



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

DCC Propane, LLC
1001 Warrenville Rd
Suite 350
Lisle, IL 60532

June 5, 2024

Summit Locations, LLC
311 East ST.
Gordon, OH 45304

RE: ZON2024-000015 – Request to Amend PO #87, located on the northwest corner of K-254 and North 143rd Street East (14004 East 61st Street North).

Dear Applicant,

At its regular meeting on **June 5, 2024**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BOCC was to **APPROVE** the request.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

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

Brad Eatherly
Current Plans
Senior Planner

CC: Pete Meitzner, Commissioner, District I
MABCD



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

Eric Payne
1001 Warrenville Rd
Suite 350
Lisle, IL 60532

April 25, 2024

Summit Locations, LLC
311 East ST.
Gordon, OH 45304

RE: ZON2024-000015 – Request to Amend PO #87, located on the northwest corner of K-254 and North 143rd Street East (14004 East 61st Street North).

Dear Applicant,

At its regular meeting on **April 25, 2024**, 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 amend PO #87.

Property owners opposed to the application may file with the County 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 May 9, 2024. 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 County Clerk by **May 9, 2024, at 5:00 p.m.**

This application was heard by the Citizens Advisory Board (CAB) on **Monday, April 15, 2024**. The CAB also recommended **APPROVAL**. This application will be presented to the Board of County Commissioners on **Wednesday, June 5, 2024**, beginning at 9:00 a.m. The Board of County Commissioners meeting will be held 100 North Broadway, Lower Level, Wichita, Kansas.

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,

A handwritten signature in black ink, appearing to read 'J. B. ...'.

Brad Eatherly
Current Plans
Senior Planner

CC: Pete Meitzner, Commissioner, District I
MABCD

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY,
KANSAS

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2024-00015

Amendment to Protective Overlay #87 to permit an additional use.

Legally described as:

Lot 1, Block 1, Claassen's Addition, Sedgwick County, Kansas

Protective Overlay #87 shall hereby read as follows:

- A. The uses permitted on this site shall be restricted to those permitted by right in the "RR" Rural Residential zoning district plus "limited manufacturing" and agricultural sales and service uses as defined in the Unified Zoning Code.
- B. The area covered by the "GC" General Commercial zoning shall be limited to are as shown on the attached site plan.
- C. A Billboard shall be permitted within the portion of the parcel designated as GC General Commercial District, subject to the standards of the Sedgwick County Sign Code.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

[balance of this page intentionally left blank]

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

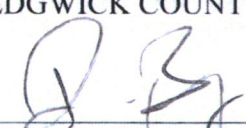
Aye
Aye
Aye
Aye
Aye

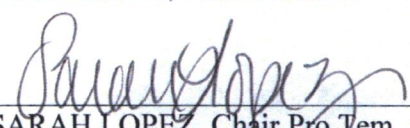
Dated this 5th day of June, 2024.

ATTEST:

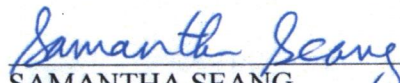

KELLY B. ARNOLD, County Clerk

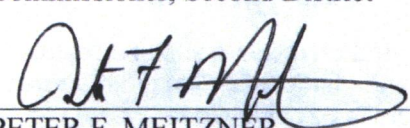

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

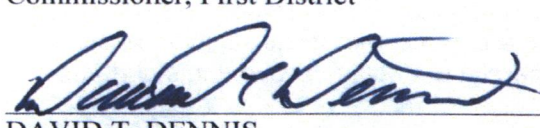

RYAN BATY, Chairman
Commissioner, Fourth District

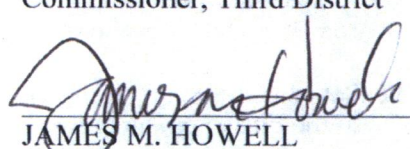

SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:

 5/17/24
SAMANTHA SEANG
Assistant County Counselor


PETER F. MEITZNER
Commissioner, First District


DAVID T. DENNIS
Commissioner, Third District


JAMES M. HOWELL
Commissioner, Fifth District

Sedgwick Co. public notice

(Published in The Ark Valley News June 13, 2024.)

RESOLUTION NO. 125-2024

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

SECTION I. That after receiving a recommendation from the Wichita Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2024-00015

Amendment to Protective Overlay #87 to permit an additional use.

Legally described as:

Lot 1, Block 1, Claassen's Addition, Sedgwick County, Kansas

Protective Overlay #87 shall hereby read as follows:

A. The uses permitted on this site shall be restricted to those permitted by right in the "RR" Rural Residential zoning district plus "limited manufacturing" and agricultural sales and service uses as defined in the Unified Zoning Code.

B. The area covered by the "GC" General Commercial zoning shall be limited to are as shown on the attached site plan.

C. A Billboard shall be permitted within the portion of the parcel designated as GC General Commercial District, subject to the standards of the Sedgwick County Sign Code.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

AUG
AUG
AUG
AUG
AUG

Dated this 5th day of June, 2024.

ATTEST:

KELLY B. ARNOLD, County Clerk

APPROVED AS TO FORM:

Samantha Seang 4/14/24
SAMANTHA SEANG
Assistant County Counselor

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

RYAN BATY, Chairman
Commissioner, Fourth District

SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

PETER F. MEITZNER
Commissioner, First District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

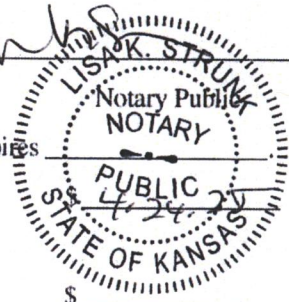
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 13th day of JUNE, 2024, with subsequent publications being made on the following dates:

_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

Subscribed and sworn to before me this 6th day of Sept., 2024.

My commission expires
Additional copies

Printer's fee



Sedgwick Co. public notice

(Published in The Ark Valley News April 4, 2024.)

MAPC April 25, 2024 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 25, 2024, no earlier than 1:30 p.m., the Wichita Sedgwick 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 Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.**

CON2024-00017: Conditional Use in the County to allow an event center on property zoned RR Rural Residential located south along East 95th Street South and 850-foot east of South Broadway Avenue (615 E 95th St S).

VAC2024-00017: Vacation request in the County for an abandoned pipeline easement, generally located on the east side of North 247th Street West and one-half mile south of West 53rd Street North (5130 North 247th Street West).

VAC2024-00018: Vacation request in the County for a portion of South Fairland Drive and the front setback, generally located on the west side of South Fairland Drive and within one-quarter mile south of East Kellogg Drive (725 South Fairland Drive).

ZON2024-00015: Amendment to Protective Overlay in the County to PO-87 to allow an off-premises sign on the property, located on the northeast corner of 143rd St E and 61st St N (14004 E 61st St N).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the Wichita Sedgwick 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 (316-268 4464) 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 April 4, 2024

Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said

newspaper for 1 consecutive weeks, the

first publication thereof being made as aforesaid on the 4th day of April, 2024.

with subsequent publications being made on the

following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____, 2024 _____, 2024

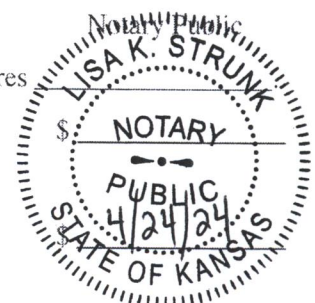
Chris Strunk
Subscribed and sworn to before me this 4th day
of April, 2024.

WBS

My commission expires

Additional copies

Printer's fee





STAFF REPORT

MAPC: April 25, 2024
CAB I: April 15, 2024

CASE NUMBER: ZON2024-00015 (County)

OWNER/AGENT: Eric Payne (Applicant) / Summit Locations, LLC (Agent)

REQUEST: Amend Protective Overlay #87

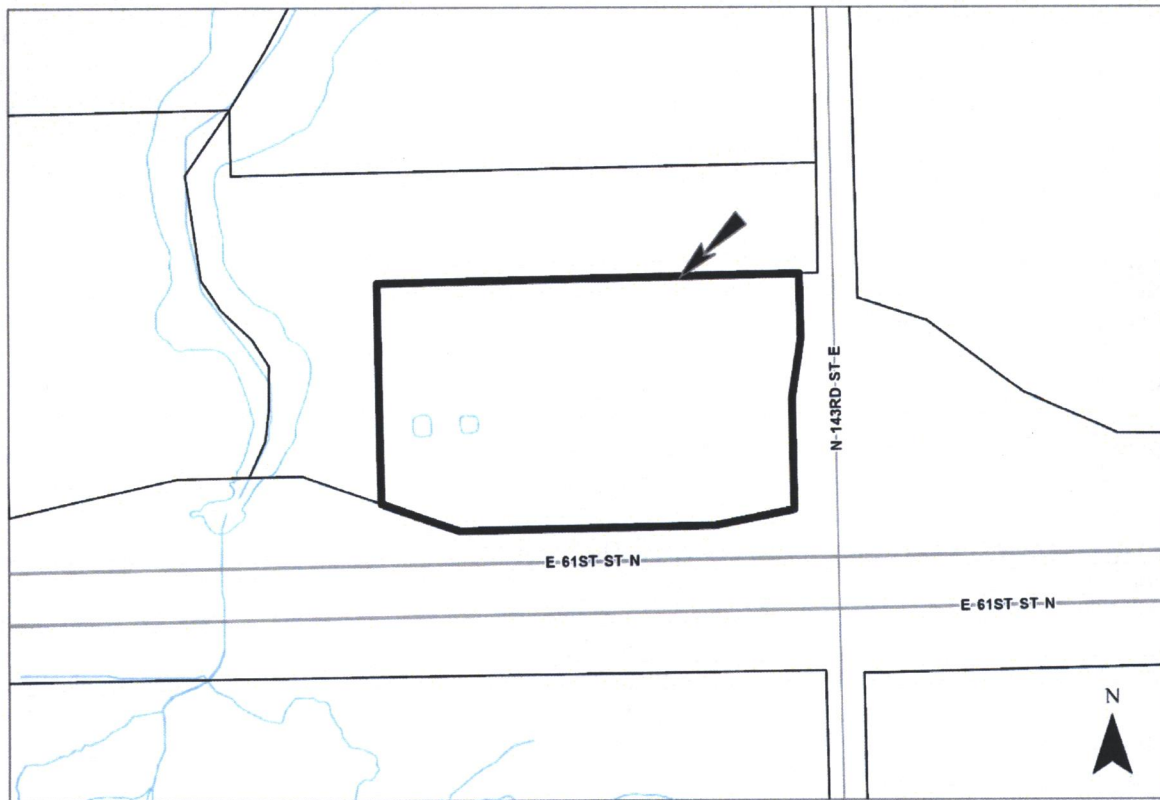
CURRENT ZONING: GC General Commercial District with Protective Overlay #87

SITE SIZE: 6.04 acres

LOCATION: Located on the northwest corner of K-254 and North 143rd Street East (14004 East 61st Street North).

PROPOSED USE: Permit additional uses within the Protective Overlay.

RECOMMENDATION: Approval with conditions.



BACKGROUND: The applicant is requesting an amendment of Protective Overlay (PO) #87 to allow a billboard on property zoned GC General Commercial District (GC). The 6.04-acre site is located on the northwest corner of K-254 and North 143rd Street East (14004 East 61st Street North). The subject property consists of two zoning districts. The portion of the parcel that is zoned GC also has PO #87 attached. The rest of the parcel is zoned RR Rural Residential District (RR).

According to the Sedgwick County Sign Code, a billboard would be allowed in the GC zoning district by right. However, because PO #87 does not specifically allow the use of a billboard, the PO must be amended.

Currently, PO #87 has two restrictions:

- A. The uses permitted on this site shall be restricted to those permitted by right in the "RR" Rural Residential zoning district plus "limited manufacturing" and agricultural sales and service uses as defined in the Unified Zoning Code.
- B. The area covered by the "GC" General Commercial zoning shall be limited to the area as shown on the attached site plan.

The site plan submitted with the application shows the proposed billboard placed outside of the GC zoned portion. The Kansas Department of Transportation does not allow billboards to be placed in residentially zoned parcels. Therefore, the billboard **must** be placed within the GC portion of the parcel.

Properties to the north, east, south, and west are all zoned RR and are in use as agricultural fields.

CASE HISTORY: On October 29, 2003, the site was platted as the Claassens Corner Addition. In 2001, a zone change (ZON2001-00002) was approved to rezone a portion of the subject site from RR Rural Residential District to GC General Commercial District and established PO #87. Also, in 2001, a Conditional Use (CON2001-00002) was approved that allowed agricultural sales and service (propane sales) on property zoned "RR" Rural Residential proposed zoning "GC" General Commercial. In 2004, a Conditional Use (CON2003-00020) was approved to allow Sale of Construction Supplies, Vehicles and Equipment on the property zoned "GC" General Commercial, subject to a lot split. Seeing that the lot split never occurred, the Conditional Use was never finalized. In 2011, an adjustment to the original Conditional Use (CON2011-00030) was granted to allow agricultural sales and services (propane sales) on the entire property, including the RR Rural Residential District.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural Field
SOUTH:	RR	Agricultural Field
EAST:	RR	Agricultural Field
WEST:	RR	Agricultural Field

PUBLIC SERVICES: K-254 is a paved four-lane state highway with no sidewalks on either side. Butler County Rural Water District #5 serves the site. The site utilizes a lagoon for sewage.

CONFORMANCE TO PLANS/POLICIES: The proposed amendment to Protective Overlay #87 is in conformance with the Community Investments Plan.

The Community Investments Plan: The requested amendment to PO #87 is in conformance with the Wichita-Sedgwick County Comprehensive Plan. The *Community Investments Plan*, identifies the site as "Rural Area" on the Future Growth Map Concept Map. This category is described as follows: "Encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area." Locational guidelines recommend that higher intensity uses should have sufficient screening and buffering to mitigate possible negative impacts. The placement of a billboard on a state highway would be an

ZON2024-00015

appropriate use for the subject site.

The request for a billboard in a Rural Area is not specifically covered in the Land Use Compatibility Locational Guidelines of the Comprehensive Plan.

RECOMMENDATION: Based upon information available prior to the public hearings and evaluating the conditions and uses of the surrounding neighborhood, staff is recommending the request be **APPROVED**, subject to the revised language of Protective Overlay #87.

Staff Recommended Protective Overlay #87 Text (staff changes to the current protective overlay are shown in red):

- A. The uses permitted on this site shall be restricted to those permitted by right in the "RR" Rural Residential zoning district plus "limited manufacturing" and agricultural sales and service uses as defined in the Unified Zoning Code.
- B. The area covered by the "GC" General Commercial zoning shall be limited to are as shown on the attached site plan.
- C. *One Billboard shall be permitted within the portion of the parcel designated as GC General Commercial District, subject to the standards of the Sedgwick County Sign Code.*

This recommendation of approval is based on the following findings:

1. **The zoning, uses and character of the neighborhood.** Properties to the north, east, south, and west are all zoned RR and are in use as agricultural fields.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned GC General Commercial District with PO #87 and is limited to uses permitted in the RR Rural Residential District and agricultural sales and services.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** A billboard would normally be permitted by-right on property zoned GC General Commercial District. However, the presence of PO #87 limits development to what is permitted. Permitting a billboard within PO#87 would not detrimentally affect nearby property.
4. **Length of time subject property has remained vacant as zoned:** The property is not vacant. It has been used as a propane sales and service use for over twenty years.
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 a billboard to be placed on property that is appropriate for such development. Denial may represent a loss of economic opportunity for the applicant.
6. **Conformance of the requested change to adopted or recognized Plans/Policies:** The proposed amendment to PO #87 is in conformance with the *Community Investments Plan* as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** Permitting a billboard should not have negative detrimental impacts on community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has received no comments in regard to the requested amendment to PO #87.

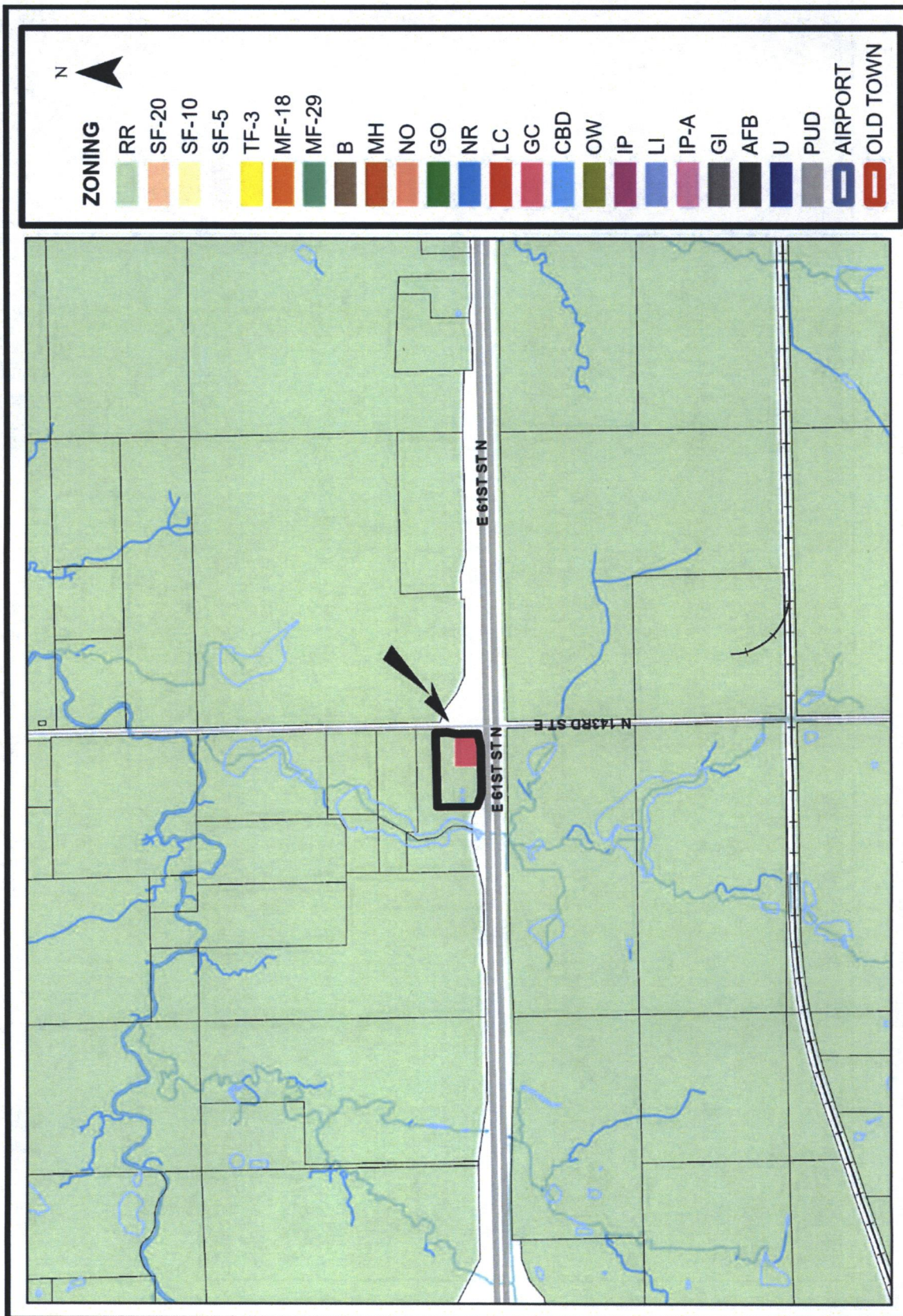
Staff Report Attachments:

- a. Staff Recommended Protective Overlay #87 Text
- b. Aerial Map
- c. Zoning Map
- d. Land Use Map
- e. Photos

Staff Recommended Protective Overlay #87 Text (staff changes to the current protective overlay are shown in *red*):

- A. The uses permitted on this site shall be restricted to those permitted by right in the “RR” Rural Residential zoning district plus “limited manufacturing” and agricultural sales and service uses as defined in the Unified Zoning Code.
- B. The area covered by the “GC” General Commercial zoning shall be limited to are as shown on the attached site plan.
- C. A Billboard shall be permitted within the portion of the parcel designated as GC General Commercial District, subject to the standards of the Sedgwick County Sign Code.*





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
- Neighborhood & Area Plans



Looking north into site



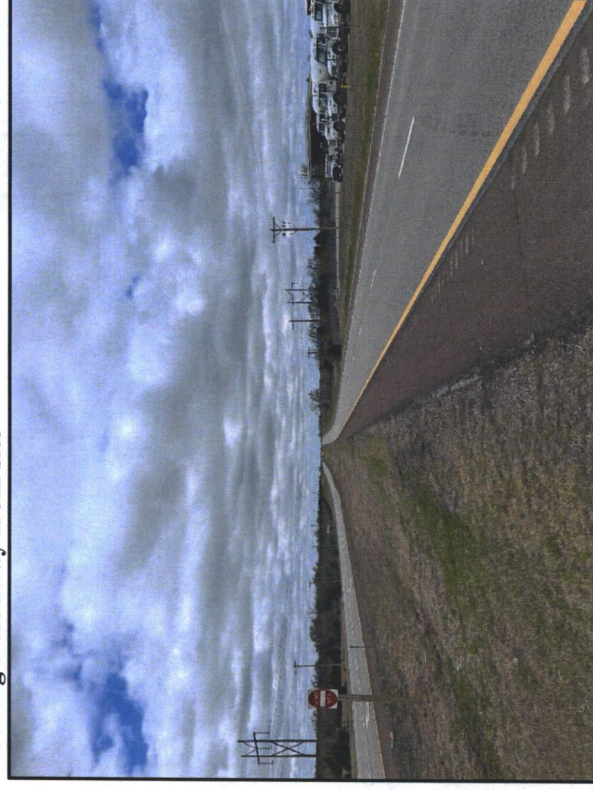
Looking south away from site



Looking east away from site



Looking west away from site



Looking north away from site

