CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

The Wichita State University
ATTN: Dr. Richard Muma
1845 Fairmount Street
Wichita, KS 67260

March 5, 2025

Tonya Witherspoon
1845 Fairmont St.
Box 162
Wichita, KS 67226

RE: CON2024-00282: Conditional Use request to permit Utility, Major on property zoned SF-5 Single-Family Residential; Generally located on the north side of East 21st Street North and within one-half mile west of North Oliver Avenue.

Dear Applicant;

At its regular meeting on **March 4, 2025**, the Wichita City Council considered the above captioned request. The action of the City Council was **APPROVAL** of the request with the following conditions:

1) The exterior shall reflect the residential character of the neighborhood to the north and east of the subject site.
2) Any subsequent additional buildings on the site will be located to the west of the original building, which is shown on the site plan as part of the application.
3) There shall be a 70-foot setback from Fountain Street.
4) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
5) Development of the site shall conform to the approved site plan.
6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

Copies to: Brandon Johnson, Council Member, District I
Cameron Jackson, CSR, District IV
MABCD
James Roseboro 4518 Greenbriar Ln. Wichita KS 67220

Wichita-Sedgwick County Metropolitan Area Planning Department

The Wichita State University
ATTN: Dr. Richard Muma
1845 Fairmount Street
Wichita, KS 67260

January 29, 2025

Tonya Witherspoon
1845 Fairmont St.
Box 162
Wichita, KS 67226

RE: **CON2024-00282:** Conditional Use request to permit Utility, Major on property zoned SF-5 Single-Family Residential; Generally located on the north side of East 21st Street North and within one-half mile west of North Oliver Avenue.

Dear Applicant;

At its regular meeting on **January 23, 2025**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the requests with the following conditions:

1) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
2) Development of the site shall conform to the approved site plan.
3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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 **February 6, 2025.** 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 **February 6, 2025, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) I on **Monday, February 3, 2025**, beginning at 6:00 p.m. at the Atwater Neighborhood Resource Center (2755 E 19th Street N). For more information on this meeting, please contact Community Services Representative for District I, Cameron Jackson at (316) 268-8018 or mailto:ctjackson@wichita.gov.

If the application is not protested, the MAPC decision becomes final. If the application is protested, the application will be forwarded onto the Wichita City Council for final action. If necessary, the Council would consider this case on **Tuesday, February 25, 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 268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

Copies to: Brandon Johnson, Council Member, District I
Cameron Jackson, CSR, District IV
MABCD
James Roseboro 4518 Greenbriar Ln. Wichita KS 67220

OCA 150004 PUBLISHED at Wichita.gov/LegalNotices on March 7, 2025

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

RESOLUTION NO. 25-100

WHEREAS, The Wichita State University, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit Utility, Major on property zoned SF-5 Single-Family Residential District, legally described as:

Lot 1, Block H, Cloudridge Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of January 23, 2025, consider said application; and

WHEREAS, the Wichita City Council has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Wichita City Council that this application be approved to allow a Conditional Use to permit Utility, Major on property zoned SF-5 Single-Family Residential District, generally located on the north side of East 21st Street North and within one-half mile west of North Oliver Avenue, legally described as:

Lot 1, Block H, Cloudridge Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1) The exterior shall reflect the residential character of the neighborhood to the north and east of the subject site.
2) Any subsequent additional buildings on the site will be located to the west of the original building, which is shown on the site plan as part of the application.
3) There shall be a 70-foot setback from Fountain Street.
4) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
5) Development of the site shall conform to the approved site plan.
6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 4th day of March, 2025.

Lily Wu, Mayor, City of Wichita

ATTEST:

for

Paul Leeker, City Clerk

(SEAL)

Approved as to form:

Jennifer Magaña, City Attorney and Director of Law



CITY OF WICHITA

AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Paul Leeker, City Clerk

Being first duly sworn, deposes and says:

That I, Paul Leeker, City Clerk 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. _____ / Resolution No. 25-100 is a true copy thereof and was published on such website beginning on the 7th day of March, 2025.

Paul Leeker

Signature

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

SUBSCRIBED AND SWORN to before me this 7th day of March, 2025.

STATE NOTARY PUBLIC KANSAS

SHINITA RICE
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires: 9/27/2025

Shinita Rice

Notary Public

(seal)

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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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
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The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	622543	Print Legal Ad-IPL02097390 - IPL0209739	MAPC/BZA 1/23/25	$60.00	2	49 L

Attention: Mandy Hebert
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on December 29, 2024
(One Time Only)
MAPC/BZA January 23, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 23, 2025, 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. Full notice can be found at www.wichita.gov/LegalNotices.

CON2024-00247: Conditional Use in the City to allow a Short-Term Rental on property zoned SF-5 Single Family Residential; located approximately 357 feet south of the intersection of East 2nd Street North and West 9th Street North and North Battin Avenue (227 North Battin Avenue).

CON2024-00280: Conditional Use in the City to allow for Day Care, General on properties zoned SF-5 Single-Family Residential, located on the northwest corner of South Seneca Street and West Regal Street (2801 South Seneca Street and 1121 West Regal Street).

CON2024-00282: Conditional Use request in the City for Utility, Major for an internet exchange point on property zoned SF-5 Single-Family Residential; located on the north side of East 21st Street North and within one-half west of North Oliver Avenue (on the northwest corner of East Hillside and North Fountain).

CUP2024-00048: CUP Amendment in the City to CUP DP-8 to amend maximum height, maximum building coverage, maximum gross area, and floor area ratio on Parcel 2C, generally located northwest of the intersection of East 21st Street and Pinecrest Avenue.

DER2024-00009: Unified Zoning Code amendment creating the Short-Term Rental in the County land use and the establishment of permitting standards.

VAC2024-00059: Vacation request in the City of Interior side setback; generally located on the south side of East Willowbrook Circle and within one-quarter mile west of South 159th Street East (15513 East Willowbrook Circle).

VAC2024-00061: Vacation request in the City to reduce a platted 15-foot street side setback to 12 feet for future development on property zoned TF-3 Two-Family Residential District; located within one-block west of North 151st Street West and within one-quarter mile south of West 21st Street North.

VAC2024-00062: Vacation request in the City to vacate a portion of a platted 60-foot to reduce it to 55 feet to bring an existing building in compliance, on property zoned LI Limited Industrial; located one-quarter mile east of South Hydraulic Ave and two-blocks south of East Wassall St (2110 E. Industrial Ave).

ZON2024-00061: Zone Change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential, generally located on the north side of West 51st Street North and one-quarter mile west of North Seneca Street (1608 West 51st Street North).

IPL0209739
Dec 29 2024

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

1 insertion(s) published on:
12/29/24

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 12/29/2024 to 12/29/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/30/2024

Margaret K. Wilson

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

MARGARET KATHLEEN WILSON
My Notary ID # 134916732
Expires May 24, 2028

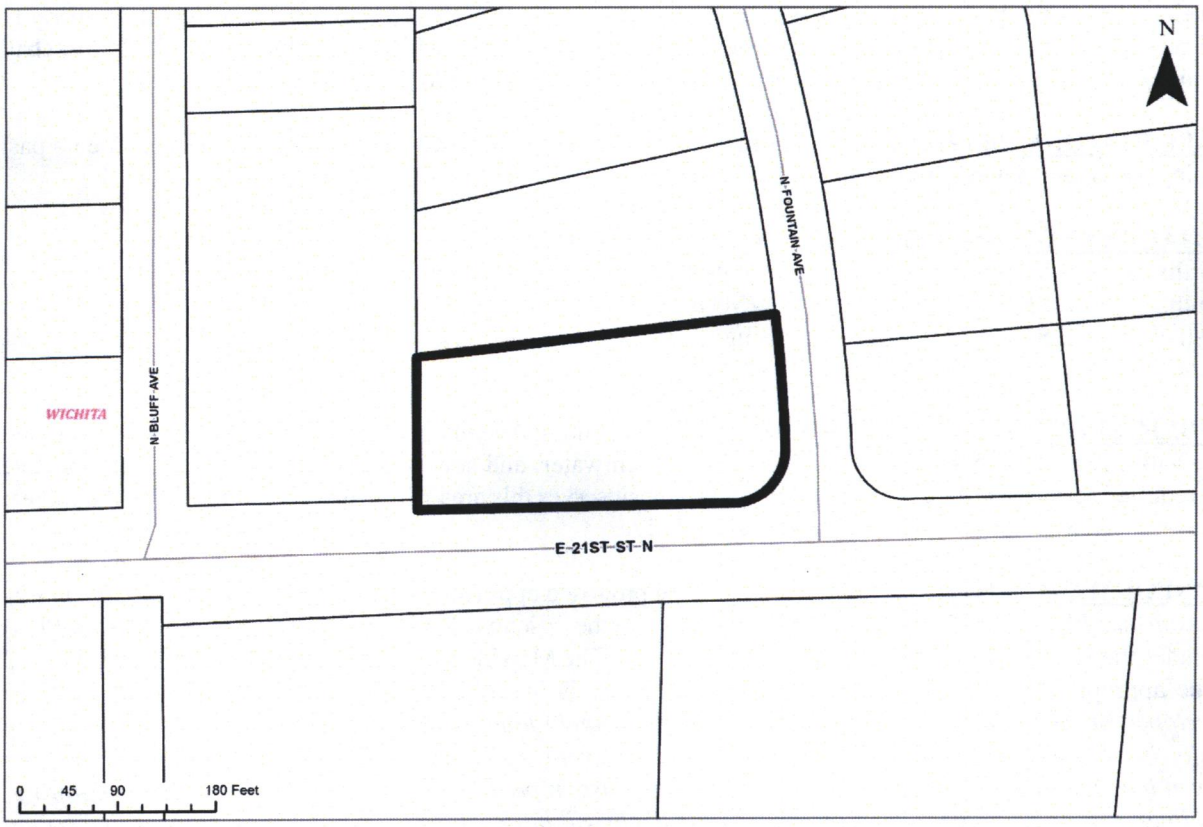
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.3

STAFF REPORT
MAPC: January 23, 2025
DAB I: February 3, 2025

CASE NUMBER:	CON2024-00282 (City)
APPLICANT/AGENT:	The Wichita State University (Applicant) / Tonya Witherspoon (Agent)
REQUEST:	Conditional Use to allow Utility, Major
CURRENT ZONING:	SF-5 Single-Family Residential
SITE SIZE:	1.219 acres
LOCATION:	Generally located on the north side of East 21st Street North and within one-half mile west of North Oliver Avenue.
PROPOSED USE:	Create an Internet Exchange Point Facility.
RECOMMENDATION:	Approve with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to allow Utility, Major on a property zoned SF-5 Single-Family Residential District (SF-5). The 1.219-acre property is located on the north side of East 21st Street North and within one-half mile west of North Oliver Avenue (on the northwest corner of East 21st Street North and North Fountain Avenue). The applicant is requesting the Conditional Use to create an internet exchange point facility.

The applicant defines an internet exchange point facility as a "physical building in which telecommunications networks interconnect and exchange data traffic." The building is approximately 36 feet by 49 feet. There will also be a generator, three "chillers", two "fiber vaults", and a main switch outside the main building.

The parking requirement for Utility, Major is one per employee. The proposed site plan indicates six parking stalls located within the subject site.

Section IV-B.2 of the Unified Zoning Code (UZC) requires screening for all uses except single-family and duplex, when abutting or across a street or alley from residential zoning districts. Because the property abuts residential zoning all sides, the applicant would be required to provide a solid screening fence of at least six feet in height on all sides.

Landscaping would be required per the Landscape Code, which would require a landscaped street yard with parking lot screening along North Fountain Avenue and East 21st Street North Additionally, it will require landscape buffers along the north and west property lines in conjunction with the solid screening. Submittal of the landscape plan must be submitted with construction drawings for review and approval prior to the issuance of building permits.

The subject site is surrounded on all sides by the SF-5 zoning district. Properties to the north and east are developed with single-family dwellings. The property to the north is used as a Short Term Rental. Property to the south, across East 21st Street North, is developed as part of the Wichita State University (WSU) baseball complex. Property to the west is developed with a fraternity house for WSU students.

CASE HISTORY: In 1952, the subject site was platted as part of the Cloudridge Addition. There are no past zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Single-Family Dwelling (Short Term Rental)
South:	SF-5	WSU baseball complex
East:	SF5	Single-Family Dwellings
West:	SF-5	WSU fraternity house

PUBLIC SERVICES: This site has access to North Fountain Avenue, a paved, two-way, local street with no sidewalks. All municipal services, such as water, stormwater, and sewer, are in place and can accommodate the required services to the existing site. Wichita Transit serves this area within 600 feet southeast of the subject site, on the WSU Campus on East Mike Oatman Drive.

CONFORMANCE TO PLANS/POLICIES: The proposed application is in conformance to the *Community Investments Plan.* The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "New Residential". This category is described as "*areas of land that likely will be developed or redeveloped by 2035 with uses predominately 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 location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.*" While the description in the *Plan* does not specify on how civic uses should be integrated into development patterns, staff believes that the

proposed use is appropriate for the subject site given the anticipated low impact of the use on nearby residential properties and the subject site directly abuts an arterial street.

The *Community Investments Plan*'s Locational Guidelines "provide a framework for decision-making regarding land use changes so as to encourage patterns of development that efficiently and effectively use land, public infrastructure, and services; strive for compatibility among various land uses; and promote quality of place through design." The requested Conditional Use is in conformance with the Locational Guidelines. Locational Guideline 2.a under the heading *Development Pattern* encourages "*infill development that maximizes public investment in existing and planned infrastructure and services.*"

The requested Conditional Use is in conformance with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as "a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles."

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Conditional Use aligns with Strategy 6, "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The *Plan* does not specifically consider infrastructure in its strategies. However, utilities are allowed in the SF-5 as a Conditional Use. Also, the property was platted in 1952 and has never been developed as a residential use.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED**, subject to the following conditions:

1) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
2) Development of the site shall conform to the approved site plan.
3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject site is surrounded on all sides by the SF-5 zoning district. Properties to the north and east are developed with single-family dwellings. The property to the north is used as a short-term rental. Property to the south, across East 21st Street North, is developed as part of the Wichita State University (WSU) baseball complex. Property to the west is developed with a fraternity house for WSU students.

2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for the uses to which it has been restricted. The property is zoned SF-5. Utility, Major is permitted in SF-5 zoning by Conditional Use approval. The site could also be developed with a single-family dwelling.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions should not detrimentally affect nearby property.

4. Length of time subject property has remained vacant as zoned: Based on historical aerial photography, the property 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 application will bring updated internet capabilities, which benefits the community. Denial of the request could represent a loss in the use of the applicant's property.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in conformance to the *Community Investments Plan* and the *Wichita Places for People Plan*, as discussed in the report.

7. Impact of the proposed development on community facilities: The proposed use is not anticipated to have any significant negative impacts on community facilities.

8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has not received any public comment on the requested Conditional Use.

Attachments:
1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos

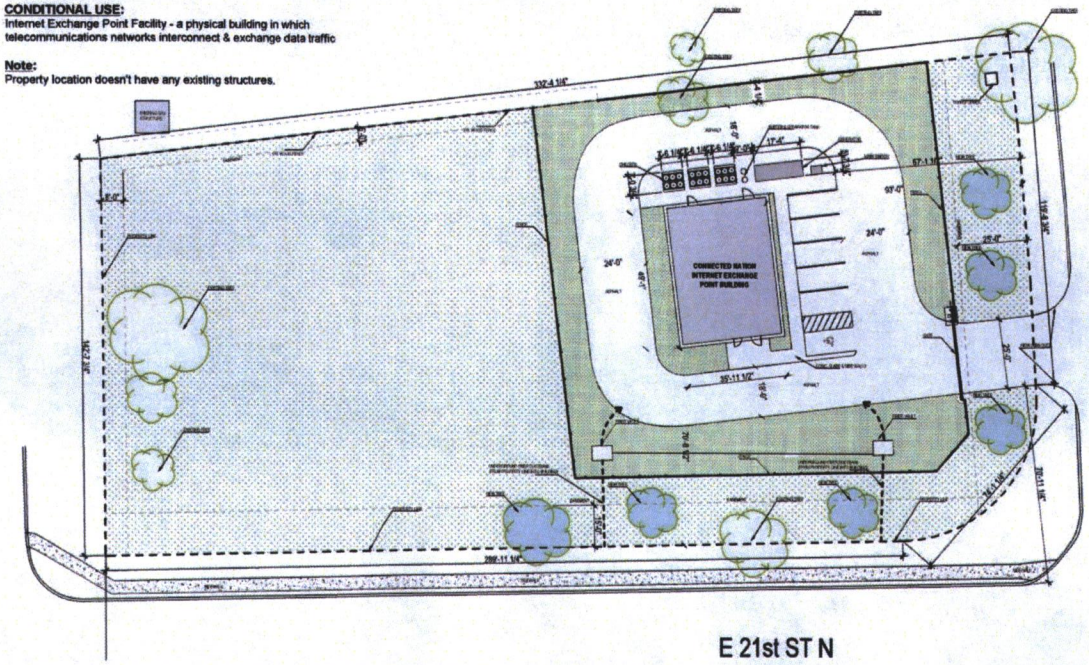
APPLICANT:
Wichita State University

LEGAL DESCRIPTION:
Lot 1, Block H, Cloudridge Addition, Wichita, KS

PROPERTY ADDRESS:
21st Street N. and Fountain Avenue, Wichita, KS

CONDITIONAL USE:
Internet Exchange Point Facility - a physical building in which telecommunications networks interconnect & exchange data traffic

Note:
Property location doesn't have any existing structures.

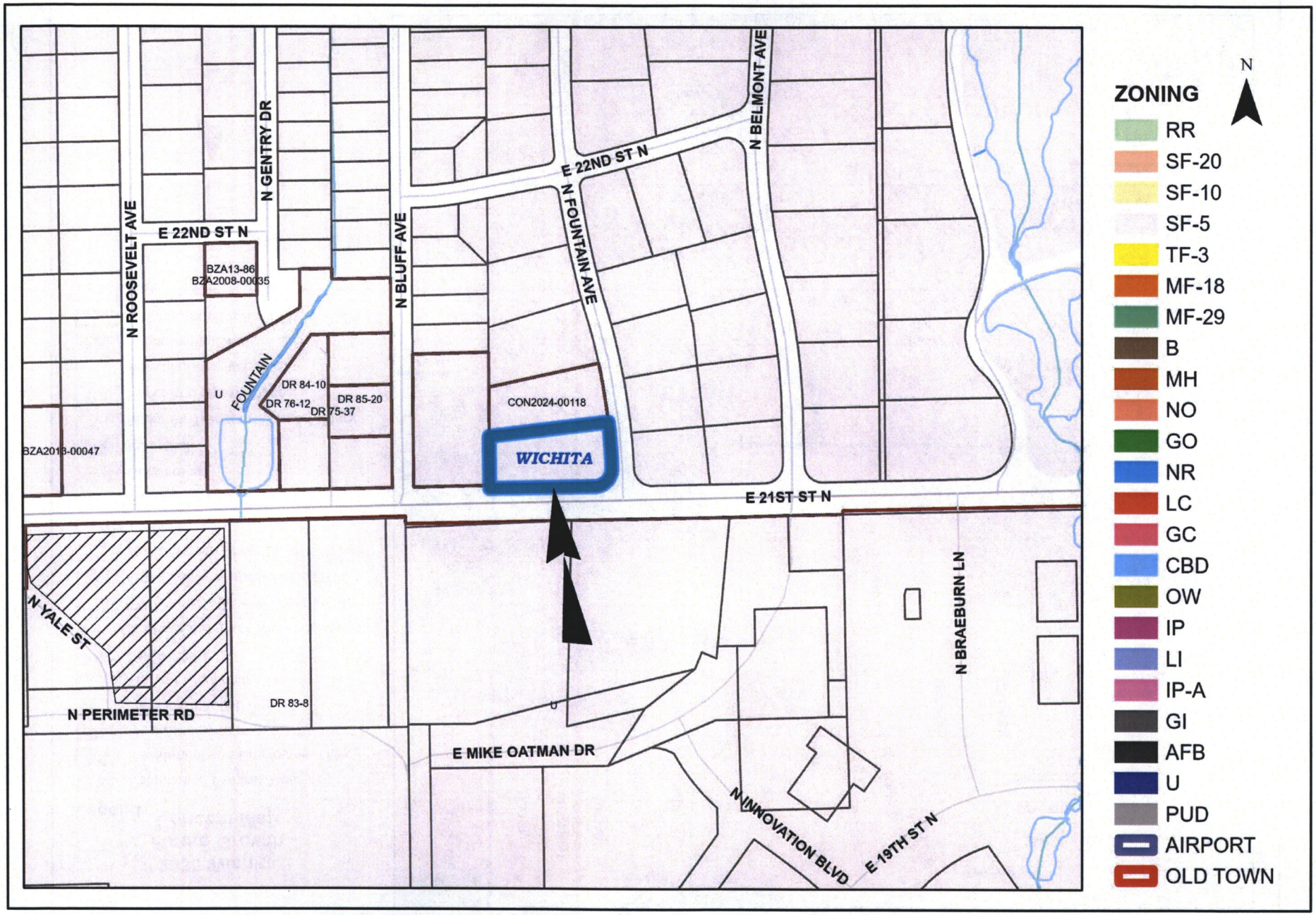


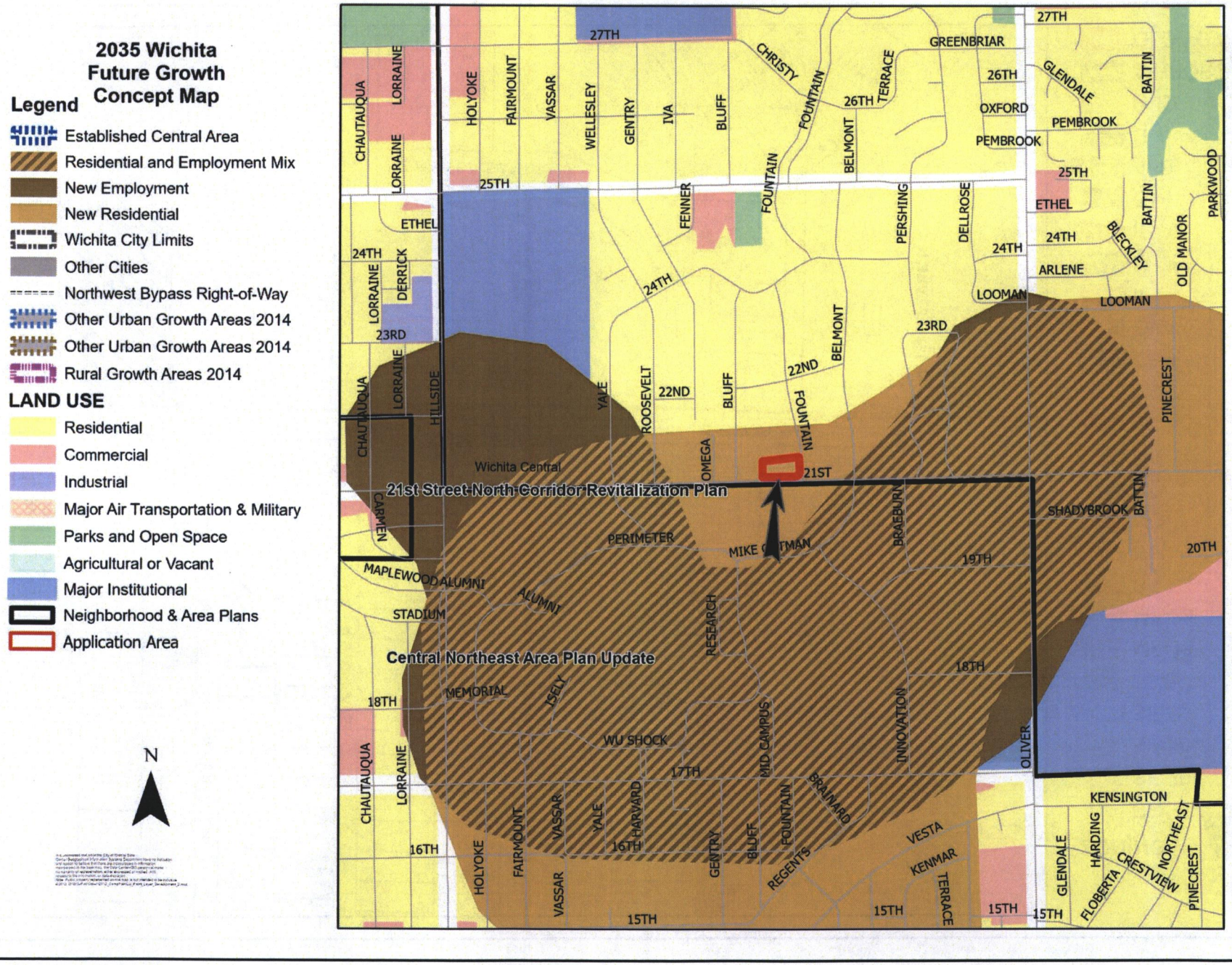
SITE PLAN
SCALE = 1/32" = 1'-0"

DRAWN BY: DATA CENTERS

CONNECTED NATION
DXP AT WICHITA STATE UNIVERSITY
SITE PLAN (PRELIMINARY)
INTERNET EXCHANGE POINT
SP-01


N BLUFF AVE
N FOUNTAIN AVE
WICHITA
E 21ST ST N
0 45 90 180 Feet
N


N
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
N ROOSEVELT AVE
E 22ND ST N
N GENTRY DR
BZA13-86
BZA2008-00035
N BLUFF AVE
E 22ND ST N
N FOUNTAIN AVE
N BELMONT AVE
U
FOUNTAIN
DR 84-10
DR 76-12
DR 75-37
DR 85-20
CON2024-00118
BZA2018-00047
WICHITA
E 21ST ST N
N YALE ST
N PERIMETER RD
DR 83-8
E MIKE OATMAN DR
N BRAEBURN LN
N INNOVATION BLVD
E 19TH ST N


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
Neighborhood & Area Plans
Application Area
N
Wichita Central
21st Street North Corridor Revitalization Plan
Central Northeast Area Plan Update
27TH
26TH
25TH
24TH
23RD
22ND
21ST
20TH
19TH
18TH
17TH
16TH
15TH
CHAUTAUQUA
LORRAINE
HOLYOKE
FAIRMOUNT
VASSAR
WELLESLEY
GENTRY
IVA
BLUFF
CHRISTY
FOUNTAIN
TERRACE
BELMONT
GREENBRIAR
GLENDALE
BATTIN
OXFORD
PEMBROOK
ETHEL
FENNER
PERSHING
DELLROSE
BLECKLEY
OLD MANOR
PARKWOOD
ARLENE
LOOMAN
DERRICK
HILLSIDE
YALE
ROOSEVELT
OMEGA
PINECREST
CARMEN
PERIMETER
MIKE
BRAEBURN
SHADYBROOK
MAPLEWOOD
ALUMNI
STADIUM
RESEARCH
MEMORIAL
ISELY
WU SHOCK
MID CAMPUS
INNOVATION
OLIVER
KENSINGTON
HARVARD
BRAINARD
VESTA
KENMAR
REGENTS
HARDING
NORTHEAST
CRESTVIEW
FLOBERTA

Looking west into site



Looking north away from site



Looking east away from site



Looking south away from site



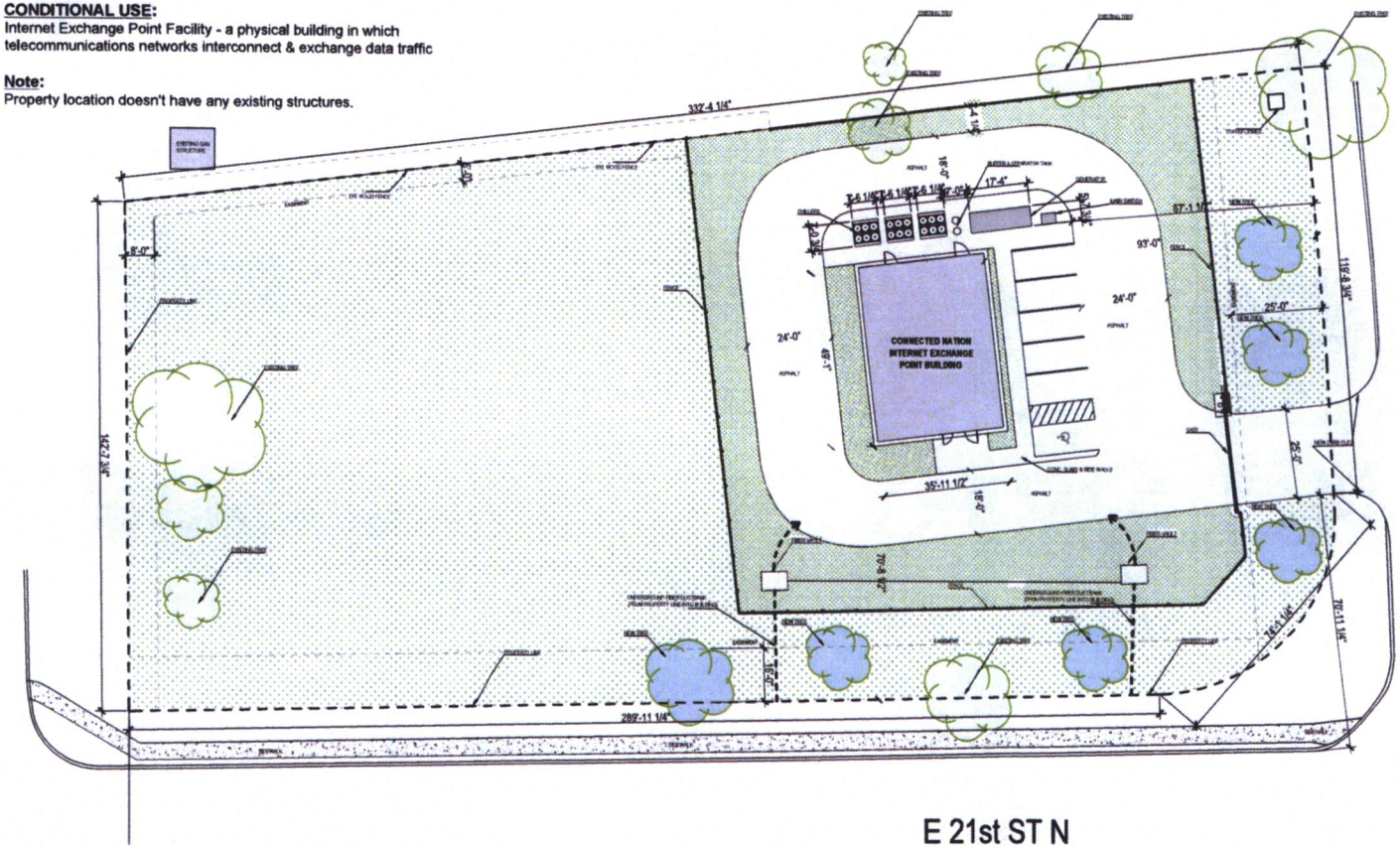
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SITE PLAN
SCALE = 1/32" = 1'-0"

DRAWN BY: DATA CENTERS

SITE PLAN
APPROVED 3/15/25