CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

Crystal Charles
6507 Eagle Drive
Derby, KS 67037

January 3, 2024

Adam Abusaleh
13418 East Birchwood Street
Wichita, KS 67230

RE: ZON2023-00063 – Zone change in the City from GO General Office District to LC Limited Commercial District to allow a restaurant, generally located on the west side of South Webb Road, within 750 feet south of East Harry Street (1705 South Webb Road).

Dear applicant,

On January 2, 2024, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Christina Rieth
Associate Planner

Cc: Becky Tuttle, Councilmember District II
Teresa Veazey, CSR District II
MABCD

CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

Crystal Charles
6507 South Eagle Drive
Derby, KS 67037

November 30, 2023

RE: ZON2023-00063 – Zone change in the City from GO General Office District to LC Limited Commercial District to allow a restaurant, generally located on the west side of South Webb Road, within 750 feet south of East Harry Street (1705 South Webb Road).

Dear applicant,

At its regular meeting on **November 30, 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.

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 14, 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 14, 2023, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) II on **Monday, December 11, 2023**, at 6:30 p.m. at the Rockwell Branch Library (5939 East 9th Street North). For more information on this meeting, please contact Community Services Representative for District II, Teresa Veazey at (316) 352-4886 or tcveazey@wichita.gov. This application will be presented to the Wichita City Council on **Tuesday, January 2, 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,

Christina Rieth

Christina Rieth
Current Plans
Associate Planner

CC: Becky Tuttle, Council Member District II; Teresa Veazey, CSR, District II; MABCD; Brooke and Karma Properties LLC, attn: Adam Abusaleh, *via email*

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON January 12, 2024

ORDINANCE NO. 52-323

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. ZON2023-00063

Zone change request in the City from GO General Office District to LC Limited Commercial District on property legally described as:

The East 138 feet of Lot 3, Caliendo 11th Addition, Wichita, Sedgwick County, Kansas, EXCEPT the North 50 feet thereof.

AND

Lot 3, Caliendo 11th Addition, Wichita, Sedgwick County, Kansas, EXCEPT the East 138 feet thereof; and EXCEPT the North 50 feet thereof.

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 9th day of January, 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

McClatchy

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
32522	508420	Print Legal Ad-IPL01549550 - IPL0154955	ORD#52-323	$54.69	1	65 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 January 12, 2024
ORDINANCE NO. 52-323

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.

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Adopted this 9th day of January, 2024.
Lily Wu, Mayor, City of Wichita
ATTEST:
Jamie Buster, City Clerk
(SEAL)
Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0154955
Jan 12 2024

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

1 insertion(s) published on:
01/12/24

STATE OF KANSAS)
SS
County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 01/12/2024 to 01/12/2024.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 01/12/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

McClatchy

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
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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	486952	Print Legal Ad-IPL01467920 - IPL0146792		$198.76	3	79 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 November 9, 2023
(One Time Only)
MAPC/BZA November 30, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 30, 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 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.

CON2023-00056: Conditional Use request in the City for an Accessory Apartment; generally located on the northwest corner of West Central Avenue and North Clara Street (703 North Clara Street).

CUP2023-00036: CUP Amendment in the City to DP-327 to Parcel 8 to have a drive-thru and Parel 8 to match architectural controls of Parcel 5, on property zoned LC Limited Commercial, located on the east side of North Maize Road, within one-quarter mile north of West 29th Street North (3220 N. Maize).

DER2023-00018: Unified Zoning Code amendment (City and County) to better define the term Entertainment Establishments, and Nightclubs in the City. Entertainment Establishments will now include alcohol and require a Conditional Use Permit in some cases. Nightclub in the City applies to uses with a capacity of 300 persons or more.

PUD2023-00012: Zone change request in the City from B Multi-Family to PUD (Planned Unit Development) to allow commercial uses for an existing building, generally located on the west side of South Minneapolis Avenue, within one block south of East Douglas Avenue. (104 South Kansas Avenue, 115 and 119 South Minneapolis Avenue).

PUD2023-00013: Zone change request in the City from SF-5 Single-Family Residential District to PUD #118 Planned Unit Development for multi-family development and custom parking standards, generally located on the northwest corner of West 9th Street North and North Saint Paul Avenue (1001 North Saint Paul).

VAC2023-00043: Vacation request in the City to vacate a portion of platted right-of-way (South Mosley Street) located one-quarter mile north of Highway 54 and 800-ft south of East Douglas Avenue.

ZON2023-00060: Zone Change request in the City from SF-5 Single-Family Residential to LC Limited Commercial for retail sales development; located south along West 21st Street North and within one-half mile east of North Tyler Road (8021 West 21st Street North).

ZON2023-00061: Zone change request in the City from SF-5 Single-Family Residential District and LC Limited Commercial District to LI Limited Industrial District to allow for industrial development, generally located on the southwest corner of 45th Street North and Hillside Avenue.

ZON2023-00062: Zone change request in the City from GC General Commercial to CBD Central Business District to redevelop the site in a consistent manner with the surrounding properties, located north-east corner of S Walnut Street and W Texas Avenue (110 S Walnut Street, 926 W Texas Avenue).

ZON2023-00063: Zone change in the City from GO General Office District to LC Limited Commercial District to allow a restaurant, generally located on the west side of South Webb Road, within 750 feet south of East Harry Street (1705 South Webb Road).

ZON2023-00064: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development, generally located on the west side of North Webb Rd, within one-quarter mile south of East 45th Street North (4439 North 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 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 November 9, 2023
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0146792
Nov 9 2023

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

1 insertion(s) published on:
11/09/23

STATE OF KANSAS)
SS
County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 11/09/2023 to 11/09/2023.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 11/09/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

AGENDA ITEM NO. 4.9

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: November 30, 2023
DAB II: December 11, 2023

CASE NUMBER: ZON2023-00063 (City)

APPLICANT/AGENT: Brooke and Karma Properties, LLC (Contract Purchaser/Applicant)

REQUEST: LC Limited Commercial District

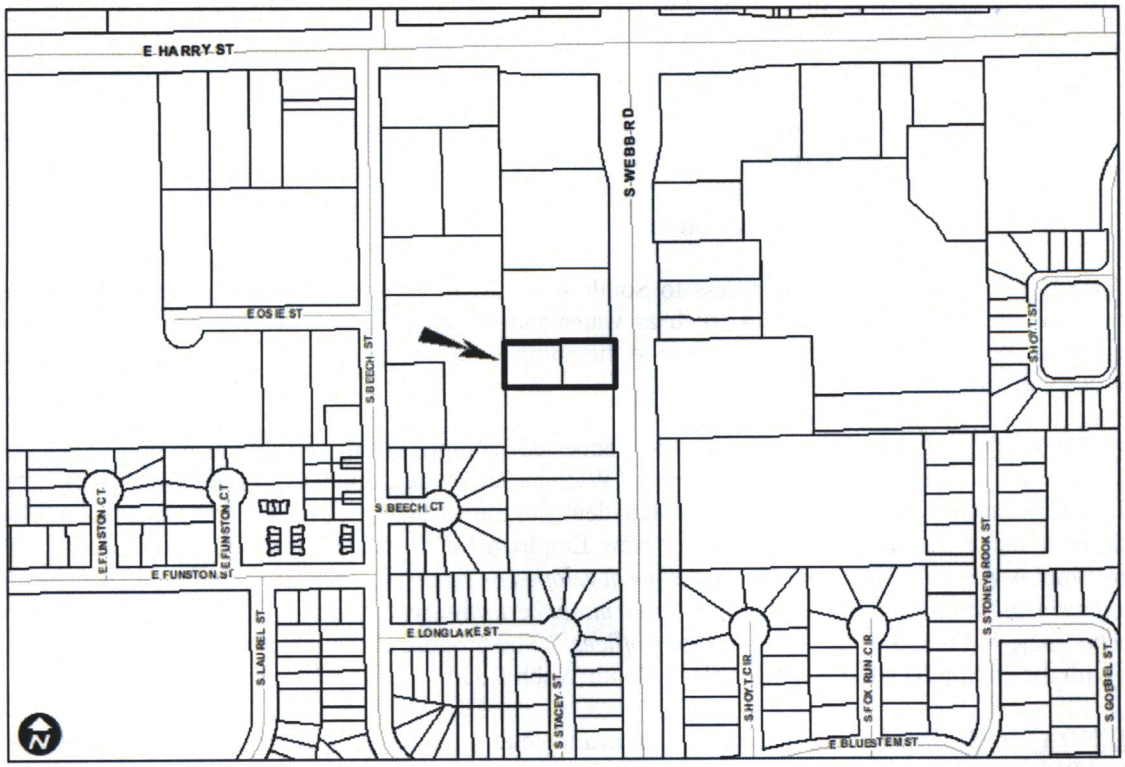
CURRENT ZONING: GO General Office District

SITE SIZE: 0.75 acres

LOCATION: Generally located on the west side of South Webb Road, within 750 feet south of East Harry Street (1705 South Webb Road).

PROPOSED USE: Restaurant

RECOMMENDATION: Approve



BACKGROUND: The applicant is requesting a zone change from GO General Office District to LC Limited Commercial District on property generally located on the west side of South Webb Road, within 750 feet south of East Harry Street (1705 South Webb Road). The subject site is 0.75 acres in size and currently undeveloped. The applicant is requesting a zone change to develop a restaurant on site. Should the applicant develop the restaurant on the site, one parking space per three seats will be required on site.

The LC Limited Commercial District generally permits more uses on site than GO zoning. There will be no changes to the minimum lot area, minimum lot width, front setback, rear setback, or interior side setback. However, should the zone change request be approved, there shall be an increase in maximum building height, from 60 feet in GO zoning to 80 feet in LC zoning.

Section 24.04.193 of the Wichita Sign Code governs permitted signage in the GO General Office District, while Section 24.04.195 of the Wichita Sign Code governs permitted signage in the LC Limited Commercial District. Sign regulations are generally less restrictive in LC zoning than GO zoning.

Because the site is requesting a zone change and there is new construction proposed on site, the property will need to follow the criteria set forth by the Wichita Landscape Ordinance. The subject site has approximately 115 feet of street frontage on South Webb Road, so the subject site shall have at least 920 square feet of landscaped street yard. The Wichita Landscape Ordinance requires one shade tree or two ornamental trees for every 500 square feet of required landscaped street yard, so the applicant must install at least two shade trees or four ornamental trees.

The character of the neighborhood is commercial. Property to the north is zoned LC Limited Commercial District and is developed with a fast-food restaurant. Property to the south is LC Limited Commercial District, with PO #41, and is developed with an automotive parts retail store. Property to the east, across South Webb Road, is zoned SF-5 Single-Family Residential District and is undeveloped. Property to the west is zoned GO General Office District and is developed with apartments.

CASE HISTORY: In 1989, the Wichita City Council approved a zone change from "AA" (now "SF-5" Single-Family Residential District) to "BB" (now "GO" General Office District). In 1990, the subject site was platted as Lot 3 of the Caliendo 11th Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Restaurant
SOUTH:	LC (PO #41)	Retail store
EAST:	SF-5	Undeveloped
WEST:	GO	Apartment complexes

PUBLIC SERVICES: This property has access to South Webb Road, which is a four-lane arterial street with sidewalks on both sides. Municipal services, such as water and sewer, already serve the site. Wichita Transit provides regular bus service within one-quarter mile to the north of the site at the southwest corner of East Harry Street and South Webb Road.

CONFORMANCE TO PLANS/POLICIES: The requested zoning is in conformance with *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site to be within the Wichita 2035 growth area, and it is mostly designated for "New Employment" development. The Comprehensive Plan defines "New Employment" as "*areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices.*" The proposed additional permitted uses are not out of character with the commercial development along South Webb Road.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the zone change request.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is commercial. Property to the north is zoned LC Limited Commercial District and is developed with a fast-food restaurant. Property to the south is LC Limited Commercial District, with PO #41, and is developed with an automotive parts retail store. Property to the east, across South Webb Road, is zoned SF-5 Single-Family Residential District and is undeveloped. Property to the west is zoned GO General Office District and is developed with apartments.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned GO General Office District, which is suitable for a variety of residential, public and civic, and a limited number of commercial office uses. It does not allow for a restaurant.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed zone change would introduce a limited number of additional commercial uses and an increase in maximum building height. Staff does not anticipate the removal of restrictions will have significant detriment effects on nearby property.

4. **Length of time subject property has remained vacant as zoned**: According to historic aerial maps, the subject site has been vacant since 2006.

5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the subject zone change application must be weighed and balanced with possible negative impacts to surrounding properties. The property to the west is developed with apartment complexes. The proposed application would permit a limited number of additional commercial uses that may have longer hours of operation than a typical office use. However, staff does not anticipate any significant negative impacts on the surrounding properties or to the welfare of the residents who live on those properties. Approval would permit additional commercial uses on a vacant parcel of land. Denial may represent 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 conformance with the *Community Investments Plan*, as discussed in the staff report.

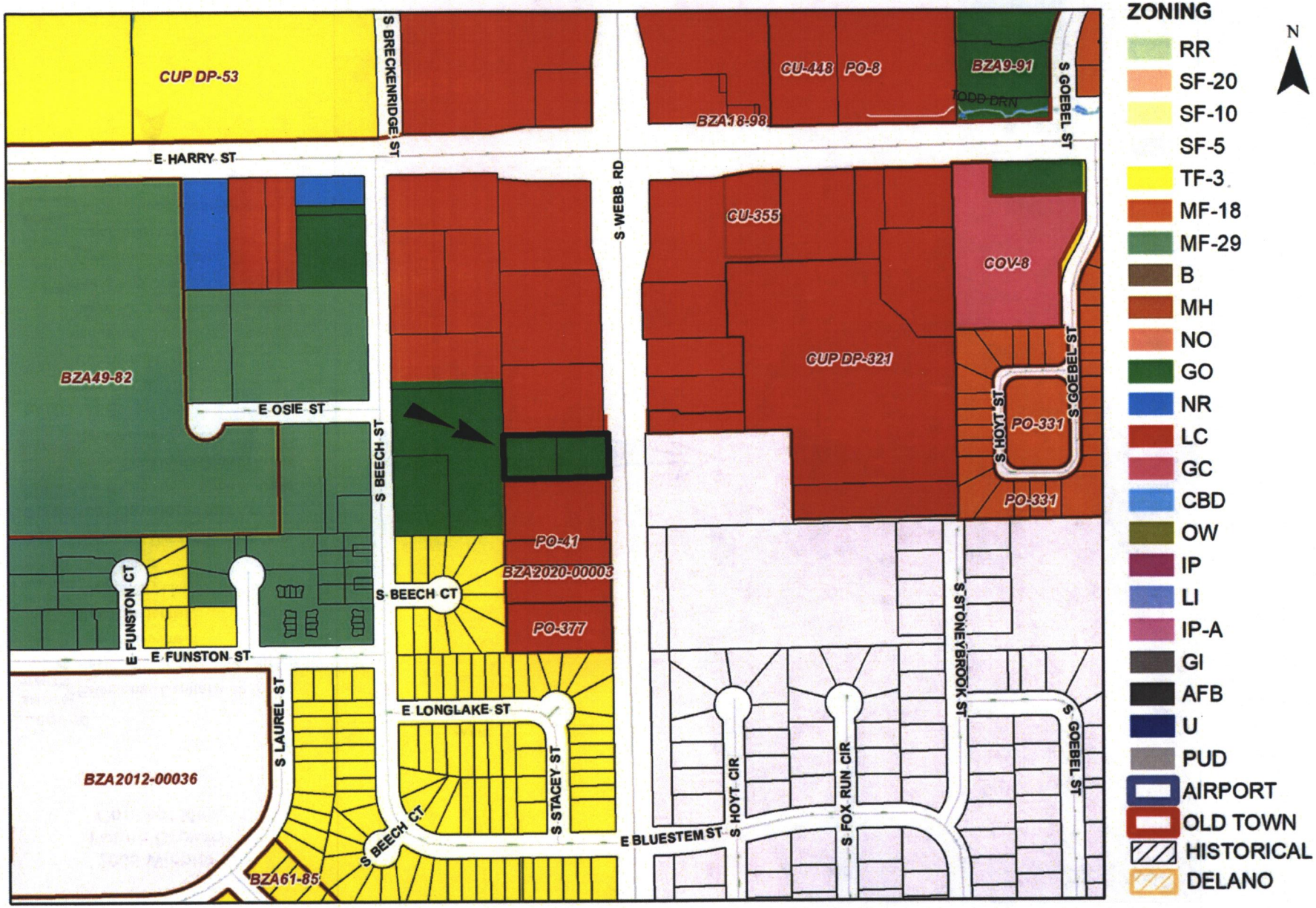
7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate it will have a significant impact on community facilities.

8. **Opposition or support of neighborhood residents**: At the time the staff report was prepared, staff has not received any public comments regarding the requested zone change.

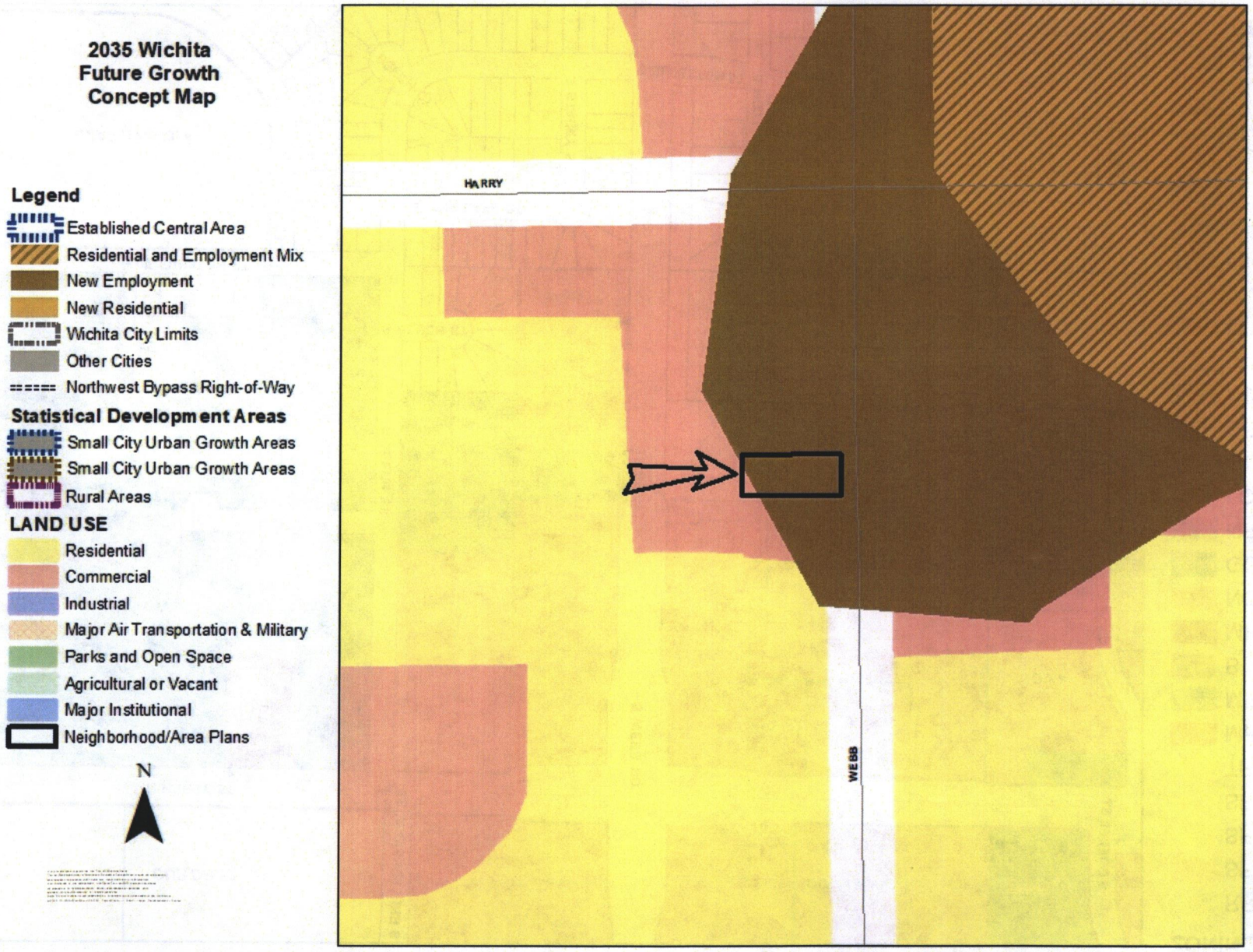
Attachments:

- Aerial Map
- Zoning Map
- 2035 Wichita Future Growth Concept Map
- Photos

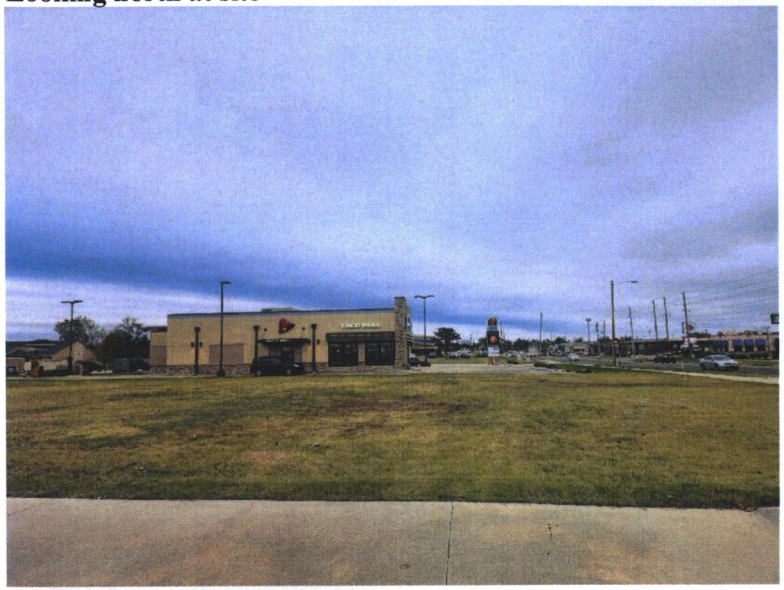

E OSIE ST
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N


CUP DP-53
S BRECKENRIDGE ST
E HARRY ST
BZA18-98
CU-448
PO-8
BZA9-91
TODD DRN
S GOEBEL ST
S WEBB RD
CU-355
COV-8
CUP DP-321
S HOYT ST
PO-331
PO-331
BZA49-82
E OSIE ST
S BEECH ST
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PO-377
S BEECH CT
E FUNSTON CT
E FUNSTON ST
E LONGLAKE ST
S STONEYBROOK ST
BZA2012-00036
S LAUREL ST
S STACEY ST
S HOYT CIR
S FOX RUN CIR
S GOEBEL ST
E BLUESTEM ST
S BEECH CT
BZA61-85
ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
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LC
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CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORICAL
DELANO
N

2035 Wichita Future Growth Concept Map



Looking north at site



Looking south away from site



Looking east away from site



Looking west at site

