



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

November 27, 2023

W.G. Enterprises, LLC
8100 East 22nd Street N
Building 1700-2
Wichita, KS 67226

RE: ZON2023-00054: Zone change request in the City from LC Limited Commercial District to GC General Commercial District to Permit a Microbrewery in the Existing Restaurant/Bar generally located on the northeast corner of East Douglas Avenue and North Oliver Avenue (4800 East Douglas Avenue).

Dear Applicant;

An earlier letter sent out failed to mention the PO that was attached to the Zone Change. This has been corrected below:

At its regular meeting on **November 21, 2023**, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request.

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 'Brad Eatherly'.

Brad Eatherly
Current Plans
Senior Planner

Copies to: Brandon Johnson, Council Member District I
Tasha Hayes, CSR, District I
MABCD
Douglas Oliver Partners, LLC, 8110 East 32nd Street North Suite 150, Wichita, KS 67226

Protective Overlay #422

1. Uses are restricted to those permitted by-right in the LC Limited Commercial District in addition to Microbrewery as permitted in the GC General Commercial District.

(Corrected and republished in the Wichita Eagle, March 7, 2024)

ORDINANCE NO. 52-297

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. ZON2023-00054

City Zone Change from LC Limited Commercial District to GC General District subject to provisions of Protective Overlay #422, on property described as:

Lot 19, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas, together with the West Half of the vacated alley adjoining said Lot on the East and the South Half of the vacated alley adjoining said Lot on the North.

Protective Overlay #422

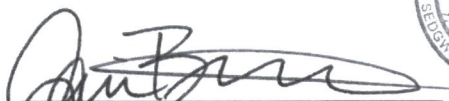
1. Uses are restricted to those permitted by-right in the LC Limited Commercial District in addition to Microbrewery as permitted in the GC General Commercial District.

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.

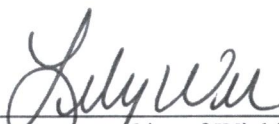
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 28th day of November, 2023.

ATTEST:


Jamie Buster, City Clerk
(SEAL)




Lily Wu, Mayor, City of Wichita

Approved as to form:


Jennifer Magaña, City Attorney and Director of Law



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
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The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	527877	Print Legal Ad-IPL01628700 - IPL0162870	ORD#52-297	\$59.73	1	71 L

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

JMBuster@wichita.gov

OCA 150004
(Corrected and republished in
the Wichita Eagle,
March 7, 2024)
ORDINANCE NO. 52-297

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City Zone Change from LC Limited Commercial District to GC General District subject to provisions of Protective Overlay #422, on property described as:
Lot 19, Block 8, East Boulevard Addition, Wichita, Sedgwick County, Kansas, together with the West Half of the vacated alley adjoining said Lot on the East and the South Half of the vacated alley adjoining said Lot on the North. Protective Overlay #422
Uses are restricted to those permitted by-right in the LC Limited Commercial District in addition to Microbrewery as permitted in the GC General Commercial District.

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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 28th day of November, 2023.

Lily Wu, Mayor, City of Wichita

ATTEST:

Approved as to form:
Jamie Buster, City Clerk
(SEAL)

Jennifer Magana, City Attorney and
Director of Law
IPL0162870
Mar 7 2024

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

1 insertion(s) published on:

03/07/24

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 03/07/2024 to 03/07/2024.

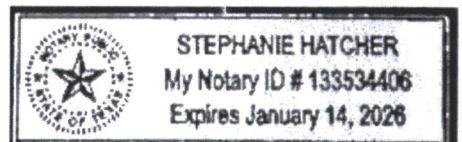
Stefani Beard

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

DATED: 03/07/2024

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	468101	Print Legal Ad-IPL01401430 - IPL0140143		\$218.92	3	87 L

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on September 21, 2023
(One Time Only)

MAPC/EZA October 12, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 12, 2023, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held 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 Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. CON2023-00048: Conditional Use request to allow a detached Accessory Apartment to a single-family dwelling in the TF-3 Two-Family Residential District; generally located on the southwest corner of East 2nd Street North and North Yale Avenue (247 North Yale). CON2023-00049: Conditional Use request in the City for Accessory Apartment; located within one-half mile southwest of the intersection of West Central Avenue and North Tyler Road (357 North Westfield). CUP2023-00030: CUP Amendment in the City to remove residential property from the Neville Property CUP DP-241 (associated with ZON2023-00052 from LC to GC), permit indoor/outdoor storage, and permit billboards; generally located on the northeast corner of West Kellogg Drive and South 167th Street West. RUD2023-00009: Amendment to RUD #115 to add two parcels to reflect the approved plat; generally located one-quarter mile west of West 135th Street, on the south side of West 21st Street North. VAC2023-00037: Vacation request within the City to allow vacation of a portion of the platted Right of Way and a platted building setback to build duplex on property, generally located at the intersection of South Dodge Avenue and West 44th Street South (1132 W 44th St South, 1206 W and 44th St S). VAC2023-00038: Vacation request in the city to vacate 42 feet of platted 67 feet front building setback to allow for redevelopment of the property, in LC Limited Commercial Zone; generally located on the North of E Harry Street and 666 feet East of South Clifton Avenue (3802 E Harry). VAC2023-00039: Vacation request in the city to vacate an existing Roadway easement, zoned SF-5 Single Family Residential; generally located to the east of Jackson Heights Street and 690 feet north of E Douglas Avenue (200 N Jackson Heights Street, 250 N Jackson Heights Street). ZON2023-00052: Zone change request in the City from LC Limited Commercial to GC General Commercial to permit Vehicle Storage Yard as a permitted use within CUP DP-241 (with CUP2023-30); generally located on the northeast corner of West Kellogg and South 167th Street West. ZON2023-00053: Zone change request in the City from SF-5 Single Family Residential to TF-3 Two Family Residential to build duplexes on Lots 28-41, Block C, Angel Fire Addition; generally to the east of South Kessler Street and south of West Angel Street. ZON2023-00054: Zone change request in the City from LC Limited Commercial to GC General Commercial to permit a microbrewery in the existing restaurant/bar; located on the northeast corner of East Douglas Avenue and North Oliver Avenue (4800 East Douglas Avenue).

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.

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

<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBibGJQTDFVb0xPVDBXU0R>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16899006833, 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/4089866967>

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

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

WITNESS MY HAND on September 21, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0140143

Sept 21 2023

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

09/21/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 09/21/2023 to 09/21/2023.

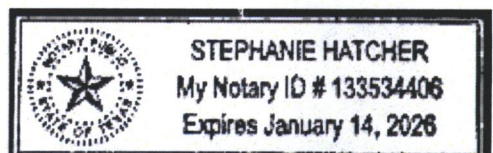
Stefani Beard

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

DATED: 09/21/2023

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: October 12, 2023
 DAB I: October 2, 2023

CASE NUMBER: ZON2023-00054 (City)

APPLICANT/AGENT: W.G. Enterprises (Applicant)

REQUEST: GC General Commercial District

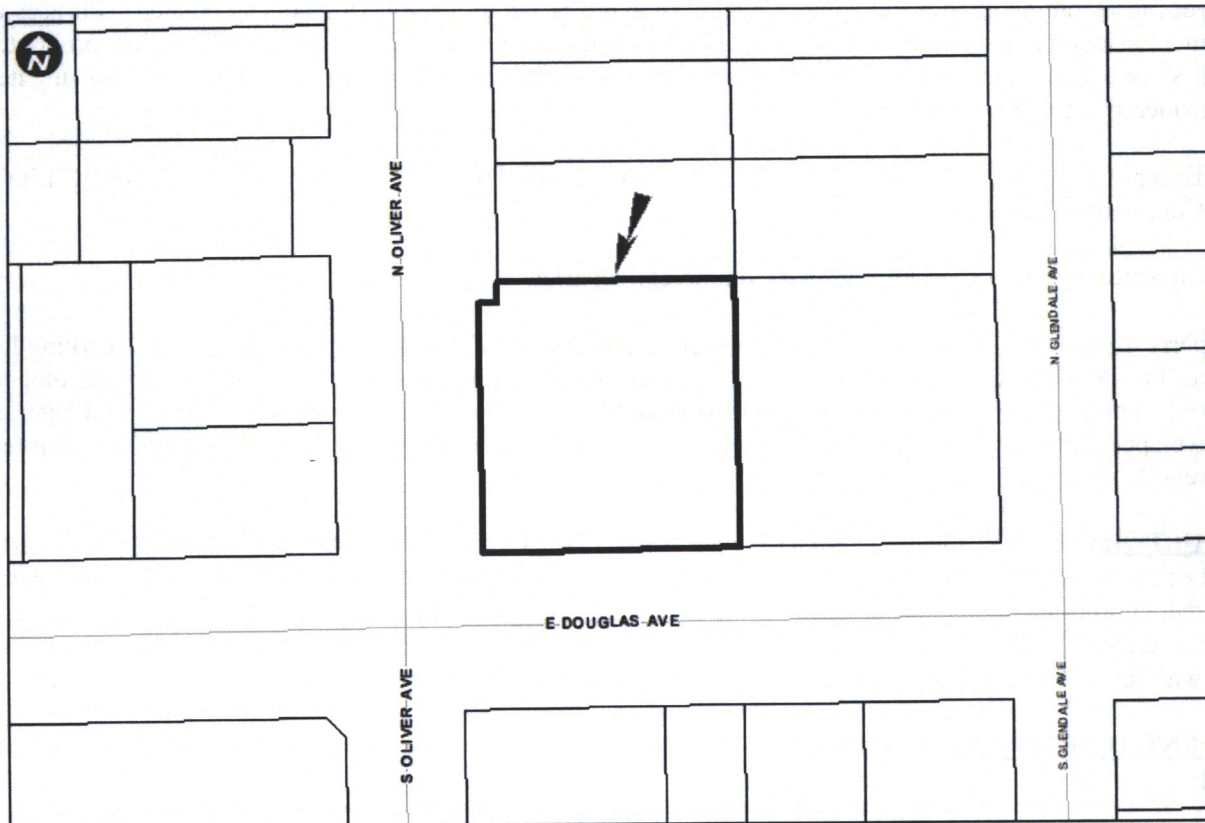
CURRENT ZONING: LC Limited Commercial Districts

SITE SIZE: 0.40 acres

LOCATION: Generally located on the northeast corner of East Douglas Avenue and North Oliver Avenue, (4800 East Douglas Avenue).

PROPOSED USE: Include a Microbrewery to the existing restaurant.

RECOMMENDATION: Approve with a Protective Overlay.



BACKGROUND: The applicant is requesting a zone change from LC Limited Commercial District to GC General Commercial District in order to include a Microbrewery to an existing restaurant on the site located on the northeast corner of East Douglas Avenue and North Oliver Avenue (4800 East Douglas Avenue). The site is currently developed with a restaurant. The western half of the building has been vacated and the applicant proposes to add a Microbrewery to the existing restaurant. They are not able to do so under the existing zoning because the land use of Microbrewery is not allowed in the LC Limited Commercial District. They do not intend to permit additional uses on site. The applicant has requested a Protective Overlay to limit the additional use to only a Microbrewery.

No changes to the existing building are proposed, other than an interior remodel to add a Microbrewery; however below is a comparison of the building setbacks and other development standards in the LC and GC Districts:

Development Standard	LC Limited Commercial District	GC General Commercial District
Minimum lot area	2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 580 square feet per Dwelling Unit for Multi-Family (maximum 75.1 Dwelling Units per acre); no minimum for nonresidential uses	2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 580 square feet per Dwelling Unit for Multi-Family (maximum 75.1 Dwelling Units per acre); no minimum for nonresidential uses
Minimum lot width	No minimum	No minimum
Front setback	20 feet	20 feet
Rear setback	10 feet	No minimum
Interior side setback	Zero feet or 5 feet	Zero feet or 5 feet
Street side setback	10 feet	No minimum
Maximum height	80 feet	80 feet

Staff agrees in recommending a Protective Overlay to avoid possible negative impacts associated with uses and development standards that are permitted in the GC General Commercial District that would be inappropriate in this area. Since the applicant is not looking to change the use on the site, staff is recommending the following items to be considered in the Protective Overlay:

1. Except for the Use of Microbrewery, Uses shall be restricted to those permitted by-right in the LC Limited Commercial District.
2. Signage shall be per the LC Limited Commercial District.

The property to the north is zoned NR Neighborhood Retail District and is developed with a surface parking lot that serves the subject site. The property to the east is zoned LC Limited Commercial District and is developed with a bank. The property to the south, across East Douglas Avenue is zoned LC Limited Commercial District and is developed with stores and a restaurant. The property to the west, across Oliver Avenue, is zoned LC Limited Commercial District and is developed with a strip mall.

CASE HISTORY: In 1930, the property was platted as part of the East Boulevard Addition. In 2013, the property received an administrative adjustment to reduce parking by approximately 11 percent from 77 spaces to 68 spaces and the reduction of the street side setback on the B-zoned parking located on Lot 18, Block 8, East Boulevard Addition to eight (8) feet. Also in 2013, the 20-foot wide public alley located to the north of the subject site was vacated with ten feet being applied to the subject site and ten feet being applied to the site to the north.

ADJACENT ZONING AND LAND USE:

NORTH:	NR	Parking lot
SOUTH:	LC	Restaurant, Retail store
EAST:	LC	Bank
WEST:	LC	Strip mall

PUBLIC SERVICES: East Douglas Avenue is a paved, four-lane arterial street with a left-hand turn lane directly in front of the subject site, with sidewalks on both sides. North Oliver Avenue is a paved, four lane arterial street with a left-hand turn lane directly west of the subject site, with sidewalks on both sides. Wichita Transit does provide regular bus service along both East Douglas Avenue and North Oliver Avenue with a bus stop at the southwest corner of Douglas and Oliver Avenues. The site is already served by municipal water and sanitary sewer services.

CONFORMANCE TO PLANS/POLICIES: The following plans govern the site:

The Community Investments Plan: The requested zone change is in conformance with *The Community Investments Plan*. The requested zone change is 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 Commercial uses, which is defined as the full diversity of commercial land uses typically found in a large urban municipality. The Locational Guidelines of the comprehensive plan encourage infill development that maximizes public investment in existing and planned infrastructure and services. The existing LC Limited Commercial District zoning and existing use of a restaurant is appropriate considering the proximity to low-density residential to the north and east. The recommended Protective Overlay, which will restrict all other uses permitted in the GC General Commercial District except that of Microbrewery, is designed to prohibit significant negative impacts associated with the proposed GC General Commercial District zoning.

Wichita: Places for People Plan: The requested zone change is in conformance with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as "a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles."

- **Strategies:** The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested zone change is in conformance with Strategy 6, "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The East Douglas Avenue/Oliver Avenue intersection is primarily a commercial intersection. Permitting the addition of a Microbrewery to an existing restaurant is contextual to the environment. The provisions of the recommended Protective Overlay restrict the site to a use and standards that are contextual to the environment.
- **Current Condition:** The subject site is located within an area identified as an "Area of Stability." The Places for People Plan defines Areas of Stability as "locations within the Established Central Area that exhibit less stress, or fewer economic, connectivity and accessibility issues than the Areas of Opportunity. Areas of Stability require fewer interventions and potentially less public investment to maintain a stable development environment and community." The existing businesses around this intersection are examples of economic stability in the area. The provisions of the recommended Protective Overlay restrict the site to a use and standards that are contextual to the environment.

RECOMMENDATION: Based on the information available at the time the staff report was prepared, it is recommended that the zoning change application from LC Limited Commercial District to GC General Commercial District be **APPROVED** subject to Protective Overlay #422.

Protective Overlay #422:

1. Except for the Use of Microbrewery, Uses shall be restricted to those permitted by-right in the LC Limited Commercial District.
2. Signage shall be per the LC Limited Commercial District.

This recommendation is based on the following findings:

1. The zoning, uses, and character of the neighborhood: The property to the north is zoned NR Neighborhood Retail District and is developed with a surface parking lot that serves the subject site. The property to the east is zoned LC Light Commercial District and is developed with a bank. The properties to the south are zoned LC Limited Commercial District and are developed with a retail shop and a restaurant. The property to the west is zoned LC Limited Commercial District and is developed with a strip mall.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LC Limited Commercial District and is suitable for the restaurant use that currently operates on the site. The applicant is proposing to add a Microbrewery to the site in addition to the restaurant. The provisions of the recommended Protective Overlay retain the spirit and intent of the existing zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zone change to GC General Commercial District could have negative impacts on surrounding properties in that it permits a wide array of commercial uses, several of which are considered inappropriate at this location. However, the provisions of the recommended Protective Overlay are designed to mitigate possible negative impacts.
4. Length of time the property has remained vacant as currently zoned: The property is currently developed with a restaurant.
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 the site to increase the applicant's economic value. The proposed Protective Overlay is designed to help mitigate possible negative impacts to help protect the rights of the adjacent property owners. Denial of the application may represent possible economic loss to the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zone change is in conformance with the *Community Investments Plan* and the *Wichita: Places for People 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, staff has received no comments or questions regarding the proposed zone change.

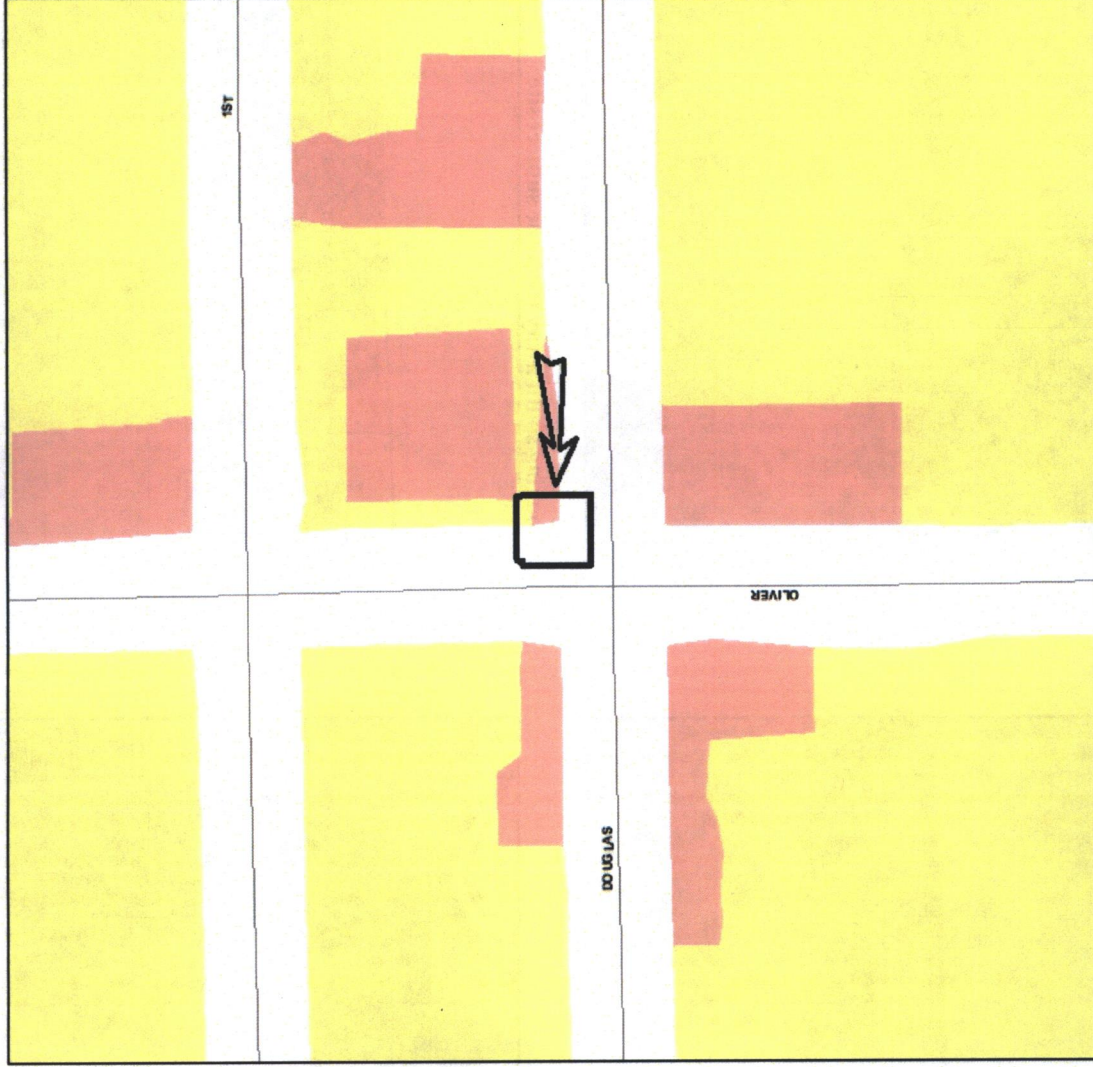
Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Photos

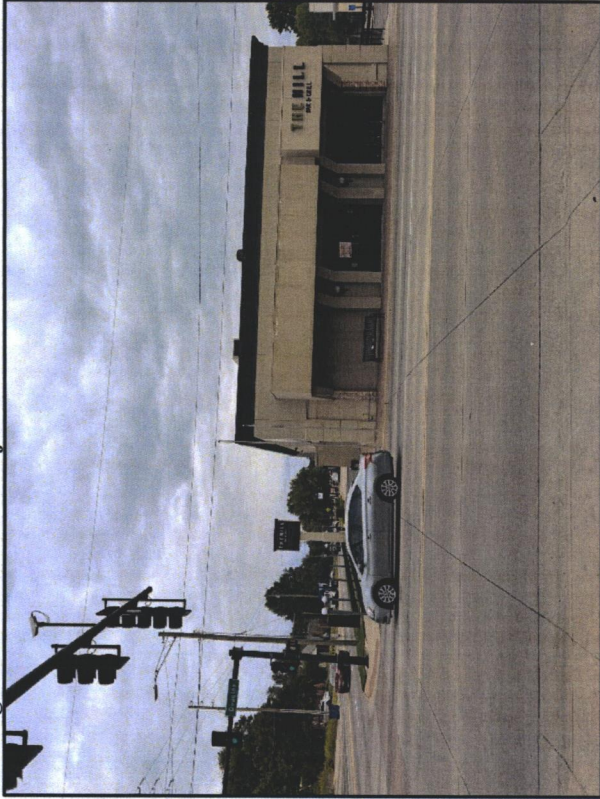


2035 Wichita Future Growth Concept Map

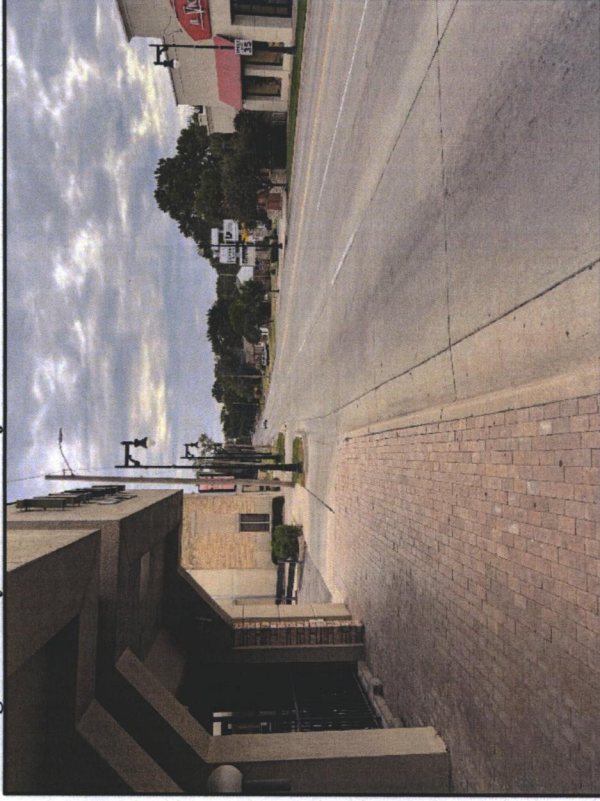
- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Small City Urban Growth Areas
 - Small City Urban Growth Areas
 - Rural Areas
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood/Area Plans



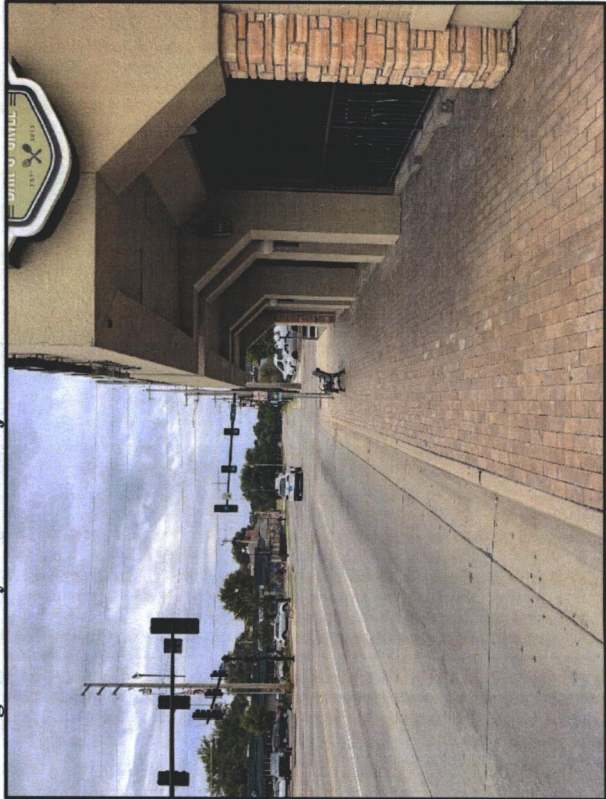
Looking north toward the subject site



Looking east away from the subject site



Looking west away from the subject site



Looking south away from the subject site

