



Wichita-Sedgwick County Metropolitan Area Planning Department

October 31, 2022

DBB Holdings
PO Box 18087
Reno, NV 89511

V3 Realty, LLC
783 Old Hickory Boulevard, Ste. 250
Brentwood, TN 37027

Baughman Company
Attn: Phil Meyer
315 S Ellis
Wichita, KS 67211

RE: ZON2022-00043: Zone change request in the City from LI Limited Industrial to GO General Office for development of an apartment complex and office space; generally located on the north side of East 37th Street North and approximately 500 feet east of North Rock Road.

Dear Applicant;

At its regular meeting on **Tuesday, October 25th**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE GO General Office Zoning** on the subject property.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'E. E. Freund'.

Eryn Ebach Freund
Associate Planner

Copies to: MABCD
Becky Tuttle, City Council District II
Cory Butcha, CSR District II

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Nov. 4, 2008

ORDINANCE NO. 51-967

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. ZON2022-00043


City zone change from LI Limited Industrial District to GO General Office District on property described as:


Lot 2, Block 1, Rent-A-Center Addition, an Addition to Wichita, Sedgwick County, Kansas, TOGETHER with Lot 2, EXCEPT the West 130 feet of the South 220 feet thereof, in Block 2, Hi-Tech Industrial Park Second Addition, an Addition to Wichita, Sedgwick County, Kansas.

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

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

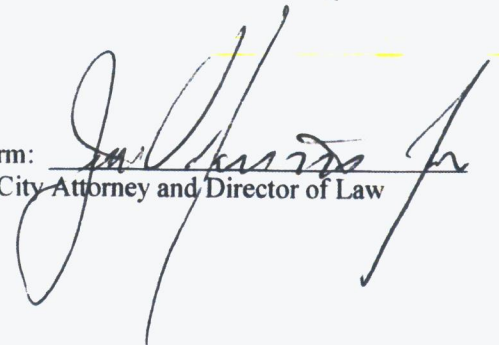
ATTEST:


Brandon J. Whipple, Mayor, City of Wichita


Jamie Buster, City Clerk

(SEAL)



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



Beaufort Gazette
 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 - Miami
 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
32522	342364	Print Legal Ad-IPL00966890 - IPL0096689		\$53.65	1	64 L

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

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
 ON NOVEMBER 4, 2022
 ORDINANCE NO. 51-967

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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.

ATTEST:

Brandon J. Whipple, Mayor, City of Wichita

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0096689

Nov 4 2022

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

No. of Insertions: 1

Beginning Issue of: 11/04/2022

Ending Issue of: 11/04/2022

STATE OF KANSAS)

SS

County of Sedgwick)

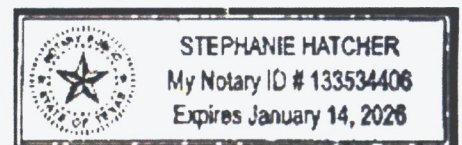
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 11/04/2022 to 11/04/2022.

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

DATED: 11/04/2022

Stephanie Hatcher

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!



Beaufort Gazette
 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 - Miami
 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	307176	Print Legal Ad - IPL0086458		\$157.71	2	94 L

Attention: MANDY HEBERT

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

LEGAL PUBLICATION

GCA 180064
 Published in The Wichita Eagle on August 25, 2022
 (One Time Only)

MAFC/BZA September 15, 2022

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 15, 2022, no earlier than 1:30 p.m., the WichitaSedgwick 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 Ronald Reagan Building, 271 West Third Street, 2nd Floor, 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 WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2022-00031: Conditional Use request in the City for "Nightclub in the City" in Central Business District (CBD) zoning; generally located on the east side of South Broadway Avenue and within 250 feet south of East Douglas Avenue (124 South Broadway Avenue).

CUP2022-00038: Community Unit Plan (DP-128) amendment request in the City to permit live music and entertainment (defined as "nightclub in the City") as an accessory use to a restaurant; generally located on the south side of East 37th Street North and within one-quarter mile east of North Woodlawn Boulevard.

ZON2022-00043: Zone change request in the City from LI Limited Industrial to GO General Office for development of an apartment complex and office space; generally located on the north side of East 37th Street North and approximately 500 feet east of North Rock Road.

ZON2022-00044: Zone change request in the City from TF-3 Two-Family Residential to B Multi-Family Residential for redevelopment for medical use; generally located within two blocks east of North Hillside Avenue and one block north of East Murdock Avenue. (839 North Vassar).

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 WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAFC, 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 MAFC 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 Go-To-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 MAFC, prior to or during the meeting.

Email: Planning@wichita.gov
 Mailing Address: Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle
 271 W. 3rd 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/651544141>
 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.goto.com
 Meeting ID: 651 544 141
 Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141
 New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/651544141>
 Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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 (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on August 25, 2022
 Scott Wadle, Secretary
 WichitaSedgwick County
 Metropolitan Area Planning Commission
 IPL0086458
 Aug 25 2022

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

No. of Insertions: 1
 Beginning Issue of: 08/25/2022
 Ending Issue of: 08/25/2022

STATE OF KANSAS)

SS

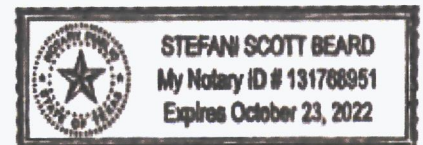
County of Sedgwick)

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 08/25/2022 to 08/25/2022.

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

DATED: 08/25/2022

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!

STAFF REPORT
MAPC-September 15, 2022
DAB II- September 12, 2022

CASE NUMBER: ZON2022-00043 (City)

APPLICANT/AGENT V3 Realty LLC (applicant)/ Baughman Company, P.A., Philip Meyer (agent)

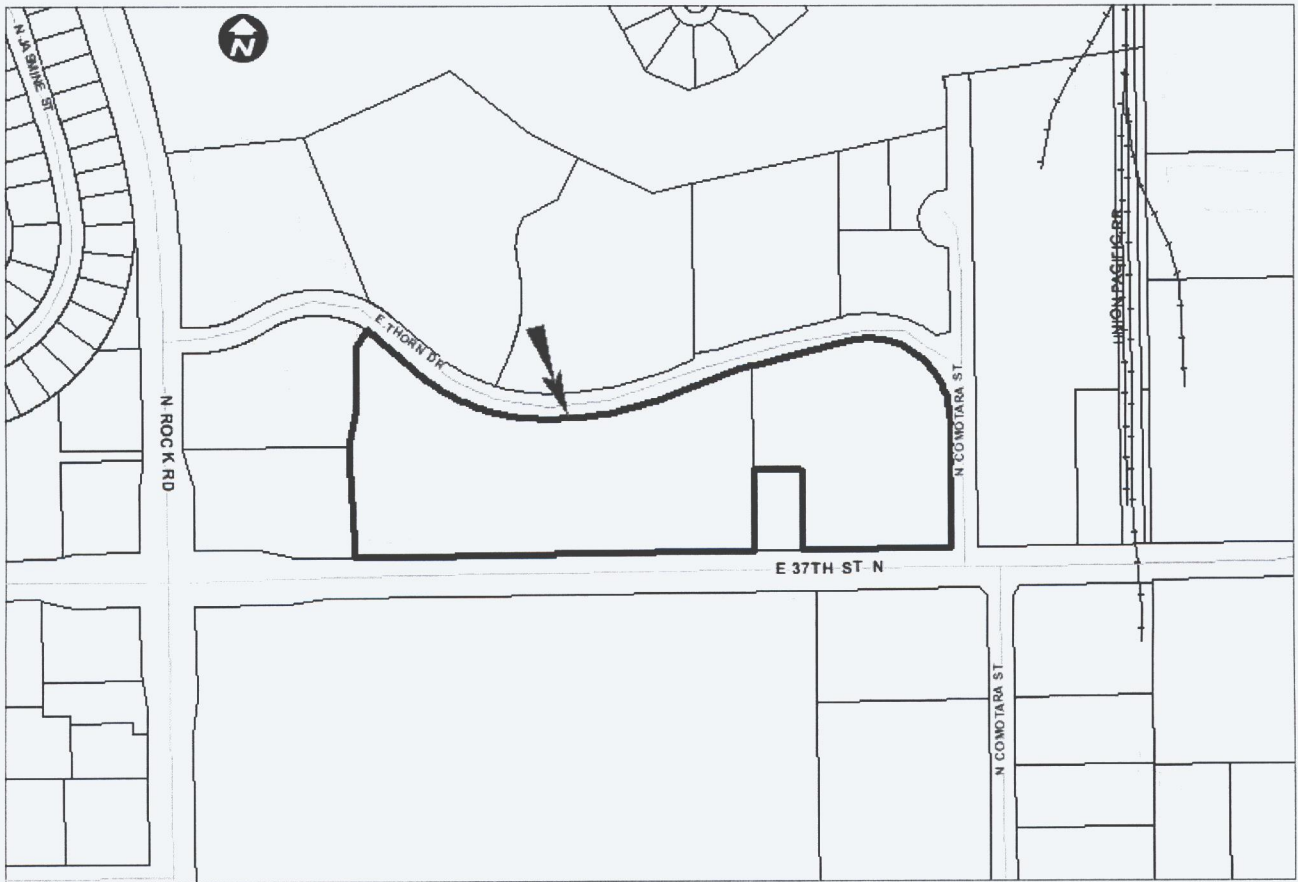
REQUEST: GO General Office

CURRENT ZONING: LI Limited Industrial

SITE SIZE: 16.7 acres

LOCATION: Generally located approximately 500 feet east of the intersection of East 37th Street North and North Rock Road

PROPOSED USE: Multi-family residential and office space



BACKGROUND: The applicant is requesting a zone change from LI Limited Industrial District to GO General Office District for the 16.6-acre property, generally located approximately 500 feet east of the intersection of East 37th Street North and North Rock Road. The undeveloped subject site is Lot 2, Block 1 of the Rent-A-Center Addition, together with a portion of Lot 2, Block 2 of the Hi-Tech Industrial Park Second Addition. If the requested zone change is approved, the applicant intends to develop the site with an apartment complex and office space.

The subject site has street frontage on three sides- East 37th Street North to its south, North Comotara Street to its east, and East Thorn Drive to its north. A small portion of Lot 2, Block 2 of the Hi-Tech Industrial Park Second Addition is under separate ownership and is not included in this request. This portion of the lot is surrounded by the subject area on three sides and is developed with a structure housing Southwestern Bell telephone equipment (See attachment 1, Aerial Map).

A large industrial district is located east of North Rock Road, between the K-96 overpass and the intersection of North Rock Road and East 37th Street North, spanning approximately 1.5-miles east. The area is developed from North Rock Road to North Webb Road, with warehouse and manufacturing facilities, office buildings, and other industrial serving uses. The remaining half-mile of the district, East of North Webb Road, is Jabara Airport.

West of North Rock Road, in the northwest corner of the East 37th Street North and North Rock Road intersection, is a commercial strip developed with retail stores, restaurants, and personal services. Less than a quarter mile north of the intersection is the Willowbend Golf Course and residential community.

The properties abutting the subject site to the North are zoned LI Limited Industrial District. To the northwest is an office complex, and to the northeast is undeveloped land. Properties to the south, on the south side of East 37th Street North, are zoned LI Limited Industrial District and are developed with a storage warehouse and a manufacturing facility. East of the subject site are properties zoned LI Limited Industrial District, developed with a steel manufacturing facility. Properties to the west of the subject site are zoned LI Limited Industrial District and are developed with a convenience store/gas station to the southwest and undeveloped to the northwest.

No residential uses are permitted by-right or Conditional Use in the LI Limited Industrial District. If approved, the requested GO General Office District would allow multi-family residential and general scale office uses to be surrounded by Limited Industrial zoning. Generally, the potential environmental, visual, and audial impacts generated by industrial use justify their separation from residential development. However, the size of this site and the way the surrounding areas have been improved could mitigate impacts on the proposed multi-family use.

While the site abuts LI Limited Industrial zoning on four sides, only properties to the south and east are developed with industrial uses. With the exception of a storage site, industrial facilities on these properties are located a substantial distance from the subject site. The property to the east is separated from the subject site by the North Comotara Street right-of-way. The manufacturing facility on this property is located approximately 175 feet east of its west property line. The property to the south is separated from the subject site by the East 37th Street North right-of-way, and its facility is located approximately 190 feet south of its north property line. The distance between the subject site and the surrounding industrial uses may prevent adverse impacts from reaching the subject site.

CASE HISTORY: On December 2, 1986, the Rent-A-Center Addition was platted. On March 13, 1986, the Hi-Tech Industrial Park Second Addition was platted. No other actions have been taken on this site.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	General Office, Undeveloped Land
SOUTH:	LI	Industrial Manufacturing
EAST	LI	Convenience Retail, Undeveloped Land
WEST:	LI	Industrial Manufacturing

PUBLIC SERVICES: North Rock Road and East 37th Street North are paved, four-lane arterial streets. Sidewalks are located on the north and south sides of East 37th Street North and North Rock Road's east and west sides. Wichita Transit has a bus stop less than a quarter mile from the site at the Eagle Rock Apartments on East 37th Street North. City water and stormwater are located in the East 37th Street North and East Thorn Drive right-of-way. Sanitary sewer is located in a platted 20-foot utility easement parallel to the east property line of Lot 2, Block 1 of the Rent-A-Center Addition, and the west property line of Lot 2, Block 2 of the Hi-Tech Industrial Park Second Addition.

CONFORMANCE TO PLANS/POLICIES: The request to rezone this property as GO General Office is found to be in conformance with the *Community Investments Plan*.

The Community Investments Plan: The 2035 Wichita Future Growth Concept Map, which outlines the preferred development pattern and land uses within the *Plan* area, identifies this subject site as appropriate for development in the New Residential and Employment Mix and New Employment Growth categories. The *Plan* defines the New Residential and Employment Mix category as "areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature." The New Employment category is defined as "areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices." Additionally, the *Plan* states land in the New Employment category located in proximity to existing residential uses is likely to be developed with "higher-density housing and convenience retail centers." A change to GO General Office zoning would permit mixed-use development on the site, with higher-density residential uses and offices consistent with those described in the Growth Areas and within the scope of those suggested by the *Plan*.

Additionally, the *Community Investments Plan* provides locational guidelines to serve as a framework for future land use decisions. General Locational Guidelines encourage infill development which maximizes public investment in infrastructure and public services. The proposed zone change would permit infill development on the site, consistent with the preferred land uses.

RECOMMENDATION: Based on the information available at the time the staff report was prepared, it is recommended that the application for **GO GENERAL OFFICE BE APPROVED.**

This recommendation is based on the following findings:

1. **The zoning, uses, and character of the neighborhood:**
The properties abutting the subject site to the North are zoned LI Limited Industrial District. To the northwest is an office complex, and to the northeast is undeveloped land. Properties to the south, on the south side of East 37th Street North, are zoned LI Limited Industrial District and are developed with a storage warehouse and a manufacturing facility. East of the subject site are properties zoned LI Limited Industrial District, developed with a steel manufacturing facility. Properties to the west of the subject site are zoned LI Limited Industrial District and are developed with a convenience store/gas station to the southwest and undeveloped to the northwest.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned LI Limited Industrial District, which allows low-intensity Industrial uses to be developed. The properties are presently vacant.

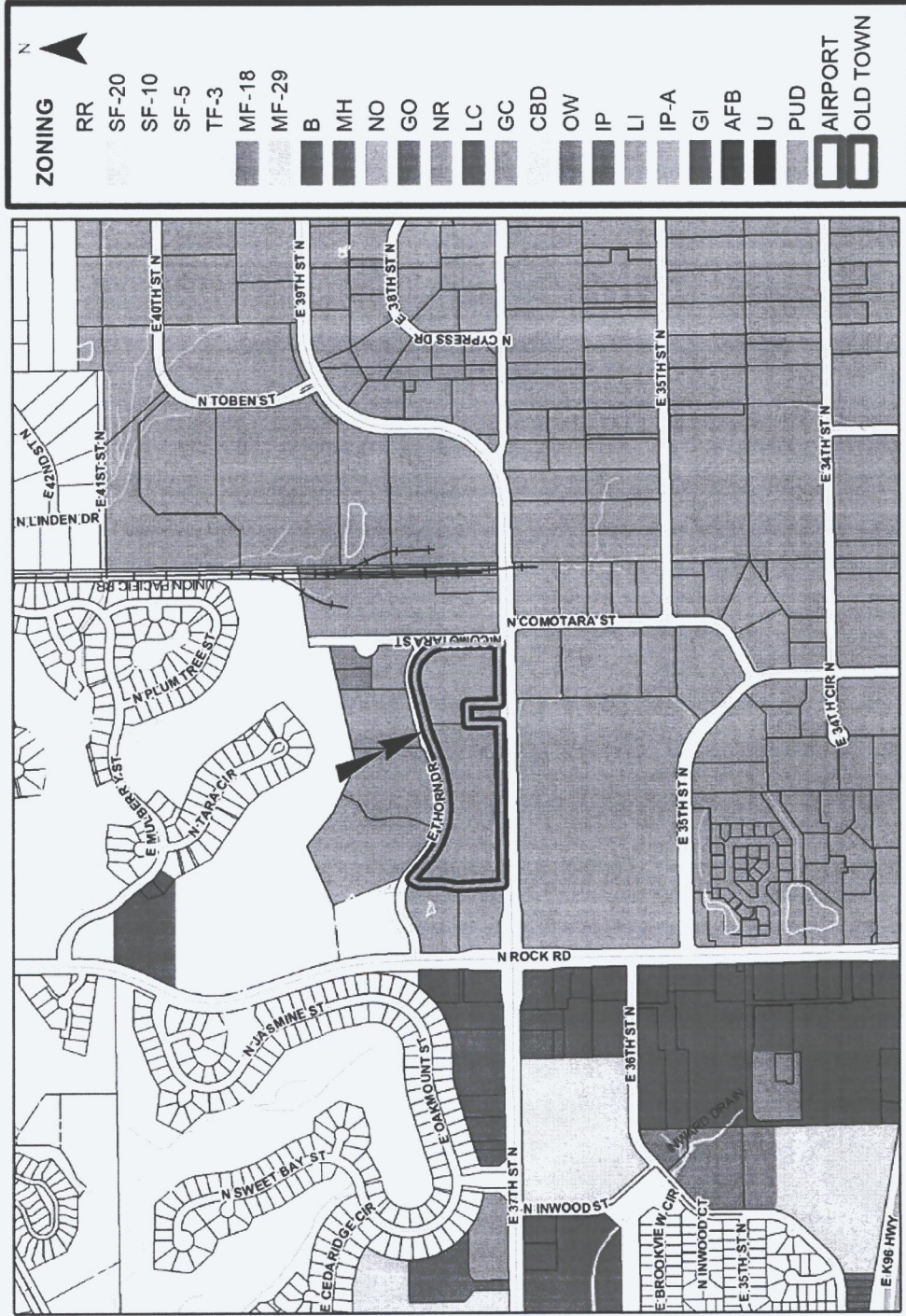
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A change of zoning to GO General Office District would allow all uses permitted in the GO District on this site, including the proposed office and multi-family residential uses. Staff does not anticipate that the proposed development would negatively affect nearby properties. Alternatively, noise, odor and emissions created by the surrounding Industrial uses may have an impact on the proposed multi-family development. However, the single-family residential uses and golf course to the north of the subject site also about these same Industrial properties and likely have not had compatibility issues.
4. Length of time the property has remained vacant as currently zoned: The properties have been vacant since their platting.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request to rezone the property as GO General Office would be in conformance with the Community Investments Plan as discussed in the staff report.
6. Impact of the proposed development on community facilities: An approval of this request should not generate any additional impact on community facilities. Existing infrastructure at the site will accommodate the proposed use

Staff Report Attachments: 1) Aerial Map, 2) Zoning Map, 3) Land Use Map, and 4) Photos

Attachment 1. Aerial Map



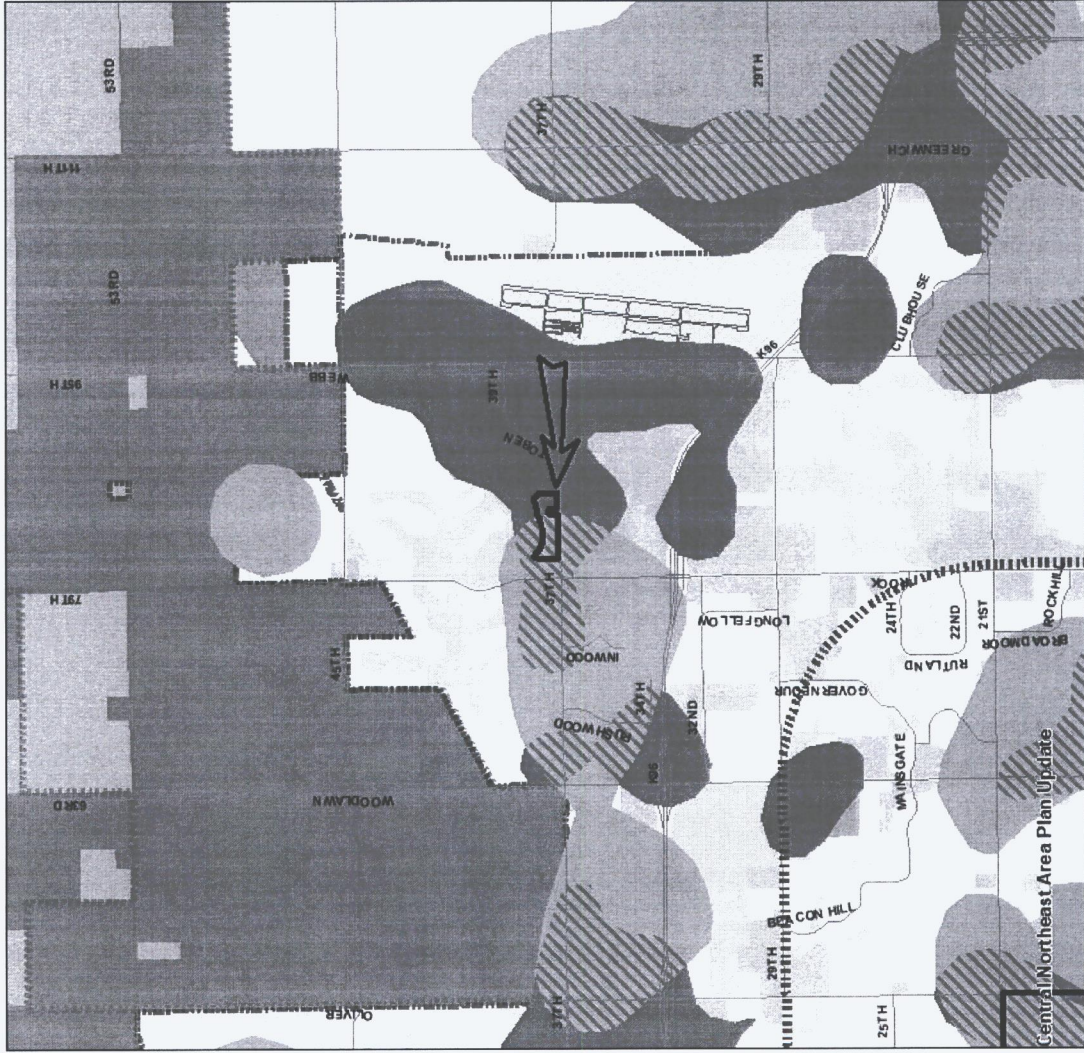
Attachment 2. Zoning Map



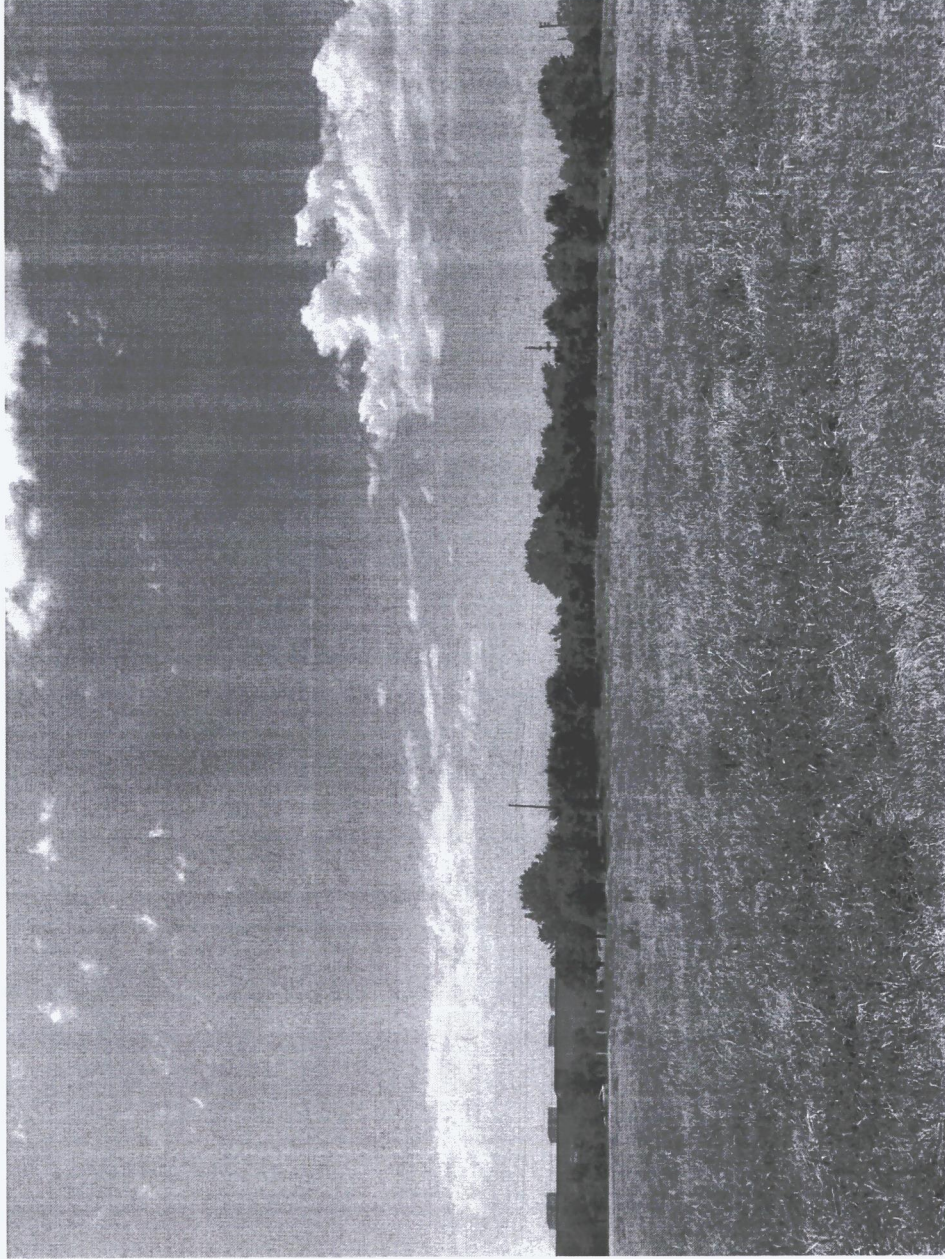
Attachment 3. Land Use Map

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
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Nghbd_Plan_Areas

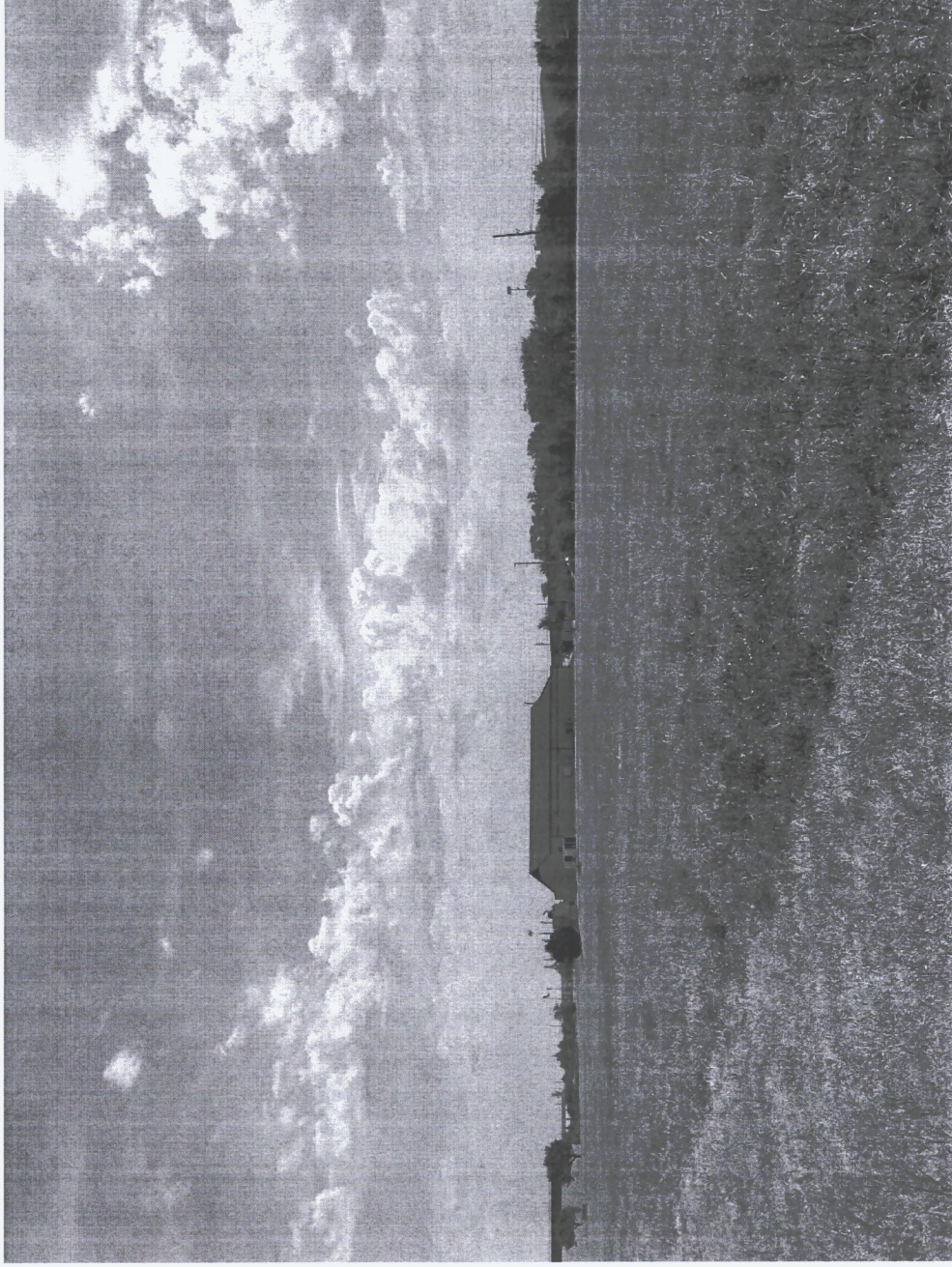


Attachment 5. Site Photos



The subject site facing south.

Attachment 5. Site Photos Continued



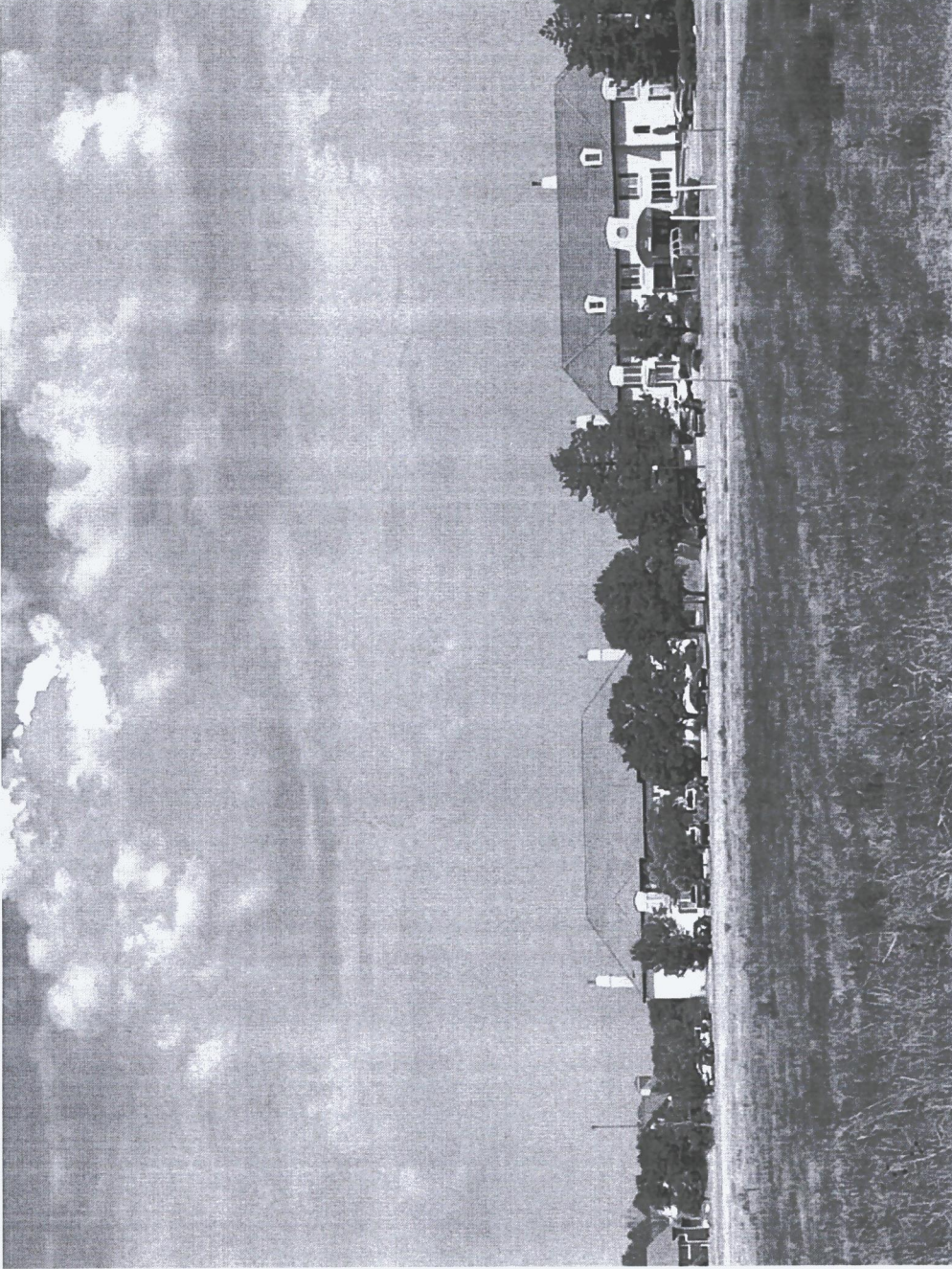
The subject site facing southeast

Attachment 5. Site Photos Continued



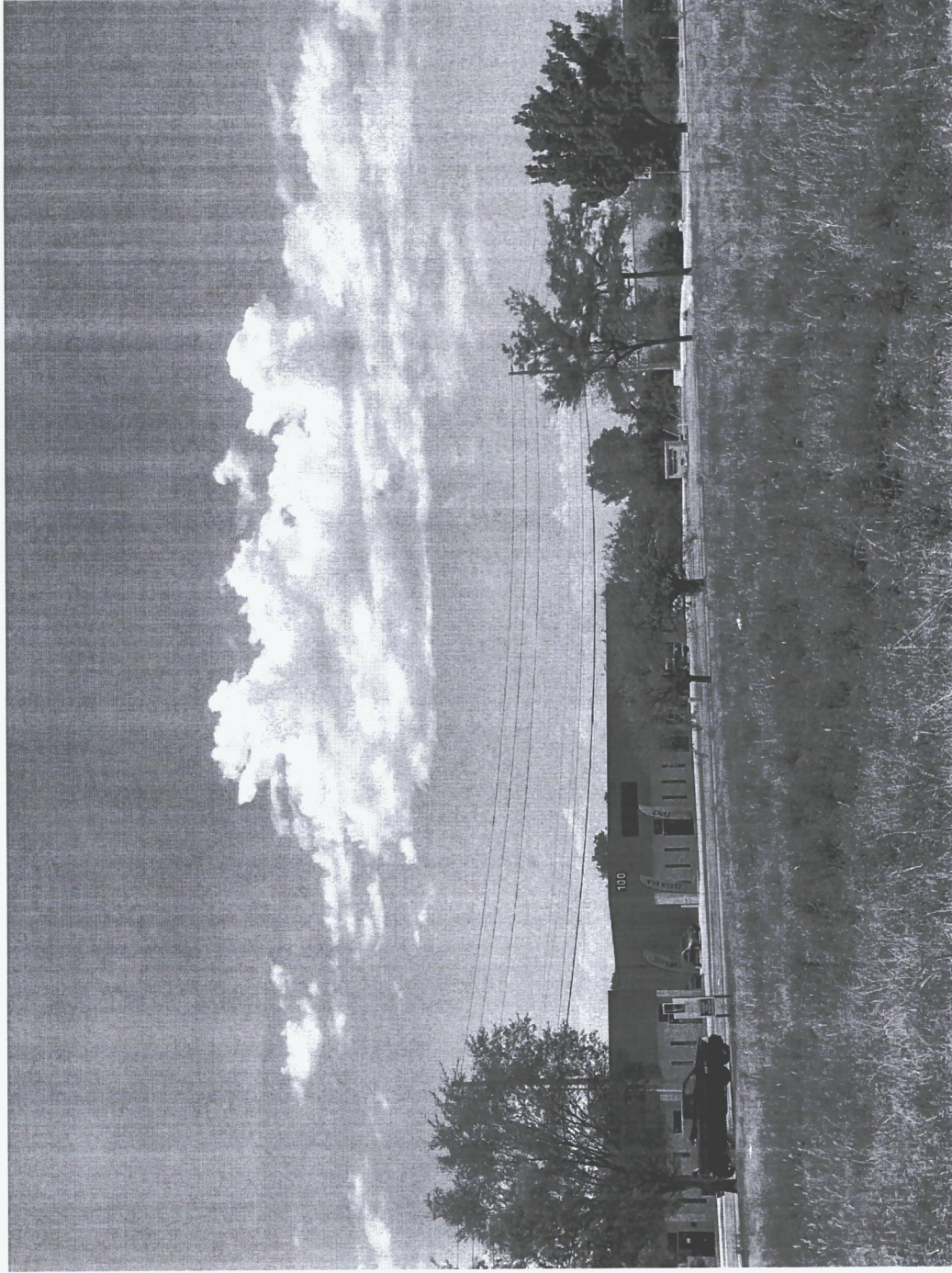
Northwest of the subject site

Attachment 5. Site Photos Continued



Northeast of the subject site

Attachment 5. Site Photos Continued



South of the subject site