

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

January 22, 2009

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 22, 2009, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Darrell Downing, Chair; G. Nelson Van Fleet, Vice Chair; Don Anderson; David Dennis; David Foster; Bud Hentzen; Hoyt Hillman; Bill Johnson; Ronald Marnell and Debra Miller Stevens. Michael Gisick; John W. McKay, Jr.; M.S. Mitchell and Don Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Derrick Slocum, Associate Planner and Maryann Crockett, Recording Secretary.

-
1. Approval of the January 8, 2009 MAPC meeting minutes:

MOTION: To approve the January 8, 2009 Minutes.

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

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

3. **PUBLIC HEARING – VACATION ITEMS**

3-1. **VAC2008-39: City request to vacate a portion of platted street right-of-way.**

APPLICANTS/OWNER: Paula R. Hernandez

LEGAL DESCRIPTION: Generally described as the 30-foot wide 11th Street half-street-right-way, (ROW) located between West Street (east side), the Railroad ROW (west side), the south side of Lot 2, Gilberts Addition and the north side of an unplatted tract, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the west side of West Street and north of Zoo Boulevard (WCC #VI).

REASON FOR REQUEST: Parking lot is located in ROW

CURRENT ZONING: The site is a platted, local public street ROW. Abutting northern property is zoned LC Limited Commercial (“LC”). Abutting southern properties is zoned SF-5 Single-family Residential (“SF-5”). Abutting eastern and western properties are Railroad and public street ROWs.

The applicant is requesting the vacation of the described portion of platted 11th street right-of-way (ROW). This 30-foot wide, half street portion of 11th is currently a paved parking lot, being used by the applicant’s business, which abuts the ROW’s north side. The parking lot was in place when the applicant

bought the business. The vacation of the platted 11th Street ROW, to remove the parking lot from ROW, was a condition of the applicant's Conditional Use, CON2008-55; a boarding kennel approved by the MAPC November 2, 2008. There is an improved entrance to this portion of the parking lot/11th onto West Street. There is an unplatted tract, with a billboard located on it, abutting the south side of the subject ROW. It is not known if this unplatted tract uses the improved entrance for access onto their property. There are no utilities, manholes, sewer or water lines located in the subject ROW. This portion of 11th Street will never cross the Railroad ROW it abuts on its west side, as the West and Zoo Boulevard intersection provides that crossing of the Railroad ROW. This portion of 11th was platted on the Gilberts Addition, which was recorded with the Register of Deeds December 16, 1950.

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 street right-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time January 1, 2009 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted street right-of-way and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted, with conditions:
 - (1) Vacate the 30-foot wide, half street 11th Street ROW, as recorded on the Gilberts Addition.
 - (2) If needed retain those portions of the vacated street ROW as utility and drainage easements as determined by Storm Water and franchised utilities. Provide Planning staff with a legal description of the approved vacated ROW on a word document via e-mail. Provide any additional easement as needed by dedication by separate instrument, prior to this vacation case going to City Council for final action. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants. Retain all public ROW until all utilities have been relocated, as needed.
 - (3) If needed dedicate cross lot access by separate instrument, to allow the use of the existing drive onto West Street, to the abutting southern property. Provide to Planning prior to this vacation case going to City Council for final action.
 - (4) By separate instrument dedicate 10 feet of ROW for West Street. Provide to Planning prior to this vacation case going to City Council for final action.
 - (5) All improvements shall be according to City Standards and at the applicant's expense.
 - (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the 30-foot wide, half street 11th Street ROW, as recorded on the Gilberts Addition.
- (2) If needed, retain those portions of the vacated street ROW as utility and drainage easements as determined by Storm Water and franchised utilities. Provide Planning staff with a legal description of the approved vacated ROW on a word document via e-mail. Provide any additional easement as needed by dedication by separate instrument, prior to this vacation case going to City Council for final action. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants. Retain all public ROW until all utilities have been relocated, as needed.
- (3) If needed dedicate cross lot access by separate instrument, to allow the use of the existing drive onto West Street, to the abutting southern property. Provide to Planning prior to this vacation case going to City Council for final action.
- (4) By separate instrument dedicate 10 feet of ROW for West Street. Provide to Planning prior to this vacation case going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

3-2. VAC2008-40: City request to vacate a portion of platted complete access control.

OWNER/AGENT: Robert Gore (applicant/owner), Ferris Consulting, c/o Greg Ferris (agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of the platted complete access control to allow one (1) full movement drive onto Gold Street off of Lot 5, Block 1, MacArthur Beach Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located between I-235 and Seneca Street, south of MacArthur Road, on the west side of Gold Street (WCC #IV)

REASON FOR REQUEST: Allow one (1) full movement drive

CURRENT ZONING:

The site and abutting southern, western and some northern properties are zoned MF-29 Multifamily Residential (“MF-19”). Some abutting northern property is zoned SF-5 Single-family Residential (“SF-5”). Adjacent eastern properties are zoned SF-5 and GC General Commercial (“GC”)

The applicant proposes one (1), 30-foot wide, full movement drive along the site’s Gold Street frontage. The proposed drive is located approximately 877 feet south of MacArthur (an arterial). The drive is for a proposed single-family residence (permitted by right on the site’s MF-29 zoning) that will line up with two (2) other driveways for single-family residences, located on the opposite, east, side of Gold Street. Because of the site’s MF-29 zoning this is problematic, in that if the site was ever redeveloped as multi-family, the traffic generated by multifamily would be aimed at the SF-5 zoned single-family residences. A restrictive covenant limiting the use of the drive to only one (1) single-family residence would eliminate that possibility. This site is part of CUP DP-72, which is partially developed with apartments on its west side, across a sand pit from the subject site. There is public sewer located along the site’s Gold frontage. There are also platted water, drainage and access easements running parallel to the site’s Gold frontage. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the site’s north lot line. The MacArthur Beach Addition was recorded with the Register of Deeds November 28, 1978; a re-file to show a correction.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works/Water & Sewer/Storm Water, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- 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 January 2, 2009 which was at least 20 days prior to this public hearing.
 - 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control 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, with conditions.
 - (1) Vacate the platted complete access control along the site’s Gold Street frontage to allow one (1), 30-foot wide full movement drive, as approved by the Traffic Engineer. Dedicate complete access control by separate instrument along the site’s Gold Street frontage. Provide to Planning prior to the case going to Council for final action.
 - (2) Provide Planning with a restrictive covenant to be recorded with the Register of Deeds limiting the use of the drive to only one (1) single-family residence or two (2) single-family residences if a Lot Split is executed. If the Lot Split is executed the drive will be shared. Provide to Planning prior to the case going to Council for final action.
 - (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants’ expense.
 - (4) All improvements shall be according to City Standards and at the applicant’s expense, including the new drive from the site onto public ROW. Provide Public Works with a guarantee to ensure

that those improvements will be made. If the drive is not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. Either the guarantee or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.

- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted complete access control along the site's Gold Street frontage to allow one (1), 30-foot wide full movement drive, as approved by the Traffic Engineer. Dedicate complete access control by separate instrument along the site's Gold Street frontage. Provide to Planning prior to the case going to Council for final action.
- (2) Provide Planning with a restrictive covenant to be recorded with the Register of Deeds limiting the use of the drive to only one (1) single-family residence or two (2) single-family residences if a Lot Split is executed. If the Lot Split is executed the drive will be shared. Provide to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (4) All improvements shall be according to City Standards and at the applicant's expense, including the new drive from the site onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made. If the drive is not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. Either the guarantee or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

PUBLIC HEARINGS

4. **Case No.: PUD2008-04** – Loveland Properties, LLC c/o Michael Loveland (developer); Poe & Associates c/o Tim Austin (agent) Request PUD #26 Parkstone PUD Amendment #1 to add 0.24 acres to the development for parking on Parcel 3.

Commencing at the Northwest corner of College Park, College Hill Addition to Wichita, Kansas; Thence East along the North line of said College Park for a distance of 100 feet for a Point of Beginning; Thence continuing East along the north line of said College Park for a distance of 96 feet; Thence South perpendicular to the North line of said College Park for a distance of 106.75 feet; Thence West parallel to the North line of said College Park for a distance of 96 feet; Thence North perpendicular to the North line of said College Park for a distance of 106.75 feet to the Point of Beginning. Generally located east of Rutan between 1st Street North and Douglas Avenue.

BACKGROUND: The applicant proposes PUD #26 Parkstone Planned Unit Development Amendment #1 to add 0.24 acres to Parcel 3 for additional parking. The land is generally located north of Douglas Avenue, east of Hillside Avenue, south of 1st Street, and more particularly described as south of the Victor Place right-of-way, east of Rutan Avenue. Currently, the west half of the site is a parking lot and the east side is a sealed-off residence that is vacant. It is zoned B Multi-Family Residential (“B”) and MF-29 Multi-Family Residential (“MF-29”).

The site lies just outside the boundaries of the City of Wichita Central & Hillside Redevelopment District approved by Wichita City Council on December 19, 2006. The Douglas & Hillside Redevelopment District (TIF) and the College Hill Urban Village Project Plan were approved by Wichita City Council February 13, 2007.

The amendment would increase Parcel 3 from 0.32 acres to 0.56 acres. It is proposed to be a surface parking lot to serve parking needs primarily for the office and retail components of the mixed use urban development. The original PUD was approved October 16, 2007, and an administrative adjustment was completed April 1, 2008 regarding setbacks.

The surrounding area is College Hill, a traditional neighborhood on a grid pattern with mostly single-family dwellings mixed with duplexes; College Hill Elementary School is the property immediately to the north of Parcel 1 and Plymouth Congregational Church is one block east. The Hillcrest is a premiere apartment tower owned by its residents as a coop. It is ten stories in height and located one block south of this project. The Hillcrest (1927) long has served as the landmark and focal point for the Uptown retail area and edge of College Hill neighborhood. Douglas in this vicinity was known as the “Uptown” area historically and still maintains a strong mix of retail/commercial uses including the Uptown Theater (dinner theater), several furniture stores, offices, dance studio, and restaurants. The Dockum Drug Store building (1927) is significant due to the presence of the Carthalite detailing on the façade. Zoning surrounding the tract includes SF-5 Single-family Residential (“SF-5”), TF-3 Two-family Residential (“TF-3”), MF-29, B, GO General Office (“GO”), LC Limited Commercial (“LC”) and GC General Commercial (“GC”).

CASE HISTORY: The property is platted as College Park, College Hill Addition, recorded September 30, 1884. Parkstone PUD was approved October 16, 2007.

ADJACENT ZONING AND LAND USE:

NORTH:	PUD, TF-3	Parkstone PUD, single-family residential
EAST:	MF-29, TF-3	Multi-family, single-family
SOUTH:	GO	Office, multi-family, single-family
WEST:	PUD	Parkstone PUD

PUBLIC SERVICES: Douglas is a minor arterial street and Hillside is a principal arterial street. 1st Street North is a one-way collector street. In 2007, the daily traffic volume flow (AADT) averaged

12,000 vehicles per day on Douglas. AADT averaged 18,000 for Hillside and 4,850 for 1st Street North. In 2007, Hillside was widened to a five-lane street and the intersection at Douglas improved with a left-turn lane. This amendment should not impact traffic in any significant way. Other public services are available.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide," 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identify the site as "local commercial." The proposed use of this additional land to the PUD would be in conformance with this designation.

RECOMMENDATION: The 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 PUD meets these criteria. The urban village concept incorporates a mix of commercial and residential uses, including a variety of housing types, allows a higher level of concentration, has higher standards for architectural design, and incorporates elements of the streetscape into the development. In order to achieve this type of development, setbacks were reduced along the streets. The screening provisions along the east property line were adapted with a combination masonry pot/fence/wrought iron type of design in character with urban residential style use and to accommodate utility infrastructure and sight visibility needs. The PUD encourages a walkable pedestrian environment. The additional land would make a uniform instead of jogged edge to the PUD north and south of Victor Place.

Based on these comments and information available prior to the public hearing, Staff recommends the application be APPROVED subject to the following conditions:

1. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
2. The transfer of title of all or any portion of the land included within the Planned Unit Development does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon the present owners, their successors and assigns, unless amended.
3. Prior to publishing the resolution establishing the PUD zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as PUD #26) includes special conditions for development on this property.
4. 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: The amendment would add property to Parkstone, an urban village, in process of being developed. The surrounding area is College Hill,

a traditional neighborhood on a grid pattern with mostly single-family dwellings mixed with duplexes; College Hill Elementary School is the property immediately to the north of Parcel 1 and Plymouth Congregational Church is one block east. The Hillcrest is a premiere apartment tower owned by its residents as a coop. It is ten stories in height and located one block south of this project. The Hillcrest (1927) long has served as the landmark and focal point for the Uptown retail area and edge of College Hill neighborhood. Douglas in this vicinity was known as the "Uptown" area historically and still maintains a strong mix of retail/commercial uses including the Uptown Theater (dinner theater), several furniture stores, offices, dance studio, and restaurants. The Dockum Drug Store building (1927) is significant due to the presence of the Carthalite detailing on the façade. Zoning surrounding the tract includes SF-5, TF-3, MF-29, B, GO, LC and GC.

2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed as zoned, although it abuts the existing area slated as the parking lot for the Parkstone, which decreases the likelihood that it would be rebuilt with residences unless associated with the Parkstone development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The parking lot would need to provide Unified Zoning Code screening and landscaping as a buffer to the multi-family residential on the adjoining east property line, which would mitigate adverse impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide," 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identify the site as "local commercial." The proposed use of this additional land would be in conformance with this designation.
5. Impact of the proposed development on community facilities: The impact on community facilities could be to relieve on-street parking needs.

DONNA GOLTRY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

-
5. **Case No. CON2008-68** – City of Wichita c/o Norman R. Jakovac (applicant); Rob Hartman, PEC (agent) City Conditional Use request for safety service (regional fire training facility) in SF-5 Single-family Residential ("SF-5") zoning.

Lot 1, Robert E. Blevins Addition, Wichita, Sedgwick County, Kansas; together with that part of the Southeast Quarter of Section 2, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence Easterly along the South line of said Southeast Quarter, 1,159.84 feet to the intersection with the Easterly right-of-way line of Kansas Turnpike Authority (deeded and described in Special Warranty Deed, (Deed Book 1085, Page 469), and designated therein as Kansas Turnpike Tract No. 7-34, revised April 22, 1957); thence Northeasterly with a deflection angle to the left of 64 degrees 25'30" along said Easterly Kansas Turnpike Authority right-of-way line, 130.00 feet to the intersection with the North line of Kansas Turnpike Tract No. 7-34K as deeded and described in said Special Warranty Deed, (Deed Book 1085, Page 469), and for a point of beginning; thence continuing Northeasterly along said Easterly Kansas Turnpike Authority right-of-way line, 426.17 feet; thence Southeasterly with a deflection angle to the right

of 84 degrees 42'18", 271.03 feet; thence Southerly with a deflection angle to the right of 69 degrees 43'12" and perpendicular to the South line of said Southeast Quarter, 333.97 feet to a point on the North line of said Kansas Turnpike Authority Tract No. 7-34K; thence Westerly with a deflection angle to the right of 95 degrees 40'09" along the North line of said Kansas Turnpike Tract No. 7-34K, 440.36 feet to the point of beginning. (Tract will be platted as Lot 1, Block A, Den Addition, Wichita, Sedgwick County, Kansas.)

And that part of the Southeast Quarter of Section 2, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the Southeast corner of the Southeast Quarter of Section 2, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence bearing North 00 degrees 00'00" East along the East line of said Southeast Quarter, a distance of 312.00 feet; thence bearing South 89 degrees 10'47" West, a distance of 59.50 feet to the Northeast corner of Lot 1, Robert E. Blevins Addition and the point of beginning; thence bearing North 13 degrees 59'21" East, a distance of 39.26 feet to a point that is 50.00 feet West of the East line of said Southeast Quarter; thence bearing North 00 degrees 00'00" East, parallel with the East line of said Southeast Quarter, a distance of 151.13 feet; thence bearing South 89 degrees 01'47" West parallel with the South line of said Southeast Quarter, a distance of 849.58 feet; thence bearing South 44 degrees 09'31" West, a distance of 142.16 feet; thence bearing North 70 degrees 41'25" West, a distance of 20.30 feet to the Northeast corner of Lot 1, Block A, Den Addition; thence bearing South 00 degrees 58'13" East, along the East line of said Lot 1, a distance of 333.97 feet; thence bearing South 85 degrees 18'04" East, a distance of 240.66 feet to a point that is 50.00 feet North of the South line of said Southeast Quarter; thence bearing North 89 degrees 01'47" East parallel with the South line of said Southeast Quarter, a distance of 422.26 feet to the Southwest corner of Lot 1, Robert E. Blevins Addition; thence bearing North 00 degrees 00'00" East along the West line of said Lot 1, and distance of 262.00 feet to the North line of Lot 1; thence bearing North 89 degrees 10'47" East along the North line of said Lot 1, a distance of 290.50 feet to the point of beginning
Generally located on the north side of 31st Street South and west of Oliver Avenue .

BACKGROUND: The applicant is requesting a Conditional Use to allow the development of a regional fire training facility on an unplatted 12.5-acre site located on north side of the 31st Street South, between Oliver Avenue and IH-35-KTA. Most of the site is zoned SF-5 Single-Family Residential ("SF-5"), with the east corner of it being zoned LC Limited Commercial ("LC"). A regional fire training facility is considered a "Government Service," which the Unified Zoning Code (UZC, Art II, Sec II-B, 5{d}) defines as "...buildings or facilities owned and operated by a government entity and providing services to the public..." Government services are first permitted by right in the LC zoning district, but require a Conditional Use in the more restrictive zoning districts, including the SF-5 zoning district. The regional fire training facility would provide training opportunities for all fire departments within the City and Sedgwick County.

The SF-5 zoned portion of the site is part of the unplatted approximately 44-acres property owned by the City and developed as the eastern portion of Plainview Park and an existing fire department training facility. The existing training facility is used for recruit training, basic firefighting skills training, driver and vehicle certification and re-certification, aerial ladder placement, safety driving courses, confined space training, EMT re-certification, trench rescue, and other related training. Most of the training occurs Monday – Friday, 8AM – 5PM, with some training on nights and weekends. The applicant proposes to keep the current facility's burn/training tower (which was recently rebuilt) the metal classroom/storage building and existing paved parking. The 2007-2013 City CIP has budgeted money for expansion of the current facility, including a new training center and a 72 stall parking lot. Beyond the 2007-2013 City CIP, future development plans include a maintenance building, a Sedgwick County addition to the above noted training center, a fueling station, a low water bridge, more paved parking, new fencing and demolition of some older structures; Exhibit #1, site plan. The undeveloped LC zoned portion is platted as Lot 1, Robert E Blevins Addition. Access to the site is off of 31st Street South.

Abutting the north side of the site is the previously mentioned eastern portion of the SF-5 zoned Plainview Park. The park has baseball fields that are heavily used March – mid October, Monday – Saturday, usually 5:30 PM – 10:30 PM, with some day games April – May, 3PM – 5PM. The park also has an area reserved for model plane flying that is open at all times. There is a bike path that runs through the site, from the park, which the applicant proposes to relocate future west on the site, which has been conceptually approved by Parks. Access to the park is off Oliver Avenue. The Kansas Turnpike (KTA) – IH 35 highway abuts the west side of the site.

The area west of the KTA is zoned SF-5 & MF-29 Multi-Family Residential (“MF-29”), and is developed as the western half of Plainview Park and has a mix of single-family and multi-family housing around the park. The western portion of the park is connected to the eastern portion of the park by a pedestrian crossover. The Boeing and Spirit Aircraft Companies, and some smaller privately owned industrial businesses, have developed most of the land south of 31st Street South to ½ mile south of 47th Street South, on both sides of Oliver Avenue. These properties are zoned Limited Industrial (“LI”) and are a complex of manufacturing, assembly, warehouse, machine shops, tool & die, research and office. McConnell Air Force Base is also south and east of the area. The Boeing and Spirit Aircraft Companies and McConnell Air Force Base make up the most dominant economic dynamic in the city. Sandwiched between Oliver Avenue and McConnell and east of the site, across Oliver, is a small area zoned SF-5, TF-3 Duplex Residential (“TF-3”), MF-29, B Multi-Family Residential (“B”) and LC. This area is a mix of single-family and multi-family housing, a bank and a retail store.

CASE HISTORY: The property is not platted and is owned by the City. The Park Department received the land in 1955 and it was developed as a public park with ball fields in the late 1960’s through the early 1970’s. The fire department training facility has been here since 1960 – 1961, which qualifies it has a legal nonconforming development. The western portion of the site had an application for LI zoning, ZON2002-69, which was never completed.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Plainview Park (public park)
SOUTH:	LI	Manufacturing, warehouse, Boeing & Spirit aircraft companies
EAST:	SF-5	Single-family residences
WEST:	KTA/I –35, SF-5, MF-29	Single-family residences, Plainview Park (public park), multi-family residential

PUBLIC SERVICES: The site has frontage along 31st Street South, a paved 4-lane arterial at this location west of the Oliver – 31st Street South intersection. The site currently has access onto 31st. Public water and sewer service will have to be extended to the property along 31st Street South.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Park and Open Space” development. This category includes golf courses, public open space, private development reserves and recreational facilities/corridors, including natural drainage channels, easements, and abandoned railway corridors. The regional fire training facility is considered a “Government Service,” which the UZC (Art III, Sec III-D) classifies as a “Public and Civic” land use. The UZC also classifies “Parks” as a “Public and Civic” land use. The current coexisting fire training facility and Plainview Park (since the early 1960s) would seem to indicate that an expansion of the fire training facility would have a minimal negative effect on each other. The proposed regional fire training facility would insure that industrial zoning would remain south of 31st Street South and act as a buffer for the park development. The regional fire training facility would provide training opportunities for all fire departments within the City and Sedgwick County.

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

1. The site shall be developed in general conformance with the approved site plan, including the required landscape buffer/landscaping where the nonresidential development is adjacent to residential zoning and arterial or collector streets.
2. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
3. 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 SF-5 zoned Plainview Park and the existing fire training facility occupy the land north of 31st Street South, between Oliver Avenue and KTA/I-35. The park and the training facility have coexisted on this site since the early 1960s. The Boeing and Spirit Aircraft Companies, and some smaller privately owned industrial businesses, have developed most of the land south of 31st Street South to ½ mile south of 47th Street South, on both sides of Oliver Avenue. These properties are zoned Limited Industrial (“LI”) and are a complex of manufacturing, assembly, warehouse, machine shops, tool & die, research and office. McConnell Air Force Base is also south and east of the area. The Boeing and Spirit Aircraft Companies and McConnell Air Force Base make up the most dominant economic dynamic in the city. Sandwiched between Oliver Avenue and McConnell and east of the site, across Oliver, is a small area zoned SF-5, TF-3, MF-29, B, and LC. This area is a mix of single-family and multi-family housing, a bank and a retail store.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned SF-5, but has never been developed as residential. The current use of the property is a fire training facility and a part of Plainview Park, although this particular section of the parkland has no playing fields or recreation equipment. It’s proximity to extensive industrial zoning and industrial development, plus nearby arterials, truck routes and rail systems make it is doubtful that the property will ever be developed as residential or be an integral part of the existing park, except to allowing continuation of the bike path through it. Expansion of the existing fire training facility into a regional training facility would provide training opportunities for all fire departments within the City and Sedgwick County.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects on nearby properties should be minimal.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Park and Open Space” development. This category includes golf courses, public open space, private development reserves and recreational facilities/corridors, including natural drainage channels, easements, and abandoned railway corridors. The regional fire training facility is considered a “Government Service,” which the UZC (Art III, Sec III-D) classifies as a “Public and Civic” land use. The UZC also classifies “Parks” as a “Public and Civic” land use. The current coexisting fire training facility and Plainview Park (since the early 1960s) would seem to indicate that an expansion of the fire training facility would have a minimal negative effect on each other. The proposed regional fire training facility would insure that industrial zoning would remain south of 31st Street South and act as a buffer for the park development. The regional fire

training facility would provide training opportunities for all fire departments within the City and Sedgwick County.

5. Impact of the proposed development on community facilities: Public water and sewer service will have to be extended to the property along 31st Street South. The City will lose parkland, but that will be offset by the benefits of having a regional fire training facility that will provide the opportunity for better safety services to the Sedgwick County communities.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

-
6. **Case No.: CON2008-69** – Kumar Properties LLC, Attn: Aaron Kumar (owner/applicant)
Request city Conditional Use for a bank or financial institution in GO General Office zoning on property described as:

Lot 1, Medical Arts Addition to Wichita, Sedgwick County, Kansas. Generally located west of Hillside and north of 2nd Street North (315 North Hillside).

BACKGROUND: The applicant is requesting a Conditional Use to allow a bank or financial institution on a 0.69-acre platted site (Lot 1, Medical Arts Addition) zoned GO General Office (“GO”) and located at 315 North Hillside. The subject site is currently developed with an approximately 10,000-sqaure foot, one-story brick and rock office building, built in the late 1960s. A bank or financial institution is an establishment engaged in deposit banking, such as a commercial bank, saving institutions or credit union and could include automated teller machines. The Unified Zoning Code (UZC) requires a Conditional Use to permit a bank or financial institution in the “GO” zoning district.

The operator of the credit union, who is requesting this Conditional Use, has stated that this is a temporary use in the building occupying the subject site and that the credit union is on a month by month lease. The operator of the credit union was contacted in June of 2008 about the non-conforming use and was given until October to correct this non-conformance. At the time, the applicant was unsure as to if the lease would be extended. Since that time, the lease was extended, thus a Conditional Use will be needed for the use to continue operating in the structure situated on property zoned GO.

The applicant submitted a site plan along with an aerial view of the property (attached). All the site plan shows is the building layout and the aerial shows the condition of the subject site as it currently exists. A revised site plan will be needed showing the applicant’s allotted parking, access to the site, existing landscaping, setbacks, and property lines.

The property to the north is zoned NR Neighborhood Retail (“NR”) and is developed as a retail strip store. The properties to the south are zoned GO, B Multi-family Residential (“B”) and TF-3 Two-family Residential (“TF-3”) and is developed with a retail use, fire station and single-family residence. The properties to the east, across Hillside Avenue, is zoned GO and MF-29 Multi-family Residential (“MF-29”) and is developed with an office use and a single-family residence. The property to the west is zoned TF-3 and is currently undeveloped/vacant.

CASE HISTORY: A variance request (BZA36-66) was approved in 1967 allowing for the reduction of the front yard setback to be reduced from the required 20 feet to zero feet. The site was platted as Lot 1 of the Medical Addition recorded on May 22, 1967.

ADJACENT ZONING AND LAND USE:

NORTH:	NR	Strip Store
SOUTH:	GO / B / TF-3	Retail / Fire Station / Single-family Residence
EAST:	GO / MF-29	Office / Single-family Residence
WEST:	TF-3	Vacant

PUBLIC SERVICES: This site has access to Hillside Avenue, a four-lane principal arterial, and 2nd Street, a one-way, two-lane, urban collector. Traffic volumes on Hillside Avenue at this location are approximately 18,000 vehicles per day. The traffic volumes on 2nd street at this location are approximately 8,000 vehicles per day. Municipal water and sewer services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for local commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses include: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues. The Commercial Locational Guidelines also recommend that commercially-generated traffic should not feed directly onto local residential streets and that commercial sites should be located adjacent to arterials or major thoroughfares which provide needed ingress and egress in order to avoid congestion.

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

1. There is to be no storage of repossessed or wrecked vehicles on site or on surrounding property owned by the leasing agent unless the property is zoned for such a use.
2. A revised site plan will be needed showing the applicants allotted parking, access to the site, existing landscaping, setbacks, and property lines shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
3. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed within one year of approval the revised site plan by the Planning Director.
4. The applicant shall obtain all applicable permits and be in compliance with all building, health, and zoning regulations.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in 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 property to the north is zoned NR and is developed as a retail strip store. The properties to the south are zoned GO, B and TF-3 and is

developed with a retail use, fire station and single-family residence. The properties to the east, across Hillside Avenue, is zoned GO and MF-29 and is developed with an office use and a single-family residence. The property to the west is zoned TF-3 and is currently undeveloped/vacant.

2. The suitability of the subject property for the uses to which it has been restricted: Per the UZC, a bank or a financial institute in the GO zoning district is permitted as a Conditional Use. A bank or a financial institution can include automated teller machines. The current structure could continue to be used as an office or any of the other uses permitted by right in the GO zoning district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested Conditional Use could subject this portion of Hillside Avenue and 2nd Street and the abutting neighborhood to increased traffic and activity. However, this is an existing use with the impacts having already been demonstrated during the time this use has been operating. Also, the existing use may generate less traffic than other uses permitted by right in GO zone district.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for local commercial types of use. The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues. The Commercial Locational Guidelines also recommend that commercially-generated traffic should not feed directly onto local residential streets and that commercial sites should be located adjacent to arterials or major thoroughfares which provide needed ingress and egress in order to avoid congestion.
5. Impact of the proposed development on community facilities: The request for the existing use should have a minimal impact on community facilities.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

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

7. **Case No.: CON2008-70** – Elsworth and Vicky Berg (applicants), Baughman Company P.A., c/o Russ Ewy (agent) Request County Conditional Use for vehicle storage in RR Rural Residential zoning on property described as:

The West 436 feet of the North 500 feet of the Northwest Quarter, Except for the roads on the North and West of Section 16, Township 28, Range 2 West of the 6th P.M., Sedgwick County, Kansas. Generally located south of 39th Street South and east of 183rd Street West (18333 West 39th Street South).

BACKGROUND: The applicant requests a Conditional Use to permit a “vehicle storage yard” on 4.2 acres located southeast of the 39th Street South and 183rd Street West intersection (18333 West 39th Street South) on property zoned RR Rural Residential (“RR”). The applicant operates a dump truck business, and wishes to store a maximum of 12 vehicles on the site. The site is currently developed with a single-family residence, three outbuildings, and the paved vehicle storage area. The site has significant existing vegetation; the attached site plan demonstrates a proposed screening fence south of the paved vehicle parking area.

The application area is located in a rural area with agricultural activity and large-lot ex-urban residences. North and west of the site is RR zoned property used for agriculture. East, south, and northwest of the site are RR zoned single-family residences. The residence immediately south of the application area is approximately 125 feet from the vehicle parking area; the residence to the east is approximately 365 feet from the vehicle parking area. This application is within the Goddard Zoning Area of Influence and will therefore be heard by the Goddard Planning Commission on January 8, 2009.

The Unified Zoning Code was recently amended to allow vehicle storage yards as Conditional Uses in RR zoning. The Code requires that the property be developed with a residence as the primary use; requires that storage areas be behind the residential structure; limits the parking area to 10,000 square feet; prohibits on-site sales, repair, servicing, and material storage; requires a 20-foot setback from adjacent residences; requires all-weather paving; requires visual screening from residential zoning districts; and requires the Zoning Code lighting and noise compatibility standards with no outdoor speakers or sound amplification systems permitted. The application area appears to meet these requirements.

CASE HISTORY: The subject site is not platted. The residence on the site was built in 1999.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	farmland; large lot residential
SOUTH:	RR	farmland; large lot residential
EAST:	RR	farmland; large lot residential
WEST:	RR	farmland

PUBLIC SERVICES: The application area is within Rural Water District #4. Municipal sewer is not available; an on-site lagoon is in use. 39th Street South and 183rd Street West are both paved, two-lane, section-line roads at this location. Neither road has traffic counts available.

CONFORMANCE TO PLANS/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. This area is designated 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. The vehicle storage yard Conditional Use shall conform to all Unified Zoning Code supplemental use regulations as specified in Section III-D.6.mm.
- B. The maximum number of vehicles to be stored on the site is 12.
- C. The site shall be developed and utilized in general conformance with the approved site plan.
- D. The site shall have no light poles.
- E. The applicant shall submit a revised site plan, to be approved by planning staff, which shall include a screening fence on the south side of the parking area, and shall include a minimum of ten evergreen trees along the south property line.
- 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: The application area is located in a rural area with agricultural activity and large-lot ex-urban residences. North and west of the site is RR zoned property used for agriculture. East, south, and northwest of the site are RR zoned single-family residences. The residence immediately south of the application area is approximately 125 feet from the vehicle parking area; the residence to the east is approximately 365 feet from the vehicle parking area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR and is developed with a residence. The site could continue to be used as it is 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. Nearby residences could be subjected to truck traffic, noise, light, and debris from the vehicle storage area. Vehicle storage yards are a Conditional Use in RR zoning, the supplementary conditions of the Unified Zoning Code and the additional proposed conditions should mitigate negative effects.
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 cease the current vehicle storage on the property, presumably with a negative effect on the applicant. From the public's perspective, a denial would preserve the consistency of this area's rural zoning and character.
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. This area is designated 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.
6. Impact of the proposed development on community facilities: Approval of the request would increase daily traffic on 39th Street South and 183rd Street West. Both of these paved streets can absorb the small increase in daily traffic.

JESS MCNEELY, Planning Staff presented the Staff Report. He reported that the Goddard Planning Commission unanimously recommended approval of the request per staff comments.

JOHNSON clarified that no light poles would be permitted. He asked about a yard light at the residence.

MCNEELY said the no light pole restriction applied only in the designated parking area.

HENTZEN asked staff to identify the locations of the residents who submitted e-mails concerning the request.

MCNEELY said one resident lived directly south of the application area, and the other was within a 1/4 mile of the location.

FOSTER asked about the 10,000 square foot maximum parking and possible expansion at the site which was an issue brought up in one of the e-mails.

MCNEELY suggested the agent answer that question. Referring to the aerial photograph, he said the parking area was right at 10,000 square feet as measured by staff. He added that any alteration of the site plan would require MAPC amendment and approval.

FOSTER said he was concerned about having enough room for the screening fence and trees depicted in the proposed site plan. He also mentioned drainage issues and asked if staff felt the revised site plan would take care of those issues.

MCNEELY said there was room for the screening fence. He said the issue was the landscaping on the eastern half of the parking area

FOSTER requested additional landscaping in the front of the site on the west side. He asked that provision be considered in the motion.

MCNEELY clarified that **FOSTER** was talking about screening more of the western side of the property. He referred to the site plan.

RUSS EWY, BAUGHMAN COMPANY, P.A., AGENT FOR THE APPLICANT said he would stand for questions.

JOHNSON asked why this was before the MAPC.

EWY related that last spring Sedgwick County Code Enforcement issued a citation to the applicant because of truck storage at the site. He said the applicant thought truck storage was allowed as part of his business.

JOHNSON asked how long the trucking operation has been located at the site. He also mentioned that if you come down MacArthur Road you can hardly tell trucks are stored at the location.

EWY said he believed they have been operating for two years.

MOTION: To approve subject to staff recommendation.

HILLMAN moved, **JOHNSON** seconded the motion, and it carried (9-1).

FOSTER – No.

FOSTER asked if the additional landscaping could be added to the motion.

HILLMAN said “no” he would not add that provision.

JOHNSON said as the second on the motion he also did not want to add the provision for additional landscaping. He commented that the photos taken for the staff presentation did not do this property justice, that the property is very well kept and neat. He mentioned that he lived within one mile of the site.

NON-PUBLIC HEARING ITEMS

- 8. Case No.: DR2008-06 – Request Briefing on the South Central Neighborhood Land Use Plan and Setting a Public Hearing date for February 19, 2009.**

Background: The *South Central Neighborhood Plan* was adopted as an element of *The Wichita-Sedgwick County Comprehensive Plan* in May 2006. The South Central Implementation Committee is a group of citizen volunteers that is leading the implementation efforts for the *South Central Neighborhood Plan*. The South Central Implementation Committee submitted a written request that the Metropolitan Area Planning Commission (MAPC) initiate the zoning map and zoning code amendments recommended

by the *South Central Neighborhood Plan*. On September 11, 2008, the MAPC voted to initiate the requested amendments and assigned the Advance Plans Committee to oversee the South Central Rezoning Initiative.

The Advance Plans Committee held several meetings to discuss the South Central Rezoning Initiative, and on December 4, 2008, voted to endorse the attached "South Central Neighborhood Land Use Plan." The purpose of the "South Central Neighborhood Land Use Plan" is to visually portray and verbally describe future land use and development policies for the South Central Neighborhood. These policies are proposed to be officially adopted as an amendment of the *South Central Neighborhood Plan*, and would establish the desired outcomes for future land use and provide a generalized guide for future rezoning decisions. Additionally, the "South Central Neighborhood Land Use Plan" would provide the foundation for the city-initiated rezoning of residential properties in the neighborhood that was authorized by the MAPC on September 11, 2008.

At the MAPC hearing on January 22, 2009, planning staff will brief MAPC on the "South Central Neighborhood Land Use Plan."

Recommended Action: Set a public hearing for February 19, 2009, for consideration of the "South Central Neighborhood Land Use Plan" as an amendment of the *South Central Neighborhood Plan*.

Attachments: South Central Neighborhood Land Use Plan

SCOTT KNEBEL, Planning Staff presented the Staff Report. He said the Advance Plans Committee, Planning Staff and neighborhood representatives held several meetings to discuss the "South Central Neighborhood Land Use Plan". He said he was present today to ask the Planning Commission to set a public hearing date to formally adopt that Land Use Plan. He said Planning Staff plans to notify each property owner of the proposed rezoning by mail, hold an open house consultation for all property owners, present the proposal to the District Advisory Boards and neighborhood associations and advertise the required public hearing notice in the *Wichita-Eagle*. He said if property owners choose not to rezone, they will be given the opportunity to "opt out" and maintain their existing zoning classification. He said as part of the neighborhood plan, it was recommended that the City consider amending the Unified Zoning Code (UZC) to establish additional development standards for this particular neighborhood; however, during discussion with the neighborhood, amending the UZC was deemed to be going further than was necessary. He said the Land Use Plan contains land use policy guidelines consisting of three elements: (1) Land Use Categories; (2) Land Use Guide Map; and (3) Locational Guidelines. He also mentioned that there had been some discussion concerning a proposed redevelopment of an "East Bank River Center" which would be an extension of the WaterWalk area. He requested that the Planning Commission set a public hearing for February 19, 2009, for consideration of the "South Central Neighborhood Land Use Plan" as an amendment of the *South Central Neighborhood Plan*.

JOHNSON asked how much total zoning change would there be.

KNEBEL said this would be changing the residential zoning in the neighborhood. He briefly compared the two maps of the area and said they plan to leave all Commercial and Industrial zoning in the plan.

There was brief discussion concerning the Planned Unit Development at Water and Pawnee.

KNEBEL commented that the zoning would remain the same.

HENTZEN requested clarification of the proposed rezoning.

KNEBEL said rezoning will be predominately to single-family and that the residential rezoning process will provide more detail. He said they don't intend to create any non-conforming uses and added that

there are multi-family and duplexes in the area that they are not planning to change to single-family because they more closely match density as developed.

HENTZEN gave an example of someone wanting to rezone to a zoning classification that is considered undesirable.

KNEBEL commented that there could be zoning that is inconsistent with the Land Use Plan and added that many scenarios will develop as time passes.

MARNELL commented that different zoning requests will be determined by the Planning Commission.

KNEBEL referred to the Land Use Guide Map which indicates the appropriate type of use for an area. He commented that the map does allow for expansion of Industrial and Commercial areas in the neighborhood. He said the map identifies areas where that type of expansion and uses would be appropriate and doesn't exactly match the existing zoning pattern. He mentioned that most of the properties facing the street along Broadway and Harry are already zoned commercial.

HILLMAN said he thought one of the previous maps showed potential for commercial development along Mt. Vernon and Lincoln and he didn't see that anymore. He said that may make it difficult for a business owner to establish something along those streets.

KNEBEL said there was no map with that indicated that and he wasn't sure what **HILLMAN** was referring to.

MOTION: To set a public hearing for February 19, 2009, for consideration of the "South Central Neighborhood Land Use Plan" as an amendment of the *South Central Neighborhood Plan*.

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

DIRECTOR SCHLEGEL gave a brief report on the action of the Board of County Commissioners on the Unified Zoning Code (UZC) Amendments the MAPC recommended to the City Council and County Commission. He said the County Commission voted to defer action for six months to allow staff time to meet with a group of citizens and address their additional concerns regarding certain sections of the UZC and the amendment process. He said Staff would like to review the group's specific concerns and work with them to come up with solutions. He said they believe they can get that done sooner than 6 months; however, that is the timeframe to go back to the County Commission with any additional proposed changes. He said any changes will come back before the Planning Commission for another public hearing prior to being presented to the County Commission.

MARNELL asked how big the citizen group was.

DIRECTOR SCHLEGEL said the group consists of three individuals that they know of, but added that there may be a fourth.

MARNELL commented that he was extremely disappointed to see the action that was taken because from what he read in the paper it appeared to be just a couple of people who wanted to make changes in the Zoning Code. He said the Planning Commission held a public hearing and these people could have come to the public hearing and made their wishes known. He said the changes that the committee spent so many hours working on, except for two substantive items which were new and well identified, was more grammatical and clean-up and house keeping, could have been passed. He repeated that he was disappointed in the action taken.

MILLER STEVENS asked if they projected substantive changes to the UZC.

DIRECTOR SCHLEGEL said from what they know so far they do not believe the changes will be substantive; that the group has particular matters and concerns and that may be easy fixes. He added; however, that the group has not completed their review or the Code and that there may be additional issues.

HENTZEN clarified that another public hearing will be held by the Planning Commission.

The Metropolitan Area Planning Department informally adjourned at 2:18 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)