CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 21, 2023

Air Capitol Industrial Park LLC
5841 Prospect
Wichita, KS 67204

Baughman Company PA
Attn: Phil Meyer
315 Ellis
Wichita, KS 67211

RE: **ZON2023-00046:** Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District and LC Limited Commercial District for residential and commercial development, generally located on the southwest corner of 53rd Street North and Seneca Street (5355 North Seneca St.)

Dear Applicant,

At its regular meeting on **November 21, 2023**, the Wichita City Council considered the above-captioned request. The action of the City Council was to **Approve** LC Limited Commercial District and **Deny** for TF-3 Two-Family Residential District.

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

Sincerely,

Moumita Kundu

Moumita Kundu
Associate Planner

Copies to: MABCD
Maggie Ballard, Council Member District VI
Ana Lopez, CSR District VI
AGA Properties, LLC *via email*
John Sullivan *via email*

Wichita-Sedgwick County Metropolitan Area Planning Department

August 24, 2023

Air Capitol Industrial Park LLC
5841 Prospect
Wichita, KS 67204

Baughman Company PA
Attn: Phil Meyer
315 Ellis
Wichita, KS 67211

RE: ZON2023-00046: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District and LC Limited Commercial District for residential and commercial development, generally located on the southwest corner of 53rd Street North and Seneca Street (5355 North Seneca St.)
Dear Applicant;

At its regular meeting on **August 24, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** changing the zoning classification from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District and LC Limited Commercial 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 **September 7, 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 **September 7, 2023, at 5:00 p.m.**

This application will be heard by the Wichita City Council on **Tuesday, September 26, 2023**, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property.
If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

Moumita Kundu

Moumita Kundu
Associate Planner

Copies to: MABCD
Maggie Ballard, Council Member District VI
Ana Lopez, CSR District VI
AGA Properties, LLC *via email*
John Sullivan *via email*

OCA 150004

CORRECTED AND REPUBLISHED IN THE WICHITA EAGLE ON January 12, 2024

ORDINANCE NO. 52-292

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. ZON2023-00046

City zone change from SF-5 Single Family Residential District to LC Limited Commercial District on property described as:

The North 208.71 feet of the East 208.71 feet of the Northeast Quarter of Section 19, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

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.

ATTEST:

Lily Wu, Mayor, City of Wichita

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	508023	Print Legal Ad-IPL01547600 - IPL0154760	ORD#52-292	$50.49	1	60 L

Attention: LaTosha Alvarez
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

JMBuster@wichita.gov

OCA 150004
CORRECTED AND REPUBLISHED IN THE WICHITA EAGLE ON January 12, 2024
ORDINANCE NO. 52-292

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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ATTEST:
Lily Wu, Mayor, City of Wichita
Jamie Buster, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0154760
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: 01/22/2024

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

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	450498	Print Legal Ad-IPL01335930 - IPL0133593		$213.88	3	85 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 August 3, 2023
(One Time Only)
MAPC/BZA August 24, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 24, 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 or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.
CON2023-00033: Conditional Use request in the City to permit a Car Wash; generally located on the northwest corner of East Funston Street and South Rock Road (1717 South Rock Road).
CON2023-00037: Conditional Use request in the City for Utility, Major on property zoned TF-3 Two-Family Residential District; generally located on the east side of 167th Street, within 1500 feet north of U.S. Highway 54.
PUD2023-00008: PUD Amendment in the City to PUD #95 to amend the existing PUD boundary to include the approved platted boundary of the Courtyards at the Moorings Second Addition; generally located on the west side of Meridian Avenue, north of 42nd Street.
VAC2023-00027: Vacation request in the City to vacate a portion of a platted access control on property zoned TF-3 Two-Family Residential District; generally located on the east side of 167th Street West, 1500 feet north of U.S. Highway 54.
VAC2023-00028: Vacation request in the City to vacate a retained Utility and Drainage Easement from a vacated platted railroad easement; generally located 2750 feet west of East 34th Street North and North Webb Road.
ZON2023-00044: Zone change request in the City from LI Limited Industrial District to SF-5 Single-Family Residential District to allow residential development; generally located on the northeast corner of East 59th Street South and South Midland Avenue (5950 South Midland Avenue).
ZON2023-00045: Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District for multi-family development; generally located on the east side of North Florence Street, within 200 feet north of West Douglas Avenue.
ZON2023-00046: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District and LC Limited Commercial District for residential and commercial development; generally located on the southwest corner of 53rd Street North and Seneca Street (5355 North Seneca St.)
ZON2023-00047: Zone change request in the City from SF-5 Single-Family and TF-3 Two-Family to GC General Commercial, subject to Protective Overlay #416, for expansion of existing automotive repair and body shop facility; located between North Hoover Avenue and Highway Interstate 235 (721 North Hoover).
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 (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=a0k3bW0ySlBNbFJQTDFyV0xPVDBXUT09
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/u/kc65codfb1
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 August 3, 2023
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0133593
Aug 3 2023

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

1 insertion(s) published on:
08/03/23

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 08/03/2023 to 08/03/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 08/03/2023

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. 4.7

STAFF REPORT

MAPC August 24, 2023
DAB VI September 11, 2023

CASE NUMBER: ZON2023-00046 (City)

APPLICANT/AGENT: Air Capitol Industrial Park LLC (owner)/ Baughman Company PA, Philip J, Meyer (agent)

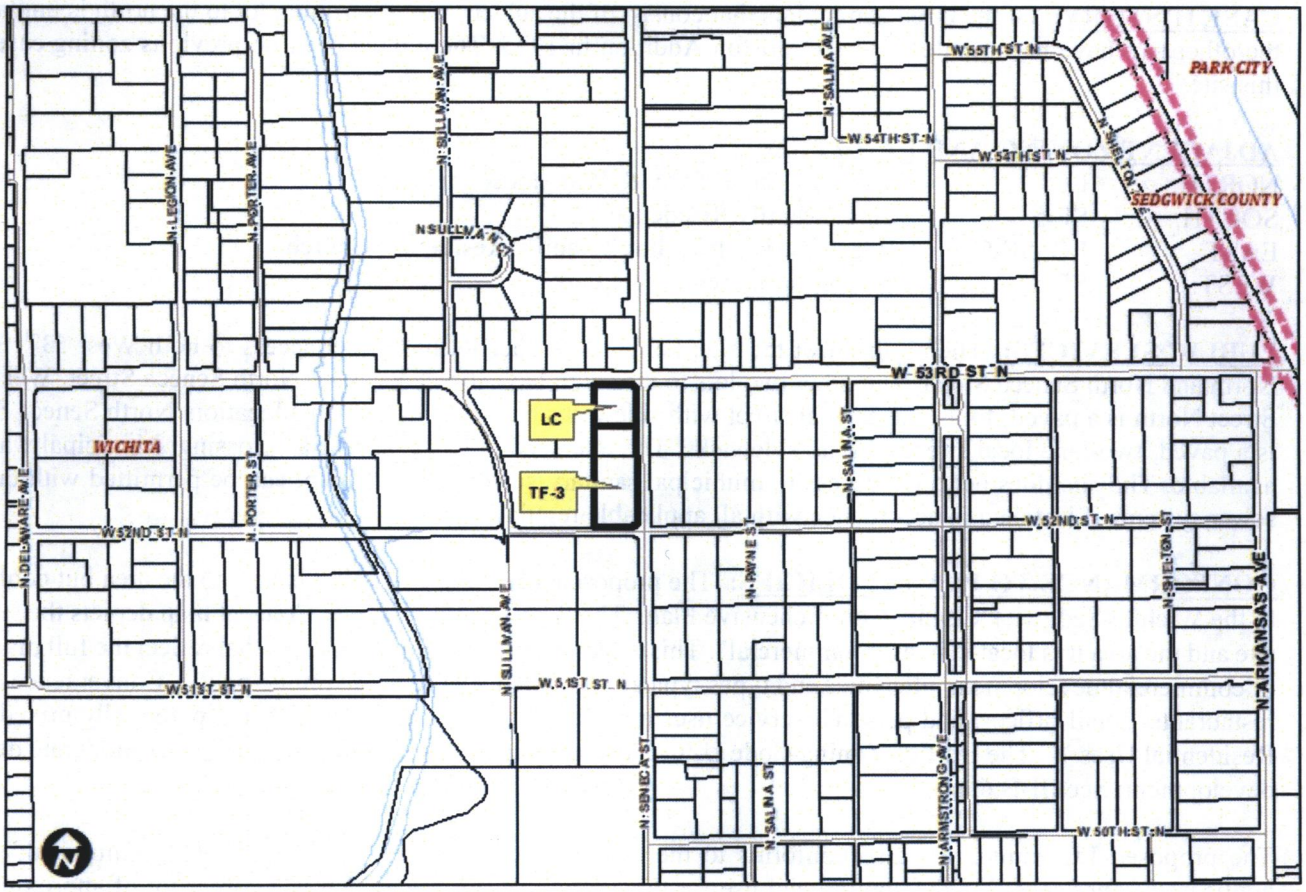
REQUEST: TF-3 Two-Family Residential & LC Limited Commercial

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: Approximately 2.6 acres

LOCATION: Generally located on the southwest corner of West 53rd Street North and North Seneca Street (5355 North Seneca St.)

PROPOSED USE: Approximately 0.74 acres of commercial development & approximately 1.86 acres of duplex development



BACKGROUND: The applicant is requesting TF-3 Two-Family Residential and LC Limited Commercial zoning on the approximately 2.6 acres of undeveloped SF-5 Single-Family Residential zoned property located on the southwest corner of West 53rd Street North and North Seneca Street (5355 North Seneca St.). The applicant proposes to develop 3 duplexes on approximately 1.86 -acres and unspecified commercial development on 0.74 acres of the subject site.

The undeveloped subject site is currently vacant. The abutting north, northeast, and east are LC Limited Commercial zoned properties. Properties to the north have a vehicle repair shop and warehouses built on them, and on the east is a vacant strip mall. The subject site also abuts an SF-5 Single Family Residential District to the east, developed with a church and single-family dwelling. To the west and south, the property abuts the SF-5 Single Family Residential District. The lots to the northwest are developed with single family dwellings and the rest of the west side of the subject site abuts to a park.

The site plan does not show any screening or landscaping. The portion of the site proposed for LC zoning needs to comply with the screening and landscaping requirements of Section IV-B.2 of the Unified Zoning Code (UZC) and Section 28.06.040 of the Landscape Code. A solid screening fence and a landscape buffer are required along the west and south property lines of the proposed LC zoning because it abuts SF-5 Single-Family Residential zoning. A landscaped street yard and parking lot screening are required along West 53rd Street because it is an arterial street. Those landscaping elements are not required along North Seneca Street because it is a local street at this location and the property on the east side of North Seneca Street is zoned commercially.

Because the proposed LC zoning area abuts property zoned residentially, compatibility setback and height standards shall apply to this site, and any future development shall be in accordance with Sections IV-C.4 and IV-C.5 of the UZC.

CASE HISTORY: Of the three zoning lots that consist of the subject site, the zoning lot to the north is unplatted, the other two have been platted under Ormiston Addition in 1925. There have been no previous zoning cases on this site.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Vehicle Repair Shop & Warehouse Storage
SOUTH:	SF-5	Single-family Residence
EAST:	LC, SF-5	Vacant Strip Mall, Single-family Residence, Church
WEST:	SF-5	Single-family residence, Park

PUBLIC SERVICES: The north lot of the site, being the corner lot has direct access to both West 53rd Street North and North Seneca Street. The other two lots to the south have direct access to North Seneca Street. West 53rd Street North is a paved, four-lane arterial street with sidewalks on both sides. At this location, North Seneca Street is a paved, two-lane local street with no sidewalks. The intersection has a pedestrian crossing. Municipal water is available. The site does not have access to municipal sanitary sewer. Development can be permitted with on-site sewer systems if installed in accordance with all applicable regulations.

CONFORMANCE TO PLANS/POLICIES: The proposed TF-3 duplex zoning is new to the area but conforms to the Wichita-Sedgwick County Comprehensive Plan. The Plan's Future Growth Concept map depicts the subject site and the area it is located in as "Commercial". This designation "Encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to and potentially mixed with Residential Uses." The Unified Zoning Code UZC considers duplex development in the City as moderate density development; Sec.III-B.6.a.

The proposed LC zoning site also conforms to the Comprehensive Plan's designation of "Commercial." The applicant has not specified the commercial use for this section of the site, which is a corner lot of approximately

0.74 acres located at the southwest corner of West 53rd Street North and North Seneca Street arterial intersection. The proposed LC site's location at the corner of the arterial intersection with the pedestrian crossing is preferable to locating single-family residential or duplexes at this location. Pedestrian access to and from the proposed TF-3 portion of the site to the proposed LC portion of the site is encouraged.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the requested TF-3 and LC zoning.

The recommendation is based on the following findings.

1. **The zoning uses and character of the neighborhood:** Properties to the north are zoned LC Limited Commercial and developed with a Vehicle Repair Shop and Warehouse Storage. Properties to the west are zoned SF-5 and developed with single-family dwellings and a public park. Properties to the east are zoned LC (developed with a vacant strip mall) and SF-5 (developed with a church). Property to the south is zoned SF-5 and is developed with single-family residential development.

2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is zoned SF-5 Single-Family Residential District and is suitable for single-family residential development in addition to a limited number of civic uses.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** A change of zoning to TF-3 Two-Family Residential District and LC Limited Commercial would allow all uses permitted in the TF-3 District and Limited Commercial on the respective portions of the site. Approval of the request should not detrimentally impact nearby property owners as LC zoning and uses already exist in the subject area. The proposed 0.74 acres of LC zoning located on the southwest corner of 53rd Street North and Seneca Street intersection is more preferable than locating single-family residential or duplexes at this location. The LC zoned property's impact on the abutting single-family and proposed duplexes will be lessen by the prosed Protective Overlay and the required screening, landscaping and compatibility standards for setbacks and height.

4. **Length of time the property has been vacant as currently zoned:** The property has been vacant since around 2014 as per the aerial map of the subsequent year shows.

5. **Relative gain to the public health, safety, and welfare as compared to the loss in value or hardship imposed upon the applicant:** Approval would permit higher intensity uses to be developed on the site in the form of commercial uses at the corner and moderate density housing on the remainder of the site. The proposed types of development are not out of character with the area and it they are not anticipated to have negative impacts on public health, safety, or welfare. Denial may represent economic loss to the applicant.

6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** It is the staff's opinion that the proposed TF-3 and LC zoning are in conformance with the Comprehensive Plan's designation.

7. **Impact of the proposed development on community facilities:** . Staff does not anticipate significant negative impacts to community facilities.

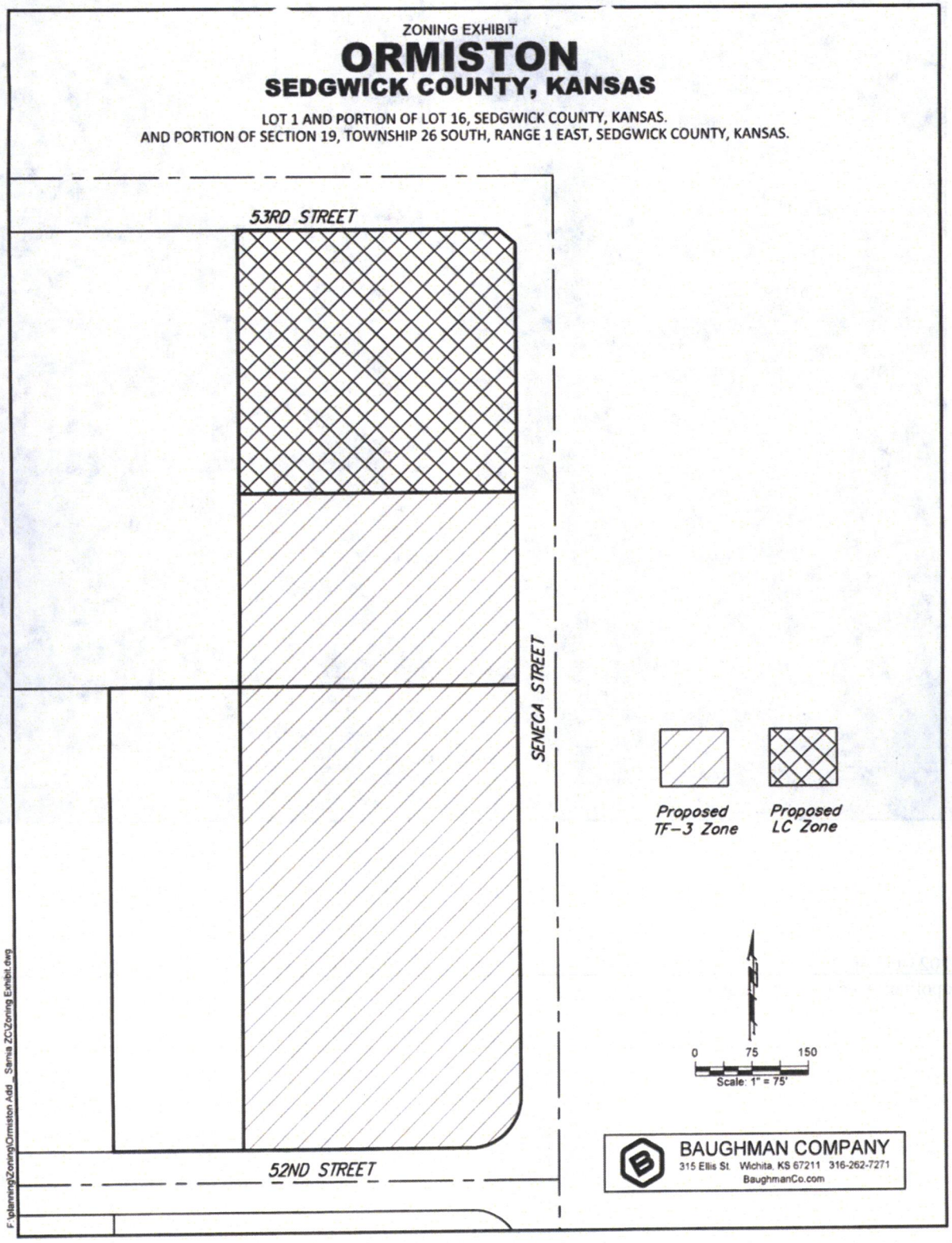
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff received one phone call to get more details about the case. No comments in opposition were received.

Attachments:

- Site Plan
- Aerial

- Zoning
- 2035 Wichita Future Growth Map
- Site Photos

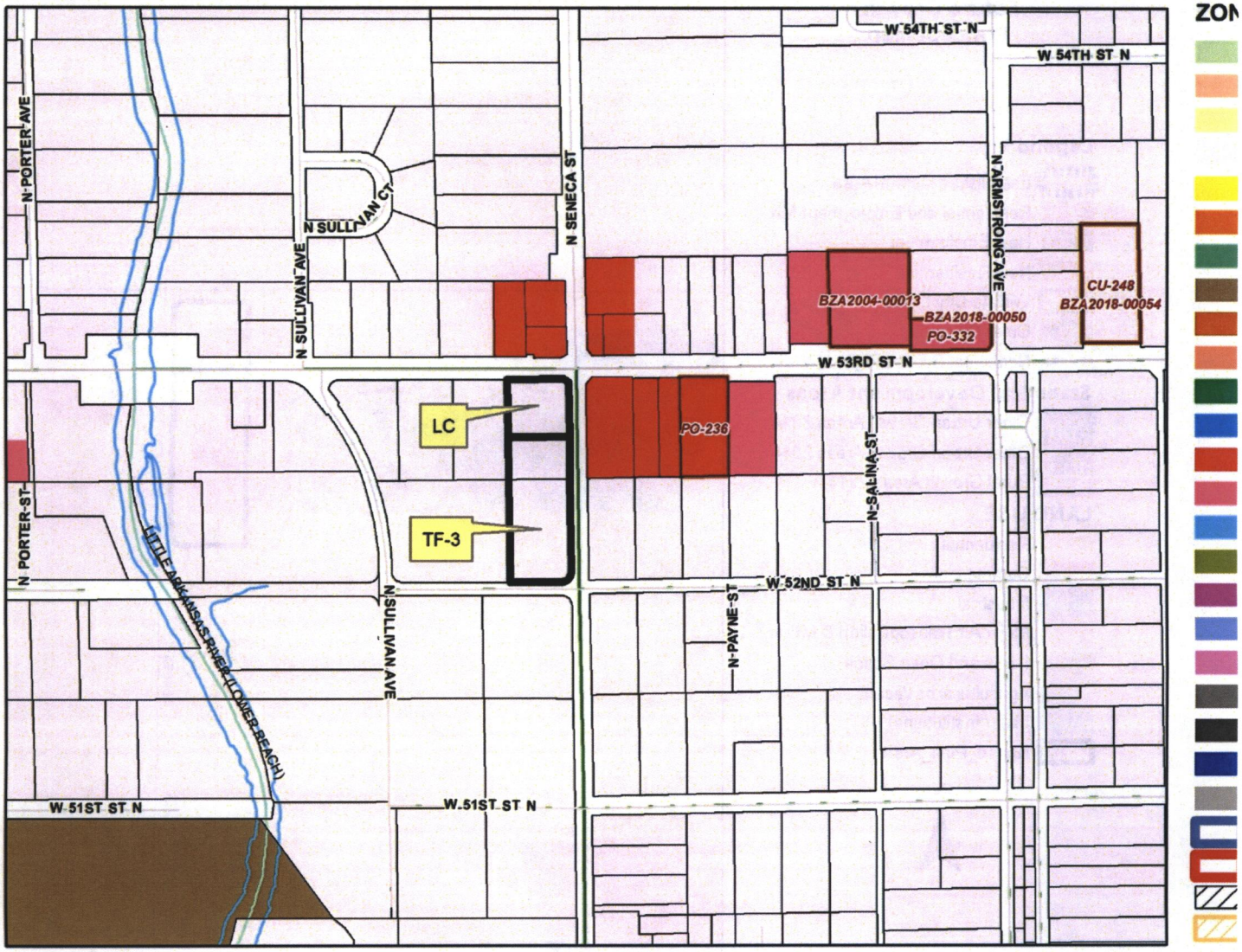
Attachment 1 : Site Plan



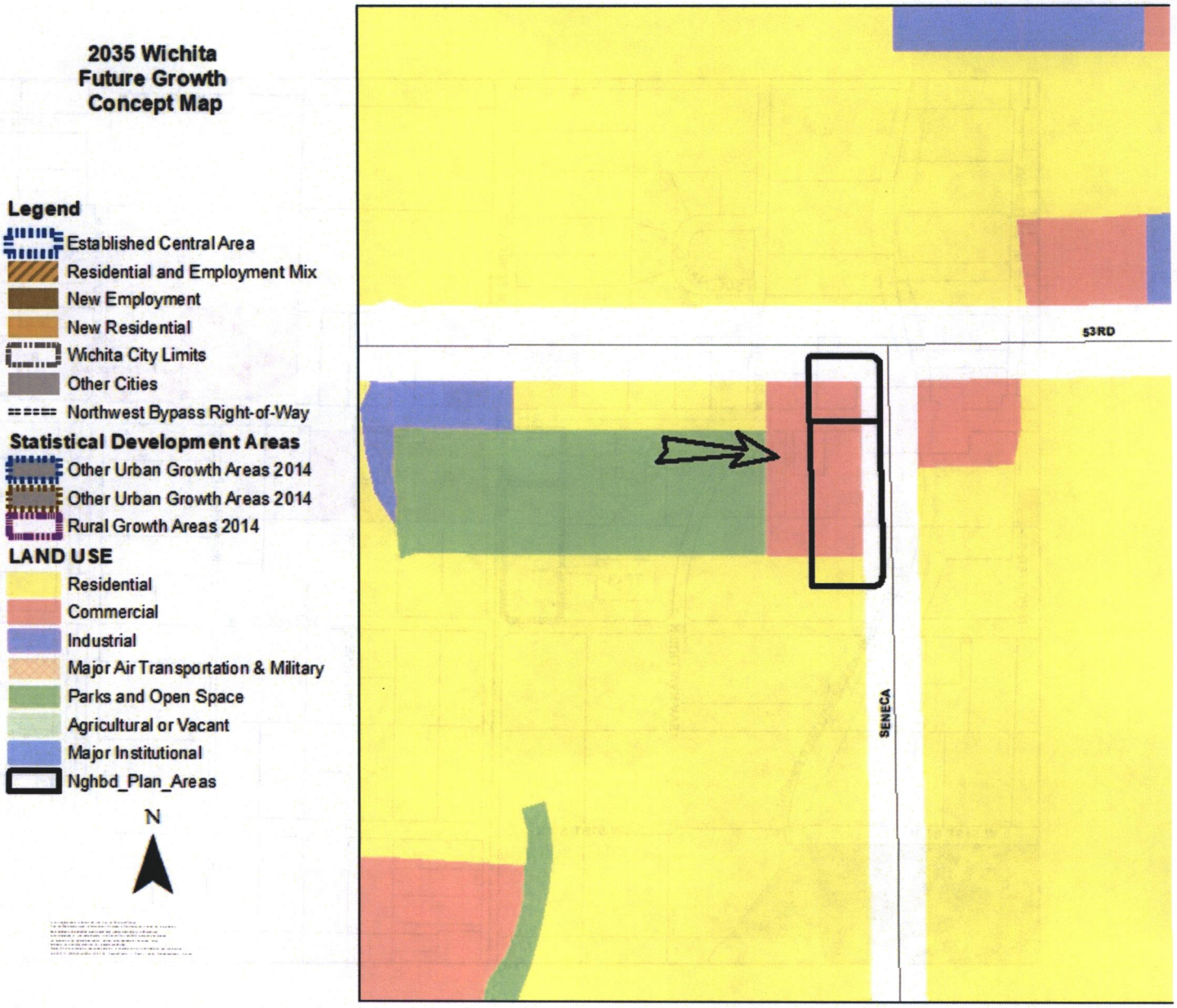
Attachment 2 Aerial Map



Attachment 4: Zoning Map



2035 Wichita Future Growth Concept Map



Attachment 5. Site Photos



Looking from north-east towards the site



Looking from North away from the site



Looking from northeast away from the site



Looking from north towards from the s



Looking from southeast away from the site



Looking from the south towards tl



Looking at the park abutting in west of the site