



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

Titan Realty, LLC
906 North Main Street
Suite 2
Wichita, KS 67203

February 18, 2025

RE: ZON2024-00058 – Zone Change request in the City from TF-3 Two-Family Residential District to NR Neighborhood Retail, generally located on the west side of North Chautauqua Avenue and within 150 feet north of East Douglas Avenue (117 North Chautauqua Avenue).

Dear Applicant;

At its regular meeting on **February 18, 2025**, the Wichita City Council heard the above captioned request. The action of the WCC was to **APPROVE** the request, subject to Protective Overlay #448, which reads:

1. The structure shall be built with compatible architecture with the existing dwellings in the area and shall have a hipped or gabled roof.
2. Commercial Parking Area is prohibited.
3. The applicant shall submit a site plan detailing placement of the building, location of required parking spaces, required screening and landscaping.
4. Parking is prohibited from being located on the east half of the property, unless a building on the site is located between the parking area and the adjacent property to the north.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

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

Christina Rieth
Associate Planner

CC: Brandon Johnson, Councilmember District I
Cameron Jackson, CSR District I
MABCD
Kirk Miller, via email

Adopted this 25th day of February, 2025.

Lily Wu

Lily Wu
Mayor, City of Wichita

ATTEST:

Paul Leeker
Paul Leeker, City Clerk



(SEAL)

Approved as to form:

Jennifer Magaña
Jennifer Magaña
City Attorney and Director of Law

McClatchy

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	639915	Print Legal Ad-IPL02196110 - IPL0219611	Ord. 52-627	\$50.40	1	83 L

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

srice@wichita.gov

OCA 150004
PUBLISHED AT WICHITA, GOV/
LEGAL NOTICES ON
February 28, 2025
ORDINANCE NO. 52-627

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. ZON2024-00058
Zone change request in the City from TF-3 Two-Family Residential District to NR Neighborhood Retail District on property legally described as:
Lots 19 and 20, Chautauqua Avenue, Subdivision of Lots 3 and 6, Block 7, Chautauqua Addition to Wichita, Sedgwick County, Kansas.

Protective Overlay# 448 shall read:
1. The structure shall be built with compatible architecture with the existing dwellings in the area and shall have a hipped or gabled roof.
2. Commercial Parking Area is prohibited.

3. The applicant shall submit a site plan detailing placement of the building, location of required parking spaces, required screening and landscaping.

4. Parking is prohibited from being located on the east half of the property, unless a building on the site is located between the parking area and the adjacent property to the north.

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 re-incorporated 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 25th day of February, 2025.

/s/Lily Wu
Mayor, City of Wichita

ATTEST:
/s/Paul Leeker, City Clerk
(SEAL)

Approved as to form:
/s/Jennifer Magana
City Attorney and Director of Law
IPL0219611
Feb 28 2025

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

02/28/25

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 02/28/2025 to 02/28/2025.

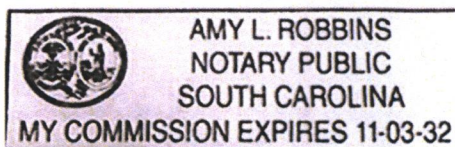
Mary Castro

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

DATED: 02/28/2025

Amy Robbins

Notary Public in and for the state of South Carolina, residing in Beaufort 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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Idaho Statesman
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Durham | The Herald-Sun
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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
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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	620514	Print Legal Ad-IPL02086590 - IPL0208659	MAPC/BZA Jan. 9, 2025	\$73.33	2	61 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 December 18, 2024
(One Time Only)
MAPC/BZA January 9, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 9, 2025, 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. Full notice can be found at www.wichita.gov/LegalNotices.

BZA2024-00080: Variance request in the City to reduce the side and rear setbacks to 0 feet to build a two-car garage on the rear half of the property, generally located on the east side of North Dellrose, within 100 feet south of East 2nd Street North (240 North Dellrose).

CON2024-00259: Conditional Use request in the City to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential District, generally located on the north side of East Gilbert Street, within 400 feet west of South Armour Drive (7310 East Gilbert Street).

CON2024-00273: Conditional Use request in the City to permit a drinking establishment on property zoned CBD Central Business District located at the northwest corner of East Waterman Street and South Hydraulic Avenue (1640 E Waterman).

CON2024-00275: Conditional Use request in the City to allow a Tavern and Drinking Establishment on property zoned LI Limited Industrial District, generally located on the northeast corner of East 35th Street North and North Oliver Avenue.

CUP2024-00046: CUP Amendment request in the City to amend CUP DP-86 to allow an off-site billboard, generally located on the west side of North Seneca Street, north of I-235 (4121 North Seneca Street).

VAC2024-00054: Vacation request in the City of platted access control; generally located on the east side of North Rock Road and within 200 feet north of East 35th Street North (3718 North Rock Road).

VAC2024-00055: Vacation request in the City for a portion of platted front setbacks; generally located on the north side of North Reece Street and within 650 feet south of West 21st Street North.

VAC2024-00056: Vacation request in the City to vacate a portion of the 30 foot front yard setback to allow for the creation of a garage addition on property zoned SF-5 Single-Family and located less than 200 feet south of the intersection of W. Columbine Ln. and N. Richmond Ave. (2380 N. Richmond Ave.)

VAC2024-00057: Vacation request in the City to vacate McLean Boulevard right-of-way and drainage facilities on property zoned LI Limited Industrial District, generally located at the intersection of South McLean Boulevard and West 47th Street South.

VAC2024-00058: Vacation request in the City to vacate a 20-foot utility easement and a portion of a 25-foot sewer easement for the development of a multi-family residential building on property zoned PUD #61, generally located on the northwest corner of West Maple Street and North McLean Boulevard.

ZON2024-00057: Zone Change request in the City from SF-5 Single-Family Residential to MF-29 Multi-Family Residential; generally located on the west side of South Handley Street and within 600 feet of South Seneca Street (4301 South Handley Street).

ZON2024-00058: Zone Change request in the City from TF-3 Two-Family Residential District to NR Neighborhood Retail, generally located on the west side of North Chautauqua Avenue and within 150 feet north of East Douglas Avenue (117 North Chautauqua Avenue).

IPL0208659
Dec 18 2024

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

12/18/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 12/18/2024 to 12/18/2024.

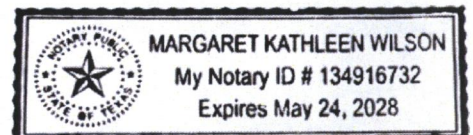
Mary Castro

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

DATED: 12/18/2024

Margaret K. Wilson

Notary Public in and for the state of Texas, residing in Dallas County



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STAFF REPORT
MAPC: January 9, 2025
DAB I: January 6, 2025

AGENDA ITEM NO. 4.12

CASE NUMBER: ZON2024-00058 (City)

APPLICANT/AGENT: Titan Realty, Inc. (Applicant)/K.E. Miller Engineering (Agent)

REQUEST: NR Neighborhood Retail District

CURRENT ZONING: TF-3 Two-Family Residential District

SITE SIZE: 0.14 acres

LOCATION: Generally located on the west side of North Chautauqua Avenue, within 200 feet north of East Douglas Avenue (117 North Chautauqua Avenue).

PROPOSED USE: Uses allowed by-right in NR zoning.

RECOMMENDATION: Deny.



BACKGROUND: The applicant is requesting a zone change from TF-3 Two-Family Residential District to NR Neighborhood Retail District (NR) on a 0.14-acre (50' x 130') property. The subject site is generally located on the west side of North Chautauqua Avenue, within 200 feet north of East Douglas Avenue (117 North Chautauqua Avenue). It is currently developed with a single-family dwelling built in 1925. The applicant is requesting the zone change to provide options for uses on site that are permitted in the NR zoning district.

If the zone change request is approved, the permitted uses on site and development standards would change, as demonstrated in the table below. NR allows a limited number of light commercial uses under 8,000 square feet as well as restaurants under 2,000 square feet. NR zoning does not allow for a drive thru. The NR District permits Commercial Parking Area, which would allow an adjacent commercial use along East Douglas Avenue to remove the structure on-site and utilize the entire site as a parking area.

Property Development Standards	TF-3 Two-Family Residential	NR Neighborhood Retail
Minimum lot area	3,500 square feet for single-family; 3,000 square feet per dwelling unit for duplex and multi-family (maximum 14.5 dwelling units per acre); 5,000 square feet for nonresidential uses	5,000 square feet for single-family and nonresidential; 3,000 square feet per dwelling unit for duplex; 2,000 square feet per dwelling unit for multi-family (maximum 21.8 dwelling units per acre)
Front setback	25 feet	20 feet
Rear setback	20 feet	10 feet
Maximum height	35 feet	35 feet
Minimum lot width	35 feet	50 feet

Section IV-B.2 of the Unified Zoning Code (UZC) requires screening of commercial properties when abutting or across a street or alley from residential zoning districts. Because the property abuts residential zoning on the north and west sides, the applicant will be required to provide a solid screening fence between six to eight in height along these property lines. The property has a wood fence along the north, west, and south sides of the property.

The property will also need to adhere to the rules and regulations of the Wichita Sign Code, which prohibits buildings signs from facing residential zoning district if the building is within 150 feet of the residential lot line. The applicant will need to adhere to the requirements of the Wichita Landscape Ordinance. In general, the ordinance requires one shade tree (or two ornamental trees) per 40 linear feet along the abutting residential property lines and a landscape street yard will be required. The subject site features several trees near the property lines, but a landscape plan is required to be submitted for review and approval prior to the issuance of building permits. Landscaped buffers are also required along rear and side boundaries of nonresidential developments when adjacent to residential districts.

The UZC Sec.IV-C.5.a, compatibility height standards state that no structure shall exceed 35 feet in height within 50 feet of the lot line of property zoned TF-3 or more restrictive. The proposed NR zoned site abuts and is adjacent to TF-3 zoned properties to the north and west. Thus, the maximum height of 35 feet will be the same as the abutting and adjacent TF-3 zoned residences on the north and west sides of the property. The minimum building compatibility setback shall be 15 feet plus one foot for each five feet of lot width over 50 feet. Should the applicant build a new structure on site, or damage to the house exceeds 50 percent of the property's value, the applicant shall be required to adhere to the NR District setbacks, compatibility setbacks, and compatibility height standards.

The character of the neighborhood is commercial near the arterial street and residential on the local street. Properties to the north and west are zoned TF-3 and are developed with single-family dwellings. Properties to the south are zoned LC Limited Commercial District. They are developed with two vacant buildings, one of which is listed on the National Register of Historic Places (NRHP). Property to the east is zoned LC and GC General Commercial District and is developed with a grocery store. The grocery store has a solid screening fence and concrete retaining wall on the west side that prevents access to the site from North Chautauqua.

CASE HISTORY: On July 13, 1886, the Olivers Subdivision, Block 7 Chautauqua Addition was created. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-family dwelling
SOUTH:	LC, LC (NRHP)	Vacant commercial buildings
EAST:	LC, GC	Grocery store
WEST:	TF-3	Single-family dwelling

PUBLIC SERVICES: This site has access to North Chautauqua Street, which is a two-way local street with sidewalks on each side. Municipal services, such as water and sewer, already exist on site. Wichita Transit stops 200 feet from the subject site, on the northeast corner of East Douglas Avenue and North Chautauqua Street.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is not in conformance with the *Community Investments Plan*. The *Plan*'s 2035 Wichita Future Growth Concept Map identifies the subject site as primarily appropriate for "New Residential", which the *Plan* defines as such: "Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors." The requested zone change would allow for a small commercial business to open on site. Though these uses are accounted for in the "New Residential" category, the location of these uses are subject to the Locational Guidelines as discussed below.

The requested zone change is not in conformance with the *Community Investments Plan*'s Land Use Compatibility Guidelines. These Guidelines state the following related to proposed future development of this site.

- "Neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context." Without a site plan, it is unknown whether the site would be developed or redeveloped in such a way that would not have significant detrimental impacts on nearby residential uses.
- "Higher-intensity development should be discouraged from locating in areas of existing lower-intensity development, particularly established low-density residential areas." The site is adjacent to an established low-density residential neighborhood that has been developed since the early 20th century.
- The Design Guidelines state that "Ingress/egress locations to non-residential uses generally should not access residential streets unless such access will not negatively impact nearby residential areas." The requested zone change allows for non-residential uses on a local, residential street. Should the site be developed with a commercial use, the street may be subject to additional traffic and light pollution from cars accessing or exiting the site.

The requested zone change is in conformance with the *Wichita: Places for People Plan*. The subject site is located one block west of the Neighborhood Hub at Douglas and Hillside. The *Plan* identifies small-scale commercial, such as those permitted by-right in NR zoning, as appropriate for Neighborhood Hub as well as Transition areas. The *Plan* also identifies six Strategies "to help guide the community in their actions to create walkable places within Wichita." Strategy 3 aims to "Improve the economic feasibility of commercial/service uses and the markets necessary to support them." The requested zone change, if approved, could improve the economic feasibility of commercial uses in the area.

The requested zone change is in conformance with the *Central Northeast Area Plan Update*. The *Plan* identifies a list of Priorities, which includes "encourage more neighborhood-serving retail & personal services". The requested zone change would allow for small-scale retail by-right on site.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the zone change 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 commercial near the arterial street and residential on the local street. Properties to the north and west are zoned TF-3 and are developed with single-family dwellings. Properties to the south are zoned LC Limited Commercial District. They are developed with a Printing and Publishing building and a vacant building listed on the National Register of Historic Places (NRHP). Property to the east is zoned LC and GC General Commercial District and is developed with a grocery store. The grocery store has a solid screening fence and concrete retaining wall on the west side that prevents access to the site from North Chautauqua.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned TF-3 Two-Family Residential District, which is suited for a limited number of residential, public, and civic uses, including single-family residences, duplexes, and multi-family density with a Conditional Use approval. TF-3 zoning does not allow for any commercial uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Commercial development adjacent to residential development may bring noise pollution, light pollution, and traffic to the area. The NR District permits Commercial Parking Area, which would allow an adjacent commercial use along East Douglas Avenue to remove the structure on-site and utilize the entire site as a parking area.
4. **Length of time subject property has remained vacant as zoned:** The property is not vacant. It has been developed with a single-family dwelling since 1925.
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 bring uses allowed by right in NR zoning, which includes multi-family housing and small-scale commercial development, to an established low-density residential neighborhood. 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 is in partial conformance with the *Community Investments Plan* and is in conformance with the *Wichita: Places for People Plan* and the *Central Northeast Area Update*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** Planning staff anticipates the requested zone change will bring an increase in traffic to the street, which will also bring light pollution associated with vehicular traffic into an established residential neighborhood.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff received one comment in opposition to the requested zone change. It is attached to the end of this report.

Should the Metropolitan Area Planning Commission approve the requested zone change, staff recommends adding a Protective Overlay, which reads:

1. The structure shall be built with compatible architecture with the existing dwellings in the area and shall have a hipped or gabled roof.
2. Commercial Parking Area is prohibited.
3. The applicant shall submit a site plan detailing placement of the building, location of required parking spaces, required screening and landscaping.
4. Parking is prohibited from being located on the east half of the property, unless a building on the site is located between the parking area and the adjacent property to the north.

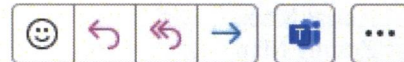
Staff Report Attachments:

1. Public Comment
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Plan
6. Photos

Re: ZON2024-00058



Jeff Breault <brosky123@gmail.com>
To: Rieth, Christina



10:02 AM

 If there are problems with how this message is displayed, click here to view it in a web browser.

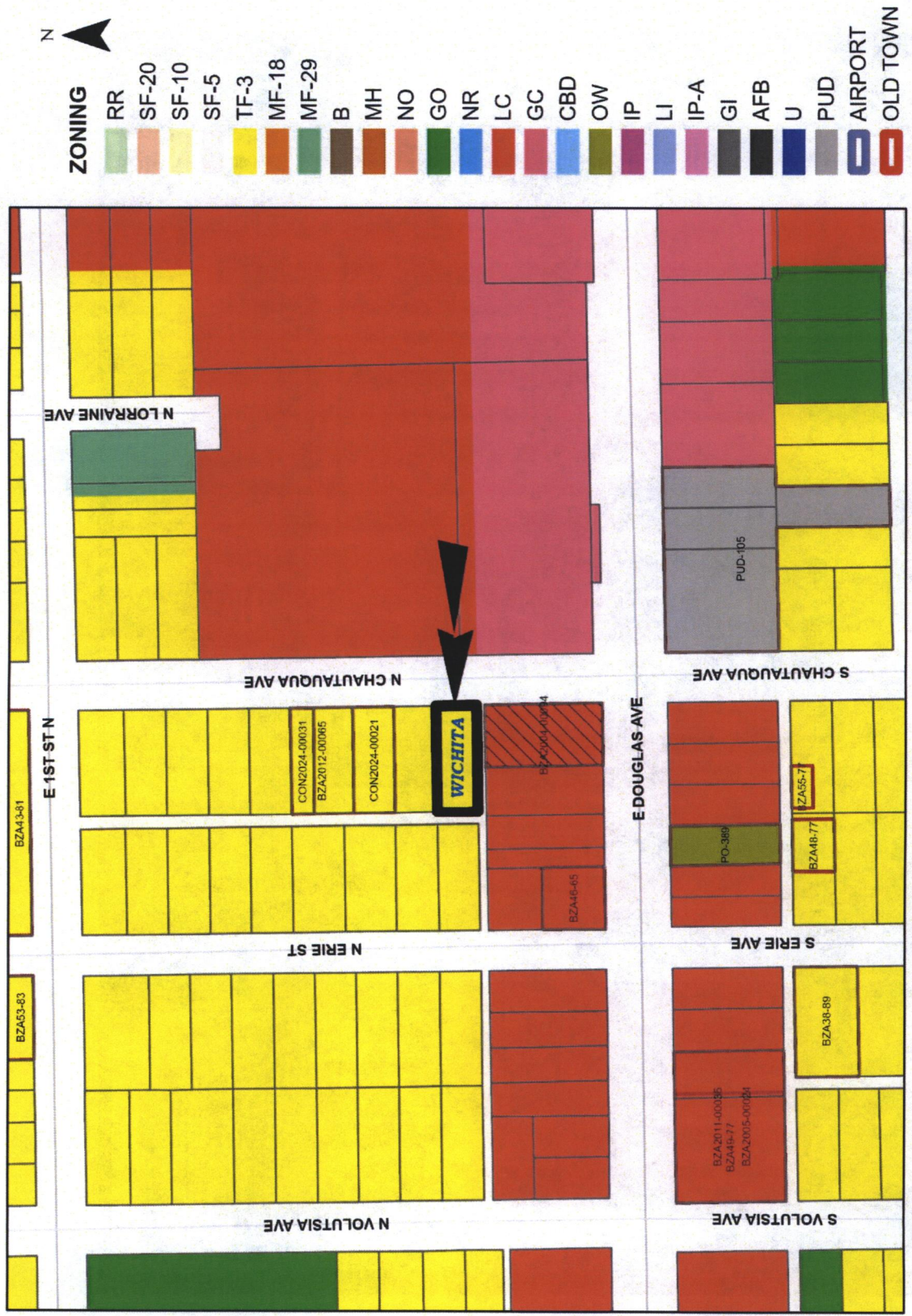
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Christina,
Zon2024-00058

My name is Jeff Breault, managing member of M&J Real Estate LLC, owner of 2938 E Douglas. My property is directly south of the property in this zoning request. I strongly oppose this request. The house has very limited parking, and many times over the years I have had to threaten to tow off cars parked across the alley in my very limited parking lot. In addition, the house two houses to the North of this property is a VRBO, and routinely there are several vehicles parked on the street and illegally on my lot, causing much congestion. Adding a retail business here would greatly exacerbate these issues. With parking only allowed on one side of Chautauqua (southbound lane) there is simply no extra space for retail in this location.

Thank you for your consideration.



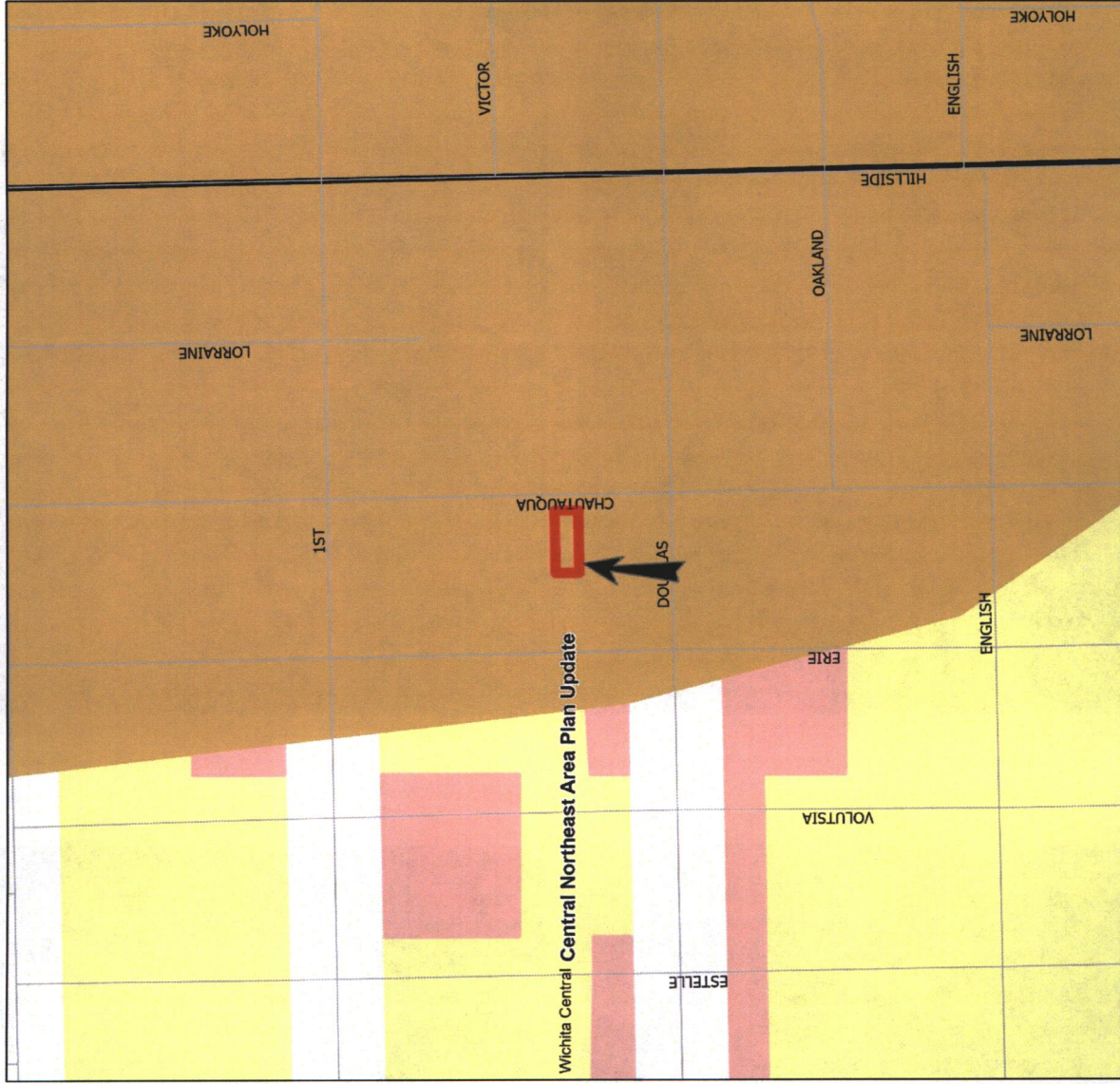


2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
 - Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood & Area Plans
 - Application Area



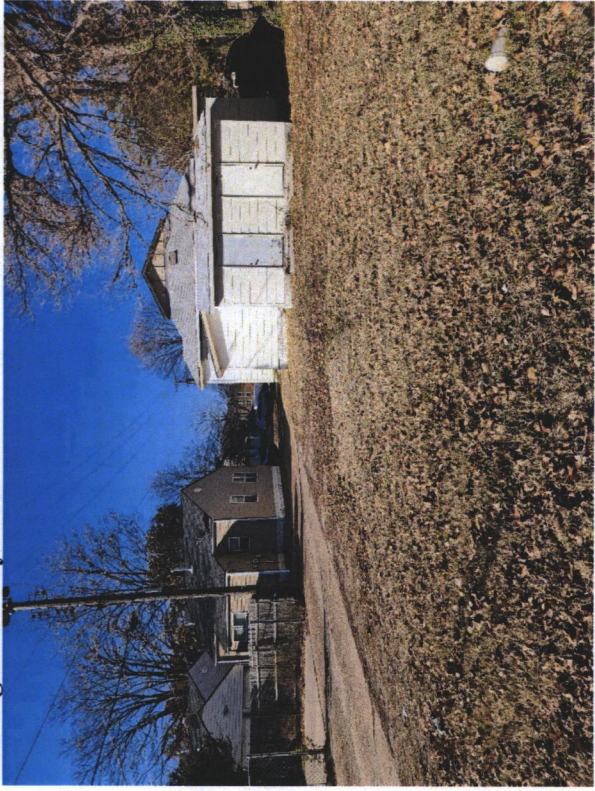
Map prepared by the City of Wichita, Kansas, Planning Department, 2024. The map is for informational purposes only and does not constitute a legal document. The City of Wichita, Kansas, Planning Department, 2024.



Looking west towards site



Looking west away from site



Looking south away from site



Looking north away from site



Looking east away from site



Looking east towards site



Looking north towards site

