



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Sheryl and Brock Baker
11611 W. Ponderosa
Wichita, KS 67212

January 22, 2024

Alan Albarracin
12021 E 13th St. N
Wichita, KS 67206

RE: ZON2023-000065 – Zone Change request in the City from SF-5 Single-Family Residential District to GO General Office District, generally located on the east side of North Tyler Road and within one-quarter mile north of West 29th Street North (3224 North Tyler Road).

Dear Applicant;

At its regular meeting on **January 16, 2024**, the Wichita City Council considered the above captioned requests. The action of the City Council was to **APPROVE** of the zone change from SF-5 Single-Family Residential to GO General Office District.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly
Current Plans
Senior Planner

CC: J.V. Johnston, Council Member District V
Teresa Veazey, CSR, District V
MABCD
Karen Monteith, 3145 N Pepper Ridge St. Wichita, KS 67205



FILE COPY

**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Sheryl and Brock Baker
11611 W. Ponderosa
Wichita, KS 67212

December 18, 2023

Alan Albarracin
12021 E 13th St. N
Wichita, KS 67206

RE: ZON2023-000065 – Zone Change request in the City from SF-5 Single-Family Residential District to GO General Office District, generally located on the east side of North Tyler Road and within one-quarter mile north of West 29th Street North (3224 North Tyler Road).

Dear Applicant,

At its regular meeting on **December 14, 2023**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request to change zoning from SF-5 Single-Family Residential to GO General Office District.

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 December 28, 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 **December 28, 2023, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, January 16, 2024** 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 316-268-4421.

Sincerely,

Brad Eatherly

Current Plans
Senior Planner

CC: Bryan Frye, Council Member District V
Teresa Veazey, CSR, District V
MABCD
Karen Monteith, 3145 N Pepper Ridge St. Wichita, KS 67205

OCA 150004

(Published in the Wichita Eagle, 1/26/24)

ORDINANCE NO. 52-328

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. ZON2023-00065

City zone change from SF-5 Single-Family Residential District to GO General Office District zoning on property subject to the provisions of Protective Overlay #427, legally described as:

Lot 1, Block 1; and Reserve A, in the Northwest Methodist Addition, Wichita, Sedgwick County, Kansas

Protective Overlay #427

1. Permitted uses are restricted to those uses permitted by-right in the SF-5 Single Family Residential District and "Funeral Home" as permitted by-right in the GO General Office District.

SECTION 2. That upon the taking effect of this ordinance, the above zoning change 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 23rd day of Jan., 2024.



Lily Wu, Mayor, City of Wichita

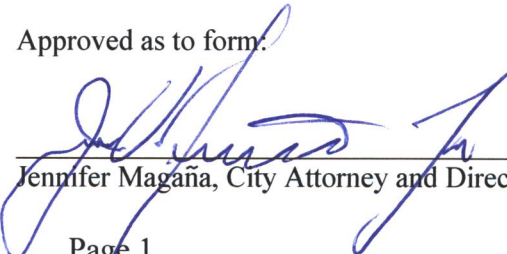
ATTEST:



Jamie Buster, City Clerk
(SEAL)



Approved as to form:



Jennifer Magaña, City Attorney and Director of Law



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenot Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
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The Modesto Bee
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Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	513203	Print Legal Ad-IPL01567120 - IPL0156712		\$65.70	2	39 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*, January 26, 2024)

ORDINANCE NO. 52-328
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. ZON2023-00065

City zone change from SF-5 Single-Family Residential District to GO General Office District zoning on property subject to the provisions of Protective Overlay #427, legally described as:
Lot 1, Block 1; and Reserve A, in the Northwest Methodist Addition, Wichita, Sedgwick County, Kansas
Protective Overlay #427

Permitted uses are restricted to those uses permitted by-right in the SF-5 Single Family Residential District and "Funeral Home" as permitted by-right in the GO General Office District.

SECTION 2. That upon the taking effect of this ordinance, the above zoning change 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 23rd day of January 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magan a, City Attorney and Director of Law

IPL0156712

Jan 26 2024

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

1 insertion(s) published on:

01/26/24

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 01/26/2024 to 01/26/2024.

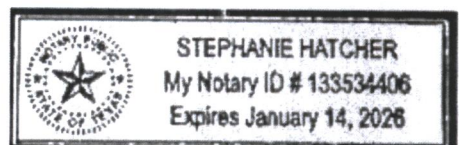
Stefani Beard

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

DATED: 01/29/2024

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!



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	492203	Print Legal Ad-IPL01488550 - IPL0148855		\$206.32	3	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 MAPC/BZA December 14, 2023 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, December 14, 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 in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. **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.**

CON2023-00057: Conditional Use to replace a previously constructed 499-foot wireless radio tower, generally located on the west side of North Salina Avenue and approximately 650 feet south of West 29th Street North (2829 North Salina Avenue).

CON2023-00058: Conditional Use request in the City for Warehouse/Self-Storage on property zoned LC Limited Commercial, located 300 feet north of 13th Street North, on the east side of North Broadway (1451 North Broadway).

CON2023-00059: Conditional Use request in the City to permit live entertainment and alcohol with an Event Center (defined as Night Club in the City) on property zoned LC Limited Commercial located on the north side of West 21 Street and within one-quarter mile west of North Broadway Ave (320 W 21st).

CON2023-00061: Conditional Use request in the City for Group Residence, General, on property zoned B Multi-Family District, generally located on the east side of North Emporia Avenue, within 100 feet north of East 10th Street North (1110 North Emporia Avenue).

CUP2023-00040: Minor Amendment in the City to CUP DP-195 to allow a car wash on property zoned LC Limited Commercial, generally located on the west side of North Rock Road, within 750 feet north of K-96 (3505 North Rock Road).

CUP2023-00041: CUP Minor Amendment in the City to remove portions of land from CUP DP-116, generally located north of East Kellogg Drive and west of North Webb Road (associated with ZON2023-00067).

CUP2023-00042: CUP Major Amendment in the City to remove land from CUP DP-48, generally located north of East Kellogg Drive and east of North Webb Road (associated with ZON2023-00067).

CUP2023-00043: CUP Major Amendment in the City to add land to, and amend General Provisions of CUP DP-15, generally located on the north side of East Kellogg Drive and west of South Webb Road (associated with ZON2023-00067).

PUD2023-00014: Zone change request in the City from CBD Central Business District to PUD Planned Unit Development to create Century II PUD to allow the addition of temporary special events to the "CBD" uses, located southwest corner of West Douglas Avenue and South Main Street.

VAC2023-00044: Vacation request in the City to vacate 30 feet of the 40-foot drainage easement at the east property line for future development on property zoned LC Limited Commercial District, generally located on the north side of West MacArthur Road, within 350 feet east of South West Street (3920 W. MacArthur).

VAC2023-00046: Vacation of platted front yard setback line to allow window well to be built, generally located on the NE corner of North Brownthash Lane and West Frazier Lane (7442 West Frazier).

VAC2023-00047: Request in the City to vacate a portion of a platted alley located on the north side of East Waterman Street, between South Broadway and South Topeka Avenues.

ZON2023-00065: Zone Change request in the City from SF-5 Single-Family Residential to GO General Office for a funeral home, generally located on the east side of Tyler Road and within one-quarter mile north of West 29th Street North (3224 North Tyler Road).

ZON2023-00066: Zone change request in the City from TF-3 Two-Family Residential District to MF-29 Multi-Family Residential District to redevelop existing home into a multifamily dwelling, generally located on the southeast corner of South Osie Street and South Santa Fe Avenue (1704 South Santa Fe Avenue).

ZON2023-00067: Zone change from LC Limited Commercial District to GC General Commercial District (associated with CUP2023-00041, CUP2023-00042, CUP2023-00043), generally located north of East Kellogg Drive and west of South Webb Road.

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:

1) **Attend In-Person** at the **Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.** Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5:00 PM, 3 days prior to the meeting.

2) **Submit Comments Ahead of Time** regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) **If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.**

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/Planning>.

WITNESS MY HAND on November 22, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0148855

Nov 22 2023

In The STATE OF KANSAS
In and for the County of Sedgwick
1 insertion(s) published on:
11/22/23

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 11/22/2023 to 11/22/2023.

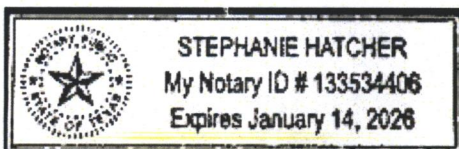
Stefani Beard

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

DATED: 11/22/2023

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!

BACKGROUND: The applicants are requesting a zone change from SF-5 Single-Family Residential District to GO General Office District on a platted lot totaling 9.54 acres in size. The property is generally located on the east side of North Tyler Road and within one-quarter mile north of West 29th Street North.

The applicant has proposed to use the property as a Funeral Home. In the past, the property has been used as a Church or Place of Worship. The Funeral Home use is a permitted use in the GO General Office District. The requested zone change to GO General Office District would have a reduction in setbacks and an increase in permitted building height, as seen in the table below:

Property Development Standards	SF-5 Single-Family Residential District	GO General Office District
Minimum lot area	5,000 square feet	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); 5,000 square feet for nonresidential uses
Front setback	25 feet	20 feet
Rear setback	20 feet	10 feet, subject to compatibility standards
Interior Side Setback	6 feet	15 feet, subject to compatibility standards
Maximum height	35 feet	60 feet, subject to compatibility standards
Minimum lot width	50 feet	No minimum

The property to the north is zoned SF-5 Single-Family Residential District and is considered farming or ranch land with agricultural improvements. Property to the south is zoned SF-5 Single-Family Residential District, and is developed with a single-family dwelling. Properties to the east are zoned SF-5 Single-Family Residential and are developed with single-family dwellings. Properties to the west, across North Tyler Road, are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings.

Section IV-B.2 of the Unified Zoning Code (UZY) requires screening of commercial properties when abutting or across a street or alley from residential zoning districts. Because the property abuts residential zoning all sides, the applicant will be required to provide a solid screening fence of at least six-feet in height along these property lines. The property will also need to adhere to the rules and regulations of the Wichita Sign Code, which prohibits building signs from facing residential zoning district if the building is within 150 feet of the residential lot line.

The applicant will need to adhere to the requirements of the Wichita Landscape Ordinance. In general, the ordinance requires one shade tree (or two ornamental trees) per 40 linear feet along the abutting residential property lines and a landscape street yard with parking lot screening will be required along North Tyler Road for any substantial changes to the existing building or additions to the existing parking lot. However, the property is heavily landscaped on the rear, on the street side, and on the south side of the property, which may be sufficient to meet the landscaping requirements.

The UZY Sec.IV-C.5.a, Compatibility Height standards states that no structure shall exceed 35 feet in height within 50 feet of the lot line of property zoned TF-3 or more restrictive. The proposed GO General Office District zoned site abuts and is adjacent to SF-5 Single-Family Residential District properties. Although an existing building is currently on the property, any future buildings or additions shall comply with the maximum height of 35 feet, which is the same as the abutting and adjacent SF-5 Single-Family Residential Districts on the north, east, south and west sides of the property. The minimum building compatibility setback shall be 15 feet plus one foot for each five feet of lot width over 50 feet.

CASE HISTORY: The property was platted on February 15, 2007 as Lot 1, Block 1 of the Northwest Methodist Addition. In 2006, the Board of Zoning Adjustments approved a request to permit parking within the front setback but no closer than 8 feet to the property line.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Agricultural Land
SOUTH:	SF-5	Single-family dwelling
EAST:	SF-5	Single-family dwellings
WEST:	SF-5	Single-family dwellings

PUBLIC SERVICES: The subject site has access to North Tyler Road, a four-lane arterial with sidewalks on both sides. The subject site has access to sewer, water, and stormwater services. Wichita Transit does not serve this site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in partial conformance with the *Community Investments Plan*. The *Community Investment Plan* (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as primarily appropriate for “New Residential.” The *Plan* defines “New Residential” as “*Areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.*” Staff believes that based on the former use of Church or Place of Worship, the proposed use of Funeral Home or other office uses would be appropriate for the property.

The Locational Guidelines of the *Community Investments Plan* provide a framework for decision-making regarding land use changes. Outside the Established Central Area, where the subject site is located, “residential and non-residential development areas generally should be separate and distinct with appropriate screening and buffering to ensure compatibility among land uses while maintaining connectivity among uses.” The proposed development will require screening and buffering in accordance with the Unified Zoning Code and the Wichita Landscape Ordinance.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

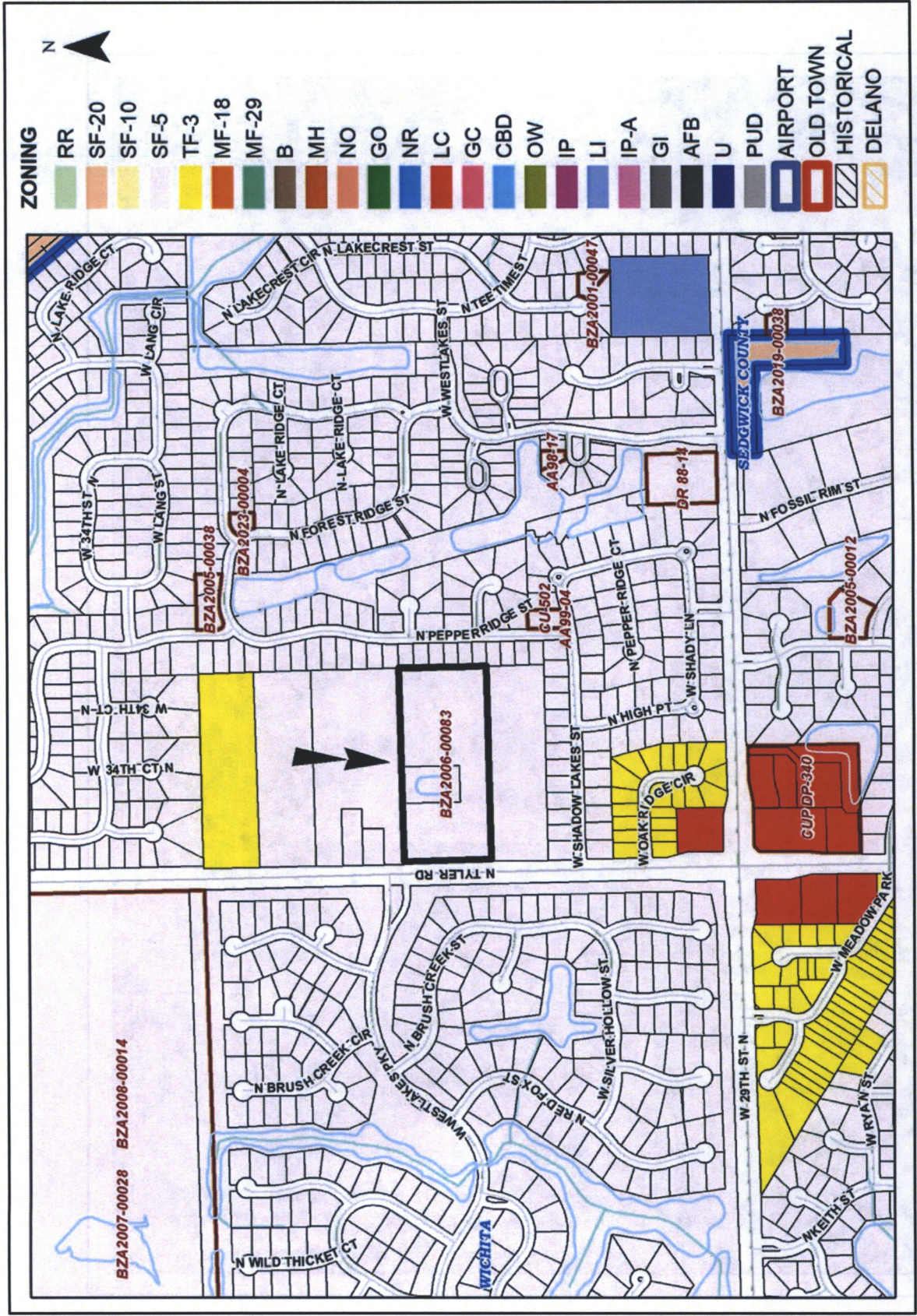
This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The property to the north is zoned SF-5 Single-Family Residential District and is considered farming or ranch land with agricultural improvements. Property to the south is zoned SF-5 Single-Family Residential District, and is developed with a single-family dwelling. Properties to the east are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. Properties to the west, across North Tyler Road, are zoned SF-5 Single-Family Residential District and are 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 SF-5 Single-Family Residential District, and is suitable for a limited number of residential, public, and civic uses, including single-family residences.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposal will bring a commercial use to an existing building that has been vacant. The applicable screening, setback and height compatibility standards in the Unified Zoning Code, along with the Wichita Landscape Ordinance, are designed to mitigate negative impacts of higher intensity uses (such as commercial development that is allowed by right in GO General Office District) abutting less intensive uses (single-family residential zoning), such as visual impacts, noise, and lighting.
4. **Length of time subject property has remained vacant as zoned:** The property was developed as a Church but has been unused for some time.

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 the site to be utilized as a commercial use rather than be a vacant, un-used building. Denial of the application may represent possible economic loss to the applicant.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning would continue to allow the property to be in partial conformance with the *Community Investments 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 negative impact on community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any comments from the public on the requested zone change.

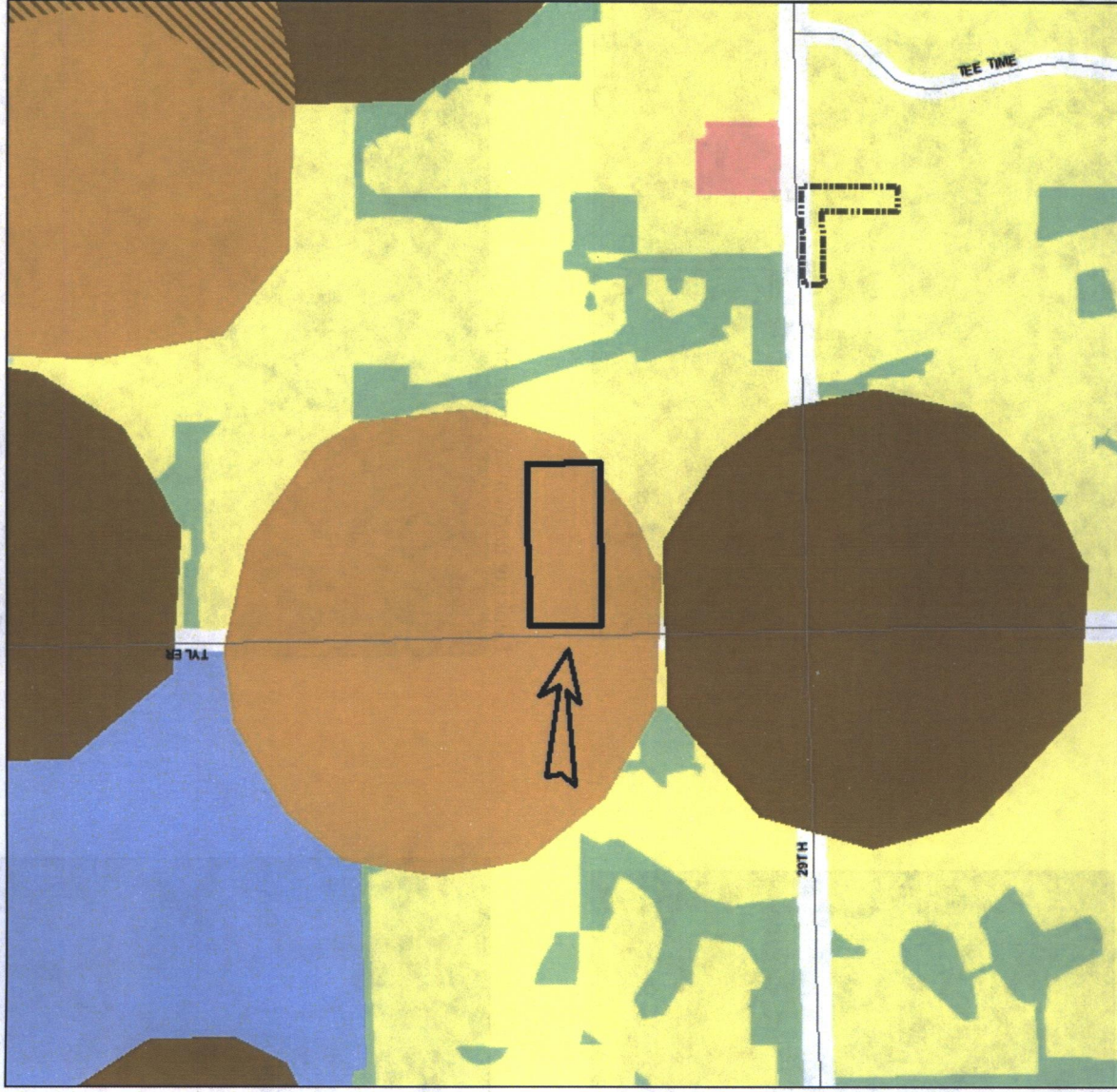
Staff Report Attachments:

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

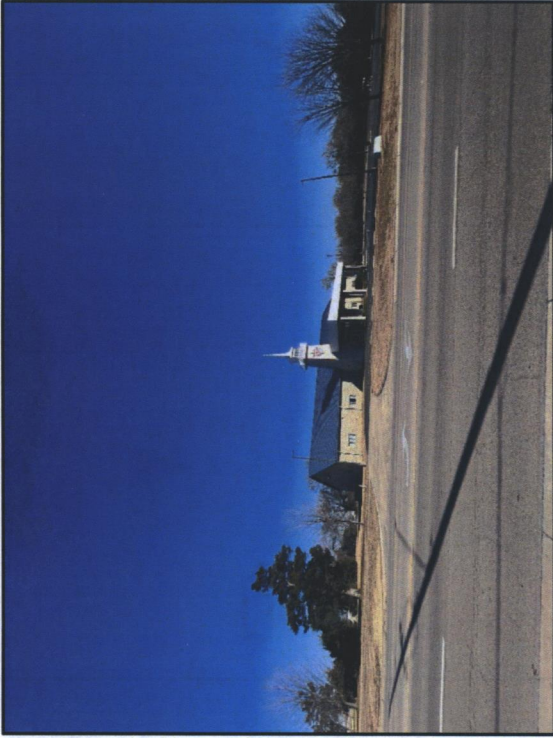


2035 Wichita Future Growth Concept Map

- 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**
- Small City Urban Growth Areas
 - Small City Urban Growth Areas
 - Rural Areas
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood/Area Plans



Looking east towards property



Looking west away from property



Looking east towards rear of property



Looking north away from property

