

Table of Contents

Agenda	2
October 15, 2015 and November 5, 2015	
DRAFT 10-15-15 MAPC MINUTES.	4
DRAFT 11-5-15 MAPC Minutes.	50
VAC2015-00053	
VAC2015 53 -MAPC Staff Rpt	76
ZON2015-00045	
ZON2015-00045 Staff Report.	80
ZON2015-00047	
ZON2015-00047 Staff Report.	84
ZON2015-00048	
ZON2015-00048 Staff Report.	88
ZON2015-00049 and CUP2015-00043	
ZON2015-00049 and CUP2015-00043 Staff Report and CUP Document	91
CUP2015-00042	
CUP2015-00042 Staff Report, Site Plan, CUP Document.	95
CON2015-00025	
CON2015-00025 Staff Report, Correspondence and Site Plan	101
CON2015-00035	
CON2015-00035 Staff Report, Site Plan and Other Information	113
PUD2015-00006	
PUD2015-00006 Staff Report and PUD Document.	120
DER2015-00007	
DER2015-00007 Staff Report, Correspondence and Map	130

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, December 3, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, December 3, 2015**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10th Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPCS meeting minutes:

Meeting Date: October 15, 2015 and November 5, 2015

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

Items may be taken in one motion unless there are questions or comments.
SUBDIVISION CASE DETAILS SUBDIVISION CASE DETAILS

3. **PUBLIC HEARING – VACATION ITEMS**

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

Items may be taken in one motion unless there are questions or comments.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10th Floor, City Hall, 455 N. Main Street, Wichita, Kansas

- 3-1. **VAC2015-00053: City request to vacate a street side yard setback established by vacation on property**, generally located northeast of MacArthur and Maize Roads on the northwest corner of York and Norman Streets.

Committee Action: APPROVED 3-0

PUBLIC HEARINGS PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2015-00045
Request: City zone change request from SF-5 Single-family Residential to LC Limited Commercial.
General Location: South of Maple Street at the southeast corner of Taft Avenue and Ridge Road (500 S. Ridge Rd.).
Presenting Planner: Derrick Slocum
5. Case No.: ZON2015-00047
Request: City zone change request from T- 3 Two-family Residential to GC General Commercial.
General Location: Southeast of the intersection of North Green Street and East 13th Street North (1358 N. Green St.).
Presenting Planner: Derrick Slocum
6. Case No.: ZON2015-00048
Request: City zone change request from TF-3 Two-family Residential to GO General Office.
General Location: 918 N. Hillside Avenue.
Presenting Planner: Derrick Slocum

7. Case No.: ZON2015-00049 and CUP2015-00043
Request: City zone change request from LC Limited Commercial to GC General Commercial and CUP Community Unit Plan amendment to permit select GC General Commercial uses.
General Location: South of US-54 and one mile east of Edgemoor Avenue (6215 East Kellogg).
Presenting Planner: Jess McNeely
8. Case No.: CUP2015-00042
Request: City CUP Amendment to DP-144 Parcel 1 to uses, building restrictions, signs and parking; in LC Limited Commercial zoning.
General Location: South of east 13th Street North and west of North Rock Road.
Presenting Planner: Jess McNeely
9. Case No.: CON2015-00025
Request: City conditional use request for an event center and nightclub on LC Limited Commercial zoned property.
General Location: North and west of Hydraulic and Kellogg Avenues (421 S. Hydraulic Ave.)
Presenting Planner: Bill Longnecker
10. Case No.: CON2015-00035
Request: City conditional use request for Warehouse, Self-storage in LC Limited Commercial zoning.
General Location: North of East 21st Street North and east of Pinecrest (5310 E. 21st Street N.).
Presenting Planner: Bill Longnecker
11. Case No.: PUD2015-00006
Request: County request to create a new PUD in GC General Commercial and SF-20 Single-family Residential zoning.
General Location: North of US 54 and east of North 135th Street West.
Presenting Planner: Bill Longnecker
12. Case No.: DER2015-00007
Request: City of Garden Plain request to modify urban area of influence boundary.
General Location: Garden Plain
Presenting Planner: Dale Miller

NON-PUBLIC HEARING ITEMS

13. Other Matters/Adjournment

Dale Miller, Secretary

Wichita-Sedgwick County Metropolitan Area Planning Commission

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

October 15, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 15, 2015 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: Carol Neugent, Chair; John Dailey; Bob Dool; Bill Ellison; David Foster; Matt Goolsby; Debra Miller Stevens; M.S. Mitchell; Bill Ramsey; Lowell Richardson; John Todd and Chuck Warren. David Dennis and Joe Johnson and were absent. Staff members present were: W. David Barber, Interim Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

DAVID BARBER, INTERIM PLANNING DIRECTOR announced that the City of Wichita and Sedgwick County jointly decided to hire Mr. Dale Miller, Current Plans Manager, as the new Director of Planning.

MILLER indicated that he was looking forward to the opportunity.

CHAIR NEUGENT said she was glad to see that they went "in house" and hired someone with Mr. Miller's experience.

1. Approval of the September 17, 2015 Planning Commission Minutes.

MOTION: To approve the September 17, 2015 Planning Commission minutes.

MITCHELL moved, **WARREN** seconded the motion, and it carried (11-1).

ELLISON - Abstained.

- Approval of the October 1, 2015 Planning Commission Minutes.

MOTION: To approve the October 1, 2015 Planning Commission minutes.

WARREN moved, **TODD** seconded the motion, and it carried (9-3). **GOOLSBY, MITCHELL** and **RICHARDSON** - Abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2009-00075: Revised One-Step Final Plat – DOWNWIND ESTATES 2nd ADDITION**, located South side of 71st St. South and on the west side of 143rd St. East.

NOTE: This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. The site has been approved for a zone change (ZON2010-00040) from Rural Residential (RR) to Single-Family Residential (SF-20) along with a Conditional Use (CON2010-00038) to allow expansion of an existing airport. This plat includes the vacation of a portion of 71st Street South.

STAFF COMMENTS:

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Sedgwick County Rural Water District Number 3. If service is available, feasible and the property is eligible for service, County Code Enforcement recommends connection.
- 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. The taxiway easement needs to be referenced in the plat's text.
- E. The plat denotes a public street and a private street opening along 143rd Street East. Complete access control has been denoted along 73rd Street South and two openings along 139th Street East. County Engineering has approved the access controls.
- F. Since the vacation of 71st Street South has created a dead end extending from 143rd Street South, County Public Works recommends a temporary cul-de-sac easement within Downwind Estates Addition to the north that would automatically become void upon vacation of 71st Street South. The turnaround shall be in accordance with the Sedgwick County Service Drive Code and a guarantee submitted for its construction.
- G. County Public Works has approved the drainage plan.
- H. County Public Works advises that Reserve C needs to indicate drainage and utility easements.
- I. The applicant will be platting Lots 19 and 20, Block 1 as a reserve.
- J. The emergency access easement located within Reserve B shall be established by separate instrument. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. Standard gating and signing are required per County Fire Department standards.
- K. The applicant informed Staff that he proposes off-site private streets north of 71st Street South connecting with Reserve B and extending to 143rd Street East. County Fire Department and County

Public Works request a detailed access plan for this adjoining property to the north. In the event the private street system to the north does not connect with 143rd Street East, a turnaround will be needed in conformance with the Sedgwick County Service Drive Code.

- L. Sedgwick County Fire Department has advised the plat and off-site roads will need to comply with the Sedgwick County Service Drive Code.
- M. A restrictive covenant shall be submitted regarding the proposed reserves, which sets forth ownership and maintenance responsibilities. 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. Reserve A shall include a landscape screen as a use listed in the plat's text.
- N. The applicant shall guarantee the construction of the private street (Reserve B) to a suburban street standard. As private improvements, such guarantee shall not be provided through the use of a petition. The applicant shall guarantee the construction of 139th Street East and 73rd Street South. A guarantee is also required for the closure of the 71ST Street South street return abutting Lot 7.
- O. On the final plat tracing, the MAPC signature block needs to reference "Carol Chapman Neugent" as Chair.
- P. County Surveying advises all the curve data needs shown on the final plat.
- Q. County Surveying advises the section line along the north line of the northeast quarter of the northeast quarter needs shown with a bearing and a distance.
- R. County Surveying advises the monument at the southwest corner of the northwest quarter of the northeast quarter needs to be shown as set or found, or the theory of location shall be shown on the final plat.
- S. County Surveying advises the dimensions for the exception of the east 467.00 feet of the north 653.56 feet needs to be shown.
- T. County Surveying advises a dimension needs added on the west line of Lot 2, Block 1.
- U. County Surveying advises the dimension on the east line of Lot 3, Block 1 needs corrected.
- V. County Surveying advises all the recording data for the existing street right-of-way needs to be shown.
- W. County Surveying advises the notary for "Greg Thomas" needs corrected to "Greg O. Thomas".
- X. The standard language regarding vacation statutes need to reference "K.S.A. 12-512b, as amended".
- Y. The plat's text shall reference "lots, a block, reserves and streets".

- Z. The MAPC signature block needs to reference “W. David Barber – Interim Secretary”.
- AA. The platting binder indicates a party holding a mortgage on the site. This party’s name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- BB. 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.
- CC. 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.)
- DD. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- EE. 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.
- FF. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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.
- GG. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater 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.
- HH. Perimeter closure computations shall be submitted with the final plat tracing.
- II. Any removal or relocation of existing equipment of utility companies will be at the applicant’s expense.

JJ. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

NEIL STRAHL, Planning Staff presented the Staff Report. He reported that several items were discussed at the Subdivision Meeting including Item F. vacation of the street and creation of a dead end and temporary cul-de-sac. He said the applicant has submitted a drawing for staff review; Item G. the drainage plan has been approved; and Item K. plat of private street, Reserve B and an off-site turnaround to the north. He said a circular turnaround has been submitted by the applicant and approved by staff. He said there will also be a loop street connection to the north, extending to the east for future circulation. He said the drawing has also been approved by the County Public Works Department. He said the detailed access plan has been submitted as requested.

ELLISON asked about the volume of aircraft going in and out of the area.

STRAHL said he would let the applicant address that question.

STRAHL continued with the Staff Report and referred to Item M. regarding the landscape screening located in the Reserve to the west. He said the Subdivision Committee was concerned about headlights from traffic on 61st Street. He said there will be a berm easement platted in the Reserve on the revised plat.

DAILEY said he had a question on the berm and said as autos turn the corner and head north, their headlights will sweep across aircraft if it is coming in from the north and going south. He asked if the berm should be extended so the angle of the lights won't be flashing into the eyes of pilots.

STRAHL commented that the curve is to the south only.

CHAIR NEUGENT requested that Commissioners wait until the presentation is over to ask questions and be recognized by the Chair.

STRAHL continued with the Staff Report referring to Item N. that required several guarantees including the private street which was Reserve B bisecting the plat, closure of 71st south on the east side and guarantees for the temporary turnarounds located to the north and east of the vacated street. He said all other comments by staff were addressed in the revised plat received by staff this morning.

RICHARDSON said he requested that this be heard so the Commission has an understanding of what they are being asked to do. He said because the applicant owns property on both sides of 71st, they can close that as part of the plat. He said the Commission is being asked to formally close 71st Street but the compromise here has been the loop around to the south.

WARREN asked how far from 71st to the south will the screening extend to help block lights from oncoming traffic into the eyes of the pilots using the runway.

STRAHL said it looks like about 120 feet, but he would let the applicant address that question.

WARREN verified that the circulation plan showed access to existing roadway.

STRAHL responded yes.

CHAD ABBOTT, ABBOTT SURVEYING, AGENT AND LAND SURVEYOR FOR THE APPLICANT said they are in agreement with staff comments. He said they will be getting with the County Surveyor to make sure they understand their comments on items P. and Z. and exactly how they want that information shown on the final plat. He added that the landscaping berm is 120 feet.

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

WARREN moved, **RAMSEY** seconded the motion.

CHAIR NEUGENT asked staff didn't the City of Derby object to this when it was originally proposed.

ROBERT PARNACOTT, ASSISTANT COUNTY COUNSELOR responded yes, and added that it is his understanding that Derby is now willing to agree to this.

WARREN explained that extension of the road to the loop wasn't exactly what everyone wanted but it was the compromise that everyone was in agreement on.

GREG THOMAS, 6821 SOUTH 143RD STREET EAST, DERBY, APPLICANT AND ONE OF THE OWNERS OF CROSSWINDS AVIATION said they do not know the exact number of planes that use the airfield but added that on any given day if the weather is nice they could have anywhere from 75 – 100 landings. But he added, if the weather is bad, there could be as few as two landings. He said last weekend they had over 300 landings. In answer to Commissioner Ellison's question, he said Cook Airfield was established in 1957.

ELLISON said he flew into Cook Airfield many times when he was a pilot. He asked if the project would upgrade the runway surface because it was questionable back then.

THOMAS said the runway was upgraded in 2004, in addition to new lighting, new taxiways last year. He said this proposed upgrade will extend the runway to 3,200 feet which will upgrade the field to "Community Airfield Status." He mentioned that they have also removed the trees to the north and south of the runway.

DAILEY asked about the width of the runway.

THOMAS said it was 40 feet right now, but they have plans to widen it to 60 feet.

GOOLSBY asked if the FAA has signed off on the road loop.

THOMAS said KDOT approved the plan in 2013. He commented that the FAA controls the air space, not the airfield. He said KDOT has approved and has funded the plan.

TODD asked if vacation of 71st Street was an issue.

MILLER advised that State Law allows you to vacate street right-of-way as part of the replat.

The **MOTION** carried (12-0).

- 2-2. **SUB2015-00027: Final Plat – PEARL BEACH ADDITION**, located on the southeast corner of 29th Street North and Hoover Road.

NOTE: This site is located in the County adjoining Wichita's municipal boundaries and annexation is required. The site is currently zoned Single-Family Residential (SF-20) and Limited Commercial (LC). The residential portion of the property will be converted to Single-Family Residential (SF-5) upon annexation. This final plat is a portion of the overall preliminary plat, covering the northern portion of the site - and represents the first phase of development. The final plat is consistent with the preliminary plat in regards to lot configuration and street layout.

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's municipal boundaries, the applicant shall submit a request for annexation. Upon annexation, the residential portion of the property will be zoned Single-Family Residential (SF-5) and allow for the lot sizes being platted. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City of Wichita Public Works and Utilities Department advises that the applicant needs to extend water (transmission and distribution) and sewer (main and lateral) to serve all 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. City Stormwater Management has approved the drainage plan.
- E. The plat proposes one street opening along Hoover and one street opening along 29th Street North. Traffic Engineering has approved the access controls.
- F. City Fire Department has approved the street lengths of Gulf Breeze Cir (839 feet) and Wavecrest Cir (2150 feet). The Subdivision Regulations limit urban cul-de-sacs to 800 feet in length unless an emergency access easement is proposed. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

- G. City Fire Department advises the turnarounds must meet the minimum 38-foot paved radius requirement for cul-de-sacs over 150 feet contingent upon approval of the City of Wichita. The turnaround for Wavecrest Circle shall be a 35-foot paved radius contingent upon a paved emergency access connection to the south.
- H. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Traffic Engineering requests the easements be labeled as "street, sidewalk, drainage and utility easements" or sidewalks referenced in the plat's text.
- I. Sedgwick County Public Works requests that if 29th Street is not required to be annexed, the use of Curtis Street be restricted to gated emergency access until such time as 29th Street North is paved. The applicant has submitted a revised plat denoting a 60-foot emergency access opening for Curtis Street with a Note that the opening shall become a full movement opening at such time as 29th Street North is paved.
- J. 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.
- K. The Applicant shall guarantee the paving of the proposed streets and the emergency access easement. The guarantee shall also provide for sidewalks on at least one side of Pearlbeach Street and Curtis Street.
- L. The emergency access easement shall be established by separate instrument. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. Standard gating and signing are required per City/County Fire Department standards.
- M. Since Reserve J includes a swimming pool, a site plan shall be submitted with the final plat for review by MAPD. The site plan shall include the information indicated in the Subdivision Regulations. The design for the pool must be submitted to Environmental Services for review prior to issuing a building permit for the pool.
- N. 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.
- O. 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.

- P. The Applicant has submitted a revised plat with a 15-foot building setback for Lots 19 and 20, Block A, which represents an adjustment of the Zoning Code standard of 25 feet for the Single-Family District (SF-5). The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- Q. This property is within a zone identified by the City Engineer's 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. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- S. GIS has approved the street names.
- T. Due to the northwest corner of the plat zoned Limited Commercial (LC), a zone change to SF-5 Single-Family Residential is needed. In the alternative, a restrictive covenant may be provided limiting the site to SF-5 uses.
- U. 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.
- V. 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.
- W. 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.)
- X. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Y. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

Z. 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.

AA. 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 Stormwater 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.

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

CC. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.

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

FOSTER requested clarification that Item #G. was a 38 foot temporary turn around to meet current Fire standards.

STRAHL said that could be corrected.

RAMSEY said he thought the Committee agreed that it would be whatever the Code required.

FOSTER said he was comfortable either way.

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

WARREN moved, **DOOL** seconded the motion, and it carried (12-0).

2-3. **SUB2015-00031: One-Step Final Plat – FOREST HILLS OFFICE PARK 5TH ADDITION**, located on the southwest corner of Central and Webb Road.

NOTE: This is a replat of Forest Hills Office Park 2nd Addition, Forest Hills Office Park 3rd Addition, Forest Hills Office Park 4th Addition and Forest Park Shops Addition.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that all lots are currently being served by water and sewer.
- B. City Stormwater Management has approved the applicant's drainage plan.
- C. The plat proposes two openings along Central and two openings along Webb Road. Traffic Engineering has approved the access controls subject to correcting the dimension along the northerly access control along Webb Road.
- D. Cross-lot circulation is needed to assure internal vehicular movement between the lots. In the event the existing driveway easements do not address Lot 5, then a cross-lot circulation agreement shall be provided.
- E. County Surveying requests to be sent the closure calculations for the contiguous portion of the legal description, and to be contacted thereafter.
- F. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- G. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- H. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- J. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- L. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and

Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

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

N. Kansas Gas Service (KGS) advises of existing facilities within the area being replatted. KGS Engineering would like to review the proposed plat and identify any potential issues with KGS facilities. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

O. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

There was no public comment.

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

WARREN moved, **DOOL** seconded the motion, and it carried (12-0).

2-4. **SUB2015-00033: One-Step Final Plat – OATVILLE ELEMENTARY ADDITION,**
located on the west side of Hoover, South of MacArthur Road.

NOTE: This unplatted site is zoned Single-Family Residential (SF-5) and Single-Family Residential (SF-20). A portion of this site is located in the County adjoining Wichita's boundaries and annexation is required.

STAFF COMMENTS

A. As a portion of this site is adjacent to Wichita's municipal boundaries, the applicant shall submit a request for annexation. Upon annexation, that portion of the property will be zoned Single-Family Residential (SF-5). The final plat shall not be scheduled for City Council review until annexation has occurred.

B. City of Wichita Public Works and Utilities Department advises that water is available. In-lieu-of-assessment fees are due (transmission and distribution). A No protest for future sanitary sewer extension is needed.

C. City Environmental Health Division advises that the property is more than 150 feet from existing sanitary sewer. If the lot is developed, it will need to have a septic system that is approved by Environmental Health.

- D. City Stormwater Management has approved the applicant's drainage plan.
- E. The plat proposes one access opening along Hoover Road. Traffic Engineering has approved the access controls.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- G. 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.
- H. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- J. The face of the plat indicates that a blanket pipeline easement exists for the area involved in this plat. County Surveying advises that the Applicant shall obtain a partial release of this easement. The pipeline easement shall be located by the surveyor and shown as a contingent pipeline easement. The plat's text shall state that the easement is "in the process of being confined as shown and contingent upon recording of necessary documents".
- K. 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.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- M. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge

Elimination System Stormwater 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.

- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- R. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

TODD asked why the Oatville School District was involved in the zoning change.

Staff indicated that the case was not a zone change; it was a plat.

RICHARDSON explained that they are platting it to build a parking lot.

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

WARREN moved, **DOOL** seconded the motion, and it carried (12-0).

2-5. SUB2015-00034: One-Step Final Plat – RIB CRIB WICHITA ADDITION, located East of Eisenhower Airport Parkway, on the South side of Taft.

NOTE: This is a replat of the Mary Ellen Addition in addition to unplatted property to the west. The applicant requests a zone change (ZON2015-00045) from Single-Family Residential (SF-5) to Limited Commercial (LC).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water and sewer.
- B. The plattor's text shall include the language "The utility easement is hereby granted as indicated for the construction and maintenance of all public utilities."
- C. The plattor's text shall include the language "Existing public easements and dedications being vacated by virtue of K.S.A. 12-512b, as amended."

- D. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- E. City Stormwater Management has approved the applicant's drainage plan.
- F. The owner's certificate shall begin with the following sentence: "Know all men by these presents that We, the undersigned, have caused the land described in the surveyor's certificate to be platted into a lot, a block and a street to be known as "Rib Crib Wichita Addition", Sedgwick County, Kansas."
- G. Traffic Engineering has required access controls along Taft denoting the westerly opening as shown on the site plan. A restrictive covenant will be needed consenting to closure of the easterly drive along Taft upon mutually agreeable future cross-lot access granted from the adjoining property to the east when and if the adjoining property is rezoned or replatted. The final plat shall reference the dedication of access controls in the plat's text: "All access controls are hereby dedicated to the City of Wichita".
- H. The applicant has dedicated an additional 15 feet of right-of-way along Taft resulting in a 45-foot half street right-of-way. The 50' label shall be replaced with 45'.
- I. "Formerly Mary Ellen Addition" needs to be removed from the face of the final plat.
- J. 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.
- K. As the plat consists of a commercial lot abutting non-arterial streets, the Subdivision regulations require sidewalks along the street frontage of both Taft and Ridge Road. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided.
- L. "Annexed Plat" referenced in the owner's certificate and surveyor's certificate shall be replaced with "plat".
- M. County Surveying advises there is a recorded sewer easement that lies within the now platted utility easement.
- N. The County Commissioner Certificate may be deleted since this is a City plat.
- O. 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.
- P. On the final plat tracing, the MAPC signature block needs to reference "Carol Chapman Neugent" as Chair.
- Q. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.

- R. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- S. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- T. The 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.
- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- W. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- X. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Y. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
- AA. Kansas Gas Service (KGS) advises of existing facilities within the area being replatted. KGS Engineering would like to review the proposed plat and identify any potential issues with KGS facilities. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

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

CC. The surveyor's certificate shall be revised to reference "City of Wichita, Sedgwick County, Kansas"

DD. The MAPC signature block needs to reference "W. David Barber – Interim Secretary".

There was no public comment.

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

WARREN moved, **DOOL** seconded the motion, and it carried (12-0)

3. **PUBLIC HEARING – VACATION ITEMS**

3-1. **VAC2015-00041: City request to vacate a portion of a platted front setback.**

APPLICANT/AGENT:

Genaro & Brandi Arroyo (owners)

LEGAL DESCRIPTION:

Generally described as the inside 10 feet of the platted 30-foot front yard setback of Lot 5, Block D, Meadowview Estates Addition, Wichita, Sedgwick County, Kansas

LOCATION:

Generally located midway between Tyler and Ridge Roads, south of Central Avenue, south of Jennie Street on the east side of Woodchuck Lane (WCC #V)

REASON FOR REQUEST:

Remove existing encroachment

CURRENT ZONING:

Subject property, all abutting and adjacent properties are zoned SF-5 Single-Family Residential

The applicants propose to vacate the inside 10 feet of the platted 30-foot front yard setback on Lots 1, 5, Block D, Meadowview Estates Addition. The subject site is zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZC) minimum front yard setback standard for the SF-5 zoning district is 25 feet. If the setback was not platted the applicant could have applied for an Administrative Adjustment that would have reduced the SF-5 zoning district's 25-foot front yard setback by 20% resulting in a 20-foot setback. The applicants' request does not exceed what is permitted by an Administrative Adjustment. There are no platted easements in the described portion of the platted front yard setback. There are no utilities within the described portion of the platted front yard setback; water is located in the Woodchuck Lane right-of-way and sewer is located in the platted easement located in the rear/back yard. The Meadowview Estates Addition was recorded with the Register of Deeds June 20, 1955.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, 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 the platted front setback.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 24, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described platted front yard setback and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the inside 10 feet of the platted 30-foot front yard setback on Lot 5, Block D, Meadowview Estates Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via E-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements 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 the inside 10 feet of the platted 30-foot front yard setback on Lot 5, Block D, Meadowview Estates Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via E-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements 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.

There was no public comment.

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

RAMSEY moved, **FOSTER** seconded the motion, and it carried (12-0).

3-2. **VAC2015-00042: County request to vacate a sanitary sewer and water line easement created by vacation of public street right-of-way.**

OWNER/AGENT: Cessna Aircraft Company (owner) PEC, c/o Charlie Brown (agent)

LEGAL DESCRIPTION: Generally described as vacating the sanitary sewer and water line easement via Quit Claim and a public utility easement created by the vacation (V-2015) of portions of Woodlawn Boulevard and Pawnee Avenue Addition, Sedgwick County, Kansas

LOCATION: Generally located east of Oliver Avenue and southeast of Pawnee Avenue and I-135 (BoCC #5)

REASON FOR REQUEST: Relocation of utilities for expansion of Cessna facilities

CURRENT ZONING: The unplatted site and abutting western and southern properties are zoned LI Limited Industrial. I-135 abuts the north and east sides of the site.

The applicant proposes to vacate the 30-foot wide water and sanitary sewer easement (Misc. Record 290-Pg. 53, Quit Claim Deed Bk 1445-Pg. 150) and a portion of a 90-foot wide public utility easement created by the vacation of portions of Pawnee Avenue and Woodlawn Boulevard; V-2015, FLM 1687-Pg. 216. The applicant has provided dedications of a water line easement and a sanitary sewer easement proposed to cover re-located utilities; provide approved private project plan number for relocated utilities. Shane Price is the Westar Construction Services Supervisor for this area and can be contacted at 261-6315. Any and all relocation and removal of any existing Westar equipment made necessary by this vacation request will be at the applicant's expense.

Because the site is located in Sedgwick County, but within the City of Wichita's three-mile ring subdivision jurisdiction, consideration and recommendation by the Wichita City Council, and consideration and final action by the Sedgwick County Board of County Commissioners is required.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, City Traffic, Public Works/Water & Sewer/Stormwater, Fire, 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 sanitary sewer and water line easement via Quit Claim and the public utility easement created by the vacation of public street right-of-way.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 24, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described sanitary sewer and water line easement via Quit Claim and the public utility easement created by the vacation of public street right-of-way and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicant. public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to County Commission for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to the County Commission for final action and subsequent recording with the Vacation Order at the register of Deeds.

- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document, via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to County Commission for final action.
- (4) 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) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to County Commission for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to the County Commission for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document, via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to County Commission for final action.
- (4) 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.

There was no public comment.

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

RAMSEY moved, **FOSTER** seconded the motion, and it carried (12-0).

- 3-3. **VAC2015-00043: City request to vacate a platted joint drive easement**, generally located midway between Oliver and Hillside Avenues, north of Harry and Wilma Streets on the east side of Bluffview Drive.

Staff announced that the case was withdrawn.

- 3-4. **VAC2015-00045: City request to vacate a utility easement dedicated by separate instrument**.

OWNER/AGENT: HD Realty (owner) Baughman Company c/o Russ Ewy (agent)

LEGAL DESCRIPTION: Generally described as vacating the 5-foot wide utility easement referenced in the plattor's text and located parallel to the south lot lines of Lots 51 & 52, Linwood Acres Addition and the east 254 feet of the 10-foot wide platted utility easement running parallel to the north lot line of Lot 1, Scholfield Brothers Addition, Sedgwick County, Kansas.

LOCATION: Generally located north of Kellogg Street, west of I-35, at the southwest corner of Lewis and Ellison Streets (WCC #II)

REASON FOR REQUEST: Relocation of utilities for expansion of facilities

CURRENT ZONING: The site is zoned LC Limited Commercial and GC General Commercial. Abutting and adjacent western, southern and eastern properties are zoned GC. Adjacent north properties, across Lewis Street, are zoned SF-5 Single-Family Residential, MF-18 Multi-Family Residential, TF-3 Two-Family Residential and MH Manufactured Housing.

The applicant proposes to vacate the 5-foot wide utility easement referenced in the plattor's text and located parallel to the south lot lines of Lots 51 & 52, Linwood Acres Addition and the east 254 feet of the 10-foot wide platted utility easement running parallel to the north lot line of Lot 1, Scholfield Brothers Addition. There is a sewer line located in the subject easements. The applicant will need to provide an approved private project plan number for relocated utilities. Westar has existing equipment in the area of the vacation. LaDonna Vanderford is the Westar Construction Services Representative for this area and can be contacted at 261-6490. Any and all relocation and removal of any existing Westar equipment made necessary by this vacation request will be at the applicant's expense. The Linwood Acres Addition was recorded with the Register of Deeds October 7, 1929. The Scholfield Brothers Addition was recorded with the Register of Deeds July 29, 1981.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, City Traffic, Public Works/Water & Sewer/Stormwater, Fire, 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 utility easement referenced in the plattor's text and the 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, of notice of this vacation proceeding one time September 24, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described utility easement referenced in the plattor's text and the platted utility easement and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to County Commission for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to the City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document, via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to County Commission for final action.
- (4) 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) Abandonment or relocation/reconstruction of any/all utilities, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to County Commission for final action.

- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to the City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document, via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to County Commission for final action.
- (4) 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.

There was no public comment.

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

RAMSEY moved, **FOSTER** seconded the motion, and it carried (12-0).

PUBLIC HEARINGS

4. **Case No.: ZON2015-00040** – 1400 Douglas Group, LLC (Paul Gray) request a City zone change from LI Limited Industrial to CBD Central Business District on property described as:

Lots 76, 78 and 80, Chicago now Douglas Avenue, Supplemental Plat to Martinson's 1st Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is seeking a zone change from Limited Industrial (LI), subject to the Delano Overlay (D-O) district for property located at the northeast corner of West Douglas Avenue and North Elizabeth Avenue (1420 and 1440 West Douglas Avenue). The property is developed with a commercial building used for warehouse distribution and storage with associated parking. The property is platted as Lots 76, 78 and 80 Supplemental Plat to Martinson's 1st Addition, recorded in 1912. The property contains approximately 10,026.64 square feet. A 15-foot east-west alley was originally platted along the north line of Lots 76-80; however, that segment of the alley was vacated by Ordinance 11-471, and is owned by the applicant. The applicant is seeking the zone change to allow for increased flexibility in uses and the elimination of the requirement for the property to have to provide off-street parking.

Property located north of the site is developed with warehouse distribution/storage, and is zoned LI. Lots located to the east are zoned Limited Commercial (LC) and LI, and are developed with a fast food

restaurant. South, across West Douglas Avenue, the land is zoned LC, and is developed with retail and commercial uses. Land located to the southwest is zoned LC, and is an auto repair establishment. West of the site, across Elizabeth Avenue are row commercial, retail and office uses zoned LC and LI.

The site is located in and subject to the Delano Overlay Neighborhood District (D-O) that established land use and site development policies specific to the district.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were no requirements for off-street parking. Therefore, many of the uses in the Delano District do not have, or have only minimal, off-street parking and rely upon public parking located in the street right-of-way. Central Business District zoning mitigates site development issues for older portions of the core area, such as the requirement to provide off-street parking (off-street parking is not required of CBD zoned property) and reduced setback requirements (the CBD district permits zero setbacks; setbacks in the LI district vary from zero to 20 feet).

A Metropolitan Area Planning Department (MAPD) parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting Douglas Avenue do not provide the current code required number of off-street parking spaces. The MAPD analysis estimates that 5,373 off-street spaces are required, but an estimated 3,989 spaces have been provided.

CASE HISTORY: The property was included in the Delano Neighborhood Revitalization Plan (2001) and Delano Overlay Neighborhood District (D-O) (DR2003-00009).

ADJACENT ZONING AND LAND USE:

North: LI; warehouse distribution/storage
South: LC; retail
East: LC and LI; fast food restaurant
West: LC; row retail/commercial

PUBLIC SERVICES: The site is served by all normally supplied municipal services. The site has access to the arterial street, West Douglas Avenue, which has 100 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for "commercial mixed use."

The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. Central Business District zoning is generally compatible with the "Downtown Regional Center" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The requested CBD zoning is the appropriate zoning for the subject site, which is located west, across the Arkansas River from the original CBD zoned core of downtown Wichita. The application area shares some similar patterns of development and uses as the original core CBD area.

The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there are commercial and/or office uses on the ground floor and residential above.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property located north of the site is developed with warehouse distribution/storage, and is zoned LI. Lots located to the east are zoned Limited Commercial (LC) and LI, and are developed with a fast food restaurant. South, across West Douglas Avenue, the land is zoned LC, and is developed with retail and commercial uses. Land located to the southwest is zoned LC, and is an auto repair establishment. West of the site, across Elizabeth Avenue are row commercial, retail and office uses zoned LC and LI.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI subject to the Delano Overlay development standards, which permits a wide range of office, commercial and industrial uses by right. The property can be economically viable as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CBD district permits a broader range of uses than the surrounding LI and LC zoned properties; however, the site will still be subject to the Delano Overlay district development standards that should minimize any known negative impacts. Primarily, the zone change will eliminate the requirement to provide off-street parking.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Rezoning the site to CBD would potentially offer a wider range of uses which should make the property more valuable, which, in turn, should aid in keeping the site occupied with services or uses utilized by neighborhood residents.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.”

The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. Central Business District zoning is generally compatible with the “Downtown Regional Center” designation of the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The requested CBD zoning is the appropriate zoning

for the subject site, which is located west, across the Arkansas River from the original CBD zoned core of downtown Wichita. The application area shares some similar patterns of development and uses as the original core CBD area.

The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there are commercial and/or office uses on the ground floor and residential above.

6. Impact of the proposed development on community facilities. None identified. The site has had access to public services for many years.

DALE MILLER, Planning Staff presented the Staff Report.

PAUL GRAY, APPLICANT, 1861 N. ROCK ROAD, STE 200 said this was part of a proactive effort by him and his partners to convert multiple properties in the Delano area to CBD zoning for consistency among the properties and to alleviate parking issues as they transition to new tenants at the various locations. He said they believe tearing down buildings to create parking stalls is counterproductive to revitalization efforts in Delano. He said he would like the City to look at overlay options and a universal parking plan in the area in the future similar to what was done in Old Town.

DAILEY asked the applicant about other properties he owns in the area.

GRAY briefly reviewed properties owned in the area including Rubens Mexican Restaurant and Picasso Pizza. He said the Picasso Pizza site has come to the Planning Commission for rezoning to CBD previously because MABCD would not issue a permit due to lack of parking.

RICHARDSON asked where patrons are supposed to park.

GRAY said there are three spaces in the front of the location, plus patrons can park along Elizabeth Street. He said there is also potential parking in the rear of the building at the dock area. He said the parking solution isn't apparent for each individual parcel. He said it is difficult to come up with a solution depending on who the tenant is. He said people can park on the streets like they do in Old Town and downtown. He said he wishes he had a better answer but he can't tell if there will be enough parking for a tenant five years from now.

NEAL STONG, 3441 W. HARRY said he owns the Nu-Way Store at 1416 West Douglas. He said in 1998 he added on to the building and he was required to provide 40 parking spaces. He said now he has a neighbor who wants to increase the use of his building and there is not adequate parking in the area. He said people are already using his parking lot to park in instead of parking on the streets. He said this location is quite a ways away from the action in the central Delano area. He said he is not trying to be hard to get along with but he doesn't know where people are going to park. He said he doesn't have a problem if they park in his parking when he is not busy, but when Nu-Way is busy, it is a problem. He said he pays the taxes and costs of repair to the lot. He said there are three parking spaces on Douglas and one on Elizabeth. He commented that the tenant, a nice young man who is trying to make a living, is currently selling plants, fertilizer and seeds. He said he knows the more people that come into the

area, the better business is for everyone, but he doesn't know where they are going to park. He mentioned a tattoo business to the east and said he doesn't know what his recourse is if people continue to park in his parking lot. He said his store has been at this location since 1930 and he would like to be there for another 85 years.

GRAY commented that there is a possibility in the future, if they have continued demand for parking and have a strong tenant, to increase the amount of parking spaces by opening up the area that is currently landscaped. He said even if that area is opened up, it still may not fit the current threshold and regulations regarding parking. He said the current zoning is LI so several uses could go into the building that may require increased parking. He said they are asking for some latitude to help them negotiate with a tenant instead of waiting for months for some type of parking plan in the area.

ELLISON referred to the aerial of the location and asked what was the blue area north of the property.

GRAY explained that it was abandoned railroad deeded back to City about 15-20 years ago. He said there was some talk around eight years ago about making it into a walking/biking path. He said there was also some interest at one time in creating parking, however, when the economy changed in 2007-2008, those ideas went by the wayside.

ELLISON commented that in his opinion the whole Delano area is hampered for the small business owner by the lack of parking. He said the parking issue is stunting the growth of the area and possible future business activities.

GRAY said he agreed. He added that he is sympathetic to the concerns of his neighbor and believes Mr. Stong had to overcome a lot of challenges to get the parking he has. He said they will do their best as neighbors to talk to their tenants and post signs regarding parking to divert people to park where they are supposed to and not in the private parking spaces of adjacent property owners.

FOSTER asked staff about the idea of a universal parking solution. He said the more these locations are rezoned to CBD zoning, it is going to force the City to come up with a solution.

MILLER said if private property owners can't solve the problem and there is "poaching" of parking spaces, then that would create issues that have to be addressed. He explained that the City created a Parking District in Old Town up front charging tenants and owners a monthly fee to build public parking. He said at the time the Delano Plan was adopted, the owners and tenants were not interested in the City doing that to address any parking issues.

BARBER commented that about a year and a half ago, Planning Staff did a parking analysis in the area of Seneca to Sycamore, which is located east of this area. He said there are parking problems there as well. He said they came up with different solutions and options but could not find agreement among property owners. He said they were reluctant to move forward without the support of the local community.

MOTION: To approve subject to staff recommendation.

GOOLSBY moved, **RAMSEY** seconded the motion, and it carried (11-1). **ELLISON** – No.

RAMSEY said he was getting a little frustrated with the lack of decorum. He requested that Commissioners be recognized by the Chair instead of just blurting out questions.

GOOLSBY said he seconded that.

CHAIR NEUGENT commented that would be wonderful.

5. **Case No.: ZON2015-00041** - F&T Properties, LLC and 1520 W. Douglas, LLC (Paul Gray) request a City zone change from LI Limited Industrial to CBD Central Business District on property described as:

Lots 21 and 22, Block 8, Junction Town Company Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is seeking to rezone 1520 West Douglas Avenue from Limited Industrial (LI) to the Central Business District (DBD). The site contains 3,232.58 square feet, and is developed with a row commercial building. The subject site is platted as Lots 21 and 22, Block 8, Junction Town Company Addition. The applicant is seeking the zone change to allow for increased flexibility in uses and the elimination of the requirement for the property to provide off-street parking. Central Business District zoning is the only zoning district that does not require off-street parking. There have been other requests for CBD zoning in the Delano District that have been approved or are pending a decision: ZON2013-00038, ZON2014-00030, ZON2015-00023, ZON2015-00034, ZON2015-00035, ZON2015-00039, ZON2015-00040 and ZON2015-00041.

Land located north of the application area is zoned General Commercial (GC) and LI, and is used for parking, office and outdoor storage. Land located east, south (across West Douglas Avenue) and west of the subject site is zoned Limited Commercial (LC), and is developed with either row commercial or single-family residential uses.

The site is located in and subject to the Delano Overlay Neighborhood District (D-O) that established land use and site development policies specific to the district. For example, even though a car wash or car sales are permitted by right in some zoning districts, the D-O district requires conditional use approval.

The Delano District was initially developed in the 1870's, and then redeveloped in the early 1900's when there were no requirements for off-street parking. Therefore, many of the uses in the Delano District do not have, or have only minimal, off-street parking, and rely upon public parking located in the street right-of-way. Central Business District zoning mitigates site development issues for older portions of the core area, such as the requirement to provide off-street parking and reduced building setback requirements (the CBD district permits zero setbacks; setbacks in the LI district vary from zero to 20 feet).

A Metropolitan Area Planning Department (MAPD) parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting Douglas Avenue do not provide the current code required number of off-street parking spaces. The MAPD analysis estimates that 5,373 off-street spaces are required, but an estimated 3,989 spaces have been provided.

CASE HISTORY: The property was included in the Delano Neighborhood Revitalization Plan (2001) and Delano Overlay Neighborhood District (D-O) (DR2003-00009).

ADJACENT ZONING AND LAND USE:

North: GC, LI; parking, office, outside storage
South: LC; single-family residences
East: LC; row commercial uses
West: LC; row commercial uses

PUBLIC SERVICES: The site is served by all normally supplied municipal services. The site has access to the arterial street, West Douglas Avenue, which has 100 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.”

The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. Central Business District zoning is generally compatible with the “Downtown Regional Center” designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The requested CBD zoning is the appropriate zoning for the subject site, which is located west, across the Arkansas River from the original CBD zoned core of downtown Wichita. The application area shares some similar patterns of development and uses as the original core CBD area.

The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there are commercial and/or office uses on the ground floor and residential above.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Land located to the north of the application area is zoned GC and LI, and is used for parking, office and outdoor storage. Land located to the east, south (across West Douglas Avenue) and west is zoned LC, and is developed with either

row commercial or single-family residential uses. The application area and the land surrounding it are part of the Delano District, one of the older developed areas in Wichita. The site and the property surrounding it are subject to the Delano Overlay district that contain unique development standards.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI subject to the Delano Overlay district. The LI zoning district and the D-O district permit a wide range of industrial, commercial and office uses, which presumably provide the site with economic value. Property zoned LI is required to provide off-street parking, which the CBD district does not require.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CBD district permits a broader range of uses than the surrounding LI and LC zoned properties; however, the site will still be subject to the Delano Overlay district development standards that should minimize any known negative impacts. Primarily, the zone change will eliminate the requirement to provide off-street parking.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Rezoning the site to CBD would potentially offer a wider range of uses which should make the property more valuable, which, in turn, should aid in keeping the site occupied with services or uses utilized by neighborhood residents.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.”

The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. Central Business District zoning is generally compatible with the “Downtown Regional Center” designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The requested CBD zoning is the appropriate zoning for the subject site, which is located west, across the Arkansas River from the original CBD zoned core of downtown Wichita. The application area shares some similar patterns of development and uses as the original core CBD area.

The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there are commercial and/or office uses on the ground floor and residential above.

6. Impact of the proposed development on community facilities: The application area is located in an area of town that has been served by community facilities for many years. Approval of the request will not negatively impact community facilities.

DALE MILLER, Planning Staff presented the Staff Report.

There were no public comments.

MOTION: To approve subject to staff recommendation.

GOOLSBY moved, **RICHARDSON** the motion, and it carried (12-0).

6. **Case No.: ZON2015-00042** - City of Wichita. Susan Nguyen, Johnson and Anna Tieu (owners(s)/applicants) and MKEC Engineering c/o Brian Lindebak (agent) request a City zone change from TF-3 Two-family Residential, MF-29 Multi-family Residential and B Multi-family Residential to LC Limited Commercial on property described as:

Commencing at the Northwest Corner of said Northwest Quarter; thence East along the north line of said Quarter, 60 feet; thence South parallel with the west line of said Quarter, 50 feet; thence East parallel with said north line, 35 feet to the Point of Beginning; thence East parallel with said north line, 121.5 feet to the Northwest Corner of Lot 1, McGovney Addition to Wichita, Kansas; thence South along the west line of said Lot 1, 169.1 feet to the Southwest Corner of said Lot 1; thence Southwesterly along the west line of Lot 2, said Addition and the west line of Replat of Lots 3 & 4 & part of Lot 2, McGovney Addition to Wichita, Kansas, 232.91 feet, more or less, to the southwest corner of said Replat, said point being 428 feet south and 113.5 feet east of the Northwest Corner of said Quarter; thence Southwesterly along the west line of a tract of land described in Deed Book 981, Page 109, 52.5 feet to the north line of Lot 1, McGovney Second Addition to Wichita, Sedgwick County, Kansas; thence West along said north line, 30 feet; thence North parallel with and 60 feet east of the west line of said Quarter, 390 feet; thence Northeast, 49.5 feet to the Point of Beginning.

AND

The North 30 feet of Lot 2, McGovney Addition to Wichita, Kansas, Sedgwick County, Kansas.

AND

Lot 1, in Replat of Lots 3 & 4 & Part of Lot 2, McGovney Addition to Wichita, Kansas, Sedgwick County, Kansas.

BACKGROUND: The application area is located at the southeast corner of the intersection of South Oliver Avenue and East Harry Street (4805 E. Harry St. and 1641 S. Glendale Ave.) The subject property is 1.14 acres of unplatted land currently owned by the City of Wichita, .062 acres described as the north 30 feet of lot 2, McGovney Addition and .58 acres of lot 1, in Replat of lots 3 and 4 and part of lot 2, McGovney Addition, Wichita, Sedgwick County, Kansas. The unplatted portion of the subject site is zoned TF-3 Two-family Residential, the north 30 feet of lot 2 is zoned MF-29 Multi-family Residential and the Replat of lots 3 and 4 is zoned B Multi-family Residential. The applicant is seeking LC Limited Commercial ("LC") zoning for the property. The majority of the property is currently undeveloped, while .58 acres of the property currently zoned B is developed with a garden apartment complex. It is proposed that this site will be redeveloped into a new convenience store.

East Harry Street at this location has sixty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Oliver Avenue at this location has fifty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Glendale Avenue at this location has thirty-feet of half-street right-of-way, and is developed as a two-lane residential/local road.

The property will have frontage along Harry Street and Oliver Avenue, which are significant commercial arterials, which in July 2015 carried in both directions approximately 37,000 (Harry Street) and 26,500 (Oliver Avenue) vehicles on an average day. A number of properties fronting Oliver Avenue and Harry Street are zoned LC and developed with restaurants, retail sales, personal service or personal care uses and offices. Land to the east are zoned TF-3 and are developed with residential uses. Property to the south is zoned both TF-3 and LC Limited Commercial and is developed with offices and an electrical substation. Property north (across Harry Street) of the site is zoned LC and is developed with offices. Property west of the site (Across Oliver Avenue) is zoned SF-5 Single-family Residential and is developed with a golf course.

CASE HISTORY: A portion of the subject area is platted as McGovney Addition Replat Lots 3 and 4 platted on February 11, 1963. Another portion of the subject site is platted as the north 30 feet of Lot 2, McGovney Addition platted on August 29, 1962. The remaining area (approx. 1.15 acres) is unplatted right-of way owned by the City of Wichita.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Offices
SOUTH:	LC and TF-3	Office and Substation
EAST:	LC and TF-3	Retail and Residences
WEST:	SF-5	Golf Course

PUBLIC SERVICES: East Harry Street at this location has sixty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Oliver Avenue at this location has fifty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Glendale Avenue at this location has thirty-feet of half-street right-of-way, and is developed as a two-lane residential/local road. The site is located in an area that is fully served by municipal and private utilities.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the property as being appropriate for “local commercial” uses. The “local commercial” designation contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

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

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The property will have frontage along Harry Street and Oliver Avenue, which are significant commercial arterials, which in July 2015 carried in both directions approximately 37,000 (Harry Street) and 26,500 (Oliver Avenue) vehicles on an average day. A number of properties fronting Oliver Avenue and Harry Street are zoned LC and developed with restaurants, retail sales, personal service or personal care uses and offices. Land to the east are zoned TF-3 and are developed with residential uses.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is currently zoned TF-3, MF-29 and B. Those residential zoning districts are less suited to the location today given the amount of LC zoning found on lots fronting Harry Street and Oliver Avenue north, south and east of the application area. Also, the site's split zoning probably limits the property's development potential.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The development standards required by the various codes should minimize anticipated impacts should the request is approved.
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 would presumably be an economic loss to the applicant. Approval would provide the public with a new and upgraded convenience store along Harry Street and Oliver Avenue.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide map depicts the property as being appropriate for "local commercial" uses. The "local commercial" designation contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.
7. **Impact of the proposed development on community facilities:** Existing community facilities are in place or can be guaranteed as part of the subdivision process.

DERRICK SLOCUM, Planning Staff presented the Staff Report. He reported a change to the Staff Report which was to remove the requirement of "subject to platting within one year." He said all three sites are currently platted; however, the applicant plans on replatting the three properties into one lot. He reported that DAB III approved the request 6-1. He said neighbors were present at that meeting and there was discussion regarding access, traffic, flooding and drainage, all issues involved in the platting process not zoning.

FOSTER asked about the 3-day traffic study referenced in the e-mail from the concerned citizen.

SLOCUM indicated that the first he heard about that was at the DAB Meeting. He said he understood that the Council Member requested that Traffic Engineering install strips for a 3-day traffic study. He said that was nothing required by the rezoning request.

BRIAN LINDEBAK, MKEC ENGINEERING, INC., 411 N. WEBB ROAD, AGENT FOR THE APPLICANT introduced Mike Wooten, Quik Trip Corporation.

MIKE WOOTEN, QUIK TRIP CORPORATION, 4705 S. 129th ST. EAST AVENUE, TULSA, OKLAHOMA said he was there to present their request to rezone a portion of the property from residential to commercial to allow a "Generation III" Quik Trip Store at the location. He said they have placed the properties under contract; however, they will not be purchased until the appropriate zoning and plat have been completed. He also mentioned numerous approvals regarding drainage at the site. He referred to a rendering of the area and the drainage. He said the area is referred to as Gypsum Dry Creek and their intent is to connect the underground concrete boxes (four (4) of them) near Harry and Oliver. He said they would like to enclose the open areas, connect them and pave over the existing dry creek.

WOOTEN said drainage approvals for the project need to come from the City of Wichita, the Federal Emergency Management Agency (FEMA) and the Corp of Engineers. He said several entities will be looking at the project. He said if they are not successful, their pursuit to develop this location as a Quik Trip will stop. He said they believe they will ultimately get approval to proceed. He said in addition, they would like to address existing drainage problems on the property.

WOOTEN said they contacted the neighbors on the ownership list (properties within a 300-foot radius of the site) as well as four neighborhood associations in the area and invited them to a meeting on Saturday, September 26. He said they had a good turn out and people asked a lot of questions. He said they were able to explain the project and what they are trying to do and field questions and concerns expressed by the neighbors. He said concerns they addressed, which he indicated they have heard on other projects they have done, included lighting, noise, crime, and property values.

WOOTEN indicated they made modifications to the site plan based on some of the neighbor's concerns. He mentioned access on Glendale and what kind of traffic the store will be sending down Glendale as opposed to what is going down the street today. He said they will be creating an access point that does not exist on a primary arterial road so they believe they will be reducing the amount of traffic through the neighborhood. He said the front of the lot will be commercial use and the apartment complex will be in the back. He said this project will allow a major drive onto Oliver which should reduce traffic. He said one of the concerns expressed was if there will be a bottle neck on Glendale waiting for traffic. He said they spoke with the City Traffic Engineer and requested a true 35 foot pavement, curb to curb. He said the Traffic Engineer indicated they will support that request, along with all the drives/entrances/exits they have proposed at the site.

WOOTEN mentioned that different folks attended the recent DAB meeting than attended the previous meeting they sponsored; however, they had a lot of the same concerns expressed by the neighbors at the September 26th meeting. He said some of the neighbors are present to speak today but he wanted to give the Commission a brief summary of the project and the concerns expressed by the neighbors. He referred to a rendering of the site plan and mentioned noise control. He said they plan on providing an

overabundance of trees as well as a fence on the parking adjacent to residential zoning. He said the fence will end when it gets adjacent to another commercial use. He said they would like to keep a visibility corridor between the two commercial uses.

RICHARDSON asked if the southwest corner of Harry and Glendale was included in the project. He also asked the applicant to describe the site plan rendering. He said it appears that there is only one access onto Oliver, the arterial street.

WOOTEN indicated the southwest corner of Harry and Glendale was included in the project, and clarified that there was one ingress/egress onto the arterial street of Oliver.

MITCHELL asked if they have received preliminary approval from the various agencies to pave and close off all open drainage across the property.

WOOTEN said they have not received approvals. He referred the question to Brian Lindebak, agent on the project.

LINDEBAK commented that the process to seek approval is currently underway. He said they are doing a Conditional Letter of Map Amendment (CLOMA) with FEMA. He said the case has been filed with FEMA, through the City of Wichita as required. He said they will not be raising the water surface or level up stream. He said it looks like they may actually lower the water surface upstream. He said they hope to receive approval from FEMA within the next couple of months. He said they will then build the box and finalize it with a letter of map amendment. He said this is a fairly lengthy process and could take more than 6 months.

MITCHELL thanked the applicant/agent because he said he has tried for years to get water to go from Oliver up to Harry or down from Harry to Oliver. He said that open channel has been a real hazard and there have been several drownings in the area.

LINDEBAK commented that the structures will be owned and maintained by the City of Wichita.

RICHARDSON asked about the traffic study and if there were any numbers available on anticipated generation of traffic on Glendale.

WOOTEN commented that City Councilman Clendenin requested that study after the meeting on September 26. He said neighbors voiced concerns about the existing conditions on Glendale. He said the study was to measure existing traffic conditions, not to measure the impact or forecast what a particular use might do. He said the results shared at the DAB meeting indicated that Tuesday through Thursday there was 400 vehicles on Glendale in a 24-hour period. He also mentioned that the speed limit was a fraction over the norm. He said it was determined that the study didn't warrant immediate action by the City, that the road could handle the traffic that is there. He said a concern expressed at the DAB was that the traffic count did not include the weekend. He said the Councilman offered to update the traffic study to include the weekend.

PAT STEVENSON, 1622 SOUTH GLENDALE said she lives directly across the street and that she is the first house south on Glendale. She said there will be a Quik Trip 30 feet from her front door. She said the neighbors do not think one entrance/exit onto Oliver is enough to handle all the traffic the Quik Trip is going to generate. She said they were told that the entrance onto Harry needs to be closed because the City does not want it there, and they don't understand that. She said they are concerned about an entrance/exit onto a residential street. She said the gas pumps are behind the building so all those people exiting will be going in front of her house, so she won't be able to have her grandkids in her front yard. She said she has lived in this house over 20 years and this is going to completely change her life. She said she also believes the neighbors will not be allowed to park on the street anymore and that will make it hard on them because the driveways in the area are narrow. She mentioned safety and said there is a school at the end of Glendale which many children walk to and from. She said she likes Quik Trip, but people hang out there, there will be cars getting gas, etc., and noise 24/7. She said having this in her front yard is going to decrease property values. She asked if the neighbors were going to be charged special taxes for street improvements. She concluded by stating that she sees a lot of traffic problems with no more entrances onto main streets than are shown on the site plan.

SANDY DEMMICK, 1676 SOUTH GLENDALE said she has lived in the area for 16 years. She said at the end of the block there is a grade school so children ages from kindergarten through 4th grade walk in the street. She said there is sidewalk on one side of the street that no one uses; everyone walks in the street. She said she has four grandkids that like to play in her front yard. She said the street is in terrible shape and it is very narrow. She said if there are cars parked on either side of the street two cars cannot pass each other. She said no one in the neighborhood turns left onto Harry from Glendale because it is almost impossible. In addition, she said the neighborhood does not want to lose the street parking because the driveways are very narrow with no room to expand. She said there is already a driveway onto Harry that doesn't seem to cause any problems. She said Quik Trip is going to be open 24 hours a day, people are going to be loitering there, walking up and down the street at all hours of the day and night. She said there is a transformer area right next to the gas pumps. She asked what happens if that gets hit by lightning and blows up and starts a fire. She also mentioned fuel trucks going up and down the street. She said people cut through their residential neighborhood to avoid Harry since they have made that a left turn only lane. She also mentioned current traffic conditions with people racing up and down the street at speeds up to 55 mph. She said this is a residential neighborhood and they want to keep it residential. She said they want a nice safe neighborhood and they don't believe Quik Trip is going to help them with that.

RICHARDSON asked if closing Glendale so you can only get to it from the south would be a solution for the neighborhood. He clarified that their objection was not only the traffic but the use as a convenience store.

DEMMICK replied yes, and said Quik Trip is open 24 hours a day. She said if the location is going to be rezoned, how about having a restaurant at the location.

RAMSEY clarified that they are concerned about possible expanded crime in area.

DEMMICK responded yes, they are concerned about crime, property taxes, street width, etc. She said there are multiple reasons to not want a Quik Trip at end of the block.

DIANNA OWENS, 1628 SOUTH GLENDALE said the dilemma they have is a big business wanting to develop a corner that has been a problem corner for many years. She said the two problems she sees is FEMA approval and ingress/egress at the location. She said traffic jams and accidents are all problems that arise after the fact. She asked the applicant to “do their homework” first. She mentioned that narrowness of the street and that a trash truck had to back up to let an ambulance go to the apartment complex. She asked about the Westar Substation and Environmental Protection Agency (EPA) regulations. She asked how far a commercial enterprise has to be from the substation. She asked what the difference between Limited Commercial and Commercial zoning was; was it based on how many hours the business is open, how much traffic it generates, or how much retail sales it generates. She asked the Commission not to make a decision but to delay it and drive by the location.

WOOTEN said the purpose of the rendering was to show the site plan for the Quik Trip, they did not purposely not show where the houses were located. He said the reason the drive onto Harry needs to be closed is the City determined it was no longer an appropriate distance from the intersection of a major arterial road. He said the access plan has been approved by the City Traffic Engineer, including ingress/egress onto Glendale.

MOTION: To give the applicant two additional minutes

GOOLSBY moved, **TODD** seconded the motion, and it carried (12-0).

WOOTEN said as far as the property value question is concerned, he said he has no statistics either way and cannot answer that question. He said he does not believe introducing the Quik Trip Store, compared to the building that is currently at the location today, will lower surrounding property values and in fact might improve property values in the area. He said a Quik Trip is designated as a “Safe Place”, the property is lit 24 hours a day in addition to being monitored by security cameras 24/7. He said in order to get the “Safe Place” designation, employees have to be highly trained to handle Safe Place incidents. He said he believes a Quik Trip might actually deter crime in the neighborhood. He concluded by stating that they have verified that the use near a substation is allowed within 50 feet and they are more than 50 feet away from it.

RICHARDSON asked the applicant if access to Glendale was denied and only access onto Harry and Oliver was allowed, would they still be interested in the property.

WOOTEN said if that were the case, they would not pursue this location.

RICHARDSON said in his opinion they will be loading a lot of traffic onto a residential street. He said he does not see much precedence for this. He said this location is different from what they have seen at other new Quik Trip locations. He said what the applicant is telling them is that they can't make this work without putting traffic on a residential street which makes him wonder if this is an appropriate use and location.

WOOTEN he said this location is an existing commercial use. He likened the layout of this area to the Quik Trip location at Central and Oliver. He said the drive benefits the neighbors and will prevent them from having to go out onto Harry and Oliver. He said they will widen the street at QT's expense and improve traffic through the area.

FOSTER asked if they would be willing to provide more landscaping as a buffer like the location at Ridge and Maple where 1 ½ times the landscape requirement was provided. He said street trees would further break up the character of the addition. He also suggested the possibility of requiring a masonry wall instead of a fence that will eventually fall down. He said many of these issues will be discussed more seriously at the subdivision stage.

RICHARDSON asked about a possible cul-d-sac at the north end of Glendale.

WOOTEN said that idea was discussed at the neighborhood meeting, and City staff indicated that was not achievable. He said the way it was explained to them was that every owner on the street would have to agree to that. He said the Fire Department also did not approve the idea.

RICHARDSON asked staff to clarify.

SLOCUM said it was not discussed at the DAB hearing.

MILLER said he would have to check with Public Works to see what the policies on that are.

DAILEY said he didn't like the two entrances from Glendale. He said traffic will get piled up on the northern exit onto Glendale. He asked about an entrance/exit onto Harry.

RICHARDSON reiterated that the applicant said they would not pursue the project if they could not have access to Glendale.

GOOLSBY explained that the City Traffic Engineer does not want an entrance/exit onto Harry because it is too close to the intersection.

LINDEBAK commented that this intersection was recently improved at a major cost to the public with double turn lanes. He said this is one of the safest intersections in town if you look at the city's accident reports. He said they believe traffic volume has been addressed at this intersection.

RAMSEY commented that he has ridden with both WPD and Sedgwick County Sheriff's Deputies and they are constantly at Quik Trips so he believes they are one of the safest places in the City so he doesn't see crime as a problem.

WARREN said he was going to make a motion to approve the applicant, and said there is room for further discussion on the site plan, screening and other items the applicant can do to lessen the impact of the store on the neighborhood. He said City Traffic Engineering is only going to allow entrances/ exits to go in where it is safest. He said they have already looked at this site plan and designated entrances/exits. He said it is not great but it is the best they can do under the circumstances.

MOTION: To approve subject to staff recommendation.

WARREN moved, **MITCHELL** seconded the motion.

FOSTER asked staff about addressing issues like the wall, screening and 1 ½ times the landscaping requirement at this stage.

MILLER indicated if the Commission wanted to add anything beyond what is required by the UZC, they need to add those to a PO or the conditions of approval.

The **MOTION WAS AMENDED** to include 1 ½ times the landscaping standard; street trees and that screening be a masonry wall.

WARREN amended the motion with consent of the second **MITCHELL**.

CHAIR NEUGENT asked if the applicant was okay with those requirements.

WOOTEN requested masonry columns along a wooden fence. He said ultimately they have no problems with whatever the Commission requires.

It was decided to stay with the motion of a masonry wall.

DAILEY asked staff about an entrance off of Harry.

MILLER briefly explained that the City's Access Management Policy states that there can be no full movement entrance/exit within 400 feet of an intersection or 200 feet with a right turn only.

DAILEY asked about recommending an exception to the policy.

MILLER indicated that the Planning Commission can recommend anything they feel is reasonable; he was just letting the Commission know what the adopted policy is.

RICHARDSON said that policy is quite often overridden by the Subdivision Committee and others.

MILLER said site access was more of a platting issue and would be discussed during the replat. He said he understands the applicant does not want to close on the property sale without rezoning; however, the Commission could require replatting prior to issuance of a building permit if they wanted to tie it into the rezoning.

LINDEBAK indicated that the applicant needs to know they have the rezoning approved by the City Council because a replat will be unnecessary without it.

SUBSTITUE MOTION: To approve subject to staff recommendation, 1 ½ times the landscaping standard, street trees, that the screening be a masonry wall and that the property be replatted prior to the issuance of a building permit.

RICHARDSON moved, **GOOLSBY** seconded the motion.

TODD said he doesn't like the Commission micromanaging the fence and added that he thought what the applicant suggested was both appropriate and attractive. He said Quik Trip is a good and responsible business. He said he thinks the Commission needs to be careful not to put so many requirements on this that QT runs from the property.

ELLISON commented that he thought the cul-d-sac on Glendale was the solution.

The **SUBSTITUTE MOTION** carried (10-2). **MITCHELL** and **TODD** – No.

8. **Case No.: ZON2015-00044** - J. Larry Fugate Revocable Trust (owner) Jeff and Melinda Bannon (applicant) and Mark Savoy (agent) request a City zone change from GO General Office to LC Limited Commercial on property described as:

Lot 1, Block A, Wichita Ice Center Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a zone change from GO General Office (GO) to LC Limited Commercial on the 50-foot (x) 278.8-foot subject site located approximately 510 feet south of Harry Street on the west side of Webb Road; the north 30 feet of Lot 3, Caliendo 11th Addition. The undeveloped subject site will be added to the undeveloped, north, abutting LC zoned property (ZON2015-00017) to create a larger site.

Most, if not all of the area's LC zoned commercial development is contained in single-story buildings and all of it is local commercial in character. The subject site is part of the LC zoned commercial development located around the four corners of the arterial street intersection of Webb Road and Harry Street. LC zoned property located north of the site includes a Walgreens drug store, a McDonalds fast food restaurant and the already noted abutting undeveloped property. LC zoned development located further north and northeast of the site, across Harry Street, includes (but is not limited to) a Dillons grocery store with a gas island (built 1995 and 2000), a bank with drive thru service (built 1978) and small to mid-size commercial strip buildings (built 1981 and 1989). LC development located east of the site, across Webb Road, include a QuikTrip convenience store (built 2013), a Walmart Neighborhood Market store (built 2011), a Subway fast food restaurant (built 2006), a Taco Shop fast food restaurant (built 1996) and a national/regional auto supply store (built 1996). SF-5 Single-Family Residential zoned undeveloped, unplatted land, a church (built 1976, 1987 and 2011) and single-family residential neighborhoods (Brentwood Village Addition, platted 1997) are also located east and southeast of the site. Development located south of the site include an abutting undeveloped GO zoned property, then a LC zoned national/regional auto supply store (the newest development, built 2014) and undeveloped LC and SF-5 zoned properties. TF-3 Two-Family Residential zoned single-family residential development (Cedar Ridge Addition, platted 1981) is located further south of the site. Abutting and adjacent western properties are LC and GO zoned office strip buildings (built 1983, 1993, 1998 and 2002) and a TF-3 zoned single-family residential subdivision (Caliendo 11th Addition, platted 1990).

CASE HISTORY: The site, the north 30 feet of Lot 3, Caliendo 11th Addition was recorded with the Register of Deeds on May 16, 1990.

ADJACENT ZONING AND LAND USE:

NORTH: LC Undeveloped land, fast food restaurant, drug store, grocery store
EAST: LC Convenience store, grocery store, fast food restaurants, auto supply, church, undeveloped land, single-family
SOUTH: GO, LC, SF-5, TF-3 Undeveloped land, auto supply store, single-family residences
WEST: LC, GO, TF-3 Office strips, single-family residential

PUBLIC SERVICES: The site is served by all normally supplied municipal services. The site has access to the arterial street, Webb Road, which has 50 or 60 feet of right-of-way. The more recent zoned/developed sites with Webb Road frontage, including the north abutting LC zoning property (ZON2015-00017) that will be part of the subject site has 60 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. LC zoning is generally compatible with the "local commercial" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area." The "2030 Wichita Functional Land Use Guide Map" classifies the site as local commercial. The requested LC zoning is a match with the Comprehensive Plan and the Land Use local commercial classification.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for CBD zoning be **APPROVED**, with the dedication of 10 feet of Webb Road right-of-way.

This recommendation is based on the following findings:

(1) **The zoning, uses and character of the neighborhood:** Most, if not all of the area's LC zoned commercial development is contained in single-story buildings and all of it is local commercial in character. The subject site is part of the LC zoned commercial development located around the four corners of the arterial street intersection of Webb Road and Harry Street. LC zoned property located north of the site includes a Walgreens drug store, a McDonalds fast food restaurant and the already noted abutting undeveloped property. LC zoned development located further north and northeast of the site, across Harry Street, includes (but is not limited to) a Dillons grocery store with a gas island (built 1995 and 2000), a bank with drive thru service (built 1978) and small to mid-size commercial strip buildings (built 1981 and 1989). LC development located east of the site, across Webb Road, include a QuikTrip convenience store (built 2013), a Walmart Neighborhood Market store (built 2011), a Subway fast food restaurant (built 2006), a Taco Shop fast food restaurant (built 1996) and a national/regional auto supply store (built 1996). SF-5 Single-Family Residential zoned undeveloped, unplatted land, a church (built 1976, 1987 and 2011) and single-family residential neighborhoods (Brentwood Village Addition, platted 1997) are also located east and southeast of the site. Development located south of the site include an abutting undeveloped GO zoned property, then a LC zoned

national/regional auto supply store (the newest development, built 2014) and undeveloped LC and SF-5 zoned properties. TF-3 Two-Family Residential zoned single-family residential development (Cedar Ridge Addition, platted 1981) is located further south of the site. Abutting and adjacent western properties are LC and GO zoned office strip buildings (built 1983, 1993, 1998 and 2002) and a TF-3 zoned single-family residential subdivision (Caliendo 11th Addition, platted 1990).

(2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned GO, which permits residential, civic and public, office, and some commercial uses. However, the GO zoning district does not permit retail sales, which is the predominant type of development on those properties with frontage on the arterial streets Harry Street and Webb Road. The requested LC zoning matches up with the existing LC zoned retail businesses in the area.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: If approved the LC zoning and it's permitted by right development would have minimal impact on nearby properties, including the abutting west LC and GO zoning office strip buildings.

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. LC zoning is generally compatible with the "local commercial" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area." The "2030 Wichita Functional Land Use Guide Map" classifies the site as local commercial. The requested LC zoning is a match with the Comprehensive Plan and the Land Use local commercial classification.

(5) Impact of the proposed development on community facilities: There will be minimal impact on community facilities.

BILL LONGNECKER, Planning Staff presented the Staff Report.

There were no public comments.

MOTION: To approve subject to staff recommendation.

GOOLSBY moved, **RICHARDSON** the motion, and it carried (12-0).

NON-PUBLIC HEARING ITEMSNON-PUBLIC HEARING ITEMS

9. Other Matters/Adjournment

CHAIR NEUGENT said it has been brought to her attention that the Committee appointments were not in complete conformance with the Bylaws. She said one of the County appointees is going to have to switch over to the Subdivision Committee. She said they would like to have Commissioner Foster continue as Subdivision Chair; however, under the Bylaws he can only chair one year and then take a year off. She said legal counsel has some suggestions as to how to keep Commissioner Foster as Chair.

VANZANDT said the Commission could make a motion to suspend the rules temporarily for a specified period of time. He said the Commission could then amend the Bylaws during that period of time to allow members to hold office for longer than one term.

MOTION: To suspend the applicable portion of the Bylaws pertaining to the Chair of the Subdivision Committee for one year.

WARREN moved, **DAILEY** seconded the motion, and it carried (12-0).

CHAIR NEUGENT commented that Mr. Parnacott wanted to know, since there are so many new Commissioners, if the Commission is interested in putting together a Workshop. She said she thinks it is a great idea and added that she has not attended a Workshop since she has been on the Commission.

VANZANDT asked Commissioners to call or e-mail staff with topics of interest. He said they will cover some basic items such as the Kansas Open Meetings Act, Bylaws, etc., but if Commissioners have specific items they want discussed, then let staff know.

CHAIR NEUGENT suggested Commissioners e-mail Dale Miller so he can coordinate.

COMMISSIONER MITCHELL announced that he was officially resigning from the Planning Commission. He said he has been involved with planning since 1959 as a staff member and as a member of the Planning Commission and that he feels it was time well spent. He says he sees that as one of his major accomplishments in making this a better city.

CHAIR NEUGENT expressed the Commission's sincere appreciation for Commissioner Mitchell's many years of service to the community and commented that his "chair" was going to be hard to fill.

MOTION: To adjourn.

MITCHELL moved, **DAILEY** seconded the motion, and it carried (12-0).

The Metropolitan Area Planning Commission adjourned at 3:30 p.m.

State of Kansas)
Sedgwick County)^{SS}

I, W. David Barber, Interim 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 _____, 2015.

W. David Barber, Interim Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

DRAFT

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

November 5, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, November 5, 2015 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: David Dennis; Vice Chair; John Dailey; Bob Dool; Bill Ellison; David Foster; Matt Goolsby; Debra Miller Stevens; Bill Ramsey; Lowell Richardson; John Todd and Chuck Warren. Joe Johnson and Carol Neugent were absent. Staff members present were: Dale Miller, Director; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney; Justin Waggoner, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. No Minutes for approval.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

2-1. **SUB2015-00023: Final Plat – VASSAR ADDITION**, located on the Southwest corner of 63rd Street South and Clifton. Deferred comments will go here

NOTE: This is a replat of a portion of the Clifton Cove Addition.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the applicant needs to extend water (distribution) and sewer (laterals) to serve all lots.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management advises that the Clifton Cove Addition Drainage Plan addresses this plat.
- D. The plat proposes one street opening along 63rd Street South. Traffic Engineering has approved the access controls.
- E. The Applicant shall guarantee the paving of the proposed streets. The paving guarantee shall include the emergency access drive within Reserve A.
- F. The plat denotes a hammerhead turnaround on Vassar Avenue. City Fire Department has approved the dimensions of the turnaround.
- G. The paving guarantee shall include the construction of an emergency access drive located within Reserve A that meets Fire Department standards. The emergency access drive shall be referenced in the restrictive covenant for the reserves. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. Standard gating and signing are required per City Fire Department standards.

- H. 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 restrictive 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.
- I. 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.
- J. 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.
- K. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations for Lot 11, Block B and Lot 6, Block A. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- L. GIS has approved the street names.
- M. The MAPC signature block needs to reference "Dale Miller – Secretary".
- N. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- O. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- P. 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.
- 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. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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 acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater 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. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- Y. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

RAMSEY moved, **DAILEY** seconded the motion, and it carried (11-0).

2-2. SUB2015-00037: One-Step Final Plat – SIGG ADDITION, located west of 263rd Street West on the north side of 61st Street North.

NOTE: The site has been approved for a zone change (ZON2015-00011) from Rural Residential (RR) to Limited Industrial (LI) subject to a Protective Overlay regarding permitted uses. This is unplatted property located in the County designated as "rural" by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Andale Area of Influence.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available.
- B. In conformance with the Urban Fringe Development Standards, for individual domestic wells that are proposed, a Safe Yield Analysis must be provided to Metropolitan Area Building and Construction Department to assure the availability of an adequate, safe supply of water that does not impair existing water rights. Easements shall be dedicated for potential future extension of public water and sewer.
- 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 Stormwater has approved the drainage plan.
- E. County Surveying advises the monuments shown on the preliminary plat do not match the monuments shown on the final plat.
- F. County Surveying advises all recorded easements need to be shown along with the recording data along the south line of the proposed plat and section line.
- G. County Surveying advises the reference to the previously platted land on the west should be shown. The road right-of-way of 70 feet along the section line on the west side of the plat should be shown. The tapering road right-of-way along the section line on the east side of the plat should be shown.
- H. County Surveying advises the center of section should be reestablished to match the stone found during the survey of "Bluestem Acres Second Addition" in 2002 so there will not be a gap or overlap with adjoining property.
- I. The platlor's text shall reference, "Lots, Block and Street".
- J. The plat name shall be denoted on the title block and in the platlor's text as "Sigg Addition", Sedgwick County, Kansas.
- K. County Public Works has approved one opening per lot to match the preliminary plat which shall be depicted as "access control except one opening". Dimensions are needed along all segments of access control. The final plat shall reference the dedication of access controls in the platlor's text.
- L. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.

- M.A Protective Overlay Certificate shall be submitted to MAPD prior to Board of County Commissioners consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- N. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- W. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

RAMSEY moved, **DAILEY** seconded the motion, and it carried (11-0).

2-3. **SUB2015-00038: One-Step Final Plat – WASINGER 2ND ADDITION**, located on the west side of Webb Road, south of Harry Street.

NOTE: This is a replat of the Wasinger Addition in addition to a portion of the Caliendo 11th Addition. The applicant requests a zone change (ZON2015-00044) from General Office (GO) to Limited Commercial (LC).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that Lot 1, Block A is currently being served by water and sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. The plattor's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- E. One opening is proposed along Webb Road. Traffic Engineering has requested the opening be defined to match the site plan.
- 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. On the final plat, the MAPC signature block needs to reference Dale Miller as Secretary.
- H. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgewick.gov and nstrahl@wichita.gov.
- I. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

- K. The 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.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- M. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater 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.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Westar Energy advises that LaDonna Vanderford is the Area Construction Services Rep for this plat and can be reached at 316-261-6490. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- R. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

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

RAMSEY moved, **DAILEY** seconded the motion, and it carried (11-0).

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2015-00046: City request to vacate easements dedicated by separate instruments, on property generally located south of Harry Street, north of Dora Avenue, on the east side of Seneca Street.

OWNER/AGENT: Cook Construction, c/o Larry Cook David & Maria C Lovett (owners)
CEPD, c/o Harlan Foraker (agent)

LEGAL DESCRIPTION: Generally described as vacating a 20-foot, a 16-foot* and a 14-foot* wide (*District Court Case #A-66769) sanitary sewer easements dedicated by separate instruments; FLM-PG: 28862999, Book 361 – Page 87-88, Book 361 – Page 89-90 & Misc. Book 361 – Page 91, all located on Lots 3, 4, 5, 6 & 7, West Park Gardens Addition, Wichita, Sedgwick County, Kansas. (see exhibit)

LOCATION: Generally located south of Harry Street, north of Dora Avenue, on the east side of Seneca Street (WCC #IV)

REASON FOR REQUEST: Sewer line has been re-located

CURRENT ZONING: The site and the abutting south property are zoned LC Limited Commercial. Adjacent west property (across Seneca Street) is zoned MF-29 Multi-Family Residential. Abutting north and east property is zoned TF-3 Two-Family Residential.

The applicant proposes to vacate a 20-foot, a 16-foot* and a 14-foot* wide (*District Court Case #A-66769) sanitary sewer easements dedicated by separate instruments; FLM-PG: 28862999, Book 361 – Page 87-88, Book 361 – Page 89-90 & Misc. Book 361 – Page 91, all located on Lots 3, 4, 5, 6 & 7, West Park Gardens Addition. There were no platted easements shown on the lots or called out on the plat's text of the West Park Gardens Addition. An approved Private Sewer Project, #2220 PPS (OCA #607861), relocated the sewer line that was covered by the subject easements. Public Works has accepted a 20-foot wide easement to cover the relocated sewer line. Westar has existing equipment near the requested area but not in the three sanitary sewer easements that are being vacated. Applicant may need to contact Brian Ward, Construction Services Representative for this item. He can be contacted at 261-6859. The West Park Gardens Addition was recorded with the Register of Deeds October 27, 1923.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, 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 sanitary sewer easements dedicated by separate instruments.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 15, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portions of the sanitary sewer easements dedicated by separate instruments and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Provide Planning with a legal description of the vacated sanitary sewer easements dedicated by separate instruments on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (2) 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) Provide Planning with a legal description of the vacated sanitary sewer easements dedicated by separate instruments on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (2) 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.

WARREN moved, **DAILEY** seconded the motion, and it carried (11-0).

- 3-2. **VAC2015-00047: City request for vacation of a platted street side yard setback**, on property generally located midway between Harry Street and Mt Vernon Road, west of Webb Road, on the southwest corner of Cooper and Skinner Streets.

OWNER/APPLICANT: Anthony V. Edwards & Colleen Ackerman (owners/applicants)

LEGAL DESCRIPTION: Generally described as vacating the platted 15-foot street side yard setback located parallel to the north property line of Lot 16, Block 2, Cedar Ridge 2nd Addition & the south side of the Skinner Street right-of-way, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between Harry Street and Mt Vernon Road, west of Webb Road, on the southwest corner of Cooper and Skinner Streets (1905 S. Cooper Street - WCC #II)

REASON FOR REQUEST: Remove encroachment

CURRENT ZONING: Subject property and all adjacent and abutting properties are zoned SF-5 Single-Family Residential

The applicants are requesting consideration for the vacation of the platted 15-foot street side yard setback located parallel to the north property line of Lot 16, Block 2, Cedar Ridge 2nd Addition and the south side of the Skinner Street right-of-way. A shed was permitted to be placed on the site of an old shed (built on a slab) that has been removed but was located within three-feet - four-inches (3-feet - 4-inches) of the north property line. There is a wooden fence located between the shed and Skinner Street. The subject corner lot is zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZC) minimum street side yard setback for the SF-5 zoning district is 15 feet; the same as the SF-5 zoned site's platted 15-foot street side yard setback. To remove the encroachment a vacation is required to reduce the platted 15-foot street side yard setback. The encroachment exceeds an Administrative Adjustment's 20% reduction thus the variance request. A variance, BZA2015-00053, has been filed. Traffic has reviewed the request and has determined that the shed does not fall within the sight obstruction triangle. There are no easements located within the platted setback. There are no utilities located within the platted setback. Water is located in the right-of-way. The Cedar Ridge 2nd Addition was recorded with the Register of Deeds June 30, 1981.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, 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 the platted street side yard setback.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 15, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portions of the platted street side yard setback and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the platted 15-foot street side yard setback located parallel to the to the north property line of Lots 16, Block 2, Cedar Ridge 2nd Addition and the south side of the Skinner Street right-of-way. Final reduction of the setback to three-feet – four-inches is set for review via the variance request BZA2015-00053, at the November 5, 2015, City Board of Zoning Appeals meeting.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer and franchised utilities/Westar with any needed plans for review for location of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior going to City Council for final action
- (3) All improvements shall be according to City Standards.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted 15-foot street side yard setback located parallel to the to the north property line of Lots 16, Block 2, Cedar Ridge 2nd Addition and the south side of the Skinner Street right-of-way. Final reduction of the setback to three-feet – four-inches is set for review via the variance request BZA2015-00053, at the November 5, 2015, City Board of Zoning Appeals meeting.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer and franchised utilities/Westar with any needed plans for review for location of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior going to City Council for final action
- (3) All improvements shall be according to City Standards.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

WARREN moved. DAILEY seconded the motion, and it carried (11-0).

PUBLIC HEARINGS

4. **Case No.: ZON2015-00043** - HD Realty, LLC, Attn: Brian Happy (Owner/Applicant) and Baughman Company, P.A., Attn: Russ Ewy (Agent) request a City zone change request from LC Limited Commercial to GC General Commercial with a Protective Overlay on property described as:

Lots 51 and 52, Linwood Acres Addition to Wichita, Sedgwick County, Kansas.

VICE CHAIR DENNIS announced that the case was deferred indefinitely.

5. **Case No.: CON2015-00032** - Michael Boyd (Owner/Applicant) requests a County Conditional Use permit for an accessory apartment on RR Rural Residential zoned property on property described as:

The West 215 feet of the Northwest Quarter of the Northeast Quarter of Section 24, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 50 feet for road.

BACKGROUND: The applicants are requesting a Conditional Use to allow an accessory apartment on unplatted property located at 3213 W. 101st Street North. The applicant plans to demolish the existing single-family residence on the site and rebuild the residence. During the time of construction, the applicant and his family will be living in the existing accessory structure and utilize the structure as an accessory apartment. After the principal structure is completed, the applicant plans to keep the

accessory apartment on the property. The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an accessory apartment as a dwelling unit that may be wholly within, or may be detached from, a principal single-family dwelling unit. The 6-acre subject site is zoned RR Rural Residential (“RR”), and is located in the Valley Center zoning area of influence.

The site plan submitted by the applicant shows the location of the existing structure that is proposed to be the accessory apartment. With the accessory apartment being located to the south and west of the existing/proposed principal residence, the units will share the same proposed circle access drive onto West 101st St. North. The accessory apartment and new principal residence will be served by well water and a new septic system. The applicant has been working with the Metropolitan Area Building and Construction Department to ensure that both structures and all utilities are to code.

As per the Unified Zoning Code, the “Conditional Use” requirements for accessory apartments stipulate the following:

- (a) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling.
- (b) The appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood.
- (c) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium.
- (d) The water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

Property to the north, south and west are zoned RR and is used for farming and agricultural operations. Property east of the subject site is also zoned RR and is utilized for a single-family residence.

CASE HISTORY: The property is in the rural area of the county, north of Valley Center and within Valley Center’s Zoning Area of Influence. The property is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Farming and Ranch Operations
SOUTH:	RR	Farming and Ranch Operations
EAST:	RR	Single-family Residence
WEST:	RR	Farming and Ranch Operations

PUBLIC SERVICES: North 101st Street is an un-paved, two-lane section line road. The 2030 Transportation Plan projects no change in its status. The site is not within any rural water districts and is served by a well. The site is currently served by a lagoon, but with the additional residential structure, the applicant will be required to install a new septic system.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as being within the Small City 2030 Urban Growth Area for Valley Center. The designated small cities' urban growth area is generally located adjacent to their existing municipal boundaries, and indicates the reasonable direction and magnitude of growth these communities can expect to experience out to the year 2030. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

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

1. The accessory apartment shall be subject to all requirements of Art III, Sec III-D.6.a of the Unified Zoning Code (UZO) for accessory apartments.
2. The site will be generally developed as shown on an approved site plan, obtaining and conforming to all applicable permits, including but not limited to building, health, and zoning, including connection to water and sewer. The site shall utilize existing driveway approaches.
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 VII hereof, 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 to the north, south and west of the subject site is zoned RR, and is use for farming and agricultural operations. Property east of the subject site is developed with a single-family residence on a large lot.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned RR, which accommodates agricultural uses, low-density single-family residential development and complementary land uses. The site is developed with a single-family residence and two accessory buildings, and could continue to be used as currently zoned.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Provided that the proposed accessory apartment meets all applicable codes, the proposed accessory use should have no effect on the surrounding properties.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Comprehensive Plan identifies this property as being within the Small City 2030 Urban Growth Area for Valley Center. The designated small cities' urban growth area is generally located adjacent to their existing municipal boundaries, and indicates the reasonable direction and magnitude of growth these communities can expect to experience out to the year 2030. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

5. **Impact of the proposed development on community facilities:** If developed in compliance with the recommended conditions of approval, existing facilities would be adequate.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

RICHARDSON requested clarification that according to the aerial photos and verbiage in the Staff Report, the auxiliary apartment is already there.

SLOCUM explained that the accessory structure was already there, and the applicants would like to convert it into an accessory apartment to live in while they rebuild their home.

RICHARDSON asked about prior approval for an accessory apartment.

SLOCUM said the structure has not been used as a dwelling unit, which is why the applicant has requested a Conditional use.

DAILEY asked for clarification about the septic system since the location already has a lagoon.

SLOCUM said the lagoon was okay for one dwelling unit; however, the Code requires a septic system for two dwelling units.

MOTION: To approve subject to staff recommendation.

GOOLSBY moved, **DOOL** seconded the motion, and it carried (11-0).

6. **Case No.: CON2015-00033** - PHR Investments, Inc., c/o Howard Ricketts (Owner) request a City Conditional Use permit for car sales on LC Limited Commercial zoned property on property described as:

Lot 1 EXCEPT the East 82 feet, Block A, McLain Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a Conditional Use to allow car and light truck and motor outdoor sales on the LC Limited Commercial zoned Lot 1, excluding the east 82 feet, Block A, McLain Addition. Per the Unified Zoning Code (UZC, Sec.III-D.6.x), outdoor vehicle and equipment sales may be permitted after consideration and approval of a Conditional Use on a site by site basis in the LC zoning district. The site is located at the northeast corner of Elm and West Streets. The 0.34-acre site was once developed as a small bank (built 1974) with drive-thru service. The site is currently vacant.

Between Kellogg Street/US Highway 54 (US 54) on the south end and Zoo Boulevard on the north end property with West Street frontage is almost completely developed with small commercial businesses. These businesses include regional and local convenience stores, national and regional grocery stores, national and local fast food restaurants, national and local sit down restaurants (some providing alcohol), a large local commercial shopping center, small commercial strips, small stand-alone retail and office, car repair (including one with a body shop), banks with drive-thru services, an almost equal number of payday loan offices, a few pawn shops, and two used car sales lots. The largest development in the area

is the exception to this mostly local commercial development, the Towne West Mall, located two-blocks west of West Street located up against the Interstate Highway 235 (IH 235) - US 54 interchange. North of Central Avenue the businesses are noticeably smaller and are open fewer hours than the businesses located south of Central Avenue. Two small 24-hour businesses operate north of Central Avenue, a local Mexican restaurant and a local (regional?) convenience store.

The immediate neighborhood begins with a LC zoned one-story payday loans building (built in 1966, looks like an old Pizza Inn) abutting the north side of the site with LC zoned one-story siding and widows sales office (built 1980) and a one-story commercial strip (built 1968) housing a restaurant and retail located further north. A GO General Office zoned 2-1/2 story small apartment building (built 1981) abuts the east side of the site. A TF-3 Two-Family Residential and SF-5 Single-Family Residential zoned neighborhood of mostly single-family residences and some duplexes (built late 1970s – mid 1980s) are located east, adjacent to the site. Development located south of the site, across Elm Street, include LC zoned one-story auto parts, a one-story Walgreens Drug store (built 2000), a one-story bank with a drive-thru (built 1972) and over three-acres of undeveloped GO zoned land. Development located west of the site, across West Street, include LC zoned one-story commercial strips (built 1967, 1973), a one-story bank with a drive-thru service (built 1994, 2007), a one-story flower shop (built 1955, 1998), an auto repair shop (built 1955, 1986) and a payday loans (built 1960). All of these nonresidential developments are local commercial types of uses.

There nearest outdoor car sales lots appear to be the two dealerships (CON2002-0005 and 2011-00038) located about four blocks south of the site on West Street between Douglas Avenue and 3rd Street and a recently approved car sales lot, associated with an existing auto repair business (CON2014-00034), located west of the Central Avenue – Zoo Boulevard intersection. The MAPC has recommended that buildings that had been used in the past for automobile activities, such as vehicle repair garages, be considered as possible sites for car sales. If the request is approved it would be the first car sales lot located north of Central Avenue. If the request is approved it is possibly the second time a building designed as a bank with drive-thru services became a stand-alone car sales lot.

The applicant has provided a site plan that shows the building, the canopy of the drive-thru service, the two existing drives onto Central Avenue and Elm Street, sidewalks, proposed parking and display areas, an existing pole sign, proposed parking barriers, a fenced trash receptacle, a grass area with two existing trees and Westar utilities. The site plan shows a display area blocking circulation between the site's Elm Street and Central Avenue driveways, this obstruction will have to be removed for internal circulation to provide unobstructed two points of ingress-egress. The site is almost entirely paved and as such there appears to be little opportunity for landscaping.

CASE HISTORY: The site is platted as Lot 1, Block A, McLain Addition, which was recorded with the Register of Deeds December 8, 1971. The site was annexed into the city sometime between 1951-1960.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Payday loans, office, commercial strip, auto repair
SOUTH:	LC, GO	Auto parts store, drug store, bank with drive-thru, undeveloped land
EAST:	GO, TF-3, SF-5	Small apartment, duplexes, single-family residences
WEST:	LC	Small commercial strips, small retail, bank, auto repair, payday loans

PUBLIC SERVICES: The subject property has access to West Street, a four-lane arterial street with a center turn-lane and Elm Street, a paved two-lane residential street. Municipal water and sewer services and all other utilities are currently provided to the subject property.

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. Medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants, personal service facilities and on a limited basis mini-storage warehouse and light manufacturing are examples of local commercial uses. All of these uses would be on a scale that would not have a significant regional draw. The UZC allows consideration of outdoor car sales on LC zoned lots as a Conditional Use on a site by site basis.

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 site has direct access onto West Street, a four-lane arterial, with a center turn-lane. The site’s access onto the residential Elm Street provided the needed access for the former bank’s drive-thru service. The site’s Elm Street drive lines up with the LC zoned auto parts’ drive, located south of the site, across Elm Street. The conditions attached to a Conditional Use can address site design issues, including, but not limited to the required solid screening along the site’s east side. The “Commercial Locational Guidelines” also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. As mentioned the closest car sales lots are located about four blocks south (and south of Central Avenue) of the site on West Street between Douglas Avenue and 3rd Street and a recently approved car sales lot (associated with auto repair), CON2014-00034, located west of the Central Avenue – Zoo Boulevard intersection. Approval would allow the first car sales lot located north of Central Avenue.

In the past the MAPC has identified smaller car sales lots as being more of a local commercial use in their nature, as opposed to the cluster of larger new car sales lots located primarily along Kellogg Avenue, Broadway Avenue or more recently along arterial intersections located in the northeast and northwest parts of the City, all which are more regional in their cliental draw. Consideration of a Conditional Use to allow car sales as accessory to a bank’s services to its customers is not uncommon. However, converting a site that was previously used as a bank with drive-thru service to a stand-alone car sales lot seems to be rare. The applicant’s proposal is not entirely out of character for this section of West Street, from Douglas Avenue to Central Avenue, but it will establish the first car sales lot located a block north of Central Avenue; CON2001-00020, car sales located on the southeast corner of West Street and Zoo Boulevard was denied. The applicant’s proposal allows another opportunity for the site to be occupied.

RECOMMENDATION: The site mostly conforms to the MAPC’s identifying smaller car sales lots as being more of a local commercial use in their nature. If approved the request would not introduce a new use to the section of West Street as there are car sales lots are located about four blocks south of the site on West Street between Douglas Avenue and 3rd Street and a recently approved car sales lot (associated with auto repair), CON2014-00034, located west of the Central Avenue – Zoo Boulevard intersection.

However, if approved it would establish the first car sales lot located a block north of Central Avenue on West Street. This is a tough call but, based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, with the following conditions:

1. The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks on Lot 1, excluding the east 82 feet, Block A, McLain Addition. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
2. Because the site has no building for any automotive service or repair work, none shall be conducted on the site. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. No outside storage of parts, including tires, oil containers or any similar type of receptacles for new or used petroleum products.
3. All improvements to the property must be finished before car sales is permitted. Those improvements include a parking barrier, such as a heavy rail type, being installed along the west and south property lines of the site where it abuts the Central Avenue and Elm Street right-of-way, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way, including the sidewalks. A six-eight foot wooden fence shall be erected on the east property line of the site.
4. No display or parking allowed on the north grass area of the site. The two trees located on the north side of the site in the grass area shall remain as shall the tree located along in the West Street right-of-way and the two trees located along the Elm Street right-of-way.
5. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the selling of any cars or light trucks, within 45 days of approval by the MAPC or the City Council. The site plan will include, but not be limited to, internal circulation that will remain open at all time to allow access and connection to the Elm Street and Central Avenue driveways, a six-eight foot tall solid wooden fence along the east property line and parking barriers along the west and south property line. The site will be developed according to the revised site plan. No car sales will be allowed until the revised site plan is approved.
6. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons. All other signage will be per the "LC" zoning district.
7. There shall be no use of elevated platforms for the display of vehicles. All parking areas, areas where vehicles are displayed for sale must be on a concrete, asphalt or an approved all weather surface.
8. No outdoor amplification system shall be permitted.

9. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 14-feet, including the base, and directed onto the site and away from the residential development north and east of the site.
10. All trash receptacles, shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
11. No selling of cars and pick-up (light) trucks shall be allowed until all permits have been acquired and all improvements to the site have been made.
12. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
13. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

1. The zoning, uses and character of the neighborhood: The immediate neighborhood begins with a LC zoned one-story payday loans building (built in 1966, looks like an old Pizza Inn) abutting the north side of the site with LC zoned one-story siding and widows sales office (built 1980) and a one-story commercial strip (built 1968) housing a restaurant and retail located further north. A GO General Office zoned 2-1/2 story small apartment building (built 1981) abuts the east side of the site. A TF-3 Two-Family Residential and SF-5 Single-Family Residential zoned neighborhood of mostly single-family residences and some duplexes (built late 1970s – mid 1980s) are located east, adjacent to the site. Development located south of the site, across Elm Street, include LC zoned one-story auto parts, a one-story Walgreens Drug store (built 2000), a one-story bank with a drive-thru (built 1972) and over three-acres of undeveloped GO zoned land. Development located west of the site, across West Street, include LC zoned one-story commercial strips (built 1967, 1973), one-story bank with a drive-thru (built 1994, 2007), a one-story flower shop (built 1955, 1998), auto repair (built 1955, 1986) and a payday loans (built 1960). All of these nonresidential developments are local commercial type of uses.

There nearest outdoor car sales lots appear to be the two dealerships (CON2002-0005 and 2011-00038) located about four blocks south of the site on West Street between Douglas Avenue and 3rd Street and a recently approved car sales lot, associated with an existing auto repair business (CON2014-00034), located west of the Central Avenue – Zoo Boulevard intersection. The MAPC has recommended that buildings that had been used in the past for automobile activities, such as vehicle repair garages, be considered as possible sites for car sales. If the request is approved it would be the first car sales lot located north of Central Avenue. If the request is approved it would possibly be the second time a building designed as a bank with drive-thru services became a stand-alone car sales lot.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its past use as a bank with drive-thru service.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of CON2015-00033 could encourage the application for more Conditional Use request for car sales on other properties on this section of West Street that are currently used for auto repair, payday loans or pawn shops. The result of such requests being approved would be a more auto focused commercial activity on this section of West Street, although on a physical scale not be out of character with the current local commercial activity; both sit down and fast food restaurants, offices, small commercial strips, grocery stores, a drug store, payday loan businesses, several pawn shops, etc. The conditions of the Conditional Use are intended to minimize the negative impact of car sales on this site. Approval would at least have the currently vacant property occupied.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Commercial Locational Guidelines recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. If approved the request would not introduce a new use to the section of West Street as there are car sales lots are located about four blocks south of the site on West Street between Douglas Avenue and 3rd Street and a recently approved car sales lot (associated with auto repair), CON2014-00034, located west of the Central Avenue – Zoo Boulevard intersection. However, if the request is approved it would be the first car sales lot located north of Central Avenue. There is no adopted neighborhood plan that would specifically discourage a car sales lot on this site. The Conditional Use proposal allows another opportunity for the site to be occupied.
5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.

BILL LONGNECKER, Planning Staff presented the Staff Report. He noted that DAB VI recommended approval of the application 7-0. He said the DAB requested a change in condition #6 for no animated signs. He said the site currently has a static sign illuminated from within and an electronic message board which will continue to operate. He commented this is not introducing a new use to the area; however, he noted that it will be the first used car lot north of Central Avenue. He reported that there have been no complaints or inquiries regarding the application.

DAILEY clarified so a message board is not considered an animated sign.

LONGNECKER said the Sign Code has a definition of electronic message signs having to do with the frequency in the changing of the script or image. He briefly reviewed the applicable section and definitions in the Sign Code, as referenced in the Staff Report..

ELLISON mentioned that he drove the area and there are seven (7) car lots within a mile of this location that have 5-8 flapping banners on them. He asked if the owner was good with the revision to item #6.

LONGNECKER said the owner has the same question. He said what is reflected in the Staff Report is standard language from the Zoning Code used with all car lot applications. He said he had a discussion with Commissioner Richardson regarding the banner issue and they got into the question of Code Enforcement, which he said the Planning Department does not do. He said enforcement is an issue for the Metropolitan Area Building and Construction Department (MABCD).

RICHARDSON said he spoke with staff and reviewed previous conditional use cases and he said they are pretty much verbatim regarding restrictions on pennants, streamers, pinwheels and lights. He said like Commissioner Ellison he also drove the area and all the businesses except one had the flapping banners. In fact, he said the Super Car Guys located at Douglas and West Street have 16 banners around the perimeter of the lot. He said his concern is that the Commission not approve any more of these conditional uses if the City is making up rules that no one is going to enforce. He also requested that someone from MABCD come and talk to the Commission about how they receive notice about these violations and how they enforce the code. He said he is also concerned about introducing car lots north of Central Avenue. He said for those reasons he was opposed to the application at this time.

HOWARD RICKETS, 762 NORTH WEST STREET, PROPERTY OWNER said he will be leasing the property to a tenant for the used car lot. He said they have no problems with what is being stipulated but asked about the banner situation. He said it will make it hard for his tenant if his is the only lot not able to have any banners. He asked if the Commission could regulate the number of banners. He said whatever the Commission decides, they will abide by it. He said the building has been vacant for a while and that no banks were interested in it because it is too small.

MILLER explained that MABCD operates on a complaint basis only. He said people can violate the UZC and unless someone turns them in, it is not investigated. He asked the Commission if they would authorize him to take their comments to MABCD and turn them in as a complaint if it was appropriate. He said the referenced conditions are in the UZC.

RICHARDSON said he understood that and said the Commission approves these applications feeling good that they are controlling what is being allowed, but frankly that doesn't happen. He wondered why the Commission does that and added that, essentially, it is open season and that doesn't make any sense to him.

MOTION: To approve subject to staff recommendation as amended by DAB VI.

WARREN moved, **RAMSEY** seconded the motion.

DENNIS said he does not want to penalize the applicant based on what everyone else is doing wrong. He said he was going to vote to approve the application, and report the violations at other locations to MABCD.

MILLER STEVENS asked Director Miller to ask MABCD why this provision is in the Ordinance, what is the purpose for not having banners, etc. She said that way the Commission can move forward with either removing the provision from the UZC or enforcing it.

DIRECTOR MILLER commented that the provision has been put into the UZC since he has been with the City. He said he believes it was a strong effort on the City's part to address these types of issues. He mentioned a previous City Manager and Planning Director. He said he would make MABCD aware of the issues discussed at today's meeting.

ELLISON said a key thing to any auto sales lot is that marketing effort, so not allowing banners is cutting the applicant's marketing effort in half.

DAILEY asked if the Advance Plans Committee should review the issue.

DIRECTOR MILLER said the UZC can be reviewed for appropriateness but he would need the direction of the full Commission to do that. However, he said he was hesitate because it takes a lot of staff time do UZC amendments, and right now staff is doing all they can do to keep us with processing current applications.

FOSTER asked for clarification of the DAB vote.

LONGNECKER reiterated that DAB approved the application 7-0. He added that Stormwater discharge was another issue discussed, since washing vehicles on site was not part of the application. He said they use a misting operation to keep dust off of the cars.

The **MOTION** carried (9-2). **ELLISON** and **RICHARDSON** – No.

7. **Case No.: PUD2015-00004** - Sherwood Construction Co., Inc. (David Sherwood) and Vantage Point Properties (Paul Jackson) / Baughman Company, P.A. (Russ Ewy) request a County zone change from SF-20 Single-family Residential to the Sunstone PUD Planned Unit Development on property described as:

A portion of the West Half of the Northwest Quarter of Section 36, Township 27 South, Range 2 West, of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas lying north of the north line of the A.T.&S.F. Railroad right-of-way within said Northwest Quarter more particularly described as commencing at the northwest corner of said Northwest Quarter; thence S00°39'56"E (assumed), along the west line of said Northwest Quarter, 1372.00 feet; thence N89°20'04"E, perpendicular to the west line of said Northwest Quarter, 60.00 feet to a point on the east road right of way of 135th Street West and for a point of beginning; thence continue N89°20'04"E, 1246.20 feet more or less to a point on the east line of the west half of said Northwest Quarter; thence S00°41'54"E, along the east line of the west half of said Northwest Quarter, 575.06 feet more or less to the north line of the A.T.&S.F. Railroad right of way; thence N86°04'43"W, along the north line of said A.T.&S.F. railroad right of way, 1250.54 feet more or less to the east road right of way of 135th Street West; thence N00°39'56"W, along the east line of 135th Street West, and parallel with the west line of said Northwest Quarter, 475.05 feet more or less to the Point of Beginning.

BACKGROUND: The applicant is seeking Planned Unit Development (PUD #47) zoning to allow the development of a multi-family residential complex that also includes a car wash and dog run. The use of the car wash and dog run is to be restricted to only residents of the proposed apartment complex. The property is zoned SF-20 Single-Family Residential (SF-20), and is located 1,600 feet south of West U.S. Highway 54/400 on the east side of South 135th Street West. The site contains 15.02 acres.

Proposed uses are those uses permitted by right in the MF-18 Multi-Family Residential district (MF-18), and a car wash that is not for general public use. A maximum of 270 dwelling units or 18 dwelling units per acre are proposed. Off-street parking is to be provided per the Unified Zoning Code (UZC). Twenty-foot building setbacks are proposed on all four sides of the property. At the time of platting a drainage plan is to be submitted. Signage is to be restricted to that permitted in the County Sign Code Section 6-346(c). No LED, billboard or off-site signage is permitted. Access shall be as indicated on the plan. Two points of access are proposed to South 135th Street West. The location of the driveways shall be approved at the time of platting.

Land located north of the application area is zoned SF-20 and is currently farmland. Land located to the east is zoned Limited Commercial (LC), subject to the development standards contained in Community Unit Plan (CUP) DP-320, and is currently farmland. South of the application area is land zoned SF-20, and SF-5 Single-Family Residential (SF-5). Land to the south is a hike and bike trail, utility substation and farmland platted (but undeveloped) for single-family residential use (Turkey Creek 3rd Addition). Property to the west is zoned Limited Industrial (LI), and developed with a concrete plant.

CASE HISTORY: On July 25, 2002, CON2002-00035 was approved. The conditional use permitted mining and quarrying of fill material. The conditional use for mining and quarrying expired July 25, 2006. The present application area is only a portion of the larger area approved for mining and quarrying.

ADJACENT ZONING AND LAND USE:

North: SF-20; farmland
South: SF-20, SF-5; utility substation, hike and bike trail and farmland
East: LC, subject to CUP DP-320; farmland
West: LI; concrete plant

PUBLIC SERVICES: South 135th Street West is a paved three-lane arterial that carried, in 2007, less than 800 average daily trips. Sanitary sewer is located over a quarter-mile away to the east. The closest water line is approximately 1,600 feet to the north along West U.S. Highway 54/400. Needed improvements can be guaranteed at the time of platting. If the site were to be developed to the maximum number of apartment units, 270, the average daily traffic generation rate is estimated to be 1,782 trips.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “regional commercial” uses, and is located with Wichita’s 2030 urban growth area. The regional commercial category encompasses major destination area containing concentrations of commercial, office and personal service uses that have predominately regional marke

area and high volumes of retail traffic. Regional commercial area may also include higher density residential housing and uses typically found in areas recommended for “local commercial” uses.

Multi-family residential uses may be used as transitional land use between single-family residential uses and higher intensity uses. Multi-family residential uses should have direct access to arterial or collector streets and should be sited where they will not overload or create congestion in existing and planned facilities or utilities.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to the development standards contained in PUD #47, and the following conditions:

1. Platting of the property within one year of final approval.
2. Submission of four copies of the final approved PUD within 60 days of final approval.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located north of the application area is zoned SF-20 and is currently farmland. Land located to the east is zoned Limited Commercial (LC), subject to the development standards contained in Community Unit Plan (CUP) DP-320, and is currently farmland. South of the application area is more land zoned SF-20, and SF-5 Single-Family Residential (SF-5). Land to the south is a hike and bike trail, utility substation and farmland platted (but undeveloped) for single-family residential use (Turkey Creek 3rd Addition). Property to the west is zoned Limited Industrial (LI), and developed with a concrete plant. The property is located adjacent to the City of Wichita and is appropriately the subject of the current development application.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-20 which primarily permits single-family residential uses on half-acre or larger lots and a few institutional and civic uses by right, such as churches, schools or parks. The site could be developed as currently zoned but rezoning the property to permit a more intense use is a more appropriate action given the site’s location in the direct path of urbanization.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use would be buffered from the platted but undeveloped single-family development located south across the hike and bike trail. Land to the east is already zoned for commercial uses. Land to the east is a concrete plant. Land to the north is undeveloped but will likely be the subject of rezoning requests given its proximity to West Highway 54/400 and its scheduled improvements.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide the public additional housing choice in the southwest part of the county. Denial would presumably represent a loss of economic opportunity for the property owner or the potential developer.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “regional commercial” uses, and is located with Wichita’s 2030 urban growth area. The regional commercial category encompasses major destination area containing concentrations of commercial, office and personal service uses that have predominately a regional market area and have high volumes of retail traffic. Regional commercial area may also include higher density residential housing and uses typically found in areas recommended for “local commercial” uses. Multi-family residential uses may be used as transitional land use between single-family residential uses and higher intensity uses. Multi-family residential uses should have direct access to arterial or collector streets and should be sited where they will not overload or create congestion in existing and planned facilities or utilities.
6. Impact of the proposed development on community facilities: At the time of platting needed improvements can be identified and guarantees for needed improvements can be obtained.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

WARREN moved. **ELLISON** seconded the motion, and it carried (11-0).

NON-PUBLIC HEARING ITEMS

8. Other Matters/Adjournment

8-1. **2016 Planning Commission Calendar**

MOTION: To approve the 2016 MAPC/City BZA calendar as submitted.

WARREN moved. **RICHARDSON** seconded the motion, and it carried (11-0).

FOSTER asked about the County BZA calendar.

DIRECTOR MILLER clarified that the County BZA has a separate calendar that does not conflict with City MAPC/BZA meeting dates.

DIRECTOR MILLER referred to the handout regarding lot size for Rural Home Occupations which he said the Commission will be asked to set a public hearing date at the next meeting.

The Metropolitan Area Planning Commission adjourned at 2:00 p.m.

State of Kansas)
Sedgwick County) ss

I, W. Dale Miller, 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 _____, 2015.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

DRAFT

STAFF REPORT

CASE NUMBER: VAC2015-00053 - Request to vacate a front building setback established by a vacation order

OWNER/AGENT: Red House Partners, LLC (owners) Evans Building Company, c/o William Johnson (agent)

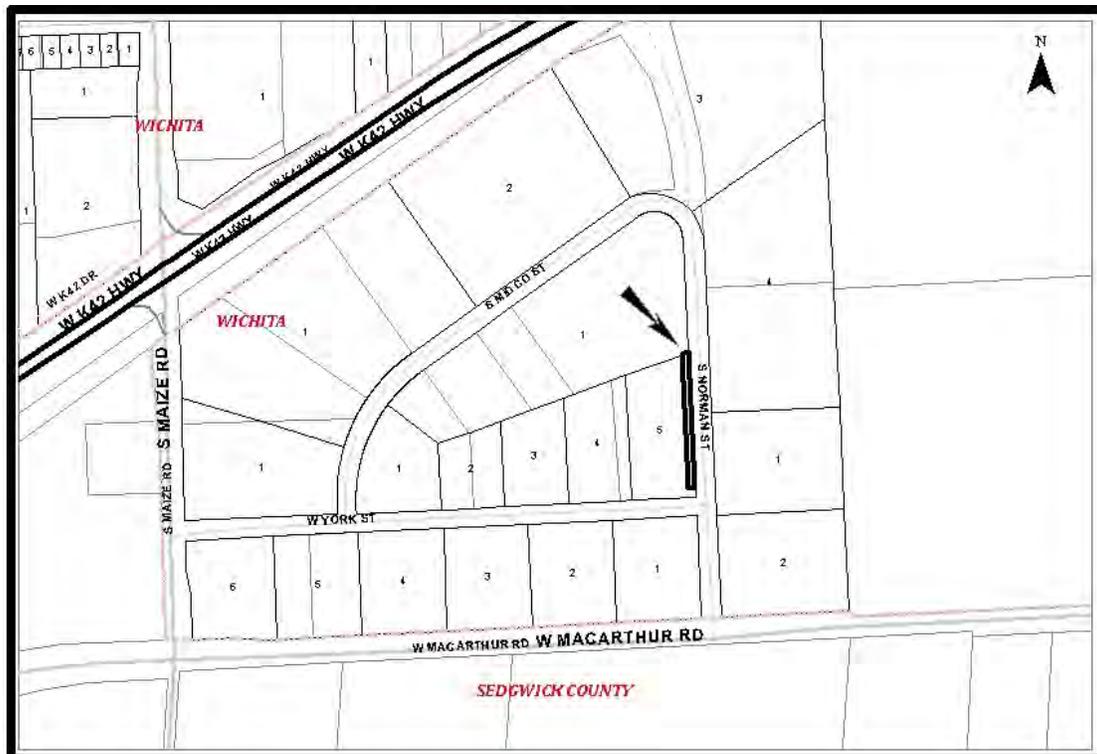
LEGAL DESCRIPTION: Generally described as vacating the 40-foot street side yard building setback, established by Vacation Order VAC2002-00017, that runs parallel to the east property line of Lot 5, Block C, Mid-Continent Industrial Park I Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located northeast of MacArthur and Maize Roads on the northwest corner of York and Norman Streets (WCC #IV)

REASON FOR REQUEST: Future development

CURRENT ZONING: Subject property and all abutting and adjacent properties are zoned LI Limited Industrial.

VICINITY MAP:



The applicants are requesting consideration to vacate the 40-foot street side yard building setback established by Vacation Order VAC2002-00017 (approved by City Council July 2, 2002), which runs parallel to the east property line of a portion of the corner site; Lot 5, Block C, Mid-Continent Industrial Park I Addition. VAC2015-00017 vacated the west 10-feet of the planted 50-foot street side yard setback. The Unified Zoning Code (UZC) defines a front yard building setback on corner lots as being located along the shorter street frontage, with the longer frontage being the street side yard building setback; UZC, Sec.II-E.1(6). The corner site abuts York Street on its south side and Norman Street on its east side. York Street is the shorter frontage making the south side of the site the front yard and the longer Norman Street frontage along the east side of the site the street side yard.

The corner site is zoned LI Limited Industrial. The LI zoning district has a zero street side yard building setback, which is what the applicant is requesting. There are water lines, water valves and water nodes in the area of the vacation that cross east-west thru the north-south setback; there are no platted easements located over these utilities. Other water lines/equipment and sewer equipment are located in the east 10-feet of the subject site and are covered by an easement dedicated by separate instrument; need copy of recorded instrument. Power poles are located east of the site in the east side of the Norman Street right-of-way. Westar Energy has equipment that feeds that customer that may be located in the area they are requesting to vacate. If it is located in that area, the customer can either retain that portion as easement or they can relocate it but that will be at their expense. Conditions #2 and #3 will cover Westar. Brian Ward, Supervisor, Design Services is the contact for this item. He can be contacted at 261-6734. The Mid-Continent Industrial Park I Addition was recorded with the Register of Deeds March 2, 1976.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Storm Water, Fire, 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 describe portion of the street side yard building setback established by a vacation order.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 12, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the street side yard building setback established by a vacation order and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the 40-foot street side yard building setback, established by Vacation Order VAC2002-00017, which runs parallel to the east property line of the corner site; Lot 5, Block C, Mid-Continent Industrial Park I Addition. The street side yard building setback will be zero feet, as allowed by the subject corner site's Limited Industrial zoning, if Public Works agrees to a hold

harmless agreement that would allow encroachment into the 10-foot wide utility easement dedicated by separate instrument. If the hold harmless agreement is not issued the setback will be 10-feet.

- (2) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide all utilities, with any needed plans for review for relocation of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior to this case going to City Council for final action.
- (3) As needed provide all utilities, including Water, with easements dedicated by separate instrument(s) with original signatures. The original public easement(s) dedicated by separate instrument must be provided to Planning prior to the case proceeding to City Council with the Vacation Order for final action and subsequent recording at the Register of Deeds.
- (4) Provide a legal description of the vacated 40-foot street side yard building setback, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the 40-foot street side yard building setback, established by Vacation Order VAC2002-00017, which runs parallel to the east property line of the corner site; Lot 5, Block C, Mid-Continent Industrial Park I Addition. The street side yard building setback will be zero feet, as allowed by the subject corner site's Limited Industrial zoning, if Public Works agrees to a hold harmless agreement that would allow encroachment into the 10-foot wide utility easement dedicated by separate instrument. If the hold harmless agreement is not issued the setback will be 10-feet.
- (2) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide all utilities, with any needed plans for review for relocation of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior to this case going to City Council for final action.
- (3) As needed provide all utilities, including Water, with easements dedicated by separate instrument(s) with original signatures. The original public easement(s) dedicated by separate instrument must be

provided to Planning prior to the case proceeding to City Council with the Vacation Order for final action and subsequent recording at the Register of Deeds.

- (4) Provide a legal description of the vacated 40-foot street side yard building setback, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds. The legal description will be used on the Vacation Order.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

MAPC: December 3, 2015

DAB IV: December 7, 2015

Tentative City Council Date: January 5, 2016

CASE NUMBER: ZON2015-00045

APPLICANT/AGENT: Reichenberger Revocable Family Trust and Sandra Reichenberger (Owners), PlanScape Partners c/o Ronald Discus (Agent/Applicant)

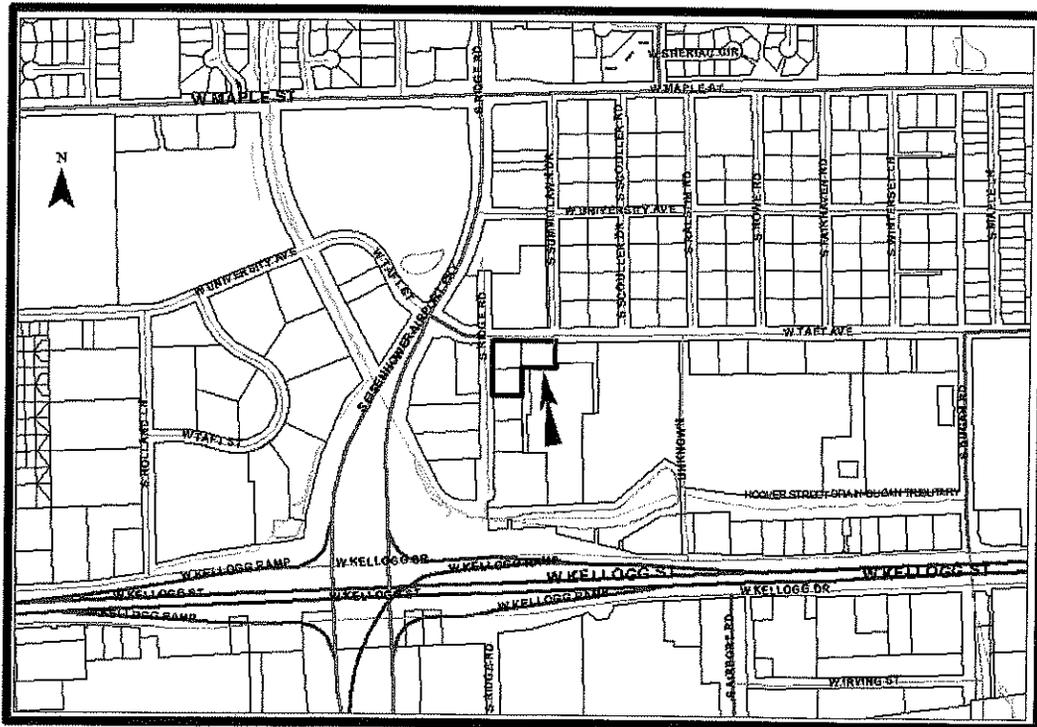
REQUEST: LC Limited Commercial (“LC”)

CURRENT ZONING: SF-5 Single-family Residential (“SF-5”)

SITE SIZE: 1.10 acres

LOCATION: Generally located south and east of the intersection of Taft Avenue and South Ridge Road (500 and 526 S. Ridge Rd. and 501 S. Summitlawn Dr.)

PROPOSED USE: Restaurant



BACKGROUND: The applicant requests a rezone from SF-5 Single-family Residential (“SF-5”) to LC Limited Commercial (“LC”) zoning on three lots, one platted (501 S. Summitlawn Dr.) and two unplatted (500 and 526 S. Ridge Rd) lots equaling approximately 1.10 acres, located on the east side of Ridge Road and the south side of Taft Avenue. The parcels are currently developed with single-family residences.

The current neighborhood character is a mix of GC General Commercial (“GC”) and LC zoned shopping, restaurant and entertainment uses along Kellogg Dr., Mid-Continent Dr., Ridge Rd. and Taft Ave. The only remaining residential properties along this corridor are these two SF-5 zoned homes on the east side of Ridge Rd. and the one SF-5 zoned home on the south side of Taft Ave. The proposed zone change, from SF-5 to LC would require conformance to all property development standards in the Unified Zoning Code.

To the north of the application area (across Taft Ave.), the property is zoned LC and is developed with a collection of restaurants. South of the application area the property is zoned GC and still developed with a single-family residence. East of the subject site is property zoned GC (DP-151 The Dugan Center) and is developed with regional retail uses. West of the application area (across S. Ridge Rd.) is property zoned LC and developed with a theater and restaurants. US-54 (Kellogg) is located approximately 1,000 feet south of the application area, which is accessible from Mid-Continent Dr., but not S. Ridge Rd., which turns into a cul-de-sac just south of the application area.

CASE HISTORY: Two properties within this application are currently unplatted (500 and 526 S. Ridge Rd.) and 501 S. Summitlawn Dr. is platted as Lot 1, Mary Ellen Addition, recorded October 11, 1967.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Restaurants
SOUTH:	GC	Single-family Residence
EAST:	GC	Shopping Center
WEST:	LC	Movie Theater & Restaurants

PUBLIC SERVICES: The properties are located along Ridge Rd. and Taft Ave., northeast of Mid-Continent Dr. and Kellogg. The 2006 Average Daily Traffic Map showed 27,701 ADTs (average daily trips) for section of Mid-Continent Dr., west of the application area, and 10,823 ADTs for Taft, just north of the application area. The application area currently has two points of access onto Ridge Rd. and one onto Taft Ave. City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the application area, along with the entire surrounding area, as “Regional Commercial.” The application area is consistent with the “Commercial Locational Guidelines” of the Wichita-Sedgwick County Comprehensive Plan. Commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion, with the location of major commercial uses being coordinated with mass transit routes, high-density residential, employment and other intensive uses. Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact

ZON2015-00045

surrounding residential land uses and commercial uses should locate in compact clusters or nodes versus extended strip developments. Commercially-generated traffic should not feed directly onto local residential streets and commercial uses that are not located in planned centers or nodes (including large free-standing buildings, auto-related and non-retail uses) should be guided to other appropriate areas such as: the CBD fringe; segments of Kellogg; established areas of similar development; and, areas where traffic patterns, surrounding land uses and utilities can support such development.

RECOMMENDATION: This zone change request is in conformance with the Land Use Guide of the Comprehensive Plan and “Commercial Locational Guidelines.” A zone change to LC and the subsequent redevelopment will require the application area to be in compliance with the landscape ordinance; and to screen and deflect lighting from any residential neighbors. To be redeveloped, the applicant will be required to plat the two unplatted properties within the application area. Planning staff anticipates that platting will include complete dedication of access control with one point of access on Ridge Rd., and required cross-lot access agreements with all non-residentially zoned neighboring lots.

For the application proposing a rezone from SF-5 Single-Family Residential (“SF-5”) to LC Limited Commercial (“LC”) for 500 & 526 S. Ridge Rd. and 501 S. Summittlawn Dr., considering information available prior to the public hearings, planning staff recommends APPROVAL of the rezone request, subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is a mixture of GC and LC zoning. The surrounding land uses are a mixture of restaurants, shopping centers, a theater, a single-family home, and an elevated highway. Landscape and screening requirements should help mitigate any negative impacts from the application area any residential neighbors.
2. The suitability of the subject property for the uses to which it has been restricted: The Land Use Guide of the Comprehensive Plan identifies the entire surrounding area as “Regional Commercial.” With a large CUP commercial development to immediate east, and past street improvements along Ridge and Taft, the entire surrounding area is currently being redeveloped for commercial uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of LC zoning on this property will increase traffic and the intensity of land uses in the immediate area. Designation of the entire surrounding area as “Regional Commercial” in the Land Use Guide of the Comprehensive Plan, and past street improvements on Ridge and Taft, have taken into consideration the redevelopment of the surrounding area for commercial uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the Comprehensive Plan “Wichita Land Use Guide,” and it is in conformance with the commercial locational guidelines of the plan.

5. Impact of the proposed development on community facilities: A zone change at the application area to LC will increase traffic along Ridge and Taft, the designation of the entire surrounding area as “Regional Commercial” in the Land Use Guide of the Comprehensive Plan, and past street improvements, have planned and accounted for increased traffic in this area.



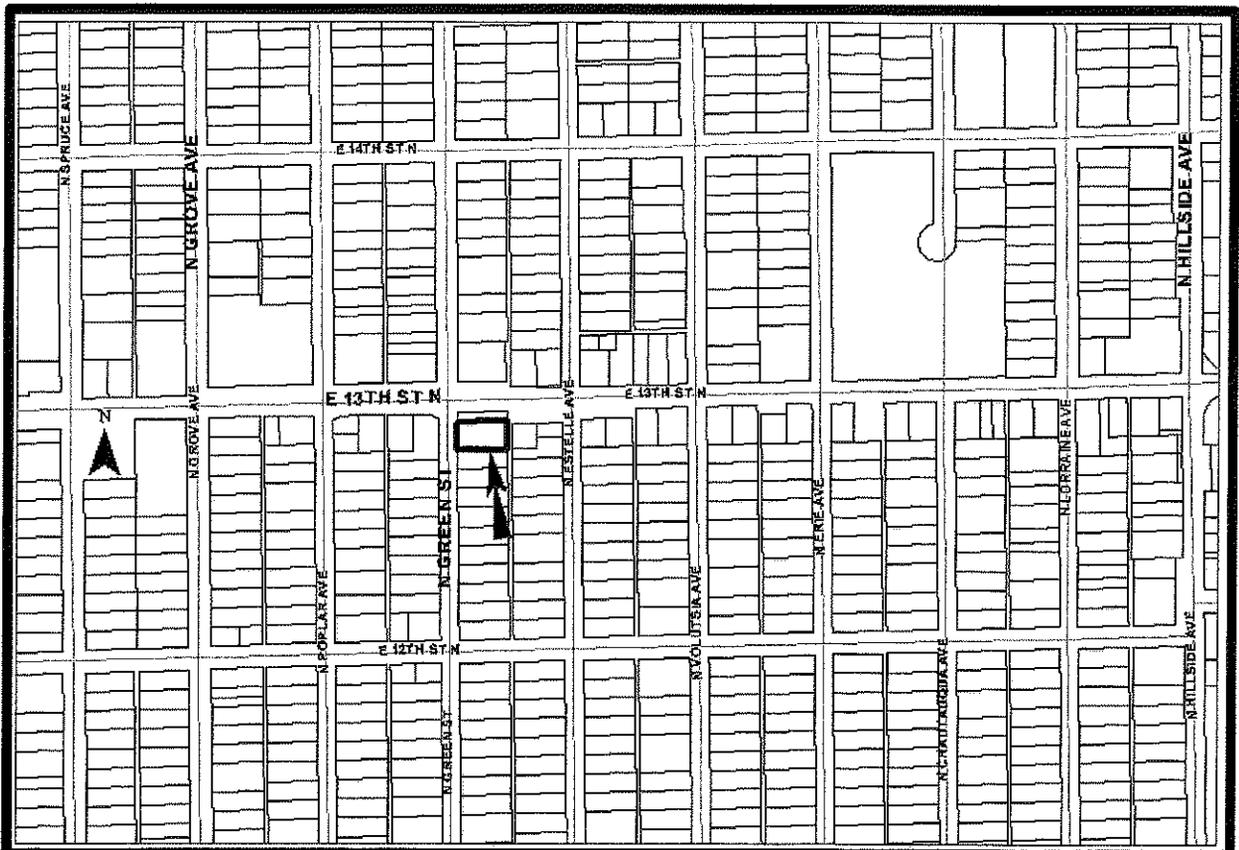
STAFF REPORT

MAPC: December 3, 2015

DAB I: December 7, 2015

Tentative City Council Date: January 5, 2016

- CASE NUMBER:** ZON2015-00047
- APPLICANT/AGENT:** Janice Thacker (Owner/Applicant)
- REQUEST:** GC General Commercial (“GC”)
- CURRENT ZONING:** TF-3 Two-family Residential (“TF-3”)
- SITE SIZE:** Total Area 0.22 acres
- LOCATION:** Generally located east of Grove Avenue on the southeast corner of Green and 13th Street North.
- PROPOSED USE:** Parking area, commercial, for art studio, open air market and outside art display



BACKGROUND: The applicant is requesting GC General Commercial (“GC”) zoning on a 0.22-acre site, currently zoned TF-3 Two-family Residential (“TF-3”). The proposed use is a parking area, commercial, for the art studio and an open air retail market with outside display proposed to be developed just west of the site, across Green Street. The site is located at the southeast corner of East 13th Street North and North Green Street, just two blocks east of North Grove Avenue. The subject site currently is undeveloped.

Any development on the subject property, even a parking area, will be required to meet screening, compatibility standards and landscaping. For any proposed development, screening, buffer landscaping and compatibility standards will be required for the residential properties to the south and east. Any existing vegetation, on the subject property, that is left in place after the development of the site can be used to satisfy the buffer landscaping requirement. Access control would be reviewed, by the Traffic Engineer, according to the redevelopment of the site. There is currently one existing drive for the site.

Property to the north of the subject site (across 13th Street) is zoned GC and is developed with outdoor storage area. Property to the south of the subject site is zoned TF-3 and is developed with a single-family residence. To the west of the subject site (across Green Street) the property is zoned GC and is currently developed with a vacant single-family residence. Property to the east of the subject site is zoned TF-3 and is vacant, with a duplex further to the east, fronting Estelle Avenue.

CASE HISTORY: The property is platted as Lots 4, 6 and 8, Green Street, Fairmount Park Addition, which was recorded August 12, 1909.

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Outdoor Storage
SOUTH:	TF-3	Single-family Residence
EAST:	TF-3	Vacant Land, Duplex
WEST:	GC	Vacant Single-Family Residence

PUBLIC SERVICES: The subject property has frontage along East 13th Street North (north side of property), a four-lane, paved, arterial road with approximately 35,000 Average Daily Trips (ADT’s) near this location. Along the west side of the property runs North Green Street, a two-lane, paved, collector without traffic counts. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as “Urban Residential.” This is the only corner of Green Street that is not identified as “Local Commercial.” The “Urban Residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.”

RECOMMENDATION: While this proposed zone change does not exactly conform to the existing Land Use Guide of the Comprehensive Plan, this request would be in conformance at the other three

corners of the intersection due to them being classified as Local Commercial. This proposed zone change is proposed to help serve the property to the east of the subject site (across Green Street) which was granted a zone change from TF-3 to GC by the MAPC on December 2, 2010 (ZON2010-00042). Thus, based upon the information available prior to the public hearings and past zone change requests in the area, planning staff recommends that the request be APPROVED, subject to the proposed Protective Overlay:

- A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north of the subject site (across 13th Street) is zoned GC and is developed with outdoor storage area. Property to the south of the subject site is zoned TF-3 and is developed with a single-family residence. To the west of the subject site (across Green Street) the property is zoned GC and is currently developed with a vacant single-family residence. Property to the east of the subject site is zoned TF-3 and is vacant, with a duplex further to the east, fronting Estelle Avenue.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site could be developed with a single-family residential or duplex use under the current zoning.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Rezoning and commercial development could have negative effects on the single-family residences south and east of the application area. Existing codes would require compatibility setbacks, screening, landscaping, limit noise, and prohibit certain uses within 200 feet of residences.
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 “Urban Residential.” This is the only corner of Green Street that is not identified as “Local Commercial.” The “Urban Residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.”

5. **Impact of the proposed development on community facilities:** Traffic on the existing residential street could increase as a result of the proposed development. The site currently has a curb cut for access to North Green Street, a classified local street.

STAFF REPORT

MAPC: December 3, 2015

DAB I: December 7, 2015

Tentative City Council Date: January 5, 2016

CASE NUMBER: ZON2015-00048

APPLICANT/OWNER: Merle Meeds, Charles Meeds and LaDonna Moss
(Owner(s)/Applicant(s))

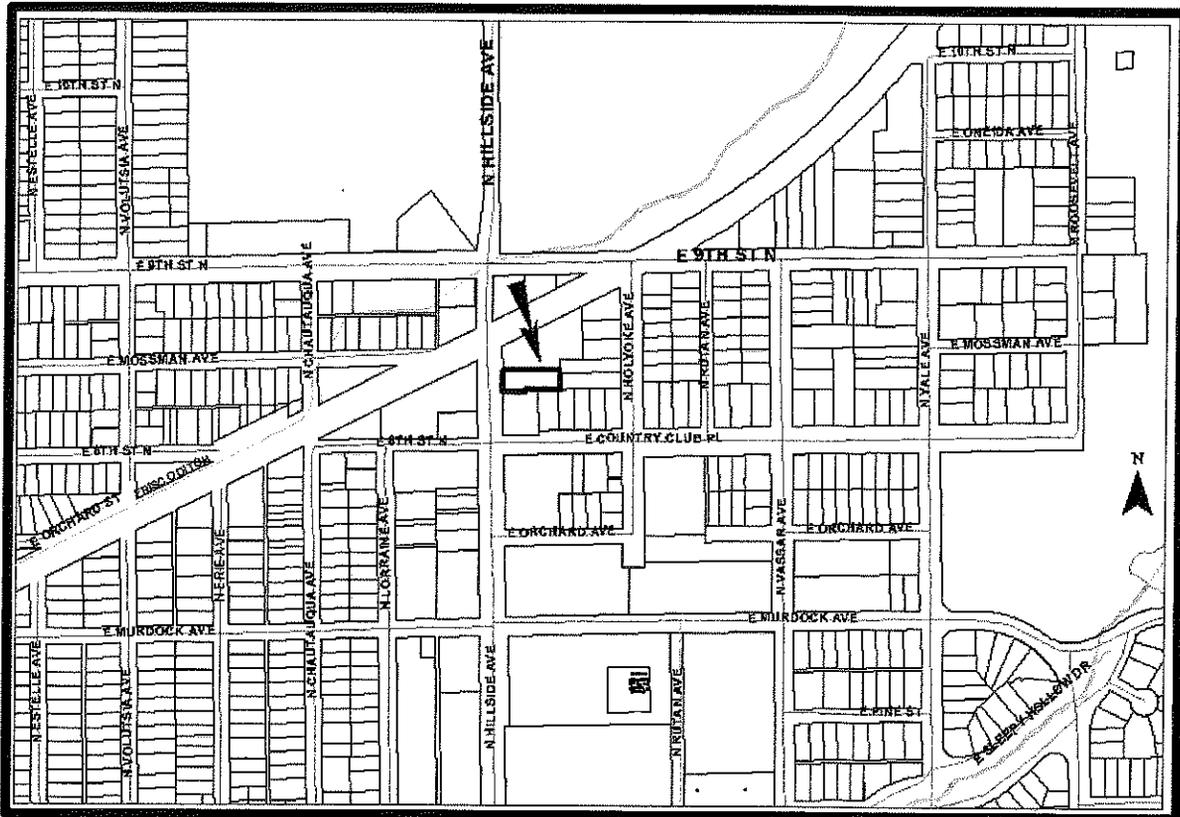
REQUEST: GO General Office (“GO”)

CURRENT ZONING: TF-3 Two-family Residential (“TF-3”)

SITE SIZE: 0.97 acres

LOCATION: Generally located south of East 9th Street North, along the east side of North Hillside Avenue (918 N. Hillside Ave.)

PROPOSED USE: Highest and best use



BACKGROUND: The applicant requests a zone change from TF-3 Two-family Residential (“TF-3”) to GO General Office (“GO”) on a 0.97 acre site located south of East 9th Street North, along the east side of North Hillside Avenue (918 N. Hillside Ave.) The vacant site is 208 feet deep and 80 feet wide. The applicant indicates a desire to have the property rezoned to the same zoning of the properties to the north and south of the subject site to make the property more marketable.

GO zoning would allow the following land uses not permitted in the current TF-3 zoning: multi-family residential (at 75 units per acre), assisted living, group residence, cemetery, community assembly, correctional placement residence, day care, nursing facility, university or college, automated teller machine, bed and breakfast inn, broadcast/recording studio, funeral home, hotel or motel, recreational marine facility, medical service, general office and commercial parking area. Code standards would require a landscape plan to include parking lot screening, and would limit light pole height to 15 feet with lights shielded downward, preventing light trespass off the site. Maximum building height in the GO district is 60 feet.

Property north of the subject site is zoned GO and is currently vacant. South of the site, the property is also zoned GO and TF-3 and is developed with a medical office (GO zoned property) and single-family residence (TF-3 zoned property.) East of the subject site, the property is zoned TF-3 and is developed with a single-family residence. West of the subject site (across N. Hillside Ave.) the property is zoned GC General Commercial (“GC”) and is developed as a mortuary/funeral home.

CASE HISTORY: The property was platted as the South ½ of Lot 3, all of Lots 4 and 5 and ½ the Vacated Alley on the South and Vacated Alley adjacent to Lots 6, 7, 8, 9 and 10, Except the West 35 Feet for Street, Boyce and Taylors’ Addition on October 7, 1911.

ADJACENT ZONING AND LAND USE:

NORTH:	GO	Vacant Land
SOUTH:	GO and TF-3	Medical Office and Single-family Residence
EAST:	TF-3	Single-family Residence
WEST:	GC	Mortuary/Funeral Home

PUBLIC SERVICES: The site has access to North Hillside Avenue, a paved, four-lane arterial with a 94-foot right-of-way. Public water and sewer service are available at the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as “Local Commercial.” This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing uses.

RECOMMENDATION: Staff finds that based upon information available prior to the public

hearings, planning staff recommends that the request be **APPROVED**.

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

1. **The zoning, uses and character of the neighborhood:** Property north of the subject site is zoned GO and is currently vacant. South of the site, the property is also zoned GO and TF-3 and is developed with a medical office (GO zoned property) and single-family residence (TF-3 zoned property.) East of the subject site, the property is zoned TF-3 and is developed with a single-family residence. West of the subject site (across N. Hillside Ave.) the property is zoned GC General Commercial ("GC") and is developed as a mortuary/funeral home.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site could be developed with a single-family residential or duplex use under the current zoning.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** GO zoning on this site could permit uses which may be incompatible with the residential neighborhood to the east. The limited size (0.97 acres) and limited depth of the site (208 feet) would likely prevent most objectionable uses from being developed on this site. Minimum code requirements regarding lighting, screening and landscaping should minimize potential impacts on nearby residences.
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 "Local Commercial." This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing uses.
5. **Impact of the proposed development on community facilities:** Traffic on the existing arterial could increase as a result of any proposed development. The site currently has a curb cut for access to North Hillside Avenue, a classified arterial road.



STAFF REPORT
MAPC December 3, 2015
DAB III December 2, 2015

CASE NUMBER: ZON2015-49 & CUP2015-43

APPLICANT/AGENT: Norma J. Davis and K-DA, Inc. (c/o Eric Larson) (owner), Baughman Company, P.A. c/o Russ Ewy (agent)

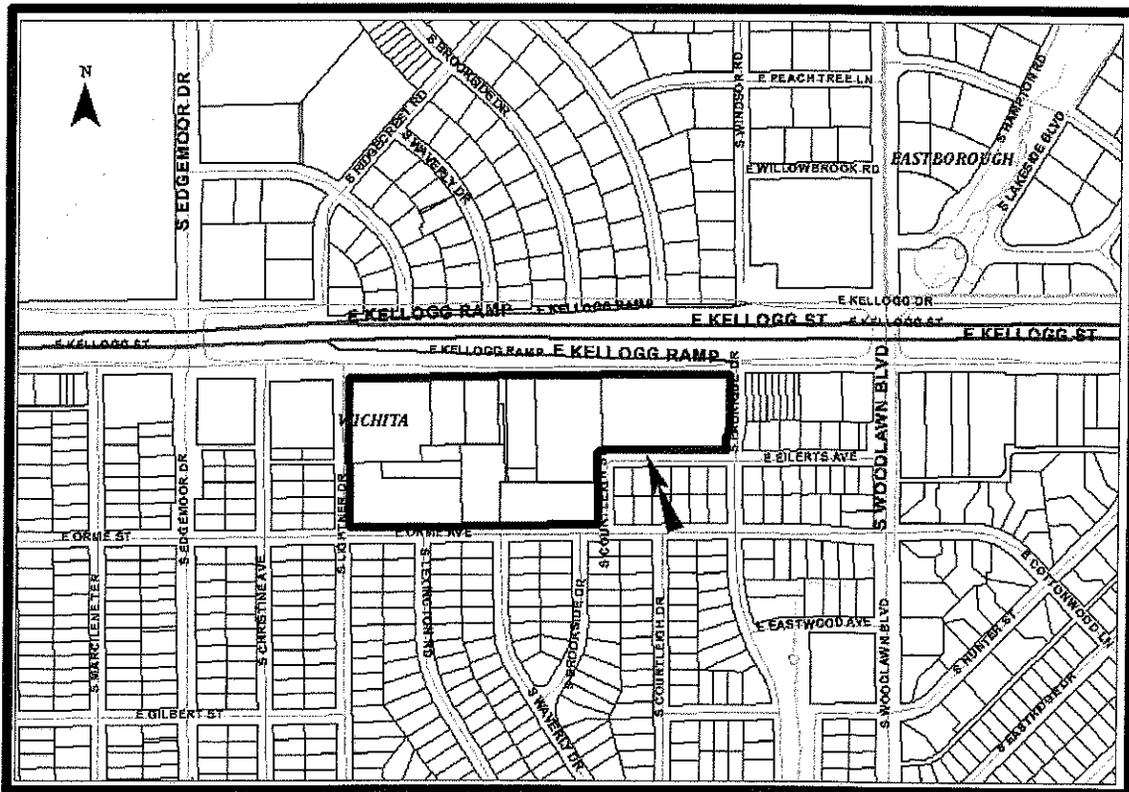
REQUEST: Zone change to GC General Commercial (GC) and amendments to DP-183

CURRENT ZONING: LC Limited Commercial (LC)

SITE SIZE: 15.25 acres

LOCATION: Generally located south of Kellogg and west of Woodlawn (6215 East Kellogg)

PROPOSED USE: Construction sales and service, ancillary fuel storage, outdoor storage, wholesale or business services



BACKGROUND: The applicants request a zone change from LC Limited Commercial (LC) to GC General Commercial (GC) zoning and an amendment to DP-183, the Davis Moore Community Unit Plan (CUP). The CUP Amendment would add the following GC uses: Construction Sales and Service, Ancillary Fuel Storage, Outdoor Storage and Wholesale or Business Services. The amendment would also prohibit the following uses: Adult Entertainment, Sexually Oriented Business, Group Residence, Correctional Placement Residence, Asphalt/concrete Plants, Private Clubs, Taverns and Drinking Establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. The CUP would continue to permit LC uses to include auto sales, leasing and service. The CUP has a wood screening fence along the south property line; the southeast corner of the CUP has a concrete parking garage which screens the residential neighborhood to the south from the CUP. The CUP would keep all other development standards in place regarding signage, light pole height, landscaping, etc. This zone change and CUP amendment request is generated by the applicant's desire to have outdoor storage of contractor's materials and equipment; the CUP and zoning code would require screening of that storage from surrounding properties and streets.

North of the site is the below grade Kellogg Expressway. The site is not visible from the lowered freeway, but is visible from the eastbound, at-grade Kellogg access drive. South of the site, across Orme and Eilerts is SF-5 Single-family Residential (SF-5) and TF-3 Two-family Residential (TF-3) zoning with duplex and single-family residences. East of the site, across Fabrique is TF-3 and LC zoning with duplex residential and car sales development. West of the site, across Lightner is TF-3 and LC zoning with duplex residential and vehicle repair development.

CASE HISTORY: The site was platted as four different additions: Universals 1st, Hudson, Davis Moore 5th and Davis Moore 13th between the years of 1965 and 1999. DP 183 was originally approved in 1988.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Kellogg Expressway, single-family residential
SOUTH:	TF-3, SF-5	Single-family residential, duplex
EAST:	LC, TF-3	Single-family residential, duplex, vehicle sales
WEST:	LC, TF-3	Single-family residential, duplex, vehicle repair

PUBLIC SERVICES: The CUP has seven access points from Kellogg Drive, and one minor access point from both Fabrique and Lightner. All other urban public services are available.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as "Regional Commercial." The Regional Commercial category encompasses major destination areas (centers and corridors) containing concentrations of commercial, office, and personal service uses that have predominately regional market areas and high volumes of retail traffic. These areas are located in close proximity to major arterials or freeways. The range of uses includes major retail malls, major automobile dealerships and big box retail outlets with a regional market draw. Regional Commercial areas may also include higher density residential housing and uses typically found in Local Commercial areas. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials, should locate in compact clusters or nodes versus extended strip developments, should not put commercially generated traffic on residential streets, and should have site design features which limit noise, lighting and other activity from adversely impacting surrounding residential areas.

RECOMMENDATION: The existing CUP has standards for signage, access, light pole height, landscaping and screening which improve compatibility with surrounding residences. The proposed zone change and CUP amendment would permit outdoor storage of contractor's materials and equipment.

Staff feels that the CUP should ensure that this storage remains at a height visually screened from surrounding properties and public right of way. Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP amendment and zone change be APPROVED, subject to the following conditions:

- A. The CUP General Provision #6 shall be amended to require that all outdoor storage of materials shall be visually screened from all surrounding properties and public right of way; materials shall not be stored or stacked to where they are visible above screening fences from surrounding properties or public right of way.
- B. 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: North of the site is the below grade Kellogg Expressway. The site is not visible from the lowered freeway, but is visible from the eastbound, at-grade Kellogg access drive. South of the site, across Orme and Eilerts is SF-5 and TF-3 zoning with duplex and single-family residences. East of the site, across Fabrique is TF-3 and LC zoning with duplex residential and car sales development. West of the site, across Lightner is TF-3 and LC zoning with duplex residential and vehicle repair development.

2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LC, but can only be used for vehicle sales, leasing and service. The proposed zone change and CUP amendment will increase use flexibility for this site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed outdoor storage use of this site should have no impact on nearby property provided the outdoor storage is adequately screened.

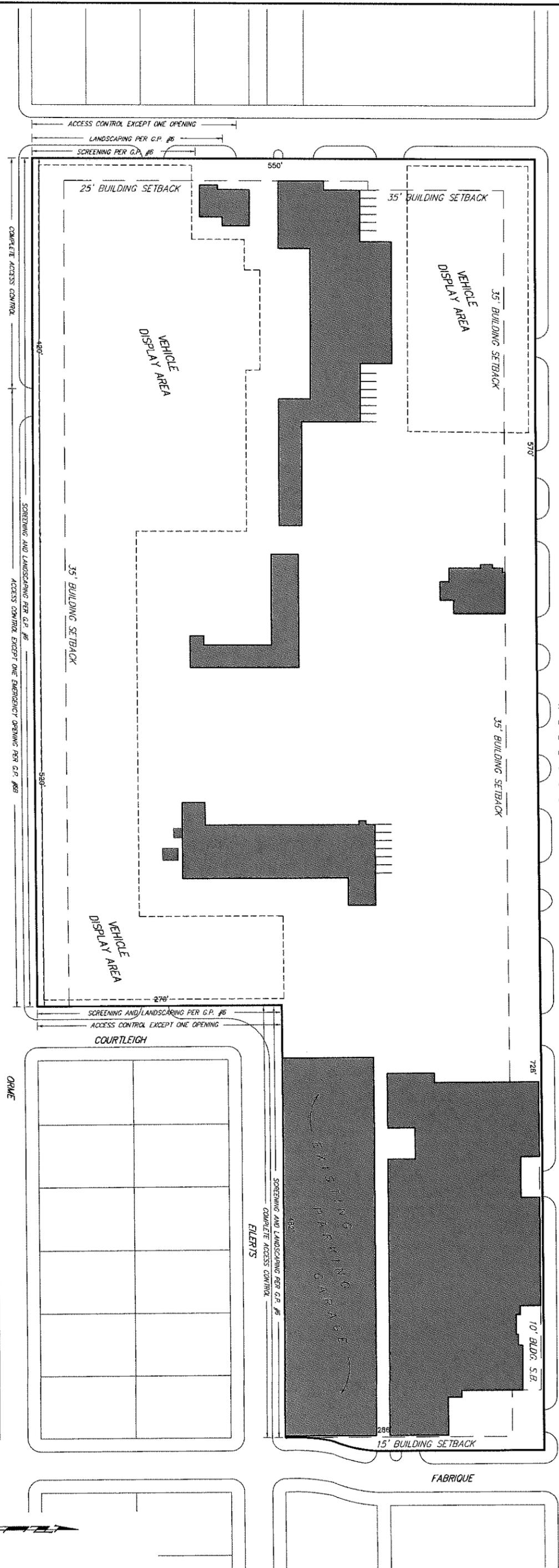
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as "Regional Commercial." The Regional Commercial category encompasses major destination areas (centers and corridors) containing concentrations of commercial, office, and personal service uses that have predominately regional market areas and high volumes of retail traffic. These areas are located in close proximity to major arterials or freeways. The range of uses includes major retail malls, major automobile dealerships and big box retail outlets with a regional market draw. Regional Commercial areas may also include higher density residential housing and uses typically found in Local Commercial areas. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials, should locate in compact clusters or nodes versus extended strip developments, should not put commercially generated traffic on residential streets, and should have site design features which limit noise, lighting and other activity from adversely impacting surrounding residential areas.

5. Impact of the proposed development on community facilities: The proposed zone change and CUP amendment should have minimal impact on community facilities, and no more impact than previous uses on this CUP.

DAVIS-MOORE COMMUNITY UNIT PLAN

KELLOGG (U.S. HIGHWAY 54 CASE NO. A-17549) STREET

KELLOGG DRIVE



GENERAL PROVISIONS:

1. This development contains a net area of 13.25 acres, more or less.
2. Signs shall be permitted in accordance with the City of Wichita Sign Code, except that no billboards, portable signs or off-site signs shall be permitted.
3. Building setback lines are as shown on the plan.
4. Access control shall be as shown on the plan.
5. Off-street parking shall be provided in accordance with the Unified Zoning Code.
6. Screening and Landscaping:
 - A. A wooden screening fence 6 to 8 feet high shall be provided in place of a solid masonry wall in order to better utilize the existing screening fences, and to allow for easy expansion should additional property be acquired. Prior to the construction of any fence.
 - B. Solid screening fence shall be provided along the south parcel line adjacent to Orme and Elerts, and the east parcel line adjacent to Courtleigh and along the south 180 feet adjacent to Lexington. The required screening fence adjacent to Courtleigh may be removed in the event that a building is constructed adjacent to the property line. In addition, any gated emergency opening may be allowed along the south property line as provided in General Provision #4.
 - C. Solid street trees shall be planted along the south property lines adjacent to Orme and Elerts, and the east property line adjacent to Courtleigh at such time a building is constructed along the property line and the existing screening fence is removed as provided in General Provision #6b, and along the south 210 feet of the west property line adjacent to Lexington.
 - D. Street trees shall be planted in accordance with the City of Wichita Landscape Ordinance, except that the number of required trees shall be calculated at 1 tree per 20 linear feet of frontage and planted between the curb and the required screening fence.
 - E. Trash receptacles shall be appropriately screened to reasonable hide them from ground view.
 - F. A landscape architect for the required plantings, including the type, location and specifications for the plants and Department for review and approval prior to the issuance of building permits. A financial guarantee for the required plantings shall be required prior to the issuance of any occupancy permit if said plantings have not been installed.
 - G. Failure to properly maintain the required screening or landscaping shall be considered a violation of the C.U.P. by the Director of Planning and the Superintendent of Central Inspection.
7. Fire lane(s) shall be provided in the C.U.P. with the fire code of the City of Wichita. No parking shall be allowed in said fire lane(s) although they may be used for passenger loading and unloading. Prior to final approval of the parking plan, the Fire Chief or his designated representative, shall approve the plan as to location and design of the fire lane(s) to location and design of the fire lane(s).
8. A drainage plan and guarantee for drainage improvements shall be provided at the time of plotting.
9. Street right-of-way and easement, where applicable, shall be determined at the time of plotting. Find determination of street right-of-way and easement widths to be determined at the time of plotting.
10. All lights shall be shielded to reflect light away from the residential properties adjacent to the C.U.P. Lighting for the south 180 feet of the west 420 feet of the C.U.P. shall have a maximum height of 15 feet.
11. The transfer of title on all or any portion of the land included in the C.U.P. 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 present owners, their successors, assigns and their assigns, unless amended.
12. No exterior audio systems shall be permitted within the south 180 feet of the C.U.P.

PARCEL DESCRIPTION:

Net Area:	66,245 sq. ft. or 15.25 acres
Maximum Building Coverage:	265,698 sq. ft. or 40%
Maximum Floor Area:	298,910 sq. ft.
Maximum Building Height:	35 ft.

Permitted Uses: All uses permitted by the "C" Limited Commercial district, including but not limited to: retail stores, professional offices, group of separate professional offices, restaurants, group of separate professional offices, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Also permitted is new and used auto sales, leasing, service and all other associated uses, including parking garage (not for public use) for storage of vehicles for lease or sale, vehicles awaiting customer service, and vehicle repair (general). The following "C-C" General Commercial uses are permitted: Construction sales and services, ancillary fuel storage, outdoor storage, and Wholesale or Business Services.

AMENDMENT #13: OCTOBER 26, 2015
 AMENDMENT #12: OCTOBER 13, 2003
 AMENDMENT #11: JULY 14, 2003
 AMENDMENT #10: APPROVED NOVEMBER 17, 1998



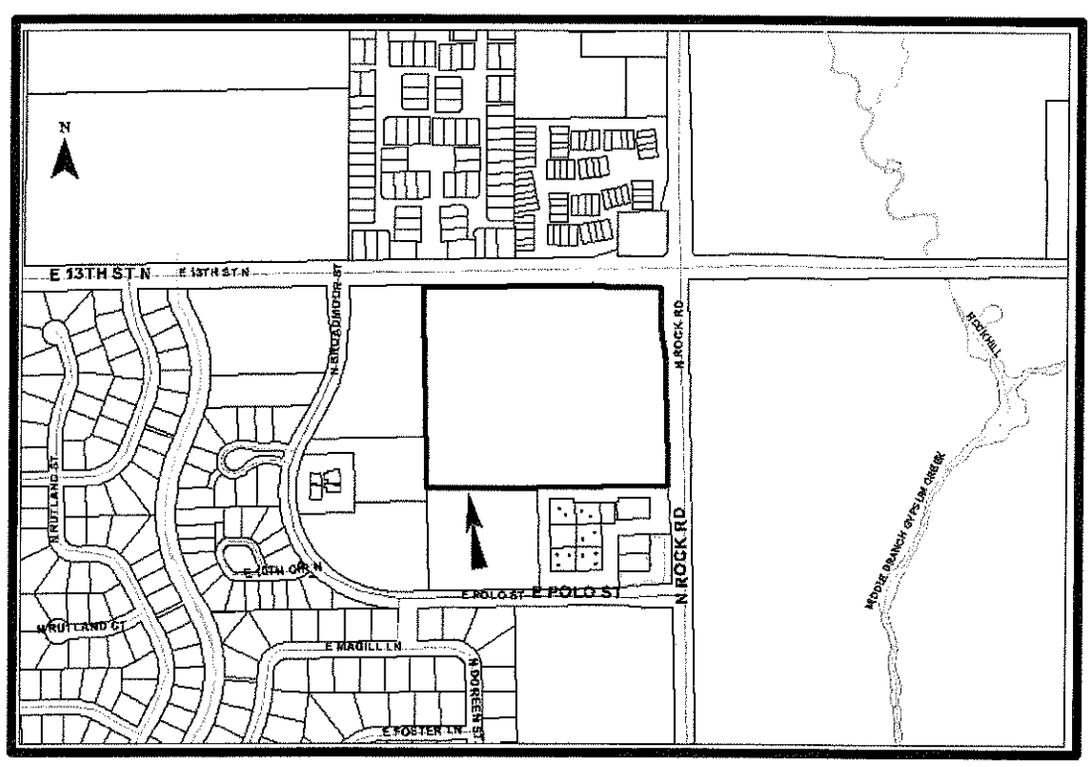
DP-183
DAVIS-MOORE
COMMUNITY UNIT PLAN

BAUGHMAN COMPANY P.A.
 ENGINEERING, SURVEYING, & PLANNING
 316-282-7271 • 316 S. OLIVE • WICHITA, KANSAS 67211



STAFF REPORT
MAPC December 3, 2015
DAB II December 14, 2015

- CASE NUMBER:** CUP2015-42
- APPLICANT/AGENT:** Charles Koch Foundation (owner), Wichita Center for the Arts c/o Katy Dorrah; PEC, P.A. c/o Isaac Krumme (agent)
- REQUEST:** Amendment to Community Unit Plan (CUP) DP-144 Parcel 1 to uses, parking, building restrictions and signs
- CURRENT ZONING:** LC Limited Commercial (LC)
- SITE SIZE:** 26.4 acres
- LOCATION:** Generally located south of East 13th Street North and west of North Rock Road
- PROPOSED USE:** Multiple uses associated with the Wichita Center for the Arts



BACKGROUND: The undeveloped application area is Parcel 1 of DP-144, The Fairfield Commercial Community Unit Plan (CUP), a 26.4-acre site at the southwest corner of East 13th Street North and North Rock Road. The applicants wish re-locate the Wichita Center for the Arts to this location with the following uses permitted by the CUP: Community Assembly, Parks and Recreation, Single-family Residential, Entertainment Establishment, Event Center, Nightclub, Retail Sales, Automated Teller Machine, Offices, Restaurants (excluding drive-up or drive-in service), and Personal Services. The CUP would prohibit supermarkets and service stations on this parcel. The applicants wish to provide rental space for receptions where entertainment and dancing would be permitted and alcohol would be served, hence the Nightclub use request. The applicants wish to provide space for an artist's residence, hence the Single-family Residential request. Other amendments to the CUP include: reducing the required parking on the site by 25% with a provision for shared parking with the church west of the site; provision for LED signs; elimination of a commercial building architectural consistency requirement; increase in permitted building height from 35 to 50 feet; and an increase in the total number of permitted buildings from three to four.

The application area is the only undeveloped parcel within the CUP. Parcels 2 and 3, south of the application area, are both zoned GO General Office (GO) and developed with offices. North of the site, across 13th Street North, is an MF-18 Multi-family Residential (MF-18) zoned patio home development. South of the site are GO zoned offices within the same CUP. East of the site, across Rock Road, is an SF-5 Single-family Residential (SF-5) zoned golf course and country club. West of the site is a GO zoned church, offices and apartments developed under CUP DP-146.

CASE HISTORY: The site was rezoned to LC with DP-144 in 1985 and was platted as the Fairfield Estates Addition in 1986.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, MF-18	Patio homes
SOUTH:	GO	Offices
EAST:	SF-5	Private golf course
WEST:	GO, DP-146	Offices, multi-family residences

PUBLIC SERVICES: The existing CUP grants this site two access points to 13th and three access points to Rock. However, the proposed site plan (see attached) shows only one access point to each street. The proposed CUP amendment would defer to the City Traffic Engineer to determine if accel/decel lane improvements are necessary. Based on linear frontage, the City Traffic Engineer recommends that access spacing meet the access management guidelines. And, the Traffic Engineer recommends requiring sidewalk connections between buildings in the CUP and the arterial street sidewalks along 13th and Rock. 13th is a four-lane arterial with a 110-foot right of way (ROW) and a central turn-lane at the Rock intersection. This portion of 13th has a traffic count of 15,282 vehicles per day. Rock is a four-lane arterial with a 90-foot ROW and a central turn-lane at the 13th Street intersection. This portion of Rock has a traffic count of 30,275 vehicles per day. All typical urban services are available.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “local commercial.” The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw.

RECOMMENDATION: The applicant’s CUP amendment request is to accommodate the Wichita Center for the Arts. This proposed institutional use should have less impact on surrounding properties and public infrastructure than the commercial uses intended by the original CUP. The applicants want the ability to have rented functions with dancing, entertainment and alcohol service, therefore they requested “Nightclub” as a permitted use. Staff feels that this use can be tailored to prevent a regular occurring commercial nightclub from impacting the surrounding neighborhoods.

Based upon the information available prior to the public hearings, planning staff recommends that the request for an amendment to DP-144 Parcel 1 to uses, parking, building restrictions and signs be **APPROVED** subject to the following conditions:

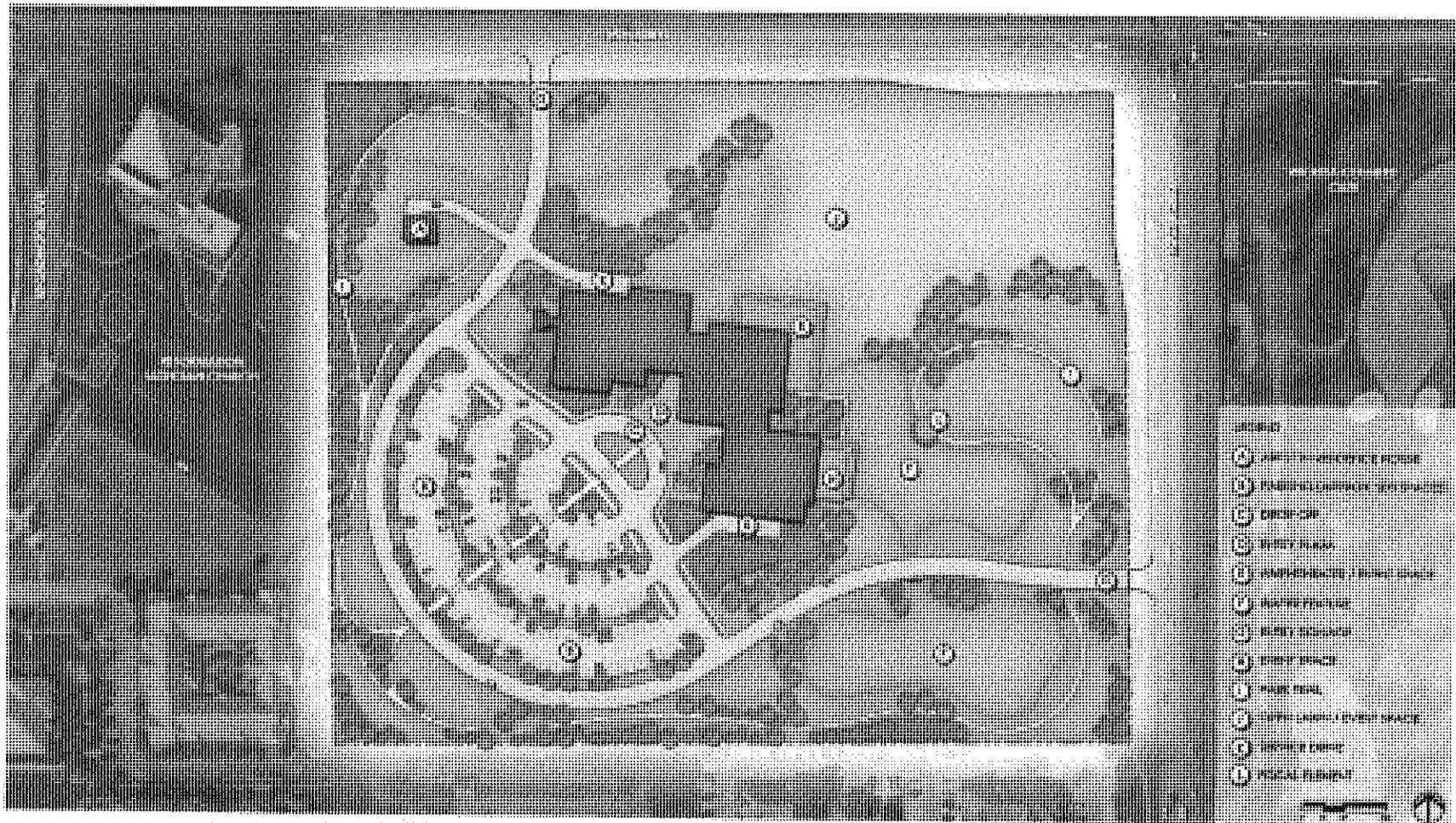
- (1) Parcel 1 uses shall be amended to state that the Nightclub use shall be for rented and special occasions only, and shall not be regularly open to the general public.
- (2) General Provision #1 shall be amended to state: “Access openings per access management guidelines as approved by the Traffic Engineer.”
- (3) A general provision shall be added stating: “A pedestrian circulation plan shall be approved by Planning Staff and the Traffic Engineer demonstrating accessible pedestrian access to all buildings from the arterial street sidewalks.”
- (4) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days of approval or the request shall be considered denied and closed.
- (5) If the Zoning Administrator finds that there is a violation of any of the conditions of the CUP amendment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the CUP amendment null and void.

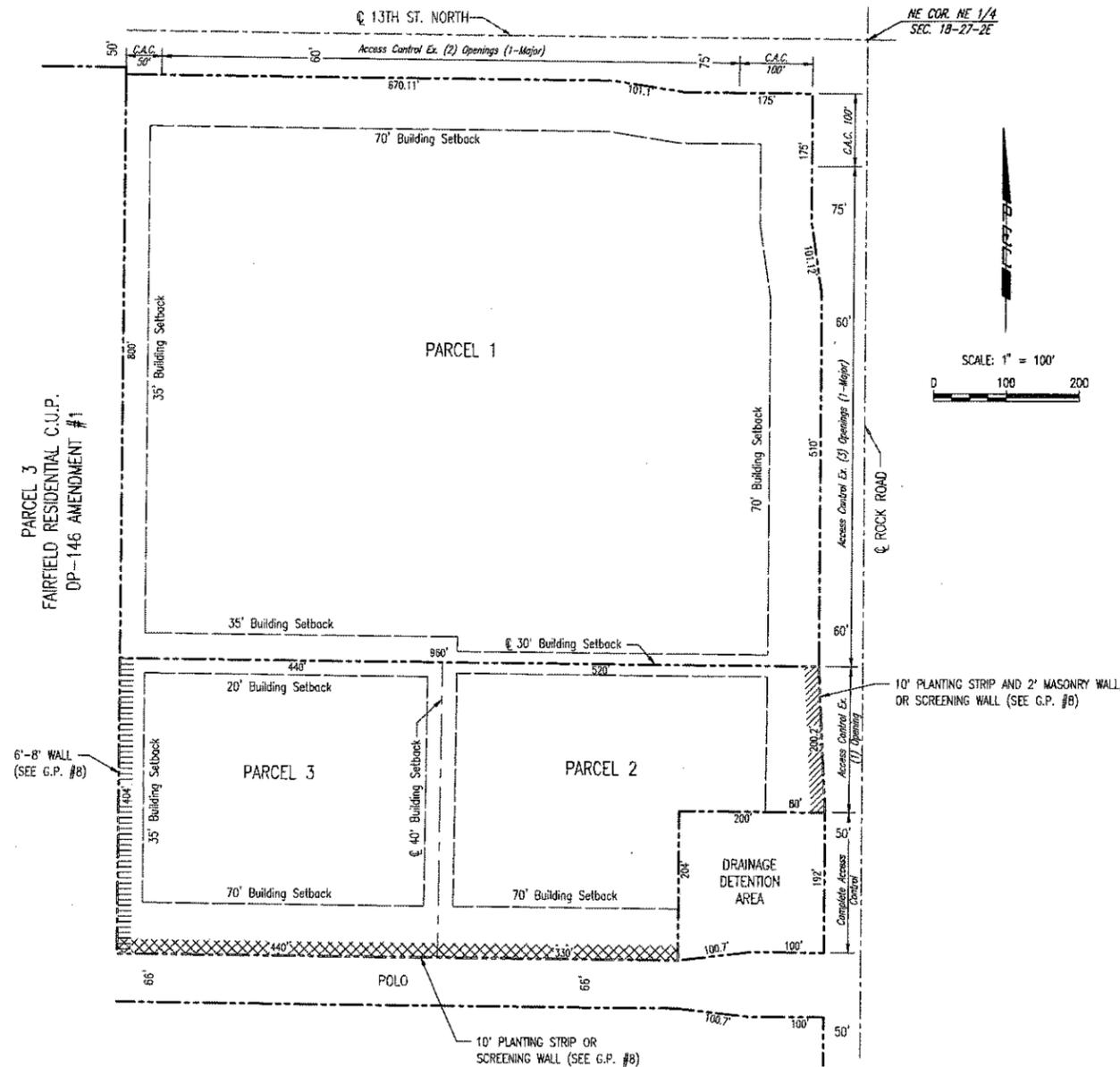
This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood: The application area is the only undeveloped parcel within the CUP. Parcels 2 and 3, south of the application area, are both zoned GO and developed with offices. North of the site, across 13th Street North, is an MF-18 zoned patio home development. South of the site are GO zoned offices within the same CUP. East of the site, across Rock Road, is an SF-5 zoned golf course and country club. West of the site is a GO zoned church, offices and apartments developed under CUP DP-146.
- (2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC with DP-144 use restrictions and development standards, and could be

developed for a number of uses under those restrictions. However, the site has been vacant as zoned since 1985.

- (3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed amendments are to accommodate an institutional and recreational use which should have less impact on nearby property than the commercial uses originally intended by the CUP.
- (4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “local commercial.” The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw.
- (5) Impact of the proposed development on community facilities: The requested CUP amendment should have less impact on community facilities than the commercial uses originally intended by the CUP. Existing community facilities will accommodate the proposed use, accel and decel lane improvements will be required if determined necessary by the City Traffic Engineer.





COMMUNITY UNIT PLAN DP-144
FAIRFIELD COMMERCIAL
 REVISED PER ADMINISTRATIVE ADJUSTMENT DATED OCTOBER 8, 1991
 MAJOR AMENDMENT OCTOBER 2015

GENERAL

TOTAL NET AREA = 26.4 ACRES ± (EXCLUSIVE OF PUBLIC STREET RIGHT-OF-WAY). THIS DEVELOPMENT IS PROPOSED TO CONTAIN LIGHT COMMERCIAL USES, OFFICES, AND GARDEN APARTMENTS OR TOWNHOUSES.

GENERAL PROVISIONS

- ACCESS CONTROL: (EXCLUDING PUBLIC STREET INTERSECTIONS) ACCESS TO 13TH STREET SHALL BE LIMITED TO TWO (2) OPENINGS. ACCESS TO ROCK ROAD SHALL BE LIMITED TO FOUR (4) OPENINGS: THREE (3) TO PARCEL ONE AND ONE (1) TO PARCEL TWO.

ONE ENTRANCE TO PARCEL ONE FROM 13TH STREET AND ONE FROM ROCK ROAD SHALL BE CONSTRUCTED TO MAJOR SHOPPING CENTER ENTRANCE STANDARDS. THAT PORTION OF THE MAJOR ENTRANCE ON PUBLIC RIGHT-OF-WAY WILL BE GUARANTEED AT THE TIME OF PLATING. THAT PORTION OF THE MAJOR ENTRANCES ON PRIVATE PROPERTY WILL BE A REQUIREMENT AT THE TIME OF BUILDING PERMIT(S) FOR PARCEL ONE.

- ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
- DRAINAGE: DRAINAGE SHALL BE IN ACCORDANCE WITH THE APPROVED DRAINAGE CONCEPT ON FILE WITH THE ENGINEERING DIVISION OF THE CITY OF WICHITA.

- BUILDING SETBACKS: MINIMUM BUILDING SETBACKS SHALL BE AS SHOWN ON THE PLAN.

IN THE EVENT THAT PARCELS ONE AND TWO ARE DEVELOPED UNDER THE SAME OWNERSHIP, THE SETBACK BETWEEN THESE PARCELS WILL NOT BE REQUIRED.

~~IN THE EVENT THAT PARCEL 3 IS DEVELOPED IN CONJUNCTION WITH PARCEL 3 OF DP-146, THE SETBACK BETWEEN THESE PARCELS WILL NOT BE REQUIRED.~~

- PARKING: PARKING RATIO SHALL BE IN ACCORDANCE WITH APPROPRIATE CODE OF THE CITY OF WICHITA, OR AS INDICATED IN THE PARCEL DESCRIPTIONS. THE REQUIRED PARKING FOR PARCEL 1 SHALL BE REDUCED TO THREE-FOURTHS OF THE NUMBER OF SPACES REQUIRED PER CODE. PARCEL 1 IS PERMITTED TO OBTAIN A SHARED USE PARKING AGREEMENT WITH PARCEL THREE OF THE FAIRFIELD RESIDENTIAL CUP DP-146.

- SIGN REGULATIONS: FREESTANDING (GROUND OR POLE) IDENTIFICATION SIGNS WITH LED ELECTRONIC DISPLAY FOR PARCEL ONE (1) SHALL BE LIMITED TO TWO (2), ONE (1) ON 13TH STREET AND ONE (1) ON ROCK ROAD. ADVERTISING SIGNS FOR PARCEL ONE (1) SHALL BE OF A PERMANENT TYPE AND ATTACHED TO THE BUILDINGS. IDENTIFICATION SIGNS FOR PARCEL TWO (2), THREE (3), AND THOSE PERMITTED IN PARCEL ONE (1) SHALL BE IN ACCORDANCE WITH SECTION 28.04.139 OF THE CODE OF THE CITY OF WICHITA, WITH THE FOLLOWING EXCEPTION: NO BILLBOARD ADVERTISEMENT OR PORTABLE SIGNS SHALL BE ALLOWED.

- FIRE LANES: APPROPRIATE FIRE LANES FOR PARCELS TWO AND THREE WILL BE DEFINED PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S). SAID FIRE LANES SHALL BE HARD SURFACED, AND TWENTY-FOUR (24) FEET MINIMUM IN WIDTH, AND CONSTRUCTED WITH A 3-1/2 INCH ASPHALT BASE WITH A 1-1/2 INCH ASPHALT SURFACE, OR THE EQUIVALENT THEREOF. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANES, ALTHOUGH THEY MAY BE USED FOR PASSENGER LOADING AND UNLOADING. A SITE PLAN FOR PARCEL ONE WILL BE SUBMITTED TO THE FIRE CHIEF FOR APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S).

- SCREENING AND LANDSCAPING: A SOLID FOR SEMI-SOLID WALL AT LEAST SIX (6) FEET, BUT NOT MORE THAN EIGHT (8) FEET HIGH, CONSTRUCTED OF BRICK, STONE, MASONRY, ARCHITECTURAL TILE OR OTHER SIMILAR MATERIAL SHALL BE INSTALLED ALONG THE WEST LINE OF PARCEL THREE AS INDICATED ON THE PLAN. SAID WALL MAY BE REDUCED TO THREE (3) FEET IN HEIGHT AT THE SETBACK ALONG THE SOUTH LINE OF PARCEL THREE.

A WALL, AS DESCRIBED ABOVE, SHALL BE INSTALLED ALONG THE SOUTH AND EAST PROPERTY LINES OF PARCEL TWO, AND THE SOUTH LINE OF PARCEL THREE, AS INDICATED ON THE PLAN, WHEN THE SERVICE AREA, STORAGE AREA, OR REAR OF THE COMMERCIAL OR OFFICE STRUCTURES FACES A RESIDENTIAL DISTRICT. APPROPRIATE STREET TREES (AS APPROVED BY THE CITY FORESTER) SHALL BE PLANTED NO FARTHER APART THAN FIFTY (50) FEET ON CENTERS IN THE PUBLIC PARKING AREA BETWEEN THE CURB AND WALL AND SHALL BE MAINTAINED BY THE OWNER(S) OF THE ADJACENT PARCELS.

THE 2' HIGH MASONRY WALL IS NOT REQUIRED WHEN A PLANTING STRIP, CONSISTING OF TREES, GRASS, AND LOW SHRUBBERY, NOT LESS THAN TEN (10) FEET IN WIDTH IS PROVIDED. A LANDSCAPE PLAN PREPARED BY A LANDSCAPE ARCHITECT FOR THE PLANTING STRIP, INDICATING THE TYPE, LOCATION, AND SPECIFICATIONS OF PLANT MATERIALS, SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S) FOR PARCELS ONE, TWO, AND THREE.

A FINANCIAL GUARANTEE FOR THE STREET TREES OR THE PLANT MATERIALS APPROVED IN THE LANDSCAPE PLAN SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF OCCUPANCY PERMIT IF THE TREES OR PLANT MATERIALS HAVE NOT BEEN PLANTED.

FAILURE TO PROPERLY MAINTAIN THE WALL, STREET TREES, OR THE PLANTING STRIPS SHALL BE CONSIDERED A VIOLATION OF THE C.U.P. AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND THE SUPERINTENDENT OF CENTRAL INSPECTION.

- ACCEL/DECEL LANES: ACCEL AND/OR DECEL LANES ALONG THE NORTH AND EAST LINE OF PARCEL ONE MAY BE REQUIRED IF DETERMINED NECESSARY BY THE TRAFFIC ENGINEER.

- THE SITE DEVELOPMENT PLAN FOR PARCEL ONE SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR REVIEW OF DRIVEWAY LOCATIONS TO MINIMIZE CONFLICTS WITH EXISTING DRIVES TO THE NORTH.

- LIGHTING: IF LIGHTING IS PROPOSED TO BE USED IN PARCEL ONE, THE INTENSITY OF LIGHT OR ARRANGEMENT OF REFLECTORS SHALL BE SUCH AS NOT TO INTERFERE WITH THE RESIDENTIAL AREAS TO THE NORTH AND WEST. THE HEIGHT OF THE LIGHT POLES SHALL BE 30' MAXIMUM, EXCLUDING THEIR BASE.

PARCEL DESCRIPTIONS

PARCEL ONE

PROPOSED USE: COMMUNITY ASSEMBLY, PARKS AND RECREATION, SINGLE FAMILY, ENTERTAINMENT ESTABLISHMENT, EVENT CENTER, NIGHTCLUB, RETAIL SALES, AUTOMATED TELLER MACHINE (ATM), OFFICES, RESTAURANTS (EXCLUDING DRIVE-UP WINDOW SERVICE OR DRIVE-IN RESTAURANTS) AND PERSONAL SERVICES. SUPERMARKETS OR SERVICE STATIONS SHALL NOT BE PERMITTED.

NET AREA: 17.5 ACRES ± OR 760,890 SQUARE FEET ±

MAXIMUM BUILDING COVERAGE: 30% OR 228,300 SQUARE FEET

MAXIMUM GROSS FLOOR AREA: 30% OR 228,300 SQUARE FEET

MAXIMUM BUILDING HEIGHT: 50 FEET

MAXIMUM NUMBER OF BUILDINGS: FOUR (4)

PARCEL TWO

PROPOSED USE: OFFICES AS PERMITTED BY THE ZONING DISTRICT

NET AREA: 4.8 ACRES ± OR 211,308 SQUARE FEET ±

MAXIMUM BUILDING COVERAGE: 30% OR 63,400 SQUARE FEET

MAXIMUM GROSS FLOOR AREA: 47% OR 100,000 SQUARE FEET

MAXIMUM BUILDING HEIGHT: 55 FEET

MAXIMUM NUMBER OF BUILDINGS: TEN (10)

PER ADMINISTRATIVE ADJUSTMENT DATED 10/5/90

PARCEL THREE

PROPOSED USE: OFFICES AS PERMITTED BY THE ZONING DISTRICT

NET AREA: 4.1 ACRES ± OR 177,755 SQUARE FEET ±

MAXIMUM BUILDING COVERAGE: 20% OR 35,550 SQUARE FEET

MAXIMUM GROSS FLOOR AREA: 20% OR 35,550 SQUARE FEET

MAXIMUM BUILDING HEIGHT: 35 FEET

MAXIMUM NUMBER OF BUILDINGS: ONE (1)

STAFF REPORT

MAPC December 3, 2015

DAB I December 7, 2015

CASE NUMBER: CON2015-00025

OWNER /APPLICANT: Kelly W. Ast (owner) Dr. Charles Coleman (applicant)

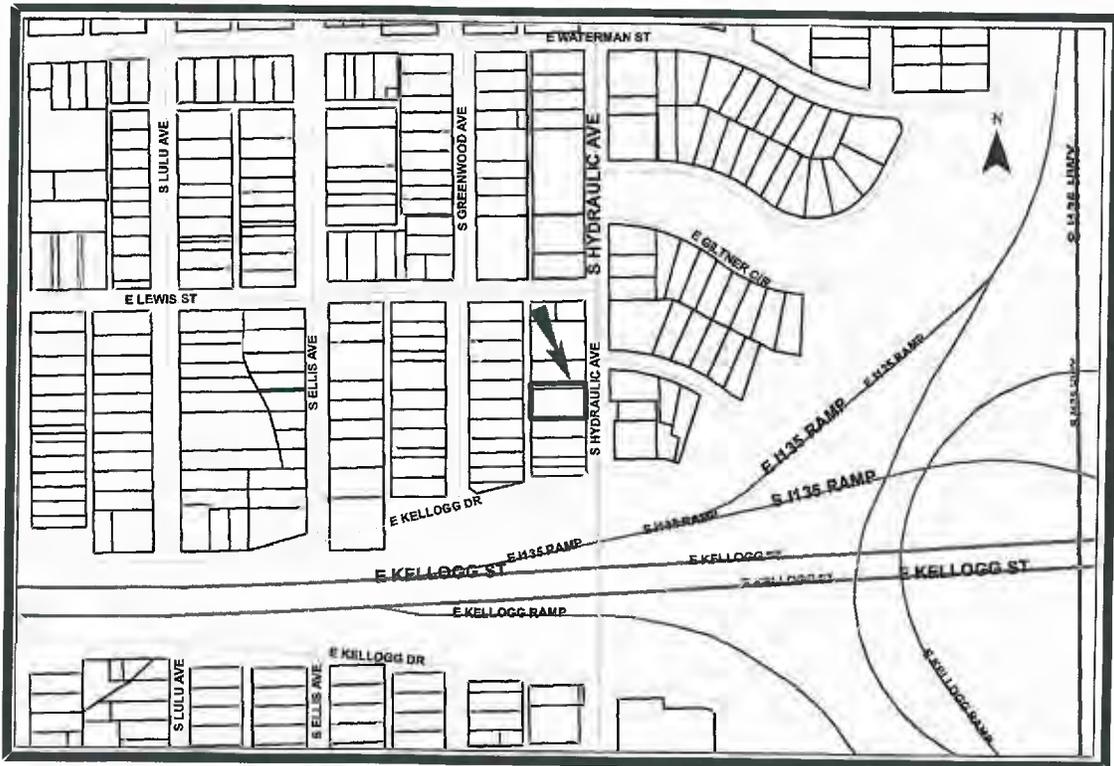
REQUEST: Conditional Use for an event center - nightclub in the city

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.25-acres

LOCATION: Generally located north of Kellogg Street on the west side of Hydraulic Avenue (421 S. Hydraulic Ave.)

PROPOSED USE: A rent venue for events with the options that allows, food, alcohol, music, dancing and a nightclub



BACKGROUND: The applicant is requesting consideration for a Conditional Use for an “event center” and a “nightclub in the city” on the LC Limited Commercial (LC) zoned platted property located north of Kellogg Street on the west side of Hydraulic Avenue. The applicant proposes to provide a venue for events, such as weddings, birthdays, church functions, fraternal functions, a reception venue and similar activities. The serving of food is an option at these events. Dancing with DJ provided music or live music is an option for the events. The serving and consumption of alcoholic liquor or cereal malt beverages (drinks) on the site is an option for the events. An establishment that serves unrestricted amounts of alcohol for consumption on site and that also provides live entertainment or dancing is defined as a nightclub in the city; UZC Unified Zoning Code (UZC) Sec.II-B.9.b. When a LC zoned proposed nightclub in the city is located within 300-feet of a church, public park, school or residential zoning district a Conditional Use is required: UZC Sec.III-D.6.w. B Multi-Family Residential (B) zoned property is located less than 70-feet east of the site, across Hydraulic Avenue. The unoccupied event center-nightclub portion of the site is located in the east half of a small one-story commercial strip building (built 1950). The west half used to house the Night Owl bar. Staff has found no previous conditional use or use exception for a tavern/drinking establishment or nightclub for this site. Staff found no other tavern/drinking establishments, nightclubs or event center-nightclubs located in the neighborhood.

The applicant proposes that the nightclub and event center-nightclub operate; Friday-Saturday, 5:00 p.m.-1:30 a.m., Monday-Wednesday, 5:00 p.m.-11:00 p.m., Thursday, 5:00 p.m.-12:45 a.m. and Sunday, 5:00 p.m.-12:45 a.m. The west nightclub portion is open to the general public. The east event center-nightclub portion is rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled; UZC Sec.II-B.4.m. Enforcement of the proposed operations is problematic, as the Metropolitan Area Building and Construction Department’s Code Enforcement division (OCI) is not active during the proposed hours or on the weekends.

The applicant has stated that the Fire Marshal has posted an occupancy of 102 people for the west nightclub portion of the site. A nightclub requires one parking space for two people, meaning the nightclub portion would need 51 parking spaces. The applicant has stated that unoccupied event center-nightclub portion does not have a posted occupancy. OCI has stated that it is 2,200-square feet in size. Applying 15-square feet of space needed per occupant, or 30-square feet per two occupants for one parking space, the site would need to provide another 77 parking spaces for a total of 126 parking spaces. The required parking for the this total could vary more or less depending on the Fire Marshall’s approved occupancy.

The site plan shows 17 marked parking spaces located in the front and the interior side of the subject building and another 12 marked parking spaces located in front of the north, adjacent commercial strip building. The applicant’s site and the adjacent commercial strip building have the same owner. The proposed 5 p.m. starting time for the nightclub (and event center-nightclub) is possibly towards the end of the business day for the veterinary clinic, the barber shop and the other occupants of the owner’s adjacent commercial strip building, thus the possibility of shared parking. If shared parking is possible there is a total of 29 parking spaces available, which is 97 parking spaces short of the required 126 parking spaces. Staff has received complaints from neighboring property owners about the site’s customers parking their cars in their parking lots and blocking the alley. The parking issue could possibly be addressed by a variance or off-site parking agreements. However, a variance would probably not resolve the neighbors parking issues.

The neighborhood located west of the site is a predominately GC General Commercial (GC) and LI Limited Industrial (LI) zoned mix of small office-warehouses, contractors, offices, professional services, some multi-family residences and scattered single-family residences. GC zoned office-warehouse, maybe a

vacant building, offices and a car repair (body) business are adjacent to the site, west across a paved 20-foot wide, north-south alley. A LC zoned professional services office and office-warehouse (built 1962) are located south of the site. A look alike commercial strip building is located north of the site, housing a veterinary clinic, a barber shop and unoccupied store fronts. The site and the other strip building share common parking. B and GO General Office (GO) zoned four-plexes, a small apartment and a vacant duplex are located east of the site, across Hydraulic Avenue.

CASE HISTORY: The site described as the south half of Lot 135, all of Lots 137, 139, 141, Hydraulic Avenue side, Burrs Addition. The Burrs Addition was recorded February 18, 1886. Staff has found no previous conditional use or use exception for a tavern/drinking establishment or nightclub for this site. Staff has received complaints from neighboring property owners about the site’s customers parking their cars in their parking lots and blocking the alley.

ADJACENT ZONING AND LAND USE:

<u>NORTH:</u>	LC	Commercial strip buildings, four-plex, small retail
<u>SOUTH:</u>	LC	Offices
<u>EAST:</u>	B, GO	Small apartment, four-plexes, vacant duplex
<u>WEST:</u>	GC	Offices, office-warehouse, car repair

PUBLIC SERVICES: The site has direct access onto Hydraulic Avenue a curbed, paved four-lane, two-way arterial street at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” depicts this location as being appropriate for “local commercial,” which contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair or service stations, grocery stores, florist shops, restaurants and personal service facilities. The purpose of the LC zoning District is to accommodate retail, commercial, office and other complementary land uses. The LC zoning is generally compatible with the local commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

When a LC zoned proposed nightclub in the city is located within 300-feet of a church, public park, school or residential zoning district a conditional use is required. The LC zoned site less than 70-feet from residential zoning, thus the conditional use request. A LC zoned site needs to have direct access onto an arterial street to direct traffic away from residential neighborhoods. The site has direct access onto Hydraulic Avenue a curbed, paved four-lane, two-way arterial street. If approved, there would be an expansion of a legal non-conforming use in what used to be the Night Owl bar.

RECOMMENDATION: The site lacks the required parking. Based on the applicant’s and OCI’s information on the site, 126 parking spaces are needed but the site can only provide 29 parking spaces; the site is 97 parking spaces short of the required parking. The parking issue could be addressed by a variance or off-site parking agreements. However, a variance would probably not resolve the issue of parking on neighboring properties or parking in the west abutting paved alley. Enforcement of the proposed operation is problematic, as OCI is not active during the proposed hours or on the weekends. The proposed nightclub and event center-nightclub appears to be too ambitious for the site. However, there is the possibility that the applicant could acquire additional parking located within 600-feet of the subject site; UZC Sec.IV-9. & 10. The applicant should be given the opportunity to resolve parking with a deadline. If the parking is not resolve before the deadline the request would be closed and marked denied. Based upon information available prior to the public hearings, planning staff recommends that the request for a nightclub in the city be APPROVED, subject to the

following conditions:

- (1) Off-site parking agreements shall be provided within 60-days of approval by the MAPC. These off-site parking agreements must provide at least 50% of the required parking or more per the standards of UZC Sec.IV-9. & 10. If the parking is not resolved with the 60 day deadline, CON2015-00025 shall be marked closed and denied. The event center-nightclub located in the east 2,200-square feet of the commercial strip building will not operate until condition #1 is successfully resolved.
- (2) Denial of CON2015-00025 will not take away the non-conforming use rights of the west 2,200-square feet of the old Night Owl west 2,200-square feet portion of the commercial strip building, which has current licenses for night club, drinking establishment, which are scheduled to expire March 17, 201
- (3) A revised site plan shall be submitted for review and approval within 60 days of approval by the MAPC or CON2015-00025 shall be marked closed and denied.
- (4) The nightclub and event center-nightclub shall operate; Friday-Saturday, 5:00 p.m.-1:30 a.m., Monday-Wednesday, 5:00 p.m.-11:00 p.m., Thursday, 5:00 p.m.-12:45 a.m. and Sunday, 5:00 p.m.-12:45 a.m. The west nightclub portion is open to the general public. The east event center-nightclub portion is rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled. The event center-nightclub shall be made available for weddings, birthdays, church functions, fraternal functions, a reception venue and similar activities
- (5) No outdoor entertainment, music, speakers, recreation or food preparation or food consumption is permitted on the site.
- (6) The applicant shall comply with all applicable development standards of the UZC.
- (7) The applicant shall obtain, maintain, and comply with all applicable permits and licenses necessary for the operation of a nightclub in the city.
- (8) The applicant shall file a covenant with the Register of Deeds noting the Conditional Use and its conditions attached to the south half of Lot 135, all of Lots 137, 139, 141, Hydraulic Avenue side, Burrs Addition.
- (9) 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 neighborhood located west of the site is a predominately GC and LI zoned mix of small office-warehouses, contractors, offices, professional services, some multi-family residences and scattered single-family residences. GC zoned office-warehouse, maybe a vacant building, offices and a car repair (body) business are adjacent to the site, west across a paved 20-foot wide, north-south alley. A LC zoned professional services office and office-warehouse (built 1962) are located south of the site. A look alike commercial strip building is located north of the site, housing a veterinary clinic, a barber shop and unoccupied store fronts. The site and the other strip building share common parking. B and GO General Office (GO) zoned four-plexes, a small apartment and a vacant duplex are located east of the site, across Hydraulic Avenue.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC, which allows a wide variety of retail, office and residential uses. The LC zoning is the common zoning of the properties located on the west side of Hydraulic Avenue, with the less restrictive GC and LI zoning covering those properties located west of the site, with no frontage on Hydraulic Avenue. There appears to be no tavern/drinking establishments, nightclubs or event

center-nightclubs located in the neighborhood.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site appears to have been a long time non-conforming tavern/drinking establishment, the Night Owl bar. Allowing the proposed expansion via a conditional use for an event center-nightclub without resolving the required parking means the problem of the site's patrons parking on the neighboring properties without permission remaining a constant source of transgression of the neighboring owner's property rights.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide" depicts this location as being appropriate for "local commercial," which contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair or service stations, grocery stores, florist shops, restaurants and personal service facilities. The purpose of the LC zoning District is to accommodate retail, commercial, office and other complementary land uses. The LC zoning is generally compatible with the local commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

When a LC zoned proposed nightclub in the city is located within 300-feet of a church, public park, school or residential zoning district a conditional use is required. The LC zoned site less than 70-feet from residential zoning, thus the conditional use request. A LC zoned site needs to have direct access onto an arterial street to direct traffic away from residential neighborhoods. The site has direct access onto Hydraulic Avenue a curbed, paved four-lane, two-way arterial street. If approved, there would be an expansion of a legal non-conforming use in what used to be the Night Owl bar.

5. Impact of the proposed development on community facilities: Approval could trigger more calls to the Police Department and OCI, in regards to unruly behavior as a result of intoxication.

After Recording, mail to:

Metropolitan Area Building and Construction Department
455 N. Main, 7th floor.
Wichita, KS 67202

COVENANT AND AGREEMENT
REGARDING MAINTENANCE OF OFF-SITE PARKING SPACE
(Corporation)

THIS COVENANT AND AGREEMENT, executed this ____ day of _____,
201__.

WITNESSETH: That,

Whereas, the undersigned are the owners of the below-described real property by virtue of a deed filed of record with the Register of Deeds of Sedgwick County on Film _____,
Page _____.

LEGAL DESCRIPTION OF OFF-SITE PARKING SITE:

WHEREAS, the undersigned certifies that if this document is executed by one officer of the Corporation, the Bylaws of said Corporation are so structured to allow said officer to act as sole authorized agent for the Corporation.

WHEREAS, the undersigned are agreeable to the use of the above-described real property for the purpose of providing required off-street parking to serve the users of the building located at _____ (Address) in Wichita, Kansas that is located on land legally described as follows:

LEGAL DESCRIPTION OF BUILDING SITE TO BE SERVED:

WHEREAS, Article IV, Section IV-A, Subsection 10 of the Unified Zoning Code of the City of Wichita permits up to 50% of required off-street parking to be located off site, provided the parking site is located in proximity to the use it serves, the parking spaces are not the required parking of any other land use, and the parking agreement is filed of record with the Register of Deeds of Sedgwick Country, Kansas.
Off-Site Parking

Covenant and Agreement /2

NOW, THEREFORE, the undersigned hereby covenant and agree with the City of Wichita that an off-site parking area containing not less than _____ (Number) usable, accessible and conforming automobile parking spaces will be provided and maintained on the real property described above.

This covenant and agreement shall run with the land and shall be binding upon ourselves and future owners, encumbrancers, their successors, heirs or assignees and shall continue in effect so long as said building to be served is maintained without providing off-street automobile parking spaces on the same lot and/or another off-site lot as required by the provisions of the City of Wichita Zoning Ordinance, or unless otherwise released by authority of the Zoning Administrator.

THIS COVENTANT AND AGREEMENT executed as of the date first above written.

(Signed)

(Title)

(Signed)

(Title)

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

The foregoing instrument was acknowledged before me this ____ day of _____,
2015__, by _____

Notary Public

My Appointment Expires: _____

Longnecker, William

From: Steven D. Anderson <steven@tkfast.com>
Sent: Monday, November 16, 2015 11:15 AM
To: Longnecker, William
Subject: TkFast Building Case NO CON2015-0025
Attachments: full2.jpg; full.jpg; alley shot.jpg

Case NO CON2015-0025

TkFast Building with the zoning expansion attempt of the Bar

Full2: There are photos from Last Saturday night just about 11:57pm. We also have video but Saturday nights are the busy nights. Cars are try not to get boxed in that's why you see then parks like they are. Also there are cars parked in the Alley and Kellogg Drive and all around my buildings.

Full: this is from a few weeks back one of my company vans was trapped in as the car was parked right towards my building.

Alley shot: From Last Saturday 12:01am sorry not the best quality but this might help with how much parking they are using. And parked in the alley and other lots.

Thanks for your help,

Steven

Steven D. Anderson

steven@tkfast.com | www.tkfast.com

Office: 316-260-2500 x2200

Toll Free: 877-TKFAST1 / 877-853-2781

Cell: 316-214-8880

Office Hours are Mon-Fri 8am-7pm CST

TkFast, Inc. - Your Technology Partner

437 South Hydraulic

Wichita, KS 67211

For FAQs, remote support, ticket status and more, check out <http://support.tkfast.com>.

00:34:05



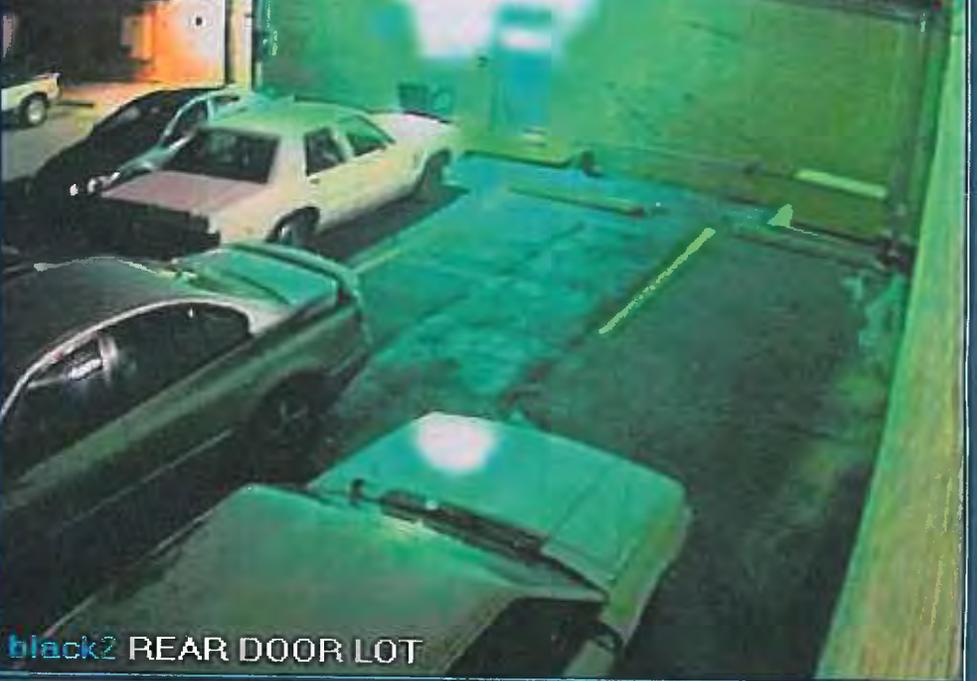
black2 SW LOT - 1

00:34:05



black2 SW LOT - 2

00:34:05



black2 REAR DOOR LOT

[black2]CH04-REAR DOOR LOT 11/15/2015 12:07:00 AM







CON2015-25 site



Legend

- Parcels
- Lot and Block
- Subdivisions
- Quarter Sections
- Airport Runway
- Wichita City Limits
- McConnell AOI
- Water Hydrants
- Water Valves
- Water Service Taps
- Backflow Devices
- Water Nodes
- Water Mains
- Sewer Manholes
- Sewer Mains

Sewer Basins

- 4MC-01
- 4MC-02
- 4MC-03
- 4MC-BH
- 4MC-CV
- 4MC-MH
- 4MC-SC
- 4MC-SC01
- BELAIRE-01
- BELAIRE-02
- BELAIRE-03
- CIS-01
- CIS-02
- CIS-03
- CIS-04

This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

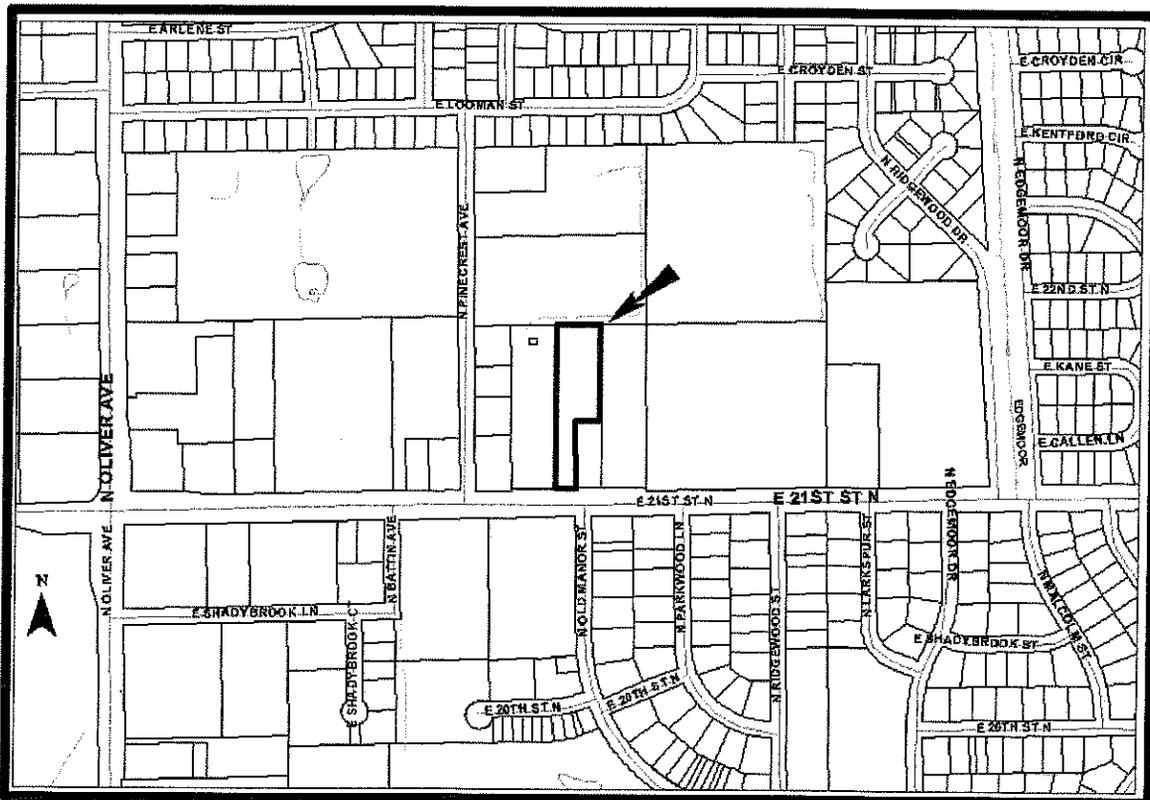
1: 516

STAFF REPORT

MAPC December 3, 2015

DAB I December 7, 2015

-
- CASE NUMBER:** CON2015-00035
- OWNER/APPLICANT/AGENT:** Lonely Pine, LLC, c/o Jason Le (owner) Roger's Enterprises, Inc (applicant) MKEC Engineering, c/o Brian Lindebak
- REQUEST:** A Conditional Use for self-service storage warehouse
- CURRENT ZONING:** LC Limited Commercial
- SITE SIZE:** Approximately 1.76 acres
- LOCATION:** Generally located east of Oliver Avenue, on the north side of 21st Street North and east of Pinecrest Avenue (5310 E 21st Street N)
- PROPOSED USE:** Expansion of existing self-service storage warehouse site



BACKGROUND: The applicant is requesting a conditional use for a self-service storage warehouse on a portion of the undeveloped 1.76 acre LC Limited Commercial (LC) zoned Lot 1, Lonely Pine Addition. The applicant owns the abutting self-service storage warehouse development and if the conditional use is approved the subject site will become part of the existing self-service storage warehouse development, under one owner.

The Unified Zoning Code (UZC) requires consideration of a conditional use for a self-service storage warehouse in the LC zoning district subject to 19 supplemental use conditions; UZC Sec.III-D.6.y. The location of the site, the applicant's site plan and its text ('conditional use items') conforms to the supplemental use conditions. The applicant notes in the site plan's text that; "A resident manager shall not be required in the event that the west adjacent storage facility maintains ownership of said property and is used as an expansion to existing facility. West adjacent storage property is in conformance with an on-site resident manager and shall be responsible for maintaining the operation of the facility." The site plan shows the location of the west adjacent resident on-site manager. The applicant has also provided a landscape plan for review.

The site is located approximately a quarter-mile east of the Wichita State University campus, the dominate development in the area located southwest of the 21st Street North and Oliver Avenue intersection. A LC zoned dentist office and a car wash abut and is adjacent to the east side of the site, with MF-29 Multi-Family Residential (MF-29) zoned apartments are located further east. The already noted LC zoned self-service storage warehouse development abuts the west side of the site, with a small commercial strip building located west of the self-storage development. Two wireless communication facilities with towers are located in the self-storage development. The LC zoning continues west to the northeast corner of 21st Street North and Oliver, with development including (but not limited to) small retail, a recently constructed convenience store and an indoor self-storage warehouse, which is the result of converting a vacant Dillon's grocery store. MF-29 zoned undeveloped property abuts the north side of the site and TF-3 Two-Family Residential (TF-3) zoned apartments are adjacent to the site's northeast side. B Multi-Family Residential (B), GO General Office (GO) and LC zoned medical research, offices, skilled nursing services are located south of the site, across 21st Street North.

CASE HISTORY: The site is described as Lot 1, Lonely Pine Addition, except the east 94.00 feet of the south 247.00 feet thereof. The Lonely Pine Addition was recorded March 8, 1991.

ADJACENT ZONING AND LAND USE:

NORTH: MF-29, TF-3 Undeveloped land, apartment complex
SOUTH: B, GO, LC Medical research, office, skilled nursing services
EAST: LC, MF-29 Dentist office, car wash, apartments
WEST: LC Self-service storage warehouse, wireless communication facilities and towers, commercial strip building, indoor self-storage warehouse, retail, convenience store

PUBLIC SERVICES: The subject property has immediate access to 21st Street North, a curbed and paved four-lane, two-way arterial street with a center turn lane. Municipal water and sewer services and all other utilities are available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" depicts this location as being appropriate for "local commercial," which contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair or service stations, grocery stores, florist shops, restaurants and personal service facilities. The purpose of the LC zoning District is to accommodate retail, commercial, office and other complementary land uses. The LC zoning is generally compatible with the local commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

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 site has direct access onto 21st Street North and the condition of the conditional use should minimize any negative impact on the adjacent properties. The proposed use would be a low traffic generator at this location.

The Unified Zoning Code (UZC) requires consideration of a conditional use for a self-service storage warehouse in the LC zoning district. If approved, the requested self-service storage warehouse would not be the first self-service storage warehouse in this area. A self-service storage warehouse site abuts the west side of the site and an indoor self-service storage warehouse is located approximately 700-feet west of the site.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed conditional use for warehouse/self-storage be **APPROVED**, subject to the following conditions:

- 1) All of the supplemental use regulations of UZC Sec.III-D.6.y. shall be in effect. The applicant will file a covenant with the Register of Deeds binding and tying the subject site and the west abutting self-service storage warehouse under common ownership and making the on-site resident manager of the west abutting self-service storage warehouse the on-site resident manager of the subject site. The covenant must be recorded prior to the Conditional Use resolution being signed. If the two said sites are not under common ownership the subject site shall be required to provide an on-site resident manager.
- 2) Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will be per City Code including landscaping, code compliance and any other applicable standards.
- 3) The site will be developed according to an approved site and landscape plan.
- 4) The site shall be developed and operated in compliance with all federal, state, and local rules and 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.

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

1. **The zoning, uses and character of the neighborhood:** The site is located approximately a quarter-mile east of the Wichita State University campus, the dominate development in the area located southwest of the 21st Street North and Oliver Avenue intersection. A LC zoned dentist office and a car wash abut and is adjacent to the east side of the site, with MF-29 zoned apartments are located further east. The already noted LC zoned self-service storage warehouse development abuts the west side of the site, with a small commercial strip building located west of the self-storage development. Two wireless communication facilities with towers are located in the self-storage development. The LC zoning continues west to the northeast corner of 21st Street North and Oliver, with development including (but not limited to) small retail, a recently constructed convenience store and an indoor self-storage warehouse, which is the result of converting a vacant Dillon's grocery store. MF-29 zoned undeveloped property abuts the north side of the site and TF-3 zoned apartments are adjacent to the site's northeast side. B, GO and LC zoned medical research, offices, skilled nursing services are located south of the site, across 21st Street North.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC, which allows a wide variety of retail, office and residential uses. The LC zoning is the common zoning of the properties located on the northeast side of the 21st Street North and Oliver

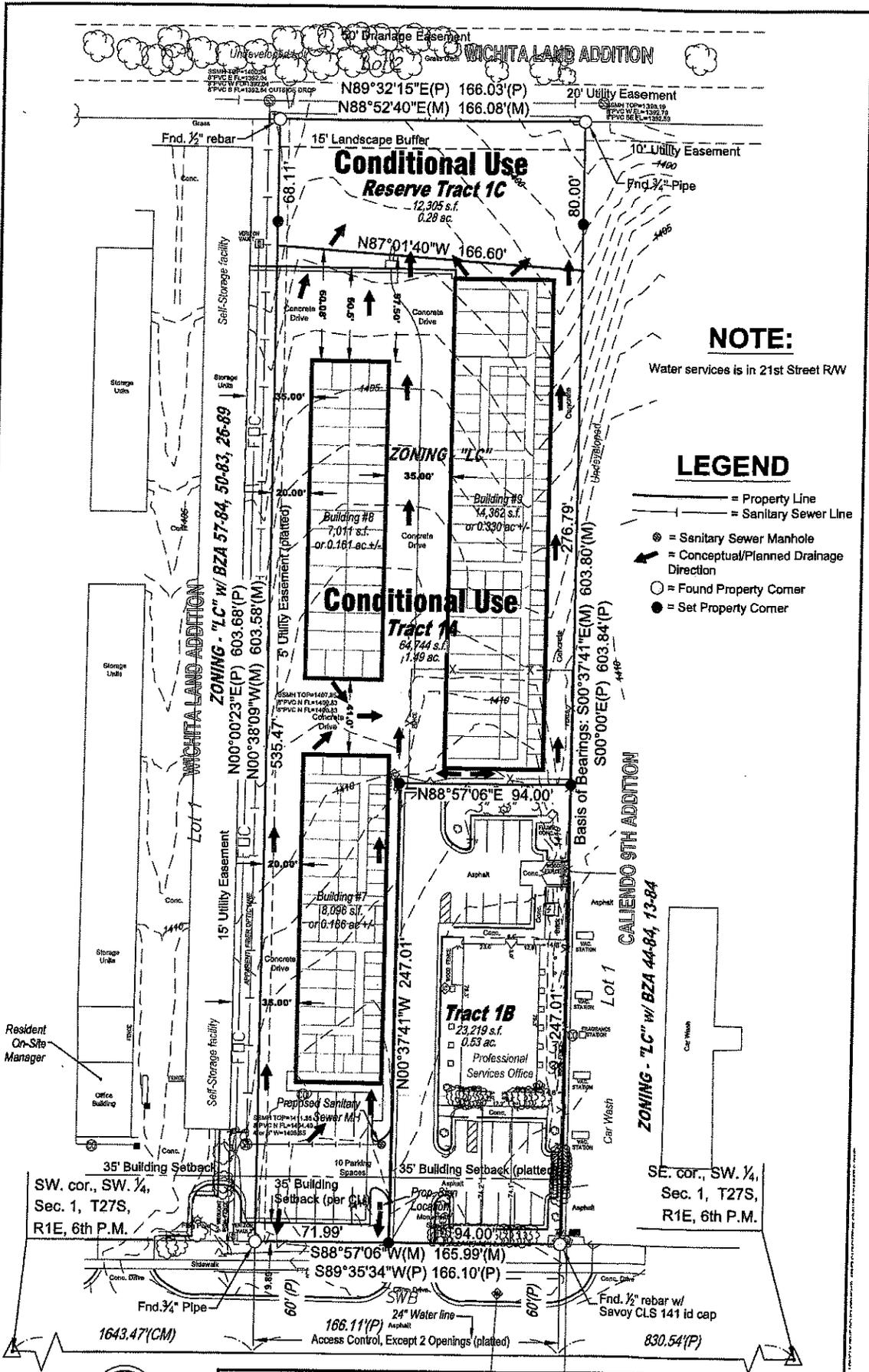
Avenue intersection.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** If approved, the requested self-service storage warehouse would not be the first self-service storage warehouse in this area. A self-service storage warehouse site abuts the west side of the site and an indoor self-service storage warehouse is located approximately 700-feet west of the site. The conditions attached to a Conditional Use can address site design issues and should mitigate any potential negative effects on surrounding properties.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The 2030 Wichita Functional Land Use Guide” depicts this location as being appropriate for “local commercial,” which contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes: medical or insurance offices, auto repair or service stations, grocery stores, florist shops, restaurants and personal service facilities. The purpose of the LC zoning District is to accommodate retail, commercial, office and other complementary land uses. The LC zoning is generally compatible with the local commercial designations of the Wichita-Sedgwick County Comprehensive Plan.

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 site has direct access onto 21st Street North and the condition of the conditional use should minimize any negative impact on the adjacent properties. The proposed use would be a low traffic generator at this location.

The Unified Zoning Code (UZC) requires consideration of a conditional use for a self-service storage warehouse in the LC zoning district. If approved, the requested self-service storage warehouse would not be the first self-service storage warehouse in this area. A self-service storage warehouse site abuts the west side of the site and an indoor self-service storage warehouse is located approximately 700-feet west of the site.

5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate. Any increased demand on community facilities can be handled by current infrastructure



NOTE:

Water services is in 21st Street RW

LEGEND

- = Property Line
- - - = Sanitary Sewer Line
- ⊙ = Sanitary Sewer Manhole
- ➔ = Conceptual/Planned Drainage Direction
- = Found Property Corner
- = Set Property Corner



©2015
 MKEC Engineering
 All Rights Reserved
 www.mkec.com
 These drawings and their contents, including, but not limited to, all concepts, designs, & ideas are the exclusive property of MKEC Engineering (MKEC), and may not be used or reproduced in any way without the express consent of MKEC.



CONDITIONAL USE LOT 1, LONELY PINE ADDITION SITE PLAN		
PROJECT NO. 1501010657	DATE: November 2015	SHEET NO.
DRAWN BY: BDL	DESIGNED BY: JGD	APPROVED BY: BDL
		1 OF 2

LEGAL DESCRIPTION

"TRACT 1A & 1C"

Lot 1, Lonely Pine Addition, Wichita, Sedgwick County, Kansas, EXCEPT the east 94.00 feet of the south 247.00 feet thereof.

Said tract CONTAINS 77,011 square feet or 1.77 acres of land more or less.

"Tract 1A" Area: 64,744 s.f. or 1.49 ac.

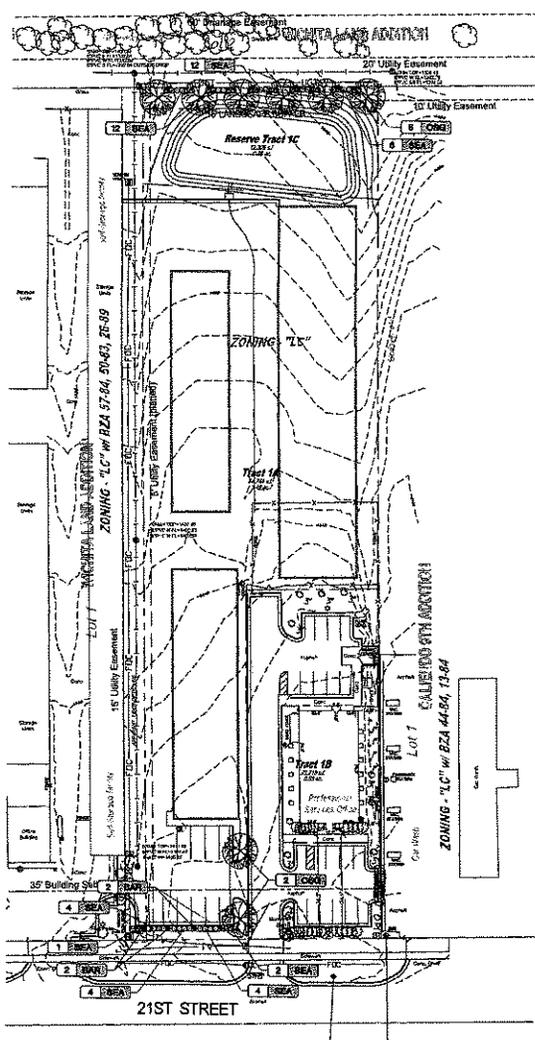
"Tract 1C" Area: 12,305 s.f. or 0.28 ac.

CONDITIONAL USE ITEMS:

1. All buildings shall set back at least 35 feet from arterial Street Right-of-Way lines (21st Street).
2. Off-street Parking shall be required on the basis of one space for each 8,000 square feet of Floor Area in the facility plus one space for each employee, but in no case shall the number be less than five spaces. (Suggested: 3.68 spaces / Actual: 10 spaces)
3. All driveways, Parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Adequate bumper guards or Fences shall be provided to prevent the extension of Vehicles beyond property lines.
4. All lights shall be shielded to direct light onto the Uses established and away from Adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.
5. All storage on the property shall be kept within an enclosed Building, unless a portion of the property or Lot is properly zoned to otherwise permit a designated area for outside storage.
6. No activities such as miscellaneous or garage sales shall be conducted on the premises.
7. The servicing or repair of Motor Vehicles, boats, Trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
8. Signs shall be limited to one per arterial Street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.
9. All areas not paved in accordance with the requirements of this section shall be landscaped with deciduous and coniferous plant materials. The Landscaping plan shall be approved by the Planning Department. Maintenance of the Landscaping shall be sufficient to maintain it in good condition.
10. The area shall be properly policed by the owner or operator for removal of trash and debris.
11. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of Vehicles is part of such business.
12. A resident manager shall not be required in the event that west adjacent storage facility maintains ownership of said property and is used as an expansion to existing facility. West adjacent storage property is in conformance with an on-site resident manager and shall be responsible for maintaining the operation of the facility.
13. No more than 45 percent of the Lot Area shall be covered by Buildings.
14. No individual or business shall lease more than 3,000 square feet of storage spaces.

Building Descriptions:	<u>Area</u>	<u># of Units</u>	<u>Coverage (%)</u>
Building #7:	8,096 s.f.	59	12%
Building #8:	7,011 s.f.	34	11%
Building #9:	14,362 s.f.	88	22%
<u>Building Total:</u>	<u>29,469 s.f.</u>	<u>181</u>	<u>45%</u>

<p>©2015 MKEC Engineering All Rights Reserved www.mkec.com These drawings and their contents, including, but not limited to, all concepts, designs, & ideas are the exclusive property of MKEC Engineering (MKEC), and may not be used or reproduced in any way without the express consent of MKEC.</p>	 MKEC <small>WICHITA, KS • 316.864.9800</small>	<p>CONDITIONAL USE LOT 1, LONELY PINE ADDITION SITE PLAN</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 8px;"> <tr> <td style="width: 50%;">PROJECT NO. 1501010657</td> <td style="width: 20%;">DATE November 2015</td> <td style="width: 30%;">SHEET NO.</td> </tr> <tr> <td>DRAWN BY: BDL</td> <td>DESIGNED BY: JGD</td> <td>APPROVED BY: BDL</td> </tr> </table>	PROJECT NO. 1501010657	DATE November 2015	SHEET NO.	DRAWN BY: BDL	DESIGNED BY: JGD	APPROVED BY: BDL
PROJECT NO. 1501010657	DATE November 2015	SHEET NO.						
DRAWN BY: BDL	DESIGNED BY: JGD	APPROVED BY: BDL						



KEY	QTY	COMMON NAME	BOTANICAL NAME	SIZE & METHOD OF HANDLING	NOTES
TREES					
OSG	6	WHITE SHIELD (SAGE DRUM)	MACLURA POMIFERA WHITE SHIELD	2.5' CAL. / B&B	BRANCHING HT. 5 MIN.
SHRUBS					
BAR	4	CHRISOM PYGMY BAMBUS	BERBERIS THUNBERGII ALTRORHODUNEA NANA	45 CONT.	
SEA	45	SEA GREEN JUMPER	JUNIPERUS CHINENSIS 'SEA GREEN'	45 CONT.	

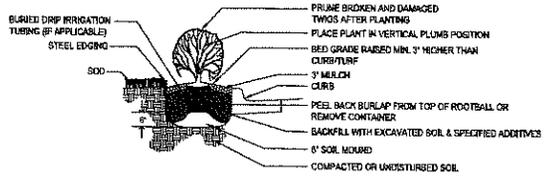
LANDSCAPE ORDINANCE CALCULATIONS

LANDSCAPE STREET YARD REQUIRED: AVERAGE LOT DEPTH = 80'
 80' LOT DEPTH = 20 SQUARE FOOTAGE FACTOR
 STREET FRONTAGE 72'
 REQUIRED LANDSCAPE STREET YARD = 72' x 20 = 1,440 SF
 PROVIDED LANDSCAPE STREET YARD = 1,470 SF

STREET YARD TREES REQUIRED: 1,440 DIVIDED BY 500 = 2.88 = 3 SHADE TREES REQUIRED
 STREET YARD TREES PROVIDED = 2 SHADE, 19 SHRUBS = 3 TOTAL

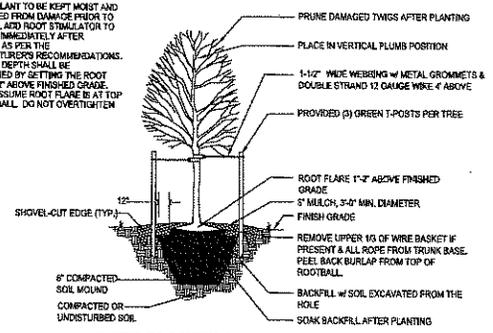
REQUIRED BUFFER SCREENING (WITHOUT SOLID SCREENING): 1 SHADE TREE & 5 SHRUBS PER 90 LF.
 166' x 90 LF. = 6 TREES & 30 SHRUBS REQUIRED

NOTES:
 BALL OF PLANT TO BE KEPT MOIST AND PROTECTED FROM DAMAGE PRIOR TO PLANTING. ADD ROOT STIMULATOR TO SURFACE IMMEDIATELY AFTER PLANTING AS PER THE MANUFACTURERS RECOMMENDATIONS. PLANTING DEPTH OF ROOTBALL SHALL BE EQUAL TO ITS ORIGINAL PLANTING DEPTH AT NURSERY.



SHRUB PLANTING DETAIL
 NOT TO SCALE

NOTES:
 BALL OF PLANT TO BE KEPT MOIST AND PROTECTED FROM DAMAGE PRIOR TO PLANTING. ADD ROOT STIMULATOR TO SURFACE IMMEDIATELY AFTER PLANTING AS PER THE MANUFACTURERS RECOMMENDATIONS. PLANTING DEPTH SHALL BE DETERMINED BY GETTING THE ROOT FLARE 1"-2" ABOVE FINISHED GRADE. DO NOT ASSUME ROOT FLARE IS AT TOP OF ROOTBALL. DO NOT OVERTIGHTEN GUYS.



TREE PLANTING DETAIL
 NOT TO SCALE



CONDITIONAL USE
LOT 1, LONELY PINE ADDITION
 LANDSCAPE PLAN

REVISIONS

NO.	REVISION	DATE

LANDSCAPE PLAN

PROJECT NO. 1501010657
 DATE NOV, 2015
 SCALE AS NOTED

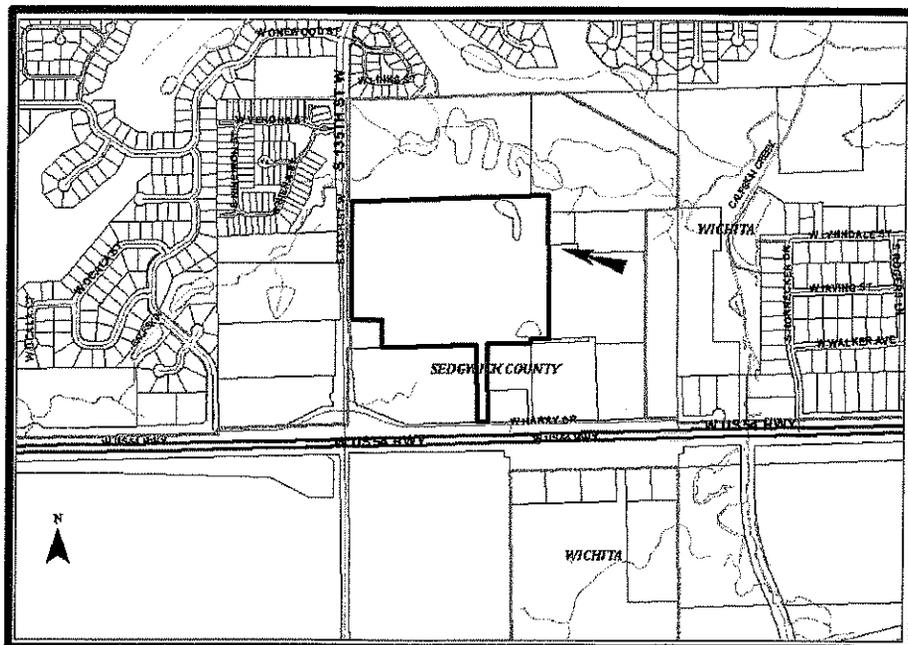
DESIGNED BY: RKD
 DRAWN BY: RKO
 CHECKED BY: BLB

NO. 1501010657
 SHEET NO. 1 OF 1

STAFF REPORT

MAPC December 3, 2015

-
- CASE NUMBER:** PUD2015-00006
- APPLICANT/AGENT:** Cross Road Fellowship Bible, Inc., c/o Pastor Michael Cooper & Jennifer Warner (owner/applicant) Baughman Company, PA, c/o Russ Ewy (agent)
- REQUEST:** PUD Planned Unit Development #49, the 135th & Kellogg Event Center
- CURRENT ZONING:** GC General Commercial and SF-20 Single-family Residential
- SITE SIZE:** Approximately 40-acres
- LOCATION:** Generally located north of US-54/Kellogg Street and east of 135th Street West (BoCC #3)
- PROPOSED USE:** A rent venue for corporate or professional events, life cycle and other special events, outdoor recreation and entertainment with the option of the providing food, alcohol, music, and dancing



BACKGROUND: The applicant propose to change the unplatted 40-acre Sedgwick County site's GC General Commercial (GC) zoned south half and its SF-20 Single-family Residential (SF-20) zoned north half to PUD Planned Unit Development zoning; PUD #49, the 135th & Kellogg Event Center. The GC and SF-20 zoned Sedgwick County site is located approximately 750-foot north of US-54/Kellogg Street on the east side of 135th Street West. The proposed PUD will be rented out for corporate or professional events, life cycle and other special events. Examples of these events include seminars, meetings, lectures, retreats, birthdays, anniversaries, weddings, reunions, charitable events, fund raisers, art shows, holiday festivals, photography shoots and similar events. These events will be scheduled on an as need basis every day of the year, but not repeated on a weekly basis and not be open to the general public. The applicant also proposes outdoor entertainment and recreation, including water related activities on the proposed expanded pond, with volleyball courts, and an area for inflatables. The outdoor entertainment and recreation area will be open to the general public. The serving and consumption of alcoholic liquor or cereal malt beverages (drinks) on the site is an option for all of the proposed activities. Live music or DJ music for dances for the events are also options. Indoor and outdoor preparation of food for the activities are an option as is a concession stand.

The PUD zoning district is a special zoning district that is intended to encourage innovative land planning and design. Any use may be permitted within the PUD zoning district, provided that it is consistent with the purposes of the Unified Zoning Code (UZC) and the approved PUD plan. A PUD allows consideration of the applicant's event center with the options of providing the serving and consumption of alcoholic liquor or cereal malt beverages and live music or DJ music for dances, as well as some uses permitted by right in the GC zoning district.

The UZC Unified Zoning Code (UZC) defines an "event center in the city" as premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled; UZC Sec.II-B.4.m. However, the UZC does not have a definition of an event center in the county, therefore the applicant's request for an event center is not permitted. The proposed PUD zoning allows consideration of an event center in the county. The proposed days of availability are seven (7) days a week, all year. The event center is proposed to be available: Sunday – Thursday, 8 a.m. to 12 p.m.; Friday – Saturday 8 a.m. to 1 a.m. The event center will be rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled. A maximum of 350 people attending an event is proposed. Based on one parking space per two people (nightclub standard), 175 parking spaces would need to be provided.

The UZC's definition of a "nightclub in the county" is an establishment located in the unincorporated area of the County that provides entertainment, which may include the provision of dancing by employees or patrons, and which may or may not serve food or that provides entertainment as defined in the County's Adult Entertainment Code ("sexually oriented business") so long as such establishment is in compliance with the Adult Entertainment Code. The term nightclub in the county shall not include any establishment in the unincorporated area of the County in which alcoholic liquor or cereal malt beverage of any kind is sold, used, consumed or possessed by any person at any time on the premises of the establishment; UZC

Sec.II-B.9.c. The applicant does not propose a “sexually oriented business in the county.” The applicant proposes to provide live music or DJ music for dances located in the event center buildings as options for the scheduled events. The applicant also proposes low volume music that will not be a nuisance for weddings, with the exception of allowing musical groups and speaker within 50-feet of the event center buildings. The site’s SF-20 zoning does not permit consideration of a nightclub in the county. The site’s GC zoning does permit a night club in the county. The site’s GC zoning is not typical for property located within the county, but instead reflects the site’s and the neighboring properties close proximity to Wichita and US-54/Kellogg Street.

The UZC defines a “tavern and drinking establishment” as an establishment engaged in the preparation and retail sale of alcoholic liquor or cereal malt beverage for consumption on the premises that derives in a six-month period less than fifty percent (50%) of its gross revenues from the sale of food and beverages for consumption on the premises. For the purposes of this code, the term tavern and drinking establishment shall include Class B Club; UZC Sec.II-B.13.b. The applicant proposes the serving and consumption of alcoholic liquor or cereal malt beverages (drinks) on the site as an option for the events. The site’s SF-20 zoning does not permit consideration of a tavern and drinking establishment in the county. The site’s GC zoned portion allows consideration of tavern and drinking establishment as a Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. The site abuts SF-20 zoning on its north and east sides and is located within 90-feet of SF-5 Single-Family Residential (SF-5) zoning on its west side. The proposed PUD zoning serves the same purpose as a Conditional Use for this activity. The applicant proposes that the site will not operate as a tavern or nightclub, nor will it operate as a Class A or Class B club.

The UZC defines outdoor entertainment and recreation as a privately-owned establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, "pitch and putt" facilities, tennis courts and amusement rides; UZC Sec.II-B.11.b. The applicant has not prohibited “recreational marine facility,” which is a facility relating to recreational boating. Typical uses include boat docks, marinas, boathouses and yacht clubs; UZC Sec.II-B.8.g. This would allow water related activities on the proposed expanded pond. It can be anticipated that with volleyball courts would be included. Outdoor entertainment and recreation is permitted by right in the GC zoning district. The outdoor entertainment and recreation area is open to the general public year round from 10 a.m. to 10 p.m. The sale of alcoholic liquor or cereal malt beverages for consumption on the premises is not prohibited to the general public for outdoor entertainment and recreation.

Currently the 40-acre site is developed with what appears to be two, metal agricultural accessory buildings, a dirt and gravel drive that splits to the north and south of the buildings, continuing on the south side to the east side of the property. There is a small pond located on the northeast side of the site. The south drive connects to Kellogg Street. The site also currently has access onto Harry Street by a gravel drive located on a long, narrow south extension of the site.

The PUD shows the existing pond expanding to cover most of the northeast portion of the site. The applicants propose that outdoor events and outdoor recreation and entertainment are placed at least 100-feet away from the site's north side, 200-feet from the site's east side and 250-feet from the site's west side. These sides of the site either abut or are adjacent to SF-20 or SF-5 zoning. Outdoor events and outdoor recreation and entertainment are allowed up to the 35-foot setback on the south side of the site where it abuts GC zoned land. The PUD proposes 35-foot building setbacks. The PUD proposes landscaping per the UZC while incorporating the existing landscaping. The PUD does not provide screening where it abuts residential zoning. The applicant has proposed that security may be provided. Other provisions of the PUD refer to allowing tents as needed for the events, but not for camping.

The site is located in a relatively small, isolated portion (north of Kellogg Street) of Sedgwick County, with the City of Wichita and city development adjacent to its west, north and east sides. SF-5 Single-Family Residential (SF-5) zoned single-family residential development featuring a public golf course is located in the City of Wichita and is the areas predominate feature. SF-20 zoned agricultural fields abut the north side of the site and these fields are impacted by a flood zone. The SF-5 zoned Auburn Hills Public Golf Course is located approximately 750-feet further north of the site. Extensive SF-5 single-family residential development (subdivisions mid-2000s) abut and follow the golf course. GC and SF-20 zoned agricultural fields and a farmstead abut the east side of the site and are impacted by a flood zone. The SF-5 zoned Auburn Hills Public Golf Course is located approximately 1,000-feet further east of the site. Extensive SF-5 single-family residential development (subdivisions early-2000s) abut and follow the golf course. Development abutting the south side of the site include a GC zoned retail-warehouse, an antique mall, a self-storage warehouse and agricultural fields. Development located west of the site, across 135th Street West, includes a few SF-5 zoned large tract single-family residences (built 1957, 1968, 181, 1998), SF-5 zoned single-family residential development (subdivisions mid-2000s), the Auburn Hills Public Golf Course and a GC zoned Presbyterian Church (built 1996, 1999, 2004). All development located west of the site is located within the City of Wichita. The requested PUD appears to be the first for this general area.

CASE HISTORY: The GC and SF-20 zoned subject site not platted and there is no evidence of past zoning activity. Planning has received calls requesting information on the PUD or being not in favor of the requested zoning. Their concerns include, but are not limited to: traffic, the number of people allowed per event, drainage, loud music, unruly behavior, the availability of liquor and beer and disruption to the area.

ADJACENT ZONING AND LAND USE:

NORTH: SF-20, SF-5	Agricultural fields, single-family residential subdivisions, public golf course
SOUTH: GC, SF-20, LC	Retail-warehouse, antique mall, self-storage warehouse, agricultural fields
EAST: GC, SF-20, SF-5	Agriculture fields, farmstead, public golf course, single-family residential subdivisions
WEST: SF-5, GC	Large tract single-family residences, agricultural fields, church, single-family residential subdivisions

PUBLIC SERVICES: Water is available to the site. There is no sewer available to the site. Current access to the site is off of 135th Street West, a curbed and paved two-lane, two-way arterial with a center turn lane. The site also currently has access onto Harry Street by a gravel drive located on a long, narrow south extension of the site. Harry Street is a paved two-lane, two-way frontage road at this location. Final access to the site will be determined at the time of platting. A northeast portion of the site is located within a flood zone, which means development within it must be addressed with an approved drainage plan and must meet all standards for construction of buildings/structures on the site, per the County Engineer and Code Enforcement. The flood plain is also located on large portions of the abutting north and east properties.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the “Wichita-Sedgwick County Comprehensive Plan” identifies the north half of the site as “urban residential: and south half as “regional commercial” and located within the City of Wichita’s 2030 urban growth area. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types and residential-serving uses typically found in a large urban municipality. The site’s current SF-20 zoning (on its north half) allows single-family residential, as well as some institutional uses, but not duplexes nor multi-family residential by right. The SF-20 zoning district is suitable for the urban residential category.

The regional commercial category encompasses major destination areas containing concentrations of office, commercial and personal uses that have a predominately regional market areas and high volumes of retail traffic. These areas are located in close proximity to major arterials or freeways. The site has direct access onto the arterial 135th Street West and is located approximately 750-feet north of US-54/Kellogg Street. Major retail malls, major commercial auto dealerships, and big box retail are examples the uses found in this category. The 40-aces site’s proposed activities, including water activities centered around a pond seem to be aiming at regional traffic, although it is perhaps somewhat seasonal in its draw. The proposed water activities make the proposed PUD something of a throw-back to an earlier era when outdoor ponds like Meadow Lake and Sandy Beach drew patrons throughout Sedgwick County. The GC zoning district is intended for application primarily within the city of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as “Wichita 2030 Urban Growth Area.” The GC portion of the site is located within the Wichita 2030 Urban Growth Area and is appropriate for the regional commercial category.

The PUD proposes uses not allowed by right in the county and the SF-20 district or that requires a conditional use in the GC zoning district. A PUD is intended to:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots. The proposed PUD allows one zoning for the entire property whose use, as an indoor-outdoor event venue that permits the consumption of drinks and music for dancing and outdoor recreation and entertainment. The proposed days of availability for the indoor-outdoor event venue is seven (7) days a week, all year. The event center is proposed to be available: Sunday – Thursday, 8 a.m. to 12 p.m.; Friday – Saturday 8 a.m. to 1

a.m. The event center will be rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled. The PUD's proposed limits lessens the impact on the area's single-family residential character. The area's single-family residential development may be impacted more by the proposed outdoor recreation and entertainment use, which is open to the general public seven days a week, 10 a.m. to 10 p.m. Consumption of drinks is permitted. The outdoor recreation and entertainment use may be somewhat seasonal.

- (2) Allowing greater freedom in selecting the means to provide access, light, open space and design amenities. All of the current development and future development is located within the PUD's 40-acres, which provides ample open space.
- (3) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses. The 40-acre site has county agricultural fields abutting its east and north sides separating it from the single-family residential development located in the city. Future development on these fields will be impacted by a flood zone located on them. The arterial road 135th Street West separates the site from the adjacent west single-family residential development located in the city. 135th Street West provides the site with access to the major arterial US-54-Kellogg Street (750-feet south of the site), away from the area's single-family residential development.
- (3) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code. The PUD allows mixed uses that are not permitted in the county, in the SF-20 zoning district, but are allowed by right in in the GC portion of the site or by consideration and approval of a conditional use.

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

- (1) Change General Provision #2 to: Parking shall be provided at the rate of 1 parking spaces per two people.
- (2) Change General Provision #6.I: No outdoor musical groups or speakers allowed.

This recommendation is based on the following findings:

- 1) The zoning, uses and character of the surrounding area: The requested PUD appears to be the first for this general area. The site is located in a relatively small, isolated portion (north of Kellogg Street) of Sedgwick County, with the City of Wichita and city development adjacent to its west, north and east sides. SF-5 Single-Family Residential (SF-5) zoned single-family residential development featuring a public golf course is located in the City of Wichita and is the areas predominate feature. SF-20 zoned agricultural fields abut the north side of the site and these fields are impacted by a flood zone. The SF-5 zoned Auburn Hills Public Golf Course is located approximately 750-feet further north of the site. Extensive SF-5 single-family residential development

(subdivisions mid-2000s) abut and follow the golf course. GC and SF-20 zoned agricultural fields and a farmstead abut the east side of the site and are impacted by a flood zone. The SF-5 zoned Auburn Hills Public Golf Course is located approximately 1,000-feet further east of the site. Extensive SF-5 single-family residential development (subdivisions early-2000s) abut and follow the golf course. Development abutting the south side of the site include a GC zoned retail-warehouse, an antique mall, a self-storage warehouse and agricultural fields. Development located west of the site, across 135th Street West, includes a few SF-5 zoned large tract single-family residences (built 1957, 1968, 181, 1998), SF-5 zoned single-family residential development (subdivisions mid-2000s), the Auburn Hills Public Golf Course and a GC zoned Presbyterian Church (built 1996, 1999, 2004). All development located west of the site is located within the City of Wichita. The requested PUD appears to be the first for this general area

- 2) The suitability of the subject property for the uses to which it has been restricted: The north half of the site is zoned SF-20, which primarily permits single-family residential uses. The south half of the site is zoned GC, which is. The GC which is meant to accommodate retail, commercial, office and other complementary land uses. The site could continue to be used as zoned. The site's close proximity to the major arterial US-54/Kellogg Street makes it more suitable for commercial or multi-family residential use.
- 3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed provisions and the proposed revisions of the PUD are intended to lessen that possibility of the need for more policing (providing security) in the area as well as the intrusion of loud music (cannot be heard on the neighboring properties) on the neighboring properties.
- 4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the "Wichita-Sedgwick County Comprehensive Plan" identifies the north half of the site as "urban residential: and south half as "regional commercial" and located within the City of Wichita's 2030 urban growth area. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types and residential-serving uses typically found in a large urban municipality. The site's current SF-20 zoning (on its north half) allows single-family residential, as well as some institutional uses, but not duplexes nor multi-family residential by right. The SF-20 zoning district is suitable for the urban residential category.

The regional commercial category encompasses major destination areas containing concentrations of office, commercial and personal uses that have a predominately regional market areas and high volumes of retail traffic. These areas are located in close proximity to major arterials or freeways. The site has direct access onto the arterial 135th Street West and is located approximately 750-feet north of US-54/Kellogg Street. Major retail malls, major commercial auto dealerships, and big box retail are examples the uses found in this category. The 40-aces site's proposed activities, including water activities centered around a pond seem to be aiming at regional traffic, although it is perhaps somewhat seasonal in its draw. The proposed water activities make the proposed PUD

something of a throw-back to an earlier era when outdoor ponds like Meadow Lake and Sandy Beach drew patrons throughout Sedgwick County. The GC zoning district is intended for application primarily within the city of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area." The GC portion of the site is located within the Wichita 2030 Urban Growth Area and is appropriate for the regional commercial category.

The PUD zoning district is a special zoning district that is intended to encourage innovative land planning and design. Any use may be permitted within the PUD zoning district, provided that it is consistent with the purposes of the Unified Zoning Code (UZY) and the approved PUD plan. A PUD allows consideration of the applicant's defined event center with the options of providing the serving and consumption of alcoholic liquor or cereal malt beverages and live music or DJ music for dances, as well as outdoor recreation and entertainment, which is permitted by right in the GC zoning district.

- 5) Impact of the proposed development on community facilities: Because the serving and consumption of alcoholic liquor or cereal malt beverages is allowed to possibly as many as 350 people, there is a possible negative impact on an area, which could increase the presence of Law Enforcement. Enforcement could be problematic for the Metropolitan Area Building and Construction Department's (MAPCD) Code Enforcement division especially during the weekend and after 5 p.m., when Code Enforcement is not available.

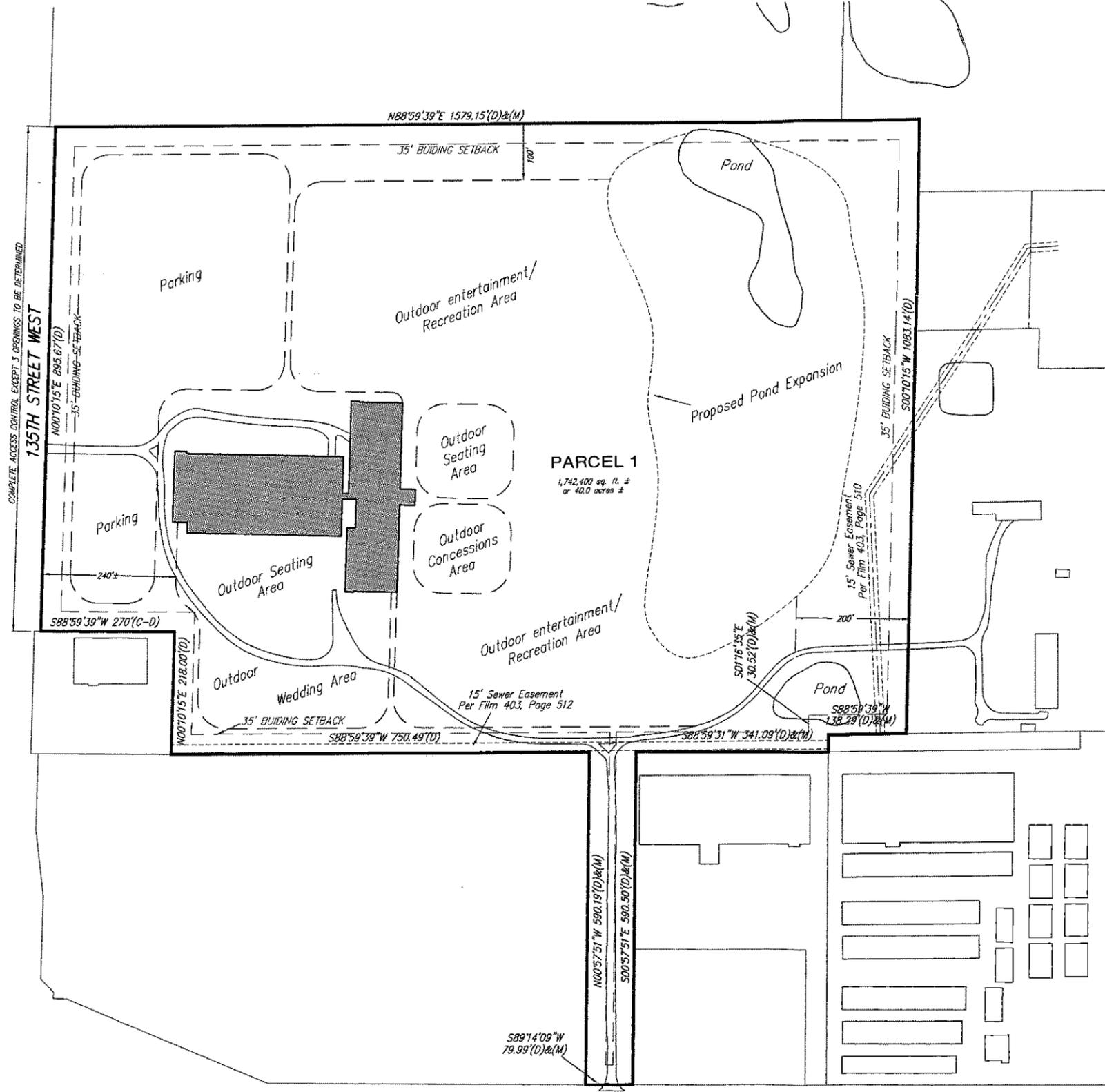
135TH & KELLOGG EVENT CENTER

PLANNED UNIT DEVELOPMENT

PUD-??

GENERAL PROVISIONS:

1. Total Land Area: 1,742,400 sq. ft. ± or 40 acres
 - Total Gross Floor Area: 609,840 sq. ft.
 - Total Floor Area Ratio: 35 percent
2. Parking shall be per the Wichita-Sedgewick County Unified Zoning Code for a maximum of 350 people, and shall have be surfaced with materials approved by Sedgewick County. Any required handicap parking stalls shall be striped on a paved surface. Parking shall be provided at the rate of 1 stall per 4 occupants.
- J. Setbacks are as indicated on the P.U.D. drawing.
4. A Drainage Plan shall be submitted to the appropriate jurisdiction for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
5. Depending on when the subject property is annexed, signs shall be in accordance with either the County Sign Code Section 6-34B(c) for Commercial districts, or the City Sign Code for the "GC" General Commercial district. No LED, billboard, or off-site signs shall be permitted.
6. Parcel 1 shall be limited to those uses permitted by right in the "GC" General Commercial district, except for the following uses: correctional placement residence, private and public recycling collection station, recycling processing center, reverse vending machine, animal care, hobby and boarding/breeding/training kennels, nightclub (except as restricted in the PUD), commercial parking area, pawnshop, businesses that accepts vehicle title or other property as security for loans, recreational vehicle campground, rodeo, sexually oriented business, tattooing and body piercing facility, tavern or drinking establishment, teen club, asphalt or concrete plant, manufacturing, research services, outdoor storage, vehicle storage yard agricultural research, and agricultural sales and service.
- The stated "Night Club" use shall be limited to the UZC definition of "Event Centers", subject to the following conditions:
- A. The use of the Event Center shall be limited exclusively to a venue for rent with the purpose of hosting a variety of gatherings where food, beverages (including alcohol), music or dancing may be offered, such as life cycle events (i.e. birthdays, anniversaries, weddings, reunions); corporate or professional functions (i.e. seminars, meetings, lectures, retreats); other special events including charitable events, fundraisers, and art shows; holiday festivities; or photographic shoots; and other similar events.
 - B. All Sexually Oriented Businesses, as currently defined by the Wichita-Sedgewick County Unified Zoning Code, are hereby prohibited.
 - C. Facilities may be rented out for the above-described activities that are not repeated on a weekly basis and that are not open to the public on a daily basis at times other than when an event is scheduled.
 - D. The Event Center shall obtain, and at all times maintain, a liquor license(s) as are required from the appropriate local and/or State authorities. Outside vendors/caterers shall obtain and maintain at all times while participating in events at the Event Center, a liquor license as required from the appropriate local and/or State authorities. No business that is classified as a Drinking Establishment, Tavern, Class A Club or Class B Club, under current Wichita, Kansas ordinances or codes, shall be allowed.
 - E. The Event Center may be open and operated only from 8:00 a.m. to 1:00 a.m., local time, on Friday and Saturday, and from 8:00 a.m. to 12:00 p.m., local time, Sunday through Thursday. Event Center set-up and clean-up shall be allowed only between the hours of 8:00 a.m. to 1:30 a.m., local time, on Friday and Saturday, and only from 8:00 a.m. to 12:30 p.m., local time, Sunday through Thursday.
 - F. Tents may be erected at locations indicated as "Outdoor Entertainment/Recreation Area", which is a minimum of two hundred feet (200') from the nearest lot line of property zoned for residential uses, and subject to compliance with all applicable building and fire code requirements. All tents shall be disassembled and stored indoors within 24 hours of an event.
- G. Security may be permitted through contracted security services.
 - H. All live music or music provided by a DJ is an option for events and shall be located within a building. Music to accompany wedding ceremonies or other outdoor events shall be of a low volume so as not to be a nuisance. Except for low level music that cannot be heard on neighboring properties, no outdoor musical group or speakers will be allowed, except within a distance of 50 feet from the Event Center building.
 - I. Use of Parcel 1 for Outdoor Entertainment/Recreation, where indicated on the plan, may be open to the general public as a separate use, and operated only from 10:00 a.m. to 10:00 p.m., local time. Outdoor preparation and service of food, beverages (including alcohol) may be permitted. All applicable license(s) shall be obtained as are required from the appropriate local and/or state authorities.
 - J. Uses are those permitted by the approved PUD, and are subject to the development standards contained in the approved PUD.
 - K. Access shall be as indicated on the Plan, and/or as approved during the platting process.
 - L. Landscaping requirements shall be per the Wichita-Sedgewick County Unified Zoning Code. Existing landscaping shall be considered as meeting this requirement. Screening around the perimeter of the PUD shall not be required.
 - M. Trash receptacles shall be appropriately screened to reasonably hide them from ground view. Screening shall be constructed of materials and/or landscaping compatible with the building exterior.
 - N. All outdoor lighting shall employ cut-off luminaires to minimize light trespass and glare, and will be aimed or shielded such that the light sources not visible from the neighboring property. Lighting sources shall be limited to thirty (30) feet in height, including poles and base, and limited to fifteen (15) feet in height when located within two hundred feet of residential zoning districts. No pole lighting shall be located within building setbacks.
 - O. All drives and access within the PUD shall be a minimum of 20 feet wide and surfaced with a material approved by Sedgewick County standards, including Sedgewick County Fire and Service Drive Codes.
 - P. The design layout shown on the plan illustrates only one development concept. Modifications to the location of improvements, building layout, and/or access locations may be permitted, provided they meet all requirements of this plan.
 - Q. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
 - R. Amendments, adjustments or interpretations to this P.U.D. shall be done in accordance with the Unified Zoning Code.
 - S. The transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
 - T. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator or the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - U. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.



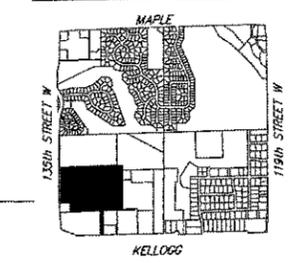
PARCEL 1

- A. Net Area: 1,742,400 sq. ft. ± or 40.0 acres ±
- B. Maximum Building Coverage: 522,720 sq. ft. or 30 percent
- C. Maximum Gross Floor Area: 609,840 sq. ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height: 50 feet, except for any other structures exempt by the UZC.
- F. Setbacks: See Drawing
- G. Access Points: See Drawing
- H. Permitted Uses: See General Provision #6.

REVISIONS:

Planned Unit Development (PUD2015-06) Filed: October 26, 2015
 Revised per staff comments: November 24, 2015
 Approved by MAPC:
 Approved by County Commission:

VICINITY MAP



LEGAL DESCRIPTION:

A tract in the SW ¼ of Section 25, Township 27 South, Range 2 West of the 6th Principal Meridian, Sedgewick County, Kansas described as: Beginning at a point on the north right of way line of U.S. Highway 54, as condemned in District Court Case No. A-38302 and 1488.75 feet west of the east line of said SW ¼ (Measured along said Highway right of way); thence west along said Highway right of way, a distance of 80 feet; thence north with a deflection angle to the right of 89°48', a distance of 630.17 feet to a point 735.6 feet north of the south line of said SW ¼; thence west parallel with the south line of said SW ¼, a distance of 730.49 feet to a point 300 feet east of the west line of said SW ¼, said point being the SE corner of Lot 1, Block A, Heber Addition, Sedgewick County, Kansas; thence north parallel with the west line of said SW ¼ and along the east line of said Lot 1, a distance of 218 feet to the NE corner of said Lot 1; thence west parallel with the south line of said SW ¼ and along the north line of said Lot 1, a distance of 300.06 feet to the west line of said SW ¼; thence north along the west line of said SW ¼, a distance of 895.67 feet; thence east parallel with the south line of said SW ¼, a distance of 1609.15 feet; thence south parallel with the west line of said SW ¼ a distance of 1083.14 feet to a point on the north line of deed recorded at Film 2123, Page 23; thence westerly along the north line of deed recorded at Film 2123, Page 23, a distance of 138.29 feet to the NW corner of deed recorded at Film 2123, Page 23; thence southerly along the west line of deed recorded at Film 2123, Page 23, a distance of 30.50 feet; thence westerly along the north line of deed recorded at DOC#FLM-PC-2877836Q, a distance of 341.09 feet; thence southerly, a distance of 630.50 feet to the point of beginning. EXCEPT that part condemned for Highway right of way in Condemnation Case C-10792. Subject to road right of ways of record.

PUD-??

135TH & KELLOGG EVENT CENTER
PLANNED UNIT DEVELOPMENT



KELLOGG AVENUE (U.S. HIGHWAY 54)
 Complete Access Control
 Per Cond. Case C-10792

CENTER

GENERAL PROVISIONS:

1. Total Land Area: 1,742,400 sq.ft.± or 40 acres
Total Gross Floor Area: 609,840 sq.ft.
Total Floor Area Ratio: 35 percent
2. Parking shall be per the Wichita-Sedgwick County Unified Zoning Code for a maximum of 350 people, and shall have be surfaced with materials approved by Sedgwick County. Any required handicap parking stalls shall be striped on a paved surface. Parking shall be provided at the rate of 1 stall per 4 occupants.
3. Setbacks are as indicated on the P.U.D. drawing.
4. A Drainage Plan shall be submitted to the appropriate jurisdiction for approval. Required guarantees for drainage shall be provided at the time of plotting improvements.
5. Depending on when the subject property is annexed, signs shall be in accordance with either the County Sign Code Section 6-346(c) for Commercial districts, or the City Sign Code for the "GC" General Commercial district. No LED, billboard, or off-site signs shall be permitted.
6. Parcel 1 shall be limited to those uses permitted by right in the "GC" General Commercial district, except for the following uses: correctional placement residence, private and public recycling collection station, recycling processing center, reverse vending machine, animal care, hobby and boarding/breeding/training kennels, nightclub (except as restricted in the PUD), commercial parking area, pawnshop, businesses that accepts vehicle title or other property as security for loans, recreational vehicle campground, rodeo, sexually oriented business, tattooing and body piercing facility, tavern or drinking establishment, teen club, asphalt or concrete plant, manufacturing, research services, outdoor storage, vehicle storage yard agricultural research, and agricultural sales and service.

The stated "Night Club" use shall be limited to the UZC definition of "Event Centers", subject to the following conditions:
 - A. The use of the Event Center shall be limited exclusively to a venue for rent with the purpose of hosting a variety of gatherings where food, beverages (including alcohol), music or dancing may be offered, such as life cycle events (i.e. birthdays, anniversaries, weddings, reunions); corporate or professional functions (i.e. seminars, meetings, lectures, retreats); other special events including charitable events, fundraisers, and art shows; holiday festivities; or photographic shoots; and other similar events.
 - B. All Sexually Oriented Businesses, as currently defined by the Wichita-Sedgwick County Unified Zoning Code, are hereby prohibited.
 - C. Facilities may be rented out for the above-described activities that are not repeated on a weekly basis and that are not open to the public on a daily basis at times other than when an event is scheduled.
 - D. The Event Center shall obtain, and at all times maintain, a liquor license(s) as are required from the appropriate local and/or State authorities. Outside vendors/caterers shall obtain and maintain at all times while participating in events at the Event Center, a liquor license as required from the appropriate local and/or State authorities. No business that is classified as a Drinking Establishment, Tavern, Class A Club or Class B Club, under current Wichita, Kansas ordinances or codes, shall be allowed.
 - E. The Event Center may be open and operated only from 8:00 a.m. to 1:00 a.m., local time, on Friday and Saturday, and from 8:00 a.m. to 12:00 p.m., local time, Sunday through Thursday. Event Center set-up and clean-up shall be allowed only between the hours of 8:00 a.m. to 1:30 a.m., local time, on Friday and Saturday, and only from 8:00 a.m. to 12:30 p.m., local time, Sunday through Thursday.
 - F. Tents may be erected at locations indicated as "Outdoor Entertainment/ Recreation Area", which is a minimum of two hundred feet (200') from the nearest lot line of property zoned for residential uses, and subject to compliance with all applicable building and fire code requirements. All tents shall be disassembled and stored indoors within 24 hours of an event.
7. Security may be permitted through contracted security services.
8. All live music or music provided by a DJ is an option for events and shall be located within a building. Music to accompany wedding ceremonies or other outdoor events shall be at a low volume so as not to be a nuisance. Except for low level music that cannot be heard on neighboring properties, no outdoor musical group or speakers will be allowed, except within a distance of 50 feet from the Event Center building.
9. Use of Parcel 1 for Outdoor Entertainment/Recreation, where indicated on the plan, may be open to the general public as a separate use, and operated only from 10:00 a.m. to 10:00 p.m., local time. Outdoor preparation and service of food, beverages (including alcohol) may be permitted. All applicable license(s) shall be obtained as are required from the appropriate local and/or state authorities.
10. Uses are those permitted by the approved PUD, and are subject to the development standards contained in the approved PUD.
11. Access shall be as indicated on the Plan, and/or as approved during the platting process.
12. Landscaping requirements shall be per the Wichita-Sedgwick County Unified Zoning Code. Existing landscaping shall be considered as meeting this requirement. Screening around the perimeter of the PUD shall not be required.
13. Trash receptacles shall be appropriately screened to reasonably hide them from ground view. Screening shall be constructed of materials and/or landscaping compatible with the building exterior.
14. All outdoor lighting shall employ cut-off luminaires to minimize light trespass and glare, and will be aimed or shielded such that the light sources not visible from the neighboring property. Lighting sources shall be limited to thirty (30) feet in height, including poles and base, and limited to fifteen (15) feet in height when located within two hundred feet of residential zoning districts. No pole lighting shall be located within building setbacks.
15. All drives and access within the PUD shall be a minimum of 20 feet wide and surfaced with a material approved by Sedgwick County standards, including Sedgwick County Fire and Service Drive Codes.
16. The design layout shown on the plan illustrates only one development concept. Modifications to the location of improvements, building layout, and/or access locations may be permitted, provided they meet all requirements of this plan.
17. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
18. Amendments, adjustments or interpretations to this P.U.D. shall be done in accordance with the Unified Zoning Code.
19. The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
20. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator or the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
21. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

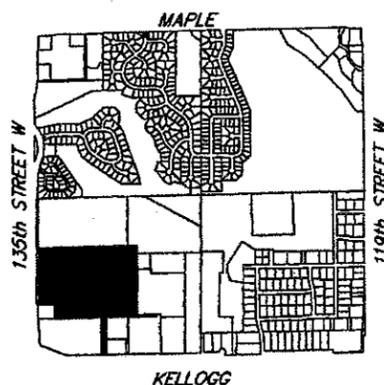
PARCEL 1

- A. Net Area: 1,742,400 sq.ft. ± or 40.0 acres ±
- B. Maximum Building Coverage: 522,720 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 609,840 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height: 50 feet, except for any other structures exempt by the UZC.
- F. Setbacks: See Drawing
- G. Access Points: See Drawing
- H. Permitted Uses: See General Provision #6.

REVISIONS:

Planned Unit Development (PUD2015-06) Filed: October 26, 2015
Revised per staff comments: November 24, 2015
Approved by MAPC:
Approved by County Commission:

VICINITY MAP



SCALE: 1" = 100'

LEGAL DESCRIPTION:

A tract in the SW ¼ of Section 25, Township 27 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas described as: Beginning at a point on the north right of way line of U.S. Highway 54, as condemned in District Court Case No. A-38302 and 1468.75 feet west of the east line of said SW ¼ (Measured along said Highway right of way); thence west along said Highway right of way, a distance of 80 feet; thence north with a deflection angle to the right of 89°48', a distance of 630.17 feet to a point 736.6 feet north of the south line of said SW ¼; thence west parallel with the south line of said SW ¼, a distance of 750.49 feet to a point 300 feet east of the west line of said SW ¼, said point being the SE corner of Lot 1, Block A, Weber Addition, Sedgwick County, Kansas; thence north parallel with the west line of said SW ¼ and along the east line of said Lot 1, a distance of 218 feet to the NE corner of said Lot 1; thence west parallel with the south line of said SW ¼ and along the north line of said Lot 1, a distance of 300.06 feet to the west line of said SW ¼; thence north along the west line of said SW ¼, a distance of 895.67 feet; thence east parallel with the south line of said SW ¼, a distance of 1609.15 feet; thence south parallel with the west line of said SW ¼ a distance of 1083.14 feet to a point on the north line of deed recorded at Film 2123, Page 23; thence westerly along the north line of deed recorded at Film 2123, Page 23, a distance of 138.29 feet to the NW corner of deed recorded at Film 2123, Page 23; thence southerly along the west line of deed recorded at Film 2123, Page 23, a distance of 30.50 feet; thence westerly along the north line of deed recorded at DOC #FLM-PG-28778360, a distance of 341.09 feet; thence southerly, a distance of 630.50 feet to the point of beginning. EXCEPT that part condemned for Highway right of way in Condemnation Case C-10792. Subject to rood right of ways of record.

PUD-??

135TH & KELLOGG EVENT CENTER
PLANNED UNIT DEVELOPMENT



BACKGROUND: On Wednesday October 21, 2015, the Board of Sedgwick County Commissioners (BoCC) adopted an amendment (Resolution No. 185-2015) to the Wichita-Sedgwick County Unified Zoning Code (UZC) that abolished “zoning area of influence” (ZAOI) review authority and the ZAOI map. “Zoning area of influence” authority and its accompanying map were replaced with “urban areas of influence” (UAOI) review authority and a different map. The UAOI map depicts the territory that is subject to UAOI review. “Urban area of influence” authority permits certain development applications (those that primarily deal with land use) associated with properties located within specific geographic areas surrounding 17 of Sedgwick County’s cities to be presented to the designated cities’ planning commissions for consideration and recommendation. The UAOI boundaries are shown on the attached 2035 Urban Growth Areas Map, and labeled as “small city urban growth areas.” The boundaries of each city’s territory that permits UAOI review is the same as the “small city urban growth areas.” The City of Garden Plain is one of the 17 cities that has UAOI authority.

The City of Garden Plain has requested that its UAOI boundary be expanded from its current boundary – 40 acres located east of South 295th Street West and south of West 6th Street South (north), one-half mile west of South 279th Street West, between US 54/400 and one-quarter mile north of West 23rd Street South (east), twenty acres located one-quarter mile north of West 23rd Street South and west of South 295th West Street (south) and 160 acres located east of South 311th Street West and south of West 15th Street South (west). (All acreages are estimates.) The requested expanded UAOI area is enclosed by West 6th Street South (north), South 263rd Street West (east), West 23rd Street South (south) and South 311th Street West (west). (See attached letter from Garden Plain.) The overwhelming majority of the land included in the expansion area is farmland that is zoned RR Rural Residential.

The request would expand Garden Plain’s UAOI to a total of six square-miles including the city’s existing city limits. Currently, Garden Plain has approximately 0.7 of a square-mile of UAOI territory. Garden Plain’s UAOI territory is the smallest of those cities having such review authority. Garden Plain has the Requests to expand UAOI are permitted by UZC Sec. II-V.K. Garden Plain’s existing urban growth area and UAOI boundary were developed in 2014 as part of the development of the County’s comprehensive plan. Since that time staff has received additional information regarding Garden Plain’s projected growth expectations and recent annexation activities.

Data developed as part of the update of the comprehensive plan reports that over the time period 2005 to 2014 Garden Plain added, in a typical year, three new dwellings units. In contrast, in an average year during that same ten-year period Derby added the most with 108 dwelling units; Goddard added 39 dwelling units and Cheney added 29 dwelling units. Of the 17 cities that have UAOI authority, Garden Plain’s estimated 2014 population (879) ranks 14th. Derby has the largest population of the cities that have UAOI authority (23,234); Bentley is the smallest (524) excluding that portion of the City of Sedgwick located in Sedgwick County. By 2035 Garden Plain is projected to grow in population by 121 people to 1,000 people. Assuming an average household size of 2.5 that equates to a projected need for 48 additional dwelling units over the next 20 years or 2.4 dwelling units per year.

Under the provisions of UAOI, cities are provided the opportunity to review certain land use applications within 30 days of notice that an application subject to review has been filed. If the city planning commission recommends denial, the BoCC can override the denial recommendation with a two-thirds vote on first hearing. If the case were to be returned to the MAPC for reconsideration, the BoCC can approve the request with a simple majority vote on second hearing.

CASE HISTORY: Prior to the adoption of UAOI, the UZC had provisions for “zoning area of influence” review authority that was similar to UAOI review authority. “Zoning area of influence”

review authority was initiated in 1985 and utilized different boundaries, usually larger than that granted under UAOI. “Zoning area of influence” also had a requirement for a unanimous vote requirement to override a city’s recommendation for denial, instead of a two-thirds majority vote or simple majority on second hearing.

PUBLIC SERVICES: “Urban area of influence” review provides an early notice to a city that development is planned in an area that the city may currently serve or is likely to serve, and may serve to facilitate the planning for, and the delivery of services where multiple jurisdictions may be involved. Methods other than current ZAOI procedures can be implemented to accomplish the same result.

CONFORMANCE TO PLANS/POLICIES: As noted above, the authority for UAOI review is contained within the UZC, and there is not any statutory requirement that a county has to grant a city zoning review authority in areas where a county has established county zoning.

RECOMMENDATION: It is recommended that Garden Plain’s UAOI boundary be expanded to the following boundary: West 6th Street South (north), South 263rd Street West (east), West 23rd Street South (south) and South 311th Street West (west). The recommendation is based upon the documented ten-year rate of an average of three new dwelling units per year cited above and the projected 2035 population growth that results in a projected need for Garden Plain of an average of 2.4 dwelling units per year. If all projected 48 dwelling units were developed on 4.5 acres that equals to the need for 216 acres to accommodate that growth rate.



CITY OF GARDEN PLAIN

CASE NO. DER 2015-00007

Mayor Larry Lampe

Council Members:

Bobby Thompson, Paul McPhillips, Sr.,
Kevin Hammond, Joe Fisher & Jenny Zogman

October 12, 2015

Dale Miller
WAMPO
455 N Main, 10th Floor
Wichita, Ks 67202-1688

Dear Mr. Miller,

In response to the letter we received of September 24th regarding the new boundaries we would like to request a boundary modification to enlarge the areas requiring review that have been proposed in the Wichita-Sedgwick County Community Investment Plan.

Our Planning Commission and City Council have discussed these current proposed boundaries and are uncomfortable with not having opportunity for review or expression of development around the city boundaries. We have a good working relationship with the development in our area of influence and would like to maintain the integrity of that area.

In 2014 we annexed 233 acres at the owner's request to prepare for future development. Our houses sell quickly and the rentals are never empty.

We request the modification to extend the area of influence boundaries to go from 263rd to 311th and from 6th to 23rd streets.

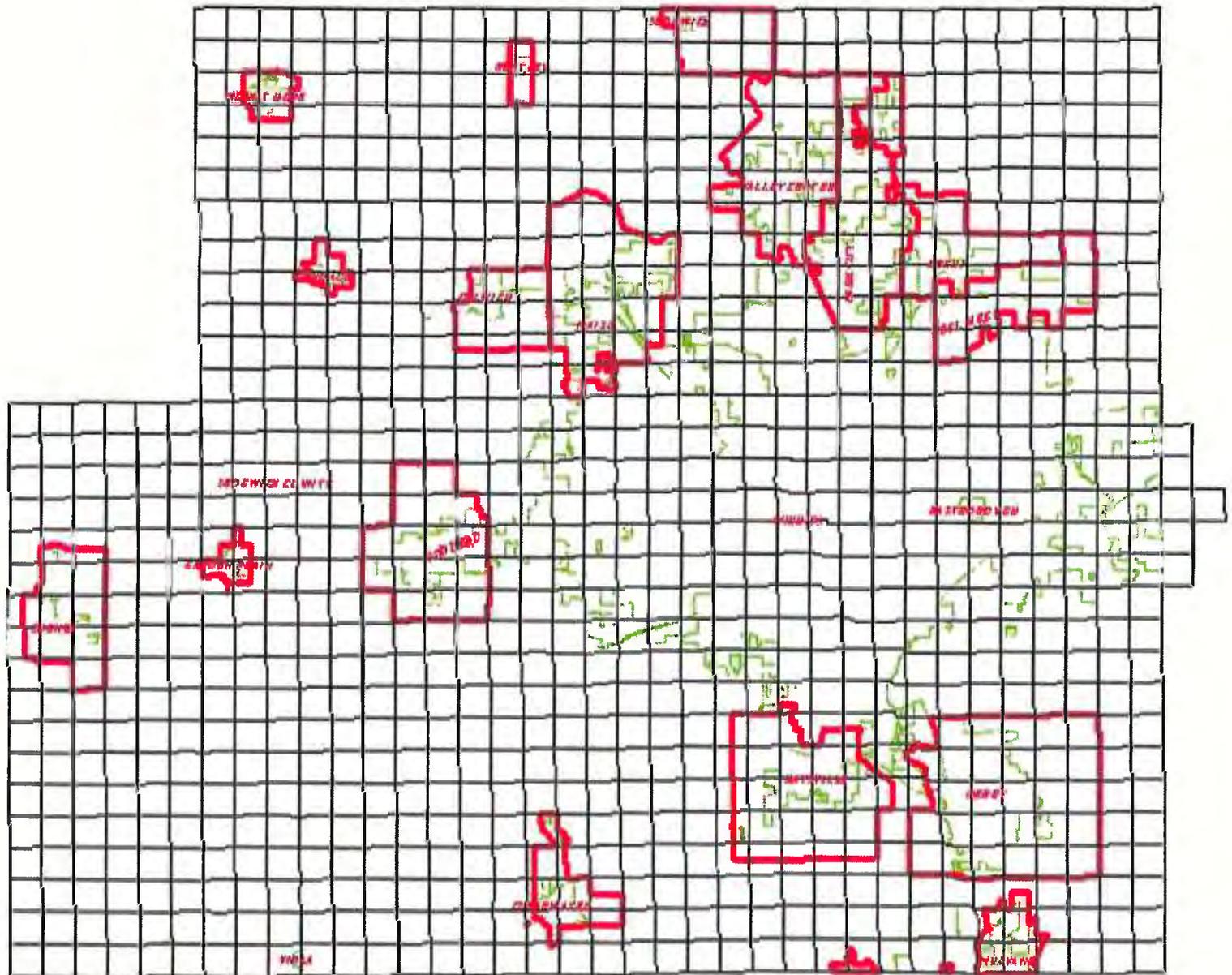
Sincerely,

Larry Lampe, Mayor

RECEIVED
OCT 14 2015
BY: *Planning*

SCHEDULED FOR MEETING 12-3
COURT NO. 15433

505 N. Main • PO Box 336 • Garden Plain, KS 67050 • Tel (316) 531-2321 • Fax (316) 535-2207
Web: www.gardenplain.com • Email: cityclerk@gardenplain.com



- City Limits
- UAOL as Adopted 10-21-2015