

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

December 18, 2008

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, December 18, 2008, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Darrell Downing, Chair; G. Nelson Van Fleet, Vice Chair; Don Anderson; David Dennis; David Foster; Bud Hentzen; Hoyt Hillman; Ronald Marnell; John W. McKay, Jr.; M.S. Mitchell and Don Sherman (in @ 1:37 P.M.). Michael Gisick; Bill Johnson and Debra Miller Stevens were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Derrick Slocum, Associate Planner and Maryann Crockett, Recording Secretary.

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1. Approval of the November 20, 2008, and December 4, 2008 MAPC meeting minutes:

Approval of the November 20, 2008 Minutes.

MOTION: To approve the November 20, 2008 Minutes, as amended.

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

Approval of the December 4, 2008 Minutes.

MOTION: To approve the December 4, 2008 Minutes, as amended.

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

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

- 2-1. **SUB 2008-85: One-Step Final Plat -- GIRRENS ADDITION**, located on the southwest corner of 119th Street West and Pawnee.

NOTE: This is unplatted land located in the City and partially in the County (Lot 7 and south 350 feet of Lot 8). Since the County land is adjoining Wichita's city limits, annexation is required. The site has been approved for a zone change (ZON 2008-13 and ZON 2008-16) from SF-5 Single-family Residential and SF-20 Single-family Residential to GO General Office (Lots 1,2,3,6, and the south 350 feet of Lot 8), LC Limited Commercial (Lots 4, 5, and 8) and GC General Commercial (Lot 7). The Girrens Addition Commercial Community Unit Plan (CUP 2008-10 and CUP 2008-11, DP-312) was also approved for this site.

STAFF COMMENTS:

- A. Prior to this plat being forwarded to the City Council, the applicant shall apply for annexation to Wichita for the County property.
- B. Wichita Water Utilities Department requires a guarantee for the extension of sewer (mains and

laterals) to serve all lots being platted. A service area release is needed from Sedgwick County Rural Water District # 4 in order to serve with water since this addition is in this service area.

- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Engineering has approved the drainage plan subject to revisions, including the minimum pad elevations. County Engineering advises that if the subdivision abuts or is within 100 feet of any FEMA-regulated floodplain or regulatory floodway, the certificate shall also recite that, "FEMA floodplain and regulatory floodway boundaries are subject to periodic change and such change may affect the intended land use within the subdivision."
- E. In accordance with the CUP, the applicant shall provide a guarantee for left turn center lanes and right turn decel lanes to all full movement approaches.
- F. Access controls have been platted in accordance with the CUP approval. The plat proposes four access openings along Pawnee including three joint openings and five access openings including one joint opening along 119th St. West.
- G. The joint access openings shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveways within the easement should also be addressed by the text of the instrument.
- H. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- I. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of the Girrens Commercial Addition Community Unit Plan (CUP 2008-10 and 11, DP-312).
- J. 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.
- K. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineer (ASACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- L. The wall easement shall be referenced in the plat's text.
- M. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- N. GIS requests the streets be labeled as "23rd St S" and 119th St W."
- O. Effective January 14, 2009, the signature line for the County Clerk needs to be revised to reference "Kelly Arnold."
- P. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- 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 United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- 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 National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- 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.

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

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

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- 2-2. SUB 2008-68: One-Step Final Plat -- LONG-HAYES COMMERCIAL ADDITION**, on the southeast corner of Ridge and 45th Street North.

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. The site has been approved for a zone change (ZON 2008-11) from SF-20 Single-Family Residential to LC Limited Commercial. Lot 2 is also subject to the North Forty-Fifth Place Community Unit Plan CUP 2006-38, DP-301). A Protective Overlay (P-O #208) was also approved for this site addressing uses, setbacks, signage, exterior lighting, outside storage, screening, and architectural design.

Upon the annexation of the remaining portion of the North Forty-Fifth Place Community Unit Plan to

the east, this property will be eligible for annexation.

STAFF COMMENTS:

- A. Upon the annexation of the remaining portion of the North Forty-Fifth Place Community Unit Plan to the east, this property will be eligible for annexation. In the event the North Forty-Fifth Place property is annexed prior to this plat being scheduled for City Council, annexation of this property will need to be completed. Only City Council approval will be necessary and the County Commission signature block may be deleted.
- B. City Water Utilities Department has required a petition for the extension of water (transmission and distribution mains) and sewer (mains and laterals) to serve all the lots being platted.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. County Engineering and City Engineering have approved the applicant's drainage plan.
- E. Traffic Engineering has approved the access controls. The plat denotes two openings along 45th St North including a joint access opening with the property to the east. One opening along Ridge Road has also been denoted. The opening on Lot 2 has been denoted as right-in, right-out only as required by Traffic Engineering.
- F. The joint access opening shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- G. Per Sedgwick County Fire Department, the plat needs to meet requirements of the Sedgwick County Service Drive Code.
- H. Traffic Engineering has requested a guarantee for right-turn decel lanes along 45th Street.
- I. A dedication for the standard major intersection right of way and contingent corner clip have been platted as requested by County Engineering. The plat's text shall include language that the contingent street dedication for the corner clip shall become effective upon the removal of the existing building or in the event that the appropriate governing body determines a need for the right-of-way for any street-related purposes.
- J. A restrictive covenant is needed to tie together Lots 1 and 2.
- K. An arterial paving fee is needed. If the plat is annexed prior to recording, then this condition may be waived.
- L. In accordance with the Protective Overlay, a cross-lot circulation agreement is needed to assure internal vehicular movement between the subject site and the adjoining North Forty-Fifth Place CUP.
- M. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lot 2. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width.
- N. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.

- O. The applicant shall submit a copy of the instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- P. The recording information for all pipeline easements shall be indicated on the face of the plat.
- Q. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- R. On the final plat tracing, the MAPC signature block needs to reference "Darrell A. Downing" as Chairman.
- 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. Effective January 14, 2009, the signature line for the County Clerk needs to be revised to reference "Kelly Arnold".
- U. The platlor'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.
- V. 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.)
- W. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- X. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Y. 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.
- Z. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

AA. Perimeter closure computations shall be submitted with the final plat tracing.

BB. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

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

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

2-3. SUB 2008-95: One-Step Final Plat -- KRUG SOUTH COMMERCIAL ADDITION, located on the southwest corner of 21st Street North and 143rd Street East.

NOTE: This site has been approved for a zone change (ZON 2006-44) from SF-5 Single-family Residential to LC Limited Commercial. The Krug South Community Unit Plan (CUP 2006-45, DP-302) was also approved for this site.

STAFF COMMENTS:

- A. Wichita Water Utilities Department has noted the applicant shall guarantee the extension of sanitary sewer to serve all the lots being platted. Water is available, but in lieu of assessment fees are needed for the transmission main on the entire property.
- B. The applicant has advised staff that utility easements by separate instrument will be provided.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Engineering has approved the applicant's drainage plan subject to a reserve being platted in the northwest portion of the property, additional drainage easements, and revised drainage plan for the south half of the property. A note shall be placed on the plat that additional runoff for the north lots shall be directed to the creek.
- E. The plat proposes three openings along 21st St. North and three openings along 143rd St. East. Along 143rd St., Traffic Engineering has permitted access controls in accordance with the CUP. Access controls proposed along 21st St. North are approved subject to complete access control provided along the east 130 feet of Lot 2.
- F. In accordance with the CUP approval, Traffic Engineering requests a guarantee for construction of left turn center lanes to all major entrances and decal lanes into all entrances along 143rd St. East.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the

authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

- I. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- J. The Applicant needs to request a CUP adjustment as the CUP parcel boundaries do not correspond with the area being platted and access controls do not correspond with those imposed by the CUP.
- K. 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.
- L. 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.
- M. Effective January 14, 2009, the signature line for the County Clerk needs to be revised to reference "Kelly Arnold."
- N. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. 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.)
- P. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. 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.
- S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. 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.

- V. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

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

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

2-4. SUB 2008-96: One-Step Final Plat -- REGENCY LAKES COMMERCIAL 3RD ADDITION, located on the northwest corner of 21st Street North and Greenwich Road.

NOTE: This is a replat of a portion of the Regency Lakes Commercial 2nd Addition. This plat consists of boundary shifts and revisions to access controls. This site is also contained within Parcels 1-7 of the Regency Lakes Commercial CUP (DP-234).

STAFF COMMENTS:

- A. Wichita Water Utilities Department has advised that water and sewer are available to serve the property.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Engineering has approved the applicant's drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes five openings along Greenwich and one opening along 21st St. North.
- E. The joint access opening shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- F. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- G. A CUP adjustment is needed as the CUP parcel boundaries do not correspond with the area being platted.
- H. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, the above covenants and/or other legal documents shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.

- J. Effective January 14, 2009, the signature line for the County Clerk needs to be revised to reference “Kelly Arnold.”
- K. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. 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.
- 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. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. 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.)
- P. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. 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.
- S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. 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.
- V. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final

plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

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

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

2-5. SUB 2008-97: One-Step Final Plat -- RIDGE 400 ADDITION, located on the east side of Mid Continent Road.

NOTE: This is a replat of two lots in the Westerlea Village Addition. The site has been approved for a zone change (ZON 2008-22) from SF-5 Single-family Residential to LC Limited Commercial. A Protective Overlay was also approved for this site addressing uses, screening, signage, building height and lighting.

STAFF COMMENTS:

- A. This plat will be subject to approval of the associated zone change and any related conditions of such a change. Prior to this plat being scheduled for City Council, the zone change will need to be approved by City Council.
- B. Wichita Water Utilities Department has advised that municipal services are available to serve the site. A 20-foot easement is needed for water and sewer since existing facilities are in the right-of-way of Mid Continent Rd and Ridge Rd.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Engineering has approved the applicant's drainage plan subject to a drainage easement being platted.
- E. The plat proposes one opening along Mid-Continent Road which needs to be labeled as rights-in/out. Traffic Engineering has approved the proposed access controls and has required access control along University except one opening in alignment with the existing opening across University.
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- G. A restrictive covenant shall be submitted that permits future cross-lot access along University with the abutting property owner to the east and south effective upon platting of those properties for any commercial development.
- H. Since the vacation of Ridge Road has created a dead end, a turnaround (hammerhead) has been proposed. This turnaround shall be dedicated as an outright right-of-way and a guarantee shall be submitted for its paving.
- I. The width of the Reserve A and Reserve B shall be labeled and include a landscape buffer per the Protective Overlay of ZON 2008-22 as approved by City Council.

- J. The final plat tracing shall state in the plattor's text the ownership and maintenance responsibilities of the reserves.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. A covenant shall be submitted regarding ownership and maintenance 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 Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- N. 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. 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. Effective January 14, 2009, the signature line for the County Clerk needs to be revised to reference "Kelly Arnold."
- Q. 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.
- R. 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.)
- S. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. 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.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and

sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. 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.
- Y. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

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

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

SHERMAN IN @1:37 P.M.

3. **PUBLIC HEARING – VACATION ITEMS**

3-1. **VAC2008-37: City request to vacate a platted easement**

OWNER/APPLICANT: Terradyne Residential, LLC, c/o Craig Smith

AGENT: MKEC c/o Greg Allison

LEGAL DESCRIPTION: The platted 10-foot utility easement that runs parallel to the common lot lines of Lots 7 & 8, Block 1, Terradyne West 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located midway between I-35 and 159th Street East, north of Central Avenue, on the northeast side of Belle Terra Circle (WCC #II)

REASON FOR REQUEST: Additional space for development

CURRENT ZONING: Subject property and all adjacent and abutting properties are zoned SF-5 Single-family Residential (“SF-5”).

The applicant is requesting consideration for the vacation of the described platted utility easement. The GIS map shows no manholes, water or sewer lines in the platted easement. There are no utilities located in the platted easement. The GIS map shows water located in Belle Terre Circle. Belle Terre Circle is a private street and is platted as Reserve B, Terradyne West 2nd Addition. The GIS map shows the site to be within a FEMA flood zone, but the easement is not used for drainage. The Terradyne West 2nd Addition was recorded with the Register of Deeds June 16, 2008.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works/Water & Sewer/Storm Water,

franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time November 27, 2008 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. Considerations (but not limited to) associated with the request to vacate the described platted utility easement have been identified, 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 an approved legal description. Provide Planning Staff the approved legal description of the vacated portion of platted utility easement, via e-mail on a Word document.
 - (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.
 - (3) All improvements, including reverting public sewer line and manholes to a private sewer line, shall be according to City Standards and at the applicant's expense.
 - (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only that portion of the platted utility easement as described in an approved legal description. Provide Planning Staff the approved legal description of the vacated portion of platted utility easement, via e-mail on a Word document.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.
- (3) All improvements, including reverting public sewer line and manholes to a private sewer line, shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not

complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

PUBLIC HEARINGS

4. **Case No.: ZON2008-55 and CON2008-53** (Deferred from 11-6-2008) – Johnson and Anna Tieu (owner); Sapulpa Auto Pool, Attn: Ted Holt (contract purchaser); Ferris Consulting, Attn: Greg Ferris (agent) Request County zone change from IP-A Industrial Park Airport to LI Limited Industrial with a protective overlay to limit uses to those permitted by right in IP-A plus Wrecking/Salvage (auto salvage pool), as permitted in LI, and County Conditional Use for Wrecking/Salvage Yard (auto salvage pool), restricted to the sales of wrecked vehicles only and not permitting sales of parts from salvage or wrecking activities.

Lot 1, Block A, Glenville East Addition to Sedgwick County, Kansas. Generally located west of Rock Road one half mile north of 47th Street South.

BACKGROUND: The applicant is requesting a zone change from IP-A Industrial Park-Airport (“IP-A”) to LI Limited Industrial (“LI”) with a protective overlay to limit uses to those permitted by right in IP-A District plus Wrecking/Salvage Yard as permitted in LI District, and as a County Conditional Use for Wrecking/Salvage Yard. The site is nearly 40 acres in size and located on the west side of Rock Road between one-fourth and one-half mile north of 47th Street South.

Wrecking/Salvage Yard is first permitted in the LI District and is permitted only as a Conditional Use. Article III, Section III-D.6.e stipulates that a Wrecking/Salvage Yard cannot be directly abutting an arterial, expressway or freeway, will not adversely affect the character of the neighborhood, and is enclosed by a fence or wall not less than eight feet in height with cracks or openings of not more than five percent.

The Conditional Use would be restricted to the sales of wrecked or salvaged vehicles only and not permit the sales of parts from salvage or conducting of salvage/wrecking operations such as dismantling vehicles onsite. However, the protective overlay does not extend to the property development standards of the IP-A District. It would permit the property to be used according to the property development standards of the LI District, which are less in terms of setbacks, screening and outdoor storage than those of the IP-A District.

Sales of salvaged vehicles falls within the functional land use classification of “Processing Industry,” not “Employment/Industry Center.” The purpose of the IP-A District is to accommodate research and development, industrial and manufacturing uses that can meet high development and performance standards and are compatible with the operation of an airport and related facilities. According to the purpose of the IP-A District, the appropriate functional classification would be “Employment/Industry Center.”

The Conditional Use site plan identifies a 20-foot landscaped strip and a parking area in a 150-foot strip along Rock Road. Also, a 75-foot pipeline easement is located on the east half of this 150-foot strip. A ten-foot landscape buffer is located on the north, south and west property lines, coterminous with a ten-

foot platted utility easement. This could create a difficulty in locating the plants within the narrow strip with possible utility conflicts. It should be noted that the required building setback line for the IP-A District would be 15 feet rather than zero feet in LI, an example of where property development standards in IP-A exceed those of LI and exceed the width of the buffer shown on the site plan. An eight-foot solid screening fence would surround the Wrecking/Salvage Yard storage and sales area on all four sides. The site plan does not identify the type of screening fence materials or show the layout of parking spaces within the parking area, and type of surfacing is not indicated.

The property was rezoned from SF-20 Single-Family Residential (“SF-20”) and RR Rural Residential (“RR”) to IP-A on November 2, 2007, as part of the government-initiated and newly created IP-A zone to channel development within the immediate environs of McConnell Air Force Base to compatible uses. The property also is located within the AFBP-O Air Force Base Protective Overlay, established March 22, 2007, to limit the height of development to 25 feet in proximity to McConnell. Both of these actions were spurred by the Joint Land Use Study conducted to ensure the viability of McConnell as a major presence in the community by prohibiting uses that would be incompatible to the long-term operation of the Air Force Base. A copy of the supporting documentation initiating these zoning code and map amendments is attached. The initiated amendments were adopted by the Sedgwick County Commission at the recommendation of the Planning Commission through numerous public hearings during a year-long process.

McConnell Air Force Base borders the west property line and the west half of the north property line is zoned AFB Air Force Base (“AFB”). The east half of the north property line is zoned IP-A and is pasture and agricultural sales operation (wood cutter), with a horse stable located on the next acreage and the McConnell driving range bordering it. The property east of Rock Road is zoned SF-20 and RR and consists of large-lot suburban development, farmsteads or vacant property. The property to the south is zoned IP-A and is agricultural use. The property is located in the Rock Road corridor between Wichita and Derby.

CASE HISTORY: The property is platted as Glenville East Addition, recorded May 4, 1998. An incomplete application for a previous LI request was filed in 2007 but never completed (ZON2007-00056).

ADJACENT ZONING AND LAND USE:

| | | |
|--------|------------|---|
| NORTH: | AFB, IP-A, | McConnell Air Force Base, farmstead with stable, agricultural sales |
| SOUTH: | IP-A | Agricultural land |
| EAST: | SF-20, RR | Suburban residential, vacant, agricultural land |
| WEST: | AFB | McConnell Air Force Base |

PUBLIC SERVICES: Access is from Rock Road, a four-lane rural-standard arterial street with open ditches. In 2006, average daily traffic (AADT) was 15,045 vehicles per day. Municipal water and sewer is currently unavailable.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide,” 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as “employment/industry center.” The requested Conditional Use for Wrecking/Salvage Yard, even when restricted with the protective overlay to sales of wrecked or salvaged vehicles, would be considered “Processing Industry” according the Land Use Guide functional classification and none of the undeveloped area surrounding McConnell Air Force Base is designated for this category.” The IP-A District, like the Airport Overlay District, is intended to promote uses that are compatible with Air Force Base operations, as defined by Federal Land Use Compatibility Guidelines. These guidelines attempt to limit uses to those that attract few customers, employees or participants at any given time due to safety concerns related to the operation of the base. While these guidelines do not specifically identify Wrecking/Salvage Yards as an incompatible use, the proposed use of this site for an auto auction is

different than a typical wrecking/salvage operation and could attract significant numbers of people at a given time. The intended purpose of the IP-A district was to limit uses to those with high performance and property development standards; the proposed use does not meet these standards. Technically, the site plan includes deficiencies in conflict with the Conditional Use requirement of not directly abutting an arterial since the only designated use of the parking area is as the required parking for the operation of the sales of wrecked vehicles. Finally, the use is inconsistent with the character of the existing and proposed future development of the Rock Road corridor. Today, the Rock Road corridor from McConnell south to the Derby growth area is sparsely developed and most of the development on the east side is large lot suburban residential located directly west of this site, and the driving range for McConnell and agricultural operations on the west side of the Rock Road. The Rock Road corridor in the Derby growth area is rapidly developing with planned shopping centers, including a new development at 63rd Street South and Rock Road, a proposed school site between 63rd and 71st Street South and a large lifestyle shopping center for the one-half mile north of 71st Street South. The establishment of this use could reverse the trend toward a viable shopping corridor and affect the quality of the gateway to Wichita and to Derby. The supplementary use regulations of the UZC specifically state that wrecking and salvage should not be approved if it will adversely affect the character of the neighborhood.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends the application be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: McConnell Air Force Base borders the west property line and the west half of the north property line is zoned AFB Air Force Base (“AFB”). The east half of the north property line is zoned IP-A and is pasture and agricultural sales operation (wood cutter), with a horse stable located on the next acreage and the McConnell driving range bordering it. The property east of Rock Road is zoned SF-20 and RR and consists of large-lot suburban development, farmsteads or vacant property. The property to the south is zoned IP-A and is agricultural use. The property is located in the Rock Road corridor between Wichita and Derby. Today, the Rock Road corridor from McConnell south to the Derby growth area is sparsely developed and most of the development on the east side is large lot suburban residential located directly west of this site, and the driving range for McConnell and agricultural operations on the west side of the Rock Road. The proposed use is inconsistent with the existing character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site is suited for its current zoning of IP-A and this is the preferred district to ensure compatibility with McConnell and the future Rock Road corridor development. Both of these actions were spurred by the Joint Land Use Study conducted to ensure the viability of McConnell as a major presence in the community by eliminating uses that would be incompatible to the long-term operation of the Air Force Base. A copy of the supporting documentation initiating these zoning code and map amendments is attached. The initiated amendments were adopted by the Sedgwick County Commission at the recommendation of the Planning Commission through numerous public hearings during a year-long process.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The change from IP-A to LI with a protective overlay and Conditional Use for a Wrecking/Salvage Yard, even when limited to sales of wrecked salvage vehicles represents a different direction of the Rock Road corridor and could impact the future development pattern to be characterized by more permissive uses with lower performance and property development standards and of greater impact on the gateways to Wichita and Derby as well as to the established residential neighborhood to the east.
4. The length of time the subject property has remained vacant as zoned: The property has been

zoned IP-A only one year.

5. The relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The gains to the public include better interface with existing surrounding properties as well as encouraging future development in character compatible with long-term higher quality and complementary uses to both the Air Force Base and the corridor; the relative hardship to the applicant is no different than the other similarly situated properties in this corridor.
6. 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* identifies the site as "employment/industry center." The requested Conditional Use for Wrecking/Salvage Yard, even when restricted with the protective overlay to sales of wrecked or salvaged vehicles, would be considered "Processing Industry" according to the Land Use Guide functional classification and none of the undeveloped area surrounding McConnell Air Force Base is designated for this category." The IP-A District, like the Airport Overlay District, is intended to promote uses that are compatible with Air Force Base operations, as defined by Federal Land Use Compatibility Guidelines. These guidelines attempt to limit uses to those that attract few customers, employees or participants at any given time due to safety concerns related to the operation of the base. While these guidelines do not specifically identify Wrecking/Salvage Yards as an incompatible use, the proposed use of this site for an auto auction is different than a typical wrecking/salvage operation and could attract significant numbers of people at a given time. The intended purpose of the IP-A district was to limit uses to those with high performance and property development standards; the proposed use does not meet these standards. Technically, the site plan includes deficiencies in conflict with the Conditional Use requirement of not directly abutting an arterial since the only designated use of the parking area is as the required parking for the operation of the sales of wrecked vehicles. Finally, the use is inconsistent with the character of the existing and proposed future development of the Rock Road corridor. Today, the Rock Road corridor from McConnell south to the Derby growth area is sparsely developed and most of the development on the east side is large lot suburban residential located directly west of this site, and the driving range for McConnell and agricultural operations on the west side of the Rock Road. The Rock Road corridor in the Derby growth area is rapidly developing with planned shopping centers, including a new development at 63rd Street South and Rock Road, a proposed school site between 63rd and 71st Street South and a large lifestyle shopping center for the one-half mile north of 71st Street South. The establishment of this use could reverse the trend toward a viable shopping corridor and affect the quality of the gateway to Wichita and to Derby. The supplementary use regulations of the UZC specifically state that wrecking and salvage should not be approved if it will adversely affect the character of the neighborhood.
7. Impact of the proposed development on community facilities: The site plan shows two entrances to Rock Road, and if the development is approved, could potentially be used by large vehicles (tractor trailers hauling vehicles, tow trucks, etc.) exiting and entering on a relatively high speed four-lane undivided arterial. The access points do not align with current drives and the southernmost drive sufficiently close to 44th Street South to conflict with Access Management policy for separation of conflicting drives and roads. Public water and sewer are not available currently.
8. Opposition or support of neighborhood residents: Neighborhood residents have submitted comments in opposition.

HOWEVER, should the Metropolitan Area Planning Commission choose to recommend approval of the requested zone change to LI with a protective overlay and Conditional Use for Wrecking/Salvage Yard, staff would recommend the following additional conditions:

1. The protective overlay shall be revised to clearly indicate that the property is restricted only to those uses and is in conformance with the property development standards of the IP-A District and the operation of a Wrecking/Salvage Yard to store and auction/sell of wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses, an insurance pool.
2. The Conditional Use shall authorize the operation of a Wrecking/Salvage Yard to store and auction/sell of wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses, an insurance pool. There shall be no mechanical or body work done on the vehicles stored on the site. There shall be no dismantling of vehicles on the site, nor shall the storage and sale of vehicle parts on the site be allowed. In no event shall the Conditional Use authorize collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, bulky waste, salvage materials, junk, storage or bailing of solid waste, scrap paper, rags, metallic scrap materials or discarded materials; and/or for the sale of parts thereof. An auction of the wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses (an insurance pool) shall be no more frequent than once every two weeks, 10AM to 1PM, year round.
3. All of the conditions of UZC, Art III, Sec III-D.6.e shall be enforced, including the approval of fencing or wall materials. Compatibility setbacks shall be applied to the north, south and west side of the site. No parking/storage of salvaged vehicles is allowed within the setbacks. No parking or storage of vehicles for transport of vehicles (tractor-trailers for hauling vehicles or tow trucks included) shall be allowed within the 150-foot parking area between the property line abutting Rock Road and the screening fence; this area shall be restricted to parking of operable passenger vehicles and light-duty trucks only and the remaining space to be kept in well-maintained landscaped area comprising trees, shrubbery and turf per the approved Landscape Plan. Compatibility noise standards shall apply to the site and those standards will be extended to the south side of the site, where there are existing single-family residences. An approved landscape buffer of evergreens, a minimum of five feet in height shall be planted every 20 feet where the site abuts AFB or residential zoning or uses. All landscaping shall be irrigated and shall be planted and maintained in general conformance with a landscape plan prepared by a Kansas Landscape Architect and approved by the Planning Director prior to issuance of a building permit and/or operations beginning. The access gates are permitted in the concrete wall at the points denoted on the approved site plan. The access points shall be revised to conform to Access Management guidelines.
4. An on-site parking area paved with asphalt or concrete with a paved access drive to Rock Road shall be provided for employee and customer parking. The paved access drive will also be used for the delivery of vehicles for sale or auction. Parking shall be per the UZC and will be shown with the landscape plan.
5. Unpaved areas for the storage of and auction/sell of wrecked/inoperable vehicles that are owned by insurance companies as total insurance losses shall be an approved all-weather surface.
6. A revised site plan addressing the conditions of approval shall be approved by the Planning Director prior to the issuing of any building permit and/or beginning of the operation. The site plan shall meet all property development standards and site development, including compatibility standards, of the UZC for the IP-A district, landscape standards equivalent to the Wichita Landscape Ordinance, signage per the Wichita Sign Code for IP as specified in these conditions.
7. No wrecked/inoperable vehicles shall be visible from ground-level view from Rock Road or abutting properties.

8. Storage of all wrecked/inoperable vehicles shall be in an orderly manner with an exposed perimeter as specified by the County Code Enforcement or successors in responsibility to prevent rodent harborage and breeding.
9. The applicant shall maintain at all times an active program for the eradication and control of rodents.
10. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
11. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the site shall be provided by fire lanes per the direction and approval of the Fire Department.
12. Access to the subject property shall be provided for on-going inspections of the site for groundwater and soil contaminants by County Code Enforcement or successors in responsibility, and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells and/or perform soil testing on the property to monitor the quality of groundwater and/or soil, and shall pay the cost of an annual groundwater and/or soil test for contaminants as designated by the County Code Enforcement or successors in responsibility.
13. Notification shall be given to County Code Enforcement or successors in responsibility of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be placed on file with County Code Enforcement or successors in responsibility. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the County Code Enforcement or successors in responsibility.
14. The applicant shall implement a drainage plan approved the County Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.
15. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a Wrecking/Salvage Yard.
16. 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.

DONNA GOLTRY, Planning Staff presented the Staff Report.

MITCHELL commented that there was no mention of security in the staff report. He asked if staff had information from the air base or another security organization.

GOLTRY stated that there had been no formal comment from McConnell Air Force Base (McConnell AFB).

HILLMAN asked if the McConnell land use study excluded storage yards.

GOLTRY explained this type of use was not allowed in the Industrial Park – Airport District (IP-A) district, therefore, the zone change request was to Limited Industrial (LI).

MARNELL asked if the zoning category excluded such uses or just didn't mention them.

GOLTRY clarified that wrecking/salvage yard is not allowed in an IP-A district.

GREG FERRIS, AGENT FOR THE APPLICANT SAPULPA AUTO POOL AND THE PROPERTY OWNERS commented that he respected staff but said they totally missed it on this case. He said everything in the Staff Report centers around salvage yards and the "Catch 22" here is that his client does not do anything that resembles a salvage yard. He said everyone hates salvage yards where they tear apart cars and the public comes and buys those parts. He said the Unified Zoning Code (UZC) has no category for what his client does. He said his client also does not operate an auto storage yard, where people store vehicles and come and go from the location. In addition, he said they don't sell vehicles. He said Sapulpa Auto Pool never takes ownership of the vehicles, they are owned by the insurance company. He said nothing in the zoning code covers their type of operation. He said Staff has determined that salvage yard zoning is required, which is the reason for the conditional use application, even though they are not going to do a salvage yard. He referred Commissioners to his letter that was submitted with the application. He said they don't have any problems complying with requirements for a salvage yard. He said everything they are doing far exceeds all requirements of the zoning code for salvage yards. In addition, he commented they would do nothing to jeopardize McConnell Air Force Base's place in the community. He said McConnell's goal for the area was for low intense uses where not a lot of people congregate. He said there was an error in the Staff Report concerning the number of people that would be coming and going from the site. He said they hold auctions; however, the majority of clients bid over the Internet. He said there will be approximately 20-40 people on site for approximately 1½ to 2 hours twice a month. He said this was not an intense commercial use.

FERRIS said the Staff Report also mentions the character of the neighborhood with commercial property development on south Rock Road and residential properties on the other side. He said this area is zoned IP-A and that the UZC "by-right" allows some pretty intense uses including outdoor storage (if screened), manufacturing facilities, freight terminals, machine shops, warehouses, construction sales and service, and outdoor storage. He said right now a manufacturing facility could be built on this property that employees 100 people, 24-hours a day, 7 days a week, which they feel is a much more intensive use than their proposal. He said all you need is a building permit and a 50-foot setback. He added that since this location is in the County, there are no landscaping requirements because the County does not have the City's architectural and landscape standards. He commented that all of the previous stated uses are more intense than what is being proposed.

FERRIS mentioned that they met with the neighbors who have issues and they understand that; however, he said most of the issues dealt with salvage yards. He said the neighbors also mentioned that they would like to have retail in the area, which he said cannot ever happen because of the provisions of the McConnell land use study and the zoning. He said this property is zoned for high intense industrial use. He said the UZC says that the IP-A district is generally compatible with the industrial designation of the Wichita-Sedgwick County Comprehensive Plan. He said this district is intended to be commercial and industrial as long as people are not coming and going to and from the location. He said when the owner of this property received the notice of the new zoning, he contacted the City and asked if he could do industrial uses, and he was told yes. He said they felt sorry for the folks that live across the road, but what can happen "by-right" at this location is a lot more intense than what they are proposing.

FERRIS said they are proposing landscaping in excess of what is required by the City; the new site plan has one entrance instead of two entrances; they have increased the setback and landscape setback 20 feet around the entire perimeter of the property; and the front setback has been moved from 50 feet to 250 feet. He said this is an excellent plan and it is an excellent use for the property. He said there will be solid screening, the area will be heavily landscaped with a brick and metal building and although these items are not required by code, they have agreed to them.

FERRIS mentioned a letter from Sapulpa concerning security and added that Sapulpa will provide security 24-hours a day, 7 days a week. He said they will add that as a condition.

MOTION: To give the speaker an additional minute.

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

He added that they have a solid fence around the perimeter and an electric fence in the interior. He commented that their customers are insurance companies and security is important to them. He added that there will be no guard dogs on the property and no lights will be focused outside the property. He mentioned that these items came up as a result of the neighborhood meeting and they have no problem adding them to the conditions. He said someone will be on the grounds at the facility 24 hours a days, 7 days a week. He added that the site will have 6 employees and that may be increased to 10-15, but the number of employees will be much less than is allowed at a freight terminal, machine shop, or manufacturing plant. He concluded by saying that this type of operation is what was intended for this property when it was rezoned to an IP-A district; unfortunately, the UZC does not have a category for their type of operation. He said this is an excellent application and he encouraged the Commission to approve it.

HILLMAN asked about the parking lot setback.

FERRIS said from the parking lot to the street they are proposing 20 feet with a 40 feet landscape buffer with variations so it doesn't look like one flat strip.

HILLMAN asked then the facility itself will be about 200-250 feet back from the street.

FERRIS said the actual building will be set behind the 200 foot point. He mentioned that there will be a small office building approximately 80 feet x 100 feet in front of that.

HILLMAN asked about the height of the fence and the material.

FERRIS said the fence is 10 feet high and that it is the same material as the metal building. He said the fence will be solid steel with ridges, the same color as the building.

MITCHELL requested that the agent/applicant provide the additional security information in writing.

FERRIS said they will provide the security information and commented that they thought it had already been provided.

HILLMAN asked if vehicles for sale would be stored at the location.

FERRIS responded not technically, that the public is not allowed access to the property. He said individuals must be licensed dealers to come to the lot. He said basically they do "wholesale" auctions to dealers. He added that there is an average turnover of 2-4 weeks on vehicles.

HILLMAN said so vehicles won't be stacked 2, 3, 4, 5, and 6 cars high.

FERRIS said he believes they can't stack vehicles, but if that is not a requirement, they will be glad to include that as a condition.

DENNIS clarified that the applicant and agent agreed to all of the conditions outlined in the Staff Report in addition to what they have agreed to at this meeting.

FERRIS mentioned the operation hours and requested that they be extended until 2:00 p.m. He said they have no problem with staff's conditions and the additional conditions that he offered at today's meeting.

FOSTER commented on the additional landscaping along approximately 1½ miles and asked if they have budgeted for that considering it will be double the installation, and double the maintenance.

FERRIS said he didn't know the exact numbers. He said they will be "in excess" of the City Landscape Code by about 10-15% in front of the facility and they will provide City Code requirements along the perimeters. He said one of the requirements of application approval is that a landscape plan be submitted in specific terms, he said the 20 foot landscape buffer around the perimeter will be planted to City Code. He said they know that is going to be expensive and that it will need to be maintained and irrigated and they intend to do that.

HENTZEN asked if this request is granted and Sapulpa operates for 2-3 years, can the conditional use permit be withdrawn when they quit using this location for this purpose or can any wrecking/ salvage yard come in and take over.

BILL RAYMOND, ASSISTANT COUNTY COUNSELOR said he believes the conditional use permit can expire in certain instances.

FERRIS said the conditional use will still be in effect, but the location still cannot be used as a wrecking/salvage yard. He said whoever uses this property cannot take apart or sell vehicles, but the conditional use will stay with the property. He commented that Sapulpa will be investing close to 7 figures into this property. He added that the conditional use still binds the property to basically being an auto pool or IP-A type use.

HENTZEN asked staff if they agreed with **MR. FERRIS's** interpretation.

DIRECTOR SCHLEGEL said he believed **MR. FERRIS** correctly articulated condition #1 as spelled out in the Staff Report.

CHARLES JACOBS, 4630 SOUTH WIND AVENUE said he was President of the South Rock Road Association of Homeowners who are in opposition to this proposal. He said the Association is bounded by 33rd Street on the north, Webb Road on the east, 55th Street on the south, and Oliver on the west, excluding McConnell AFB property. He referred to a PowerPoint presentation showing development and homes directly east of the proposed site. He said the distance from the property line to some residences front doors is less than 100 feet in some cases. He said these are well developed homes that have been there a long time. He commented that he met with Mr. Ferris and the Operations Manager for Sapulpa Auto Pool. He said at that meeting they learned that there could be as many as 600 vehicles on this property at any given time, which they believe is a significant amount.

JACOBS said the neighbors are aware that development along this vital arterial will occur and said their primary objective is to ensure that development does not needlessly damage their personal and financial interests. In addition, he said getting the right development dovetails with the interests of Wichita, Derby and smaller communities further out as well as McConnell AFB.

JACOBS noted on one slide of the presentation that the neighbors and the planning staff independently identified the same extensive list of negative issues with the applicant's proposal, including, but not limited to: negative impact on public and neighborhood, gateway corridor – bad image, conflicts with IP-A Zoning passed in 2007 to buffer McConnell AFB; health and safety issues, high speed arterial – residents and citizen safety, rodent control, weed control, salvage vehicles outside fence, fire safety, environmental impact, soil contamination, groundwater contamination and hazardous runoff. Residents also identified reduced residential property values (reduced tax base) and flood hazard to the southwest.

JACOBS said another item the neighbors believe needs more attention and consideration in the area is the increased fire risk posed to existing property from the new activities. He said this heightened concern centers on the reality that fire hydrants are not available in most unincorporated areas, thus the fire department must haul water to fight fires. He said all homeowners pay added yearly insurance premiums based on proximity to a fire station and distance to the nearest high volume fill point for fire tankers. He said in this case, a major concern is that vehicle fires are difficult to extinguish and 600 vehicles in an enclosed fenced area presents an extreme challenge to fire fighters.

MOTION: To give the speaker an additional minute.

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

JACOBS concluded by saying that they have assessed the negative impacts of the application on the community as a whole and the neighborhood in particular which they believe outweigh the positive impacts. They believe disapproval will have a minimal negative impact on the applicants; that Planning Staff and the neighbors independently arrived at the same conclusion; and that the proposed change is flawed and should be disapproved by the Planning Commission. He finally mentioned that a great effort went into “building a zoning fence” around McConnell AFB and that this application, if approved, would lower the height of that “fence” and open the door to additional applications that will effectively negate all work up to this point.

NANCY BLANKS, 4520 SOUTH ROCK ROAD commented that her property was the one located closest to the salvage yard. She said she firmly believes that this use will have a drastic impact on property values. She said she has invested her whole life in her property. She said she has filed a petition against the zoning request and will file a petition against the conditional use. She said she wanted to go on record as being “dead set” against this proposal.

TAPE 1, SIDE 2

FERRIS thanked Mr. Jacobs and commented that he was very hospitable when they met with the applicant. He stated that many of the additional conditions offered by the applicant were a result of that meeting and some of the neighbors concerns. He said they live in a residential area located across from an industrial area. He said the applicant has offered large setbacks, and screening and landscaping that is not required. In addition, he said that the type of facility someone can build today on that property is much more severe than what they are proposing, which is a less intense use, with less people and less traffic than what is allowed today. He said whether it is 1 car or 600 cars, the Staff Report does not allow them to be visible from either Rock Road or other properties, so that is irrelevant. He encouraged the Commission to look at what is allowed at the site today, and what they are requesting. He said what they are requesting is an improvement over what someone else can build at that site and if they set the precedent for this type of landscaping, screening and buffering, they will actually be adding to the value of the homes in the area, not detracting.

HILLMAN commented because these vehicles have been in wrecks, then they will be leaking fluids such as hydraulic fluid, oil, grease, gasoline, etc.

FERRIS commented that although the vehicles have been involved in accidents, Sapulpa can't touch the cars and have to sell them “as is” because they belong to the insurance company. He clarified that vehicles would not be brought to the premises if they were leaking. He said vehicles cannot be transported in that condition.

JAMES _____?, **SAPULPA AUTO POOL** said if a vehicle comes in leaking fluid, they will drain it appropriately according to Environmental Protection Agency (EPA) standards. He said the EPA monitors all of their locations. He said typically leaks have “run their course” prior to the vehicle coming to the facility. He said they don't normally receive the cars until 10-20 days after the accident.

HILLMAN asked how they plan to surface, seal and have the area inspected so the ground will not become contaminated from these vehicles.

FERRIS said a letter was submitted to staff regarding this issue. He said asphalt millings will be used on the entire surface even though it is not required. He said there will be no run-off from the site and they will have to comply with all drainage requirements. He said the contamination issues are covered in staff recommendations and they agree with those.

HILLMAN asked about completion of a core analysis of the area.

FERRIS said he would be very surprised if a company the size of Sapulpa Auto Pool bought a piece of ground without doing a Phase I. He said a Phase I is usually required on commercial properties before you can get financing. He said if there is contamination, either before or after, since they are the land owners, they are responsible for any clean up.

VAN FLEET commented on traffic use of the highway. He said he understood that this is a regional holding pool by a conglomerate of several insurance companies collecting vehicles over a period of time that go to this location to be auctioned. He said even though the neighbors will get the benefit of the landscaping and screening, they will still see cars coming in and going out of the facility.

FERRIS said there will be an average of 45-60 trips a week, not counting employees and auction days, which will hardly have an impact on Rock Road.

VAN FLEET asked about the normal size of the pool at one of the auctions.

FERRIS said between 300-400 vehicles. He said right now the average auction is between 100-110 vehicles every other week.

VAN FLEET commented then that in a normal two week period there would 300 vehicles in and 300 vehicles out of the facility.

FERRIS commented that 600 trips on Rock Road is hardly anything compared to what you would have with one of the uses that are allowed at this site, or what is happening south of this location. He said 50 trips a day are not very many.

FOSTER asked if the ribbed metal fencing was acceptable.

GOLTRY said metal is allowed under wrecking/salvage conditional uses.

FOSTER clarified that there will be 20 foot landscape buffers on the north and south sides of the property with a 10 foot utility easement.

GOLTRY said she understands that is what has been offered on the revised site plan, with the easement on the original Staff Report being part of the 20-foot buffer.

FOSTER voiced concerns regarding their ability to physically maintain a ½ mile long stretch of evergreens.

MOTION: To deny subject to staff recommendation.

VAN FLEET moved, **ANDERSON** seconded the motion, and it carried (6-5).
MCKAY, MITCHELL, HENTZEN, MARNELL, DENNIS – No.

SUBSTITUTE MOTION: To approve with changes and conditions including changing time from 1:00 p.m. to 2:00 p.m., additional landscaping, hard surface and security.

MARNELL moved, **MITCHELL** seconded the motion, and it failed (5-6).
DOWNING, VAN FLEET, FOSTER, SHERMAN, HILLMAN, ANDERSON –
No.

MARNELL mentioned a similar case on West Street. He said this is an “oddball thing” because it does not fit into the UZC very well because it is not a salvage yard. He said it is clearly more of a vehicle storage yard and auction site. He commented that he spent a lot of time on the McConnell Joint Land Use Study and said he feels this proposal is exactly the kind of thing that would fit in the area. He mentioned the low intense use of the land and that this was something that would not attract a lot of people. He said he was surprised with staff’s recommendation because this is not a salvage yard.

ANDERSON said any resemblance between south Rock Road and West Street is ridiculous. He said there simply is no comparison to the kind of development that has occurred on south West Street to what might be allowed to happen on south Rock Road.

DENNIS said he would not support the original motion because he felt this proposal was a good alternative compromise for this area. He said as the agent pointed out, a lot of other things could be located there. He said this compromise situation with additional conditions was a good option.

MARNELL said he will also not support the original motion for same reasons as **MR. DENNIS**. In addition, he said if the Commission can’t support traffic on a road like Rock Road then they can’t locate anything anywhere in this community. He said if they start being the Police for what traffic looks like, then they may start deciding that no wreckers or grain trucks can travel along Kellogg because they don’t like how it looks. He asked where that might end. He said those kinds of objections have no place whatsoever in this discussion.

5. **Case No.: ZON2008-69** - Coleman Ventures, LLC, Don Coleman (owner); Baughman Company P.A., c/o Phil Meyer (agent) Request County zone change from RR Rural Residential to SF-20 Single-family Residential on property described as:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block A, Ricken Acres, an Addition to Sedgwick County, Kansas. Generally located on the north side of 47th Street South and east of 231st Street West.

BACKGROUND: The 27-acre application area is zoned RR Rural Residential (“RR”) and is currently used for agriculture. RR zoning requires a two-acre minimum lot size; the applicant wishes to develop one-acre lots and therefore request a zone change to SF-20 Single-family Residential (“SF-20”) which would permit half-acre lots. The applicant proposes to utilize alternative septic systems and Rural Water District (RWD) #4 water. The application area is within the Goddard Zoning Area of Influence, and will be heard by the Goddard Planning Commission on December 11, 2008.

This site requested a zone change to SF-20 in 2003; that request was denied by the Goddard Planning Commission, the MAPC, and the County Commission. The site was then platted as lots 1-14 of the Ricken Acres Addition in 2004. Prior to platting, the owner sought and received an administrative adjustment to reduce the lot size on four lots from the required two acres to 1.8 acres.

The character of the surrounding area is agricultural, although non-conforming suburban-scale residential development is located one-half mile south of the subject property in the Lake Waltanna area. All of the

property surrounding the site is zoned RR. Several 5-15 acre residential parcels exist south and west of the subject property, all adjacent properties to the north and east are used for agriculture.

CASE HISTORY: The site was platted as lots 1-14 of the Ricken Acres Addition in 2004. The site received an administrative adjustment (BZA2003-64) in 2003 to reduce lots 1, 7, 8, and 14 from the required two acres to 1.8 acres.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|----|------------------------------------|
| NORTH: | RR | Agriculture |
| SOUTH: | RR | Large-lot residential, agriculture |
| EAST: | RR | agriculture |
| WEST: | RR | Large-lot residential, agriculture |

PUBLIC SERVICES: Municipal sewer and water services are not available; the site is within RWD #4. 47th Street South is an unpaved section line road with a 60-foot half-width right-of-way (ROW) at this location. 231st Street West is 800 feet west of this site, and is a paved section line road with a 50-foot ROW. 228th Street West is the platted cul-de-sac street on the site. It is a 2,300-foot long unpaved cul-de-sac street with a 70-foot ROW. The Ricken Acres plat designates contingent street dedications to both the east and west. If the site were developed in one-acre lots as proposed, 27 lots could generate 270 average daily trips.

CONFORMANCE TO PLANS/POLICIES: The 2030 Urban Growth Areas map of the *Wichita-Sedgwick County Comprehensive Plan* depicts this site as a “rural area.” Rural areas encompass land outside the 2030 Urban Growth Areas predicted for Sedgwick County cities. It is intended that agricultural uses, rural-based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County, and predominately larger lot residential exurban subdivisions (normally with lot sizes of two acres or more) with provision for individual, or community water and sewer services are appropriate.

The Comprehensive Plan contains an objective to enhance and encourage agricultural activities within Sedgwick County, recognizing that viable agricultural land exists within the County. The plan also contains a goal of providing for rural, suburban, and urban residential areas, which provide a variety of housing opportunities.

Adopted Urban Fringe Development Standards establish minimum standards for sewer, water and traffic. The proposed development would meet the sewer standard if approved alternative septic systems are used. The proposed development would meet the water requirements if RWD #4 is able to provide the number of connections required; the applicant has not demonstrated that RWD #4 can meet this requirement. The proposed development does not meet the Urban Fringe Development Standards traffic requirement of providing access to a paved arterial street.

RECOMMENDATION: The proposed rezoning is not consistent with the dominant RR Rural Residential zoning and agricultural uses existing in the application area. There are large lot uses in the vicinity, but the vast majority of tracts in the area exceed the RR district’s two-acre minimum lot size.

The Urban Fringe Policies state the County’s expectations regarding the provision of basic services for residential development in rural areas. The Urban Fringe Policies anticipate that zoning permitting more intense development in rural areas would be located relatively close to existing communities where the development would be annexed sooner, rather than later.

This site is too remote from service providers and projected growth areas to merit approval as requested. This site was denied SF-20 zoning in 2003. Staff does not see that any conditions in the surrounding area have changed since 2003. Neighbors who opposed this request in 2003 remain in opposition, stating that SF-20 zoning and one-acre lots would be out of character with the surrounding area. Based upon

information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is agricultural, with all residential uses in the immediate vicinity on 5-15 acre lots. All properties in the surrounding area are zoned RR, including a suburban-scale residential development located approximately one-half mile south of the subject property that does not conform to current zoning regulations in terms of minimum lot size. The requested zone change is out of character with the surrounding large lot residential and agricultural uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR which primarily permits agricultural activities and large-lot residential uses. The site can continue to be used for agriculture, or it can be developed as it is currently zoned and platted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Rezoning would permit residential development at four times the density that is permitted by the existing zoning; this would change the character of the area, increase traffic, and increase demand for publicly supplied services such as law enforcement, fire and code enforcement.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Urban Growth Areas map of the *Wichita-Sedgwick County Comprehensive Plan* depicts this site as a “rural area” and outside of any city’s projected growth or Urban Service Area. Therefore, the site is designated for rural uses and residential lots of two-acres or larger. The proposed development does not meet the Urban Fringe Development Standards traffic requirement of providing access to a paved arterial street.
5. Impact of the proposed development on community facilities: Approval of the proposed zone change would increase traffic significantly on an unpaved portion of 47th Street South. If the site were developed in one-acre lots as proposed, 27 lots could generate 270 average daily trips. There would also be an increased demand in this rural area for law enforcement, fire protection and EMS.

JESS MCNEELY, Planning Staff presented the Staff Report.

MCNEELY reported that the Goddard Planning Commission denied the request 6-0.

FOSTER asked if the cul-de-sac was maintained by the Township.

MCNEELY said the agent for the applicant could probably answer that question.

MITCHELL asked what the subdivision plat looked like.

MCNEELY said the plat looks exactly like the aerial photograph or the zoning map. He said it was platted in 14 lots, with a cul-de-sac down the center of the lots. He said there are two contingency dedications to the east and west, should those properties ever subdivide out to make a road connection.

MITCHELL clarified that those lots would end up with a road on both sides.

MCNEELY said the assumption is that if the zone change is approved, this would be reconfigured into approximately 27, 1-acre lots instead of 14, 2-acre lots. He said the contingent dedication would be an east/west running stub.

VAN FLEET asked for clarification of “alternative septic systems.”

MCNEELY explained that the County adopted an Alternative Septic System Policy in which certain standards were approved for certain higher performance septic systems that could be used on smaller lots. He said the applicant still needed to obtain a sewer permit from County Code Enforcement dependent upon the percability of the ground on the lots and which type of systems were going to be used. He said there are systems that could be approved in Sedgwick County for 1 acre lots.

MARNELL clarified that when this application came before the Commission in 2003, the alternative sewer system policy was not in effect at that time.

MCNEELY said that was correct.

PHIL MEYER, BAUGHMAN COMPANY, PA, AGENT FOR THE APPLICANT said they thought it was logical that this area be converted to 1-acre lots. He said they knew this had been denied in 2004 and that there had been neighborhood opposition; however, since that time they felt there have been enough changes in Sedgwick County’s policy and regulations to reflect the County’s desire to get denser development within certain areas of the County. He briefly mentioned the Urban Fringe Policy, which had been adopted as part of the Subdivision Regulations. He said County development was getting away from 5 acre tracts down to more usage with 1 acre tracts. He said the County would still like to preserve certain agriculture ground with specific areas for development. He said when the County went through that process they looked at alternative sewer systems. He said the individual alternative sewers are a part of this proposal and have to have at least a 1 acre lot. He said water quality and quantity testing will be required before development can occur and paving requirements will also need to be met. He said paving requirements are based on trip generation counts with more than 200 trips a day requiring pavement. He said they felt that the Urban Fringe Policy changed enough that it made sense that this 2 acre lot development could go to 1 acre lots. He said Lake Waltana located within a ½ mile to the south has 90 some odd houses that are ½ acre – ¾ acre lots. He said a development standard has already been established in this area and that the precedence has already been set. He said if the zone change is approved they will go through the lot splitting process or replat. He said they also have to prove to the County that they meet the alternative sewer requirements, water quality and quantity requirements and paving requirement. He said the proposed drainage plan must also be reviewed and approved by County Staff. He concluded by asking the Commission to approve the zone change requested today.

MITCHELL asked if the request is approved will the applicant agree to replat rather than doing this with lot splits.

MEYER said if they can achieve the same result with lot splits, he would prefer not to put his client through the expense of replatting; however, he said they would agree to replatting if that is what the Planning Commission required.

MITCHELL said replatting would be a condition of his approval.

MARNELL asked if the lots east of Waltana Lake were 3 or 4 acres.

MEYER said he was guessing approximately 1 to 2 acres, looking at the aerial proportionately.

MITCHELL commented that he knew there were a number of small lots in that subdivision.

DWIGHT CURRAN, 3 LAKEWOOD DRIVE, LAKE WALTANA said he owns 80 acres nearby this site. He referred to the aerial of the surrounding site including the 80 acres with stables. He mentioned that the Waltana Lakes development is small lots, they have a homeowners association, architectural control committee, they pay dues, they have lakes for fishing, an air strip, clubhouse, and stables. He said there is no comparison to what is being proposed. He said he is opposed for several reasons including

drainage. He said there was damage to property to the south of this area approximately 5 years ago and the County installed hay bales to try to rectify the drainage problem, which were inadequate. He said looking at the proposal it actually breaks out to be ½ acre lots. He said they have questions about the drainage plan, the type of structures that will be built, the covenants, and said there are too many grey areas regarding the proposed development where they can't seem to get answers. He said they are located in Rural Water District #4 and that 8-9 years ago there was 10% contingency and since the area has been overbuilt, they doubt there is anything left of that. He asked if this group was going to try and apply for a new water district. He said Waltana residents paid through the nose to get that built and to pave roads in the area. He said he believes these items are not being addressed in the proposal.

MARK FOSTER, 4430 S. 231ST STREET presented several pictures of his 5 acre homestead and the surrounding area, including the floodway on his property, for the Commission's review. He said this request for development was denied in 2003. He showed the area south of his property that may have a possible road going over the floodway. He said everyone needs to know that there is a floodplain in the front of the property, and that a bridge will need to be built to connect this property to 231st Street South. He commented that he is very concerned about drainage issues since water comes over the bridge on his driveway now when it rains. He also showed pictures of the proposed development area where it was flooded. He said he is very concerned about drainage from 27 lots. He said the lots would be narrow with drainage down each side. In addition, he said there will be 7 lots located behind his 5 acres. He said he built in the area 20 years ago in 1988 and at that time you had to have 5 acres or more to construct a home. He said he is never going to leave the area.

BARBARA CRAIG QUEEN, 56 STRATFORD ROAD said she owned the 560 acres to the east of the site. She said drainage and erosion are major problems and that she is concerned about her farmland. She said she also has some environmental concerns with 27 home sites, 27 septic tanks and 27 wells. She said the ponds in the area are spring fed and she was concerned about the amount of possible damage to the subsoil. She said there will be a tremendous impact on the area with this density of housing. She said Lake Waltana was a smaller residential area that was grandfathered in at the time of development. She commented that MAPC standards for Rural Residential are defined in two ways: 1)to enhance and encourage agricultural activity within Sedgwick County ...recognizing that viable agricultural land exists....., which she believes refers to her land; and 2) ...recognize large residential lots in rural area preserve open spaces..., which she believes refers to her neighbors. She said they have adhered to what the MAPC envisioned as Rural Residential. She said originally the case went from 5 acres to 2 acres in May, 2003 when it was denied, and now they want to go from 2 acres to ½ acre. She said the same arguments that were used in 2003 still apply.

She mentioned soil constraints and commented that soil in the area is highly erodible. She added that the slope is only 3%, but when water comes into the area, it stays a while until it drains down or erodes away. She said they are concerned about the number of sewer systems, about the water, and the possibility of fire. She said the way this is platted; the fire department will need to go clear to the end of the road and won't be able to turn around because the corner is too small. She also said she does not believe the people at the Water District have been contacted.

MEYER commented that the 3 speakers did a nice job. He said he believes he can answer most of their concerns per today's present standards. He said he understands that drainage is a big issue and an approved drainage plan will be addressed by County Engineering Staff during the platting process. He added that the applicant agrees to replat the area. He said they do not want to develop ½ acres lots

TAPE 2, SIDE 1

and added that they plan on using alternative sewer systems, which is a significant upgrade from the old septic tank systems, and require at least 1 acre lots. He offered to place a condition of 1 acre lots, but said the size of the lots will control itself through the alternative sewer system. He concluded by saying that there was an approved fire station 3 miles away from the site.

MITCHELL said there was no way they could have 27 lots on 27 acres.

MEYER said he won't argue with that.

MARNELL asked about the standard for 228th Street.

MEYER said it is presently built to the County's standard as a rock road. He said that the road, which was built by the County and turned over to the township for maintenance, would stay there.

HILLMAN commented that the Township which turned down the request will have to maintain the road.

MEYER said he was not aware that the Township had turned down the requested zone change. He mentioned that it was the Goddard Planning Commission that voted against the proposal.

MOTION: To approve subject to staff recommendation and the condition of replatting.

MITCHELL moved, **MCKAY** seconded the motion, and it carried (8-3). **VAN FLEET, FOSTER, HILLMAN** – No.

HILLMAN asked how the drainage issue was going to be handled under the County's new regulations.

MITCHELL responded that the County Engineer and Planning Staff will approve a Drainage Plan that will address runoff and the disposition of it for the land going into the public drainage system.

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6. **Case No.: CUP2008-48** – Kelsey Investments, Inc., (owner), Baughman Company, P.A., c/o Russ Ewy Request DP-231 Amendment #3 to allow a temporary off site sign on Parcel 5 on property described as:

Lot 2, Block B, Copper Gate Addition, Sedgwick County, Kansas. Generally located on the northwest corner of 13th Street North and 135th Street West.

BACKGROUND: The applicant proposes Amendment #3 to DP-231 Copper Gate Community Unit Plan to allow a temporary, off-site real estate directional sign within Parcel 5. DP-231 is located on the north and south sides of 13th Street North, west of 135th Street West, and is zoned LC Limited Commercial ("LC"). Parcel 5 is located on the northwest corner of this intersection. The property remains within the unincorporated area of the County, but is surrounded by City of Wichita land on all but half of the adjacent property on the east.

The proposed additional language to General Provision #7 C would add the following language: "except for a temporary off-site real estate directional sign within Parcel 5. Said sign shall have a maximum area of 128 square feet." General Provision #7 already stipulates that signage is per Wichita Sign Code regulations subject to the additional restrictions of the CUP. This amendment would allow the temporary project title sign for subdivision identification but otherwise signs prohibit off-site signs on the CUP.

The sign is to advertise the residential development, Blackstone Addition, located one-half mile to the west. The proposed rendering of the sign and location appears to comply with Wichita Sign Code specifications for this type of sign. The size is 128 square feet, the height is 14 feet, it is not internally illuminated; and it is located more than 500 feet but less than a mile from the subdivision for which it is providing directional information. The time frame for allowing this type of sign is during the development phase of the subdivision for up to two years, with six month extensions being permissible if granted by the Superintendent of Central Inspection.

All the land in DP-231 is zoned LC and is undeveloped. DP-231 is bordered by single-family residential developments in all directions except for a church zoned SF-5 and a suburban estate zoned SF-20 Single-Family Residential on the northeast corner, and a electrical substation on property zoned SF-20 on the southeast corner of 13th Street North and 135th Street West. The area to the north and west is zoned SF-5 and being developed as Copper Gate North. The area to the south is zoned S-5 and being developed as Copper Gate Estates. The Blackstone Addition is located west of Copper Gate North.

CASE HISTORY: DP-231 was approved February 28, 1998, and the property was platted as Copper Gate Addition, recorded April 21, 2000. Amendment #1 (and the related downzoning to SF-5) removed 6.48 acres south of 13th Street and incorporated it into the adjoining residential development, Copper Gate Estates. Amendment #2 (and the related downzoning to SF-5) removed 0.84 acres north of 13th Street North. This land was included in the Copper Gate North Addition residential development.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|-------------|-----------------------------------|
| NORTH: | LC, SF-5 | Vacant, single-family residential |
| EAST: | SF-5, SF-20 | Church, suburban |
| SOUTH: | SF-20 | Utility Substation |
| WEST: | LC, SF-5 | Vacant, single-family residential |

PUBLIC SERVICES: The site has access from 135th Street West and 13th Street North. Both are two-lane arterial roads on the 2030 Transportation Plan. Normal 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 “local commercial.”

RECOMMENDATION: The proposed change would allow a temporary off-site sign for the Blackstone Addition, subject to the requirements for this type of directional signs in the Wichita Sign Code. The amendment does not allow other off-site signs. Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to the following conditions:

1. Annexation of DP-231 to the City of Wichita shall be initiated prior to this amendment being completed.
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:** All the land in DP-231 is zoned LC and is undeveloped. DP-231 is bordered by single-family residential developments in all directions except for a church zoned SF-5 and a suburban estate zoned SF-20 Single-Family Residential on the northeast corner, and a electrical substation on property zoned SF-20 on the southeast corner of 13th Street North and 135th Street West. The area to the north and west is zoned SF-5 and being developed as Copper Gate North. The area to the south is zoned S-5 and being developed

as Copper Gate Estates. The Blackstone Addition is located west of Copper Gate North.

2. The suitability of the subject property for the uses to which it has been restricted: The amendment allows a temporary use and does not otherwise alter the uses allowed by the CUP.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The temporary nature (of up to two years or perhaps longer by six-month extensions if the residential development is incomplete by that time) should not impact the surrounding area more than other subdivision directional signs in the vicinity.
4. Length of time the subject property has remained vacant as zoned: The tract has been vacant in terms of commercial use since undertaking the rezoning and CUP approval in 1998. It was in agricultural use prior to that time, and continues to be used in this manner since obtaining commercial development and zoning approval.
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 "local commercial." This amendment should not pose a conflict with this designation.
6. Impact of the proposed development on community facilities: None

DONNA GOLTRY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

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7. **Case No.: PUD2008-09** – Youth Horizons, Attn: Earnest Alexander (owner/applicant); Baughman Company, P.A., Attn: Russ Ewy (agent) Request Create a county PUD Planned Unit Development on property zoned RR Rural Residential on property described as:

The North half of the Southeast Quarter of Section 12, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part taken for road. Generally located north of 109th Street North, on the west side of 63rd Street East.

BACKGROUND: The applicant proposes to create a 20-acre Planned Unit Development (PUD), PUD #30 Youth Horizons Planned Unit Development. The PUD will consist of one parcel that permits a "group residence, general" and uses permitted in the RR Rural Residential ("RR") district. The property is located on the west side of 63rd Street East (Woodlawn) and approximately ½ mile north of 109th Street North. The PUD application is for one parcel, but there is a possibility of future out-parceling on property owned by Youth Horizons to the south and west.

Parcel 1 is located in the northeast corner of a larger 80-acre piece of property also owned by the applicant. The PUD special zoning district would replace the current RR zoning district with the following permitted uses: all uses permitted by right in the RR zone district and "group residence, general." Any other use that requires a Conditional Use permit shall only be permitted by separate PUD amendment. Staff recommends that the PUD prohibit the following uses: adult entertainment, private clubs, taverns and drinking establishments.

The PUD provides architectural compatibility among the structures in the parcel in regards to color, material and design. Building elevation drawings shall be required for review and approval by the

Planning Director prior to the issuance of any building permits to ensure compliance with the provisions of the PUD. Maximum building height is proposed to be 35 feet; 45 feet if located at least 25 feet from all lot lines; no maximum height limit for barns, silos and other similar farm buildings. Maximum building coverage would be 6.35 percent. Parking requirements are per code.

Setbacks are 20 feet along the north property line, and 35 feet along the east property running adjacent to 63rd Street East. The PUD plan does not denote setbacks along the south and west property lines so the base zoning district setbacks would apply. 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. The PUD will have one access into the site, with the possibility of an additional access south of the existing access.

Signs are to be in conformance with the Sedgwick County Sign Code. Parcel 1 is permitted one free-standing sign with a maximum of 96 sq. ft. of sign area along 63rd Street East. The free-standing sign shall be limited to a maximum height of 12 feet.

The plan shows four residential structures that will house approximately eight members of the group residence per residence. The plan also shows a structure that will be utilized as an office for the staff, a separate structure for classrooms and chapel, a pavilion and the locations of the proposed lagoons. The plan also shows access to the site and the proposed location of their recreation fields.

The property has been utilized as a group residence since the first issuance of a Conditional Use permit in 2005. Before then the property had been used as a farmstead and agricultural production. Surrounding properties are all zoned RR Rural Residential (“RR”) and used for agriculture, farmsteads and large lot residences. The surrounding area is rural in nature.

CASE HISTORY: There have been two Conditional Use requests on this site before this current application. The first Conditional Use (CON2005-00051) was for a “group residence, limited,” and it was approved by the Board of County Commissioners on January 25, 2006. The second Conditional Use (CON2007-00012) was an amendment to the previous Conditional Use to define the uses that were proposed to be allowed for the accessory building, and to allow the placement of a 32 square foot sign at the property entrance. This property is currently unplatted.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|----|------------------|
| NORTH: | RR | Farmstead |
| SOUTH: | RR | Farmstead |
| EAST: | RR | Agriculture Land |
| WEST: | RR | Farmstead |

PUBLIC SERVICES: 63rd Street East (Woodlawn) is an unpaved, section line road with 30 to 50 feet of half street right-of-way. There are no traffic counts on the section of 63rd Street. Water will be provided by Rural Water District # 1 and sewer will be provided by lagoon.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan’s “Wichita and Small Cities 2030 Urban Growth Areas Map” depicts this site as appropriate for “rural” uses. Rural areas are primarily intended for agricultural uses, resource based uses and other non-agricultural uses having no impact greater than typical agricultural uses, and do not require publicly supplied services. This site is outside of any projected urban growth boundaries.

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 “group residence, general” in the county, which is currently a Conditional Use in the RR zone district. This proposed PUD also incorporates provisions such as consistency in parking lot lighting elements, architectural standards, circulation requirements and signage requirements that enhance the quality of the development.

RECOMMENDATION: Planning Staff worked with the applicant and their agent on this request. Most standards presented in the PUD meet or exceed typical code requirements. Based on these comments and information available prior to the public hearing, staff recommends the application be APPROVED subject to platting within one year and the following conditions:

1. Amend General Provision 7 to read “...and “Group Residence, General.”
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: Surrounding properties are all zoned RR Rural Residential (“RR”) and used for agriculture, farmsteads or large lot residential. The surrounding area is rural in nature.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR which permits a rather limited range of uses which are primarily residential, agricultural and institutional uses typically found in low density residential settings. The site could be used as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Very few detrimental effects are anticipated. There would be little if any increase in traffic even though the intensity of use on the property is increasing. Access, buffering and site development provisions are adequate to reduce the impact the proposed use should have on adjoining and other nearby properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Comprehensive Plan’s “Wichita and Small Cities 2030 Urban Growth Areas Map” depicts this site as appropriate for “rural” uses. Rural areas are primarily intended for agricultural uses, resource based uses and other non-agricultural uses having no impact greater than typical agricultural uses, and do not require publicly supplied services. This site is outside of any projected urban growth boundaries.
5. Conformance to the requested change to the adopted or recognized Comprehensive Plan: The plan does not contain policies specific to this request, however, the proposed 20-acre site is consistent with the property’s “rural” designation, and large lot residential uses found in rural

areas.

- 6. Impact of the proposed development on community facilities: The impact should not be greater than the capacity of the streets and other public facilities that are available to this location.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

- 8. **Case No.: CON2008-58** – Amanda Matthews Requests a County Conditional Use to permit a vehicle storage yard in a RR Rural Residential district.

The East 127 feet of the West 739 feet of the North 470 feet of the Northwest Quarter of Section 35, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located east of Hoover, south of 63rd St. (5407 W. 63rd St.).

BACKGROUND: The applicant is requesting a Conditional Use to permit a “vehicle storage yard” on 1.27 acres located southeast of the intersection of south Hoover Road and west 63rd Street South (5407 West 63rd Street South). The property is nonconforming (with respect to minimum lot area), unplatted and is zoned RR Rural Residential (“RR”). The minimum lot area in the RR district is two acres. The applicant operates a bus rental business (Party Xpress) where their buses can be hired with Party Xpress drivers. The applicant would like to store up to 10 buses on the application area. The currently have 7 buses, with the longest one being 40 feet long; most are 25 to 30 feet in length. Usually Friday and Saturday are their busiest days, but bus activity can occur during the rest of the week; hours also vary with the client’s needs.

The subject site is currently developed with a single-family residence. The residence is currently served by a septic system; water service is provided through a well. Both the well and the septic system are permitted through the Kansas Department of Health and Environment. Access to the site is provided by a drive directly to the application area off of 63rd Street South, and there is a second drive along the western property line. (The aerial photo that staff has access to depicts the western-most drive as being located on the property located to the west of the application area.) The site has a tree row located along the eastern property line, but no screening to the west. As depicted on the site plan, the vehicle storage area is to be located behind the site’s principal structure (approximately 115 feet south of 63rd Street), in front of an existing accessory structure (located approx 215 feet south of 63rd Street), and to the west side of the accessory structure.

The application area is located in a largely rural area. There is a single-family residence to the east (approximately 42 feet from the shared property line) and a non-conforming duplex to the west (approximately 30 feet from the shared property line). To the south is open farmland, and to the north is a single-family residence and open farmland. All of those properties are zoned RR. In the larger area surrounding the application area there are agricultural uses, large lot residences, warehousing, a grain elevator, and a chemical manufacture. The lot located at the southeast corner of 63rd Street South and South Hoover Road is zoned GC General Commercial (“GC”), and is undeveloped and owned by Occidental Chemical Corporation. The northwest corner of 63rd Street and Hoover is also owned by Occidental Chemical and is zoned GI General Industrial (“GI”).

According to the “Unified Zoning Code,” a vehicle storage yard is defined as keeping outside of an enclosed building for more than 72 consecutive hours of one or more motor vehicles (except inoperable

vehicles), boats, trailers, or unoccupied recreational vehicles. The term “vehicle storage yard” does not include “wrecking/salvage yard.” Vehicle storage yard in the RR district is permitted only on lots developed with residence as the principal structure; (1) the vehicle storage area must be located behind the property’s principal structure; (2) for sites less than two acres in size the maximum vehicle storage area is limited to 11 percent of the lot area (a maximum of 6,085 square feet); parking is prohibited on septic systems or their drain fields; (3) only licensed operable vehicles may be stored; no sales, repair, dismantling, mechanical servicing of vehicles is permitted; no storage of materials; (4) minimum setback for stored vehicles from any residence constructed before the conditional use is approved is 20 feet; (5) all storage and circulation areas must be constructed with an all-weather surface; (6) visual screening of areas contiguous to residential zoning districts shall be provided; (7) lighting shall be in compliance with Unified Zoning Code standards and (8) Unified Zoning Code noise compatibility standards shall be complied with, and no outdoor speakers or sound amplification systems are not permitted.

CASE HISTORY: The subject site is currently unplatted. In 2007, the applicant filed a request (ZON2007-00063) to rezone the property from RR to GC in order to permit vehicle storage. On December 13, 2007, the Haysville Planning Commission voted 7-1 to deny the request. On December 20, 2007, the MAPC approved the request to rezone the property to GC. On January 23, 2008, the Sedgwick County Board of County Commissioners (BoCC) deferred action on ZON2007-00063, and directed staff to evaluate an amendment permitting a “vehicle storage yard” as a “conditional use” in the RR district. On June 11, 2008, the BoCC adopted an amendment to the Unified Zoning Code that, with conditional use approval, allows a “vehicle storage yard” in the RR district in addition to the GC, LI Limited Industrial (“LI”) and GI districts. The applicant then amended their application to the current conditional use request, and the case was scheduled to be heard by Haysville’s planning commission on November 13, 2008, and the MAPC on November 20, 2008.

At the November 13, 2008, Haysville Planning Commission meeting questions regarding adequate notification were raised by the Haysville Planning Commission. Staff indicated that notifications had been sent to those persons on the ownership list, and the applicant’s produced a letter of support signed by five nearby residents. No one was present to speak in opposition or support other than the applicants. The Haysville Planning Commission voted unanimously to recommend support for the request. After the November 13, 2008, Haysville meeting it was learned that one property owner residing at 5407 West 63rd Street South had not been included in the original ownership list. At the November 20, 2008, MAPC meeting, the MAPC was advised of the notification issue and they rescheduled their hearing to December 18, 2008. After discussions with legal staff, it was determined that if the residents at 5407 West 63rd were willing to sign a waiver of notification, the case could move forward to public hearing at MAPC without a third Haysville meeting; otherwise the application would need to start over. The applicants were successful in obtaining the waiver, the Haysville recommendation of approval from November 13, 2008, remains.

ADJACENT ZONING AND LAND USE:

NORTH: RR Rural Residential; farmland; large lot residential
SOUTH: RR Rural Residential; farmland
EAST: RR Rural Residential; residence
WEST: RR Rural Residential; residence

PUBLIC SERVICES: Public sewer is not available. An on-site septic is in use. An on-site water well is in use. 63rd Street South is a two-lane, un-paved county road and south Hoover Road, just west of the subject site, is a two-lane, paved collector street. Neither road has traffic counts in this area.

CONFORMANCE TO PLANS/POLICIES: The application area is located within the City of Haysville’s “zoning area of influence,” and their planning commission will hear this case on November 13, 2008.

The application area is located in an area designated by the 2030 Urban Growth Area map as the “rural functional land use category.” This category includes land located outside any cities’ 2030 urban growth areas. Land so designated is intended to accommodate agricultural uses, rural based uses that are no more offensive than agricultural uses, and larger residential exurban lots, typically two acres or larger with provision for individual or community water and sewer services.

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

- A. Uses permitted on the site are limited to those permitted in the “RR”, Rural Residential zoning district; and “Vehicle Storage Yard,” subject to supplemental use regulations mm, and all other applicable regulations. The maximum number of vehicles to be stored on the site is 10.
- B. The site shall be developed and utilized in general conformance with the site plan. Vehicle storage shall be restricted to the graveled area located between the rear of the principal structure (residence) and the accessory structure (garage), and to the west of the accessory structure, as depicted on the site plan.
- C. No off-site, portable, variable or electronic message signs (LED) are permitted.
- E. There is to be no pick-up, drop-off, or gathering of people/passengers at the subject site. The site is to only be used for the storage/parking of the buses, “Vehicle Storage Yard.”
- F. 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 the Conditional Use null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: Property adjoining or across the street from the application area is zoned RR. Further to the west are two properties zoned “GC” General Commercial and “GI” General Industrial. All of the properties within the immediate area of the subject site are developed with residences or used for agricultural purposes. Only the subject tract and two other lots located in the immediate area contain less than two acres.
- 2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned “RR” Rural Residential, and is developed with a residence. The site could continue to be economically valuable as currently zoned and developed.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property: This is predominately a rural area characterized by large-lot residences and agricultural uses. However, less than 400-feet west of the subject site is a lot zoned “GC” zoning, at the southeast intersection of 63rd Street and Hoover. Also, at the northwest corner of 63rd and Hoover is property zoned “LI” Limited Industrial, and used for agricultural purposes. Vehicle storage, the classification for this specific use, will generate an increase in larger vehicle traffic than is typically associated with single-family uses, and likely will generate more noise and light during evening and night time.
- 4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial of the request would cause the applicant to remove the buses currently stored on the property, presumably causing an economic hardship. From the public’s perspective, a denial would preserve the consistency of this area’s rural zoning and character. Approval would offer the applicant a solution to a land use dilemma.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The application area is located in an area designated by the 2030 Urban Growth Area map as the “rural functional land use category.” This category includes land located outside any cities’ 2030 urban growth areas. Land so designated is intended to accommodate agricultural uses, rural based uses that are no more offensive than agricultural uses, and larger residential exurban lots, typically two acres or larger with provision for individual or community water and sewer services. Accepted land use practices dictate that commercial type uses should be encouraged to locate near arterial streets or major thoroughfares, and commercial type development should have site design features that limit noise, lighting and other byproducts of their activity that may adversely impact surrounding residential land uses.
6. Impact of the proposed development on community facilities: 63rd Street is an unpaved gravel street. Increased bus traffic potentially will increase the need for increased maintenance.

FOSTER asked the applicant to explain how they turned around the buses.

AMANDA MATTHEWS, 5437 WEST 63RD STREET explained that they parked the buses next to each other and just backed them out.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

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9. **Case No.: CON2008-61** – City of Wichita (owner); T-Mobile Central LLC, c/o Greg Wyrick (applicants); Ferris Consulting, c/o Greg Ferris (agent) Request City Conditional Use for a wireless communication tower on property zoned SF-5 Single-family Residential on property described as:

Lots 26, 27, and 28 except the west 25 feet of lot 28 for street purposes and except the south 40 feet of lots 26 and 27 for street purposes in R.A. Morris Tracts, Wichita, Sedgwick County, Kansas. Generally located midway between Hoover and West Streets, on the north side of 9th Street North (4808 W. 9th Street North).

BACKGROUND: The applicant, T-Mobile Central, LLC, is seeking a Conditional Use to permit the construction of a 120-foot high, galvanized steel, monopole, cell phone tower. The tower site is located in the SF-5 Single-family Residential (“SF-5”) zoned 14.5-acre Orchard Park. The proposed tower will also have lights placed on its lower portion, which will be used to light the center field of an existing baseball field. The public park is located midway between West Street (east), Hoover Road (west), on the north side of 9th Street North. The park has a Recreation/Resource center, a swimming pool, playgrounds, tennis/basketball courts, soccer and baseball fields. Per the amended Wireless Communication Facility Ordinance (adopted by the WCC 4-08-08 & BoCC 4-9-08), new wireless communication facilities over 65-feet in height in the SF-5 zoning district may be permitted with a Conditional Use. The site is located in an area where an Administrative Permit (per the above sited amended ordinance) would allow a tower, if it did not exceed the allowed height. The proposed tower is 120 feet tall, thus the Conditional Use application.

The 25.68-acre USD 259 property abuts the east side of the park. The USD property is zoned SF-5. This property contains Hadley Middle School and Bryant Elementary School and their playgrounds and playing fields. The schools and the abutting Orchard Park (where the site is located) are located in the

center of a single-family residential neighborhood, bound by 13th Street – I-235 – Central Avenue – West Street/Zoo Boulevard. This neighborhood is zoned mostly SF-5, with scattered TF-3, Two-family Residential (“TF-3”) zoning and LC Limited Commercial (“LC”) zoning along West and Central, which are both arterial streets.

The applicant’s RF Engineer has provided (exhibit #1) a letter that states that the proposed facility is needed to both provide, extend and improve phone service in this section of Wichita. The RF Engineer has also stated that the proposed tower will provide capacity relief for existing T-Mobile Towers in the area. The RF Engineer states that there is one tower (the 140-foot Global Signal tower; exhibit #2, the wireless facilities map) in the immediate 1-mile area that would allow co-location opportunities. However, the RF Engineer states that the Global tower is located too far west to provide the desired coverage in the areas along West Street, and north of Central and Zoo Boulevard. The wireless facilities map also shows the existing facilities in the area, from Ridge Road (west) – north of 13th Street – McLean Boulevard (east) – Douglas Avenue (south). This map is in general agreement with the case map generated by City IT. T-Mobile is shown to have four (4) facilities on the map, which the RF Engineer has stated are at full capacity. The applicant has provided current and desired coverage maps; Exhibit #1a. The facility map does not show the 150-foot tower located on the eastern abutting USD 259 property, next to Hadley Middle School. USD 259 has indicated that there are no co-location opportunities on this tower.

The site plan (exhibit #3) shows the tower site located within the park, just to the north of the Recreation and Resource center. It also shows the already mentioned baseball field, some existing trees, some utilities, and an access/utility easement running from the site and through the center’s parking lot to 9th Street. The parking lot is paved, but the site plan does not show if the portion of the access/utility easement outside of it has any type of all weather surface on it. The site plan shows no fencing around the site, although a concept photo (exhibit #4) does show a solid wooden fence around the site. The site plan shows no light poles, power poles, cabinets, equipment or buildings located within the site. The use of the park’s existing trees must be determined if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Art. IV Sec. IV-C.5.b. of the UZC requires a setback equal to the height of the communication tower from the abutting properties; the site exceeds this standard (exhibit #5).

The proposed tower and its associated communication frequencies and wattages must meet standards determined by the Federal Aviation Administration (FAA) not to pose a hazard to air navigation or interfere with other radio/communication frequencies. The applicant has not provided an analysis of airspace in the area, which must be provided to staff prior to building permits being issued. The applicant has stated that lighting will be provided for aircraft warning (FAA requirement), for security purposes at the base of the facility, and any needed for night time repair. No strobes will be allowed. The proposed galvanized surface of the tower will blend into the sky more readily than a red or white paint, which meets the intent of the “Design Guidelines” of the “Wireless Communication Master Plan.” The proposed tower must allow co-location for three (3) other providers. The applicant has indicated that the tower will have a triangular “top hat” antenna array, the UZC recommends antennas mounted flush to the support structure over triangular “top hat” antenna arrays. However it also recognizes that the triangular “top hat” antenna’s signal travels further than the flush mounted antennas, therefore reducing the number of needed towers.

CASE HISTORY: The site is located on a portion of Lots 27 and 28, R. A. Morris Tracts subdivision, which was recorded with the Register of Deeds October 16, 1928. The Wichita Board of Park Commissioners has approved leasing this site to the applicant. The Orchard Park Neighborhood/Homeowners Association was presented this request for their consideration and did not object to it.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|------|---|
| NORTH: | SF-5 | Park and its playing fields, tennis/basketball courts |
| SOUTH: | SF-5 | Park and its Resource/Recreation center, parking lot |
| EAST: | SF-5 | Park, public schools |
| WEST: | SF-5 | Park and its parking lot, play ground, swimming pool |

PUBLIC SERVICES: No municipally supplied public services are required. The applicant will extend electrical and phone service to the site. The site has access to 9th Street, a paved two-lane urban collector street. The 2030 Transportation Plan shows no change to the current status of this road.

CONFORMANCE TO PLANS/POLICIES: Per the amended Wireless Communication Facility Ordinance (adopted by the WCC 4-08-08 & BoCC 4-9-08), new wireless communication facilities over 65-feet in height in the SF-5 zoning district may be permitted with a Conditional Use. The site is located in an area where an Administrative Permit (per the above sited amended ordinance) would allow a tower, if it did not exceed the allowed height. The proposed tower is 120 feet tall, thus the Conditional Use application.

The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Location Guidelines of the Wireless Communication Master Plan requires a Conditional Use for new undisguised ground mounted facilities over 65-feet in height in the SF-5 zoning district and that they comply with the compatibility setback standards; the site exceeds those setback standards. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area as much as possible. The tower will replace an existing light pole for a public park baseball field, providing light for the ball field while providing extended and improved phone service in this section of Wichita. There is an existing 150-foot tall tower located on the eastern abutting USD 259 property. USD 259 has indicated that there are no co-location opportunities on this tower. 2) Minimize the height, mass, or proportion. The tower is similar in height, mass and proportion to other T-Mobile towers in the area, unlike the 150-foot tall lattice tower on the USD property. 3) Minimize the silhouette; monopoles are favored over lattice type structures for up to 150-feet and antennas mounted flush to the support structure over triangular “top hat” antenna arrays. The 120-foot tower is a monopole, but uses triangular “top hat” antenna arrays. The triangular “top hat” antenna’s signal travels further than the flush mounted antennas, therefore reducing the number of needed towers. 4) Use colors, textures, and materials that blend in with the existing environment. The monopole tower will have a galvanized surface, which will blend into the sky more readily than red or white paint. 5) Be concealed or disguised as a flagpole, clock tower, or church steeple. The tower will replace an existing light pole for a public park baseball field, providing light for the ball field while providing extended and improved phone service in this section of Wichita. 6) Be placed in areas where trees and/or buildings obscure some or all of the facility. There are existing mature trees around the site, plus ball fields and a public Resource/Recreation center, all which will help to “hide” the site. 7) Be placed on walls or roofs of buildings. The application doesn’t do this. 8) Be screened through landscaping, walls, and/or fencing. Existing trees provide landscaping, and a concept photo shows a solid wooden fence. At the very least some type of fence will probably be put up for security. 9) Painting towers red and white instead of using strobe lighting. The applicant has stated that there will be no strobes and that it will be a galvanized steel finish.

The 2030 Functional Land Use Guide classifies the site, Orchard Park, as “park and open space.” It defines “park and open space” as land meant to accommodate parks, golf courses, public open space, private development reserves and recreational facilities/corridors (including natural drainage channels, easements, abandoned railway corridors, etc.). A wireless communication facility is a commercial use. Entry into residential areas is typically the final part of the business plan of most personal wireless providers. The existing USD 259 150-foot tall lattice tower is located approximately 1,000 feet from the proposed site, thus the proposed site is not introducing a new use to the large area. The Locational Guidelines of the Wireless Communication Master Plan recommends large park areas as possible/preferred sites for towers. The proposed location of the site is within a public park, which will

affect the fewest number of people with its presences while providing an opportunity to improve communication services to this portion of the community.

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

- A. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a “monopole” design that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The support structure shall not exceed 120 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
- E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
- F. The 0.06-acre tower site located within the 14.5-acre Orchard Park shall be developed in general conformance with the approved revised site and landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. The site plan must identify the utility access easement as being current or proposed. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide all utilities, including Storm Water Engineer, with any required plans for review and approval of the site.
- H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is a public park, Orchard Park, developed with baseball and soccer fields, playgrounds, outdoor tennis/basketball courts, a public Resource/Recreation center and a swimming pool. A public elementary and middle school (USD 259) abuts the east side of the park. The existing USD 259 150-foot tall lattice tower is located approximately 1,000 feet east from the proposed site, thus the proposed site is not introducing a new use to the large area. An established single-family residential neighborhood surrounds the park and schools, with the nearest homes located approximately 350 feet south from the site, separated by park land, the public Resource/Recreation center and 9th Street. The park, the USD property and the surrounding single-family residential neighborhoods are almost entirely zoned SF-5.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5 and is currently used as a public park. The park has a Recreation/Resource center, a swimming pool, playgrounds, tennis/basketball courts soccer and baseball and soccer fields. The

site is suitable for its continued use as a public park. A Conditional Use may be granted to permit a wireless communication facility in the SF-5 zoning district; however, the facility should conform to the guidelines of the Wireless Communication Plan as much as possible. The Locational Guidelines of the Wireless Communication Master Plan recommends large park areas as possible/preferred sites for towers. The proposed facility conforms to most of the plan's guidelines.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects on the area's single-family neighborhood should be minimized to a degree by the Conditional Use standards of the Unified Zoning Code, which should limit noise, lighting, and other activity from adversely impacting these properties, all which are no closer than 350 feet from the site. The location of the site on parkland ensures future development around the site will occur outside the 14.5-acre Orchard Park, thus continuing the minimization of detrimental effects on the existing development and any future development outside of the park.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility appears to conform to the Location Guidelines of the Wireless Communication Master Plan since there appears to be no other towers or tall structures in the vicinity of the site which can accommodate the communication needs of the applicant. It is always possible that other facilities may be presented as alternative/co-location sites during the public hearing, in which case the applicant will need to address those claims/opportunities for possible co-location. The proposed wireless communication facility mostly conforms to the Design Guidelines of the Wireless Communication Master Plan by minimizing the height, mass, proportion, and silhouette of the facility through its monopole design; by utilizing an unobtrusive color with a matte finish to minimize glare; and by being placed in a park where existing vegetation, park facilities and the size of the park obscures some of the proposed tower facility from view. The proposed tower will also serve as a light pole for the baseball field it abuts, which meets the intent of the Master Plan's standard of using rebuilt athletic field/stadium light standards for communication towers. The Unified Zoning Code requires wireless communication facilities to comply with a compatibility height standard of one foot of setback for each foot of structure height from adjoining properties zoned SF-5 or more restrictive. The site appears to exceed that standard.
5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies.

LONGNECKER reported that DAB VI recommended approval of the proposal. He also commented that staff had changed condition F. in that they will not require the utility access to be recorded as a formal easement.

BILL LONGNECKER, Planning Staff presented the staff report.

MOTION: To approve the subject to staff recommendation as changed.

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

NON-PUBLIC HEARING ITEMS

10. Consideration of a request by the Bridgeport Area Business Association to initiate an amendment to the zoning code and map to restrict certain land uses in the area bounded by 29th Street (south), I-235 (north), Broadway (west) and I-135 (east).

Background: The Bridgeport Area Business Association (BABA) has been in discussions with planning staff regarding their desire to continue the development of the area covered by their business association as a high-quality industrial park. In these discussions, BABA has expressed concerns that the appearance of certain outdoor businesses, such as wrecking/salvage, detract from the image they are promoting for their area. To that end, BABA has submitted the attached request to amend the zoning code and map to establish zoning restrictions that would restrict certain land uses and, therefore, promote the image of the high-quality industrial park they are developing.

Goal 4 of the *21st Street North Corridor Revitalization Plan* states, “create a more attractive 21st Street North corridor revitalization plan area.” This goal would be accomplished by the following objective, “make appropriate changes to rules, regulations and guidelines to help realize the private sector development called for in the Plan.” This objective is supported by Policy 4.1 that states, “consider the use of design guidelines to support the sense of place strived for in the Plan and within each sub-area.” The amendment requested by BABA is consistent with this goal, objective, and policy of the *21st Street North Corridor Revitalization Plan*.

On December 18, 2008, representatives from BABA will appear before the Metropolitan Area Planning Commission (MAPC) to request that the MAPC initiate an amendment of the zoning code and map for the area bounded by 29th Street (south), I-235 (north), Broadway (west), and I-135 (east) for the purpose of establishing zoning restrictions that that would restrict certain land uses and, therefore, promote the image of the high-quality industrial park they are developing. The MAPC is authorized to initiate zoning code and map amendments by Article V of the *Wichita-Sedgwick County Unified Zoning Code*.

Recommended Action: If the MAPC determines that the requested amendment is appropriate, it is recommended that the MAPC initiate zoning code and map amendments for the area bounded by 29th Street (south), I-235 (north), Broadway (west), and I-135 (east) for the purpose of establishing zoning restrictions that that would restrict certain land uses and, therefore, promote the image of the high-quality industrial park and assign the Advance Plans Committee to oversee the amendment process.

Attachments: Request from Bridgeport Area Business Association
Goal 4 of the *21st Street North Corridor Revitalization Plan*

SCOTT KNEBEL, Planning Staff presented the staff report. He referred to the handout provided by the Bridgeport Area Business Association listing their initial ideas of the types of possible restrictions. He said Staff is proposing a public participation process and this would be the beginning point for discussion with all the property owners impacted by this request. He said also attached was a list of the property owners who are in support of the initial list of restrictions. He said staff’s recommendation to the Planning Commission today per the provisions of the Unified Zoning Code was to authorize staff to pursue a possible amendment to the zoning code and zoning map in an attempt to address issues brought by the Bridgeport Area Business Association as well as the goals and objectives of the *21st Street Revitalization Plan* in this area.

MCKAY clarified that staff is asking the Commission for permission to proceed.

KNEBEL said that was correct and added he was formally recommending that the Advance Plans Committee guide the process.

RICK LOWE, 1509 S. SPRING HOLLOW CIRCLE, A&H ELECTRIC an electrical construction contractor located within the Bridgeport boundaries. He said they have been in the area for about two decades and in addition, he is the current President of the Bridgeport Area Business Association, which

has been in existence for about a year. He said his involvement in the area began several years prior to that when business owners got together to talk about how they were going to combat illegal dumping in the area. He said that was how the process evolved over the years and within the last 12 months turned into a cohesive effort of business owners with a lot of investment in the area. He said they want to talk about what they can do to make this a first class industrial area for the City. In addition, he said it was important to note that as you come into Wichita from the north, Bridgeport is the first part of City you see. He said they are literally the northern gateway to the City. He said the *21st Street Revitalization Plan* talks about the gateway aspect that the Bridgeport area serves. He said it was important to talk about types of uses that are appropriate to the welcome mat to the City. He said there are almost 100 different uses allowed in General Industrial zoning by right or with a conditional use. He said the list provided didn't attempt to take the entire list; however, he said the business types they would like to restrict from the area have basic issues with safety and security of not only their businesses and employees who work at those businesses, but also the types of people that would be visiting or patronizing the business. He mentioned a convalescent care facility as an example. He said many of the businesses in the Bridgeport area deal with hazardous materials such as bulk chemical storage or ammonia refrigeration. He said if a leak occurred and there was a convalescent care facility in the area. He said it is reasonable for them to ask if this was an appropriate type of business for the area. He said it is important for them as a group of business owners to address those types of things that should be considered for the area. He mentioned that he and his business partner are closing on another piece of real estate within the boundary and that this will be a seven figure investment. He said they are present to see that the Bridgeport area remains a first class industrial park, of which he and his partner have a vested interest.

JOHN PRATHER, 1833 RIDGE ROAD, EL DORADO, VICE PRESIDENT, CORPORATE RELATIONS GROENDYKE TRANSPORT, INC. commented that although they are the "new kids on the block" and that their transport facility has just completed one year of operation in the area. Groendyke has owned property in Bridgeport for over a decade. He said they are charter members in the Bridgeport Area Business Association. He said they have 100 employees at the Wichita terminal and have made a large investment in the area and are happy to be there. He said their main focus is on safety and security of their employees and neighbors. He said they support that protective overlay as an enhancement for the area.

TOM OLSEN, 1524 AMARETTA COURT, HOC INDUSTRIES, INC. said they moved into the area in 1987 when there was only about 3-4 businesses between 29th and 37th Streets. He said several good quality companies have moved into the area within the last 5-7 years. He said all companies maintain their properties to a high level and they would like to see that continue. He explained that the protective overlay will not only address safety issues, but would also exclude businesses such as the rock crushing operation that operated south of their area for a while. He said that operation caused their dock facilities and loading and staging areas to be covered with dust all the time. He also mentioned that corporate clients often come in for plant and facility tours. He said they employ approximately 50 people. He said they would like to maintain the quality of the area and attract other quality businesses to the area.

FRED WISE, 4263 GARDEN LANE, JOHNSON CONTROLS, INC., 3110 NORTH MEADE said they employ over 1,000 people and plan on moving additional production from New Mexico to Wichita, which will create approximately 200 new jobs. He said corporate management believes Wichita is a good place to call home and to grow. He said they support the overlay which they believe will continue the high quality industrial park area.

LESLIE HICKS, 2230 CARDINAL, CASTLEDOOR AND HARDWARE, LLC mentioned today's discussion regarding the protective overlay being an enhancement to the area. She said she believes this is an opportunity for the City to solidify the original goals and vision for the area when Bridgeport was developed in the 1980's. She said the goal was to provide a high quality industrial area in Wichita to bring in jobs, and high quality businesses and corporations and encourage those industries to grow.

MARNELL asked if the proposed zoning restrictions will be similar to those in neighborhood plans in terms of allowing people to opt out on their own property.

KNEBEL said that issue will be decided. He said the Commission’s action today does not preclude “opting out” from being an option. He said anything that occurs will have to go through the public hearing process with a recommendation by the Planning Commission and approval by the City Council.

MOTION: To authorize the Advance Plans Committee to pursue a possible amendment to the zoning code and zoning map and report back to the Commission.

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

HENTZEN clarified that a recommendation from the Advance Plans Committee will be brought back to the Planning Commission.

11. Other Matters/Adjournment

DIRECTOR SCHLEGEL reminded Subdivision members that the next meeting was next Wednesday, December 24 at 10:00 a.m.

CHAIRMAN DOWNING recessed the meeting by wishing staff and Commission members a Merry Christmas.

The Metropolitan Area Planning Department informally adjourned at 3:35 p.m.

State of Kansas)
Sedgwick County) ^{ss}

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

Given under my hand and official seal this _____ day of _____, 2009.

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

(SEAL)