



Wichita-Sedgwick County Metropolitan Area Planning Department

June 8, 2023

TCRS, LLC
4852 S. Broadway
Wichita, KS 67216

RE: ZON2023-00012: Zone change request in the City from LI Limited Industrial and LC Limited Commercial to TF-3 Two-Family Residential; generally located on the northeast corner of the West 29th Street North and North West Street (3350 North West Street).

Dear Applicant;

At its regular meeting on **June 6, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the zone change.

This is a reminder that the 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 'E. Ebach'.

Eryn Ebach
Associate Planner

Copies to: MABCD
Maggie Ballard, City Council District VI
Ana Lopez, CSR District VI



Wichita-Sedgwick County Metropolitan Area Planning Department

April 27, 2023

TCRS, LLC
4852 S. Broadway
Wichita, KS 67216

RE: ZON2023-00012: Zone change request in the City from LI Limited Industrial and LC Limited Commercial to TF-3 Two-Family Residential; generally located on the northeast corner of the West 29th Street North and North West Street (3350 North West Street).

Dear Applicant;

At its regular meeting on **April 27, 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 May 11, 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 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **May 11, 2023 at 5:00 p.m.**

NOTE: District Advisory Board VI (DAB) will consider this case at their meeting to be held at **6:30 p.m., Monday, May 8, 2023**. Additional information regarding the DAB meeting may be obtained by calling the Community Services Representative, Ana Lopez at 303-8043, or alopez@wichita.gov (www.wichita.gov/council).

This application will be presented to the Wichita City Council on **Tuesday, June 6, 2023, beginning at 9:00 a.m.**

This is a reminder that the 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,

Eryn Ebach
Associate Planner

Copies to: MABCD
Maggie Ballard, City Council District VI
Ana Lopez, CSR District VI

The Ronald Reagan Building • 2nd Floor • 271 West Third Street • Wichita, Kansas 67202
316.268.4421 • www.wichita.gov

OCA 150004

(Published in the Wichita Eagle, June 16, 2023)

ORDINANCE NO. 52-190

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. ZON2023-00012

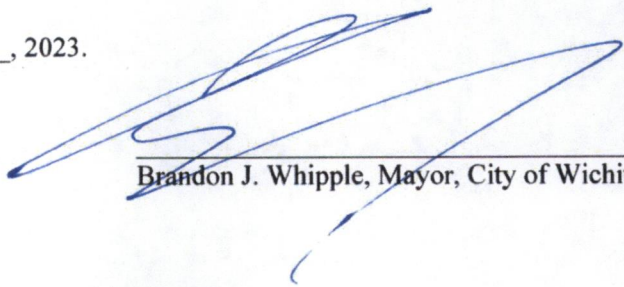
City zone change from LI Limited Industrial District and LC Limited Commercial District to TF-3 Two-Family Residential District on property described as:

The South 1055 feet of the Southwest Quarter of Section 36, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the West 60 feet thereof for road, and except that part taken for flood control in Case A-33666, and except a tract of land located in the Southwest Quarter of Section 36, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, being described as the West 422.00 feet of the North 362.00 feet of the South 1055.00 feet of said section, except the West 60 feet thereof for road.

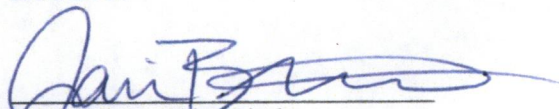
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 13th day of June, 2023.

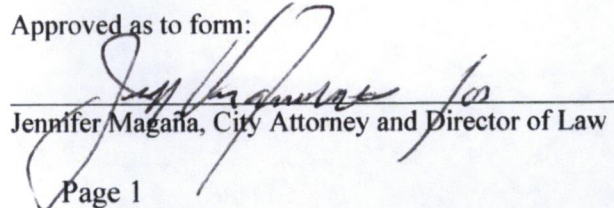

Brandon J. Whipple, Mayor, City of Wichita

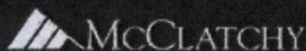
ATTEST:


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
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
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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	433458	Print Legal Ad-IPL01273470 - IPL0127347		\$62.05	1	74 L

Attention: Jamie Buster
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

LAlvarez@wichita.gov

LEGAL PUBLICATION

OCA 150004

(Published in the Wichita Eagle, June 16, 2023)

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OF THE CITY OF WICHITA, KANSAS.
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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 13th day of June, 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
#FL0127347
Jun 16 2023

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

1 insertion(s) published on:

06/16/23

STATE OF KANSAS)

SS

County of Sedgwick)

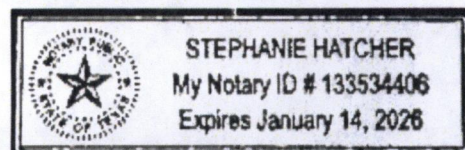
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 06/16/2023 to 06/16/2023.

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

DATED: 06/16/2023

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!



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	404244	Print Legal Ad-IPL01167740 - IPL0116774		\$208.84	3	83 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 April 6, 2023

(One Time Only)

MAPC/BZA April 27, 2023

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 27, 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) 2684421.

CON2023-00004: Conditional Use request in the City for a Tavern/Drinking Establishment on property zoned LC Limited Commercial; generally located on the southwest corner of East Douglas Avenue and South Oliver Avenue (4717 E Douglas).

CON2023-00007: Conditional Use request for Nightclub in the City on property zoned LC Limited Commercial; located 100 feet south of East Harry Street and 150 feet west of South Hillside Avenue (1628 South George Washington).

CON2023-00008: Conditional Use request in the City for interior salvage on property zoned LI Limited Industrial District; generally located south of West Mariposa Lane and East of South Ridge Road (1515 South Yucca).

CUP2023-00011: Minor Amendment in the City to DP-4, Plaza West Shopping Center, for distance between freestanding signs; located on the west side of North West Street and south of West Central Avenue (601 North West Street).

PUD2023-00003: Zone Change request in the City from LI Limited Industrial and GI General Industrial to PUD to permit custom development standards for a travel/truck stop, RV overnight parking, EV charging, and custom sign standards; generally located on the northwest corner of East 21st Street North and I-135.

VAC2023-00006: Vacation in the City of front building setback on property zoned TF-3 Two-Family Residential; located 1900 feet west of South Seneca Street and within one-half mile south of West Harry Street (1908 South Millwood Avenue).

ZON2023-00011: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located west of South Laura Avenue and approximately 75 feet south of East Scott Avenue (2507 South Laura Avenue).

ZON2023-00012: Zone change request in the City from LI Limited Industrial and LC Limited Commercial to TF-3 Two-Family Residential; generally located on the northeast corner of the West 29th Street North and North West Street (3350 North West Street).

ZON2023-00013: Zone change request in the City of Wichita from B-Multi-family to OW Office Warehouse; generally located approximately 219 feet south of East 3rd Street North, on Pennsylvania Avenue (342 North Pennsylvania).

ZON2023-00015: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District; generally located on the west side of North Elizabeth Street and within 150 feet south of West 2nd Street North (247 North Elizabeth).

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

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBnbFJQTDZlV0xPVDEUXU09>

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/kc65codfb1>

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 April 6, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0116774

Apr 6 2023

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

04/06/23

STATE OF KANSAS)

SS

County of Sedgwick)

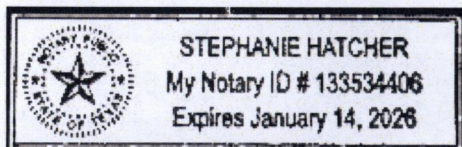
Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper 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 and was published in the regular and entire Morning issue of said The Wichita Eagle from 04/06/2023 to 04/06/2023.

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

DATED: 04/06/2023

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!

STAFF REPORT
MAPC – April 27, 2023
DAB – May 8, 2023

CASE NUMBER: ZON2023-00012 (City)

APPLICANT/AGENT TCRS, LLC (applicant), BC Engineering (agent)

REQUEST: TF-3 Two-Family Residential

CURRENT ZONING: LI Limited Industrial and LC Limited Commercial

SITE SIZE: 31.05 acres

LOCATION: Generally located on the Northeast corner of 29th Street North and West Street (3350 N. West Street).

PROPOSED USE: Duplexes

RECOMMENDATION: Approval



BACKGROUND: The applicant is requesting a zone change from LI Limited Industrial District and LC Limited Commercial District to TF-3 Two-Family Residential District for a 31.05-acre property generally located on the northeast corner of 29th Street North and West Street (3350 N. West Street).

The applicant intends to plat the property into 94 residential lots and develop it with duplexes. TF-3 Two-Family Residential District (TF-3) accommodates Single-Family and Two-Family residential development, some Multi-Family residential development (by Conditional Use approval), and some civic uses such as churches and schools. Should this request be approved, the site will be subject to the property development standards of the TF-3 Two-Family Residential District, outlined in Section III-B.6 of the Unified Zoning Code.

The subject area has historically been characterized by industrial uses and undeveloped land along the M.S. "Mitch" Mitchell Floodway; however, a number of residential subdivisions have recently been developed in this area south of West 29th Street North.

Properties to the north and west of the subject site are developed with a sand and gravel extraction operation and are zoned LI Limited Industrial District, and LC Limited Commercial District and SF-20 Single-Family Residential District. The subject site was previously used as a transfer station for the waste produced by the extraction operation. South of the subject site is property zoned LC Limited Commercial District and SF-5 Single-Family Residential District developed with a farmstead and a wireless telecommunications facility. Abutting the subject site to its east are the Floodway and I-235 highway.

CASE HISTORY: The subject site is unplatted. In 1986, a Conditional Use was approved to permit raw material extraction on the subject property and the site to the north (CU-278). In 1995, a zone change to "E" Light Industrial with CU-381 to permit a Solid Waste Transfer Station was approved for a portion of the property (SCZ-0689 and CU-381). The approval of this zone change would no longer permit these Conditional Use operations as the TF-3 Two-Family Residential District zoning does not support them. There have been no other actions on the site.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Sand and gravel extraction
SOUTH:	LC and SF-5	Single-family residence and agriculture
EAST:	None	Arkansas River and I-235
WEST:	LC and SF-5	Sand and gravel extraction

PUBLIC SERVICES:

The site has frontage on North West Street which, in this area, is a paved, two-lane, County arterial without sidewalks. Access to this site will be determined at the time of platting. Wichita Transit does not provide regular bus service to this location. Municipal water and sewer are available in the area, but will need to be extended throughout the site, at the applicant's expense, as development occurs.

CONFORMANCE TO PLANS/POLICIES: The proposed rezoning to TF-3 Two-Family Residential District is in conformance with the *Community Investments Plan*.

Community Investments Plan: The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map, which outlines the preferred development pattern and land uses within the *Plan* area. The Map identifies the area in which the site is located to be primarily appropriate for "New Residential" development. These areas are likely to be developed with uses in the Residential category, which includes a variety of housing types, including duplexes as proposed by the applicant.

The *Community Investments Plan* provides Locational Guidelines to serve as a framework for land use decisions in the *Plan area*, and general guidelines suggest that higher-density residential uses and neighborhood-serving commercial uses should buffer lower-density residential uses from higher-intensity commercial or industrial uses. The proposed zone change to TF-3 Two-Family Residential District would permit uses that provide a transition in scale and intensity moving from the industrial uses north of the site, to the lower-density residential uses south of West 29th Street North.

RECOMMENDATION: Based on the information available at the time the staff report was prepared, it is recommended that the application be **APPROVED**.

This recommendation is based on the following findings:

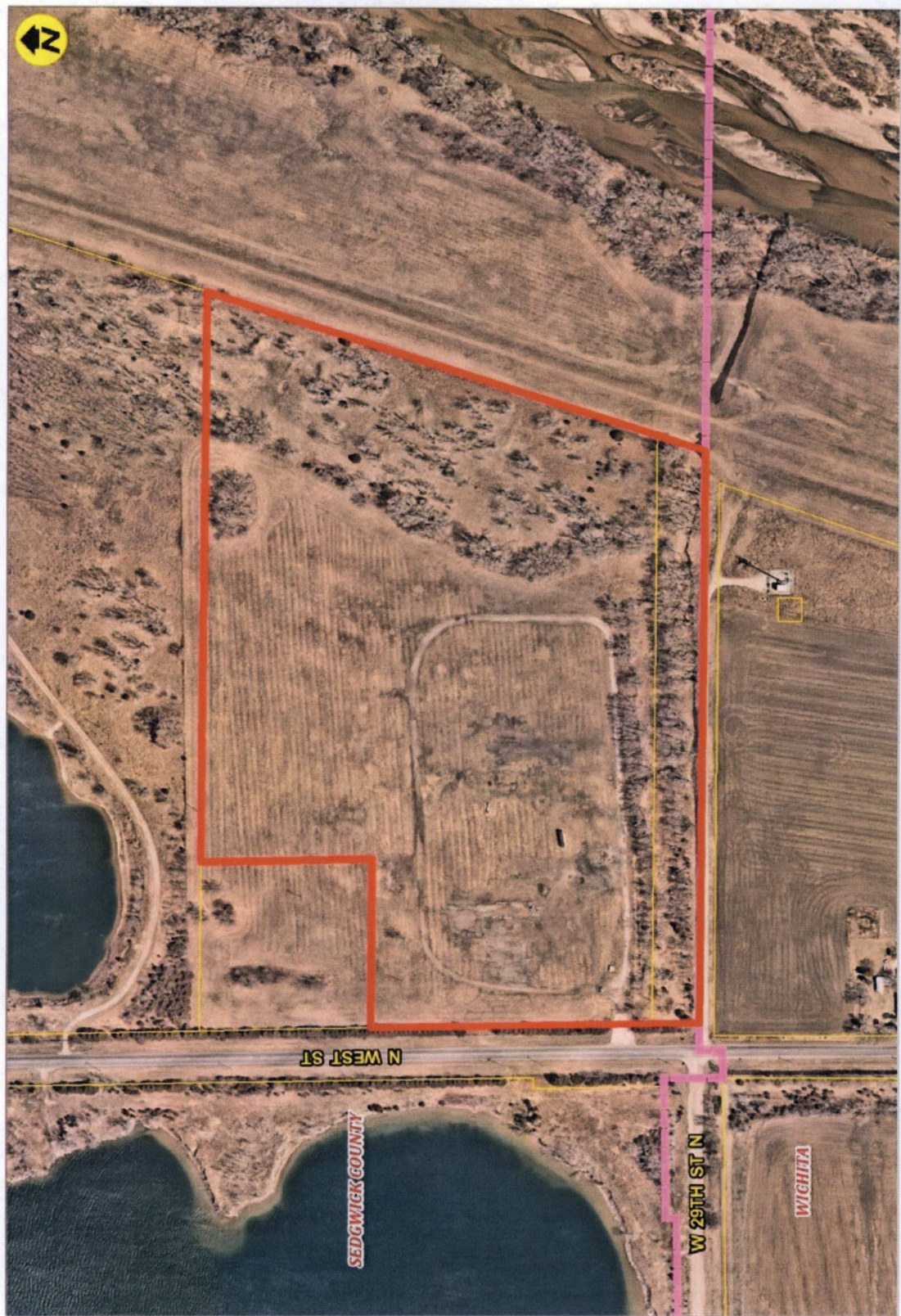
1. The zoning, uses, and character of the neighborhood: The subject area has historically been characterized by industrial uses and undeveloped land along the M.S. "Mitch" Mitchell Floodway; however, a number of residential subdivisions have recently been developed in this area south of West 29th Street North. Properties to the north and west of the subject site are developed with sand and gravel extraction operations and are zoned LI Limited Industrial District, and LC Limited Commercial District and SF-20 Single-Family Residential District. South of the subject site is property zoned LC Limited Commercial District and SF-5 Single-Family Residential District, and developed with a farmstead and a wireless telecommunications facility. Abutting the subject site to its east are the Floodway and I-235 highway.
2. The suitability of the subject property for the uses to which it has been restricted: The application area is currently zoned LI Limited Industrial District and LC Limited Commercial District with CU-278 and CU-381. The property could be developed with commercial and industrial land uses, including Raw Material Extraction and Solid Waste Transfer Station, which are permitted by Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A change of zoning to TF-3 Two-Family Residential District would allow all uses permitted in the TF-3 District on this site. Approval of the request should not detrimentally impact nearby property owners as TF-3 zoning permits uses of a lesser intensity than those permitted as it is currently zoned.
4. Length of time the property has remained vacant as currently zoned: In 1995, the property was rezoned to "E" Light Industrial with a Conditional Use to permit a Solid Waste Transfer Station. The property is no longer under common ownership with the extraction operations and has been vacant for some time.
5. Relative gain to the public health, safety, and welfare compared to the loss in value or hardship imposed on the applicant: Approval of the request represents a gain to the public in that it contributes to supporting residential development in the area. 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 to rezone the property is in conformance with the Community Investments Plan as discussed in the staff report.
7. Impact of the proposed development on community facilities: The proposed residential development will require expansion of city water and sewer facilities. It will generate more traffic on North West Street and West 29th Street North. Any requirements regarding community facilities and improvements to the existing street network to accommodate this new development will be determined at the time of platting.

8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff had received one public comment in opposition of the requested zone change.

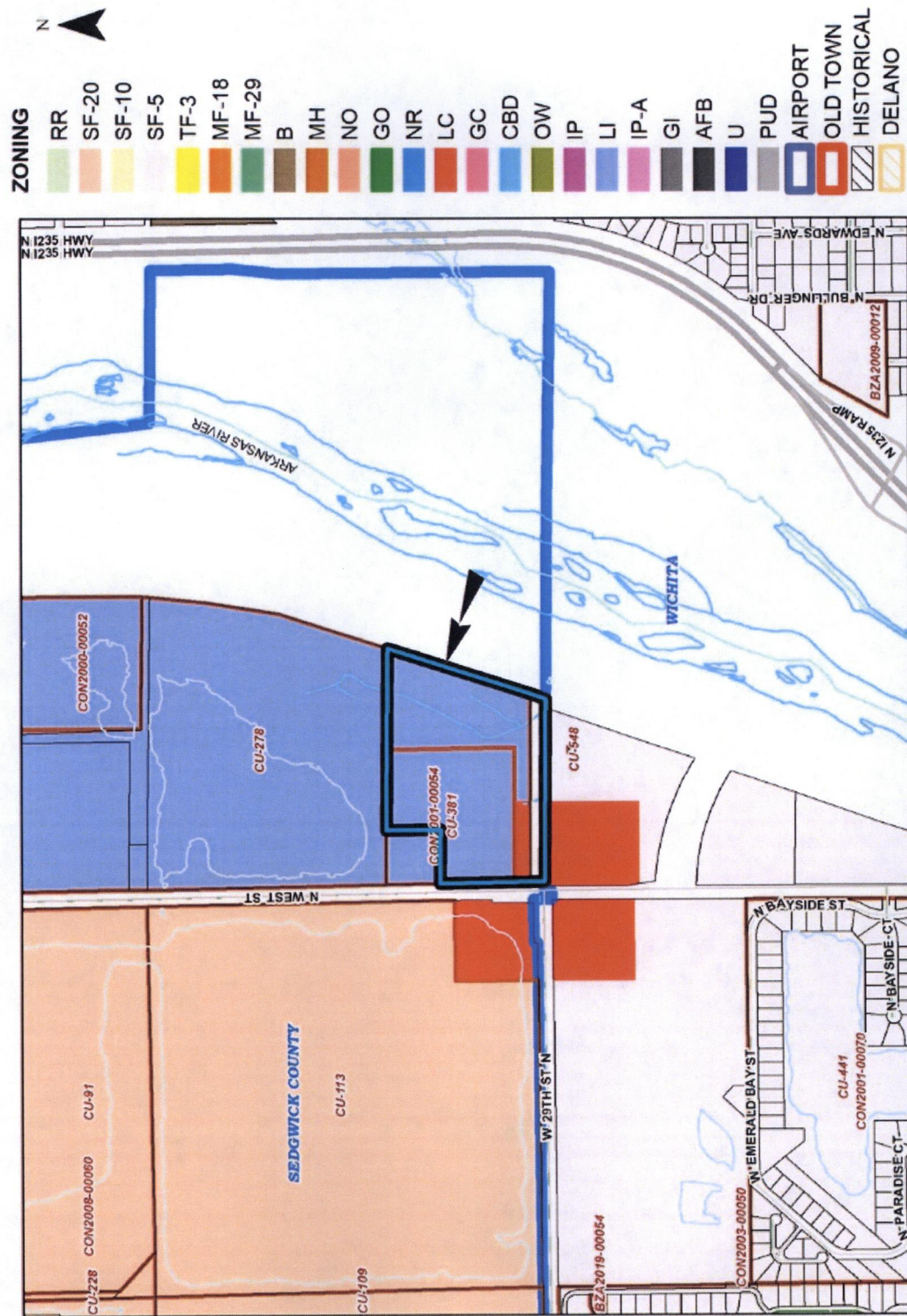
Staff Report Attachments:

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

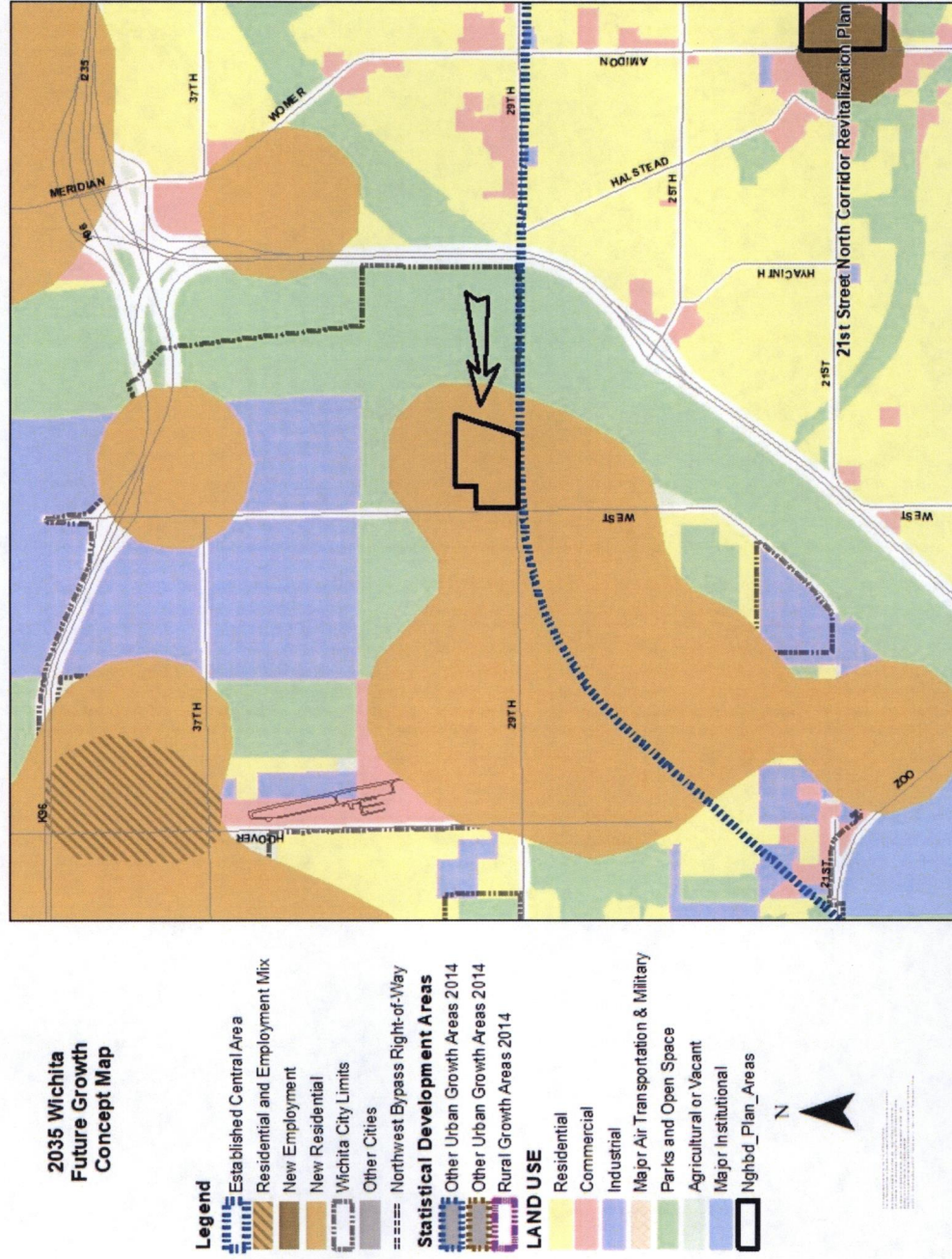
Attachment 1. Aerial Map



Attachment 2. Zoning Map



Attachment 3. Land Use Map



Attachment 4. Site Photos



The subject site.



North of the subject site.



North of the site continued.



West of the subject site.