



Wichita-Sedgwick County Metropolitan Area Planning Department

January 10, 2022

JJB Properties, LLC
7540 W Northwind St, Ste 300
Wichita, KS 67205

RE: BZA2021-00067 – City Variance to waive the screening and landscape requirements along the north and south property lines of property zoned MF-18 Multi-Family Residential to allow for the use of existing drives; generally located northwest of West 8th Street North and North Hoover Avenue (915 N. Hoover Ave).

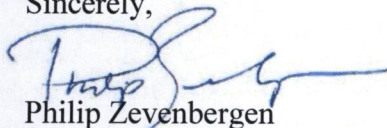
Dear Applicant,

The official action of the Board of Zoning Appeals was to grant the requested variance. The BZA2021-00067 Resolution adopted by the Board of Zoning Appeals on January 6, 2022 is attached. The approval of the request is subject to the following conditions.

1. The screening and landscape requirement shall be waived along the north property line.
2. Only the landscape requirement shall be waived along the south property line.

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

Sincerely,



Philip Zevenbergen
Senior Planner

Copies to: KE Miller Engineering, Kirk Miller, 117 E Lewis, Wichita, KS 67202

BZA RESOLUTION NO. BZA2021-00067

WHEREAS, JJB Properties, LLC (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to waive the screening and landscaping requirements on the north property line and the landscaping requirements on the south property line on property zoned MF-18 Multi-Family Residential, and legally described as follows:

Commencing at a point 18 rods South of the Northeast corner of the Southeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South 10 rods; thence West parallel with the North line of said Southeast Quarter to the East right-of-way line of Highway I-235; thence North along said right-of-way to a point 18 rods South of the North line of said Southeast Quarter; thence East to the point of beginning.

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 December 16, 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, it is the opinion of the Board of Zoning Appeals that the conditions of the request are unique to the subject property. In this case, the applicant wishes to utilize an existing driveway on property north of the subject property as access to the parking area for the new development, and the screening and landscaping requirements would prohibit this. On the south property line, the existing driveway for the existing dwelling on the property is too close to the property line to meet the landscaping requirement.

WHEREAS, it is the opinion of the Board of Zoning Appeals that waving the requirements will not adversely affect the rights of adjacent property owners.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

WHEREAS, It is the opinion of Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; and

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

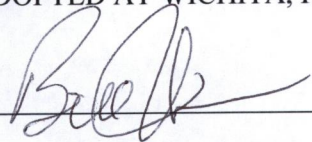
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, in the case of a Variance to waive the screening and landscaping requirements on the north property line and the landscaping requirements on the south property line on property zoned MF-18 Multi-Family Residential, and legally described as follows:

Commencing at a point 18 rods South of the Northeast corner of the Southeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South 10 rods; thence West parallel with the North line of said Southeast Quarter to the East right-of-way line of Highway I-235; thence North along said right-of-way to a point 18 rods South of the North line of said Southeast Quarter; thence East to the point of beginning.

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

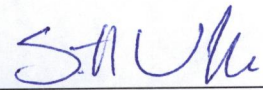
1. The screening and landscape requirement shall be waived along the north property line.
2. Only the landscape requirement shall be waived along the south property line.

ADOPTED AT WICHITA, KANSAS, this 6th Day of January, 2022.



Bill Johnson, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary



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	176596	WIC-11-25-21	OCA 150004	\$109.20	1	14.00 in

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: 11/25/2021
Ending Issue of: 11/25/2021

STATE OF KANSAS)

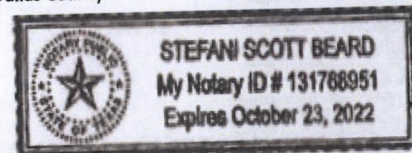
SS

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 11/25/2021 to 11/25/2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 01/25/2022

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!

Jury holds pharmacies responsible for their roles in opioid crisis

BY JOHN SEEWER
Associated Press

CLEVELAND

CVS, Walgreens and Walmart pharmacies recklessly distributed massive amounts of pain pills in two Ohio counties, a federal jury said Tuesday in a verdict that could set the tone for U.S. city and county governments that want to hold pharmacies accountable for their roles in the opioid crisis.

Lake and Trumbull counties blamed the three chain pharmacies for not stopping the flood of pills that caused hundreds of overdose deaths and cost each of the two counties about \$1 billion, their attorney said.

How much the pharmacies must pay in damages will be decided in the spring by a federal judge.

It was the first time pharmacy companies had completed a trial to defend themselves in a drug crisis that has killed a half-million Americans over the past two decades. The counties were able to convince the jury that the pharmacies played an



TONY DEJAK AP

In Trumbull County in Ohio, roughly 80 million prescription painkillers were dispensed between 2012 and 2016 — equivalent to 400 for every resident. Lake and Trumbull counties convinced a jury that three chain pharmacies played an outsized role in contributing to the opioid crisis in their communities.

outsized role in creating a public nuisance in the way they dispensed pain medication into their communities.

"The law requires pharmacies to be diligent in dealing drugs. This case should be a wake-up call that failure will not be accepted," said Mark Lanier, an attorney for the counties.

"The jury sounded a bell

that should be heard throughout all pharmacies in America," Lanier said.

Attorneys for the three pharmacy chains maintained they had policies to stem the flow of pills when their pharmacists had any concerns and would notify authorities about suspicious orders from doctors. They also said it was the doctors who controlled how many

pills were being prescribed for legitimate medical needs.

Spokespeople for CVSHealth and Walgreen Co. said the companies disagree with the verdict and will appeal.

"As plaintiffs' own experts testified, many factors have contributed to the opioid abuse issue, and solving this problem will require involvement from all stakeholders in our health care system and all members of our community," CVS spokesperson Mike DeAngelis said in a statement.

Walgreen spokesperson Fraser Engelman said the company believes the court erred "in allowing the case to go before a jury on a flawed legal theory that is inconsistent with Ohio law."

"As we have said throughout this process, we never manufactured or marketed opioids nor did we distribute them to the 'pill mills' and internet pharmacies that fueled this crisis," Engelman said in a statement. "The plaintiffs' attempt to resolve the opioid crisis with an unprecedented expansion

of public nuisance law is misguided and unsustainable."

Two other chains — Rite Aid and Giant Eagle — already had settled lawsuits with the two Ohio counties.

Lanier said during the trial that the pharmacies were attempting to blame everyone but themselves. The opioid crisis has overwhelmed courts, social services agencies and law enforcement in Ohio's blue-collar corner east of Cleveland, leaving behind heartbroken families and babies born to addicted mothers, Lanier told jurors.

Roughly 80 million prescription painkillers were dispensed in Trumbull County alone between 2012 and 2016 — equivalent to 400 for every resident.

In Lake County, some 61 million pills were distributed during that period. The rise in physicians prescribing pain medications such as oxycodone and hydrocodone came at a time when medical groups began recognizing that patients have the right to be treated for pain, Kaspar Stoffelmayr, an attorney for Walgreens, said at the opening of the trial.

The problem, he said, was that "pharmaceutical

manufacturers tricked doctors into writing way too many pills."

The counties said pharmacies should be the last line of defense to prevent the pills from getting into the wrong hands.

They didn't hire enough pharmacists and technicians or train them to stop that from happening and failed to implement systems that could flag suspicious orders, Lanier said.

The trial before U.S. District Judge Dan Polster in Cleveland was part of a broader constellation of federal opioid lawsuits — about 3,000 in all — that have been consolidated under the judge's supervision. Other cases are moving ahead in state courts.

Kevin Roy, chief public policy officer at Shatterproof, an organization that advocates for solutions to addiction, said the verdict could lead pharmacies to follow the path of major distribution companies and some drug makers that have reached nationwide settlements of opioid cases worth billions.

So far, no pharmacy has reached a nationwide settlement.

FROM PAGE 1A

EVERGY

needs."

At issue is a sustainability transformation plan, or STP, undertaken by Evergy after Elliott came on board. The plan calls for cost reductions on current operations and a large expansion in system investment, both of which would benefit the company's bottom line and returns for shareholders.

The original plan envisioned \$8.9 billion in additional spending on transmission, distribution and renewable energy. In an investor presentation this year, Evergy added a fifth year and an increase in total capital spending to \$10.4 billion through 2025.

The commission issued an order Tuesday requiring Evergy to explain and justify that spending plan and report quality of service measures on a quarterly basis.

"Given Evergy's apparent plans for large future investments, additional transparency is warranted," the order said. "Accordingly, the Commission directs Evergy to file with its next Capital Plan Report filing an explanation of: (1) the projected increased spending levels,

and (2) the impact those spending levels will have on the trajectory of retail rates."

Evergy could not be reached for comment.

Applauding the commission's order and attitude is the Citizens' Utility Ratepayer Board, the small state agency that represents residential and small-business customers.

"The energy burden in Kansas is a real thing," said David Nickel, CURB executive director. "There are people that can't afford their electricity."

There are people that suffer as to whether they buy their food or buy their medicine, or keep heating their homes or keep their homes air conditioned in the hot summer months."

The commission action "shows this commission is certainly in touch with the need to be mindful of what rates are going to be," Nickel said.

The nationwide consumer watchdog group Public Citizen and the Communications Workers of America union recently filed a protest with federal officials alleging that Elliott and an affiliated hedge fund, Bluepeak



KCC attorney Brian Fedotin, upper left, and commissioners Dwight Keen, lower left, and Andrew French, lower right, listen to Commissioner Susan Duffy, who was bluntly critical of the role played by international hedge fund Elliott Management in running Energy, Kansas' dominant power company.

Energy Partners, have virtually taken over Evergy.

"There is substantial evidence that the hedge funds exert controlling influence over Evergy," said the filing to the Federal Energy Regulatory Commission.

"First, at least four of Evergy's thirteen board members were selected by the hedge funds — C. John Wilder, Bluepeak's current Executive Chairman; David A. Campbell, former Bluepeak President; Paul M. Klegvick; and former (Louisiana) U.S. Senator

Mary L. Landrieu," the filing said. "A fifth individual, Kirkland B. Andrews, was Elliott's board selection, a position he held until shifting over to become Evergy's Executive Vice President and Chief Financial Officer."

The protest alleged that even more than the membership on the board, the hedge funds exert control through a finance committee that was given sweeping powers in February "as the primary driver of management and investment decision making for the entire company."

"There are five members of the Finance Committee, and all four of the Bluepeak and Elliott board members serve on the Committee, with Bluepeak's Wilder serving as Chairman," the filing said.

The Public Citizen/CWA protest also outlined several other instances around the country where Elliott had intervened in utilities, leading to increased rates for consumers.

Dion Leffer: 316-268-6527, @DionKansas

FROM PAGE 1A

WORKERS

for most vulnerable populations."

Raises for hourly workers will range from an additional \$1.50 to \$4.50 per-hour depending on vacancy rates and position.

Salaried employees will receive a \$3,500 bonus. The raises will remain in effect through the end of

the fiscal year in June but must be approved by lawmakers to become permanent.

Last year, the Legislature declined to include across-the-board raises for state employees in the annual budget, citing concern about rewarding state employees while other Kansans struggled

with the impact of COVID-19.

Employees and the Kansas Organization of State Employees, however, have pointed to low pay and poor working conditions as a major driver of workforce shortages.

Sarah LaFrenz, president of the Kansas Organization of State Employees, called the pay hike an "excellent step forward."

"These raises and pay

differentials mean front-line workers like corrections officers and state hospital staff could finally get the safe staffing levels they need and proper pay for their unthinkable sacrifices on behalf of Kansans," LaFrenz said.

Private and public employers nationwide have been hit by staffing shortages this year prompting pay raises and bonuses to attract workers.

State workers in Mis-

souri saw a 2% raise in the budget Gov. Mike Parson signed this year. But he vetoed \$2 million to specifically raise the pay of child welfare employees whose division has been recently plagued with high caseloads and staffing woes.

The Star's Jeanne Kuang contributed to this report.

Katie Bernard: (816)234-4167, @KatieBernard

FROM PAGE 1A

BOOMERANGERS

awesome the city has become since they left. And they're giving the first 75 away for free.

It's called the Boomeranger Box, and it's filled with local products including a bag of Reverie Coffee with a custom "Coming Home" label, a Lola Candle Co. mini candle, Wichita-centric stickers by Heartlandia, a chocolate bar from Cocoa Dolce and more.

The partnership is in-

volving anyone who knows a Wichita native who has moved out of state to visit the website choosewchita.com/boomeranger to have a box sent to a "boomeranger."

The first 75 who type in the code "partnership" when ordering will get a free box.

The box is the brainchild of Meghan Carver, director of communications for the Greater Wichita Partnership. The group, when

researching how to attract talent to the Wichita area, determined that it was best spent focusing on people who have roots in the city, she said.

She contacted ICT Box founder Devon Creasman, who founded her business, which offers custom curated gift boxes, when she was just 19 years old.

The two worked together to design the Boomeranger Box.

"I love the mission behind it," Creasman said. "I think it's really cool that we're reaching out to people who haven't thought about Wichita in a

long time. Wichita has changed so much in the past five years, and with this, we're able to give a little capsule of it."

Boomeranger Boxes must be ordered by Dec. 3. Once the 75 boxes the partnership is paying for are gone, people can still buy them for \$60 plus shipping at ictbox.com/boomeranger.

All boxes will be mailed out by Dec. 15. They must be sent to people out of state.

Here's what's in each box:

● 12 oz bag of Reverie

Coffee with a custom "Coming Home" label

● Lola Candle Co mini candle

● Spicy J's spice seasoning

● Cocoa Dolce Caramel

Latté Gold Chocolate Bar (full size)

● Three Heartlandia stickers

● Choose Wichita marketing materials, including a unique brochure just for box recipients

● Custom postcard from sender

Denise Neill: 316-268-6327, @denise11

LEGAL PUBLICATION

PUBLISHED IN THE WICHITA EAGLE
ON NOVEMBER 25, 2021 (40702N)
City of

MAPS/ATA December 16, 2021

NOTICE IS HEREBY GIVEN that on Thursday, December 16, 2021 at 10:00 a.m. the City of Wichita, Kansas, will consider the following applications. The City Engineer will be present to receive comments. It is available in multiple ways. First, without charge, by visiting the City of Wichita website at www.cityofwichita.org or by visiting the City of Wichita website at www.cityofwichita.org. Second, by visiting the City of Wichita website at www.cityofwichita.org. Third, by visiting the City of Wichita website at www.cityofwichita.org. Fourth, by visiting the City of Wichita website at www.cityofwichita.org. Fifth, by visiting the City of Wichita website at www.cityofwichita.org. Sixth, by visiting the City of Wichita website at www.cityofwichita.org. Seventh, by visiting the City of Wichita website at www.cityofwichita.org. Eighth, by visiting the City of Wichita website at www.cityofwichita.org. Ninth, by visiting the City of Wichita website at www.cityofwichita.org. 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VARIANCE – to waive the screening and landscape requirement on the north side of the property at 915 N. Hoover Avenue, owned by JJB Properties, LLC.

NOTES:

- 1. Drive north of the property is 18 feet wide.
- 2. Drive will be widened to 25 feet.
- 3. Speed Limit sign south of the drive will need to be relocated to the south.

SITE PLAN

APPROVED 11/3/2022 BY *Theresa A.*

915 N. Hoover
Variance Site Plan
Wichita, Kansas

KEMILLER

ENGINEERING, PA

171 E. Linn, Wichita, KS 67202 (316) 264-2042

MEM NO.

21147

DESIGN

KM

FILE

DRAWN

EL

DATE

10/20/2021

REVISION

SHEET

1.0

PROJECT NUMBER

The site plan illustrates the property layout for 915 N. Hoover Avenue. Key features include:

- Property Boundaries:** The property is bounded by Interstate 235 to the north, N Hoover Rd to the east, and Lot 4, Block A to the south.
- Existing Structures:** An existing house (FF 14.22) and an existing garage (FF 12.83) are shown.
- Proposed Structures:** Three proposed buildings are indicated, with dimensions of 44.0' x 12.0' each.
- Driveway:** A 222.71' wide driveway is shown, with a 20.0' wide section labeled 'DP'.
- Other Features:** A 20' Sanitary Sewer Easement is shown, along with a 25' front setback and a 10.0' wide area.
- Speed Limit Sign:** A note indicates that the speed limit sign is to be relocated to the south.

