



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

Faren Baldwin
5950 South Midland Avenue
Wichita, KS 67216

October 3, 2023

RE: ZON2023-00044 – Zone Change request in the City from LI Limited Industrial to SF-5 Single-Family Residential to permit residential uses on property located on the northeast corner of South Midland Avenue and East 59th Street South (5950 South Midland Avenue).

Dear applicant,

At its regular meeting on **October 3, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

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

Philip Zevenbergen, AICP
Current Plans
Division Manager



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

Faren Baldwin
5950 South Midland Avenue
Wichita, KS 67216

August 25, 2023

RE: ZON2023-00044 – Zone Change request in the City from LI Limited Industrial to SF-5 Single-Family Residential to permit residential uses on property located on the northeast corner of South Midland Avenue and East 59th Street South (5950 South Midland Avenue).

Dear applicant,

At its regular meeting on **August 24, 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.

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 September 7, 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 **September 7, 2023, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, October 3, 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 matter, please contact our office.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Oct. 13, 2023

ORDINANCE NO. 52-274

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. ZON2023-00044

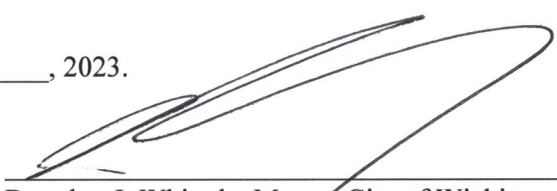
Zone change in the City from LI Limited Industrial District to SF-5 Single-Family Residential District on property legally described as:

Beginning at the Southwest corner of Lot 24, Midland Park Addition, Sedgwick County, Kansas; thence Northwesterly along the West lot line, a distance of 155 feet; thence at a deflection angle to the right of 90 degrees, a distance of 95 feet; thence at a deflection angle to the right of 22°58'30", a distance of 122 feet to the East line of said Lot; thence South along the East line of said Lot, a distance of 195 feet to the Southeast corner of said Lot; thence West along the South line of said Lot, a distance of 127.73 feet to the place of beginning.

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 10th day of October, 2023.

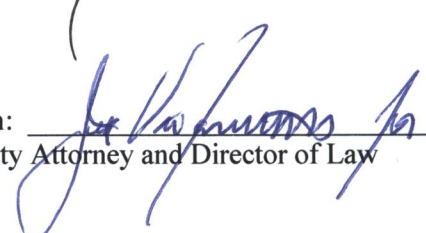

Brandon J. Whipple, Mayor, City of Wichita

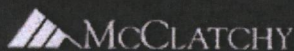
ATTEST:


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
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	477684	Print Legal Ad-IPL01433510 - IPL0143351	ORD#52-274	\$60.57	1	72 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
October 13, 2023
ORDINANCE NO. 52-274**

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.
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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 10th day of October 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
IPL0143351
Oct 13 2023

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

10/13/23

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 10/13/2023 to 10/13/2023.

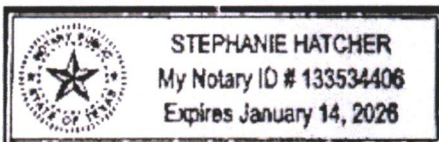
Stefani Beard

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

DATED: 10/16/2023

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	450498	Print Legal Ad-IPL01335930 - IPL0133593		\$213.88	3	85 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 August 3, 2023
(One Time Only)

MAPC/BZA August 24, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 24, 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.

CON2023-00033: Conditional Use request in the City to permit a Car Wash; generally located on the northwest corner of East Funston Street and South Rock Road (1717 South Rock Road).

CON2023-00037: Conditional Use request in the City for Utility; Major on property zoned TF-3 Two-Family Residential District; generally located on the east side of 167th Street, within 1500 feet north of U.S. Highway 54.

PUD2023-00006: PUD Amendment in the City to PUD #95 to amend the existing PUD boundary to include the approved platted boundary of the Courtyards at the Moorings Second Addition; generally located on the west side of Meridian Avenue, north of 42nd Street.

VAC2023-00027: Vacation request in the City to vacate a portion of a platted access control on property zoned TF-3 Two-Family Residential District; generally located on the east side of 167th Street West, 1500 feet north of U.S. Highway 54.

VAC2023-00028: Vacation request in the City to vacate a retained Utility and Drainage Easement from a vacated platted railroad easement; generally located 2750 feet west of East 34th Street North and North Webb Road.

ZON2023-00044: Zone change request in the City from LI Limited Industrial District to SF-5 Single-Family Residential District to allow residential development; generally located on the northeast corner of East 59th Street South and South Midland Avenue (5950 South Midland Avenue).

ZON2023-00045: Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District for multi-family development; generally located on the east side of North Florence Street, within 200 feet north of West Douglas Avenue.

ZON2023-00046: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District and LC Limited Commercial District for residential and commercial development; generally located on the southwest corner of 53rd Street North and Seneca Street (5355 North Seneca St.).

ZON2023-00047: Zone change request in the City from SF-5 Single-Family and TF-3 Two-Family to GC General Commercial, subject to Protective Overlay #416, for expansion of existing automotive repair and body shop facility; located between North Hoover Avenue and Highway Interstate 235 (721 North Hoover).

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=a0k3bW0ySjBnbFJQTDFvY0xPVDBXOT09>

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/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 August 3, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0133593

Aug 3 2023

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

1 insertion(s) published on:

08/03/23

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 08/03/2023 to 08/03/2023.

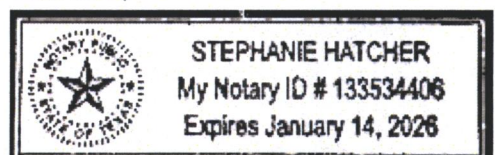
M. Hayley

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

DATED: 08/03/2023

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: August 24, 2023
DAB III: September 6, 2023

CASE NUMBER: ZON2023-00044 (City)

APPLICANT/AGENT: Faren Baldwin (owner)

REQUEST: SF-5 Single-Family Residential District

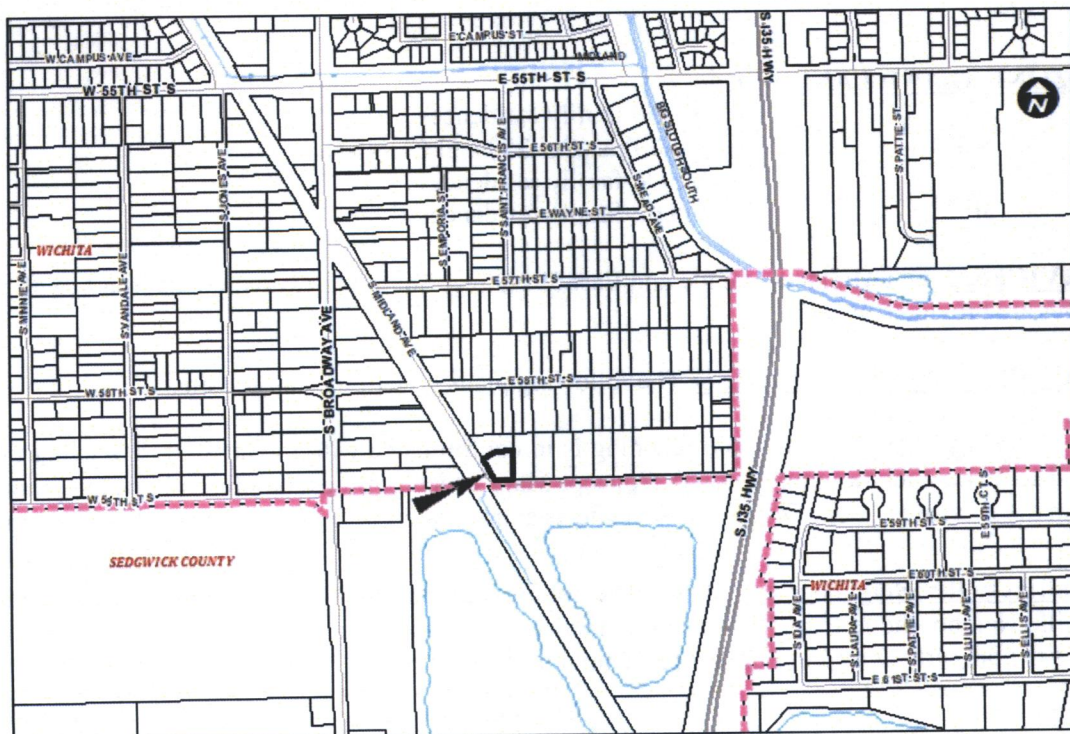
CURRENT ZONING: LI Limited Industrial District

SITE SIZE: 0.71 acre

LOCATION: Generally located on the northeast corner of South Midland Avenue and East 59th Street South (5950 South Midland Avenue).

PROPOSED USE: Allow residential uses.

RECOMMENDATION: Approval



BACKGROUND: The applicant is requesting a zone change from LI Limited Industrial District to SF-5 Single-Family Residential District for a 0.71-acre property generally located on the northeast corner of South Midland Avenue and East 59th Street South (5950 South Midland Avenue). The applicant is requesting the zone change to allow residential uses.

LI Limited Industrial District zoning does not permit residential uses. The residential structure was constructed in the 1950s. In 1984, the property was rezoned from "R-1" Suburban Residential District to "E" Light Industrial District with Covenant #7 (COV-7).

A Covenant was a tool previously used that is similar to the current practice of assigning a Protective Overlay to restrict the uses and/or development standards of a zoning district. The full language of COV-7 is attached. In general, the Covenant had the following restrictions:

1. Uses are restricted to "auto repair, painting, and bodywork."
2. Inoperable vehicles are permitted to be stored outside for no more than 30 days.
3. Said use is permitted so long as the property is owned by Faren Baldwin and his wife.
4. No changes can be made to the structures on the property that changes the character of the residential appearance.
5. Restrictions on the use of equipment that would induce undue noise, odor, vibration or other possible negative impacts.
6. Signage is restricted to non-illuminated building signs no greater than two square feet.
7. The eight-foot fence along Midland Avenue shall be maintained in good repair.

The requested zoned change effectively terminates the Covenant in that the permitted, non-residential uses will no longer be permitted in the requested SF-5 Single-Family Residential District.

Properties to the north, east and west are zoned SF-5 Single-Family Residential District and developed with single-family uses. Property to the south, across East 59th Street South, is zoned SF-20 Single-Family Residential District and were used as sand pits (CU-359 and CU-457).

CASE HISTORY: In 1930, the property was platted as part of the Midland Park Addition to Sedgwick County, Kansas. In 1984, SCZ-0597 rezoned the property from "R-1" Suburban Residential District to "E" Light Industrial District with Covenant #7 (COV-7).

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-20	Sand Pits (CU-359 and CU-457)
EAST:	SF-5	Single-family residences
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: South Midland Avenue and East 59th Street South are two-way local roads with no sidewalks. Water and sewer are provided onsite.

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

Community Investments Plan: The requested rezoning is in conformance with the land 2035 Wichita Future Growth Concept Map. The 2035 Wichita Future Growth Concept Map, which outlines the preferred development pattern and land uses within the *Plan* area, identifies this subject site as appropriate for "Residential" development and use.

South Wichita/Haysville Neighborhood Plan: The requested rezoning is in conformance with the South Wichita/Haysville Neighborhood Plan. The proposed rezoning is in conformance with the Plan's future land use map, which identifies the property as appropriate for residential uses.

RECOMMENDATION: Based on the information available at the time the staff report was prepared, it is recommended that the application be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the south, across East 59th Street South, is zoned SF-20 and were in use as sand pits. Properties to the north, east and west are zoned SF-5 Single-Family Residential District and developed with single-family uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LI Limited Industrial District, which is suitable for a wide variety of commercial and industrial uses. However, the LI District does not permit residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A zone change to SF-5 Single-Family Residential would bring the existing use into compliance with the Unified Zoning Code. Removal. This is considered a down zoning and would restrict the property further.
4. Length of time the subject property has remained vacant as zoned: The existing residential structure was constructed in the 1950s.
5. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed on the applicant: Approval would bring the existing use into compliance with the UZC, which keeps a housing unit available for occupation, which is a gain to public welfare. Denial may represent economic loss to the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request to rezone the property is in conformance with the *Community Investments Plan* and the South Wichita/Haysville Area Plan as discussed in the staff report.
7. Impact of the proposed development on community facilities: It is not anticipated that approval of this request should generate any additional impact on community facilities. Existing infrastructure at the site will accommodate the proposed use.
8. Opposition or support of neighborhood residents: At the time of the publication of the staff report, staff has not received any comments from the public regarding this application.

Attachments:

1. COV-7
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Photos

RESTRICTIVE COVENANT

WHEREAS, the undersigned are all of the owners of that property commonly described as 5950 Midland in Sedgwick County, Kansas, being legally described on Exhibit A attached hereto, and

WHEREAS, the undersigned desire to impose restrictions upon said real property to assure the use and maintenance of the property in a manner that will be harmonious with the surrounding residential neighborhood.

NOW, THEREFORE, the undersigned, and each of them, agree and covenant as follows:

1. This covenant shall apply to all of the real property described in Exhibit A hereto and shall run for an initial term of 25 years from the date hereof. Thereafter, said covenants shall be extended for a successive period of 10 years automatically unless revised or terminated in the manner specified herein.

2. The real property may be used for automobile repair, painting and body work, in addition to all of the uses permitted in the "R-1" suburban residential district of the Sedgwick County Zoning Regulations.

3. Inoperable motor vehicles may be stored outside of the buildings for no longer than 30 days.

4. Except as provided in paragraph 5C hereof, automobile repair, painting and body work shall be performed only by Roger R. Baldwin or Faren A. Baldwin, his wife, and only so long as they shall own and occupy the real property for residential purposes.

5. The following restrictions apply to the intended use of the real property:

- A. Except as provided in paragraph 7 hereof, no alteration of the principal building or premises shall be made which changes the character or appearance thereof, except that there may be constructed and maintained a spray paint booth for the purpose of painting automobiles in conformity with the Fire Code Regulations governing such painting provided however that such booth shall not exceed 500 square feet in floor space; and
- B. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at any lot line in excess of the sound levels approved by the Metropolitan Area Planning Commission and titled, "Noise standards for home occupations, October, 1966", which standards appear in Section 3 of the Sedgwick County Zoning Regulations pertaining to home occupations; and
- C. No more than one person other than persons occupying the residential dwelling unit shall be employed on the real property; and
- D. No sign shall be permitted larger than two square feet; provided that it shall not be illuminated and shall be mounted flat against the main base of the dwelling or building involved.

6. The undersigned agree to maintain, in good repair, the existing solid eight foot fence located along Midland Avenue and 59th Street frontages and along the side and rear property lines, screening all repair and automobile storage from the view of adjacent properties.

7. All automotive body and repair and painting shall be within existing buildings or in any buildings to be erected as required by governmental regulation.

8. These restrictions shall not be altered, amended or terminated except as provided herein. Any proposal for the alteration, amendment or termination hereof shall be presented to a public hearing before the Wichita/Sedgwick County Metropolitan Area Planning Commission and to the Board of County Commissioners of Sedgwick County, Kansas or to the governing body then having zoning jurisdiction. Notice of such hearing shall be given as required by applicable regulation for a zone change on the property.

9. These restrictions are not intended to restrict the right of the Board of County Commissioners or of the appropriate body having zoning jurisdiction to exercise its legislative and quasi-judicial duties and powers regarding zoning of the property.

10. These restrictions shall inure to the benefit of the Board of County Commissioners of Sedgwick County, Kansas and to any future body having zoning jurisdiction, and the undersigned hereby grant to said governing body the right to prosecute at law or in equity any violations of these restrictions. Said body shall be authorized to withhold any occupancy permits or certificates until these restrictions shall be complied with.

IN WITNESS WHEREOF, the Parties have executed this Restrictive Covenant this 7th day of April, 1989.

Roger R. Baldwin
ROGER R. BALDWIN

Faren A. Baldwin
FAREN A. BALDWIN, His Wife

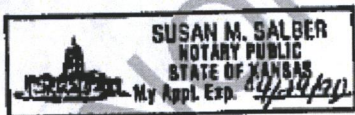
ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

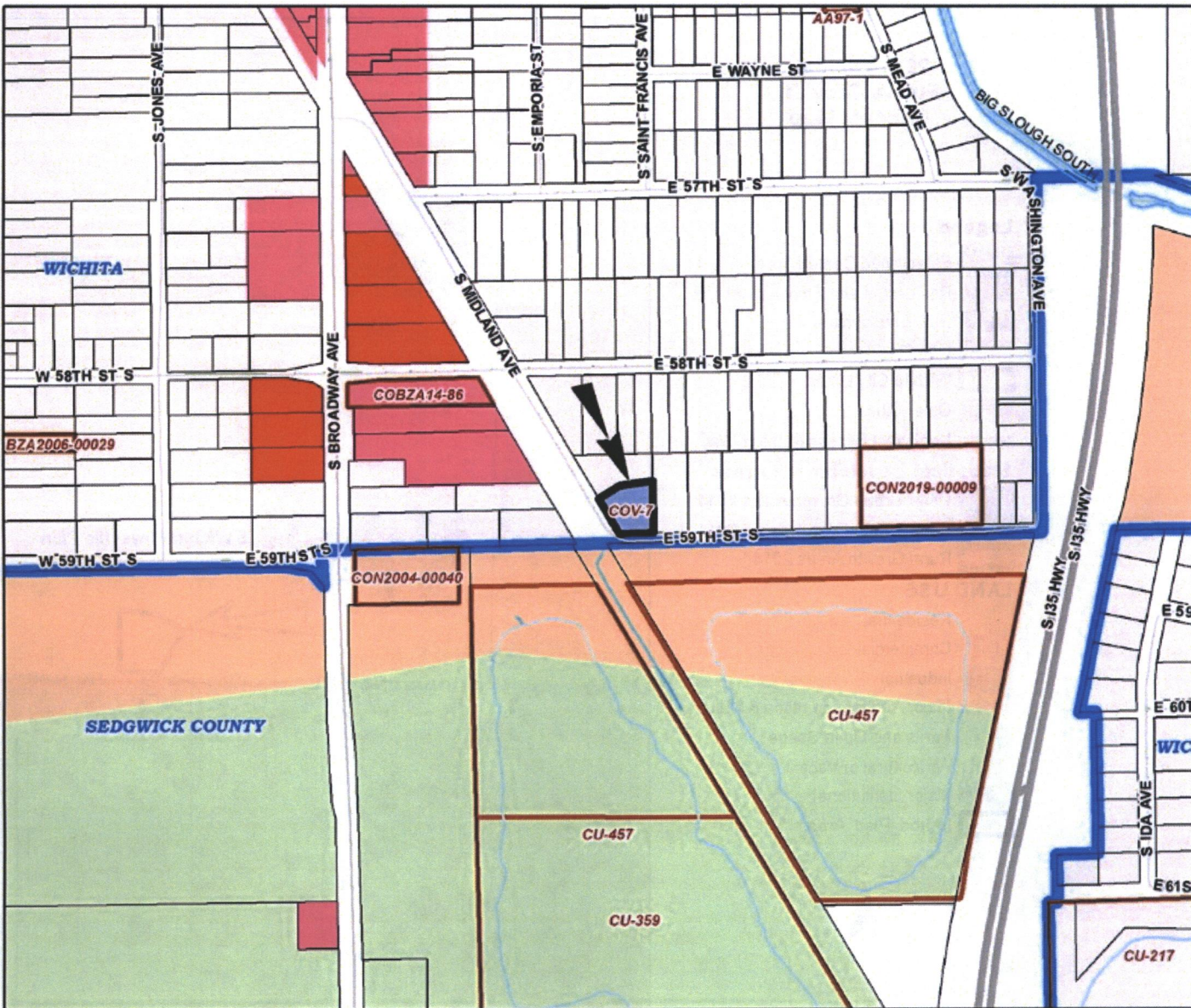
On this 7th day of April, 1989, before me personally appeared Roger R. Baldwin and Faren A. Baldwin, to me known to be the persons named herein and who executed the foregoing instrument and have acknowledged to me that they voluntarily executed same.

Susan M. Salber
NOTARY PUBLIC

My appointment expires:







Looking north towards the site



Looking south away from the site



Looking west away from the site



Looking east towards the site

