

## **EXCERPT FROM PLANNING COMMISSION MINUTES OF 02/22/01**

**Case No. CON2001-00006** – Midwest Historical & Genealogical Society c/o Waneta M. Vickers (owner); Steven Icard, Apex Engineering, Inc. (agent) request a Conditional Use to allow ancillary parking on property described as:

Lot 1, Block 1, Midtown Fourth Addition, Wichita, Sedgwick County, Kansas. Located west of Main, North of N 11<sup>th</sup> Street.

**BACKGROUND:** The Midwestern Historical & Genealogical Society (the Society, owner) and Apex Engineering (applicant) are requesting consideration for a Conditional Use to allow ancillary off street parking on property (Lot 1, Block 1, Midtown 4<sup>th</sup> Addition) zoned "B" Multi-family, located on the northwest corner of the Main Street - 11<sup>th</sup> Street intersection. Midwest Historical & Genealogical Society will continue to occupy its present location while the proposed parking for Apex Engineering will be on the applicant's area. Apex and the Society are proposing (contingent upon recommendation by the MAPC and approval by the City Council of the Conditional Use for ancillary parking) to exchange parts of their property that are in the abandoned 100-ft wide Union Pacific (UP) RR ROW. Exhibit B shows items 1 & 2. Item 1 being the Society property in the abandoned UP RR ROW that they propose to sell and exchange for the property Apex has, Item 2, that lies in the abandoned UP RR ROW. The Unified Zoning Code requires a Conditional Use for parking areas in any district zoned "RR" Rural Residential through "NO" Neighborhood Office.

Apex Engineering is requesting consideration of ancillary parking for this undeveloped site due to anticipated expansion of their workforce triggered by future construction of an 18,564 square foot building, adjacent to the proposed parking site. This building will combine expanded manufacturing activity (16,714 square feet) and warehousing (1,850 square feet). Apex Engineering currently has a complex of buildings located on the east side of Wellington Place, west of the 100 foot wide abandoned Union Pacific ROW, and between 11<sup>th</sup> and 12<sup>th</sup> Streets, plus a warehouse on the west side of Wellington Place. This complex of buildings houses 6,400 square feet of office, 15,850 square feet of warehouse and 43,652 square feet of manufacturing. The anticipated expansion will bring the total square footage of buildings and their uses to 6,400 square feet of office, 17,700 square feet of warehouse and 60,366 square feet of manufacturing. Approximately 1/3 of the proposed building (Exhibit B, Item 3) for Apex would sit in the portion of the abandoned UP RR ROW that the City of

Wichita owns. The City Council will have to consider and take action on the approval of transfer of ownership to Apex.

Currently this site is the north undeveloped part of the Midwest Historical & Genealogical Society property. The owner uses only the southern half of the property and on it has a building housing the Society. There is also a concrete parking lot on this half of the property used by the Society and an existing 4-ft chain link fence on its perimeter. The site abuts the abandoned 100-ft wide Union Pacific RR ROW on the west and north. There are no tracks in the RR ROW and it is unpaved. The applicant proposes ancillary parking on this site and on the adjacent Union Pacific RR ROW that would provide 59 parking spaces. The total number of required parking spaces for the Apex complex is 165 parking spaces. This proposed parking site would leave the applicant 106 spaces (165 required – 59 proposed = 106 needed) short of the required 165 spaces. To acquire the 106 parking spaces to meet the parking requirement of 165 spaces, the applicant is also requesting consideration of ancillary parking on one other property. This request for ancillary parking is presented in CON2001-00007, which is on today's agenda for consideration. CON2001-00007 provides 100 additional parking spaces. Another 8 spaces are proposed in the abandoned Union Pacific Railroad ROW (this part has an alley in it), as shown on the site plan for the Apex Expansion (Ex. B). This ROW is zoned "LI" Limited Industrial, which permits accessory parking by right. The combined total of CON2001-00007 & CON2001-00006 proposed ancillary parking spaces plus the 8 proposed spaces shown on the site plan of the Apex expansion (Ex. B) provide 167 spaces with 2 spaces for persons with disabilities. The required parking spaces are 165 spaces with 6 of those spaces provided for persons with disabilities.

The neighborhood to the west and north of the proposed parking site is zoned Limited Industrial and contains the abandoned RR ROW. Beyond the RR ROW on the west and north is the Apex complex, plus a printing shop. The property to the south (beyond the Society's development and across 11<sup>th</sup> Street) is zoned LI Limited Industrial and is developed residential. The properties to the east are zoned B Multi-Family. Development on these properties (starting on the north end and heading south) include Horace Mann Middle School, single family residences and a small church. Main Street separates these properties from the proposed parking.

**CASE HISTORY:** The property is part of Midtown 4th Addition, which was entered on transfer record July 7, 1985. There was a zoning change, subject to the Replat, July 9, 1985 from E Light Industrial to B Multi-Family.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"LI" Limited Industrial	Abandoned Union Pacific RR ROW
SOUTH:	"B" Multi-Family	Midwest Historical & Genealogical Society
EAST:	"B" Multi-Family	Horace Mann Middle School
WEST:	"LI" Limited Industrial	Abandoned Union Pacific RR

**PUBLIC SERVICES:** Municipal water and sewer services are available to this site. The 1999 north – south traffic volume at the 13<sup>th</sup> Street & Main Street intersection (the closest traffic count, a block to the north) is 2,644 average daily trips. A study (by HWS) is underway in regards to making this section of Main Street a two-way road. Preliminary number of average daily trips, south of this intersection indicates a possible 6,000 average daily trips.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita Land Use Guide of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this property as medium density residential. The current zoning of the site is B Multi-Family, a very high residential density. Ancillary parking is a Conditional Use for both of these residential designations, per the regulations detailed in the WSC Unified Zoning Code. The property is also identified as being in a Revitalization Area and a Local Investment Area, as noted in the 1998 City of Wichita Neighborhood Revitalization Plan. By definition this area has issues of building improvements, infrastructure improvements, economic development, and neighborhood development that need strategy and investment. The MAPC has a longstanding informal policy favoring the expansion of existing businesses.

**RECOMMENDATION:** Consideration of the applicant’s request for ancillary parking on this site is tied to the applicant’s request for ancillary parking as presented in CON2001-00007. CON2001-00007 is on this agenda for consideration and recommendation. Taking both CON2001-00007’s & -00006’s ancillary parking proposals together, along with the 8 proposed spaces located in the abandoned Union Pacific ROW provides the applicant with 167 parking spaces, the requirement is 165 parking spaces. The applicant must provide 6 of those parking spaces for persons with disabilities

Staff recommends that the request be APPROVED, subject to the following conditions:

- 1 The ancillary parking area shall be developed in conformance with the requirements (1-10) of Sec. III-D.p of the Unified Zoning Code.
- 2 The applicant shall plat (the RR ROW is unplatted) and replat the properties involved in Apex expansion, which includes the properties being considered for ancillary parking per the standards in the WSC Subdivision Regulations.
- 3 The applicant shall submit a revised site plan giving dimension control in existing and proposed buildings, vehicle circulation, fencing and solid screening, ingress and egress, parking areas, loading areas, outside storage areas, landscaping and showing all easements and set backs (as they will be according to the Replat) for review and approval by the Zoning Administrator.
- 4 The applicant shall meet the required parking spaces of 165 spaces of which 6 of those are for persons with disabilities, per Sec.IV-A-8 of the Unified Zoning Code.
- 5 The proposed 8 parking spaces, as shown on Ex.B and entirely located in the abandoned 100-foot wide abandoned Union Pacific RR ROW, shall meet the requirements for parking, per Sec. IV-A of the Unified Zoning Code.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The Apex Engineering complex is located both north and west of the proposed parking site. The abandoned Union Pacific RR ROW runs between the proposed parking site and the Apex complex. The zoning for both is "LI" Limited Industrial. When the Railroads were using this track, this was an appropriate site for manufacturing. Union Pacific abandoned these tracks via a Donated Quick Claim on October 19<sup>th</sup>, 1999 and shortly thereafter the tracks were removed. There are several active industrial uses located to the south of Apex (LI Limited Industrial zoning), adjacent to the tracks. Properties to the south and east of the proposed parking are zoned "B" Multi-Family. Development includes the Horace Mann Middle School grounds, small residential, a church and the Midwest Historical & Genealogical Society.
2. The suitability of the subject property for the uses to which it has been restricted: Because of the irregular shape of the undeveloped remainder of Lot 1, Blk1, Midtown 4<sup>th</sup> Addition (which is the proposed parking site) and its small size (0.24 acres) it is doubtful if this could be developed as multi-family.

1. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards.
  
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request for ancillary parking on B Multi-Family zoning is a Conditional Use per the WSC Unified Zoning Code. The Comprehensive Plan calls for this property to remain moderate density, i.e., multi-family. The 1998 City of Wichita Neighborhood Revitalization Plan has recognized the area this site is in as one needing strategy and investment for building improvements, infrastructure improvements, economic development, and neighborhood development. The anticipated expansion of Apex Engineering provides economic opportunity for the neighborhood. The conditional use request for ancillary parking supports this expansion and provides an opportunity for the City and Apex to apply the community's development standards. The MAPC has consistently supported request for the expansion of existing businesses.
  1. Impact of the proposed development on community facilities: Currently Apex employs 146 employees, 119 on first shift and 27 on second shift. The anticipated expansion at Apex (which is triggering the request for consideration of the conditional use for ancillary parking) will bring the total employment at Apex to an estimated 206 employees, 149 on first and 57 on second. It is possible that some of this new workforce will come from the surrounding neighborhood, thus an economic impact on the surrounding neighborhood. The increase in the workforce will also increase traffic in the immediate residential neighborhood, plus the possible increase in truck traffic due to the expansion of manufacturing activities at Apex. Horace Mann Middle School is a member of this neighborhood, the increase in vehicular traffic will have an impact on the school as well as the roads being used by this increase in traffic, in particular the truck traffic. However, existing facilities are able to handle expected demands. There is a 20-MPH school zone on Main Street in this immediate area.
  
7. **Case No. CON2001-00007** – Apex Engineering, Inc., (owners); Steven B. Icard (agent) request a Conditional Use to allow ancillary parking on property described as:

Odd Lots 25 through 39, inclusive, on Wellington Place, Allen's Resurvey of Turner's Addition to the City of Wichita, Kansas. Located between 11<sup>th</sup> & 12<sup>th</sup> Streets on the west side of Wellington Place.

**BILL LONGNECKER**, Planning staff, pointed out land use and zoning; and showed slides of the general area.

**BACKGROUND:** The applicant, Apex Engineering, is requesting consideration for a Conditional Use to allow ancillary off street parking on property zoned B Multi-family. The property/site (0.85 acres, see attachment A) is described as Lots 25-39 (inclusive), Block 1, Allen's Resurvey of Turner's Addition, located between Wellington Place and State Street (east & west) and 11<sup>th</sup> & 12<sup>th</sup> Streets (south & north). The Unified Zoning Code requires a Conditional Use for parking areas in any district zoned "RR" Rural Residential through "NO" Neighborhood Office.

Apex Engineering is requesting consideration of ancillary parking for this undeveloped site due to anticipated expansion of their workforce triggered by future construction of an 18,564 square foot building. This building will combine expanded manufacturing activity (16,714 square feet) and warehousing (1,850 square feet). Apex Engineering currently has a complex of buildings located on the east side of Wellington Place, west of the 100 foot wide abandoned Union Pacific ROW, and between 11<sup>th</sup> and 12<sup>th</sup> Streets, plus a warehouse on the west side of Wellington Place. This complex of buildings houses 6,400 square feet of office, 15,850 square feet of warehouse and 43,652 square feet of manufacturing. The anticipated expansion will bring the total square footage of buildings and their uses to 6,400 square feet of office, 17,700 square feet of warehouse and 60,366 square feet of manufacturing.

Currently this undeveloped site is being used for parking by the applicant and has 1 (one) existing curb cut for ingress – egress, which opens into Wellington Place. The site abuts State Street on the west. State Street is not paved at this location and acts as an alley and the orientation of single-family homes on either side of it (their back yards abutting State Street) re-enforce this use of State Street. The applicant proposes paved parking on this site that would provide 100 parking spaces. The total number of parking spaces for the Apex combination of the square footage of the buildings and their uses is 165 parking spaces. This proposed parking site will leave the applicant 65 spaces (165 required – 100 proposed = 65 needed) short of the required 165 spaces. To acquire the 65 parking spaces to meet the parking requirement of 165 spaces, the applicant is also requesting consideration of ancillary parking on 2 (two) other properties that are adjacent to each other. This request for ancillary parking is

presented in CON2001-00006, which is on today's agenda for consideration. CON2001-00006 provides 59 additional parking spaces. Another 8 spaces are proposed in the abandoned Union Pacific Railroad ROW, as shown on the site plan for the Apex Expansion (Ex. B). This ROW is zoned "LI" Limited Industrial, which permits accessory parking by right. The combined total of CON2001-00007 & CON2001-00006 proposed ancillary parking spaces plus the 8 proposed spaces shown on the site plan of the Apex expansion (Ex. B) provide 167 spaces with 2 spaces for persons with disabilities. The required parking spaces are 165 spaces with 6 of those spaces provided for persons with disabilities.

The neighborhood to the west and north of the proposed parking site is zoned B Multi-Family and developed residential. Between the proposed parking site and a residence and on Apex property is an unscreened outside storage area for scrap metal materials, that is used by Apex. As previously stated, State Street runs along the western edge of the property, is unpaved and serves as an alley. The property to the south is zoned LI Limited Industrial and is developed as a paved, marked, parking lot used by the business Winding Specialist. The property to the east is zoned LI Limited Industrial and contains the Apex Engineering building complex.

**CASE HISTORY:** The property is part of Allen's Resurvey of the Turner Addition, which was entered on transfer record October 29, 1885. The alley running between Lots 50 & 56 (east side) and 24 – 48 (inclusive, west side), Allen's Resurvey of the Turner Addition was vacated in 1912.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"B" Multi-Family	Mostly residence
SOUTH:	"LI" Limited Industrial	Parking lot, manufacturing and warehouse
EAST:	"LI" Limited Industrial	Manufacturing & warehouse complex
WEST:	"B" Multi-Family	Mostly residence

**PUBLIC SERVICES:** Municipal water and sewer services are available to this site. There are no traffic counts on Wellington Place in this area. The 1999 north – south traffic volume at the 13<sup>th</sup> Street & Main Street intersection (the closest traffic count, a block to the north) is 2,644 average daily trips. A study (by HWS) is underway in regards to making this section of Main Street a two-way road. Preliminary number of average daily trips, south of this intersection indicates a possible 6,000 average daily trips.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita Land Use Guide of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this property as medium density residential. The current zoning of the site is “B” Multi-Family, a very high residential density. Ancillary parking is a conditional use for both of these residential designations, per the regulations detailed in the WSC Unified Zoning Code. The property is also identified as being in a Revitalization Area and a Local Investment Area, as noted in the 1998 City of Wichita Neighborhood Revitalization Plan. By definition this area has issues of building improvements, infrastructure improvements, economic development, and neighborhood development that need strategy and investment. The MAPC has a longstanding informal policy favoring the expansion of existing businesses.

**RECOMMENDATION:** Consideration of the applicant’s request for ancillary parking on this site is tied to the applicant’s request for ancillary parking as presented in CON2001-00006. CON2001-00006 is on this agenda for consideration and recommendation. Taking both CON2001-00007’s & -00006’s ancillary parking proposals together, along with the 8 proposed spaces located in the abandoned Union Pacific ROW provides the applicant with 167 parking spaces, the requirement is 165 parking spaces. The applicant must provide 6 of those parking spaces for persons with disabilities.

Staff recommends that the request be approved, subject to the following conditions:

1. The ancillary parking area shall be developed in conformance with the requirements (1-10) of Sec. III-D.p of the Unified Zoning Code.
2. The applicant shall plat (RR ROW property involved) and replat the properties involved in Apex expansion, which includes the properties being considered for ancillary parking per the standards in the WSC Subdivision Regulations.
3. The applicant shall submit a revised site plan giving dimension control in existing and proposed buildings, vehicle circulation, fencing and solid screening, ingress and egress, parking areas, loading areas, outside storage areas, landscaping and showing all easements and set backs (as they will be according to the Replat) for review and approval by the Zoning Administrator.
4. The applicant shall meet the required parking spaces of 165 spaces of which 6 of those are for persons with disabilities, per Sec. IV-A-8 of the Unified Zoning Code.
5. The proposed 8 parking spaces, as shown on Ex.B and entirely located in the abandoned 100-foot wide abandoned Union Pacific RR ROW shall meet the requirements for parking, per Sec. IV-A of the Unified Zoning Code.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The Apex Engineering complex is located on both sides of Wellington Place, between 11<sup>th</sup> and 12<sup>th</sup> Streets and on the west side of the abandoned Union Pacific RR ROW. The zoning of the complex is a mixture of B Multi-Family (the proposed parking site) and LI Limited Industrial. When the Railroads were using this track, this was an appropriate site for manufacturing. Union Pacific abandoned these tracks via a Donated Quick Claim on October 19<sup>th</sup>, 1999, shortly thereafter the tracks were removed. There are several active industrial uses located to the south of Apex (LI Limited Industrial zoning), adjacent to the tracks. The rest of the neighborhood to the north and west is residential (mostly single family) in development and (B Multi-Family) zoning.
2. The suitability of the subject property for the uses to which it has been restricted: Because of the industrial type of development established on Wellington Place Drive between 11<sup>th</sup> and 12<sup>th</sup> streets, the development of Multi-Family/Residential on this site is unlikely.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request for ancillary parking on B Multi-Family zoning is a conditional use per the WSC Unified Zoning Code. The Comprehensive Plan calls for this property to remain moderate density, i.e., multi-family. The 1998 City of Wichita Neighborhood Revitalization Plan has recognized the area this site is in as one needing strategy and investment for building improvements, infrastructure improvements, economic development, and neighborhood development. The anticipated expansion of Apex Engineering provides economic opportunity for the neighborhood. The conditional use request for ancillary parking supports this expansion and provides an opportunity for the City and Apex to apply the community's development standards.
5. Impact of the proposed development on community facilities: Currently Apex employs 146 employees, 119 on first shift and 27 on second shift. The anticipated expansion at Apex (which is triggering the request for consideration of the conditional use for ancillary parking) will bring the total employment at Apex to an estimated 206 employees, 149 on first and 57 on second. It is possible that some of this new workforce will come from the surrounding neighborhood, thus an economic impact on the surrounding neighborhood. The increase in the workforce will also increase traffic in the immediate residential neighborhood, plus the possible increase in truck traffic due to the expansion of manufacturing

activities at Apex. Horace Mann Middle School is a member of this neighborhood, the increase in vehicular traffic will have an impact on the school as well as the roads being used by this increase in traffic, in particular the truck traffic. There is a 20MPH school zone on Main Street in this immediate area.

**LONGNECKER** “The Conditional Use request is for ancillary parking on this location (indicating). The piece of property that is being proposed for this Conditional Use is owned by the Midwest Historical and Genealogical Society, which is located right here (indicating). This property is zoned ‘B’ Multi-Family. The property, as it sets now, would have to have part of the abandoned 100-foot wide Union Pacific Railroad right-of-way included in this to get the parking that the applicants have laid out.

Concurrent with this parking request for this particular piece of property is Conditional Use Request 2000-06, which is this property up here (indicating). Let me go to an exhibit showing the extent of this parking. This is item CON-06 property that is part of the Genealogical Society’s property. (Indicating) This is the property that is CON-07. The reason for this parking request is that the applicant is getting ready to build an expansion of their existing facilities, which are located in this area here (indicating) between 11<sup>th</sup> and 12<sup>th</sup> Street on Wellington and located on the west side of the abandoned Union Pacific Railroad right-of-way.

The facility itself is going to increase the total square footage of the Apex Engineering by 18,564 square feet. Approximately 16,000 square feet of that will be manufacturing and about 1,800 square foot of that will be warehousing. The City owns some of that abandoned right-of-way because it abuts to a city street here—that would be Main Street. There is a proposed land exchange between the Genealogical Society and Apex Engineering. The City Council must give consent on the proposed land use, the expansion of the Apex facility, that will occur on the portion of the abandoned Rail Road Row that belongs to the City.

As it is, the required parking, after the expansion of this facility, will be 165 spaces with 6 for disabled parking. The site plans that we have, which are shown, are a combination of the two—this area here and this area here (indicating) and would provide 167 spaces with 2 for disabled.

The zoning for this area, again, you have industrial where the expansion is going to take place; Multi-Family plus Limited Industrial where the CON –06 is going to be taking place, and Multi-Family for this area here (indicating) where the other parking lot is supposed to take place. Currently, the applicant for both CON-06 and CON-07, Apex Engineering is using this area

here for parking. It is undeveloped, there are no improvements on it, it is simply a grass area.

Staff is recommending approval for both of these Conditional Uses for ancillary parking, based on the condition that they meet, in regards to 'developed in conformance with Requirements 1-10 of Section III-D.p of the Uniform Zoning Code'. That addresses parking surface, paving, landscaping, screening, lighting, and other issues. Staff is also asking that the applicant shall submit a revised site plan, giving dimension control in existing proposed buildings, vehicle circulation, fencing and solid screening, ingress/egress, parking areas, loading areas, outside storage areas, landscaping and showing all easements and setbacks as they will be, according to a replat and a plat of the property.

Another one of the conditions is that the applicant plat and replat these properties that are going to be part of the Apex Engineering. The abandoned 100-foot right-of-way is an unplatted piece of property and it will have to be platted. The area that Apex Engineering is using right now will have to be replatted so we have one development. Another condition that staff is recommending is that to meet the parking requirement of spaces for 165 spaces, 6 of those for persons of disabilities, the applicant is also proposing another 8 spaces the applicant needs to meet that requirement right here that is in the abandoned right-of-way of the railroad. That is an additional 8 spaces to get the required parking, based on the use of the buildings and the square footage of the buildings. Based on these conditions, staff recommends that the Condition Use request for ancillary parking be approved for CON-06 and CON-07. Are there any questions?"

**HENTZEN** "How long has the railroad row been vacant?"

**LONGNECKER** "The railroad right-of-way was abandoned."

**HENTZEN** "What do you mean by abandoned?"

**LONGNECKER** "Well, there are two ways that they could have done this, as I understand it. When the railroads were using this track, it was an appropriate site for manufacturing. The Union Pacific abandoned these tracks via a donated Quick Claim on October 19, 1900. Shortly thereafter, the tracks were removed. I talked to Mr. Philbrick in Land Management, and according to him, if, by donated as a Quick Claim, this allowed the adjacent landowners to move their property to the middle of this abandoned right-of-way, so Apex Engineering has 50 foot to the center of

this abandoned right-of-way, and the Genealogical Society has the other 50 foot, which is meeting right in the half.

Again, the City has some ownership claim because part of this abandoned right-of-way is abutting Main Street, so the City Council will have to agree to let this property be developed by Apex. That will be decided at the City Council."

**HENTZEN** "Okay."

**LONGNECKER** "Are there any other questions?"

**GAROFALO** "Do you know where the openings would be there? Obviously on Main Street, I guess."

**LONGNECKER** "Well, right now, we have requested a revised site plan. As it is now, the applicant is showing ingress/egress off of this property here onto the abandoned right-of-way and they are showing ingress/egress onto Wellington off of this proposed parking site.

State Street is unpaved at this point and actually functions like an alley and the orientation of the structures around State Street reinforces that function. They have an existing curb cut right in here (indicating), and they are proposing another curb cut. Again, we are asking for a revised site plan to show circulation, give us some more dimension control to show that we have the proper circulation and spacing. We have a scale drawing, but we feel like we have enough here that we can recommend this and feel like they do have the amount of land needed for landscaping, screening and parking."

**GAROFALO** "And the proposed lot on Main would continue to have the access onto the right-of-way?"

**LONGNECKER** "That would be staff's recommendation, yes. And we have considerations with Horace Mann Middle School, which is right in this location here (indicating), so we have some specialized traffic in the fact that we have a school zone, and in talking with our Traffic Engineers, they would prefer that the traffic use this route in here (indicating) rather than have ingress and another curb cut on Main Street."

**GAROFALO** "Good."

**MICHAELIS** "Are there any other questions of staff?"

**KROUT** “Bill, did you mention the District Advisory Board meeting last night, and if you have a picture of what the building is supposed to look like?”

**LONGNECKER** “Yes, sir, I do. (Indicating to slide) That is the proposed building that Apex Engineering is proposing to put on the property, both on the Genealogical Society’s property and the abandoned right-of-way. This is the reason they are asking for the parking. This is a 48-foot high building and they are proposing a steel structure there. They are proposing some rail fencing here to help minimize possible mischief in regards to vandalism. They also have a 20-foot space proposed right now between their property line and the building itself and the setbacks so they can landscape this area.

District Advisory Board VI met last night at the Evergreen Park Recreational Center and they all voted to recommend this to the Planning Commission. Are there any other questions?”

**MICHAELIS** “Okay, thank you. May we hear from the applicant, please?”

**STEVE DWERLKOTTE** “I am the President of Apex Engineering. This expansion is as a result of a normal business expansion that we have gone through. I purchased the assets of this company about 4-1/2 years ago. It had about 60 employees at that point. Today, we have 275 employees, we have four factories—three here in Wichita and one in Ada, Oklahoma. Our customer, Cessna, who is working with us on a lot of other expansions and wanting us to build detail parts for a number of their new aircraft programs that they have going on. They have basically asked us to do this and it will add an additional 60 jobs for Wichita. It won’t transfer them from Cessna, these will be new jobs.

When we purchased this facility, 4-1/2 years ago, there were a number of issues that remained kind of undone. Item No. 7 being one, where the previous company was using a dirt lot that was graveled as parking. We would like to clean that up, pave it and basically get the paperwork all correct so that it can actually be used as parking. This expansion on this building, we have been working with our neighbors on, the Genealogical Society. As you know, the abandoned railroad easement caused their property to be pie-shaped and not very useable for the expansion plans they have for their library and it caused us not to have any ability to really grow because of the slice it took out behind our building. By replatting that property, and changing both of our boundaries, it allows them to grow and

it allows us to grow, cleans up the parking issues and will add the employment in this factory, which we call Plant No. 1. Thank you very much.”

**MICHAELIS** “Are there any questions of the applicant?.”

**LOPEZ** “Are you in agreement with all staff recommendations?”

**DWERLKOTTE** “Yes, we are. And to answer one of the questions, which was is there going to be access to Main Street, we are adding a 6-foot high wrought iron fence and we would like to control access to the property because as you probably know, graffiti is a real problem and we want to try to limit the access to the building. So we want to try to have access only from the alleyway and like I said, put trees and kind of a landscaped area, and a wrought iron fence along Main Street.”

**MCKAY** “Sir, you said you had other locations in the City. Where are those locations?”

**DWERLKOTTE** “Our Plant No. 2 is on Second Street just west of Seneca. If you know the factory that used to be the old Piaggio P180. We have about 60,000 square feet in there. Weckworth Langdon and us and School Supply are the three tenants in that facility, and then we just purchased another facility on north Santa Fe, north of 13<sup>th</sup> Street. It is on the corner of Santa Fe and 14<sup>th</sup> Street. We just purchased that—we are actually just closing on that facility now.”

**MICHAELIS** “Thank you, Mr. Dwerlkotte. Is there anyone here to speak in favor of this application? Is there anyone wishing to speak in opposition? Seeing none, we will bring it back to the Commission.”

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood): The Apex Engineering complex is located on both sides of Wellington Place, between 11<sup>th</sup> and 12<sup>th</sup> Streets and on the west side of the abandoned Union Pacific RR ROW. The zoning of the complex is a mixture of B Multi-Family (the proposed parking site) and LI Limited Industrial. When the Railroads were using this track, this was an appropriate site for manufacturing. Union Pacific abandoned

these tracks via a Donated Quick Claim on October 19<sup>th</sup>, 1999, shortly thereafter the tracks were removed. There are several active industrial uses located to the south of Apex (LI Limited Industrial zoning), adjacent to the tracks. The rest of the neighborhood to the north and west is residential (mostly single family) in development and (B Multi-Family) zoning. The suitability of the subject property for the uses to which it has been restricted: Because of the industrial type of development established on Wellington Place Drive between 11<sup>th</sup> and 12<sup>th</sup> streets, the development of Multi-Family/Residential on this site is unlikely. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request for ancillary parking on B Multi-Family zoning is a conditional use per the WSC Unified Zoning Code. The Comprehensive Plan calls for this property to remain moderate density, i.e., multi-family. The 1998 City of Wichita Neighborhood Revitalization Plan has recognized the area this site is in as one needing strategy and investment for building improvements, infrastructure improvements, economic development, and neighborhood development. The anticipated expansion of Apex Engineering provides economic opportunity for the neighborhood. The conditional use request for ancillary parking supports this expansion and provides an opportunity for the City and Apex to apply the community's development standards. Impact of the proposed development on community facilities: Currently Apex employs 146 employees, 119 on first shift and 27 on second shift. The anticipated expansion at Apex (which is triggering the request for consideration of the conditional use for ancillary parking) will bring the total employment at Apex to an estimated 206

employees, 149 on first and 57 on second. It is possible that some of this new workforce will come from the surrounding neighborhood, thus an economic impact on the surrounding neighborhood. The increase in the workforce will also increase traffic in the immediate residential neighborhood, plus the possible increase in truck traffic due to the expansion of manufacturing activities at Apex. Horace Mann Middle School is a member of this neighborhood, the increase in vehicular traffic will have an impact on the school as well as the roads being used by this increase in traffic, in particular the truck traffic. There is a 20-MPH school zone on Main Street in this immediate area.) I move that we recommend to the governing body that the requests for CON-06 and CON-07 be approved, subject to the following:

1. The ancillary parking area shall be developed in conformance with the requirements (1-10) of Sec. III-D.p of the Unified Zoning Code.
2. The applicant shall plat (RR ROW property involved) and replat the properties involved in Apex expansion, which includes the properties being considered for ancillary parking per the standards in the WSC Subdivision Regulations.
3. The applicant shall submit a revised site plan giving dimension control in existing and proposed buildings, vehicle circulation, fencing and solid screening, ingress and egress, parking areas, loading areas, outside storage areas, landscaping and showing all easements and set backs (as they will be according to the Replat) for review and approval by the Zoning Administrator.
4. The applicant shall meet the required parking spaces of 165 spaces of which 6 of those are for persons with disabilities, per Sec. IV-A-8 of the Unified Zoning Code.
5. The proposed 8 parking spaces, as shown on Ex.B and entirely located in the abandoned 100-foot wide abandoned Union Pacific RR ROW shall meet the requirements for parking, per Sec. IV-A of the Unified Zoning Code.

**MCKAY** moved, **GAROFALO** seconded the motion.

**HENTZEN** "Are we taking CON-06 and CON-07 together?"

**KROUT** "Yes, we are."

**HENTZEN** "Good."

**VOTE ON THE MOTION:** The motion carried  
unanimously (12-0).

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