations provide for official notification to certain local officials, including planning commissions having jurisdiction in the area. Additionally, Kansas statutes require that the planning commission review the proposal and make a finding of compatibility or incompatibility with any adopted land use or comprehensive plans related to the area and the annexing city.

After review by staff, it has been concluded that the proposed annexation areas adjacent to the Valley Center city limits are compliant with the Wichita-Sedgwick County Comprehensive Plan.

Recommended Action: That the Metropolitan Area Planning Commission find the unilateral annexation proposed by Resolution No. 525-07 of the City of Valley Center to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

Attachments: Attachment No. 1 - Resolution No. 525-07 and map.
Attachment No. 2 - 2030 Urban Growth Areas Map, May 2005.

DAVE BARBER, Planning staff

On November 20, the City of Valley Center will be holding a public hearing for this unilateral annexation of these 20 tracts of land. State statute requires that this planning commission review this unilateral annexation proposal with the charge of finding the compatibility or incompatibility with any adopted land use or comprehensive plan for the area. Staff has reviewed the proposed annexation area and has determined that the tracts fall within Valley Center's 2030 urban growth area, as identified in the Wichita-Sedgwick County Comprehensive Plan. The staff recommendation is that the planning commission find that the unilateral annexation consistent with the adopted comprehensive plan.

BOB KAPLAN, 430 N. MARKET He is representing a number of individuals (over 50). These individuals filed with the County Clerk a petition to incorporate as a separate municipality, West Valley. These are the properties that are the subject of the proposed annexation by the City of Valley Center. Many of these properties are assessed by the County as agricultural properties. The City of Valley Center is still revising their comprehensive plan. There are still some issues to be resolved. The recommendation is to defer action until Valley Center has completed their comprehensive plan, and his clients have had time to review that document. The incorporation has been filed, and they will continue to pursue.

HILLMAN The listed properties listed appear to be quite separate and not contiguous to form a township in itself. Do you have any information from the 50+ properties about a contiguous area?

KAPLAN The properties that are seeking incorporation are the subject of this annexation. There are 50 properties, and that is required by state statute. Under the circumstances, the request is for this planning commission to defer its finding on compliance.

MARNELL Are we here not to approve the annexation, but to approve its compliance with the plan?

BOB PARNACOTT, COUNTY LAW Your role is to determine the compatibility with the Wichita-Sedgwick County Comprehensive Plan, and not approving the annexation. Also, you are not finding whether it is compatible with the Valley Center Comprehensive Plan.

BISHOP We have a resolution that list the tracts included, a map and the urban growth depictions. I do want to complain about the poor map.

BARBER The map quality is adequate for the depiction. All the tracts are adjacent to the Valley Center city limits. All these tracts are within Valley Center's 2030 urban growth area.

KELLY PARKS, P.O. BOX 313 - VALLEY CENTER Owner of tract 13. Clarified that tracts 1,2,3,4 are not in the petition for West Valley, Kansas. Valley Center does not have a service agreement, and the comprehensive plans require that submission. These are parceled areas, not platted. The Valley Center Comprehensive Plan requires platted properties for annexation. The Valley Center Planning Commission has stated that they want to annex residential property. Valley Center Planning is working on a comprehensive plan revision. In September 2007, the Valley Center City Council voted to stop this annexation until the Comprehensive Plan was done. Since there was one City Council member absent, they voted again at the following meeting; it was a split vote. Some of the City Council members realize that is an important document before proceeding with the annexation. The Valley Center Planning Commission has stated that this decision is made after the comprehensive plan is final. This annexation is not in compliance with the Valley Center Comprehensive Plan.

MITCHELL Will not support an annexation request that is not accompanied with a service plan.

MOTION: Annexation is consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

MARNELL moved, **DOWNING** seconded the motion, and it carried (6-4).
Opposed: **MITCHELL, ANDERSON, DENNIS, HENTZEN.**

15. Case No.: DR 2005-08 – Request Arena Neighborhood Redevelopment Plan, November 2007-
Proposed Amendment to Wichita-Sedgwick County Comprehensive Plan

Background: Since the summer of 2005, the City and County have worked closely with area stakeholders, residents, landowners, business representatives and the community at-large to build consensus in the development of the Arena Neighborhood Redevelopment Plan. There have been a total of 18 Arena Neighborhood Redevelopment Plan Steering Committee meetings, 5 City Council workshop presentations, 4 public information meetings (including a two-day design charrette), 3 presentations to the City's Design Council, 3 briefings to the Advance Plans Committee of MAPC, 2 workshop presentations to the Board of County Commissioners, one presentation to the Historic Preservation Board, presentations to the six City District Advisory Boards, and 660 responses from a community-wide survey done by the consultant.

On March 1, 2007, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) held a public hearing and voted 12-2 to adopt the proposed *Arena Neighborhood Redevelopment Plan, March 2007*, as an element of the Wichita-Sedgwick County Comprehensive Plan.

Since March 1st, modifications have been made to the *Arena Neighborhood Redevelopment Plan, March 2007*, as approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, in order reflect further direction from the Wichita City Council to create angled parking on Douglas Street; and, to utilize a development driven, phased conversion of one-way streets to two-way streets, excepting Market Street. These modifications have been incorporated into the revised *Arena Neighborhood Redevelopment Plan, November 2007*.

On November 6, 2007, the Wichita City Council (by a vote of 5-2) approved the first reading of the ordinance adopting the *Arena Neighborhood Redevelopment Plan, November 2007* as an amendment to the *Wichita-Sedgwick County Comprehensive Plan*. On November 7, 2007, the Sedgwick County Board of Commissioners voted 3-2 to adopt the *Arena Neighborhood Redevelopment Plan, November 2007* as an amendment to the *Wichita-Sedgwick County Comprehensive Plan*. The two dissenting votes appear to be related to concerns regarding the City's intentions of using tax increment financing (TIF) as a tool to fund some of the future public improvements proposed in the plan area. Since a supermajority vote of the Board was required to modify the March 1st action of the MAPC, the Sedgwick County Board of Commissioners action of November 7th failed to pass. Accordingly, the Board passed a follow-up motion (by a vote of 4-1) to send the *Arena Neighborhood Redevelopment Plan, November 2007* back to the MAPC for the Commission's consideration and approval.

Staff recommends that the MAPC endorse the modifications that have been made by the Wichita City Council to the *Arena Neighborhood Redevelopment Plan, March 2007*. These modifications are: to create angled parking on Douglas Street; and, to utilize a development driven, phased conversion of one-way streets to two-way streets, excepting Market Street. These modifications have been incorporated into the revised *Arena Neighborhood Redevelopment Plan, November 2007*.

Recommended Action: Consider a resolution adopting the *Arena Neighborhood Redevelopment Plan, November 2007* as an amendment to the Wichita-Sedgwick County Comprehensive Plan.

DAVE BARBER Planning staff presented report.

The Arena Neighborhood Redevelopment Plan was adopted by the MAPC on March 1, 2007 as an element of the Wichita-Sedgwick County Comprehensive Plan. Since that time, the plan went through several workshop discussions with the City Council. Council directed that some modifications be made to plan adopted by the MAPC in March. These included angle parking on Douglas and utilizing a development driven, phased approach to convert one-way streets to two-way streets, with the exception of Market St. Staff incorporated those modifications into a revised November 2007 Arena Neighborhood Redevelopment Plan. This Plan was taken to the City Council on November 6, and they voted 5-2 to approve the Plan. On November 7th, staff took the revised November 2007 Arena Neighborhood Redevelopment Plan to the Sedgwick County Commission, but the Plan failed to get a supermajority vote of approval. The County Commission did approve a motion directing this plan back to the MAPC for further deliberations before it is returned to them. Endorsement is requested of this plan amended by the City Council with respect to the angled parking and the one-way to two-way street conversion.

HILLMAN Concerned about diagonal parking. Would the diagonal parking be a 24-hour access? Is it possible to have diagonal parking only after 6:00p.m.?

BARBER The reason for angle parking is not necessarily to serve arena patrons, but to support downtown businesses in the area. With future redevelopment, angled parking will accommodate the patrons of businesses in this area.

MOTION: Approve the resolution adopting the Arena Redevelopment Plan November 2007 as an amendment to the Wichita-Sedgwick County Comprehensive Plan.

HENTZEN moved, **BISHOP** seconded the motion, and it carried (7-3).

Opposed: **VAN FLEET, ANDERSON, MITCHELL**

MOTION FAILS DUE TO THE LACK OF A MAJORITY VOTE OF THE ENTIRE COMMISSION MEMBERSHIP

MITCHELL No adequate provision in the Capital Improvement Program or any other specific financing arrangement for the items listed as public improvement. Since there is no change in this aspect, will not support the resolution.

MARNELL This plan should have been approved by the County Commission the first time because it has been the will of the voters to approve the arena. The City Council has approved this revised Plan. Obstructionist votes serve no purpose, but only delay and are a disservice to the public.

BOB PARNACOTT A majority vote of the Commission is required to amend the Comprehensive Plan. Without eight affirmative votes, you have not met that standard. The net result is that this matter is returned to the Board of County Commission with a negative recommendation. They are now able to pass the revised Plan with a simple majority vote.

16. 2008 MAPC Hearing Calendar

MOTION: To approve subject to staff recommendation.

MARNELL moved, **HENTZEN** seconded the motion, and it carried (10-0).

The Metropolitan Area Planning Department informally adjourned at 3:10 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 _____, 2007.

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

(SEAL)