



Wichita-Sedgwick County Metropolitan Area Planning Department

Norman Christiansen
106 E. St. Cloud
Wichita, KS 67230

April 11, 2023

RE: ZON2023-00004: Zone Change Request in the City from B Multi-Family Residential District and SF-5 Single-Family Residential District to LC Limited Commercial District to Bring an Existing Building into Compliance, Generally Located on the Northwest Corner of North West Street and West 8th Street North (824 North West Street).

Dear Applicant;

At its regular meeting on April 11, 2023, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE LC Limited Commercial District Zoning** on the subject property.

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

Sincerely,

Eryn Ebach
Associate Planner

Copies to: MABCD
Maggie Ballard, City Council District VI



Wichita-Sedgwick County Metropolitan Area Planning Department

Normal Christiansen
106 E. St. Cloud
Wichita, KS 67230

March 9, 2023

RE: ZON2023-00004: Zone Change Request in the City from B Multi-Family Residential District and SF-5 Single-Family Residential District to LC Limited Commercial District to Bring an Existing Building into Compliance, Generally Located on the Northwest Corner of North West Street and West 8th Street North (824 North West Street).

Dear Applicant;

At its regular meeting on March 9, 2023, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the zone change.

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 March 23, 2023. 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 1000 feet of the property for which the application was filed and must be submitted to the City Clerk by **March 23, 2023 at 5:00 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, April 11, 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.

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

Sincerely,

A handwritten signature in cursive script that reads 'E. Ebach'.

Eryn Ebach
Associate Planner

Copies to: MABCD
Maggie Ballard, City Council District VI

OCA 150004

(Published in the Wichita Eagle, April 21, 2023)

ORDINANCE NO. 52-062

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. ZON2023-00004

City zone change from B Multi-Family Residential District and SF-5 Single-Family Residential District to LC Limited Commercial District on property described as:

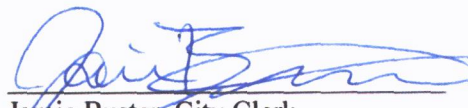
A tract in the Southwest Quarter of Section 13, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as: Beginning 1,965 feet North of the Southwest corner of said Southwest Quarter; thence East 288 feet; thence South 73 feet; thence West 288 feet; thence North 73 feet to the point of beginning, EXCEPT the North 10 feet and the West 50 feet thereof for road purposes.

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 18th day of April, 2023.

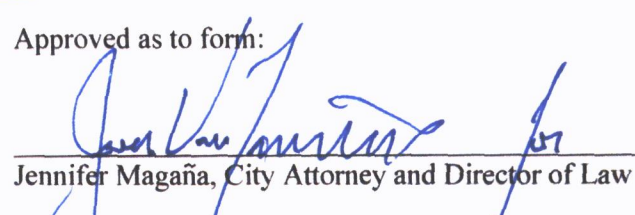
ATTEST:


Jamie Buster, City Clerk
(SEAL)




Brandon J. Whipple, Mayor, City of Wichita

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
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	411013	Print Legal Ad-IPL01191360 - IPL0119136		\$59.53	1	71 L

Attention: Jamie Buster
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
ABurgardt@wichita.gov

LEGAL PUBLICATION

OCA 150004

(Published in the Wichita Eagle, April 21, 2023)

ORDINANCE NO. 52-062

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. ZON2023-00004

City zone change from B Multi-Family Residential District and SF-5 Single-Family Residential District to LC Limited Commercial District on property described as:

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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 re-incorporated 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 18th day of April, 2023.
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0119136
Apr 21 2023

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

1 insertion(s) published on:

04/21/23

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 04/21/2023 to 04/21/2023.

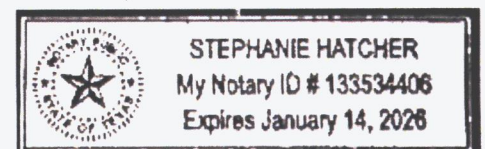
M. Hayley

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

DATED: 04/21/2023

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	382520	Print Legal Ad-IPL01096120 - IPL0109612		\$162.75	2	97 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 February 16, 2023

(One Time Only)
MAPC/BZA March 9, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, March 9, 2023, 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) 268-4421.

CUP2023-00003: CUP Amendment in the City to amend the parcel boundaries and provisions of CUP DP-323, generally located on the west side of North Meridian Avenue (with ZON2023-00006 to change the zoning from OW and LC to GC), within one-quarter mile north of Interstate 235 (4319 North Meridian Avenue).

CUP2023-00007: CUP Amendment in the City to amend the boundaries of the Harbor Isle Commercial I CUP DP-355 to remove land from the CUP per the plat (associated with CUP23-08 to add land to CUP DP-353) on property located on the east side of North Meridian Avenue and north of I-235.

VAC2023-00002: Vacation request in the City to vacate a 12' utility easement (reprocessing VAC2017-00010), generally located on the northwest corner of West Douglas Avenue and North West Street.

ZON2022-00016: Zone change request in the City from SF-5 Single Family Residential to B Multi-Family Residential on property, generally located South of East 26th Street North and four blocks East of North Hillside Avenue.

ZON2023-00004: Zone change in the City from B Multi-Family Residential District and SF-5 Single-Family Residential District to LC Limited Commercial District to bring an existing building into compliance, generally located on the northwest corner of North West Street and West 8th Street North (824 North West St).

ZON2023-00006: Zone change request in the City from OW Office Warehouse and LC Limited Commercial to GC General Commercial (with CUP2023-00003 to amend the parcel boundaries and provisions of CUP DP-323), generally located on the west side of North Meridian Avenue and 42nd Street (4319 North Meridian).

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

Topic: WichitaSedgwick County Metropolitan Planning Commission

Time: 1:30 PM

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=Uk03bW0ySEtNfjQ0TFYyO0p-VDEuUT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699006833, 4089866967#...*094136# US (San Jose)

+17193594580, 4089866967#...*094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967>

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 (316-268-4464) 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 WichitaSedgwick 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: WichitaSedgwick 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 February 16, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0109612

Feb 16 2023

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

1 insertion(s) published on:

02/16/23

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 02/16/2023 to 02/16/2023.

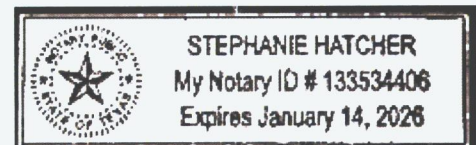
M. Hayley

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

DATED: 02/16/2023

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!

AGENDA ITEM NO. _____



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District and B Multi-Family Residential District to LC Limited Commercial District to bring an existing building into conformance. The subject site is approximately 0.40-acres in size and is generally located on the northeast corner of North West Street and West 8th Street North (824 North West Street).

The subject site is developed with a 1,440-square-foot office and a 1,500-square-foot storage space, previously utilized with the lot to its south for Construction Sales and Services by a fence contracting company. Construction Sales and Services is an illegal use in the SF-5 Single-Family Residential and B Multi-Family Residential zoning districts. The applicant intends to sell the subject property and wants to bring it into zoning compliance before doing so. If approved, the requested zone change will unify the zoning on the applicant's property.

The subject site fronts North West Street and is part of the existing mixed-use corridor along the arterial. In this area, moderate-intensity commercial uses and high-density residential uses abut lower-density residential neighborhoods to the east and west.

Properties abutting the subject site to the north and west are zoned LC Limited Commercial District and are developed with a tax office and a retail strip center, respectively. South of the subject site is property zoned LC Limited Commercial District, also owned by the applicant and used previously as storage for the contracting company. Farther south, directly abutting the storage area, are properties zoned LC Limited Commercial District and developed with multi-family residences. East of the subject site is a property zoned SF-5 Single-Family Residential District, developed with a single-family residence.

Section IV-B.2 of the Unified Zoning Code (UZY) requires the screening of commercial properties when abutting or across a street or alley from residential zoning districts. An existing screening fence is located along the perimeter of the subject site and shall be maintained to comply with this requirement. Additionally, compatibility setback and height standards shall apply to this site, and any future development shall be in accordance with Sections IV-C.4 and IV-C.5 of the UZY.

CASE HISTORY: The property is unplatted. In order to obtain a building permit, platting is required. No other zoning actions have occurred on this property.

ADJACENT ZONING AND LAND USE:

North:	LC	Office
South:	LC	Construction Sales and Service
East:	SF-5	Single-family Residence
West:	LC	Office and Retail

PUBLIC SERVICES: The site has primary access from North West Street which is a paved four-lane arterial with a center turn lane and sidewalks on both sides. A gated, secondary access to the site is provided on West 8th Street. West 8th is a paved, local street with sidewalks on its south side. City water and stormwater are located in the North West Street right-of-way.

CONFORMANCE TO PLANS/POLICIES: The proposed zone change is in conformance with the following plans:

Community Investments Plan: The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area where the site is located to be appropriate for "Industrial" land use. This category "encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality."

The *Community Investments Plan* provides locational guidelines to serve as a framework for future land use decisions. These are provided generally and for specific geographic areas. The subject site is located within the Established Central Area (ECA), described by the *Plan* as “the downtown core and the mature neighborhoods surrounding it.” Locational guidelines for the ECA state that neighborhood-serving retail and office uses can be appropriate on infill sites or through the conversion of existing structures if “the scale of the development is appropriate for its context.” Properties to the north, south, and west of the subject site are zoned LC Limited Commercial District and are developed with commercial or high-density residential uses. Approval of the requested zone change would permit future site development consistent with the context of the development existing along the commercial corridor.

Additionally, the locational guidelines recommend that commercial uses developed near established residential areas have site design features that mitigate potential negative impacts of commercial use. In this case, the existing screening fence located along the perimeter of the subject site and the compatibility standards provide conformance with this element of the *Plan*.

Wichita: Places for People Plan: *The Wichita: Places for People 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.” Ensuring development follows a nodal pattern “which creates a critical mass of activity at the center and transitions in scale and intensity” is vital to realizing the goals of the ECA. The subject site is located just outside the quarter-mile buffer zone and inside the edge of the Community Core at West Central Avenue and North West Street as designated by the *Places for People Plan*.

Strategies: *The Wichita: Places for People Plan* emphasizes the importance of neighborhood context in ensuring the success of infill development within the ECA. Specifically, it recommends the “organization of places based on their scale or intensity of development,” allowing infill development “to be better integrated into the context” it serves. Approval of this request would allow the site to be developed with commercial uses of a scale and intensity similar to those existing along the North West Street corridor.

Current Condition: The subject property is located within an “area of stability,” defined by the *Plan* as areas that “require fewer interventions and potentially less public investment to maintain a stable development environment and community.” Improvements in an “area of stability” should “support development momentum and strengthen the established physical context” of the place. A zone change to LC Limited Commercial District on this property would permit development consistent with the established context of the area.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject area is generally characterized by commercial uses and zoning fronting North West Street, and residential uses and zoning abutting these to the east and west. Properties abutting the subject site to the north and west are zoned LC Limited Commercial District and are developed with a tax office and a strip retail center, respectively. South of the subject site is property zoned LC Limited Commercial District, also owned by the applicant, and previously used as storage for the fence contracting company. Farther south, directly abutting the storage area, are properties zoned LC Limited Commercial District and developed with multi-family residences. East of the subject site is property zoned SF-5 Single-Family Residential District, and developed with a single-family residence.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-5 Single Family Residential District and B Multi-Family Residential District. The existing structure and use are illegal on the site as it is presently zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The subject area is of a mixed-use character, and the residential neighborhood east of the site has existed abutting commercial uses along North West Street for a number of years. The screening and compatibility requirements should mitigate possible negative impacts to the adjacent residential neighborhood.
4. Length of time subject property has remained vacant as zoned: The property is not currently vacant. The commercial office was built in 1950 and the storage addition was constructed in 1990.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it contributes to supporting economic opportunity in the area. However, any gain must be considered in light of the possible negative impacts on public welfare, including the adverse effects on neighboring properties due to light and noise pollution. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with the *Community Investments Plan* and the *Place for People Plan* as discussed in the staff report.
7. Impact of the proposed development on community facilities: An approval of this request should not generate any additional impact on community facilities. Existing infrastructure at the site will accommodate the proposed use.
8. Opposition or support of neighborhood residents: At the time of publication of the staff report, staff has received public comment via phone from one neighborhood resident. The resident stated concerns regarding the impacts various LC Limited Commercial District uses could have on the adjacent residential properties.

Attachments:

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

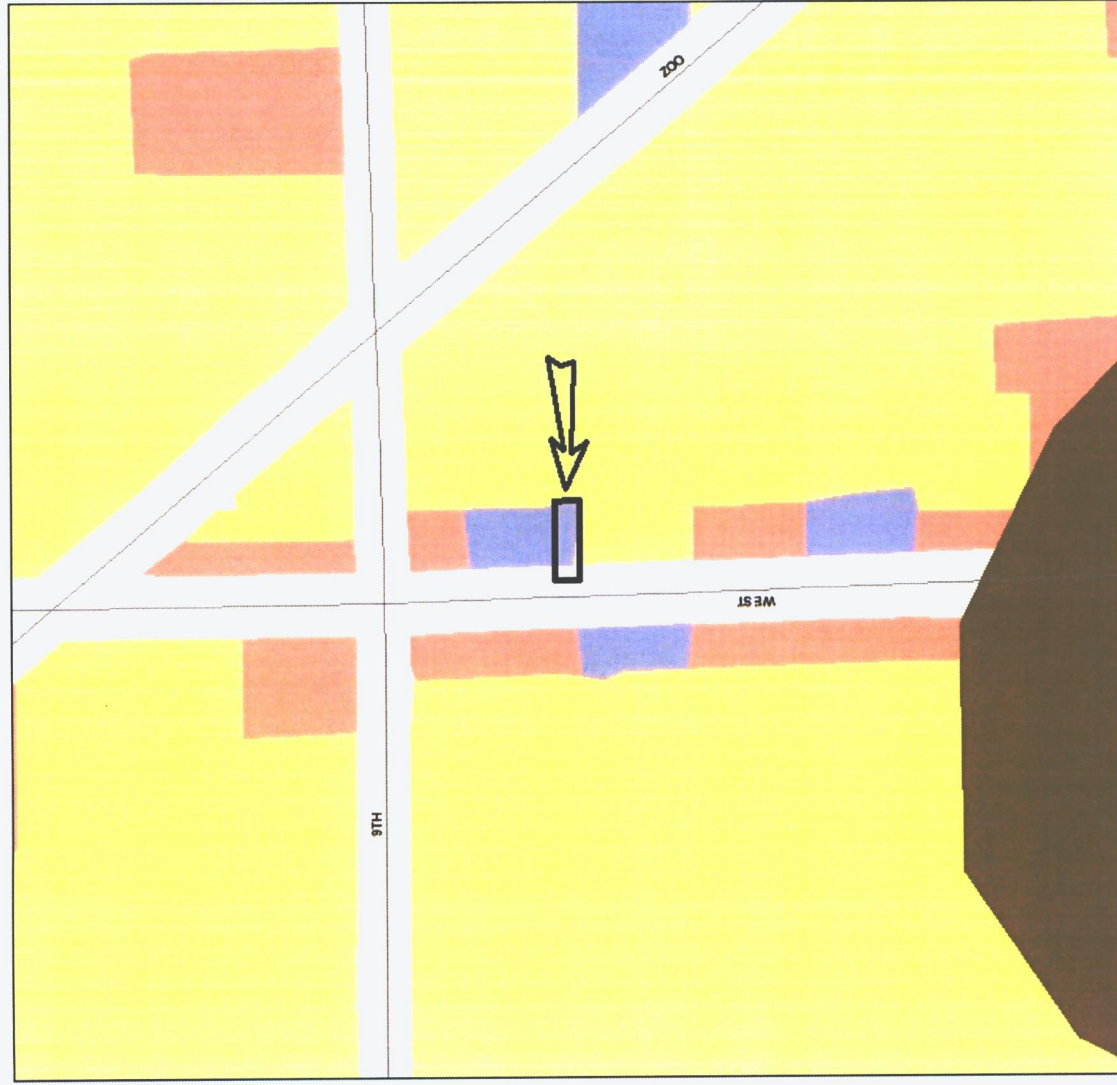
Attachment 1. Aerial Map



Attachment 2. Zoning Map



Attachment 3. Land Use Map



**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

N

Attachment 4. Site Photos



The subject site and storage area.



The existing screening fence and gate along 8th Street
(facing southeast).

Attachment 4. Site Photos



North of the subject site.



Apartments south of the subject site.

Attachment 4. Site Photos



Single-family residence east of the subject site.



West of the subject site.

Attachment 4. Site Photos



Northwest of the subject site.