

DR 89-14 Immanuel Lutheran Church
requests a "Special Use Permit to estab-
lish a underground vault for tele-
phone switching equipment in an area
west of Market between Indianapolis

POSTED 6-7-89
KCC
d

ACTION

S/D COMMITTEE _____ DATE _____

M.A.P.C. Approved subject to conditions 7-6-89

W.C.C./B-00, C. Approved as recommended 8-1-89

DATA SHEET

MAP #: 5446A

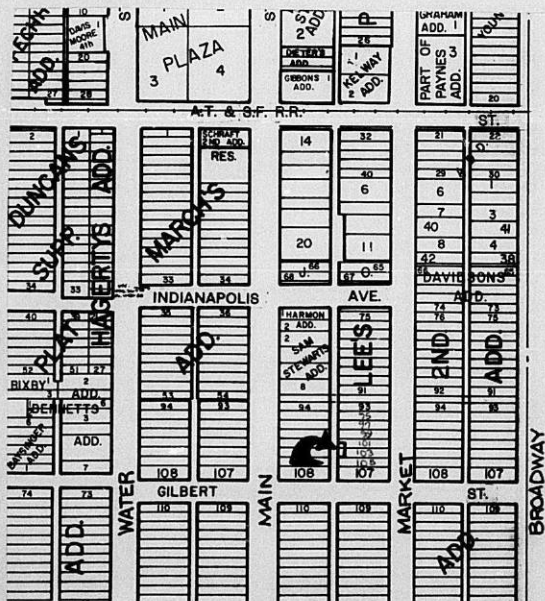
Z-
 SCZ-
 CU-
 DR- 89-14
 DP-
 Amend #
 Case Filed: 6/6/89
 Associated Case:
 CPO Council Area: 3A
 CPO Meeting Date: 7/5/89
 MAPC Hearing Date: 7/6/89

APPLICATION DATA:

1. GENERAL LOCATION: In an area west of Market Street between Indianapolis Street and Gilbert Street.
2. FROM to
3. Proposed Use: Establish a underground vault for telephone switching equipment.
4. DP Name:
5. Applicant: Immanuel Lutheran Church
 Address: 909 S. Market, Wichita, KS 67211 Phone: 264-0639
6. Agent: Southwestern Bell Telephone Co. % Fred Neff
 ADDRESS: 154 N. Broadway, Room 940, Wichita, KS 67202 Phone: 268-2800

AREA DATA:

1. Acres: 0.01 (ft. by ft.)
2. Adjoining Zoning: N B S B E B W B
3. Land Use: North South
 East West



SHIMMEND
 No. 2153C
 HEATINGS, N.N.
 LOS ANGELES, CHICAGO, LOGAN, OH
 HOUSTON, ST. LOUIS, WASHINGTON, D.C.
 U.S.A.

August 2, 1989

Southwestern Bell Telephone Company
Attention: Fred Neff
154 N. Broadway, Room 940
Wichita, KS 67202

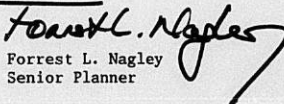
RE: DR 89-14 Forwarding of copy of resolution for Special Use Permit to establish an underground vault and associated above-ground cabinet for telephone switching equipment. Located in an area west of Market between Indianapolis and Gilbert.

Dear Mr. Neff:

Attached please find a copy of the resolution for the above-captioned Special Use Permit case. This case was approved by the City Council on August 1, 1989 subject to the three conditions listed on the resolution.

Should you have any questions, please feel free to call me at 268-4421.

Sincerely,


Forrest L. Nagley
Senior Planner

FLN/pu

Attachment

FILE COPY

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 1, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DR 89-14 - SPECIAL USE PERMIT FOR AN UNDERGROUND VAULT AND ASSOCIATED ABOVE-GROUND CABINET FOR TELEPHONE SWITCHING EQUIPMENT, LOCATED IN AN AREA WEST OF MARKET BETWEEN INDIANAPOLIS AND GILBERT (District #3).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve subject to conditions (7-0).

Staff Recommendation: Approve subject to conditions.

CPO Recommendation: CPO Council 3A voted 8-0 to approve this request.

Background: On July 6, 1989, the MAPC held a public hearing to consider a special use permit to construct an underground vault and accessory above-ground cabinet for telephone switching equipment on property zoned the "B" Multiple Family Dwelling District. The subject property is platted and is a part of a residential lot in Lee's Addition. The special use permit applies to a 15-foot by 40-foot area which will be leased by Southwestern Bell.

The application area is located adjacent to the east line of a 20-foot-wide north/south alley. The buried vault will be 16 feet long, 6 feet wide and 9 feet high; the exposed hatch will be 4.5 feet long, 2.5 feet wide and 25 inches high. The accessory cabinet will be 40 inches long, 12 inches wide and 68 inches high.

Over the past few years, several residential sites in the City have been approved for underground vault installations. Southwestern Bell has advised that in the past, the accessory metal cabinet has typically been installed within street right-of-way.

- Recommendations/Actions:
1. Concur with the findings of the MAPC and approve the special use permit, subject to the recommended conditions, ~~instruct the Planning Department to forward the special use permit resolution ordinance to the City Council when the plat is forwarded, or~~ *instruct the Planning Department to forward the special use permit resolution ordinance to the City Council when the plat is forwarded, or*
 2. Return the applications to the MAPC for reconsidering, stating reasons.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6
July 6, 1989

STAFF REPORT

CASE NUMBER: DR 89-14

OWNER/APPLICANT/AGENT: Immanuel Lutheran Church (owner/applicant)
Southwestern Bell Telephone (agent)

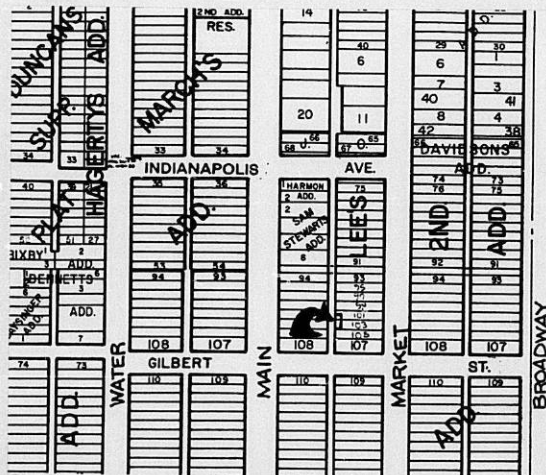
REQUEST: Special Use Permit for an underground vault and associated above-ground cabinet for telephone switching equipment.

CURRENT ZONING: "B" Multiple Family Dwelling District

SITE SIZE: .01 acre (15 ft. x 40 ft.)

LOCATION: In an area west of Market between Indianapolis and Gilbert.

PROPOSED USE: To provide accommodations for an underground vault and accessory above-ground cabinet to house telephone communication facilities to serve the surrounding area.



BACKGROUND: As provided for in Section 28.04.180.4 of the City zoning ordinance, the applicant is requesting a special use permit to construct an underground vault and accessory above-ground cabinet for telephone switching equipment on property zoned the "B" Multiple Family Dwelling District. The subject property is platted and is a part of a residential lot in Lee's Addition. The special use permit applies to a 15-foot by 40-foot area which will be leased by Southwestern Bell.

The application area is located adjacent to the east line of a 20-foot-wide north/south alley. The buried vault will be 16 feet long, 6 feet wide and 9 feet high; the exposed hatch will be 4.5 feet long, 2.5 feet wide and 25 inches high. The accessory cabinet will be 40 inches long, 12 inches wide and 68 inches high.

Over the past few years, several residential sites in the City have been approved for underground vault installations. Southwestern Bell has advised that in the past, the accessory metal cabinet has typically been installed within street right-of-way.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Parking lot
SOUTH	"B"	Single-family residence
EAST	"B"	Parking lot
WEST	"B"	Single-family residence

PUBLIC SERVICES: The adjacent 20-foot-wide north/south alley is unpaved. Numerous utilities exist within the alley right-of-way. Included among these utilities are above-ground electric, telephone and cable television lines. Underground utilities include sanitary sewer and K.P.L. gas.

CONFORMANCE TO PLANS/POLICIES: The Land Use Element of the Comprehensive Plan depicts residential land use for this general area. The proposed vault and cabinet will help provide phone service to this area of the City.

RECOMMENDATION: It is recommended that this application be approved, subject to the following conditions:

- A. The above-ground portion of the vault shall not exceed 4.5 feet in length, 2.5 feet in width and 25 inches in height.
- B. The accessory above-ground cabinet shall not exceed 40 inches in length, 12 inches in width and 68 inches in height.
- C. The vault and accessory cabinet shall maintain a setback of no less than 5 feet from the west line of the application area (east line of the alley).

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 6, 1989

6. Case No. DR 89-14 - Immanuel Lutheran Church requests Special Use Permit for an underground vault and associated above-ground cabinet for telephone switching equipment for the West fifteen (15) feet of Lot 103 and the south fifteen (15) feet of the West fifteen (15) feet of Lot 101, on Market Street all in Lee's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located in an area west of Market Street between Indianapolis Street and Gilbert Street.

GALBRAITH pointed out land use, zoning and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: As provided for in Section 28.04.180.4 of the City zoning ordinance, the applicant is requesting a special use permit to construct an underground vault and accessory above-ground cabinet for telephone switching equipment on property zoned the "B" Multiple Family Dwelling District. The subject property is platted and is a part of a residential lot in Lee's Addition. The special use permit applies to a 15-foot by 40-foot area which will be leased by Southwestern Bell.

The application area is located adjacent to the east line of a 20-foot-wide north/south alley. The buried vault will be 16 feet long, 6 feet wide and 9 feet high; the exposed hatch will be 4.5 feet long, 2.5 feet wide and 25 inches high. The accessory cabinet will be 40 inches long, 12 inches wide and 68 inches high.

Over the past few years, several residential sites in the City have been approved for underground vault installations. Southwestern Bell has advised that in the past, the accessory metal cabinet has typically been installed within street right-of-way.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Parking lot
SOUTH	"B"	Single-family residence
EAST	"B"	Parking lot
WEST	"B"	Single-family residence

PUBLIC SERVICES: The adjacent 20-foot-wide north/south alley is unpaved. Numerous utilities exist within the alley right-of-way. Included among these utilities are above-ground electric, telephone and cable television lines. Underground utilities include sanitary sewer and K.P.L. gas.

CONFORMANCE TO PLANS/POLICIES: The Land Use Element of the Comprehensive Plan depicts residential land use for this general area. The proposed vault and cabinet will help provide phone service to this area of the City.

RECOMMENDATION: It is recommended that this application be approved, subject to the following conditions:

- A. The above-ground portion of the vault shall not exceed 4.5 feet in length, 2.5 feet in width and 25 inches in height.
- B. The accessory above-ground cabinet shall not exceed 40 inches in length, 12 inches in width and 68 inches in height.
- C. The vault and accessory cabinet shall maintain a setback of no less than 5 feet from the west line of the application area (east line of the alley).

DISCUSSION:

GALBRAITH stated that this is a Southwestern Bell Telephone request for an underground storage vault and above cabinet. He said that Mr. Fred Neff, representing Southwestern Bell Telephone, is present. GALBRAITH said that staff recommended approval of the request.

There was no one present in opposition to the application.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- A. The above-ground portion of the vault shall not exceed 4.5 feet in length, 2.5 feet in width and 25 inches in height.
- B. The accessory above-ground cabinet shall not exceed 40 inches in length, 12 inches in width and 68 inches in height.
- C. The vault and accessory cabinet shall maintain a setback of no less than 5 feet from the west line of the application area (east line of the alley).

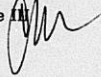
7-6-89
Page 3

Gardner moved, Brinegar seconded and it carried
unanimously. Miles, Parsons and Sherman were
absent.

**THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION**

DATE: July 6, 1989

TO: Jack Galbraith, Chief Planner, Current Plans

FROM: Charlotte McFall, Administrative Aide 

SUBJECT: DR 89-14: West of Market
between Indianapolis and
Gilbert.

On Wednesday, July 5, 1989, CPO Mid-South Neighborhood Council 3A considered a request for a special use permit to establish an underground vault and associated above ground cabinet for telephone switching equipment.

Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After discussion, the Council voted 8-0 to recommend approval of the request subject to staff comments.

Fred Neff, Southwestern Bell Telephone Company representative and agent for the applicant, noted that the vault would house fiber optic cable. He noted that the vault would be placed next to the alley and an existing board fence. Neff provided pictures of what the proposed vault would look like. He also showed pictures of existing vaults in other parts of the City.

There was no public opposition to the request.

Please provide the CPO Council's recommendation to the MAPC and City Council when DR 89-14 is considered.

CM:cm
06-Jul-1989 Thu 09:29

RECEIVED
JUL 06 1989
METROPOLITAN PLANNING
ROUTE _____

RESOLUTION

A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.180.4 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That having received a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and proper notice having been given and hearing held, and under authority and subject to the provisions of Section 28.04.180.4 of the Code of the City of Wichita, Kansas, a Special Use Permit is hereby authorized for an underground vault and associated above-ground cabinet for telephone switching equipment on property legally described below, subject to the following conditions:

CASE NO. DR 89-14

The west fifteen (15) feet of Lot 103 and the south fifteen (15) feet of the west fifteen (15) feet of Lot 101 on Market Street, all in Lee's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located in an area west of Market Street between Indianapolis Street and Gilbert Street.

CONDITIONS OF APPROVAL:

- A. The above-ground portion of the vault shall not exceed 4.5 feet in length, 2.5 feet in width and 25 inches in height.
- B. The accessory above-ground cabinet shall not exceed 40 inches in length, 12 inches in width and 68 inches in height.
- C. The vault and accessory cabinet shall maintain a setback of no less than 5 feet from the west line of the application area (east line of the alley).

SECTION 2. That this Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

ADOPTED AT WICHITA, KANSAS, _____.

Mayor

FILE COPY

DR 89-14 Resolution
Page 2

ATTEST:

(SEAL) City Clerk

Approved as to form:

City Attorney

WICHITA SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4501

July 7, 1989

Fred Neff
Southwestern Bell Telephone
154 N. Broadway, Room 940
Wichita, KS 67202

Re: DR 89-14 - Special Use Permit for an underground vault and associated above-ground cabinet for telephone switching equipment, located in an area west of Market between Indianapolis and Gilbert.

Dear Mr. Neff:

At its regular meeting on July 6, 1989, the Metropolitan Area Planning Commission considered the above-captioned request for a Special Use Permit for an underground vault and associated above-ground cabinet for telephone switching equipment. The action of the Planning Commission was to recommend that the application be approved subject to the following conditions:

- A. The above-ground portion of the vault shall not exceed 4.5 feet in length, 2.5 feet in width and 25 inches in height.
- B. The accessory above-ground cabinet shall not exceed 40 inches in length, 12 inches in width and 68 inches in height.
- C. The vault and accessory cabinet shall maintain a setback of no less than 5 feet from the west line of the application area (east line of the alley).

This matter will be forwarded to the City Council for consideration at their regular meeting on August 1, 1989. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas, beginning at 9:00 a.m.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

FILE COPY


JHG:jcm

cc: Immanuel Lutheran Church, 909 S. Market, 67211

**THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION**

DATE: July 6, 1989

TO: Jack Galbraith, Chief Planner, Current Plans

FROM: Charlotte McFall, Administrative Aide 

SUBJECT: DR 89-14: West of Market
between Indianapolis and
Gilbert.

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Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After discussion, the Council voted 8-0 to recommend approval of the request subject to staff comments.

Fred Neff, Southwestern Bell Telephone Company representative and agent for the applicant, noted that the vault would house fiber optic cable. He noted that the vault would be placed next to the alley and an existing board fence. Neff provided pictures of what the proposed vault would look like. He also showed pictures of existing vaults in other parts of the City.

There was no public opposition to the request.

Please provide the CPO Council's recommendation to the MAPC and City Council when DR 89-14 is considered.

CM:cm
06-Jul-1989 Thu 09:29

STAFF REPORT

CASE NUMBER: DR 89-14

OWNER/APPLICANT/AGENT: Immanuel Lutheran Church (owner/applicant)
Southwestern Bell Telephone (agent)

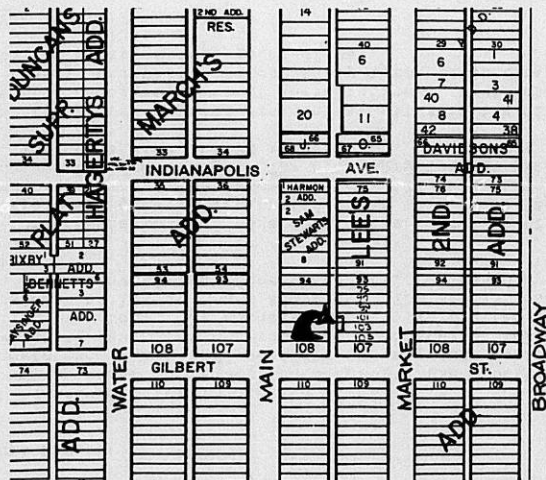
REQUEST: Special Use Permit for an underground vault and associated above-ground cabinet for telephone switching equipment.

CURRENT ZONING: "B" Multiple Family Dwelling District

SITE SIZE: .01 acre (15 ft. x 40 ft.)

LOCATION: In an area west of Market between Indianapolis and Gilbert.

PROPOSED USE: To provide accommodations for an underground vault and accessory above-ground cabinet to house telephone communication facilities to serve the surrounding area.



BACKGROUND: As provided for in Section 28.04.180.4 of the City zoning ordinance, the applicant is requesting a special use permit to construct an underground vault and accessory above-ground cabinet for telephone switching equipment on property zoned the "B" Multiple Family Dwelling District. The subject property is platted and is a part of a residential lot in Lee's Addition. The special use permit applies to a 15-foot by 40-foot area which will be leased by Southwestern Bell.

The application area is located adjacent to the east line of a 20-foot-wide north/south alley. The buried vault will be 16 feet long, 6 feet wide and 9 feet high; the exposed hatch will be 4.5 feet long, 2.5 feet wide and 25 inches high. The accessory cabinet will be 40 inches long, 12 inches wide and 68 inches high.

Over the past few years, several residential sites in the City have been approved for underground vault installations. Southwestern Bell has advised that in the past, the accessory metal cabinet has typically been installed within street right-of-way.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Parking lot
SOUTH	"B"	Single-family residence
EAST	"B"	Parking lot
WEST	"B"	Single-family residence

PUBLIC SERVICES: The adjacent 20-foot-wide north/south alley is unpaved. Numerous utilities exist within the alley right-of-way. Included among these utilities are above-ground electric, telephone and cable television lines. Underground utilities include sanitary sewer and K.P.L. gas.

CONFORMANCE TO PLANS/POLICIES: The Land Use Element of the Comprehensive Plan depicts residential land use for this general area. The proposed vault and cabinet will help provide phone service to this area of the City.

RECOMMENDATION: It is recommended that this application be approved, subject to the following conditions:

- A. The above-ground portion of the vault shall not exceed 4.5 feet in length, 2.5 feet in width and 25 inches in height.
- B. The accessory above-ground cabinet shall not exceed 40 inches in length, 12 inches in width and 68 inches in height.
- C. The vault and accessory cabinet shall maintain a setback of no less than 5 feet from the west line of the application area (east line of the alley).

PROPERTY OWNER NOTICES

CASE NO. DR-89-14

DATE OF MAILOUT: 4/22/89

23

Property Owners

2

Applicant(s) and Agent(s)

3

CPO, Vicky Huang, and City Council Member

5

Jack, Louise, Bob, Forrest and Karen

1

File

34

TOTAL

WICHITA-SEDGWICK COUNTY
 METROPOLITAN AREA PLANNING COMMISSION
 CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
 WICHITA, KANSAS 67202-1688

DATE: June 22, 1989

NOTICE OF PUBLIC HEARING

FILE COPY

CASE NO: DR 89-14

LOCATION: In an area west of Market Street between Indianapolis Street and Gilbert.

ADDRESS: 909 S. Market

REQUEST: Special Use Permit to establish a underground vault and associated above ground cabinet for telephone switching equipment.

A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Thursday,

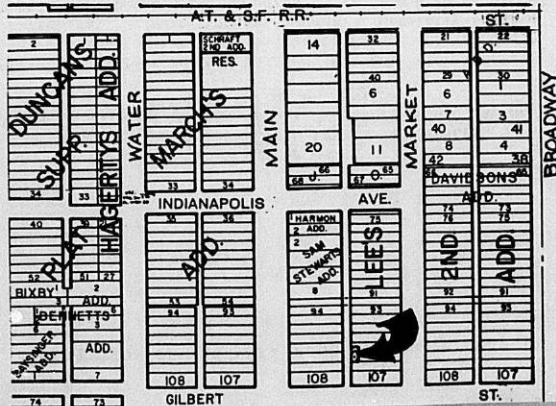
JULY 6, 1989

The meeting will begin at 1:30 p.m., in the City Council Chambers, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information about this case, please call the Planning Department office at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Mid-South Neighborhood Council "3A" will consider this case at their meeting to be held on July 5, 1989, at 7:00 p.m., at the Linwood Community Center, 1909 South Kansas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. DR 89-14
REQUEST FOR A SPECIAL USE PERMIT TO ESTABLISH
AN UNDERGROUND VAULT FOR AND ASSOCIATED ABOVE GROUND CABINET FOR
TELEPHONE SWITCHING EQUIPMENT

The West fifteen (15) feet of Lot 103 and the south fifteen (15) feet of the West fifteen (15) feet of Lot 101, on Market Street all in Lee's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located in an area west of Market Street between Indianapolis Street and Gilbert Street.

Most Restrictive

Least Restrictive

Special Districts

DISTRICT	NAME OF DISTRICT AND USES PERMITTED (FOR COMPLETE REGULATIONS AND EXCEPTIONS - SEE TEXT OF ORDINANCE)	
AA	ONE FAMILY DWELLINGS	One family dwellings, parks, schools, libraries, golf courses, nurseries, churches
A	TWO FAMILY DWELLINGS	Uses permitted in "AA" district and two family dwellings, care homes (5 or less)
RB	FOUR FAMILY DWELLINGS	Any use permitted in "AA" or "A" districts and four family dwellings
R-5	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 17.5 dwelling units per acre
R-6	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 29 dwelling units per acre
B	MULTIPLE FAMILY DWELLING	Any use permitted in more restrictive districts and multiple family dwellings, boarding houses, medical offices, hospitals, greenhouses. Density: 78 dwelling units per acre
BB	OFFICE DISTRICT	Any uses permitted in more restrictive districts any general offices, medical laboratories
OC	OFFICE COMMERCIAL DISTRICT	Offices, limited retail and service uses operated within a building, and residential uses as permitted in the "R-5" district
LC	LIGHT COMMERCIAL DISTRICT	Any use permitted in more restrictive districts and purely retail business operated in a building
C	COMMERCIAL DISTRICT	Uses permitted in more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
E	LIGHT INDUSTRIAL DISTRICT	All industrial and commercial uses except those most offensive because of noise, dust, odors and smoke; and except residential uses
F	HEAVY INDUSTRIAL DISTRICT	Any use, some conditional upon specific approval of City Commission; except residential uses

D	CENTRAL BUSINESS DISTRICT	Those uses permitted in the "C" district and more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
Q	MOBILE HOME	Mobile home park when complying with Title 26 of the City Code, schools, churches, parks, day nurseries, home occupations
U	UNIVERSITY	Universities, colleges, seminaries and other institutions of learning and related uses
CUP	COMMUNITY UNIT PLAN	Commercial/residential. Permits those uses approved as part of a total development plan

WICHITA-SEDGWICK COUNTY
 METROPOLITAN AREA PLANNING COMMISSION
 CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
 WICHITA, KANSAS 67202-1688

DATE: June 22, 1989

NOTICE OF PUBLIC HEARING

CASE NO: DR 89-14

LOCATION: In an area west of Market Street between Indianapolis Street and Gilbert.

ADDRESS: 909 S. Market

REQUEST: Special Use Permit to establish a underground vault and associated above ground cabinet for telephone switching equipment.

A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Thursday,

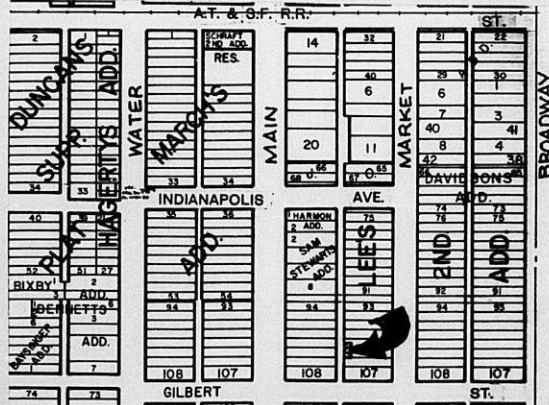
JULY 6, 1989

The meeting will begin at 1:30 p.m., in the City Council Chambers, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information about this case, please call the Planning Department office at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Mid-South Neighborhood Council "3A" will consider this case at their meeting to be held on July 5, 1989, at 7:00 p.m., at the Linwood Community Center, 1909 South Kansas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. DR 89-14
**REQUEST FOR A SPECIAL USE PERMIT TO ESTABLISH
 AN UNDERGROUND VAULT FOR AND ASSOCIATED ABOVE GROUND CABINET FOR
 TELEPHONE SWITCHING EQUIPMENT**

The West fifteen (15) feet of Lot 103 and the south fifteen (15) feet of the West fifteen (15) feet of Lot 101, on Market Street all in Lee's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located in an area west of Market Street between Indianapolis Street and Gilbert Street.

DISTRICT	NAME OF DISTRICT AND USES PERMITTED (FOR COMPLETE REGULATIONS AND EXCEPTIONS - SEE TEXT OF ORDINANCE)	
AA	ONE FAMILY DWELLINGS	One family dwellings, parks, schools, libraries, golf courses, nurseries, churches
A	TWO FAMILY DWELLINGS	Uses permitted in "AA" district and two family dwellings, care homes (5 or less)
RB	FOUR FAMILY DWELLINGS	Any use permitted in "AA" or "A" districts and four family dwellings
R-5	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 17.5 dwelling units per acre
R-6	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 29 dwelling units per acre
B	MULTIPLE FAMILY DWELLING	Any use permitted in more restrictive districts and multiple family dwellings, boarding houses, medical offices, hospitals, greenhouses. Density: 75 dwelling units per acre
BB	OFFICE DISTRICT	Any uses permitted in more restrictive districts any general offices, medical laboratories
OC	OFFICE COMMERCIAL DISTRICT	Offices, limited retail and service uses operated within a building, and residential uses as permitted in the "R-5" district
LC	LIGHT COMMERCIAL DISTRICT	Any use permitted in more restrictive districts and purely retail business operated in a building
C	COMMERCIAL DISTRICT	Uses permitted in more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
E	LIGHT INDUSTRIAL DISTRICT	All industrial and commercial uses except those most offensive because of noise, dust, odors and smoke; and except residential uses
F	HEAVY INDUSTRIAL DISTRICT	Any use, some conditional upon specific approval of City Commission; except residential uses
Special Districts		
D	CENTRAL BUSINESS DISTRICT	Those uses permitted in the "C" district and more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
G	MOBILE HOME	Mobile home park when complying with Title 26 of the City Code, schools, churches, parks, day nurseries, home occupations
U	UNIVERSITY	Universities, colleges, seminaries and other institutions of learning and related uses
CUP	COMMUNITY UNIT PLAN	Commercial/residential. Permits those uses approved as part of a total development plan

Most Restrictive

Least Restrictive

Special Districts

Copy of staff report sent to CPD and
Fred Neff on 6/20/89 Fen

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

July 6, 1989

STAFF REPORT

CASE NUMBER: DR 89-14

OWNER/APPLICANT/AGENT: Immanuel Lutheran Church (owner/applicant)
Southwestern Bell Telephone (agent)

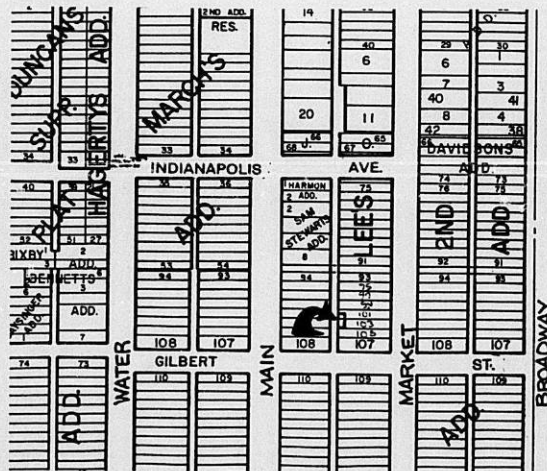
REQUEST: Special Use Permit for an underground vault and associated above-ground cabinet for telephone switching equipment.

CURRENT ZONING: "B" Multiple Family Dwelling District

SITE SIZE: .01 acre (15 ft. x 40 ft.)

LOCATION: In an area west of Market between Indianapolis and Gilbert.

PROPOSED USE: To provide accommodations for an underground vault and accessory above-ground cabinet to house telephone communication facilities to serve the surrounding area.



FILE COPY

BACKGROUND: As provided for in Section 28.04.180.4 of the City zoning ordinance, the applicant is requesting a special use permit to construct an underground vault and accessory above-ground cabinet for telephone switching equipment on property zoned the "B" Multiple Family Dwelling District. The subject property is platted and is a part of a residential lot in Lee's Addition. The special use permit applies to a 15-foot by 40-foot area which will be leased by Southwestern Bell.

The application area is located adjacent to the east line of a 20-foot-wide north/south alley. The buried vault will be 16 feet long, 6 feet wide and 9 feet high; the exposed hatch will be 4.5 feet long, 2.5 feet wide and 25 inches high. The accessory cabinet will be 40 inches long, 12 inches wide and 68 inches high.

Over the past few years, several residential sites in the City have been approved for underground vault installations. Southwestern Bell has advised that in the past, the accessory metal cabinet has typically been installed within street right-of-way.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Parking lot
SOUTH	"B"	Single-family residence
EAST	"B"	Parking lot
WEST	"B"	Single-family residence

PUBLIC SERVICES: The adjacent 20-foot-wide north/south alley is unpaved. Numerous utilities exist within the alley right-of-way. Included among these utilities are above-ground electric, telephone and cable television lines. Underground utilities include sanitary sewer and K.P.L. gas.

CONFORMANCE TO PLANS/POLICIES: The Land Use Element of the Comprehensive Plan depicts residential land use for this general area. The proposed vault and cabinet will help provide phone service to this area of the City.

RECOMMENDATION: It is recommended that this application be approved, subject to the following conditions:

- A. The above-ground portion of the vault shall not exceed 4.5 feet in length, 2.5 feet in width and 25 inches in height.
- B. The accessory above-ground cabinet shall not exceed 40 inches in length, 12 inches in width and 68 inches in height.
- C. The vault and accessory cabinet shall maintain a setback of no less than 5 feet from the west line of the application area (east line of the alley).

FILE COPY

() Published in The Daily Reporter on June 13, 1989
(One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on **Thursday, July 6, 1989**, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Chambers, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following applications:

CASE NO. DR 89-14
REQUEST FOR A SPECIAL USE PERMIT TO ESTABLISH
AN UNDERGROUND VAULT AND ASSOCIATED ABOVE GROUND CABINET
FOR TELEPHONE SWITCHING EQUIPMENT

The West fifteen (15) feet of Lot 103 and the south fifteen (15) feet of the West fifteen (15) feet of Lot 101, on Market Street all in Lee's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located in an area west of Market Street between Indianapolis Street and Gilbert Street.

As provided in Section 28.04.210 of the Code of the City of Wichita, Kansas, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the MAPC as by law provided.

WITNESS MY HAND this 6th day of June, 1989.

Marvin S. Krout, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

FILE COPY

DR ⁸⁹ 87-145

(City Case)

APPLICATION FOR SPECIAL PERMIT
WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Special Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

A. APPLICANT Immanuel Lutheran Church PHONE 264-0639
 ADDRESS 909 S. Market, Wichita, KS Zip Code 67211
 AGENT Southwestern Bell Telephone Co. c/o Fred Neff PHONE 268-2800
 ADDRESS 154 N. Broadway, Room 940, Wichita, KS Zip Code 67202

B. APPLICANT _____ PHONE _____
 ADDRESS _____ Zip Code _____
 AGENT _____ PHONE _____
 ADDRESS _____ Zip Code _____

C. APPLICANT _____ PHONE _____
 ADDRESS _____ Zip Code _____
 AGENT _____ PHONE _____
 ADDRESS _____ Zip Code _____
 (Use separate sheet if necessary for additional applicants).

2. A. The applicant proposes to establish a underground vault for
telephone switching equipment (use)
 on property zoned X B and legally described as Lot(s) _____
101 and 103, Block _____ of the
Lee's Addition.
 (If appropriate, metes and bounds description may be provided in
 the space below or on an attached sheet).

LEGAL DESCRIPTION
The West fifteen (15) feet of lot 103
and the South fifteen (15) feet of
the West fifteen (15) feet of lot 101, on Market Street
all in LEE'S ADDITION to the City
of Wichita, Sedgwick County, Kansas.

- B. There are 0.01 acres (round to nearest tenth) in the above
described property.

FOR OFFICE USE ONLY

CPO 3A-1/5

Map No. 5446A zoning (N) B (S) B (E) B (W) B MAPC 7-6-89

T9-212-2

Advertise by: 6/13/89
Neish Notifrantran: 6/22/89

Revised 1/89

3. This property is located at (address) 909 S. Market.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the _____ corner of _____ and _____

_____, OR

In an area

B. ~~On the~~ west ~~side~~ side of Market (Ave.) Street

between Indianapolis (Ave.) Street & Gilbert (Ave.)

Street.

4. We request this special permit for the following reasons:

To provide accomodations for an underground vault to house telephone communication facilities to serve the surrounding service.

5. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE GOVERNING BODY SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

APPLICANT'S SIGNATURE

BY Fred L. Noff
AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____
AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____
AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 2:00
(a.m., p.m.) on 6/6/89 (day, month, year). It has
been checked and found to be complete and accompanied by required docu-
ments and the appropriate fee of \$ 350.00.

FEN
Name

SP
Title

NO 00774

METROPOLITAN AREA PLANNING DEPARTMENT

Description Special Permit for S.W. Bell

Name Southwestern Bell Telephone

Address _____

Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm) 300210-9027

Amount \$350.00

Date 6/6/89 Due Date 6/6/89 By FEL

Form 00-000

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

MAY 22 1989
AREA MGR.-ENGR. (ROW)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the record in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the following real estate in Sedgwick County, Kansas:

The West 15 feet of Lots 101 and 103, LEE ADDITION to Wichita, Sedgwick County, Kansas.

aka: 909 S. Market

And from such examination find that the owners of real estate within a 200' foot radius thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)



DESCRIPTIONS

Lot 4, Main Street, SAM STEWART'S ADDITION to Wichita, Sedgwick County, Kansas.

Lot 6, in SAM STEWART'S ADDITION to Wichita, Sedgwick County, Kansas.

Lot 8, SAM STEWART'S ADDITION to Wichita, Sedgwick County, Kansas.

RECORD OWNERS

Eddie L. Farris, with Tom Farris Reserving a Life Estate
2114 S. Erie
Wichita, Kansas 67211

Approved
Immanuel Lutheran Church
909 S. Market
Wichita, Kansas 67211

✓
Charles W. Whitworth
928 S. Main
Wichita, Kansas 67211

CONTINUED



**FIDELITY
TITLE**

Fidelity Title Company, Inc.

DESCRIPTIONS

RECORD OWNERS

Lots 81, 83, 85, on Market Street, in LEE'S SECOND ADDITION to Wichita, Sedgwick County, Kansas.

Dep

The Immanuel Evangelical Lutheran Church
909 S. Market
Wichita, Kansas 67211

Lots 87 and 89, on Market Street, in LEE'S SECOND ADDITION to Wichita, Sedgwick County, Kansas.

Dep

Immanuel Evangelical Lutheran Church
909 S. Market
Wichita, Kansas 67211

Lot 91, on Market Street in LEE'S SECOND ADDITION to Wichita, Sedgwick County, Kansas and the surplus of unplatted ground which is found lying between LEE'S ADDITION and LEE'S SECOND ADDITION, the same lying West of Market Street and East of the alley and adjoining Lot 91, Market Street, LEE'S SECOND ADDITION on the South, in Sedgwick County, Kansas.

Dep

Immanuel Lutheran Church, Inc.
909 S. Market
Wichita, Kansas 67211

Lots 90 and 92, on Market Street in LEE'S SECOND ADDITION to Wichita, Sedgwick County, Kansas.

3

Ralph W. Phillips and J.K. Ellington, dba Empire Investments
Box 967
Henrietta, Oklahoma 74437



Lots 94 and 96 on Market Street, in LEE'S ADDITION to Wichita, Sedgwick County, Kansas and surplus adjoining Lot 94 described as beginning at the Northwest Corner of Lot 94; thence North 22.86 feet to the Southwest Corner of Lot 93, LEE'S SECOND ADDITION; thence East 140 feet to the Southeast Corner of said Lot 92; thence South to the Northeast Corner of said Lot 94 in LEE'S ADDITION; thence West to beginning.

4

Nestor R. Weigand, Jr.
150 N. Market
Wichita, Kansas 67202

Lots 98 and 100 on Market Street, LEE'S addition to Wichita, Sedgwick County, Kansas.

5

Ardaila I. Broyles
930 S. Market
Wichita, Kansas 67211

Lot 102 on Market Street, in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

6

Raymond E. and Helen J. Riner
522 N. Young
Wichita, Kansas 67212

CONTINUED

**FIDELITY
TITLE**

Fidelity Title Company, Inc.

DESCRIPTIONS

RECORD OWNERS

Lot 104 on Market Street in LEE'S
ADDITION to Wichita, Sedgwick County,
Kansas.

> Ramona Nell Peabody
946 S. Market
Wichita, Kansas 67211

Lot 106 on Market Street, in LEE'S
ADDITION to Wichita, Sedgwick
County, Kansas.

8 Richard Frank Fravel
% Mark J. Piotrowski
621 S. Martinson
Wichita, Kansas 67213

Lot 108, except the East 51 feet
thereof, on Market Street, in LEE'S
ADDITION to Wichita, Sedgwick County,
Kansas.

9 John Lee Oller
202 E. Gilbert
Wichita, Kansas 67211

The East 51 feet of Lot 108, on Market
Street, in LEE'S ADDITION to Wichita,
Sedgwick County, Kansas.

10 Jack Pete and Elizabeth M. Duprez
Box 5
Rose Hill, Kansas 67133

Lots 110 and 112, on Market Street, in
LEE'S ADDITION to Wichita, Sedgwick
County, Kansas.

11 Roy and LaVeta Holloway
% David Williams
P.O. Box 20613
Wichita, Kansas 67208



Lots 93 and 95, Market Street, in LEE'S
ADDITION to Wichita, Sedgwick County,
Kansas.

Dup Immanuel Lutheran Church
909 S. Market
Wichita, Kansas 67211

Lots 97 and 99, on Market Street in LEE'S
ADDITION to Wichita, Sedgwick County, Kansas.

Dup Immanuel Evangelical Lutheran
Church
909 S. Market
Wichita, Kansas 67211

Lots 101 and 103 on Market Street, LEE'S
ADDITION to Wichita, Sedgwick County,
Kansas.

Dup Immanuel Lutheran Church
909 S. Market
Wichita, Kansas 67211

CONTINUED

**FIDELITY
TITLE**

Fidelity Title Company, Inc.

DESCRIPTIONS

RECORD OWNERS

Lots 105 and 107 and all surplus, all on Market Street, LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

12 Margaret Dees Lomax
1416 E. Zimmerly
Wichita, Kansas 67211

Lots 109 and 111 on Market Street in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

13 Chester J. and Mary E. Flye
1003 S. Market
Wichita, Kansas 67211

Lots 113 and 115 on Market Street in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

14 Jack R. Blankenship
RR 1 Box 278
Fall River, Kansas 67047

Lots 117 and 119 on Market Street in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

15 William David and Pansy M. Hill
1009 S. Market
Wichita, Kansas 67211

Beginning at the Northwest Corner of Lot 94, on Main Street, in LEE'S ADDITION to Wichita, Sedgwick County, Kansas, thence North 19.7 feet to the South line of Reserve A. in LEE'S SECOND ADDITION, thence East 140 feet; thence South 20.92 feet to the Northeast Corner of Lot 94, thence West 140 feet to the place of beginning; also the North 15 feet of Lot 94 on Main Street, in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

16 Clarence, Jr. and Alta Marie,
and Kirke E. Hatfield
2054 N. McComas
Wichita, Kansas 67203



Lot 96 and the South 10 feet of Lot 94, on Main Street, in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

17 Arline A. and Lew D. Taylor
932 S. Main
Wichita, Kansas 67213

Lots 98 and 100, on Main Street, LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

18 Clyde L. and Leona K. Zinn
938 S. Main
Wichita, Kansas 67213

Lot 102 and the North 5 feet of Lot 104 on Main Street, in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

Dep Clyde L. Zinn
938 S. Main
Wichita, Kansas 67213

CONTINUED

**FIDELITY
TITLE**

Fidelity Title Company, Inc.

DESCRIPTIONS

RECORD OWNERS

The South 20 feet of Lot 104, and all of Lot 106, on Main Street, LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

19
Maria J. Causey
12 Drury Lane
Wichita, Kansas 67207

Lot 108, on Main Street, in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

20
Herbert Arthur Asmann, Jr. and
Richard L. Racette
942 S. Main
Wichita, Kansas 67213

The West 90 feet of Lots 110 and 112, on Main Street, LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

21
Marsall L. and Susan D. Post
1002 S. Main
Wichita, Kansas 67213

The East 50 feet of Lots 110 and 112 on Main Street, in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

22
Thelma Melcum and Veta V. Wick
% Linda M. Breedlove
4505 E. Gilbert
Wichita, Kansas 67218

Lots 114 and 116, on Main Street, in LEE'S ADDITION to Wichita, Sedgwick County, Kansas.

23
Connie L. Abshier
1010 S. Main
Wichita, Kansas 67213



Dated at Wichita, Kansas, this 16th day of May,
1989 at 7:00 a.m.

FIDELITY TITLE COMPANY, INC.

Karen S. Slattery
LICENSED ABSTRACTOR

TRACER NO. 85832

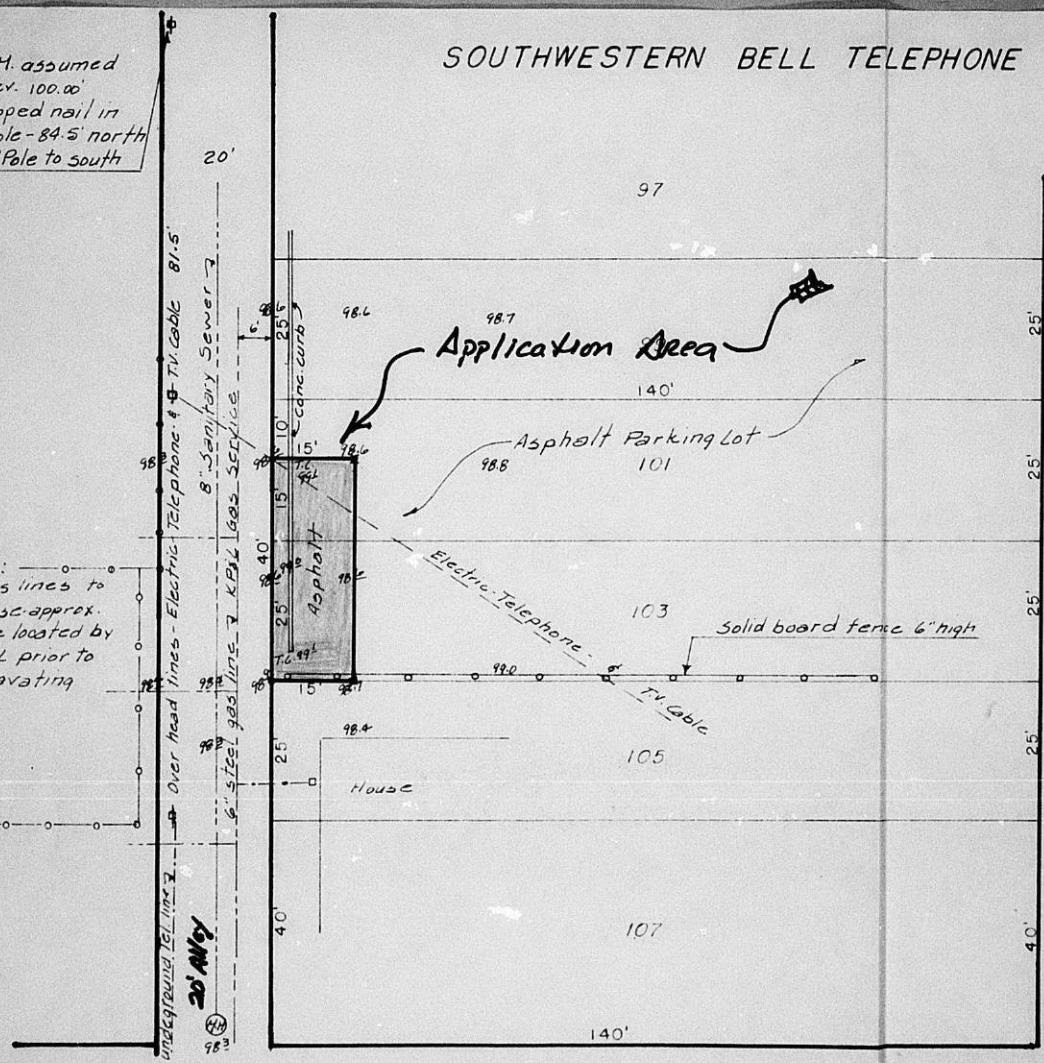
**FIDELITY
TITLE**

Fidelity Title Company, Inc.

SOUTHWESTERN BELL TELEPHONE CO. SUR

B.M. assumed
Elev. 100.00'
stepped nail in
P. Pole - 84.5' north
of P. Pole to south

Note:
Gas lines to
house approx.
to be located by
KPL prior to
excavating

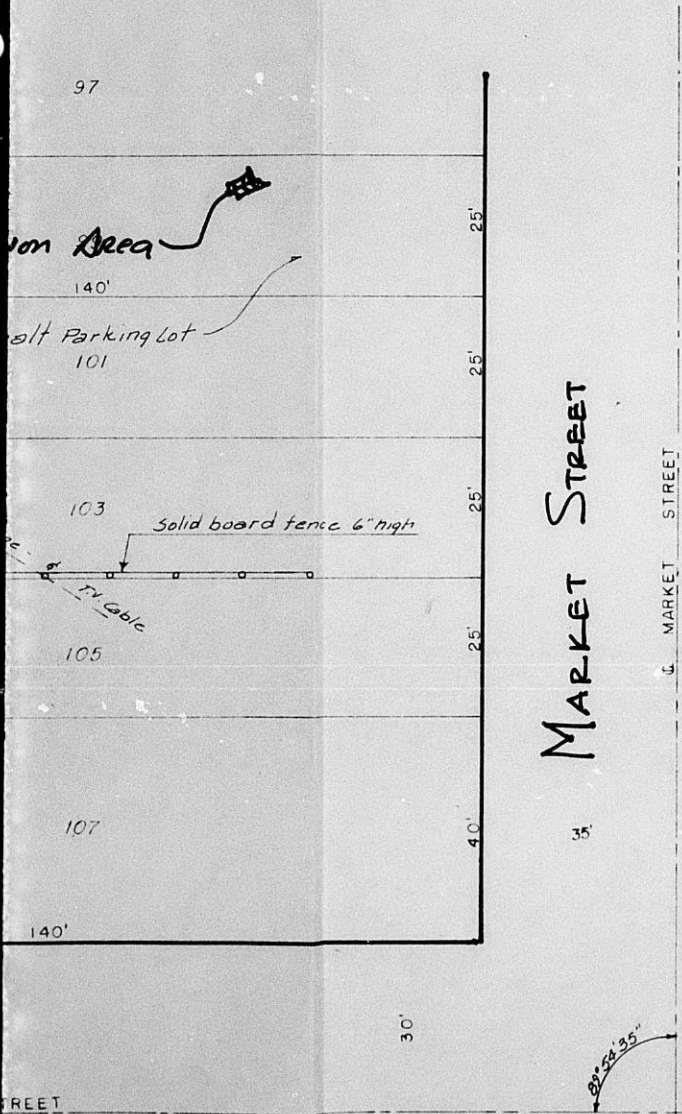


GILBERT STREET

GILBERT STREET

MARKET STREET

WESTERN BELL TELEPHONE CO. SURVEY



MARKET STREET

MARKET STREET



Scale: 1" = 20'

SURVEYORS CERTIFICATE
 I, Lloyd J. Dobler, a duly Registered Land Surveyor in the State of Kansas certify that this plat is a true and correct exhibit of a survey done by me on 16 May 1988 for Southwestern Bell Telephone Co. of the following described property.

LEGAL DESCRIPTION
 The West fifteen (15) feet of Lot 103 and the South fifteen (15) feet of the West fifteen (15) feet of Lot 101, all in LEE'S ADDITION to the City of Wichita, Sedgwick County, Kansas.



Lloyd J. Dobler

- ⬇ = 1/2" rebar pin set
- ↗ = PK. nail in asphalt for NE corner

DR- 89 - 11