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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, March 3, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, March 3, 2016**, 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 MAPC meeting minutes:

Meeting Date: No Minutes.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

SUBDIVISION CASE DETAILS

- 2-1. **SUB2015-00045: One-Step Final Plat – HIEGER EAST 2ND ADDITION**, located east of 247th Street West, on the North side of 61st Street North.

Committee Action: Approved 4-1 (Foster - No)
Surveyor: Ruggles & Bohm, P.A.
Acreage: 25.53
Total Lots: 9

- 2-2. **SUB2016-00004: One-Step Final Plat – NINNESCAH SUBDIVISION ADDITION**, located on the north side of West 13th Street North, West of North 279th Street West.

Committee Action: APPROVED 5-0-1 (D.Foster abstained)
Surveyor: Atwell, LLC
Acreage: 53.55
Total Lots: 1

- 2-3. **SUB2016-00005: One-Step Final Plat – MORRIS ADDITION**, located on the west side of North 159th Street East, North of East 21st Street North.

Committee Action: APPROVED 6-0
Surveyor: MKEC Engineering, Inc.
Acreage: 5.45
Total Lots: 3

- 2-4. **SUB2016-00006: One-Step Final Plat – FLINT HILLS MATERIALS ADDITION**, located east of Broadway on the north side of 29th Street North.

Committee Action: APPROVED 6-0
Surveyor: K.E. Miller Engineering, P.A.
Acreage: 11.52
Total Lots: 2

2-5. SUB2016-00008: One-Step Final Plat – ALLEN WILLIAMS 2ND ADDITION,
located on the Northeast corner of Hoover Road and Pawnee (extended).

Committee Action: APPROVED 6-0
Surveyor: Baughman Company, P.A.
Acreage: 7.07
Total Lots: 2

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

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

- 4.** Case No.: DER2015-00007
Request: Review of Garden Plain Urban Area of Influence request from February 18, 2016 Meeting.
General Location: Garden Plain
Presenting Planner: Dale Miller
- 5.** Case No.: ZON2016-00005 and CUP2016-00004
Request: County zone change request from SF-20 Single-family Residential to LC Limited Commercial and associated Community Unit Plan (CUP) request.
General Location: On the northwest corner of 119th Street West and Pawnee Avenue.
Presenting Planner: Jess McNeely
- 6.** Case No.: ZON2016-00006
Request: City zone change request from MF-29 Multi-family Residential to LC Limited Commercial.
General Location: On the northwest side of Meridian Avenue and Kellogg Avenue.
Presenting Planner: Bill Longnecker
- 7.** Case No.: CUP2016-00002
Request: City CUP Amendment to DP-111 Parcel 1 to permit Nursery and Garden center in LC Limited Commercial zoning.
General Location: East of N. Rock Road and north of E. 29th Street N. (3232 N. Rock Rd.).
Presenting Planner: Derrick Slocum
- 8.** Case No.: CON2016-00001
Request: County Conditional Use request for a Utility, Major in RR Rural Residential zoning.
General Location: North of W. 13th Street N. and west of N. 279th Street W. (28600 W. 13th St. N.).
Presenting Planner: Jess McNeely

9. Case No.: CON2016-00003
Request: City Conditional Use request for a seasonal nursery on LC Limited Commercial zoned property.
General Location: East of Ridge Road on the north side of Central Avenue (6820 W/ Central Ave.).
Presenting Planner: Derrick Slocum

NON-PUBLIC HEARING ITEMS

10. Other Matters/Adjournment

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

SUB2015-00045 -- Plat of HIEGER EAST 2ND ADDITION
March 3, 2016 - Page 2

NOTE: This site is located in the County in an area designated as “Andale urban growth area” by the Community Investments Plan 2015-2035.

STAFF COMMENTS:

- A. 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 water wells. A memorandum shall be obtained specifying approval.
- B. The plat proposes connection to City of Andale’s sanitary sewer in accordance with that city’s standards. A letter of confirmation has been provided from Andale.
- C. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- D. The plat proposes three openings along 61st Street North. County Engineering has approved the access controls subject to a letter from Andale approving the access controls.
- E. County Stormwater advises the drainage plan is approved contingent on revisions.
- F. County Stormwater requires limitations on impervious area and has requested language on the plat’s text. A restrictive covenant regarding water quality requirements should also be filed and referenced in the plat’s text. County Stormwater will work with the applicant’s engineer on the covenant. A stormwater permit and a Notice of Intent are needed.
- G. A restrictive covenant shall be submitted regarding the reserves, which sets forth ownership and maintenance responsibilities of the private drives.
- 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 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. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

SUB2015-00045 -- Plat of HIEGER EAST 2ND ADDITION
March 3, 2016 - Page 3

- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. 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.
- O. 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.
- P. 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.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Westar Energy requests additional easements which will be provided by separate instrument on the adjoining Hieger East Addition. Heide Bryan, Subdivision Representative, will be the contact for this plat. She can be reached at 316-261-6554. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- S. 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).

STAFF REPORT

CASE NUMBER: SUB2016-00004 – NINNESCAH SUBDIVISION ADDITION

OWNER/APPLICANT: Kevin R. and Krystal K. Klein, 2143 Sunrise Street, Wichita, KS 67235; Sylvester L. and Joan K. Stuhlsatz, 719 North 279th Street West, Garden Plain, KS 67050; (contract purchaser) Ninnescah Wind Energy, 700 Universe Boulevard, Juno Beach, Florida 33408

SURVEYOR: Atwell LLC, Attn: Paul W. Smith, 143 Union Boulevard, Suite700, Lakewood, Colorado 80228

AGENT: NextEra Energy Resources, Attn: Sam Massey, 700 Universe Boulevard, Juno Beach, Florida 33408

LOCATION: North side of West 13th Street North, West of North 279th Street West (County District III)

SITE SIZE: 53.55 acres

NUMBER OF LOTS

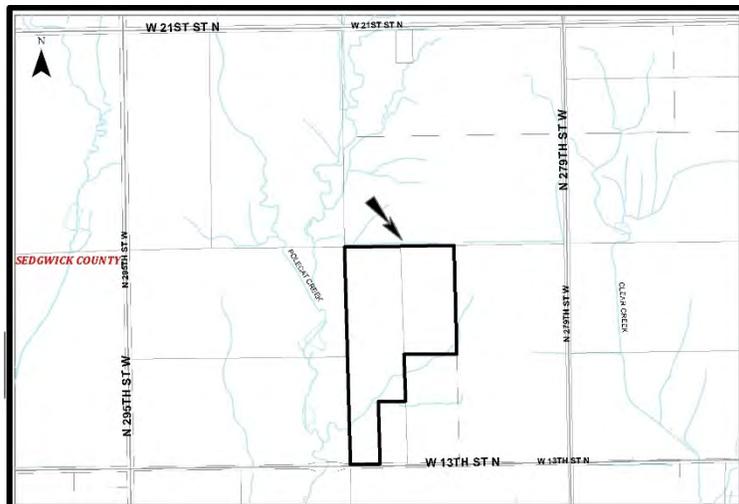
Residential:	1
Office:	
Commercial:	
Industrial:	—
Total:	1

MINIMUM LOT AREA: 53.55 acres

CURRENT ZONING: Rural Residential (RR)

PROPOSED ZONING: Same

VICINITY MAP



SUB2016-00004 -- Plat of NINNESCAH SUBDIVISION ADDITION
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NOTE: This is unplatted property is located in the County and designated as “rural area” by the Community Investments Plan 2015-2035. The applicant has proposed a conditional use (CON-2016-00001) for a Major Utility.

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 has been obtained specifying approval. The applicant has informed staff that neither on-site sewerage facilities nor water wells will be needed to serve the site.
- B. Sedgwick County Public Works requests the drainage plan. The applicant’s engineer needs to reference current effective FEMA maps that depict Flood Zone A within the boundaries of the plat. If the engineer wishes, he may coordinate with Kelly Dixon @ MABCD regarding current FEMA maps. Earthwork disturbing more than one acre also requires a County Stormwater Permit.
- C. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- D. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- E. 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.)
- F. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- G. 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.
- H. 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.
- I. 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.

SUB2016-00004 -- Plat of NINNESCAH SUBDIVISION ADDITION
March 3, 2016 - Page 3

- J. Perimeter closure computations shall be submitted with the final plat tracing.
- K. Westar Energy Transmission Engineering advises of two easements, a KG&E original easement (150-feet) and the Prairie Wind Transmission which is a double circuit of two 345kV lines (150-feet) and Westar cannot permit anything inside that 300 feet. 345kV lines are the largest voltage in the system and hence can be most dangerous. It is very important that no permanent structures of any kind go anywhere inside that 300 feet.
- L. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- M. 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).

STAFF REPORT

CASE NUMBER: SUB2016-00005 – MORRIS ADDITION

OWNER/APPLICANT: Robert J. and Jessica C. Morris, 2411 North 159th Street East, Wichita, KS 67228

SURVEYOR/AGENT: MKEC Engineering, Inc., Attn: Brian Lindebak, 411 North Webb Road, Wichita, KS 67206

LOCATION: North of East 21st Street North, on the West Side of North 159th Street East (District II)

SITE SIZE: 5.45 acres

NUMBER OF LOTS

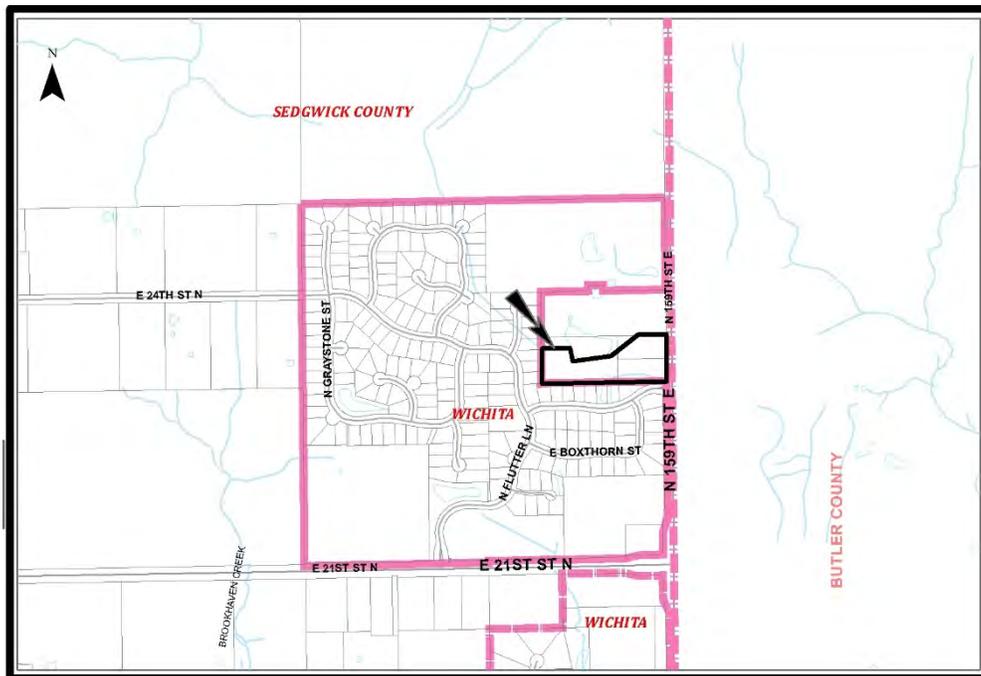
Residential:	3
Office:	
Commercial:	
Industrial:	
Total:	3

MINIMUM LOT AREA: 1.19 acres

CURRENT ZONING: Rural Residential (RR)

PROPOSED ZONING: Single-Family Residential (SF-5)

VICINITY MAP



SUB2016-00005 -- Plat of MORRIS ADDITION
March 3, 2016 - Page 2

NOTE: This unplatted site is located in the County adjoining Wichita's boundary and annexation is requested. The site is currently zoned Rural Residential (RR) and will be converted to Single-Family Residential (SF-5) upon annexation.

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's municipal boundaries, the applicant may submit a request for annexation. Upon annexation, 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 requests the applicant extend water (distribution) to serve all lots, and extend sewer (laterals) to serve all lots. In-lieu-of-assessment fees are due on water (transmission) and sewer (mains).
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the applicant's drainage plan.
- E. Traffic Engineering has approved the access controls. The plat proposes one opening along 159th Street East.
- F. City Fire Department advises the drive surface needs to meet standard regulations for the Fire Department access road. The drive will need to meet Fire Code width of 26-foot width at spots where hydrants are located, per International Fire Code, Appendix D. At 20-foot wide, no parking will be allowed on either side of the drive.
- G. City Public Works requests a guarantee for the paving of the private drive. The cul-de-sac must meet a minimum 35-foot paved radius.
- H. A restrictive covenant shall be submitted regarding Reserve B, platted for private drive purposes, which sets forth ownership and maintenance responsibilities of the private drive.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- J. 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.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.

SUB2016-00005 -- Plat of MORRIS ADDITION

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- M. County Surveying advises in the legal description the bearing of S88°56'59"E on the fifth line down from the top needs corrected to S88°56'59"W.
- 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 shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Q. 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.
- R. 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.
- S. 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.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- V. 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).

STAFF REPORT

CASE NUMBER: SUB2016-00006 – FLINT HILLS MATERIALS ADDITION

OWNER/APPLICANT: Vista Grande LLC, P.O. Box 47662, Wichita, KS 67201-7622; Flint Hills Materials LLC, 5114 West 87th Street South, Haysville, KS 67060

SURVEYOR/AGENT: K.E. Miller Engineering, 117 East Lewis Street, Wichita, KS 67202

LOCATION: North side of East 29th Street North, East of North Broadway Avenue (District II)

SITE SIZE: 11.52 acres

NUMBER OF LOTS

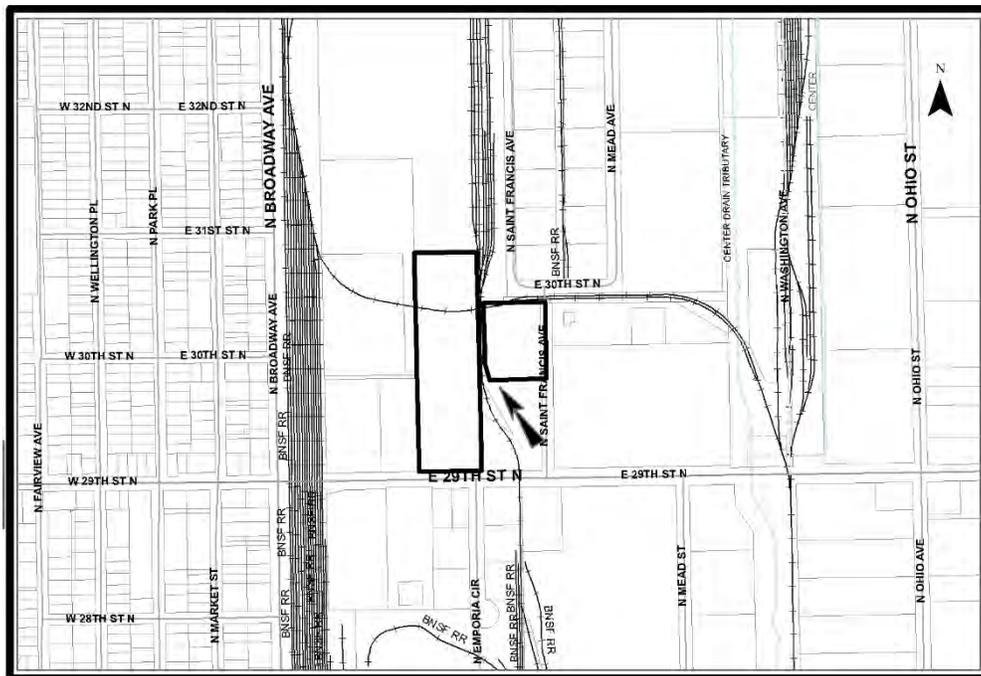
Residential:	
Office:	
Commercial:	
Industrial:	<u>2</u>
Total:	<u>2</u>

MINIMUM LOT AREA: 2.66 acres

CURRENT ZONING: General Industrial (GI)

PROPOSED ZONING: Same

VICINITY MAP



**SUB2016-00006 -- Plat of FLINT HILLS MATERIALS ADDITION
March 3, 2016 - Page 2**

NOTE: This is an unplatted site located within the City of Wichita.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water is available to both lots. The applicant needs to extend sewer (laterals) to both lots.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes two access openings along 29th Street North.
- E. The plat's text shall specify "Lots, Blocks, Streets and Reserves".
- F. The correct name of the plat shall be referenced in the MAPC signature block.
- G. The plat's text language referencing utility easements and drainage and utility easements is not reflected on the face of the plat.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance 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 plat's text shall specify "the owner, its successors or assigns" in the plat's text regarding the ownership and maintenance of the reserves.
- K. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations for Lot 1, Block A. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three 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. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten 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 Engineer's office.

SUB2016-00006 -- Plat of FLINT HILLS MATERIALS ADDITION
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- M. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- N. County Surveying advises all the monuments used to establish the plat boundary need to be shown.
- O. County Surveying advises that if the northeast corner of Lot 1, Block A cannot be set, monuments shall be set on offsets from said corner.
- P. County Surveying advises the railroad easement on Lot 1, Block A needs dimensioned and located.
- Q. County Surveying advises dimensions need added on the south and east lines of Reserve A, and a bearing on the east or west line needs added.
- R. County Surveying advises dimensions need added on the north line of Lot 1, Block B.
- S. County Surveying advises dimensions need added on the north and east lines of Reserve B.
- T. County Surveying advises the width of the Kansas Power & Light Easement on Lot 1, Block B needs shown.
- U. County Surveying advises Lot 1, Block B needs located to the section line.
- V. County Surveying advises the calculated from described distance of 23.42 feet needs to also be shown between Blocks A and B.
- W. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- X. 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.)
- Y. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Z. 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.
- AA. 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.

SUB2016-00006 -- Plat of FLINT HILLS MATERIALS ADDITION
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- BB. 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.
- CC. Perimeter closure computations shall be submitted with the final plat tracing.
- DD. Kansas Gas Service Company advises of a 6-inch steel pipeline along the north side of 29th Street that crosses the proposed full movement openings. The land owner should be made aware of this before they proceed with finalizing the plat. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- EE. 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).

STAFF REPORT

CASE NUMBER: SUB2016-00008 – ALLEN WILLIAMS 2ND ADDITION

OWNER/APPLICANT: B & E Investments, Attn: Matt Eck, 5512 West Central, Wichita, KS 67212; (contract purchaser) RAW Investments, Inc., Attn: Allen Williams, 2008 West Harry Court, Wichita, KS 67213

SURVEYOR/AGENT: Baughman Company, P.A., Attn: Kris Rose, 315 Ellis, Wichita, KS 67211

LOCATION: Northeast corner of South Hoover Street and West Pawnee Avenue (extended) (District IV)

SITE SIZE: 7.07 acres

NUMBER OF LOTS

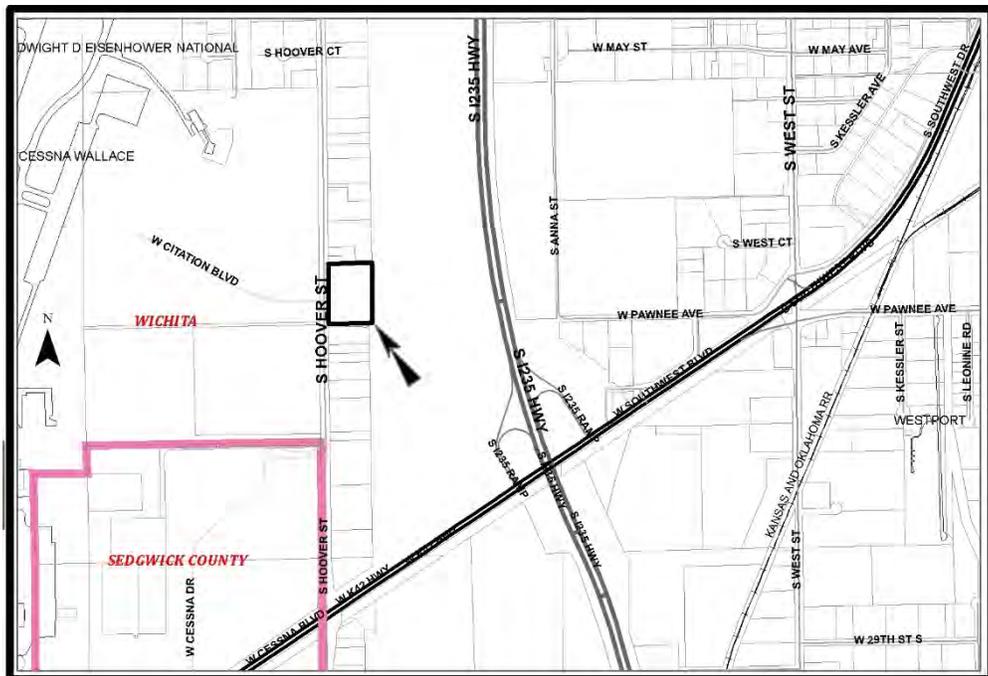
Residential:	
Office:	
Commercial:	
Industrial:	<u>2</u>
Total:	2

MINIMUM LOT AREA: 2.41 acres

CURRENT ZONING: Limited Industrial (LI)

PROPOSED ZONING: Same

VICINITY MAP



SUB2016-00008 -- Plat of ALLEN WILLIAMS 2ND ADDITION
March 3, 2016 - Page 2

NOTE: This is an unplatted site located within the City of Wichita.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises water is available to Lots 1 and 2 and sewer is available for Lot 2. The applicant needs to extend sewer (laterals) to Lot 1.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. The standard floodplain language is needed in the plat's text: "FEMA floodplain and regulatory floodway boundaries are subject to periodic change and such change may affect the intended land use within the subdivision."
- E. The plat proposes three access openings along Hoover. Traffic Engineering has approved the north two openings and requests a 30-foot access opening along the south line of the line of the plat in alignment with an access, drainage and utility easement. A joint access easement is needed with the property to the south.
- F. Traffic Engineering has approved a 10-foot sidewalk and utility easement which has been platted in lieu of an additional 10-foot street right of way.
- G. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten 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 Engineer's office.
- H. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- I. County Surveying advises of an overhead electric line approximately 28 feet north of the south line of Lot 1, Block A not shown in a utility easement.
- J. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

SUB2016-00008 -- Plat of ALLEN WILLIAMS 2ND ADDITION
March 3, 2016 - Page 3

- N. 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.
- O. 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.
- P. 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.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Westar Energy requests additional easements. Ennidh Garcia is the Construction Services Representative for the southwest area and will be the contact for this plat. He can be reached at 316-261-6734. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- S. 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).

4. **DER2015-00007** – Review of Garden Plain Urban Area of Influence request from February 18, 2016 Meeting.

BACKGROUND: The applicant requests LC Limited Commercial (LC) zoning subject to the development standards contained in the proposed Redmond Commercial Community Unit Plan (CUP) DP-339. The unincorporated, 8.3-acre site is zoned SF-20 Single-family Residential (SF-20); it is unplatted and undeveloped. The Wichita-Sedgwick County Unified Zoning Code (UZC) requires a CUP for LC zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and organized commercial development to certain standards prescribed by the UZC.

The site is located at the northwest corner of South 119th Street West and West Pawnee Avenue. The unincorporated site is surrounded on four sides by the City of Wichita. North and west of the site are SF-5 Single-family Residential (SF-5) zoned residential neighborhoods in the Turkey Creek 2nd Addition. South of the site, across West Pawnee is LC and GO General Office (GO) zoned property under DP-312, The Girrens Addition Commercial CUP. DP-312 is undeveloped and used for agriculture and one single-family residence. DP-312 has similar development standards as those proposed for the application area, and identical use restrictions. East of the application area, across South 119th Street West, is an SF-5 zoned church. Southeast of the site, at the southeast corner of South 119th Street West and West Pawnee Avenue, is unincorporated, SF-20 zoned land that is used for agriculture with no improvements.

The proposed DP-339 is divided into three Parcels. The applicants propose all permitted uses in the LC zoning district with the following prohibitions: adult entertainment, sexually oriented business, correctional placement residences, night club in the city or county, and tavern/drinking establishment. Restaurants with drive-through windows, convenience stores, service stations and vehicle repair uses are not permitted within 200 feet of residential uses. Restaurants with drive-through windows shall be designed to ensure queuing lanes will not align vehicle headlights to face residential zoning. No overhead doors shall be allowed within 200 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the CUP are prohibited.

The proposed DP-339 includes the UZC required masonry wall where abutting residential zoning. It also includes parking, setback, signage, lighting, landscaping and screening standards that meet or exceed code requirements and restrictions. The proposed CUP includes standards for architectural consistency, cross-lot circulation, and pedestrian circulation connected to the sidewalks along arterial streets.

CASE HISTORY: The site is unplatted and undeveloped.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residential
SOUTH:	LC, GO	Agriculture, single-family residential
EAST:	SF-20	Church
WEST:	SF-5	Single-family residential

PUBLIC SERVICES: South 119th Street West and Pawnee are both section line arterial streets at this location with 50-foot half-width right-of-way (ROW) adjacent to the application area, tapering to 75-foot half-width ROW at the intersection. The applicant anticipates dedicating 10 feet of ROW on each frontage through platting, putting each frontage at the Access Management standard of 60 feet. Proposed access points on the CUP meet Access Management spacing. Access controls, turn lanes, decel lanes, a drainage plan and other improvements will be finalized during platting. 119th currently has four travel lanes, a central turn lane and an intersection right turn lane at this location. Pawnee currently has two lanes with a central turn lane and right turn lane at the intersection. Current traffic counts on this portion of 119th and Pawnee are 4,825 and 1,095 vehicles per day respectively. The proposed CUP could have a total of 126,167 commercial square feet. With the ITE Manual estimate of 42 cars per day trip generation

per 1000 square feet of shopping center space, this CUP could generate an additional 5,292 vehicles per day to this intersection. All utilities are available to the site, and the CUP indicates that all utilities will be placed underground.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita Growth Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "Residential and Employment Mix." The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP and zone change be APPROVED, subject to platting within one-year and the following conditions:

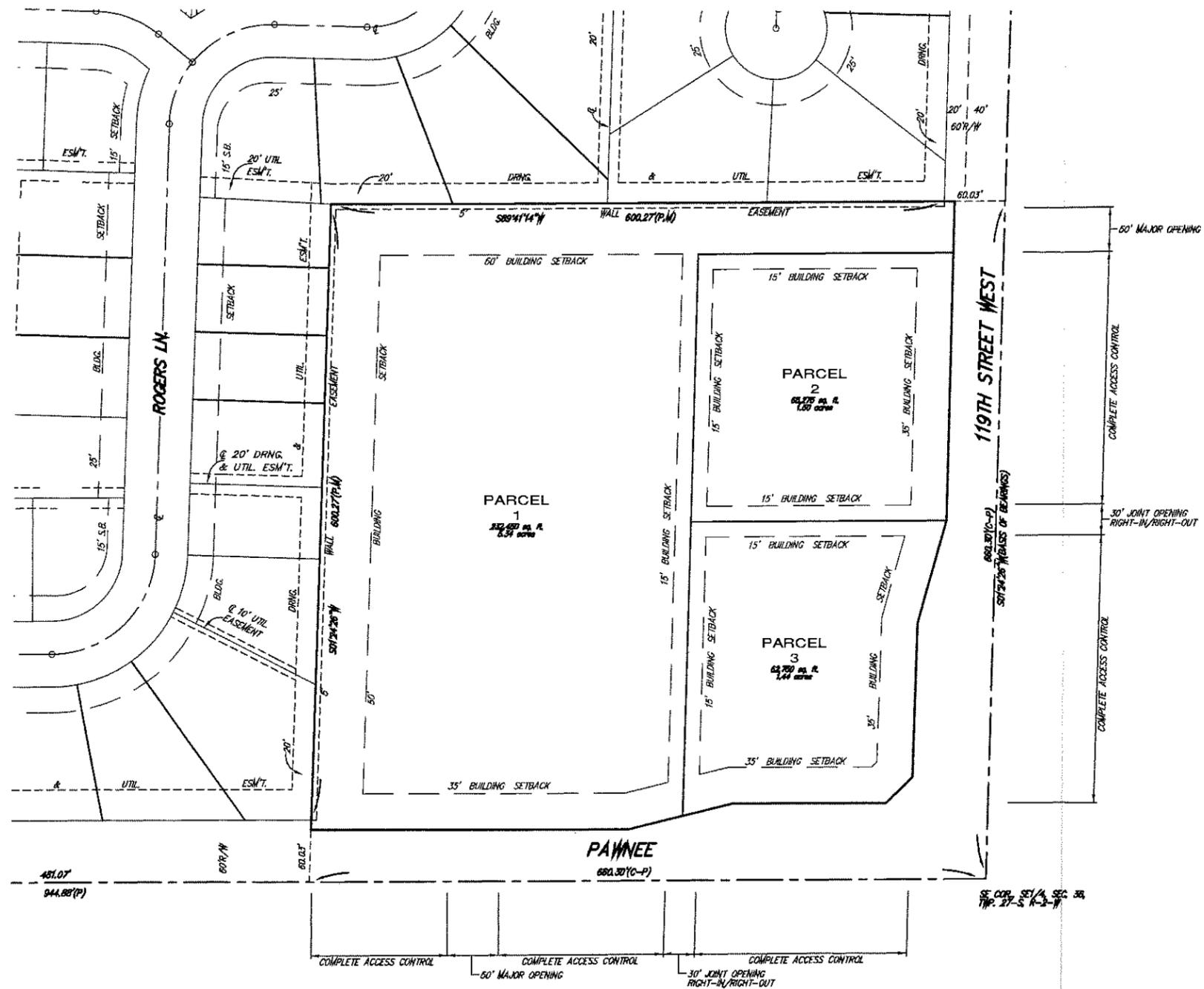
- A. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North and west of the site are SF-5 zoned residential neighborhoods in the Turkey Creek 2nd Addition. South of the site, across West Pawnee is LC and GO zoned property under DP-312. DP-312 is undeveloped and used for agriculture and one single-family residence. East of the application area, across South 119th Street West, is an SF-5 zoned church. Southeast of the site, at the southeast corner of South 119th Street West and West Pawnee Avenue, is unincorporated, SF-20 zoned land that is used for agriculture with no improvements.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned SF-20 and could be developed with single-family residences on half-acre lots. If the site were annexed into the City of Wichita, the zoning would automatically become SF-5, and the site could be developed with urban scale lots. However, this arterial street intersection location is not conducive to low density residential development. Arterial street intersections are suitable for commercial development, as proposed by the applicant.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The LC zoning request and CUP will allow significantly more intense development on this site. Nearby property could be most affected by increased traffic to this site, and will be affected by increased light, noise, trash and other impacts of commercial development. The proposed CUP and existing development codes should mitigate those impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita Growth Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "Residential and Employment Mix." The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

5. Impact of the proposed development on community facilities: The project will generate increased traffic and demand for City services at this site. However, the Comprehensive Plan anticipates commercial development to occur at arterial intersections such as this location. Final access controls and improvements will be determined during platting.

REDMOND COMMERCIAL COMMUNITY UNIT PLAN DP-339



GENERAL PROVISIONS:

1. Total Land Area: 380,475 ± sq. ft. or 8.28 ± acres
2. Total Gross Floor Area: 108,143 sq. ft.
Total Floor Area Ratio: 35 percent
3. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
4. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions. If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required.
5. A Drainage Plan shall be submitted to the appropriate Engineer for approval during the platting process. Required guarantees or drainage shall be provided at the time of platting improvements.
6. Guarantees for left turn center lanes and right turn deceleration lanes to all full movement approaches, and other specific street improvements for 119th St. W. and Pawnee Ave., shall be further reviewed and determined at the time of platting.
7. Signs will be as allowed by the Sign Code of the appropriate jurisdiction, with the following additional conditions/limitations:
 - A. Each parcel is permitted at least one freestanding sign per arterial frontage with the following area restrictions:
 - Parcel 1: 160 sq. ft. of signage along Pawnee, and 160 sq. ft. of signage along 119th Street W.
 - Parcel 2: 160 sq. ft. of signage along 119th Street W.
 - Parcel 3: A maximum of two signs with a combined area of 200 sq. ft. of signage, with one sign allowed along Pawnee and one sign allowed along 119th Street. No one sign is permitted to be larger than 160 sq. ft. in area.
 - B. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 100' apart, irrespective of height and is located or sold and share similar elements in design.
 - C. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - D. Portable, billboards and off-site signs are not permitted.
 - E. Window display signs are limited to 25% of the window area.
 - F. No signs shall be allowed on any elevation any buildings facing residential uses.
 - G. All freestanding signs must be monument type and shall have a maximum height of 15 feet for Parcels 1-3.
8. Access Controls shall be as shown on the final plat.
9. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
10. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, etc.).
 - A. Limited height of light poles, including fixtures, lamps and base, to 24 feet, except within 100 feet of residential zoning and lighting shall be a maximum height of 15 feet.
 - B. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
11. Utilities shall be installed underground on all parcels.
12. Landscaping for this site shall be required as follows:
 - A. Development of all parcels within the C.U.P. shall comply with the landscaping requirements of the appropriate jurisdiction, with a shared palette of landscape materials among parcels.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, including the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
 - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
13. Screening Walls:
 - A. A six (6) to eight (8) foot high concrete/masonry wall shall be constructed along the east and north property lines (where adjacent to residential uses). Solid wall shall be constructed at the time any portion(s) of the C.U.P. is developed.
 - B. This solid wall shall be constructed of a pattern and color that is consistent or compatible with the building walls.
14. Rooftop mechanical equipment shall be screened from ground level view with similar materials to the main building per Unified Zoning Code.
15. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view.
16. All buildings in the C.U.P. shall share uniform architectural character, color, texture, and the same predominant exterior building material, as determined by the Director of Planning. Building walls and roofs must have predominately earth-tone colors, with vinyl colors limited to incidental accents, and must employ materials similar to surrounding residential areas. Metal as an exterior material shall be limited to incidental accents.
17. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits.
18. No parcel within this C.U.P. shall allow the use of adult entertainment establishments, sexually oriented business, correctional placement residences, night club in the city, night club in the county and tavern and drinking establishment, Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
19. Restaurants with drive-through windows, convenience stores, service stations, and vehicle repair (limited) will not be permitted within 200 feet of residential uses. Restaurants with drive-through windows shall be designed to ensure queuing lanes for drive-through windows will not align vehicle headlights in such a manner as to face residential zoning. No overhead doors shall be allowed within 200 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the C.U.P. are prohibited.
20. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the C.U.P.
21. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.
22. The transfer of title of all or any portion of land included within the Community Unit Plan (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.
23. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
24. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
25. A plan for a pedestrian trail system shall be submitted and approved by the Director of Planning prior to the issuance of building permits. Solid wall systems shall be designed along Pawnee Ave. and 119th St. W. with the proposed buildings within the subject property.
26. Approval of a site circulation plan by the Planning Director is required for each phase of construction prior to the issuance of a building permit. An overall site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/blocked by the layout of parking stalls or landscaping.

PARCEL 1

A. Net Area: 232,450 sq. ft. or 5.34 acres

B. Maximum Building Coverage: 69,734 sq. ft. or 30 percent

C. Maximum Gross Floor Area: 81,588 sq. ft.

D. Floor Area Ratio: 35 percent

E. Maximum Number of Buildings: Three (3)

F. Maximum building height to conform to Chapter 28.09 Code of the City of Wichita, but shall be not greater than 35 feet.

G. Setbacks: See Drafting

H. Access Points: See Drafting

I. Permitted Uses: All permitted uses in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 2

A. Net Area: 65,275 sq. ft. or 1.50 acres

B. Maximum Building Coverage: 19,983 sq. ft. or 30 percent

C. Maximum Gross Floor Area: 22,846 sq. ft.

D. Floor Area Ratio: 35 percent

E. Maximum Number of Buildings: One (1)

F. Maximum building height to conform to Chapter 28.09 Code of the City of Wichita, but shall be not greater than 35 feet.

G. Setbacks: See Drafting

H. Access Points: See Drafting

I. Permitted Uses: All permitted uses in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 3

A. Net Area: 62,750 sq. ft. or 1.44 acres

B. Maximum Building Coverage: 18,825 sq. ft. or 30 percent

C. Maximum Gross Floor Area: 21,963 sq. ft.

D. Floor Area Ratio: 35 percent

E. Maximum Number of Buildings: One (1)

F. Maximum building height to conform to Chapter 28.09 Code of the City of Wichita, but shall be not greater than 35 feet.

G. Setbacks: See Drafting

H. Access Points: See Drafting

I. Permitted Uses: All permitted uses in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

LEGAL DESCRIPTION:

A tract of land described as the East 660 feet of the South 660 feet of the Southeast 1/4 of Section 38, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; EXCEPT for road rights-of-way and EXCEPT that part deeded to the City of Wichita.

REVISIONS

Submitted:	January 28, 2016
Revised per staff comments:	February 25, 2016
Revised per UAPD:	
Approved per County Commission:	

DP-339
REDMOND COMMERCIAL COMMUNITY UNIT PLAN

Baughman Company, P.A.
315 E. St. Wichita, KS 67211 P: 316.262.7271 F: 316.263.0149

Baughman

From: Wally Bell <flyer421c@yahoo.com>
Sent: Monday, February 22, 2016 10:06 AM
To: Crockett, Maryann
Subject: CASE NO: ZON2016-00005 and CUP2016-00004

WALLY and ANNE BELL
2222 S. Rogers Lane
Wichita, KS 67235

February 21, 2016

METROPOLITAN AREA PLANNING COMMISSION
Wichita City Hall, 10th Floor
455 N. Main St.
Wichita, KS 67202-1688

CASE NO: ZON2016-00005 and CUP2016-00004

Dear Honorable Commissioners,

As the owner of property adjacent to the property under consideration in this Case we wish to express our views regarding this application to be considered at the MAPC public meeting to be held Thursday, March 3, 2016 at 1:30 PM.

We understand that this application includes a 5 foot decorative concrete wall and a 50 foot building setback along the north and west property lines. Per City of Wichita building code the City requires this wall to be 6 to 8 feet high. We want this wall 8 feet high for security reasons. We owned a home at 47th Street South and Martinson that back up a Limited Commercial area. When the Convenience Store located in this Commercial area was robbed the Wichita PD caught the robber hiding in the bushes in our yard. A 8 foot wall is a lot harder to climb over then a 5 or 6 foot wall and an extra 2 feet will stop more trash from blowing in to our yards. The wall can taper to 3 feet in the street set back area. In addition to the 50 foot building setback we want a 40 foot setback from the north and west property lines for all trash and waste containers. A 10 foot setback for all parking and driveways from the north and west property lines. No truck, bus or RV parking within 100 feet of the north and west property lines. We want the height of all free standing signs and signage to be limited to no more than 8 feet on this property.

We wish to thank the MAPC for their consideration of these views.

Sincerely,

Wally Bell

BACKGROUND: The applicant is requesting LC Limited Commercial (LC) zoning on the 2.09-acre, platted MF-29 Multifamily-Family Residential (MF-29) zoned site. The site is located on the northwest side of North Meridian Avenue and West Kellogg Drive. The east side of the site is developed with five small, one-story single-family residences (built 1930, 1935, 1950, 1952), a residential designed manufactured home and a trailer. The City of Wichita owns the undeveloped south end of the east side and the undeveloped west portion of the site. A platted, unimproved 20-foot wide alley separates the east and west sides of the subject site.

The 54.5-acre U University (U) zoned Friends University campus (founded 1898) is the dominant development in the area and is located east of the MF-29 zoned subject site, across Meridian Avenue. An active railroad track runs southwest – northeast through the area and abuts the west and north sides of the site. TF-3 Two-Family Residential (TF-3) zoned small, one-story single-family residences and scattered duplexes (built mostly 1930-1950s) are located west and north of the site, across the railroad tracks. The subject site is separated from Friends University and the adjacent low to moderate density residential development by the active railroad tracks, the arterial Meridian Avenue and Kellogg Street/US-54 Highway.

CASE HISTORY: The site is platted as all of Lots 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, and 545, portions of Lots 547, 549 and 551 on Meridian Avenue, portions of Lot 368, 370, and 372 as condemned for the opening and widening of Kellogg Street, all in the Martinson’s 5th Addition. The Martinson 5th Addition was recorded with the Register of Deeds November 6, 1886.

ADJACENT ZONING AND LAND USE:

NORTH:	Railroad, TF-3	Railroad right-of-way, single-family residences, duplexes, trailer
SOUTH:	Kellogg/US-54	US Highway
EAST:	U	Friends University campus
WEST:	Railroad, TF-3	Railroad right-of-way, single-family residences, duplexes

PUBLIC SERVICES: Public water is located in Meridian Avenue and sewer is located in the alley that separates the east and west halves of the site. The site currently has access/driveways for each of the site’s residences onto Meridian Avenue. Meridian Avenue is a curbed and paved four-lane arterial with a center turn lane on its north quarter at this location and a full-curbed landscaped median on its south three-quarters up to its interchange with the Kellogg Avenue/US-54 Highway frontage street.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Future Growth Concept Map” of the Comprehensive Plan identifies the northeast portion of the site as appropriate for “new employment” and the west portion as appropriate for “residential development.” The new employment category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on

market driven factors. Higher density housing and convenience centers are also development possibilities. The site's new employment designation is likely a spillover from the 54.5-acre Friends University's designation as new employment center. The site's residential development designation appears to confirm the site's current single-family residential development.

The "2035 Urban Growth Areas Map" identifies the site as being in the "Established Central Area." The Established Central Area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The Established Central Area is the focus area for the Wichita Urban Infill Strategy. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context.

The locational criteria of Employment Centers states that they should be located at the intersection of arterial streets and along highways and commercial corridors. The site is located at the interchange of the arterial Meridian Avenue and Kellogg Street/US-54 Highway, which compromises the site's existing single-family residential development. The subject site does not require nor has direct access through residential neighborhoods.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the new employment classification as well as the Established Central Area's infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets; the arterial Meridian Avenue and Kellogg Street/US-54 Highway.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed zoning be APPROVED, subject to replatting within a year. This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** The 54.5-acre U zoned Friends University campus (founded 1898) is the dominant development in the area and is located east of the MF-29 zoned subject site, across Meridian Avenue. An active railroad track runs southwest – northeast through the area and abuts the west and north sides of the site. TF-3 zoned small, one-story single-family residences and scattered duplexes (built mostly 1930-1950s) are located west and north of the site, across the railroad tracks. The subject site is separated from Friends University and the adjacent low to moderate density residential development by the active railroad tracks, the arterial Meridian Avenue and Kellogg Street/US-54 Highway.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site's MF-29 zoning allows the current single-family residential development by right, as well as any potential duplex, multi-family residential and some office

development. The site's location on the northwest corner of the arterial Meridian Avenue – Kellogg Street/US-54 Highway interchange makes single-family residential and duplex development less attractive, as the traffic generated by the interchange compromises the value of these types of residential development.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested LC zoning allows for commercial development that is more suitable for this location at the northwest corner of the arterial Meridian Avenue– Kellogg Street/US-54 Highway interchange. The existing and active railroad track running southwest – northeast through the area and abutting the west and north sides of the site separates the site from the existing low to moderate density single-family residential development located north and west of the site across the railroad tracks.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2035 Wichita Future Growth Concept Map” of the Comprehensive Plan identifies the northeast portion of the site as appropriate for “new employment” and the west portion as appropriate for “residential development.” The new employment category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. The site's new employment designation is likely a spillover from the 54.5-acre Friends University's designation as new employment center. The site's residential development designation appears to confirm the site's current single-family residential development.

The “2035 Urban Growth Areas Map” identifies the site as being in the “Established Central Area.” The Established Central Area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The Established Central Area is the focus area for the Wichita Urban Infill Strategy. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context.

The locational criteria of Employment Centers states that they should be located at the intersection of arterial streets and along highways and commercial corridors. The site is located at the interchange of the arterial Meridian Avenue and Kellogg Street/US-54 Highway. The subject site does not require nor has direct access through residential neighborhoods. The site abuts the interchange of the arterial Meridian Avenue and Kellogg Street/US-54 Highway, which compromises the site's existing single-family residential development by the traffic it generates.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the new employment classification as well as the Established Central Area's infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets; the arterial Meridian Avenue and Kellogg Street/US-54 Highway.

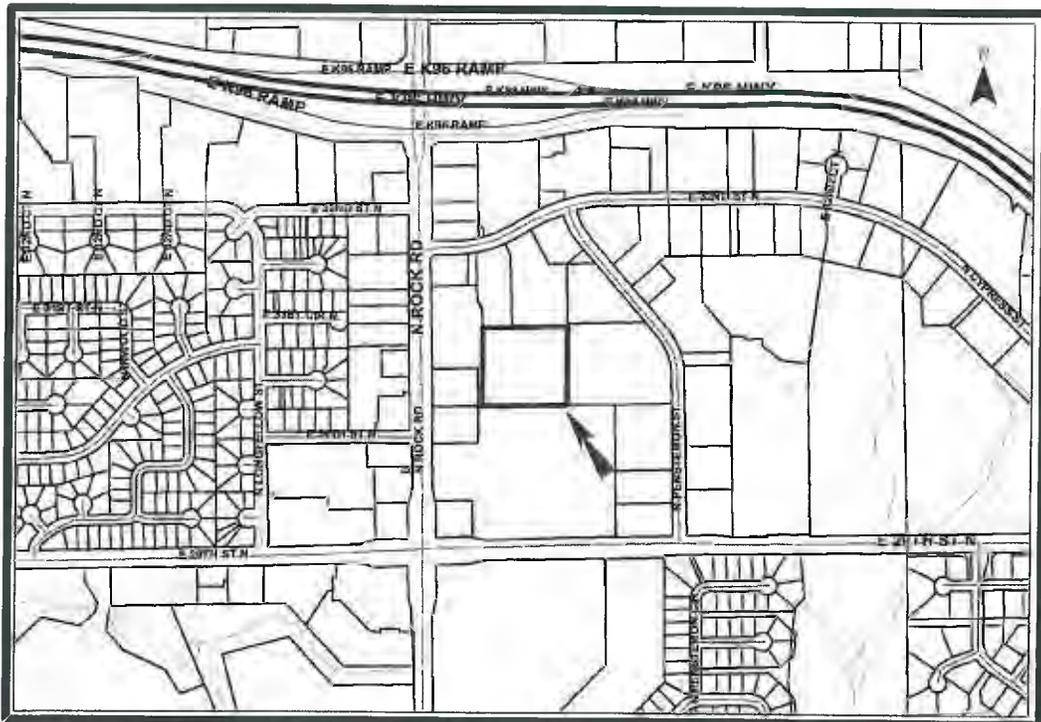
- (5) **Impact of the proposed development on community facilities:** The site will generate more traffic onto the interchange of the arterial Meridian Avenue and Kellogg Street/US-54 Highway. The site will also require a drainage study, via a replat of the site, because of the probable increase of paving due to the possible commercial development.

STAFF REPORT

MAPC March 3, 2016

DAB II March 14, 2016

- CASE NUMBER:** CUP2016-00002 City DP-111 Mediterranean Park Commercial Community Unit Plan Amendment #7
- APPLICANT/AGENT:** Tipperary Group, LLC. (owner);
Stutzman Greenhouse, c/o Ron Peters (lessee)
- REQUEST:** To allow a seasonal nursery and garden center on Parcel 1 on property zoned LC Limited Commercial
- CURRENT ZONING:** LC Limited Commercial (“LC”)
- SITE SIZE:** 4.54 acres (Parcel 2), 5,184 square feet (seasonal garden center)
- LOCATION:** Northeast of North Rock Road and East 29th Street North
- PROPOSED USE:** Seasonal nursery and garden center



BACKGROUND: The applicant is requesting DP-111 Mediterranean Park Commercial Community Unit Plan Amendment #7 to add a seasonal nursery and garden center to Parcel 1 on property zoned LC Limited Commercial ("LC"). The garden center site would be situated within the parking lot of Parcel 1, located on the east side of North Rock Road approximately 730 feet north of East 29st Street North.

A nursery and garden center is permitted in LC if it can comply with the outdoor storage and display requirements of the Unified Zoning Code ("UZC") Article III, Section III-B.14.e(2) and (3); otherwise a nursery and garden center must be approved as a Conditional Use or CUP amendment.

The nursery and garden center would be in operation from April 1 to October 30 of each year. Daily operations would be 8:00 A.M. to 7:00 P.M., or dusk, seven days a week. The footprint of the nursery and garden center display area would be 80 feet by 60 feet, or 4,800 square feet and would be located within the main parking lot closest to North Rock Road, just west of the Northrock Lanes building. A storage barn (12 feet by 32 feet) and a shade structure (80 feet by 60 feet) are shown on the site plan, with the balance of the area to be merchandise display. The applicant has indicated that they have deliveries via a box truck twice a week and that the deliveries take approximately 45 minutes. Any excess pallets or materials will be taken off the site by the box truck making deliveries. No trucks will be parked onsite overnight. Concrete blocks with landscape timbers, metal tables and some pallets set up on concrete blocks will be used for the display (display tables) of merchandise for sale. Merchandise will include plants, compost, mulch potting soil, spray wands, small hand gardening tools. The display tables will be left up overnight. Restroom facilities are available inside a nearby retail facility. The site plan shows no lights and none should be required as the applicant's proposed hours are daylight hours. The applicant has not requested signage, although it can be expected that they will want some type of temporary signage; signage will be per the Wichita Sign Code.

The garden center would increase the total required parking spaces by 4 spaces, and will be temporarily removing 34 spaces. The parcel contains 378 total spaces. According to GIS, the lot contains approximately 198,000 square feet and an existing 52,000 square foot entertainment use on the lot. The parking requirement for the existing bowling alley is 192 spaces (4 spaces per lane (48 lanes)). The availability of 378 total spaces is more than enough for the current use and the proposed additional seasonal garden center.

Surrounding development, north, south and west of the subject site is zoned LC Limited Commercial ("LC") and developed with retail and general office uses to the north, restaurants to the west and Wal-Mart to the south. Development to the east is zoned GC General Commercial and is developed vacant a theater complex.

CASE HISTORY: The property is platted as South 425 Feet, East 465 Feet, Lot 2; Block 1, Mediterranean Plaza Commercial 2nd Addition, recorded September 27, 1988, and the CUP was originally approved November 3, 1981. It has been amended several

times. The most recent amendment (Amendment #6) was approved April 24, 2008, and there has been a number of adjustments on the CUP, the most recent being on October 3, 2007. None of these amendments or adjustments affect this case.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Retail/General Office
SOUTH:	LC	Wal-Mart
EAST:	GC	Vacant Commercial Structure
WEST:	LC	Restaurants (Fast Food/Sit-down)

PUBLIC SERVICES: The property has direct access to North Rock Road, a four-lane principal arterial street with right/left-turn center lane. A full movement access drive is located onto North Rock Road. Traffic counts in 2015 averaged 24,000 vehicles per day.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies this site as appropriate for commercial types of uses. This identification encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.

The Locational Guidelines of the Community Investments Plan indicates that primary outdoor sales uses should be located along highway corridors or in areas where the uses have already been established and support expansion of existing uses to adjacent areas.

RECOMMENDATION: Based on the information provided prior to the public hearing, staff recommends the request for Amendment #7 to DP-111 be APPROVED subject to the following conditions:

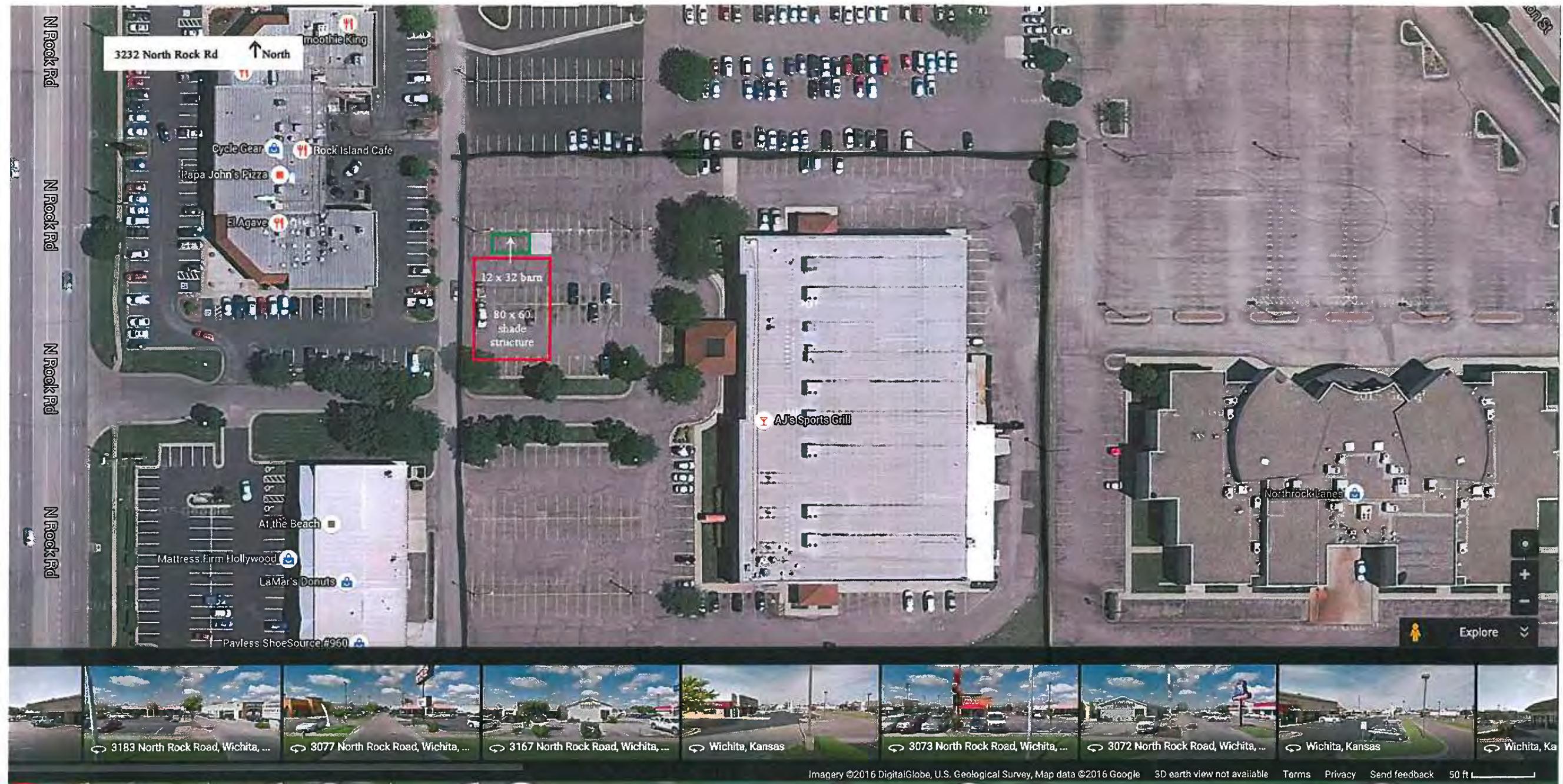
1. A seasonal nursery and garden center shall be permitted by this amendment in Parcel 1. The CUP document shall be revised to add the Unified Zoning Code (UZC) requirements for the nursery and garden center.
2. The applicant shall submit a revised site plan for the seasonal nursery and garden center that complies with these conditions of approval. The site plan and any attachments shall be reviewed and approved by the Planning Department prior to issuance of any temporary building permit for this use. The site plan shall be oriented to direct traffic and parking patterns away from interference with the main circulation aisles within Parcel 1.
3. The seasonal nursery and garden center shall be located in temporary structures accompanied by outdoor display space as shown on the approved site plan and attachments compliant with these conditions.
4. Operation of the seasonal nursery and garden center shall be April through October, 8AM – 7PM/dusk, Monday – Sunday. There will be a week allowed before and after this period of operation for erecting and removing the temporary structures.

5. All outdoor work and storage areas, such as areas storing empty carts or containers, shall be screened from ground level view by approved screening materials, in conformance to Article IV, Section IV-B of the UZC.
6. No outdoor lighting shall be added. No generators shall be used to provide power to the site. No outdoor speakers or amplifiers shall be allowed. Water shall be supplied from an approved water supply.
7. Restroom facilities for employees must be provided and may be provided by agreement with a permanent use in the center upon approval of the Director of the MABCD. No portable-potties are allowed.
8. No temporary buildings shall be located within any setbacks or easements.
9. Permitted merchandise for sale shall be plants, plant materials, gardening supplies (including sacked fertilizer and sacked mulch), pottery for plants and gardening tools, limited to non-motorized hand tools.
10. The use shall be operated in conformance with all requirements of Article III, Section III-D.6.z of the UZC for a nursery and garden center on property zoned LC and with all requirements of Article III, Section III-B.14.e of the UZC pertaining to outdoor display and outdoor storage in LC unless specifically modified herein.
11. Signage shall be per the Wichita Sign Code.
12. A change in the location, within Parcel 1, in subsequent years may be considered as an Administrative Adjustment.
13. Prior to utilization of the nursery and garden center use, the operator (owner or lessee who seeks the temporary building permit) shall annually submit a report to the Zoning Enforcement Division of MABCD that demonstrates compliance with the approved site plan (See Exhibits) and conditions specified herein.
14. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
15. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
16. The applicant shall submit four revised copies of the CUP and the site plan for the seasonal nursery and garden center to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding development, north, south and west of the subject site is zoned LC Limited Commercial ("LC") and developed with retail and general office uses to the north, restaurants to the west and Wal-Mart to the south. Development to the east is zoned GC General Commercial and is developed vacant a theater complex.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property could continue to operate with the current requirements of the CUP.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The main impact would be to reduce the amount of parking available to other businesses within the center, particularly during peak garden center business times in late April and early May. The other impacts would be conflicts with traffic circulation within the center, which will be mitigated by having the entrances to the garden center away from main circulation aisles.
4. Length of time the subject property has remained vacant as zoned: The site is not vacant, rather this is a request to intensify and diversify the types of retail uses.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies this site as appropriate for commercial types of uses. This identification encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Community Investment Plan indicates that primary outdoor sales uses should be located along highway corridors or in areas where the uses have already been established and support expansion of existing uses to adjacent areas.
6. Impact of the proposed development on community facilities: Addition of the garden center should attract more retail traffic during the seasonal sales times, which would increase the volume of traffic on North Rock Road and 29st Street North slightly.



PARKING

Office / sales - 384 SF - 2 spaces
 Display - 4800 SF - 2 spaces

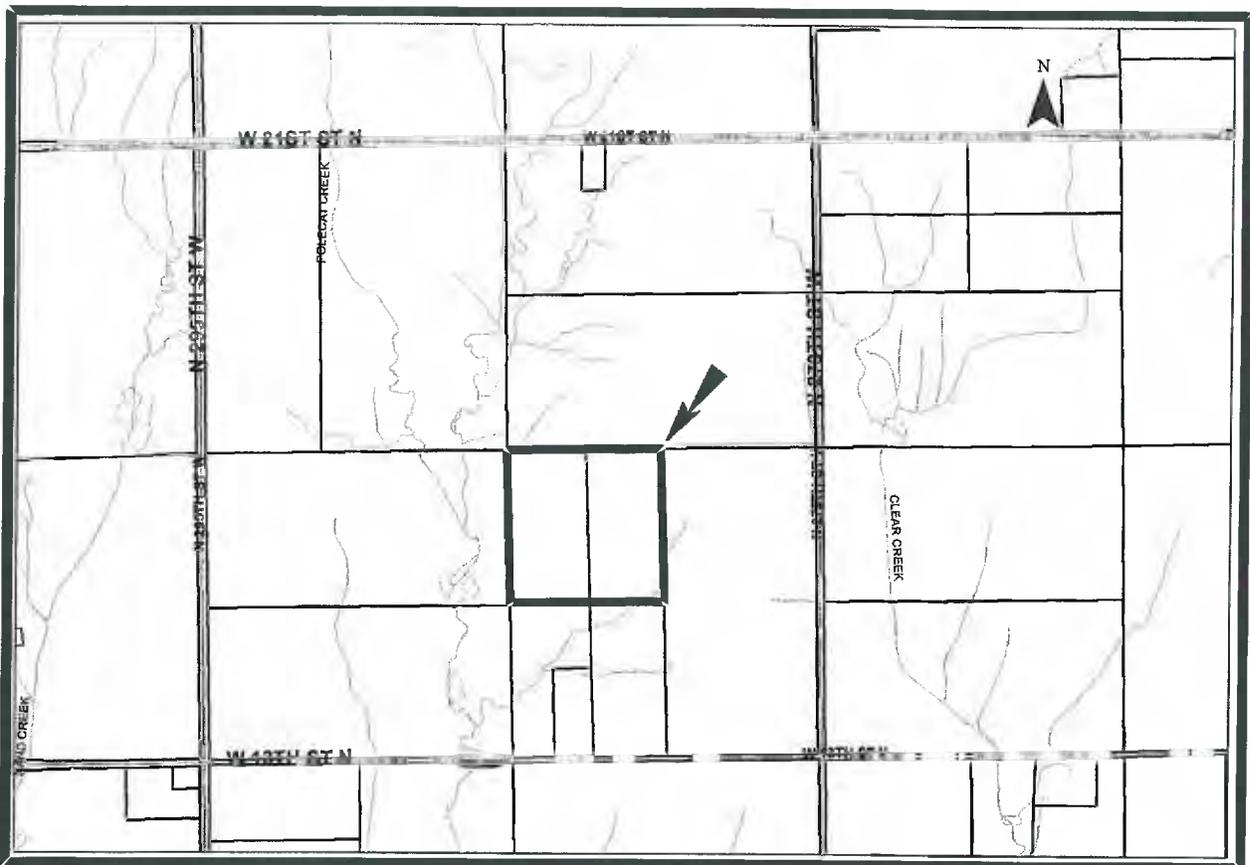
346 spaces available

225 Required
 378 Total Parking Space

STAFF REPORT

MAPC March 3, 2016

-
- CASE NUMBER:** CON2016-01
- OWNER/APPLICANT:** Kevin and Krystal Klein, Stuhlsatz Revocable Trust (owners);
Nextera Energy, c/o Sam Massey (agent)
- REQUEST:** A Conditional Use to permit a “Utility, Major”, electric substation
- CURRENT ZONING:** RR Rural Residential (RR)
- SITE SIZE:** 39.35-acres
- LOCATION:** Generally located north of West 13th Street North and ¼-mile west of
North 279th Street West (28600 West 13th Street North)
- PROPOSED USE:** New electric substation



BACKGROUND: The applicants request a Conditional Use for an electric substation on the undeveloped RR Rural Residential (RR) zoned site, see the attached site plans submitted by the applicant. The Unified Zoning Code’s (UZC) definition of a “utility, major” includes electrical substations; UZC, Article II., Section II-B.13.i. The UZC permits a utility, major in the RR district only with Conditional Use approval. The unplatted site is located north of West 13th Street North and ¼-mile west of North 279th Street West.

The agent for the applicants indicates that the site will provide “gen-tie line connecting wind generation projects to the electrical transmission system.” Elevated electric transmission lines on poles exist on the site, extending northeast and south of the site. The County Tax Assessor lists the current land use of the site as agriculture. All surrounding property is also zoned RR and used for agriculture. Three residences are within ¼ mile of the site. The nearest residence is over 900 feet south of the site; the residence has a tree row between it and the site.

The site plan shows the electrical substation located within in a 700-foot by 800-foot area enclosed by an eight-foot tall chain-link fence with a three-strand, angled, barbed wire top. The site plan shows one small building with a 16-foot height. The applicant indicates that evergreen trees will be planted around the site at 8-foot intervals. The site plan indicates a 20-foot setback located parallel to the east and west property lines, a 25-foot setback located parallel to the south property line and a 30-foot setback located parallel to the north property line. These setbacks reflect the minimum RR zoning district’s setbacks. The applicant filed a one-lot plat for the subject property and property connecting the site to 13th Street North (SUB2016-04).

CASE HISTORY: RR zoning was established with county-wide zoning in 1985; R Rural Residential (R) became RR Rural Residential in 1996 with the adoption of the UZC.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural fields
SOUTH:	RR	Single-family residences, agricultural fields,
EAST:	RR	Agricultural fields
WEST:	RR	Agricultural fields

PUBLIC SERVICES: Access to the site is via West 13th Street North, an unpaved section line road at this location. Traffic to and from the site will be minimal. The site is not served by public water or sewer.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “Rural.” This category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area.

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

1. The site shall be developed, maintained and operated in substantial compliance with the approved site plan and landscape plan, and in compliance with all applicable laws and regulations.
2. A Site plan and landscape plan shall be submitted to staff within 60 days of final Conditional Use approval or the request shall be considered denied and closed.
3. Lighting shall be no taller than 12 feet and shall be directed away all residential uses and zoning.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** All surrounding property is zoned RR and used for agriculture. Three residences are within ¼ mile of the site. The nearest residence is over 900 feet south of the site; the residence has a tree row between it and the site.
2. **The suitability of the subject property for the uses to which it has been restricted:** The electric substation site is zoned RR. The RR zoning district supports agricultural activity, as demonstrated in the agricultural use of the site and on surrounding property. The RR district maintains a low density development pattern with a two-acre minimum lot size for residential development.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The electrical substation will be a visual change to the area; this visual change will be buffered from surrounding properties with open space and proposed landscaping. The proposed substation will generate less traffic than the single-family residences in the area and possibly the agricultural uses in the area, minimizing the impact on 13th Street North.
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 will enhance the ability to provide electricity to the region. Denial would presumably be an economic loss to the applicant and cause the utility a delay in developing the infrastructure necessary to meet future demand.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “Rural.” This category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area.

6. **Impact of the proposed development on community facilities:** The proposed facility should have a minimal impact on existing community facilities, and will improve the ability to provide power to the region.

NINNESCAH WIND PROJECT

A PORTION OF THE SE1/4 OF SECTION 8, TOWNSHIP 27 SOUTH, RANGE 3 WEST, 6TH P.M., SEDGWICK COUNTY, KANSAS

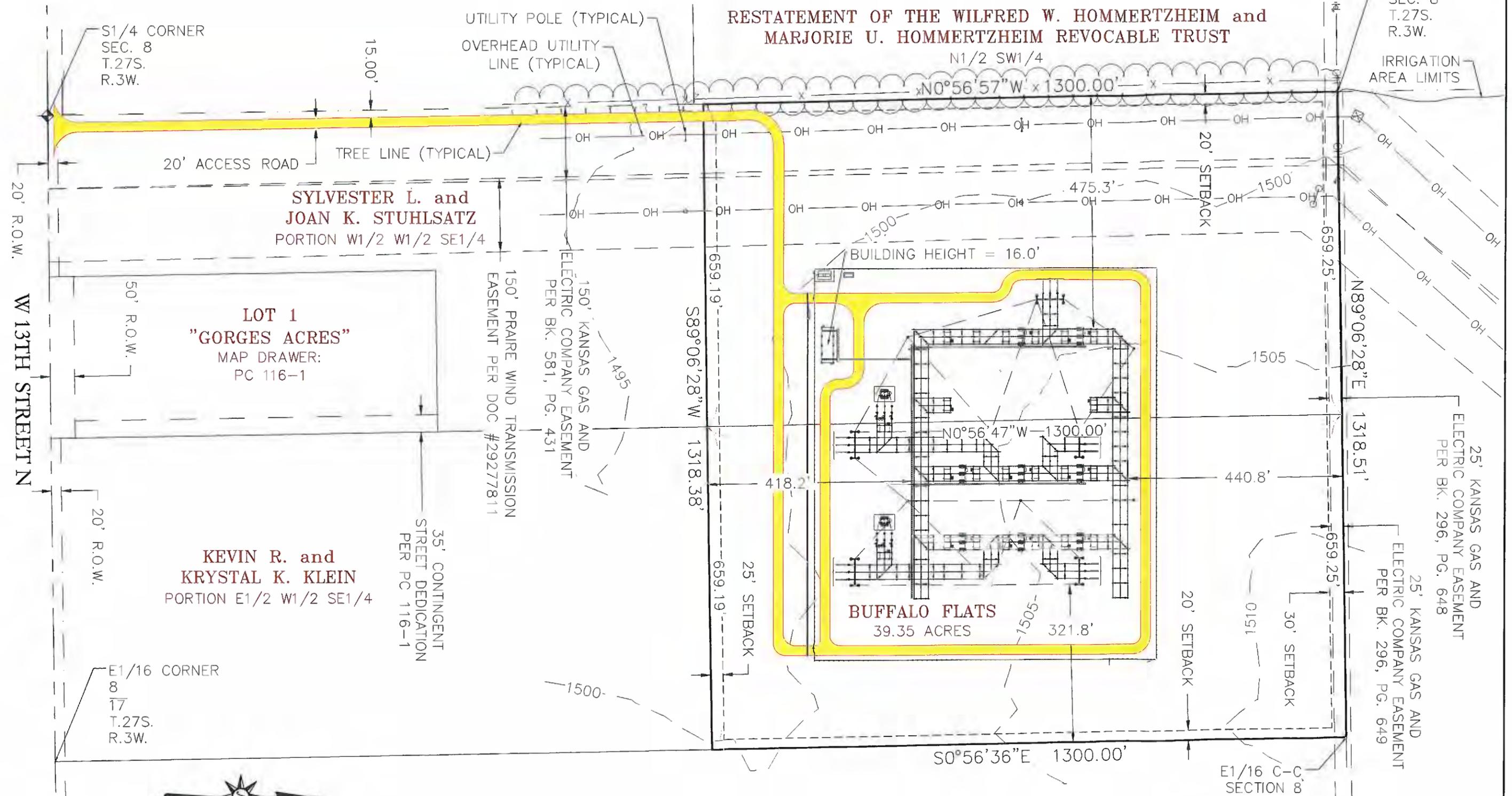
RESTATEMENT OF THE WILFRED W. HOMMERTZHEIM and MARJORIE U. HOMMERTZHEIM REVOCABLE TRUST

N1/2 SW1/4

N0°56'57"W x 1300.00'

C1/4 CORNER SEC. 8 T.27S. R.3W.

IRRIGATION AREA LIMITS



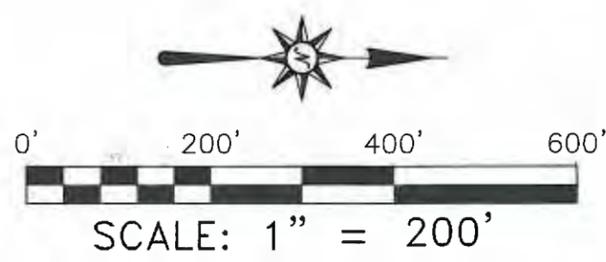
SYLVESTER L. and JOAN K. STUHLSTAZ
PORTION W1/2 W1/2 SE1/4

LOT 1 "GORGES ACRES"
MAP DRAWER: PC 116-1

KEVIN R. and KRYSTAL K. KLEIN
PORTION E1/2 W1/2 SE1/4

BUFFALO FLATS
39.35 ACRES

EDMUND M. and LUCILLE M. ALBERT TRUSTS
E1/2 SE1/4



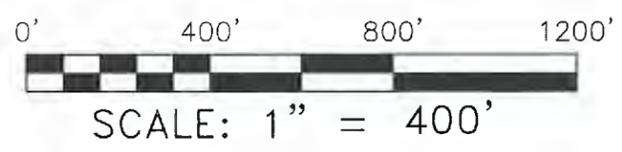
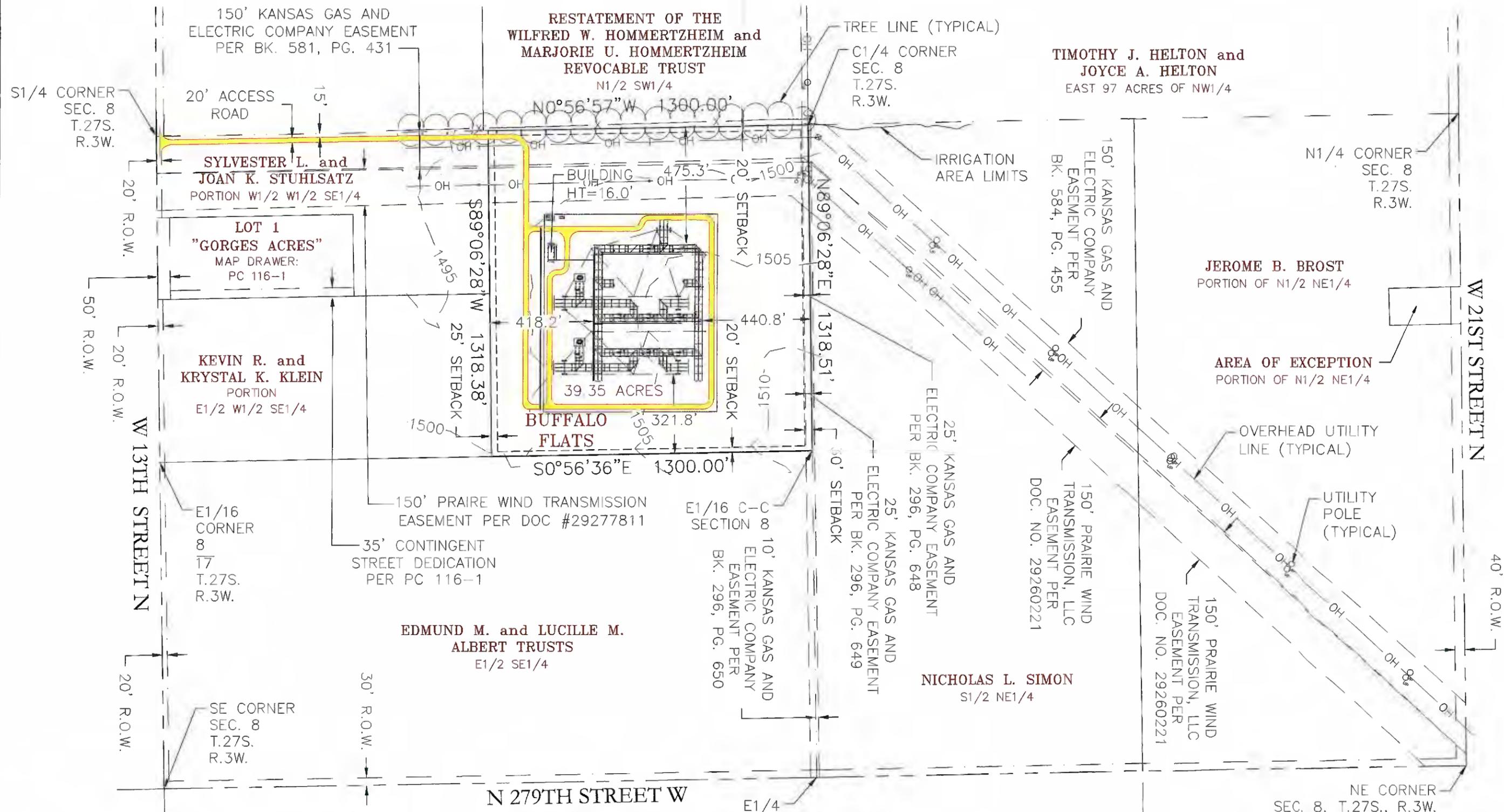
BUFFALO FLATS PROPOSED SITE PLAN EXHIBIT

Date:	12/18/15	Sheet 1 of 1
Drawn:	SLB	
Checked:	PWS	
Job No.:	15001025	

ATWELL
866.850.4200 www.atwell-group.com
143 UNION BOULEVARD, SUITE 700
LAKEWOOD, CO 80228
303.462.1100

NINNESCAH WIND PROJECT

A PORTION OF THE SE1/4 OF SECTION 8, TOWNSHIP 27 SOUTH, RANGE 3 WEST, 6TH P.M., SEDGWICK COUNTY, KANSAS



BUFFALO FLATS PROPOSED SITE PLAN EXHIBIT		
Date:	1/21/16	Sheet 1 of 1
Drawn:	SLB	
Checked:	PWS	
Job No.:	15001025	

ATWELL
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 LAKEWOOD, CO 80228
 303.462.1100

NINNESCAH WIND PROJECT

A PORTION OF THE SE1/4 OF SECTION 8, TOWNSHIP 27 SOUTH, RANGE 3 WEST, 6TH P.M., SEDGWICK COUNTY, KANSAS

RESTATEMENT OF THE WILFRED W. HOMMERTZHEIM and MARJORIE U. HOMMERTZHEIM REVOCABLE TRUST

N1/2 SW1/4

N0°56'57"W x 1300.00'

C1/4 CORNER SEC. 8 T.27S. R.3W.

IRRIGATION AREA LIMITS

S1/4 CORNER SEC. 8 T.27S. R.3W.

UTILITY POLE (TYPICAL)
OVERHEAD UTILITY LINE (TYPICAL)

TREE LINE (TYPICAL)

SYLVESTER L. and JOAN K. STUHLSTAZ
PORTION W1/2 W1/2 SE1/4

LOT 1 "GORGES ACRES"
MAP DRAWER: PC 116-1

KEVIN R. and KRYSTAL K. KLEIN
PORTION E1/2 W1/2 SE1/4

BUFFALO FLATS
39.35 ACRES

N0°56'47"W 1300.00'

25' KANSAS GAS AND ELECTRIC COMPANY EASEMENT PER BK. 296, PG. 648

25' KANSAS GAS AND ELECTRIC COMPANY EASEMENT PER BK. 296, PG. 649

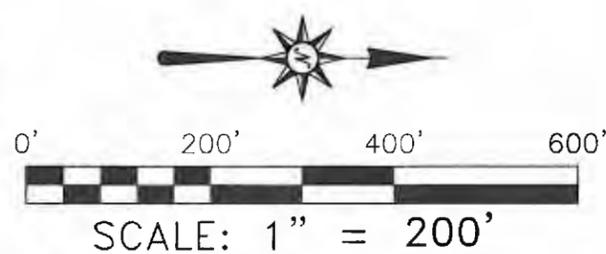
150' PRAIRIE WIND TRANSMISSION EASEMENT PER DOC #29277811
150' KANSAS GAS AND ELECTRIC COMPANY EASEMENT PER BK. 581, PG. 431

35' CONTINGENT STREET DEDICATION PER PC 116-1

EDMUND M. and LUCILLE M. ALBERT TRUSTS
E1/2 SE1/4

S0°56'36"E 1300.00'

E1/16 C-C SECTION 8



BUFFALO FLATS EXISTING SITE PLAN EXHIBIT

Date:	12/18/15	Sheet	1
Drawn:	SLB	of	1
Checked:	PWS		
Job No.:	15001025		

ATWELL
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143 UNION BOULEVARD, SUITE 700
LAKEWOOD, CO 80228
303.462.1100

STAFF REPORT

MAPC March 3, 2016

DAB March 7, 2016

CASE NUMBER: CON2016-00003

APPLICANT/AGENT: Dan Dopps GIMJ, LLC (Owner)
Stutzman Greenhouse, Inc. (Applicant/Agent)

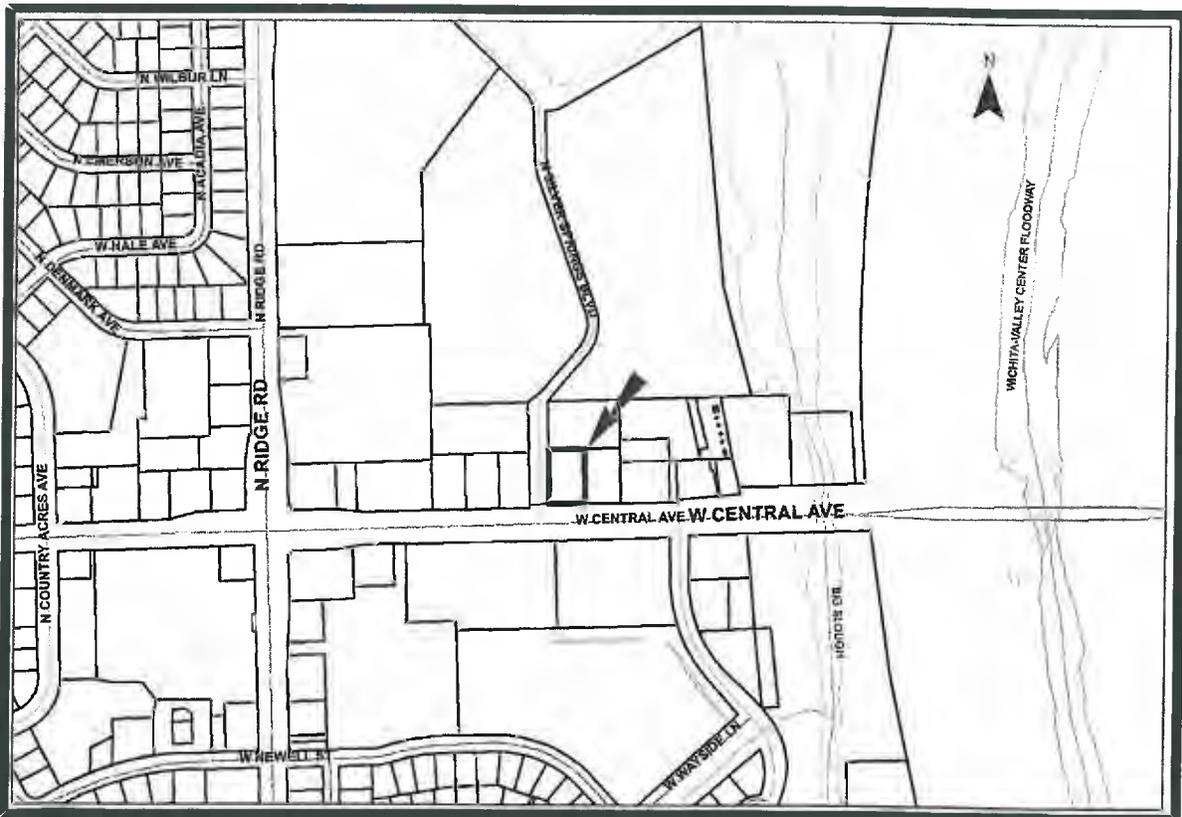
REQUEST: Conditional Use to permit a Seasonal Nursery and Garden Center

CURRENT ZONING: LC Limited Commercial ("LC")

SITE SIZE: 1.03 acres

LOCATION: East of Ridge Road, on the north Side of Central Avenue
(6820 W. Central Ave.)

PROPOSED USE: Nursery and Garden Center



BACKGROUND: The applicant is seeking a Conditional Use for a seasonal nursery and garden center on 1.03 acres of platted LC Limited Commercial (“LC”) zoned land located northeast of North Silver Springs Boulevard and West Central Avenue (6820 West Central Avenue). The site contains an approximately 12,200 square-foot vacant commercial building, formerly used as a restaurant, with 199 on-site parking spaces. The property has two driveways off of North Silver Springs Boulevard and one driveway off West Central Avenue. The property has nearly 257 feet of frontage along West Central Avenue, and the plat shows a 50-foot building setback located along West Central Avenue.

Stutzman Greenhouse, Inc. proposes to install a 60-foot by 120-foot shade house, with additional area around the shade house for additional display, the total area being 75-feet by 145-feet in the existing parking lot located just south and east of the site’s commercial building. The sales and display area will occupy approximately 10,875 square feet, and the display area will take up 51 of the site’s 199 parking spaces which results in 148 remaining off-street parking spaces. The nursery and garden center is proposed to be in operation from April to the end of October. The applicant hopes to use the site on seasonal basis for as long as the property owner permits. (See the attached site plan.)

The “Wichita-Sedgwick County Unified Zoning Code” (UZC) permits “nurseries and garden centers” in the LC district by right provided the use complies with the development standards contained in Article III, Section III-D. 6.z, including the outdoor display and storage limitations of the LC district found at Article III, Section III-B.14.e(2). Merchandise that is for sale within a building may be displayed in areas immediately contiguous to and within 10 feet of the building, subject to the following standards (in part):

- (a) No portion of the display area shall be on publicly owned property unless the applicant shall have obtained appropriate approval for such use from the governing body.
- (b) No required off-street parking space or loading space shall be utilized for display.
- (c) No food or drink shall be displayed outside the building except in accordance with standards and prior written approval of Environmental Health.
- (d) These provisions shall in no way be deemed to authorize the outdoor display of motor vehicles, rental trailers, rental equipment, used furniture, used appliances, used plumbing, used housewares, used building materials or similar items, except as such may otherwise be authorized under an appropriate section of the Code.

A “nursery and garden center” that does not comply with the Code’s development standards may be permitted by “conditional use” subject to the development standards contained in Article III, Section III-D. 6.z, which reads in part:

- (1) The property shall be contiguous to an arterial street or expressway or be located within a portion of the LC district or a more intense use district that is contiguous to such a street.

- (2) Screening shall be provided as deemed appropriate and necessary to provide protection to adjacent properties; however, under no circumstance shall the screening be less than that required by Sec. IV-D of the UZC or that required by an approved development plan.
- (3) Display and storage of merchandise, nursery stock, landscaping materials and equipment must be within an enclosed building; within an area enclosed by screening fence deemed necessary for the protection of adjacent properties; or be displayed in areas immediately contiguous to the buildings, provided any display or storage shall not be located within 25 feet of public right-of-way and shall not occupy required off-street parking spaces.
- (4) All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lighting shall be permitted.
- (5) No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
- (6) Any repair or servicing of vehicles or equipment shall only be permitted within an enclosed building.
- (7) A site plan showing all structures, all ingress, egress, off-street parking, off-street loading space, on-site circulation, storage and display areas shall be submitted with the application.
- (8) Areas for the growing of plants and nursery stock may be permitted in greenhouses or in open areas as designated by the applicant and approved by the Planning Commission.
- (9) Any vehicle used in conjunction with the business may be stored within the main structure, an enclosed garage, or when approved by the Planning Commission as to adequate screening material and location, within an enclosed compound on the property.
- (10) The Planning Commission may, in the process of the conditional use request, determine the number of parking spaces and loading spaces required for the use.
- (11) The Planning Commission may establish other conditions deemed necessary for the protection of adjacent property and may also require periodic reporting of compliance with all conditions of approval.

Land located south, east and west of the application area is zoned LC and developed with a variety of non-residential uses, such as: office, restaurant, retail, bank and strip/mini mall. Property north of the site is zoned MF-29 Multi-family Residential ("MF-29") covered by CUP DP-26 and is developed with a large apartment complex.

CASE HISTORY: The application area is Lot 3, Block 2; 2nd Addition to Queen's Lake that was recorded in 1981.

ADJACENT ZONING AND LAND USE:

North: MF-29	Apartment Complex
South: LC	Strip Mall
East: LC	Restaurant
West: LC	Bank

PUBLIC SERVICES: The site is served, or can be served, by all normally supplied municipal services. West Central Avenue is a four-lane arterial with additional right-turn and left-turn lanes that carries an average daily traffic volume in excess of 30,000 vehicles.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies this site as appropriate for commercial types of uses. This identification encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.

The Locational Guidelines of the Community Investments Plan indicates that primary outdoor sales uses should be located along highway corridors or in areas where the uses have already been established and support expansion of existing uses to adjacent areas.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended the application be approved subject to the following conditions:

- A. The conditional use permits a “nursery and garden center” developed in substantial conformance with the approved site plan. The conditional use does not prohibit uses permitted by-right in the LC zoning district.
- B. The “nursery and garden center” shall be constructed, maintained and operated in general conformance with the approved site plan and in conformance with applicable local, state or federal regulations or codes, including but not limited to zoning, building, fire, health, unless specifically modified by this conditional use or subsequent adjustments or amendments.
- C. The conditional use permitting the “nursery and garden center” shall be effective so long as the building located on the site is vacant or is used in association with a nursery or garden center or can provide the minimum required off-street parking spaces required for all the uses located on the property.
- D. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

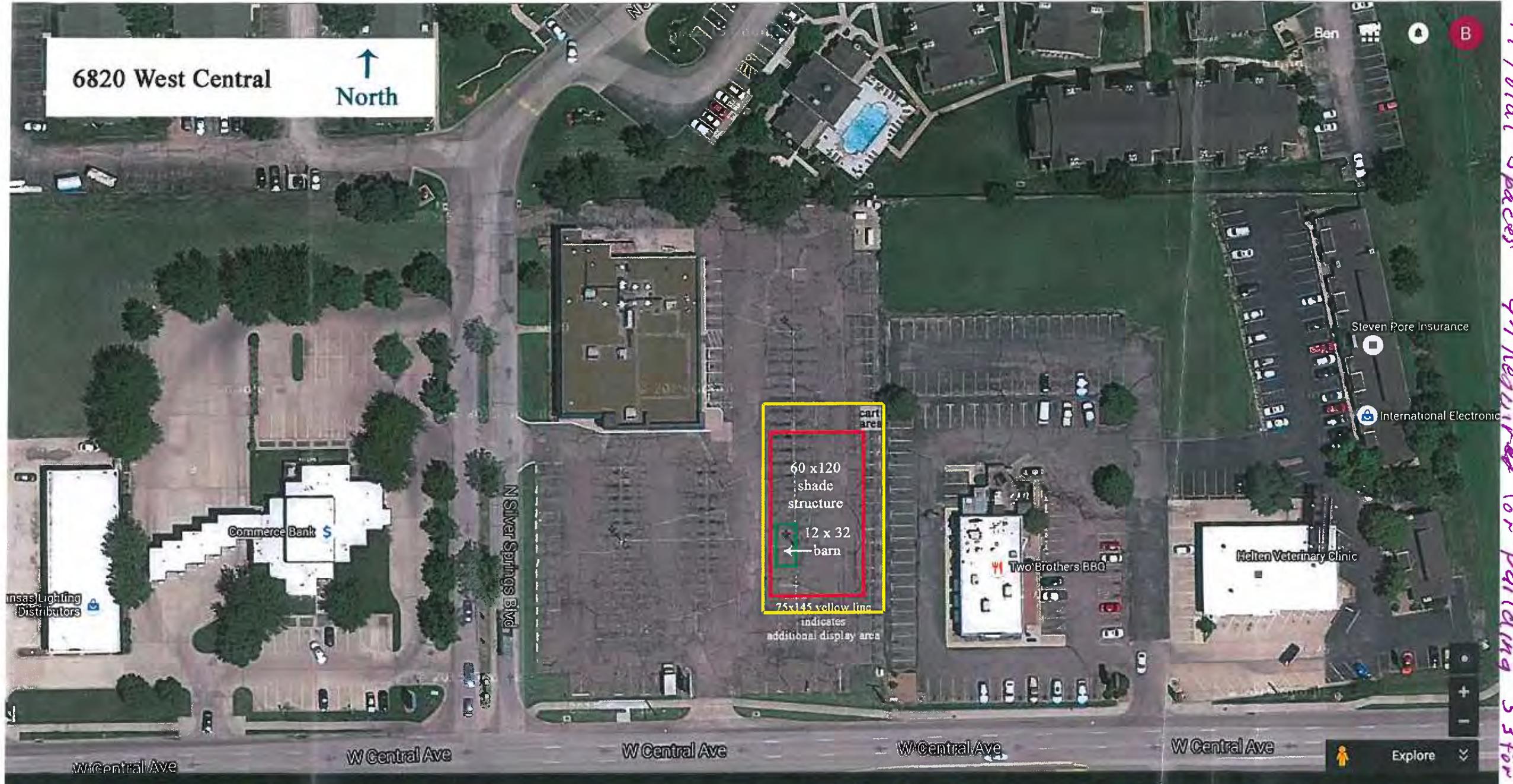
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property surrounding the application area is predominantly zoned LC and developed with office, retail and commercial uses, with a MF-29 zoned apartment complex north of the subject site. West Central Avenue is a major transportation artery that carries in excess of 30,000 vehicles on an average daily basis. West Central Avenue,

between Ridge Road and I-235 is lined with nonresidential uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC which permits a wide range of residential, office and retail commercial uses, which should make it attractive for a wide range of uses. The site is developed with a vacant commercial building and associated parking.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The conditions of approval should address any anticipated detrimental impacts generated by the site.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would add another “nursery and garden center” to the community’s horticultural offerings. Denial would presumably be an economic loss to the property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies this site as appropriate for commercial types of uses. This identification encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Community Investments Plan indicates that primary outdoor sales uses should be located along highway corridors or in areas where the uses have already been established and support expansion of existing uses to adjacent areas.
6. Impact of the proposed development on community facilities: None identified.

6820 West Central



60 x 120
shade
structure

12 x 32
barn

75x145 yellow line
indicates
additional display area

Cart
Area

Commerce Bank

Two Brothers BBQ

Helten Veterinary Clinic

Steven Pore Insurance

International Electronic

W Central Ave

N Silver Springs Blvd

Insas Lighting
Distributors



199 Total Spaces
49 Required for Building
53 for Stairways