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**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION AGENDA**

Thursday, April 21, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, April 21, 2016**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10<sup>th</sup> 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:* March 17, 2016

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

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

**SUBDIVISION CASE DETAILS**

- 2-1. **SUB2016-00003: Final Plat – TERRADYNE WEST 4TH ADDITION**, located north of East Central Avenue, West of North 159th Street East.

*Committee Action:* APPROVED 6-0  
*Surveyor:* Poe & Associates, Inc.  
*Acreage:* .38  
*Total Lots:* 1 reserve

- 2-2. **SUB2016-00011: One-Step Final Plat – KANSAS HYDROGRAPHICS ADDITION**, located west of South Woodlawn Blvd, South side of East 47th Street South.

*Committee Action:* APPROVED 6-0  
*Surveyor:* Ruggles & Bohm, P.A.  
*Acreage:* 4.51  
*Total Lots:* 1

- 2-3. **SUB2016-00012: One-Step Final Plat – C & M WINTER ADDITION**, located on the northwest corner of West 61st Street North and North 199th Street West.

*Committee Action:* APPROVED 6-0  
*Surveyor:* Savoy Company, P.A.  
*Acreage:* 26.89  
*Total Lots:* 5

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 – 10<sup>th</sup> Floor, City Hall, 455 N. Main Street, Wichita, Kansas*

- 3-1. **VAC2016-00010: City request to vacate a platted street side yard setback on property**, located on the northwest corner of Harry Street and McComas Avenue.

*Committee Action:* APPROVED 6-0

3-2. **VAC2016-00011: City request to vacate a portion of a platted side yard setback on property,** location on the southwest corner of Oliver Avenue and 37th Street North.

*Committee Action:* APPROVED 6-0

3-3. **VAC2016-00012: City request to vacate a portion of a platted drainage easement on property,** generally located southeast of 29th Street North and Tyler Road on the south side of the Meadow Park and Fossil Rim Streets' bend.

*Committee Action:* APPROVED 5-0-1 (D.Foster Abstained)

3-4. **VAC2016-00013: City request to vacate a portion of the Orchard public street right-of-way,** located north of Murdock Avenue between Holyoke and Vassar Avenues.

*Committee Action:* APPROVED 6-0

3-5. **VAC2016-00014: County request to vacate a portion of platted complete access control on property,** located west of 183rd Street West on the south side of 29th Street North.

*Committee Action:* APPROVED 6-0

## **PUBLIC HEARINGS**

### **ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

4. Case No.: ZON2016-00003  
Request: City zone change from SF-5 Single-family Residential to TF-3 Two family Residential.  
General Location: South of 9th Street North and west of McLean Boulevard at the northeast corner of Murdock Street and Mount Carmel Street (804 N. Mount Carmel St.).  
Presenting Planner: Jess McNeely
5. Case No.: ZON2016-00004  
Request: City zone change from SF-5 Single-family Residential to TF-3 Two-family Residential.  
General Location: South of Maple Street and east of West Street on the east side of All Hallows Street one lot north of Taft Street (436 S. All Hallows St.).  
Presenting Planner: Jess McNeely
6. Case No.: ZON2016-00011  
Request: County zone change from SF-20 Single-family Residential to MF-18 Multi-family Residential.  
General Location: Approximately 1/4 mile west of 143rd Street East on the south side of Pawnee Avenue.  
Presenting Planner: Derrick Slocum

7. Case No.: ZON2016-00012 and CON2016-00007  
Request: City zone change from SF-5 Single-family Residential to TF-3 Two-family Residential to allow ancillary parking (CON2016-00007), an amendment to PO-300 to allow a restaurant and a 10% reduction of the compatibility setback.  
General Location: West of Ridge Road, north of Maple Street.  
Presenting Planner: Bill Longnecker
8. Case No.: ZON2016-00013  
Request: City zone change form SF-5 Single family Residential to LC Limited Commercial.  
General Location: 600 feet north of Maple Street on the west side of Tyler Road.  
Presenting Planner: Derrick Slocum
9. Case No.: ZON2016-00014 and CUP2016-00010  
Request: City zone change from LC Limited Commercial to OW Office Warehouse and City CUP amendment to DP-83 to permit OW Office Warehouses.  
General Location: Northeast corner of 31st Street South and Meridian Avenue (3100 S. Meridian Ave.)  
Presenting Planner: Derrick Slocum

#### **NON-PUBLIC HEARING ITEMS**

10. Case No.: Tiger Grant Application  
Request: Letter of Support  
General Location: Wichita State Innovation Campus  
Presenting Planner: Scott Knebel

#### **11. Other Matters/Adjournment**

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

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION**

**MINUTES**

**March 17, 2016**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, March 17, 2016 at 1:30 p.m., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: David Dennis, Vice Chair; John Dailey; Bob Dool; Bill Ellison; David Foster; Joe Johnson; John McKay Jr.; Debra Miller Stevens; Lowell Richardson; John Todd and Chuck Warren. Members absent were: Matt Goolsby; Carol Neugent and Bill Ramsey. Staff members present were: Dale Miller, Director; Dave Barber, Advance Plans Manager; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Derrick Slocum, Administrative Supervisor; Jeff Vanzandt, Assistant City Attorney; Justin Waggoner, Assistant County Counselor and Maryann Crockett, Recording Secretary.

**1. Approval of the February 4, 2016 Planning Commission Minutes**

**MOTION:** To approve the February 4, 2016 Planning Commission minutes.

**WARREN** moved, **ELLISON** seconded the motion, and it carried (8-0-3). **JOHNSON, MCKAY** and **MILLER STEVENS** – Abstained

**Approval of the February 18, 2016 Planning Commission Minutes**

**MOTION:** To approve the February 18, 2016 Planning Commission minutes.

**MCKAY** moved, **TODD** seconded the motion, and it carried (8-0-3). **JOHNSON, MILLER STEVENS** and **WARREN** – Abstained.

**2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

**2-1. 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.

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 has approved the drainage plan. 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](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto: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.
- 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](mailto:kwilson@wichita.gov)).

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

**JOHNSON** moved, **RICHARDSON** seconded the motion, and it carried (10-0-1).  
**FOSTER** – Abstained.

2-2. **SUB2016-00010: One-Step Final Plat – TALLGRASS EAST COMMERCIAL 2ND ADDITION**, located on the north side of East 21<sup>st</sup> Street North, east of North Webb Road.

NOTE: This is a replat of Tallgrass East Commercial Addition. The property is subject to the Tallgrass East Commercial CUP (DP-168).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend sewer (laterals) and extend water (distribution). All water meters from tap to meter need to be in a utility easement. A utility plan and conceptual site plan is requested.
- B. The platlor's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- 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 drainage plan. The platlor's text shall state that no development can be issued a certificate of occupancy until the drainage system identified on the plat has started construction.
- E. Traffic Engineering has requested access controls along 21<sup>st</sup> Street North.
- F. A block number or letter shall be denoted on the face of the plat.
- G. City Fire Department advises the drive surface of the private drive needs to meet standard regulations for the Fire Department access road.
- H. A cross-lot circulation agreement is requested to assure internal vehicular movement between the lots.
- I. A restrictive covenant shall be submitted regarding Reserve A, platted for private drive purposes, which sets forth ownership and maintenance responsibilities of the private drive.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- K. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

- L. The wall easement shall be referenced in the plat's text.
- M. The surveyor's certificate shall reference "Tallgrass East Commercial Addition".
- N. In the title block "An Addition to Wichita, Sedgwick County" needs to be added.
- O. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- P. The perimeters of the proposed lots shall match the perimeters of the CUP boundaries. A CUP adjustment will need to be approved.
- Q. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- R. "Lots, a Block, Reserves" shall be referenced in the plat's text.
- S. A bold line is needed along the south line of Reserve A.
- T. The applicant has indicated that he is in the process of having the 20-foot Cooperative Refinery Association pipeline easement released. A recorded copy of the release of the easement shall be submitted.
- U. The applicant shall submit a copy of the Farmland pipeline easement instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- V. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- W. City Environmental Health Division (EHD) advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected. EHD notes that there are easements for several petroleum pipelines. EHD urges caution and the implementation of appropriate safety measures in the event of any planned excavations in the vicinity of these identified pipeline easements, especially during the extension of water and sewer services to these parcels.
- X. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- Y. 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.)

Z. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

AA. 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.

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

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

3. **PUBLIC HEARING – VACATION ITEMS**

3-1. **VAC2016-00005: City request to vacate a portion of platted complete access control on property**, generally located between 34th and 35th Streets North on the west side of Webb Road.

**OWNER/APPLICANT/**

Sedgwick County, c/o Rob Lawrence (owner/applicant) Baughman Company,

**AGENT:**

PA. c/o Phil Meyer (agent)

**LEGAL DESCRIPTION:**

Generally described as vacating a portion of the south 219.65 feet of platted complete access control located on Parcel B of Lot 35, Comotara Industrial Park Fourth Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:**

Generally located on the west side of North Webb Road between East 34<sup>th</sup> and 35<sup>th</sup> Streets North (WCC #II)

**REASON FOR REQUEST:**

Allow a full movement drive for a Sedgwick County Emergency Medical Service

**CURRENT ZONING:**

The site, abutting south and adjacent west properties are zoned LI Limited Industrial

The applicant proposes to vacate a portion of the south 219.65 feet of platted complete access control located on what the applicant has described as Parcel B of Lot 35, Comotara Industrial Park Fourth Addition. The Comotara Industrial Park Fourth Addition was recorded with the Sedgwick County Register of Deeds October 16, 1978. The Comotara Industrial Park Fourth Addition established complete access control along Lot 35's 522.56 feet of Webb Road frontage except for one opening. On January 7, 2016 (approval date), Lot Split LSP2016-00001 divided Lot 35, Comotara Industrial Park Fourth Addition into a north Parcel A and the subject site into a south Parcel B. The north Parcel A is developed with an office building (built 1982) with parking and the permitted drive/access onto Webb Road. Parcels A and B have different owners and the owner of Parcel B, Sedgwick County, is requesting full movement access onto Webb Road for a County Emergency Medical Service facility (EMS).

Webb Road has (full curbed) four-lanes at this location. Parcel A's drive/access is located approximately 160 feet north of the common property line it shares with Parcel B. The south abutting, undeveloped Lot 12, Comotara Industrial Park Fifth Addition has a permitted drive/access onto Webb Road located approximately 80 feet south of the common property line it shares with Parcel B; recorded December 1, 1978. Public street right-of way (that portion of 35<sup>th</sup> Street North located on the east side of Webb Road) lines up with the south approximately 35 feet of the subject Parcel B. There is 225 feet of platted complete access control located north the public street right-of-way that eliminates a drive/access being located east, across Webb Road, of the subject site; Colonel James Jabra Airport Addition, recorded August 22, 1983.

The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, Art VII – Design Standards – Part 2 Specific Standards – 7-204, L, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC.

Stormwater inlets and line and a water line are located in Webb Road along the subject site's frontage. A sewer line is located in the south 20 feet of the subject site within a platted 20-foot wide drainage and utility easement. There are utility poles and power lines located in the area of the vacation. The installation of the drive may require the relocation of utilities at the applicant's expense. Westar has equipment along the west side of Webb Rd between 34<sup>th</sup> and 35<sup>th</sup> streets north. Westar has no objection to this request as condition # 2 will cover any equipment that may need to be removed or relocated to accommodate the new full movement drive for the applicant. Becky Thompson is the Construction Services Representative for the northeast area and will be the contact for this vacation request. Ms Thompson can be reached at 261-6320.

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

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 25, 2016, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portion of platted complete access control and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request

- (1) Per the approval of the Traffic Engineer, vacate a portion of the south 219.65 feet of platted complete access control located on Parcel B of Lot 35, Comotara Industrial Park Fourth Addition. Provide a dedication by separate instrument of access control allowing the drive with original signatures, to Planning Staff prior to the case going to City Council for final action and subsequent recording at the Register of Deeds.
- (2) Any relocation or reconstruction of utilities, including, but not limited to, Stromwater, water, sewer, and Westar's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has equipment along the west side of Webb Rd between 34<sup>th</sup> and 35<sup>th</sup> streets north. Westar has no objection to this request as condition # 2 will cover any equipment that may need to be removed or relocated to accommodate the new full movement drive for the applicant. Becky Thompson is the Construction Services Representative for the northeast area and will be the contact for this vacation request. Ms Thompson can be reached at 261-6320. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Per the approval of the Traffic Engineer, vacate a portion of the south 219.65 feet of platted complete access control located on Parcel B of Lot 35, Comotara Industrial Park Fourth Addition. Provide a dedication by separate instrument of access control allowing the drive with original signatures, to Planning Staff prior to the case going to City Council for final action and subsequent recording at the Register of Deeds.

- (2) Any relocation or reconstruction of utilities, including, but not limited to, Stormwater, water, sewer, and Westar's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has equipment along the west side of Webb Rd between 34<sup>th</sup> and 35<sup>th</sup> streets north. Westar has no objection to this request as condition # 2 will cover any equipment that may need to be removed or relocated to accommodate the new full movement drive for the applicant. Becky Thompson is the Construction Services Representative for the northeast area and will be the contact for this vacation request. Ms Thompson can be reached at 261-6320. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to County Commission for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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

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

3-2. **YAC2016-00006: County request to vacate that portion of 93rd Street North public right-of-way**, located between Greenwich Road and 127th Street East.

**APPLICANT/AGENT:** Corrigan Family Farms LLC (applicant) Ken W. Dannenberg & Zach K Wiggins

**LEGAL DESCRIPTION:** Generally described as vacating that portion of East 93rd Street North public right-of-way located from North 127<sup>th</sup> Street East to a point ½-mile west, Sedgwick County, Kansas

**LOCATION:** Generally located midway between East 101<sup>st</sup> Street North and 85<sup>th</sup> Streets North (BoCC 1)

**REASON FOR REQUEST:** Road was never improved and is not in use

**CURRENT ZONING:** All abutting and adjacent properties are zoned RR Rural Residential

The applicant is requesting the vacation of what generally can be described as the 60-foot wide, east half-mile of East 93<sup>rd</sup> Street North, beginning at its intersection with the west side of North 127<sup>th</sup> Street East. 93<sup>rd</sup> Street North appears to have been established in 1884, which is prior to the 1908 mass production of the Ford Model T. A 1938 aerial (the oldest found) shows that the road was no longer in public usage. Given the number of creek crossings, it is unlikely that the township wanted to try to maintain the road in any condition that would be useful to motorized vehicles. Property ownerships or cooperation between owners may have made the road less important well before 1938. The applicant owns all of the abutting property along the east, half-mile section of 93<sup>rd</sup> Street North. The west half of 93<sup>rd</sup> has two different abutting ownership. The vacation would create a dead-end road, but keep in mind that no road exist except on paper and the expense of building bridges across the many creeks running over it makes its development unlikely. The vacation request would not deny any properties access to public street right-of-way. The vacation will not alter traffic patterns, as there is no visible road and thus no vehicular traffic. The surrounding properties are agricultural fields. There are no utilities located within the described road right-of-way. There was a road viewing at the time the right-of-way was established in 1884. There was a decision made at that time to relocate the west end of the road to the north.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described public road right-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 25, 2016, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of public road right-of-way and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request

- (1) Vacate the described portion of the East 93<sup>rd</sup> Street North public road right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00006 proceeding to County Commission for final action
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public road right-of-way to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00006 proceeding to County Commission for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.

- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to County Commission for final action.

All improvements shall be according to County Standards and at the applicants' expense.

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

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the described portion of the East 93<sup>rd</sup> Street North public road right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00006 proceeding to County Commission for final action.
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public road right-of-way to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00006 proceeding to County Commission for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to County Commission for final action.
- (4) All improvements shall be according to County Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**BILL LONGNECKER**, Planning Staff presented the Staff Report.

**RICHARDSON** said he wanted all Commissioners to hear the case so they could understand that this is closing a section line road. He said the Commission has had discussions on closing section line roads in the past.

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

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

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**PUBLIC HEARINGS**

4. **Case No.: ZON2016-00008** - Import Auto Center and Venture Realty, Inc. (Owners/Applicants) and Kaw Valley Engineering, Attn: Tim Austin (Agent) request a City zone change from B Multi-family Residential to LC Limited Commercial on property described as:

LOT 1, BLOCK 1, ALONG WITH 10 FEET VACATED ALLEY ADJACENT ON WEST, SIXTY-SIX ADDITION, SEDGWICK COUNTY, KANSAS; ALONG WITH, LOTS 30-32-34-36, EXCEPT THAT PART DEEDED TO CITY, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH, LOTS 38-40, EXCEPT THAT PART LYING WEST OF A LINE STARTING AT A POINT 59 FEET EAST OF THE SW CORNER LOT 40 AND ENDING AT A POINT 47.2 FEET EAST OF THE NW CORNER OF LOT 38 DEEDED TO CITY FOR HIGHWAY PURPOSES, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH.

THE EAST 33 FEET OF LOTS 42-44 ALONG WITH THAT PART OF LOTS 42-44 DESCRIBED AS FOLLOWS: BEGINNING 33 FEET WEST OF THE NE CORNER OF LOT 42, THENCE SOUTH 22.60 FEET, THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT 39.58 FEET, THENCE NORTH 2.35 FEET TO THE NORTH LINE OF LOT 42, THENCE EAST 32.50 FEET TO THE POINT OF BEGINNING, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH, THE EAST 33 FEET LOT 46 AND THE NORTH 5 FEET OF THE EAST 33 FEET OF LOT 48, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

**VICE CHAIR DENNIS** announced that the case was deferred indefinitely.

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5. **Case No.: CON2016-00004** - Kristopher Nicholson and Fred Nicholson (owners/Applicants) and MKEC Engineering Consultants, Inc, c/o Brian Lindebak (agent) request a County Conditional Use for mining or quarrying (sand extraction) on 82.7 acres in RR Rural Residential zoning on property described as:

Tract 1: The Southwest Quarter of the Northeast Quarter of Section 16, Township 26 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas.

Tract 2: The Southeast Quarter of the Northwest Quarter of Section 16, Township 26 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas.

Tract 3: A 60 foot wide tract of land in the East half of the Northeast Quarter of Section 16, Township 26 South, Range 1 West of the Sixth Principal Meridian, Maize, Sedgwick County, Kansas, said tract of land being the South 60.00 of the following described tract of land: Beginning at a point on the East line and 658.36 feet South of the Northeast corner of said Section 16; thence South 328.48 feet; thence West 1326 feet; thence North 328.46 feet; thence East 1326.5 feet more or less to the point of beginning.

**BACKGROUND:** The applicant is seeking a conditional use to permit sand extraction on approximately 83 acres located south of West 61<sup>st</sup> Street North and west of North Ridge Road. Access to the site is proposed to be along an existing off-site private drive from North Ridge Road, that is owned by the applicant and is currently being used for the existing sand extraction operation abutting the north part of the subject site (see attached Operational Plan). Vehicles would enter and exit this driveway from North Ridge Road. The existing operation to the north of the subject site and the access drive are located in the city limits of the City of Maize.

The applicants propose a conditional use permit to mine sand/gravel from the ground on unincorporated land. The applicants previously achieved a Conditional Use (CU-01-009) in the City of Maize on the site directly north and adjoining the subject site. The applicants have previously obtained the necessary water rights for both the proposed groundwater pond and the existing groundwater pond depicted as CU-01-009 Sandpit. The applicants are nearing the maximum size of their pond (22 +/- acres) and propose to continue their operations on their lands to the south as per this application. They propose to utilize the same haul road route, as previously approved, and propose to retain the existing scales, sand washing/sifting and office locations on the land as approved on CU-01-0009 until the completion within the next 5 to 10 years. The hours of operation are proposed to be 7:00 AM to 5:00 PM for trucking and from 6:00 AM to sunset for dredging operations. A 100-year floodplain runs along the south and west section of the proposed pond. The edges of the excavations are to be located at least 150 feet from the north, south and east property line, and at least 70 feet from the west property line. The redevelopment plan indicates a large lot with three residences surrounding the proposed pond, accessed by the existing access road and private drives through the subject site.

The application area is currently used for agricultural production, and is zoned RR Rural Residential. Surrounding land is divided into large-lot tracts with a mix of large-lot residential, agricultural uses and a sand/gravel extraction operation that are either zoned RR Rural Residential or within the city limits of the City of Maize. There are approximately 10 homes located east of the application area, most of which have frontage or access to North Ridge Road. South of the application area is the Mystic Lakes residential development that currently contains approximately 20 residences with access off of North Tyler Road and within the city limits of Maize. There is one residence to the west of the site on a large lot residential/agricultural property, zoned RR. Directly north of the site is an existing sand/gravel extraction operation that is within the City of Maize city limits and was approved by a Conditional Use (CU-01-009). Surrounding property owners rely on on-site wells for water supplies. If approved, the applicant will have to obtain any required permits dealing with ground water from the Groundwater Management District and any other agency charged with managing groundwater resources.

**CASE HISTORY:** Property north of the subject site (under the same ownership as the subject site) is currently being used as a sand extraction operation, with a Conditional Use for the operation and the access road, approved by the City of Maize in 2009. The subject site's current RR zoning was probably granted in 1985 with the adoption of countywide zoning. The site is currently unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH:	City of Maize	Sand/gravel Extraction
SOUTH:	RR and City of Maize	Farmland and Residential
EAST:	RR and City of Maize	Farmland and Residential
WEST:	RR	Farmland and Residential

**PUBLIC SERVICES:** West 53<sup>rd</sup> Street North and North Ridge Road are both paved rural major collectors, section line roads. 61<sup>st</sup> Street North is a paved, two lane, local serving section line road. Staff believes these roads are maintained by Park Township. Significant truck traffic will lead to increased maintenance requirements, and will trigger a need for additional improvements to mitigate the impact. No City of Wichita served public sewer or water is available in this area.

**CONFORMANCE TO PLANS/POLICIES:** The Community Investments Plan 2035 Urban Growth Areas Map depicts this site as being located within the City of Maize’s 2035 “Small City Urban Growth Area.” These areas are generally located adjacent to existing municipal boundaries and indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors. Commercial/industrial development should be limited to the following: agricultural-oriented uses; rural home occupations; natural resource dependent convenience services; highway-oriented services at interchange areas; or uses that need significant buffering from residential areas (to mitigate nuisance or hazard impacts). Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts. The site is located within the City of Maize’s “urban area of influence” and they are scheduled to hear the request on April 7, 2016. The City of Maize Land Use Plan depicts this site where the excavations will occur for “agricultural uses.”

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

1. The extraction operation on the site shall proceed in accordance with the approved site plan (including any modifications to limitations on the scope of excavations required by other regulating agencies), and be subject to the supplementary use regulations found in the *Unified Zoning Code* at Article III, Section III-D, gg (attached), unless specifically modified by conditions contained in this conditional use. If additional limitations on the scope of excavation are required after final approval, the applicant shall provide a revised site plan depicting those restrictions.
2. In addition to the standard specified in Sec. III-D.gg.(6) and (22), interior roads, work areas and stockpiles shall be treated to minimize dust from blowing from the site. If requested by Metropolitan Area Building and Construction Department (MABCD), the applicant shall maintain a log detailing the type of dust retardant and how often and when the retardant was used and the log shall be provided to MABCD inspectors upon request.

3. The Conditional Use for sand extraction shall be valid for ten years following the date of final action (either MAPC or County Commission) approving extraction operations. The applicant may apply for an administrative adjustment for an additional two years should extraction operations not be completed at the end of the ten year time period.
4. The hours of operation are proposed to be 7:00 AM to 5:00 PM for trucking and from 6:00 AM to sunset for dredging operations.
5. The edges of the excavations are to be located at least 150 feet from the north, south and east property line, and at least 70 feet from the west property line.
6. The Operational Plan and the Post Operational plan shall be revised to reflect newer floodplain mapping as shown in the Preliminary Floodplain maps.
7. Floodplain development permits shall be acquired from the Kansas Division of Water Resources and Sedgwick County prior to any work to develop the site for sand extraction.
8. A Notice of Intent shall be acquired from the Kansas Department of Health and Environment and a Stormwater Permit shall be acquired from Sedgwick County prior to any work to develop the site for sand extraction.
9. The property is within the boundary of Groundwater Management District No. 2. GMD2 shall be contacted to see how their regulations affect the routing of drainage through the site, and the applicant shall implement the steps directed by GMD2 to protect the groundwater quality.
10. In order to insure that all permit requirements can be met, that improvements in the floodplain will not create adverse impacts in the area, that the channel of the Little Slough will not be interrupted, that the requirements of GMD2 can be met and that the completed site can be redeveloped; the applicant shall be required to obtain approval of a drainage plan by Sedgwick county Public Works prior to any work to develop the site for sand/gravel extraction.
11. The Operational Plan shall reflect that no materials, including overburden or spoil materials, may be placed in the floodplain unless specifically allowed by floodplain permits and the drainage plan. The boundaries of the floodplain shall be delineated with durable markings, such as posts with signs, prior to any work to develop the sand extraction operation.
12. The Conditional Use shall not allow the use of Hidden Acres Street to access the property until the sand extraction operation is complete and closed out.
13. The proposed site encompass properties owned by three different owners. The applicant shall provide and file, with the Register of Deeds, a private access easement encompassing all of the properties involved in the sand extraction to insure that the site can be served from the existing private drive throughout the period of operation.

14. The existing entrance to the sand extraction operation was not constructed according to county permit requirements and standards. Loaded trucks from the current operation predominantly turn south from the site and are tracking off of the shoulder of the drive and the shoulder of Ridge Road. Prior to commencing any work to develop the new site for sand extraction, the applicant shall be required to reconstruct the culvert to County standards and pave the drive with sufficient asphalt or concrete to withstand the heavy truck traffic. A right turn acceleration lane shall be constructed, to County standards, south of the entrance to provide for turning movements that do not obstruct northbound traffic and allow trucks to track on pavement throughout the turn.
15. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is currently used for agricultural production, and is zoned RR Rural Residential. Surrounding land is divided into large-lot tracts with a mix of large-lot residential, agricultural uses and a sand/gravel extraction operation that are either zoned RR Rural Residential or within the city limits of the City of Maize. There are approximately 10 homes located east of the application area, most of which have frontage or access to North Ridge Road. South of the application area is the Mystic Lakes residential development that currently contains approximately 20 residences with access off of North Tyler Road and within the city limits of Maize. There is one residence to the west of the site on a large lot residential and agricultural property, zoned RR. Directly north of the site is an existing sand/gravel extraction operation that is within the City of Maize city limits and was approved by a Conditional Use (CU-01-009). Surrounding property owners rely on on-site wells for water supplies. If approved, the applicant will have to obtain any required permits dealing with ground water from the Groundwater Management District and any other agency charged with managing groundwater resources.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned RR Rural Residential, which is one of the more restrictive districts found in the code. The site could be developed as currently zoned for low-density residential uses with a two-acre minimum zoning lot size. However these homes would have to use on-site sewer systems or extend sewer service since sewer service is not available.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: During excavation there will be additional noise, truck traffic and blowing dust when compared to residential development. When excavation is completed, the resulting lake could be seen as an enhancement as water features are generally viewed as positive additions to residential settings. The conditions of approval will help to mitigate detrimental affects.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The construction industry requires sand. The applicant is in the aggregate business and cannot operate his business without sand. When one is dependent upon a resourced based material like sand, one must go where the sand is located. If the request is denied, presumably the applicant will suffer an economic loss, as he will need to find another site. Since sand is used in many public and private projects a shortage of sand could negatively impact these projects by raising the cost or increasing the time to complete these projects. When completed the resulting lake can be seen as an amenity to the community.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Community Investments Plan 2035 Urban Growth Areas Map depicts this site as being located within the City of Maize's 2035 "Small City Urban Growth Area." These areas are generally located adjacent to existing municipal boundaries and indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors. Commercial/industrial development should be limited to the following: agricultural-oriented uses; rural home occupations; natural resource dependent; convenience services; highway-oriented services at interchange areas; or uses that need significant buffering from residential areas (to mitigate nuisance or hazard impacts). Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts. The site is located within the City of Maize's "urban area of influence" and they are scheduled to hear the request on April 7, 2016. The City of Maize Land Use Plan depicts this site where the excavations will occur for "agricultural uses."
6. Impact of the proposed development on community facilities: Increased truck traffic on section line roads will likely increase maintenance requirements. The conditions of approval requiring County standard road improvements will help mitigate the maintenance impacts. Sand extraction does not require publicly supplied sewer or water services.

**DERRICK SLOCUM**, Planning Staff presented the Staff Report. He indicated that there was a revised site plan since the agenda was mailed out. He said the applicant plans on dividing the site into two sections, site 1 and 2. He said they propose to begin operation on the site that is to the north and outside of the floodplain first. He said once they obtain all required permits for work in the floodplain, they will start excavating further south on the land located in the floodplain. He said the applicant has also requested a revision on Condition #5 to 100 feet from the north property line.

**SLOCUM** reported that the case is scheduled to be heard by the Maize Planning Commission on Thursday, April 7, 2016.

**RICHARDSON** asked if the County Commission had the final approval authority.

**SLOCUM** said only if there are protests on the case.

**DIRECTOR MILLER** explained that if the City of Maize recommends approval final, authority for approval of conditional uses rests with the Planning Commission.

**RICHARDSON** mentioned questions raised by County Engineering staff and if the revisions took care of their concerns.

**SLOCUM** replied yes, and added that he has been in contact with County Engineering and they have agreed on the conditions in the Staff Report.

**RICHARDSON** said he has concerns about working in the floodplain and indicated that really hasn't been worked out. He referred to the GIS map and asked about property ownership to the north.

**SLOCUM** said that was a question for the applicant.

**BRIAN LINDEBAK, 411 NORTH WEBB ROAD, MKEC ENGINEERING ON BEHALF OF THE OWNERS AND APPLICANTS** referred to an aerial map of the area, including the access road and current sand extraction operation. He said they met with Planning staff and County Engineering throughout the application process. He said they provided both the current and proposed Floodplain (scheduled to be effective December, 2016) Maps and will stay out of those areas until they have permits approved by the appropriate regulatory agencies. He referred to the area to the south located in the floodplain.

**LINDEBAK** said in reference to Condition #5, the 150 feet on the north was an estimation off scale of the map. He said they would like to create some character and keep a shoreline so they would like that to be between 75-100 feet. He said the applicant would like to create a natural feeling and not have the area be so "man made." He said in reference to Condition #7, the applicant is breaking up development into two areas. He said the floodplain permit is required on the southern area, not the northern area.

**RICHARDSON** asked who owned the piece of property to the north. He commented it's not the same owner.

**LINDEBAK** said the applicants own the drive and are related to the property owners to the north. He said there is an easement document that is currently being amended to allow the applicants to cross properties.

**RICHARDSON** said one of the approval requirements should have been an easement across the property.

**LINDEBAK** commented as background that sand pits are vital to the local economy. He said 75% of the sand and aggregate that comes out of the pit will be used locally.

**ELLISON** asked about building restrictions on properties to the east and mentioned that there were expensive homes with outbuildings made out of aluminum. He asked if Maize had a plan for development of the area after the sand pit is done.

**LINDEBAK** said a plan was approved back in 2009 and referred to a concept of how the sandpit will be developed afterwards. He said eventually there will be \$100,000 dollar houses surrounding these bodies of water, and added that the area will be an attractive place to live.

**ELLISON** asked about the area southeast of this location.

**LINDEBAK** responded that they were not building those homes, they were approved on a separate plat and have nothing to do with the case being discussed. He added that the City of Maize has declined to have their Planning Commission hear this conditional use case.

**ELLISON** said living in the area within several miles, he sees so many additions going up around these sand pits, approximately ten of them, with no cohesive plan. He asked if these developments are going to be attractive for the City of Wichita and the community.

**LINDEBAK** said he can address their plans but cannot speak to anything outside their plan because those are not their properties to develop. He said this plan includes three large residential lots. He referred to the development plan approved by the City of Maize in 2009. He said what they are proposing leaves the land in much better condition than what it was prior to development.

**WARREN** asked about the proposed reduction from 150 feet to 100 feet and if natural erosion would eat away at that.

**LINDEBAK** said that could be a concern and added that the plan has to be approved by the Division of Water Resources. He said they will be required to build erosion control berms that won't create an issue with the lake banks moving, etc.

**DIRECTOR MILLER** added that there was a standard condition in the UZC that requires developers to plant grass or some other material to mitigate erosion in addition to slope requirements, etc., that address erosion.

**RICHARDSON** asked Staff to bring up the Floodplain Map.

**LINDEBAK** briefly explained the boundaries of the application area. He commented that the areas annotated in yellow and green are in the current Floodplain. He said according to the new Floodplain Maps, the area annotated in green will go away. He said they will stay north of the current floodplain until they have obtained the necessary permits from the County, Division of Water Resources and other regulatory bodies.

**RICHARDSON** asked about mitigating pollution of the ground water table.

**LINDEBAK** said they have to adhere to the Floodplain Manual as well as restrictions/requirements impose by the Ground Water Districts. He briefly explained that they will create berming that will route the first flush of contaminates through a channel outside the edge of the water. He said further berming will prevent water from getting into the water supply.

**RICHARDSON** mentioned that if there was a heavy rain, then contaminates could flow through the pond.

**LINDEBAK** admitted they could and said they will be required to prepare and submit a Drainage Report for approval. He said they wanted to get the zoning before proceeding with additional requirements.

**DENNIS** requested clarification of the 100 foot reduction on the north, south and east sides of the sandpit.

**LINDEBAK** said they would like a reduction to 70 foot on the north and west. In addition to amending Condition #7 so they have approval to move forward on the section of property that is not located in the floodplain.

**MOTION:** To approve subject to staff recommendation as amended at the meeting to include revision of Condition #5 to reduce the requirement to 70 feet on the north and west and revision to Condition #7 to split the property into site 1 and 2.

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

5. **Case No.: PUD2016-00001-** Jesri Investments, LLC (Applicant/Owner) and KE Miller Engineering, P.A., c/o Kirk Miller (Agent) request a City rezoning for a Planned Unit Development (PUD) to allow GC General Commercial uses with restrictions and an offsite billboard sign on property described as:

Lot 1, Block 1 and Lot 1, Block 2, Belle Terre South an Addition to Sedgwick County, Kansas.

**BACKGROUND:** The undeveloped application area is located north of East Kellogg (US 54 Highway), at the half-mile location between South 143<sup>rd</sup> Street East and South 159<sup>th</sup> Street East. The applicants propose rezoning this property from LC Limited Commercial (LC) to PUD #49, the Belle Terre Commercial Planned Unit Development. In addition to rezoning, the PUD would remove this site from the existing CUP DP-226 and associated restrictions. The remaining DP-226 will continue to exist east of the site. The applicants operate a construction sales and service business and an equipment rental and sales business; both businesses require outdoor storage and display. The applicants propose to relocate their businesses to this site. The applicants also own a digital billboard which they propose to place on this site and use for on and off-site advertising. According to the Unified Zoning Code (UZC), a PUD is intended to:

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

The platted 19.4-acre site is undeveloped with a heavily wooded floodway and landscape buffer along the north and east boundaries following Four Mile Creek. An irregular shaped reserve (Reserve L) sits at the southwest corner of the site; it is an exception as it is not owned by the applicant. The platted Kellogg Drive on the site is unimproved. The site currently has one 35-foot wide access point to the Kellogg Expressway at the west boundary. The proposed PUD requires re-platting the site, closing this

one access point and establishing a right-in right-out only access point east of Reserve L. The right-in right-out access point will have acceleration and deceleration lane improvements guaranteed by the developer. Re-platting will also include re-routing Kellogg Drive to function as a frontage road along US-54 and eliminating its northern connection to a residential subdivision, and determination of dedication for the future expansion of the Kellogg Expressway. The proposed PUD includes two parcels and two reserves for the floodway and landscape buffer and storm water control. The PUD has a 5-foot wall easement along the west property line, 35-foot building setbacks from the west and south property lines, and a designated display area along the Kellogg Drive frontage.

Proposed PUD specifications include signage limited to LC zoning, restricted to 20 feet in height, must be monument signs, and prohibits portable signs. The PUD proposes one off-site, LED, billboard sign which may advertise on or off-site purposes. The off-site sign must be setback 150 feet from the Kellogg Expressway and 300 feet from the west property line, it is limited to 14 by 48 feet in size and 30 feet in height, and requires permitting from state authorities. Without the proposed PUD, this off-site sign would not be permitted by the Sign Code, as adequate commercial zoning (without CUP prohibitions) does not exist in this mile of frontage. The existing CUP, DP-226, prohibits off-site signs. The Sign Code prohibits off-site signs from being used for on-site advertising.

The PUD limits light pole height to 15 feet, requires underground utilities, requires a masonry wall on the west boundary when development occurs within 300 feet, prohibits outdoor speakers and noise trespass beyond property lines, and requires screening of rooftop mechanical equipment and trash receptacles. The PUD requires architectural consistency between buildings and site circulation approval for new buildings. The PUD requires that outdoor storage of materials and equipment be 150 feet from surrounding property or right-of-way. Outdoor storage must be visually screened from all surrounding properties and from all public right-of-way, to include US 54, and may not be stacked or piled higher than screening walls or landscaping. The PUD requires a landscape plan which may use existing vegetation to contribute towards the 25-foot landscape buffer separating this site from residential zoning. Evergreen screening, meeting the code definition of solid screening, may be used in lieu of a screening wall along the north property line. The PUD requires paving of all internal circulation to mitigate dust.

The proposed PUD would allow GC General Commercial (GC) uses with the following prohibitions: manufactured/mobile homes, assisted living, group residence, auditorium, cemetery, community assembly, correctional placement residence, golf course, library, entertainment establishment, event center, farmers market, kennel, hobby and boarding/breeding/training, recreational marine facility, indoor and outdoor recreation and entertainment, rodeo, riding academy or stable, sexually oriented business in the city, tattooing and body piercing facility, teen club, vocational school, hospital, recycling collection stations, reverse vending machine, school (elementary, middle and high), car wash, convenience stores, night club, pawn shop, service stations, tavern and drinking establishments, vehicle repair, adult entertainment, recycling processing, second hand store, microbrewery, self-service warehouse, RV campground, outdoor vehicle sales, manufacturing (limited and general), vehicle storage yard, warehousing, and welding or machine shop. No hotels or motels are permitted on the west 300 feet. Any use requiring a conditional use in GC zoning requires a PUD amendment. The land use differences between this PUD and the existing CUP are: outdoor equipment rental and sales, contractor sales and services (to include associated outdoor storage), retail, restaurants, animal care and banking.

Property north of the site, across the floodway and landscape buffer, is zoned SF-5 Single-family Residential (SF-5) and developed with single-family residences. South of the site is US-54, further south is an SF-5 zoned neighborhood to the southwest, and an unincorporated, SF-20 Single-family Residential (SF-20) zoned large-lot residence. East of the site is the LC zoned remainder of the undeveloped CUP, DP-226. West of the site is another unincorporated, SF-20 zoned large-lot residence.

**CASE HISTORY:** The property was rezoned to LC with DP-226 in 1997 and platted as a portion of the Belle Terre South Addition in 1997. Approval of this PUD would require re-platting the site.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-family residential, floodway reserve
SOUTH:	SF-20, SF-5	US-54, Single-family residential
EAST:	LC, DP-226	Undeveloped
WEST:	SF-20	Large lot residential

**PUBLIC SERVICES:** The site has frontage along the Kellogg Expressway. The PUD proposes complete access control except for one right-in right-out only access point east of Reserve L. All other utilities are available to the site. The PUD requires connection to public water and sewer for development.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies this location on the *2035 Wichita Future Growth Concept Map* as “Residential and Employment Mix.” The Locational Guidelines of the Comprehensive Plan encourage major commercial development in close proximity to highways. 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. The Plan’s *Priority Enhancement Areas for Wichita Infrastructure Projects Map* identifies this portion of Kellogg as a “Wichita Primary Gateway,” and recommends considering the inclusion of site design features that increase the sense of quality of life through emphasis of visual character and aesthetic improvements.

**RECOMMENDATION:** Planning Staff worked with the agent for the applicant to modify this PUD request. Staff’s recommendation takes in consideration the existing CUP on the site and staff’s recommendation for similar requests and uses along Kellogg frontage. Staff notes that while this request is more intense than what was previously permitted under DP-226, highway frontage is where one would expect contractor sales and services and billboards. Staff feels that the extensive floodway landscape buffer, along with other PUD requirements, will protect surrounding residential areas and the Kellogg Expressway from negative impacts. Staff notes that the proposed off-site sign would not be allowed without this PUD, and the Sign Code prohibits use of off-site signs for on-site advertising. The PUD allows for other adequate on-site signage. Based on information available prior to the public hearing, staff recommends the request be **APPROVED** subject to the following conditions:

- A. The PUD is subject to re-platting to include: complete access control except for one right-in right-out only access point to US-54 located east of Reserve L, guarantee of acceleration and deceleration lane improvements, reconfiguration of Kellogg Drive to a frontage road with emergency access to the vacated portion of Kellogg Drive if required, dedications for the future Kellogg Expressway will be determined, and a drainage plan and associated guarantees will be required.

- B. The off-site sign shall be permitted for off-site advertising only; on-site advertising is prohibited per the Sign Code on the off-site sign.
- C. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood: The site is located along the north side of US-54. Property north of the site, across the floodway and landscape buffer, is zoned SF-5 and developed with single-family residences. South of the site is US-54, further south is an SF-5 zoned neighborhood to the southwest, and an unincorporated, SF-20 zoned large-lot residence. East of the site is the LC zoned remainder of the undeveloped CUP, DP-226. West of the site is another unincorporated, SF-20 zoned large-lot residence.
- (2) The suitability of the subject property for the uses to which it has been restricted: The site could be developed under the current LC zoning and restrictions of DP-226 for a limited range of commercial uses. However, the site has been vacant as zoned for 11 years. The applicant's proposal for contractor sales and service, equipment rental and sales, and an off-site sign require an increase in zoning intensity and removal of CUP restrictions.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed PUD removes restrictions of off-site signs and the more intense commercial uses of contractor sales and services and equipment rental and sales. Given mitigating screening requirements and significant existing landscape buffering, removal of these restrictions should not impact surrounding property owners.
- (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 add commercial development along US-54 where infrastructure exists. Vehicle traffic and activity on the site could negatively impact US-54; mitigating conditions are included in the PUD. Denial of this request would presumably be a loss of economic opportunity for the land owner.
- (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 this location on the *2035 Wichita Future Growth Concept Map* as "Residential and Employment Mix." The Locational Guidelines of the Comprehensive Plan encourage major commercial development in close proximity to highways. 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. The Plan's *Priority Enhancement Areas for Wichita Infrastructure Projects Map* identifies this portion of Kellogg as a "Wichita Primary Gateway," and recommends considering the inclusion of site design features that increase the sense of quality of life through emphasis of visual character and aesthetic improvements.

- (6) Impact of the proposed development on community facilities: The proposed development will increase traffic on and off this portion of US-54. Provided adequate acceleration and deceleration lanes and sufficient right-of-way for Kellogg Expressway expansion, community facilities should not be impacted.

**SCOTT KNEBEL**, Planning Staff presented the Staff Report. He referred to a handout which was a letter from Foulston Siefkin, LLP regarding moving the proposed offsite sign 300 feet to the east. He said this information will need to be discussed with the applicant as perhaps a revised condition for the case. In addition, he said surrounding neighbors also made the same request at the DAB meeting so the sign would be less visible to their homes. He concluded by stating that the application was approved by the DAB 4-2-1.

**RICHARDSON** clarified that without the proposed PUD the offsite sign would not be permitted by the Sign Code.

**KNEBEL** said that was correct; the offsite sign would not be allowed without a variance or PUD.

**RICHARDSON** said there is not a single billboard in that mile section on Kellogg. He said he was wondering why staff would approve something in direct opposition of the Sign Code.

**KNEBEL** said the mile between 159th and 143<sup>rd</sup> Streets is not fully developed in its zoning pattern. He said this is the zoning staff anticipates is going to occur over the next 20 year period. He said their opinion is that there likely will be some billboards approved. He said they believe the use along this area will intensify over the large lot uses and that frontage along Kellogg will become commercial properties in the long term. He said that is why they are suggesting that a billboard would be appropriate in this location.

**RICHARDSON** asked what conditions need to be in place for this to be approved by right.

**KNEBEL** said he didn't know off the top of his head, but said there was a distance requirement based on zoning and there are also limitations in terms of the number of billboards within a mile.

**DIRECTOR MILLER** said his understanding is that there is not enough commercial zoning within the mile length to allow a billboard.

**RICHARDSON** said his personal opinion is let's wait until there is enough commercial zoning. He asked about any restrictions on the display area.

**KNEBEL** said those restrictions are covered in the base zoning which is GC.

**KIRK MILLER, K.E. MILLER ENGINEERING, AGENT FOR APPLICANT** said the applicant is present to answer any specific questions. He said Absolute Natural Stone is the name of the company that was originally located on Kellogg by Dandals. He said they moved approximately one and one half years ago to a new location on east Kellogg because of the Kellogg expansion. He said they platted the property and added that KDOT was going to take some land on the back of the property. He said they

also dedicated land and drainage reserve to the City. He said KDOT redid the project and put a ramp right through the middle of the property so they have to move again. He said they would like to stay out on east Kellogg. He said this isn't a great parcel of land, it has floodplain and access issues. He said they need to work around that. He said they are fine with no on-site usage of the billboard sign. He said they would also be fine with moving the billboard 200-300 feet further east. He said location of the sign is something that will have to be worked out during the signage process because it has to be approved by both KDOT and the City.

**DENNIS** clarified that the applicant and agent are okay with the PUD as it is currently written and agree to move the sign 300 feet further east.

**K.E. MILLER** commented that they worked with staff on development of the PUD and are fine with it.

**RICHARDSON** asked if they knew how much land KDOT would be asking for right-of-way.

**K.E. MILLER** said he spoke with the KDOT Project Manager and he said they are looking at taking a sliver of land from the top of the bump out at the southwest corner of the property to the southeast corner of the property.

**ELLISON** clarified that the proposed use will be identical as the previous location with several hundred pallets of rocks in addition to selling sheds. He asked what the neighborhood thought of that.

**K.E. MILLER** said yes that will be the purpose. He said there is a large landscape buffer behind the location. He referred to the map of the area and pointed out the buffer all the way around the property of approximately 100 – 150 feet which will remain for landscaping and flood zone.

**ELLISON** asked about flood issues on the property.

**K.E. MILLER** said current Floodplain Maps don't show anything; however, the new Floodplain Maps show that work will need to be done on the east side of the property which will be located in the floodplain.

**BLAKE BASINGER, 15435 WINDHAM CIRCLE, REPRESENTING THE BELLE TERRE HOME OWNERS ASSOCIATION** said there have been a number of deaths at the corner of 159<sup>th</sup> Street and Kellogg. He said they are not happy about the sign light cycling every five seconds, noise from the diesels and dust blowing over into the neighborhood. He said they have approximately \$60 million dollars invested in the neighborhood and it has been peaceful and quiet for twenty years. He said the reason this is currently zoned LC was so that office buildings and medical offices could go in at the location. He said they are concerned that if Absolute Natural Stone goes out of business or moves what could go in there; a rock crusher or even worse. He concluded by asking the Commission to please consider the damage this will do to the neighborhood.

**RICHARDSON** asked if he went to the DAB meeting on the item and if he had looked at the list of prohibited uses.

**BASINGER** said he went to the DAB and several other neighbors were there also. He said DAB recommended approval 4-2. He said uses were discussed at the meeting and the police officer indicated it is almost impossible to site someone under the noise ordinance. He said the applicant will be picking up boulders and putting them in steel trucks night and day.

**K.E. MILLER** commented that the traffic signal will help the neighborhood entrance because it will give breaks for cars that want to pull back out onto Kellogg. He said the applicant indicates that they average between 10-20 customers a day with an average sales of five invoices per day. He said the equipment rental business was about 2-3 times a day. He said the applicant would like to keep all the businesses he had at his previous location.

**FOSTER** clarified that the applicant and agent are comfortable with the list of prohibited uses.

**K.E. MILLER** responded yes.

**ELLISON** clarified so at the previous location there were no buffering requirements. He asked what the applicant would do to buffer this location.

**KNEBEL** replied that there were no buffering requirements at the previous location because it had the highway in front of it and it was surrounded by commercially zoned property. He added that there are many options to meet the screening requirements on the north side of the property such as berms, landscaping, building a fence or wall or a combination of all of those.

**MOTION:** To approve subject to staff recommendation as amended to move the sign a minimum of 600 feet to the east.

**WARREN** moved, **DOOL** seconded the motion, and it carried (9-2). **ELLISON** and **RICHARDSON** – No.

**FOSTER** clarified that this was limited to a single billboard on this site.

**KNEBEL** said yes, item B. states one offsite sign will be allowed.

**MCKAY** said he is uncomfortable saying 300 feet or 600 feet because there are two waterways in this area. He suggested stating approximately.

**DIRECTOR MILLER** suggested stating a minimum of 600 feet and if they need to go further east they can. He said he believes that is what the motion maker meant.

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**MCKAY** reported that he had ex-parte communication on the item.

6. **Case No.: DER2016-00001** - Elimination of the requirement that platting be a condition of granting a zone change as specified in MAPC Policy No. 5

**BACKGROUND:** Since June 9, 1971, it has been Metropolitan Area Planning Commission (MAPC) practice and policy (Policy Statement No. 5, attached) where platting or replatting is required as a condition of rezoning, the time period for completing the platting process has been established at one

year from the time of approval of the zoning by the City or County governing bodies. Policy No. 5 also contained procedures for asking for extension of the platting deadline. Extensions for up to an additional six months to a year could be granted administratively. An extension for more than a one year or multiple requests for extension required governing body approval. In recent years, land developers have experienced less certainty in the market place and there have been a number of requests for platting extensions. Since 2008, 94 platting extensions have been approved. During the same time period 381 plats were filed.

A specific concern that has been identified is the following circumstance. Under the current policy when a zone change has been approved subject to platting, the official zoning map is not changed to reflect the zone change approval until the plat is recorded. If a property owner is dealing with someone from out of town or someone not familiar with the current policy of not changing the zoning map even though the zoning has been approved but not perfected, the prospective purchaser has to trust the property owner's assertion that the zone change has been approved, or take the time and expense to request a zoning verification letter from the Metropolitan Area Building and Construction Department (MABCD). Elimination of the current policy would remove the element of doubt created in the previously described scenario. Finally, elimination of the platting requirement removes a staff administration responsibility and eliminates an application fee.

Because of the changing dynamics of developing and marketing real estate and the ability to change the official zoning map sooner, it is recommended that the policy requiring platting within one year of rezoning approval be eliminated.

This policy does not waive the requirement that property be platted in order to obtain a building permit. If necessary for the public health, safety and welfare, the property owner may be required *at the time of rezoning* to guarantee or dedicate by separate instrument right-of-way and/or easements prior to the recording of a plat. Zone change approvals shall be placed upon the official zoning map upon publication of the ordinance or resolutions or upon completion of all required conditions of approval for those actions not requiring publication.

It is understood that zone change approval shall include land use applications such as zoning, conditional use, community unit plan, planned unit development and similar land use control applications.

**CASE HISTORY:** Policy Statement No. 5 has been in effect since June 9, 1971.

**PUBLIC SERVICES:** If necessary, at the time of zone change the zone change could require the property owner to guarantee or dedicate by separate instrument right-of-way and/or easements prior to the recording of a plat.

**CONFORMANCE TO PLANS/POLICIES:** The Community Investments Plan encourages the implementation of policies that utilize a common-sense approach that promotes reasonable regulation and promote fiscal responsibility.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that Policy No. 5 be eliminated.

**DALE MILLER**, Planning Staff presented the Staff Report.

**RICHARDSON** said he assumed some processes will need to be changed at the time of rezoning because of right-of-way dedications or guarantees by separate instruments. He said he is concerned about how that works in between the time the zoning is approved and the site is platted. He asked will the City need to get those guarantees at the time of zoning or not at all.

**DIRECTOR MILLER** said he had that initial concern; however, he said after extensive conversations with Public Works and they don't see that as an issue. He said it was decided that if staff knows of some project that requires additional right-of-way or something else, the City would have to ask for that at the time of the zone change. He said otherwise it would have to be obtained later through some other means.

**RICHARDSON** clarified so it would have to be obtained by condemnation or paying for it if it is not platted until a later date.

**DIRECTOR MILLER** said it would be fair to say that, yes.

**JOHNSON** clarified that this will be the policy from now on.

**DIRECTOR MILLER** replied yes, this would eliminate Policy #5 so there is no time limit for platting. He said the zoning map would be changed, after governing body approval (provided there was no Protective Overlay). He gave as an example that the City might need ten feet of additional right-of-way at an intersection, staff could include that as part of a PO as a condition of approval, but the zoning map would not be changed until all the conditions of approval had been met. He said other than that scenario, the zoning map would be changed once the governing body had approved the zoning. He said after that, the property will need to be platted in order to obtain a building permit.

**JOHNSON** said it seemed like this was a tremendous jump from where we are today.

**DIRECTOR MILLER** said he has talked to several colleagues including one who does a lot of consulting work and he said platting and zoning have never been tied together in any of the subdivision work that he has done. In addition, he added that he has spoken with several other jurisdictions who say they do not require platting right away so as best he can tell, Wichita is somewhat unique in this requirement. He said this is working in other communities and Public Works does not seem to have a problem with it so staff feel comfortable moving ahead with the idea.

**DOOL** asked if this would preclude the Planning Commission from requiring platting of a property within a certain period of time as a condition of zoning approval.

**DIRECTION MILLER** said if the Planning Commission felt that was an appropriate and reasonable condition, it could be addressed on a case-by-case or individual basis.

**JUSTIN WAGGONER, ASSISTANT COUNTY COUNSELOR** said both County and City legal counsels agree with that statement.

**RICHARDSON** asked for clarification that the City will abandon the template for intersections with regard to acceleration and deceleration lanes, etc. unless staff knows of a project. He asked does that mean a project that has been funded, talked about, or what. He said he is concerned that the City is going to end up spending a lot more money on right-of-way in the future.

**DIRECTOR MILLER** said to clarify, if the staff knows of a street where right-of-way is deficient and a zone change is being requested and Public Works says they need ten more feet, then staff would ask for that as part of the zone change so the City or County wouldn't have to buy additional right-of-way. He said it will be up to staff to identify those situations.

**RICHARDSON** clarified so the City would still be applying today's standards at major intersections.

**DIRECTOR MILLER** replied yes.

**RICHARDSON** asked if this change required approval by both the City Council and County Commission. He also asked about the cases already in progress.

**DIRECTOR MILLER** said cases that have already gone to the governing body would not be included in this change. He commented that at one time there were 20 Planning Commission policies; they are now down to seven policies. He said some of the policies were reviewed by the governing body, some were not. He said staff could not find anything that indicated this policy was reviewed and/or approved by the governing bodies.

**JEFF VANZANDT, ASSISTANT CITY ATTORNEY** commented that there would be no "retroactive" provision if this change takes place. He said any zoning that was approved prior is bound by the policies that we in effect at that time. He said the Planning Commission can invoke any kind of policy or procedures that do not conflict with State Statutes or the Commission's Bylaws. He said staff could find no requirement where the policy or procedure had to go before the City Council or County Commission for approval.

**RICHARDSON** asked what was staff's position on sending this proposal to the City Council and County Commission for approval.

**DIRECTOR MILLER** said he was fairly confident that if this policy is eliminated, it would be following the policy positions for both sides of the street. He said he does not see a reason to ask the governing bodies for approval.

**MILLER STEVENS** asked isn't it current policy that people can request time extensions if they can't meet the one year platting requirement.

**DIRECTOR MILLER** explained as the policy is currently written, the applicant can come back within a year and ask for an extension. He said the initial extension is administrative and any extensions beyond that require governing body approval and payment of a fee. He said the record is 12 platting extension on one piece of property.

**JOHNSON** asked if a person could come back now and ask for the platting requirement to be waived, based on the new policy.

**DIRECTOR MILLER** said they have worked with developers and modified time limits on platting all along. He said from staff's perspective, there is no reason to have the platting within one year requirement at all.

**FOSTER** asked what documentation is required and what is in place that insures that property is platted prior to issuance of a building permit. He asked what makes that happen.

**DIRECTOR MILLER** replied Subdivision Regulations.

**FOSTER** also asked about public health and safety and required rights-of-way, and what regulations are in place to insure that.

**DIRECTOR MILLER** indicated that what staff thought would happen on a practical basis is they would identify any requirements when zone changes go through as far as infrastructure, right-of-way, utility easements, etc. and ask for those as part of the conditions of the zone change.

**FOSTER** said what concerns him is there doesn't seem to be any policy or something in the Subdivision Regulations that make sure that happens, it is solely at the discretion of staff.

**DIRECTOR MILLER** commented that was the way it is handled now. Staff does its best to identify infrastructure needs and when the plat is processed, everyone else at the Subdivision Meeting has a chance to weigh in.

**FOSTER** said they are going to lose that Subdivision Meeting review. He just wants to make sure that platting occurs.

**DIRECTOR MILLER** reiterated that you can't get a building permit without the property being platted.

**RICHARDSON** asked if Public Works staff will be asked to identify needs because he understands they don't get too involved at the zoning level but do at the platting level.

**DIRECTOR MILLER** said although the Planning Commission doesn't see it, all zoning cases are discussed with Public Works and/or Sewer and Water staff. He said all municipal services are included.

**RICHARDSON** asked if this affects property annexation. He said he was concerned about some unintended consequences of eliminating this policy.

**DIRECTOR MILLER** said he would defer to Scott Knebel but added they don't do unilateral annexations any more. He said the City does annexations when they are requested.

**SCOTT KNEBEL**, Planning Staff said for the past 7-8 years most of the annexations have been tied to platting and extension of utilities. He said this may impact the timing of annexations.

**RICHARDSON** commented then the leverage was utilities. If areas want to be annexed they have to be platted.

**KNEBEL** commented it's more of a carrot and added that the City extends water and utilities past its boundaries but not at the same rate that it does within the city limits.

**CHRIS BOHM, RUGGLES AND BOHM, 924 N. MAIN** said it was his personal and professional opinion that a lot of developers deal with this issue. He mentioned a plat and zone change at Pawnee and 119<sup>th</sup> Street that happened about 10-12 years ago. He said some family members came into some property and wanted to do a zone change to protect the asset. He said it was over 6 acres so they had to do a CUP so they went through the whole process of rezoning and platting and now the flood maps and right-of-way requirements have changed since that time. He said all the work that was done could be for naught. He said if the property had been zoned and sat there idle, all the current Subdivision Regulations and Floodplain Maps would come into play. He said he thinks it is a really good idea and from what he is hearing, it doesn't preclude the Planning Commission from making restrictions on the ground or asking for rights-of-way. He said it will make it easier especially for someone who wants to hold ground for future use or pass it on in a family and have the assurance from the zoning maps that it is zoned a certain way. He concluded by stating that he supported the effort to eliminate the platting requirement unless it is stipulated for some reason at time of zoning.

**MCKAY** clarified that the City is not doing away with the platting requirement, just the time element of platting.

**BOHM** responded that was correct.

**WES GALYON, PRESIDENT, WICHITA AREA BUILDERS ASSOCIATION, 730 N. MAIN** said he was in complete agreement with what Mr. Bohm just said. He said he has had conversations with the City Manager's Office and others to see what the City can do to make itself more competitive and to look more willing to be open to suggestions or proposals to certain developments that might be suitable for Wichita. He said once a property is zoned, it is not perfected until it is platted so it does not show up on the zoning map. He said site locators look at the zoning maps and if they don't see anything they just go on down the road; or, if platting is forced to occur when a developer really doesn't know what they are going to do with that piece of property, it is difficult. He mentioned that dynamics of the market today are a whole lot different than they were a decade ago and they are going to stay different for a long time to come for a variety of reasons. He said it would be nice to have the land zoned with the bundle of rights that went with zoning. He said they don't see any problems and feel it would present Wichita in a more positive light in terms of what is available and ease of access to information and the certainty of the accuracy of the information. He said this would also eliminate the potential for mistakes and misrepresentations. He said this is a real positive going forward. He said in terms of street improvements, he said most people who own property are willing to give right-of-way if it improves access to their property because it improves usability and desirability of their property. He said on behalf of the development community, developers, consultants and private property owners he has talked to they think this is a step in the right direction for Wichita.

**TODD** commented that this strikes him as regulatory flexibility that is needed. He asked Mr. Galyon to expand on his remarks about regulatory certainty.

**GALYON** said he agreed absolutely. He said particularly since the recession, there has been talk on how to create more predictability and certainty for property and what can be done with it. He said this is definitely a step in the right direction.

**TIM AUSTIN, KAW VALLEY ENGINEERING, 200 N. EMPORIA** said he would like to echo everyone's comments. He said this is consistent with State Statues and mentioned that there was no requirement in the State Statues to tie zoning to subdivision requirements. He said doing work around the State no other jurisdictions have this platting requirement, it is unique to Wichita. He commented back in 1958 when the City and County zoned the quarter sections it served the community very well through a period of growth. He said this will give developers greater flexibility moving forward. He said he appreciates staff's work on this.

**WARREN** clarified that if a property owner wanted to change back to the original zoning, it would still require a public hearing.

**DIRECTOR MILLER** said you can't change zoning without the public hearing process.

**WARREN** said he sees this as a real positive for people moving into the area.

**MOTION:** To approve subject to staff recommendation that Policy No. 5 be eliminated.

**JOHNSON** moved, **TODD** seconded the motion, and it carried (11-0).

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The Metropolitan Area Planning Commission adjourned at 3:10 p.m.

State of Kansas        )  
Sedgwick County     ) ss

I, W. Dale Miller, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

(SEAL)



STAFF REPORT

**CASE NUMBER:** SUB2016-00003 – TERRADYNE WEST 4<sup>TH</sup> ADDITION

**OWNER/APPLICANT:** Wapenschaw LLC, 8100 East 22<sup>nd</sup> Street North, Suite 600, Wichita, KS 67226

**SURVEYOR/AGENT:** Poe and Associates, Inc., 544 West Douglas Avenue, Wichita, KS 67203

**LOCATION:** North of East Central Avenue, West of North 159<sup>th</sup> Street East (District II)

**SITE SIZE:** .38 acres

**NUMBER OF LOTS**

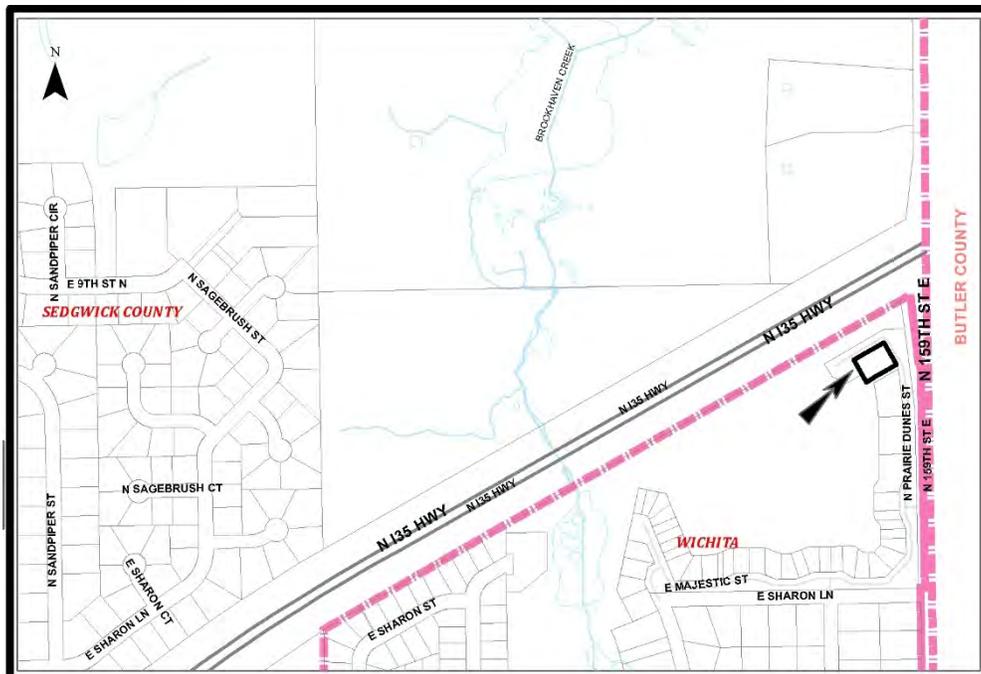
Residential:	1
Office:	
Commercial:	
Industrial:	
Total:	1 (Reserve)

**MINIMUM LOT AREA:** 16,500 square feet

**CURRENT ZONING:** Multi-Family Residential (MF-18)

**PROPOSED ZONING:** Same

**VICINITY MAP**



**SUB2016-00003 – Plat of TERRADYNE WEST 4<sup>TH</sup> ADDITION**  
**April 21, 2016 - Page 2**

**NOTE:** This is a replat of Lot 1, Block 3, Terradyne West 3<sup>rd</sup> Addition to create a reserve.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department advises that water and sewer services are available to serve the site.
- B. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the drainage plan.
- E. Access controls have been denoted on the plat as requested by Traffic Engineering.
- F. The number 1 needs removed on Reserve A.
- G. The Register of Deeds Certificate shall include Judy J. Paget as Deputy.
- H. In the legal description Aii needs changed to All.
- I. The mortgage holder certificate needs corrected to delete: "KNOW ALL MEN BY THESE PRESENTS and add:  
  
State of Kansas        )  
Sedgwick County     )        SS
- J. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- M. 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.)
- N. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

**SUB2016-00003 – Plat of TERRADYNE WEST 4<sup>TH</sup> ADDITION**  
**April 21, 2016 - Page 3**

- O. 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.
- P. 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.
- Q. 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.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- T. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- U. 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](mailto:kwilson@wichita.gov)).



**SUB2016-00011 -- Plat of KANSAS HYDROGRAPHICS ADDITION**  
**April 21, 2016 - Page 2**

**NOTE:** This is unplatted property located in the County within three miles of the City of Wichita. It is designated as "Wichita Urban Growth Area" by the Community Investments Plan 2015-2035. The site is located within the Air Force Base Protection Overlay District (AFBP-O).

**STAFF COMMENTS:**

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Sedgwick County Rural Water District No. 3. If service is available, feasible and the property is eligible for service, Metropolitan Area Building and Construction Department recommends connection.
- C. City of Wichita Public Works and Utilities Department has requested a No Protest Agreement for future extension of sanitary sewer.
- D. 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.
- E. County Public Works has approved the applicant's drainage plan.
- F. The plat proposes two openings along 47<sup>th</sup> Street South and complete access control along the east 100 feet of old 47<sup>th</sup> Street South. County Public Works has permitted one opening along old 47<sup>th</sup> Street South west of the 100 feet of complete access control. Access controls along 47<sup>th</sup> Street need revised to denote 400 feet of complete access control from the intersection of old 47<sup>th</sup> Street to the first entrance.
- G. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- H. The plat's text shall note the dedication of the street to and for the use of the public.
- I. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. A written response from McConnell Air Force Base is needed regarding their comments on the plat.
- K. The signature block for the Board of Commissioners Chairman should be revised to read underneath the signature line, "James M. Howell, Fifth District".
- L. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).

**SUB2016-00011 -- Plat of KANSAS HYDROGRAPHICS ADDITION**  
**April 21, 2016 - Page 3**

- M. 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.)
- N. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- O. 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.
- P. 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.
- Q. 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.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- T. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- U. 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](mailto:kwilson@wichita.gov)).

**STAFF REPORT**

**CASE NUMBER:** SUB2016-00012 – C & M WINTER ADDITION

**OWNER/APPLICANT:** Charles C. Winter Living Trust, Attn: Charles Winter, 5310 Tenpoint, Andale, KS 67001

**SURVEYOR/AGENT:** Savoy Company, 433 South Hydraulic, Wichita, KS 67211

**LOCATION:** Northwest corner of West 61<sup>st</sup> Street North and North 199<sup>th</sup> Street West (County District III)

**SITE SIZE:** 26.89 acres

**NUMBER OF LOTS**

Residential:	5
Office:	
Commercial:	
Industrial:	
Total:	5

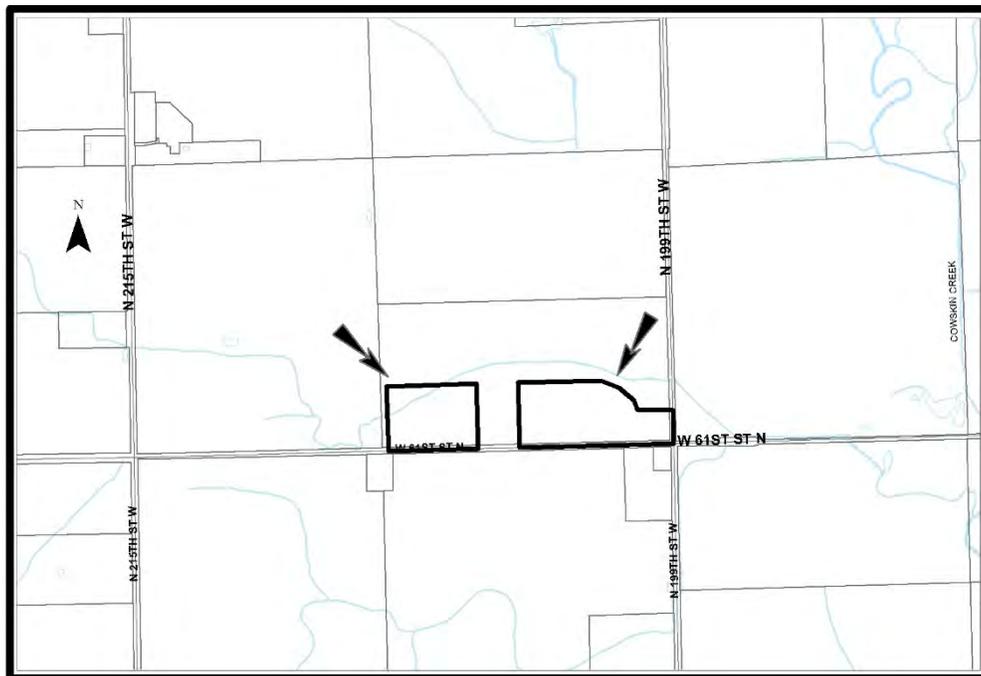
**MINIMUM LOT AREA:** 4.52 acres

**CURRENT ZONING:** Rural Residential (RR)

**PROPOSED ZONING:** Same

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**VICINITY MAP**



**SUB2016-00012 -- Plat of C & M WINTER ADDITION  
April 21, 2016 - Page 2**

**NOTE:** This is unplatted property located in the County. It is designated as “rural area” by the Community Investments Plan 2015-2035.

**STAFF COMMENTS:**

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. In conformance with the Urban Fringe Development Standards, for individual domestic wells that are proposed, a Safe Yield Analysis must be provided to Metropolitan Area Building and Construction Department to assure the availability of an adequate, safe supply of water that does not impair existing water rights. Easements shall be dedicated for potential future extension of public water and sewer.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- D. County Engineering has required revisions to the drainage plan including providing the necessary water quality standard before approval.
- E. The plat denotes three joint access openings along 61<sup>st</sup> Street North. County Public Works has approved the access controls subject to a restrictive covenant that permits future cross-lot access with the abutting property owner to the west of Lot 1, Block B effective upon development of that property. The applicant intends to submit a dedication of access control by separate instrument for the unplatted parcel between Block A and Block B.
- F. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- G. County Surveying advises that a site benchmark is needed.
- H. The last line of the surveyor’s certificate needs corrected to read: “K.S.A. 12-512b, as amended.”
- I. County Surveying requests to be contacted regarding the legal description.
- J. The signature block for the Board of Commissioners Chairman should be revised to read underneath the signature line, “James M. Howell, Fifth District”.
- K. The plat’s text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.

**SUB2016-00012 -- Plat of C & M WINTER ADDITION**  
**April 21, 2016 - Page 3**

- L. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- M. 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.
- N. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto: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. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- V. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

**SUB2016-00012 -- Plat of C & M WINTER ADDITION**  
**April 21, 2016 - Page 4**

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

**STAFF REPORT**

**CASE NUMBER:** VAC2016-00010 - Request to vacate a platted setback

**APPLICANT/AGENT:** Foley Industries Inc., c/o Lewis Erickson (applicant/owner) Ruggles & Bohm  
c/o Will Clevenger (agent)

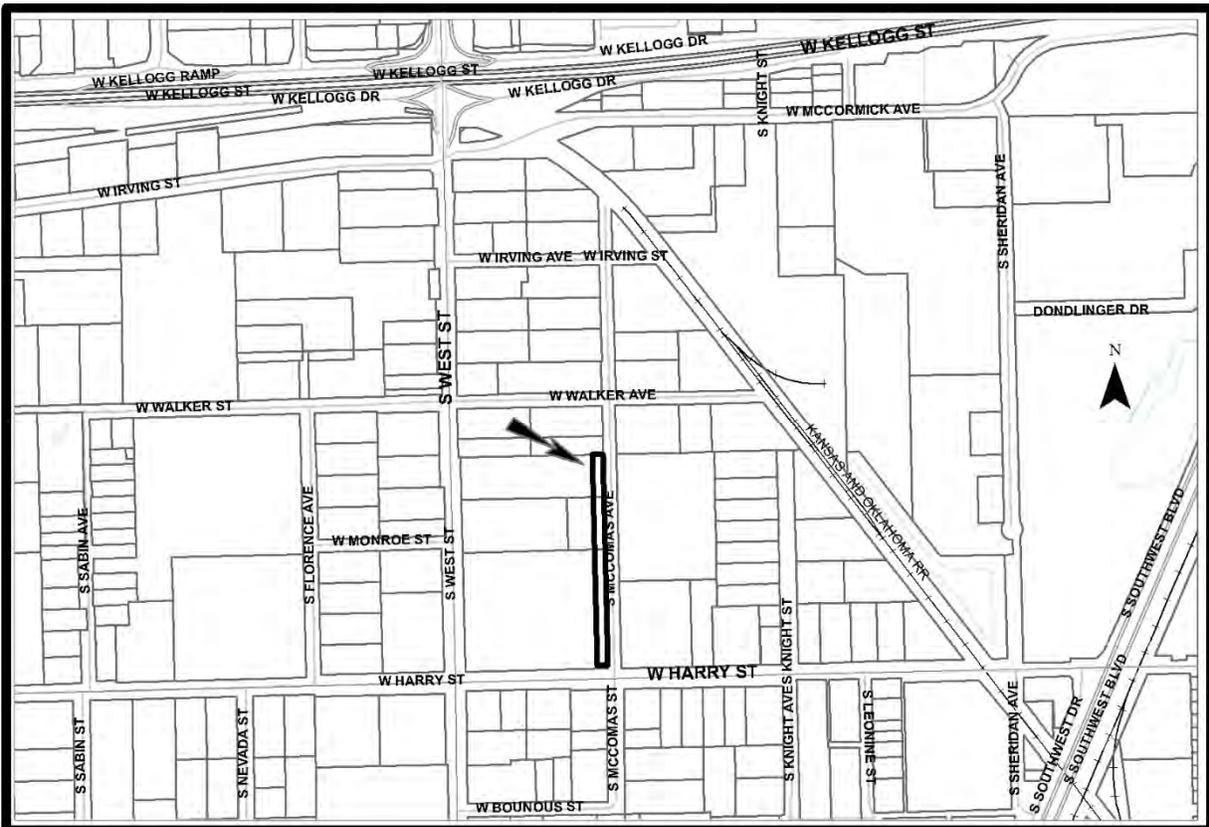
**LEGAL DESCRIPTION:** Generally described as vacating the platted 50-foot setback located on the east side  
of Lot 1, P.M.A. Addition, & running parallel to McComas Avenue, Wichita,  
Sedgwick County, Kansas

**LOCATION:** Generally located east of West Street on the northwest corner of Harry Street and  
McComas Avenue (WCC IV)

**REASON FOR REQUEST:** Development

**CURRENT ZONING:** The site, all abutting and adjacent properties are zoned LI Limited Industrial.

**VICINITY MAP:**



The applicant is requested the vacation of the platted 50-foot setback located on the east side of Lot 1, P.M.A. Addition, & running parallel to vacated McComas Avenue; VAC2015-00061, approved March 15, 2016. The vacated portion of McComas Avenue established a new property line on the east side of the applicant's property, the vacation of the platted 50-foot setback removes an encumbrance to development on the larger reconfigured subject site. The LI Limited Industrial zoning district has no minimum street side yard or interior side yard setback, which is what the applicant is requesting. There are no utilities or easements located in the subject setback; all utilities are located in the vacated McComas Avenue, which was dedicated as a utility and drainage easement. Conditions # 3 covers Westar. Ennidh Garcia is the Construction Services Representative for this area and can be contacted at 261-859. The P.M.A Addition was recorded March 10, 1966.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time March 28, 2016, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described platted setback and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide a legal description of the vacated platted setback on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00010 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for public and franchised utilities. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00010 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) Provided Public Works-Sewer (and any other utility located within the subject easement) with a private project plan for the relocation/abandonment of the sewer line and manholes located within the subject easement for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2016-00010 proceeds to the City Council for final action.

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

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

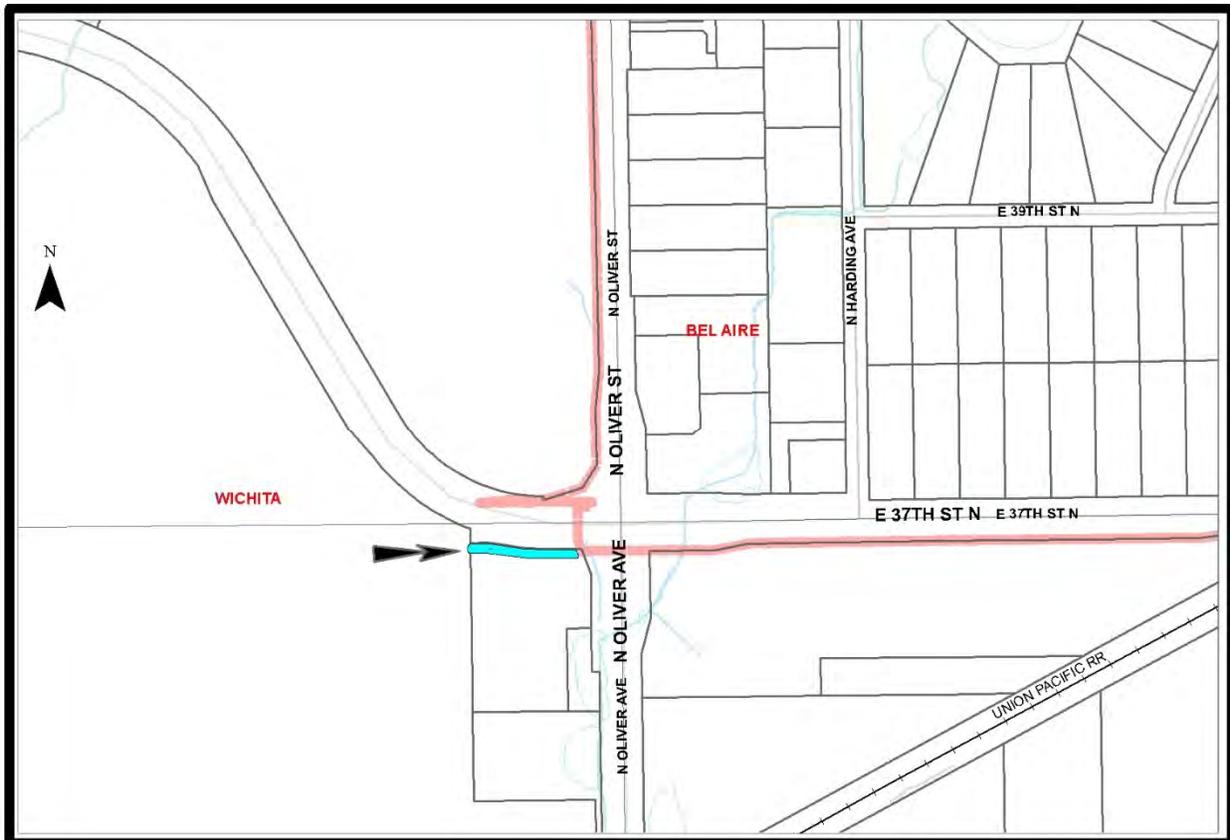
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a legal description of the vacated platted setback on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00010 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for public and franchised utilities. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00010 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) Provided Public Works-Sewer (and any other utility located within the subject easement) with a private project plan for the relocation/abandonment of the sewer line and manholes located within the subject easement for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2016-00010 proceeds to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**STAFF REPORT**

- CASE NUMBER:** VAC2016-00011 - Request to vacate a platted street side yard setback
- APPLICANT/AGENT:** ACT Properties LLC, c/o Dr. Jon Parks (applicant/owner) Savoy Company, c/o Mark Savoy (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the south 10 feet of the platted 20-foot street side yard setback located on and running parallel to the north property line of Lot 1, Block 1, Act Properties, LLC, Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Located on the southwest corner of N Oliver Avenue and E 37th Street North (WCC I)
- REASON FOR REQUEST:** Development
- CURRENT ZONING:** The site is zoned LC Limited Commercial. Adjacent (across 37<sup>th</sup> St. N) north properties are zoned LC or are located in the City of Bel Aire. Adjacent (Oliver Av.) east properties are zoned LC and GC General Commercial. Abutting west and south properties are zoned LI Limited Industrial.

**VICINITY MAP:**



The applicant is requested the vacation of the south 10 feet of the platted 20-foot street side yard setback located on the LC Limited Commercial (LC) zoned key corner lot and running parallel to its north property line and 37<sup>th</sup> Street North; Lot 1, Block 1, Act Properties, LLC, Addition. Per the Unified Zoning Code (UZC) the LC zoning district has a 10-foot minimum street side yard setback, which is what the applicant is requesting. Water and stormwater are located in the north abutting 37<sup>th</sup> Street North right-of-way. Sewer is located in the east abutting Oliver Avenue right-of-way. There is a platted, north-south, 10-foot drainage easement located in the west 10 feet of the subject setback that will remain in effect. Utility poles are located in the abutting street right-of-ways. Conditions # 3 covers Westar. Becky Thompson is the Construction Services Representative for this area and can be contacted at 261-6320. The Act Properties, LLC Addition was recorded May 15, 2008.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time March 28, 2016, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described platted street side yard setback and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide a legal description of the vacated portion of the platted street side yard setback on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00011 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for public and franchised utilities. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00011 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide all required approved projects to Planning prior to VAC2016-00011 proceeds to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.

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

### **SUBDIVISION COMMITTEE’S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a legal description of the vacated portion of the platted street side yard setback on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00011 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for public and franchised utilities. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00011 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide all required approved projects to Planning prior to VAC2016-00011 proceeds to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants’ expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

**STAFF REPORT**

**CASE NUMBER:** VAC2016-00012 - Request to vacate portions of a platted drainage easement and a platted drainage and utility easement

**APPLICANT/AGENT:** Caroline M Hayes Revocable Trust, c/o Will Hayes (applicant/owner) Baughman Company, PA, c/o Phil Meyer

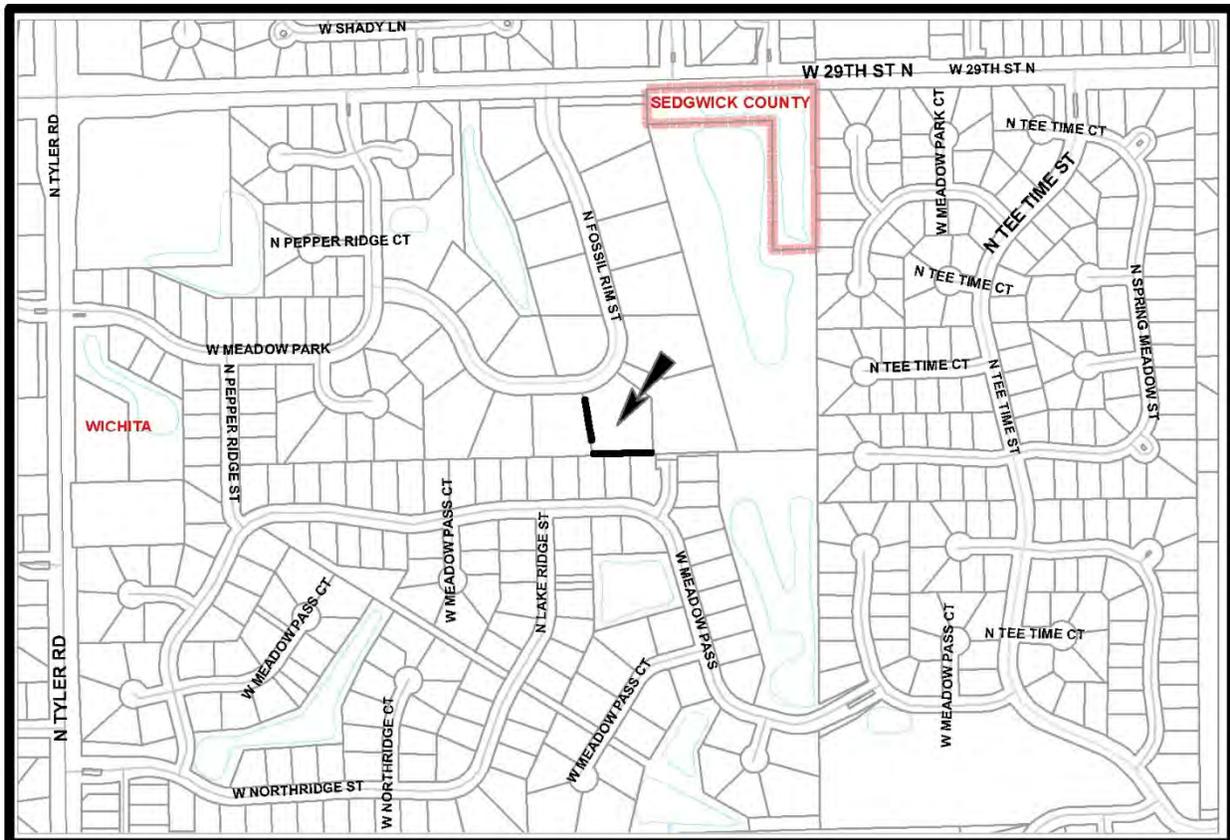
**LEGAL DESCRIPTION:** Generally described as vacating the east 10 feet of a platted 20-foot drainage easement located on both sides of Lot 7 (subject site) and Lot 8, Block A, and the south 10-feet of a platted 50-foot drainage and utility easement located on the south 10 feet of Lot 1, Block A, all in the Fossil Rim Estates Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located southeast of 29th Street North and Tyler Road on the south side of the Meadow Park and Fossil Rim Streets' bend (WCC V)

**REASON FOR REQUEST:** Build a wall

**CURRENT ZONING:** The site and all abutting and the adjacent properties are zoned SF-5 Single-Family Residential.

**VICINITY MAP:**



The applicant is requested the vacation of the east 10 feet of a platted 20-foot drainage easement located on both sides of the common property line of Lot 7 (subject site) and Lot 8, Block A, and the south 10-feet of a platted 50-foot drainage and utility easement located on the south 10 feet of the subject site, all in the Fossil Rim Estates Addition. Water and sewer are located in the Meadow Park street right-of-way and/or the platted drainage and utility easement running parallel to the right-of-way. There is stormwater equipment located in the area of the vacation of the east 10 feet of a platted 20-foot drainage easement. There does not appear to be stormwater equipment located in the area of the vacation of the south 10-feet of a platted 50-foot drainage and utility easement located on the south 10 feet of the subject site. The abutting south property(ies) located in the Northridge Lakes Addition does not have easements running parallel to the subject site's platted 50-foot drainage and utility easement. The subject site is not located in a Flood Way or a Flood Zone. Condition # 4 covers Westar. Richard Aitken is the Construction Services Representative for this area and can be contacted at 261-6734. The Fossil Rim Estates Add was recorded May 31, 2002.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time March 28, 2016, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portions of a platted drainage easement and a platted drainage and utility easement and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Review and approval of a drainage plan by Stormwater-Public Works is required. If approved provide the dedication(s) by separate instrument of a wall easement on both of the subject easements that would allow utilities to cross under them. The dedication(s) will be recorded with the Vacation Order at the Sedgwick County Register of Deeds and must be provided to Planning prior to VAC2016-00012 proceeds to City Council for final action.
- (2) Provide a legal description of the vacated portion of the platted drainage and easement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2016-00012 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.

- (3) As needed provide easements for utilities. As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

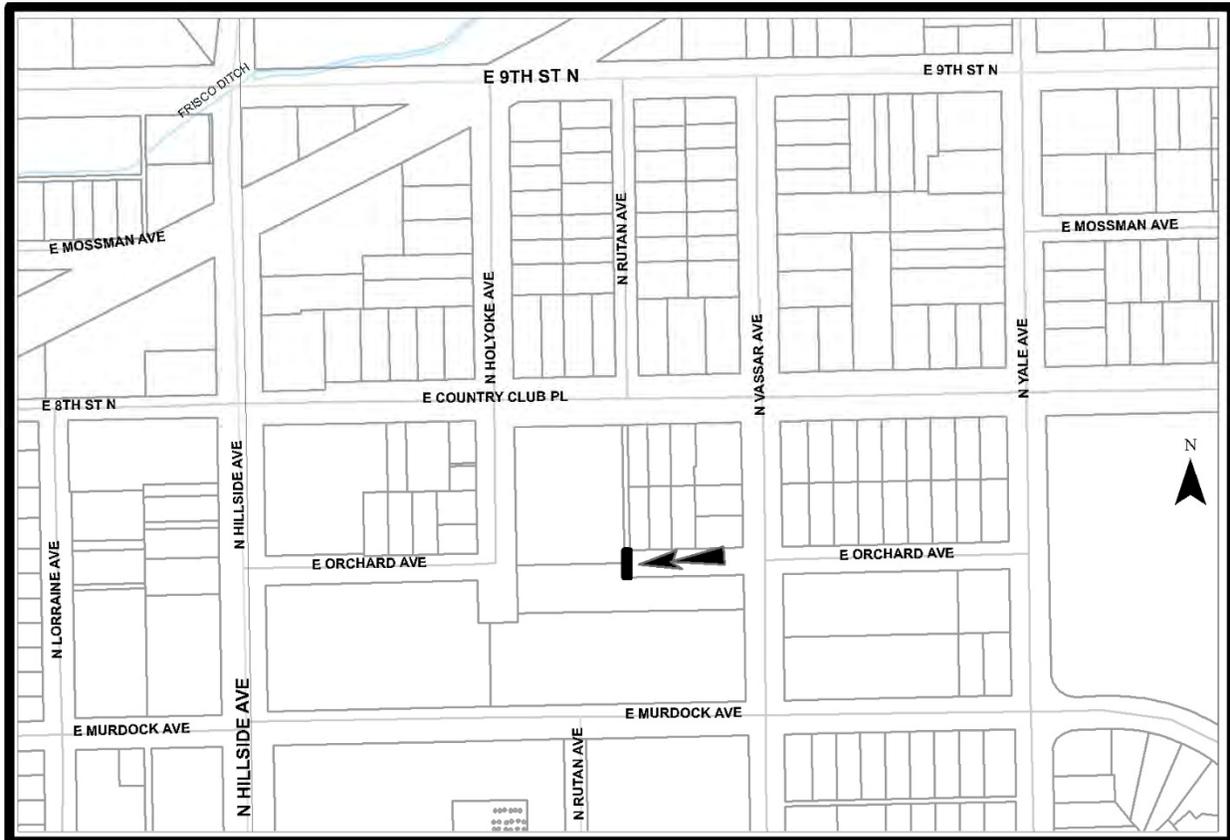
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Review and approval of a drainage plan by Stormwater-Public Works is required. If approved provide the dedication(s) by separate instrument of a wall easement on both of the subject easements that would allow utilities to cross under them. The dedication(s) will be recorded with the Vacation Order at the Sedgwick County Register of Deeds and must be provided to Planning prior to VAC2016-00012 proceeds to City Council for final action.
- (2) Provide a legal description of the vacated portion of the platted drainage and easement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2016-00012 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) As needed provide easements for utilities. As needed provide letters from franchised utility representatives stating that there utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.

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

**STAFF REPORT**

- CASE NUMBER:** VAC2016-00013 - Request to vacate a portion of public street right-of-way
- APPLICANT/AGENT:** Wichita Children’s Home, c/o Deborah Kennedy (applicant) Baughman Company, c/o Phil Meyer
- LEGAL DESCRIPTION:** Generally described as vacating a 11.94-foot (x) 49.95/.96-foot remnant of Orchard Avenue, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located between Holyoke Street and Vassar Street, north of Murdock Street and east of (WCC I)
- REASON FOR REQUEST:** Complete the vacation of that portion of Orchard Avenue located between Holyoke and Vassar Avenues
- CURRENT ZONING:** All abutting and adjacent properties are zoned TF-3 Two-Family Residential and B Multi-Family Residential
- VICINITY MAP:**



The applicant is requesting the vacation of an 11.94-foot (x) 49.95/.96-foot remnant of Orchard Avenue located between Holyoke and Vassar Avenues. This a middle portion of Orchard that was left over from previous vacations of this portion of Orchard Avenue. The west portion of Orchard Avenue, from Holyoke Avenue to the subject right-of-way was vacated January 8, 1963; Misc. Book 511, Pages 295 and 296. The east portion of Orchard Avenue, from Vassar Avenue to the subject right-of-way was vacated October 19, 1993; V-1827, Film 399, Pages 328 and 329. The subject right-of-way is part of a paved parking lot. The applicant owns all of the abutting properties. No utilities are located in the described right-of-way. Conditions # 3 covers Westar. Becky Thompson is the Construction Services Representative for this area and can be contacted at 261-6320. This portion of Orchard Avenue was platted in the Sunrise Park Addition, recorded with the Register of Deeds July 9, 1888.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time March 28, 2016, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of a platted street right-of-way and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the described portion of the Orchard Avenue public street right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00013 proceeding to City Council for final action
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00013 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) If needed dedicate the described vacated portion of Orchard Avenue as easement(s) by separate instrument to cover all utilities. The original dedication must be provided to Planning prior to VAC2016-00013 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (4) If needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.

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

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the described portion of the Orchard Avenue public street right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00013 proceeding to City Council for final action
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00013 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) If needed dedicate the described vacated portion of Orchard Avenue as easement(s) by separate instrument to cover all utilities. The original dedication must be provided to Planning prior to VAC2016-00013 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (4) If needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**STAFF REPORT**

**CASE NUMBER:** VAC2016-00014 - Request to vacate a portion of platted complete access control

**APPLICANT/AGENT:** Donna Walker (applicant/owner) Baughman Company, P.A., c/o Phil Meyer (agent)

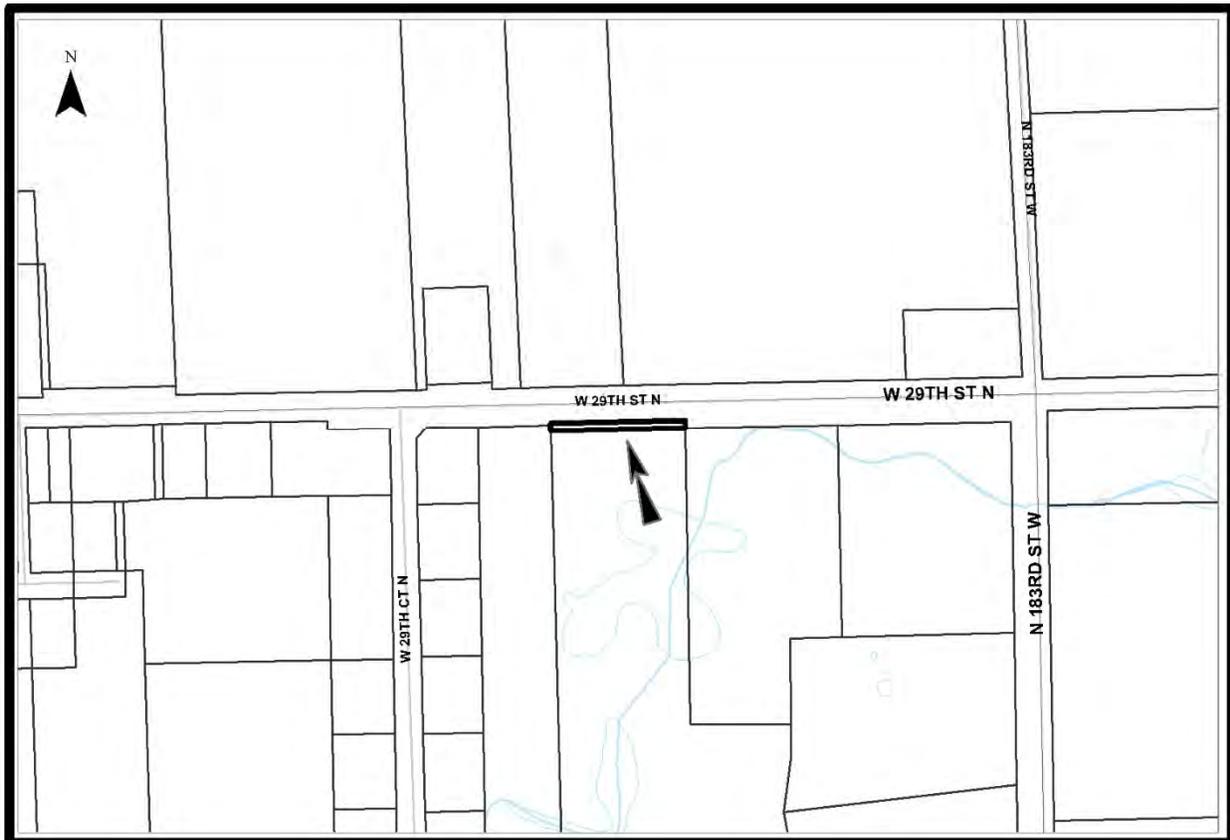
**LEGAL DESCRIPTION:** Generally described as vacating a portion of the 310.57 feet of platted complete access control located on the north property line of Lot 3, Block A, Walker Estates Addition, Sedgwick County, Kansas.

**LOCATION:** Generally located west of 183rd Street West on the south side of 29th Street North (BoCC #3)

**REASON FOR REQUEST:** To allow a single drive onto 29<sup>th</sup> Street North

**CURRENT ZONING:** The site and all abutting and adjacent properties are zoned RR Rural Residential.

**VICINITY MAP:**



The applicant proposes to vacate a portion of the 310.57 feet of platted complete access control located on the north property line of Lot 3, Block A, Walker Estates Addition, to allow a drive onto 29<sup>th</sup> Street North. 29<sup>th</sup> Street North is a paved two-lane, two-way, County section line road at this intersection with 90 feet of right-of-way. The proposed drive would be located in a north portion of Lot 3 that is shown as a platted drainage reserve. A pond in this portion of the site limits the area where a drive could be established. There are two drives located north of the site, across 29<sup>th</sup> Street North, that line up with the west 180 feet of the subject site. There is another two drives located north of the site, across 29<sup>th</sup> Street North, approximately 790 and 900 feet east of the site. There are another two drives on the south side of 29<sup>th</sup> Street North located approximately 180 feet and 225 feet west of the site.

183<sup>rd</sup> Street West is located approximately 1,050 feet east of the site. Although Lot 3 does not have frontage onto 183<sup>rd</sup> Street West, it does have access to 18<sup>rd</sup> Street West, via two 30-foot wide access easements (private drives) dedicated by separate instrument, which are located in line with the two platted/permitted access points onto 183<sup>rd</sup> from the Walker Estates Addition. A “NOTE” on the plat states that a restrictive covenant has been filed that limits the use of the existing private drives to no more than three lots within the development. The ‘development’, i.e., the Walker Estates Addition is platted with five lots.

The site is located in Sedgwick County Rural Water District #4. Sewer is an on-site and appears to be septic. There are no utilities located within the area of the vacation. The Walker Estates Addition was recorded with the Register of Deeds March 18, 2004.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time March 28, 2016, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of platted complete access control and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate that portion platted access control to allow one drive onto the sites’ 29<sup>th</sup> Street North frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto 29<sup>th</sup> Street North and through the platted drainage reserve.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion platted access control to allow one drive onto 29<sup>th</sup> Street North frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto 29<sup>th</sup> Street North and through the platted drainage reserve.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



**BACKGROUND:** The applicant requests TF-3 Two-Family Residential (TF-3) zoning on a 0.19-acre platted lot. The vacant, corner lot has 53 feet of frontage along North Mount Carmel Avenue and 150 feet of frontage along West Murdock Avenue. The applicant intends to develop a duplex on the site. The lot meets the Unified Zoning Code (UZC) minimum lot dimensions and size for a duplex in TF-3 zoning.

The surrounding neighborhood is primarily zoned SF-5 Single-family Residential (SF-5) and developed with single-family residences. However, over a dozen pockets of TF-3 zoning exist within this neighborhood bordered by 13<sup>th</sup> Street North, Zoo Boulevard, McLean Boulevard and Central Avenue. Multi-family zoning and developments also exist within a three-block radius of the site. North of the site on North Mount Carmel Avenue are SF-5 zoned single-family residences. South of the site are SF-5 zoned single-family residences. Two TF-3 zoned duplexes are one block south of the site. East of the site are SF-5 zoned single-family residences. Three blocks further east are GO General Office (GO) zoned multi-family residences and a skilled nursing facility. West of the site are SF-5 zoned single-family residences. B Multi-family Residential (B) zoned apartments exist one block west of the site.

**CASE HISTORY:** The site was platted as a portion of Lot 10 of the Kauffman Gardens Addition in 1950. The application area was created by a lot split in 2003. The lot split included a utility easement dedication and a no-protest petition for the paving of Murdock Avenue.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5, TF-3	Single-family residences, duplexes
EAST:	SF-5, GO	Single-family residences, multi-family residences, skilled nursing
WEST:	SF-5, B	Single-family residences, multi-family residences

**PUBLIC SERVICES:** North Mount Carmel Avenue is a paved, two-lane local street at this location with a 60-foot right-of-way. West Murdock Avenue is an un-paved, two-lane local street at this location with a 50-foot right-of-way. All public services are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan also encourages development of a variety of lot sizes and housing types within the Established Central Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality.

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

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood:** The surrounding neighborhood is primarily zoned SF-5 and developed with single-family residences. However, over a dozen pockets of TF-3 zoning exist within this neighborhood bordered by 13<sup>th</sup> Street North, Zoo Boulevard, McLean Boulevard and Central Avenue. Multi-family zoning and developments also exist within a three-block radius of the site. North of the site on North Mount Carmel Avenue are SF-5 zoned single-family residences. South of the site are SF-5 zoned single-family residences. Two TF-3 zoned duplexes are one block south of the site. East of the site are SF-5 zoned single-family residences. Three blocks

further east are GO zoned multi-family residences and a skilled nursing facility. West of the site are SF-5 zoned single-family residences. B zoned apartments exist one block west of the site.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The vacant site is currently zoned SF-5 and could be developed with a single-family residence.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal; duplexes and TF-3 zoning are common within the surrounding blocks. A duplex on the site could be better for the neighborhood than a vacant lot.
- (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 Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan also encourages development of a variety of lot sizes and housing types within the Established Central Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality.
- (5) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure.



**BACKGROUND:** The applicant requests TF-3 Two-Family Residential (TF-3) zoning on a 0.24-acre platted parcel. The vacant site has 100 feet of frontage along All Hallows Avenue and 140 feet of depth. The applicant intends to develop duplexes on the site. The application area meets the Unified Zoning Code (UZC) minimum dimensions and size for up to two duplexes in TF-3 zoning.

The surrounding neighborhood is primarily zoned SF-5 Single-family Residential (SF-5) and developed with single-family residences. However, over a dozen pockets of TF-3 zoning exist within this neighborhood bordered by South West Street, West Maple Street, South Meridian Avenue and West Kellogg. Multi-family zoning and developments also exist within a three-block radius of the site. North of the site on South All Hallows Avenue are SF-5 zoned single-family residences and TF-3 zoned duplexes. South of the site are SF-5 zoned single-family residences and an MF-29 Multi-family Residential (MF-29) zoned duplex. East of the site are SF-5 zoned single-family residences and TF-3 zoned duplexes. West of the site are SF-5 zoned single-family residences TF-3 zoned duplexes.

**CASE HISTORY:** The site was platted as Lots 34, 36, 38 and 40 of the College Green Addition in 1887.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5, TF-3	Single-family residences, duplexes
SOUTH:	SF-5, MF-29	Single-family residences, duplex
EAST:	SF-5, TF-3	Single-family residences, duplexes
WEST:	SF-5, TF-3	Single-family residences, duplexes

**PUBLIC SERVICES:** South All Hallows Avenue is a paved, two-lane local street at this location with a 60-foot right-of-way. The site has rear access to an unpaved, dedicated 20-foot service alley. All public services are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan also encourages development of a variety of lot sizes and housing types within the Established Central Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality.

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

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is primarily zoned SF-5 and developed with single-family residences. However, over a dozen pockets of TF-3 zoning exist within this neighborhood bordered by South West Street, West Maple Street, South Meridian Avenue and West Kellogg. Multi-family zoning and developments also exist within a three-block radius of the site. North of the site on South All Hallows Avenue are SF-5 zoned single-family residences and TF-3 zoned duplexes. South of the site are SF-5 zoned single-family residences and an MF-29 zoned duplex. East of the site are SF-5 zoned single-family residences and TF-3 zoned duplexes. West of the site are SF-5 zoned single-family residences TF-3 zoned duplexes.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The vacant site is currently zoned SF-5 and could be developed with up to two single-family residences.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal; duplexes and TF-3 zoning are common within the surrounding blocks. Duplexes on the site could be better for the neighborhood than a vacant lot.
- (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 Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan also encourages development of a variety of lot sizes and housing types within the Established Central Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality.
- (5) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure.



# STAFF REPORT

MAPC: April 21, 2016  
BOCC: June 1, 2016

**CASE NUMBER:** ZON2016-00011

**APPLICANT/AGENT:** Stephen & Sally Miller (Owner/Applicants)  
Ruggles and Bohm c/o Will Clevenger (Agent)

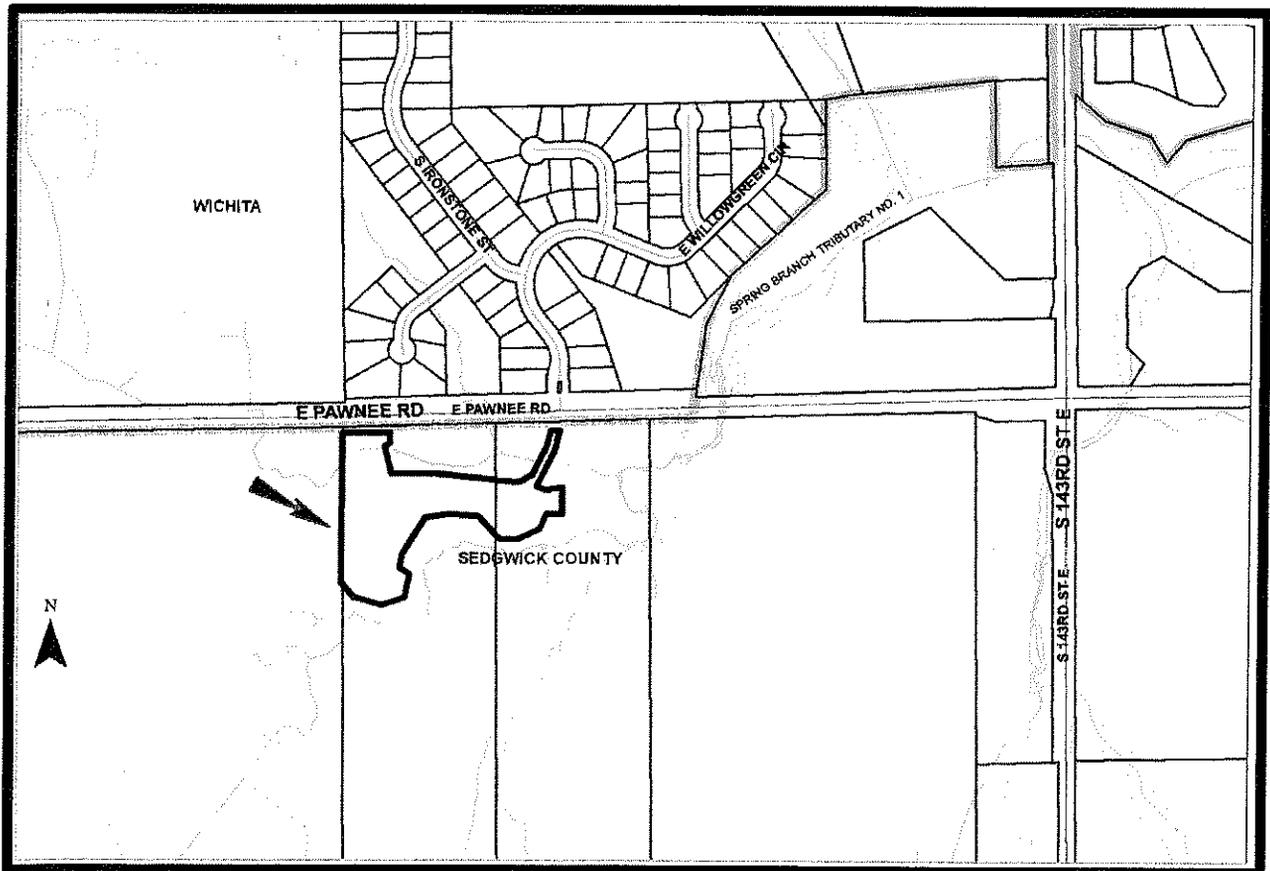
**REQUEST:** MF-18 Multi-family Residential

**CURRENT ZONING:** SF-20 Single-family Residential

**SITE SIZE:** 5.34 acres

**LOCATION:** Approximately 1,800 feet west of South 143<sup>rd</sup> Street East, along the south side of East Pawnee Road.

**PROPOSED USE:** Multi-family residences



**BACKGROUND:** The applicant is requesting MF-18 Multi-Family Residential (“MF-18”) zoning on 5.34 acres located approximately 1,800 feet west of South 143<sup>rd</sup> Street East, along the south side of East Pawnee Road. The subject site is currently zoned SF-20 Single-Family Residential (“SF-20”), and is undeveloped. According to the attached site plan, the applicant proposes to construct 39 units, in a mixture of duplex, triplex, and fourplex buildings that are accessed from a private drive that will have two access points from East Pawnee Road.

The minimum lot area per dwelling unit for multi-family uses in the MF-18 zoning district is 2,500 square feet. The maximum number of multi-family residential dwelling units that could be built on the site if the requested zoning is approved is 93 units. Building setbacks in the MF-18 district are: Front-25 feet, Rear-20 feet and Interior side-6 feet. Maximum building height is 45 feet. The SF-20 district has a minimum lot area of 20,000 square feet, and the following building setbacks: Front-25 feet, Rear-25 feet and Interior side-10 feet. In the SF-20 district the minimum lot width is 100 feet while the maximum building height is 35 feet, however 45 feet if the structure(s) are more than 25 feet from all lot lines.

Land located to the north is zoned SF-5 single-family residential and NR Neighborhood Retail (“NR”). The properties to the north are located within the city limits of Wichita and are being developed with single-family residences around a golf course with clubhouse and driving range. Land located to the south, east and west is zoned SF-20 and is currently undeveloped land used for agricultural purposes.

**CASE HISTORY:** None identified, and the property is currently unplatted.

**ADJACENT ZONING AND LAND USE:**

North: SF-5, NR	Single-family, golf course, clubhouse, driving range
South: SF-20	Undeveloped, agricultural land
East: SF-20	Undeveloped, agricultural land
West: SF-20	Undeveloped, agricultural land

**PUBLIC SERVICES:** The site is currently not served by public sanitary sewer and water. Directly across Pawnee, north of the subject site, public water and sewer are serving the new residential development. A public sewer line does run approximately 600 feet to the east and south of the subject site. East Pawnee Road is a two-lane, paved, major collector, section line road.

**CONFORMANCE TO PLANS/POLICIES:** The 2035 Wichita Future Growth Concept Map in the Community Investments Plan indicates the site is appropriate for “new residential” uses within the Wichita Growth Area. The Wichita Growth Area is adjacent to Wichita and is primarily undeveloped but has the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. This is the area in which City expansion and extension of municipal services and infrastructure should be focused. “New residential” development encompasses areas that reflect the full diversity of residential development densities and types typically

found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that MF-18 zoning be approved.

This recommendation is based on the following findings:

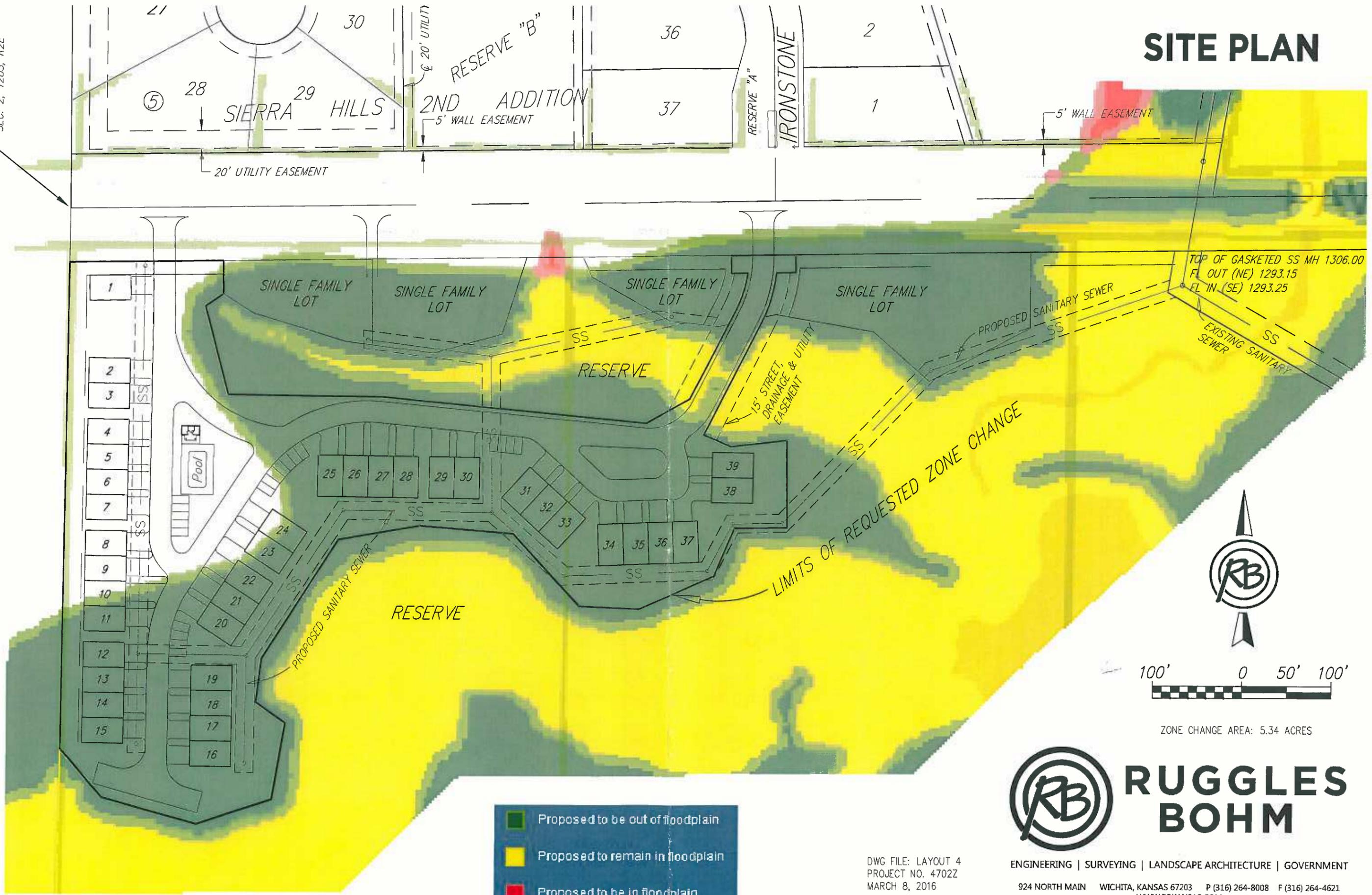
1. The zoning, uses and character of the neighborhood: Land located to the north is zoned SF-5 and NR and is located within the city limits of Wichita and is being developed with single-family residences around a golf course with clubhouse and driving range. Land located to the south, east and west is zoned SF-20 and is currently undeveloped land used for agricultural purposes.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-20, which primarily permits by-right single-family residences and a few civic or institutional uses, such as churches or schools on large lots in the unincorporated county. Presumably the site could be redeveloped with single-family residences that would have the potential to provide an economic return or continue to be undeveloped, agricultural land.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of MF-18 zoning will introduce a more intense zoning district than the SF-5 and SF-20 districts currently found in the larger area surrounding the application area. The most common zoning in the area is SF-20 with SF-5 zoned lots directly north of the subject site. The usual objections to multi-family zoning center on the premise that rental property is not maintained to the same level and owner-occupied property and that rental units generate difficulties with parking and increased EMS or police calls. Staff does not have any documentation to verify those allegations.
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 presumably provide the applicant with a greater economic opportunity and would add to the number of dwelling units within the community. Denial would presumably represent some loss of economic opportunity.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map in the Community Investments Plan indicates the site is appropriate for “new residential” uses within the Wichita Growth Area. The Wichita Growth Area is adjacent to Wichita and is primarily undeveloped but has the potential to be developed by the year 2035, based upon Wichita population growth projections

and current market trends. This is the area in which City expansion and extension of municipal services and infrastructure should be focused. "New residential" development encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).

6. Impact of the proposed development on community facilities: Facilities will have to be extended to the site to support the number of units proposed. The subject site will have to be platted in order to be developed and annexation into the City of Wichita would be encouraged.

# SITE PLAN

NORTHWEST CORNER OF THE NE 1/4 OF SEC. 2, T28S, R2E



- Proposed to be out of floodplain
- Proposed to remain in floodplain
- Proposed to be in floodplain

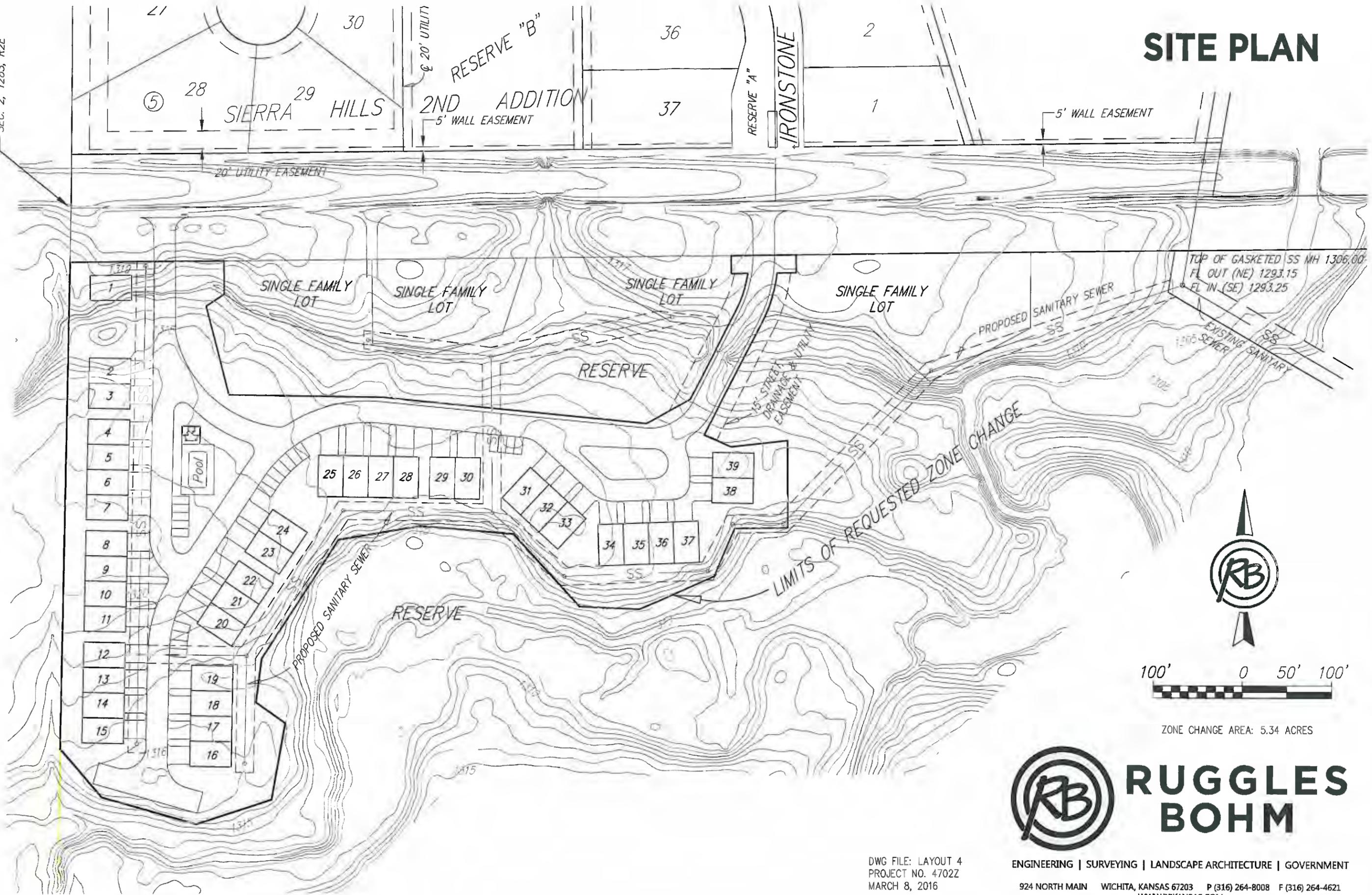
DWG FILE: LAYOUT 4  
PROJECT NO. 4702Z  
MARCH 8, 2016

**RUGGLES BOHM**  
ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT  
924 NORTH MAIN WICHITA, KANSAS 67203 P (316) 264-8008 F (316) 264-4621  
WWW.RBKANSAS.COM

ZONE CHANGE AREA: 5.34 ACRES

NORTHWEST CORNER  
OF THE NE 1/4 OF  
SEC. 2, T28S, R2E

# SITE PLAN



ZONE CHANGE AREA: 5.34 ACRES



DWG FILE: LAYOUT 4  
PROJECT NO. 4702Z  
MARCH 8, 2016

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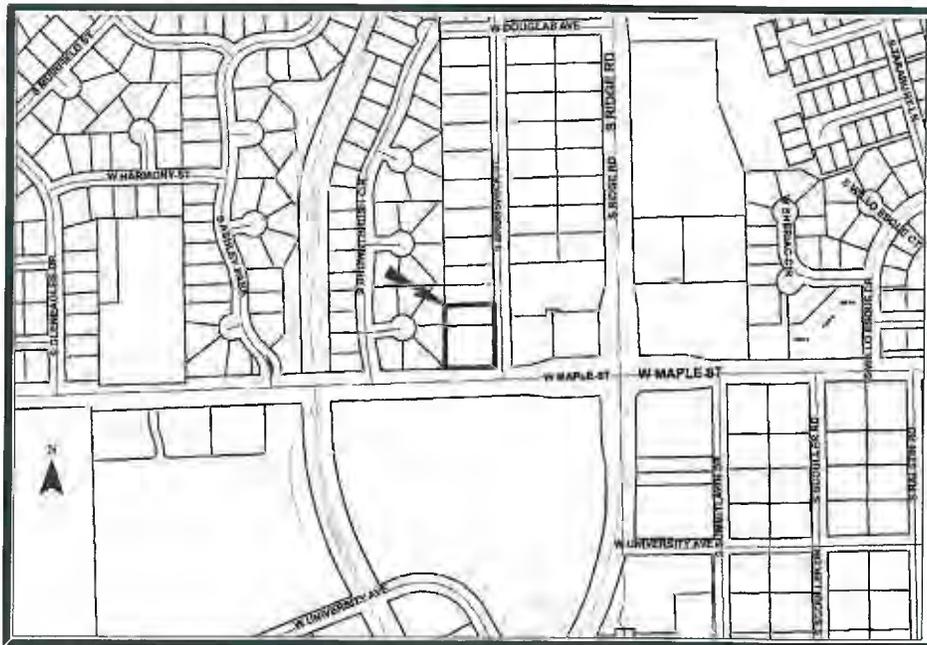


## STAFF REPORT

MAPC April 21, 2016

DAB V May 2, 2015

- CASE NUMBER:** ZON2016-00012 & CON2016-00007
- APPLICANT/AGENT:** John & Linda Palmer and Brunswick Properties, LLC (owners/applicants) Kaw Valley Engineering, c/o Tim Austin (agent)
- REQUEST:** TF-3 Two-Family zoning with a Conditional Use for ancillary parking & amend PO Protective Overlay #300 and a 10% reduction of compatibility setback on west side of subject site
- CURRENT ZONING:** SF-5 Single-Family Residential and NR Neighborhood Retail with PO #300
- SITE SIZE:** Approximately 1.03-acres
- LOCATION:** Located one-block west of Ridge Road on the northwest corner of Brunswick and Maple Streets (7324 W. Maple St.)
- PROPOSED USE:** Allow a restaurant and provide additional parking



**BACKGROUND:** The subject site, located on the northwest corner of Brunswick and Maple Streets, currently has SF-5 Single-Family Residential (SF-5) zoning on its smaller north portion and NR Neighborhood Retail zoning (NR) with a Protective Overlay (ZON2015-00031 - PO #300) on its larger south portion. The applicants are requesting a zone change from SF-5 to TF-3 Two-Family Residential (TF-3) on the north 187.14-foot by 77-foot with a Conditional Use for ancillary parking. The Unified Zoning Code (UZC) allows consideration of ancillary parking as a Conditional Use on TF-3 zoned property; UZC. Sec.III-D.6.p.

The applicants are also requesting an amendment to the site's south NR zoned portion's PO, changing provision #1 to allow a 2,500-square foot restaurant with outdoor seating and changing provision #3 to reduce the compatibility setbacks to 10 feet on the west side of the property. The provisions of PO #300 are:

- (1) Permitted uses are an automated teller machine, a bank or financial institution, general office, personal care services, general retail, personal improvement services and medical offices.
- (2) The hedge like line of mature trees running parallel to the site's west property line shall be maintained or improved as needed to provide a solid landscape buffer. A line of six-foot tall (at the time of planting) evergreens shall be planted on 12-foot centers along the north property line. An eight-foot tall solid fence shall be installed south of the line of evergreens. The rest of the required landscaping shall be per the Landscape Ordinance.
- (3) Compatibility setback, height and light standards and all applicable Unified Zoning Code standards will apply to the development of the site. A drainage plan must be approved by the Public Works.
- (4) No parking or lighting within the rear and interior side yard setbacks.

In the NR District, restaurants shall not exceed 2,000 square feet in gross floor area, nor shall they provide any drive-up window service or in-vehicle food service. Delivery and carry-out services are acceptable; UZC. Sec.III-D.6.t. Per the UZC, the applicants' restaurant cannot be the requested 2,500-square feet, it can however provide the requested outdoor seating for diners. The outdoor seating must be considered as part of the NR zoning district's permitted 2,000-square foot restaurant, which will be applied in the required parking. Also note that when a PO is applied to a base zoning district the result is a more restrictive designation than if the base district did not have the PO classification; UZC. Sec.III-C.6.s. The applicants requested 2,500-square foot restaurant requires LC Limited Commercial (LC) zoning, which requires a public hearing by the MAPC and final action by the City Council

In reference to the applicants' request to reduce the compatibility setbacks on the west side of the site, compatibility setbacks may be reduced or waived; UZC.V-I.2.d. Currently the NR zoned portion of the site has the full 25-foot compatibility setback on its west side, where it abuts SF-5 zoned single-family residences. The applicants' site plan shows a proposed 8,775-square foot building encroaching an unidentified amount into the west 25-foot compatibility setback. Scaling off of the applicants' site plan shows the encroachment to be approximately five feet into the 25-foot compatibility setback. Staff recommends that the 25-foot compatibility setback be reduced to 20 feet, if necessary, to remove the encroaching building only on the NR zoned portion of the site.

The applicant's site plan shows an 8,775-square foot retail building with 59 parking spaces. If the applicants were to have a permitted by right 2,000-square foot restaurant in the NR zoned portion of the site an approximate estimate of required parking could be 32 parking spaces for just the restaurant. This estimate is based on 45-square feet per seating area (as advised by MABCD) and subtracting a kitchen area of 500-600-square feet from a 2,000-square foot restaurant. However, this calculation does not include the seating or size of the outside patio/dining area. A mix of a 2,000-square foot restaurant and 6,775-square feet of retail (one space per 333-square feet) for the proposed 8,775-square foot building and would require an estimated 53 parking spaces.

The site plan shows a six-foot tall wooden fence with six-foot tall evergreens located behind the fence on the north line of the proposed ancillary parking. Staff recommends that the landscaping standard of PO #300's be applied to the north property line of the proposed ancillary parking with the exception that the recommended planting of evergreens can be inside or outside the site. The site plan also shows a drive onto Maple Street located on the south approximately 20 feet of the NR zoned portion of the site and two drives onto Brunswick off of both the south and north portions of the site. The Traffic Engineer recommends closing the Maple Street access and limiting access to two drives onto Brunswick Street.

The site's NR zoned south portion was developed with a one story, brick, ranch style house (built 1948) that has recently been demolished. The north portion of the site currently has a one-story house (built 1978) with an attached two car garage located on it. Both of the lots have access to Brunswick Street and the south lot has access onto Maple Street.

SF-5 zoned neighborhoods abut the north and west sides of the subject site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site's south portion by a hedge of mature trees and their subdivision's six-foot brick wall. None of the houses located west of the site have front yards facing Maple Street, and their back or interior side yards butt the subject site. A similar landscape buffer does not separate the north abutting SF-5 zoned single-family residences (built late 1970s) from the north portion of the subject site. A LC zoned small Horton's carpet store (built 1996), small commercial strip with gas pumps (built 1983) and an Outback full service restaurant (built 1999) are located east of the site, across Brunswick Street; Z-2337, Z-3162, and Z-3237. The 0.68-acre carpet store and 0.70-acre commercial strip sites present a similar scale of commercial development that could occur on the 1.03-acre subject site, if the conditional use is approved. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection, which includes full service restaurants, casual dining restaurants, furniture stores, commercial and strip buildings.

**CASE HISTORY:** On October 6, 2015, the Wichita City Council approved ZON2015-00031, which rezoned the south 160 feet of Lot 9, Block D, Westview Addition from SF-5 to NR

Neighborhood Retail with the provisions of Protective Overlay #300. During the August 20, 2015 MAPC meeting the applicant (at that time) withdrew restaurants as a permitted use (as permitted in the NR zoning district) in the PO. Planning staff had recommended restaurants as a permitted use in the PO.

During August 20, 2015 MAPC meeting staff noted that if the NR zoning was approved on the south portion of the site, commercial zoning would abut SF-5 zoned single-family residences/neighborhoods. Staff also noted that if the NR zoning was approved future commercial zoning requests in the immediate area could be on the north abutting property (today's requested TF-3 zoning with a conditional use for ancillary parking), leading to a possible expansion of the subject site, further encroaching into the SF-5 zoned neighborhood. The MAPC report also noted that staff would not support a future request to expand commercial zoning to the north or the west.

The south portion of the site, the NR zoned south 160 feet of Lot 9, Block D, Westview Addition was recorded with the Register of Deeds on February 11, 1953. The north portion of the site, Lot 3, Westview 2<sup>nd</sup> Addition was recorded with the Register of Deeds on November 23, 1976. The subject site was annexed into the city between 1961 and 1970.

**ADJACENT ZONING AND LAND USE:**

NORTH: SF-5	Single-family residences
SOUTH: LC, GC	Big box home improvement, big box retail
EAST: LC	Carpet sales, small commercial strip, convenience store, restaurant
WEST: SF-5	Single-family residences

**PUBLIC SERVICES:** The site is served by all normally supplied municipal services. The site has two access drives onto Brunswick Street, a paved two-lane local street which intersects with Maple Street, a paved four-lane arterial, with center-turn lanes at this location. The site currently has an access drive onto Maple Avenue dating from its previous use as a single-family residence built in 1948.

**CONFORMANCE TO PLANS/POLICIES:** The site is located just outside (separated by Ridge Road) the "Community Investments Plan's" Established Central Area, which is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The Land Use Compatibility component of the Plan recommends that higher intensity development should be discouraged from locating in areas of existing lower –intensity development, particularly established low intensity residential areas. The subject site abuts urban single-family residential development on its north and west sides.

The Community Investments Plan's "2035 Wichita Future Growth Concept Map" designates the site as "new employment." The new employment designation encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be

developed. The subject site abuts urban scale single-family residential zoning on its north and west sides. The previously approved NR zoned portion of the site, subject to the provisions of PO#300 and the proposed TF-3 zoning with a Conditional Use for ancillary parking fits the just noted development projection of the new employment designation. The subject site's current NR zoning and PO and the requested TF-3 zoning with a conditional use for ancillary parking serve as a buffer between the area's LC and GC zoned businesses and the immediate earlier established single-family residential development, thus meeting the Plan's "Development Pattern" guidelines for areas outside the Established Central Area.

Limiting access to the site to two drives onto the residential street Brunswick, facing LC zoned development and noting that the development is located on the northwest corner of the arterial Maple Street and Brunswick ensures that traffic to and from the site will be directed to the stop sign at that intersection. Eliminating the additional proposed drive onto Maple off of the site provides safer access to the site while minimizing the negative impact of the site's traffic on the abutting single-family residential neighborhood, which meets the intent of the locational design guide lines of the Plan.

The Maple Street – Ridge Road intersection has experience redevelopment from single-family residential to commercial during the last, at least, two and a half decades. Most of the commercial development has happened south of this intersection, extending south a half-mile to Kellogg Street/Us Highway-54. Commercial development ends approximately 520 feet north of the Maple Street – Ridge Road intersection.

**RECOMMENDATION:** Approving the TF-3 zoning with a conditional use for ancillary parking on the subject site's north portion does not move commercial zoning further north, but may present an opportunity to make the subject site's NR south portion more marketable, as does allowing a restaurant. If approved, the ancillary parking would abut SF-5 zoned single-family residences/neighborhoods on its north and west sides. The proposed TF-3 zoning provides a buffer for the abutting north property, making a future request for commercial zoning more problematic. The subject site's NR zoned south portion and amending the PO to allow a restaurant allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods. Staff would not support a future request to expand commercial zoning to the north or the west and would be conflicted to support LC zoning on the NR portion of the site.

Based upon the information available prior to the public hearings, planning staff recommends that the TF-3 zoning and a conditional use for ancillary parking be **APPROVED** subject to the following conditions:

- (1) Six-foot tall evergreens (at the time of planting) shall be planted on 12-foot centers and an eight-foot tall fence shall be installed along the north property line of the TF-3 zoned conditional use for ancillary parking. The rest of the site shall conform to the Landscape Ordinance, including the recommended evergreens.
- (2) A 25-foot setback shall be located on the north and west property lines of the ancillary parking site. No pole lighting or parking shall be located within these setbacks
- (3) Pole lights shall be no taller than 15 feet, including the base.

- (4) A drainage plan shall be reviewed and approved by Stormwater.
- (5) The ancillary parking shall be developed in accordance with the supplemental use regulations found in Sec.III-D.6.p. as well as all applicable UZC standards and an approved site plan.
- (6) If the Zoning Administrator finds that there is a violation of any of the provisions or conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Planning staff recommends that the following amendments to PO #300 be **APPROVED**:

- (1) Permitted uses in the NR zoned portion of the subject site are automated teller machine, bank or financial institution, general office, personal care service, general retail, personal improvement service, a medical office, and *amended to add: 2,000-square foot full service restaurant (no drive through windows or curb side service).*
- (2) *Stays the same:* The hedge like line of mature trees running parallel to the site's west property line shall be maintained or improved as needed to provide a solid landscape buffer. A line of six-foot tall (at the time of planting) evergreens shall be planted on 12-foot centers along the north property line. An eight-foot tall solid fence shall be installed south of the line of evergreens. The rest of the required landscaping shall be per the Landscape Ordinance.
- (3) Compatibility setback, height and light standards and all applicable UZC standards will apply to the development of the NR zoned portion of the site, *amended to add: with the exception that the 25-foot compatibility setback on the west side of the NR zoned portion of the site shall be reduced by five feet to allow for a bigger building.* A drainage plan must be approved by the Public Works.
- (4) No parking or lighting within the interior side yard setbacks. *Amended to add: No building lighting on the west side of any building on the subject site.*

New provisions

- (5) *No signage on the west side of buildings located on the subject site.*
- (6) *Access to the subject site will be limited to two drives onto Brunswick Street, as recommended by the Traffic Engineer. Provide an approved private project number for the closing of the existing drive onto Maple Street.*
- (7) *No internal vehicular circulation between building located on the NR portion of the site and the west abutting SF-5 zoned single-family residential development.*
- (8) *The subject site including the ancillary parking site will developed as shown on an approved site plan.*

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood: SF-5 zoned neighborhoods abut the north and west sides of the subject site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site's south portion by a hedge like line of mature trees and their subdivision's six-foot brick wall. None of the houses located west of the site have front yards facing Maple Street and their back or interior side yards butt the subject site. A similar landscape buffer does not separate the north abutting SF-5 zoned single-family

residences (built late 1970s) from the north portion of the subject site. A LC zoned small Horton's carpet store (built 1996), small commercial strip with gas pumps (built 1983) and an Outback full service restaurant (built 1999) are located east of the site, across Brunswick Street; Z-2337, Z-3162, and Z-3237. The 0.68-acre carpet store and 0.70-acre commercial strip sites present a similar scale of commercial development that could occur on the 1.03-acre subject site, if the conditional use is approved. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection, which includes full service restaurants, casual dining restaurants, furniture stores, commercial and strip buildings.

(2) The suitability of the subject property for the uses to which it has been restricted: The north portion of the subject site's current SF-5 zoning allows single-family residences, schools, churches, and parks and is appropriate for the urban residential category. The north portion of the subject site's one story lap siding and brick house's front yard faces Brunswick Street, a paved two-lane residential street, and the LC zoned small Horton's carpet store, small commercial strip with gas pumps and an Outback full service restaurant ; this orientation lessens the appeal of the site's single-family residence.

The site's NR zoned portion of the site with the provisions PO #300 allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: Approving the TF-3 zoning with a conditional use for ancillary parking amending the PO of the NR zoned portion of the site to allow a restaurant without drive through or curb side service will have a minimal negative effect on the abutting single-family residential development.

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The site is located just outside (separated by Ridge Road) the "Community Investments Plan's" Established Central Area, which is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The Land Use Compatibility component of the Plan recommends that higher intensity development should be discouraged from locating in areas of existing lower –intensity development, particularly established low intensity residential areas. The subject site abuts urban single-family residential development on its north and west sides.

The Community Investments Plan's "2035 Wichita Future Growth Concept Map" designates the site as "new employment." The new employment designation encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. The subject site abuts urban scale single-family residential zoning on its north and

west sides. The previously approved NR zoned portion of the site, subject to the provisions of PO#300 and the proposed TF-3 zoning with a Conditional Use for ancillary parking fits the just noted development projection of the new employment designation. The subject site's current NR zoning and PO and the requested TF-3 zoning with a conditional use for ancillary parking serve as a buffer between the area's LC and GC zoned businesses and the immediate earlier established single-family residential development, thus meeting the Plan's "Development Pattern" guidelines for areas outside the Established Central Area.

Limiting access to the site to two drives onto the residential street Brunswick, facing LC zoned development and noting that the development is located on the northwest corner of the arterial Maple Street and Brunswick ensures that traffic to and from the site will be directed to the stop sign at that intersection. Eliminating the additional proposed drive onto Maple off of the site provides safer access to the site while minimizing the negative impact of the site's traffic on the abutting single-family residential neighborhood, which meets the intent of the locational design guide lines of the Plan.

The Maple Street – Ridge Road intersection has experience redevelopment from single-family residential to commercial during the last, at least, two and a half decades. Most of the commercial development has happened south of this intersection, extending south a half-mile to Kellogg Street/Us Highway-54. Commercial development ends approximately 520 feet north of the Maple Street – Ridge Road intersection.

(5) Impact of the proposed development on community facilities: With the recommended provisions for access controls, there will be minimal impact on community facilities.

2016-12 E Cons 2016-07



**KAW VALLEY ENGINEERING, INC.**

**Office:** 316.440.4304

**Fax:** 316.440.4309

**Web:** www.kveng.com

**Address:** 200 N. Emporia, Suite 100  
Wichita, KS 67202

March 14, 2016

Mr. Dale Miller, Director  
Metropolitan Area Planning Dept.  
455 N. Main; 10<sup>th</sup> Floor  
Wichita, KS 67202

**RE: 233 S. Brunswick & 7324 W. Maple  
ZONE CHANGE REQUEST**

Dear Dale:

Transmitted herewith is an application to:

1. Change the zoning for 233 S Brunswick from SF-5 to TF-3 to allow for a conditional use for ancillary parking
2. Conditional use to allow the ancillary parking within the proposed TF-3 zoning as shown on the attached site plan
3. To allow for a 10% reduction in the compatibility setback along the west property line
4. Amend Protective Overlay, PO-300 to allow a restaurant use up to 2,500 square feet, with outdoor seating on the east or north side of the building.

Please let me know if you have any questions, comments, or if you need additional information.

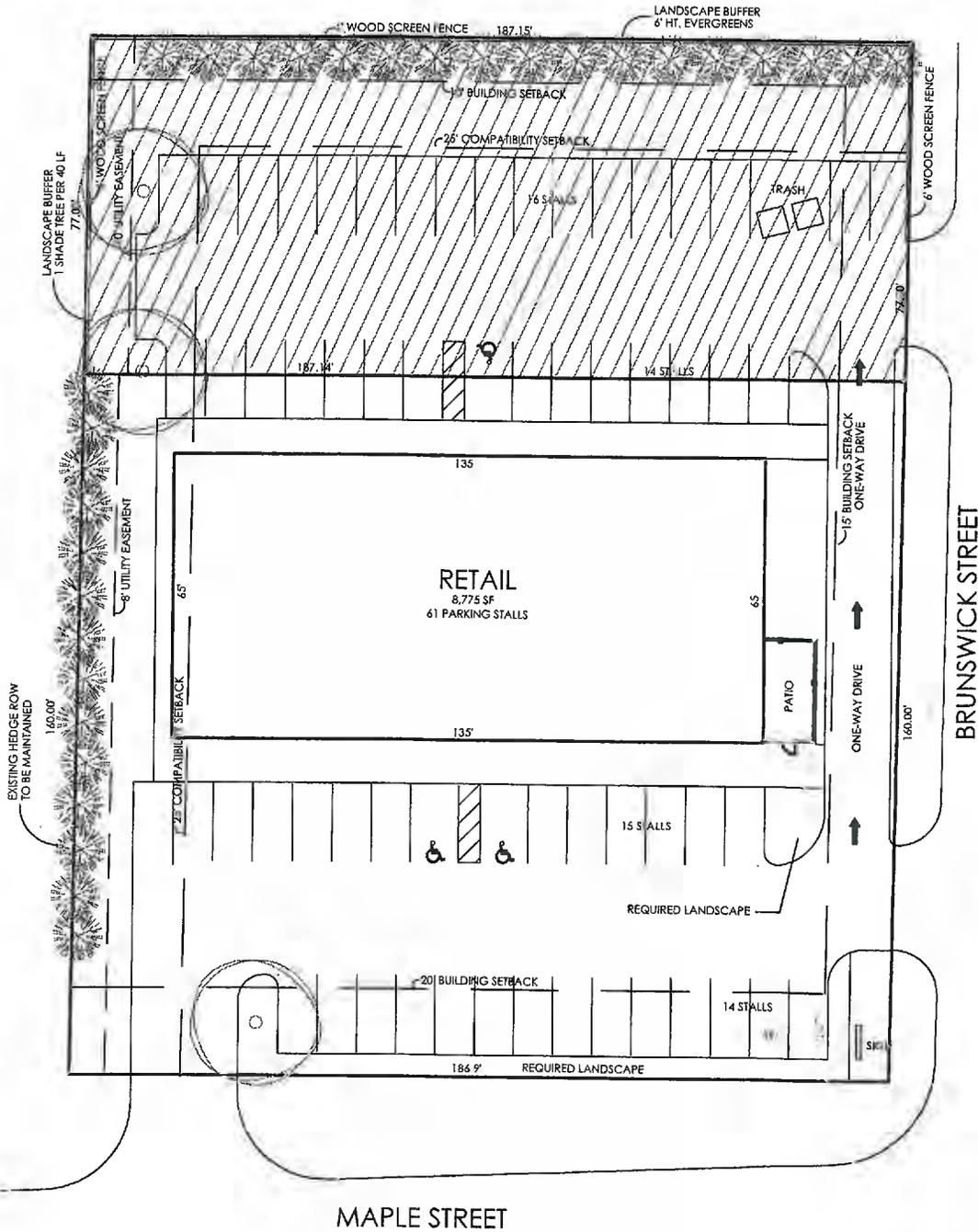
Respectfully,

Tim Austin, PE

Encl.

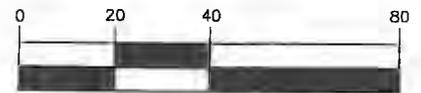
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EXHIBIT A



**LEGEND**  
 // // // // TF-3 ZONING

GRAPHIC SCALE



( IN FEET )

1 inch = 40 ft.



**KAW VALLEY ENGINEERING**

200 N. EMPORIA, SUITE 100  
 WICHITA, KANSAS 67202  
 PH. (316) 440-4304 | FAX (316) 440-4309  
 wh@kveng.com | www.kveng.com

3/11/2016  
 0264EXBA

# STAFF REPORT

MAPC April 21, 2016

DAB V May 2, 2016

**CASE NUMBER:** ZON2016-00013

**APPLICANT/AGENT:** Ronald Palecki Living Trust (Owner/Applicant)  
Baughman Company, c/o Russ Ewy (Agent)

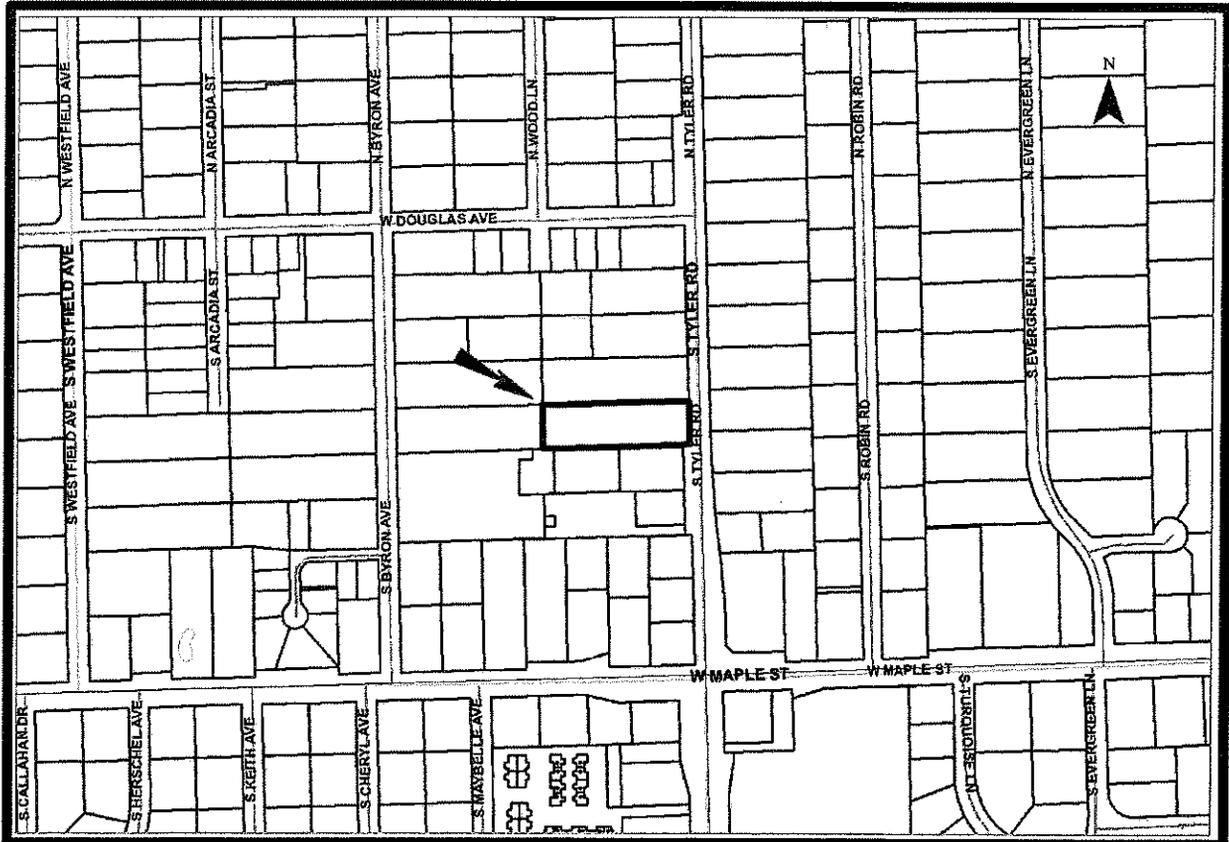
**REQUEST:** LC Limited Commercial ("LC")

**CURRENT ZONING:** SF-5 Single-family Residential ("SF-5")

**SITE SIZE:** 1.26 acres

**LOCATION:** Approximately 660 feet north of West Maple Street, along the west side of South Tyler Road.

**PROPOSED USE:** Limited commercial uses



**BACKGROUND:** The applicant is seeking LC Limited Commercial (“LC”) zoning for future commercial uses on 1.26 acres located on the west side of South Tyler Road, approximately 660 feet north of West Maple Street. The subject site abuts LC zoned property along the south property line and is platted. If approved, the LC zoning would permit the development of commercial uses on the site, limited by a proposed Protective Overlay (“PO”) by staff.

Properties north, west and east (across Tyler Road) of the subject site are zoned SF-5 Single-family Residential and developed with single-family residences. Property south of the subject site is zoned LC and is developed with Harp Well and Pump Service, a legal, non-conforming use that was permitted to expand in 1984 by the Wichita Board of Zoning Appeals (BZA 45-84).

**CASE HISTORY:** The property is currently platted as the West Field Acres Addition, which was recorded in March 1930.

**ADJACENT ZONING AND LAND USE:**

North:	SF-5	Single-family Residences
South:	LC	Office and Warehousing
East:	SF-5	Single-family Residences
West:	SF-5	Single-family Residences

**PUBLIC SERVICES:** The site is served by all usual municipal and private utilities and services. Tyler Road at this location is a four-lane, paved, minor arterial.

**CONFORMANCE TO PLANS/POLICIES:** The 2035 Wichita Future Growth Concept Map of the Community Investments Plan depicts the site as appropriate for “residential” use. The “residential” use category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. However, directly south of the subject site, that property is depicted as appropriate for “industrial” uses. The “industrial” use category encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Community Investments Plan indicate that commercial and employment centers should be located at intersections of arterial streets. The requested zone would expand the size of the commercial center permitted at the intersection of Tyler Road and Maple Street.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends approval of the request, with a Protective Overlay (PO) which states:

1. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted on the face of any building that is adjacent to any property that is residentially zoned.
2. Signs shall be in accordance with the City of Wichita sign code, with the exception that signs shall be monument –style and limited to 15 feet in height.

- No LED signs shall be permitted.
3. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks.
  4. Outdoor speakers and sound amplification systems shall not be permitted.
  5. No buildings shall exceed one story in height with a maximum building height of 25 feet.
  6. At the time the site is developed, the owner shall install and maintain a 6-8 foot high screening fence/wall located parallel to the north and west property lines of the subject site, where it abuts existing residential zoning.
  7. At the time the site is developed, landscaping shall be installed that meets the Landscape Ordinance.
  8. The following uses shall not be permitted: adult entertainment establishment; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties north, west and east (across Tyler Road) of the subject site is zoned SF-5 Single-family Residential and developed with single-family residences. Property south of the subject site is zoned LC and is developed with a warehouse and office development.
2. The suitability of the subject property for the uses to which it has been restricted: The site is bordered by LC development to the south. Across Tyler Road to the east, the properties are zoned SF-5 and developed with residential uses. The property is zoned SF-5, which primarily permits by-right single-family residences and a few civic or institutional uses, such as churches or schools on large lots. Presumably the site could be redeveloped with single-family residences that would have the potential to provide an economic return or continue to be undeveloped; however, the site's adjacency to a heavy commercial use and an arterial street could limit its marketability as a residential property.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended provisions of the Protective Overlay regarding uses, signage, lighting, screening, and landscaping should mitigate any increased negative impact on nearby residential property.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Given the nearby commercial uses and the location of the property on a major arterial street, SF-5 zoning could

cause economic hardship to the owner. LC zoning is appropriate for this location and provides economic viability of the property for the owner.

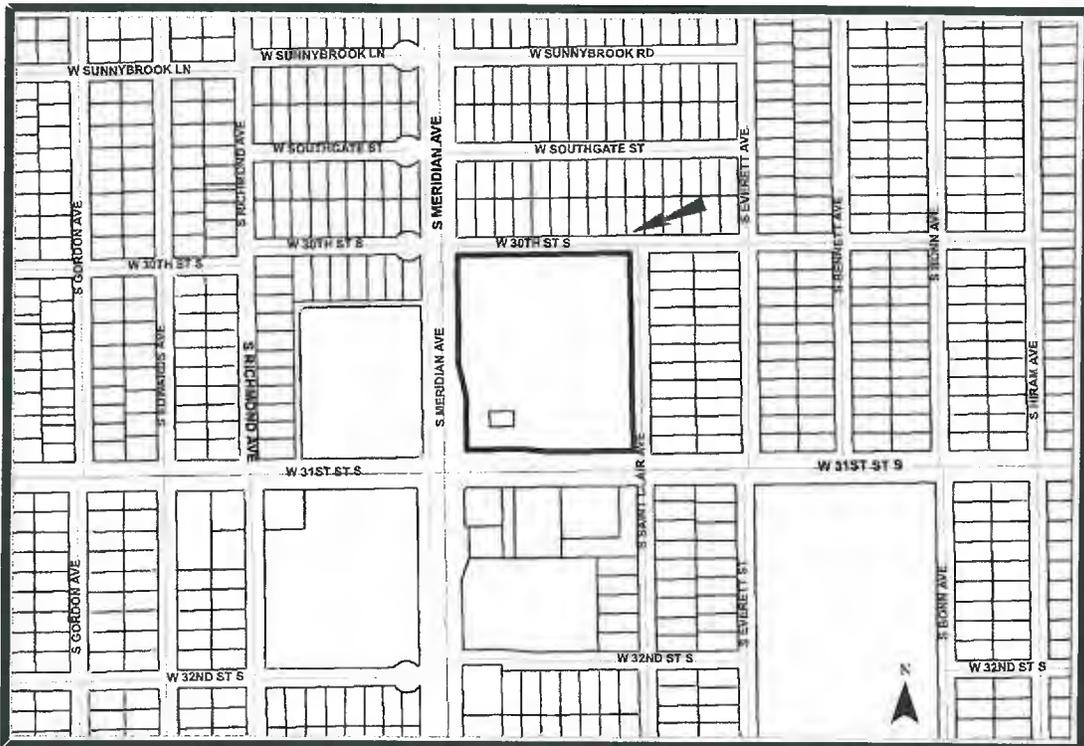
5. Length of time the property has been vacant as currently zoned: The site had a single-family house that appears to have been vacant for multiple years given the state of deterioration that was evident that has since been removed from the site.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan depicts the site as appropriate for “residential” use. The “residential” use category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. However, directly south of the subject site, that property is depicted as appropriate for “industrial” uses. The “industrial” use category encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Community Investments Plan indicate that commercial and employment centers should be located at intersections of arterial streets. The requested zone would expand the size of the commercial center permitted at the intersection of Tyler Road and Maple Street.
7. Impact of the proposed development on community facilities: Existing or proposed improvements are in place to address anticipated demands.

## STAFF REPORT

MAPC April 21, 2016

DAB IV May 2, 2016

- CASE NUMBER:** CUP2016-00010 and ZON2016-00014
- APPLICANT/AGENT:** Rose America Corporation c/o Regina Hanna  
(Owner/Applicant)  
Baughman Company, c/o Russ Ewy (Agent)
- REQUEST:** City zone change from LC Limited Commercial to OW Office Warehouse and amendment of DP-83 Southwest Plaza Community Unit Plan to allow office warehouse uses
- CURRENT ZONING:** LC Limited Commercial
- SITE SIZE:** 9.1 acres
- LOCATION:** Northeast corner of West 31<sup>st</sup> Street South and South Meridian Avenue.
- PROPOSED USE:** Office Warehouse



**BACKGROUND:** The subject site is located at the northeast corner of West 31<sup>st</sup> Street South and South Meridian Avenue, and currently contains 9.1 acres that is zoned LC Limited Commercial (“LC”), subject to the development standards and general provisions contained in the Southwest Plaza Community Unit Plan (CUP) DP-83. Currently CUP DP-83 is a one parcel CUP that currently permits the following uses: manufacture and warehousing or animal control and apparel products, shopping center, offices, professional and personal services, comparison and convenience shopping.

In addition to a zone change to OW Office Warehouse (“OW”), the applicant is proposing the following amendments to CUP DP-83:

- 1) General Provision 8 is proposed to read: “Outside storage shall be limited to the same requirements of the OW zoning district.”
- 2) The following uses are proposed to be added to Parcel 1: “all uses permitted by right in the “OW” Office Warehouse zone district, except the following; Recycling collection Station (Public or Private), Recycling Processing Center and Asphalt/Concrete Plant.”
- 3) Changes to the Maximum Building Coverage and Maximum Floor Area Ratio are proposed as follows: “30% or 108,337 square feet for Limited Commercial uses, or 30% or 108,337 square feet for Office Warehouse uses, or 35% or 126,393 square feet for Limited Manufacturing uses.”

The property has a screening wall along the north and eastern property lines that screen the existing uses from abutting and adjacent residential uses. There are 40-foot building setbacks along the frontages of 31<sup>st</sup> Street South, St. Clair Avenue and 30<sup>th</sup> Street South. There is a 75-foot building setback along the South Meridian Avenue frontage.

Land to the north and east of the application area is zoned TF-3 Two-family Residential and is developed with single-family residences. Properties located to the south of the subject site (across 31<sup>st</sup> Street South) are zoned LC Limited Commercial and developed with a bank, bar and car wash. Properties located west of the subject site (across South Meridian Avenue) are zoned LC and MF-29 Multi-family Residential and are developed with an apartment complex and some single-family residences.

**CASE HISTORY:** The Southwest Plaza CUP was established in August of 1977. The CUP has been amended two times previously. The most recent amendment was in 1995 and approved a zone change from LC Light Commercial to C Commercial (Z-3180). The Southwest Plaza Addition was recorded in 1977.

**ADJACENT ZONING AND LAND USE:**

North:	TF-3	Single-family residential
South:	LC	Bar, Bank, and Car Wash
East:	TF-3	Single-family residential
West:	LC and MF-29	Single-family residences and Apartment Complex

**PUBLIC SERVICES:** The site is served by municipal services. 31<sup>st</sup> Street South is a paved four-lane arterial street. South Meridian Avenue is also a four-lane arterial street. There are left turn lanes at the intersection of 31<sup>st</sup> Street South and Meridian Avenue. There are currently two points of access to the site of 31<sup>st</sup> Street South and three points of access off of South Meridian Avenue. One point of access to both 31<sup>st</sup> South and Meridian Avenue has a right turn lane.

**CONFORMANCE TO PLANS/POLICIES:** The 2035 Wichita Future Growth Concept Map indicates the site is appropriate for “industrial” uses. The “industrial” category encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Centers or concentrations of manufacturing, warehousing, distribution, construction, research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing or refinement of natural resources or recycling of waste materials typically are located along rail lines. Businesses with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential Uses by Commercial Uses.

**RECOMMENDATION:** Based upon the information available at the time the report was prepared, staff recommends approval of the zone change and amendments to CUP DP83 subject to the development guidelines and graphics depicted on the face of the amended CUP and the following conditions:

- A. The applicant shall record a document with the Register of Deeds indicating that this tract (referenced as CUP DP-83) includes special conditions for development on this property.
- B. Unless specifically modified, the development shall comply with all applicable ordinances, regulations or codes, including but not limited to zoning, fire, building and sanitation.
- C. The applicant shall submit four final 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: Land to the north and east of the application area is zoned TF-3 Two-family Residential and developed with single-family residences. Properties located to the south of the subject site (across 31<sup>st</sup> Street South) are zoned LC Limited Commercial and developed with a bank, bar and car wash. Properties located west of the subject site (across South Meridian Avenue) are zoned LC and MF-29 Multi-family Residential and are developed with an apartment complex and some single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The Southwest Plaza Commercial CUP DP-83 and its LC zoning was established

in June of 1977. The site could continue to be economically viable as currently zoned; however, the proposed zone changes and CUP amendments address existing tenant needs (larger outside storage and display) or clean up potential zoning issues.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The zoning for the site was approved in 1977 and has been operating as a commercial center since that time. The proposed zone change and CUP amendments address existing tenant needs (larger outside storage and display), clean up potential zoning issues and provide the center with uniform commercial zoning. The requested changes should not detrimentally impact nearby property owners to any greater extent than the existing development.
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 represents a gain to the public in that it contributes to the existing center's long term economic opportunity. Denial would presumably represent a loss in economic opportunity.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map indicates the site is appropriate for "industrial" uses. The "industrial" category encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Centers or concentrations of manufacturing, warehousing, distribution, construction, research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing or refinement of natural resources or recycling of waste materials typically are located along rail lines. Businesses with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential Uses by Commercial Uses.
6. Impact of the proposed development on community facilities: Existing or proposed improvements are in place to address anticipated demands.

# SOUTHWEST PLAZA

## COMMUNITY UNIT PLAN (DP-83)

### AMENDMENT NUMBER THREE

DP-83 AMENDMENT #2  
**APPROVED CUP**  
 MAPC 10-26-95 DM  
 SCC 11-21-95 DM  
 MAPD COPY 2 of 2

#### GENERAL PROVISIONS

- THIS DEVELOPMENT IS PROPOSED TO CONTAIN 1.29 NET ACRES MORE OR LESS.
- ACCESS CONTROL SHALL BE LIMITED TO THREE (3) OPENINGS, AND TWO (2) OPENINGS TO 31ST ST. SOUTH. THERE SHALL BE COMPLETE ACCESS CONTROL TO ST. CLAIR, 30TH ST. SOUTH, AND THE SOUTH AND WEST 100 FEET OF PARCEL ONE.
- BUILDING SETBACKS SHALL BE AS INDICATED ON THE PLAN.
- ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
- FIRE LANES
  - FIRE LANES SHALL BE IN ACCORDANCE WITH THE FIRE CODE OF THE CITY OF WICHITA. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANES, ALTHOUGH THEY MAY BE USED FOR PASSENGER LOADING AND UNLOADING.
  - PRIOR TO FINAL APPROVAL OF THE PARKING PLAN, THE FIRE CHIEF OR HIS DESIGNATED REPRESENTATIVE SHALL APPROVE THE PLAN AS TO THE LOCATION AND DESIGN OF THE FIRE LANE.
- PARKING RATIO SHALL BE IN ACCORDANCE WITH SECTION 24.04 140 OF THE CODE OF THE CITY OF WICHITA.
- MASONRY WALLS - A SOLID OR SEMI-SOLID WALL CONSTRUCTED OF BRICK, STONE, MASONRY, ARCHITECTURAL TILE OR OTHER SIMILAR MATERIAL (NOT INCLUDING WOOD, OR WOVEN WIRE) AT LEAST SIX FEET BUT NOT MORE THAN EIGHT FEET HIGH SHALL BE CONSTRUCTED ALONG THE NORTH AND EAST LINES OF PARCEL ONE. SAID WALL SHALL BE REDUCED TO THREE FEET IN HEIGHT FOR THE WEST 25 FEET ADJACENT TO 30TH ST. SOUTH AND THE SOUTH 25 FEET ADJACENT TO ST. CLAIR. CONSTRUCTION OF WALLS WILL REQUIRE A BUILDING PERMIT.  
 THE EXISTING SCREENING WALLS ALONG THE EAST AND NORTH PROPERTY LINES SHALL BE REPAIRED PRIOR TO OCCUPANCY OF THE PROPOSED ASSEMBLY FACILITY.
- OUTSIDE STORAGE SHALL BE LIMITED TO THE SAME REQUIREMENTS OF THE "DW" ZONING DISTRICT.
- SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 24.04 OF THE SIGN CODE OF THE CITY OF WICHITA WITH THE FOLLOWING EXCEPTION:
  - NO OFF-SITE, PORTABLE SIGNS, OR SIGNS WITH ROTATING OR FLASHING LIGHTS SHALL BE PERMITTED.
  - NO BUILDING SIGNS, GROUND SIGNS, OR POLE SIGNS SHALL BE PERMITTED ALONG 30TH STREET SOUTH OR ST. CLAIR AVENUE. DIRECTIONAL SIGNS MAY BE PERMITTED ON THE NORTH OR EAST SIDES OF THE PROPERTY IF SUCH SIGNS ARE LOCATED SO THAT THEY ARE NOT VISIBLE FROM RESIDENTIAL PROPERTIES. A MAXIMUM OF TWO (2) GROUND OR POLE SIGNS SHALL BE PERMITTED ALONG MERIDIAN AND ALONG 31ST STREET SOUTH (4 SIGNS TOTAL) AND SUCH SIGNS SHALL BE SPACED A MINIMUM 150 FEET APART, IRRESPECTIVE OF HOW LAND IS LEASED OR SOLD. THE MAXIMUM SIGN AREA SHALL BE 150 SQUARE FEET PER SIGN.
- ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM THE RESIDENTIAL PROPERTIES TO THE NORTH AND EAST.
- LANDSCAPING AND SCREENING SHALL BE IN ACCORDANCE WITH SECTION 10.32.010 ET. SEQ. OF THE CODE OF THE CITY OF WICHITA.  
 THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY LANDSCAPE ORDINANCE PERTAINING TO STREET YARD LANDSCAPING, EXCEPT THAT NO REMOVAL OF ANY EXISTING PAVING SHALL BE REQUIRED.  
 A LANDSCAPE PLAN INDICATING THE LOCATION, TYPE AND SPECIFICATIONS OR PLANT MATERIALS SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT(S). THE LANDSCAPE PLAN SHALL ALSO STATE HOW WATER IS TO BE PROVIDED TO PLANT MATERIALS.  
 FAILURE TO PROPERLY MAINTAIN THE REQUIRED LANDSCAPING SHALL BE CONSIDERED A VIOLATION OF THE C.U.P. AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND THE SUPERINTENDENT OF CENTRAL INSPECTION.  
 A FINANCIAL GUARANTEE FOR THE PLANT MATERIALS AND WATERING SYSTEM(S) APPROVED FOR THE LANDSCAPE PLAN SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.
- THE TRANSFER OF TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE C.U.P. DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF, BUT SAID PLAN SHALL RUN WITH THE LAND FOR THIS DEVELOPMENT AND BE BINDING UPON THE PRESENT OWNER, THEIR SUCCESSORS AND ASSIGNS OR THEIR LESSEES UNLESS AMENDED.

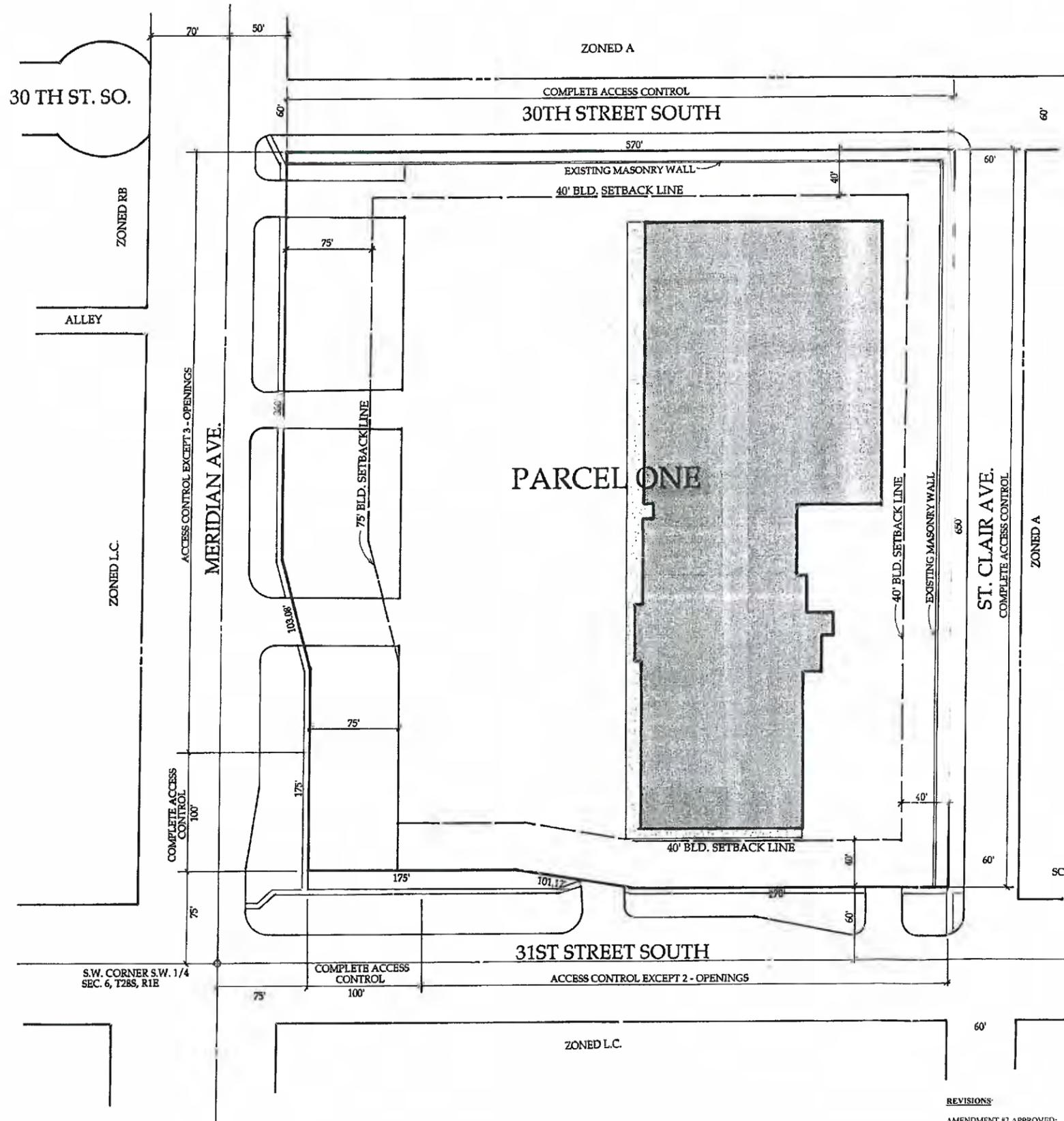
#### PARCEL DESCRIPTION

**PARCEL 1**  
**PROPOSED USE** - THE MANUFACTURE AND WAREHOUSING OF ANIMAL CONTROL AND APPAREL PRODUCTS, SHOPPING CENTER, OFFICES, PROFESSIONAL AND PERSONAL SERVICES, COMPARISON AND CONVENIENCE SHOPPING, AND ALL USES PERMITTED BY RIGHT IN THE "DW" OFFICE WAREHOUSE USES EXCEPT THE FOLLOWING: RECYCLING COLLECTION STATION (PUBLIC OR PRIVATE), RECYCLING PROCESSING CENTER, OR ASPHALT/CONCRETE PLANT.

<b>NET AREA</b>	- 161,125 SQ. FT OR 1.29 ACRES
<b>MAXIMUM BUILDING COVERAGE AND MAXIMUM FLOOR AREA RATIO</b>	- 30% OR 108,337 SQ.FT. FOR LIMITED COMMERCIAL, OR 30% OR 108,337 SQ.FT. FOR OFFICE WAREHOUSE USES, OR 35% OR 126,393 SQ.FT. FOR LIMITED MANUFACTURING USES
<b>MAXIMUM BUILDING HEIGHT</b>	- 25 FEET
<b>MAXIMUM NUMBER OF BUILDINGS</b>	- TWO

**DP-83**

SOUTHWEST PLAZA  
 COMMUNITY UNIT PLAN



**REVISIONS**  
 AMENDMENT #2 APPROVED: SEPTEMBER 9, 1995  
 AMENDMENT #3 - FILED: MARCH 14, 2016  
 M.A.P.C.: APRIL 21, 2016  
 CITY COUNCIL: 2016

SCALE: 1" = 50'

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: April 21, 2016  
 TO: Metropolitan Area Planning Commission  
 FROM: Scott Knebel, AICP, Advanced Plans Division   
 SUBJECT: Letter of Support for TIGER Grant Application

**Background:** The City of Wichita is partnering with Wichita State University to construct the transportation infrastructure needed to support the new Innovation Campus. The 120-acre Innovation Campus will bring over 5,700 new employees and over 2.9 million square feet of new development to the former Braeburn Golf Course.

To support this new development, almost \$22.6 million in transportation infrastructure is needed. The City of Wichita is submitting a grant application to the U.S. Department of Transportation for \$15,110,000 in federal funding from the Transportation Investments Generating Economic Recovery (TIGER) grant program. The grant will fund 67% of the cost of multi-modal transportation connections for the new Wichita State Innovation Campus. The remaining 33% (\$7,440,000) will be funded by the City of Wichita Capital Improvement Program.

TIGER funds will be used to construct complete street projects along Oliver Avenue and 17th Street North adjacent to the Innovation Campus. A new bus route that was recently added to connect the Innovation Campus to Wichita State's new Old Town Campus in downtown Wichita as well as to major employment, shopping centers, and park and ride locations will have significantly expanded service frequency and hours of operation. A transit hub will be constructed on campus that includes a bike share program. Bicycle and pedestrian improvements will be constructed to connect the Innovation Campus to the existing city-wide pathway system. The budget for the project is summarized in the table below.

Project Component	Cost
Oliver Avenue Complete Street	\$4,100,000
17 <sup>th</sup> Street North Complete Street	\$5,900,000
40-foot Diesel Buses (9)	\$4,410,000
Level 1 Transit Stops (30)	\$1,620,000
Level 2 Transit Stops (16)	\$1,520,000
Campus Transit Hub	\$2,000,000
Campus Bike Share Program	\$600,000
Bicycle and Pedestrian Connections to Existing Pathway System	\$2,400,000
	<u>\$22,550,000</u>
<b>Project Funding</b>	
TIGER Funds Requested	\$15,110,000
Local Cash Match	\$7,440,000

Letters of support are critical to a successful TIGER grant application. The attached letter of support from the Wichita-Sedgwick County Metropolitan Area Planning Commission indicates support for the grant application based on consistency with the Community Investments Plan.

**Recommended Action:** Approve the attached letter of support and authorize the chair to sign.

**Attachments:** Letter of Support



**Wichita-Sedgwick County Metropolitan Area Planning Department**

April 21, 2016

Anthony R. Foxx, Secretary  
U.S. Department of Transportation  
1200 New Jersey Ave., SE  
Washington, DC 20590

RE: Letter of Support for the City of Wichita's FY 2016 TIGER Discretionary Grant Application

Dear Mr. Foxx:

The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) enthusiastically supports the City of Wichita's FY 2016 TIGER Discretionary Grant Application.

The MAPC recently adopted a new comprehensive plan for Wichita and Sedgwick County entitled the Community Investments Plan. The Community Investments Plan recognizes the critical importance of the Wichita State University Innovation Campus to the growth and development of the community. The plan includes a Wichita Urban Infill Strategy that focuses on "areas of opportunity" like the neighborhoods around Wichita State and along the bus route proposed to be enhanced by the TIGER grant. The infill strategy will use innovative new land use approaches and targeted infrastructure investments to promote mixed-use infill development supported by a robust community engagement process.

The City of Wichita's TIGER grant application is directly aligned with the vision, core community values, and guiding principles espoused by the Community Investments Plan. The MAPC is honored to provide its support and encourages you to fund this exciting multi-modal transportation project that will foster growth and development of our community in innovative ways.

Sincerely,

Carol Chapman Neugent, Chair  
Wichita-Sedgwick County  
Metropolitan Area Planning Commission

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

[www.wichita.gov](http://www.wichita.gov)