CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

January 28, 2026

PBP Management Group Inc.
250 N. Rock Rd.
Suite 360
Wichita, KS 67206

PSC Consulting
2532 N Cardinal Dr
Wichita, KS 67204

RE: ZON2025-000056 – Zone Change request in the City from NR Neighborhood Retail District to LC Limited Commercial District with PO #466, Generally located south of East 21street North and one-quarter mile west of North Hillside Avenue

Dear Applicant;

At its regular meeting on **January 27, 2026**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the above captioned request. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Joseph Shepard, Council Member, District I
Cameron Jackson, CSR, District I
Carol Minix 2817 E. Maplewood Dr. Wichita, KS 67214

PO #466 Language

1. The following uses are prohibited on site: Cemetery, Correctional Placement Residence (Limited and General), Event Center, Hotel or Motel, Service Station, Car Wash, Vehicle and Equipment Sales (Outdoor), Recreation and Entertainment, Indoor, Entertainment Establishment in the City, Nightclub in the City, Tavern or Drinking Establishment; Recycling Collection Station, Public;

Reverse Vending Machine Construction Sales and Service; Convenience Store; Pawn Shop; Vehicle Repair, Limited.

2. Drive-thru speakers shall be placed on the north side of the property and speakers shall be directed away from residential property to the south.
3. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.
4. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Thursday, 7:00 a.m. to midnight on Friday, 8:00 a.m. to midnight on Saturday and 8:00 a.m. to 10:00 p.m. on Sunday.
5. Trash receptacles shall be appropriately screened to hide them from ground view.
6. Roof equipment shall be appropriately screened to hide from ground view.

CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

December 19, 2025

PBP Management Group Inc.
250 N. Rock Rd.
Suite 360
Wichita, KS 67206

PSC Consulting
2532 N Cardinal Dr
Wichita, KS 67204

RE: ZON2025-000056 – Zone Change request in the City from NR Neighborhood Retail District to LC Limited Commercial District with PO #466, Generally located south of East 21street North and one-quarter mile west of North Hillside Avenue

Dear Applicant,

At its regular meeting on **December 18, 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 referenced 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 **January 2, 2026**. 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 **January 2, 2026, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) I on **Monday, January 5, 2026**, 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, February 3, 2026,** 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
Carol Minix 2817 E. Maplewood Dr. Wichita, KS 67214

MAPC recommended PO #466 Language

1. The following uses are prohibited on site: Cemetery, Correctional Placement Residence (Limited and General), Event Center, Hotel or Motel, Service Station, Car Wash, Vehicle and Equipment Sales (Outdoor), Recreation and Entertainment, Indoor, Entertainment Establishment in the City, Nightclub in the City, Tavern or Drinking Establishment; Recycling Collection Station, Public; Reverse Vending Machine Construction Sales and Service; Convenience Store; Pawn Shop; Vehicle Repair, Limited.
2. Drive-thru speakers shall be placed on the north side of the property and speakers shall be directed away from residential property to the south.
3. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.
4. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Thursday, 7:00 a.m. to midnight on Friday, 8:00 a.m. to midnight on Saturday and 8:00 a.m. to 10:00 p.m. on Sunday.
5. Trash receptacles shall be appropriately screened to hide them from ground view.
6. Roof equipment shall be appropriately screened to hide from ground view.

OCA 150004 PUBLISHED at Wichita.gov/LegalNotices on February 6, 2026

ORDINANCE NO. 52-891

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. ZON2025-00056

Zone change request in the City from NR Neighborhood Retail District to LC Limited Commercial District zoning, subject to the provisions of Protective Overlay #466, on property legally described as:

A portion of Lots 8 and 9 in Block 3 of Shadybrook Addition and a portion of the Northeast Quarter of Section 10, Township 27 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 10, Township 27 South, Range 1 East of the 6th Principal Meridian, thence with a bearing based on the JM Office Park Addition plat of South 00°26'30" West 60.00 feet for the point of beginning; thence North 90°00'00" East parallel with the North line of said Northeast Quarter 110.00 feet; thence South 00°26'30" West 90.00 feet; thence North 90°00'00" West parallel with the North line of said Northeast Quarter 110.00 feet to the East line of Lot 7 in Block 3 of said Shadybrook Addition; thence North 00°26'30" East along the East line of Lot 7 and Lot 8 in said Block 3 a distance of 30.00 feet; thence South 89°11'37" West 135.22 feet to the West line of said Lot 8; thence along the West line of Lot 8 and Lot 9 in said Block 3 following the arc of a curve to the Right having a radius of 913.00 feet Northerly 62.00 feet (Chord bears North 03°01'32" West 61.99 feet); thence North 90°00'00" East parallel with the North line of said Northeast Quarter 138.94 feet to the point of beginning.

Protective Overlay #466:

1. The following uses are prohibited on site: Cemetery; Correctional Placement Residence (Limited and General); Event Center in the City; Hotel or Motel; Service Station; Car Wash; Vehicle and Equipment Sales (Outdoor); Recreation and Entertainment; Indoor, Entertainment Establishment in the City; Nightclub in the City; Tavern or Drinking Establishment; Recycling Collection Station, Public; Reverse Vending Machine Construction Sales and Service; Convenience Store; Pawn Shop; Vehicle Repair, Limited.
2. Drive-thru speakers shall be placed on the north side of the property and speakers shall be directed away from residential property to the south.
3. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.
4. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Thursday, 7:00 a.m. to midnight on Friday, 8:00 a.m. to midnight on Saturday and 8:00 a.m. to 10:00 p.m. on Sunday.
5. Trash receptacles shall be appropriately screened to hide them from ground view.
6. Roof equipment shall be appropriately screened to hide from ground view.

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 3rd day of February, 2026.

Lily Wu, Mayor, City of Wichita

ATTEST:

Shinita Rice, 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:

Jo Hensley, Deputy City Clerk

Being first duly sworn, deposes and says:

That I, Jo Hensley, 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. 52-891 / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 6th day of February, 2026.

Jo Hensley

Signature

SUBSCRIBED AND SWORN to before me this 6th day of February, 2026.

Shinita Rice

Notary Public

SHINITA RICE
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires:
(seal) 9-27-2029

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
49235	IPL0310999	Legal Ad - IPL0310999	Summary	2.0	160.0L

ATTENTION: CITY OF WICHITA/CLERKS OFFICE IP
455 N MAIN ST FL 13
WICHITA, KS 67202
srice@wichita.gov;LAlvarez@wichita.gov;jhensley@wichita.gov

ITEMS PUBLISHED ON WICHITA.GOV/LEGAL NOTICES
FEBRUARY 6, 2026

ORDINANCE NO. 52-891

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.

An ordinance regarding a zone change request at 21st and Hillside.

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An ordinance regarding a planned unit development at Macarthur and Seneca.

RESOLUTION NO. 26-055

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MAIZE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER DISTRIBUTION SYSTEM PHASE 1 – ARVADA SECOND ADDITION).

A resolution regarding water distribution improvements.

RESOLUTION NO. 26-056

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MAIZE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER PHASE 1 – ARVADA SECOND ADDITION)

A resolution regarding sanitary sewer improvements.

RESOLUTION NO. 26-057

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A resolution regarding paving improvements.

RESOLUTION NO. 26-058

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RESOLUTION NO. 26-059 NOI

A RESOLUTION DECLARING IT NECESSARY TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER AND SEWER UTILITY OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF; AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

A resolution and notice of intent regarding large water meter replacement .

THE FULL DOCUMENTS CAN BE VIEWED AT WICHITA.GOV/LEGALNOTICES.
IPL0310999
Feb 6 2026

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:
02/06/26 Print

Print Tearsheet Link

Marketplace Link

Julie Ambry

DIGITALLY SIGNED

Julie Ambry

Amanda Rodela

DIGITALLY SIGNED

Sworn to and subscribed before me on Feb 6, 2026, 10:05 AM EST

NOTARY PUBLIC STATE OF TEXAS
AMANDA RODELA
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 133511292
MY COMMISSION EXPIRES 4/15/2029

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

ITEMS PUBLISHED ON WICHITA.GOV/LEGAL NOTICES
FEBRUARY 6, 2026

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IPL0310999
Feb 6 2026

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	IPL0293011	Legal Ad - IPL0293011	MAPC/BZA December 18, 2025	2.0	166.0L

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

MAPC/BZA December 18, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, December 18, 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.**

BZA2025-00079: Variance request in the City to have less than three feet of building separation between the primary structure and the accessory structure, generally located on the west side of North Meridian Avenue, within 75 feet north of West 3rd Street North (409 North Meridian Avenue).

BZA2025-00080: Variance request in the City to reduce the front building setback to three feet on property zoned B Multi-Family Residential District and LI Limited Industrial District, generally located on the east side of North Walnut Street, within 175 south of West 1st Street North (220 North Walnut Street).

PUD2025-00026: PUD amendment request in the City to PUD #66 to modify allowed uses, signage, parking, and ownership requirements on property generally located on the north side of West MacArthur Road, within a quarter-mile west of South Seneca Street.

VAC2025-00052: Vacation request in the City to vacate the west one foot of a utility easement of a property zoned B Multi-Family Residential District and LI Limited Industrial District, generally located on the east side of North Walnut Street, within 175 feet south of West 1st Street North (220 North Walnut St).

VAC2025-00053: Vacation request in the City to vacate a portion of the street right-of-way to allow for future development, generally located on the northwest corner of East Waterman Street and South Washington Avenue.

VAC2025-00054: Vacation request in the City to vacate a portion of a platted setback, generally located south of West Taft Avenue and 1,800 feet east of South Ridge Road (6803 West Taft Avenue).

ZON2025-00056: Zone Change request in the City from NR Neighborhood Retail to LC Limited Commercial District with Protective Overlay, generally located south of East 21st Street North and one-quarter mile west of North Hillside Avenue.

ZON2025-00058: Zone Change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District for a senior living development, generally located on the southeast corner of East Gilbert Street and South Rock Road (8031 East Gilbert Street).

ZON2025-00059: Zone Change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District for a senior living development, generally located on the southwest corner of West 27th Street South and South Elizabeth Street (1511 West 27th Street South).

ZON2025-00060: Zone Change request in the City from B Multi-Family Residential District to LI Limited Industrial District to expand an existing warehouse, generally located on the east side of North Walnut Street, within 175 feet south of West 1st Street North (220 North Walnut Street).

ZON2025-00061: Zone Change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District and GO General Office District for future development, generally located on the southeast corner of West 51st Street North and North Meridian Avenue.

ZON2025-00062: Zone Change request in the City from SF-5 Single-Family Residential District to GO General Office District for medical office and apartment development, generally located south of West 37th Street North and 2,000 feet east of North Ridge Road.

ZON2025-00063: Zone Change request in the City from NR Neighborhood Retail District to GO General Office District, generally located on the southeast corner of South Hillside Avenue and East English Street (200 South Hillside Avenue).

ZON2025-00064: Zone Change request in the City from LC Limited Commercial to GC General Commercial with PO #467, generally located on the northeast corner of East 29th Street North and North Oliver Avenue.

IPL0293011
Nov 26 2025

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:
11/26/25 Print

Print Tearsheet Link

Marketplace Link

Amanda Rodela

DIGITALLY SIGNED

Amanda Rodela

Mary Castro

DIGITALLY SIGNED

Sworn to and subscribed before me on Nov 26, 2025, 12:08 PM EST

NOTARY PUBLIC STATE OF TEXAS
MARY CASTRO
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 134932849
MY COMMISSION EXPIRES 6/5/2028

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

AGENDA ITEM NO. 4.4

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: December 18, 2025
DAB I: January 5, 2026

CASE NUMBER:	ZON2025-00056 (City)
APPLICANT/AGENT:	PBP Management Group, Inc. (Owner); PSC Consulting (Agent)
REQUEST:	LC Limited Commercial District with Protective Overlay #466
CURRENT ZONING:	NR Neighborhood Retail District with Protective Overlay #336
SITE SIZE:	0.425 acres
LOCATION:	Generally located south of East 21street North and one-quarter mile west of North Hillside Avenue
PROPOSED USE:	To permit a wider variety of commercial uses
RECOMMENDATION:	Approve, with Protective Overlay #466



BACKGROUND: The applicant is requesting the following:

- a zone change from NR Neighborhood Retail District (NR) to LC Limited Commercial District; and
- a Protective Overlay (PO) #466 to replace the existing PO #336.

The subject site is generally located south of East 21street North and one-quarter mile west of North Hillside Avenue. The site is comprised of Lot 8 and Lot 9, Block 3 of the Shadybrook Addition and two unplatted parcels. The subject site is currently undeveloped. The applicant indicated they are requesting the zoning change in order to expand opportunity for commercial development beyond what is permitted by the existing NR District with PO #466.

Land Uses

In 2018, a similar application was submitted for the subject site. The request was to rezone the property from TF-3 Two-Family Residential District (TF-3) to LC. The MAPC recommended approval of the Applicant's request with PO #336, limiting uses to those permitted by NR and Hospital and Nursing Facility uses. The Wichita City Council (WCC) denied the zone change to LC, but approved a zone change from TF-3 to NR with the applicant's proposed PO #336. The language to the existing PO #336 is attached.

The applicant proposes replacing PO #336 with a new PO #466. The applicant's proposed PO #466 would prohibit cash advance or title loan lending businesses to locate on the site, which is not a designated use in the Unified Zoning Code (UZC). Staff recommends excluding this from the proposed PO.

If a restaurant were to be permitted on-site, the NR District would restrict the size of the restaurant to 2,000 square feet and prohibit any drive-in or drive-thru services. A Restaurant Use in the LC District is not restricted as such. Staff recommends the proposed PO be modified to permit Restaurant as a use but restrict it to the standards as permitted in the NR District. This would limit the size of the restaurant to no more than 2,000 square feet and restrict any drive-thru or drive-in services. It is in staff's opinion that a restaurant without drive-in and drive-thru services is not likely to have significant detrimental impacts on the residential properties to the south and east.

Given the proximity of residential uses to the east and the possibility of detrimental impacts, staff is recommending the following additions to the list of prohibited uses in PO #466:

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

Other provisions of the applicant's proposed PO #466 include:

1. Drive-thru speakers shall be placed on the north side of the property and speakers shall be directed away from residential property to the south.
2. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.
3. Hours of operation shall be from 7:00 a.m. to 10:00 p.m. Monday through Thursday, 7:00 a.m. to 12:00 a.m. on Friday, 8:00 a.m. to 12:00 a.m. on Saturday, and 8:00 a.m. to 10:00 p.m. on Sunday.
4. Trash receptacles shall be appropriately screened to hide them from ground view.
5. Roof equipment shall be appropriately screened to hide from ground view.

Staff recommends removing the language regarding drive-thru speakers in accordance with the staff recommended language that prohibits drive-thru and drive-in restaurants on the property.

Landscaping and Screening

Due to the presence of TF-3 zoning to the south and east, the site shall comply with all required screening,

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

Context
Property to the north, across East 21st Street North, is zoned NR and GO General Office District (GO). The NR property is platted for residential uses but is currently undeveloped. The GO property is owned by the applicant and is developed with a surface parking lot and a medical clinic. Properties to the east, across East Maplewood Drive, are zoned TF-3 with one lot undeveloped and another developed with a single-family dwelling. Properties to the south are zoned TF-3 and are developed with single-family dwellings. Property to the west, across North Erie Avenue, is zoned GO and is developed with a medical clinic. Multiple LC-zoned properties are within the immediate vicinity of the subject property along East 21st Street North.

CASE HISTORY: In 1941, the western portion of the subject site was platted as Lots 8 and 9, Block 3 of the Shadybrook Addition. The eastern portion of the site is unplatted. Platting would be required prior to any issuance of a building permit. In 2018, a request was made to rezone the subject site from TF-3 to LC (ZON2018-00051). The WCC denied the request, but approved an alternate zone change to NR with Protective Overlay #336, which restricts the use to those permitted by-right in the NR District and Hospital and Nursing Facility uses.

ADJACENT ZONING AND LAND USE:

North:	NR/GO	Undeveloped/Medical clinic
South:	TF-3	Single-family dwellings
East:	TF-3	Undeveloped/Single-family dwelling
West:	GO	Medical clinic

PUBLIC SERVICES: The site has access to East 21st Street North, a paved four-lane arterial street with sidewalks on both sides. The site also has access to North Erie Avenue and East Maplewood Drive, both of which are paved local streets with no sidewalks on either side. Public water and sewer already serve the site. Wichita Transit serves the site with bus stops along North Grove Avenue and East 21st Street North.

CONFORMANCE TO PLANS/POLICIES: The proposed zone change is in partial conformance with the following plans and policies:

2035 Community Investments Plan: The proposed zone change is not in conformance with 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 "Residential." This category is described as "*areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas.*" The site is currently zoned for commercial uses but has remained vacant as currently zoned for seven years. Given existing surrounding land uses and fronting an arterial street, residential development would likely be in the form of multi-family. However, market driven factors will likely continue to identify the site for commercial development similar to those uses around it.

The Locational Guidelines of the *Community Investments Plan* in the Established Central Area state that "*Neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context.*" The provisions of the Protective Overlay include prohibiting certain land uses as well as regulating outdoor lighting. The required screening and landscaping should minimize potential adverse impacts on the surrounding residential properties.

Wichita: Places for People Plan: The requested zone change is in conformance with the *Wichita: Places for People Plan*, a guidebook in which the Established Central Area is "a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles." The *Plan* outlines a list of Strategies designed to "to help guide the community in their actions to create walkable places within Wichita." Strategy 3 aims to "Improve the economic feasibility of commercial/service uses and the markets necessary to support them." Approval of the zone change request improves the feasibility of commercial uses. Strategy 6 aims to "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The applicant desires to market the property with expanded commercial uses, which is contextual to the environment.

21st Street North Corridor Revitalization Plan: The proposed zone change is in partial conformance to the *21st Street North Corridor Revitalization Plan*. The *Plan* identifies preferred land uses for properties within the *Plan's* boundaries. The preferred land use for the subject site is identified as "Neighborhood Retail" which is defined as, "*a land use category that envisions smaller, niche shops that serve the adjacent communities. Neighborhood centers are 'typically anchored by a supermarket' as opposed to the local, specialty shops envisioned for the Neighborhood Retail land use. The existing retail businesses that line the east side of Broadway south of 21st Street North are also considered Neighborhood Retail in the Preferred Plan.*" The current zoning of Neighborhood Retail District could be considered more appropriate for the preferred land use of the *Plan* than the Limited Commercial District, which would expand the amount and intensity of permitted land uses. The proposed PO, with staff modifications, and required screening and landscaping, are designed to mitigate possible negative effects associated with the LC District.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request subject to the following Protective Overlay #466.

Modified Protective Overlay #466

1. The following uses shall be prohibited on site: Cemetery; Correctional Placement Residence, Limited and General; Event Center in the City; Hotel or Motel; Service Station; Car Wash; Vehicle and Equipment Sales, Outdoor; Recreation and Entertainment, Indoor; Entertainment Establishment in the City; Nightclub in the City; Tavern or Drinking Establishment; Recycling Collection Station, Public; Reverse Vending Machine; Construction Sales and Service; Convenience Store; Pawn Shop; Vehicle Repair, Limited. Restaurants shall be permitted but shall be restricted to 2,000 square feet in size. Drive-thru or drive in capabilities shall not be permitted.
2. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.
3. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Thursday, 7:00 a.m. to 12:00 a.m. on Friday, 8:00 a.m. to 12:00 a.m. on Saturday, and 8:00 a.m. to 10:00 p.m. on Sunday.
4. Trash receptacles shall be appropriately screened to hide them from ground view.
5. Roof equipment shall be appropriately screened to hide from ground view.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north, across East 21st

Street North, is zoned NR and GO General Office District (GO). The NR property is platted for residential uses but is currently undeveloped. The GO property is owned by the applicant and is developed with a surface parking lot and a medical clinic. Properties to the east, across East Maplewood Drive, are zoned TF-3 with one lot undeveloped and another developed with a single-family dwelling. Properties to the south are zoned TF-3 and are developed with single-family dwellings. Property to the west, across North Erie Avenue, is zoned GO and is developed with a medical clinic. Multiple LC-zoned properties are within the immediate vicinity of the subject property along East 21st Street North.

2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned NR Neighborhood Retail District with PO #336, which limits permitted uses to those allowed by-right in the NR District and Hospital and Nursing Facility uses. The site is suitable for a limited number of commercial and office uses as well as residential uses.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The request for LC Limited Commercial would permit an expansion on the types of commercial uses permitted for development, some of which could have negative impacts on nearby residential uses. With the site abutting residential zoning, staff recommends a modified language to Protective Overlay #466, which expands the list of prohibited uses to help mitigate possible negative impacts.

4. **Length of time subject property has remained vacant as zoned:** Historical aerial images show that the subject site has been vacant since at least 2000.

5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship.** Denial would represent a loss of economic opportunity to the applicant or property owner. Approval would represent gain for the applicant and provide new economic opportunity with a business that serves the surrounding area, which is considered a gain for public health, safety, and welfare.

6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is in partial conformance with the *Community Investments Plan*. the *Wichita: Places for People Plan*, and the *21st Street North Corridor Revitalization Plan*, as discussed in the staff report.

7. **Impact of the proposed development on community facilities:** Approval of the request should not generate significant negative impacts on community facilities. Existing public infrastructure at the site is likely adequate to support future development of the small-scale site.

8. **Opposition or support of neighborhood residents**: At the time the staff report was prepared, staff did not receive any public comment on the requested zone change.

Attachments:

1. Protective Overlay #336
2. Protective Overlay #466
3. Table Comparing Existing and Requested Permitted Land Uses
4. Aerial Map
5. Zoning Map
6. Land Use Map
7. Site Photos

PO #336 Language (existing)

1. Uses shall be limited to those allowed by right in the NR Neighborhood Retail zoning district and the following uses shall be permitted: Hospital and Nursing Facility

2. Prior to publishing the ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.

Proposed PO #466 Language (staff revisions are in *red*)

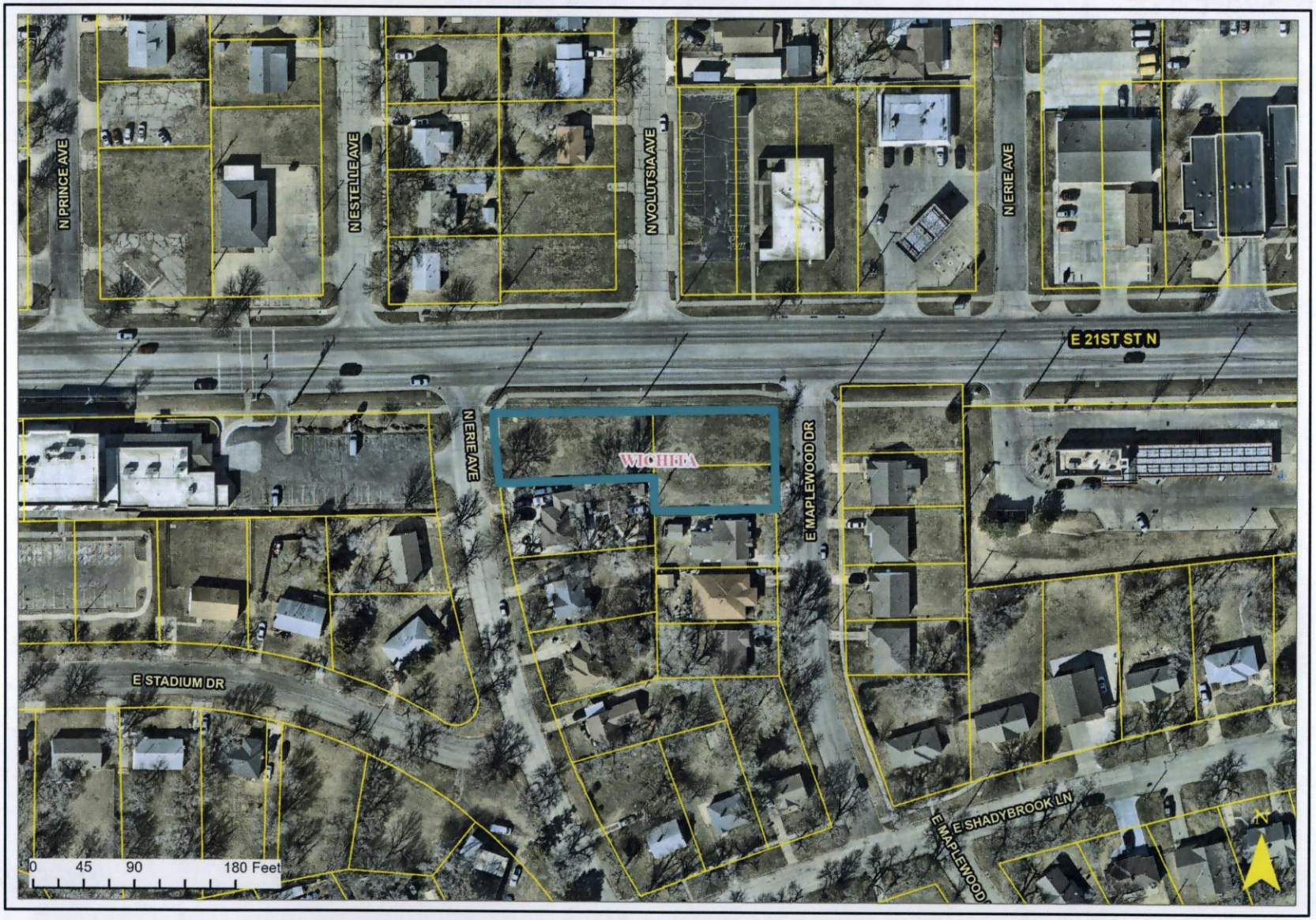
1. The following uses shall be prohibited on site: Cemetery; Correctional Placement Residence, Limited and General; Event Center in the City; Hotel or Motel; Service Station; Car Wash; Vehicle and Equipment Sales, Outdoor; ~~Payday Loan/Title Loan Establishment~~; Recreation and Entertainment, Indoor; Entertainment Establishment in the City; Nightclub in the City; Tavern or Drinking Establishment; ***Recycling Collection Station, Public; Reverse Vending Machine; Construction Sales and Service; Convenience Store; Pawn Shop; Vehicle Repair, Limited. Restaurants shall be permitted but shall be restricted to 2,000 square feet in size. Drive-thru or drive in capabilities shall not be permitted.***
2. ~~Drive-thru speakers shall be placed on the north side of the property and speakers shall be directed away from residential property to the south.~~
3. All lighting shall be cut-off design and shall not be directed toward adjacent residential property.
4. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Thursday, 7:00 a.m. to 12:00 a.m. on Friday, 8:00 a.m. to 12:00 a.m. on Saturday, and 8:00 a.m. to 10:00 p.m. on Sunday.
5. Trash receptacles shall be appropriately screened to hide them from ground view.
6. Roof equipment shall be appropriately screened to hide from ground view.

Table Comparing Existing and Requested Permitted Land Uses

Uses in red text are proposed to be prohibited per the proposed PO #466

Use Category	Neighborhood Retail District with PO #336 (existing)	Limited Commercial District (applicant request)
Residential Uses		
Multi-Family	Permitted at 28.1 DUs/acre	Permitted at 75.1 DUs/acre
Group Residence, General	Not Permitted	Permitted By-Right
Public and Civic Uses		
Cemetery	Not Permitted	Normally permitted, but Prohibited by PO #466
Community Assembly	Conditional Use Approval	Permitted By-Right
Correctional Placement Residence, General	Conditional Use Approval	Prohibited by PO #466
Correctional Placement Residence, Limited	Conditional Use Approval	Prohibited by PO #466
Golf Course	Not Permitted	Permitted By-Right
Government Service	Conditional Use Approval	Permitted By-Right
Hospital	Permitted by PO #336	Permitted By-Right
Nursing Facility	Permitted by PO #336	Permitted By-Right
Recycling Collection Station, Public	Not Permitted	Permitted By-Right
Reverse Vending Machine	Not Permitted	Permitted By-Right
Safety Service	Conditional Use Approval	Permitted By-Right
Commercial Uses		
Animal Care, Limited	Not Permitted	Permitted By-Right
Construction Sales and Service	Not Permitted	Permitted By-Right
Convenience Store	Not Permitted	Permitted By-Right
Entertainment Establishment in the City	Conditional Use Approval	Prohibited by PO #466
Event Center in the City	Conditional Use Approval	Prohibited by PO #466
Funeral Home	Not Permitted	Permitted By-Right
Hotel/Motel	Not Permitted	Prohibited by PO #466
Marine Facility, Recreational	Not Permitted	Permitted By-Right
Nightclub in the City	Not Permitted	Prohibited by PO #466
Pawn Shop	Not Permitted	Permitted By-Right
Post Office	Not Permitted	Permitted By-Right
Recreation and Entertainment, Indoor	Not Permitted	Prohibited by PO #466
Secondhand Store	Not Permitted	Permitted By-Right
Service Station	Not Permitted	Prohibited by PO #466
Tavern or Drinking Establishment	Not Permitted	Prohibited by PO #466
Vehicle and Equipment Sales, Outdoor	Not Permitted	Prohibited by PO #466
Vehicle Repair, Limited	Not Permitted	Permitted By-Right
Vocational School	Not Permitted	Permitted By-Right
Agricultural Uses		
Agricultural Research	Not Permitted	Permitted By-Right
Agricultural Sales and Service	Not Permitted	Permitted By-Right

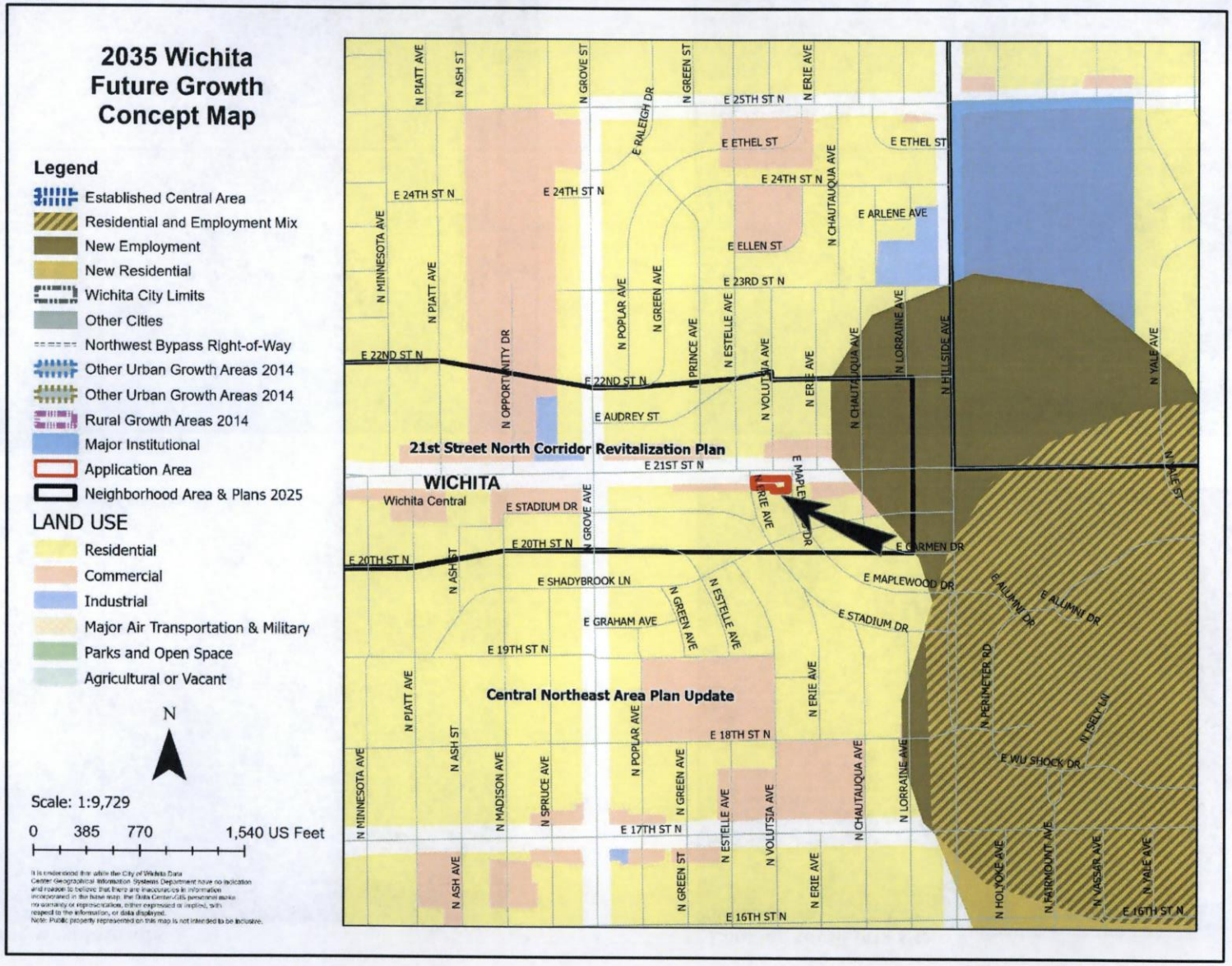
Aerial Map


N PRINCE AVE
N ESTELLE AVE
N VOLUTSIA AVE
N ERIE AVE
E 21ST ST N
N ERIE AVE
WICHITA
E MAPLEWOOD DR
E STADIUM DR
E SHADYBROOK LN
E MAPLEWOOD
0 45 90 180 Feet

Zoning Map


E AUDREY ST
N PRINCE AVE
N ESTELLE AVE
N VOLUTSIA AVE
N ERIE AVE
N CHAUTAUQUA AVE
CON2025-00087
BZA53-77
BZA48-81
CU-539
E 21ST ST N
E MAPLEWOOD DR
E CARMEN DR
PO-338
BZA4-99
CU-507
AA99-07
E STADIUM DR
E 20TH ST N
E SHADYBROOK LN
N VOLUTSIA AVE
E STADIUM DR
E MAPLEWOOD DR
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

Land Use Map


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
Major Institutional
Application Area
Neighborhood Area & Plans 2025
LAND USE
Residential
Commercial
Industrial
Major Air Transportation & Military
Parks and Open Space
Agricultural or Vacant
N
Scale: 1:9,729
0 385 770 1,540 US Feet
21st Street North Corridor Revitalization Plan
WICHITA
Wichita Central
Central Northeast Area Plan Update
N PIATT AVE
N ASH ST
N GROVE ST
N GREEN ST
E 25TH ST N
N ERIE AVE
E RALEIGH DR
E ETHEL ST
E 24TH ST N
N CHAUTAUQUA AVE
E ARLENE AVE
N MINNESOTA AVE
E ELLEN ST
E 23RD ST N
N POPLAR AVE
N PRINCE AVE
N ESTELLE AVE
N VOLUTSIA AVE
N LORRAINE AVE
N HILLSIDE AVE
N YALE AVE
E 22ND ST N
N OPPORTUNITY DR
E AUDREY ST
E 21ST N
N MAPLE DR
E STADIUM DR
E 20TH ST N
E CARMEN DR
E SHADYBROOK LN
E MAPLEWOOD DR
E ALUMNI DR
E GRAHAM AVE
E 19TH ST N
N PERIMETER RD
N TYLER AVE
E WU SHOCK DR
E 18TH ST N
N MADISON AVE
N SPRUCE AVE
E 17TH ST N
N FAIRMOUNT AVE
N VASSAR AVE
E 16TH ST N
N ASH AVE
N HOLYOKE AVE

Looking west into site



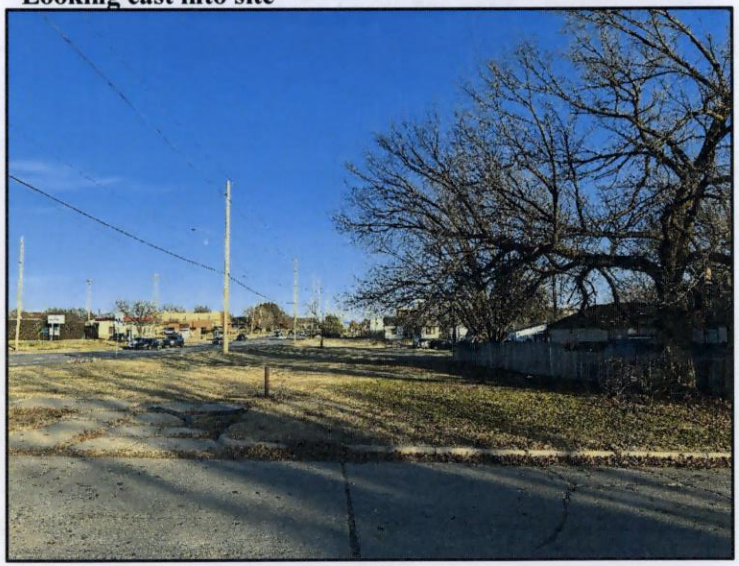
Looking south into site



Looking south into site



Looking east into site



Looking west away from site



Looking north away from site



Looking north away from site



Looking east away from site

