Wichita-Sedgwick County Metropolitan Area Planning Department

Sherwood Construction Company, Inc.
Attn: David Sherwood
PO Box 9163
Wichita, KS 67277

July 24, 2024

RE: ZON2024-00023 – Zone change request in the County from SF-20 Single-Family Residential to LC Limited Commercial to eliminate landscape and screening requirements on adjacent property, located on the southeast corner of West Kellogg and South 135th Street West.

Dear Applicant;

At its regular meeting on **July 24, 2024**, the Sedgwick County Board of County Commissioners heard 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,

Christina Rieth

Christina Rieth
Current Plans
Associate Planner

CC: MABCD
David Dennis, Commissioner, CAB 3
Baughman Company P.A., attn: Jay Cook, 315 South Ellis Street, Wichita, KS 67211

Wichita-Sedgwick County Metropolitan Area Planning Department

Sherwood Construction Company, Inc.
Attn: David Sherwood
PO Box 9163
Wichita, KS 67277

June 13, 2024

RE: ZON2024-00023 – Zone change request in the County from SF-20 Single-Family Residential to LC Limited Commercial to eliminate landscape and screening requirements on adjacent property, located on the southeast corner of West Kellogg and South 135th Street West.

Dear Applicant;

At its regular meeting on **June 13, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned requests. 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 **June 27, 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 1000 feet of the property for which the application was filed, and must be submitted to the County Clerk by **June 27, 2024, at 5:00 p.m.**

This application will be considered by the Board of County Commissioners on **Wednesday, July 24, 2024,** beginning at 9:00 a.m., at 100 North Broadway, Wichita, KS 67202.

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

Sincerely,

Christina Rieth

Christina Rieth
Current Plans
Associate Planner

CC: MABCD
David Dennis, Commissioner, CAB 3
Baughman Company P.A., attn: Jay Cook, 315 South Ellis Street, Wichita, KS 67211

(150004) Published in The Ark Valley News on August 1, 2024

RESOLUTION NO. 154-2024

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 on June 13, 2024, 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. ZON2024-00023

Zone change request from SF-20 Single-Family Residential to LC Limited Commercial District on property legally described as:

> That part of the West Half of the Northwest Quarter of Section 36, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, as prepared by Baughman Company, P.A., CLS 58, surveyors in aforementioned county and state on May 22, 2024, more particularly described as follows: The east 50.00 feet of the West Half of the Northwest Quarter of Section 36, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, lying north of the right-of-way of the Atchison, Topeka and Santa Fe Railroad; EXCEPT that part taken for Highway in District Court Condemnation Case #A-38302, and EXCEPT that part deeded for Highway in Deed Book 1422, page 226; and EXCEPT that part lying north of the westerly prolongation of the southerly right-of-way boundary line of Kellogg Drive as platted in Dugan Kellogg West Commercial 3rd Addition, Wichita, Sedgwick County, Kansas; and EXCEPT that part platted as Sunstone at 135th Addition, Wichita, Sedgwick County, Kansas.

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, signature page follows]

Commissioners present and voting were:

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

Dated this 24 day of July, 2024.

ATTEST:

KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

RYAN K. BATY, Chairman
Commissioner, Fourth District

SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

Absent
PETER F. MEITZNER
Commissioner, First District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

7/5/24
SAMANTHA SEANG
Assistant County Counselor

Sedgwick Co. public notice

(Published in The Ark Valley News Aug. 1, 2024.)

RESOLUTION NO. ____154-2024_____

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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 — Absent
SARAH LOPEZ — Aye
DAVID T. DENNIS — Aye
RYAN K. BATY — Aye
JAMES M. HOWELL — Aye

Dated this 24 day of July 2024

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

RYAN K. BATY, Chairman
Commissioner, Fourth District

SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

Absent
PETER F. MEITZNER
Commissioner, First District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

SAMANTHA SEANG 7/18/24
Assistant County Counselor

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 1st day of August, 2024, with subsequent publications being made on the following dates:

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

Subscribed and sworn to before me this 1st day of August, 2024.

My commission expires

Additional copies

Printer's fee

Notary Public
LISA K. STRUNK
NOTARY PUBLIC
4/24/26
STATE OF KANSAS

Sedgwick Co. public notice

(Published In The Ark Valley News May 23, 2024.)

MAPC June 13, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 13, 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.

PUD2024-00010: Zone Change in the County from RR Rural Residential to PUD Planned Unit Development to permit a mix of residential and commercial uses including Construction Sales and Service, Bed and Breakfast, and Event Center; located on the west side of North Woodlawn and one-quarter mile south of East 69th Street.

VAC2024-00030: Vacation request in the County of a portion of complete access control for a driveway for new residence on property zoned SF-20 Single-Family Residential; located on the east side of South 151st Street West and within one-half mile north of West Maple Street (212 South 151st Street West).

ZON2024-00023: Zone Change request in the County from SF-20 Single-Family Residential to LC Limited Commercial to eliminate landscape and screening requirements on adjacent property; located on the southeast corner of West Kellogg and South 135th Street West.

ZON2024-00024: Zone Change request in the County from RR Rural Residential to SF-20 Single-Family Residential for residential development on one- to two-acre lots; located on the east side of North 215th Street West and north of West 29th Street North.

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 May 23, 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 23rd day of May, 2024, with subsequent publications being made on the following dates:

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

Subscribed and sworn to before me this 23rd day of May, 2024.

Notary Public

My commission expires

Additional copies

Printer's fee

LISA K. STRUNK
NOTARY PUBLIC
4/24/28
STATE OF KANSAS

AGENDA ITEM NO. 4.4

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: June 13, 2024

CASE NUMBER: ZON2024-00023 (County)

APPLICANT: Sherwood Construction Company (Applicant)/Baughman Company (Agent)

REQUEST: LC Limited Commercial District

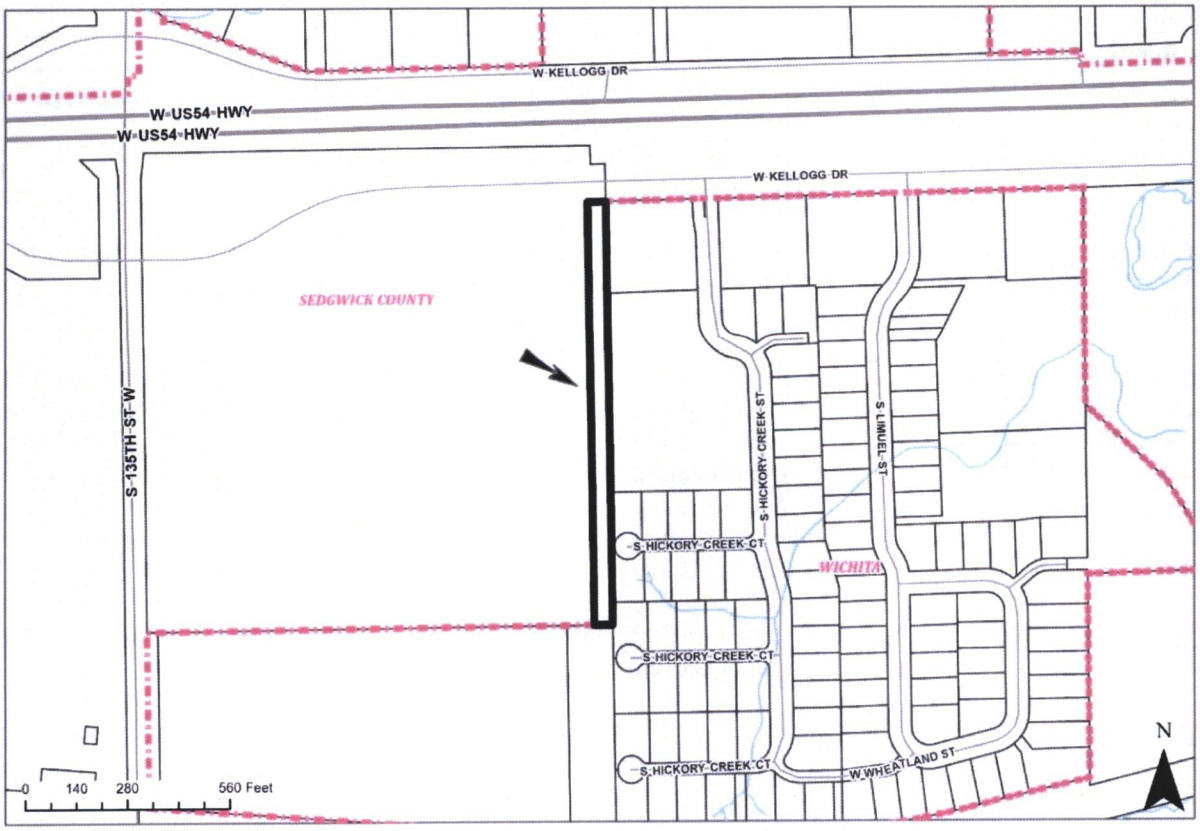
CURRENT ZONING: SF-20 Single-Family Residential District

SITE SIZE: 1.34 acres

LOCATION: Generally located south of West Kellogg and east of South 135th Street West

PROPOSED USE: Eliminate the landscaping requirements for adjacent properties.

RECOMMENDATION: Approve.



BACKGROUND: The applicant is requesting a zone change from SF-20 Single-Family Residential District (SF-20) to LC Limited Commercial District (LC) on 1.35 acres of a 38-acre property. The subject site is located south of West Kellogg Drive and east of South 135th Street West. The subject site is undeveloped.

The applicant is requesting this zone change to eliminate the landscaping requirements on the adjacent property. The properties to the east are zoned LC with CUP DP-320 and are located in the City of Wichita. The Wichita Landscape Code "seeks to protect residential developments from surrounding uses, soften harsh expanses of pavement, and screen undesirable views." CUP DP-320 requires the property owner to install landscaping per the Wichita Landscape Code. This requires owners of commercial properties adjacent to residential zoning to plant at least one shade tree (or two ornamental trees) per 40 lineal feet for screening, with additional regulations for parking lots.

Unincorporated Sedgwick County does not have any landscaping requirements. Should the zone change request be approved, the applicant shall still be subject to the screening requirements set forth in Section IV-B of the Unified Zoning Code (UZC), which requires a six to eight-foot solid screening fence for commercially zoned properties adjacent to residential zoning. The applicant shall be required to screen on the west side of the subject site at the time a commercial use is developed.

Should the zone change request be approved, there shall be an increase in permitted uses on site, such as two-family and multi-family residential development at a density of 75.1 dwelling units per acre and commercial uses, such as office space and retail. The zone change shall also alter the requirements for minimum setbacks, minimum lot size, minimum lot width, and maximum height, as demonstrated in the table below:

Development Standard	SF-20 Single-Family Residential District	LC Limited Commercial District
Minimum lot area	20,000 square feet	5,000 square feet
Minimum lot width	100 feet	No minimum
Minimum front setback	25 feet	20 feet
Minimum rear setback	25 feet	Ten feet
Interior side setback	Ten feet	Zero feet
Street side setback	20 feet	Ten feet
Maximum height	35 feet or 45 feet if located at least 25 feet from all lot lines; no maximum height limit for agricultural buildings	45 feet

However, the applicant has indicated they do not intend to develop the property. The width of the area that the applicant is requesting to rezone is 50 feet wide; additionally, the southern half of the property contains a retention pond that was excavated from a previous Conditional Use request.

The character of the neighborhood is undeveloped and low-density residential development. Immediately north of the subject site is West Kellogg Drive and U.S. Highway 54. Property to the south is zoned PUD Planned Unit Development (PUD #47), is owned by the applicant, and is currently undeveloped. PUD #47 is anticipated to be a multi-family residential development with custom setbacks and landscaping in lieu of solid screening. Properties to the east are zoned LC with CUP DP-320 and are located within the City of Wichita. The LC properties are undeveloped to the north and developed with duplex development within CUP DP-320 to the south. Property to the west is zoned SF-20, is owned by the applicant, and is located within unincorporated Sedgwick County.

CASE HISTORY: The subject site is not platted. In 2002, the Metropolitan Area Planning Commission granted the subject site a Conditional Use for Mining and Quarrying (CON2002-00035).

ADJACENT ZONING AND LAND USE:

NORTH:	None	West Kellogg Drive/U.S. Highway 54
SOUTH:	PUD	Undeveloped
EAST:	LC with CUP DP-320	Undeveloped, duplexes

WEST: SF-20 Undeveloped

PUBLIC SERVICES: The portion of the property included in the zone change request is immediately south of West Kellogg Drive, which is a two-way local street with no sidewalks. The site does not have access to any Rural Water District.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the *Community Investments Plan*, which identifies the site as "Residential and Employment Mix" on the 2035 Future Growth Concept Map. This category is described as follows: "Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor." The requested zone change allows for a limited number of commercial uses, which match the zoning of the properties to the east.

The *Community Investments Plan*'s Locational Guidelines "encourage patterns of development that efficiently and effectively use land, public infrastructure, and services; strive for compatibility among land uses; and, promote quality of place through design." One of the *Plan*'s general Guidelines aims to "support expansion of existing uses to adjacent areas." Should the applicant's zone change request be approved, the zoning shall match that of the properties immediately east of the subject site.

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

The recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is undeveloped and low-density residential development. Immediately north of the subject site is West Kellogg Drive and U.S. Highway 54. Property to the south is zoned PUD Planned Unit Development (PUD #47), is owned by the applicant, and is currently undeveloped. PUD #47 is anticipated to be a multi-family residential development with custom setbacks and landscaping in lieu of solid screening. Properties to the east are zoned LC with CUP DP-320 and are located within the City of Wichita. The LC properties are undeveloped to the north and developed with duplex development within CUP DP-320 to the south. Property to the west is zoned SF-20, is owned by the applicant, and is located within unincorporated Sedgwick County.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned SF-20 Single-Family Residential District, which is mostly suitable for low-density residential use. Landscaping is not required in unincorporated Sedgwick County.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate the removal of restrictions to have significant detrimental impacts on nearby property. The width of the portion being rezoned, along with the existing retention pond on the southern half of the subject site, do not accommodate commercial development large enough to significantly have detrimental impacts the proposed duplex development to the south.

4. **Length of time the property has been vacant as currently zoned:** The subject site has never been developed.

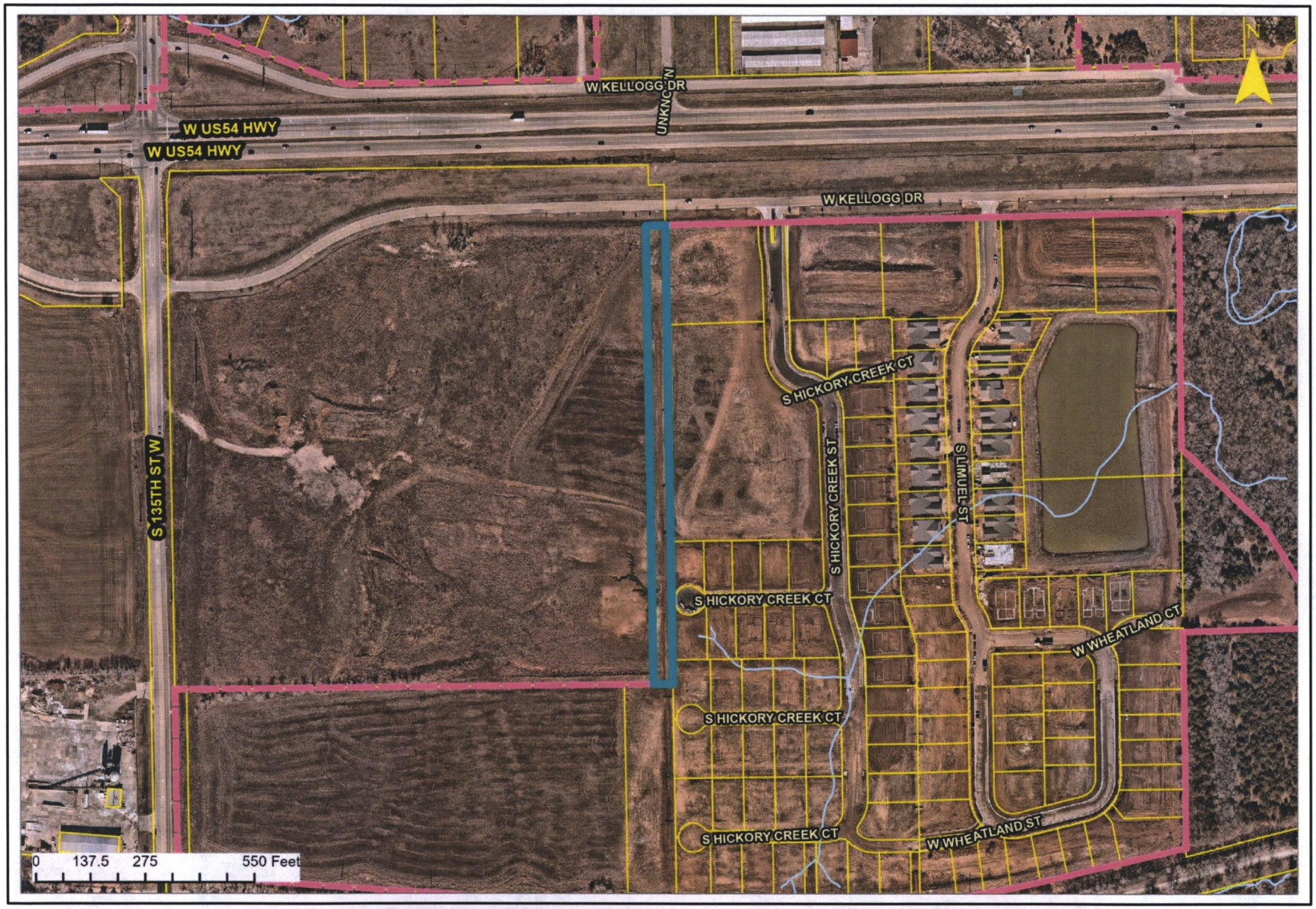
5. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would allow limited commercial development, given the width and topography of the subject site. Denial of the application would further limit the development on site and require the property owner to the east to install landscaping on the applicant's eastern property line.

6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is in conformance with *The Community Investments Plan* as discussed in the staff report.

7. **Impact of the proposed development on community facilities:** It is not anticipated that development of the property will have significant negative impacts on community facilities or resources.

8. **Opposition or support of neighborhood residents:** At the time of the publication of the staff report, staff has not received any comments from the public.

Attachments:
1) Aerial Map
2) Zoning Map
3) Land Use Map
4) Site Photos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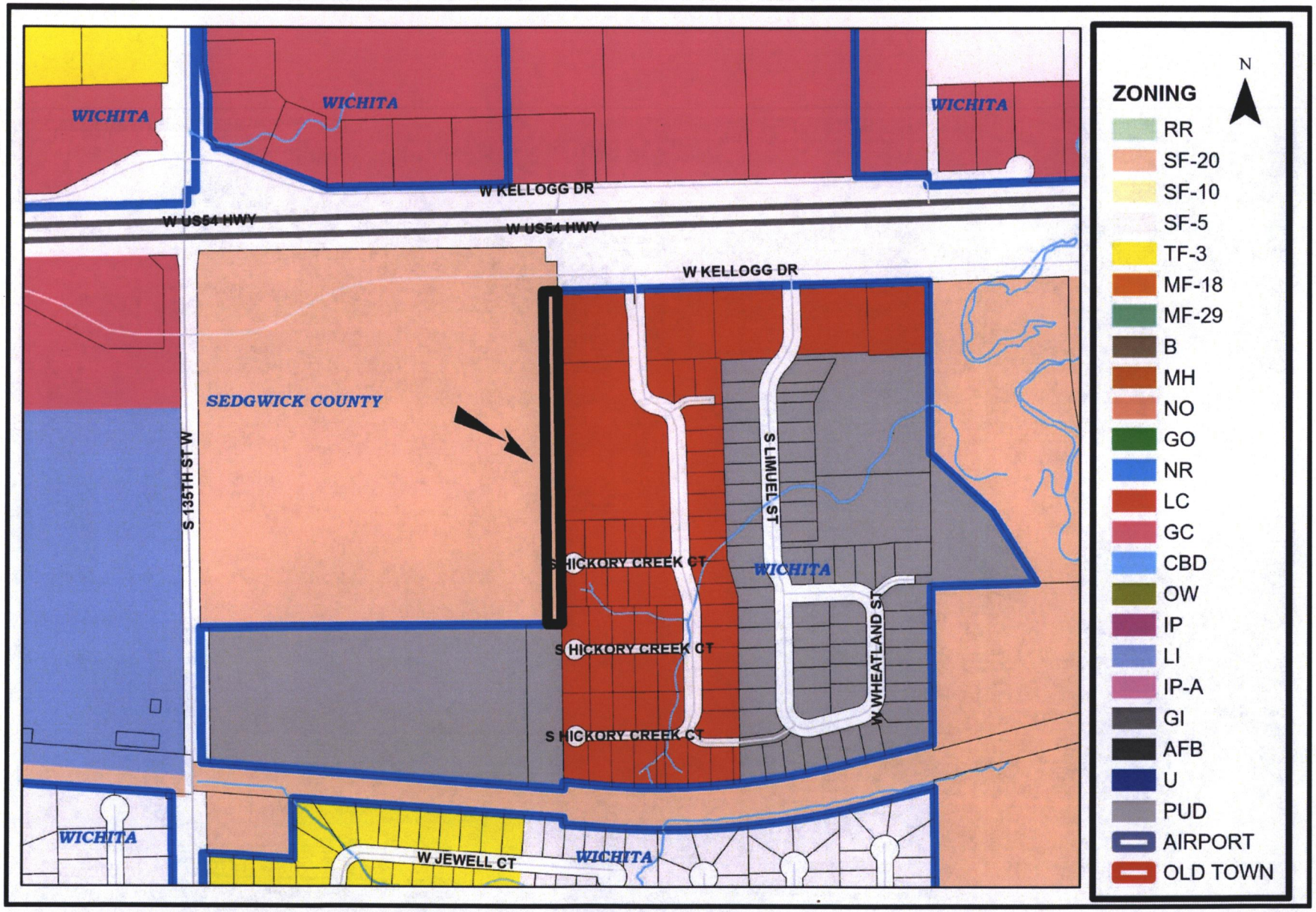
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2035 Wichita Future Growth Concept Map

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

N

Looking west towards site

Looking south towards site

Looking north away from site

Looking east away from site