Wichita-Sedgwick County Metropolitan Area Planning Department

December 7, 2022

Smarsh Jerome J Rev. Tr.
Vickie Horsch
PO Box 74
Andale, KS 67001

Nett Development, Inc.
Ryann Nett
1650 S Meridian, Ste. 7
Wichita, KS 67213

RE: ZON2022-00033: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential and LC Limited Commercial for duplex and commercial development on property located on the south side of West 21st Street North and on the West side of North 151st Street West (15601 W. 21st Street North).

Dear Applicant;

At its regular meeting on **December 6, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the following Protective Overlay.

1. The publication of the zoning ordinance shall not occur until annexation in the City of Wichita has occurred.
2. The LC Limited Commercial zoned property shall conform to Section III-C.2.b of the Unified Zoning Code and establish a Community Unit Plan prior to the issuance of any building permits within the LC Limited Commercial zoned area.
    a. If the Community Unit Plan is established prior to annexation into the City of Wichita, the Community Unit Plan shall contain language consistent with the landscaping requirements of the Wichita Landscape Ordinance.
3. Amendments, adjustments, or interpretations of this Protective Overlay shall be done in accordance with the Unified Zoning Code.

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, City Council District V
Cory Buchta, CSR District V
Garver, Will Clevenger, 1995 Midfield Rd. Wichita, KS 67209

Wichita-Sedgwick County Metropolitan Area Planning Department

July 22, 2022

Smarsh Jerome J Rev. Tr.
Vickie Horsch
PO Box 74
Andale, KS 67001

Nett Development, Inc.
Ryann Nett
1650 S Meridian, Ste. 7
Wichita, KS 67213

RE: ZON2022-00033: Zone change request in the County from RR Rural Residential to TF-3 Two-Family Residential and LC Limited Commercial for duplex and commercial development on property located on the south side of West 21st Street North and on the West side of North 151st Street West (15601 W. 21st Street North).

Dear Applicant;

At its regular meeting on **July 21, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request subject to Protective Overlay #393

1. The publication of the zoning ordinance shall not occur until annexation in the City of Wichita has occurred.
2. The LC Limited Commercial zoned property shall conform to Section III-C.2.b of the Unified Zoning Code and establish a Community Unit Plan prior to the issuance of any building permits within the LC Limited Commercial zoned area.
    a. If the Community Unit Plan is established prior to annexation into the City of Wichita, the Community Unit Plan shall contain language consistent with the landscaping requirements of the Wichita Landscape Ordinance.
3. Amendments, adjustments, or interpretations of this Protective Overlay shall be done in accordance with the Unified Zoning Code.

Property owners opposed to the application may file with the County 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 **August 4, 2022**. 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 1,000 feet of the property for which the application was filed and must be submitted to the County Clerk by **August 4, 2022 at 5:00 p.m.**

Please note that the County Clerk's office has a new address. It is now located at **100 N. Broadway, Ste 620, Wichita, KS 67202.**

This application is scheduled for consideration by the Board of County Commissioners on **Wednesday, September 3, 2022, beginning at 9:00 a.m.** The Board of County Commissioners meeting will be held in the Sedgwick County Court House, 525 N. Main, Third Floor, 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,

Philip Zevenbergen, AICP
Current Plans, Division Manager

Copies to: MABCD
David Dennis, BoCC District 3
Garver, Will Clevenger, 1995 Midfield Rd. Wichita, KS 67209
Shirley Martin-Grimm, 12 North Hopper Ct., Goddard, KS 67052

Wichita-Sedgwick County Metropolitan Area Planning Department

July 22, 2022

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Dear Applicant;

At its regular meeting on **July 21, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request subject to Protective Overlay #393

1. The publication of the zoning ordinance shall not occur until annexation in the City of Wichita has occurred.
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Sincerely,

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David Dennis, BoCC District 3
Garver, Will Clevenger, 1995 Midfield Rd. Wichita, KS 67209
Shirley Martin-Grimm, 12 North Hopper Ct., Goddard, KS 67052

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON Dec. 16, 2022

ORDINANCE NO. 51-994

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. ZON2022-00033

City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential and LC Limited Commercial with Protective Overlay #393 on property described as:

Zone Change from SF-5 to LC (9.11 Acres):

The North 630.00 feet of the East 630.00 feet of the Northeast Quarter of Section 10, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas.

Zone Change from SF-5 to TF-3 (92.05 Acres):

The Northeast Quarter of the Northeast Quarter of Section 10, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas EXCEPT a tract of land described as beginning at the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section 10, Township 27 South, Range 2 West; thence West along the North line of the Northeast Quarter of the Northeast Quarter, a distance of 1,324.80 feet; thence South and parallel to the East line of the Northeast Quarter, a distance of 70 feet; thence East and parallel to the North line of the Northeast Quarter; to a point 914.66 feet West and 70 feet South of the Northeast corner of the Northeast Quarter; thence Easterly to a point 664.44 feet West and 75 feet South of the Northeast corner of the Northeast Quarter; thence Easterly to a point 64.66 feet West and 75 feet South of the Northeast corner of the Northeast Quarter; thence Southerly to a point 400 feet South and 45 feet West of the Northeast corner of the Northeast Quarter; thence Southerly to a point 450 feet South and 27.5 feet West of the Northeast corner of the Northeast Quarter; thence East and parallel to the North line of the Northeast Quarter, to a point on the East line of the Northeast Quarter, 450 feet South of the point of beginning; thence North along the East line of the Northeast Quarter of Section 10 to the point of beginning, EXCEPT that part of the Northeast Quarter of the Northeast Quarter of Section 10, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as: Beginning at the Southeast corner thereof; thence North along the East line of said Northeast Quarter, 186 feet; thence West parallel with the South line of said Northeast Quarter, 470 feet; thence South parallel with the East line, 186 fee to the South line of said Northeast Quarter; thence East along the South line of said Northeast Quarter, 186 feet to the point of beginning, AND EXCEPT that part deeded to the Secretary of Transportation of the State of Kansas for road in Doc.#/Flm-pg: 30093166, AND EXCEPT the north 630.00 feet of the East 630.00 feet of said Northeast Quarter.

AND

The West Half of the Northeast Quarter of Section 10, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the West 160 feet of the North 342 feet thereof,

EXCEPT the South 40 feet of the North 70 feet thereof, AND EXCEPT that part deeded to the Secretary of Transportation of the State of Kansas for road in doc.#/Flm-Pg: 30093166.

Protective Overlay #393 shall hereby read as follows:

1. The publication of the zoning ordinance shall not occur until annexation in the City of Wichita has occurred.
2. The LC Limited Commercial zoned property shall conform to Section III-C.2.b of the Unified Zoning Code and establish a Community Unit Plan prior to the issuance of any building permits within the LC Limited Commercial zoned area.
    a. If the Community Unit Plan is established prior to annexation into the City of Wichita, the Community Unit Plan shall contain language consistent with the landscaping requirements of the Wichita Landscape Ordinance.
3. Amendments, adjustments, or interpretations of this Protective Overlay shall be done in accordance with the Unified Zoning Code.

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

Jamie Buster, 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	360792	Print Legal Ad-IPL01024970 - IPL0102497		$137.55	2	82 L

Attention: Jamie Buster

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

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON December 18, 2022
ORDINANCE NO. 51-994

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:

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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
Jamie Buster, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0102497
Dec 18 2022

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

1 insertion(s) published on:
12/18/22

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 12/18/2022 to 12/18/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/19/2022

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

Public notice

(Published in The Ark Valley News June 30, 2022.)

MAPC July 21, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, July 21, 2022, no earlier than 1:30 p.m.,** the Wichita Sedgwick County Metropolitan Area Planning Commission (Planning Commission) 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 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 Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.

CON2022-00023: Conditional Use request in the County to allow commercial vehicle storage in Rural Residential (RR) zoning; generally located on the east side of North 167th Street West and about one-half mile south of West Central Avenue (360 North 167th Street West).

ZON2022-00032: Zone Change request in the County from LI Limited Industrial to SF-20 Single-Family Residential to permit residential development on property located on the southwest corner of North 135th Street West and West 53rd Street North.

ZON2022-00033: Zone change request in the County from RR Rural Residential to TF-3 Two-Family Residential and LC Limited Commercial for duplex and commercial development on property located on the south side of West 21st Street North and on the west side of North 151st Street West (15601 W 21st Street North).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the Wichita Sedgwick 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 (316-268 4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on June 30, 2022

Scott Wadle, Secretary
Wichita Sedgwick County Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 30th day of June, 2022, with subsequent publications being made on the following dates:

_____, 2022 _____, 2022

_____, 2022 _____, 2022

_____, 2022 _____, 2022

_____

Subscribed and sworn to before me this 30th day of June, 2022.

_____
Notary Public

My commission expires _____.

Additional copies $ _____

Printer's fee $ _____

Lisa K Strunk NOTARY PUBLIC COMMISSION EXPIRES 4/24/24 State of Kansas

AGENDA ITEM NO. 4.8

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: July 21, 2022
CAB 3: July 25, 2022

CASE NUMBER: ZON2022-00033 (County)

APPLICANT/AGENT: Smarsh Jerome J Rev Trust (owner)/ Nett Development, Co., Inc. (contract buyer)/ Garver, LLC (agents)

REQUEST: TF-3 Two-Family Residential and LC Limited Commercial

CURRENT ZONING: RR Rural Residential

SITE SIZE: 101.16 acre

LOCATION: Generally located on the south side of West 21st Street North and on the west side of North 151st Street East (15601 West 21st Street North).

PROPOSED USE: Duplex and Commercial Development

RECOMMENDATION: Approval

BACKGROUND: The applicant is requesting a zone change from RR Rural Residential to TF-3 Two-Family Residential and LC Limited Commercial on property located on the south side of West 21st Street North and on the west side of North 151st Street West (15601 West 21st Street North). The subject site is 101.16 acres in total. The contract buyer intends to develop the northeast 9.11 acres with LC uses and the remaining 92.05 acres with two-family residential. The attached site plan illustrates a preliminary layout of the development. The property is unplatted, and the final layout will be determined at the time of platting. The property is in unincorporated Sedgwick County. The contract buyer intends to seek island annexation into the City of Wichita. Island annexation is when there is a request to annex land that does not directly abut or is not across the street from the city limits. The city limits of Wichita are within one-quarter to one-half mile east/southeast of the subject site. This type of annexation requires a resolution to be adopted by the Wichita City Council and final approval by the Sedgwick County Board of County Commissioners. Staff is recommending that if the zoning request is approved, that the publication of the ordinance (which perfects the zoning) be delayed until the annexation is considered. This effectively makes the zoning contingent upon approval of the annexation. The applicant did not seek annexation first as they desire to see if the zoning is approved prior to initiation the island annexation process.

TF-3 Two-Family Residential zoning permits development of duplexes, single-family homes in addition to a limited number of civic uses such as churches and school.

LC Limited Commercial zoning is a typical commercial zoning for the intersection of two arterial streets and permits commercial uses like restaurants, service stations, vehicle repair (mechanic shops, but not auto body shops), retail, financial institutions, etc. Additionally, it permits multi-family residential, duplex, and single-family dwellings. The intended type of commercial development has not been determined at this time. Because the size of the land intended for commercial development is over six acres, Section III-C.2.b of the Unified Zoning Code requires the establishment of a Community Unit Plan (CUP). This is required to be established before any commercial development occurs. Non-residential CUPs require a minimum of a six-foot screening wall when abutting or adjacent to residential zoning. Additionally, annexation into the City of Wichita requires adherence to the Wichita's Landscape Ordinance, which requires a landscaped street yard with parking lot screening along West 21st Street and North 151st Street in addition to a landscape buffer along applicable property line where non-residential uses abut residential zoning.

Properties to the north, west, and south are zoned RR Rural Residential, and the land is predominantly used for agricultural purposes. Adjacent to the south is a small enclave of 14 single-family dwellings on non-conforming lots of approximately one-half acre in size. Property abutting to the west, along West 21st Street has been acquired by the Kansas Department of Transportation for the possible future development of the Northwest Bypass, which would have an interchange at West 21st Street, west of the subject site. Properties to the northeast and east are zone SF-20 Single-Family Residential with single-dwelling residential and agricultural uses. Within one-quarter mile northeast of the site, the property is zoned PUD #27 and is developed with St. Teresa Hospital. Approximately one-half mile east/southeast is the city limits of Wichita with SF-5 Single-Family Residential zoning developed with suburban scale residential uses.

CASE HISTORY: The property is unplatted. Platting is required prior to the issuance of budling permits.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural land
EAST:	SF-20	Single-family dwelling and agricultural land
SOUTH:	RR	Single-family dwelling and agricultural land
WEST:	RR	Agricultural land

PUBLIC SERVICES: West 21st Street North is a paved two-lane County arterial with open ditches. North 151st Street West is a gravel, two-way county arterial with open ditches. Any required improvements to either street right-of-way (dedication of additional right-of-way, paving, access control, etc.) will be determined at the time of platting. Wichita City water is nearby at the intersection of West 21st Street and North 151st Street. Wichita City sewer is nearby at St. Teresa Hospital. Both services will have to be extended prior to development. A drainage plan is required as part of the platting process. Development cannot occur without an approved drainage plan.

CONFORMANCE TO PLANS/POLICIES: The requested zoning is in conformance with Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site to be within the Wichita 2035 growth area, and it is designated for New Residential/Employment Mix and New Residential development. The portion of the property intended for LC Limited Commercial zoning is within the New Residential/Employment Mix category. This category designates development of a mixed nature where residential housing types will likely be higher density and employment uses will likely have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor. The portion of the property intended for two-family residential is within the New Residential category. This category is appropriate for the full diversity of housing types including two-family. This category also notes that commercial uses likely will be developed within the area based on market-driven location factors.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the zone change request subject to Protective Overlay #393

Protective Overlay #393

1. The publication of the zoning ordinance shall not occur until annexation in the City of Wichita has occurred.
2. The LC Limited Commercial zoned property shall conform to Section III-C.2.b of the Unified Zoning Code and establish a Community Unit Plan prior to the issuance of any building permits within the LC Limited Commercial zoned area.
    a. If the Community Unit Plan is established prior to annexation into the City of Wichita, the Community Unit Plan shall contain language consistent with the landscaping requirements of the Wichita Landscape Ordinance.
3. Amendments, adjustments, or interpretations of this Protective Overlay shall be done in accordance with the Unified Zoning Code.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Properties to the north, west, and south are zoned RR Rural Residential, and the land is predominantly used for agricultural purposes. Adjacent to the south is a small enclave of 14 single-family dwellings on non-conforming lots of approximately one-half acre in size. Property abutting to the west, along West 21st Street has been acquired by the Kansas Department of Transportation for the possible future development of the Northwest Bypass, which would have an interchange at West 21st Street, west of the subject site. Properties to the northeast and east are zone SF-20 Single-Family Residential with single-dwelling residential and agricultural uses. Within one-quarter mile northeast of the site, the property is zoned PUD #27 and is developed with St. Teresa Hospital. Approximately one-half mile east/southeast is the city limits of Wichita with SF-5 Single-Family Residential zoning developed with suburban scale residential uses.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned RR Rural Residential, which supports single-family residential development with a minimum lot size of two acres in addition to agricultural uses.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The request to rezone to TF-3 Two-Family Residential and LC Limited Commercial would increase the development intensity of this area which will add a large number of new residents and remove agricultural land from production. Suburban scale residential and commercial development of this scale is approximately one-half mile to the east. The nearest development of this intensity west of North 151st Street West is two and one-half miles south with the Pike Addition along West Maple Street. The Protective Overlay requires the approval of the annexation into the City of Wichita in order for the zoning to be perfected. Platting, extension of municipal services, and the establishment of a Community Unit Plan are all required prior to the issuance of building permits.

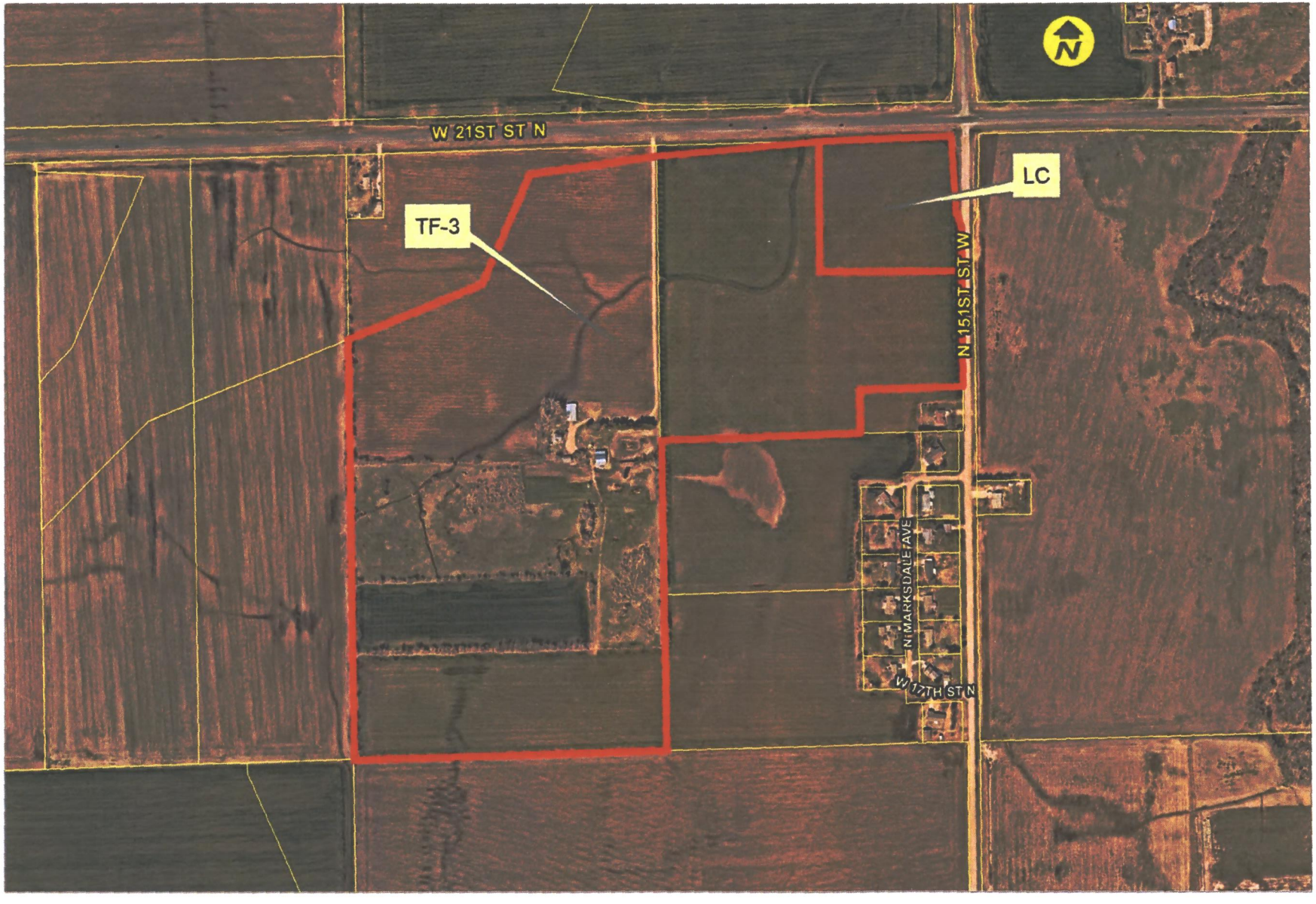
4. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would permit residential and commercial development in an area that is considered likely to develop by the year 2035. Denial would represent a loss of economic opportunity for the applicant.

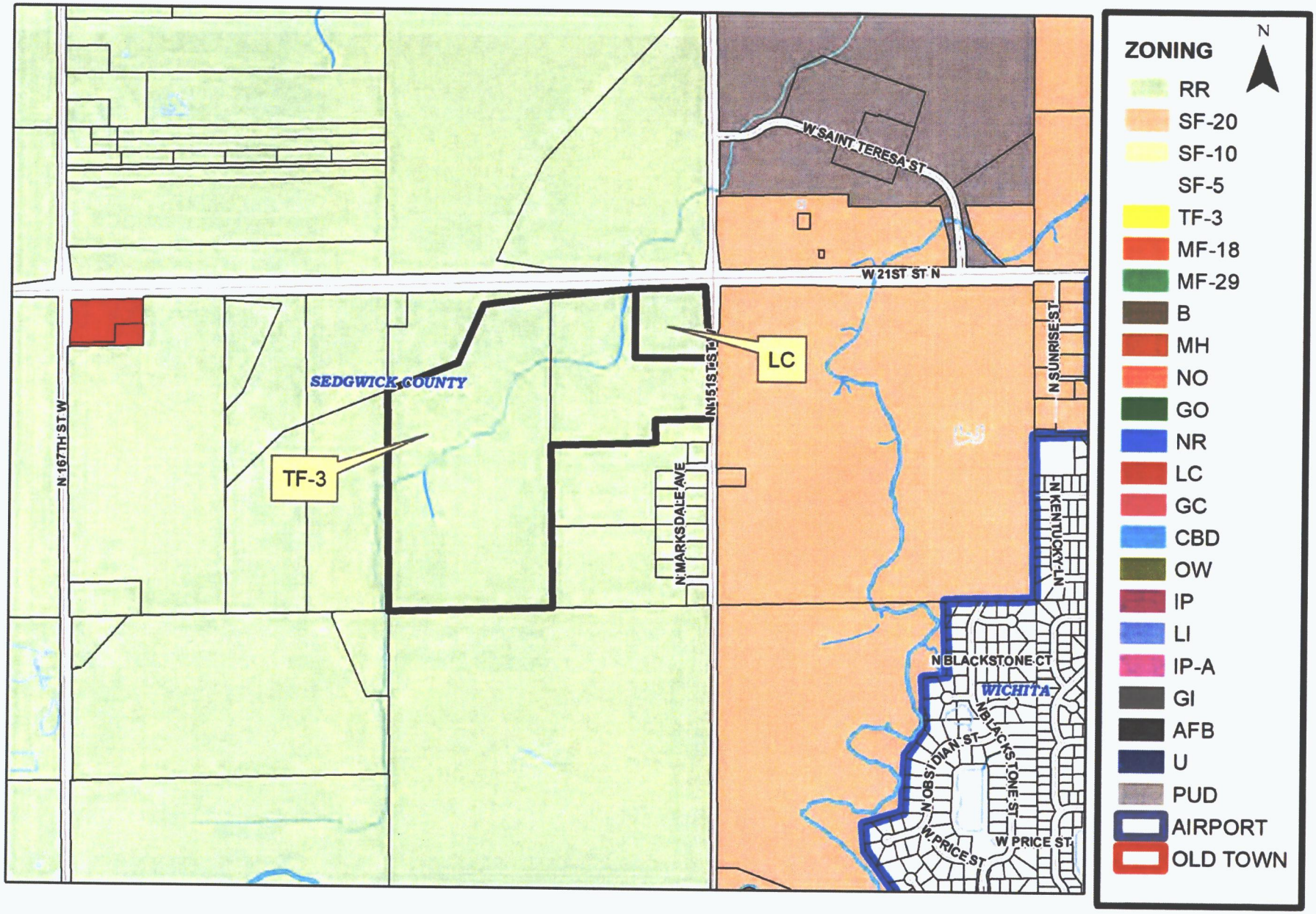
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning would continue to allow the property to be in conformance with the *Community Investments Plan* as discussed in the staff report.

6. **Impact of the proposed development on community facilities:** Development of the property with the requested zoning will bring additional traffic to the area. It will also require significant investment in the extension of municipal services. The City Public Works and Utilities Department commented that the size of existing municipals services is adequate to support additional development. Platting of the property will address any required improvements to the street network and municipal services. The City of Wichita will need to consider the impact to police resources prior to the passing of the required resolution for the island annexation. Fire protection in the area is will not change as it is provided by a joint agreement between Wichita and Sedgwick County.

Attachments:

- Aerial Map
- Zoning Map
- Land Use
- Site Plan/ Zoning Exhibit
- Photos


W 21ST ST N
TF-3
LC
N 151ST ST W
N MARKSDALE AVE
W 17TH ST N


ZONING
N
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
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NO
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GC
CBD
OW
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LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
W SAINT TERESA ST
W 21ST ST N
N 167TH ST W
SEDGWICK COUNTY
TF-3
LC
N 151ST ST W
N MARKSDALE AVE
N SUNRISE ST
N KENTUCKY ST
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WICHITA
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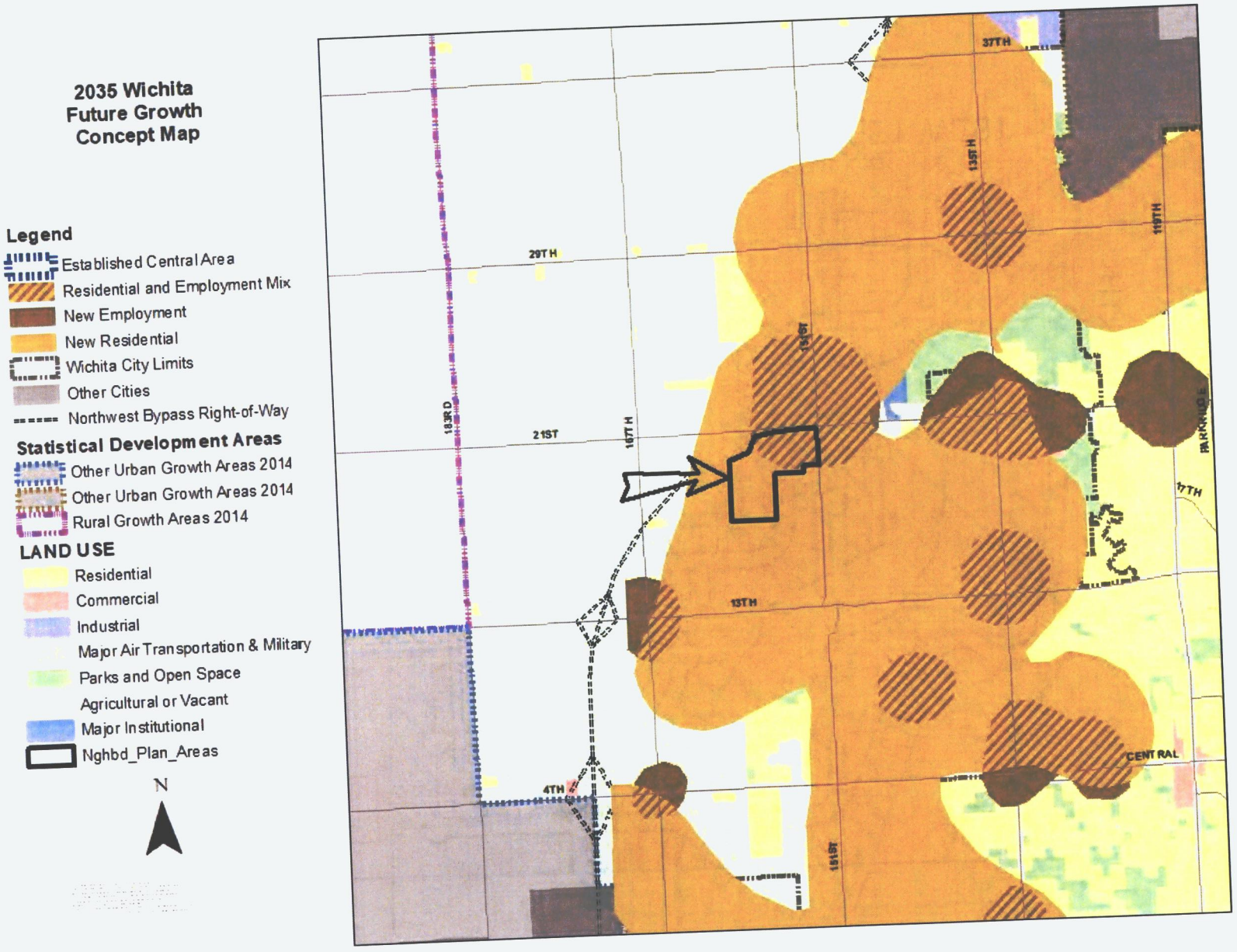
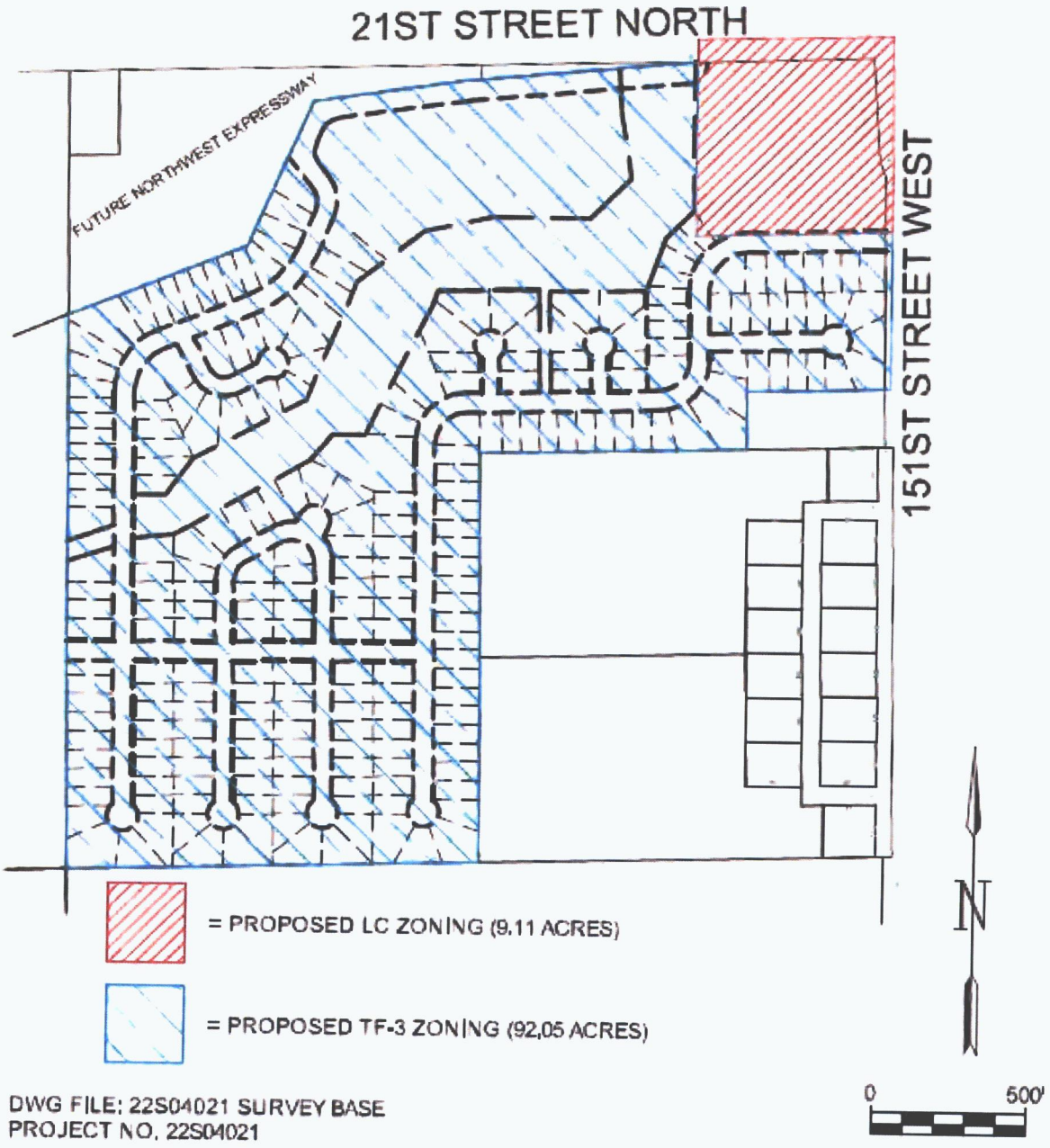
N INDIAN ST
N SBO
W PRICE ST
W PRICE ST

2035 Wichita Future Growth Concept Map



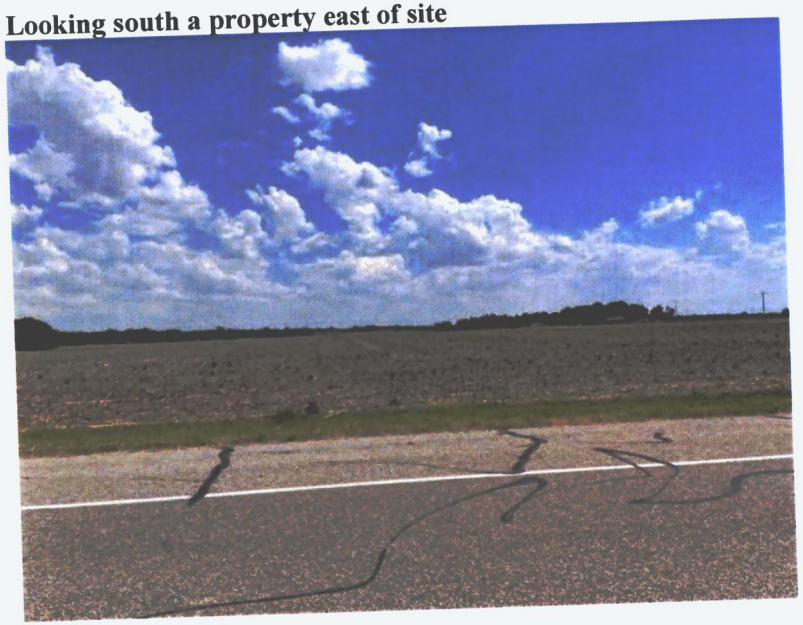
ZONE CHANGE SITE PLAN

ZON2022-00033



DWG FILE: 22S04021 SURVEY BASE
PROJECT NO. 22S04021

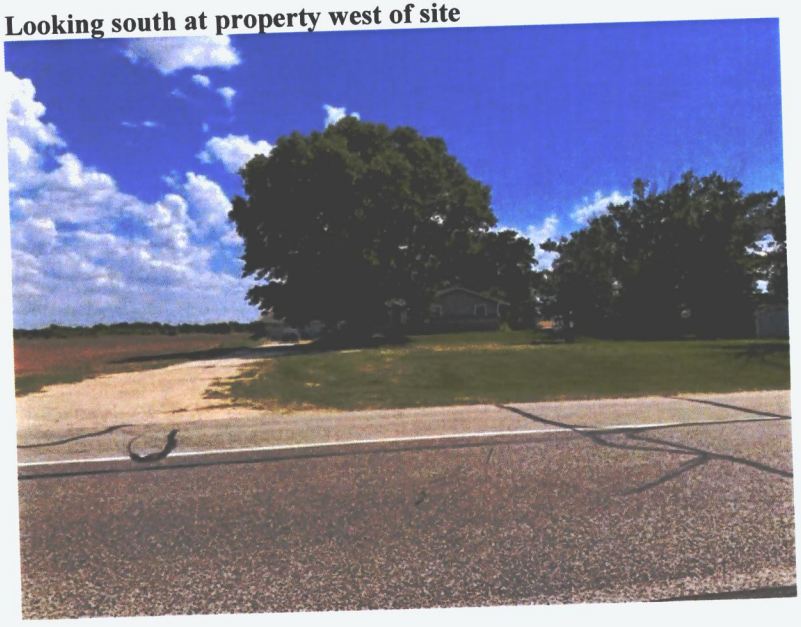
Looking south a property east of site



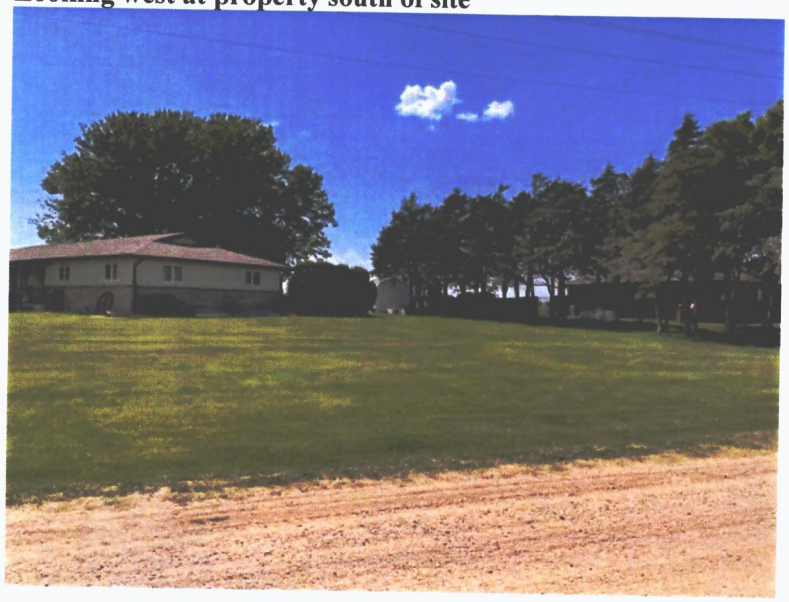
Looking south at west side of site

Looking south at east side of site

Looking south at property west of site



Looking west at property south of site



Looking east at hospital northeast of site

Looking west at property north of site

Looking east at property northeast of site