



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,

A handwritten signature in cursive script that reads "Christina Rieth".

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.
 - 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.

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
Current Plans
Associate Planner

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

Sept. 22, 2023ORDINANCE 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

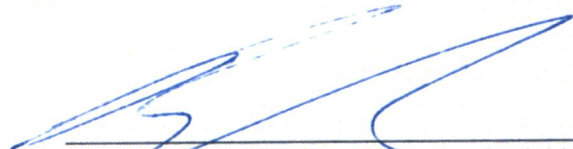
1. The property is restricted to all uses permitted in the LC Limited Commercial District zoning, in addition to, the following uses as permitted in GC General Commercial District: Vehicle Storage Yard and Vehicle and Equipment Sales (Outdoor).
2. Vehicle and Equipment Sales (Outdoor) shall remain subject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

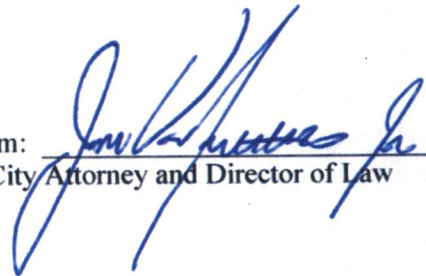

Brandon J. Whipple, Mayor, City of Wichita

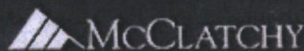
ATTEST:


Jamie Buster, City Clerk

(SEAL)



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



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Braderon 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. II-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 incorporated as a part of the Wichita - Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 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, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 09/22/2023 to 09/22/2023.

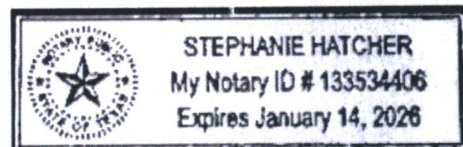
Stefani Beard

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



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



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	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/EZA 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=a0k3bW0ySjBnbFJQTDFyV0xP-VDEKUT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699006833,4089866967#,,,094136# US (San Jose)

+17193594580,4089866967#,,,094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBnbFJQTDFyV0xP-VDEKUT09>

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.

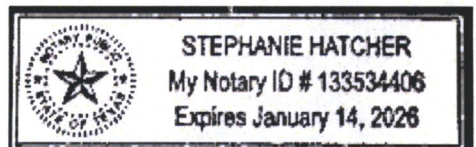
M. Hayley

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



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

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:

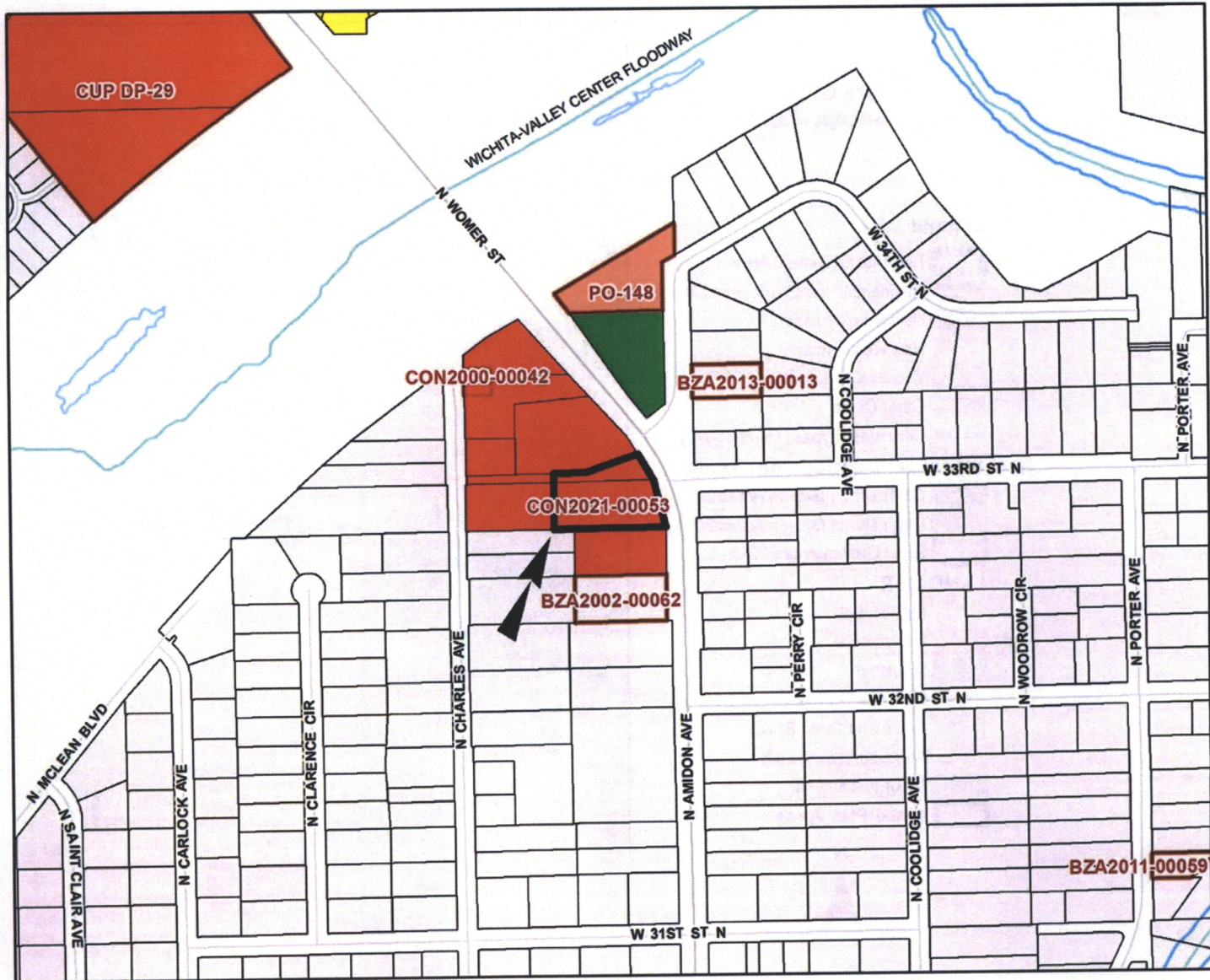
1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is mixed use. Properties to the north of the subject sites are zoned LC Limited Commercial District and are currently undeveloped. Property to the northeast is zoned GO General Office District and is developed 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





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

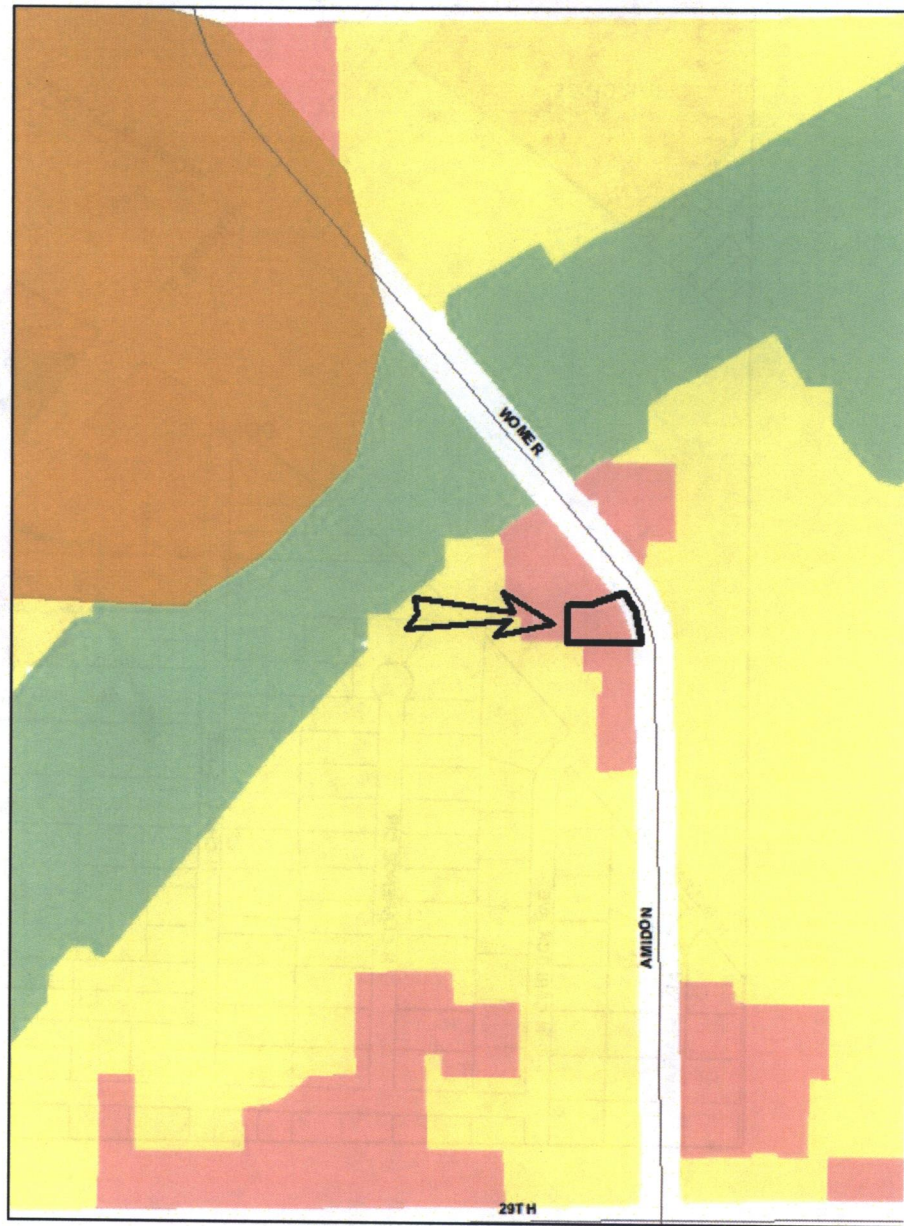
-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd_Plan_Areas



Wichita Future Growth Concept Map
2035
Metropolitan Area Planning Commission
2023
The map is a conceptual representation of future growth and is not intended to be used for legal purposes.
The map is a conceptual representation of future growth and is not intended to be used for legal purposes.
The map is a conceptual representation of future growth and is not intended to be used for legal purposes.



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

