



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

Nathan Chambers
10415 West Hayden Court
Wichita, KS 67209

November 9, 2023

RE: ZON2023-00049 – Zone change request in the County from LC Limited Commercial District to GC General Commercial District to allow for future development, generally located on the southeast corner of Southeast Drive and East 60th Street South.

Dear Applicant;

At its regular meeting on **November 8, 2023**, 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 268 4421.

Sincerely,

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

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD



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

Nathan Chambers
10415 West Hayden Court
Wichita, KS 67209

October 4, 2023

RE: ZON2023-00049 – Zone change request in the County from LC Limited Commercial District to GC General Commercial District to allow for future development, generally located on the southeast corner of Southeast Drive and East 60th Street South.

Dear Applicant,

On September 28, 2023, the Metropolitan Area Planning Commission (MAPC) staff considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request.

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 October 12, 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 1000 feet of the property for which the application was filed, and must be submitted to the County Clerk by **5:00 p.m. on October 12, 2023**.

This case will be heard at the Board of County Commissioners on **Wednesday, November 8, 2023**. If you have any questions, please contact our office.

Sincerely,

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

Christina Rieth
Associate Planner

Cc: Donna Lattin, 6039 South Oliver, Derby, KS 67037

(150004) Published in The Ark Valley News on November 23, 2023
RESOLUTION NO. 244-2023

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 on September 28, 2023, 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. ZON2023-00049

Zone change request from LC Limited Commercial District to GC General Commercial District, legally described as:

That part of the Southeast Quarter of Section 26, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying East of K-15 Highway right-of-way, described as follows: Commencing at a point which is 216 feet South of the Northeast corner of the Southeast Quarter of Section 26, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence West 212.49 feet to the point of beginning; thence South 145.20 feet; thence East 66.5 feet; thence South 183.80 feet; thence West 136.98 feet to the Easterly right-of-way line of K-15 Highway; thence North, on said Easterly right-of-way line, 332.73 feet; thence East 120.00 feet to the point of beginning.

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.

[Remainder of page left intentionally 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

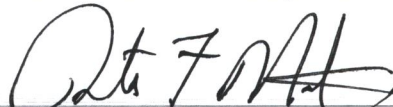
Dated this 8 day of November, 2023.

ATTEST:


KELLY B. ARNOLD, County Clerk

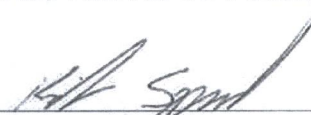


BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


PETER F. MEITZNER, Chairman
Commissioner, First District

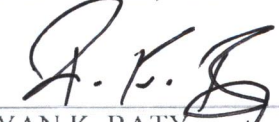

JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:


KIRK W. SPONSEL
Deputy County Counselor


SARAH LOPEZ
Commissioner, Second District


DAVID T. DENNIS
Commissioner, Third District


RYAN K. BATY
Commissioner, Fourth District

Sedgwick Co. public notice

(Published in The Ark Valley News Nov. 23, 2023.)

RESOLUTION NO. 244-2023

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Case No. ZON2023-00049

Zone change request from LC Limited Commercial District to GC General Commercial District, legally described as:

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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

aye
aye
aye
aye
aye

Dated this 8 day of November, 2023.

ATTEST:

KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

PETER F. MEITZNER, Chairman
Commissioner, First District

JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

KIRK W. SPORNISH
Deputy County Counselor

SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

RYAN K. BATY
Commissioner, Fourth 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 23rd day of November, 2023, with subsequent publications being made on the following dates:

_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

Chris Strunk

Subscribed and sworn to before me this 23rd day of November, 2023.

WKS

My commission expires

Additional copies

Printer's fee



Affidavit of Publication

Public notice

(Published in The Ark Valley News on Sept. 7, 2023.)

OCA 150004
(One Time Only)
MAPC September 28, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN on Thursday, September 28, 2023, 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 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 items on this notice, please call the Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.

BZA2023-00050: Variance request in a County to permit a second 10-square-foot monument sign on property zoned SF-5 Single-Family Residential District; generally located east of North 143rd Street East and north of East Central Avenue (14533 East Sharon Lane).

CON2023-00046: Conditional use request in the County to allow an Event Center in the County; generally located east of South 127th Street East and north of East 39th Street South (3800 South 127th Street East).

ZON2023-00049: Zone change request in the County from LC Limited Commercial District to GC General Commercial District to allow for future development; generally located on the southeast corner of South 60th Drive and East 60th Street South.

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 (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=a0k3bW0ySjBnbFJQTDYvOxPVDBXUT09>

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>

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 (316-268 4464) 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 September 7, 2023

Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission

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 published 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 10 times a year; has been so published continuously and uninterrupted in said county and state for a period of more than five years prior to the first publication of 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 published in the regular and entire issue of said newspaper for 1 consecutive weeks, the publication thereof being made as aforesaid on the 7th day of September, 2023.

subsequent publications being made on the following dates:
_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

Subscribed and sworn to before me this 7th day of September, 2023.

My commission expires

Additional copies

Printer's fee





STAFF REPORT
MAPC: September 28, 2023

AGENDA ITEM NO. 4.7

CASE NUMBER: ZON2023-00049 (County) (Derby Area of Influence)

APPLICANT/AGENT: Nathan Chambers (Applicant)

REQUEST: GC General Commercial District

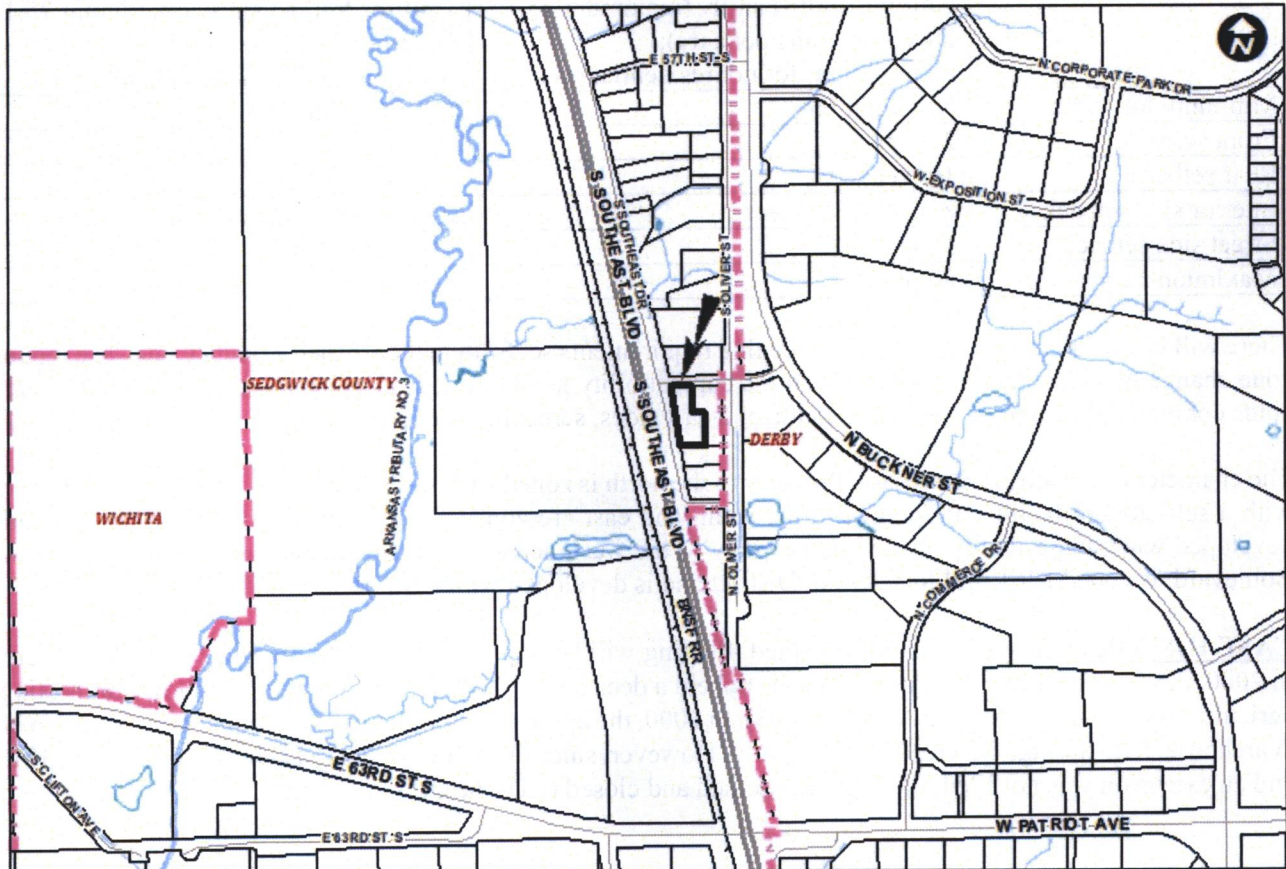
CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 0.99 acres

LOCATION: Generally located on the southeast corner of East 60th Street South and South Southeast Drive

PROPOSED USE: Warehousing and future development.

RECOMMENDATION: Approve.



BACKGROUND: The applicant is requesting a zone change from LC Limited Commercial District to GC General Commercial District. The 0.99-acre property is generally located on the southeast corner of East 60th Street South and South Southeast Drive. The property is currently vacant.

The applicant is requesting the zone change in order to allow Warehousing on 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, 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.

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 requirements set forth in the Unified Zoning Code. The requested zone change will also not have an effect on the compatibility height or setback standards. Because the subject site abuts commercial zoning on the north, south, and east sides, screening is not required.

The character of the area is mixed use. Property to the north is zoned LI Limited Industrial District and is developed with a self-storage facility. Properties to the south and east are zoned LC Limited Commercial District and are developed with single-family dwellings. Property to the west, across South Southeast Drive and South Southeast Boulevard, is zoned RR Rural Residential District and is developed with a single-family dwelling.

CASE HISTORY: The property is unplatted. Platting will be required prior to the issuance of building permits. In 2000, the County Board of Zoning Appeals upheld a decision by Code Enforcement to not allow composting for agricultural purposes on site (BZA2000-00015). In 2000, the applicant submitted a Conditional Use request to allow Warehouse, Self-Storage Service on the property. However, since the applicant did not submit a plat within 30 days, and an extension was not filed, the case was denied and closed (CU-568).

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Self-storage facility
SOUTH:	LC	Single-family dwelling
EAST:	LC	Single-family dwelling
WEST:	RR	Single-family dwelling

PUBLIC SERVICES: The subject site currently has access to South Southeast Drive and East 60th Street South, which are paved, two-way local streets with no sidewalks. Rural Water District 3 serves the subject site. According to the applicant, the site will have on-site septic.

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, identifies the site as located within the Urban Growth Area for the City of Derby.

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.” While the subject site is bounded by commercial zoning on the north, south, and east sides, the properties to the south and east of the subject site are developed with single-family dwellings built in 1952 and 1960, respectively. Because they are zoned commercially, they will not be required to provide screening.

The requested zone change is in conformance with the *Vision Derby 2040 Comprehensive Plan*. The *Plan*’s Derby Core Future Land Use Map identifies the subject site as appropriate for “Industrial/Business Park”. According to the *Plan*, “Industrial uses in suburban communities are often a function of the location and desirable assets in the community compared to others in the metropolitan areas. Industrial growth in Derby is likely to continue to focus along K-15 and the railroad, as indicated in the K-15 Area Plan (2019) and West End Development Plan (2015).”

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

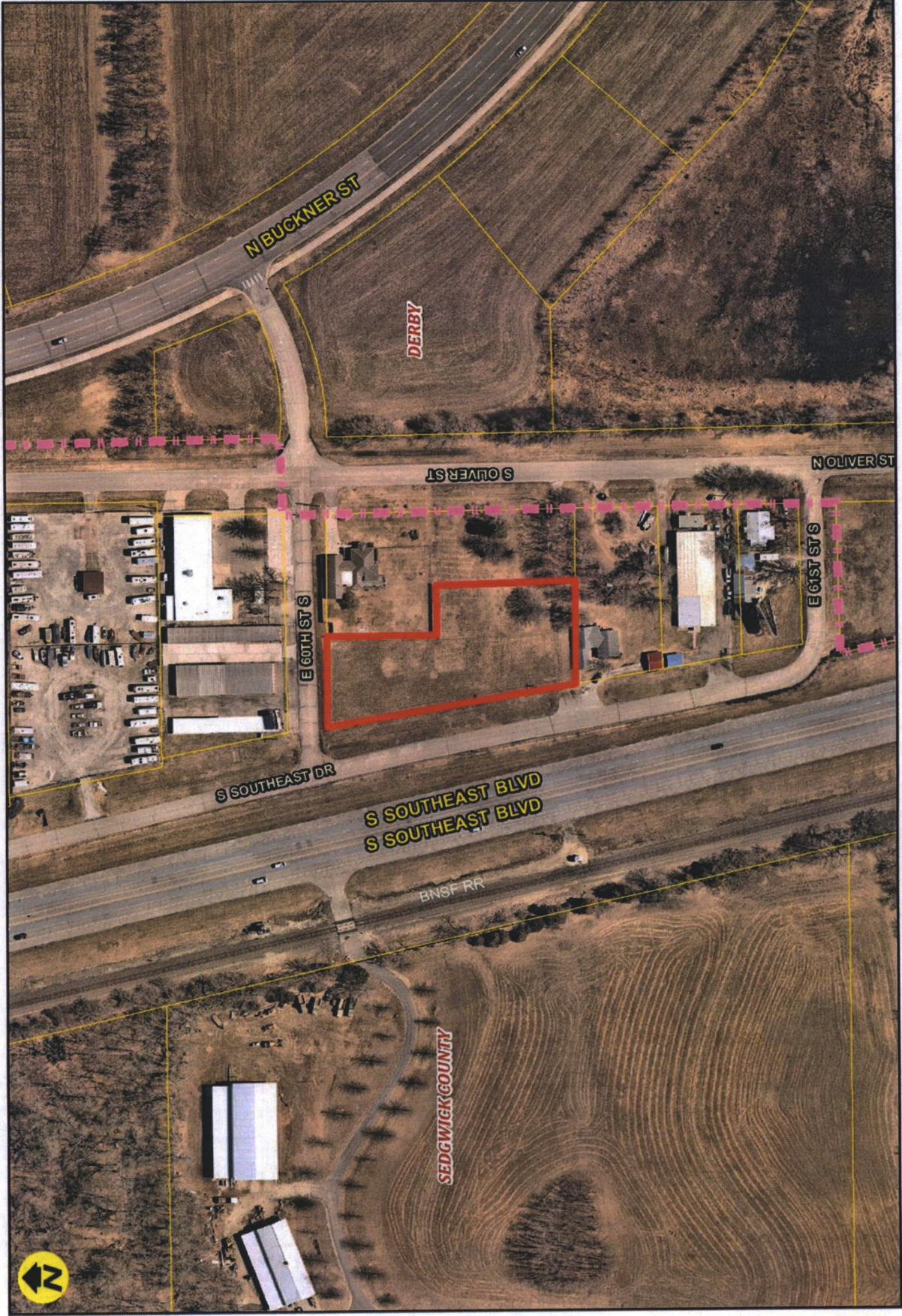
This recommendation is based on the following findings:

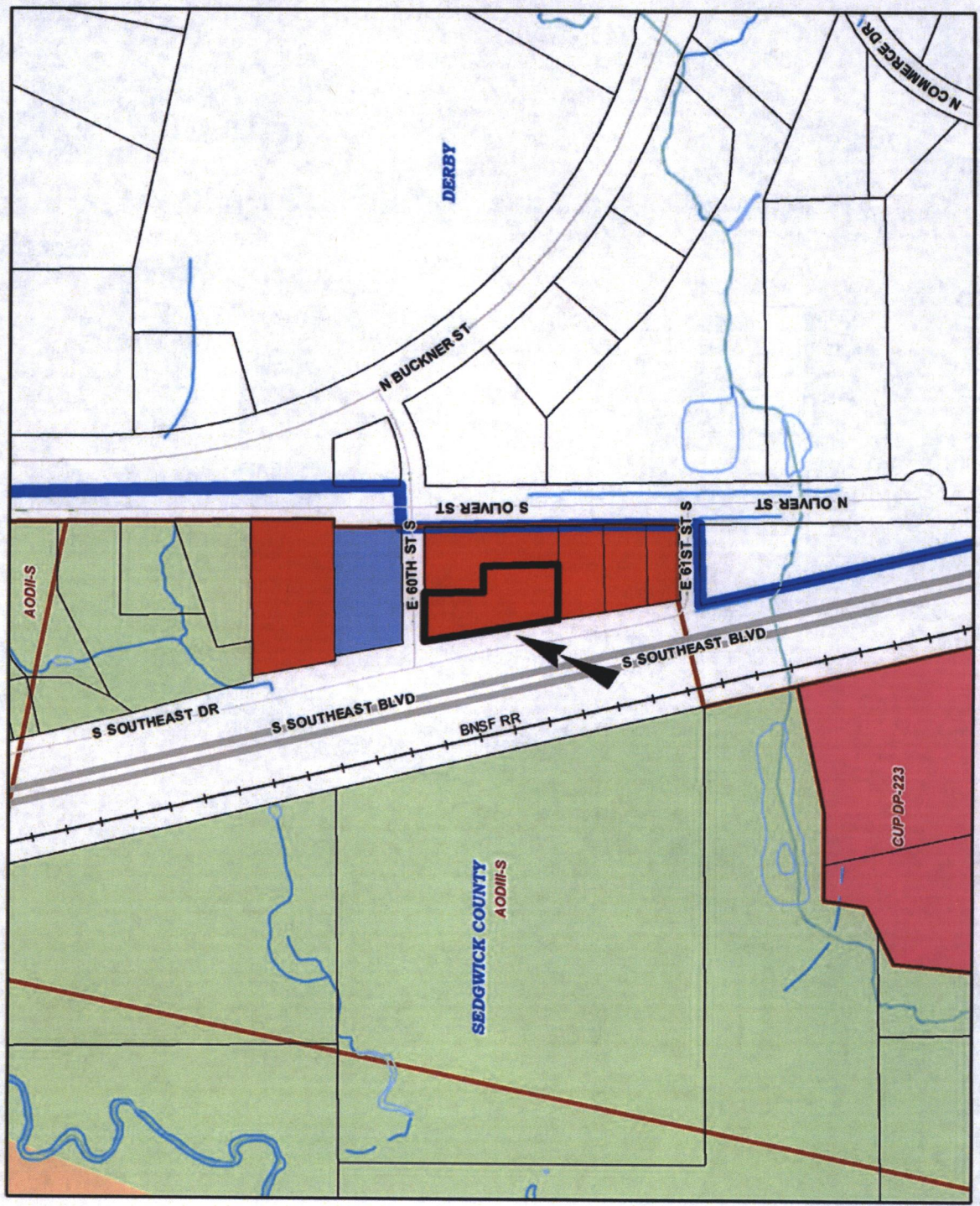
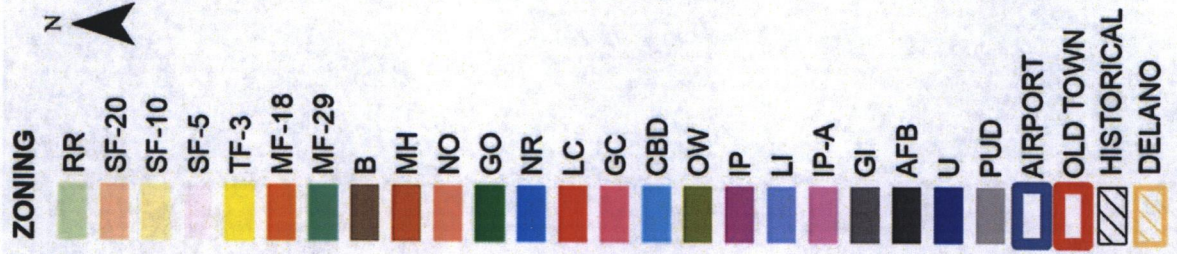
1. **The zoning, uses and character of the neighborhood:** The character of the area is mixed use. Property to the north is zoned LI Limited Industrial District and is developed with a self-storage facility. Properties to the south and east are zoned LC Limited Commercial District and are developed with single-family dwellings. Property to the west, across South Southeast Drive and South Southeast Boulevard, is zoned RR Rural Residential District and is developed with a single-family dwelling.
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:** It is staff’s opinion that the requested zone change may have an impact on the adjacent single-family dwellings immediately south and east of the subject site. The proposed use on site may bring an increase in traffic and light pollution.
4. **Length of time subject property has remained vacant as zoned:** The subject site has never been developed.

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 allow the property to be in conformance with the *Community Investments Plan* and the *Vision Derby 2040 Comprehensive 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, the City of Derby received one phone in opposition to the requested zone change and relayed the information to Metropolitan Area Planning Department staff.

Staff Report Attachments:

1. Aerial Map
2. Zoning Map
3. *Community Investments Plan's* Future Growth Concept Map
4. *Vision Derby 2040 Comprehensive Plan's* Derby Core Future Land Use Map
5. Site Photos



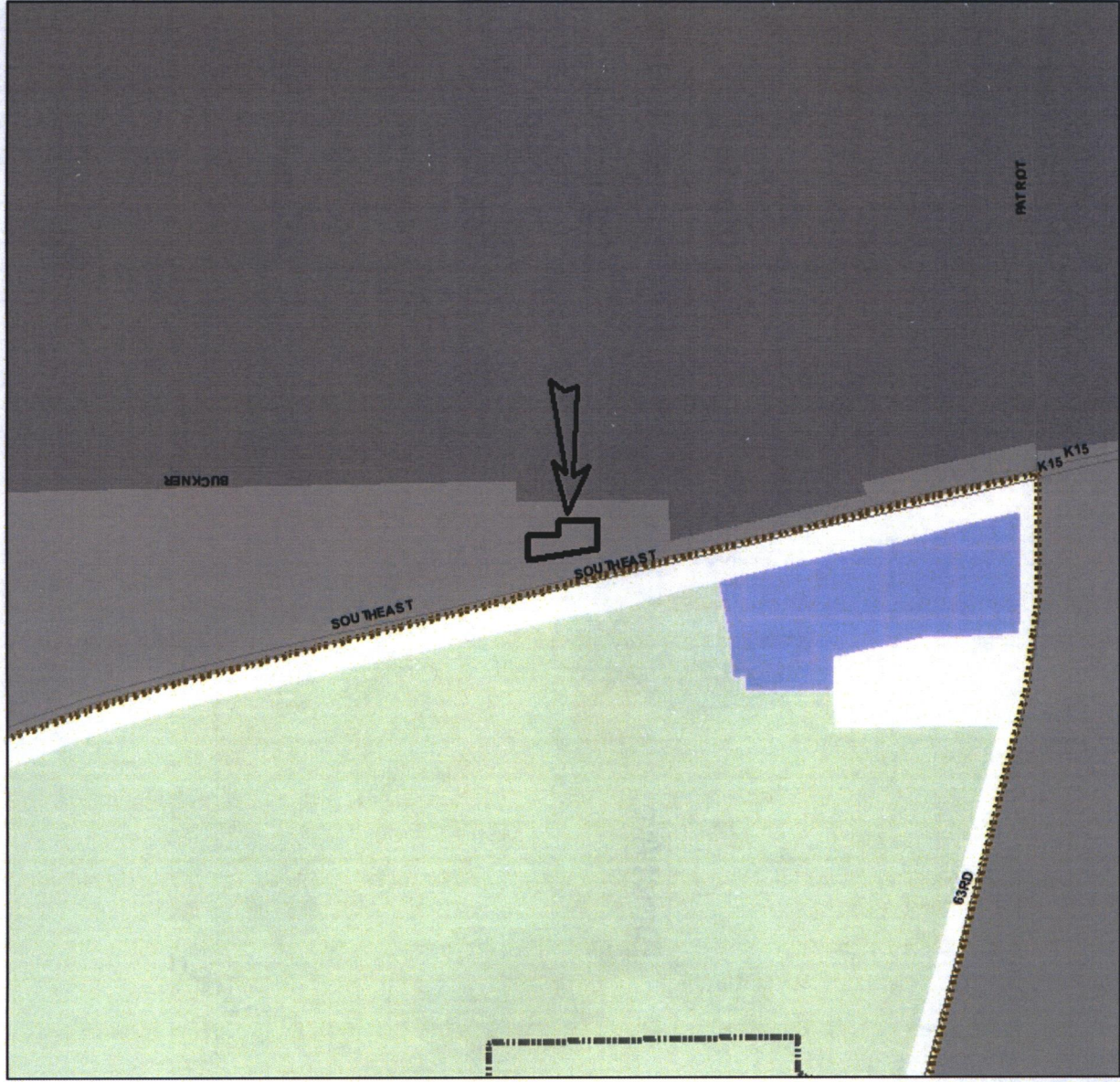


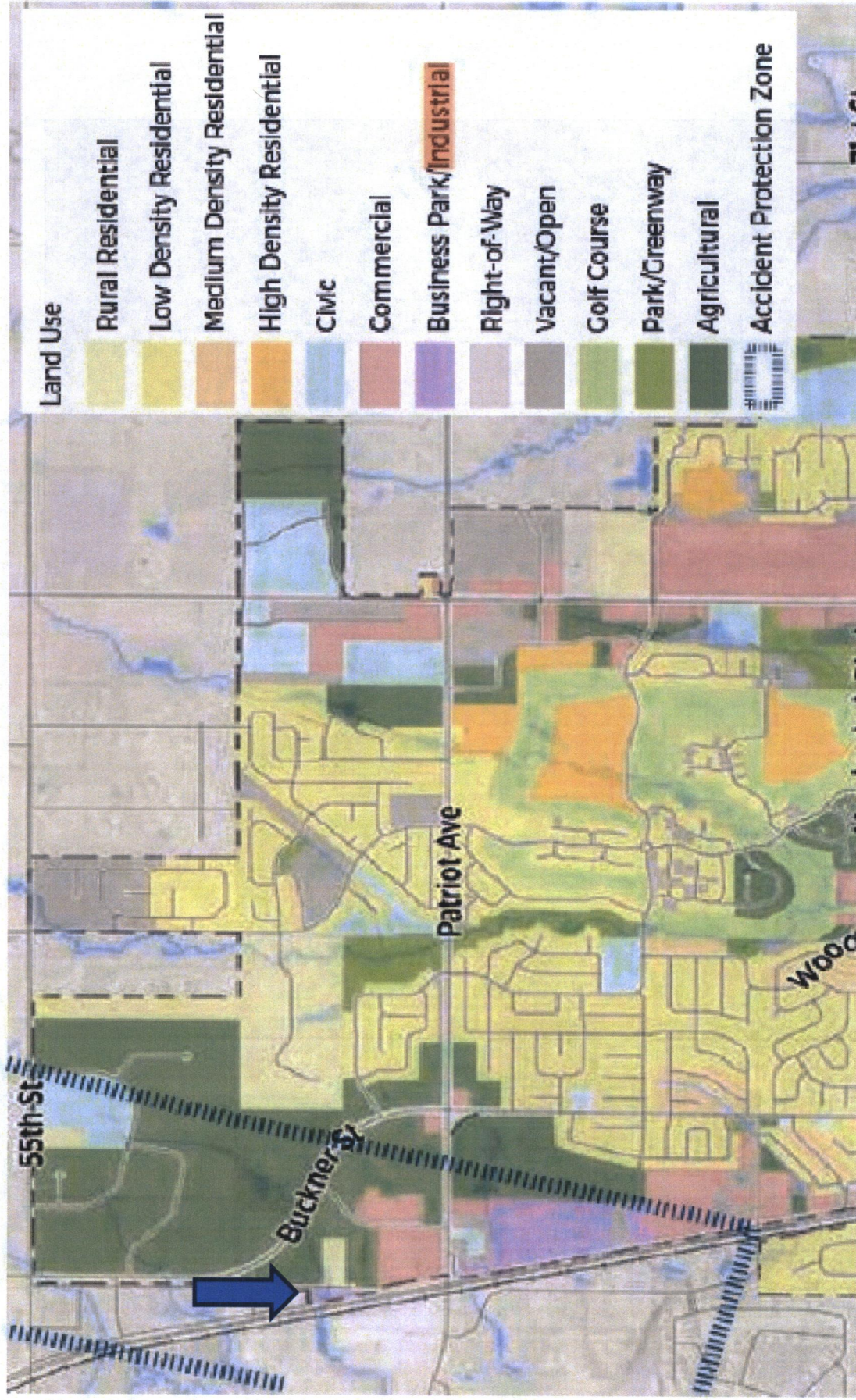
2035 Wichita Future Growth Concept Map

- 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

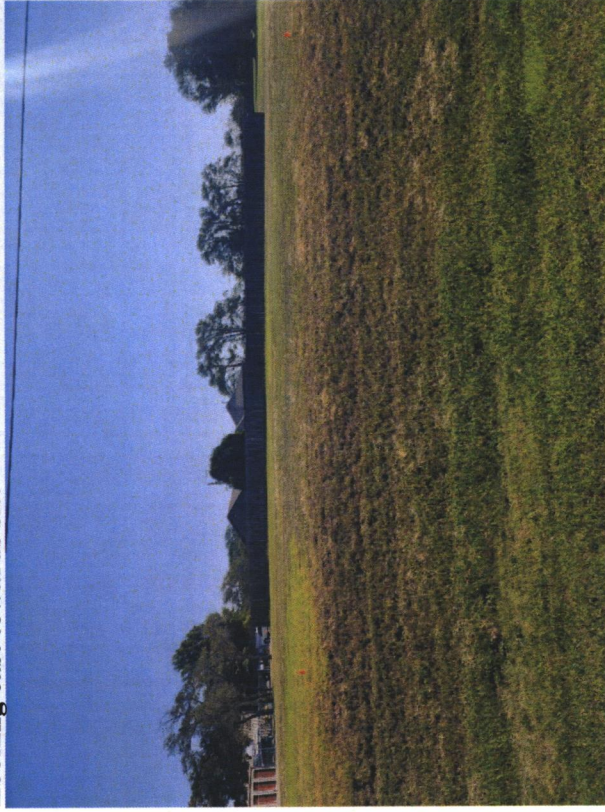


Map prepared by the Metropolitan Area Planning Commission
on 10/1/2023. The map is for informational purposes only and does not constitute a contract or warranty of any kind.
The map is subject to change without notice and is not to be used for any purpose other than that for which it was prepared.
The map is the property of the Metropolitan Area Planning Commission and is loaned to you for your use only.
The map is not to be reproduced or distributed without the written permission of the Metropolitan Area Planning Commission.

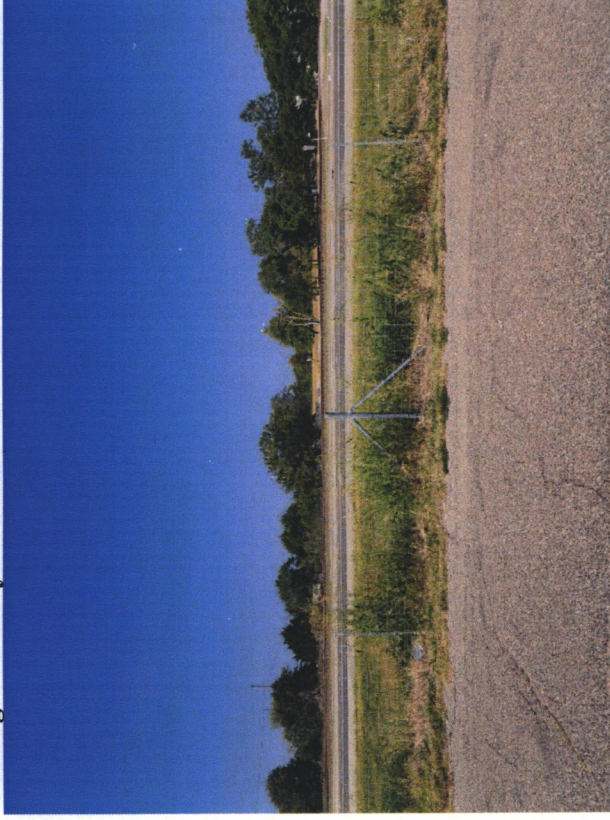




Looking east towards site



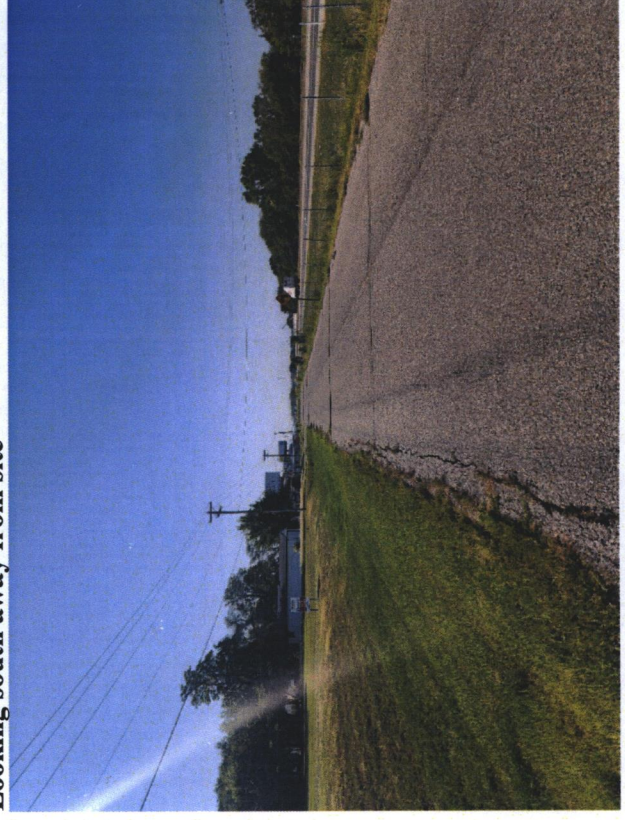
Looking west away from site



Looking north away from site



Looking south away from site



Looking west towards adjacent residential property to the east



Looking east towards adjacent residential property to the south

