



Wichita-Sedgwick County Metropolitan Area Planning Department

May 7, 2021

City of Wichita
Attn: John Philbirck
455 N Main
Wichita, KS 67202

RE: BZA2021-00018 – City Variance to increase building height on property located 2000 feet east of Hoover Rd., on the south side of West 21st Street North at 4729 West 21st Street North.

Dear Applicant,

The official action of the Board of Zoning Appeals was to **grant** the requested variance. The BZA2021-00018 Resolution adopted by the Board of Zoning Appeals on May 6, 2021 is attached. The approval of the request is subject to the following conditions.

1. A site plan shall be submitted to the Director of Planning for review and approval.
2. The site shall be constructed in conformance to the approved site plan.

If you have any questions concerning this matter, please call our office at (316)-268-4421.

Sincerely,

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

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
PEC, Rebecca Mellies, 303 S Topeka, Wichita, KS 67202

BZA RESOLUTION NO. BZA2021-000018

WHEREAS, City of Wichita (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to increase the building height to 99 feet on property located at 4729 West 21st Street North; legally described as follows:

A tract of land lying within Section 11, Township 27, Range 1 West of the 6th P.M., Wichita, Sedgwick County, Kansas, more particularly described as: Beginning at the northwest corner of Lot 2, Block 1, Northwest Water Treatment Plan Addition to Wichita, Sedgwick County, Kansas, said point being the southwest corner of Lot 1, Block 1: thence bearing S00°37'53"W a distance of 529.01 feet along the west line of Lot 2 to a point PI on said west line; thence along southwesterly line of said Lot 2, bearing S40°23'07"E a distance of 1570.12 feet to a PI on said southwesterly line; thence bearing N41°01'17"E along southeasterly line of said Lot 2 a distance of 947.79 feet; thence bearing N00°04'25"W a distance of 1396.90 feet to a point on the north line of Lot 2; thence S89°55'35"W a distance of 441.97 feet along said north line of Lot 2; thence bearing S00°37'35"W a distance of 385.00 feet; thence bearing S89°55'35"W a distance of 1205.67 feet to the point of beginning, containing 49.78 acres more or less.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of May 6, 2021, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the request to permit an increase in building height is appropriate considering the uniqueness and complexity of the use. The site is bounded on the east side by the M.S. Mitchell Floodway and is separated from Zoo Boulevard by railroad right-of-way.

WHEREAS, granting the additional height will not adversely affect the rights of adjacent property owners. The site plan shows the majority of the structure will be constructed on the south side of the site, away from the residential subdivision on the north side of West 21st Street North.

WHEREAS, the strict application of zoning code height restriction will decrease the ability to properly develop and construct the desired water treatment facility.

WHEREAS, granting the variance to permit the additional building height is in the public interest and will not adversely affect surrounding properties.

WHEREAS, In IP zoning, a 150-foot wireless communication facility can be approved by administrative permit. In SF-5 zoning, the height of a wireless communication facility that can be approved by administrative permit is limited to 65 feet. To exceed that height requires a conditional use. With this in mind, a request for 99 feet to provide a development envelope to accommodate the final design of the structure is reasonable. This also affords the opportunity to avoid requesting a variance for a shorter height, only to have to file an additional variance in the future because the final design exceeded what was originally requested. It is staff's opinion that granting the requested variance supports the intent of the Zoning Code,

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to increase the building height to 99 feet on property located at 4729 West 21st Street North; legally described as follows:

A tract of land lying within Section 11, Township 27, Range 1 West of the 6th P.M., Wichita, Sedgwick County, Kansas, more particularly described as: Beginning at the northwest corner of Lot 2, Block 1, Northwest Water Treatment Plan Addition to Wichita, Sedgwick County, Kansas, said point being the southwest corner of Lot 1, Block 1: thence bearing S00°37'53"W a distance of 529.01 feet along the west line of Lot 2 to a point PI on said west line; thence along southwesterly line of said Lot 2, bearing S40°23'07"E a distance of 1570.12 feet to a PI on

said southwesterly line; thence bearing N41°01'17"E along southeasterly line of said Lot 2 a distance of 947.79 feet; thence bearing N00°04'25"W a distance of 1396.90 feet to a point on the north line of Lot 2; thence S89°55'35"W a distance of 441.97 feet along said north line of Lot 2; thence bearing S00°37'35"W a distance of 385.00 feet; thence bearing S89°55'35"W a distance of 1205.67 feet to the point of beginning, containing 49.78 acres more or less.

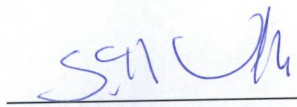
The variance is hereby **GRANTED**, subject to the following conditions:

1. A site plan shall be submitted to the Director of Planning for review and approval.
2. The site shall be constructed in conformance to the approved site plan.

ADOPTED AT WICHITA, KANSAS, this 6th Day of May, 2021


Michael C. Greene, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary



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
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	45007	(default) - WIC-04-15-2021	OCA 150004	\$117.60	1	14.00

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

Copy of ad content
is on the next page

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

No. of Insertions: 1
Beginning Issue of: 04/15/2021
Ending Issue of: 04/15/2021

STATE OF KANSAS)

SS

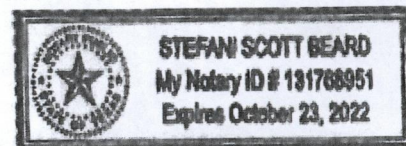
County of Sedgwick)

Hayley Martin, 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 04/15/2021 to 04/15/2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 04/15/2021

Stefani Beard

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!

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
ON APRIL 15, 2021 (103774)
(One Time Only)

MAPC/BZA May 6, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, May 6, 2021, no earlier than 1:00 a.m.**, the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom 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.**

BZA2021-00018 City Variance to increase building height on property located 2000 feet east of Hoover Rd. on the south side of W. 21st St. at 4729 W. 21st St. N. **CON2021-00014** City Conditional Use to expand **CON2010-00022**, in association with **ZON2021-00006**, to allow limited indoor recycling (limited screened outdoor storage) of computers, appliances, equipment and machinery (no inoperable vehicles); generally located on the west side of St. Francis at 624 E. Morris

CON2021-00015 City Conditional Use to allow a Car Wash within 200 feet of a residential zoning district on property zoned LC Limited Commercial, generally located 1000 feet west of North Amidon on the north side of West 21st Street North (1716 W. 21st St. N).

CON2021-00016 City Conditional Use to allow an accessory apartment on property zoned SF-5 Single-Family Residential, generally located 1,400 feet south of West 55th Street South and 400 feet west of South Seneca Street (1330 West Bones Circle).

VAC2021-00014 City vacation of a portion of a platted front yard setback on SF-5 Single Family Residential zoned property generally located northwest of South Tyler Road and West Kellogg Drive on the northeast corner of South Keith Avenue and West Belview Avenue (640 South Keith Avenue).

VAC2021-00017 City Vacation of a portion of a platted street side yard setback on GO General Office zoned property generally located on the northeast corner of North Hillside Avenue and East Central Avenue (550 N Hillside)

VAC2021-00018 City Vacation of a portion of a platted front yard setback on LC Limited Commercial zoned property generally located east of North Webb Road on the north side of East 21st Street North (7750 East 21st Street North)

ZON2021-00006 City Zone Change from Multi-Family Residential (B) and General Commercial (GC) to Limited Industrial, Generally located within 800 feet north of East Lincoln Street and within 1200 feet east of South Broadway Avenue (624 E. Morris St).

ZON2021-00014 City zone change from TF-3 Two Family and SF-5 Single Family to MF-29 Multi-family (apartment or a third dwelling unit), generally located on the south side of West 18th Street North and west of North Arkansas Avenue (441 W. 18th St. N).

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.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time; 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

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	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Betsy Pagan 271 W. 3 rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (671) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.polo.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.298651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts.

<https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. 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.

WITNESS MY HAND on April 12, 2021

Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

SITE PLAN

APPROVED 5/6/2021 BY *[Signature]*

PACKAGE 2 LIMITS OF REVIEW:
PACKAGE 2 AREA FOR REVIEW INCLUDES THE FILTER BUILDING WHICH WAS SUBMITTED FOR REVIEW IN PACKAGE 1. ALL OTHER AREAS ARE ON HOLD AND NOT ISSUED FOR CONSTRUCTION.

PACKAGE 3 LIMITS OF REVIEW:
PACKAGE 3 AREA FOR REVIEW INCLUDES THE SOLIDS CONTACT CLARIFIERS, CHLORINE WATER PUMP STATIONS ONLY, ALL OTHER AREAS INCLUDING LIME RESIDUAL PUMP STATIONS NO. 2 AND NO. 3 ARE ON HOLD AND NOT ISSUED FOR CONSTRUCTION.

no.	date	by	ckd	description
0	11/12/20	CSL	JAG	PACKAGE 1: ISSUED FOR CONSTRUCTION
1	12/07/20	CSL	JAG	ADDED EASEMENTS & DIMENSIONS-ENTIRE SHEET
2	12/07/20	CSL	JAG	PACKAGE 1: ISSUED FOR CONSTRUCTION
	12/18/20	DSB	JAG	PACKAGE 2 AND 3 LIMITS OF REVIEW ADDED
	12/18/20	DSB	JAG	PACKAGE 2: ISSUED FOR Q4 REVIEW
	12/18/20	DSB	JAG	PACKAGE 3: ISSUED FOR Q4 REVIEW
	02/11/21	DSB	JAG	PACKAGE 2: ISSUED FOR OWNER REVIEW
	02/11/21	DSB	JAG	PACKAGE 3: ISSUED FOR OWNER REVIEW
	03/18/21	DSB	JAG	PACKAGE 2: ISSUED FOR CONSTRUCTION



date	designed	checked	date	checked
04/06/20	J. GOLKAT, KAUFMAN	R. GLESSNER	04/06/20	C. LINK



NORTHWEST WATER TREATMENT FACILITY
SITE - CIVIL
OVERALL SITE PLAN

project	114461	contract	
drawing		rev.	040C101 - 2
sheet	of	sheets	
file	171350-009-040C101.dwg		

