



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

Green Cabin, LLC
156 N. Emporia
Wichita, KS 67202

January 14, 2025

PSC Consulting
Attn: Kim Edgington
2532 N. Cardinal Drive
Wichita, KS 67204

RE: ZON2024-000056 – Zone Change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District; generally located on the east side of North Hillside Avenue, within 700 feet south of East Central Avenue.

Dear Applicant,

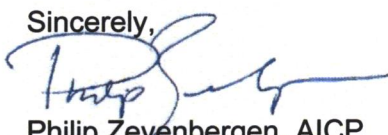
At its regular meeting on **January 14, 2025**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE**, subject to modified Protective Overlay #375 as follows:

Protective Overlay #375

1. The following uses are prohibited on site: Cemetery, Correctional Placement Residence (Limited and General), Event Center, Hotel or Motel, Service Station, Car Wash, Vehicle and Equipment Sales (Outdoor), Payday Loan/Title Loan Establishment, Recreation and Entertainment, Indoor, Entertainment Establishment, Nightclub, Tavern or Drinking Establishment.
2. Drive-thru speakers shall be placed on the north side of the property and speakers shall be directed away from residential property.
3. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.
4. Trash collection shall only occur from 7:00 a.m. to 10:00 p.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,



Philip Zevenbergen, AICP
Current Plans
Division Manager

CC: Brandon Johnson, Council Member, District I
Cameron Jackson, CSR, District I



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

Green Cabin, LLC
156 N. Emporia
Wichita, KS 67202

December 13, 2024

PSC Consulting
Attn: Kim Edgington
2532 N. Cardinal Drive
Wichita, KS 67204

RE: ZON2024-000056 – Zone Change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District; generally located on the east side of North Hillside Avenue, within 700 feet south of East Central Avenue.

Dear Applicant,

At its regular meeting on **December 12, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL**, subject to modified Protective Overlay #375 as follows:

Protective Overlay #375

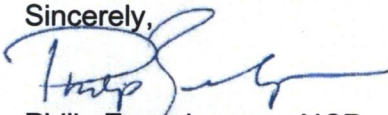
1. The following uses are prohibited on site: Cemetery, Correctional Placement Residence (Limited and General), Event Center, Hotel or Motel, Service Station, Car Wash, Vehicle and Equipment Sales (Outdoor), Payday Loan/Title Loan Establishment, Recreation and Entertainment, Indoor, Entertainment Establishment, Nightclub, Tavern or Drinking Establishment.
2. Drive-thru speakers shall be placed on the north side of the property and speakers shall be directed away from residential property.
3. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.
4. Trash collection shall only occur from 7:00 a.m. to 10:00 p.m.

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 26, 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 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **December 26, 2024, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, January 14, 2025**, 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,



Philip Zevenbergen, AICP
Current Plans
Division Manager

CC: Brandon Johnson, Council Member, District I
Cameron Jackson, CSR, District I

January 24, 2025

ORDINANCE NO.

52-417

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. ZON2024-00056

Zone change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District zoning, on property legally described as:

Lot 3, EXCEPT the West 20 feet for street, Hillside Avenue, Floral Addition, Wichita, Sedgwick County, Kansas, AND Lot 5, on Hillside Avenue, in Floral Addition to Wichita, Sedgwick County, Kansas.

Subject to modified Protective Overlay #375 as follows:

1. The following uses are prohibited on site: Cemetery, Correctional Placement Residence (Limited and General), Event Center, Hotel or Motel, Service Station, Car Wash, Vehicle and Equipment Sales (Outdoor), Payday Loan/Title Loan Establishment, Recreation and Entertainment, Indoor, Entertainment Establishment, Nightclub, Tavern or Drinking Establishment.
2. Drive-thru speakers shall be placed on the north side of the property and speakers shall be directed away from residential property.
3. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.
4. Trash collection shall only occur from 7:00 a.m. to 10:00 p.m.

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.

(Remainder of Page Intentionally Left Blank)

Adopted this 21st day of January, 2025.

ATTEST:

Shinita Rice
Shinita Rice, Deputy City Clerk



(SEAL)

Lily Wu
Lily Wu, Mayor, City of Wichita

Jennifer Magaña
Approved as to form:
Jennifer Magaña, City Attorney and Director of Law





AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Shinita Rice, Deputy City Clerk

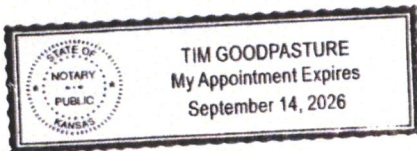
Being first duly sworn, deposes and says:

That Tyler Schiffelbein, Communications Manager of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. 52-417 / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 24th day of January, 2025.

Signature

SUBSCRIBED AND SWORN to before me this 17 day of JANUARY, 2025



(seal)

Notary Public

City Clerk's Office

City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529

www.wichita.gov

McClatchy

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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	629783	Print Legal Ad-IPL02135850 - IPL0213585	Ord. 52-617	\$52.80	1	87 L

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

srice@wichita.gov

OCA 150004 PUBLISHED
at Wichita.gov/LegalNotices on
JANUARY 24, 2025

ORDINANCE NO. 52-617
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. ZON2024-00056
Zone change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District zoning, on property legally described as:
Lot 3, EXCEPT the West 20 feet for street, Hillside Avenue, Floral Addition, Wichita, Sedgwick County, Kansas, AND Lot 5, on Hillside Avenue, in Floral Addition to Wichita, Sedgwick County, Kansas.

Subject to modified Protective Overlay #375 as follows:

1. The following uses are prohibited on site: Cemetery, Correctional Placement, Residence (limited and General), Event Center, Hotel or Motel, Service Station, Car Wash, Vehicle and Equipment Sales (Outdoor), Payday Loan/Title Loan Establishment, Recreation and Entertainment, Indoor, Entertainment Establishment, Nightclub, Tavern or Drinking Establishment.

2. Drive-thru speakers shall be placed on the north side of the property and speakers shall be directed away from residential property.

3. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.

4. Trash collection shall only occur from 7:00 a.m. to 10:00 p.m.

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 21st day of January, 2025.

Lily Wu, Mayor, City of Wichita

ATTEST:
Shinita Rice, Deputy City Clerk
(SEAL)

Approved as to form:
Jennifer Magana, City Attorney and
Director of Law

IPL0213585
Jan 24 2025

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

01/24/25

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 01/24/2025 to 01/24/2025.

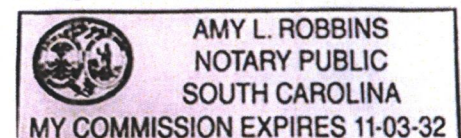
Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 01/24/2025

Amy Robbins

Notary Public in and for the state of South Carolina,
residing in Beaufort County



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



STAFF REPORT
MAPC: December 12, 2024
DAB I: December 2, 2024

CASE NUMBER: ZON2024-00056 (City)

APPLICANT/AGENT: Green Cabin, LLC (Owner); PSC Consulting (Agent)

REQUEST: LC Limited Commercial District

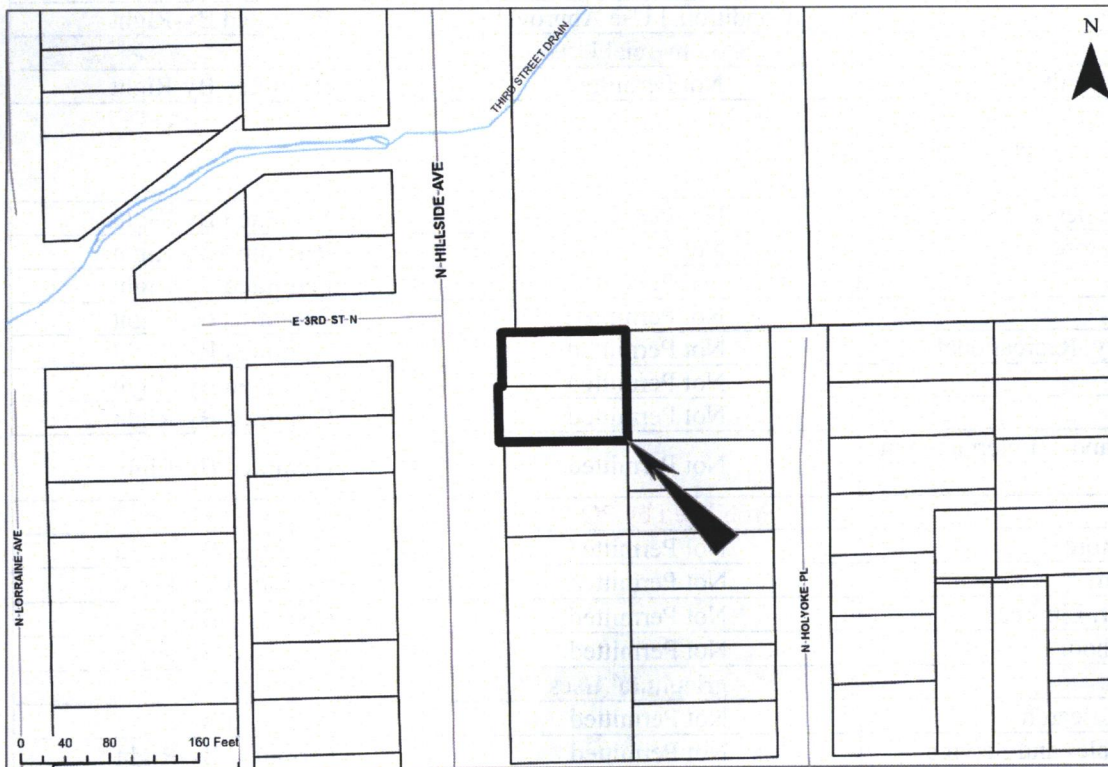
CURRENT ZONING: NR Neighborhood Retail District with Protective Overlay #375

SITE SIZE: 0.261 acres

LOCATION: Generally located on the east side of North Hillside Avenue and one-block south of East Central Avenue.

PROPOSED USE: To a wider variety of commercial uses.

RECOMMENDATION: Approve with modified Protective Overlay #375



BACKGROUND: The applicant is requesting a zone change from NR Neighborhood Retail District (NR) with Protective Overlay (PO) #375 to LC Limited Commercial District (LC) on property generally located on the east side of North Hillside Avenue and one-block south of East Central Avenue. The property is located on the southeast corner of North Hillside and East 3rd Street. The site is comprised of Lot 3 and Lot 5 of the Floral Addition. Both lots are currently undeveloped. The applicant desires to expand the opportunity for commercial development beyond what is permitted by the existing NR District with PO #375.

In 2021, the subject site was rezoned from MF-29 Multi-Family Residential District (MF-29) and GO General Office District (GO) to NR and PO #375 was established per the recommendation by the City Council District I Advisory Board (DAB). The table below compares those additional uses that would be permitted by-right in the LC versus the NR District. Uses in red text are currently prohibited per PO #375

Use Category	Neighborhood Retail District	Limited Commercial District
Residential Uses		
Multi-Family	Permitted at 28.1 DUs/acre	Permitted at 75.1 DUs/acre
Group Residence, General	Not Permitted	Permitted By-Right
Public and Civic Uses		
Cemetery	Not Permitted	Permitted By-Right
Community Assembly	Conditional Use Approval	Permitted By-Right
Golf Course	Not Permitted	Permitted By-Right
Government Service	Conditional Use Approval	Permitted By-Right
Hospital	Not Permitted	Permitted By-Right
Nursing Facility	Not Permitted	Permitted By-Right
Recycling Collection Station, Public	Not Permitted	Permitted By-Right
Reverse Vending Machine	Not Permitted	Permitted By-Right
Safety Service	Conditional Use Approval	Permitted By-Right
Commercial Uses		
Animal Care, Limited	Not Permitted	Permitted By-Right
Bank or Financial Institution (Cash Advance/Title Loan or similar type lending business)	Prohibited by PO #375	Prohibited by PO #375
Construction Sales and Service	Not Permitted	Permitted By-Right
Convenience Store	Not Permitted	Permitted By-Right
Funeral Home	Not Permitted	Permitted By-Right
Hotel/Motel	Not Permitted	Permitted By-Right
Marine Facility, Recreational	Not Permitted	Permitted By-Right
Pawn Shop	Not Permitted	Permitted By-Right
Post Office	Not Permitted	Permitted By-Right
Recreation and Entertainment, Indoor	Not Permitted	Permitted By-Right
Restaurant	Prohibited by PO #375	Prohibited by PO #375
Secondhand Store	Not Permitted	Permitted By-Right
Service Station	Not Permitted	Permitted By-Right
Vehicle Repair, Limited	Not Permitted	Permitted By-Right
Vocational School	Not Permitted	Permitted By-Right
Agricultural Uses		
Agricultural Research	Not Permitted	Permitted By-Right
Agricultural Sales and Service	Not Permitted	Permitted By-Right

The DAB recommended prohibiting cash advance or title loan lending businesses to locate on the site. The PO currently prohibits restaurants. If a restaurant were to be permitted on-site, the NR District would restrict the size of the restaurant to 2,000 square feet and prohibit any drive-in or drive-thru services. A Restaurant Use in the LC District is not restricted as such.

Given the proximity of residential uses to the east and the possibility of detrimental impacts, staff is recommending the following modifications to the list of prohibited uses in PO #375:

- Recycling Collection Station, Public;
- Reverse Vending Machine;
- Construction Sales and Service;
- Convenience Store;
- Pawn Shop; and
- Vehicle Repair, Limited.

Staff is also recommending that the PO language be modified to permit Restaurant as a use but restrict it to the standards as permitted in the NR District. This would limit the size of the restaurant to no more than 2,000 square feet and restrict any drive-thru or drive-in services. Restaurants without drive-thru or drive-in services are established in the PUD-zoned property immediately to the north. It is in staff's opinion that a restaurant without drive-in and drive-thru services is not likely to have significant detrimental impacts on the residential properties to the east.

Due to the presence of TF-3 zoning to the east, the site shall comply with all required screening, landscaping, and compatibility standards set forth in the Unified Zoning Code Sections IV-B & C and Landscape Code. At a minimum a six-foot solid screening fence is required along the rear property line in addition to a landscape buffer. Based on the width of the lot, there would be up to a 25-foot compatibility setback along the rear property line. Because the property abuts an arterial street, a landscaped street yard and parking lot screening is required. The compatibility height standards restrict the height of any building to 35 feet within 50 feet of a property line zoned TF-3 or more restrictive.

Property to the north is zoned PUD #14 and has a mix of retail, restaurant, parking, convenience, and hotel uses. Property to the east is zoned TF-3 and developed with single-family dwellings. Property to the south is zoned GO and is a dialysis center. Property to the west is zoned GO and is massage therapy clinic and an event space hosting overnight guests (Hotel/Motel).

CASE HISTORY: The property is platted as Lots 3 and 5, on Hillside, Floral Addition. In 1977, a request was made to rezone Lot 3 from RB- Four Family to LC Light Commercial District. The LC zoning was denied, but BB-Office District was approved subject to a street dedication. In 1986 the zone change to BB-Office District was perfected. In 1996, BB zoning converted to the present-day GO District. In 2021, the subject site was rezoned from MF-29 and GO to NR with Protective Overlay #375.

ADJACENT ZONING AND LAND USE:

North: PUD #14	Retail, restaurant, convenience store, hotel, parking.
South: GO	Dialysis center
East: TF-3	Single-family dwellings
West: GO	Massage therapy clinic and event space

PUBLIC SERVICES: Access to the site is from North Hillside Avenue, which is a paved, five-lane arterial street with sidewalks on both sides. Public water and sewer already serve the site. Wichita Transit serves the site with bus stops along North Hillside Avenue as well as along East Central Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed zone change is in conformance with the Community Investments Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive ZON2024-00056

Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "New Residential." This category is described as *"Encompassing areas of land that likely will be developed or redeveloped by 2035 with uses predominantly found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well based upon market-driven factors."* The site is currently zone for commercial uses but has remained vacant as currently zoned for three years. Given existing surrounding land uses and fronting an arterial street, residential development would likely be in the form of multi-family. However, market driven factors will likely continue to identify the site for commercial development similar to those uses around it.

The proposed zoned change is in conformance with the *Wichita Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area. The subject site is located within the Established Central Area in an area identified as Regional Center in between an "area of stability" and "an area of opportunity" defined by the Places for People Plan. A Regional Center is defined as *"A large commercial or mixed-use center in excess of 200,000 square feet of development, occurring on 12 to 24 (or more) congruent blocks. Multiple anchors, such as department stores, big box retail uses, and major employment concentrations and institutions create a destination."* In addition, being in a transition area between an "area of stability" and an "area of opportunity", strategic investment is key to promoting economic growth and stability. Finally, the Plan identifies specific strategies to guide development. The proposed zone change is in conformance with Strategy #6 which states: *"Encourage infill and redevelopment that is contextual to the environment in which it is occurring."* The proposed zone change with the recommended modifications to PO #375 would permit additional commercial development that is still contextual to the area.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request subject to the following modified language of Protective Overlay #375.

Modified Protective Overlay #375

1. The following uses are prohibited: Cash Advance/Title Loan or similar type lending business; Recycling Collection Station, Public; Reverse Vending Machine; Construction Sales and Service; Convenience Store; Pawn Shop; and Vehicle Repair, Limited.
2. Restaurant is permitted per the standards of the NR Neighborhood Retail District.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north is zoned PUD #14 and has a mix of retail, restaurant, parking, convenience, and hotel uses. Property to the east is zoned TF-3 and developed with single-family dwellings. Property to the south is zoned GO and is a dialysis center. Property to the west is zoned GO and is massage therapy clinic and an event space hosting overnight guests (Hotel/Motel).
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned NR Neighborhood Retail District with PO #375, which prohibits restaurants and cash advance/title loan type lending businesses. The site is suitable for a limited number of commercial and office uses as well as residential uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The request for LC Limited Commercial would permit an expansion on the types of commercial uses permitted for development, some of which could have negative impacts on nearby residential uses. With the site abutting residential zoning, staff recommends a modified language to Protective Overlay #350 which expands the list of prohibited uses to help mitigate possible negative impacts.
4. **Length of time subject property has remained vacant as zoned:** Historical aerial images show that Lot 3 has been vacant since at least 1983, and Lot 5 has been vacant since at least 2006.

5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship.** Denial would represent a loss of economic opportunity to the applicant or property owner. Approval would represent gain for the applicant and provide new economic opportunity with a business that serves the surrounding area, which is considered a gain for public health, safety, and welfare.
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* and the *Wichita: Places for People Plan* as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** Approval of the request should not generate significant negative impacts on community facilities. Existing public infrastructure at the site is likely adequate to support future development of the small-scale site.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff did not receive any public comment on the requested zone change.

Attachments:

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

Aerial Map



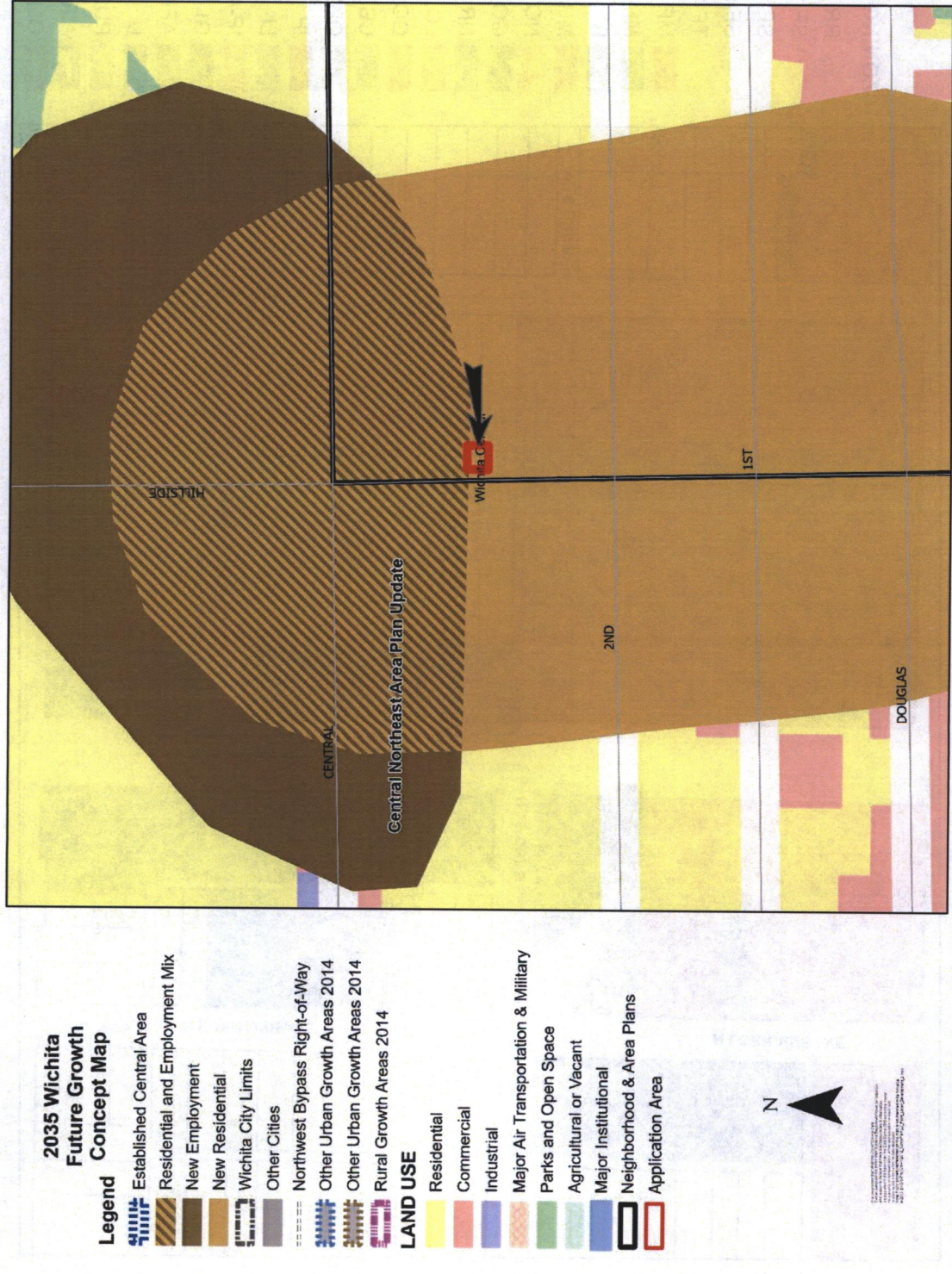
ZONING

RR	SF-20	SF-10	SF-5	TF-3	MF-18	MF-29	B	MH	NO	GO	NR	LC	GC	CBD	OW	IP	LI	IP-A	GI	AFB	U	PUD	AIRPORT	OLD TOWN
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Map Labels:

- THIRD STREET DRAIN
- N LORRAINE AVE
- N HILLSIDE AVE
- N RUTAN AVE
- E 3RD ST N
- E 2ND ST N
- E CHATFIELD PL
- N HOLYOKE PL
- PO-375
- BZA3-78
- PUD-14
- BZA4-75
- BZA2-31A/BZA2-33
- BZA3-78
- BZA4-75
- PO-154
- BZA4-75
- BZA3-78
- CON2016-00012
- BZA2-71
- BZA2007-00038
- BZA2006-00012
- PO-164
- BZA40-67
- BZA36-66
- BZA40-47
- BZA40-67

Land Use Map



Looking east toward site



Looking southeast away from site



Looking northeast away from site



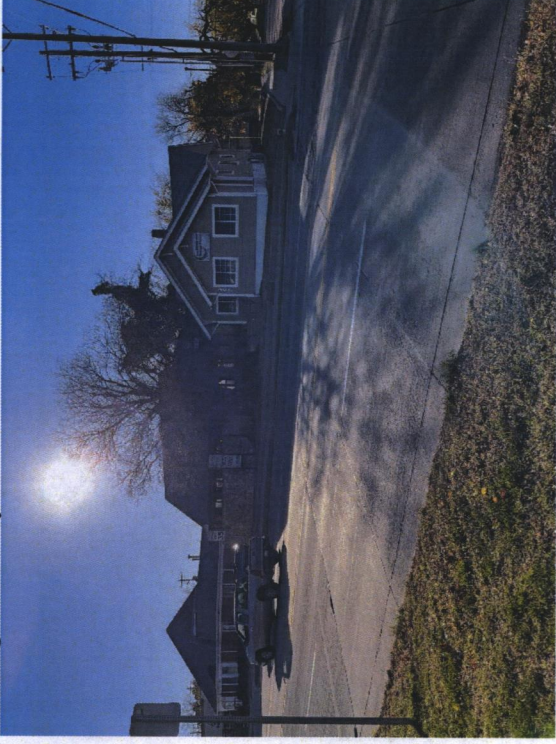
On-site, looking southeast



Looking south at and away from site



Looking west away from site



Looking northwest away from site

