



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

West Side Restaurant LLC
Attn: Ali Issa and Mickey Roux
5331 East Kellogg Drive
Wichita, KS 67218

January 17, 2024

RE: ZON2023-00058 – Zone change request in the City from SF-5 Single Family Residential to GC General Commercial for a restaurant located on the east side of South Ridge Road and within one block south of West Taft (526 South Ridge Road)

Dear applicant,

On December 12, 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 matter, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Associate Planner

Cc: Dalton Glasscock, Councilmember District IV
Brooke Kauchak, CSR District IV
MABCD



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

West Side Restaurant LLC
Attn: Ali Issa and Mickey Roux
5331 East Kellogg Drive
Wichita, KS 67218

November 9, 2023

RE: ZON2023-00058 – Zone change request in the City from SF-5 Single Family Residential to GC General Commercial for a restaurant located on the east side of South Ridge Road and within one block south of West Taft (526 South Ridge Road).

Dear applicant,

At its regular meeting on **November 9, 2023**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request.

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 November 23, 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 **November 23, 2023, at 5:00 p.m.**

This application was heard by the District Advisory Board (DAB) IV on **Monday, November 6, 2023**, at 6:30 p.m. at the Alford Branch Library (3447 S Meridian Ave). For more information on this meeting, please contact Community Services Representative for District IV, Brooke Kauchak at (316) 268-4197 or bkauchak@wichita.gov. This application will be presented to the Wichita City Council on **Tuesday, December 12, 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 316-268-4421.

Sincerely,

Christina Rieth
Current Plans
Associate Planner

CC: Jeff Blubaugh, Council Member District IV; Brooke Kauchak, CSR, District IV; MABCD

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Dec. 22, 2023

ORDINANCE NO. 52-307

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. ZON2023-00058

Zone change request in the City from SF-5 Single-Family Residential District to GC General Commercial District on property legally described as:

The South 150 feet of the North 330 feet of the West 197 feet of the South Half of the Northwest Quarter of Section 27, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the West 40 feet for road.

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 19th day of December, 2023.

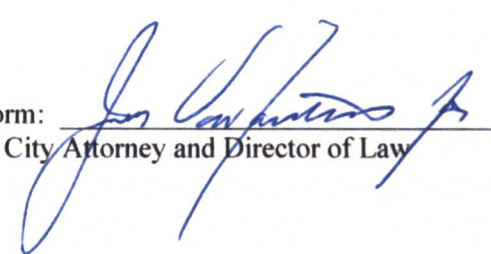

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk

(SEAL)



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



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenon 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
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The Telegraph - Macon
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Miami Herald
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The Modesto Bee
The Sun News - Myrtle Beach
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Rock Hill | The Herald
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Tri-City Herald
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The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	502326	Print Legal Ad-IPL01526500 - IPL0152650	ORD#52-307	\$54.69	1	65 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
December 22, 2023
ORDINANCE NO. 52-307**

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Adopted this 19th day of December 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

IPL0152650

Dec 22 2023

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

1 insertion(s) published on:

12/22/23

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 12/22/2023 to 12/22/2023.

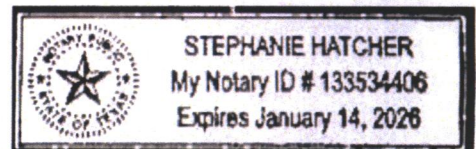
Stefani Beard

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

DATED: 12/28/2023

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	479165	Print Legal Ad-IPL01439210 - IPL0143921	OCA 150004-MAPC/BZA	\$154.35	2	92 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 October 19, 2023
(One Time Only)

MAPC/BZA November 9, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 9, 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 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.

BZA2023-00028: Reconsideration of Variance request in the City to reduce the side and rear setback to bring carport into compliance and permit an addition on the rear, on property zoned SF-5 Single-Family, located within one-block north of West 1st Street North and one-quarter mile west of North Seneca (212 N. Elizabeth).

BZA2023-00058: Variance request in the City to allow a sign to extend over the sidewalk and be less than 10 feet above the sidewalk; located on the southwest corner of South Broadway at East English Street (303 South Broadway).

CUP2023-00033: CUP minor amendment in the City to amend the proposed uses of subject parcel to include "Vehicle and Equipment Sales" to allow the rental of moving trucks from self-storage facility; located approximately 675 feet west of North Maize Road, on West 21st Street North (10625 West 21st Street North).

VAC2023-00042: Vacation request in the City to vacate a drainage easement to allow for proposed site and building improvements on property zoned LC Limited Commercial, generally located on the northeast corner of East Harry Street and South Oliver Avenue.

ZON2023-00058: Zone change request in the City from SF-5 Single Family Residential to GC General Commercial for a restaurant located on the east side of South Ridge Road and within one block south of West Telf (526 South Ridge Road).

ZON2023-00059: Zone change request in the City from TF-3 to MF-29 to allow for multiple duplexes; generally located two blocks west of South Meridian and one-quarter mile south of West Kellogg (1021 South Edwards).

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

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) - 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
Written comments should be submitted by 5 pm the day before the meeting.

Video and Audio Comments
Comments in video or audio message (mp3, etc.) formats should 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

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 October 19, 2023
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0143921
Oct 19 2023

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

1 insertion(s) published on:
10/19/23

STATE OF KANSAS)

SS

County of Sedgwick)

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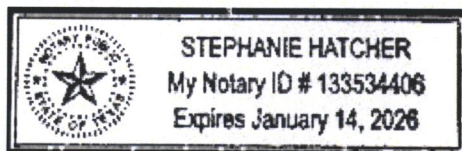
Stefani Beard

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

DATED: 10/19/2023

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: November 9, 2023
DAB IV: November 6, 2023

AGENDA ITEM NO. 4.6

CASE NUMBER: ZON2023-00058 (City)

APPLICANT/AGENT: West Side Restaurant LLC (Applicant)/Mickey Roux and Tayssir Issa (Agents)

REQUEST: GC General Commercial District

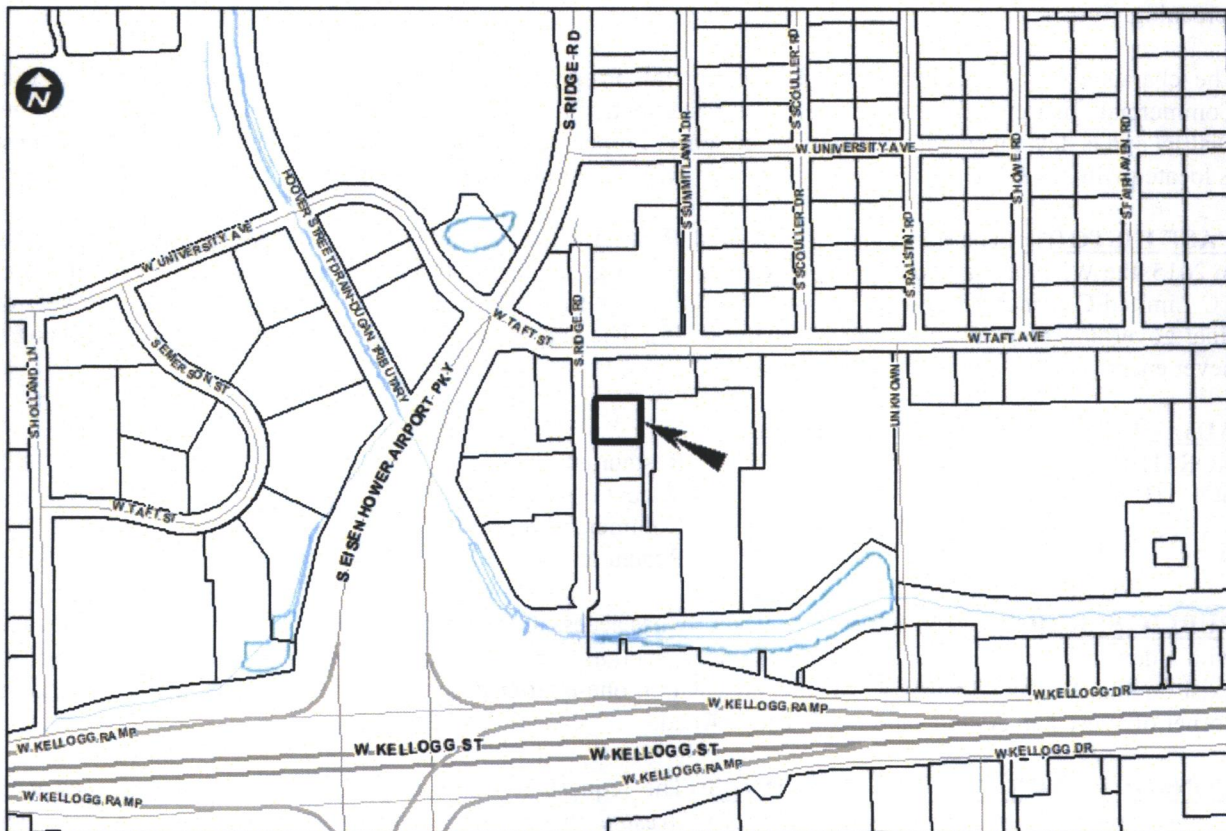
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.54 acres

LOCATION: Generally located on the east side of South Ridge Road, within 150 feet south of West Taft Avenue (526 South Ridge Road).

PROPOSED USE: Future restaurant.

RECOMMENDATION: Approve.



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District to GC General Commercial District. The 0.54-acre property is located on the east side of South Ridge Road, within 150 feet south of West Taft Avenue (526 South Ridge Road). The subject site is currently developed with a single-family residence. The applicant is requesting the zone change in order to develop a restaurant on site as well as the adjacent site of 544 South Ridge Road.

The requested zone change would permit more uses on site than its current zoning. Additionally, it would allow substantial changes to the minimum lot area, minimum lot width, and setback requirements, as demonstrated in the table below. However, the adjacent properties are zoned commercially, and the requested zone change will allow the site to be similar to its surroundings.

Development Standard	SF-5 Single-Family Residential District	GC General Commercial District
Minimum lot area	5,000 square feet	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	50 feet	No minimum
Front setback	25 feet	20 feet
Rear setback	20 feet	No minimum
Interior side setback	Six feet	Zero feet or 5 feet
Street side setback	15 feet	No minimum
Maximum height	55 feet	80 feet

Because the subject site is situated on a local street and is not adjacent to residential zoning, the property is exempt from the requirements set forth by the Wichita Landscape Ordinance. Additionally, the subject site does not require screening.

The character of the neighborhood is commercial. Properties to the north and west are zoned LC Limited Commercial District and are developed with restaurants. Property to the south is zoned GC General Commercial District and is developed with a vacant office space. Property to the east is zoned GC General Commercial District, is located within CUP DP-151, and is developed with a commercial retail strip mall.

CASE HISTORY: The subject site is unplatted. Platting will be required prior to the issuance of building permits. In 2015, the Wichita City Council approved a zone change request from SF-5 Single-Family Residential District to LC Limited Commercial District with the condition that the subject site would be platted within one year of the final governing body's decision (ZON2015-00045). The subject site was never platted, so the zone change was never enacted.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Restaurant
SOUTH:	GC	Vacant office space
EAST:	GC (CUP DP-151)	Commercial retail strip mall
WEST:	LC	Restaurant

PUBLIC SERVICES: The subject site currently has access to South Ridge Road, which is a two-lane local street with sidewalks on each side. Municipal services, such as water, sanitary sewer and stormwater services, already exist on site. Wichita Transit serves this area within one-quarter mile north of the subject site, on the northwest corner of West Taft Avenue and South Ridge Road.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in partial conformance with the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive

Plan), which includes the 2035 Future Growth Concept Map, recommends the subject site as appropriate for "Residential" uses. The *Plan* defines "Residential" as "areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality." However, the subject site abuts commercially zoned properties which are also considered to be in the Residential area.

The requested zone change is in conformance with the Locational Guidelines of the *Community Investments Plan*, which state that "Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors." The subject site is situated near an arterial street and is proposing a commercial development.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

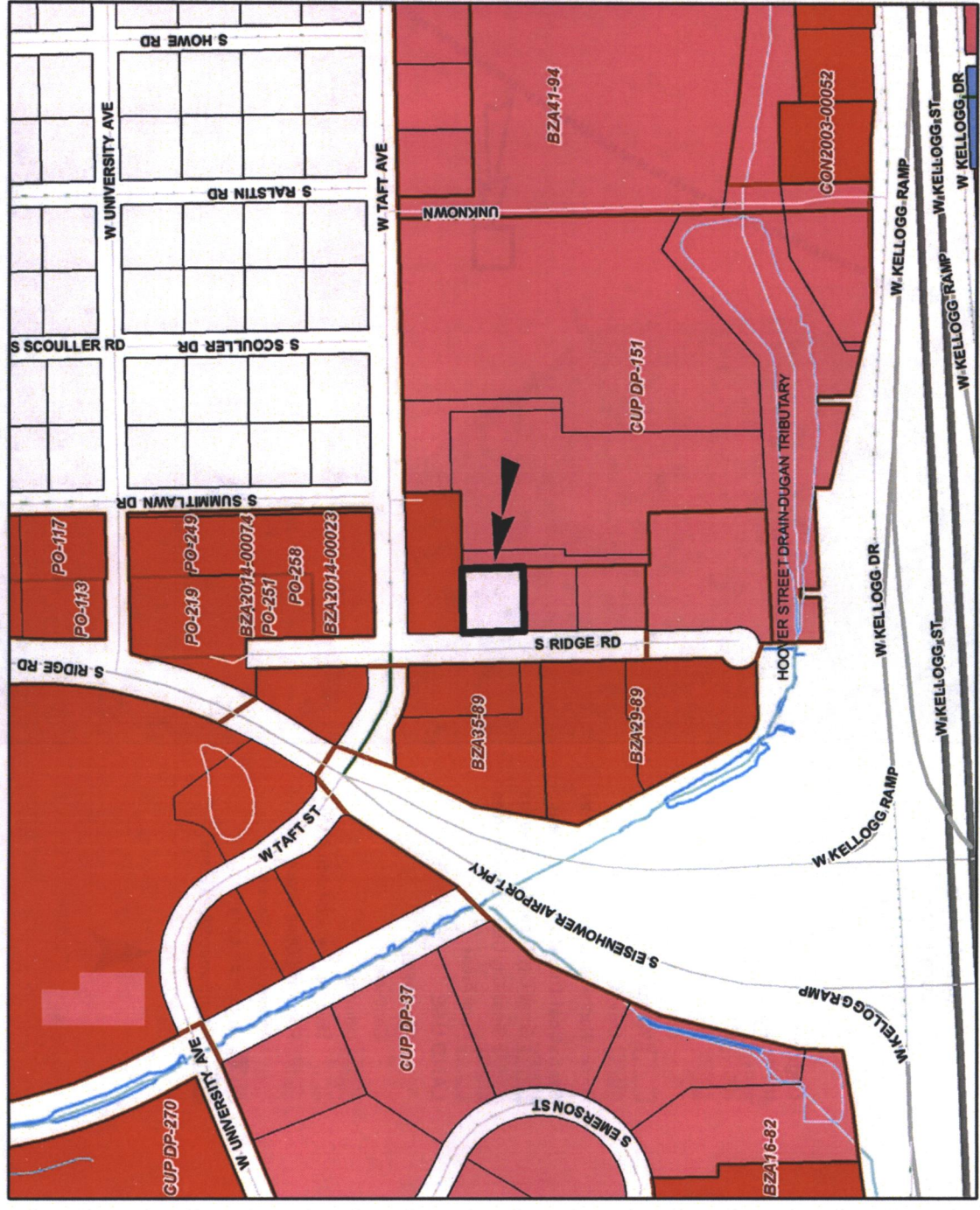
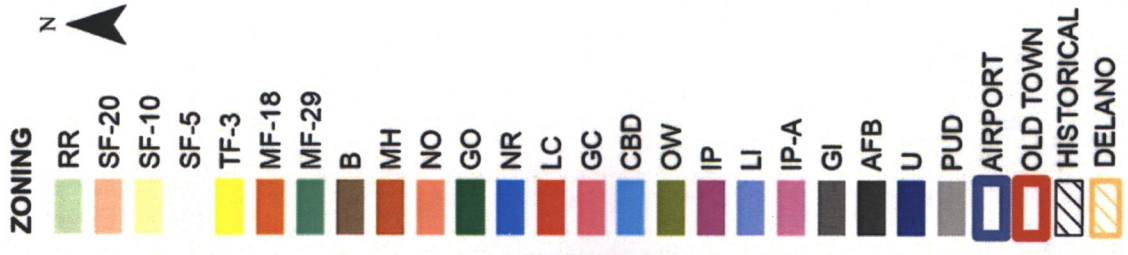
This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is commercial. Properties to the north and west are zoned LC Limited Commercial District and are developed with restaurants. Property to the south is zoned GC General Commercial District and is developed with a vacant office space. Property to the east is zoned GC General Commercial District, is located within CUP DP-151, and is developed with a commercial retail strip mall.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned SF-5 Single-Family Residential District, which is suitable for a limited number of residential, public, and civic uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate the removal of restrictions to have a significant detrimental impact on nearby property. The surrounding properties are zoned commercially and are not near any residential properties. The subject site is also situated near an arterial street, where commercial development is appropriate.
4. **Length of time subject property has remained vacant as zoned:** The property has been developed with a single-family residence since 1956.
5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would permit new development in an area that is appropriate for such development. Denial may represent a loss of economic opportunity for the applicant.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning would allow the property to be in partial conformance with the *Community Investments Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate the requested zone change will have a significant impact on community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff did not receive any public comment on the requested zone change.

Staff Report Attachments:

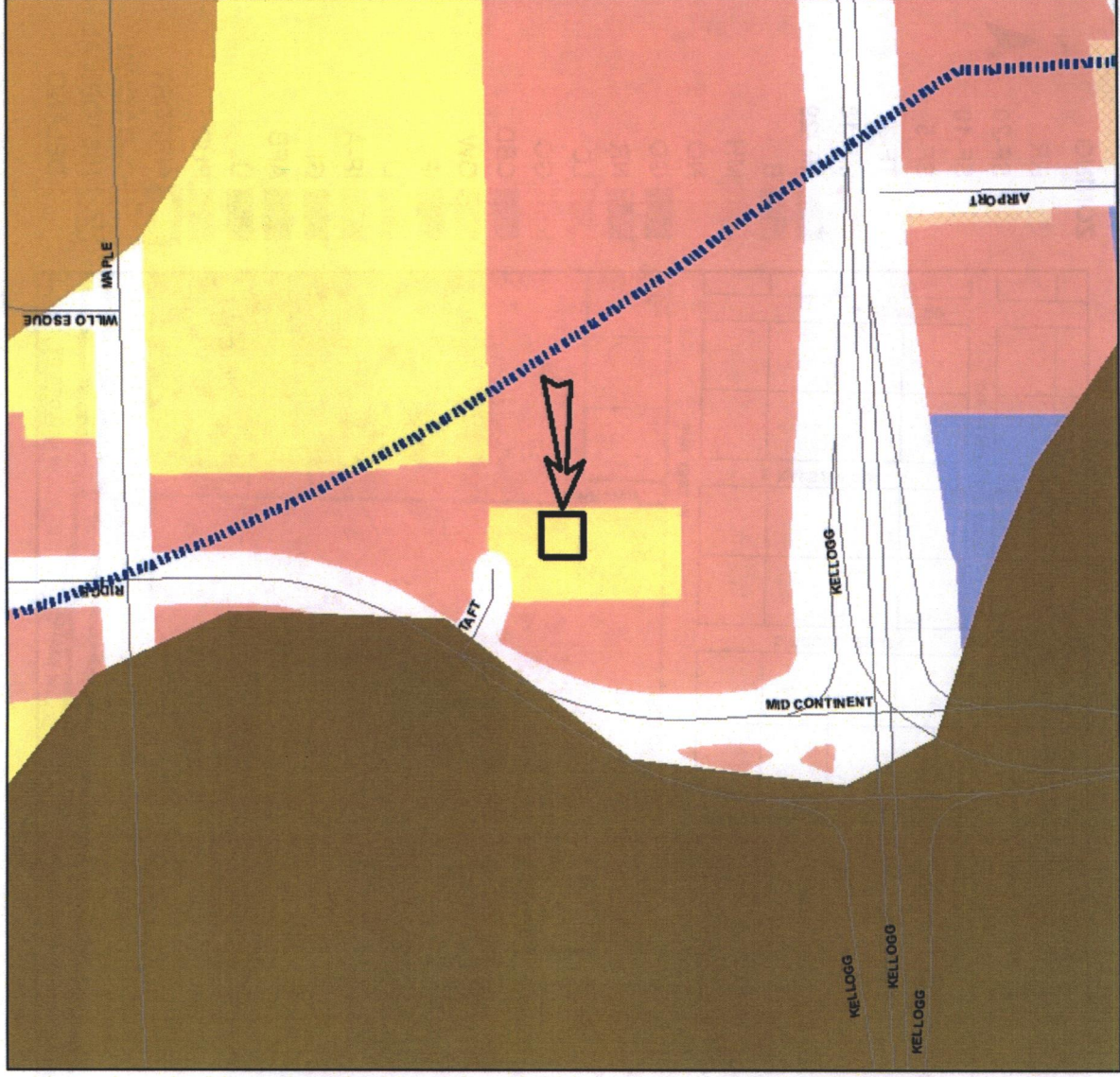
1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Photos





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 east towards site



Looking west away from site



Looking north away from site



Looking south away from site

