Wichita-Sedgwick County Metropolitan Area Planning Department

September 12, 2023

Joan Aboud
1308 North Armour
Wichita, KS 67206

Jeremiah Leathers
4027 North Friar Lane
Wichita, KS 67204

RE: **ZON2023-00042:** Zone change request in the City from LC Limited Commercial District to GC General Commercial District to allow for future development, generally located on the southwest corner of North Amidon Avenue and West 33rd Street North (3357 North Amidon Avenue).

Dear Applicants;

At its regular meeting on **September 12, 2023**, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request, subject to Protective Overlay #419, which reads:

1. The property is restricted to all uses permitted in the LC Limited Commercial District zoning, in addition to, the following uses as permitted in GC General Commercial District: Vehicle Storage Yard and Vehicle and Equipment Sales (Outdoor).
2. Vehicle and Equipment Sales (Outdoor) shall remain subject to the Supplementary Use Regulations defined in Sec. III-D.6.x of the Unified Zoning Code according to LC Limited Commercial District standards. This supersedes the conditions outlined in CON2021-00053.
3. Parking shall be provided in accordance with Article IV of the Unified Zoning Code.
4. Signs shall be in accordance with the LC Limited Commercial District in the Sign Code of the City of Wichita, with the following additional requirements:
    a. Portable signs are not allowed.
    b. Ground signs shall be monument type.
    c. No off-site/billboard signs.
    d. No illuminated building signs on the south, east, or west elevations.
5. Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
6. The height of all light poles, including pole base, is limited to 15 feet.
7. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
8. Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Code.
9. No outdoor speaker systems shall be permitted.
10. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.
11. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.

12. If used for Vehicle Storage Yard, the following restrictions shall apply:
    a. Use: the vehicle storage yard shall be used for the storage of operable vehicles only, and in no case shall it be used for dismantling of any vehicle or equipment.
    b. Paving: the storage area and all entrance/exit drives on private property shall be surfaced with asphalt, concrete or surfacing as required by the Unified Zoning Code and shall be maintained in good condition and free of weeds, trash, and other debris.
13. Any changes in uses on-site shall require an amendment to the Protective Overlay.

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

Sincerely,

Christina Rieth
Current Plans
Associate Planner

Copies to: Jeff Blubaugh, Council Member District IV
Brooke Kauchak, CSR, District IV
MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

August 10, 2023

Joan Aboud
1308 North Armour
Wichita, KS 67206

RE: ZON2023-00042: Zone change request in the City from LC Limited Commercial District to GC General Commercial District to allow for future development, generally located on the southwest corner of North Amidon Avenue and West 33rd Street North (3357 North Amidon Avenue).

Dear Applicant;

At its regular meeting on **August 10, 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 subject to Protective Overlay #419, which reads:

1. The property is restricted to all uses permitted in the LC Limited Commercial District zoning, in addition to, the following uses as permitted in GC General Commercial District: Vehicle Storage Yard and Vehicle and Equipment Sales (Outdoor).
2. Vehicle and Equipment Sales (Outdoor) shall remain subject to the Supplementary Use Regulations defined in Sec. III-D.6.x of the Unified Zoning Code according to LC Limited Commercial District standards. This supersedes the conditions outlined in CON2021-00053.
3. Parking shall be provided in accordance with Article IV of the Unified Zoning Code.
4. Signs shall be in accordance with the LC Limited Commercial District in the Sign Code of the City of Wichita, with the following additional requirements:
    a. Portable signs are not allowed.
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    c. No off-site/billboard signs.
    d. No illuminated building signs on the south, east, or west elevations.
5. Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
6. The height of all light poles, including pole base, is limited to 15 feet.
7. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
8. Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Code.
9. No outdoor speaker systems shall be permitted.
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11. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
12. If used for Vehicle Storage Yard, the following restrictions shall apply:
    a. Use: the vehicle storage yard shall be used for the storage of operable vehicles only, and in no case shall it be used for dismantling of any vehicle or equipment.

b. Paving: the storage area and all entrance/exit drives on private property shall be surfaced with asphalt, concrete or surfacing as required by the Unified Zoning Code and shall be maintained in good condition and free of weeds, trash, and other debris.

13. Any changes in uses on-site shall require an amendment to the 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 **August 24, 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 **August 24, 2023 at 5:00 p.m.**

This case will be heard by the District VI Advisory Board (DAB) on **Monday, August 14, 2023**, beginning at 6:30 p.m. DAB VI meets at the Evergreen Community Center and Library, 2601 North Arkansas, Wichita, Kansas. For more information, please contact the Community Services Representative for District VI, Ana Lopez, at ALopez@wichita.gov or (316) 303-8042.

This application will be heard by the Wichita City Council on **Tuesday, September 12, 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,

Christina Rieth

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
Maggie Ballard, Councilmember District VI
Ana Lopez, CSR District VI
Jeremiah Leathers, *via email*

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON Sept. 22, 2023

ORDINANCE NO. 52-263

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. ZON2023-00042

Zone change request in the City from LC Limited Commercial District to GC General Commercial District zoning subject to the provisions of Protective Overlay #419, on property legally described as:

The North 2 acres of Lot 12, EXCEPT the West 260 feet thereof, Russell Tracts Addition, Sedgwick County, Kansas.
AND
Beginning at the Southeast Corner of the Amidon Acres Addition (30016498 +/- 87 feet Southeasterly; thence West +/- 292 feet; thence North +/- 26 feet; thence East +/- 92 feet; thence Northeasterly +/- 162.29 feet to Point of Beginning in Section 31, Township 26 South, Range 1 East of the 6th P.M. in Wichita, Sedgwick County, Kansas.

Protective Overlay #419

1. The property is restricted to all uses permitted in the LC Limited Commercial District zoning, in addition to, the following uses as permitted in GC General Commercial District: Vehicle Storage Yard and Vehicle and Equipment Sales (Outdoor).
2. Vehicle and Equipment Sales (Outdoor) shall remain subject to the Supplementary Use Regulations defined in Sec. III-D.6.x of the Unified Zoning Code according to LC Limited Commercial District standards. This supersedes the conditions outlined in CON2021-00053.
3. Parking shall be provided in accordance with Article IV of the Unified Zoning Code.
4. Signs shall be in accordance with the LC Limited Commercial District in the Sign Code of the City of Wichita, with the following additional requirements:
    a. Portable signs are not allowed.
    b. Ground signs shall be monument type.
    c. No off-site/billboard signs.
    d. No illuminated building signs on the south, east, or west elevations.
5. Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
6. The height of all light poles, including pole base, is limited to 15 feet.
7. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
8. Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Code.
9. No outdoor speaker systems shall be permitted.
10. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.

11. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
12. If used for Vehicle Storage Yard, the following restrictions shall apply:
    a. Use: the vehicle storage yard shall be used for the storage of operable vehicles only, and in no case shall it be used for dismantling of any vehicle or equipment.
    b. Paving: the storage area and all entrance/exit drives on private property shall be surfaced with asphalt, concrete or surfacing as required by the Unified Zoning Code and shall be maintained in good condition and free of weeds, trash, and other debris.
13. Any changes in uses on-site shall require an amendment to the Protective Overlay.

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 19th day of September, 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

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	469393	Print Legal Ad-IPL01404880 - IPL0140488	ORD.#52-263	$136.26	2	81 L

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

JMBuster@wichita.gov

OCA 150004
PUBLISHED IN THE WICHITA EAGLE ON September 22, 2023
ORDINANCE NO. 52-263

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. ZON2023-00042
Zone change request in the City from LC Limited Commercial District to GC General Commercial District zoning subject to the provisions of Protective Overlay #419, on property legally described as:
The North 2 acres of Lot 12, EXCEPT the West 260 feet thereof, Russell Tracts Addition, Sedgwick County, Kansas.
AND
Beginning at the Southeast Corner of the Amidon Acres Addition (30016498 +/- 87 feet Southeasterly; thence West +/- 292 feet; thence North +/- 26 feet; thence East +/- 92 feet; thence Northeasterly +/- 162.29 feet to Point of Beginning in Section 31, Township 26 South, Range 1 East of the 6th P.M. in Wichita, Sedgwick County, Kansas.
Protective Overlay #419
The property is restricted to all uses permitted in the LC Limited Commercial District zoning, in addition to, the following uses as permitted in GC General Commercial District: Vehicle Storage Yard and Vehicle and Equipment Sales (Outdoor).
Vehicle and Equipment Sales (Outdoor) shall remain subject to the Supplementary Use Regulations defined in Sec. III-D.6.x of the Unified Zoning Code according to LC Limited Commercial District standards. This supersedes the conditions outlined in CON2021-00053.
Parking shall be provided in accordance with Article IV of the Unified Zoning Code.
Signs shall be in accordance with the LC Limited Commercial District in the Sign Code of the City of Wichita, with the following additional requirements:
Portable signs are not allowed.
Ground signs shall be monument type.
No off-site/billboard signs.
No illuminated building signs on the south, east, or west elevations.
Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
The height of all light poles, including pole base, is limited to 15 feet.
All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Code.
No outdoor speaker systems shall be permitted.
All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.
Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
If used for Vehicle Storage Yard, the following restrictions shall apply:
Use: the vehicle storage yard shall be used for the storage of operable vehicles only, and in no case shall it be used for dismantling of any vehicle or equipment.
Paving: the storage area and all entrance/exit drives on private property shall be surfaced with asphalt, concrete or surfacing as required by the Unified Zoning Code and shall be maintained in good condition and free of weeds, trash, and other debris.
Any changes in uses on-site shall require an amendment to the Protective Overlay.
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 19th day of September 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
IPL0140488
Sep 22 2023

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

1 insertion(s) published on:
09/22/23

STATE OF KANSAS)
SS
County of Sedgwick)

Stefani Beard, 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 09/22/2023 to 09/22/2023.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 09/22/2023

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!

Legals

(Published in The Wichita Eagle, on September 15, 2023, and September 22, 2023)
RESOLUTION NO. 23-376

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 22-552 OF THE CITY OF WICHITA, KANSAS WHICH AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, Sedgwick County, Kansas (the "County") pursuant to the authority of K.S.A. 12-187 et seq. (the "Sales Tax Act"), imposes a one percent (1%) retailers' sales tax within the County (the "Sales Tax"); and

WHEREAS, pursuant to the Sales Tax Act, the City is the recipient of certain revenues derived from the Sales Tax and is authorized pursuant to K.S.A. 12-195b to issue general obligation bonds secured by a pledge of the Sales Tax, provided certain procedural requirements contained in the Sales Tax Act are satisfied and the City obtains a comprehensive feasibility study showing that the City's revenues from the Sales Tax will be sufficient to retire such bonds; and

WHEREAS, pursuant to the Sales Tax Act, the City Council (the "Governing Body") of the City has heretofore passed Ordinance No. 41-815 (the "Sales Tax Ordinance") pledging one-half of the City's receipts from the Sales Tax for the purpose of financing the costs of road, highway and bridge projects for the City and related right-of-way acquisition (the "Eligible Improvements"); and

WHEREAS, the Governing Body is authorized, pursuant to K.S.A. 13- 1024c, as amended by Charter Ordinance No. 156 of the City (the "Public Improvements Act") to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

WHEREAS, the Governing Body, pursuant to Resolutions No. 18- 119, No. 20-035, No. 20-401, No. 20-035, No. 21-234, and No. 22-552 of the City (the "Prior Resolutions") has found and determined that it is necessary and advisable to make certain public improvements described as follows:

West Street, Between Harry and Pawnee as necessary for a major traffic facility (472-85433)

(the "Project"); and

WHEREAS, the Project qualifies as an Eligible Improvement under the Sales Tax Ordinance and a public improvement under the Public Improvements Act and the Governing Body hereby finds it necessary and advisable to expand the authority for financing of the Project and provide for payment of all or a portion of the costs thereof by the issuance of sales tax/ general obligation bonds of the City.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Amendment. Section 1 of the Prior Resolution is hereby amended to read as follows:

Section 1. Project Authorization. It is hereby authorized, ordered and declared that the Project be acquired and/or constructed at an estimated cost of $12,844,231 in accordance with plans and specifications therefor prepared under the direction of the City Engineer and approved by the Governing Body, said plans and specifications to be placed on file in the office of the City Engineer.

Section 1. Amendment. Section 1 of the Prior Resolution is hereby amended to read as follows:

Section 2. Sales Tax Authorization. It is hereby determined and declared to be necessary to issue sales tax/general obligation bonds (the "Sales Tax General Obligation Bonds") for the purpose of paying $9,562,487 of the costs of the Project and related interest and financing costs. The Sales Tax General Obligation Bonds shall be general obligations of the City and shall be paid and secured by a pledge of a portion of the City's receipts from the Sales Tax as set forth in Section 3 hereof, and, if not paid, shall be paid from ad valorem property taxes levied by the City for such purpose without limit as to rate or amount.

Section 3. Pledge of Sales Tax. The Governing Body hereby pledges fifty percent (50%) of City's revenues from the Sales Tax to the payment of any Sales Tax General Obligation Bonds issued to finance the Project.

Section 4. Public Improvement Act Authorization. As an alternative to the authority provided under the Sales Tax Act and in addition to Sections 2 - 3 herein, all or a portion of the costs of the Project, interest on financing and administrative and financing costs may be financed with the proceeds of general obligation bonds of the City (the "General Obligation Bonds," and together with the Sales Tax General Obligation Bonds, the "Bonds") issued under the authority of the Public Improvements Act.

Section 5. Publication. This Resolution shall be published once a week for two (2) consecutive weeks in the official newspaper of the City. If within thirty (30) days after the first publication, there shall be filed with the Sedgwick County Election Commissioner, a written petition requesting an election on the issuance of the Sales Tax General Obligation Bonds and the pledge of the Sales Tax, signed by not less than five per cent (5%) of the electors of the City who voted at the last preceding general election of the City, then no such Sales Tax General Obligation Bonds shall be issued or Sales Tax pledged unless such proposition shall be submitted to and approved by a majority of the voters of the City voting at an election held thereon. If no sufficient protest is filed within the period of time hereinbefore stated, then the Governing Body shall be authorized to issue the Sales Tax General Obligation Bonds pursuant to the Sales Tax Act and to pledge the City's portion of the Sales Tax to the payment thereof.

Section 6. Reimbursement. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before April 17, 2018, to the extent of Bonds originally authorized under Resolution No. 18- 119, and the date which is 60 days before February 4, 2020, to the extent of additional Bonds originally authorized under Resolution No. 20- 035, and the date which is 60 days before December 15, 2020, to the extent of additional Bonds originally authorized under Resolution No. 20-401, and the date which is 60 days before September 7, 2021, to the extent of additional Bonds originally authorized under Resolution No. 21-234 and the date which is 60 days before December 6, 2022, to the extent of additional Bonds originally authorized under Resolution No. 22-552 and the date which is 60 days before the date of adoption of this Resolution, to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation § 1. 150- 2.

Section 7. Conditional Repeal of Sections 1 and 2 of the Prior Resolutions. In the event no sufficient protest petition is filed in accordance with the Sales Tax Act against the Project and the Bonds as set forth in Section 5 hereof, the Prior Resolutions are hereby repealed. If a protest petition is filed and a required referendum does not approve the Project and the Bonds, the Prior Resolutions shall remain in full force and effect as last amended, with respect to the Project and the Bonds authorized therein.

Section 8. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

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ADOPTED by the City Council of the City of Wichita, Kansas, on September 12, 2023.

(SEAL)

Brandon J. Whipple, Mayor

ATTEST:

Jamie Buster, City Clerk

APPROVED AS TO FORM:

Jennifer Magana, Director of Law and City Attorney

PL0139624

Sep 15,22 2023

LEGAL PUBLICATION
In the matter of the estate of James H. McBratney, Sr. deceased

First Published in The Wichita Eagle on the 15th day of September, 2023)

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

DIVISION FOUR

IN THE MATTER OF THE ESTATE OF JAMES H. MCBRATNEY, SR., Deceased Case No. SG-2023-PR-001271

NOTICE OF HEARING

The State of Kansas to All Persons Concerned:

You are hereby notified that a Petition has been filed in this Court by James H. McBratney, Jr requesting Determination of Descent in the Estate of James H. McBratney, Sr., and asking for the assignment and distribution of a home commonly known as 1141 N. Custer Street, Wichita, Sedgwick County, legally described as:

"Lot 51, except the West 180 feet, Valley Acres Addition, Sedgwick County, Kansas,"

and all other property, real and personal, or interests therein, owned by Decedent at the time of death. You are hereby required to file your written defenses thereto and serve notice thereof upon Petitioner's Attorney on or before the 10th day of October, 2023, at 10:00 AM of said day, in said Court in the City of Wichita, Sedgwick County, Kansas, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon said Petition.

JAMES H. MCBRATNEY, JR., Petitioner

NYSTROM LAW OFFICE

K. KIRK NYSTROM

Attorney No. 10365

112 S.W. 6th Avenue, Suite 509

Topeka, Kansas 66603

(785) 235-6977

Attorney for Petitioner

(To Publisher, please publish once a week for three weeks. Please return proof of publication to our office. Thank you.)

PL0139647

Sep 15,22,29 2023

LEGAL PUBLICATION
NOTICE OF PUBLIC SALE

To satisfy the operator's storage lien, PS Orange Co. Inc. will sell at public lien sale on September 29, 2023, the personal property in units subject to lien at the following facilities which may include but are not limited to: household and personal items, office and other equipment. The public sale of these items will begin at 08:00 AM and continue until all units are sold. The lien sale is to be held at the online auction website, www.storagetreasures.com, where indicated. For online lien sales, bids will be accepted until 2 hours after the time of the sale specified.

PUBLIC STORAGE # 24429, 6805 E Harry St, Wichita, KS 64804, (316) 223-7218

Time: 08:00 AM Unit: 2729, Derrick Gervais, Stingray Boat, No VIN.

PUBLIC STORAGE #24434, 1445 S Tyler Rd, Wichita, KS 67209, (316) 223-7830

Time: 08:00AM Unit: 0383, George Martin, 2005 Kawasaki ZX636-C1, VIN: JKBZXJC1X5A013908

Unit: 2756, Edward Billips, 1984 Chevy Camper, VIN: 2GBJG31N4E2147271

PUBLIC STORAGE #24435, 3515 W Maple St, Wichita, KS 67213, (316) 226-6931

Time: 08:00AM Unit: 2715, Santora Walden, 1996 Ford Ranger, VIN: 1FTCR10A1TPA47818

Unit: 2717, Santora Walden, 2007 Chevy Impala, VIN: 2G1WB58K979289464

Sale to be held at www.storagetreasures.com

Public sale terms, rules, and regulations will be made available prior to the sale. All sales are subject to cancellation. We reserve the right to refuse any bid. Payment must be in cash or credit card-no checks. Buyers must secure the units with their own personal locks. To claim tax-exempt status, original RESALE certificates for each space purchased is required. By PS Orangeco, Inc., 701 Western Avenue, Glendale, CA 91201 (818) 244-8080.

PL0140185

Sep 22 2023

(PUBLISHED IN THE WICHITA EAGLE ON SEPTEMBER 22, 2023)
SUMMARY OF ORDINANCE NO. 52-370

On September 19, 2023, the City Council of the City of Wichita, Kansas (the "City") passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TAXABLE GENERAL OBLIGATION BONDS, SERIES 833, OF THE CITY OF WICHITA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 833 Bonds approved by the Ordinance are being issued in the principal amount of $2,135,000, to finance certain public improvements for the City, and constitute general obligations of the City payable as to both principal and interest in part from special assessments and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 13th Floor, City Hall, 455 North Main, Wichita, Kansas 67202-1679. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wichita.gov.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: September 19, 2023.

Jennifer Magana, Director of Law and City Attorney

PL0140533

Sep 22 2023

(PUBLISHED IN THE WICHITA EAGLE ON SEPTEMBER 22, 2023)
SUMMARY OF ORDINANCE NO. 52-371

On September 19, 2023, the City Council of the City of Wichita, Kansas (the "City") passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BOND AND INCREMENT FINANCING BONDS, SERIES 965, OF THE CITY OF WICHITA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 965 Bonds approved by the Ordinance are being issued in the principal amount of $4,220,000, to finance certain internal improvements for the City, and constitute general obligations of the City payable as to both principal and interest from incremental property tax revenues derived in certain tax increment financing districts within the City and, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 13th Floor, City Hall, 455 North Main, Wichita, Kansas 67202-1679. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wichita.gov.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: September 19, 2023.

Jennifer Magana, Director of Law and City Attorney

PL0140530

Sep 22 2023

KANSAS.COM

LEGAL PUBLICATION
NOTICE OF INTENT TO DISPOSE OF OR SELL PROPERTY
TO: Carol Tucho, Jonathon Tucho, and all others in possession by, through or under them,

Please take notice that on or after September 30th, 2023, the contents of 1928 E. 47th St. S. #7 will be sold or otherwise disposed of by Stonewood Acres, LLC. Items that will be disposed of include a couch, mattresses, a chest, carpet shampooer and various small personal items.

PL0140335

Sep 22 2023

The Wichita Eagle
jobs.kansas.com

133019

(Published in the Wichita Eagle, on September 22, 2023)
RESOLUTION NO. 23-367

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING PHASE 1 – COURTYARDS AT THE MOORINGS ADDITION (472-2022-00520).

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the "Governing Body") has heretofore by Resolution No. 23-334 of the City (the "Prior Resolution) authorized certain internal improvements; and

WHEREAS, the estimated or probable cost of the proposed improvements authorized by the Prior Resolution has changed;

WHEREAS, pursuant to the receipt of a new petition (the "Petition"), it is necessary to authorize the improvements requested therein by the adoption of a new resolution of the City and repeal the Prior Resolution; and

WHEREAS, the Petition was filed with the City Clerk proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 et seq (the "Act"); and

WHEREAS, the Governing Body hereby finds and determines that said Petition was signed by the owners of record of more than one-half of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Repealer. The Prior Resolution is hereby repealed.

Section 2. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of pavement on Portwest St. from the southwest corner of Lot 9, Block 9 to the intersection of Portwest St., Portwest Cir., and Driftwood St. near the northwest corner of Lot 1, Block 5 serving Lots 18 through 27, Block 2; Paving on Portwest Cir. from the intersection of Portwest St., Portwest Cir., and Driftwood St. near the northwest corner of Lot 1, Block 5 to the northeast corner of Lot 15, Block 2 serving Lots 15 through 17, Block 2; Paving on Driftwood St. from the intersection of Portwest St., Portwest Cir., and Driftwood St. near the northwest corner of Lot 1, Block 5 to a point approximately 1060 feet East serving Lots 1 through 14, Block 2; Paving on Harborside Dr. from the south edge of Driftwood St. near the northeast corner of Lot 1, Block 4 to the north edge of Shearwater St. near the southeast corner of Lot 1, Block 9; Paving on Sandkey St. from the south edge of Driftwood St. near the northeast corner of Lot 1, Block 3 to the north edge of Shearwater St. near the southeast corner of Lot 4, Block 8 serving Lots 1 through 7, Block 1, with drainage to be installed where necessary

Construction of alley pavement from the East edge of Portwest St. near the northwest corner of Lot 5, Block 9 to the west edge of Harborside Dr. near the northeast corner of Lot 1, Block 9 serving Lots 5 through 8, Block 6, and Lots 1 through 5, Block 9; Alley pavement from the east edge of Portwest St. near the northwest corner of Lot 1, Block 5 to the west edge of Harborside Dr. near the northeast corner of Lot 4, Block 6 serving Lots 1 through 4, Block 4, and Lots 1 through 4, Block 6; Alley pavement from the south edge of alley pavement near the northwest corner of Lot 1, Block 5 to the north edge of alley pavement near the southeast corner of Lot 5, Block 5 serving Lots 1 through 5, Block 5; Alley paving from the east edge of Harborside Dr. near the southeast corner of Lot 5, Block 3 to the west edge of Sandkey St. near the southeast corner of Lot 1, Block 3 serving Lots 1 through 5, Block 3; Alley paving from the east edge of Harborside Dr. near the southeast corner of Lot 1, Block 4 to the north edge of Shearwater St. near the southeast corner of Lot 10, Block 7 to the west edge of Sandkey St. near the southeast corner of Lot 6, Block 7 serving Lots 6 through 10, Block 7, and Lots 1 through 4, Block 8; Alley paving from the east edge of Sandkey St. near the northwest corner of Lot 10, Block 1 to the northeast corner of Lot 6, Block 1 serving Lots 6 through 10, Block 1; Alley paving from the south edge of Shearwater St. near the northeast corner of Lot 1, Block 10 to the north edge of Whimbrel St. near the southeast corner of Lot 3, Block 10 serving Lots 1 through 3, Block 10, and Lots 1 through 4, Block 11.

Construction of sidewalk along the east side of Portwest St. from the southwest corner of Lot 5, Block 9 to the intersection of Portwest St., Portwest Cir., and Driftwood St. near the northwest corner of Lot 1, Block 5; Sidewalk along the east side of Portwest Cir. from the intersection of Portwest St., Portwest Cir., and Driftwood St. near the southwest corner of Lot 14, Block 2 to a point approximately 410 feet north; Sidewalk along the south side of Driftwood St. from the intersection of Portwest St., Portwest Cir., and Driftwood St. near the northwest corner of Lot 1, Block 5 to a point approximately 1060 feet east; Sidewalk along the east and west sides of Harborside Dr. from the south edge of Driftwood St. near the northeast corner of Lot 4 to the north edge of Shearwater St. near the southeast corner of Lot 1, Block 9; Sidewalk along the west side of Sandkey St. from the south edge of Driftwood St. near the northeast corner of Lot 1, Block 3 to the north edge of Shearwater St. near the southeast corner of Lot 4, Block 8; Sidewalk from the south edge of Shearwater St. near the northeast corner of Lot 1, Block 11 to the north edge of Whimbrel St. near the southeast corner of Lot 3, Block 10; Sidewalk from the south edge of Shearwater St. near the northeast corner of Lot 1, Block 10 to the north edge of Whimbrel St. near the southeast corner of Lot 4, Block 11; Sidewalk from the west edge of Sandkey St. near the southwest corner of Lot 10, Block 1 to the southeast corner of Lot 6, Block 1; Sidewalk along the north, west, and south sides of Reserve L; Sidewalk along the north and south sides of Reserve K.

(b) The estimated or probable cost of the proposed improvements are $1,858,000.00, the acquisition costs of improvements already owned by the City and previously financed by the issuance of revenue bonds are $0, for a total of $1,858,000.00, exclusive of interest on financing and administrative and financing costs; said estimated amount, excluding acquisition costs for such previously owned improvements, to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City, if expenses have been incurred for the improvements and construction has not started within two years of the initial design contract, the improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the improvement District defined below in accordance with the provisions hereof.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

COURTYARDS AT THE MOORINGS ADDITION to the City of Wichita, Sedgwick County, Kansas Lots 1-10, Block 1; Lots 15-27, Block 2; Lots 1-5, Block 3; Lots 1-4, Block 4; Lots 1-5, Block 5; Lots 1-8, Block 6; Lots 1-10, Block 7; Lots 1-4, Block 8; Lots 1-5, Block 9; Lots 1-3, Block 10; Lots 1-4, Block 11

COURTYARDS AT THE MOORINGS SECOND ADDITION to the City of Wichita, Sedgwick County, Kansas

Lots 1-16, Block 1;

(d) The proposed method of assessment is equally per lot (87 lots)

In the event that the driveway approaches and curb cuts are not included within the scope of the Improvements and the estimated cost thereof as set forth in subsection (b) above, the costs of such driveway approaches and curb cuts so constructed shall be directly assessed to the property benefited thereby in addition to the assessments levied for the Improvements.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the reconfigured area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to, and accepted by, the City of Wichita.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 3. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in Section 2 of this Resolution.

Section 4. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 5. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of the Prior Resolution, and 60 days before the date of adoption of this Resolution, to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation § 1.150-2.

Section 6. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on September 19, 2023

(SEAL)

Brandon J. Whipple, Mayor

ATTEST:

Jamie Buster, City Clerk

APPROVED AS TO FORM:

Jennifer Magana, City Attorney and Director of Law

PL0140484

Sep 22 2023

TOO MANY CHORES AND NOT ENOUGH TIME?
Let Classifieds Help
The Wichita Eagle

OCA 150004
PUBLISHED IN THE WICHITA EAGLE ON September 22, 2023
ORDINANCE NO. 52-363

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. ZON2023-00042

Zone change request in the City from LC Limited Commercial District to GC General Commercial District zoning subject to the provisions of Protective Overlay #419, on property legally described as:

The North 2 acres of Lot 12, EXCEPT the West 260 feet thereof, Russell Tracts Addition, Sedgwick County, Kansas.

AND

Beginning at the Southeast Corner of the Amidon Acres Addition (90016498 +/- 87 feet Southeasterly; thence West +/- 292 feet; thence North +/- 26 feet; thence East +/- 92 feet; thence Northeasterly +/- 162.29 feet to Point of Beginning in Section 31, Township 26 South, Range 1 East of the 6th PM. in Wichita, Sedgwick County, Kansas.

Protective Overlay #419

The property is restricted to all uses permitted in the LC Limited Commercial District zoning, in addition to, the following uses as permitted in GC General Commercial District: Vehicle Storage Yard and Vehicle and Equipment Sales (Outdoor).

Vehicle and Equipment Sales (Outdoor) shall remain subject to the Supplementary Use Regulations defined in Sec. III-D.6.x of the Unified Zoning Code according to LC Limited Commercial District standards. This supersedes the conditions outlined in CON2021-00053.

Parking shall be provided in accordance with Article IV of the Unified Zoning Code

Signs shall be in accordance with the LC Limited Commercial District in the Sign Code of the City of Wichita, with the following additional requirements:

Portable signs are not allowed.

Ground signs shall be monument type.

No off-site/billboard signs.

No illuminated building signs on the south, east, or west elevations.

Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).

The height of all light poles, including pole base, is limited to 15 feet.

All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.

Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Code.

No outdoor speaker systems shall be permitted.

Rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.

Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.

If used for Vehicle Storage Yard, the following restrictions shall apply:

Use of the vehicle storage yard shall be used for the storage of operable vehicles only, and in no case shall it be used for dismantling of any vehicle or equipment.

Paving: the storage area and all entrance/exit drives on private property shall be surfaced with asphalt, concrete or surfacing as required by the Unified Zoning Code and shall be maintained in good condition and free of weeds, trash, and other debris.

Any changes in uses on-site shall require an amendment to the Protective Overlay.

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 19th day of September 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

PL0140488

Sep 22 2023

LOOKING FOR THAT PERFECT NEW JOB?
Let Classifieds Help
The Wichita Eagle

LEGAL PUBLICATION
CITY OF WICHITA

Notice to Waheedah Shabazz and all interested parties. Personal property left in your former rental unit will be disposed of in 30 days on October 21, 2023. If interested in reclaiming said-property, please contact the Public Housing Division at 462-3737.

PL0140838

Sep 22 2023

CLOSET GETTING TOO FULL?
Let Classifieds Help
The Wichita Eagle

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
16399	445196	Print Legal Ad-IPL01317500 - IPL0131750		$137.55	2	82 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 July 20, 2023
(One Time Only)
MAPC/BZA August 10, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 10, 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.

PUD2023-00007: Zone change request in the City from SF-5 Single-Family Residential District to PUD Planned Unit Development #115 to allow for the development of an athletic fields; generally located one-quarter mile west of West 135th Street, on the south side of West 21st Street North.

ZON2023-00042: Zone change request in the City from LC Limited Commercial District to GC General Commercial District to allow for future development; generally located on the southwest corner of North Amidon Avenue and West 33rd Street North (3357 North Amidon Avenue).

ZON2023-00043: Zone change in the City from B Multi-Family District to LC Limited Commercial District to allow commercial uses; generally located on the northeast corner of May Avenue and Dodge Avenue (1222 West May Avenue).

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=a0k3bW0ySlBNbFJQTDFyV0xP-VDBXUT09
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/u/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 July 20, 2023
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0131750
Jul 20 2023

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

1 insertion(s) published on:
07/20/23

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 07/20/2023 to 07/20/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 07/20/2023

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. 4.3

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: August 10, 2023
DAB VI: August 14, 2023

CASE NUMBER: ZON2023-00042 (City)

APPLICANT/AGENT: Joan Aboud, Central Plains Development LLC (Applicants)/Jeremiah Leathers (Agent)

REQUEST: GC General Commercial District

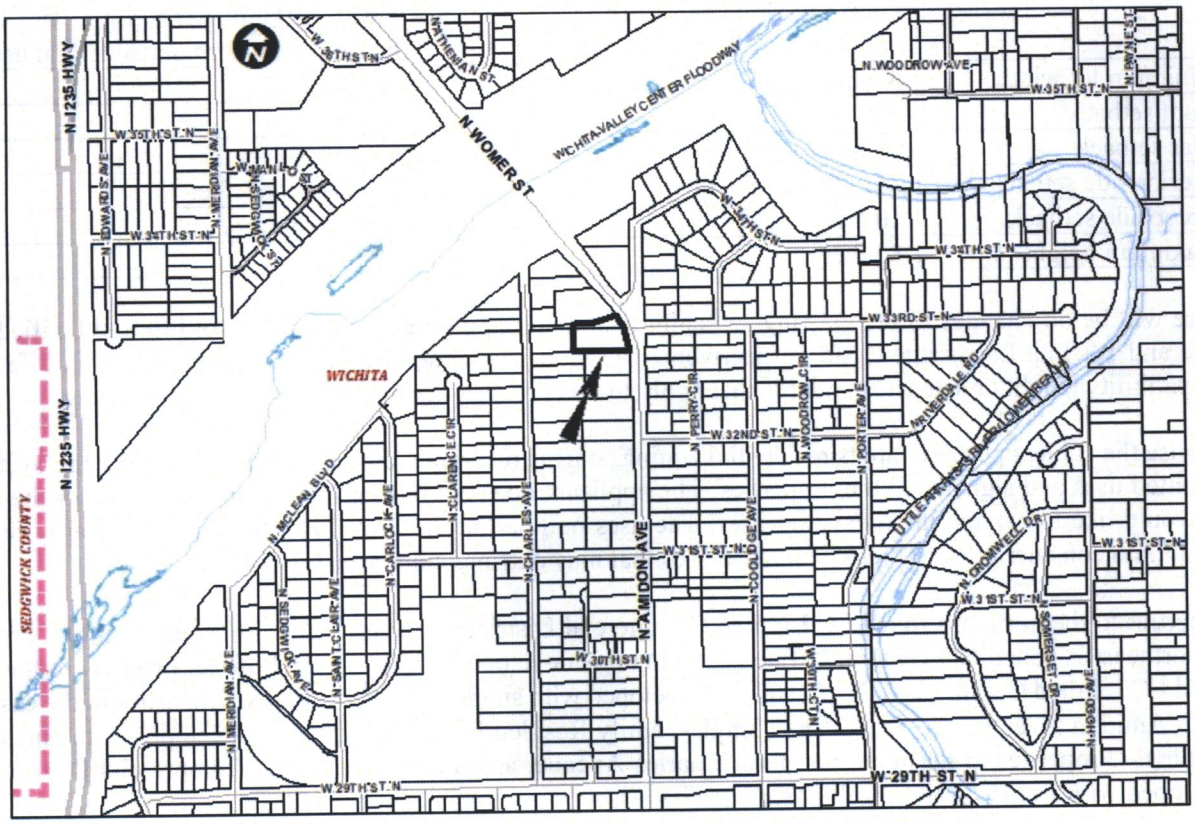
CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 1.23 acres

LOCATION: Generally located on the west side of North Amidon Avenue and the east side of North Charles Avenue, within one-quarter mile south of West 29th Street North (3357 North Amidon Avenue).

PROPOSED USE: Future development.

RECOMMENDATION: Approve subject to Protective Overlay #419.



BACKGROUND: The applicant is requesting a zone change from LC Limited Commercial District to GC General Commercial District. The 1.23-acre property is located on the west side of North Amidon Avenue, within one-quarter mile south of West 37th Street North (3357 North Amidon Avenue). The subject site is currently developed with an auto dealership.

The applicant has not specified the intended use for the site. General Commercial District permits more uses than Limited Commercial District. Some of the permitted uses include:

> Auditorium or Stadium, Microbrewery, Manufacturing (General), Recycling Processing Center, Riding Academy or Stable, Rodeo in the City, Sexually Oriented Business in the City, Research Services, Storage (Outdoor, as a Principal Use), Tattooing and Body Piercing Facility, Vehicle Repair (General), Vehicle Storage Yard, Warehousing, Welding or Machine Shop, Wholesale or Business Services.

In addition, Animal Care (General), Kennel (Hobby or Boarding/Breeding/Training), Manufacturing (Limited), Mobile Food Unit in the City, Monument Sales, Printing and Publishing (General), Recreation and Entertainment (Outdoor), Recreational Vehicle Campground, Vehicle and Equipment Sales (Outdoor), and Warehouse (Self-Service Storage) are permitted by-right GC General Commercial but only permitted in LC Limited Commercial with a Conditional Use. Gas and/or Fuel Storage and Sales is allowed by Conditional Use in GC General Commercial District and not permitted in LC Limited Commercial District.

The requested zone change would generally allow a reduction in setbacks. There will be no changes to minimum lot area or width, front and interior side setback requirements, or maximum height.

Development Standard	LC Limited Commercial District	GC General Commercial District
Minimum lot area	2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 580 square feet per Dwelling Unit for Multi-Family (maximum 75.1 Dwelling Units per acre); no minimum for nonresidential uses	2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 580 square feet per Dwelling Unit for Multi-Family (maximum 75.1 Dwelling Units per acre); no minimum for nonresidential uses
Minimum lot width	No minimum	No minimum
Front setback	20 feet	20 feet
Rear setback	10 feet	No minimum
Interior side setback	Zero feet or 5 feet	Zero feet or 5 feet
Street side setback	10 feet	No minimum
Maximum height	80 feet	80 feet

There will be no changes to the existing screening and landscaping requirements set forth in the Unified Zoning Code and Wichita Landscape Code, respectively. The requested zone change will also not have an effect on the compatibility height or setback standards that apply to this property when abutting residential zoning.

Because the subject property abuts residential zoning, staff is recommending a Protective Overlay that restricts the permitted uses and signage on the properties. The applicant does not have a specific intended use for the property but would like to expand upon existing uses. The uses outlined in the Protective Overlay take nearby residential zoning into consideration and restrict intense uses that may detrimentally affect nearby properties.

Properties to the north are zoned LC Limited Commercial District and developed with a general store. Property to the northeast is zoned GO General Office District and is developed with a medical office. Property to the south is zoned LC Limited Commercial District and is developed with single-family dwellings. Properties to the east, across North Amidon Avenue, are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. Properties to the west, on North Charles Avenue, are zoned LC Limited Commercial District and are developed with single-family dwellings.

CASE HISTORY: The northern half of the property is unplatted. Platting will be required prior to the issuance of building permits. On March 22, 1911, the southern half of the property was platted as Lot 12 in the Russell Tracts Addition. In 2004, the applicant requested a zone change from LC Limited Commercial District to OW Office Warehouse District, subject to Protective Overlay #143. However, this application was later voided (ZON2004-00029). A lot split was required within one year of approval from the final governing body, as a condition of approval, and that condition was not met. On December 17, 2021, the Metropolitan Area Planning Commission approved a Conditional Use for Vehicle and Equipment Sales, Outdoor on the site (CON2021-00053).

ADJACENT ZONING AND LAND USE:

NORTH:	LC	General store
NORTHEAST:	GO	Medical office
SOUTH:	LC	Single-family dwellings
EAST:	SF-5	Single-family dwellings
WEST:	LC, SF-5	Single-family dwelling

PUBLIC SERVICES: The subject site currently has access to North Amidon Avenue, which is a four-lane arterial street with sidewalks on each side. Municipal services, such as water, sanitary sewer and stormwater services, already exist on site. Wichita Transit serves this area within one-half mile south of the subject site, on the southwest corner of West 29th Street North and North Amidon Avenue.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in partial conformance with the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan), which includes the 2035 Future Growth Concept Map, recommends the subject site as appropriate for "Commercial" uses. The *Plan* defines "Commercial" as "*areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses*."

The Land Use Compatibility Guidelines of the *Community Investments Plan* state that "Higher-intensity development should be discouraged from locating in areas of existing lower-intensity development, particularly established low-density residential areas; industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts." The subject site is adjacent to residential zoning and low-density residential properties on its south, east, and west sides. The Protective Overlay restricts the more intense uses associated with GC General Commercial District on the property, and the site will adhere to the Wichita Landscape Code and UZC screening requirements to mitigate new uses on the property.

The requested zone change is in conformance with the *Wichita: Places for People Plan*. The subject site is located within an Area of Stability, which the *Plan* defines as "locations within the Established Central Area (ECA) that exhibit less stress, or fewer economic, connectivity and accessibility issues than the Areas of Opportunity. Areas of Stability 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 information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to Protective Overlay #419, which reads:

1. The property is restricted to all uses permitted in the LC Limited Commercial District zoning, in addition to, the following uses as permitted in GC General Commercial District: Vehicle Storage Yard and Vehicle and Equipment Sales (Outdoor).

2. Vehicle and Equipment Sales (Outdoor) shall remain subject to the Supplementary Use Regulations defined in Sec. III-D.6.x of the Unified Zoning Code according to LC Limited Commercial District standards. This supersedes the conditions outlined in CON2021-00053.
3. Parking shall be provided in accordance with Article IV of the Unified Zoning Code.
4. Signs shall be in accordance with the LC Limited Commercial District in the Sign Code of the City of Wichita, with the following additional requirements:
    a. Portable signs are not allowed.
    b. Ground signs shall be monument type.
    c. No off-site/billboard signs.
    d. No illuminated building signs on the south, east, or west elevations.
5. Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
6. The height of all light poles, including pole base, is limited to 15 feet.
7. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
8. Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Code.
9. No outdoor speaker systems shall be permitted.
10. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.
11. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
12. If used for Vehicle Storage Yard, the following restrictions shall apply:
    a. Use: the vehicle storage yard shall be used for the storage of operable vehicles only, and in no case shall it be used for dismantling of any vehicle or equipment.
    b. Paving: the storage area and all entrance/exit drives on private property shall be surfaced with asphalt, concrete or surfacing as required by the Unified Zoning Code and shall be maintained in good condition and free of weeds, trash, and other debris.
13. Any changes in uses on-site shall require an amendment to the Protective Overlay.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is mixed use. Properties to the north of the subject sites are zoned LC Limited Commercial District and are currently undeveloped. Property to the northeast is zoned GO General Office District and is developed with a medical office. Properties to the south are zoned LC Limited Commercial District and SF-5 Single-Family Residential District and are developed with single-family dwellings. Properties to the east, across North Amidon Avenue, are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. Properties to the west, on North Charles Avenue, are zoned LC Limited Commercial District and SF-5 Single-Family Residential District and developed with single-family dwellings.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned LC Limited Commercial District, which is suitable for a limited number of commercial, residential, public, and civic uses.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate the removal of restrictions to have a significant detrimental impact on nearby property. The Protective Overlay should mitigate potential impacts associated with GC General Commercial District zoning, such as light pollution and odor.

4. **Length of time subject property has remained vacant as zoned:** The property has been developed with a commercial building since 1960.

5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would permit new development in an area that is appropriate for such development. Denial may represent a loss of economic opportunity for 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.

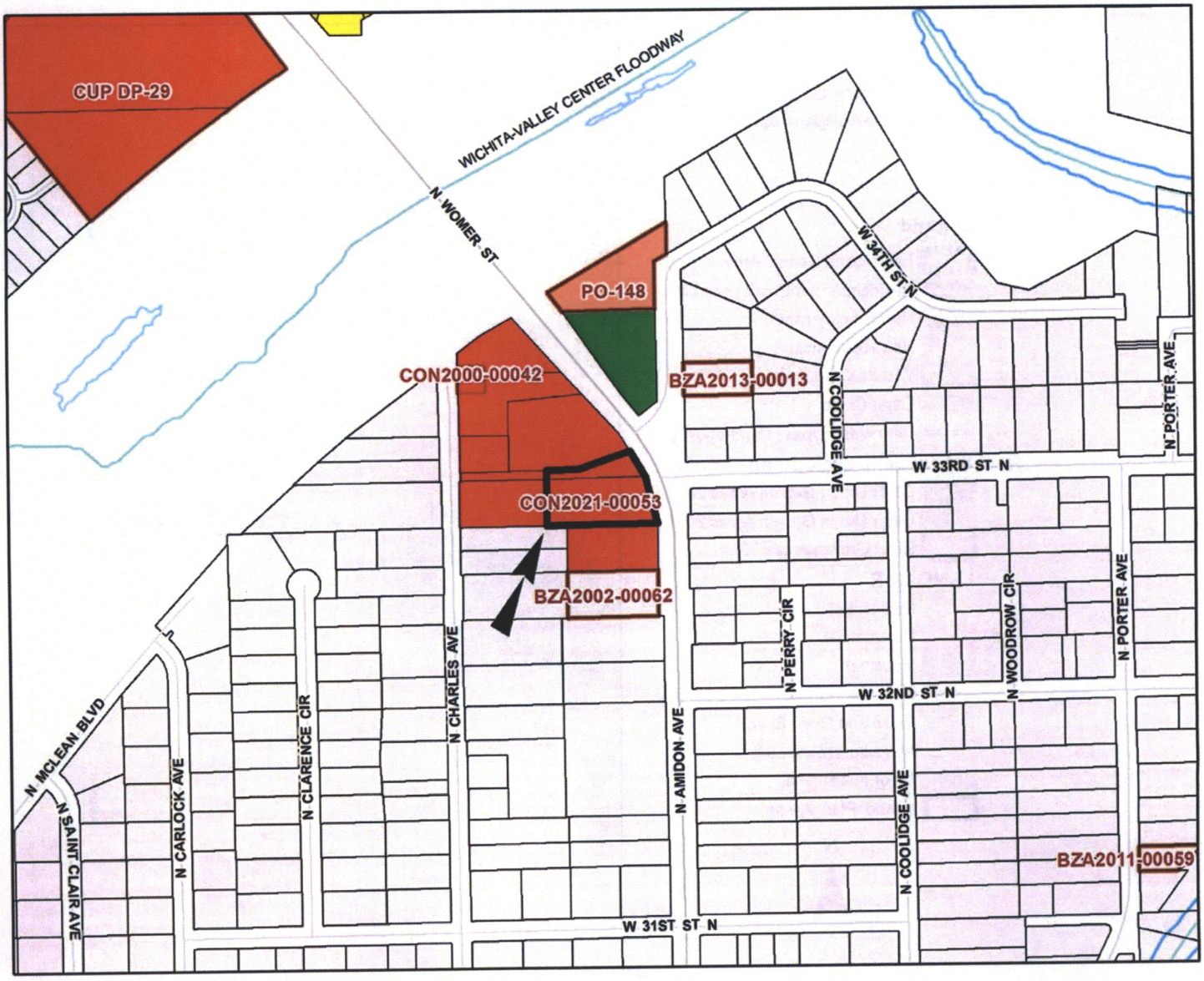
7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate the requested zone change will have a significant impact on community facilities.

8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff received three phone calls in opposition to the requested zone change.

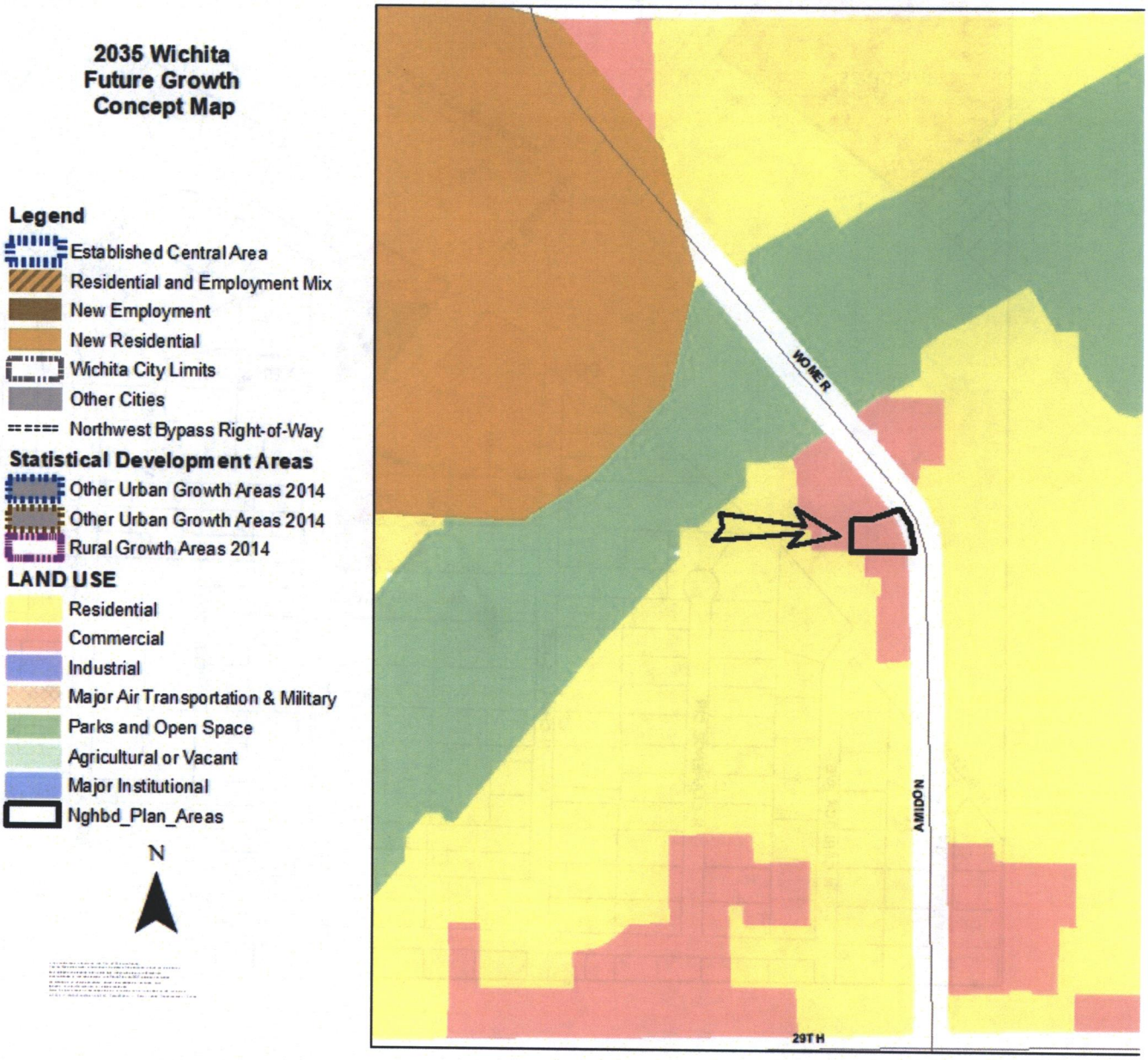
Staff Report Attachments:

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


N
N WOMER ST
N AMIDON AVE
N CHARLES AVE
N AMIDON AVE


CUP DP-29
WICHITA-VALLEY CENTER FLOODWAY
N WOMER ST
PO-148
CON2000-00042
BZA2013-00013
W 34TH ST N
N COOLIDGE AVE
N PORTER AVE
W 33RD ST N
CON2021-00053
BZA2002-00062
N PERRY CIR
N WOODROW CIR
W 32ND ST N
N CHARLES AVE
N AMIDON AVE
N MCLEAN BLVD
N SAINT CLAIR AVE
N CARLOCK AVE
N CLARENCE CIR
BZA2011-00059
W 31ST ST N

2035 Wichita Future Growth Concept Map



Looking west towards site



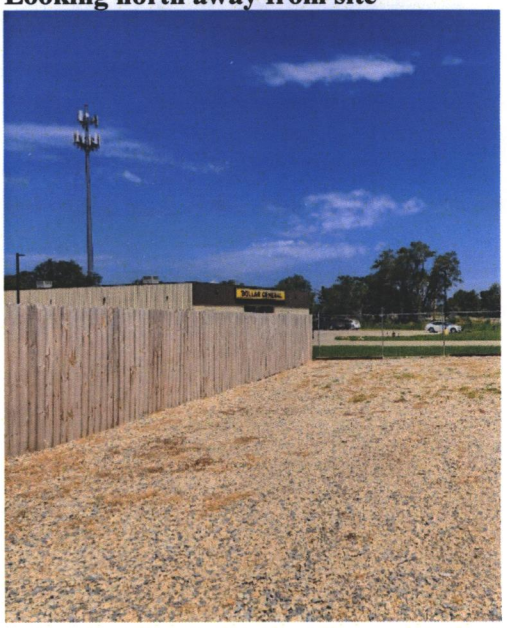
Looking west away from site



Looking east away from site



Looking north away from site



Looking south away from site



Looking north towards site

