Wichita-Sedgwick County Metropolitan Area Planning Department

August 4, 2023

200 S. Hillside, LLC
Navid Haeri
1009 S. Seneca Street
Wichita, KS 67213

RE: **ZON2023-00031:** Zone change request in the City from GO General Office to NR Neighborhood Retail; generally located on the south side of East English Street and the east side of South Hillside Avenue (200 S. Hillside).

Dear Applicants;

At its regular meeting on **August 1, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the following Protective Overlay.

Protective Overlay #417

1. Permitted uses on the site are those permitted in the NR Neighborhood Retail District, except Financial Institutions and Restaurants.

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: Brandon Johnson, Council Member District I
Tasha Hayes, CSR, District I
MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

June 26, 2023

200 S. Hillside, LLC
Navid Haeri
1009 S. Seneca Street
Wichita, KS 67213

RE: **ZON2023-00031:** Zone change request in the City from GO General Office to NR Neighborhood Retail; generally located on the south side of East English Street and the east side of South Hillside Avenue (200 S. Hillside).

Dear Applicants;

At its regular meeting on **June 22, 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 6, 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 6, 2023, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, July 25, 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: Brandon Johnson, Council Member District I
Tasha Hayes, CSR, District I
MABCD

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON Aug. 11, 2023

ORDINANCE NO. 52-241

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. ZON2023-00031

Zone change in the City from GO General Office District to NR Neighborhood Retail District subject to Protective Overlay #417, on property legally described as:

Lot 1, S. S. & E. Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #417

1. Permitted uses on the site are those permitted in the NR Neighborhood Retail District, except Financial Institutions and Restaurants.

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 8th day of Aug., 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

for Jamie Buster, City Clerk

(SEAL)

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

McClatchy

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	454277	Print Legal Ad-IPL01349120 - IPL0134912		$63.63	2	38 L

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

LAlvarez@wichita.gov

LEGAL PUBLICATION

PUBLISHED IN THE WICHITA EAGLE ON August 11, 2023
ORDINANCE NO. 52-241

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. ZON2023-00031

Zone change in the City from GO General Office District to NR Neighborhood Retail District subject to Protective Overlay #417, on property legally described as:

Lot 1, S. S. & E. Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #417

*Permitted uses on the site are those permitted in the NR Neighborhood Retail District, except Financial Institutions and Restaurants.

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 8th 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
IPL0134912
Aug 11 2023

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

1 insertion(s) published on:
08/11/23

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 was published in the regular and entire Morning issue of said The Wichita Eagle from 08/11/2023 to 08/11/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 08/11/2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

AGENDA ITEM NO. 4.8

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: June 22, 2023
DAB I: July 10, 2023

CASE NUMBER: ZON2023-00031 (City)

APPLICANT/AGENT: 200 S. Hillside, LLC (applicant)/ Navid Haeri (agent)

REQUEST: NR Neighborhood Retail District

CURRENT ZONING: GO General Office District

SITE SIZE: 0.674 acres

LOCATION: Generally located on the east side of South Hillside Avenue, within one-quarter mile south of East Douglas Avenue (200 South Hillside Avenue).

PROPOSED USE: Uses permitted in the Neighborhood Retail District.

RECOMMENDATION: Approve



BACKGROUND: The applicant is requesting a zone change from GO General Office District to NR Neighborhood Retail District on property generally located on the east side of South Hillside Avenue and within one-quarter mile south of East Douglas Avenue (200 South Hillside Avenue). The subject site is 0.674 acres in size and currently developed with a former medical office building.

The applicant did not specify a specific use intended for the site other than uses permitted in the NR Neighborhood Retail District. The following uses are permitted in the NR District that are not permitted in the current GO District:

- Personal Care Service (permitted in the GO District by Conditional Use approval);
- Personal Improvement Service (permitted in the GO District by Conditional Use approval);
- Printing and Copying, Limited (permitted in the GO District by Conditional Use approval);
- Restaurant, subject to Supplementary Use Regulations in Section III-D.6.c which restricts the size of a restaurant in the NR District to up to 2,000 square feet and prohibits drive-thrus; and
- Retail, General.

Section 24.04.193 of the Wichita Sign Code governs permitted signage in the NO Neighborhood Office, GO General Office, and the NR Neighborhood Retail District. Therefore, the requested zone change will not change the existing sign rights on the subject property.

Properties to the north, west, and south are zoned GO General Office District and developed with either medical office uses or other office uses. Property to the northwest is zoned LC Limited Commercial District with Protective Overlay # 245. It is developed with a church and the Protective Overlay restricts the height of light poles to 15 feet, it prohibits billboards and off-site signs, it requires a minimum six-foot screening fence on the west, but it does not restrict any uses that are permitted in the LC District. Properties to the east are zoned SF-5 Single-Family Residential District and developed with single-family dwellings.

The existing GO General Office District zoning and the proposed NR Neighborhood Retail District zoning requires solid screening on the east property line wince it abuts the SF-5 Single-Family District zoning to the east. There is an existing six-foot wooden fence along this property line. The existing and proposed zoning on the site also required adherence to the Wichita Landscape Ordinance; however, the site was zoned commercially prior to the adoption of the Landscape Ordinance. Therefore, the site is not required to provide a landscape buffer along the east nor provide a landscape street yard with parking lot screening along South Hillside Avenue.

CASE HISTORY: In 1968, the site was rezoned (Z-1016) from "A" Two-Family District to "BB" Office District and platted as part of the S, S, & E Addition. In 2013 an Administrative Adjustment (BZA2013-00016) was approved to permit an LED sign for an office in the GO District.

ADJACENT ZONING AND LAND USE:

NORTH:	GO	Medical Office
SOUTH:	GO	Medical Office
EAST:	SF-5	Single-family residence
WEST:	GO	General Office

PUBLIC SERVICES: This property has access to South Hillside Avenue, which is a paved, five-lane arterial street with sidewalks on both sides. The property also has access to East English Street, which is a brick-paved, two-way local street with sidewalks on both sides. Municipal services, such as water and sewer, already serve the site. Wichita Transit provides regular bus service within one-quarter mile to the north of the site along East Douglas Avenue and North Hillside Avenue.

CONFORMANCE TO PLANS/POLICIES: The requested zoning is in conformance with *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 to be within the Wichita 2035 growth area, and it is designated for "New Residential" development. The Comprehensive Plan defines "New Residential" as "*Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses*

predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed." The site historically has been used for commercial and directly abuts an arterial street. The proposed additional permitted uses are not out of character with the commercial development along South Hillside Avenue.

The requested zoning aligns 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 zoning aligns with Strategy 6, "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The proposed rezoning would allow for a limited number of additional commercial uses that would be contextual to the uses along South Hillside Avenue.
- Current Condition: The subject property is located on the boundary between an Area of Stability and an Area of Opportunity. Definitions of both of these areas promote investment to enhance the viability of the area. Expanding the possible uses to permit occupation of a vacant building promotes stability in the area.

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

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The existing GO General Office District zoning and the proposed NR Neighborhood Retail District zoning requires solid screening on the east property line wince it abuts the SF-5 Single-Family District zoning to the east. There is an existing six-foot wooden fence along this property line. The existing and proposed zoning on the site also required adherence to the Wichita Landscape Ordinance; however, the site was zoned commercially prior to the adoption of the Landscape Ordinance. Therefore, the site is not required to provide a landscape buffer along the east nor provide a landscape street yard with parking lot screening along South Hillside Avenue.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned GO General Office District, which is suitable for a variety of residential, public and civic, and a limited number of commercial office uses. The site is currently developed with a former medical office building.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed zone change would introduce a limited number of additional commercial uses. Staff does not anticipate the removal of restrictions will detrimentally affect nearby property. The property northwest of the site is zoned LC Limited Commercial District and the Protective Overlay does not restrict the uses permitted in the LC District, which are more intense than those permitted by the subject application.

4. **Length of time subject property has remained vacant as zoned**: The subject site is developed with a former medical office use.

5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the subject zone change application must be weighed and balanced with possible negative impacts to surrounding properties. The properties to the east are developed with single-family residences. The proposed application would permit a limited number of additional commercial uses that may have longer hours of operation than a typical office use. However, staff does not anticipate any significant negative impacts on the surrounding properties or to the welfare of the residents who live on those properties. Approval would permit additional commercial uses to occupy a vacant building. Denial may represent economic loss to the applicant.

6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies**: The requested zoning would continue to allow the property to be in conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan*, as discussed in the staff report.

7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate it will have a significant impact on community facilities.

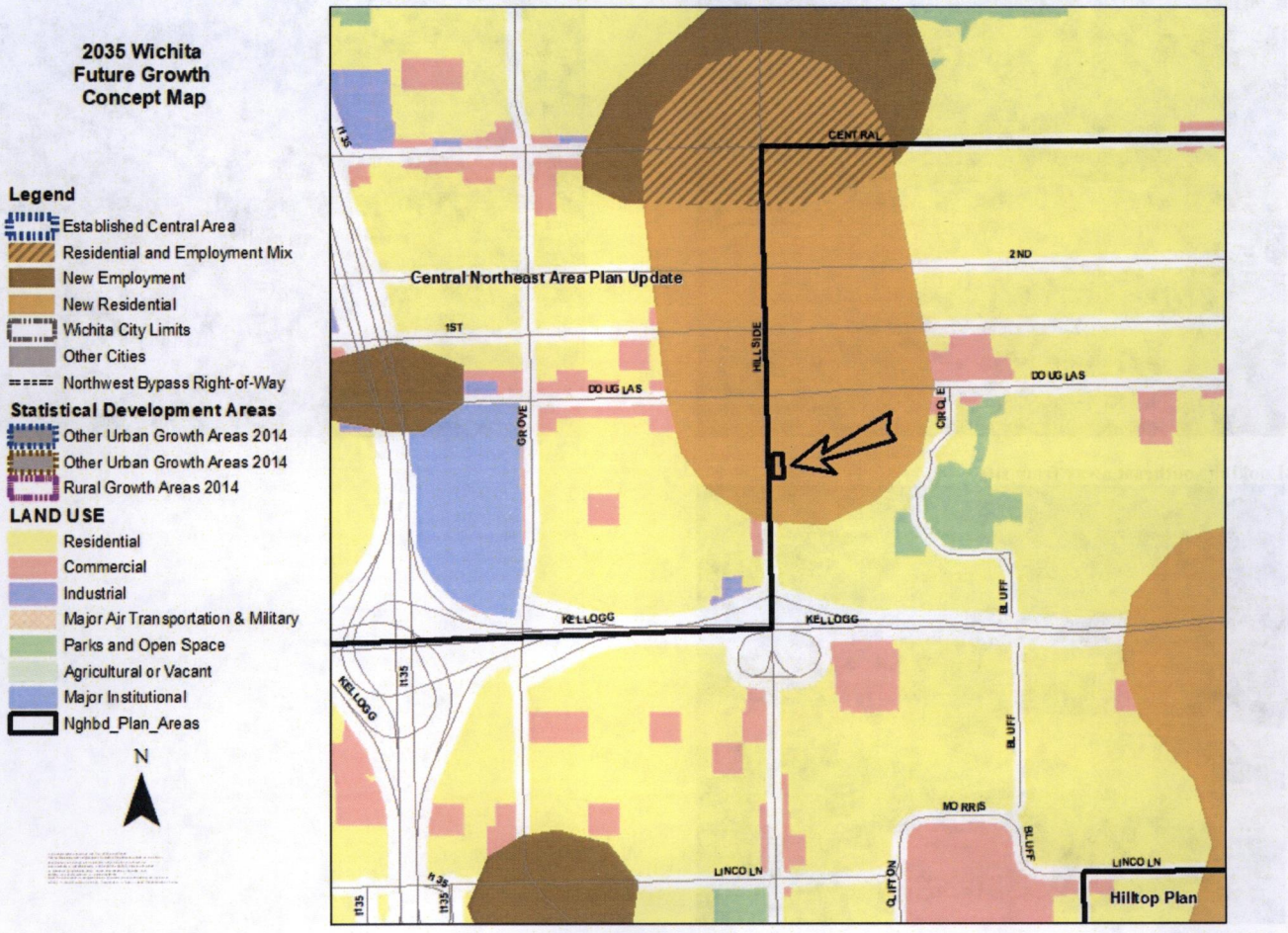
8. **Opposition or support of neighborhood residents**: At the time the staff report was prepared, staff has received a few phone calls out of curiosity about the uses permitted in NR Neighborhood Retail District. No comments in opposition were received.

Attachments:

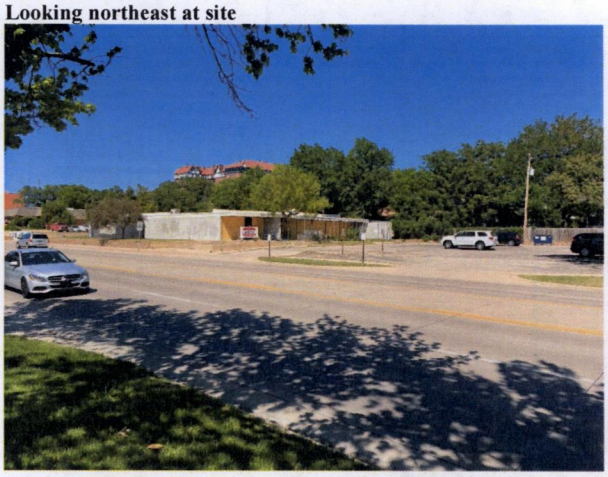
- Aerial Map
- Zoning Map
- 2035 Wichita Future Growth Concept Map
- Photos


E OAKLAND AVE
E ENGLISH ST
S HILLSIDE AVE
E ENGLISH ST
S LORRAINE AVE
S HOLYOKE AVE
S RUTAN AVE
N

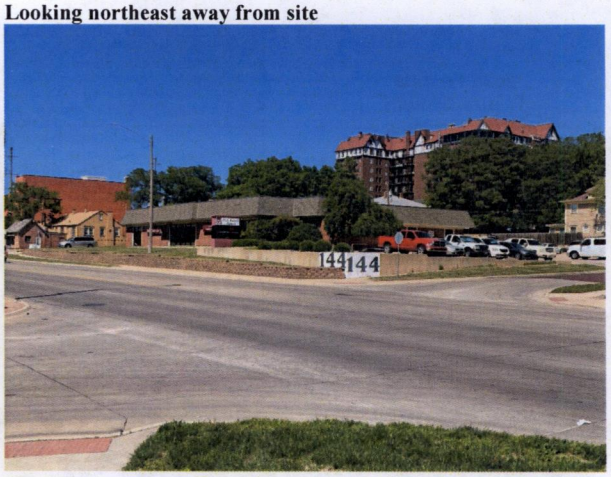

ZONING
N
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORICAL
DELANO
E DOUGLAS AVE
E OAKLAND AVE
E ENGLISH ST
E WATERMAN ST
S ERIE AVE
S CHAUTAUQUA AVE
S LORRAINE AVE
S HILLSIDE AVE
S HOLYOKE AVE
S RUTAN AVE
S VASSAR AVE
BZA2004-00094
BZA46-65
BZA2015-00047
BZA33-68
PUD-26
BZA33-68
BZA3-39
CON2016-00057
BZA2019-00045
BZA28-83
BZA38-67
BZA13-72
PO-389
PUD-105
PUD-55 BZA8-67
BZA70-83
BZA48-77
BZA55-77
BZA23-64
PO-245
BZA23-64
BZA15-72
BZA2010-00057
BZA29-73
BZA32-75
BZA19-72
BZA2012-00063
BZA2013-00016
CON2017-00009
BZA47-79
BZA2023-00006
BZA1-71
BZA2005-00045
BZA2004-00031
BZA2014-00021
BZA6-41
PUD-103
BZA2022-00038


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
Central Northeast Area Plan Update
Hilltop Plan
CENTRAL
2ND
1ST
DOUGLAS
HILLSIDE
GROVE
CIRCLE
BLUFF
KELLOGG
I135
MORRIS
LINCO LN
CLIFTON

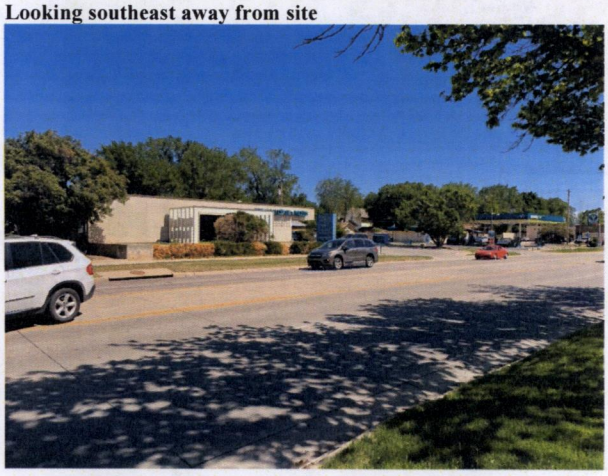
Looking northeast at site



Looking northeast away from site



Looking southeast away from site



Looking west away from site



Looking southeast along rear of site



Looking south along rear of site

