



Wichita-Sedgwick County Metropolitan Area Planning Department

December 7, 2022

D. Andrew Knight
538 S. Fountain Ave
Wichita, KS 67218

Baughman Company
Attn: Phil Meyer
315 Ellis
Wichita, KS 67211

RE: CON2022-00042: Request in the City to permit Mobile Food Unit in the City (Food Truck) as a principal use on property zoned LC Limited Commercial, generally located on the southwest corner of West 13th Street North and North Ridge Road (1337 North Ridge Road).

Dear Applicant;

At its regular meeting on **November 3, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request with the following conditions:

1. The Mobile Food Unit in the City use shall cease operations by 10:00 p.m. Sunday – Thursday and by 12:00 a.m. Friday and Saturday.
2. Operation of the Mobile Food Unit in the City shall adhere to the license requirement of Section 3.15 of the Wichita City Code.
3. Development of the site shall be in general conformance with the approved site plan.
4. 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 of other remedies set forth in the UZC, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

No protest were filed against this application. Therefore, the MAPC decision is final. Please see the enclosed, signed Resolution.

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,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to:

MABCD

Bryan Frye Council Member District V

Cory Buchta, CSR District V

CONDITIONAL USE RESOLUTION NO. CON2022-00042

WHEREAS, D. Andrew McKnight, owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow Mobile Food Unit in the City as a principal use on property zoned LC Limited Commercial District located at 1337 North Ridge Road, legally described as:

Lot 11, Block D, in Country Acres Third Addition, a subdivision in Sedgwick County, Kansas, according to the record plat thereof, LESS that portion condemned by the City of Wichita, Kansas, described as: The North 25 feet of Lot 11, Block D, and the East 25 feet of the South 131.24 feet of Lot 11, Blk D, Country Acres Third Addition, a subdivision in 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 3, 2022, 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 Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use to allow Mobile Food Unit in the City as a principal use on property zoned LC Limited Commercial District located at 1337 North Ridge Road, legally described as:

Lot 11, Block D, in Country Acres Third Addition, a subdivision in Sedgwick County, Kansas, according to the record plat thereof, LESS that portion condemned by the City of Wichita, Kansas, described as: The North 25 feet of Lot 11, Block D, and the East 25 feet of the South 131.24 feet of Lot 11, Blk D, Country Acres Third Addition, a subdivision in Sedgwick County, Kansas.

Approved subject to the following conditions:

1. The Mobile Food Unit in the City use shall cease operations by 10:00 p.m. Sunday – Thursday and by 12:00 a.m. Friday and Saturday.
2. Operation of the Mobile Food Unit in the City shall adhere to the license requirement of Section 3.15 of the Wichita City Code.
3. Development of the site shall be in general conformance with the approved site plan.
4. 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 of other remedies set forth in the UZC, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 1st Day of December 2022.

METROPOLITAN AREA PLANNING COMMISSION



Ann M. Fox, Chair

ATTEST:



Scott Wadle, Secretary



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	330442	Print Legal Ad-IPL00934800 - IPL0093480		\$216.40	3	86 L

Attention: MANDY HEBERT

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

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on October 13, 2022

(One Time Only)

MAPC/BZA November 3, 2022

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 3, 2022, 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 Ronald Reagan Building, 271 West Third Street, 2nd Floor, 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.

CON2022-00040: Conditional Use request in the City to permit Wrecking Salvage/ Towing on property (with ZON2022-00055, zone change from GC to LI); generally located on the east side of South Broadway Avenue, one half-mile north of East 47th Street South (4336 S Broadway).

CON2022-00041: Request in the City for a Conditional Use to permit live music and entertainment (defined as Night Club in the City) associated with a restaurant on property zoned LC Limited Commercial, located on the north side of West Central Avenue and on the east side of North Hoover Avenue (5536 West Central).

CON2022-00042: Request in the City to permit Mobile Food Unit in the City (Food Truck) as a principal use on property zoned LC Limited Commercial, located on the southwest corner of West 13th Street North and North Ridge Road (1337 North Ridge Road).

DER2022-00008: Community Investments Plan Update of population forecast, Wichita Future Growth Concept Map, and financial forecast.

PUD2022-00018: Request in the City to amend Planned Unit Development, PUD-78 to expand multi-family uses on surrounding properties; generally located one block south of East 17th Street North and two blocks east of North Hillside Avenue.

PUD2022-00019: Request in the City to Amend the Equestrian Estates PUD #12 to create a new parcel and permit Warehouse, Self-Storage use on new parcel, located on the southeast corner of East Harry Street and South 127th Street East. VAC2022-00031: Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial; generally located on the east side of North Webb road, within one-quarter mile north of East 13th Street North.

ZON2022-00055: Zone change request in the City from GC General Commercial to LI Limited Industrial (with CON2022-00040) to permit Wrecking Salvage/ Towing on property located on the east side of South Broadway Avenue, one half-mile north of East 47th Street South (4336 S Broadway).

ZON2022-00056: Zone change request in the City from SF-5 Single-Family Residential and MH Manufactured Housing to MF-18 Multi-Family Residential and B Multi-Family Residential on property located on the west side of South 167th Street West and within one-quarter mile north of West Maple Street.

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.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

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: 651 544 141 @ 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 Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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.

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

WITNESS MY HAND on October 13, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0093480

Oct 13 2022

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

No. of Insertions: 1

Beginning Issue of: 10/13/2022

Ending Issue of: 10/13/2022

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose 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 10/13/2022 to 10/13/2022.

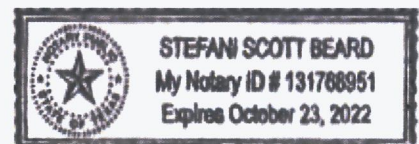
M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 10/13/2022

Stefani Beard

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



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



STAFF REPORT
MAPC November 3, 2022
DAB V November 7, 2022

AGENDA ITEM NO. 4.2

CASE NUMBER: CON2022-00042 (City)

APPLICANT/AGENT: D. Andrew McKnight (Applicant/Owner); Baughman Company, P.A. (Agent)

REQUEST: Conditional Use for Mobile Food Unit in the City

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.38 acre

LOCATION: Generally located on the southwest corner of West 13th Street North and North Ridge Road (1337 North Ridge Road).

PROPOSED USE: Mobile Food Unit in the City

RECOMMENDATION: Approval with Conditions



BACKGROUND: The applicant is requesting a Conditional Use to permit a Mobile Food Unit in the City (food truck) as a principal use on property zoned LC Limited Commercial District. The 0.38-acre property is located on the southwest corner of West 13th Street North and North Ridge Road, and it is currently developed with a retail liquor store (1337 North Ridge Road). The Mobile Food Unit in the City would be an additional principal use alongside the liquor store.

Section III-D.6.00 of the Unified Zoning Code (UZC) states the following: *Mobile Food Unit in the City, as defined by the Code, shall be allowed as an Accessory Use to a Public and Civic Use, as defined by the Code, in any zoning District; as an Accessory Use within the LC, OW, and IP Districts; as a Principal Use in the LC District with Conditional Use approval; and as an Accessory Use or Principal Use within the GC, CBD, LI, and GI Districts. The Zoning Administrator may authorize a Mobile Food Unit in the City only in conformance with the license requirements of Sec. 3.15 of the Code of the City of Wichita.*

If approved, the Conditional Use would permit the food truck to be placed on the property at all times, provided that the space on which the food truck is placed does not take up any required off-street parking spaces for the retail liquor store. Off-street parking for a retail establishment is one space per 333 square feet. The liquor store is 2,400 square feet and is required to provide seven (7) off-street parking spaces. According the attached site plan, there will be 10 remaining off-street parking spaces on the east side of the liquor store building with the food truck parked on the north side. Off-street parking for the Mobile Food Unit in the City use shall be provided based on a parking study, to be prepared by the applicant, to be review and approved by the Zoning Administrator.

The food truck currently uses a generator for electric power. However, the property owner indicates that if the Conditional Use is approved, he is willing to consider installing the infrastructure to enable the food truck to use on-site electricity.

The property to the north is zoned LC Limited Commercial District and is developed with office uses. Property to the east is zoned LC District and is developed with a gas station. Property to the northeast is zoned LC District and is developed with an outdoor athletic complex. Properties to the south and west are zoned LC District and are developed with single-family dwellings. The shared property lines with the lots developed with single-family dwellings have six-foot screening fences (likely constructed by the owners of the single-family homes).

CASE HISTORY: In 1957, the site was platted as part of the Country Acres 3rd Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Offices
SOUTH:	LC	Single-Family Dwelling
EAST:	LC	Gas Station
WEST:	LC	Single-Family Dwelling

PUBLIC SERVICES: The property has access to West 13th Street North and North Ridge Road. West 13th Street North is a paved, five-lane arterial with sidewalks on both sides. North Ridge Road is a paved, five-lane arterial with sidewalks on both sides. Wichita Transit provides regular bus service at this location with a bus stop within one-quarter mile south of the site. Municipal water and sewer serve the existing liquor store on the site.

CONFORMANCE TO PLANS/POLICIES: The request is in conformance with The Community Investments Plan. The Community Investment Plan (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as appropriate for "Residential, which is appropriate for the full diversity of housing densities. The property historically has been zoned commercially and is located at the corner of two arterial streets. The request is in conformance with the Land Use Compatibility Locational Guidelines of the Comprehensive Plan. These guidelines recommend that higher intensity uses be discouraged from locating in areas of exiting lower-intensity development, particularly established low-density residential areas. Additionally, they recommend that higher intensity development should be developed with screening, buffering, and site design features sufficient to mitigate adverse impacts. Commercial uses have been developed along-side low-density residential since the 1970s. There is an existing screening fence along the west property line separating the proposed use from the rear yard of a single-

family dwelling. Staff does not anticipate the addition of a food truck to the subject commercial site to have significant adverse impacts to surrounding properties.

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

1. The Mobile Food Unit in the City use shall cease operations by 10:00 p.m. Sunday – Thursday and by 12:00 a.m. Friday and Saturday.
2. Operation of the Mobile Food Unit in the City shall adhere to the license requirement of Section 3.15 of the Wichita City Code.
3. Development of the site shall be in general conformance with the approved site plan.
4. 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 of other remedies set forth in the UZC, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The property to the north is zoned LC Limited Commercial District and is developed with office uses. Property to the east is zoned LC District and is developed with a gas station. Property to the northeast is zoned LC District and is developed with an outdoor athletic complex. Properties to the south and west are zoned LC District and are developed with single-family dwellings. The shared property lines with the lots developed with single-family dwellings have six-foot screening fences (likely constructed by the owners of the single-family homes).
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is zoned LC Limited Commercial District and developed with a retail liquor store. Section III-D.6.00 of the Unified Zoning Code permits a Mobile Food Unit in the City as an accessory use to established principal uses in the LC District.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** If approved, the Conditional Use would permit the Mobile Food Unit in the City to remain on property at all times and function as a principal use. The placement of the food truck will not occupy any required off-street parking spaces of the retail liquor store. Shared property lines with LC-zoned single-family lots have six-foot screening fences. The subject commercial size has co-existed with the abutting residential properties since the 1970s. Staff does not anticipate any significant negative impacts of permitting a food truck to be a principal use on the site.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested Conditional Use is in conformance with the *Community Investments Plan* when considering the land use compatibility locational guidelines as discussed in the staff report.
5. **Impact of the proposed development on community facilities:** Community facilities are not expected to be noticeably impacted by this approval. All municipal services are available to the site.

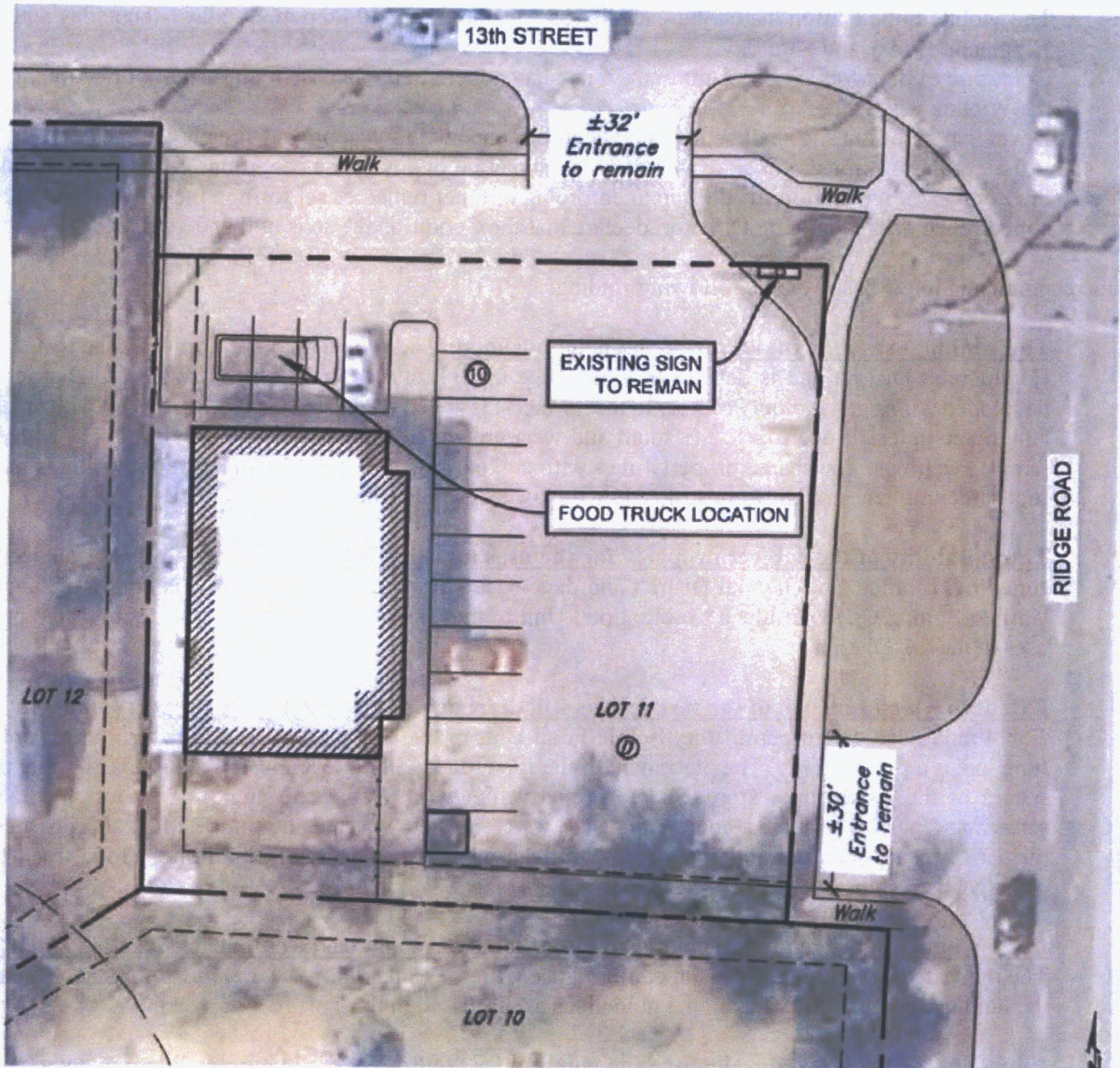
Staff Report Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Photos

CONDITIONAL USE SITE PLAN

Country Acres 3rd Addition

Lot 11



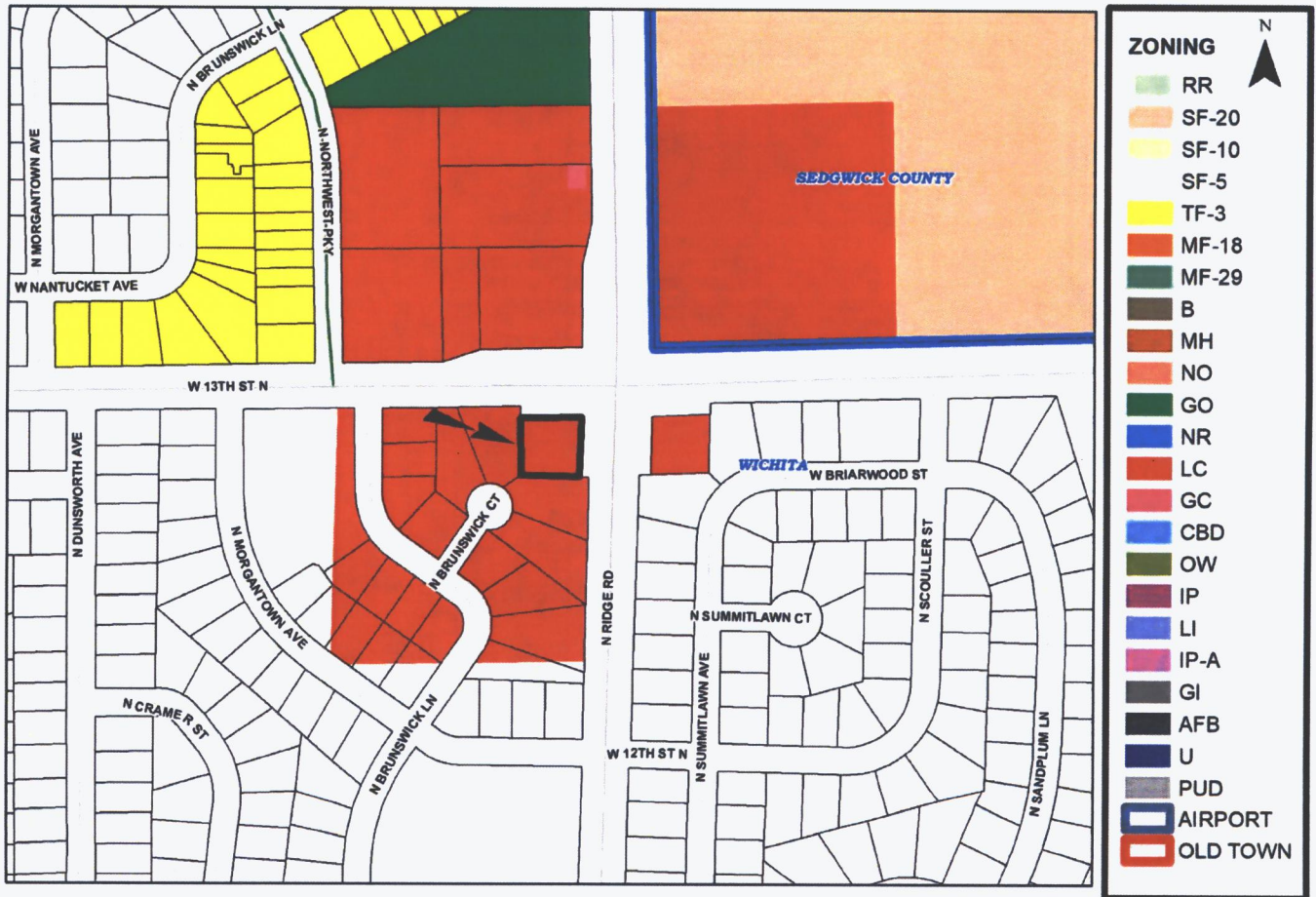
SEPT. 26, 2022



BAUGHMAN COMPANY
 315 Ellis St. Wichita, KS 67211 316-262-7271
 BaughmanCo.com

F: sketch | Country Acres 3rd 1337 Ridge





2035 Wichita Future Growth Concept Map

Legend

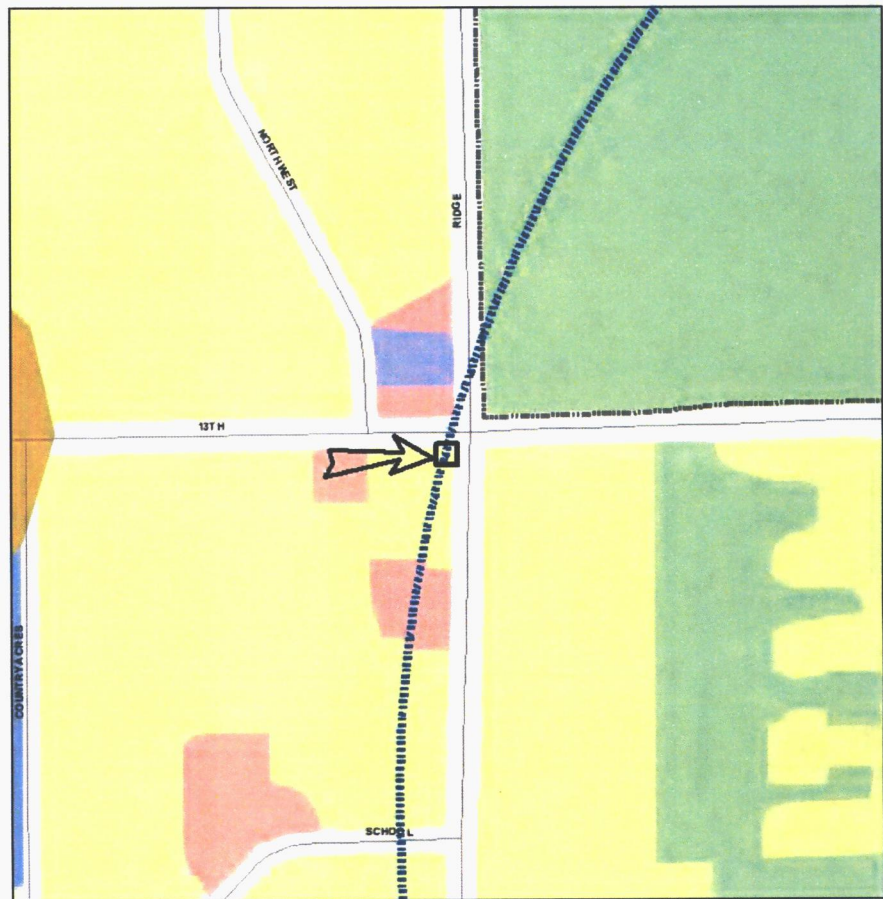
-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd_Plan_Areas



Looking south at site:



Looking east and property northeast of site



Looking south at property west of site



Looking southeast away from site



Looking southwest at site



Looking northwest away from site down West 13th Street



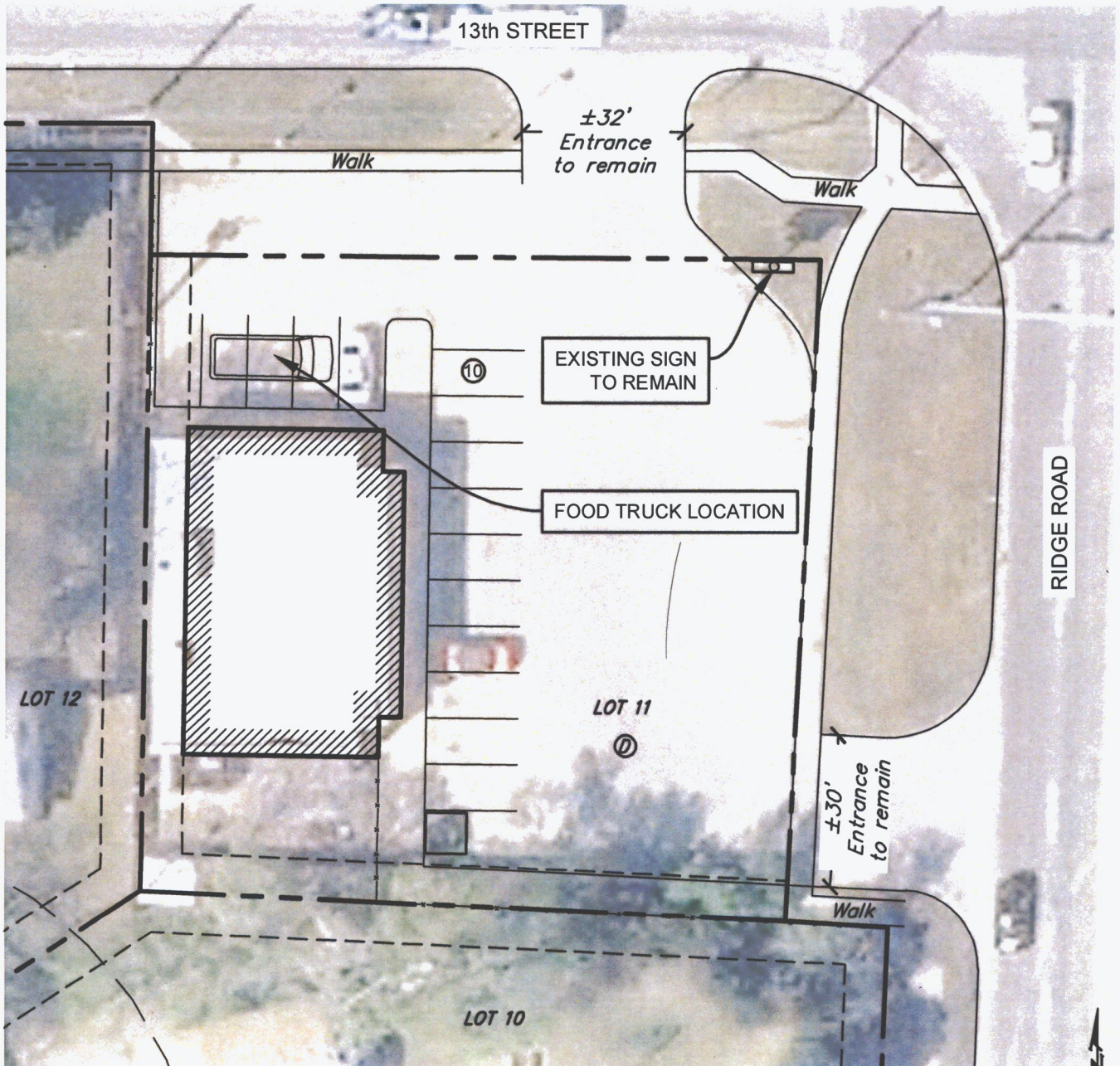
Looking northwest away from site



CONDITIONAL USE SITE PLAN

Country Acres 3rd Addition

Lot 11



SITE PLAN

APPROVED 12/7/22 BY *[Signature]*



BAUGHMAN COMPANY

315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com

F:\sketch\Country Acres 3rd 1337 Ridge

SEPT. 26, 2022