



Wichita-Sedgwick County Metropolitan Area Planning Department

K. E. Miller Engineering, P.A.
117 E. Lewis St.
Wichita, KS 67202

December 14, 2020

RE: ZON2020-00018: City Zone Change from SF-5 Single-Family Residential to LC Limited Commercial to redevelop existing building; generally located one-quarter mile south of West 53rd Street North on the east side of North Meridian Avenue (5130 N. Meridian Ave).

Dear Applicant:

At its regular meeting on **December 8, 2020** the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request in accordance with the attached ordinance.

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

Sincerely,

A handwritten signature in cursive script that reads 'Matt Williams'.

Matthew Williams, AICP
Associate Planner

Copies to: Nuot V. Nguyen & Ly N. Nguyen, 1530 W. 21st St., Wichita, KS 67203
MABCD

(Published in the Wichita Eagle, Dec. 18, 2020)

ORDINANCE NO. 51-396

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. ZON2020-00025

City zone change from SF-5 Single-Family Residential to LC Limited Commercial subject to the conditions set forth in Protective Overlay #356, legally described as:

All of the North 50 feet of the South 167.92 feet, EXCEPT the east 150 feet of Block 1, Pawnee Ranch Addition to Sedgwick County, Kansas.

Protective Overlay #356

1. Proposed Uses: The subject property shall be limited to the following uses: All uses permitted within the "LC" Limited Commercial Zoning District with the following exceptions: Manufactured Home; Cemetery; Correctional Placement Residence, Limited and General; Recycling Collection Station, Public and Private; Marine Facility, Recreational; Monument Sales; Nightclub in the City; Pawn Shop; Sexually Oriented Business in the City; Tavern or Drinking Establishment; Teen Club in the City; Vehicle Repair, Limited; Asphalt or Concrete Plant, Limited and General; Recycling Collection Station; Reverse Vending Machine; Event Center; and Recreation And Entertainment (Indoor). Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
2. Signage shall be per the Wichita City Sign Code, except all signs shall be monument style and limited to 12 feet in height. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
3. All outdoor lighting sources shall employ cut-off luminaries to minimize light trespass and glare. The site shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.), and the height of light poles shall be limited to 15 feet within 200 feet of abutting residential-zoned property. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
4. Rooftop mechanical equipment shall be screened from ground level view per the Unified Zoning Code.

5. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view.
6. A site plan shall be submitted and approved by the Director of Planning prior to the issuance of building permits.
7. 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.

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 15 Day of Dec 20 20

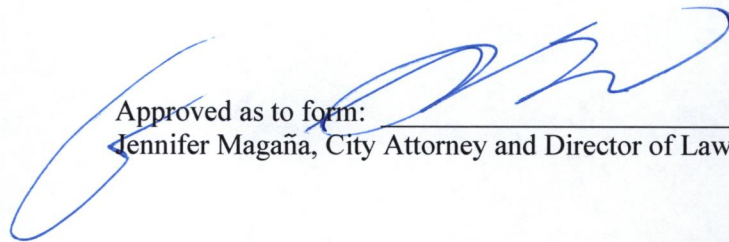


Brandon J. Whipple, Mayor, City of Wichita

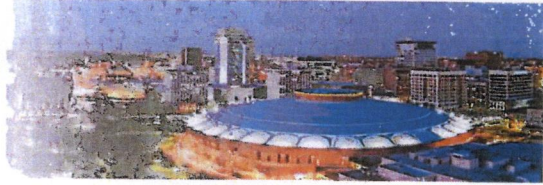
ATTEST:



Karen Sublett, City Clerk



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



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
453697	0004832046		ORD. NO. 51-396 / OCA 150004	\$75.60	1	9.00 In

Attention: Jamie Buster

CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

Ord. 51-396

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

1 Insertions

Beginning issue of: 12/18/2020

Ending issue of: 12/18/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

VICTORIA RODELA, of lawful age, being first duly sworn, deposes and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 12/18/2020 to 12/18/2020.

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

V Rodela

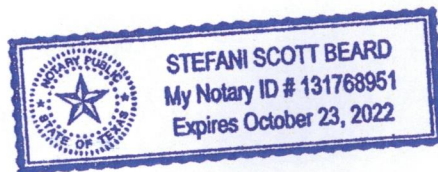
Signature of Principal Clerk

DATED: 12/15/2020

SB

Notary Public Dallas County, Texas

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



LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
DECEMBER 18, 2020 (4832046)
ORDINANCE NO. 51-396

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5. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view.
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7. 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.

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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 15th Day of December, 2020.

ATTEST:

Brandon J. Whipple, Mayor
City of Wichita

Karen Sublett, City Clerk

(SEAL)

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

LEGAL PUBLICATION

OCA 15004

PUBLISHED IN THE WICHITA EAGLE ON OCTOBER 15, 2020 (WEDNESDAY) (One Time Only) MAAPC 2020 November 5, 2020 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 5, 2020 at 9:00 a.m. the Wichita-Sedwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, these without technology cables can participate by going to Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (located at the bottom of this notice). If you have any questions regarding the meeting or items on the agenda, please call the Wichita-Sedwick County Metropolitan Area Planning Department at (316) 346-4471.

EZA1920-0009 City Variance to allow corner lot front setback and interior side setback; property located south of E. Central and west of N. Fresh Road (I. Laura Lind)

EZA1920-0010 City Variance to reduce side setback to two feet to permit existing carport on property zoned SF-5 Single Family Residential and generally located on the north side of East 141st Street and one block west of South Washington Avenue (S. E. M. Lynch)

EZA1920-0061 City ZTA Variance to increase the height and site of a sign located in the parking lot south of 2102 W. University Ave. that is located south of University Ave and east of Berry St; increase sign height from 30' to 35', and increase sign size from 184 sq ft to 200 sq ft

CON1920-0023 City Conditional Use to permit multi-family development (5 dwelling units) on property zoned TF-2 generally located one block east of East Douglas Avenue and one-half mile west of South Oliver (217 S. Fountain)

CON1920-0020 City Conditional Use for accessory apartment on property zoned SF-5 Single-Family Residential located 400 feet north of 31st Street South, 150 feet east of South Seneca Street (3214 S. Walnut)

CON1920-0021 City Conditional Use for site located south of E. 21st St. and south of Hoover Rd. to allow a minor utility and an adjustment to an existing and the removal of existing PO 20 (w/ CON2020-0008)

ZON1920-0007 City Zone Change from SF-5 Single Family Residential to TF-3 Two Family Residential to permit the development of duplexes on property generally located one block east of South Seneca and one-quarter mile south of West 47th Street South (east of the intersection of 50th St. S. and Osage)

ZON1920-0022 City rezone from SF-5 to LC for commercial development of property generally located south of East Pawnee Avenue and west of South Hillside Avenue (2408 South El Rancho Road)

ZON1920-0004 City rezone from GO General Office to NR Neighborhood Retail with a Protective Overlay to allow development of property generally located north of East Kellogg and east of South Edgemore Drive

ZON1920-0007 City rezoning from GC (General Commercial) to CBD (Central Business District) on parcel located on the northeast corner of W. Texas Ave and S. Swamore St., also known as 641 W. Texas Ave

ZON1920-0004 City rezoning from SF-5 (Single Family) to IP (Industrial Park) for parcel located south of W. 21st St. and E. of Heaver Road at approximately the 500 block of W. 21st St. due to modification of the water treatment plant. (w/ CON2020-0001)

VAC1920-0023 City vacation of platified utility easement for new construction on property zoned LC generally located south of East Pawnee Avenue and west of South Hillside Avenue (714 S. South El Rancho Road)

VAC1920-0022 City vacation of a portion of a platified 15-foot utility easement, generally located southwest of E. 21st Street North and North Greenway Road (1806 E. Osage Circle)

VAC1920-0024 City vacation of a platified 15-foot utility easement, generally located south of E. 27th Street North and North and approximately 1500 feet east of North Hillside Avenue

VAC1920-0027 City Vacation of drainage and utility easement 0.07 acre Reserve A Use (0.08 acre) for addresses on West University 1426, 028, 028 and 040, generally located one block south of Adams Street between Maple Lane and Arapaho Drive

VAC1920-0040 City Vacation of a platified front setback on Reserve A to permit parking for a neighborhood swimming pool on property zoned SF-5 Single Family Residential and generally located one-third mile west of North 127th Street East and one-quarter mile south of East 29th Street North

VAC1920-0041 City Vacation of a 14-foot utility easement to permit accessory structure on property zoned SF-5 Single Family Residential; generally located one-half mile north of West 29th Street North and one-quarter mile east of North Ashbur Avenue (3342 N. Riverdale)

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedwick County Unified Zoning Code, the same will first and then be discussed and considered by the said MAAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in this or any other matter, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA, SEDWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AND COVID-19 WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meetings. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time: You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email, letter, video and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department 289 Using the contact information below. The comments received ahead of the submission deadline will be shared with the MAAPC, prior to or during the meeting.

Table with 2 columns: Field (Email, Mailing Address, Phone, Fax) and Value (BPaan@wichita.gov, Wichita-Sedwick County Metropolitan Area Planning Department, 271 W. 3rd Street, Suite 201, Wichita, KS 67202, 316-588-4421, 316-588-734)

Participate Remotely: Please join via meeting room via computer, tablet or smartphone. https://global.gotomeeting.com/join/751553123 You can also dial in using your phone. United States: +1 (224) 461-1132 Access Code: 751-332-133

Attend a Virtual Connection Site in-Person: You may also participate in the meeting by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted testimony audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-444) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on October 12, 2020 Scott W. Hulse, Secretary Wichita-Sedwick County Metropolitan Area Planning Commission