



Wichita-Sedgwick County Metropolitan Area Planning Department

February 15, 2023

Eyinade Subair
12041 West Jewell Court
Wichita, KS 67235

RE: ZON2022-00061: Zone change request in the City from SF-5 Single-Family Residential to NR Neighborhood Retail on property located on the west side of South Meridian Avenue and 500 feet south of West Pawnee Avenue (2639 South Meridian).

Dear Applicant;

At its regular meeting on **February 7, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request.

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

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Associate Planner

Copies to: MABCD
 Jeff Blubaugh, City Council District IV
 Rebecca Fields, CSR District IV



Wichita-Sedgwick County Metropolitan Area Planning Department

January 10, 2023

Eyinade Subair
12041 West Jewell Ct
Wichita, KS 67235

RE: ZON2022-00061: Zone change request in the City from SF-5 Single-Family Residential to NR Neighborhood Retail on property located on the west side of South Meridian Avenue and 500 feet south of West Pawnee Avenue (2639 South Meridian).

Dear Applicant;

At its regular meeting on **January 5, 2023**, 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.

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 January 19, 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 200 feet of the property for which the application was filed and must be submitted to the City Clerk by **January 19, 2022 at 5:00 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, February 7, 2023, beginning at 9:00 a.m.** The City Council 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,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Current Plans, Associate Planner

Copies to: MABCD
Jeff Blubaugh, District Advisory Board IV
Rebecca Fields, Community Service Representative IV

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Feb. 17, 2023

ORDINANCE NO. 52-029

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. ZON2022-00061

City zone change from SF-5 Single-Family Residential District to NR Neighborhood Retail District on property described as:

Lots 2, 4, 6, 8, 10, and 12, Block 25, Orienta Park 2nd Addition, Wichita, Sedgwick County, Kansas.

AND

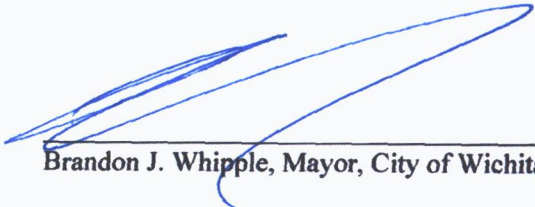
Lots 1, 3, and 5, Orienta Park 2nd Addition, Wichita, Sedgwick County, Kansas.

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.

Adopted this 14th day of Feb., 2023.

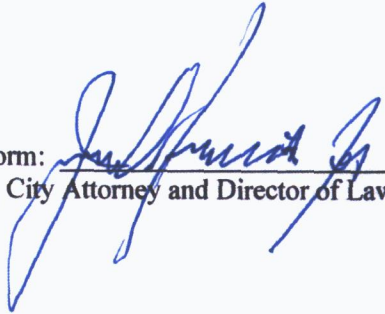
ATTEST:


Brandon J. Whipple, Mayor, City of Wichita


Jamie Buster, City Clerk

(SEAL)



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



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
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el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
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Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	383867	Print Legal Ad-IPL01100360 - IPL0110036		\$55.33	1	66 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 February 17, 2023

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Lots 2, 4, 6, 8, 10, and 12, Block 25, Orienta Park 2 nd Addition, Wichita, Sedgwick County, Kansas.

AND

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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.

Adopted this 14th day of February 2023

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

IPL0110036

Feb 17 2023

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

1 insertion(s) published on:

02/17/23

STATE OF KANSAS)

SS

County of Sedgwick)

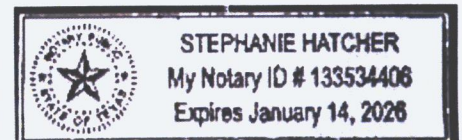
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 02/17/2023 to 02/17/2023.

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

DATED: 02/17/2023

Stephanie Hatcher

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!



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	344843	Print Legal Ad-IPL00974790 - IPL0097479		\$150.99	2	90 L

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

LEGAL PUBLICATION

OCA 180064

Published in The Wichita Eagle on November 10, 2022
(One Time Only)
MAPC/BZA December 1, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 1, 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 at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end 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.

CON2022-00044: Conditional Use in the City to amend CON2011-00015 to allow Event Center in the City; generally located on the east side of South Rock Road, within one-quarter mile north of East Harry Street (1210 South Rock Road).
CUP2022-00047: Request in the City for an amendment to Community Unit Plan DP-169 to permit Vehicle Repair, General (with ZON2022-62, zone change from LC to GC General Commercial); generally located on the west side of South Oliver Avenue and within one-quarter mile south of East Pawnee Avenue.

ZON2022-00060: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential to build a duplex residence; located approximately 200 feet north of West 1st Street on North Hoover Street.

ZON2022-00061: Zone change request in the City from SF-5 Single-Family Residential to LC Limited Commercial on property located on the west side of South Meridian Avenue and 500 feet south of West Pawnee Avenue (2639 South Meridian).

ZON2022-00062: Zone change request in the City from LC Limited Commercial to GC General Commercial (with CUP2022-00047) to permit Vehicle Repair, General on property; generally located on the west side of South Oliver Avenue and within one-quarter mile south of East Pawnee Avenue.

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 the 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: 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 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 316.856.7764

WITNESS MY HAND on November 10, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0097479

Nov 10 2022

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

No. of Insertions: 1

Beginning Issue of: 11/10/2022

Ending Issue of: 11/10/2022

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 11/10/2022 to 11/10/2022.

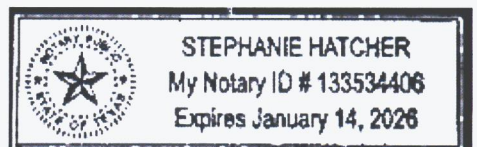
M. Hayley

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

DATED: 11/10/2022

Stephanie Hatcher

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: December 1, 2022
DAB IV: December 5, 2022

CASE NUMBER: ZON2022-00061 (City)

APPLICANT/AGENT Eyinade Subair (Applicant)

REQUEST: LC Limited Commercial District

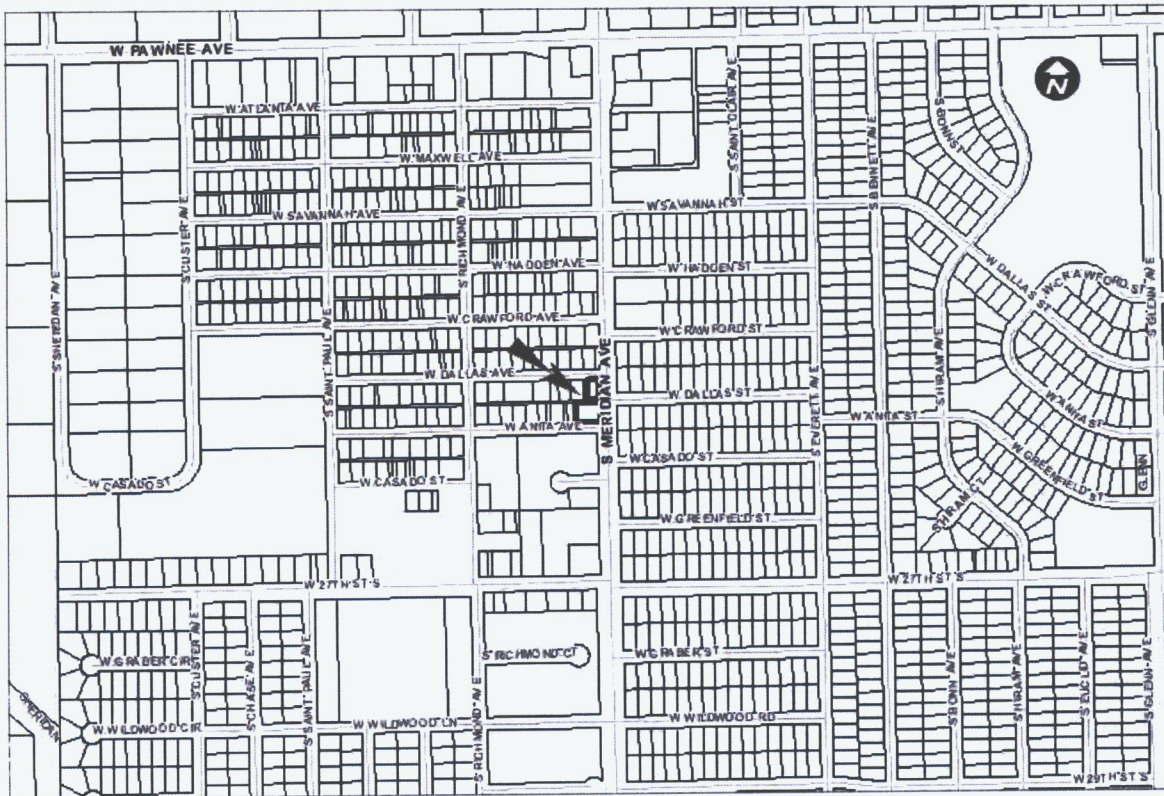
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.41 acres

LOCATION: Generally located on the west side of South Meridian Avenue and 500 feet south of West Pawnee Avenue (2639 South Meridian)

PROPOSED USE: Multi-family homes and commercial space

RECOMMENDATION: Deny



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District to LC Limited Commercial District for a 0.41 platted acre property generally located on the west side of South Meridian Avenue and 500 feet south of West Pawnee Avenue (2639 South Meridian). The subject site consists of two parcels; the parcel to the north is undeveloped, and the parcel to the south is developed with a garage and parking lot.

The applicant proposes to build multi-family homes with commercial retail on the first floor, such as a convenience store. LC Limited Commercial District is the most restrictive zoning that allows Convenience Stores. The applicant has not submitted a site plan and has not specified parking. The Limited Commercial (LC) District allows high intensity uses by-right in an area primarily surrounded by single-family residential dwellings. Uses permitted by-right in LC Limited Commercial District include convenience stores, hospitals, hotels and motels, pawnshops, and Vehicle Repair, Limited. Additionally, the height restrictions increase from 35 feet in SF-5 Single-Family Residential District to 80 feet in LC Limited Commercial District.

The character of the neighborhood is primarily residential. Properties to the north, east, and west are zoned SF-5 Single-Family Residential District and are developed with single-family residential dwellings. Property to the south is zoned MF-29 Multi-Family Residential District and is developed with a church.

CASE HISTORY: On September 19, 1909, the subject property was platted as Lot 6 of Block 25 of Orienta Park 2nd Addition. There are no other zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residence
SOUTH:	MF-29	Church
EAST:	SF-5	Single-family residence
WEST:	SF-5	Single-family residence

PUBLIC SERVICES: The subject site has access to South Meridian Avenue, a paved, four-lane arterial with sidewalks on each side. Wichita Transit serves this site within one-block north, on the northwest corner of West Dallas Avenue and South Meridian Avenue. Municipal services, such as water and sewer, are ready to serve the site.

CONFORMANCE TO PLANS/POLICIES:

The Community Investments Plan: The requested zone change is not in conformance with *The Community Investments Plan*. The *Community Investments Plan* includes the 2035 Wichita Future Growth Concept Map, which illustrates the preferred growth concepts for the city. The Map identifies the subject area as appropriate for Residential uses, defined as a range of housing densities and types, including “single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, special residential accommodations for the elderly (assisted living, congregate care and nursing homes), and elementary and middle schools, churches, playgrounds, small parks, and other similar residential-serving uses.” While the proposed use of multi-family homes may be appropriate for the area, the higher-intensity commercial uses allowed by-right in LC Limited Commercial District are less appropriate.

The Wichita: Places for People Plan: The requested zone change is in partial conformance with *The Wichita: Places for People Plan*. The *Plan* provides recommendations for urban infill development in the Established Central Area (ECA). In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

Current Condition: The property is located within an “area of opportunity,” defined by the *Plan* as areas that “generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas need strategic investment, both public and private, to assist in redefining and reinvigorating the area.” Rezoning this property as LC would permit small-scale infill for redevelopment.

Development Pattern: The *Places for People Plan* identifies the subject site to be within one-quarter mile north of a Neighborhood Hub at South Meridian and West Pawnee. The *Plan* states that “The low intensity of this type of commercial development allows these hubs to be well-integrated into the existing neighborhoods. However, some small-scale multi-unit housing types (such as duplexes, walk-ups, or accessory dwelling units) may create a physical buffer between low intensity detached houses and commercial uses, as well as strengthen the economic market to support development by increasing the density of the population within walking or biking distance to the Neighborhood Hub”. The requested zone change is outside of the Neighborhood Hub, and it does not serve as a buffer for nearby commercial uses.

RECOMMENDATION: Based on the information available at the time the staff report was prepared, it is recommended that the zoning change application from SF-5 Single-Family Residential District to LC Limited Commercial District be **DENIED**.

Please note, alternatives actions are identified below the findings.
This recommendation is based on the following findings:

1. The zoning, uses, and character of the neighborhood: The character of the neighborhood is primarily residential. Properties to the north, east, and west are zoned SF-5 Single-Family Residential District and are developed with single-family residential dwellings. Property to the south is zoned MF-29 Multi-Family Residential District and is developed with a church. Introducing a higher intensity use, such as a convenience store, to a low-density residential neighborhood is not appropriate.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned SF-5 Single-Family Residential District, which allows single-family residences by right along with a few public and civic uses. The southern parcel of the subject site is developed with a garage and a parking lot. Redevelopment of this site for low-density residential units would be appropriate.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A change of zoning to Limited Commercial would allow all uses permitted in the LC District on this site. Approval of this change would allow high intensity uses in a primarily residential area. The requested zone change would introduce additional light, traffic, and noise that is higher than what is normally seen in low-density residential areas.
4. Length of time the property has remained vacant as currently zoned: The southern parcel of the subject site is not currently vacant. The northern parcel of the subject site has never been developed.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request to rezone the property as Limited Commercial District is not in conformance with the *Community Investments Plan* and is in partial conformance with the *Places for People Plan*, as discussed in the staff report.
6. Impact of the proposed development on community facilities: An approval of this request is not expected to generate any additional impact on community facilities. Existing infrastructure at the site will accommodate the proposed use.

Alternative Actions

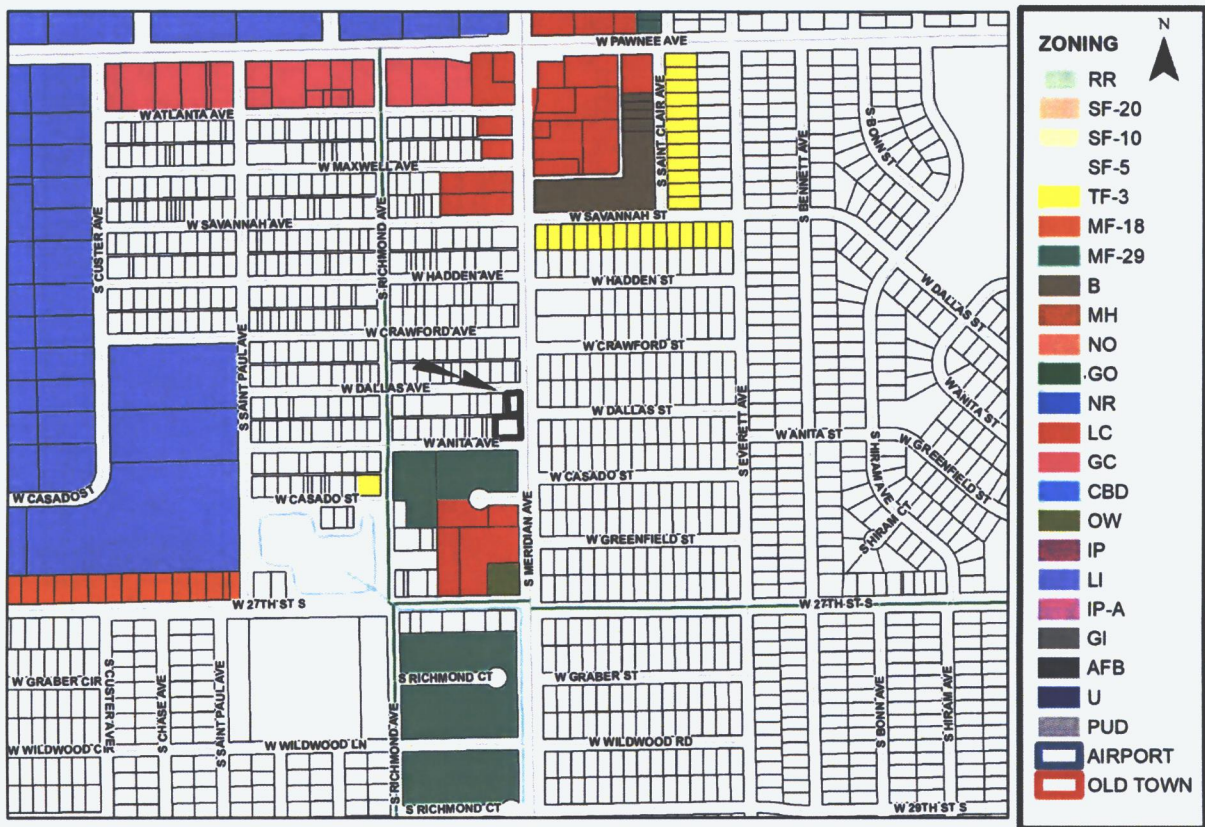
Please note that any approved motion for an alternative action will require supporting findings to be made.

1. Override staff recommendation and approve the zone change as requested.
2. Override staff recommendation and approve NR Neighborhood Retail zoning (does not allow a convenience store).

Staff Report Attachments

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Photos





**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



Wichita, Kansas
Metropolitan Area Planning Commission



Looking west towards site



Looking west towards site



Looking north away from site



Looking east away from site

