Wichita-Sedgwick County Metropolitan Area Planning Department

Sherwood Construction Company, Inc.
Attn: Roger McClellan
3219 West May
Wichita, KS 67213

December 4, 2024

RE: ZON2024-00047 – Zone change request in the County from SF-20 Single-Family Residential to GC General Commercial for a 5-acre portion of property located at the southeast corner of West 135th Street South and West Kellogg.

Dear Applicant;

At its regular meeting on **December 4, 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
Current Plans
Associate Planner

CC: MABCD
David Dennis, Commissioner, CAB 3
MKEC Engineering, attn: Wesley Detter, 411 North Webb Road, Wichita, KS 67206

Wichita-Sedgwick County Metropolitan Area Planning Department

Sherwood Construction Company, Inc.
Attn: Roger McClellan
3219 West May
Wichita, KS 67277

October 14, 2024

RE: ZON2024-00047 – Zone change request in the County from SF-20 Single-Family Residential to GC General Commercial for a 5-acre portion of property located at the southeast corner of West 135th Street South and West Kellogg.

Dear Applicant;

At its regular meeting on **October 10, 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 **October 24, 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 **October 24, 2024, at 5:00 p.m.**

This application will be considered by the Board of County Commissioners on **Wednesday, December 4, 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
MKEC Engineering, attn: Wesley Detter, 411 North Webb Road, Wichita, KS 67206

(150004) Published in The Ark Valley News on December 12, 2024

RESOLUTION NO. 252-2024

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FROM SF-20 SINGLE-FAMILY RESIDENTIAL TO GC GENERAL COMMERCIAL DISTRICT 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 on October 10, 2024 as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2024-00047

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

A tract of land lying in the Northwest Quarter, Section 36, Township 27 South, Range 2 West, of the 6th P.M., Sedgwick County, Kansas, said tract being more particularly described as follows: Commencing at the northwest corner of said Northwest Quarter, thence along the west line of said Northwest Quarter on a Kansas coordinate system of 1983 south zone bearing of S00°40'04"E, 393.58 feet; thence N89°20'03"E, 75.00 to the point of beginning; thence continuing N89°20'03"E, 200 feet; thence N61°19'07"E, 284.31 feet; thence parallel with and 526.00 feet east of said west line, S00°40'04"E, 569.77 feet; thence S89°20'03"W, 466.00 feet to a point lying 60.00 feet east of said west line; thence parallel with and 60.00 feet east of said west line, N00°40'04"W, 241.00 feet; thence N05°39'46"E, 136.04 feet to a point lying 75.00 feet east of said west line; thence parallel with and 75.00 feet east of said west line N00°40'04"W, 60.02 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.

[balance of this page intentionally left blank, signature page follows]

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	aye
SARAH LOPEZ	aye
DAVID T. DENNIS	aye
RYAN K. BATY	aye
JAMES M. HOWELL	aye

Dated this 4 day of December, 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

PETER F. MEITZNER
Commissioner, First District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

Samantha Seang 11/20/24
SAMANTHA H. SEANG
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 12th day of December, 2024. with subsequent publications being made on the following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____, 2024 _____, 2024

Subscribed and sworn to before me this 12th day of December, 2024.

Notary Public

My commission expires 4/24/28

Additional copies $

Printer's fee

LISA K. STRUNK NOTARY PUBLIC STATE OF KANSAS

Sedgwick Co. public notice

(Published in The Ark Valley News Dec. 12, 2024.)

RESOLUTION NO. 252-2024

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FROM SF-20 SINGLE-FAMILY RESIDENTIAL TO GC GENERAL COMMERCIAL DISTRICT 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 on October 10, 2024 as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2024-00047

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

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

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

Commissioners present and voting were:

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

Dated this 4 day of December 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

PETER F. MEITZNER
Commissioner, First District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

SAMANTHA H. SEANG 11/20/24
Assistant County Counselor

Sedgwick Co. public notice

(Published in The Ark Valley News Sept. 19, 2024.)

MAPC October 10, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, October 10, 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.**

BZA2024-00059: Variance request in the County to increase maximum square footage for a monument sign; generally located on the east side of North 167th Street West and within one-half mile north of West 4th Street North.

BZA2024-00060: Variance request in the County to reduce building setback to 6 feet to allow an accessory pole barn in front of primary structure located on the northwest corner of South Pattie Avenue and East 77th Street (7757 South Pattie Avenue).

ZON2024-00043: Zone Change request in the County from SF-20 to GC General Commercial with Protective Overlay to allow Vehicle Storage Yard located on the north side of West 53rd Street north and one-half mile west of North Meridian Avenue (3400 West 53rd Street North).

ZON2024-00047: Zone Change request in the County from SF-20 Single-Family Residential to GC General Commercial for a 5-acre portion of property located at the southeast corner of West 135th Street South and West Kellogg.

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 September 19, 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 19th day of September, 2024. with subsequent publications being made on the following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____, 2024 _____, 2024

Chris Strunk

Subscribed and sworn to before me this 19th day of September, 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. 4.5

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: October 10, 2024
CAB 3: October 7, 2024

CASE NUMBER: ZON2024-00047 (County)

APPLICANT: Sherwood Construction Company (Applicant)/MKEC Engineering (Agent)

REQUEST: GC General Commercial District

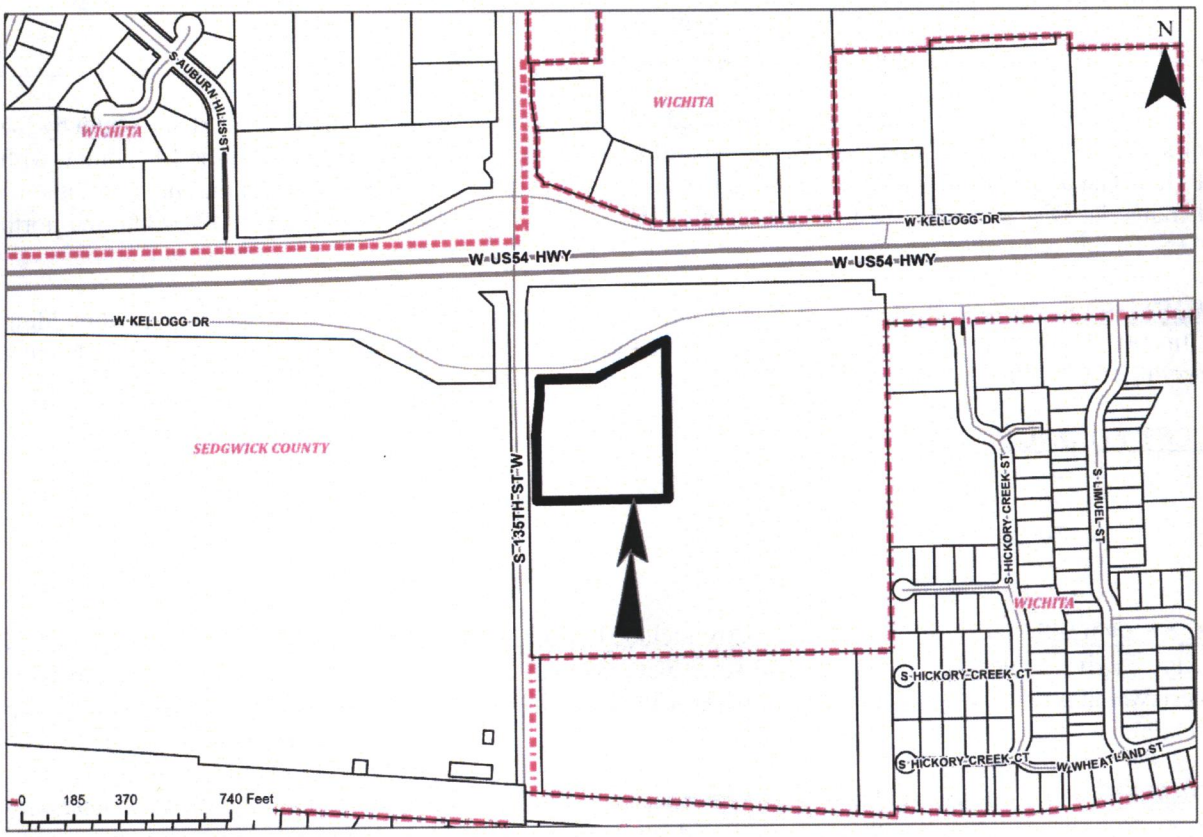
CURRENT ZONING: SF-20 Single-Family Residential District

SITE SIZE: 5.00 acres

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

PROPOSED USE: Uses allowed in GC zoning.

RECOMMENDATION: Approve.



BACKGROUND: The applicant is requesting a zone change from SF-20 Single-Family Residential District (SF-20) to GC General Commercial District (GC) on five (5) 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 allow for potential development that is consistent with the allowed land uses in GC zoning. The applicant does not have an intended use for the site. 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 south and east sides 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	GC General 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, subject to compatibility standards
Interior side setback	Ten feet	Zero or 5 feet, subject to compatibility standards
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	80 feet, subject to compatibility standards

The character of the immediate vicinity is undeveloped. The subject site is surrounded on the east and south by the applicant's own SF-20 zoned, 38-acre property. East of the 38-acre property are duplexes in the LC zoning with CUP DP-320. The undeveloped properties around the 38-acre property are zoned PUD #47 to the south, GC and LI Limited Industrial District to the west (across South 135th Street West), and GC with CUP DP-344 to the north (across U.S. Highway 54/400).

CASE HISTORY: The subject site is not platted. Platting is required prior to the issuance of commercial building permits. In 2002, the Metropolitan Area Planning Commission granted the subject site a Conditional Use for Mining and Quarrying (CON2002-00035). Operations began one year after final approval, and all the conditions were met.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Undeveloped
SOUTH:	SF-20	Undeveloped
EAST:	SF-20	Undeveloped
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 also has access to South 135th Street West, which is a two-way County arterial 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 commercial uses, which is already allowed by-right in the zoning west, east, and north of the subject site.

One of the *Community Investments Plan*'s Locational Guidelines states that "Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors." The subject site abuts a County arterial street and is directly south of a highway, and the proposed uses allow major commercial development.

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 immediate vicinity is undeveloped. The subject site is surrounded on the east and south by the applicant's own SF-20 zoned, 38-acre property. East of the 38-acre property are duplexes in the LC zoning with CUP DP-320. The undeveloped properties around the 38-acre property are zoned PUD #47 to the south, GC and LI Limited Industrial District to the west (across South 135th Street West), and GC with CUP DP-344 to the north (across U.S. Highway 54/400).

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.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Due to established zoning and commercial uses in the area, staff does not anticipate the removal of restrictions to have significant detrimental impacts on nearby property. The surrounding area is mostly undeveloped.

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 commercial development, which could bring light pollution and traffic to the area. Given the proposed access from West Kellogg Drive and South 135th Street West, staff does not anticipate this development to negatively impact the duplex developments. Denial of the request may result in the loss of economic development and use of the applicant's property.

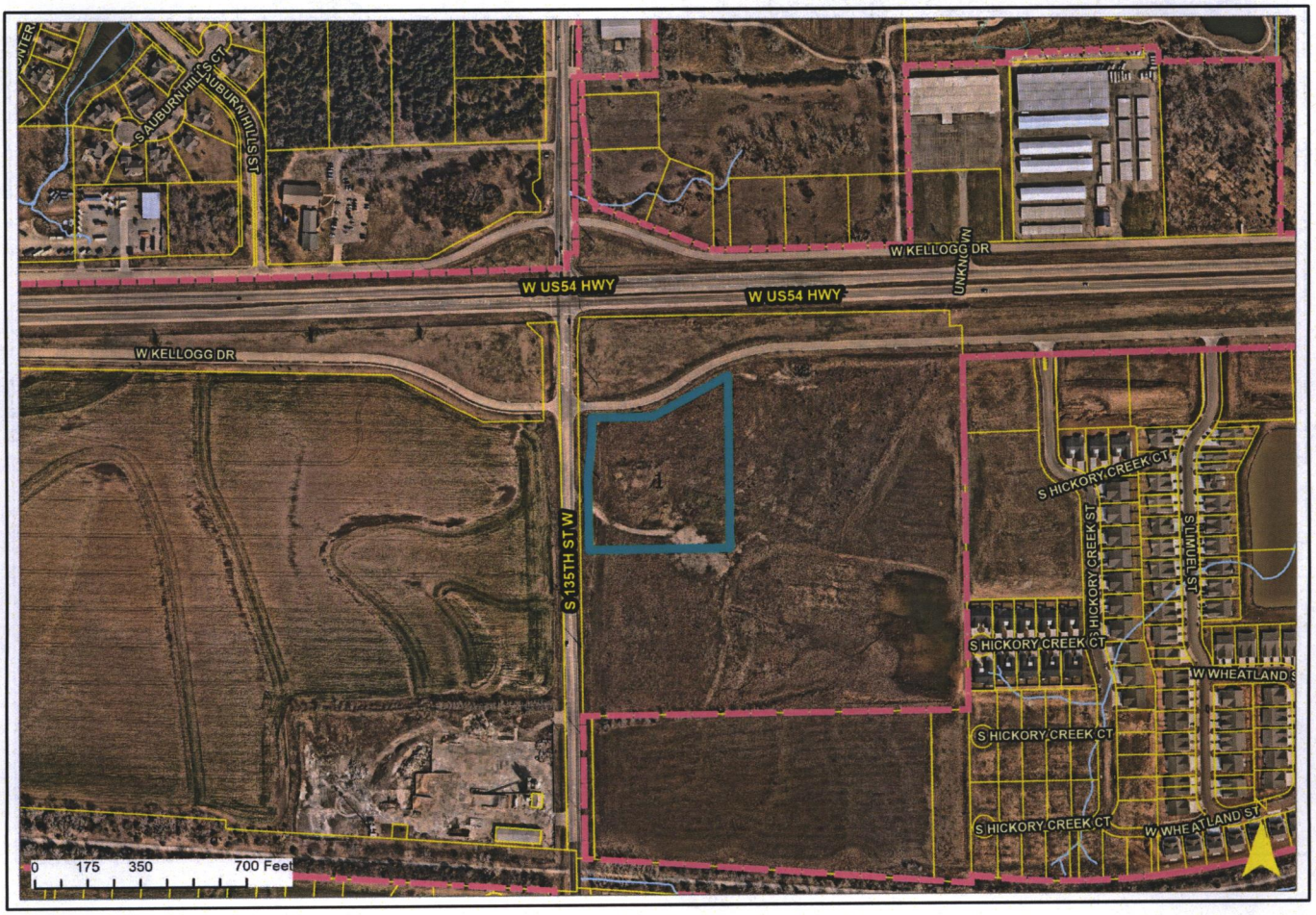
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is in conformance with *The Community Investments Plan* as discussed in the staff report.

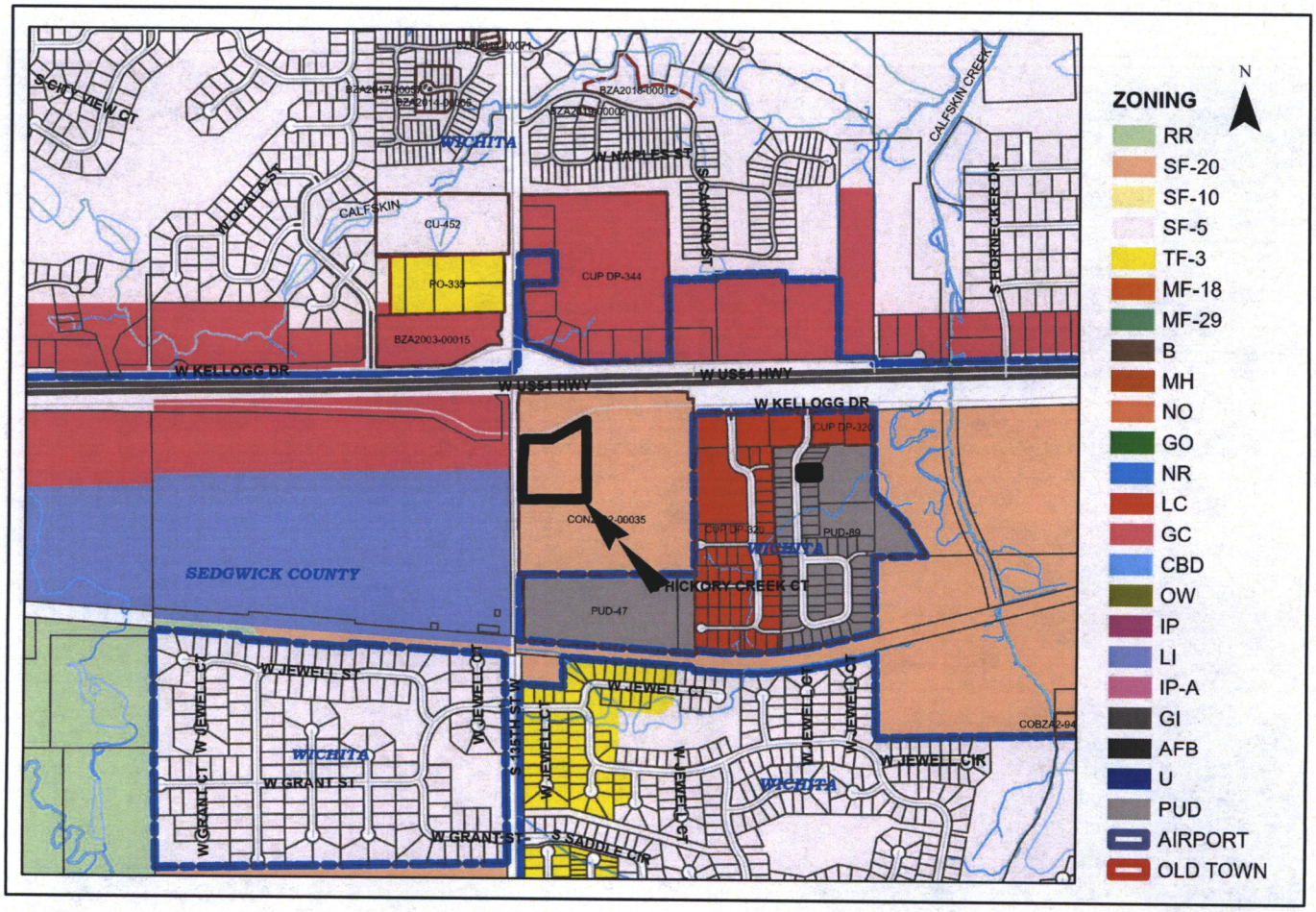
7. **Impact of the proposed development on community facilities:** Staff does not anticipate that development of this site will have significant detrimental effect on community facilities.

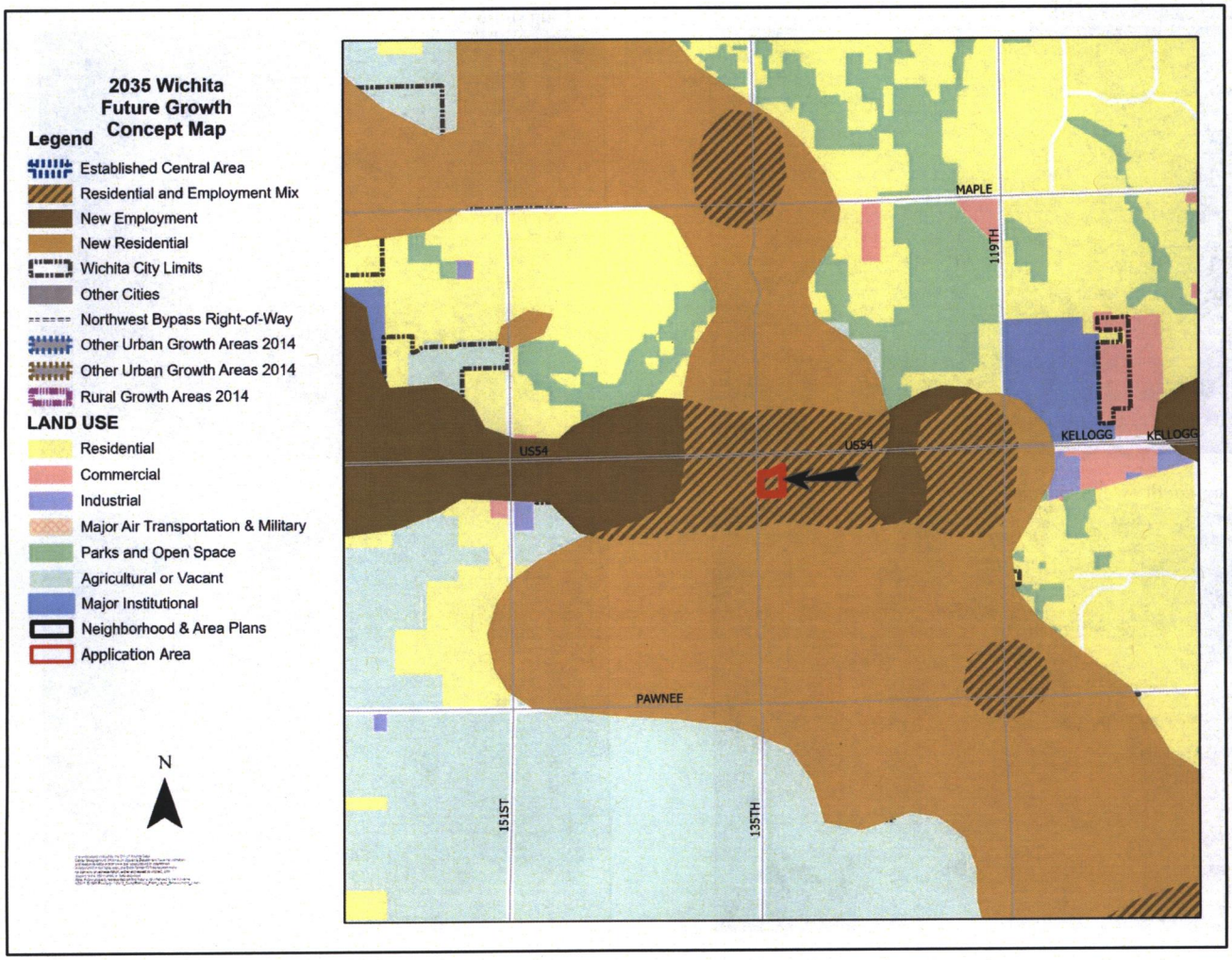
8. **Opposition or support of neighborhood residents:** At the time of the publication of the staff report, staff has not received any comments from the public.

Attachments:

1) Aerial Map
2) Zoning Map
3) Land Use Map
4) Site Photos


W US54 HWY
W US54 HWY
W KELLOGG DR
W KELLOGG DR
S AUBURN HILLS CT
AUBURN HILLS ST
UNKNOWN
S 135TH ST W
S HICKORY CREEK CT
S HICKORY CREEK ST
S HICKORY CREEK CT
S HICKORY CREEK CT
S HICKORY CREEK CT
W WHEATLAND ST
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ZONING
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SF-10
SF-5
TF-3
MF-18
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PUD
AIRPORT
OLD TOWN
N
W KELLOGG DR
W VST HWY
W NAPLES ST
CALFSKIN CREEK
S HORNECREEK DR
S GREYVIEW CT
WICHITA
CALFSKIN
CU-452
RO-339
CUP DP-344
BZA2003-00015
CUP DP-320
PUD-89
PUD-47
HICKORY CREEK CT
SEDGWICK COUNTY
W JEWELL ST
W GRANT ST
S SADDLE TR
COBZA2-94


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
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
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Application Area
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KELLOGG
PAWNEE
151ST
135TH

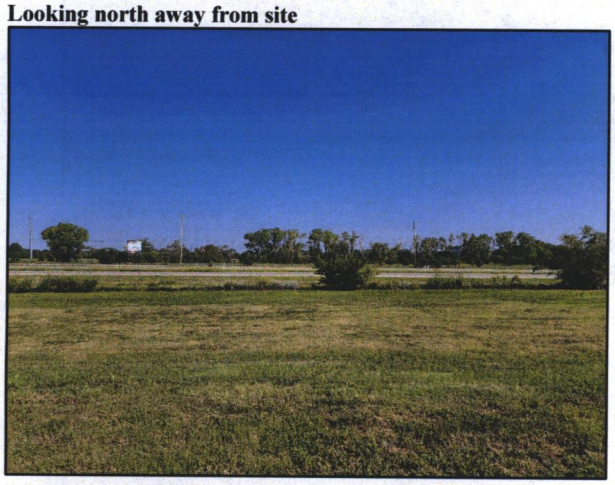
Looking east towards site



Looking south towards site



Looking north away from site



Looking west away from site

