



Wichita-Sedgwick County Metropolitan Area Planning Department

August 15, 2023

GraceMed Health Clinic, Inc.
1122 North Topeka Street
Wichita, KS 67214

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis St.
Wichita, KS 67211

RE: ZON2023-000039: Zone change request in the City from NO Neighborhood Office and LC Limited Commercial to GC General Commercial to increase buildable area; generally located on the east side of North Broadway, within one-quarter mile south of East 13th Street North (1150 North Broadway).

Dear Applicants;

At its regular meeting on August 15, 2023, the Wichita City Council considered the above captioned request. The action of the City Council was to APPROVE the request subject to the enclosed Protective Overlay.

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: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD

Protective Overlay #415

1. Uses shall be restricted to those permitted by-right in the NO Neighborhood Office District.
2. Building height shall be restricted to 45 feet.
3. Signage shall be per the NO Neighborhood Office District.



Wichita-Sedgwick County Metropolitan Area Planning Department

July 13, 2023

GraceMed Health Clinic, Inc.
1122 North Topeka Street
Wichita, KS 67214

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis St.
Wichita, KS 67211

RE: ZON2023-000039: Zone change request in the City from NO Neighborhood Office and LC Limited Commercial to GC General Commercial to increase buildable area; generally located on the east side of North Broadway, within one-quarter mile south of East 13th Street North (1150 North Broadway).

Dear Applicants;

At its regular meeting on **July 13, 2023**, 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 the enclosed Protective Overlay.

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 July 27, 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 July **27, 2023, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, August 15, 2023** beginning at 9:00 a.m.

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: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD

Protective Overlay #415

1. Uses shall be restricted to those permitted by-right in the NO Neighborhood Office District.
2. Building height shall be restricted to 45 feet.
3. Signage shall be per the NO Neighborhood Office District.

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. ZON2023-00039

Zone change in the City from NO Neighborhood Office District and LC Limited Commercial District to GC General Commercial District subject to Protective Overlay #415, on property legally described as:

Lots 231, 233, 235, 237, 239, 241, 243, 245, and Lot 247; together with the East Half of the vacated alley adjoining said lots on the West, Topeka Avenue; AND Lots 232, 234, 236, 238, 240, 242, 244, 246, and 248, together with the West Half of the vacated alley adjoining said lots on the East, Lawrence now Broadway Avenue, Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas.

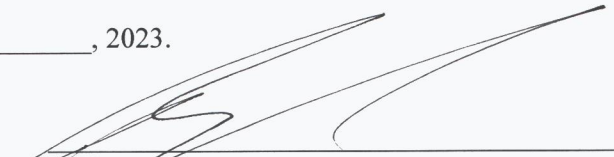
Protective Overlay #415

1. Uses shall be restricted to those permitted by-right in the NO Neighborhood Office District.
2. Building height shall be restricted to 45 feet.
3. Signage shall be per the NO Neighborhood Office District.

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 22nd day of August, 2023.

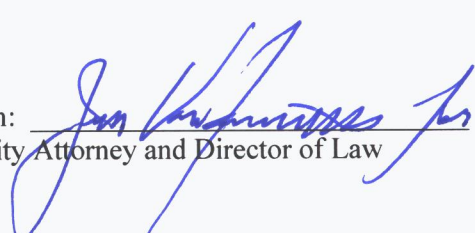

Brandon J. Whipple, Mayor, City of Wichita

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
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	459157	Print Legal Ad-IPL01367300 - IPL0136730	52-255	\$67.09	1	80 L

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

LAlvarez@wichita.gov

LEGAL PUBLICATION
OCA 180004 PUBLISHED
IN THE WICHITA EAGLE ON
August 25, 2023
ORDINANCE NO. 52-255

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. ZON2023-00039
Zone change in the City from NO Neighborhood Office District and LC Limited Commercial District to GC General Commercial District subject to Protective Overlay #415, on property legally described as:

Lots 231, 233, 235, 237, 239, 241, 243, 245, and Lot 247; together with the East Half of the vacated alley adjoining said lots on the West, Topeka Avenue; AND Lots 232, 234, 236, 238, 240, 242, 244, 246, and 248, together with the West Half of the vacated alley adjoining said lots on the East, Lawrence now Broadway Avenue, Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas.

Protective Overlay #415
Uses shall be restricted to those permitted by-right in the NO Neighborhood Office District.

Building height shall be restricted to 45 feet.

Signage shall be per the NO Neighborhood Office District.

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 22nd day of August 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
IPL0136730
Aug 25 2023

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

1 insertion(s) published on:

08/25/23

STATE OF KANSAS)

SS

County of Sedgwick)

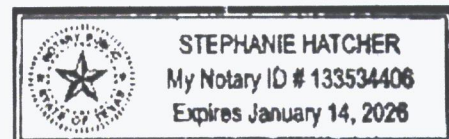
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 08/25/2023 to 08/25/2023.

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

DATED: 08/25/2023

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	435823	Print Legal Ad-IPL01281040 - IPL0128104		\$167.79	2	100 L

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

kgonzalez@wichita.gov

LEGAL PUBLICATION

GCA 180004

Published in The Wichita Eagle on June 22, 2023
(One Time Only)

MAPC/EZA July 13, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, July 13, 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.

CON2023-00026: Conditional Use request in the City to allow multi-family density on property zoned TF-3 Two-Family; generally located west of N Erie Street and 68 feet north of E 3rd Street N (405 N Erie St).

CUP2023-00020: CUP Amendment in the City to CUP DP-155 to allow Vehicle and Equipment Sales for car rentals; generally located on the east side of North Woodlawn, within one-quarter mile south of East 37th Street North (3550 North Woodlawn).

VAC2023-00024: Request in the City to vacate a portion of a platted utility easement and a waterline easement dedicated by separate instrument for building expansion; generally located north of East 34th Street North and approximately 700 feet west of North Webb Road (8400 E. 34th St. N).

VAC2023-00024: Vacation request in the City to vacate a portion of an unused, platted utility easement; generally located south of W 37th Street N and 518 ft. west of North Ridge Road (Lot 7, Block A, Hoskinson 2nd Addition).

ZON2023-00036: Zone change in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential and LC Limited Commercial; generally located at the southeast corner of East Pawnee Road and South 127th Street East.

ZON2023-00037: Zone change request in the City from LC Limited Commercial and GC General Commercial to CBD Central Business District for redevelopment in a manner like nearby properties; located on the south side of W. Douglas and on the west side of S. Handley (805 W Douglas, 115, 119, 121 S Handley).

ZON2023-00038: Zone change request in the City from LC Limited Commercial and SF-5 Single-Family Residential to MF-18 Multi-Family Residential (17.7 acres) and TF-3 Two-Family Residential (61.6 acres); generally located on the east side of South Webb Road, within one-half mile south of East Pawnee Road.

ZON2023-00039: Zone change request in the City from NO Neighborhood Office and LC Limited Commercial to GC General Commercial to increase buildable area; generally located on the east side of North Broadway within one-quarter mile south of East 13th Street North (1150 North Broadway).

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=ek03bW0ySEhnbGJQTDZlV0xP-VDE0UT09>

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/kc55codtb1>

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 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 June 22, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0128104

Jun 22 2023

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

1 insertion(s) published on:

06/22/23

STATE OF KANSAS)

SS

County of Sedgwick)

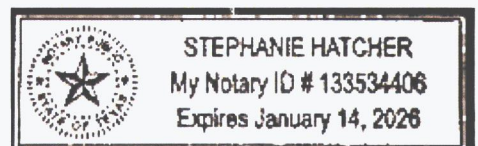
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterrupted 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 06/22/2023 to 06/22/2023.

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

DATED: 06/22/2023

Stephanie Hatcher

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



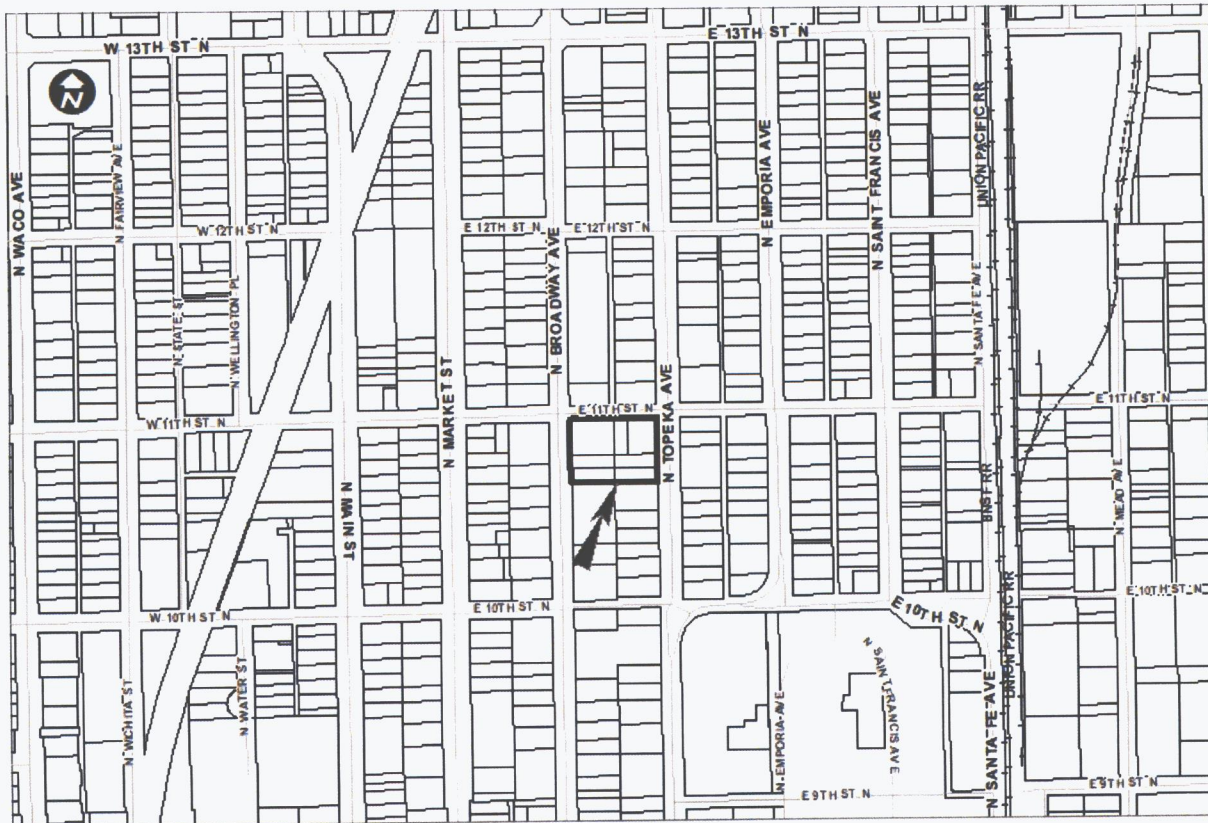
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

STAFF REPORT

MAPC: July 13, 2023

DAB VI: July 10, 2023

<u>CASE NUMBER:</u>	ZON2023-00039 (City)
<u>APPLICANT/AGENT</u>	GraceMed Health Clinic, Inc. (Applicant)/ Baughman Company, P.A. (Agent)
<u>REQUEST:</u>	GC General Commercial District
<u>CURRENT ZONING:</u>	NO Neighborhood Office and LC Limited Commercial Districts
<u>SITE SIZE:</u>	1.54 acres
<u>LOCATION:</u>	Generally located on the east side of North Broadway Avenue, within one-quarter mile south of East 13 th Street North (1150 North Broadway Avenue).
<u>PROPOSED USE:</u>	Increase buildable area to permit covered structure for clinic service vehicles.
<u>RECOMMENDATION:</u>	Approve with a Protective Overlay



BACKGROUND: The applicant is requesting a zone change from NO Neighborhood Office District and LC Limited Commercial District to GC General Commercial District in order to increase the buildable area on the site located on the east side of North Broadway Avenue and within one-quarter mile south of East 13th Street North (1150 North Broadway Avenue). The site is currently developed with a medical clinic. The applicant proposes to construct an attached structure on the north side of the clinic, where they propose to park medical service vehicles. They are not able to do so under the existing zoning because the side street setback in the NO District is greater than the GC District as discussed below. They do not intend to permit additional uses on site.

Approximately 0.18 acres in the southwest corner of the site is zoned LC Limited Commercial District and is occupied by a portion of the greater parking area for the clinic. The majority of the site (approximately 1.36 acres) is zoned NO Neighborhood Office District is occupied by the clinic building and the remainder of the parking lot. The clinic is situated on the far eastern side of the property with the back of the building approximately 20 feet from the North Topeka Street right-of-way. The north side of the building is approximately 15 feet from the north property line. It is along this north side of the building the applicant wishes to construct a covered structure (a lean-to carport) under which they will park clinic medical service vehicles. This structure will likely be constructed to the north property line.

Below is a comparison of the building setbacks and other development standards in the NO and GC Districts:

Standard	NO Neighborhood Office District	GC General Commercial District
Front Setback	20 feet	20 feet
Rear Setback	10 feet	0 feet
Street Side Setback	15 Feet	0 feet
Interior Side Setback	0 or 5 feet	0 or 5 feet
Building Height	35 feet	80 feet

Staff is recommending a Protective Overlay to avoid possible negative impacts associated with uses and development standards that are permitted in the GC General Commercial District that would be inappropriate in this area. Since the applicant is not looking to change the use on the site, staff is recommending the following items to be considered in the Protective Overlay:

1. Uses shall be restricted to those permitted by-right in the NO Neighborhood Office District.
2. Building height shall be restricted to 45 feet.
3. Signage shall be per the NO Neighborhood Office District.

Properties to the north are zoned LC Limited Commercial District and MF-29 Multi-Family District. The LC-zone property is developed with a vacant commercial building. The MF-29-zoned property is developed with a single-family dwelling and detached garage located in the Topeka-Emporia Historic District. Properties to the east are zoned TF-3 Two-Family Residential District and B-Multi-Family District. The TF-3-zoned property is developed with a single-family dwelling with detached garage located in the Topeka-Emporia Historic District. The B-zoned property is developed with the historic Mullen Court Apartment building. Properties to the south are zoned B-Multi-Family District and LC Limited Commercial District. The B-zoned property is zoned is developed with a medical clinic. The LC-zoned property is developed with a hotel/motel use. Properties to the west are zoned MF-29 Multi-Family Residential District and LC Limited Commercial District. The MF-29 zoned property is developed with the historic Comley House. The LC-zoned property is developed with a gas station/convenience store.

CASE HISTORY: In 1884, the property was platted as part of the Stafford and Wrights Addition. In 1965, the property was rezoned (Z-0677) from B Multi-Family District to LC Limited Commercial District and the platted alley was vacated in order to build the existing structure which was a local grocery store when first built. In 1998, a Variance (BZA24-98) was approved reducing the parking requirement from 200 spaces to 73 spaces. In 2004, as part of the adoption of the Midtown Neighborhood Plan, the property was rezoned from LC Limited Commercial District to NO Neighborhood Office District.

ADJACENT ZONING AND LAND USE:

NORTH:	LC and MF-29	Vacant commercial, single-family dwelling
SOUTH:	B and LC	Medical office, hotel/motel
EAST:	MF-29 and LC	Historic house, gas station/convenience store
WEST:	TF-3 and B	Single-family dwelling and historic apartment building

PUBLIC SERVICES: North Broadway is a paved, four-lane arterial street with sidewalks on both sides. East 11th Street is a paved, two-way local street with sidewalks on both sides and on street parking on the south side. North Topeka Avenue is a paved, one-way arterial street with sidewalks on both sides and on-street parking on both sides. Wichita Transit provide regular bus service along both North Broadway and North Topeka Avenues with bus stops within one-quarter mile of the subject site. The site is already served by municipal water and sanitary sewer services.

CONFORMANCE TO PLANS/POLICIES: The following plans govern the site:

The Community Investments Plan: The requested zone change is in conformance with *The Community Investments Plan*. The requested zone change is not in conformance with the Plan's 2035 Future Growth Concept Map. The 2035 Wichita Future Growth Concept Map illustrates the preferred growth concepts for the city. The Map identifies the subject area as appropriate for Commercial uses, which is defined as the full diversity of commercial land uses typically found in a large urban municipality. However, the Locational Guidelines of the comprehensive plan encourage higher intensity uses to not be located near low density residential. The existing NO Neighborhood Office zoning and existing use of a medical clinic is appropriate considering the proximity to low-density residential to the north and east. The applicant is not intending to change the use on the site. The recommended Protective Overlay is designed to prohibit significant negative impacts associate with the proposed GC General Commercial zoning.

Wichita: Places for People Plan: The requested zone change is in conformance with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the 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."

- **Strategies:** The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested zone change is in conformance with Strategy 6, "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The North Broadway Avenue corridor is a primarily a commercial corridor where there exist buildings that are built on or very near the property lines that were constructed prior to existing zoning setback standards. Permitting an addition to the side of the existing building to house medical service vehicles is contextual to the environment. The provisions of the recommended Protective Overlay restrict the site to uses and standards that are contextual to the environment.
- **Current Condition:** The subject property is located within an area identified as an "Area of Opportunity." The Places for People Plan defines Areas of Opportunity as those "areas with disconnected development patterns and a lack of walkable places and facilities. These areas need strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area." The existing clinic is an example of investment into the local area by provided needed care and assistance to the local population. The provisions of the recommended Protective Overlay restrict the site to uses and standards that are contextual to the environment.

Historic Midtown Plan: The requested zone change is in conformance with the Historic Midtown Plan. The Plan's identified North Broadway Avenue as the main commercial corridor/district of the neighborhood. The down-zoned the parcel to Neighborhood Office in order to provide a transition between higher commercial uses along North Broadway Avenue and the lower density residential to the north and east. The provisions of the recommended Protective Overlay retain the spirit and intent of the down-zoning of this site enacted by the

Midtown Neighborhood Plan.

RECOMMENDATION: Based on the information available at the time the staff report was prepared, it is recommended that the zoning change application from NO Neighborhood Office District and LC Limited Commercial District to GC General Commercial District be **APPROVED** subject to Protective Overlay #415

Protective Overlay #415

1. Uses shall be restricted to those permitted by-right in the NO Neighborhood Office District.
2. Building height shall be restricted to 45 feet.
3. Signage shall be per the NO Neighborhood Office District.

This recommendation is based on the following findings:

1. The zoning, uses, and character of the neighborhood: Properties to the north are zoned LC Limited Commercial District and MF-29 Multi-Family District. The LC-zone property is developed with a vacant commercial building. The MF-29-zoned property is developed with a single-family dwelling and detached garage located in the Topeka-Emporia Historic District. Properties to the east are zoned TF-3 Two-Family Residential District and B-Multi-Family District. The TF-3-zoned property is developed with a single-family dwelling with detached garage located in the Topeka-Emporia Historic District. The B-zoned property is developed with the historic Mullen Court Apartment building. Properties to the south are zoned B-Multi-Family District and LC Limited Commercial District. The B-zoned property is developed with a medical clinic. The LC-zoned property is developed with a hotel/motel use. Properties to the west are zoned MF-29 Multi-Family Residential District and LC Limited Commercial District. The MF-29 zoned property is developed with the historic Comley House. The LC-zoned property is developed with a gas station/convenience store.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned NO Neighborhood Office District and LC Limited Commercial District and is suitable for the medical clinic use that currently operates on the site. The applicant is not intending to change the use on the site, but rather, intends to increase the buildable area for the construction of a lean-to carport. The provisions of the recommended Protective Overlay retain the spirit and intent of the existing zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zone change to GC General Commercial District could have negative impacts on surrounding properties in that permits a wide array of commercial uses, several of which are considered in appropriate at this location. However, the provision of the recommended Protective Overlay are designed to mitigate possible negative impacts.
4. Length of time the property has remained vacant as currently zoned: The property is currently developed with a medical clinic.
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 will permit the site to have additional buildable area, which would allow buildings to be constructed to the street-side, interior side and rear property lines. The proposed Protective Overlay is designed to help mitigate those possible negative impacts to help protect the rights of the adjacent property owners. Denial of the application may represent possible economic loss to the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request zone change is in conformance with the *Community Investments Plan*, the *Wichita: Places for People Plan*, and the *Midtown Neighborhood Plan* as discussed in the staff report.

7. Impact of the proposed development on community facilities: Approval of this request is not expected to generate any additional impact on community facilities. Existing infrastructure at the site should be able to accommodate the proposed use.
8. Opposition or support of neighborhood residents: At the time of publication of the staff report, staff received a comment from the neighborhood association with concerns about possible future development and building coverage. Staff also received a comment from a nearby resident who was curious about the application, but was neither in support or opposition.

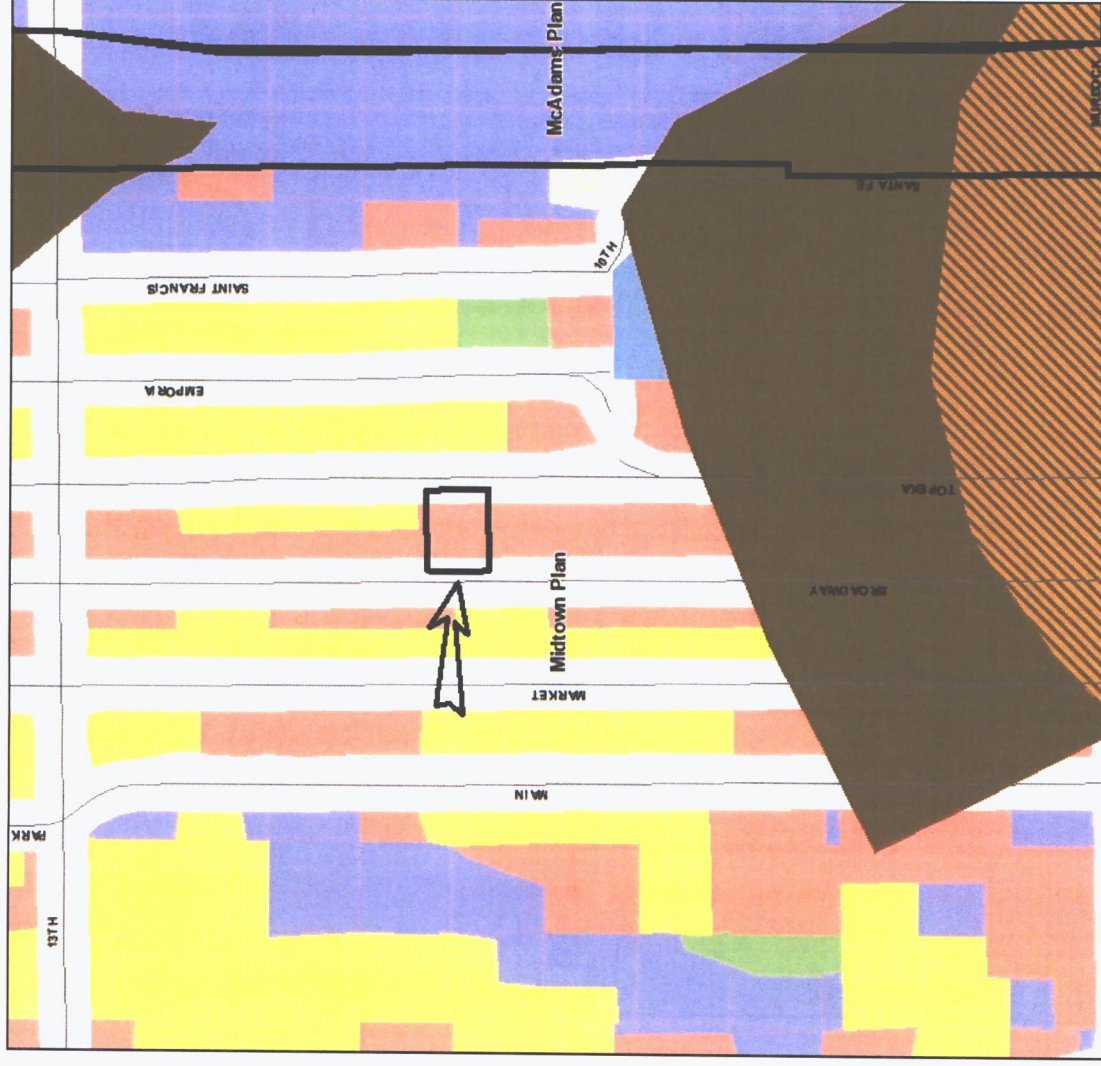
Attachments:

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



2035 Wichita Future Growth Concept Map

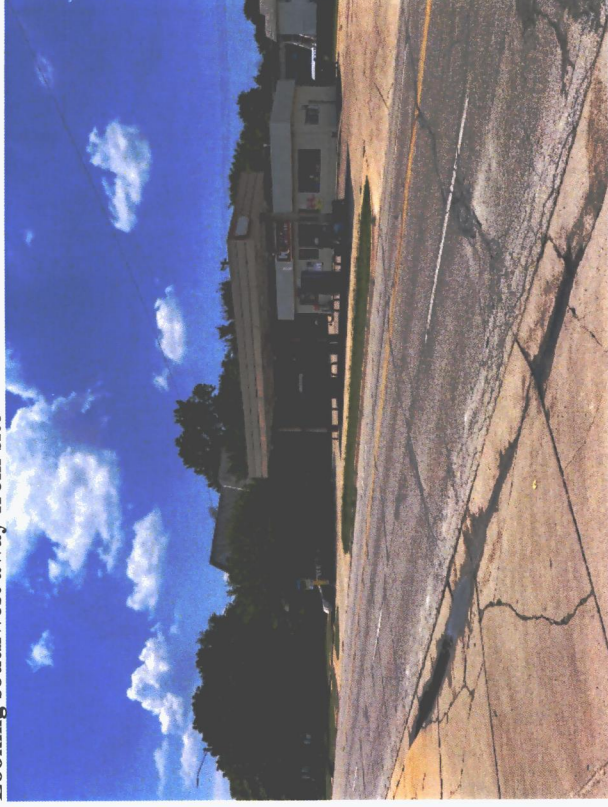
- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Nghbd_Plan_Areas



Looking southeast at site



Looking southwest away from site



Looking east at north side of site



Looking northwest away from site



Looking north away from site



Looking south at and away from site



Looking northeast away from site



Looking southeast away from rear of site

