



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

May 16, 2023

Heip V. Le and Van T.T. Nguyen  
5621 S. Whittier St.  
Derby, KS 67037

Kaw Valley Engineering  
200 N Emporia, Ste 100  
Wichita, KS 67202

**RE: ZON2023-00008:** Zone change request in the City SF-5 Single-Family Residential to LC Limited Commercial to build a commercial building with drive-thru; located at South Seneca Street and South Walnut Street and within one-block south of West 31<sup>st</sup> Street South (3234 South Seneca and 3241 South Walnut).

Dear Applicants;

At its regular meeting on **May 16, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the enclosed Protective Overlay.

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 268-4421.

Sincerely,

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

Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to: Mike Hoheisel, Council Member District III  
Rebecca Johnson, CSR, District III  
MABCD  
Jorge Vasquez, 3245 S Walnut, Wichita, Ks 67217

**Protective Overlay #408**

1. Uses shall be limited to those permitted by-right in the NR Neighborhood Retail District, in addition to restaurant with drive-thru as permitted in the LC Limited Commercial District.
2. If developed commercially, access to South Walnut Street is prohibited.
3. The applicant shall provide screening along the east property line sufficient to block the trespass of headlights. Screening may be accomplished through a screening fence, evergreen landscaping (trees and/or shrubs), or a combination thereof. If evergreen landscaping is used, plants shall be at least three (3) feet in height at the time of planting and spaced in such a way to create the effect of solid screening.
4. A landscape plan illustrating all required landscaping shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.



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

April 14, 2023

Heip V. Le and Van T.T. Nguyen  
5621 S. Whittier St.  
Derby, KS 67037

Kaw Valley Engineering  
200 N Emporia, Ste 100  
Wichita, KS 67202

**RE: ZON2023-00008:** Zone change request in the City SF-5 Single-Family Residential to LC Limited Commercial to build a commercial building with drive-thru; located at South Seneca Street and South Walnut Street and within one-block south of West 31<sup>st</sup> Street South (3234 South Seneca and 3241 South Walnut).

Dear Applicants;

At its regular meeting on **April 13, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request subject to the enclosed Protective Overlay.

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 April 27, 2023. 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 **April 27, 2023, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, May 16, 2023** 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 268-4421.

Sincerely,

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

Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to: Mike Hoheisel, Council Member District III  
Rebecca Johnson, CSR, District III  
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Jorge Vasquez, 3245 S Walnut, Wichita, Ks 67217

Protective Overlay #408

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4. A landscape plan illustrating all required landscaping shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

ORDINANCE NO. 52-181

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. ZON2023-00008**

Zone change in the City from SF-5 Single-Family Residential District to LC Limited Commercial District subject to Protective Overlay #408, on property legally described as:

Lots 2 and 17, Cumley's Addition, Sedgwick County, Kansas.

Protective Overlay #408

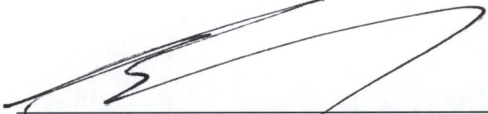
1. Uses shall be limited to those permitted by-right in the NR Neighborhood Retail District, in addition to restaurant with drive-thru as permitted in the LC Limited Commercial District.
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4. A landscape plan illustrating all required landscaping shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

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


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

*[Remainder of page left intentionally blank]*

Adopted this 23<sup>rd</sup> day of May, 2023.

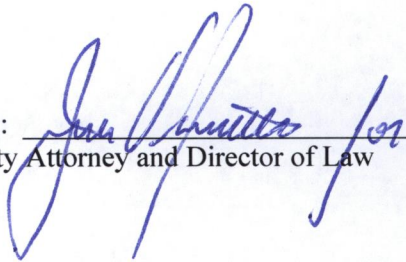
  
\_\_\_\_\_  
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

  
\_\_\_\_\_  
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  
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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	425217	Print Legal Ad-IPL01242610 - IPL0124261		\$72.13	1	86 L

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

LAlvarez@wichita.gov

### LEGAL PUBLICATION

**OGA 180004**  
 PUBLISHED IN THE WICHITA EAGLE  
 ON May 26, 2023  
 ORDINANCE NO. 52-181  
 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. ZON2023-00008  
 Zone change in the City from SF-5 Single-Family Residential District to LC Limited Commercial District subject to Protective Overlay #408, on property legally described as:  
 Lots 2 and 17, Cumley's Addition, Sedgwick County, Kansas.  
 Protective Overlay #408  
 1. Uses shall be limited to those permitted by-right in the NR Neighborhood Retail District, in addition to restaurant with drive-thru as permitted in the LC Limited Commercial District.  
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 4. A landscape plan illustrating all required landscaping shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

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 23rd day of May, 2023.  
 Brandon J. Whipple, Mayor, City of Wichita

ATTEST:  
 Jamie Buster, City Clerk  
 (SEAL) Approved as to form:  
 Jennifer Magana, City Attorney and Director of Law  
 IPL0124261  
 May 26 2023

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

1 insertion(s) published on:  
 05/26/23

STATE OF KANSAS)

SS

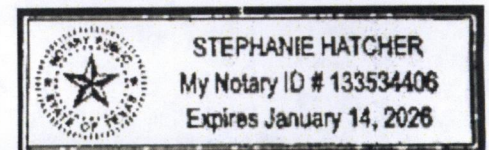
County of Sedgwick)

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 05/26/2023 to 05/26/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
 DATED: 05/26/2023

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	398642	Print Legal Ad-IPL01149060 - IPL0114906		\$231.52	3	92L

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

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

1 insertion(s) published on:  
03/23/23

### LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on March 23, 2023

(One Time Only)

MAPC/BZA April 13, 2023

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 13, 2023, 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 at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end 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) 268-4421.

BZA2023-00008: Variance in the City to allow a rooftop sign in the CBD Central Business District on property located on the northwest corner of South Broadway Avenue and East William Street (230 East William).

BZA2023-00013: Variance request in the City to allow an off-site sign in the 20-foot west front setback on property zoned GI General Industrial; generally located west of North Hydraulic Avenue and approximately one-quarter-mile north of East 37th Street North (4035 N. Hydraulic).

CON2023-00005: Conditional Use request in the City to permit expansion of existing bar with live entertainment (defined as Night Club in the City) on property zoned LC Limited Commercial; located on the south side of East 17th Street and within one block east of North Hillside Avenue (3227 East 17th Street North).

DER2023-00006: Wichita-Sedgwick County Unified Zoning Code (UZC) amendment to include Short-Term Rental businesses.

RUD2023-00001: Zone change request in the City from LI Limited Industrial District with PO #162 to RUD Planned Unit Development for mixed-use development; generally located on the northwest corner of East 29th Street North and North Greenlich Road.

RUD2023-00002: Zone change request in the City from B Multi-Family Residential to RUD Planned Unit Development for duplex development with flexible development standards; generally located west of North Wellington Street and approximately 300 feet north of West 11th Street North.

VAC2023-00004: Request in the County to vacate a portion of platted access control located along East 71st Street South, within one block east of South 143rd Street East.

VAC2023-00005: Request in the County to vacate a platted 70-foot contingent street dedication between Lots 6 and 7, Downs Country Estates Addition, on properties zoned SF-20 Single-Family Residential; located within one-quarter mile northwest of South Webb Road and East 47th Street South (9314 and 9207 E Cherish).

VAC2023-00006: Request in the County to vacate a floodway reserve easement dedicated by separate instrument; generally located one-half-mile south of West 125th Street North and east of North Seneca (10th Street West (12220 North Seneca).

VAC2023-00007: Request in the City to vacate a platted 30-foot utility easement on property zoned GI General Industrial; generally located north of North Cleveland Avenue and west of North New York Avenue.

ZON2023-00007: Zone change in the City from SF-5 Single-Family Residential District to GO General Office District to allow GO uses including duplexes; generally located east of South Maize Road and north of West Kellogg Drive.

ZON2023-00008: Zone change request in the City from SF-5 Single Family Residential to LC Limited Commercial to build a commercial building with drive-through; located at South Seneca Street and South Walnut Street, within one block South of West 31st Street South (3234 Seneca Street & 3241 South Walnut Street).

ZON2023-00009: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northwest corner of North Fairview Avenue and West 31st Street North (3205 North Fairview).

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 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.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699006833\_4089866967#...\*094136# US (San Jose)

+17193594580\_4089866967#...\*094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc65codf1b>

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.

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 [Planning@wichita.gov](mailto:Planning@wichita.gov)

Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wedle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7784

WITNESS MY HAND on March 23, 2023

Scott Wedle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0114906

Mar 23 2023

STATE OF KANSAS)

SS

County of Sedgwick)

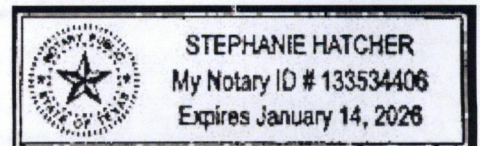
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 03/23/2023 to 03/23/2023.

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

DATED: 03/23/2023

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!

**STAFF REPORT**  
MAPC: April 13, 2023  
DAB III: April 5, 2023

CASE NUMBER: ZON2023-00008 (City)

APPLICANT/AGENT Hiep V. Le and Van T.T. Nguyen (Applicant)/ Kaw Valley Engineering (Agent)

REQUEST: LC Limited Commercial District

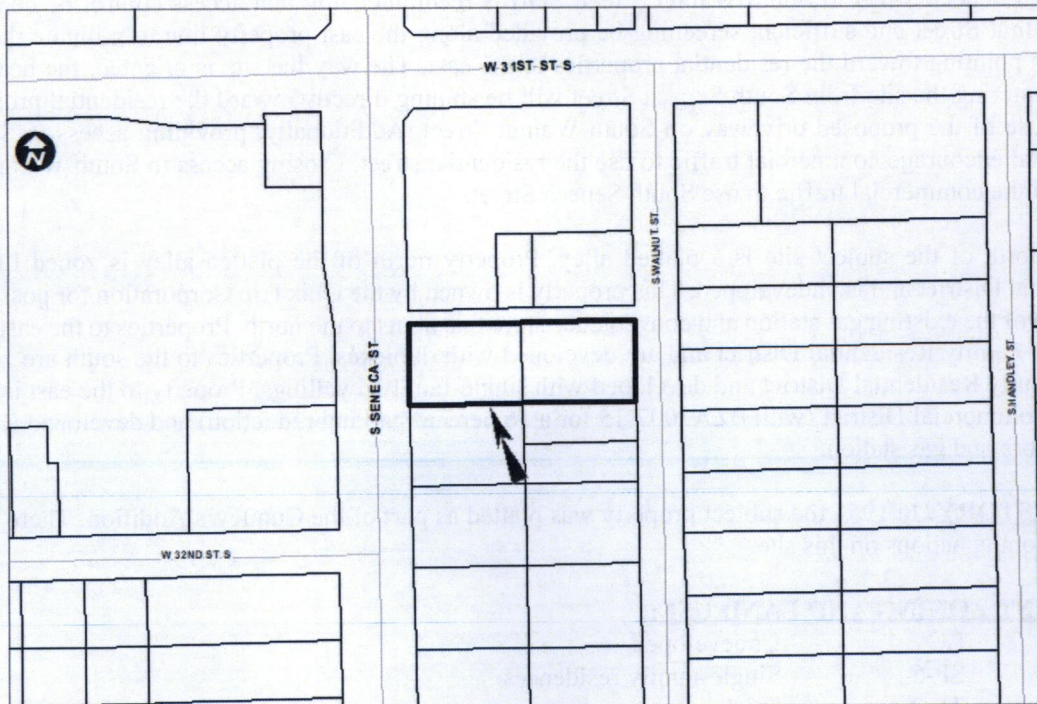
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.77 acres

LOCATION: Generally located between South Seneca Street and South Walnut Street and within one block south of West 31<sup>st</sup> Street South (3234 South Seneca Street and 3241 South Walnut Street).

PROPOSED USE: Commercial development including drive-thru coffee kiosk.

RECOMMENDATION: Approve with a Protective Overlay



**BACKGROUND:** The applicant is requesting a zone change from SF-5 Single-Family Residential District to LC Limited Commercial District to redevelop the subject site with a drive-thru coffee kiosk. The subject site includes two adjoining properties and is located between South Seneca Street and South Walnut Street and within one-block south of West 31<sup>st</sup> Street South (3234 South Seneca Street and 3241 South Walnut Street). The property fronting South Seneca Street is developed with a single-family dwelling. The property fronting South Walnut Street is mostly undeveloped but has an accessory structure (detached garage) developed toward the rear of the lot.

As seen on the attached, proposed site plan, the applicant intends to raze all existing structures on the site and redevelop the site with a drive-thru coffee kiosk. The proposed site plan shows access to the site from South Seneca Street and South Walnut Street with the drive-thru oriented toward South Seneca Street. The site plan identifies the required screening fence and landscape buffer trees along the south property line. Section IV-B of the Unified Zoning Code (UZC) and the Landscape Ordinance require these elements because the property to the south is zoned SF-5 Single-Family Residential District. The Landscape Ordinance also requires landscape street yards and parking lot/drive-thru lane screening along South Seneca Street and South Walnut Street as well. A landscape plan is required to be submitted showing all required landscaping prior to the issuance of building permits. Section IV-A.11 of the UZC requires a minimum of six queuing spaces behind the order box for the drive-thru. The proposed site plan complies with this requirement.

The portion of the property fronting South Seneca Street has a connected driveway with the property to the south. There is no evidence that this connection is required, and the applicant intends to close off this connection. The south drive access to the site from South Seneca is proposed to be enlarged to a two-way driveway, and the applicant intends to close the north driveway.

Staff is recommending a Protective Overlay to help mitigate possible negative impacts to the residential properties to the east. Elements of this Protective Overlay are supported by land use compatibility guidelines from the *Community Investments Plan* as discussed below. As discussed above, the proposed site plan shows a through-drive from South Seneca Street to South Walnut Street. Staff is recommending that access control be dedicated along South Walnut Street and sufficient screening be provided along the east property line to mitigate the trespass of headlights pointing toward the residential properties to the east. The way the site is oriented, the headlights from vehicles entering the site from South Seneca Street will be shining directly toward the residential properties to the east because of the proposed driveway on South Walnut Street. Additionally, providing access to South Walnut Street could encourage commercial traffic to use the residential street. Closing access to South Walnut Street will require all the commercial traffic to use South Seneca Street.

Directly north of the subject site is a platted alley. Property north of the platted alley is zoned LC Limited Commercial District and is undeveloped. This property is owned by the QuikTrip Corporation for possible future expansion of the existing gas station and convenience store that abuts to the north. Properties to the east are zoned TF-3 Two-Family Residential District and are developed with duplexes. Properties to the south are zoned SF-5 Single-Family Residential District and developed with single-family dwellings. Property to the east is zoned LC Limited Commercial District (with BZA2007-15 for a 16 percent parking reduction) and developed with a retail grocery store and gas station.

**CASE HISTORY:** In 1951 the subject property was platted as part of the Cumley's Addition. There have been no other zoning actions on this site.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	Undeveloped
SOUTH:	SF-5	Single-family residences
EAST:	TF-3	Duplexes

WEST: LC Grocery store and gas station

**PUBLIC SERVICES:** The subject site has access to South Seneca Street, which is a paved, five-lane arterial street with sidewalks on both sides. It also has access to South Walnut Street, which is a paved, two-way local street with no sidewalks. Wichita Transit provides regular bus service in this area with bus stops located along South Seneca Street at and across the street from this location. The site is served by municipal services.

**CONFORMANCE TO PLANS/POLICIES:**

*The Community Investments Plan:* The requested zone change is partial conformance with *The Community Investments Plan*. The requested zone change is not in conformance with the Plan's 2035 Future Growth Concept Map. The 2035 Wichita Future Growth Concept Map illustrates the preferred growth concepts for the city. The Map identifies the subject area as appropriate for Residential uses, defined as a range of housing densities and types, including "single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, special residential accommodations for the elderly (assisted living, congregate care and nursing homes), and elementary and middle schools, churches, playgrounds, small parks, and other similar residential-serving uses."

The requested zone change is in partial conformance with the Plan's locational guidelines.

- Development Pattern Outside the Established Central Area:
  - "Strip commercial development along arterials should be discouraged except along established commercial corridors and highways." South of West 31<sup>st</sup> Street, South Seneca Street is not a commercial corridor. There is a greater presence of commercial development on the west side of the street. The east side of the street is primarily residential development. However, the rezoning of the subject site is an orderly extension of commercial uses along the arterial roadway based on the existing commercial zoning in the immediate vicinity.
  - "Major commercial development should be guided toward the intersection of two arterial streets." The subject site is within one-block south of the arterial intersection and adjacent to commercial development across the street to the west. The current residential development on the east side of South Seneca is separated from the commercial development by a platted alley.
- Land Use Compatibility Outside the Established Central Area
  - "Except in mixed-use developments, residential and non-residential development areas generally should be separate and distinct with appropriate screening and buffering to ensure compatibility among land uses while maintaining connectivity among uses." A drive access on South Walnut Street would permit light trespass from vehicle headlights onto adjacent residential properties to the east. The recommended PO requires sufficient screening to block headlights from shining onto adjacent, residential properties.
- General Site Design Elements
  - "Ingress/Egress locations to non-residential uses generally should not access residential streets unless such access will not negatively impact nearby residential areas." Having access to South Walnut Street could increase the amount of traffic on to the residential street from vehicles using it for ingress/egress to the commercial site.

**RECOMMENDATION:** Based on the information available at the time the staff report was prepared, it is recommended that the zoning change application from SF-5 Single-Family Residential District to LC Limited Commercial District be **APPROVED** subject to Protective Overlay #408

Protective Overlay #408

1. Uses shall be limited to those permitted by-right in the NR Neighborhood Retail District, in addition to

- restaurant with drive-thru as permitted in the LC Limited Commercial District.
2. If developed commercially, access to South Walnut Street is prohibited.
  3. The applicant shall provide screening along the east property line sufficient to block the trespass of headlights. Screening may be accomplished through a screening fence, evergreen landscaping (trees and/or shrubs), or a combination thereof. If evergreen landscaping is used, plants shall be at least three (3) feet in height at the time of planting and spaced in such a way to create the effect of solid screening.
  4. A landscape plan illustrating all required landscaping shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

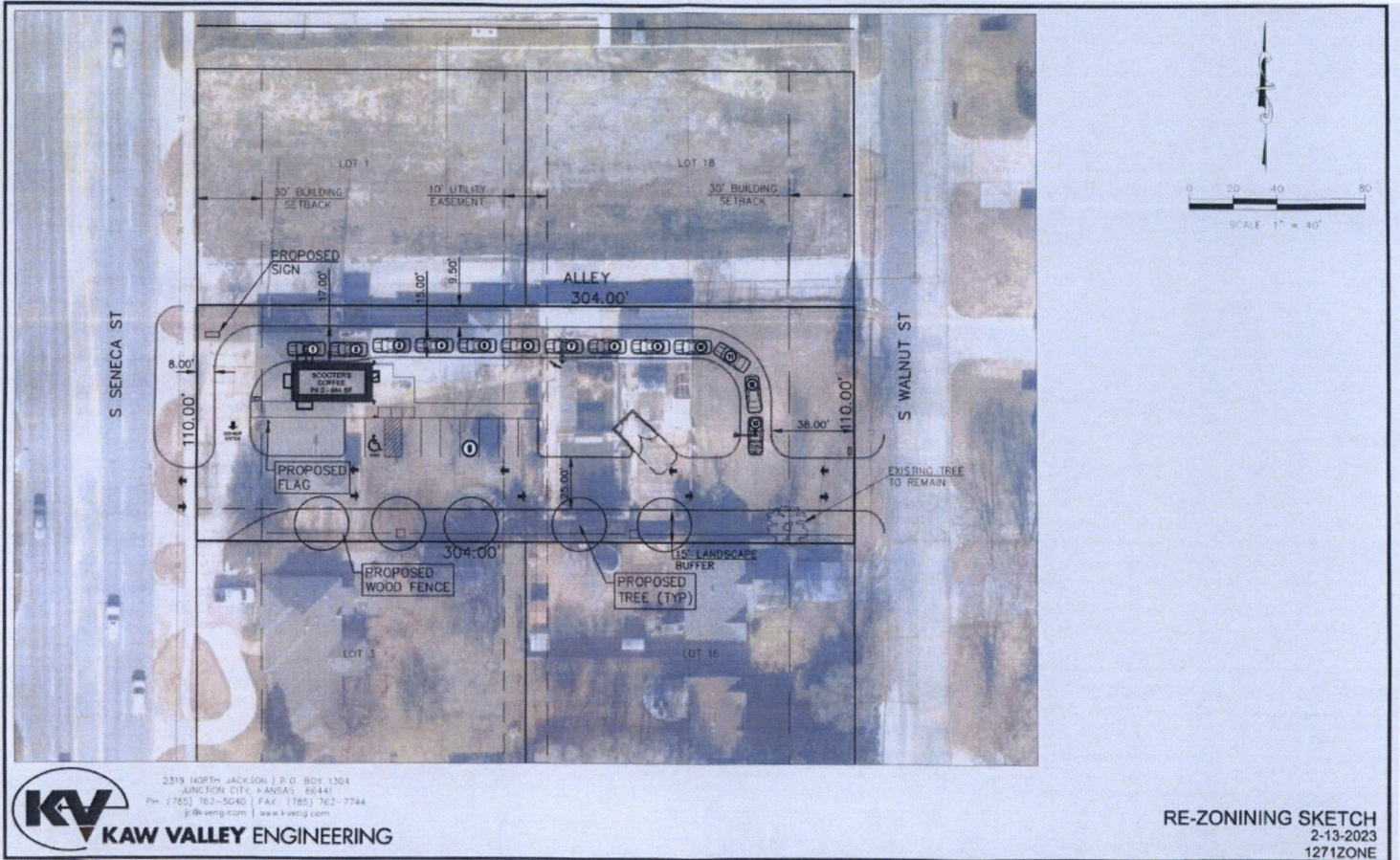
This recommendation is based on the following findings:


1. The zoning, uses, and character of the neighborhood: Directly north of the subject site is a platted alley. Property north of the platted alley is zoned LC Limited Commercial District and is undeveloped. This property is owned by the QuikTrip Corporation for possible future expansion of the existing gas station and convenience store that abuts to the north. Properties to the east are zoned TF-3 Two-Family Residential District and are developed with duplexes. Properties to the south are zoned SF-5 Single-Family Residential District and developed with single-family dwellings. Property to the east is zoned LC Limited Commercial District (with BZA2007-15 for a 16 percent parking reduction) and developed with a retail grocery store and gas station.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned SF-5 Single-Family Residential District and developed with a single-family dwelling and accessory structures. The site is suitable to remain in use as currently zoned. The SF-5 District also provides opportunity for a limited number of civic uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zone change to LC Limited Commercial District could have detrimental impacts on abutting and adjacent residential properties such as noise, light pollution, headlight trespass, and increase in traffic. The provisions of the recommended Protective Overlay are designed to help mitigate the possible negative impacts.
4. Length of time the property has remained vacant as currently zoned: The property is currently developed. It is unknown how long the existing single-family dwelling has been unoccupied.
5. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will permit additional commercial uses to encroach closer to abutting and adjacent residential properties, which could have a negative impact on the welfare of those residents with an increase in commercial traffic, noise, and headlight trespass. The proposed Protective Overlay is designed to help mitigate those possible negative impacts to help protect the rights of the adjacent property owners. Denial of the application would represent possible economic loss to the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request zone change is in partial conformance with the *Community Investments Plan* as discussed in the staff report.
7. Impact of the proposed development on community facilities: Approval of this request is not expected to generate any additional impact on community facilities. Existing infrastructure at the site should be able to accommodate the proposed use.
8. Opposition or support of neighborhood residents: At the time of publication of the staff report, one comment

has been received from a nearby property owner with a request for more information for them to determine the possible impact of this development on their property.

**Staff Report Attachments:**

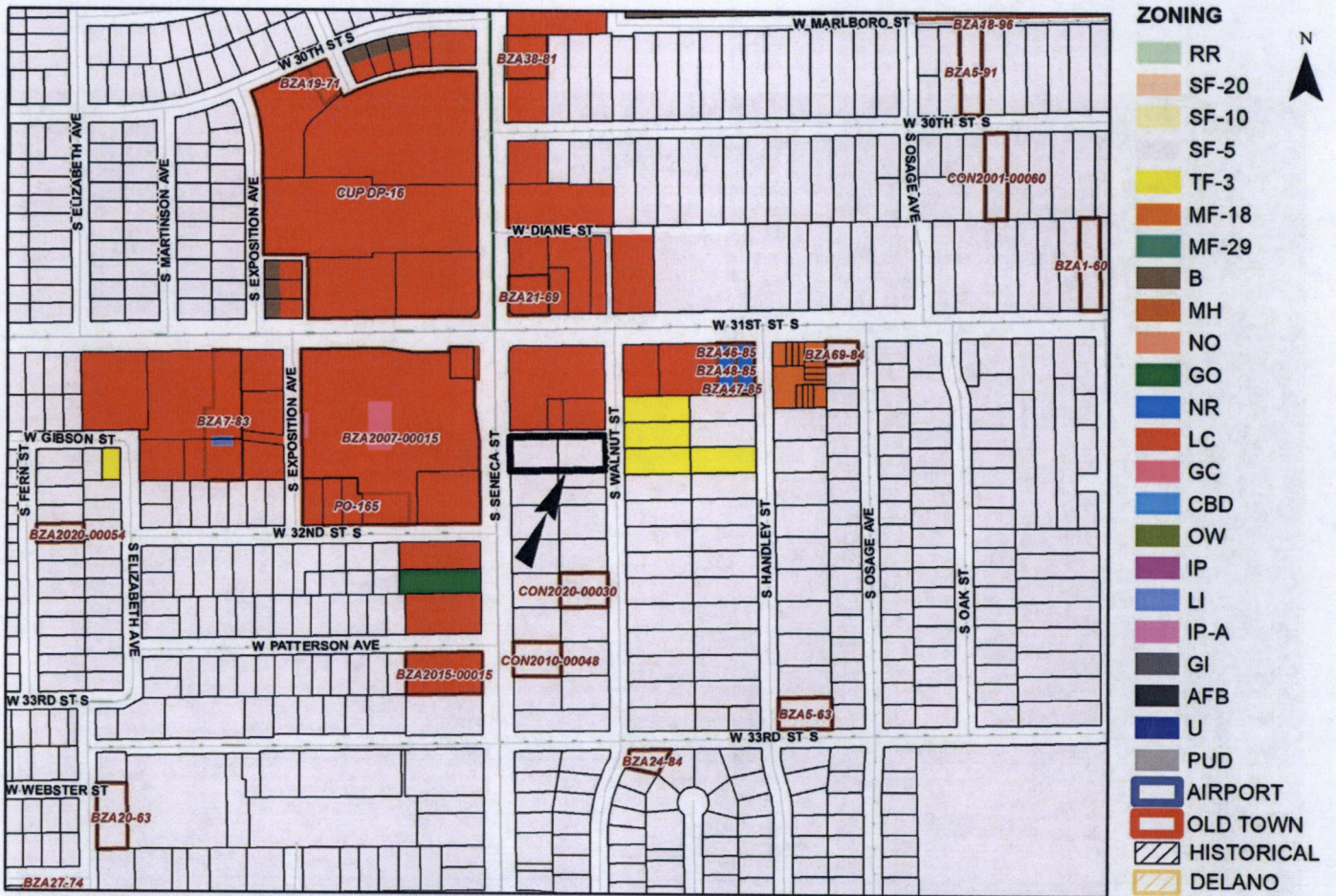
- 1) Proposed Site Plan
- 2) Aerial Map
- 3) Zoning Map
- 4) Land Use Map
- 5) Photos




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**KAW VALLEY ENGINEERING**

**RE-ZONING SKETCH**  
 2-13-2023  
 1271ZONE












**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
- HISTORICAL
- DELANO






**2035 Wichita  
Future Growth  
Concept Map**









**Legend**

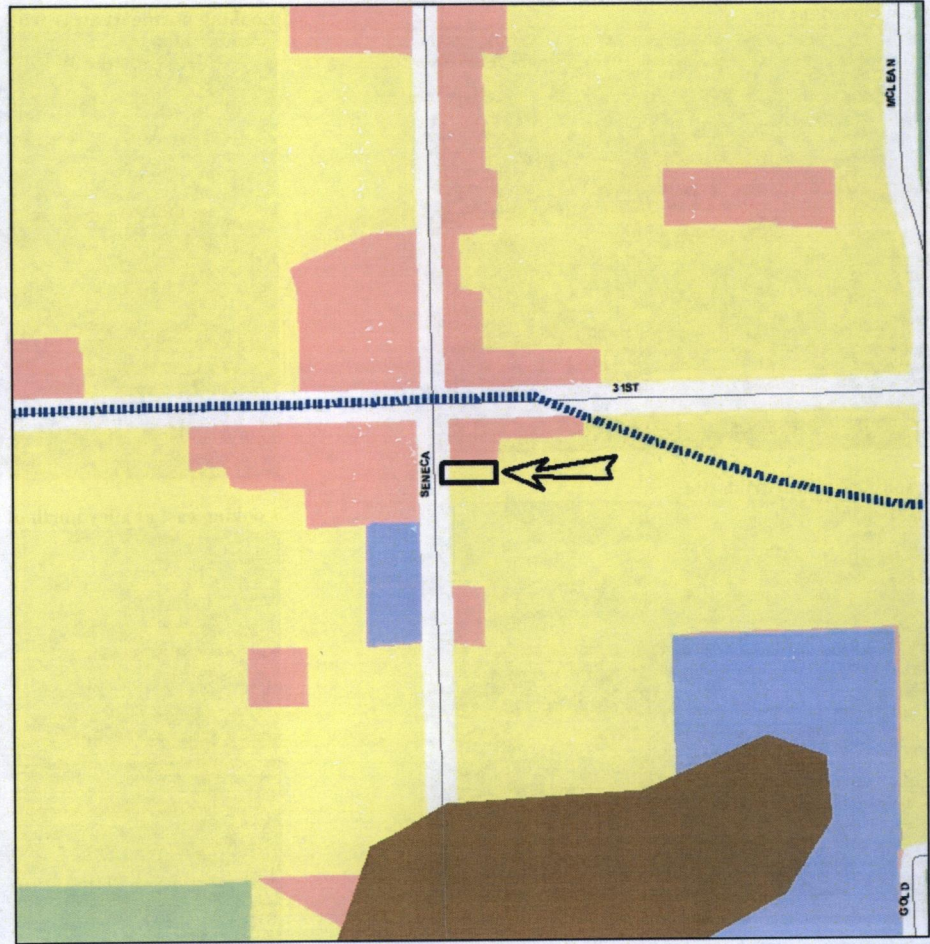
-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

**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



Looking east toward the site



Looking northeast away from site



Looking southeast away from site



Looking east at alley north of site



**Looking west at site from Walnut**



**Looking northeast way from site on Walnut**

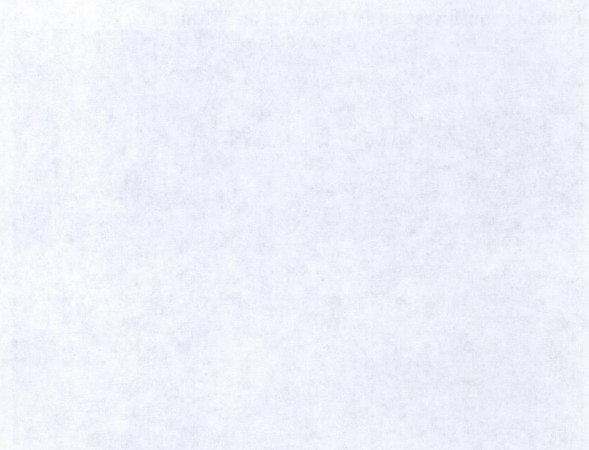
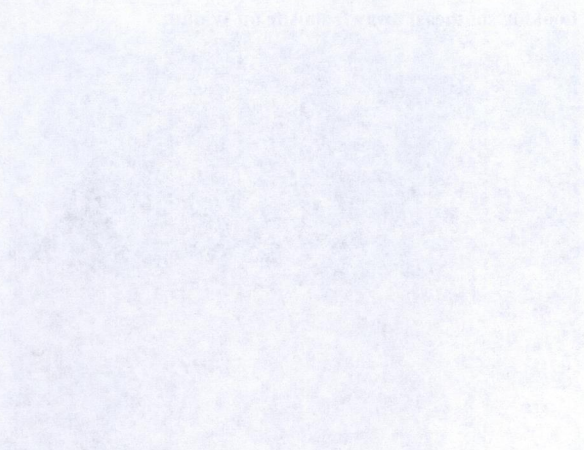
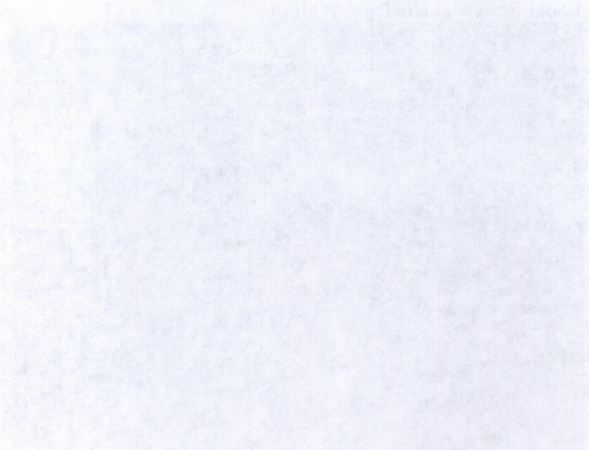
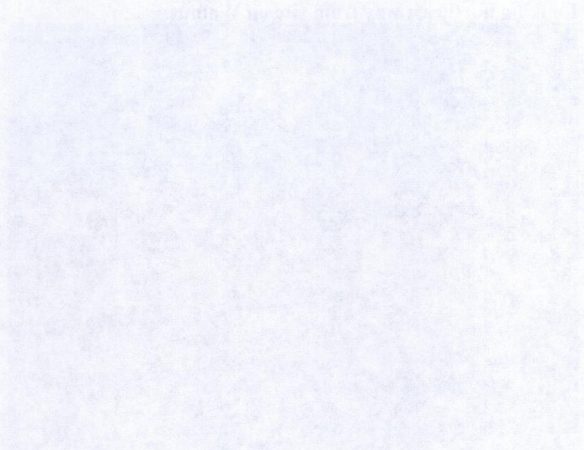


**Looking southwest away from site on Walnut**



**Looking southeast away from site on Walnut**





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