



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

May 7, 2021

City of Wichita  
Attn: John Philbirck  
455 N Main  
Wichita, KS 67202

**RE: BZA2021-00018 – City Variance to increase building height on property located 2000 feet east of Hoover Rd., on the south side of West 21<sup>st</sup> Street North at 4729 West 21<sup>st</sup> Street North.**

Dear Applicant,

The official action of the Board of Zoning Appeals was to **grant** the requested variance. The BZA2021-00018 Resolution adopted by the Board of Zoning Appeals on May 6, 2021 is attached. The approval of the request is subject to the following conditions.

1. A site plan shall be submitted to the Director of Planning for review and approval.
2. The site shall be constructed in conformance to the approved site plan.

If you have any questions concerning this matter, please call our office at (316)-268-4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP  
Associate Planner

Copies to: MABCD  
PEC, Rebecca Mellies, 303 S Topeka, Wichita, KS 67202

**BZA RESOLUTION NO. BZA2021-000018**

**WHEREAS**, City of Wichita (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to increase the building height to 99 feet on property located at 4729 West 21<sup>st</sup> Street North; legally described as follows:

A tract of land lying within Section 11, Township 27, Range 1 West of the 6<sup>th</sup> P.M., Wichita, Sedgwick County, Kansas, more particularly described as: Beginning at the northwest corner of Lot 2, Block 1, Northwest Water Treatment Plan Addition to Wichita, Sedgwick County, Kansas, said point being the southwest corner of Lot 1, Block 1: thence bearing S00°37'53"W a distance of 529.01 feet along the west line of Lot 2 to a point PI on said west line; thence along southwesterly line of said Lot 2, bearing S40°23'07"E a distance of 1570.12 feet to a PI on said southwesterly line; thence bearing N41°01'17"E along southeasterly line of said Lot 2 a distance of 947.79 feet; thence bearing N00°04'25"W a distance of 1396.90 feet to a point on the north line of Lot 2; thence S89°55'35"W a distance of 441.97 feet along said north line of Lot 2; thence bearing S00°37'35"W a distance of 385.00 feet; thence bearing S89°55'35"W a distance of 1205.67 feet to the point of beginning, containing 49.78 acres more or less.

**WHEREAS**, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

**WHEREAS**, the Board of Zoning Appeals did, at the meeting of May 6, 2021, consider said application; and

**WHEREAS**, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

**WHEREAS**, the request to permit an increase in building height is appropriate considering the uniqueness and complexity of the use. The site is bounded on the east side by the M.S. Mitchell Floodway and is separated from Zoo Boulevard by railroad right-of-way.

**WHEREAS**, granting the additional height will not adversely affect the rights of adjacent property owners. The site plan shows the majority of the structure will be constructed on the south side of the site, away from the residential subdivision on the north side of West 21<sup>st</sup> Street North.

**WHEREAS**, the strict application of zoning code height restriction will decrease the ability to properly develop and construct the desired water treatment facility.

**WHEREAS**, granting the variance to permit the additional building height is in the public interest and will not adversely affect surrounding properties.

**WHEREAS**, In IP zoning, a 150-foot wireless communication facility can be approved by administrative permit. In SF-5 zoning, the height of a wireless communication facility that can be approved by administrative permit is limited to 65 feet. To exceed that height requires a conditional use. With this in mind, a request for 99 feet to provide a development envelope to accommodate the final design of the structure is reasonable. This also affords the opportunity to avoid requesting a variance for a shorter height, only to have to file an additional variance in the future because the final design exceeded what was originally requested. It is staff's opinion that granting the requested variance supports the intent of the Zoning Code,

**WHEREAS**, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to increase the building height to 99 feet on property located at 4729 West 21<sup>st</sup> Street North; legally described as follows:


A tract of land lying within Section 11, Township 27, Range 1 West of the 6<sup>th</sup> P.M., Wichita, Sedgwick County, Kansas, more particularly described as: Beginning at the northwest corner of Lot 2, Block 1, Northwest Water Treatment Plan Addition to Wichita, Sedgwick County, Kansas, said point being the southwest corner of Lot 1, Block 1: thence bearing S00°37'53"W a distance of 529.01 feet along the west line of Lot 2 to a point PI on said west line; thence along southwesterly line of said Lot 2, bearing S40°23'07"E a distance of 1570.12 feet to a PI on

said southwesterly line; thence bearing N41°01'17"E along southeasterly line of said Lot 2 a distance of 947.79 feet; thence bearing N00°04'25"W a distance of 1396.90 feet to a point on the north line of Lot 2; thence S89°55'35"W a distance of 441.97 feet along said north line of Lot 2; thence bearing S00°37'35"W a distance of 385.00 feet; thence bearing S89°55'35"W a distance of 1205.67 feet to the point of beginning, containing 49.78 acres more or less.

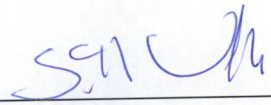
The variance is hereby **GRANTED**, subject to the following conditions:

1. A site plan shall be submitted to the Director of Planning for review and approval.
2. The site shall be constructed in conformance to the approved site plan.

**ADOPTED AT WICHITA, KANSAS, this 6th Day of May, 2021**

  
Michael C. Greene, BZA Board Chair

ATTEST:

  
\_\_\_\_\_  
Scott Wadle,  
BZA Secretary



Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star

Miami Herald/el Nuevo Herald  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star Telegram  
 The State - Columbia

Sun Herald - Biloxi  
 Sun News - Myrtle Beach  
 The News Tribune - Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	45007	(default) - WIC-04-15-2021	OCA150004	\$117.60	1	14.00

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

Copy of ad content  
 is on the next page

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

No. of Insertions: 1  
 Beginning Issue of: 04/15/2021  
 Ending Issue of: 04/15/2021

STATE OF KANSAS)

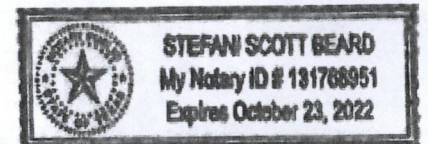
SS

County of Sedgwick)

Hayley Martin, 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 04/15/2021 to 04/15/2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
 DATED: 04/15/2021

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



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

# LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE  
ON APRIL 15, 2021 (103774)  
(One Time Only)

## MAPC/BZA May 6, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, May 6, 2021, no earlier than 1:00 p.m.**, the Wichita-Sedgwick 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, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). **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.**

**BZA2021-00018** City Variance to increase building height on property located 2000 feet east of Hoover Rd. on the south side of W. 21st St. at 4729 W. 21st St. N.  
**CON2021-00014** City Conditional Use to expand **CON2010-00022**, in association with **ZON2021-00006**, to allow limited indoor recycling (limited screened outdoor storage) of computers, appliances, equipment and machinery (no inoperable vehicles); generally located on the west side of St. Francis at 624 E. Morris

**CON2021-00015** City Conditional Use to allow a Car Wash within 200 feet of a residential zoning district on property zoned LC Limited Commercial, generally located 1000 feet west of North Amidon on the north side of West 21st Street North (1716 W 21st St N).

**CON2021-00016** City Conditional Use to allow an accessory apartment on property zoned SF-5 Single-Family Residential, generally located 1,400 feet south of West 55th Street South and 400 feet west of South Seneca Street (1330 West Bones Circle).

**VAC2021-00016** City vacation of a portion of a platted front yard setback on SF-5 Single Family Residential zoned property generally located northwest of South Tyler Road and West Kellogg Drive on the northeast corner of South Keith Avenue and West Belview Avenue (640 South Keith Avenue).

**VAC2021-00017** City Vacation of a portion of a platted street side yard setback on GO General Office zoned property generally located on the northeast corner of North Hillside Avenue and East Central Avenue (550 N Hillside).

**VAC2021-00018** City Vacation of a portion of a platted front yard setback on LC Limited Commercial zoned property generally located east of North Webb Road on the north side of East 21st Street North (9750 East 21st Street North).

**ZON2021-00006** City Zone Change from Multi-Family Residential (B) and General Commercial (GC) to Limited Industrial, Generally located within 500 feet north of East Lincoln Street and within 1200 feet east of South Broadway Avenue (624 E Morris St).

**ZON2021-00014** City zone change from TF-3 Two Family and SF-5 Single Family to MF-29 Multi-family (apartment) a third dwelling unit, generally located on the south side of West 18th Street North and west of North Arkansas Avenue (641 W 18th St N).

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-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC, as by law provided.

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

The meeting will be conducted "virtually" using GoTo-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

### Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 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 staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	<a href="mailto:BPagan@wichita.gov">BPagan@wichita.gov</a>
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: <b>Betsy Pagan</b> 271 W. 3 <sup>rd</sup> Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

### Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/65154141>

You can also dial in using your phone.

United States: +1 (671) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or [inroomlink.polo.com](https://inroomlink.polo.com)

Meeting ID: 651-544-141

Or dial directly: 65154141@67.217.95.2 or

67.217.95.29865154141

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/65154141>

### Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street), Wichita, KS 67202. Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit [www.wichita.gov/visitcityhall](http://www.wichita.gov/visitcityhall). The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on April 12, 2021

Scott Wadle, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning Commission

# SITE PLAN

APPROVED 5/6/2021 BY *[Signature]*

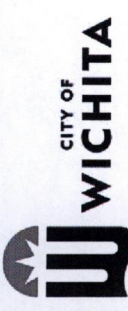
**PACKAGE 2 LIMITS OF REVIEW:**  
 PACKAGE 2 AREA FOR REVIEW INCLUDES THE FILTER BUILDING EXCLUDING FOUNDATION WHICH WAS SUBMITTED FOR REVIEW IN PACKAGE 1. ALL OTHER AREAS ARE ON HOLD AND NOT ISSUED FOR CONSTRUCTION.

**PACKAGE 3 LIMITS OF REVIEW:**  
 PACKAGE 3 AREA FOR REVIEW INCLUDES THE SOLIDS CONTACT CLARIFIERS, CHLORINE CONTACT BASIN, AND FINISHED WATER PUMP STATIONS ONLY. ALL OTHER AREAS INCLUDING LIME RESIDUAL PUMP STATIONS NO. 2 AND NO. 3 ARE ON HOLD AND NOT ISSUED FOR CONSTRUCTION.

no.	date	by	ckd	description
0	11/12/20	CSL	JAG	PACKAGE 1: ISSUED FOR CONSTRUCTION
1	12/07/20	CSL	JAG	ADDED EASEMENTS & DIMENSIONS-ENTIRE SHEET
	12/07/20	CSL	JAG	PACKAGE 1: ISSUED FOR CONSTRUCTION
2	12/18/20	DSB	JAG	PACKAGE 2 AND 3 LIMITS OF REVIEW ADDED
	12/18/20	DSB	JAG	PACKAGE 2: ISSUED FOR O4 REVIEW
	12/18/20	DSB	JAG	PACKAGE 3: ISSUED FOR O4 REVIEW
	02/11/21	DSB	JAG	PACKAGE 2: ISSUED FOR OWNER REVIEW
	02/11/21	DSB	JAG	PACKAGE 3: ISSUED FOR OWNER REVIEW
	03/18/21	DSB	JAG	PACKAGE 2: ISSUED FOR CONSTRUCTION



date 04/06/20  
 designed J. GOLKAT, KAUFMAN  
 checked R. GLESSNER  
 C. LINK



**NORTHWEST WATER TREATMENT FACILITY**  
 SITE - CIVIL  
 OVERALL SITE PLAN

project 114461 contract  
 drawing **040C101** - 2 rev.  
 sheet of sheets  
 file 171350-009-040C101.dwg

