

Table of Contents

Agenda	2
April 7, 2016	
DRAFT April 7, 2016 Planning Commission Minutes	4
SUB2016-00015	
SANDCREST -MAPC STAFF RPT -SUB2016 15	26
VAC2016-00015	
VAC2016 15 -MAPC STAFF RPT.	30
ZON2016-00012 and CON2016-00007 (Deferred from 4-21-16)	
ZON2016-00012 and CON2016-00007 Staff Rpt, Site Plan, Minutes	33
ZON2016-00013 (Deferred from 4-21-16).	
ZON2016-00013 Staff Report.	49
ZON2016-00015	
ZON2016-00015 Staff Report.	53
ZON2016-00016	
ZON2016-00016 Staff Report.	56
ZON2016-00017	
ZON2016-00017 Staff Report.	59
CON2016-00008	
CON2016-00008 Staff Report and Site Plan	62

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, May 5, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, May 5, 2016**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10th Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

Meeting Date: April 7, 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. **SUB2016-00015: One-Step Final Plat - SANDCREST ADDITION**, located on the southeast corner of 29th Street North and Hoover Road.

Committee Action: APPROVED 3-0
Surveyor: Baughman Company, P.A.
Acreage: 64.11
Total Lots: 66

3. **PUBLIC HEARING – VACATION ITEMS**

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

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

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

- 3-1. **VAC2016-00015: City request to vacate an access easement dedicated by separate instrument**, on property generally located a 1/4-mile south of 29th Street North on the east side of Maize Road.

Committee Action: APPROVED 3-0

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2016-00012 and CON2016-00007 (Deferred from 4-21-16)
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

5. Case No.: ZON2016-00013 (Deferred from 4-21-16).
Request: City zone change from 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
6. Case No.: ZON2016-00015
Request: City zone change request from SF-5 Single-family Residential to LC Limited Commercial.
General Location: Northwest of the intersection of South Seneca Street and West Maple Road (333 S. Seneca St.).
Presenting Planner: Jess McNeely
7. Case No.: ZON2016-00016
Request: City zone change request from SF-5 Single family Residential to TF-3 Two-family Residential.
General Location: East of N. Arkansas Avenue and north of 27th Street North.
Presenting Planner: Bill Longnecker
8. Case No.: ZON2016-00017
Request: County zone change request from GC General Commercial to RR Rural Residential.
General Location: 3/4 mile west of 231st Street West on the south side of 39th Street South (24545 W. 39th St. S.)
Presenting Planner: Jess McNeely
9. Case No.: CON2016-00008
Request: City Conditional Use request for an Event Center within 200 feet of a church in GC General Commercial zoning.
General Location: South of E. Kellogg and east of Webb Road (10005 E. Kellogg).
Presenting Planner: Bill Longnecker

NON-PUBLIC HEARING ITEMS

10. Other Matters/Adjournment

Dale Miller, Secretary

Wichita-Sedgwick County Metropolitan Area Planning Commission

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

April 7, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, April 7, 2016 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Carol Neugent, Chair; David Dennis, Vice Chair; John Dailey; Bob Dool; Bill Ellison; David Foster; Matt Goolsby; Joe Johnson; John McKay Jr.; Bill Ramsey; Lowell Richardson; John Todd and Chuck Warren. Members absent were: Debra Miller Stevens. Staff members present were: Dale Miller, Director; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely, Senior Planner; Derrick Slocum, Administrative Supervisor; Mike Pagoon, Assistant City Attorney; and Maryann Crockett, Recording Secretary

1. Approval of the March 3, 2016 Planning Commission Minutes.

MOTION: To approve the March 3, 2016 Planning Commission minutes.

DENNIS moved, **MCKAY** seconded the motion, and it carried (7-0-6). **DOOL**, **ELLISON**, **GOOLSBY**, **JOHNSON**, **RAMSEY** and **WARREN** – Abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2016-00007: Final Plat – M A A 2ND ADDITION**, located north of 47th Street South, east side of Broadway.

NOTE: This is a replat of the M A A Addition which includes the vacation of Santa Fe Avenue.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend sewer (laterals) to serve all lots, and extend water (distribution) to serve all lots.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. Traffic Engineering has approved the complete access control along Broadway.
- E. The Applicant shall guarantee the paving of the proposed streets.
- F. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.

- G. 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.
- H. The depiction of the overlap of the drainage and utility easements between Lots 1 and 2 needs to be corrected.
- I. County Surveying advises the distance of 18.84 feet along the southerly line of Lot 2, Block A needs verified.
- J. The Register of Deeds Certificate shall include Judy J. Paget as Deputy.
- K. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- L. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- M. 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.
- N. 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.)
- O. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- P. 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.
- Q. 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.
- R. 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.

- S. Perimeter closure computations shall be submitted with the final plat tracing.
- 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).

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

FOSTER moved, WARREN seconded the motion, and it carried (13-0).

3. **PUBLIC HEARING – VACATION ITEMS**

- 3-1. **VAC2016-00003: City request to vacate a portion of a platted drainage easement on property**, located south of 13th Street North, east of Hoover Road and southwest of 11th and Curtis Streets.

OWNER/AGENT: Jorge Pinedo & Irma Cabrera (owner)

LEGAL DESCRIPTION: Generally described as vacating a northeast portion of the 115-foot wide by 333-foot long platted drainage easement located on the west portion of Lot 2, Steve Kelly 4th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of West 13th Street North, east of North Hoover Road and southwest of 11th and Curtis Streets (WCC II)

REASON FOR REQUEST: Build a garage

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

The applicant is requested the vacation of a northeast portion of the 115-foot wide by 333-foot long platted drainage easement located on the west portion of Lot 2, Steve Kelly 4th Addition. The subject easement is essentially an unbuildable portion of Lot 2's back yard and occupies approximately 75 percent of Lot 2. An east-west platted 30-foot wide drainage-utility easement is located on the south side of the east portion of Lot 2 and connects the subject easement with the Curtis Street right-of-way. There is

an open concrete drainage channel built within this easement from Curtis Street to the subject easement. Drainage from Curtis Street flows through the platted 30-foot wide drainage-utility easement into the subject easement, which is a natural low area that also receives drainage from the abutting north property. Stormwater has shown an area within the northeast portion of the subject easement that can be vacated and built on, which requires a survey of the site for review and approval by Stormwater. The site is located in an area of reduced flood risk due to levee.

There is a platted 20-foot wide by 333-foot long utility easement located between the buildable east portion of the subject lot and the subject easement. A sewer line and manholes are located in this 20-foot wide platted utility easement. The 20-foot wide platted utility easement will remain in effect and cannot be built on. Westar has no objection to this request condition, as conditions 3, 4 and 5 will cover Westar. Becky Thompson is the Construction Services Representative for this area and can be reached at 261-6320. The Steve Kelly 4th Addition was recorded September 2, 1994.

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 drainage 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 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 the platted drainage 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) Provide a survey showing the area where the proposed garage and access will be built for review and approval by Stormwater. The approved survey will be an exhibit that will be recorded with the Vacation Order at the Sedgwick County Register of Deeds and must be provided to Planning prior to VAC2016-00003 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 VAC2016-00003 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 their 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) Provide a survey showing the area where the proposed garage and access will built for review and approval by Stormwater. The approved survey will be an exhibit that will be recorded with the Vacation Order at the Sedgwick County Register of Deeds and must be provided to Planning prior to VAC2016-00003 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 VAC2016-00003 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.

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

MCKAY moved, WARREN seconded the motion, and it carried (13-0).

- 3-2. **VAC2016-00007: City request to vacate a portion of a platted utility easement on property,** generally located west of I-35 and southeast of the 31st Street South and Navajo Street intersection.

OWNER/AGENT: Julius Properties, L.P., c/o Brad Julius (owner) Stinson Leonard Street, LLP, c/o Steve Vetter (agent)

LEGAL DESCRIPTION: Generally described as vacating the east 127 feet of the 16-foot wide platted utility easement located on both sides of the common lot line of Lots 5 & 7, Block 2, McCarty 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of I-35 and southeast of the 31st Street South and Navajo Street intersection (WCC III)

REASON FOR REQUEST: Appears to have no utilities located in it

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

The applicant is requested the vacation of the east 127 feet of the 16-foot wide platted utility easement located on both sides of the common lot line of Lots 5 & 7, Block 2, McCarty 2nd Addition. The west portion of the subject easement was vacated November 12, 1986; V-0747, Film 847, Page 506. There are no public utilities located within the subject easement. Westar has no objection to this request condition, as conditions 2, 3 and 4 will cover Westar. LaDonna Vanderford is the contact for this area and can be reached at 261-6490. The McCarty 2nd Addition was recorded December 16, 1964.

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 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 17, 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 the platted utility easement and that the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide a legal description of the vacated portion of the platted utility easement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2016-00007 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 utilities. As needed provide letters from franchised utility representatives stating that their 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.
- (3) 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.
- (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 utility easement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2016-00007 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 utilities. As needed provide letters from franchised utility representatives stating that their 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.
- (3) 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.
- (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.

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

MCKAY moved, WARREN seconded the motion, and it carried (13-0).

3-3. **VAC2016-00008: City request to vacate a platted utility easement on property,**
located on the northeast corner of South West Street and West Harry Street.

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 16-foot wide by 600-foot long platted utility easement located on Lot 1, P.M.A. Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the northeast corner of S West Street and W Harry Street (WCC IV)

REASON FOR REQUEST: Development

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

The applicant is requested the vacation of the 16-foot wide by 600-foot long platted utility easement located within Lot 1, P.M.A. Addition. There is a sewer line and a manhole(s) located within the subject easement. The sewer line extends north into the abutting property, located on both sides of the common lot lines of Lots 9 & 10, Los Coyas Addition; recorded June 14, 1948. Westar has no objection to this request, as conditions 2, 3 and 4 will cover Westar. Ennidh Garcia is the Construction Services Representative for this area and can be contacted at 261-6859. The P.M.A Addition was recorded March 10, 1966.

NOTE: This request is associated with VAC2015-00061 a request to vacate a portion of McComas Avenue public street right-of-way located between Harry and Walker Streets that abutted the applicant's property. VAC2015-00061 was approved by the City Council March 15, 2016.

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 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 17, 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 the platted utility easement and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide a legal description of the vacated portion of the platted utility easement on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00008 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 VAC2016-00008 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 VAC2016-00008 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 utility easement on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00008 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 VAC2016-00008 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 VAC2016-00008 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.

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

MCKAY moved, WARREN seconded the motion, and it carried (13-0).

3-4. VAC2016-00009: City request to vacate multiple platted easements, platted reserves and amend their plattor's text, on properties, generally located northeast of North Ridge Road and West 37th Street North, west and east of Solano Street, off of Mirabella Street, Solano Court, and Collina Street.

APPLICANT/AGENT: Tier 1 LLC & Estancia LLC, c/o Marv Schellenberg, Larry E & M Jeanine McKee (applicants/owners), MKEC, c/o Brian Lindebak (agent)

LEGAL DESCRIPTION: See attached legal provided by agent

LOCATION: Generally located northeast of North Ridge Road and West 37th Street North, west and east of Solano Street, off of Mirabella Street, Solano Court, and Collina Street (WCC V)

REASON FOR REQUEST: Adjustment to allow zero lot line development

CURRENT ZONING:

Site, all abutting and adjacent properties are zoned SF-5 Single-Family Residential, with the exception of an abutting east property that is zoned SF-20 Single-Family Residential

The applicants are requesting the vacation of multiple platted easements, portions of platted Reserves B, G and O and amend the platlor's text to change the uses allowed in the subject reserves all located in the Estancia Addition. Per the platlor's text :

- (a) All reserves are platted for open space, berms, landscaping, irrigation, signs, monuments, sidewalks, fences, lighting, conveyance of cross lot drainage, and utilities confined to easements. The platlor's text for the described vacated portions of Reserves B, G and O shall be amended to allow SF-5 Single-Family Residential (SF-5) uses only.
- (b) All reserves are owned and maintained by the developer and/or lot owner's association and/or their successors and/or assigns. *This remains*
- (c) Reserves B, G and O are also platted for drainage facilities, including but not limited to drainage structures and detention/retention ponds. The platlor's text for the described vacated portions of Reserves B, G and O shall be amended to allow SF-5 Single-Family Residential (SF-5) uses only.
- (d) Reserve G is platted for private neighborhood amenities, including but not limited to clubhouse, pools, playgrounds, sports courts, shade structures/gazebos, neighborhood gardens and parking. The platlor's text for the described vacated portions of Reserve G shall be amended to allow SF-5 Single-Family Residential (SF-5) uses only.
- (e) Reserve B is also platted for walls, which utilities may cross under. The platlor's text for the described vacated portions of Reserve B shall be amended to allow SF-5 Single-Family Residential (SF-5) uses only.

The platlor's text shall also be amended as follows (underlined and italic parts reflect the changes): As to all Lots within Block 1, all Lots within Block 2, and Lots 1-13, inclusive, Block 4:

Said Lots are zero lot line lots. Each Lot where abutting and adjoining another zero lot line lot within the aforesaid Lots and Blocks shall provide a minimum of a 3.5 foot maintenance and access easement for the benefit of the adjoining owner(s), their successors and assigns, and/or their agents, and emergency personnel. The maintenance access easements are hereby platted for the purpose of pedestrian access, emergency access, construction, maintenance, and the extension of the footings and a 2 foot overhang of the structure onto the adjoining lot. Opposite of the zero lot line the minimum side yard setbacks shall be 6 feet. The residences with the 6 foot side yard setbacks shall construct a fire break wall. Only roof encroachments are permitted into said 6 foot side yard setback, moreover, no building cantilevers or equipment are permitted in the side yard and sight restrictions shall be maintained on the windows.

No public water, sewer or stormwater equipment is located within the subject easements. Westar will be working with the applicant and has contacted the agent for the applicant and will have no objection to this request as long as they provide new easements for Westar's equipment; conditions 2, 5 and 6 will cover Westar. Heide Bryan is the representative for this area and can be contacted at 261-6554. The Estancia Addition was recorded September 28, 2015.

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 multiple platted easements, portions of platted reserves and vacating the plattor's text.

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 17, 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 multiple platted easements, portions of platted reserves and vacating the plattor's text 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 legible exhibit and an accurate and approved legal description of the vacated easements and portions of the platted Reserves B, G, and O, Estancia Addition. These will be recorded with the Vacation Order. This must be provided to Planning prior to VAC2016-00009 proceeding to City Council for final action.
- (2) Dedicate by separate instrument required easements and provide an exhibit(s) showing the dedications. The required easements with original signatures and exhibit(s) must be provided to Planning prior to VAC2016-00009 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) The plattor's text will be amended to allow single-family residential uses only in the vacated portions of Reserves B, G, and O, Estancia Addition. The plattor's text shall also be amended to read: As to all Lots within Block 1, all Lots within Block 2, and Lots 1-13, inclusive, Block 4: Said Lots are zero lot line lots. Each Lot where abutting and adjoining another zero lot line lot within the aforesaid Lots and Blocks shall provide a minimum of a 3.5 foot maintenance and access easement for the benefit of the adjoining owner(s), their successors and assigns, and/or their agents, and emergency personnel. The maintenance access easements are hereby platted for the purpose of pedestrian access, emergency access, construction, maintenance, and the extension of the footings and a 2 foot overhang of the structure onto the adjoining lot. Opposite of the zero lot line the minimum side yard setbacks shall be 6 feet. The residences with the 6 foot side yard setbacks shall construct a fire break wall. Only roof encroachments are permitted into said 6 foot side yard setback, moreover, no building cantilevers or equipment are permitted in the side yard and sight restrictions shall be maintained on the windows.

- (4) Provide a covenant, with original signatures, binding and tying the described vacated portions of Reserves B, G, and O, Estancia Addition to the applicant's abutting properties. This must be provided to Planning prior to VAC2016-00009 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. If covenants are not provided, provide Planning with copies of recorded Warranty Deeds, binding and tying the described vacated portions of Reserves B, G, and O, Estancia Addition to the applicant's abutting properties.
- (5) Provide all 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.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) 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 legible exhibit and an accurate and approved legal description of the vacated easements and portions of the platted Reserves B, G, and O, Estancia Addition. These will be recorded with the Vacation Order. This must be provided to Planning prior to VAC2016-00009 proceeding to City Council for final action.
- (2) Dedicate by separate instrument required easements and provide an exhibit(s) showing the dedications. The required easements with original signatures and exhibit(s) must be provided to Planning prior to VAC2016-00009 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) The plattor's text will be amended to allow SF-5 Single-Family Residential uses in the vacated portions of Reserves B, G, and O, Estancia Addition. The plattor's text shall also be amended to read: As to all Lots within Block 1, all Lots within Block 2, and Lots 1-13, inclusive, Block 4: Said Lots are zero lot line lots. Each Lot where abutting and adjoining another zero lot line lot within the aforesaid Lots and Blocks shall provide a minimum of a 3.5 foot maintenance and access easement for the benefit of the adjoining owner(s), their successors and assigns, and/or their agents, and emergency personnel. The maintenance access easements are hereby platted for the purpose

of pedestrian access, emergency access, construction, maintenance, and the extension of the footings and a 2 foot overhang of the structure onto the adjoining lot. Opposite of the zero lot line the minimum side yard setbacks shall be 6 feet. The residences with the 6 foot side yard setbacks shall construct a fire break wall. Only roof encroachments are permitted into said 6 foot side yard setback, moreover, no building cantilevers or equipment are permitted in the side yard and sight restrictions shall be maintained on the windows.

- (4) Provide a covenant, with original signatures, binding and tying the described vacated portions of Reserves B, G, and O, Estancia Addition to the applicant's abutting properties. This must be provided to Planning prior to VAC2016-00009 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. If covenants are not provided, provide Planning with copies of recorded Warranty Deeds, binding and tying the described vacated portions of Reserves B, G, and O, Estancia Addition to the applicant's abutting properties.
- (5) Provide all 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.

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

MCKAY asked about Commissioner Foster's recommendation that the Planning Commission hear the item.

FOSTER said he was fine if the Planning Commission wanted to take it as a consent item, he just wanted to point out that there were a considerable number of easements, nine in all so he thought the Planning Commission might want to hear the item.

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

MCKAY moved, **WARREN** seconded the motion, and it carried (12-0-1). **FOSTER** – Abstained.

PUBLIC HEARINGS

4. **Case No.: ZON2016-00009** - City of Wichita, c/o John Philbrick (applicant) request a City zone change from LI Limited Industrial to CBD Central Business District on property described as:

The North Half of vacated Pearl street adjacent to Lot 22, on Oak Street in West Wichita Addition, Sedgwick County, Kansas.

BACKGROUND: The applicants requests Central Business District (CBD) zoning on .11 platted acres (a portion of vacated Pearl Street) located on the east side of North Oak Street, 300 feet north of West Douglas Avenue. The subject site is currently zoned Limited Industrial (LI), and is vacant. The applicant wishes to match the zoning of this site with the greater City owned parcel to the north. The greater site is designated to become a downtown catalyst development site. The site is located in the Delano District which developed in the 1870's and then redeveloped in the early 1900's when off-street parking requirements did not exist. Therefore, many properties in the Delano District do not have, or have only minimal, off-street parking and rely upon public parking located in the street right-of-way. The site is located within the Delano Neighborhood Revitalization Plan area, but is not within the Delano Overlay Neighborhood District (D-O), which exists one-half block south of the site. CBD zoning mitigates site development issues for older portions of the core area, such as the requirement to provide off-street parking (off-street parking is not required on CBD zoned property) and reduced setback requirements (the CBD district permits zero setbacks; setbacks in the LI district vary from zero to 20 feet).

Properties north, east and west of the site are also owned by the City, are zoned CBD and are primarily vacant. Properties south of the site are a combination of CBD and Limited Commercial (LC) zoning. The properties south of the site are used for warehousing, office and commercial uses. Within the past two years, eight zone changes to CBD have been approved in Delano.

CASE HISTORY: The property is a portion of vacated West Pearl Street, adjacent to lots platted in the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan in 2001.

ADJACENT ZONING AND LAND USE:

North: CBD	Vacant
South: CBD, LC	Warehousing, office and commercial uses
East: CBD	Warehousing
West: CBD	Vacant, warehousing

PUBLIC SERVICES: The site has access to North Oak Street, an unpaved local street with an 80-foot right-of-way at this location. The site is a vacated portion of West Pearl Street, which formerly included rail right-of-way. The Delano Neighborhood Plan calls for a linear parkway, a pedestrian and bike corridor to run immediately north of this site along former rail right-of-way. The site is served by all typical municipal services.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for "commercial service (warehouse)" use. The Project Downtown Plan identifies the site as a catalyst redevelopment site. The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and

planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor.

The Unified Zoning Code (UZC) states that the purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot-line setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The application area shares similar patterns of development and uses as the original core CBD area.

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 properties surrounding the subject site are zoned CBD, LC, GC and LI which permit a very wide range of land uses: residential, office, personal service, entertainment and commercial. Properties one-half block south of the site are subject to the D-O overlay district use restrictions and design guidelines.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI which permits a wide range of industrial and commercial uses, but requires the provision of off-street parking per the UZC. The site has economic value as currently zoned. Approval of CBD zoning would eliminate the requirement for off-street parking and modify building setback requirements. Approval of CBD zoning would give the applicant unified zoning on their entire ownership.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should have little if any impact nearby property owners.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan map depicts the site as appropriate for "commercial service (warehouse)" use. The Project Downtown Plan identifies the site as a catalyst redevelopment site. The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public

investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature.

5. Impact of the proposed development on community facilities: Approval of the request should generate no additional impacts on community facilities. Existing public infrastructure at the site will accommodate uses under the proposed CBD zoning.

JESS MCNEELY, Planning Staff presented the Staff Report.

DAILEY asked about the alley between Oak and Sycamore Streets and if it would remain an alley.

MCNEELY stated the only property being rezoned is the subject property, which is owned by the City. He said a dedicated alley would be public right-of-way.

MOTION: To approve subject to staff recommendation.

WARREN moved, **RICHARDSON** seconded the motion, and it carried (13-0).

5. Case No.: ZON2016-00010 - Ray Dot Properties LLC (owner), IBREWCO, LLC d.b.a. Aero Plains Brewing c/o Brent Miller (applicant), Jeff Davidson (agent) request a City zone change from LI Limited Industrial to CBD Central Business District on property described as:

Lots 31, 33, 35, 37 and 39 together with half of the vacated alley adjacent on the West, on Handley Street, West Wichita Addition, Sedgwick County, Kansas .

BACKGROUND: The applicants request Central Business District (CBD) zoning on .41 platted acres located at the southwest corner of West Pearl Street and North Handley Street. The subject site is currently zoned Limited Industrial (LI), and is developed with a warehouse/office building. The 1960 building on the site has zero lot-line setbacks to the north, south and west sides. The east side of the building, facing Handley Street, is set back approximately 44 feet from the east property line; this side of the site is planned for 12 off-street parking spaces (see the applicant's site plan). The proposed use for the site is a micro-brewery with a tasting room, which is permitted under the current LI zoning. The requested CBD zoning would give the applicants maximum flexibility with code required parking and building setback standards. The site is located within the Delano District, a commercial district serving West Wichita with a variety of commercial, personal service and entertainment uses since the 1870's. The site is within the Delano Neighborhood Plan area, but is not within the Delano Overlay Neighborhood District (D-O). The D-O exists immediately south of this site and one block to the west.

The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when off-street parking requirements did not exist. Therefore, many of the uses in the Delano District do not have, or have only minimal, off-street parking and rely upon public parking located in the street right-of-way. CBD zoning mitigates site development issues for older portions of the core area, such as the requirement to provide off-street parking (off-street parking is not required on CBD zoned property) and

reduced setback requirements (the CBD district permits zero setbacks; setbacks in the LI district vary from zero to 20 feet). The proposed micro-brewery on this site would require 24 parking spaces in the existing LI zoning, the applicant demonstrates 12 off-street parking spaces on their site plan. Public on-street parking is available throughout the Delano area. A paved, eight-space parking area was improved by a previous property owner within the unpaved Pearl Street right-of-way along the north property line. The previous property owner paid for an annual minor street privilege and insurance required by City Engineering. The current property owners and applicants can use the same minor street privilege by meeting City Engineering requirements. A letter from City Engineering to a previous property owner, dated December 1st, 2015, states that the minor street privilege can be cancelled by removing the pavement and a sign that was put in the right-of-way.

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

Properties north and west of the site are zoned LI and used for warehousing and offices. Properties south of the site front onto Douglas, they are a combination of General Commercial (GC), Limited Commercial (LC) and CBD zoning. The properties south of the site are used for retail commercial uses. East of the site, across South Handley, is zoned CBD and used for warehousing and retail commercial uses. Within the past two years, eight zone changes to CBD have been approved in Delano.

CASE HISTORY: The property is platted as the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan in 2001.

ADJACENT ZONING AND LAND USE:

North: LI	Warehousing, office uses
South: GC, LC, CBD	Retail commercial uses
East: CBD	Warehousing, retail commercial uses
West: LI	Warehousing, office uses

PUBLIC SERVICES: The site has access to Handley Street, a paved local street with sidewalks and an 80-foot right-of-way at this location. West Pearl Street runs along the north side of the property. Pearl is unpaved at this location with an 80-foot right-of-way, it formerly included rail right-of-way. The Delano Neighborhood Plan calls for this portion of Pearl to become part of a linear parkway, a pedestrian and bike corridor. The site is served by all typical municipal services.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.” The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region’s

preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor.

The Unified Zoning Code (UZC) states that the purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot-line setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The application area shares similar patterns of development and uses as the original core CBD area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to the property owner obtaining a minor street privilege for the paved eight parking spaces along the site's north boundary.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the subject site are zoned LC, GC, CBD and which permit a very wide range of land uses: residential, office, personal service, entertainment and commercial. Property south and west of the site are subject to the D-O district, which limits land uses and has design guidelines.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI which permits a wide range of industrial and commercial uses, but requires the provision of off-street parking per the UZC. The site has economic value as currently zoned. Approval of CBD zoning would eliminate the requirement for off-street parking and modify building setback requirements.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should have little if any impact nearby property owners. The site is currently developed and has some off-street parking.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval will make the property more marketable with a wider range of possible uses. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.” The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region’s preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan’s *2035 Wichita Future Growth Concept Map* identifies this location as “residential and employment mix,” encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature.
6. Impact of the proposed development on community facilities: Approval of the request should generate no additional impacts on community facilities. Existing public infrastructure at the site will accommodate uses under the proposed CBD zoning.

There was brief discussion whether it was Pearl or Pacific Street that was unpaved.

MCNEELY said the GIS Data indicates that Pearl is unpaved; the applicant’s drawing showed it as Pacific as the unpaved street.

MOTION: To approve subject to staff recommendation.

WARREN moved, **RICHRADSON** seconded the motion, and it carried (13-0).

NON-PUBLIC HEARING ITEMS

DIRECTOR MILLER reported that the Planning Department will be moving to the 271 Building the week of September 6 -9. He said staff would like to cancel the September 8, 2016 Planning Commission Hearing. He added that the next meeting was September 22, 2016; however, being cautious, they would like to also cancel the September 22, 2016 hearing and reschedule it to September 29, 2016.

CHAIR NEUGENT asked if elections would be held at that meeting, since they are normally held the first meeting in September.

DIRECTOR MILLER responded yes, and mentioned that the next meeting is October 6, 2016, so staff wasn’t sure how the Commissioners felt about having two “back-to-back” Planning Commission meetings.

He said if the Commission feels this is a reasonable plan, staff will proceed to notify agents and other interested parties. He said the move will also including cancellation of a Subdivision Meeting and movement of a “closing date” to give staff more time to do plats.

MOTION: To cancel the September 8 and September 22, 2016 Planning Commission Hearings, and to reschedule the September 22, 2016 Planning Commission Hearing to September 29, 2016.

DENNIS moved, **TODD** seconded the motion, and it carried (13-0).

The Metropolitan Area Planning Commission adjourned at 1:47 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: SUB2016-00015 – SANDCREST ADDITION

OWNER/APPLICANT: RSRNHP, LLC, Attn: Jay Russell, PO Box 75337, Wichita, KS 67275-0337

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

LOCATION: Southeast corner of West 29th Street North and North Hoover Road (District V)

SITE SIZE: 64.11 acres

NUMBER OF LOTS

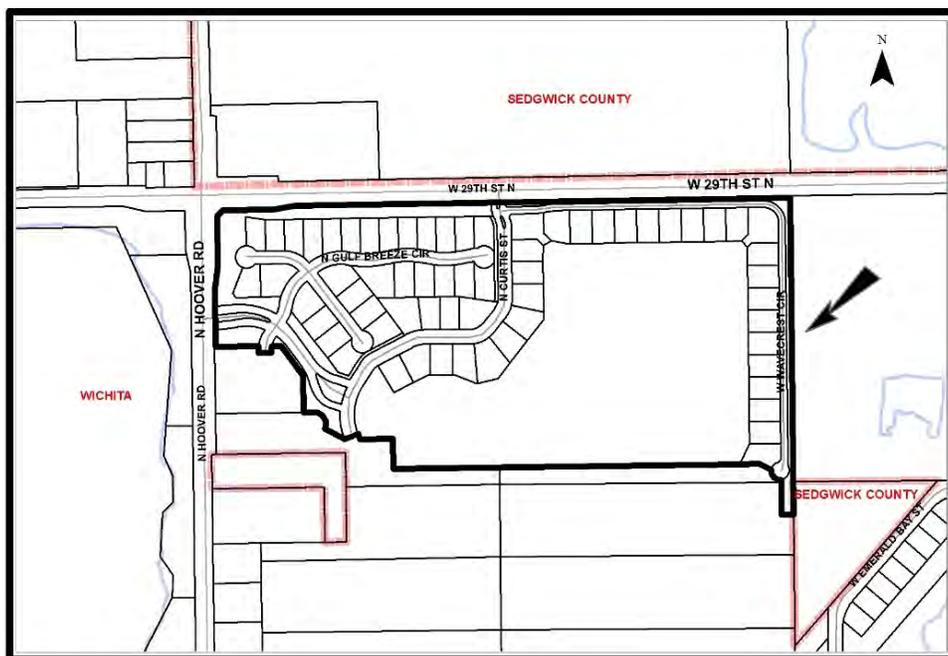
Residential:	66
Office:	
Commercial:	
Industrial:	
Total:	66

MINIMUM LOT AREA: 11,200 square feet

CURRENT ZONING: Single-Family Residential (SF-5), Limited Commercial (LC)

PROPOSED ZONING: Same

VICINITY MAP



SUB2016-00015 – Plat of SANDCREST ADDITION
May 5, 2016 - Page 2

NOTE: This is a replat of Pearl Beach Addition which includes a revised street layout.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the applicant needs to extend water to serve all lots (transmission and distribution) and extend sewer to serve all lots (mains and laterals).
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage concept plan.
- D. The plat proposes one street opening along Hoover and a 60-foot emergency access opening along 21st Street North. A Note on the face of the plat indicates that the emergency access opening shall become a full movement opening at such time as 29th Street North is paved. Traffic Engineering has approved the access controls.
- E. City Fire Department has approved the street lengths of Gulf Breeze Ct (~1250 feet) and Wavecrest Cir (2150 feet). The Subdivision Regulations limit urban cul-de-sacs to 800 feet in length unless an emergency access easement is proposed. The Subdivision Committee may recommend a modification of the design criteria in Article 7 of the Subdivision Regulations if it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- F. City Fire Department advises the Reserve B median appears to block access and would make a left turn onto Wavecrest impossible for a fire apparatus. Reserve C will also be a hindrance to this turn and to any turns out of Wavecrest and onto southbound Curtis. The applicant will reduce the lengths of Reserve B and C to allow for proper fire circulation.
- G. Traffic Engineering has required “No Parking” on both sides of Curtis Street and Sandcrest Street adjoining medians. A restrictive covenant shall be provided specifying the No Parking requirement.
- H. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- I. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- J. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for emergency access easements and for sidewalks on at least one side of Sandcrest Street and Curtis Street.
- K. The emergency access easement shall be established by separate instrument. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. Standard gating and signing are required per City/County Fire Department standards.

SUB2016-00015 – Plat of SANDCREST ADDITION
May 5, 2016 - Page 3

- L. Since Reserve J includes a swimming pool, a site plan shall be submitted with the final plat for review by MAPD. The site plan shall include the information indicated in the Subdivision Regulations. The design for the pool must be submitted to Environmental Services for review prior to issuing a building permit for the pool.
- M. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- N. 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.
- O. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- P. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- Q. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- R. GIS has approved the street names.
- S. Due to the northwest corner of the plat zoned Limited Commercial (LC), a zone change to SF-5 Single-Family Residential is needed. In the alternative, a "restrictive covenant for zoning restriction" may be provided limiting the site to SF-5 uses.
- T. 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.
- U. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- V. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- W. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

SUB2016-00015 – Plat of SANDCREST ADDITION
May 5, 2016 - Page 4

- X. 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.
- Y. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Z. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System 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.
- AA. Perimeter closure computations shall be submitted with the final plat tracing.
- BB. 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.
- CC. Westar Energy has requested additional easements. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- DD. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disc. If a disc is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT

CASE NUMBER: VAC2016-00015 - City request to vacate an access easement dedicated by separate instrument

APPLICANT/ AGENT: East Side Investments LLC, c/o Bradley Seville (applicant) Kaw Valley Engineering, c/o Tim Austin (agent)

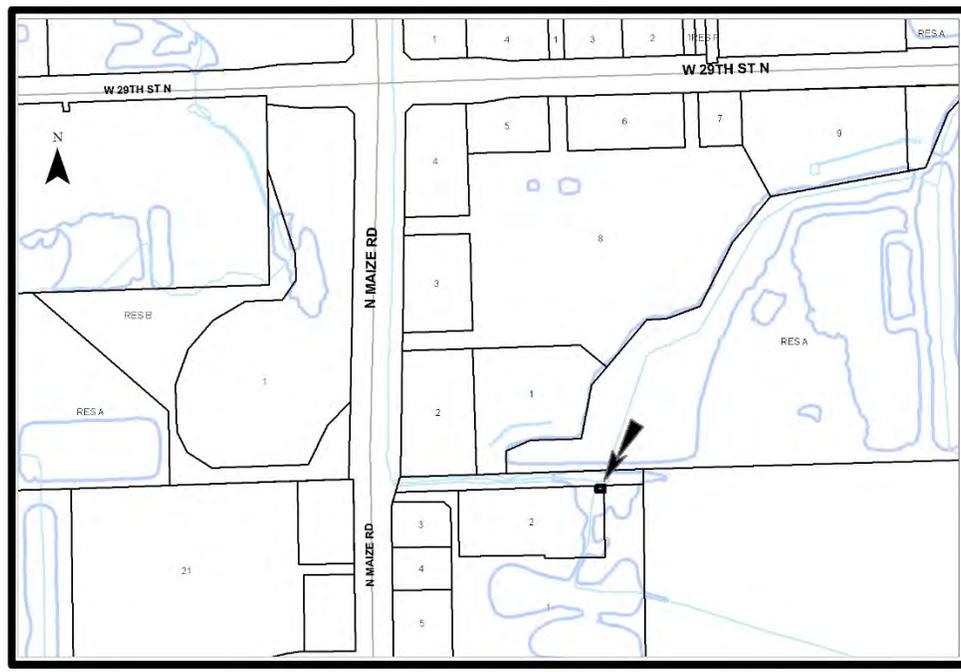
LEGAL DESCRIPTION: Generally described as vacating the east 25 feet of the access easement dedicated by separate instrument located on Lot 2, Block 1, Central Park Plaza Addition, Wichita, Sedgwick County, Kansas; (Doc#/FLM-PG: 29235029, recorded August 15, 2011)

LOCATION: Generally located a 1/4-mile south of 29th Street North on the east side of Maize Road (WCC #V)

REASON FOR REQUEST: To allow an electrical transformer in the northeast corner of the vacated subject access easement

CURRENT ZONING: The site and abutting south, west and north properties are zoned LC Limited Commercial. The abutting east property is zoned SF-5 Single-Family Residential. The site is also located in CUP DP-336.

VICINITY MAP:



The applicant proposes to vacate the east 25 feet of the access easement dedicated by separate instrument located on Lot 2, Block 1, Central Park Plaza Addition; Doc#/FLM-PG: 29235029, recorded August 15, 2011. The access easement runs on and parallel to the north property line of Lot 2, Block 1, Central Park Plaza Addition, from Maize Road to the east property line of the subject lot. There is also a 50-foot wide drainage easement running parallel to the subject property's north side. Per the dedication, the purpose of the subject access easement is to provide access for light-duty maintenance equipment. The length of the access easement has utility easements located and the portion of the access easement proposed to be vacated has a water line located in it. The applicant proposes to dedicate a utility easement in place of the vacated portion of the access easement in order to place an electrical transformer; see attached dedication of utility easement. Condition # 3 covers Westar, as this is to accommodate equipment for Westar to serve the applicant. Richard Aitken is the Construction Services Representative for this item and can be contacted at 261-6734. The Central Park Plaza Addition was recorded with the Sedgwick County Register of Deeds February 28, 2012.

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 access easement dedicated by separate instrument.

- 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 April 14, 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 the access easement dedicated by separate instrument 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, Fire, and Public Works vacate the east 25 feet of the access easement dedicated by separate instrument located on Lot 2, Block 1, Central Park Plaza Addition; Doc#/FLM-PG: 29235029, recorded August 15, 2011. Provide a legal description of the approved vacated portion of the access easement on a Word document, via e-mail, to Planning 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.
- (2) Provide a dedication of a utility easement 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.

- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. 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.
- (4) All improvements shall be according to City Standards and at the applicant's 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) Per the approval of the Traffic Engineer, Fire, and Public Works vacate the east 25 feet of the access easement dedicated by separate instrument located on Lot 2, Block 1, Central Park Plaza Addition; Doc#/FLM-PG: 29235029, recorded August 15, 2011. Provide a legal description of the approved vacated portion of the access easement on a Word document, via e-mail, to Planning 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.
- (2) Provide a dedication of a utility easement 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.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. 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.
- (4) All improvements shall be according to City Standards and at the applicant's 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.

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 Lowe's 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. Lowe's 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 2nd Addition was recorded with the Register of Deeds on November 23, 1976. The subject site was annexed into the city between 1961 and 1970.

*At the April 21, 2016, MAPC meeting the owners of the north butting SF-5 zoned single-family residence, one of their brothers and another neighbor protested both the proposed amendment to PO #300 to allow a 2,000-square foot restaurant and the proposed TF-3 zoning with its conditional use for ancillary parking. The protesters did not want a restaurant which included their concerns about the possible traffic generated by a restaurant onto Brunswick Street, restaurant patrons parking in the Brunswick Street, the hours of trash being picked up, trash generated by a restaurant, possible late hours, noise, and cooking and trash odors. If the restaurant was approved the protesters wanted a wall instead of a fence and the Traffic Engineer's recommended closing of the site's proposed direct access onto Maple Street left open and the drives onto Brunswick closed. The MAPC deferred making a recommendation on this case until DAB V had considered the case.

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.

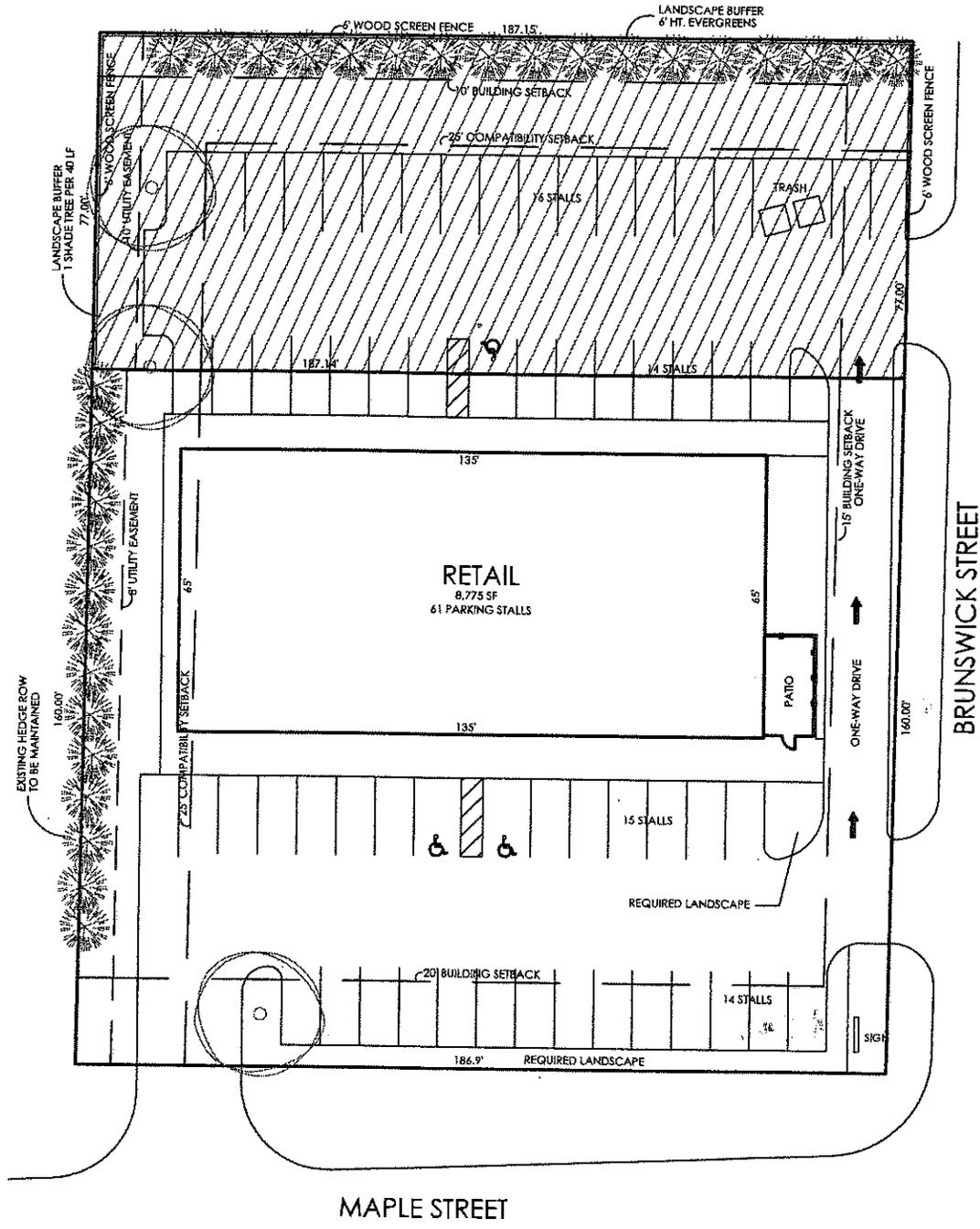
The Community Investments Plan’s “2035 Wichita Future Growth Concept Map” designates the site as “new employment.” The new employment designation encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, 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.

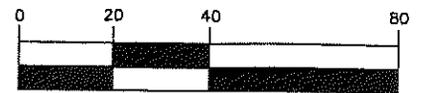
(5) Impact of the proposed development on community facilities: With the recommended provisions for access controls, there will be minimal impact on community facilities.

EXHIBIT A



LEGEND
 ///// TF-3 ZONING

GRAPHIC SCALE



(IN FEET)

1 inch = 40 ft.



KAW VALLEY ENGINEERING

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 WICHITA, KANSAS 67202
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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; 10th 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.

**EXCERPT MINUTES OF THE AUGUST 20, 2015 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

Case No.: ZON2015-00031 - Esther M. Wallace (owner) and Baughman Company, P.A., c/o Russ Ewy (agent) request a City zone change request from SF-5 Single-family Residential to NR Neighborhood Retail on property described as:

The South 160 feet of lot 9, Block D, Westview Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential to GO General Office on the platted 160 foot (x) 187 foot (0.70-acres) site. The site is a corner lot located one-block west of Ridge Road on the northwest corner of Brunswick and Maple Streets. The site's one story, brick, ranch style house's (built 1948) front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location. The site has large mature deciduous trees located throughout it, including a hedge like line of mature trees running parallel to its west property line.

SF-5 zoned neighborhoods abut the north and west sides of the SF-5 site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site by the noted 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. A similar landscape buffer does not separate the north abutting SF-5 zoned single-family residences (built late 1970s) from the subject site. A LC Limited Commercial 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 0.70-acre subject site, if the zoning 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. Based on the built dates (as shown on the Sedgwick County Appraiser's information) the subject site's one story, brick, ranch style house (built 1948) is one of the oldest, if not the oldest building in the area; pre Unified Zoning Code (UZC), pre 1958 County zoning within a three mile-ring of the city.

CASE HISTORY: The site is described as the South 160 feet of Lot 9, Block D, Westview Addition. The Westview Addition was recorded with the Register of Deeds on February 11, 1953. The 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 access/a drive onto Brunswick Street, a paved two-lane local street which intersects with Maple Avenue, a paved four-lane arterial, with two center-turn lanes at this location. The site also access/a drive onto Maple Avenue.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The site’s current SF-5 zoning allows single-family residences, schools, churches, and parks and is appropriate for the urban residential category. The site’s one story, brick, ranch style house’s front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location; this orientation lessens the appeal of the site’s single-family residence.

The NR zoning district is generally compatible with the “local commercial” or “urban development mix” designations of the Wichita-Sedgwick County Comprehensive Plan. The urban development mix category has uses that are predominately found in the urban residential category, such as single-family residential, duplexes, apartments, schools, parks, churches and similar residential-serving uses. The urban development mix category also could be developed with local commercial uses, major institutional uses and park and open spaces. The urban development mix category contains land that is likely to be developed or redeveloped within the next 30-years. The Maple Street – Ridge Road intersection (and south of Ridge to Kellogg) has experience redevelopment from single-family residential to commercial during the last, at least, two and a half decades.

The NR zoning district also allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.

RECOMMENDATION: Approving the zoning request moves commercial zoning further west, across Brunswick Street, a paved two-lane local street. If approved, commercial zoning would abut SF-5 zoned single-family residences/neighborhoods. Future commercial zoning requests in the immediate area could be on the north abutting property, leading to a possible expansion of the subject site, further encroaching into the SF-5 zoned neighborhood; staff would not support a future request to expand commercial zoning to the north or the west.

The site’s one story, brick, ranch style house’s front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location; this orientation may lessen the appeal of the site’s single-family residence. The subject site’s one story, brick, ranch style house, built 1948, is one of the oldest, if not the oldest building in the area. The site’s single-family residence is pre-1958 County zoning within a three mile-ring of the city (which shows all of this discussed area as suitable for suburban residential), pre-1961-1970 annexation into the city and pre- Unified Zoning Code (UZC). The site, with its Maple Street frontage, is located one-block (approximately 330 feet) west of Ridge Road. Commercial development is now the dominate feature of the Maple Street – Ridge Road intersection.

The requested NR zoning is more restrictive than the adjacent east (across Brunswick Street) and south (across the arterial Maple Avenue) LC and GC zoned commercial developments. If today's request is approved, commercial development on the 0.70-acre site would be of a similar scale as the east adjacent LC zoned 0.68-acre carpet store and 0.70-acre commercial strip sites. Compatibility setback, height and light standards will apply to the development of the site. The provisions of a protective overlay could limit the uses permitted by right in the NR zoning district.

Based upon the information available prior to the public hearings, planning staff recommends that the request for NR zoning be **APPROVED**, subject to the following provisions of a protective overlay:

- (1) Permitted uses are automated teller machine, bank or financial institution, general office, personal care service general retail, personal improvement service, a medical office, and a 2,000-square foot full service restaurants (no drive through windows or curb side service)
- (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 USC 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.

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 SF-5 site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site by the noted 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. A similar landscape buffer does not separate the north abutting SF-5 zoned single-family residences (built late 1970s) from the subject site. A LC Limited Commercial 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 0.70-acre subject site, if the zoning 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. Based on the built dates (as shown on the Sedgwick County Appraiser's information) the subject site's one story, brick, ranch style house (built 1948) is one of the oldest, if not the oldest building in the area; pre Unified Zoning Code (UZC), pre 1958 County zoning within a three mile-ring of the city.

(2) The suitability of the subject property for the uses to which it has been restricted: The site's current SF-5 zoning allows single-family residences, schools, churches, and parks by right. The site's one story, brick, ranch style house's front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location. 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. The site's orientation towards Lowes and Target lessens the appeal of the site's single-family residence.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: Approving the zoning request moves commercial zoning further west, across Brunswick Street, a paved two-lane local street. If approved, commercial zoning would abut SF-5 zoned single-family residences/neighborhoods. Future commercial zoning requests in the immediate area could be on the north abutting property, leading to a possible expansion of the subject site, further encroaching into the SF-5 zoned neighborhood. The requested NR zoning is more restrictive than the adjacent east (across Brunswick Street) and south (across the arterial Maple Avenue) LC and GC zoned commercial developments. If today's request is approved, commercial development on the 0.70-acre site would be of a similar scale as the east adjacent LC zoned 0.68-acre carpet store and 0.70-acre commercial strip sites. Compatibility setback, height and light standards will apply to the development of the site. The provisions of a protective overlay could limit the uses permitted by right in the NR zoning district.

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide Map" depicts the site as appropriate for "urban residential" uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The site's current SF-5 zoning allows single-family residences, schools, churches, and parks and is appropriate for the urban residential category. The site's one story, brick, ranch style house's front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location; this orientation lessens the appeal of the site's single-family residence.

The NR zoning district is generally compatible with the "local commercial" or "urban development mix" designations of the Wichita-Sedgwick County Comprehensive Plan. The urban development mix category has uses that are predominately found in the urban residential category, such as single-family residential, duplexes, apartments, schools, parks, churches and similar residential-serving uses. The urban development mix category also could be developed with local commercial uses, major institutional uses and park and open spaces. The urban development mix category contains land that is likely to be developed or redeveloped within the next 30-years. The Maple Street – Ridge Road intersection (and south of Ridge to Kellogg) has experience redevelopment from single-family residential to commercial during the last, at least, two and a half decades.

The NR zoning district also allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.

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

BILL LONGNECKER, Planning Staff presented the Staff Report.

RUSS EWY, BAUGHMAN COMPANY, 315 ELLIS, AGENT FOR THE APPLICANT said he would stand for questions. He said he believed one resident in the area has comments on the application.

RICHARDSON asked the agent about approving the request minus the restaurant.

EWY said he doesn't see a problem removing restaurant from the list of permitted uses.

JARED GISH, 227 SOUTH BRUNSWICK said he was present for the restaurant question. He indicated that he lived two houses from the site and he maintains his property pretty well. He said he would like to see the applicant provide a six (6) foot block wall along the north side of the property and exit only onto Maple Street from the site, not down Brunswick. He said this area is the first Addition of Ashley Park.

J. JOHNSON asked about access onto Maple Street.

EWY commented that they had received an e-mail from one of the neighbors saying they were fine with the proposal but did have concerns about the specific location of a drive. He referred to a schematic with an el shaped parking area with openings onto both Brunswick and Maple. He said they will meet with Traffic Engineering prior to the DAB hearing to see if a single point of access would be preferable. He said the neighbors also expressed a preference that the building be kept in the northwest quadrant of the property with parking in the front. He said staff requested that they maintain existing vegetation which would be fine with a wood screening fence, which is what is required by Code. He said it will be a bit trickier to maintain the vegetation with a masonry wall. He said they would like to meet the screening requirements as recommended by staff, which was wood screening in addition to the trees.

J. JOHNSON asked about any restriction about exiting onto Brunswick.

RICHARDSON suggested they let Traffic Engineering address that issue. He said he believes the traffic issue is people using Brunswick to avoid the intersection and this location probably won't generate enough traffic to affect that.

MOTION: To approve subject to staff recommendation with elimination of any restaurant use on the site.

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

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 May 5, 2016
DAB IV May 2, 2016

CASE NUMBER: ZON2016-00015

APPLICANT/AGENT: Tommy Ly (owner/applicant)

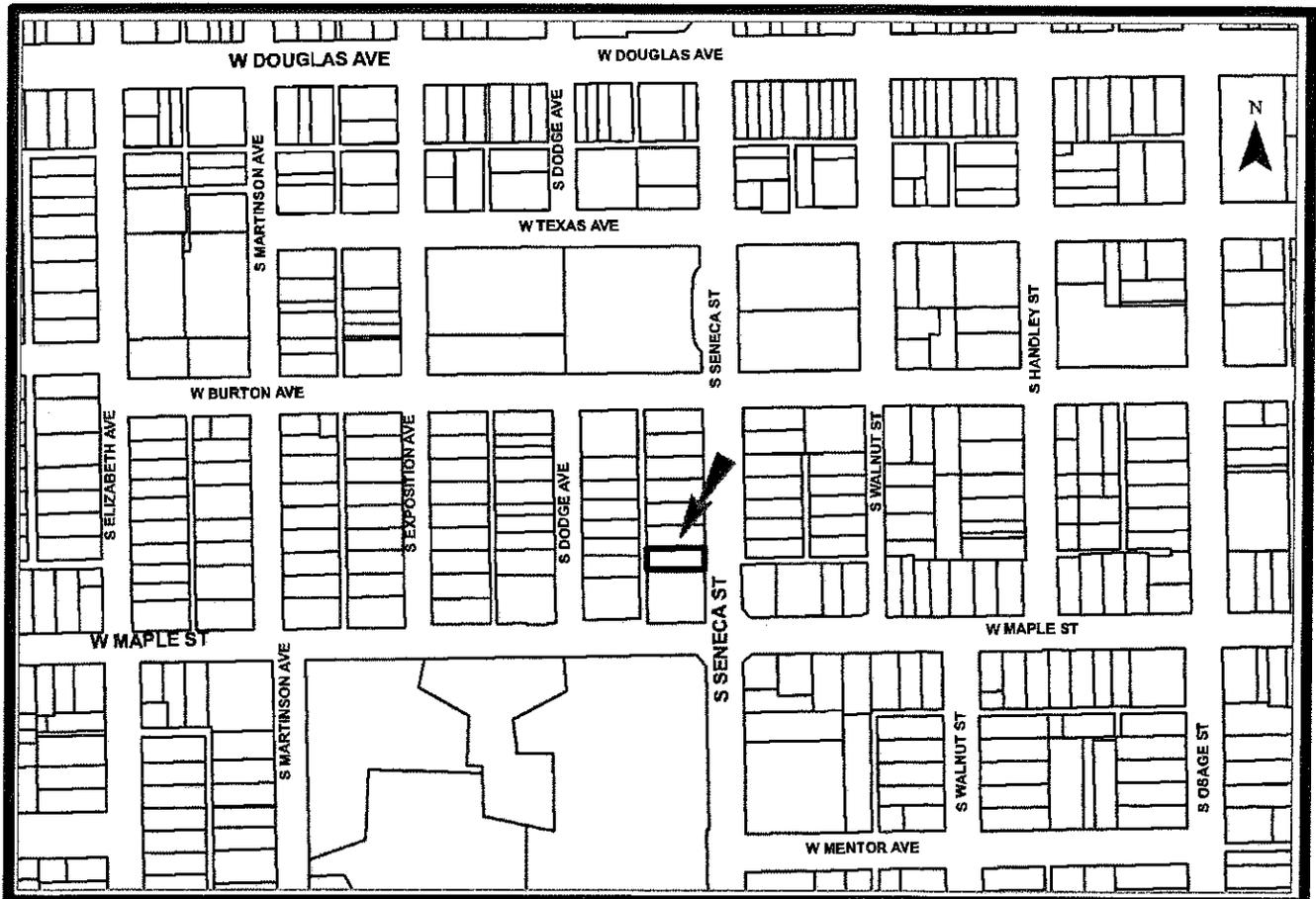
REQUEST: LC Limited Commercial (LC) zoning

CURRENT ZONING: SF-5 Single-Family Residential (SF-5) zoning

SITE SIZE: 0.13 acres

LOCATION: Generally located on the west side of S. Seneca Street and north of W. Maple Street (333 S. Seneca)

PROPOSED USE: Limited commercial development



BACKGROUND: The applicant requests LC Limited Commercial (LC) zoning on a 0.13-acre platted parcel. The SF-5 Single-family Residential (SF-5) zoned site is developed with a single-family residence built in 1920. The site has 45 feet of frontage along South Seneca Street and 130 feet of depth. The site is 120 feet north of the West Maple Street intersection. The applicant also owns the GC General Commercial (GC) zoned property to the south, developed with a convenience store and gas station. The applicant intends to develop the site with a commercial use. The site is located within the Delano District, a commercial district serving West Wichita with a variety of commercial, personal service and entertainment uses since the 1870's.

The site is within the Delano Neighborhood Plan area and the Delano Overlay Neighborhood District (D-O). Any development or changes on the site will be reviewed by the Delano Design Review Committee for consistency with the Delano Neighborhood Design Guidelines. The Delano Neighborhood design guidelines would require a 10-foot landscaped building setback along South Seneca and parking lot screening with a three to four-foot tall masonry screening wall with wrought iron. The Unified Zoning Code (UZC) would require non-residential development on this site to provide screening from the residential site to the north and west. The UZC would require a 25-foot compatibility setback from the north side property line where abutting residential zoning and a 15-foot building setback on the western rear property line. Development on the site is required to meet the UZC parking requirements.

North of the site, along South Seneca, is a mixture of SF-5, TF-3 Two-family Residential (TF-3), MF-18 Multi-family Residential (MF-18) and B Multi-family Residential (B) zoning. North of the site is a vacant lot, further north are single, duplex and multi-family residences and a church. South of the site is a GC zoned convenience store and a B zoned assisted living facility. East of the site, across South Seneca, are GC zoned contractor and vehicle sales uses. West of the site, along South Dodge Avenue, are and a B, MF-18, TF-3 and SF-5 zoned retail, office, single and multi-family residential uses.

CASE HISTORY: The site was platted as a portion of Reserve E of the Lawrences 2nd Addition in 1885. The Delano Neighborhood Revitalization Plan was adopted in 2001. This site was rezoned from GI General Industrial (GI) to SF-5 as part of a Delano Neighborhood Revitalization Plan implementation rezoning in 2003.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, TF-3, MF-18	Single-family, duplex and multi-family residences, church
SOUTH:	GC, B	Convenience store, assisted living
EAST:	SF-5, GC	Church, contractor sales and services
WEST:	MF-18, SF-5, B	Single-family residences, multi-family residences

PUBLIC SERVICES: South Seneca Street is a paved, four-lane arterial street at this location with an 80-foot right-of-way. South Seneca has a central median and turn lane adjacent to the site, and therefore will not have northbound Seneca Street left-turn access. Sidewalks exist on both sides of Seneca. The site currently has no driveway access to South Seneca. The site has rear access to an unpaved, dedicated 15-foot service alley. All public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for "commercial mixed use." The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "commercial," encompassing areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices and personal service

uses are located in close proximity to, and potentially mixed with, residential uses.

RECOMMENDATION: Staff notes that this is a small site, and will likely be used in support of or in conjunction with the applicant's commercial property to the south. Staff also notes that access to this site from South Seneca would not meet the Access Management Guidelines spacing requirement from the nearest access point to the south. Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to dedication of complete access control to South Seneca Street, and recording a cross-lot access agreement with the property to the south.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** North of the site, along South Seneca, is a mixture of SF-5, TF-3, MF-18 and B zoning. North of the site is a vacant lot, further north are single, duplex and multi-family residences and a church. South of the site is a GC zoned convenience store and a B zoned assisted living facility. East of the site, across South Seneca, are GC zoned contractor and vehicle sales uses. West of the site, along South Dodge Avenue, are and a B, MF-18, TF-3 and SF-5 zoned retail, office, single and multi-family residential uses.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and could continue to be used as a single-family residence.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The bordering SF-5 zoned lot to the north is vacant. Future development on that site, and existing residences further north and west of the site, could be impacted by commercial development on the application area. Code required screening, landscaping and compatibility standards should mitigate impact on surrounding residences.
- (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 will make the property more marketable with a wider range of possible uses. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Delano Neighborhood Plan map depicts the site as appropriate for "commercial mixed use." The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "commercial," encompassing areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices and personal service uses are located in close proximity to, and potentially mixed with, residential uses.
- (6) **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. Requiring shared access with the commercial property to the south will mitigate traffic conflicts caused by commercial development on the site.

BACKGROUND: The applicants are requesting a zone change from SF-5 Single-family Residential (SF-5) to TF-3 Two-Family Residential (TF-3) zoning on a 3.1-acre undeveloped tract. The irregular shaped tract is located approximately 600 feet north of West 27th Street North on the east side of North Arkansas Avenue. The site has access onto Arkansas Avenue. A drainage channel abuts the east side of the site. The applicants intends to build 10-12 duplexes on the site. If the TF-3 zoning is approved the site will have to be platted with public street right-of-way and individual lots for each duplex. A Conditional Use is required for developing multiple duplexes on one lot in the TF-3 zoning district. The Unified Zoning Code (UZC) requires a minimum of 6,000-square feet per duplex, with a 35-foot minimum lot width.

This is a mature neighborhood with a mix of TF-3 and SF-5 zoned properties, with most of these properties developed as single-family residences and scattered duplexes. LC Limited Commercial (LC) zoned properties are located south and north of the site, at the intersections of 29th Street North and Arkansas and 25th Street North and Arkansas. These LC zoned properties are developed (but not limited to) with small restaurants, a convenience store, retail strip buildings, small commercial buildings, a small two-apartment building, vehicle repair garages, a car sales lot, single-family residences, a market. There appears to be some small vacant commercial buildings in the area. The largest developments in the area is the SF-5 and LC zoned Evergreen Public Park, which is developed with playing fields, tennis and basketball courts, open space, a gym, community buildings, a swimming pool, a library and a private educational building. An electrical substation is also located in the north end of the park. Wichita United School District USD 259 has Cloud Elementary School abutting Evergreen Public Park. A Grace Medical facility is attached to the elementary school. Both the park and school are located southwest of the site, across the 27th Street North and Arkansas Avenue intersection.

CASE HISTORY: BZA 3-81 was a variance request to reduce the required 5-acre minimum for the “G” Mobile Home zoning district (now MH Manufactured Housing {MH}) to 3.5-acres. The owner at the time was asking for the variance prior to requesting a zone change from “A” Single-Family Residential to G. The application for the variance was recommended for denial, resulting in the applicant withdrawing the variance request at the February 24, 1981 Board of Zoning Appeals meeting. The property appears to have been vacant before the 1981 variance case.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, LC	Single-family residences, convenience store, small retail strips, restaurants
SOUTH:	SF-5, TF-3	Single-family residences, apartment, public park, car sales lot
EAST:	SF-5, TF-3	Drainage channel, single-family residences, scattered duplexes
WEST:	SF-5,	Single-family residences

PUBLIC SERVICES: North Arkansas Avenue is a paved, two-lane minor arterial at this location with a 60 to 80 feet of 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. The property appears to have been vacant before the 1981 its variance case, as such the proposed TF-3 zoning and subsequent duplex development is in line with the directives of the Plan.

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

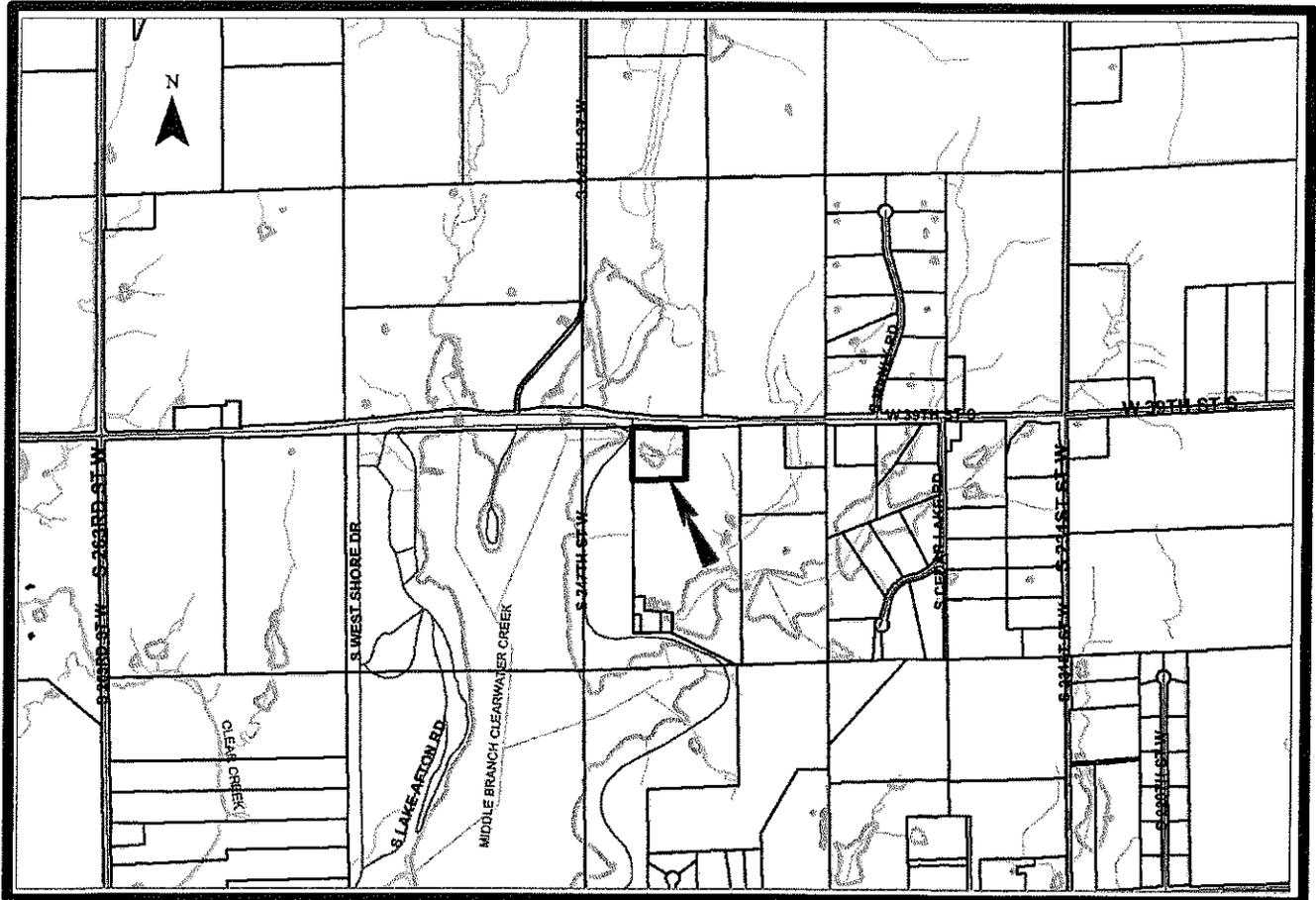
This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** This is a mature neighborhood with a mix of TF-3 and SF-5 zoned properties, with most of these properties developed as single-family residences and scattered duplexes. LC Limited Commercial (LC) zoned properties are located south and north of the site, at the intersections of 29th Street North and Arkansas and 25th Street North and Arkansas. These LC zoned properties are developed (but not limited to) with small restaurants, a convenience store, retail strip buildings, small commercial buildings, a small two-apartment building, vehicle repair garages, a car sales lot, single-family residences, a market. There appears to be some small vacant commercial buildings in the area. The largest developments in the area is the SF-5 and LC zoned Evergreen Public Park, which is developed with playing fields, tennis and basketball courts, open space, a gym, community buildings, a swimming pool, a library and a private educational building. An electrical substation is also located in the north end of the park. Wichita United School District USD 259 has Cloud Elementary School abutting Evergreen Public Park. A Grace Medical facility is attached to the elementary school. Both the park and school are located southwest of the site, across the 27th Street North and Arkansas Avenue intersection.
- (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 or multiple 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. TF-3 zoning is common within the surrounding blocks. Duplex development on the site could be better for the neighborhood than a large 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. The property appears to have been vacant before its 1981 variance case, as such the proposed TF-3 zoning and subsequent duplex development is in line with the directives of the Plan.
- (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 May 5, 2016

- CASE NUMBER:** ZON2016-00017
- APPLICANT/AGENT:** Wayne and Donna Wulf (owner/applicant)
- REQUEST:** RR Rural Residential (RR) zoning
- CURRENT ZONING:** GC General Commercial (GC) zoning
- SITE SIZE:** 7.44 acres
- LOCATION:** Generally located south of West 39th Street South and east of Lake Afton (24545 W. 39th Street S.)
- PROPOSED USE:** Single-family Residential



BACKGROUND: The applicant requests a downzoning from GC General Commercial (GC) zoning to RR Rural Residential (RR) on a 7.44-acre unplatted parcel. The site is located on the south side of West 39th Street South and east of Lake Afton. The site is not within a small city urban growth area. The site was rezoned from RR to GC in 2005 with a Protective Overlay (PO-160) which limits uses on the site to auditorium, restaurant and outdoor recreation. The primary structure on the site was built in 1955. A silo on the site was converted to a climbing wall with additional outdoor recreation features added to the site. The applicants indicate to staff that they have removed the commercial kitchen from the site, they intend to remove the outdoor recreation climbing features and intend to use the site as a single-family residence. The site is on well water and a shared lagoon with property to the south.

All property surrounding the site is also zoned RR. North of the site, across West 39th Street South, is the County firearms training facility. South and east of the site is property owned by Kings Camp Inc. with conditional use CU-332 for a recreational vehicle camp ground. The County Tax Assessor lists the use of the property south and east of the site as “child and youth services.” West of the site is the Lake Afton County Park.

CASE HISTORY: The site is unplatted, the primary structure on the site was built in 1955. The site was rezoned from RR to GC in 2005 with PO-160.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Firearms training facility
SOUTH:	RR	Child and youth services
EAST:	RR	Child and youth services
WEST:	RR	County park, lake

PUBLIC SERVICES: West 39th Street South is a paved, two-lane arterial street at this location with a 120-foot right-of-way. West 39th Street South has a central turn lane adjacent to the site. The site utilizes shared on-site water and sewer with property to the south. The applicants indicate to staff that they intend to develop on-site water and sewer on their property.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “rural” and not within any small city growth areas. The “rural” category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*.

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:** All property surrounding the site is also zoned RR. North of the site, across West 39th Street South, is the County firearms training facility. South and east of the site is property owned by Kings Camp Inc. with conditional use CU-332 for a recreational vehicle camp ground. The County Tax Assessor lists the use of the property south and east of the site as “child and youth services.” West of the site is the Lake Afton County Park.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned GC and could continue to be used under PO-160 for an auditorium, restaurant and outdoor recreation.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested downzoning, from GC to RR, will create more restrictions on the property lowering potential impacts on surrounding properties.
- (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 “rural” and not within any small city growth areas. The “rural” category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*.
- (5) **Impact of the proposed development on community facilities:** All services are in place. The requested downzoning will reduce demand on community facilities, infrastructure and services.



STAFF REPORT
MAPC May 5, 2016
DAB II May 9, 2016

CASE NUMBER: CON2016-00008

APPLICANT/AGENT: Chavey Enterprises, LLC, c/o Mark Chavey (applicant/owner) Baughman Company PA, c/o Russ Ewy

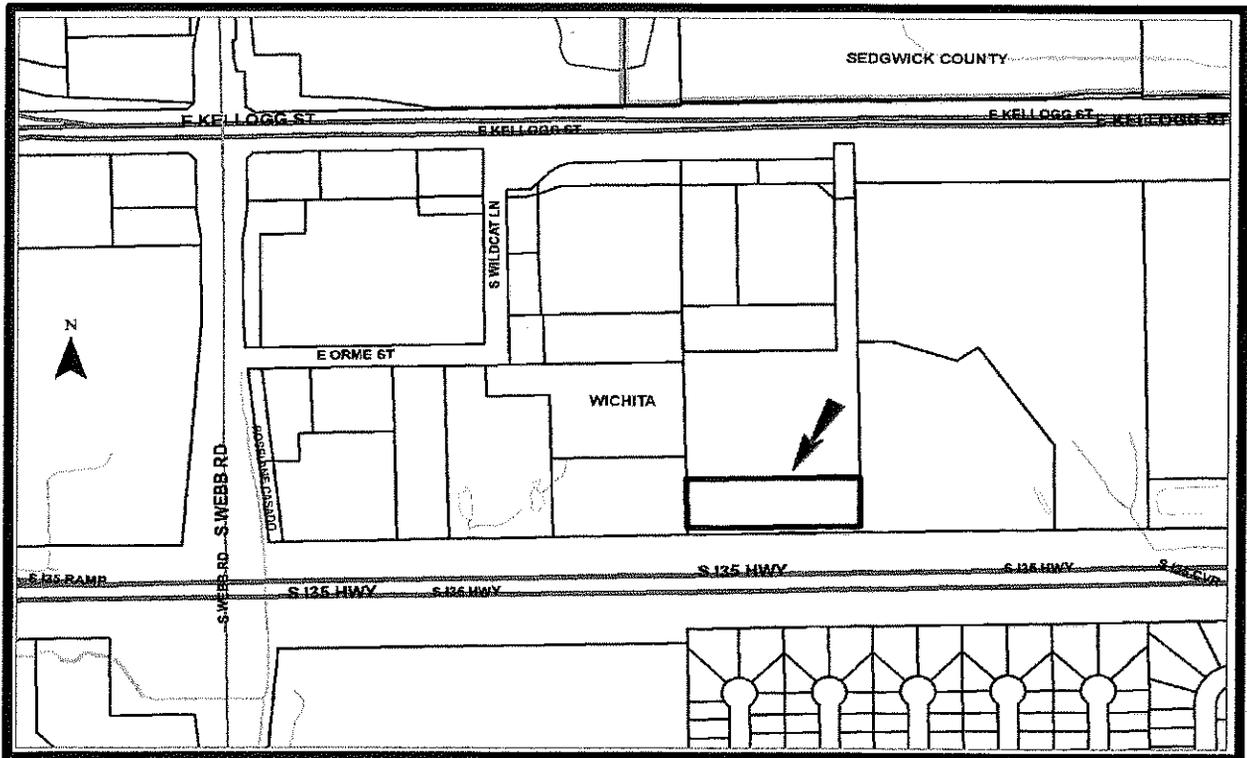
REQUEST: Conditional Use to permit an event center

CURRENT ZONING: GC General Commercial

SITE SIZE: 1.82-acres

LOCATION: Generally located south of East Kellogg Street and east of South Webb Road

PROPOSED USE: Event center that may serve alcohol and have live entertainment or dancing (nightclub in the city)



BACKGROUND: The applicant is seeking “conditional use” approval for an “event center” on the GC General Commercial (GC) zoned site, located east of South Webb Road and south of East Kellogg Street. The event center will be offered for rent for private events such as weddings, reunions, anniversaries, birthdays, corporate or charitable events, art shows or similar activities. The event center will provide the options of the serving and consumption of alcohol, providing food and providing music for dancing or entertainment at the events. Per the “Wichita-Sedgwick County Unified Zoning Code” (UZC), an event center is defined as, “...premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled”; UZC Sec. II-B.4.i. However the UZC defines an establishment that serves alcoholic beverages for consumption on the site, that may or may not serve food, and that may also provide live entertainment or dancing by employees or patrons as a “nightclub in the city”; UZC Sec. II-B.9.b.

A nightclub in the city is permitted by right in the GC zoning district unless the establishment is located within 300 feet of a church/place of worship, public park, school or residential zoning district, as measured property line to property line. Summit Church abuts the east side of the site, thus a conditional use is required. Applications for such venues, nightclubs with event center like restrictions, have become a fairly regular request of consideration by the MAPC.

The site plan submitted by the applicant depicts the site as it is currently developed. The 1.82-acre site is developed with a 115 paved parking spaces and a 14,250-square foot metal building, which used to house the fraternal organization Moose Lodge. The Moose Lodge ceased operations in 2012 and most of the building has been vacant since then, except for a portion of it being used for storage. The site last held alcohol and entertainment licenses in 2012. The Fire Department list the occupancy at a maximum of 146 when the dance floor is empty and 178 when loose tables and chairs are placed on the dance floor. The applicant proposes an indoor capacity of 178 and outdoor capacity of 165. The parking requirements of one space per three occupants works out to 60 parking spaces for indoor events and 55 spaces for outdoor events.

Compatibility noise standards (UZC, Article IV, Section IV-C.6) prohibit sound amplification systems for projecting music or human voices on any property zoned NO Neighborhood Office (NO) or more intensive if the music and/or voices can be heard within any residential zoning district that is located within a 500-foot radius of the subject site as compared with the applicant’s proposed development standard “C.” SF-5 zoned single-family residential development is located +/- 300 feet south of the site, across I-35, thus the compatibility noise standards apply.

The abutting north, east and west properties are zoned GC. The Club Rodeo nightclub and Nilla’s Place (vacant?) abut the north side of the site. Discount auto sales, a general auto repair business, Groves liquor store, and Car Max auto sales are located further north, northeast and northwest of the site; there is a large concentration of auto sales lots along this section of East Kellogg Street. A paint warehouse abuts the east side of the site. A general vehicle repair shop and an auto parts sale business are located further west of the site. The already mentioned Summit Church abuts the east side of the site with more auto sales lots located further east-northeast. SF-5 Single-Family Residential (SF-5) zoned single-family residential neighborhoods are located +/- 300 feet south of the site, across I-35. The largest single development in the area is the LI Limited Industrial (LI) Beechcraft airplane manufacturing and sales complex (with runways), which is located approximately a quarter-mile north of the site, across Kellogg Street/US-54.

CASE HISTORY: The site is Lot 1, the Moose Lodge Addition, which was recorded with the Sedgwick County Register of Deeds April 15, 1993.

ADJACENT ZONING AND LAND USE:

North: GC Nightclub, car sales lots, liquor store
South: SF-5 I-35, single-family residential neighborhood
East: GC Church, car sale lots
West: GC Paint warehouse, general vehicle repair, auto parts sales

PUBLIC SERVICES: The site has access to Kellogg Street/US-54 Highway frontage, via an ingress-egress easements dedicated by separate instruments; Film 472-Page 178 and Film 1272-Page 1930. The site is served by all utilities.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “new employment” development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. The area is developed with large car sales lots, major shopping centers anchored by big box retail (Lowe’s and Wal-Mart), commercial strips, and stand-alone retail. The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. The GC zoning district is compatible with the new employment classification

The property is located in Area A of the Wichita Airport Hazard Zoning Overlay district that requires buildings over 25 feet in height to receive Federal Aviation Administration approval. The property is located less than a quarter-mile south of the south end of the Beechcraft runway. The Beechcraft airplane manufacturing and sales complex is the largest single development in the area.

RECOMMENDATION: The proposed nightclub has event center restrictions in regards to who and when it is available for use, which would seem to make it less intrusive than the abutting larger (approximately 25,500-square feet) Club Rodeo nightclub, which is open to the general public potentially seven days week. The proposed use would not introduce a new use to the area and would operate in a building that was built by the Fraternal Order of the Moose, which was essentially a private club for members that provided alcoholic beverages, food and music for entertainment and dancing. Based upon information available at the time the staff report was prepared, it is recommended the request for a nightclub-event center be **approved subject to the following conditions:**

1. The permitted occupancy for the indoor events center is limited to 178 persons, and outdoor accommodations, including tents, shall be limited to 165 persons.
2. The facility will be operated similar to an event center where the building or facility is rented out for private activities where the patrons are present by invitation only to attend a scheduled event, where events or activities are not repeated on a weekly basis and where the facility is not open on a daily basis at times other than when an event is scheduled. The purpose of the facility is the hosting of a variety of gatherings where food, beverages (including alcohol), music or dancing may be offered for purposes such as life cycle events (i.e. birthdays, anniversaries, weddings, reunions); corporate or professional functions (i.e. seminars, meetings, lectures, retreats); other special events including charitable events, fundraisers, and art shows; holiday festivities; or photographic shoots; and other similar events.
3. To the extent that the presence of entertainment and/or alcohol, which may technically classify the facility as an “entertainment establishment” or “nightclub in the city”, approval of this “conditional use” shall not be deemed to create or allow a facility which is open to the general

public whereby alcoholic drinks and/or cereal malt beverages are sold by individual drink and consumed on the property. No business that is classified as a “drinking establishment,” “tavern,” “class A club,” or “class B club” as defined in Chapter 4.04, et seq., of the city Code of Ordinances shall be allowed.

4. Trash receptacles shall have solid screening around them and a gate made of similar material as the screening and shall not be located within a 100 feet of the eastern and southern sides of the site.
5. All Sexually-Oriented Businesses, as currently defined by the Wichita-Sedgwick County Unified Zoning Code, are prohibited.
6. The facility shall obtain, and at all times maintain, a liquor license(s) as are required from the appropriate local and/or State authorities. Outside vendors/caterers shall obtain and maintain at all times while participating in events at the Event Center, a liquor license as required from the appropriate local and/or State authorities.
7. The event center may be open and operated 6:00 a.m. to 2:00 a.m.
8. Tents may be erected a minimum of two hundred feet (200') from the eastern lot line, and subject to compliance with all applicable building and fire code requirements. All tents shall be disassembled and stored indoors within 24 hours of an event.
9. All live music or music provided by a DJ is an option for events and shall be located within a building. Music to accompany wedding ceremonies or other outdoor events shall be at a low volume so as not to be a nuisance. Except for low level music that cannot be heard on neighboring properties, no outdoor musical group or speakers will be allowed within two hundred feet (200') from the eastern lot line. Compatibility noise standards (UZC, Article IV, Section IV-C.6) prohibit sound amplification systems for projecting music or human voices on any property zoned Neighborhood Office (NO) or more intensive if the music and/or voices can be heard within any residential zoning district that is located within a 500-foot radius of the subject site.
10. Access shall be as indicated on the Plan.
11. Landscaping requirements shall be per the Wichita-Sedgwick County Unified Zoning Code.
12. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
13. The site shall be developed in substantial compliance with the approved site plan. Deviations which in the opinion of the Zoning Administrator, substantially and/or materially differ from the approved site plan shall require the plan to be amended through the public hearing process. Amendments, adjustments or interpretations to this Conditional Use shall be done in accordance with the Unified Zoning Code.
14. 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: Add this condition.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The abutting north, east and west properties are zoned GC. The Club Rodeo Bar and Nilla's Place (vacant?) abut the north side of the site. Discount auto sales, general auto repair, Groves liquor store, and Car Max auto sales are located further north, northeast and northwest of the site; there is a large concentration of auto sales lots along this section of East Kellogg Street. A paint warehouse abuts the east side of the site. A general vehicle repair shop and an auto parts sale business are located further west of the site. The already mentioned Summit Church abuts the east side of the site with more auto sales lots located further east-northeast. SF-5 Single-Family Residential (SF-5) zoned single-family residential neighborhoods are located +/- 300 feet south of the site, across I-35. The largest single development in the area is the LI Limited Industrial (LI) Beechcraft airplane

manufacturing and sales complex (with runways), which is located approximately a quarter-mile north of the site, across Kellogg Street/US-54.

2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned GC which permits a very wide range of residential, office, institutional, retail, commercial, uses and a few industrial uses by right. Therefore, it is reasonable to expect that the site could be put to economic use as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The application area is zoned GC which permits a very wide range of residential, institutional, office, retail, commercial, and a few industrial uses by-right. A nightclub/event center subject to the operational and development standards and conditions recommended in the conditional use above may be less intense than the Club Rodeo nightclub abutting the north side of the site.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide the public with an additional choice of venue of the type proposed. It is a curious phenomenon that applications for such celebratory venues, nightclubs with event center like restrictions, have become a fairly regular consideration for the MAPC. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “new employment” development. This category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. The area is developed with large car sales lots, major shopping centers anchored by big box retail (Lowe's and Wal-Mart), commercial strips, and stand-alone retail. The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. The GC zoning district is compatible with the new employment classification

There are also two churches located in the area as well as one large night club. A nightclub in the city is permitted by right in the GC zoning district unless the establishment is located within 300 feet of a church/place of worship, public park, school or residential zoning district, as measured property line to property line. Summit Church abuts the east side of the site, thus the conditional use application.

6. Impact of the proposed development on community facilities: Existing facilities are capable of serving the proposed use.

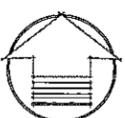
KELLOGG AVENUE

SITE INFORMATION:

LOT AREA: 1.82 ACRES±
BUILDING AREA: 14,250 SQ.FT.
INSIDE OCCUPANCY LIMIT: 178 PERSONS
OR 60 SPACES
OUTDOOR OCCUPANCY LIMIT: 165 PERSONS
OR 55 SPACES
PARKING SHOWN: 115 SPACES

ACCESS DRIVE

K.T.A. (I-35 HIGHWAY)



SCALE: 1" = 100'

CON2016-08

MOOSE LODGE EVENT CENTER



BAUGHMAN