Wichita-Sedgwick County Metropolitan Area Planning Department

August 14, 2025

Positive Progressive Group, LLC
1900 Red Brush Ct.
Wichita, KS 67206

RE: ZON2025-00026 – Zone Change request in the City from LI Limited Industrial District to GC General Commercial, generally located between South Laura Avenue and South Pattie Avenue and within 350 feet north of U.S. 54/400 (428 South Laura Avenue and 427 South Pattie Avenue)

Dear Applicant;

At its regular meeting on **August 12, 2025**, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request, with the attached PO language:

Protective Overlay #458

Any residential structure created from and/or including one or more shipping containers located on the subject site, the exterior of such structure shall be painted a uniform color. Each structure may have an exterior color unique from other residential structures on the site and the exterior colors of each structure shall be an earthtone color.

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 I
MABCD
Steve Grunk 8119 E. Champions Ct Wichita KS 67226
Chris Downing 421 S. Laura Ave. Wichita, KS 67211
Caroline Abbott 421 S. Pattie Ave. Wichita KS 67211

Wichita-Sedgwick County Metropolitan Area Planning Department

Revised WCC Date

June 26, 2025

Positive Progressive Group, LLC
1900 Red Brush Ct.
Wichita, KS 67206

RE: ZON2025-00026 – Zone Change request in the City from LI Limited Industrial District to GC General Commercial, generally located between South Laura Avenue and South Pattie Avenue and within 350 feet north of U.S. 54/400 (428 South Laura Avenue and 427 South Pattie Avenue)

Dear Applicant,

At its regular meeting on **June 26, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **DENIAL** of the 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 **July 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 **July 10, 2025, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) I on **Monday, July 7, 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. This application will be presented to the Wichita City Council on **Tuesday, August 12, 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: Brandon Johnson, Council Member, District I
Cameron Jackson, CSR, District I
MABCD
Steve Grunk 8119 E. Champions Ct Wichita KS 67226
Chris Downing 421 S. Laura Ave. Wichita, KS 67211
Caroline Abbott 421 S. Pattie Ave. Wichita KS 67211

OCA 150004 PUBLISHED at Wichita.gov/LegalNotices on August 22, 2025

ORDINANCE NO. 52-793

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. ZON2025-000026

Zone change request in the City from LI Limited Industrial District to GC General Commercial District zoning, with Protective Overlay #458, on property legally described as:

> Lots 146 and 148, Hunter's 3rd Addition to Wichita, Sedgwick County, Kansas. AND Lot 145, EXCEPT the North 20 feet thereof; and All of Lot 147, Hunter's 3rd Addition to Wichita, Sedgwick County, Kansas.

Protective Overlay #458

> Any residential structure created from and/or including one or more shipping containers located on the subject site, the exterior of such structure shall be painted a uniform color. Each structure may have an exterior colors unique from other residential structures on the site and the exterior colors of each structure shall be an earthtone color.

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 19th day of August, 2025.

Lily Wu, Mayor, City of Wichita

ATTEST:

Shinita Rice, Deputy 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:

Shinita Rice, Deputy City Clerk

Being first duly sworn, deposes and says:

That I, Shinita Rice, Deputy 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. 52-793 / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 22nd day of August, 2025.

Shinita Rice

Signature

SUBSCRIBED AND SWORN to before me this 22 day of August, 2025.

JAMES DECKARD
Notary Public, State of Kansas
My Appointment Expires
1-26-29

Notary Public

(seal)

City Clerk's Office

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

316.268.4529

www.wichita.gov

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
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
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
41100	10479	Legal Ad - IPL0236284		1.0	86.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov

MAPC/BZA June 26, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, June 26, 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.**

BZA2025-00034: Variance request in the City to install a roof top sign that exceeds 400 sq. ft. on the property zoned CBD Central Business District, located on southeast corner of East English Street and South Broadway Avenue (333 East English Street).

CON2025-00073: Conditional Use request in the City to have Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial, located within one-block north of West 25th Street North and on the east side of North Amidon Avenue (2666 North Amidon Avenue).

VAC2025-00016: Vacation request in the City to vacate a platted 30-foot street side setback to let the 15-foot zoning setback apply for new construction on property zoned SF-5 Single-Family Residential; generally located one-block west of S Hillside Ave. and two-blocks south of East Pawnee Ave (3019 E. Glen Oaks).

VAC2025-00020: Vacation request in the City of a utility easement, generally located on the north side of East Shadybrook Street and within 400 feet west of North Woodlawn Boulevard (6210 East Shadybrook Street).

VAC2025-00021: Vacation request in the City of a 50 foot Taxiway Easement, generally located approximately 1/4 mile southwest of the intersection of West Harry Street and South Hoover Street (1651 S Eisenhower Ct).

ZON2025-00025: Zone Change request in the City from MF-29 Multi-Family Residential District to LC Limited Commercial District for Vehi-

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

the undersigned, 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.

1.0 insertion(s) published on:
06/04/25 Print

Print Tearsheet Link

Marketplace Link

Sherry Chasteen

DIGITALLY SIGNED

Sherry Chasteen

Shannon Dale Gray

DIGITALLY SIGNED

Sworn to and subscribed before me this 2nd day of June in the year of 2025

SHANNON DALE GRAY
NOTARY PUBLIC - STATE OF OKLAHOMA
COMMISSION # 25004306
MY COMM. EXPIRES Apr 10, 2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

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

MAPC/BZA June 26, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, June 26, 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.**

BZA2025-00034: Variance request in the City to install a roof top sign that exceeds 400 sq. ft. on the property zoned CBD Central Business District, located on southeast corner of East English Street and South Broadway Avenue (333 East English Street).

CON2025-00073: Conditional Use request in the City to have Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial, located within one-block north of West 25th Street North and on the east side of North Amidon Avenue (2666 North Amidon Avenue).

VAC2025-00016: Vacation request in the City to vacate a platted 30-foot street side setback to let the 15-foot zoning setback apply for new construction on property zoned SF-5 Single-Family Residential; generally located one-block west of S Hillside Ave. and two-blocks south of East Pawnee Ave (3019 E. Glen Oaks).

VAC2025-00020: Vacation request in the City of a utility easement, generally located on the north side of East Shadybrook Street and within 400 feet west of North Woodlawn Boulevard (6210 East Shadybrook Street).

VAC2025-00021: Vacation request in the City of a 50 foot Taxiway Easement, generally located approximately 1/4 mile southwest of the intersection of West Harry Street and South Hoover Street (1651 S Eisenhower Ct).

ZON2025-00025: Zone Change request in the City from MF-29 Multi-Family Residential District to LC Limited Commercial District for Vehicle Repair, Limited, generally located on the east side of South Hillside Avenue, within one-half mile south of East Pawnee Avenue.

ZON2025-00026: Zone Change request in the City from LI Limited Industrial District to GC General Commercial to allow residential apartments using containers, generally located two-blocks east of South Washington Avenue and within one-block north of East Kellogg (428 South Laura Avenue & 427 South Pattie Avenue).

IPL0236284
Jun 4 2025

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.7

STAFF REPORT
MAPC: June 26, 2025
DAB I: July 7, 2025

CASE NUMBER: ZON2025-00026 (City)

APPLICANT/AGENT: Positive Progressive Group, LLC (Applicant)

REQUEST: GC General Commercial District

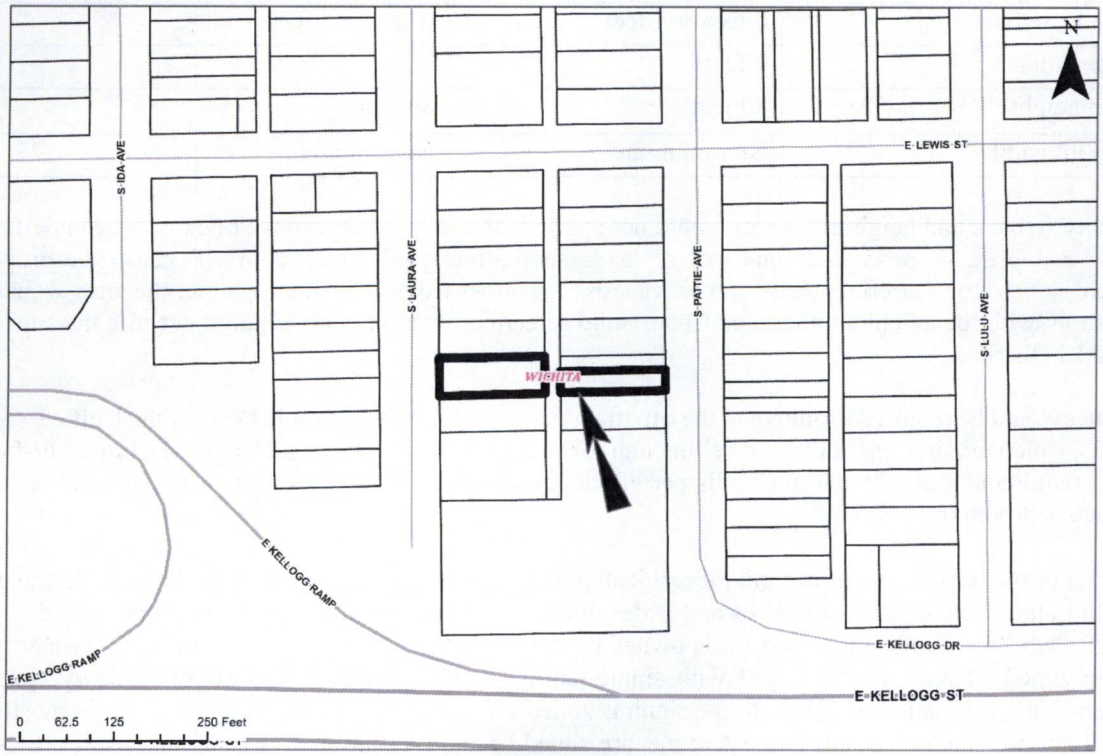
CURRENT ZONING: LI Limited Industrial District

SITE SIZE: 0.25 acres

LOCATION: Generally located between South Laura Avenue and South Pattie Avenue and within 350 feet north of U.S. 54/400 (428 South Laura Avenue and 427 South Pattie Avenue)

PROPOSED USE: Multi-family Residential Development

RECOMMENDATION: Approve



BACKGROUND: The applicant is requesting a zone change from LI Limited Industrial District (LI) to GC General Commercial District (GC) in order to permit a multi-family residential development. The 0.25-acre site is generally located between South Laura Avenue and South Pattie Avenue and within 350 feet north of U.S. 54/400 (428 South Laura Avenue and 427 South Pattie Avenue). The property at 428 South Laura Avenue was developed as a single-family dwelling as recently as 2024 but is now undeveloped. The property at 427 South Pattie Avenue is undeveloped but was developed with a single-family dwelling as recently as at least 2011, based on aerial photography. The applicant would like to develop multi-family residential uses, which are not permitted in the LI District. The applicant is proposing to build the multi-family development out of storage containers. A similar development is located southeast of the subject site. That property received a zone change from LI to GC in 2007 (ZON2007-00044). The former school property to the south was also part of this zone change.

The GC District accommodates moderate-density residential development, including single-family, two-family, and multi-family residences at a maximum density of 75.1 dwelling units per acre. This would allow for up to 18 units on the property. In addition, the GC District allows a wide range of civic, public, and commercial uses as well as a few industrial uses. The table below compares the development standards of each zoning district:

Property Development Standards	LI Limited Industrial	GC General Commercial
Minimum lot area	No minimum	Single-Family: 2,500 sq. ft. Duplex: 2,000 sq. ft. per dwelling unit (4,000 sq. ft. total) Multi-Family: 580 sq. ft. per dwelling unit Nonresidential: no minimum
Front setback	20 feet	20 feet
Rear setback	0 feet	0 feet
Interior Side Setback	0 feet or 5 feet	0 feet or 5 feet
Street Side Setback	0 feet	0 feet
Maximum height	80 feet	80 feet
Minimum lot width	No minimum	No minimum

Compatibility setback and height standards would not apply. If the subject site is developed with a single-family dwelling or a duplex, no screening standards or landscaped street yard would apply. Because the proposed development is not along arterial streets, nor is it across the street from residential zoning, the sites would not need to comply with the Wichita Landscape Code. Solid screening would not be required because the sites abut the GC and LI Districts.

The applicant would be required to adhere to the off-street parking schedule in Article IV-A of the Unified Zoning Code (UZC), which requires one stall per dwelling unit for single-family dwellings and duplexes. For multi-family the parking requirement is 1.25 parking stalls per efficiency and one bedroom dwelling unit, and 1.75 parking stalls per two bedroom or larger unit.

The character of the neighborhood is a mix of residential, commercial, and light industrial. Property to the north of the South Laura Avenue site is zoned LI and is developed with single-family dwellings. Property to the north of the South Pattie Avenue site is zoned LI, is owned by the City of Wichita, and is undeveloped. Properties to the east are zoned LI and are developed with single-family dwellings and, across South Pattie Avenue, an office/warehouse combination. Property to the south is zoned GC and is developed with multi-family dwellings. Properties to the west, across South Laura Avenue, are zoned LI and LC Limited Commercial District (LC) and are developed with single-family dwellings. Southeast of the South Pattie Avenue site is a development of multi-

family buildings built in the same manner as the proposed use for this request.

CASE HISTORY: On August 18, 1889, the subject sites were platted as part of the Hunters 3rd Addition. There have been no other zoning cases associated with the properties.

ADJACENT ZONING AND LAND USE:

North:	LI	Single-family dwellings, undeveloped
South:	GC	Multi-family
East:	LI	Single-family dwellings
West:	LI, LC	Single-family dwellings

PUBLIC SERVICES: The subject sites have access to South Laura Avenue and South Pattie Avenue, both are two-lane, paved local streets. South Laura Venue has a sidewalk on the east side and South Pattie Avenue has a sidewalk on the west side. City services such as water and sanitary sewer already serve the site. Wichita Transit serves the site on the southwest and northwest corners of South Pattie Avenue and East Waterman Street, approximately 900 feet to the north.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is governed by the following plans:

Community Investments Plan: The requested zone change is partial conformance with *The Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan), which includes the 2035 Future Growth Concept Map, recommends the South Laura Avenue site as appropriate for "Industrial" while the South Pattie Avenue site is appropriate for "Commercial" uses. The *Plan* defines "Industrial" as "*areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Centers or concentrations of manufacturing, warehousing, distribution, construction, research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing or refinement of natural resources or recycling of waste materials typically are located along rail lines. Businesses with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential Uses by Commercial Uses.*" While the Industrial designation does not typically allow for residential uses, there are several other residential uses along both South Pattie Avenue and South Laura Avenue. There is a large mixture of commercial, industrial, institutional, and residential uses on the surrounding blocks.

The *Plan* defines "Commercial" 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.*" Commercial zoning does allow for multi-family as a use."

The Locational Guidelines of the *Community Investments Plan* provide a framework for decision-making regarding land use changes. Under the heading of "Land Use Compatibility," Guideline 2.b states, "*Accessory dwelling units, duplexes, and small-scale multi-family developments can be appropriate in existing residential areas if appropriate site design limits adverse impacts on surrounding residential uses, the design of the buildings is compatible with existing residences, and the scale of the development is compatible with the intensity of the surrounding area.*" The multi-family proposal is compatible in design and scale with nearby multi-family dwellings.

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, which states, "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." GC districts with multi-family development are located to the south and the southeast of the subject site.

Central Northeast Area Plan Update: The proposed rezoning is in conformance with the Central Northeast Area Plan. The plan calls for promoting new home construction and that the rate of new home construction exceeds the housing demolition rate.

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

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is a mix of residential, commercial, and light industrial uses. Property to the north of the South Laura Avenue site is zoned LI and is developed with single-family dwellings. Property to the north of the South Pattie Avenue site is zoned LI, is owned by the City of Wichita, and is undeveloped. Properties to the east are zoned LI and are developed with single-family dwellings and, across South Pattie Avenue, an office/warehouse combination. Property to the south is zoned GC and is developed with multi-family dwellings. Properties to the west, across South Laura Avenue, are zoned LI and LC Limited Commercial District (LC) and are developed with single-family dwellings. Southeast of the South Pattie Avenue site is a development of multi-family buildings built in the same manner as the proposed use for this request.

2. The suitability of the subject property for the uses to which it has been restricted: The properties are zoned LI Limited Industrial District, which is suitable for a range of commercial and industrial uses. The LI District does not permit any form of residential uses other than non-conforming residential uses within the LI District. Development of this site with industrial uses could cause compatibility issues between industrial development and existing residential development on surrounding properties.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow all uses permitted in the GC General Commercial District on the site, which are generally less intensive than those permitted within the existing LI District.

4. Length of time subject property has remained vacant as zoned: The subject sites have been developed with single-family dwellings in the past but are currently undeveloped.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: It is expected that the requested zone change could bring an increased amount of traffic to the area. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zone change is in partial conformance with the *Community Investments Plan*, as discussed in the staff report. It is in conformance with the *Wichita: Places for People Plan* and the *Central Northeast Area Plan Update* as discussed in the staff report.

7. Impact of the proposed development on community facilities: The Planning Department does not anticipate the requested zone change will have a significant negative impact on community facilities.

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

Attachments:

1. Aerial Map
2. Zoning Map
3. Future Growth Land Use Map
4. Site Pictures

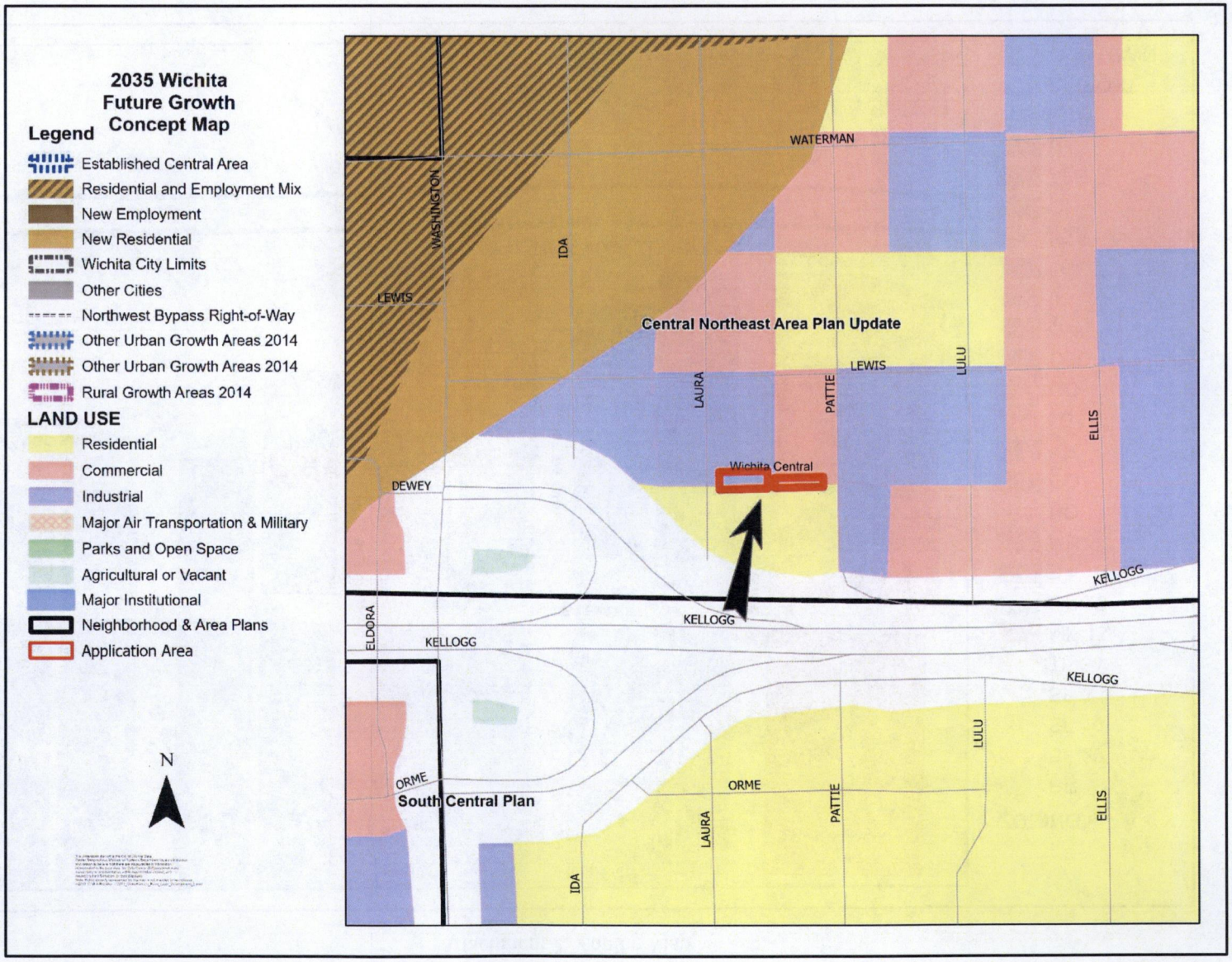
Attachment 1. Aerial Map



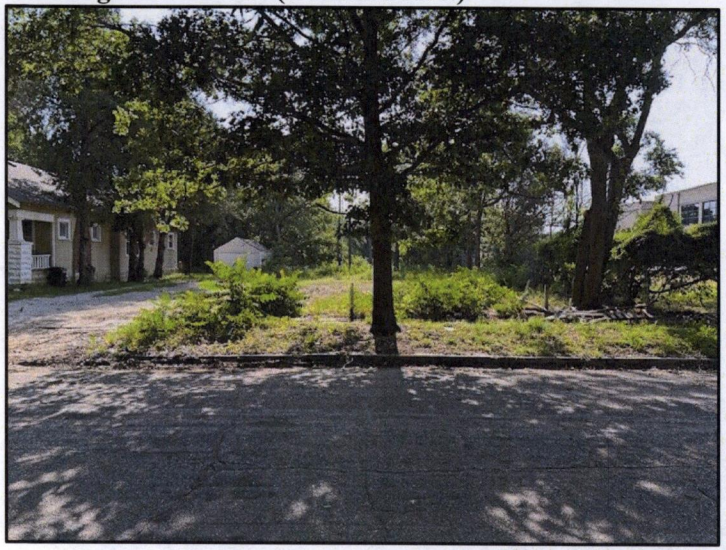
Attachment 2. Zoning Map



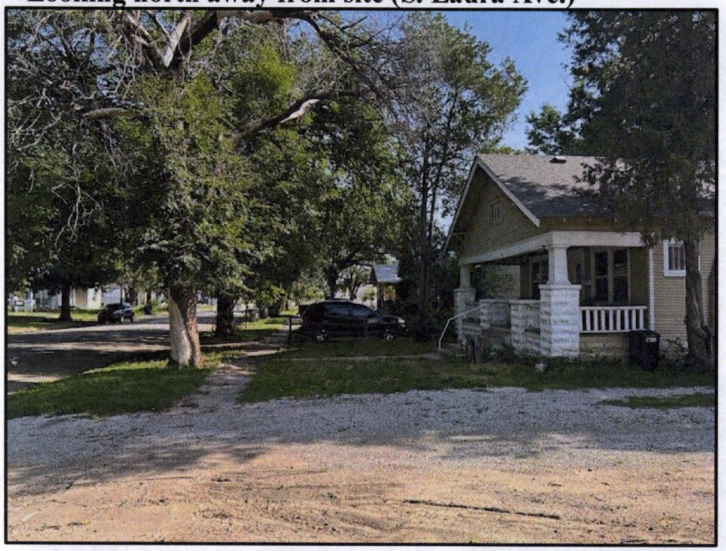
Attachment 3. Land Use Map



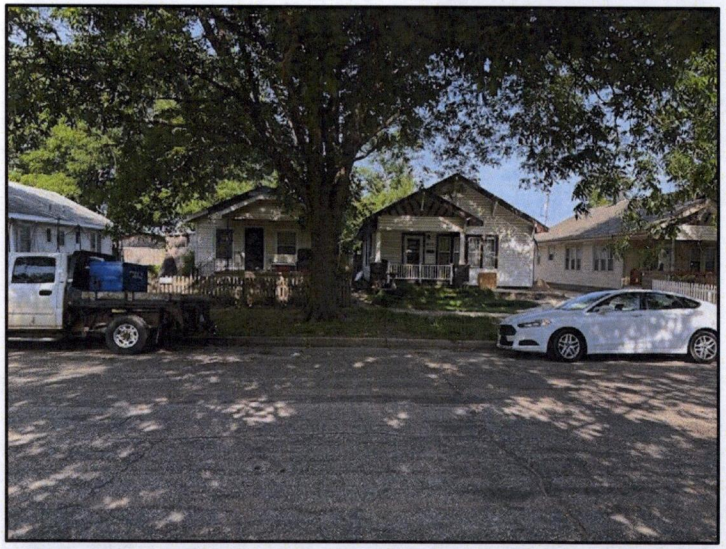
Looking east into site (S. Laura Ave.)



Looking north away from site (S. Laura Ave.)



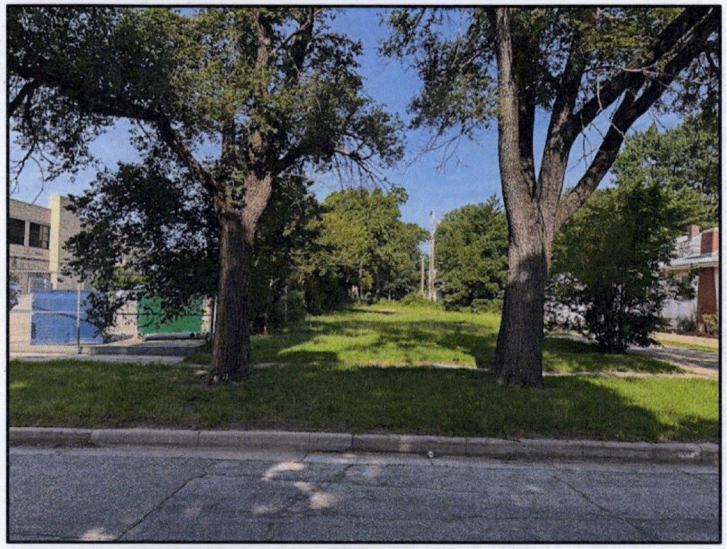
Looking west away from site (S. Laura Ave.)



Looking south away from site (S. Laura Ave.)



Looking west into site (S. Pattie Ave.)



Looking north away from site (S. Pattie Ave.)



Looking east away from site (S. Pattie Ave.)



Looking south away from site (S. Pattie Ave.)



Looking east away into similar developed property (S. Pattie Ave.)

