



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

September 11, 2024

Jose A. Solis
2918 N. Wellington
Wichita, KS 67204

RE: ZON2024-00035: Zone Change request in the City from LI Limited Industrial to B Multi-Family; Generally located on the west side of North Wellington Place and within 330 feet south of West 29th Street North.

Dear Applicant;

At its regular meeting on **September 10, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** of the zone change from LI Limited Industrial District to B Multi-Family Residential District subject to PO #441, listed below. If you have any questions concerning this application, please contact our office at 268-4421.

Protective Overlay #441

1. Dwellings shall have a hip or gabled roof.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

**Brad Eatherly
Current Plans
Senior Planner**

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



Wichita-Sedgwick County Metropolitan Area Planning Department

August 9, 2024

Jose A. Solis
2918 N. Wellington
Wichita, KS 67204

RE: ZON2024-00035: Zone Change request in the City from LI Limited Industrial to B Multi-Family; Generally located on the west side of North Wellington Place and within 330 feet south of West 29th Street North.

Dear Applicant;

At its regular meeting on **August 8, 2024**, 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, subject to the following conditions:

Property owners opposed to the application may file with the County 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 August 22, 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 1000 feet of the property for which the application was filed and must be submitted to the City Clerk by **August 22, 2024, at 5:00 p.m.**

This application will be heard at the District Advisory Board meeting, which will take place on August 12, 2024, at 6:30 p.m. at the Evergreen Community Center and Library, 2601 N. Arkansas Ave., Wichita, KS 67204. This application will be heard by the Wichita City Council on **Tuesday, September 10, 2024**, beginning at 6:00 p.m. The Wichita City Council meeting will be held at 455 N. Main St., Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

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

OCA 150004

PUBLISHED at Wichita.gov/LegalNotices on Sept. 20, 2024

ORDINANCE NO. 52-551

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. ZON2024-00035

Zone Change request in the City from LI Limited Industrial District to B Multi-Family Residential District zoning, on property legally described as:

The South 15 feet of Lot 33, all of Lot 35 and the North 20 feet of Lot 37, excluding the West 18.5 feet thereof, Block D, Montrose Park Addition, Sedgwick County, Kansas.

Protective Overlay #441

1. Dwellings shall have a hip or gabled roof.

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 17th day of September, 2024.

Lily Wu
Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster
Jamie Buster, City Clerk

(SEAL)



Approved as to form:

Jennifer Magaña
Jennifer Magaña, City Attorney and Director of Law



AFFIDAVIT OF PUBLICATION

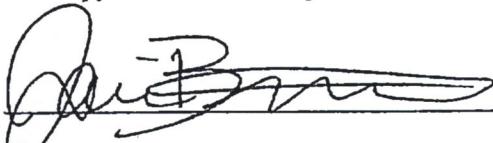
State of Kansas, Sedgwick County, ss:

Jamie Buster, City Clerk

Being first duly sworn, deposes and says:

That I, Jamie Buster, City Clerk of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. 52-551 / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 20th day of September 2024.


Signature

SUBSCRIBED AND SWORN to before me this 20th day of September, 2024.



(seal)


Notary Public

City Clerk's Office

Jamie Buster – City Clerk

City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529 ext. 2805

www.wichita.gov



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	594102	Print Legal Ad-IPL01949330 - IPL0194933	ORD#52-551	\$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
at Wichita.gov/LegalNotices on
September 20, 2024
ORDINANCE NO. 52-551

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. ZON2024-00035

Zone Change request in the City from LI Limited Industrial District to B Multi-Family Residential District zoning, on property legally described as: The South 15 feet of Lot 33, all of Lot 35 and the North 20 feet of Lot 37, excluding the West 18.5 feet thereof, Block D, Montrose Park Addition, Sedgwick County, Kansas.

Protective Overlay #441
Dwellings shall have a hip or gabled roof.

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 17th day of September, 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk Approved as to form:

(SEAL)

Jennifer Magana, City Attorney and Director of Law

IPL0194933

Sep 20 2024

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

1 insertion(s) published on:

09/20/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 09/20/2024 to 09/20/2024.

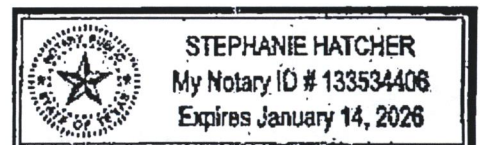
Mary Castro

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

DATED: 09/20/2024

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
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
16399	574274	Print Legal Ad-IPL01841240 - IPL0184124		\$124.50	2	74 L

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on July 18, 2024
(One Time Only)
MAPC/BZA August 8, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 8, 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.

BZA2024-00043: Variance request in the City to increase the overall height of a billboard sign to 50 feet and to reduce the setback to zero feet on the east property line, generally located on the west side of North Hydraulic Avenue and south of Interstate 135 (2711 North Hydraulic).

BZA2024-00044: Appeal of administrative decision in the City approving the architectural design; located south of West Maple Street and less than one-quarter mile west of South 135th Street West (13801 West Maple Street).

CUP2024-00024: CUP Amendment in the City to DP-62 to allow Correctional Placement Residence, General on Parcel 12B, generally located on the south-west corner of East 21st Street North and North Broadmoor Street.

ZON2024-00034: Zone Change request in the City from SF-5 Single-Family Residential to LC Limited Commercial for the purpose of constructing a church; located on the southeast corner of West 29th Street North and North Salina Avenue (961 West 29th Street North).

ZON2024-00035: Zone Change request in the City from LI Limited Industrial to B Multi-family Residential district; located less than one-quarter mile south of West 29th Street North and one-quarter mile west of North Broadway 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:

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 July 18, 2024

Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0184124
Jul 18 2024

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

07/18/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 07/18/2024 to 07/18/2024.

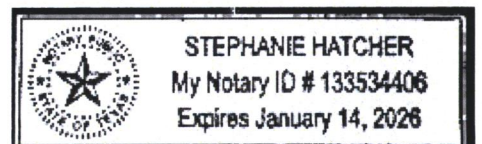
Mary Castro

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

DATED: 07/18/2024

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!



AGENDA ITEM NO. 4.4

STAFF REPORT

MAPC: August 8, 2024

DAB VI: August 12, 2024

CASE NUMBER: ZON2024-00035 (City)

APPLICANT/AGENT: Jose A. Solis (Applicant)

REQUEST: B Multi-Family Residential District

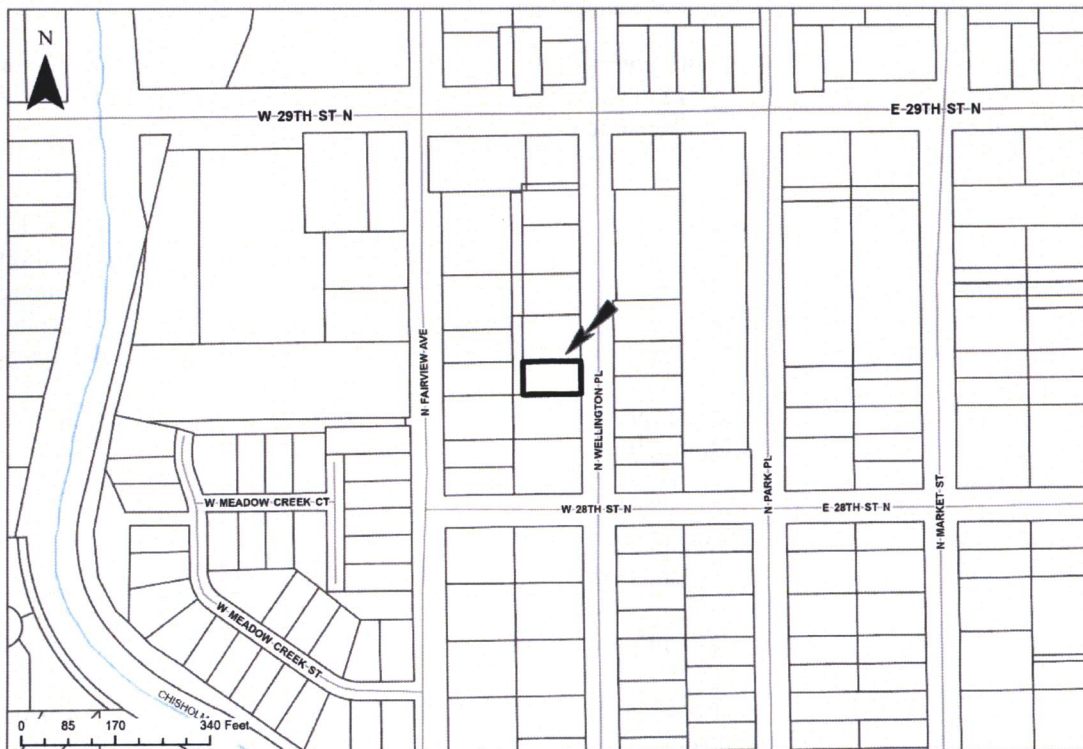
CURRENT ZONING: LI Limited Industrial District

SITE SIZE: 0.143 acres

LOCATION: Generally located on the west side of North Wellington Place and within 330 feet south of West 29th Street North.

PROPOSED USE: Single-family dwelling or duplex

RECOMMENDATION: Approve.



BACKGROUND: The applicant is requesting a zone change from LI Limited Industrial District (LI) to B Multi-Family Residential District (B) in order to permit a single-family dwelling or duplex. The 0.143-acre property is generally located on the west side of North Wellington Place and within 330 feet south of West 29th Street North. The property is currently undeveloped and the applicant would like to build a single-family dwelling or a duplex, neither of which is permitted in the LI district.

The subject site is located just south of two warehouses and would be surrounded by residential uses to the south, east and west. It is not anticipated that the residential uses would experience detrimental effects due to the proximity of warehouses to the north, northeast, and northwest.

Should the zone change request be approved, there will be changes to development standards, which are listed in the table below:

Property Development Standards	LI Limited Industrial	B Multi-Family
Minimum lot area	No minimum	Single-Family: 2,500 sq. ft. Duplex: 2,000 sq. ft. per unit Multi-Family: 580 sq. ft. Nonresidential: 5,000 sq. ft.
Front setback	20 feet	20 feet
Rear setback	0 feet	15 feet
Interior Side Setback	0 feet or 5 feet	5 feet
Street Side Setback	0 feet	5 feet
Maximum height	80 feet	35 feet
Minimum lot width	No minimum	55 feet

Compatibility setback and height standards would not apply because the site abuts the LI District on the north, west, and south property lines and the B District to the east, across North Wellington Place. Based on the size of the subject site, the applicant would be able to place one duplex. If the subject site is developed with a single-family dwelling or a duplex, no screening standards or landscaped street yard shall apply.

The character of the neighborhood is a mix of residential and light industrial. Property to the north is zoned LI, is owned by the applicant, and is undeveloped. Properties to the north and northwest of the neighboring lot to the north are zoned LI and are developed with warehouses. Property to the northeast is zoned GC General Commercial District (GC) and is developed with a warehouse. Property to the east is zoned B and is developed with a single-family dwelling. Properties to the south and west are zoned LI and are developed with single-family dwellings.

CASE HISTORY: On March 1, 1932, the subject property was platted as part of the Montrose Park Addition. There are no other zoning cases associated with the site.

ADJACENT ZONING AND LAND USE:

North:	LI	Undeveloped
South:	LI	Single-family dwelling
East:	B	Single-family dwelling
West:	LI	Single-family dwelling

PUBLIC SERVICES: The subject site has access to North Wellington Place, a two-lane local street without sidewalks. All city services such as water and sanitary sewer currently exist to serve the property. Service lines would likely need to be placed to serve the site. Wichita Transit serves the site on North Broadway Avenue

halfway at the mid-block between East 29th Street North and East 28th Street North, approximately one-fifth of a mile as the crow flies from the subject site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the following plans:

Community Investments Plan: The requested zone change is in 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. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).*” A single-family dwelling or a duplex development are appropriate uses for this area.

The Locational Guidelines of the *Community Investments Plan* provide a framework for decision-making regarding land use changes. Under the heading of “Development Pattern, Guideline 2.a encourages, “*infill development that maximizes public investment in existing and planned infrastructure and services.*” The applicant’s request would fulfill this locational guideline’s intent.

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 Duplex partially aligns with Strategy 5: *Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA.* The scale of the request is not out of character with the neighborhood, with B zoned lots to directly to the east. The request aligns with Strategy 6: *Encourage infill and redevelopment that contextual to the environment in which it is occurring.* Adding a single-family dwelling or duplex to the neighborhood is not expected to adversely affect the area.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is a mix of residential and light industrial. Property to the north is zoned LI and is owned by the applicant and is undeveloped. Properties to the north and northwest of this lot are zoned LI and are developed with warehouses. Property to the northeast is zoned GC General Commercial (GC) and is developed with a warehouse. Property to the east is zoned B and is developed with a single-family dwelling. Properties to the south and west are zoned LI and are developed with single-family dwellings.
2. **The suitability of the subject property for the uses to which it has been restricted:** The properties are zoned LI Limited Industrial District, which is suitable for a range of commercial and industrial uses. The LI District does not permit any form of residential uses other than Short Term Rentals in the City for non-conforming residential uses within the LI District.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow all uses permitted in the B Multi-Family Residential District on the site. The applicant intends to develop the site as a single-family dwelling or a duplex. Considering the character of the neighborhood, a single-family dwelling or duplex would not be out of character because of the number of residential units in the area. It is also not anticipated to be detrimental to the residential use to be in such close proximity to the light industrial uses to the north and northeast as all are warehouses.
4. Length of time subject property has remained vacant as zoned: The subject property is undeveloped. It is unknown how long the property has been undeveloped.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: It is not expected that the requested zone change would have any significant negative affects to surrounding properties. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.
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: The Planning Department does not anticipate the requested zone change will have a significant negative impact on community facilities.
8. Opposition or support of neighborhood residents: At the time of publication of the staff report, staff has not received any public comments regarding this case.

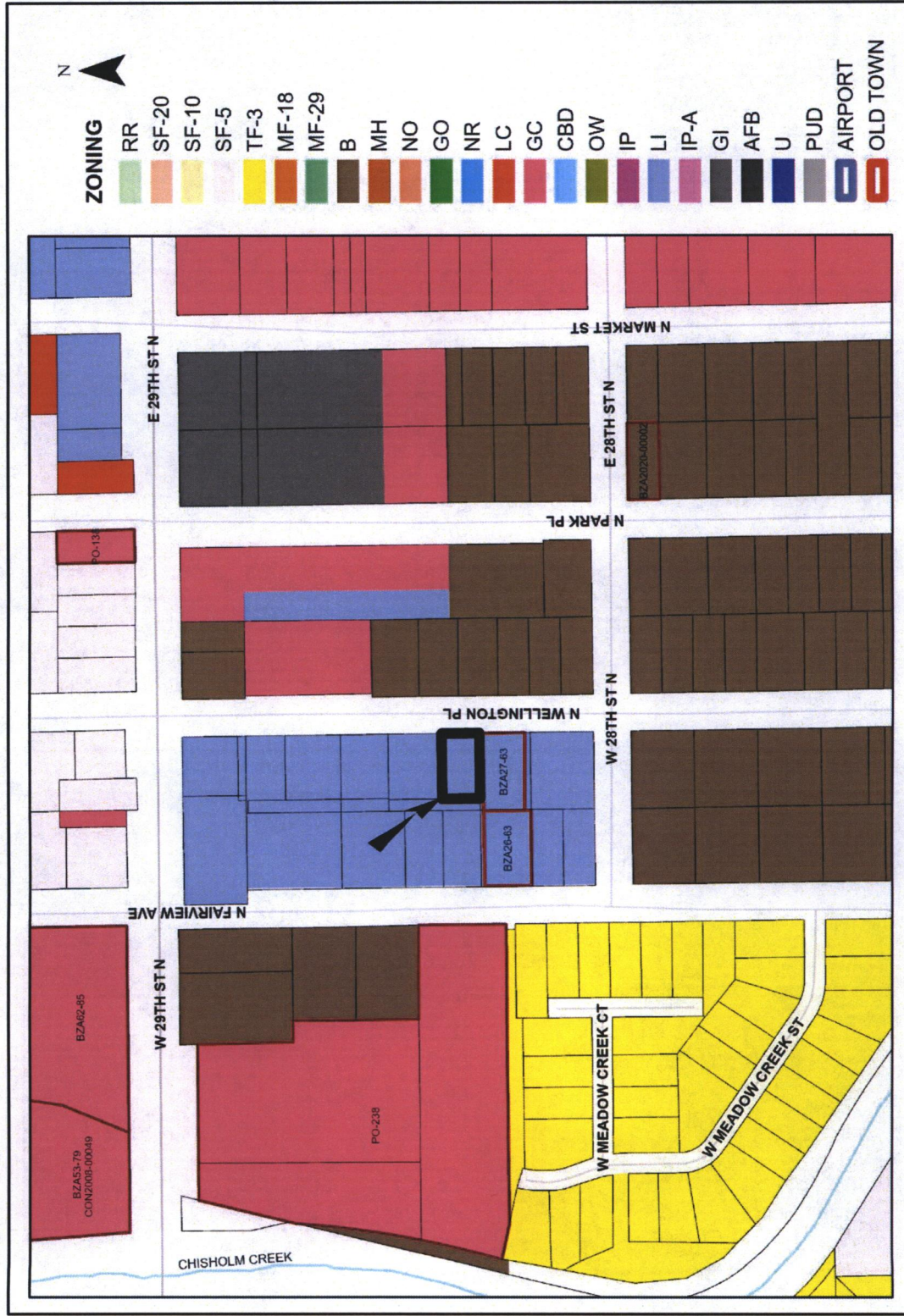
Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Plan
5. Site Pictures

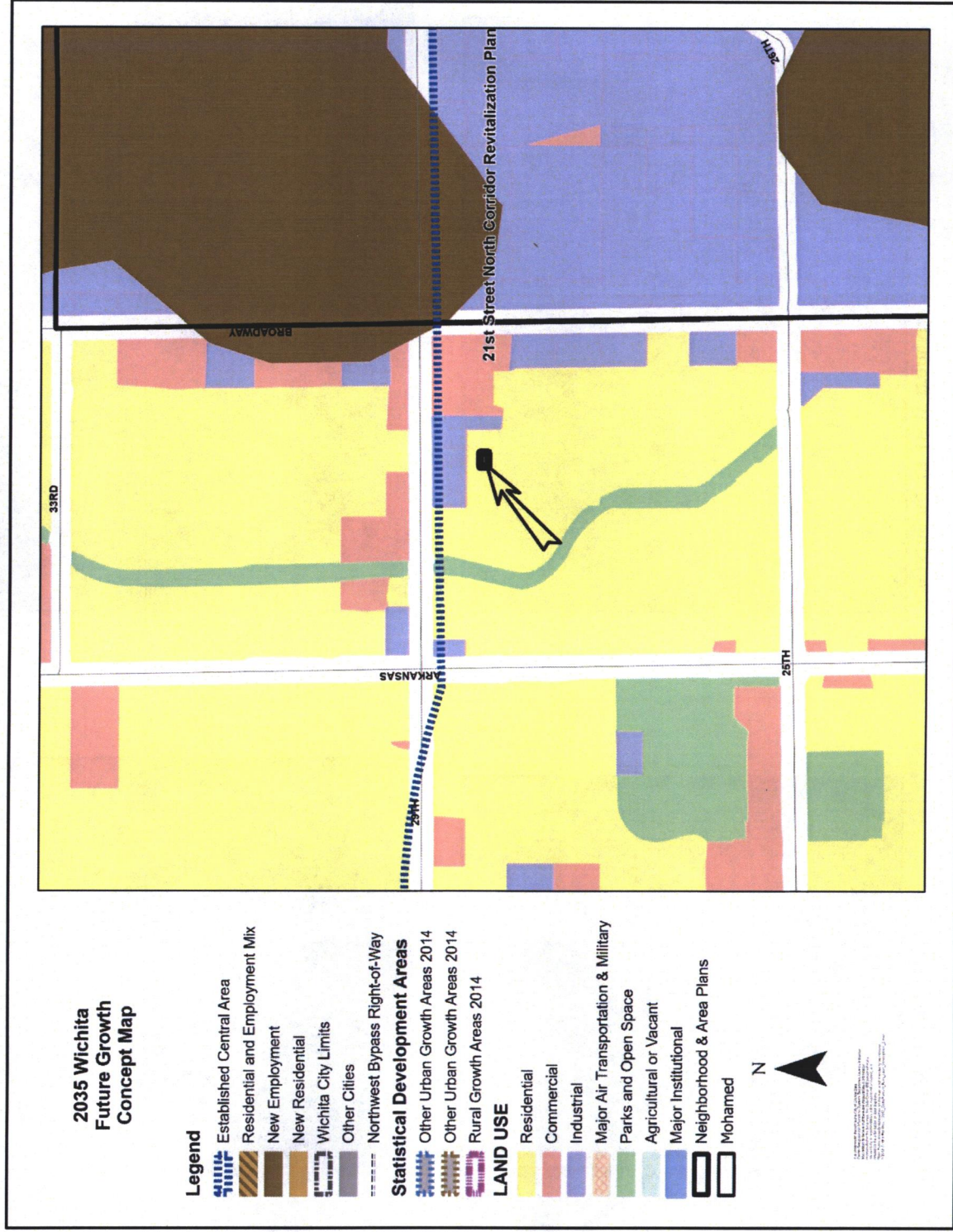
Attachment 1. Aerial Map



Attachment 2. Zoning Map



Attachment 3. Land Use Map



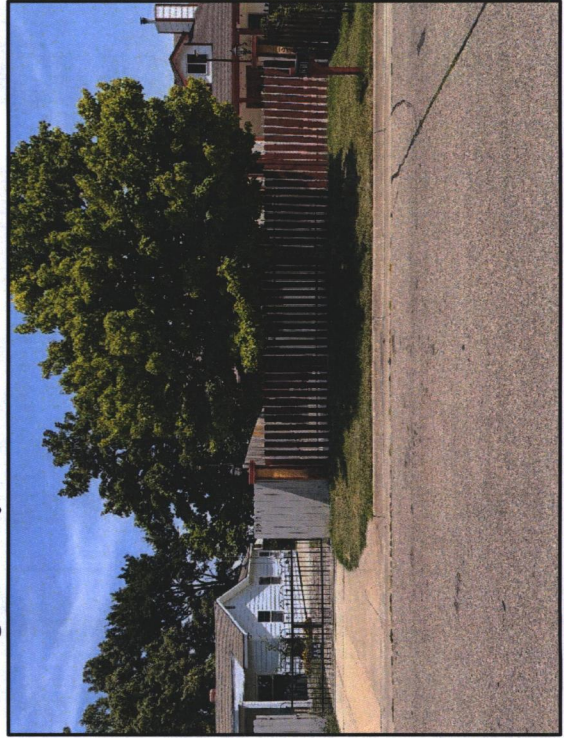
Looking west into subject property



Looking north away from site



Looking east away from site



Looking south away from site

