



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

May 9, 2025

Towne West Mall Realty Holding, LLC
1010 Northern Blvd
Suite 212
Great Neck, NY 11021

Baughman Co. P.A.
Attn: Jay Cook
315 S. Ellis Ave
Wichita, KS 67211

RE: CUP2025-00008/ZON2025-00004 –Amendment to CUP DP-71 to allow Industrial Uses and a zone change from LC Limited Commercial to LI Limited Industrial, Generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

Dear Applicant;

At its regular meeting on **May 6, 2025**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** of the requests with the following conditions and the enclosed, modified language to CUP DP-71:

1. The amended language regarding uses shall apply only to Parcels 1, 10 and 11.
2. Outdoor Storage and Vehicle Storage Yards on Parcels 10 and 11 shall be limited to locations 205 feet south of the north property line along West Maple Street, coinciding with the southern parcel line of Parcel 2. Outdoor Storage shall adhere to the Supplementary Use Regulations found in the UZC Section III-D.6.dd and to screening requirements found in UZC Sec. IV.B.3.e (1).
3. All landscaping that is dying, has died, has been removed, or is missing from the originally approved landscape plan must be replaced prior to any proposed new uses commencing.
4. All other requirements of the CUP remain in effect unless or until a separate zoning action is approved.
5. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

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: Dalton Glasscock, Council Member District IV
Brooke Kauchak, CSR, District IV
Dillard Store Services, Inc. 1600 Cantrell Rd. Little Rock AR 72201
Wichita Maple, LLC 600 Superior Ave E Ste 1500 Cleveland OH 44114
The Trustees of the Plumbers and Pipefitters Apprentice Training of Kansas 529 S. Anna St Wichita KS 67209
Patricia Harrington 235 S Young St Wichita KS 67209
Patricia Auten 200 S. Dorris St. Wichita KS 67209
John Clark 4646 W Kellogg Ave Wichita KS 67209
Sam Stuart 2720 N Rushwood Ct Wichita KS 67226
David Spraege 4600 W. Kellogg Ave Suite 200 Wichita KS 67209
Starla Boyle, 3313 W. MacArthur Rd., Wichita, KS 67217

City Council Approved Language for CUP DP-71

Parcel #1

Proposed Uses: Regional Shopping Center, Hotel & Motel, and applicable only to Lot 1, the additional uses of Tavern and Drinking Establishment and Night club in the City. Other uses allowed on Parcel 1 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor, subject to Sec. III-D.6.dd; Vehicle Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services.

Parcel #10

Proposed Uses: Regional Shopping Center, Hotel & Motel, and applicable only to Lot 1, the additional uses of Tavern and Drinking Establishment and Night club in the City. Other uses allowed on Parcel 10 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor, subject to Sec. III-D.6.dd; Vehicle Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services; provided that Storage Outdoor and Vehicle Storage Yard shall not be permitted within the north 205 feet, coincident with the south parcel line of Parcel 2.

Parcel #11

Proposed Uses: Regional Shopping Center, Hotel & Motel, and applicable only to Lot 1, the additional uses of Tavern and Drinking Establishment and Night club in the City. Other uses allowed on Parcel 11 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor, subject to Sec. III-D.6.dd; Vehicle Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services; provided that Storage Outdoor and Vehicle Storage Yard shall not be permitted within the north 205 feet, coincident with the south parcel line of Parcel 2.



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

Towne West Mall Realty Holding, LLC
1010 Northern Blvd
Suite 212
Great Neck, NY 11021

March 28, 2025

Baughman Co. P.A.
Attn: Jay Cook
315 S. Ellis Ave
Wichita, KS 67211

RE: CUP2025-00008/ZON2025-00004 –Amendment to CUP DP-71 to allow Industrial Uses and a zone change from LC Limited Commercial to LI Limited Industrial, Generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

Dear Applicant,

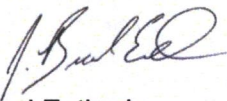
At its regular meeting on **March 27, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the above captioned request.

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 April 10, 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 **April 10, 2025, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) IV on **Monday, April 7, 2025**, beginning at 6:00 p.m. at the Alford Branch Library (3447 S Meridian). For more information on this meeting, please contact Community Services Representative for District IV, Brooke Kauchak at (316) 268-4197 or <mailto:bkauchak@wichita.gov>. This application will be presented to the Wichita City Council on **Tuesday, May 6, 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,



Brad Eatherly
Current Plans
Senior Planner

CC: Dalton Glasscock, Council Member District IV
Brooke Kauchak, CSR, District IV
Dillard Store Services, Inc. 1600 Cantrell Rd. Little Rock AR 72201
Wichita Maple, LLC 600 Superior Ave E Ste 1500 Cleveland OH 44114
The Trustees of the Plumbers and Pipefitters Apprentice Training of Kansas 529 S. Anna St Wichita KS 67209
Patricia Harrington 235 S Young St Wichita KS 67209
Patricia Auten 200 S. Dorris St. Wichita KS 67209
John Clark 4646 W Kellogg Ave Wichita KS 67209
Sam Stuart 2720 N Rushwood Ct Wichita KS 67226
David Spraege 4600 W. Kellogg Ave Suite 200 Wichita KS 67209

OCA 150004

PUBLISHED at Wichita.gov/LegalNotices ON

May 14, 2025

ORDINANCE NO.

52-728

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. ZON2025-00004

Zone change request in the City from LC Limited Commercial District to LI Limited Industrial District, on property legally described as:

Lots 1, 10, and 11, Towne West Square Second Addition to Wichita, Sedgwick County, Kansas.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 13th day of May, 2025.

Lily Wu
Lily Wu, Mayor, City of Wichita

ATTEST:

Paul Leeker
Paul Leeker, Deputy City Clerk



(SEAL)

Approved as to form:

Jennifer Magaña
Jennifer Magaña, City Attorney and Director of Law

RESOLUTION No. 25-194

A RESOLUTION AUTHORIZING AN AMENDMENT TO DP-71 TOWNE WEST SQUARE COMMUNITY UNIT PLAN TO ALLOW INDUSTRIAL USES; GENERALLY LOCATED NORTH OF WEST KELLOGG DRIVE AND WEST OF SOUTH TRACY STREET (4600 WEST KELLOGG DRIVE), IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-E, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. 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, and under authority granted by Section V-E of the Wichita-Sedgwick County Unified Zoning Code, for an approximately 47.35-acre property zoned LC Limited Commercial District with CUP DP-71 legally described below:

CUP2025-00008
DP-71

Lots 1, 10, and 11, Towne West Square Second Addition to Wichita, Sedgwick County, Kansas.

Amended text to CUP DP-71 shall read as follows:

Parcel #1

Proposed Uses: Regional Shopping Center, Hotel & Motel, and applicable only to Lot 1, the additional uses of Tavern and Drinking Establishment and Night club in the City. Other uses allowed on Parcel 1 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor, subject to Sec. III-D.6.dd; Vehicle Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services.

Parcel #10

Proposed Uses: Regional Shopping Center, Hotel & Motel, and applicable only to Lot 1, the additional uses of Tavern and Drinking Establishment and Night club in the City. Other uses allowed on Parcel 10 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor, subject to Sec. III-D.6.dd; Vehicle Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services; provided that Storage Outdoor and Vehicle Storage Yard shall not be permitted within the north 205 feet, coincident with the south parcel line of Parcel 2.

Parcel #11

Proposed Uses: Regional Shopping Center, Hotel & Motel, and applicable only to Lot 1, the additional uses of Tavern and Drinking Establishment and Night club in the City. Other uses allowed on Parcel 11 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor, subject to Sec. III-D.6.dd; Vehicle Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services; provided that Storage Outdoor and Vehicle Storage Yard shall not be permitted within the north 205 feet, coincident with the south parcel line of Parcel 2.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Community Unit Plan Amendment 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 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Adopted this 16th day of May, 2025.



Lily Wu, Mayor, City of Wichita

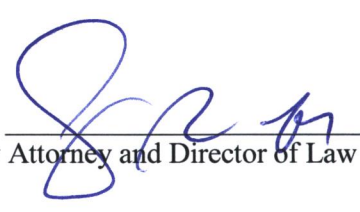
ATTEST:



Paul Leeker, City Clerk

(SEAL)



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

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
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The Modesto Bee
The Sun News - Myrtle Beach
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Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
32522	663146	Legal Display Ad-IPL02337040 - IPL0233704		6	205 L

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

srice@wichita.gov

Copy of ad content
is on the next page

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

1 insertion(s) published on:
05/18/25

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 05/18/2025 to 05/18/2025.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 05/19/2025

Amy Robbins

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



AMY L. ROBBINS
NOTARY PUBLIC
SOUTH CAROLINA

MY COMMISSION EXPIRES 11-03-32

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Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
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Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
16399	641368	Print Legal Ad-IPL02204770 - IPL0220477	MAPC Hearing	2	52 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 March 5, 2025
(One Time Only)

MAPC/BZA March 27, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, March 27, 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.**

CON2025-00034: Conditional Use in the City to allow ancillary parking on property zoned SF-5 Single Family Residential generally located approximately 400 feet west of N 119th Street West and West Central Avenue, (12050 W CENTRAL AVE).

CON2025-00035: Conditional Use for an Accessory Apartment on property zoned SF-5 Single-Family Residential District, generally located on the north side of West MacArthur Road, within one-half mile west of South Seneca Street (1724 West MacArthur Road).

CON2025-00039: Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single-Family Residential, generally located on the east side of South Elizabeth Avenue and within one-quarter mile south of West 31st Street South (3420 South Elizabeth Avenue).

CON2025-00040: Conditional Use request in the City for Entertainment Establishment accessory to Hotel on Parcel 1D (with ZON2025-00006 to amend PO #36 to change dev. standards) on property zoned LC Limited Commercial, located one-quarter mile west of N Maize Rd and one-quarter mile north of W 21st St N.

CUP2025-00008: Amendment to CUP DP-71 (with ZON2025-00004) to allow redevelopment with Manufacturing uses, generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

VAC2025-00006: Vacation request in the City for portion of right-of-way abutting Lots 7 and 8 of the A. Verne Roberts Addition; generally located north of the intersection of South Dodge Avenue and West 50th Street South.

ZON2025-00004: Zone Change request from LC Limited Commercial District to LI Limited Industrial District (with CUP2025-00008) to allow for redevelopment with Manufacturing uses, generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

ZON2025-00005: Zone Change request in the city from TF-3 Two -Family Residential to NR Neighborhood Retail to permit retail uses associated with a church, generally located on the northeast corner of West 11th Street North and North Waco Avenue (1200 North Waco Avenue).

ZON2025-00006: Request in the City to amend Protective Overlay #36 to change bldg. coverage/floor area, architectural controls, and screening wall location for a Hotel (with CON2025-00040 to permit Entertainment Establishment), located one-quarter mile west of N Maize Rd and one-quarter mile north of W 21st Street N.

IPL0220477
Mar 5 2025

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

1 insertion(s) published on:

03/05/25

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 03/05/2025 to 03/05/2025.

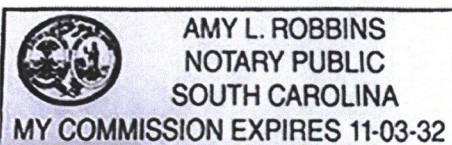
Mary Castro

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

DATED: 03/06/2025

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: March 27, 2025
 DAB IV: April 7, 2025

CASE NUMBER: CUP2025-00008 / ZON2025-00004 (City)

APPLICANT/AGENT: Towne West Mall Realty Holding, LLC; Dillard Store Services, Inc.; Wichita Maples, LLC; The Trustees of the Plumbers and Pipefitters Apprentice Training of Kansas (applicants) / Baughman Company, P.A. (agent)

REQUEST: Amendment to Community Unit Plan DP-71 to allow Industrial uses and zone change from LC Limited Commercial District to LI Limited Industrial District.

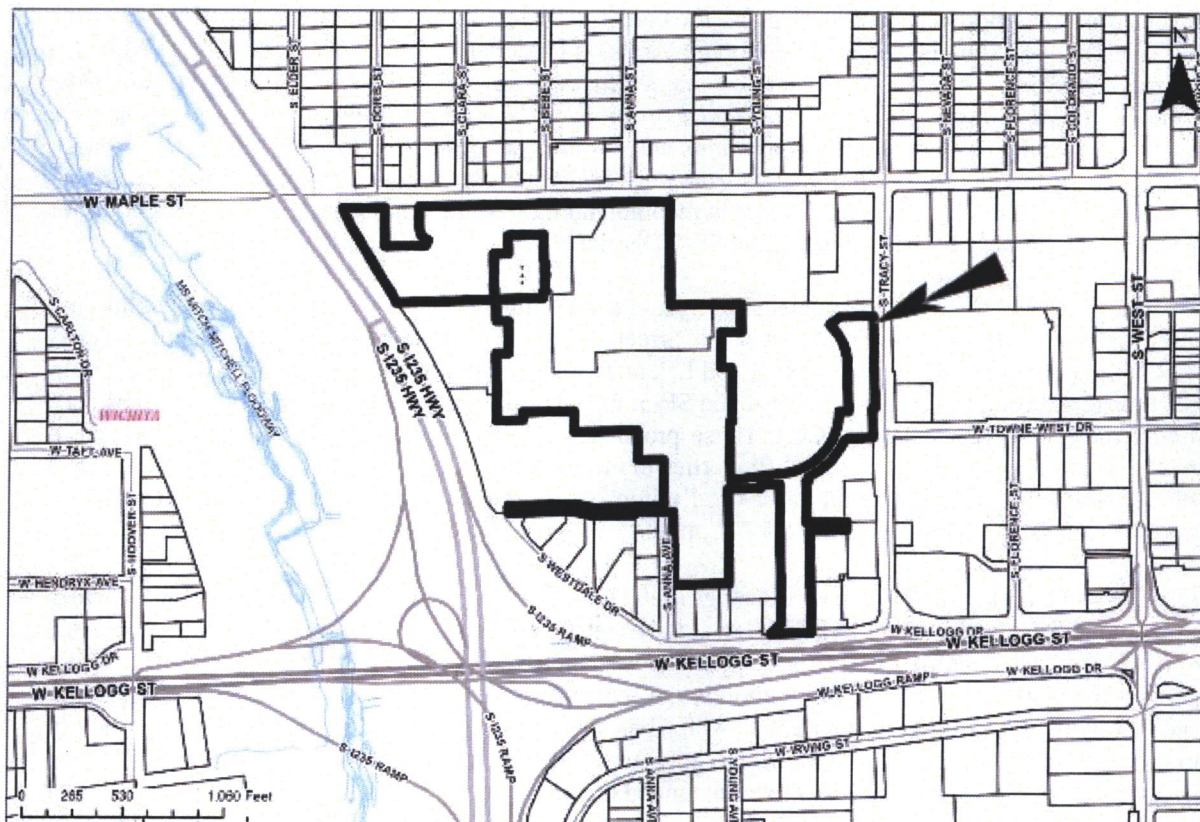
CURRENT ZONING: LC Limited Commercial District with CUP DP-71

SITE SIZE: 47.35 acres

LOCATION: Generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

PROPOSED USE: To allow for redevelopment with Industrial uses.

RECOMMENDATION: Approval, with conditions.



BACKGROUND: The applicants are requesting two items:

- 1) a major amendment to the Towne West Square CUP DP-71 to allow several additional uses to Parcels 1, 10, and 11.
- 2) To rezone Parcels 1, 10, and 11 from LC Limited Commercial District (LC) to LI Limited Industrial District (LI).

The subject site is 47.35 acres in size, is zoned LC, and is generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

The applicants are requesting the zone change from LC to LI to allow for redevelopment of the subject site with a manufacturing emphasis on Parcels 1, 10, and 11. The amendment to CUP DP-71 would only affect the permitted uses on those parcels. The applicants are not proposing to change any of the development standards established by CUP DP-71. Therefore, development standards such as maximum building coverage, gross floor area, floor area ratio, maximum height, maximum number of buildings, and setbacks would not change if the requests are approved.

Proposed permitted uses for Parcels 1, 10, and 11 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor subject to Sec. III-D.6.dd; Vehicles Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services. Definitions of these uses are provided as an attachment to this report. Staff recommends limiting the Freight Terminals to the existing loading docks within Parcels 1, 10, and 11. Staff also recommends that Outdoor Storage and Vehicle Storage Yards on Parcels 10 and 11 to be limited to locations 205 feet south of the north property line along West Maple Street, coinciding with the southern parcel line of Parcel 2. Staff is not recommending any location restriction for Outdoor Storage or Vehicle Storage Yard on Parcel 1.

Staff recommends that landscaping adhere to the current landscape plan on file, approved 2/8/1979 (see attached). This will require the applicants to restore any landscaping that is dying, has died, has been removed, or is missing from the approved landscape plans for Parcels 1, 10 and 11. This will also serve as effective screening from Outdoor Storage and Vehicle Storage Yards on Parcels 10 and 11. The UZC Sec. IV.B.3.e(1) states that "*screening shall be provided on all non-residential development sufficient to reasonably hide from ground view level all loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, freestanding coolers or refrigeration units, Outdoor Storage including Portable Storage Containers, outdoor work areas or similar uses from any residential zoning district or public street right-of-way located within 150 feet of such uses.*" Staff is recommending that the applicants adhere to this code for Outdoor Storage on Parcel 11 where abutting the SF-5 District.

Because of the irregular shape of the subject site, general directions will be used to describe neighboring properties. Properties to the north, across West Maple Street, are zoned SF-5 Single-Family Residential District (SF-5); NR Neighborhood Retail District (NR); and LC, and are developed with single-family dwellings, strip commercial centers. Properties to the east are zoned SF-5; LC (within DP-71); LI (across South Tracy Street); and GC General Commercial District (GC). Those properties are developed with a Church and School, a Department Store, a print shop, and a bank. Properties to the south are zoned LC (within DP-71) and LI, and are developed with a hotel, a credit union, a local union office and training center and medical services. Property to the west is zoned LC, is within DP-71, and is developed as a department store and I-235.

CASE HISTORY: On May 10, 1973, a zone change (Z-0970) from "AA" One Family to "B" Multiple Family was recommended for denial by the MAPC and withdrawn by the applicant. On May 14, 1974, a zone change (Z-1598) from "AA" One Family to "E" Light Industrial was approved by the City Council, subject to platting the property. The applicant subsequently withdrew the request and requested a zone change (Z-1700) from "AA" One Family to "LC" Limited Commercial, which became effective on April 20, 1978, when the property was platted as Towne West Square Addition. On July 15, 1975, the Towne West Square CUP DP-71 was originally adopted. On May 10, 1977, DP-71 was amended to reduce floor area, change permitted uses, change

parcel boundaries, and modify access controls. On April 17, 1979, the subject property was replatted as Lot 9, Towne West Square 2nd Addition. On April 24, 1979, a variance was granted to increase the permitted gross surface area of real estate signs from 32 square feet to 360 square feet on the entirety of the CUP DP-71 property. On September 12, 2002, CUP2002-34, Amendment No. 2 increased the maximum height of building signs on Lot 9, Towne West Square 2nd Addition to 38.5 feet (Dicks Sporting Goods). On September 11, 2008, an amendment allowing a Tavern and Drinking Establishment and a Night Club in the City in Parcel 1 was approved by the MAPC. In 2013, an amendment was approved (CUP2013-00019) that permitted temporary outdoor business promotions, temporary outdoor display (but not ales) of motorized vehicles including car shows, temporary carnivals and circuses, a seasonal nursery, and a Farmer's Market on several parcels within CUP DP-171.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, LC, NR	Single-family dwellings, strip malls
SOUTH:	SF-5 LC (DP-71), LI, GC union	Church, school, department store, print shop, bank, local
EAST:	LC (DP-71), LI	Hotel, credit union, medical services
WEST:	LC (DP-71)	Department Store, I-235

PUBLIC SERVICES: The subject site has access to West Maple Street, South Tracy Street, West Kellogg Drive, South Anna Avenue, and South Westdale Drive. Access to U.S. Highway 54/400 and I-235 is nearby to the subject site via South West Street. West Maple Street is a paved, four-lane arterial street with a dedicated center turn-lane with sidewalk on the north side. South Tracy Street is a paved, four-lane local street with no sidewalks. West Kellogg Drive at this location is a paved, two-lane local street with no sidewalks. South Anna Avenue is a paved two-lane local street with no sidewalks. South Westdale Drive is a paved, two-lane local street with no sidewalks. Wichita Transit provides regular bus service to this area on the northwest corner of the property on West Maple Street. Municipal water and sewer are available to the site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the following plans:

Community Investments Plan: The proposed amendment to CUP DP-151 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 "Commercial" and "Residential and Employment Mix." Commercial is defined as "*areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high volumes of traffic are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types.*"

Residential and Employment Mix is defined as "*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 redevelopment of Towne West Mall with an emphasis on manufacturing is an appropriate use for the subject site. Considering the size and scope of the existing buildings, and assuming the vast majority of activity will take place inside, the proposed permitted uses to Parcels 1, 10, and 11 would seem to be enough of a barrier to mitigate any detrimental effects to surrounding properties. The Supplementary Use Regulations set forth in Section III-D.6.dd, replacement of the required landscaping, and staff recommended conditions are also designed to mitigate any negative effects to surrounding properties.

Locational Guidelines: The request is in conformance with the Land Use Compatibility Locational Guidelines of the Comprehensive Plan. Under the "Development Pattern" title, Guideline #1.c states that "*Major commercial and employment centers should be located at intersections of arterial streets and along highways*

and commercial corridors.” The subject site is bordered by I-235, West Kellogg Drive, and West Maple Street on three sides. Also, Guideline #2.a states to, “Encourage infill development that maximizes public investment in existing and planned infrastructure and services.” The proposed use would bring development to a parcel that has been underutilized for some time. Also, Guideline #1.d states, “Industrial uses should be located in areas with good access to highways, rail lines, and airports.” Lastly, under the title “Design,” Guideline 1.d states, “Except in mixed-use development areas, non-residential uses should provide appropriate screening and buffering from residential uses.”

Wichita: Places for People Plan: The requested zone change 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 zone change is in conformance with Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.” LI zoning exist immediately to the east of the subject site, and given the locational factors near highway infrastructure, the proposed industrial uses are contextual.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the zone change from LC to LI and the amendment to CUP DP-71 be **APPROVED**, subject to the following conditions:

1. The amended language regarding uses shall apply only to Parcels 1, 10 and 11.
2. Outdoor Storage and Vehicle Storage Yards on Parcels 10 and 11 shall be limited to locations 205 feet south of the north property line along West Maple Street, coinciding with the southern parcel line of Parcel 2. Outdoor Storage shall adhere to the Supplementary Use Regulations found in the UZC Section III-D.6.dd and to screening requirements found in UZC Sec. IV.B.3.e (1).
3. All landscaping that is dying, has died, has been removed, or is missing from the originally approved landscape plan must be replaced prior to any proposed new uses commencing.
4. All other requirements of the CUP remain in effect unless or until a separate zoning action is approved.
5. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. **The zoning uses and character of the neighborhood:** Because of the irregular shape of the subject site, general directions will be used to describe neighboring properties. Properties to the north, across West Maple Street, are zoned SF-5 Single-Family Residential District (SF-5); NR Neighborhood Retail District (NR); and LC, and are developed with single-family dwellings, strip commercial centers. Properties to the east are zoned SF-5; LC (within DP-71); LI (across South Tracy Street); and GC General Commercial District (GC). Those properties are developed with a Church, a Department Store, a print shop, and a bank. Properties to the south are zoned LC (within DP-71) and LI, and are developed with a hotel, a credit union, a local union office and training center and medical services. Property to the west is zoned LC, is within DP-71, and is developed as a department store and I-235.
2. **The suitability of the subject property for the uses to which it has been restricted:** The current Parcels are zone LC within CUP DP-71. Parcels 1 and 10 allow for a Regional Shopping Center; Hotel & Motel, Tavern and Drinking Establishment; and Night Club in the City. Permitted temporary uses include outdoor business promotions including carnivals; circuses; rides; outdoor entertainment and recreation; food and beverage sales; outdoor display, but not sales, of motorized vehicles; and seasonal nurseries. Parcel 11 allows for a Regional Shopping Center; Hotel & Motel, Tavern and Drinking

Establishment; and Night Club in the City.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The provisions in the Community Unit Plan, the Supplementary Use Regulations set forth in Section III-D.6.dd, replacement of the required landscaping, and staff recommended conditions should minimize and mitigate any significant potential negative impacts of the proposed uses.
4. Length of time subject property has remained vacant as zoned: The property is developed as a mall with ample parking lots.
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 this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare. Denial may be considered an economic loss for the applicant.
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 staff report.
7. Impact of the proposed development on community facilities: Approval of this application is not anticipated to have negative impacts on community facilities.
8. Opposition or support of neighborhood residents: As of the writing of this report, there has been no opposition nor support voiced by neighborhood residents.

Attachments:

1. Proposed Use Definitions
2. Supplementary Use Regulations Section III-D.6.dd
3. CUP DP-71 Applicant Proposed Text
4. CUP DP-71 Site Plan
5. Currently Approved Landscape Plans
6. Aerial Map
7. Zoning Map
8. Land Use Map
9. Site Photos

Land Use Definitions

Freight Terminal means a building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

Manufacturing, Limited means an establishment primarily engaged in the on-site production of goods by hand manufacturing that generally involves only the use of hand tools or other equipment not exceeding two horsepower or a kiln not exceeding eight kilowatts, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site. Typical uses include ceramic shops, candle-making shops, custom jewelry manufacturing, electronic and computer products assembly, millwork and cabinetry, precision machining of tools, dies and jigs, production of instruments and lenses for medical, dental, optical, scientific and other professional purposes, and upholstery shops.

Manufacturing, General means an establishment engaged in the manufacture, predominantly from previously prepared materials or from lightweight nonferrous materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding Basic Industry. Typical uses include apparel and garment factories, appliance manufacturing and assembly, bakeries engaged in large-scale production and wholesale distribution, beverage manufacturing and bottling (excluding breweries), boat building and repair, electrical and electronic equipment, food processing (excluding slaughterhouses and rendering plants), furniture and fixtures, jewelry manufacturing, laundry and dry cleaning plants, leather products, meat cutting and wholesale storage, machine shops, motion picture production lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, Monument and grave marker manufacturing, rubber and plastics products manufacturing, tobacco products manufacturing and toy manufacturing.

Research Services means an establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Storage, Outdoor means the keeping, storing, placing or locating outside of an enclosed structure for more than 72 consecutive hours any property, goods, products, equipment, Trailers, Portable Storage Containers, or other similar items not considered Accessory Uses as listed in this Code. The term Storage, Outdoor (or Outdoor Storage) does not include Vehicle Storage Yard.

Vehicle Storage Yard means the keeping outside of an enclosed Building for more than 72 consecutive hours of one or more Motor Vehicles (except Inoperable Vehicles), boats, Trailers, or unoccupied Recreational Vehicles. The term Vehicle Storage Yard does not include Wrecking/Salvage Yard.

Warehousing means the storage of materials, equipment, or products within a Building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include major mail distribution centers, frozen food lockers, and moving and storage firms, but excluding Self-Service Storage Warehouses.

Welding or Machine Shop means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include Machine Shops, Welding Shops and sheet metal shops.

Wholesale or Business Services means an establishment primarily engaged in the display, storage and sale of goods or services to other firms.

SUPPLEMENTARY USE REGULATION SECTION III-D.6.dd

d.d. Outdoor Storage and/or Baling in LC through LI. In LC through LI, the Outdoor Storage and/or baling of junk, scrap, paper, bottles, rags or similar materials is prohibited. See Sec. III-B.14.e, III-B.15.e, III-B.17.e and III-B.18.e for limitations on other Outdoor Storage in LC, OW, IP-A and IP.

**Applicant Proposed Text for the Towne West Square CUP DP-71 with amendments in *red*. S
Staff recommended changes are in *blue***

Parcel #1

Proposed Uses: Regional Shopping Center, Hotel & Motel, and applicable only to Lot 1, the additional uses of Tavern and Drinking Establishment and Night club in the City. *Other uses allowed on Parcel 1 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor, subject to Sec. III-D.6.dd; Vehicle Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services.*

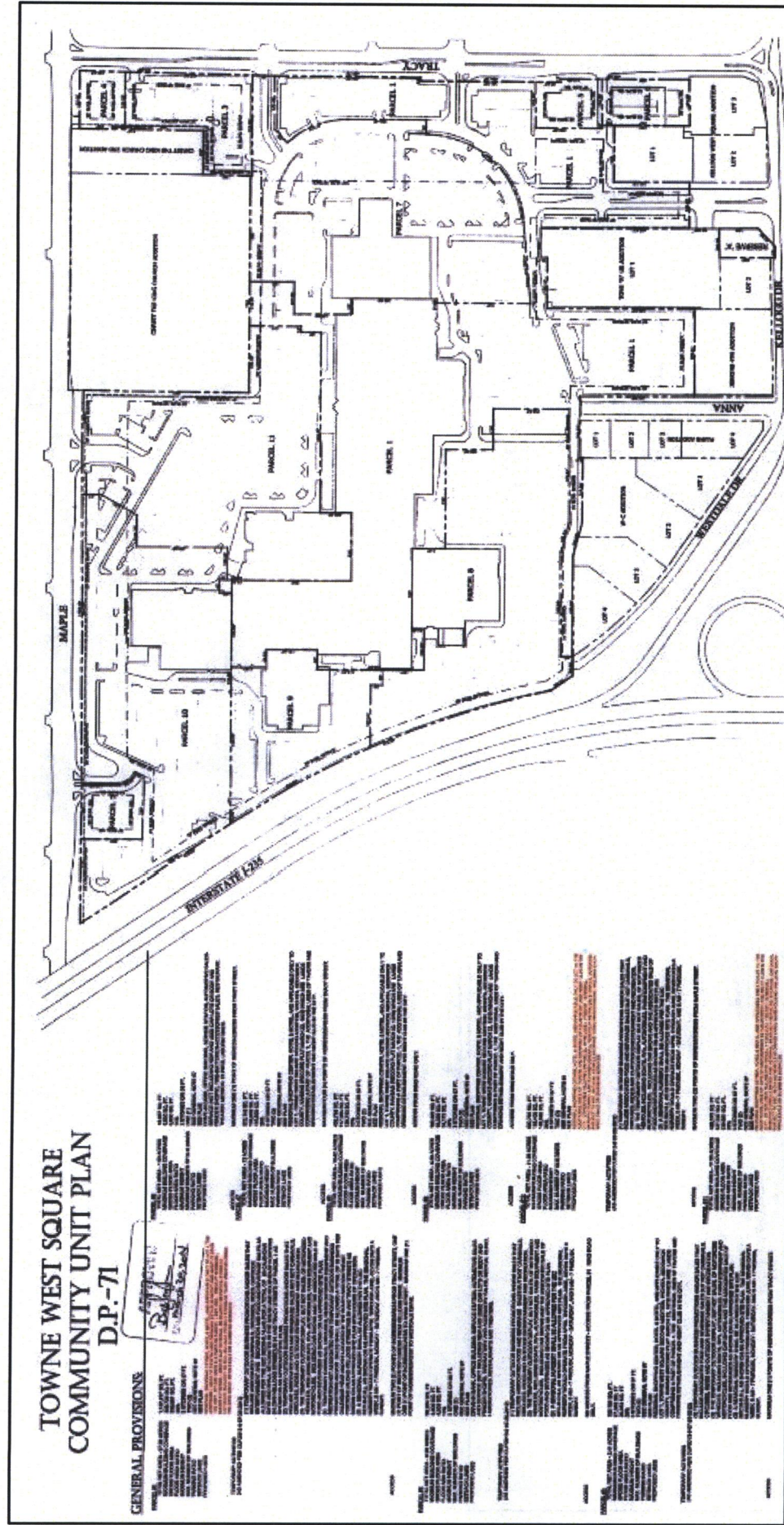
Parcel #10

Proposed Uses: Regional Shopping Center, Hotel & Motel, and applicable only to Lot 1, the additional uses of Tavern and Drinking Establishment and Night club in the City. *Other uses allowed on Parcel 10 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor, subject to Sec. III-D.6.dd; Vehicle Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services; provided that Storage Outdoor and Vehicle Storage Yard shall not be permitted within the north 205 feet, coincident with the south parcel line of Parcel 2.*

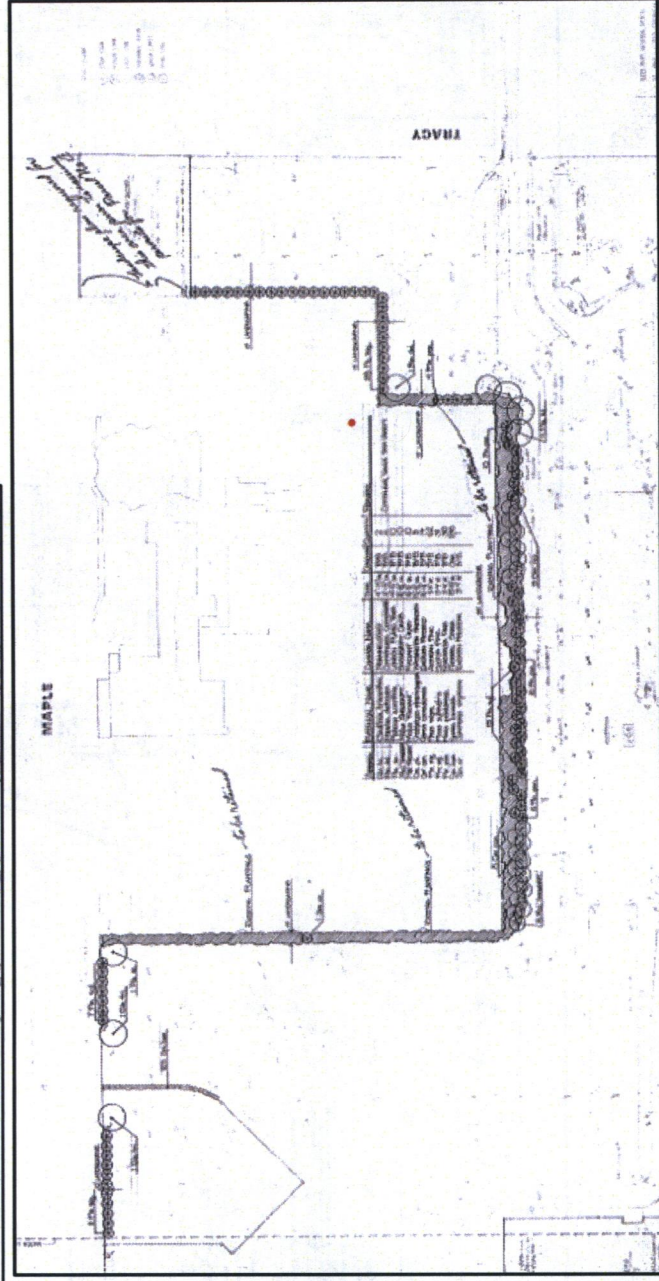
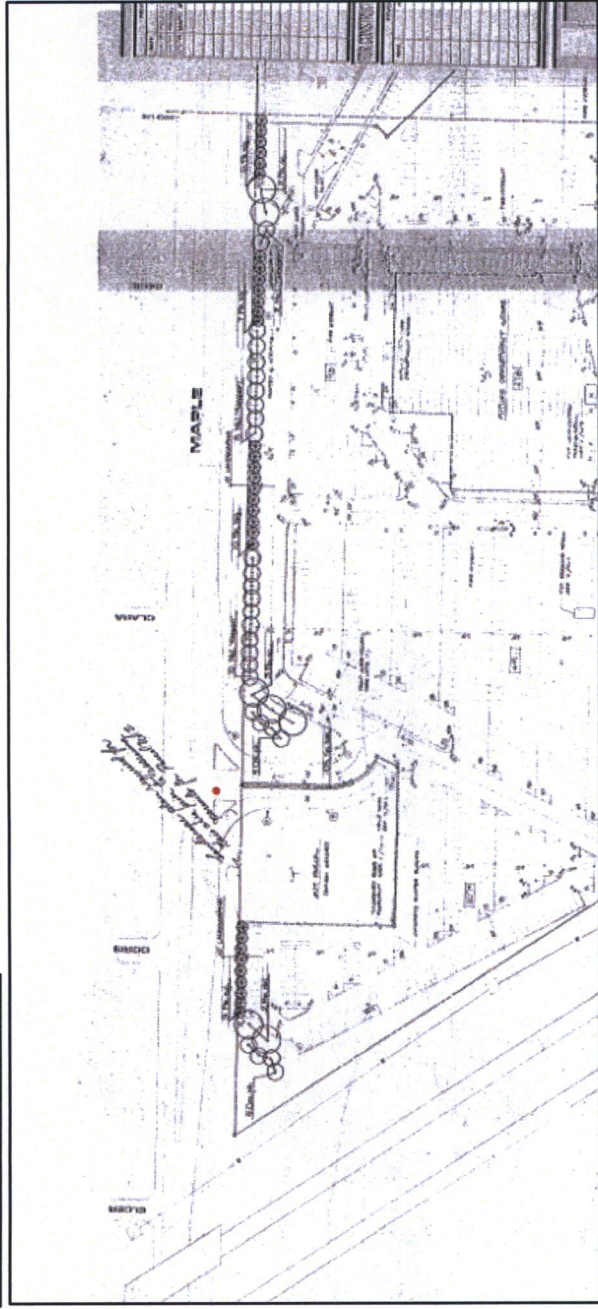
Parcel #11

Proposed Uses: Regional Shopping Center, Hotel & Motel, and applicable only to Lot 1, the additional uses of Tavern and Drinking Establishment and Night club in the City. *Other uses allowed on Parcel 11 include: Freight Terminal; Manufacturing, Limited and General; Research Services; Storage, Outdoor, subject to Sec. III-D.6.dd; Vehicle Storage Yard; Warehousing; Welding Shop; Wholesale or Business Services; provided that Storage Outdoor and Vehicle Storage Yard shall not be permitted within the north 205 feet, coincident with the south parcel line of Parcel 2.*

CUP DP-151 Drawing



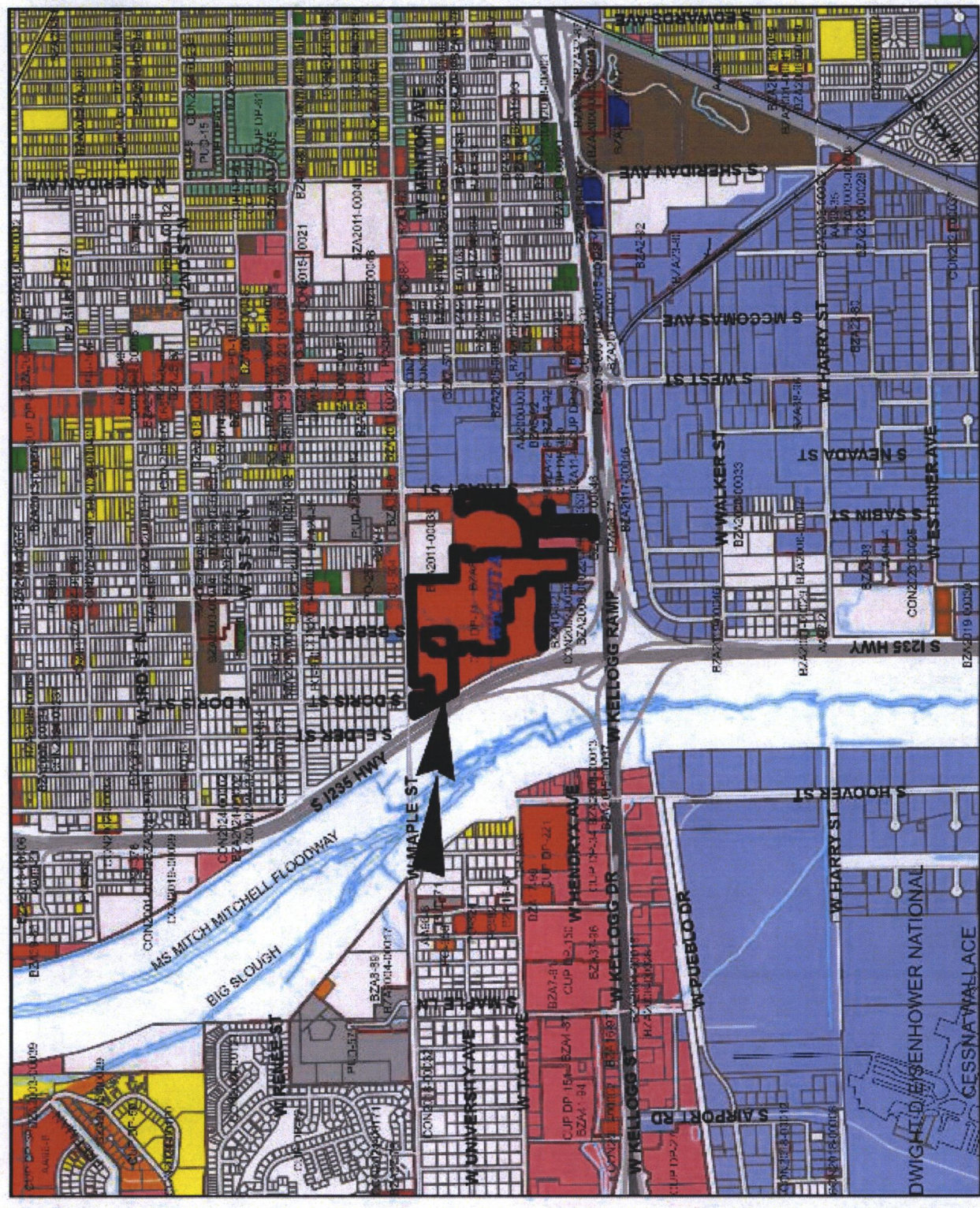
Approved Landscape Plans





ZONING

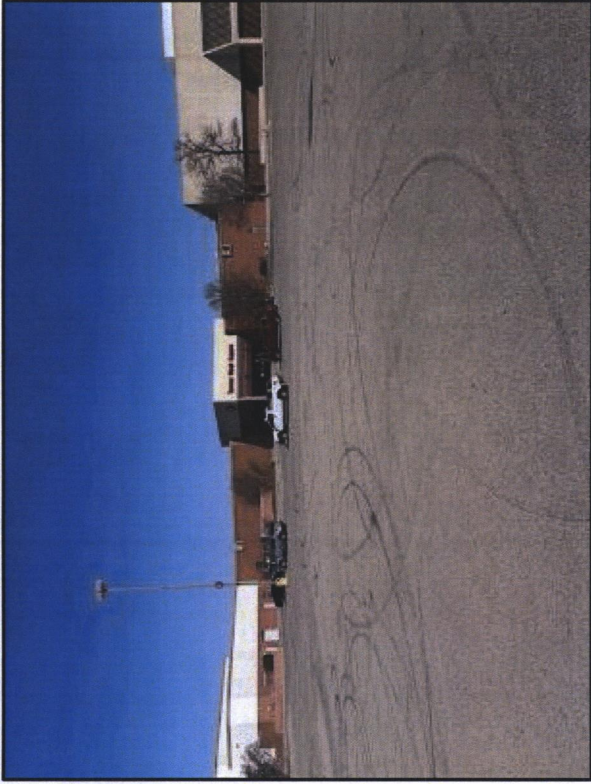
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- SF-10
- SF-5
- TF-3
- MF-18
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- B
- MH
- NO
- GO
- NR
- LC
- GC
- CBD
- OW
- IP
- LI
- IP-A
- GI
- AFB
- U
- PUD
- AIRPORT
- OLD TOWN



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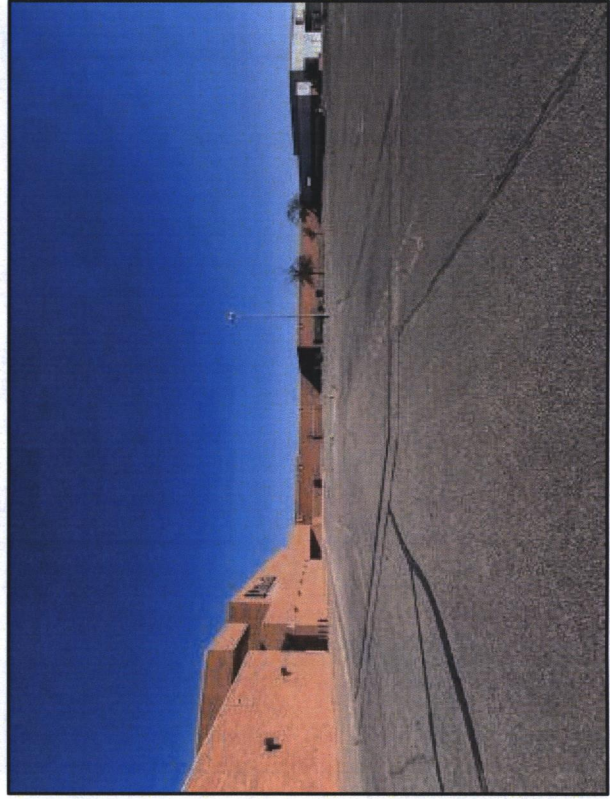
Looking north into site from south



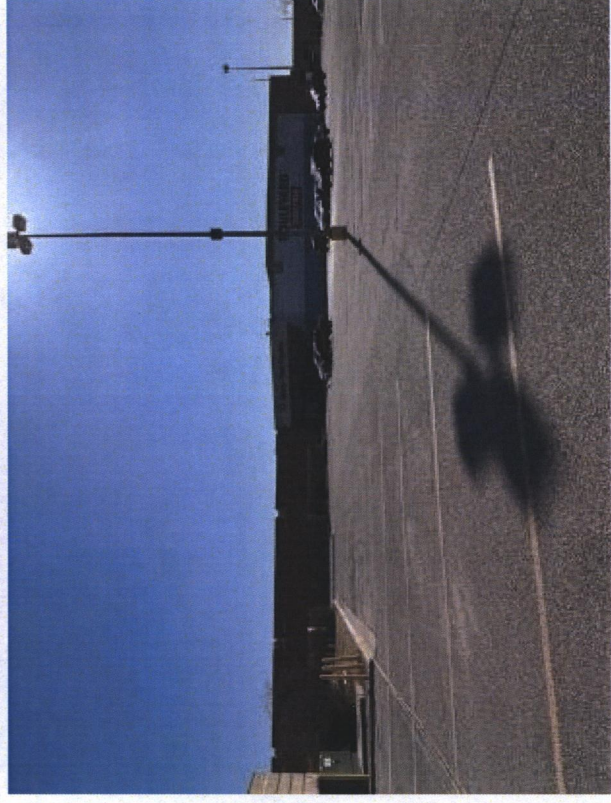
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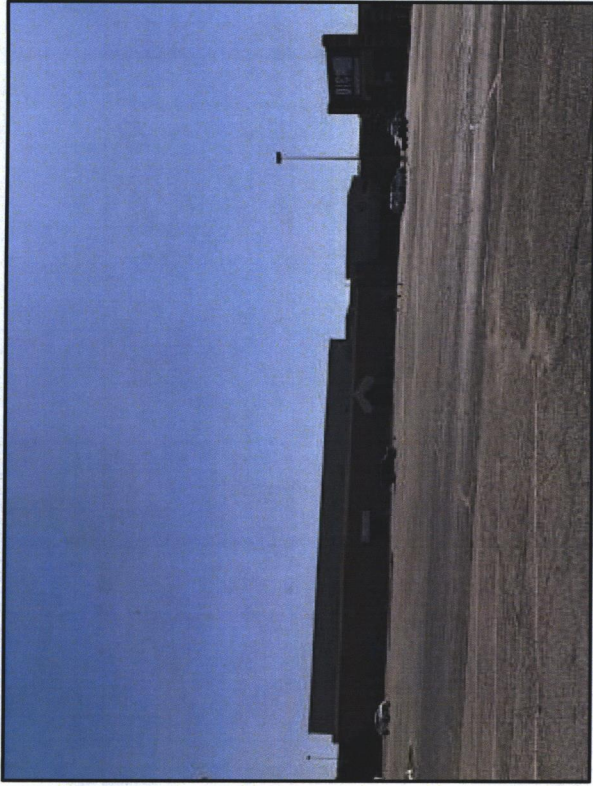
Looking north into site from south



Looking east into site from west



Looking east into site from west



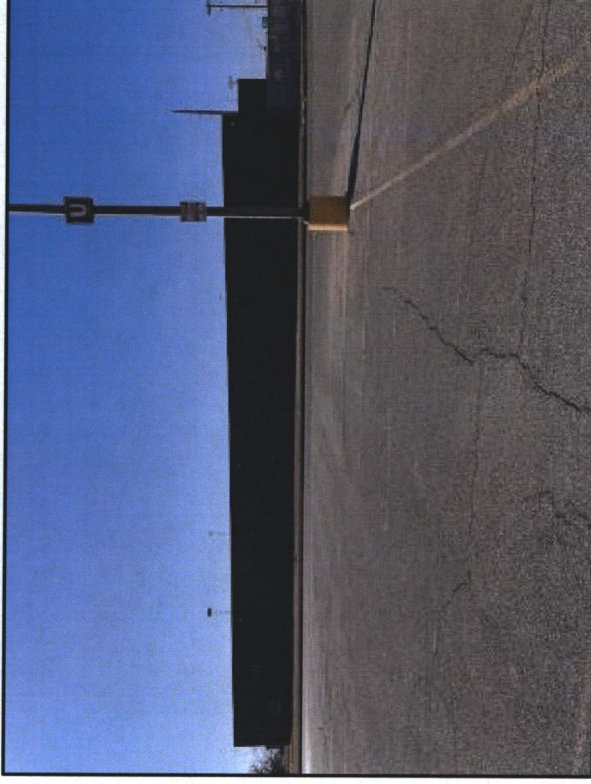
Looking west into site from east



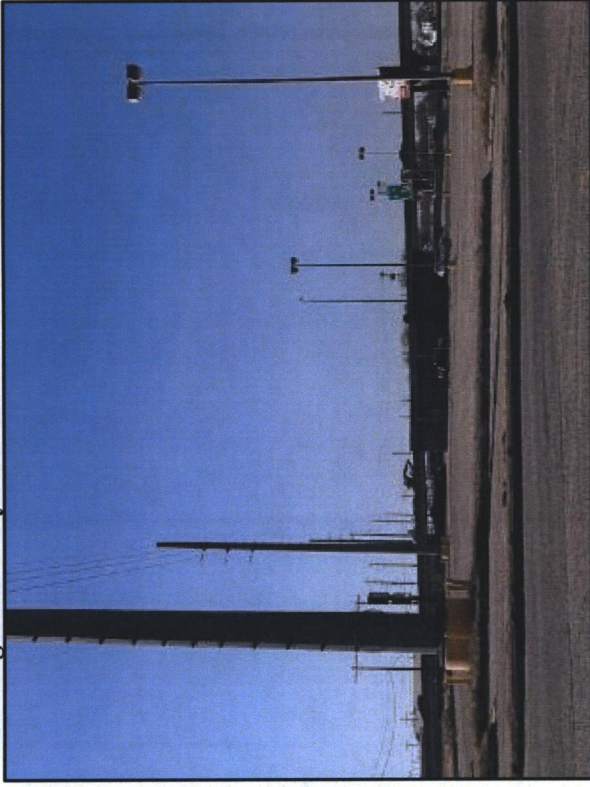
Looking south into site from north



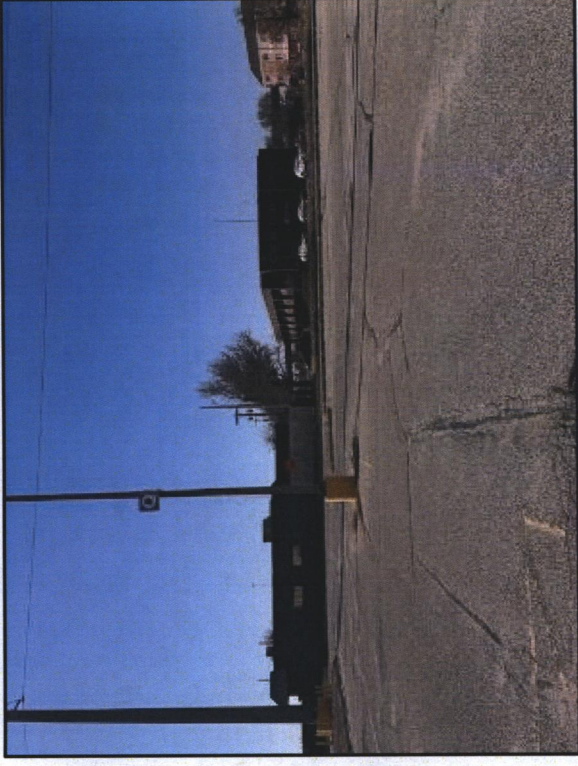
Looking south away from site



Looking south away from site



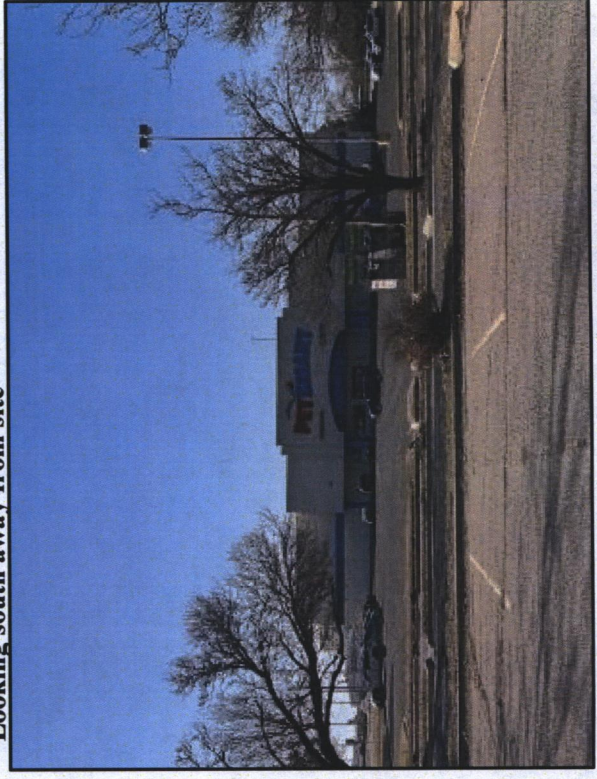
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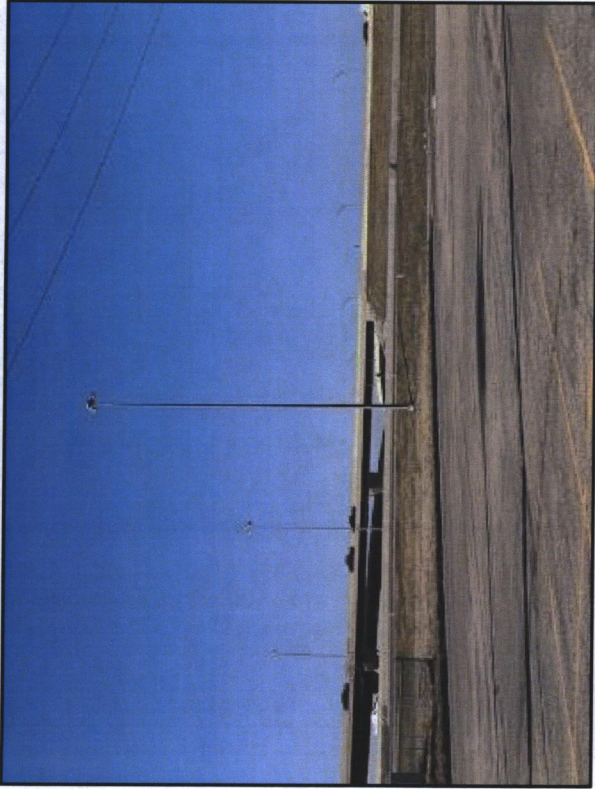
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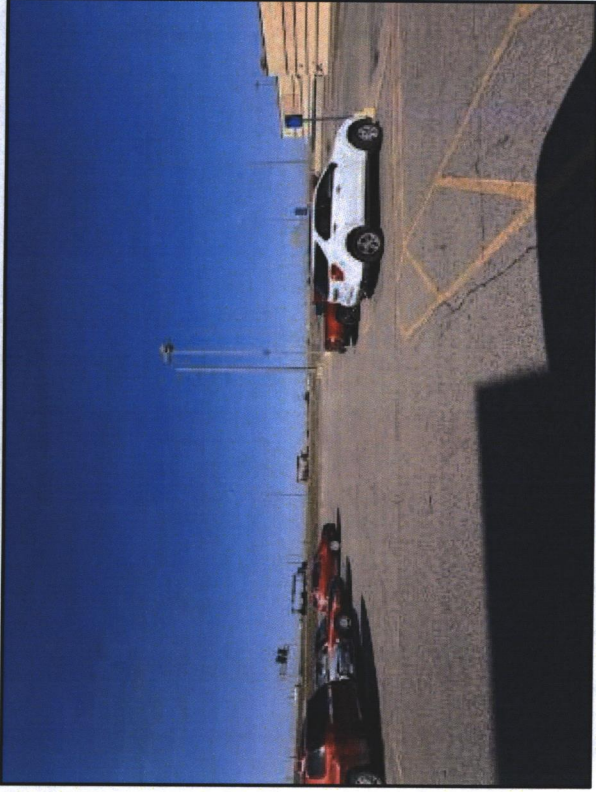
Looking south away from site



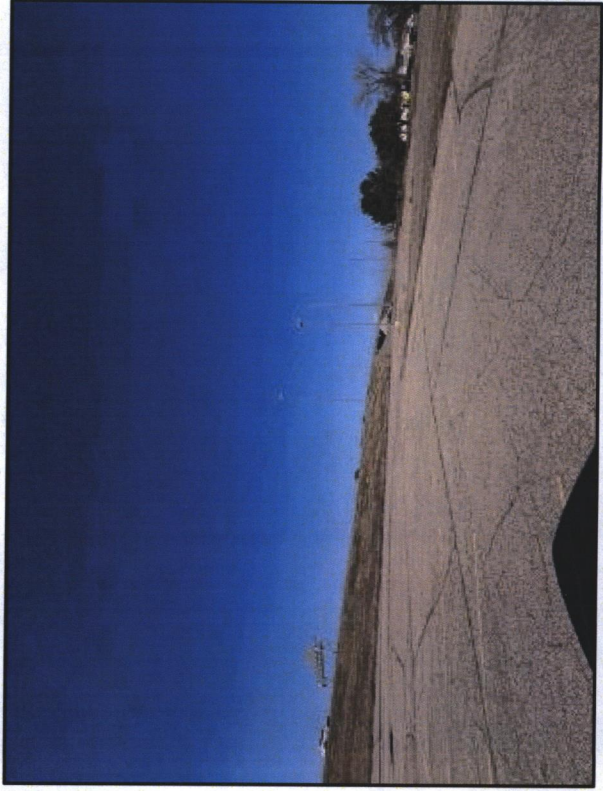
Looking southwest away from site



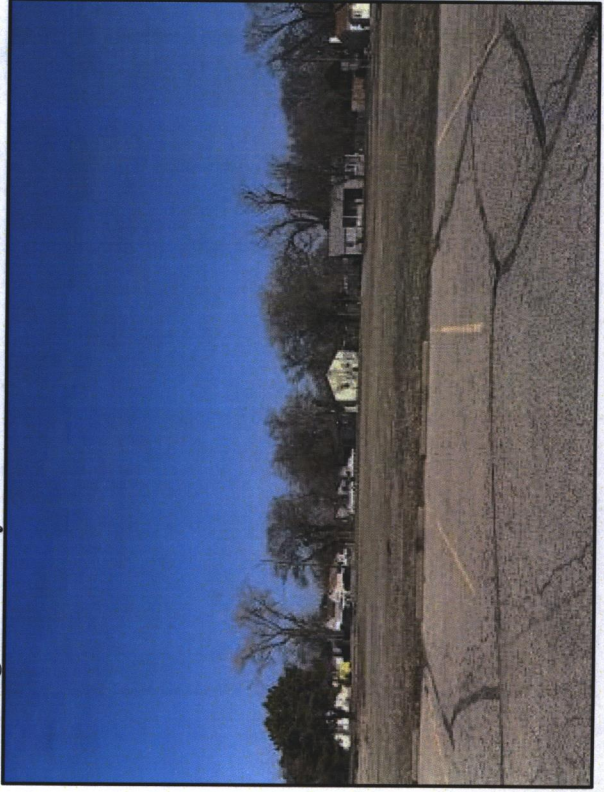
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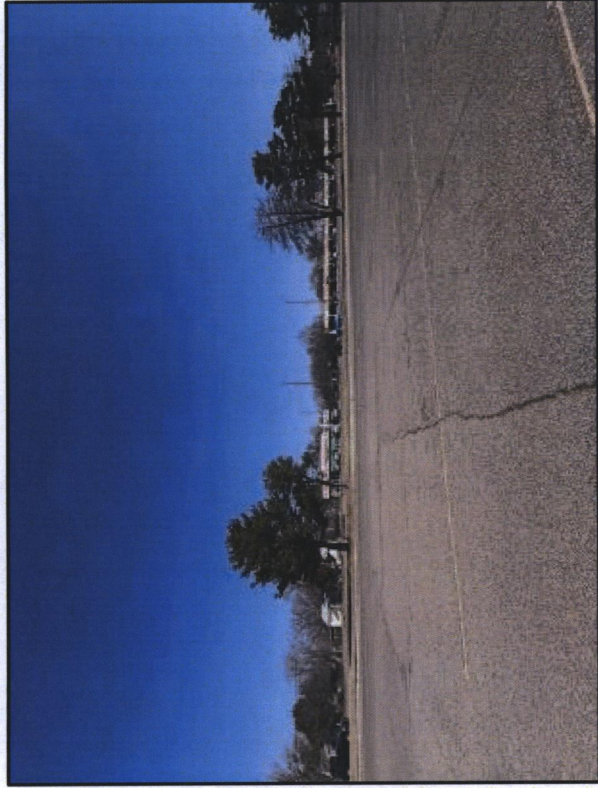
Looking northwest away from site



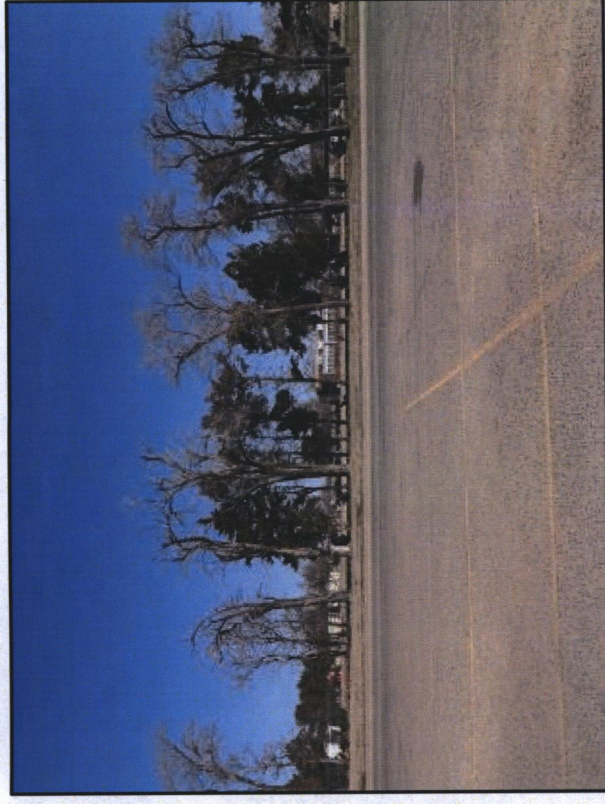
Looking north away from the site



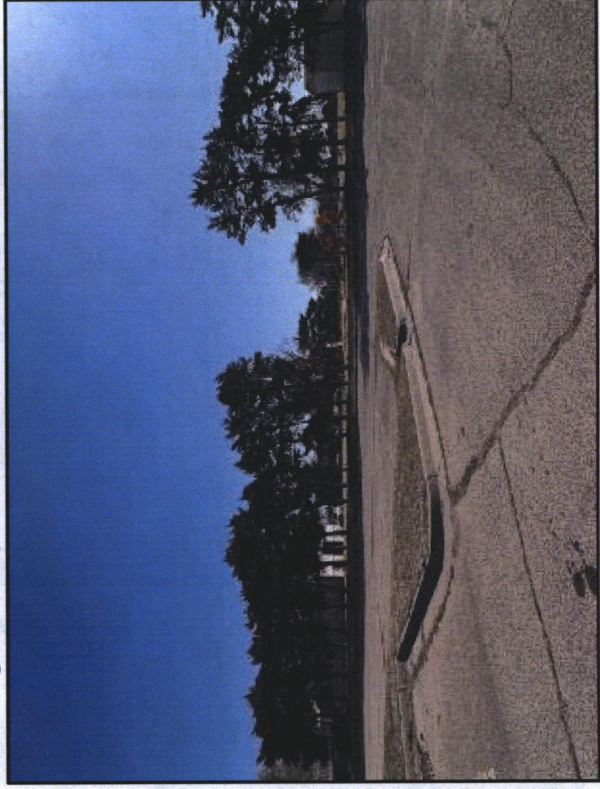
Looking north away from site



Looking north away from site



Looking east away from site from north entrance



Looking east away from site

