



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

February 13, 2024

HJ Development, LLC
115 S. Rutan #8D
Wichita, KS, 67218

RE: ZON2023-000074 – Zone Change request in the City from LC Limited Commercial District to OW Office Warehouse District, generally located on the west side of North Broadway Avenue and 300 feet north of 13th Street North (1451 North Broadway Avenue).

Dear Applicant,

At its regular meeting on **February 13, 2024**, 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: Maggie Ballard, Council Member, District VI
Ana Lopez, CSR, District VI
MABCD



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

HJ Development, LLC
115 S. Rutan #8D
Wichita, KS, 67218

January 11, 2024

RE: ZON2023-000074 – Zone Change request in the City from LC Limited Commercial District to OW Office Warehouse District, generally located on the west side of North Broadway Avenue and 300 feet north of 13th Street North (1451 North Broadway Avenue).

Dear applicant,

At its regular meeting on **January 11, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request to change zoning from SLC Limited Commercial District to OW Office Warehouse District.

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 January 25, 2024. 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 **January 25, 2024, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) VI on **Wednesday, January 17, 2023** beginning at 6:30 p.m. at the Evergreen Community Center and Library (2601 N Arkansas). For more information on this meeting, please contact Community Services Representative for District VI, Ana Lopez at (316) 303-8043 or alopez@wichita.gov. This application will be presented to the Wichita City Council on **Tuesday, February 13, 2024** 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 316-268-4421.

Sincerely,

Brad Eatherly

Current Plans
Senior Planner

CC: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON February 23, 2024

ORDINANCE NO. 52-345

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. ZON2023-00074

Zone change request in the City from LC Limited Commercial District to OW Office Warehouse District zoning subject to the provisions of Protective Overlay #426, on property legally described as:

Lots 11, 12, 13, Lawrence Avenue, Hartle's Addition to Wichita, Sedgwick County, Kansas

Protective Overlay #426

1. Landscaped screening shall be incorporated on south property line where subject site abuts Single-Family Residence use. Landscaping shall conform to Sec. IV-B.3.d.(2).

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.

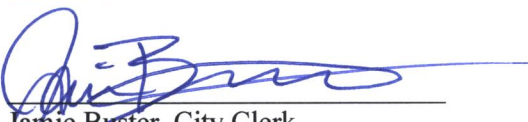
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 20th day of February, 2024.



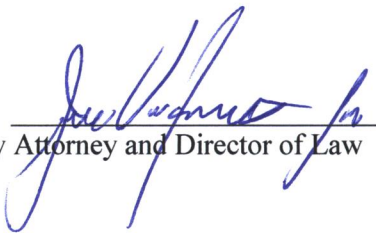
Lily Wu, Mayor, City of Wichita

ATTEST:



Jamie Buster, City Clerk
(SEAL)



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
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	523089	Print Legal Ad-IPL01607950 - IPL0160795	ORD#52-345	\$57.21	1	68 L

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

JMBuster@wichita.gov

**OCA 150004 PUBLISHED
IN THE WICHITA EAGLE ON
February 23, 2024
ORDINANCE NO. 52-345**

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. ZON2023-00074
Zone change request in the City from LC Limited Commercial District to OW Office Warehouse District zoning subject to the provisions of Protective Overlay #426, on property legally described as:

Lots 11, 12, 13, Lawrence Avenue, Hartle's Addition to Wichita, Sedgwick County, Kansas
Protective Overlay #426
Landscaped screening shall be incorporated on south property line where subject site abuts Single-Family Residence use. Landscaping shall conform to Sec. N-B.3.d.(2).

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 20th day of February 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk
(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and
Director of Law
IPL0160795
Feb 23 2024

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

1 insertion(s) published on:
02/23/24

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 02/23/2024 to 02/23/2024.

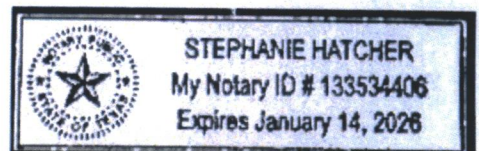
Stefani Beard

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

DATED: 02/28/2024

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!



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
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Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	501875	Print Legal Ad-IPL01524820 - IPL0152482		\$144.27	2	86 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 December 21, 2023
(One Time Only)
MAPC/EZA January 11, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 11, 2024, 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 in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. 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.

BZA2023-00065: Variance request in the City to remove the landscape buffer requirements on the north and south sides of the property zoned TF-3 Two-Family Residential District, generally located on the east side of South 167th Street West, south of West Apollo Street.

CUP2023-00046: Minor Amendment to CUP DP-21 to allow a car wash on Parcel 14 zoned LC Limited Commercial, generally located on the west side of South Seneca Street and within one-quarter mile south of West Pawnee Avenue.

VAC2023-00053: Vacation request in the City to vacate the plat's text in Reserve A on property zoned TF-3 Two-Family Residential District, generally located on the east side of South 167th Street West, within 1500 feet north of U.S. Highway 54.

VAC2023-00054: Request in the City to vacate a portion of the front building setback for a Carwash on property zoned LC Limited Commercial District, generally located on the west side of South Seneca Street and within one-quarter mile south of West Pawnee Avenue.

ZON2023-00072: Request in the City to amend Protective Overlay #11 to permit additional uses on property zoned LC Limited Commercial; located on the north side of West Maple Street, within one-quarter mile west of South 135th Street West (13710 West Maple St.).

ZON2023-00073: Zone change request in the City from NO Neighborhood Office and MF-29 Multi-Family Residential to LC Limited Commercial to allow for a mixed-use building, generally located on the east side of North Waco Avenue, within 150 feet south of West 9th Street North.

ZON2023-00074: Zone Change request in the City from LC Limited Commercial to OW Office Warehouse for contractor warehousing, generally located 300 feet north of 13th Street North and on the west side of North Broadway (1451 North Broadway).

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:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/planning>.

WITNESS MY HAND on December 21, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0152482

Dec 21 2023

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

1 insertion(s) published on:

12/21/23

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 12/21/2023 to 12/21/2023.

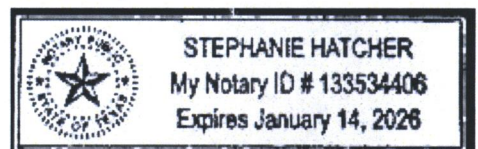
Stefani Beard

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

DATED: 01/03/2024

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!

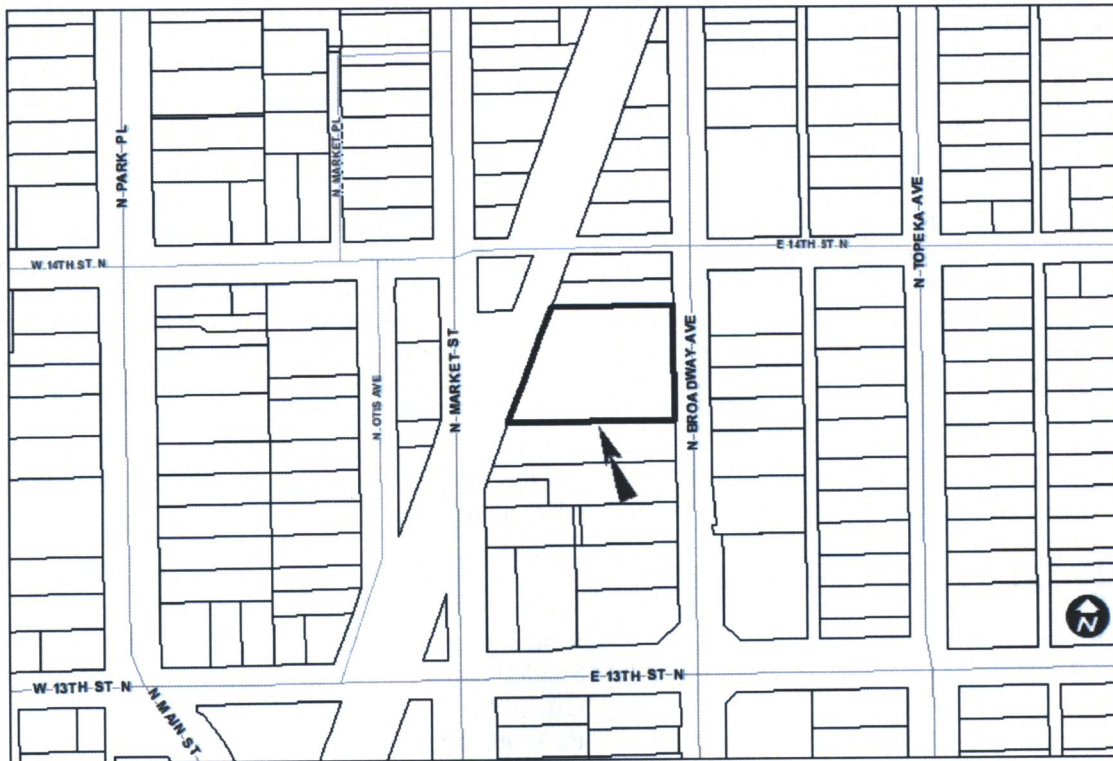


STAFF REPORT

MAPC: January 11, 2024

DAB VI: January 9, 2024

<u>CASE NUMBER:</u>	ZON2023-00074 (City)
<u>APPLICANT/AGENT:</u>	Hamid Bakhtiarri and Jonathon Nyugen (Owners)
<u>REQUEST:</u>	OW Office Warehouse District
<u>CURRENT ZONING:</u>	LC Limited Commercial District
<u>SITE SIZE:</u>	0.95 acres
<u>LOCATION:</u>	Generally located on the west side of North Broadway Avenue and 300 feet north of 13 th Street North (1451 North Broadway Avenue).
<u>PROPOSED USE:</u>	Warehousing for contractors.
<u>RECOMMENDATION:</u>	Denial.



BACKGROUND: The applicants are requesting a zone change from LC Limited Commercial District to OW Office Warehouse District. The 0.95-acre, platted property is currently vacant. The property is generally located on the west side of North Broadway Avenue and 300 feet north of 13th Street North (1451 North Broadway Avenue). The applicants propose to build twelve warehouse/office units for contractors to utilize.

Warehousing as a use is a permitted use in the OW Office Warehouse District. The requested zone change to OW Office Warehouse would not have a reduction in setbacks, but would impose lower maximum height, as seen in the table below:

Property Development Standards	LC Limited Commercial District	OW Office Warehouse District
Minimum lot area	None	5,000 square feet
Front setback	20 feet	20 feet
Rear setback	10 feet	10 feet
Interior Side Setback	0 feet or 5 feet	0 feet or 5 feet
Maximum height	80 feet	45 feet
Minimum lot width	No minimum	No minimum

The subject site is not abutting any residential zoning districts, therefore it would not have to comply with compatibility setbacks or height restrictions.

The subject site would not be required to be screened from adjacent properties because all abutting zoning districts are non-residential. However, staff is recommending a Protective Overlay that would require the property owner to provide landscaped screening where the south property lines abut an existing single-family dwelling. The subject site would be required to provide a landscaped street yard in accordance with the City of Wichita Landscape Ordinance.

The property to the north is zoned LC Limited Commercial District and is developed with a restaurant and a retail store. The property to the south is zoned LC Limited Commercial District and is developed with a single-family residence. The property to the east, across North Broadway Avenue, is zoned LC Limited Commercial District and GC General Commercial and is developed with a residential building. The county tax records indicate that the use of the property is an office/warehouse, but that it is also used as a residence. The property to the west is zoned TF-3 Two-Family Residential District and is developed with a park/green space.

CASE HISTORY: On March 7, 1910, the subject site was platted as Lots 11, 12, and 13 of the Hartle Addition. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Restaurant, Retail Store
SOUTH:	LC	Single-Family Residence
EAST:	LC and GC	Office/Warehouse and Residence
WEST:	LC and TF-3	Park/Green Space

ZON2023-00074

Metropolitan Area Planning Commission

PUBLIC SERVICES: The subject site has access to North Broadway Avenue, a three-lane arterial with sidewalks on both sides. Municipal services, such as water and sewer, already serve the site. Wichita Transit serves the area with a stop at the corner of East 14th Street North and North Broadway Avenue

CONFORMANCE TO PLANS/POLICIES: The requested zone change is not in conformance with the following plans:

The Community Investments Plan: The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for “Commercial.” Commercial is defined as “*areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high volumes of traffic are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types.*” Warehousing is considered an industrial use in both the UZC and the *Community Investments Plan*, which would indicate the location is not an ideal property for the requested use.

The request is in conformance with the Land Use Compatibility Locational Guidelines of the Comprehensive Plan. These guidelines recommend “*encouraging infill development that maximizes public investment in existing and planned infrastructure and services.*” The applicants are proposing to develop on an underutilized parcel in the city.

Wichita: Places for People Plan: The requested zoning is not 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 Wichita: Places for People Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. Because of the proposed use, the requested zone change does not align with the design principles of Places for People by “*encouraging infill and redevelopment that is contextual to the environment.*”
- **Current Condition:** The subject site is located within an area identified as an “Area of Opportunity.” The Places for People Plan defines Areas of Opportunity as “*...those areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically and socially.*”

Midtown Neighborhood Plan: The requested zoning is not in conformance with the *Midtown Plan*. The *Plan*’s Future Land Use Concept states that it “prefers residential over commercial uses”. Where that is not feasible, the *Plan* calls to “Encourage neighborhood-serving businesses,” and to “Promote mixed-use opportunities along 13th and Broadway,” in its Goals, Objectives, and Strategies. Warehousing is an industrial use that would not serve the neighborhood. Neighborhood-serving business include, typically, non-chain restaurants and retail that would also be accessible to local pedestrians.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be **DENIED**.

This recommendation is based on the following findings:

1. The zoning, uses, and character of the neighborhood: The character of the neighborhood is mixed use. The property to the north is zoned LC Limited Commercial District and is developed with restaurant and a retail store. The property to the south is zoned LC Limited Commercial District and is developed with a single-family residence. The property to the east, across North Broadway Avenue, is zoned LC Limited Commercial District and GC General Commercial and is developed with an office/warehouse. The property to the west is zoned TF-3 Two-Family Residential District and is developed with a park/green space.
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned LC Limited Commercial District which allows for the development of a variety of commercial, residential and civic uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: An increase in traffic and noise can be expected on the subject site, which could negatively affect nearby property. Outdoor storage of materials could also negatively impact the aesthetics of the neighborhood and nearby property owners. If approved, the conditions of approval are designed to minimize possible detrimental impacts.
4. Length of time subject property has remained vacant as zoned: It is unknown how long the subject site has been vacant.
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 would bring industrial development to a commercially zoned property and surrounding area with residential uses nearby. Denial may result in the loss of use and enjoyment for the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed Conditional Use is not in conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan* as discussed in this staff report.
7. Impact of the proposed development on community facilities: Community facilities should not be significantly impacted by the proposed uses. The property is served by municipal water and sewer.
8. Opposition or support from neighborhood residents: At the time the staff report was prepared, staff did not receive any public comment on the requested Conditional Use.

Should the MAPC find that the zone change to be approved, it is recommended that the MAPC adopt alternate findings supporting their recommendation. Staff recommends the following Protective Overlay:

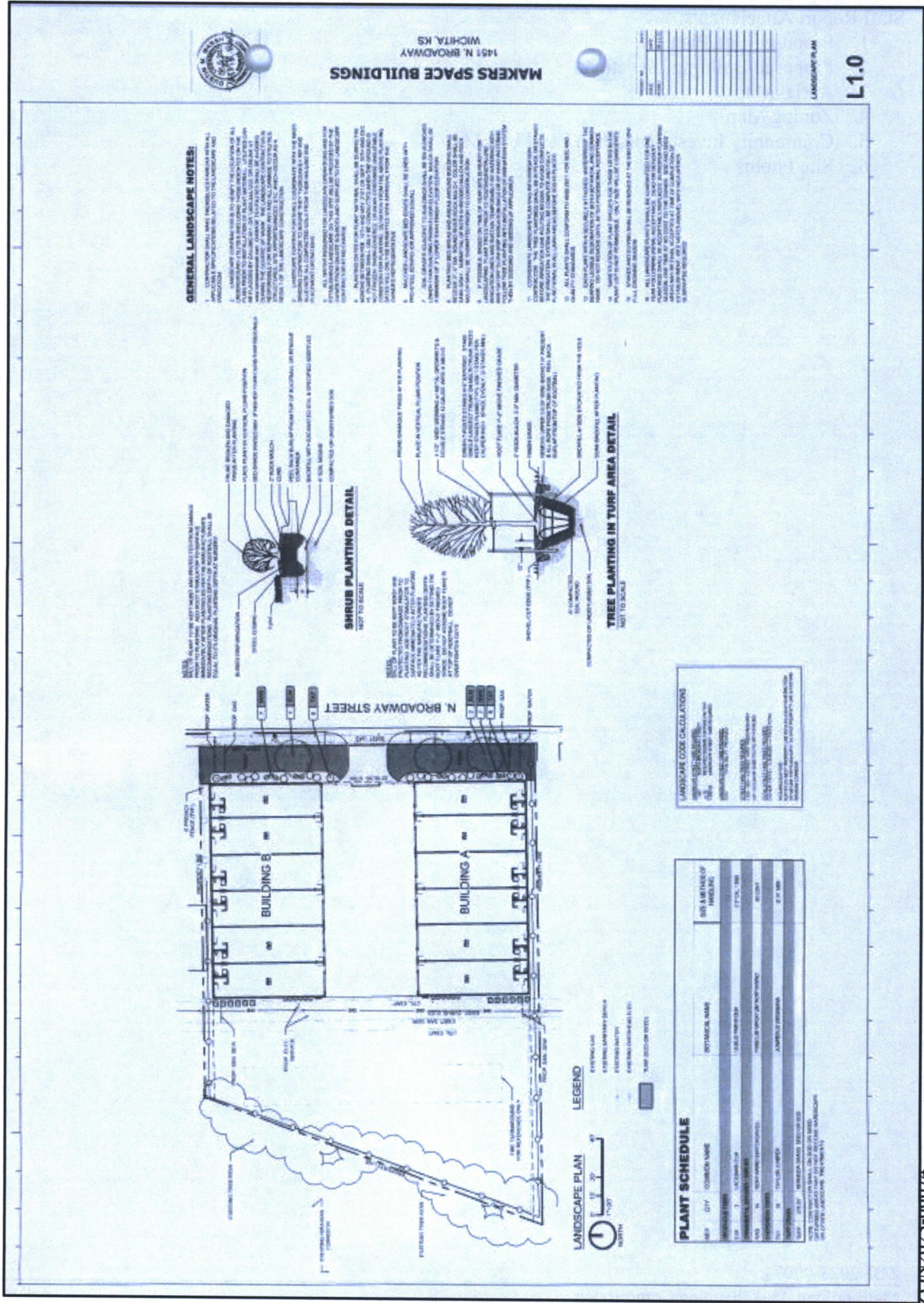
Protective Overlay #426:

1. Landscaped screening shall be incorporated on south property line where subject site abuts Single-Family Residence use. Landscaping shall conform to Sec. IV-B.3.d.(2).

Staff Report Attachments:

1. Proposed Site Plan
2. Proposed Building Elevation
3. Aerial Map
4. Zoning Map
5. Community Investments Plan Land Use Map
6. Site Photos

Site Plan

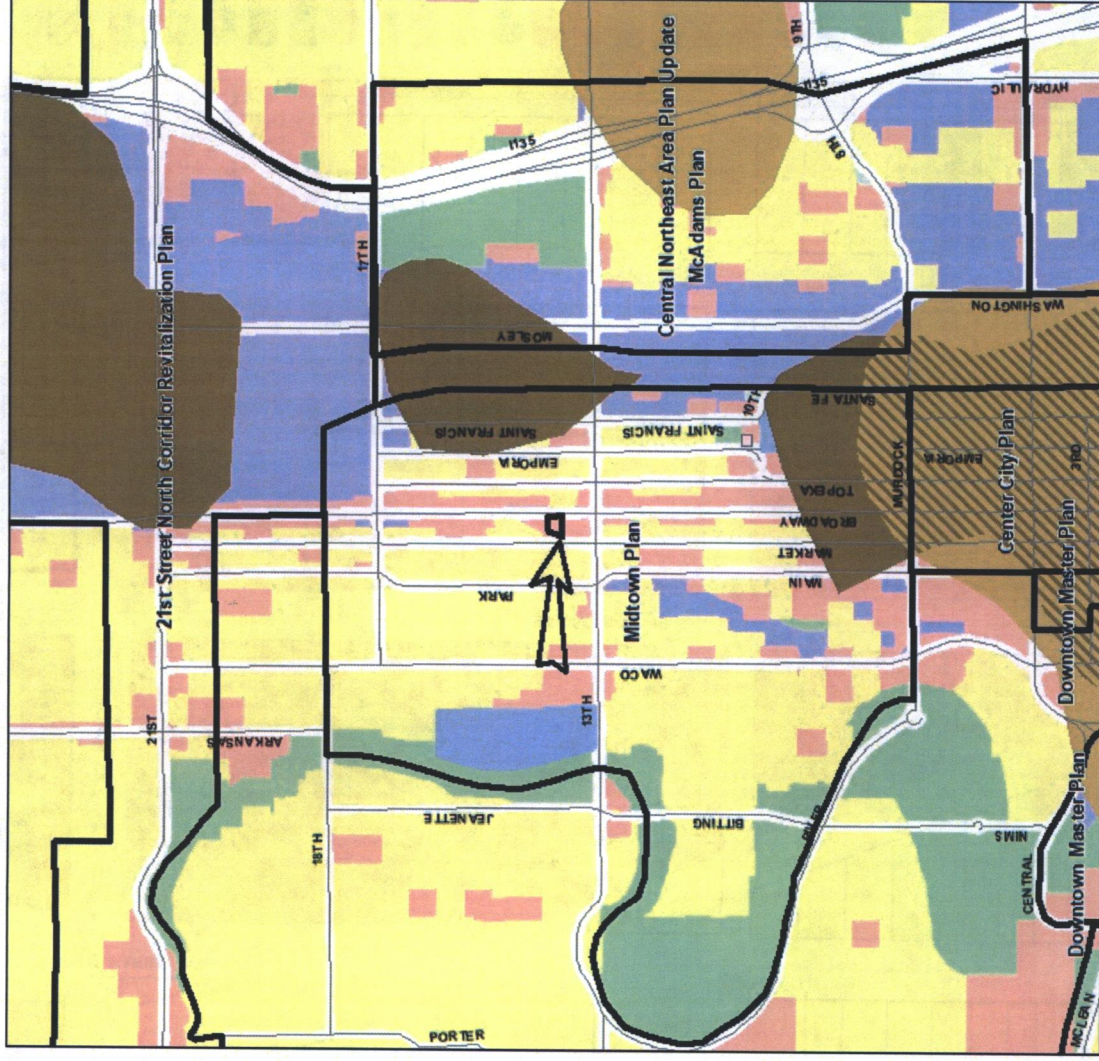


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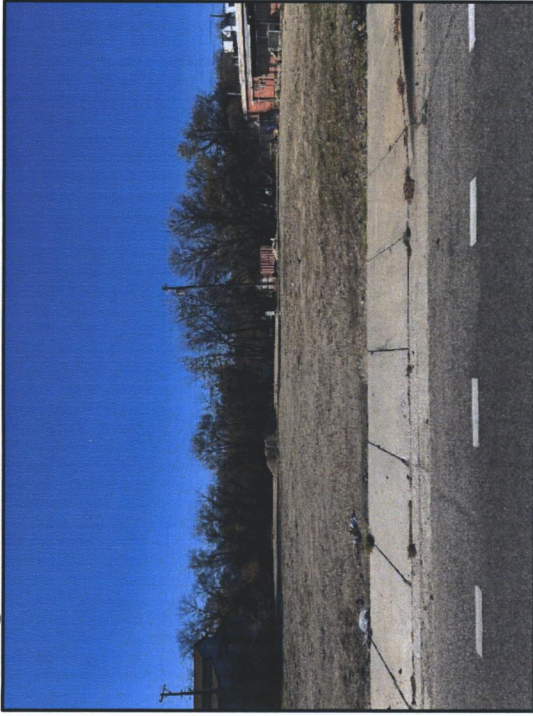


2035 Wichita Future Growth Concept Map

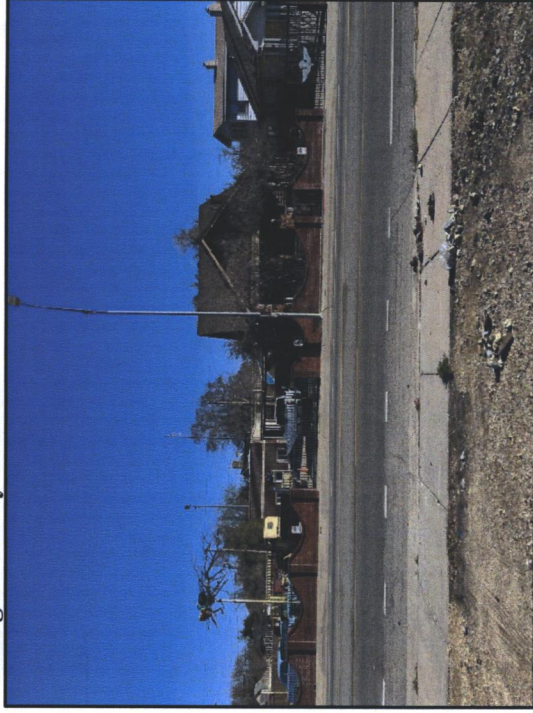
- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Small City Urban Growth Areas
 - Small City Urban Growth Areas
 - Rural Areas
- LAND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



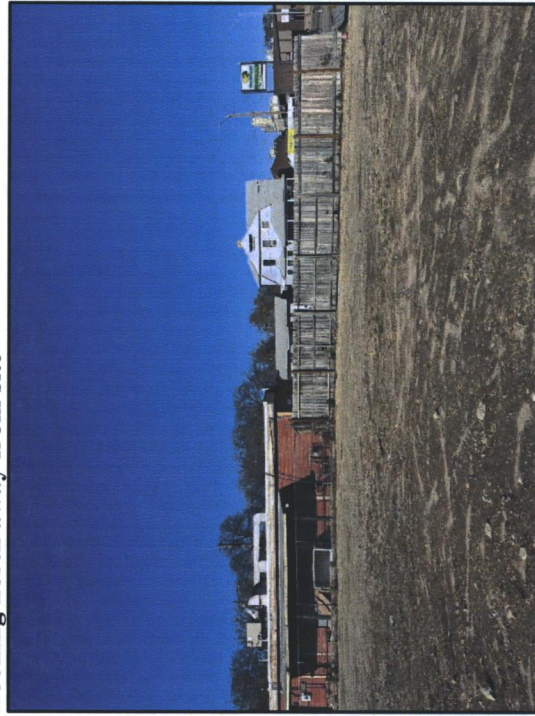
Looking west towards site



Looking east away from site



Looking north away from site



Looking south away from site

