



Wichita-Sedgwick County Metropolitan Area Planning Department

July 14, 2023

Evergy of Kansas South, Inc.
818 South Kansas Street
Topeka, KS 66612

Professional Engineering Consultants
Attn: Rebecca Mellies
303 South Topeka Street
Wichita, KS 67202

RE: CON2023-00022: Conditional Use request in the City to expand existing electric substation on property zoned LI Limited Industrial, generally located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue (402 N Mead).

Dear Applicants;

At its regular meeting on **July 11, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request with the following conditions:

- 1) The final site plan must be reviewed by the Wichita Historic Preservation Board and approved by Wichita City Council prior to the issuance of building permits.
- 2) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

Sincerely,

Christina Rieth
Current Plans, Associate Planner

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



Wichita-Sedgwick County Metropolitan Area Planning Department

June 12, 2023

Evergy of Kansas South, Inc.
818 South Kansas Street
Topeka, KS 66612

RE: CON2023-00022: Conditional Use request in the City to expand existing electric substation on property zoned LI Limited Industrial, generally located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue (402 N Mead).

Dear Applicant;

At its regular meeting on **June 8, 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 with the following conditions:

- 1) The final site plan must be reviewed by the Wichita Historic Preservation Board and approved by Wichita City Council prior to the issuance of building permits.
- 2) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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 June 22, 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 **June 22, 2023 at 5:00 p.m.**

As a reminder, on **Monday, June 12, 2023**, the District VI Advisory Board (DAB) will consider this item. This meeting is held at the Evergreen Community Center, located at 2601 North Arkansas, and begins at 6:30 p.m.

To ensure that Conditional Use applications would not be ruled invalid due to the recent American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5. This application will be considered by the Wichita City Council on **Tuesday, July 11, 2023**, beginning at 9:00 a.m.

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

Sincerely,

A handwritten signature in black ink, reading "Christina Rieth". The script is fluid and cursive, with the first name "Christina" written in a larger, more prominent hand than the last name "Rieth".

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
Councilmember Maggie Ballard, District Advisory Board VI
Ana Lopez, CSR District VI
Professional Engineering Consultants, attn: Rebecca Mellies, 303 South Topeka Street, Wichita, KS 67202
Scott Downey, *via email*



Wichita-Sedgwick County Metropolitan Area Planning Department

June 12, 2023

Evergy of Kansas South, Inc.
818 South Kansas Street
Topeka, KS 66612

Re: Conditional Use Application CON2023-00022

To Whom It May Concern:

This letter serves as notice that your Conditional Use application will be heard by the respective governing body (City of Wichita or Sedgwick County). You are receiving this letter because this is different than how we have processed Conditional Use applications in the past. This change is occurring because of a recent Kansas court case that potentially impacts all Conditional Use applications for the City of Wichita and Sedgwick County.

Background

Pursuant to the Wichita-Sedgwick County Unified Zoning Code ("UZC"), many Conditional Use applications have historically been determined at the Metropolitan Area Planning Commission ("MAPC") level. Pursuant to UZC Sec. V.D.6, Conditional Use applications were only to be brought before the respective governing body when elements listed in UZC Sec. V.D.6 were present.

A recent Kansas Appellate Court case, *American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas*, 63 Kan.App.2d 123 (2023) has raised a legal question concerning the propriety of Conditional Use applications being determined by the MAPC. Pursuant to UZC Sec. V.A.5, the Planning Director has standing to appeal Conditional Use applications to the respective governing bodies. Given the questions raised by the that case, I am now taking the action of appealing all Conditional Use applications that are approved by the MAPC and don't have any of the elements identified in UZC Sec.V.D.6.

We are currently in the process of determining if, and what, changes should be made to our Unified Zoning Code. Any changes would be designed to ensure compliance with applicable laws, address court rulings, and reflect the will of the City of Wichita Council and Sedgwick County Board of Commissioners.

Please understand that this appeal process is not meant to convey any additional powers or rights to applicants or interested parties. Additionally, feel free to contact us at 316-268-4421 if you have further questions about the Conditional Use application process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Wadle', written over a horizontal line.

Scott Wadle
Planning Director

APPEAL

I, Scott Wadle, Director of the Metropolitan Area Planning Department pursuant to the authority granted to me in the Wichita-Sedgwick County Unified Zoning Code (UZC) Section V(D)(6), with standing established per Section V(A)(5), do hereby appeal case: _____

Con 2023 - 00022

to the respective governing body.

This action is being performed because the Kansas Court of Appeals case American Warrior, Inc. v. Board of County Commissioners of Finney County, has raised a legal question concerning the propriety of Conditional Use applications being determined by a planning commission. This appeal is meant to safeguard this Conditional Use application process by having the case determined by the governing body.

6-12-23

Date

SW

Scott Wadle, Planning
Department Director

July 14, 2023

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

RESOLUTION NO. 23-295

WHEREAS, Evergy of Kansas South, Inc., Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to expand existing electric substation on property zoned LI Limited Industrial, located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue, legally described as:

A tract of land in the Northwest Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, being described and prepared on 04/04/2023 by Brian O'Keefe, LS #1558 and Professional Engineering Consultants P.A., C.L.S. #65, as follows:

Commencing at the Northeast corner of said Northwest Quarter; thence S88°54'15"W (Bearings based on the Kansas Coordinate System 1983 South Zone) along the north line of said Northwest Quarter, a distance of 660.96 feet; thence S01°02'34"E to and along the east right of way line for North Mead Street a distance of 184.93 feet to the point of beginning; thence S01°02'34"E along said right of way line a distance of 447.77 feet to the north right of way line for East Third Street; thence N88°59'34"E along said right of way line, a distance of 140.25 feet to the west right of way line for North Rock Island Avenue; thence N02°31'24"W along said right of way line, a distance of 444.94 feet; thence S88°59'18"W, a distance of 128.75 feet to the point of beginning; said tract containing 1.37 acres, more or less.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of June 8, 2023, consider said application; and

WHEREAS, the Wichita City Council has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Wichita City Council that this application be approved to allow a Conditional Use to expand existing electric substation on property zoned LI Limited Industrial, located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue, legally described as:

A tract of land in the Northwest Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, being described and prepared on 04/04/2023 by Brian O'Keefe, LS #1558 and Professional Engineering Consultants P.A., C.L.S. #65, as follows:

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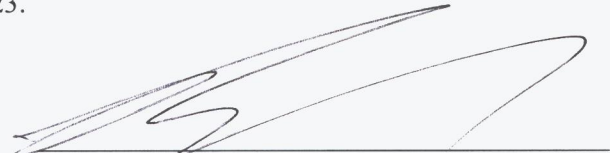
of 444.94 feet; thence S88°59'18"W, a distance of 128.75 feet to the point of beginning; said tract containing 1.37 acres, more or less.

Approved subject to the following conditions:

- 1) The final site plan must be reviewed by the Wichita Historic Preservation Board and approved by Wichita City Council prior to the issuance of building permits.
- 2) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 11th day of July, 2023.

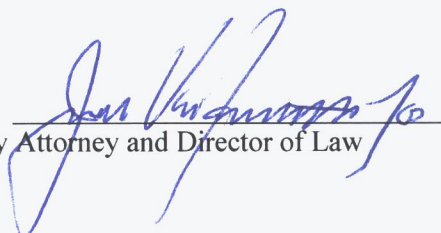

Brandon J. Whipple, Mayor, City of Wichita

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	443389	Print Legal Ad-IPL01310830 - IPL0131083		\$127.47	2	76 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 ON July 14, 2023
BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS,
RESOLUTION NO. 23-295

WHEREAS, Every of Kansas South, Inc., Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to expand existing electric substation on property zoned LI Limited Industrial, located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue, legally described as:

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WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of June 8, 2023, consider said application; and

WHEREAS, the Wichita City Council has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Wichita City Council that this application be approved to allow a Conditional Use to expand existing electric substation on property zoned LI Limited Industrial, located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue, legally described as:

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Approved subject to the following conditions:

1) The final site plan must be reviewed by the Wichita Historic Preservation Board and approved by Wichita City Council prior to the issuance of building permits.
2) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 11th day of July, 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

IPL0131083

Jul 14 2023

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

07/14/23

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 07/14/2023 to 07/14/2023.

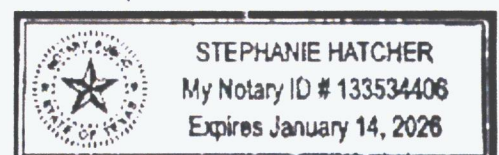
M. Hayley

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

DATED: 07/14/2023

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	421232	Print Legal Ad-IPL01228220 - IPL0122822	OCA 150004	\$221.44	3	88 L

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on May 18, 2023
(One Time Only)
MAPC/BZA June 8, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 8, 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.

BZA2023-00028: Variance request in the City to reduce the side and the rear setback to bring carport into compliance and permit an addition on the rear, on property zoned SF-5 Single-Family; located within one-block north of West 1st Street North and one-quarter mile west of North Seneca (212 N. Elizabeth).

CON2023-00020: Request in the City for a Conditional Use to permit Nightclub in the City and Mobile Food Unit on property zoned LC Limited Commercial District; generally located on the southeast corner of West 21st Street North and North Waco Avenue (366 W. 21st St. N.)

CON2023-00022: Conditional Use request in the City to expand existing electric substation on property zoned LI Limited Industrial; generally located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue (402 N. Mead).

CUP2023-00016: CUP Minor Amendment in the City to CUP DP-268 to allow on-site advertising on an off-site billboard; generally located on the northwest side of West Kellogg Drive, within 300 feet west of North Tyler Road.

VAC2023-00016: Request in the City to vacate 25-foot front building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

VAC2023-00017: Vacation request in the City for a portion of a platted 20-foot alley; generally located between North Santa Fe and North St. Francis and between East Pine Street and East Murdock Avenue (abutting 700 N. St. Francis).

VAC2023-00018: Vacation request in the City of a portion of complete access control to open a new access point and close an existing access point on property zoned LC & GC with PO-36; generally located on the west side of North Maize Road, within one-quarter mile north of West 21st Street North).

ZON2023-00021: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Hillside Avenue and within one-half mile north of East 45th Street North.

ZON2023-00026: Zone change request in the City from SF-5 Single-Family Residential District to GC General Commercial District with Protective Overlay #411; generally located on the north side of West Maple Street, within 500 feet west of North Tyler Road (8924 W. Maple St.).

ZON2023-00027: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Tyler Road, within one-half mile north of West 28th Street North (3320 N. Tyler Rd.).

ZON2023-00028: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential to permit development of duplexes on property; generally located on the east side of South Maize Road, within one-half mile north of West 31st Street South (2816 S. Maize Rd.).

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=ek0k3bW0ySjBnbFJQTDFVb0xPVDh0UT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699008833,4089866967#...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 May 18, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0122822

May 18 2023

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

1 insertion(s) published on:

05/18/23

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 05/18/2023 to 05/18/2023.

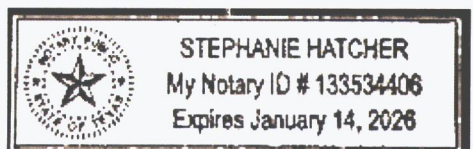
M. Hayley

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: June 8, 2023
DAB VI: June 12, 2023

CASE NUMBER: CON2023-00022 (City)

APPLICANT/AGENT: Evergy Kansas South, Inc. (Applicant) / Professional Engineering Consultants (Agent)

REQUEST: Conditional Use to allow Utility, Major

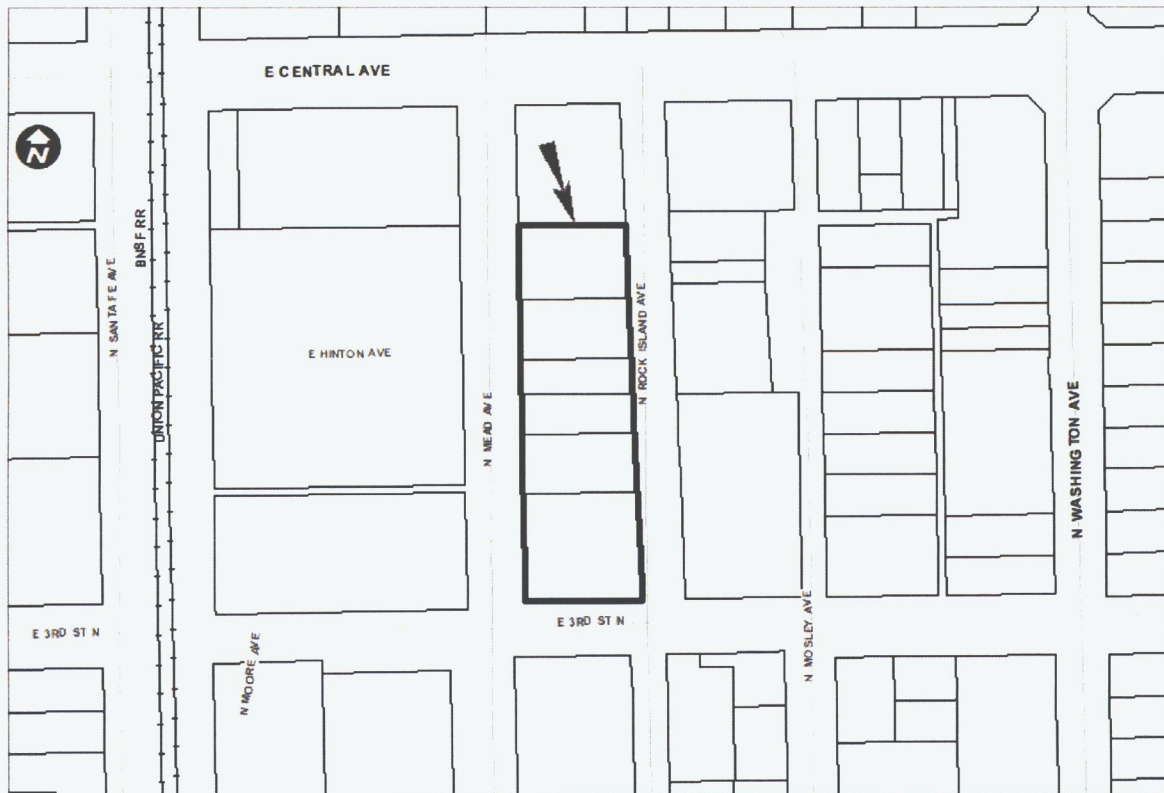
CURRENT ZONING: LI Limited Industrial District

SITE SIZE: 1.37 acres

LOCATION: Generally located north of East 3rd Street North, between North Mead Avenue and North Rock Island Avenue (402 North Mead Avenue).

PROPOSED USE: Expand existing substation

RECOMMENDATION: Approve with conditions



BACKGROUND: The applicant is requesting a Conditional Use to allow Utility, Major on a property zoned LI Limited Industrial District. The 1.37-acre property is addressed as 402 North Mead Avenue, located north of East 3rd Street North, between North Mead Avenue and North Rock Island Avenue.

The applicant is requesting the Conditional Use to expand the existing substation, which was completed around 1950. The subject site is currently developed with the following:

- a substation,
- a small manufacturing facility located at 433 North Rock Island Avenue, and
- the Keep Klean Building located at 800 East 3rd Street North.

The Keep Klean Building has been listed on the Register of Historic Kansas Places since 2006 and the National Register of Historic Places since 2007. The applicant seeks to demolish the small manufacturing facility along with portions of the Keep Klean Building for the expansion of the substation.

The applicant's site plan proposes preserving the south and east facades of the Keep Klean Building along with the two-story tower on the southeast corner. However, it also proposes significant amount of demolition, which includes concrete block additions of an unknown date and the original 1929 saw-tooth roof. The proposed demolition, under Kansas state preservation law K.S.A. 75-2724, will trigger a formal review from the Wichita Historic Preservation Board. This site plan and proposed demolition have not been reviewed by the Wichita Historic Preservation Board. As a condition of approval, staff also recommends the applicant be required to submit a site plan for review by the Wichita Historic Preservation Board and approval by Wichita City Council.

The parking requirement for Utility, Major is one per employee. The site plan shows eight parking spaces on the southwest corner of the property, near the site of existing parking. To preserve as much of the fabric of the historic buildings as possible, as a condition of approval, staff recommends the applicant submit a Variance to eliminate the parking requirement and utilize on-street parking.

The subject site is exempt from the Wichita Landscape Ordinance requirements as well as screening requirements since it was zoned LI Limited Industrial District prior to the Ordinance's implementation. Additionally, it does not abut residential zoning. However, the site plan shows a chain link fence around the perimeter of the property, along with two gates on the east side and two ornamental gates on the west side.

Properties to the north, south, east and west are all zoned LI Limited Industrial District. Property to the north is the Phillips 66 Station, which is listed on the Wichita Register of Historic Places (WRHP). Property to the south is an apartment building known as the International Harvesters Building, which is individually listed on the National Register of Historic Places (NRHP). Property to the east is developed with a parking lot. Property to the west is developed with a surplus store.

CASE HISTORY: The subject site is unplatted. The property is exempt from platting due to its public utility status per Subdivision Section 3-105(D). In 2007, the Planning Department administratively approved a 25 percent reduction in parking (BZA2007-00001).

ADJACENT ZONING AND LAND USE:

North:	LI	Phillips 66 Station (WRHP)
South:	LI	International Harvesters Building (NRHP)
East:	LI	Parking lot
West:	LI	Surplus store

PUBLIC SERVICES: All municipal services, such as water, stormwater, and sewer, are in place and can accommodate the required services to the existing site. This site has access to North Mead Avenue, North Rock Island Avenue, and East 3rd Street North, which are all two-way, local streets with sidewalks. North Rock Island has a sidewalk on the east side, while North Mead Avenue and East 3rd Street North have sidewalks on

both sides. North Mead Avenue and North Rock Island Avenue are both paved, while East 3rd Street North is partially a brick street. Wichita Transit serves this area within one block northwest of the subject site, on the southwest corner of Central Avenue and North Mead Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed application is in conformance to the *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 in which the site is located to be appropriate for “Residential and Employment Mix”. This category is described as “*areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.*”

The *Community Investments Plan*’s Locational Guidelines “provide a framework for decision-making regarding land use changes so as to encourage patterns of development that efficiently and effectively use land, public infrastructure, and services; strive for compatibility among various land uses; and promote quality of place through design.” The requested Conditional Use is in conformance with the Locational Guidelines. One of the Guidelines within the Established Central Area “encourage[s] infill development that maximizes public investment in existing and planned infrastructure and services.”

The requested Conditional Use 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 Conditional Use aligns with Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.”
- Current Condition: The subject property is located within an area identified as an “area of stability.” The *Places for People Plan* defines Areas of Opportunity as areas that “require fewer interventions and potentially less public investment to maintain a stable development environment and community. Improvements should be targeted to support development momentum and strengthen the established physical context.”

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED**, subject to the following conditions:

- 1) The final site plan must be reviewed by the Wichita Historic Preservation Board and approved by Wichita City Council prior to the issuance of building permits.
- 2) The applicant shall submit a Variance to eliminate the off-street parking requirement.
- 3) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is a mix of commercial, light industrial, and residential. Properties to the north, south, east and west are all zoned

LI Limited Industrial District. Property to the north is the Phillips 66 Station, which is listed on the Wichita Register of Historic Places (WRHP). Property to the south is an apartment building known as the International Harvesters Building, which is individually listed on the National Register of Historic Places (NRHP). Property to the east is developed with a parking lot. Property to the west is developed with a surplus store.

2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for the uses to which it has been restricted. The property is zoned LI Limited Industrial District. Utility, Major is permitted in LI zoning by Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions may impact the integrity of the historic building on site. However, one of the conditions of approval, which requires final site plan approval from the Wichita Historic Preservation Board, may mitigate the detrimental impacts.
4. Length of time subject property has remained vacant as zoned: The subject site is not vacant. Property records show the subject site has been developed since 1929.
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 application will bring upgrades to the substation, which benefits the community. Denial of the request could represent a loss in the use of this portion of the applicant's property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in conformance to the *Community Investments Plan* and the *Wichita Places for People Plan*, as discussed in the report.
7. Impact of the proposed development on community facilities: The proposed use is not anticipated to have any negative impacts on community facilities.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has not received any public comment on the requested Conditional Use.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. 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

N



Looking west towards site



Looking west towards site



Looking north towards site



Looking west towards site



Looking west towards site



Looking west towards site



Looking west towards site



Looking south towards site



Looking east towards site



Looking west towards site



Looking west towards site



Looking east towards site



HPC 2023- 00117, CON 2023- 00022, AND CON 2023- 00052



Existing Site and Demo Plan



SITE PLAN

APPROVED

11/21/23

BY

CMR