Wichita-Sedgwick County Metropolitan Area Planning Department

December 20, 2021

Juan Carols Mena-Olmos
506 E. 58th St. S.
Wichita, KS 67216

RE: **CON2021-00047 with ZON2021-00015**: City zone change from SF-5 Single-Family Residential to B Multi-Family Residential associated with Conditional Use to allow Parking Area, Ancillary; on property generally located 750 feet south of East 13th Street North, 1000 feet west of North Hydraulic Avenue (1237 and 1239 North Mathewson).

Dear Applicant;

At its regular meeting on **December 7, 2021**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request in accordance with the attached ordinance and resolution.

If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

Matthew Williams, AICP
Senior Planner

Copies to: MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

November 10, 2021

Juan Carols Mena-Olmos
506 E. 58th St. S.
Wichita, KS 67216

RE: **CON2021-00047 with ZON2021-00015**: City zone change from SF-5 Single-Family Residential to B Multi-Family Residential associated with Conditional Use to allow Parking Area, Ancillary; on property generally located 750 feet south of East 13th Street North, 1000 feet west of North Hydraulic Avenue (1237 and 1239 North Mathewson).

Dear Applicant;

At its regular meeting on **November 4, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request for B Multi-Family zoning on the northern zoning lot (platted Lots 56 and 58) subject to Protective Overlay #383.

Language for Protective Overlay #383:

1. The subject property is limited to a maximum of number of 6 living units.
2. The subject property is limited to a maximum height of 35 feet.
3. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
4. The transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
5. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

The MAPC also recommended **APPROVAL** of the request for a Conditional Use to allow a Parking Area, Ancillary on the southern zoning lot (platted Lots 60, 62, and 64), subject to the following conditions:

1. All conditions of the Unified Zoning Code, Section III-D.6.p Parking Areas, Ancillary, shall be in effect.
2. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: licensing requirements, building, fire and utility regulations or codes.
3. The ancillary parking area shall apply only to Lots 60, 62, and 64 Granville Park Addition, shall remain under the same ownership as Lots 56 and 58 Granville Park Addition, and shall be surfaced with concrete or asphalt. The area shall be maintained in good condition and free of all weeds, trash and other debris.

4. The parking area shall be used for passenger vehicles only.
5. The parking area shall be accessed via the existing alley and not via Mathewson Avenue.
6. Screening and landscaping shall be provided in accordance with the Landscape Ordinance and Sec. IV-B of the UZC).
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **November 18, 2021**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **November 18, 2021 at 5:00 p.m.**

This application will be forwarded to the City Council for review and final action **Tuesday, December 7, 2021.** This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property.
If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Matthew Williams, AICP
Senior Planner

Copies to: MABCD
Brandon Johnson, WCC District I
Tasha Hayes, CSR I
Janet & John Radig, 1510 E. 9th Street North, Wichita, KS 67214

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON Dec. 17, 2021

ORDINANCE NO. 51-687

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2021-00015

City zone change from SF-5 Single-Family Residential to B Multi-Family Residential on zoning lots described as:

Lots 56 and 58, Granville Park Addition, Wichita, Sedgwick County, Kansas.

Subject to **Protective Overlay #383**.

1. The subject property is limited to a maximum of number of 6 living units.
2. The subject property is limited to a maximum height of 35 feet.
3. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
4. The transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
5. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Brandon J. Whipple, Mayor, City of Wichita

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

Resolution No. 21-457

A RESOLUTION APROVING CON2021-00047 AUTHORIZING ANCILLARY PARKING ON SF-5 SINGLE-FAMILY ZONED LOTS; LOCATED AT 1237 NORTH MATHEWSON STREET, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

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

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow ancillary parking on 0.069 Acres; Located at 1237 North Mathewson Street and legally described as:

Lots 60, 62, and 64, Granville Park Addition, Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of November 4, 2021, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Wichita City Council that this application be approved for a Conditional Use to allow ancillary parking on 0.069 Acres; Located at 1237 North Mathewson Street and legally described as:

Lots 60, 62, and 64, Granville Park Addition, Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. All conditions of the Unified Zoning Code, Section III-D.6.p Parking Areas, Ancillary, shall be in effect.
2. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: licensing requirements, building, fire and utility regulations or codes.
3. The ancillary parking area shall apply only to Lots 60, 62, and 64 Granville Park Addition, shall remain under the same ownership as Lots 56 and 58 Granville Park Addition, and shall be surfaced with concrete or asphalt. The area shall be maintained in good condition and free of all weeds, trash and other debris.
4. The parking area shall be used for passenger vehicles only.
5. The parking area shall be accessed via the existing alley and not via Mathewson Avenue.
6. Screening and landscaping shall be provided in accordance with the Landscape Ordinance and Sec. IV-B of the UZC).
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this 7 day of Dec, 2021.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

McCLATCHY

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

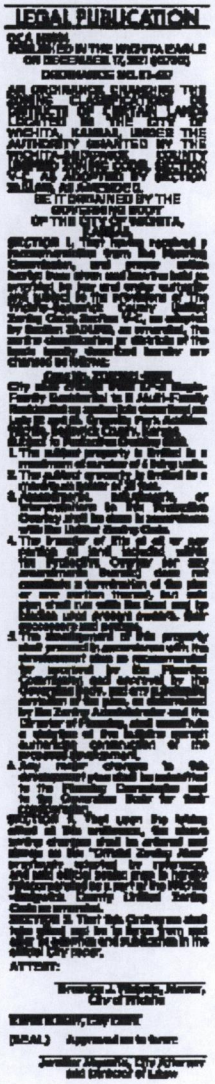
Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	188618	WIC-12-17-2021	OCA 150004, ORD. NO. 51	$67.20	1	8.00 in

Attention: Jamie Buster

CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

51-687

LEGAL PUBLICATION



In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1

Beginning Issue of: 12/17/2021

Ending Issue of: 12/17/2021

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 12/17/2021 to 12/17/2021.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/17/2021

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE
ON DECEMBER 17, 2021 (437342)

ORDINANCE NO. 51-687

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2021-00015

City zone change from SF-5 Single-Family Residential to B Multi-Family Residential on zoning lots described as: Lots 56 and 58, Granville Park Addition, Wichita, Sedgwick County, Kansas.

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6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ATTEST:

Brandon J. Whipple, Mayor,
City of Wichita

Karen Sublett, City Clerk

(SEAL) Approved as to form:

Jennifer Magaña, City Attorney
and Director of Lazw

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	126786	WIC-9-2-2021	OCA 150004	$100.80	1	12.00 in

Attention: Betsy Pagán
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

Copy of ad content
is on the next page

In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1
Beginning Issue of: 09/02/2021
Ending Issue of: 09/02/2021

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 09/02/2021 to 09/02/2021.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 04/27/2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE ON
SEPTEMBER 2, 2021 (290971)
(One Time Only)

MAPC/BZA September 23, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 23, 2021 no earlier than 1:30 p.m.**, the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). **If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.**

CON2021-00039: City request to amend Conditional Use CON2019-05 to allow a bar, outdoor entertainment venue, event center, high definition digital screens, increase height, LED lighting strips, later hours of operation on LI Limited Industrial zoned property located on the southeast corner of East 29th Street North & North Greenwich Road

PUD2021-00012: City zone change from LC Limited Commercial and SF-5 Single-Family Residential to PUD Planned Unit Development for multi-family residential on property generally located one quarter mile east of South 135th Street West, on the south side of West Kellogg Drive.

VAC2021-00037: City request to vacate a portion of a platted front yard setback on SF-5 zoned property generally located west of North Mclean Boulevard on the south side of West 13th Street North.

VAC2021-00038: City request to vacate a portion of platted complete access control on LC Limited Commercial zoned property generally located a quarter mile north of West 37th Street North on the west side of North Maize Road.

ZON2021-00015: City zone change from SF-5 Single-Family Residential to B Multi-Family Residential located 750 feet south of East 13th Street North, 1000 feet west of North Hydraulic Avenue (1239 North Mathewson).

ZON2021-00039: City Zone Change from SF-5 Single-Family Residential to TF-3 Two-Family Residential: generally located southwest of West Maple Street and South Sycamore Street (419 South Sycamore Street).

ZON2021-00041: City request to amend provision #5 of Protective Overlay PO-74 to allow an increase in height & adjust provisions #1 & #2 on LI Limited Industrial zoned property generally located on the southeast corner of North Greenwich Rd & East 29th St North.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, 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 regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	Planning@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: **Scott Wadle** 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/651544141

You can also dial in using your phone.
United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141 Or dial directly:
651544141@67.217.95.2 or 67.217.95.2##651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
https://global.gotomeeting.com/install/651544141

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on September 2, 2021
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission