

OCA 150004      PUBLISHED IN THE WICHITA EAGLE ON April 8, 2022  
ORDINANCE NO. 51-728

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. ZON2022-00002**

City zone change from LC Limited Commercial to OW Office Warehouse zoning subject to the provisions of Protective Overlay #389 described as:

Lots 30 & 32, on Douglas Ave., in Allen's Subdivision in Richland's 2<sup>nd</sup> Addition

**Protective Overlay #389**

1. The subject property shall be limited to all uses permitted by-right in the LC Limited Commercial zoning district in addition to Warehousing as permitted in OW Office Warehouse.
2. Signs shall be in accordance with the LC zoning district in the Sign Code of the City of Wichita, with the following additional requirements:
  - a. Portable signs are not permitted.
  - b. Ground signs shall be monument type.
  - c. No off-site /billboard signs.
  - d. No signs, except small directional signs shall be permitted on the south side of the building.
3. Noise from the site shall not be audible from adjacent or surrounding property above the local, ambient noise. No outdoor speaker systems shall be permitted.
4. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.
5. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
6. Parking shall be per Section IV-A.4 of the Unified Zoning Code.
7. Amendments, adjustments or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
8. The Transfer of title of all or any portion of land included within the Protective Overlay (or any

amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.

9. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, after a joint determination by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

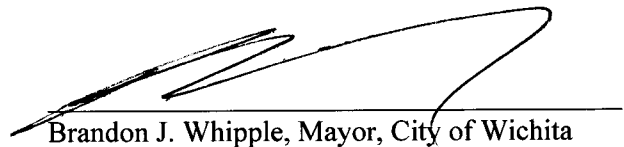
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

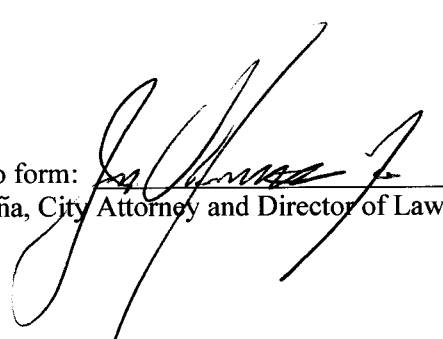
ATTEST:



Karen Sublett, City Clerk



Brandon J. Whipple, Mayor, City of Wichita

Approved as to form:   
Jennifer Magaña, City Attorney and Director of Law



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

March 22, 2022

Jeff Breault  
8080 E Central Ave., Ste 200  
Wichita, KS 67206

**RE: ZON2022-00002:** Zone change in the City from LC Limited Commercial to OW Office Warehouse for warehousing and office uses on property; generally located on the south side of East Douglas Avenue and within one-quarter mile west of South Hillside Avenue (2911 E Douglas).

Dear Applicant;

At its regular meeting on March 22, 2022, the Wichita City Council considered the above captioned request. The action of the City Council was to APPROVE the request subject to the provision of the enclosed protective overlay.

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

Sincerely,

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

Philip Zevenbergen, AICP  
Senior Planner

Copies to: MABCD  
Brandon Johnson, City Council District I  
Tasha Hayes, CSR District I

### **Protective Overlay #389**

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8. The Transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
9. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, after a joint determination by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.



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

February 17, 2022

Jeff Breault  
8080 E Central Ave., Ste 200  
Wichita, KS 67206

**RE: ZON2022-00002:** Zone change in the City from LC Limited Commercial to OW Office Warehouse for warehousing and office uses on property; generally located on the south side of East Douglas Avenue and within one-quarter mile west of South Hillside Avenue (2911 E Douglas).

Dear Applicant;

At its regular meeting on **February 17, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request subject to the provision of the enclosed protective overlay.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on March 3, 2022. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed and must be submitted to the City Clerk by **March 3, 2022 at 5:00 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, March 22, 2022, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, 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,

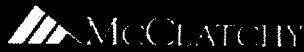
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Philip Zevenbergen, AICP  
Senior Planner

Copies to: MABCD  
Brandon Johnson, City Council District I  
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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  
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The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

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## AFFIDAVIT OF PUBLICATION

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Attention: Purchasing Office  
CITY OF WICHITA/PURCHASING  
455 N MAIN ST FL 12  
WICHITA, KS 67202

### LEGAL PUBLICATION MAPC/SEA February 17, 2022 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 17, 2022, no earlier than 1:30 p.m., the WichitaSedgwick 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). Masks are required at City Hall at this time. If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 268-4421.

**CON2022-00001:** Conditional Use located in the City for a Major Utility, electrical substation, on Limited Commercial (LC) and General Office (GO) zoned property; generally located on the south side of East MacArthur Road and less than one-quarter east of South Hydraulic Avenue.

**CUP2022-00001:** City CUP minor amendment to DP-203 Parcel 2 to allow a seasonal garden center; generally located at the southwest corner of West 37th Street North and North Woodlawn Avenue (3707 N. Woodlawn).

**PUD2022-00001:** Zone change request in the City from LC Limited Commercial to PUD Planned Unit Development for General Commercial uses on property located on the east side of Southeast Boulevard (K-15) and one half mile south of East Pawnee Avenue (at the intersection of East Wastall and South Minnesota).

**ZON2022-00001:** City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential, generally located on the south side of West 37th Street North and 0.63 miles east of North Womer Street.

**ZON2021-00002:** Zone change in the City from LC Limited Commercial to OW Office Warehouse for warehousing and office uses on property; generally located on the south side of East Douglas Avenue and within one-quarter mile west of South Hillside Avenue (2911 E Douglas).

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 WichitaSedgwick 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: [Planning@wichita.gov](mailto:Planning@wichita.gov)

Mailing Address: Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadie

271 W 3rd 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 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system

Dial in or type: 67.217.95.2 or [incomlink.goto.com](https://incomlink.goto.com)

Meeting ID: 651 544 141

Or dial directly: 651544141 @ 67.217.95.2 or 67.217.95.2#651544141

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. Masks are required at City Hall at this time. For more information please visit [www.wichita.gov/visit-cityhall](http://www.wichita.gov/visit-cityhall). 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 January 27, 2022

Scott Wadie, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0057522

Jan 27 2022

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

No. of Insertions: 1

Beginning Issue of: 01/27/2022

Ending Issue of: 01/27/2022

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 01/27/2022 to 01/27/2022.

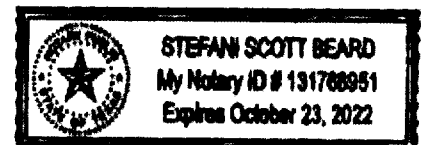
*M. Hayley*

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

DATED: 01/27/2022

*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!



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  
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The Telegraph - Martin  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

## AFFIDAVIT OF PUBLICATION

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| 32522     | 245004       | WIC-4-8-2022   | ORD. NO. 51-728 | \$134.40 | 1    | 16.00 in |

Attention: Jamie Buster  
CITY OF WICHITA/CLERKS OFFICE  
455 N MAIN ST FL 13  
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: 04/08/2022  
Ending Issue of: 04/08/2022

STATE OF KANSAS)

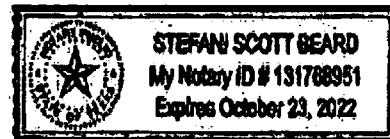
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County of Sedgwick)

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I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
DATED: 04/14/2022

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!

## LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA  
EAGLE ON April 8, 2022 (5786603)

ORDINANCE NO. 51-728

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Case No. ZON2022-00002

City zone change from LC Limited Commercial to OW Office Warehouse zoning subject to the provisions of Protective Overlay #389 described as:

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**Protective Overlay #389**

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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.

ATTEST:

\_\_\_\_\_  
Brandon J. Whipple, Mayor, City of Wichita

\_\_\_\_\_  
Karen Subiet, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Jennifer Mapala, City Attorney and Director of Law