



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

November 15, 2022

Via Christi Property Services  
Attn: Michael McCullough  
1100 N Saint Francis Street, Ste 240  
Wichita, KS 67214

Medxcel Real Estate  
Attn: Elyssa Carter  
1100 N Saint Francis Street, Ste 240  
Wichita, KS 67214

Baughman Company  
Attn: Phil Meyer  
315 Ellis  
Wichita, KS 67211

**RE: ZON2022-00048 and CUP2022-00043:** Zone change request in the City from B Multi-Family Residential to GO General Office to convert a medical office into a general office use, located one-block east of North Webb Road and one-half mile south of K-96 Highway (9727 E Shannon Woods Cir).

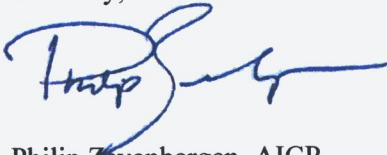
Dear Applicants;

At its regular meeting on **November 8, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request with the following conditions:

1. Allow office, as defined by the UZC, Sec.II.B.9., as a permitted use on Parcel 5 while retaining its current permitted uses for medical services, assisted living for the elderly or developmentally disabled (excluding other types of group residences), church, day care center, convalescent care facility or rehabilitation hospital (excluding, drug and alcohol and psychiatric treatment facilities).
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

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,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a long horizontal flourish extending to the right.

Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to:      Becky Tuttle, Council Member District II  
                     Cory Buchta, CSR, District II  
                     MABCD



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

October 7, 2022

Via Christi Property Services  
Attn: Michael McCullough  
1100 N Saint Francis Street, Ste 240  
Wichita, KS 67214

Medxcel Real Estate  
Attn: Elyssa Carter  
1100 N Saint Francis Street, Ste 240  
Wichita, KS 67214

Baughman Company  
Attn: Phil Meyer  
315 Ellis  
Wichita, KS 67211

**RE: ZON2022-00048 and CUP2022-00043:** Zone change request in the City from B Multi-Family Residential to GO General Office to convert a medical office into a general office use, located one-block east of North Webb Road and one-half mile south of K-96 Highway (9727 E Shannon Woods Cir).

Dear Applicants;

At its regular meeting on **October 6, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request with the following conditions:

1. Allow office, as defined by the UZC, Sec.II.B.9., as a permitted use on Parcel 5 while retaining its current permitted uses for medical services, assisted living for the elderly or developmentally disabled (excluding other types of group residences), church, day care center, convalescent care facility or rehabilitation hospital (excluding, drug and alcohol and psychiatric treatment facilities).
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within **60 days** after approval of this case by the Governing Body, or the request shall be considered denied and closed.

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 October 20, 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 **October 20 at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, November 8, 2022** beginning at 9:00 a.m.

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,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a large, stylized initial "P" and a long horizontal flourish extending to the right.

Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to:      Becky Tuttle, Council Member District II  
                     Cory Buchta, CSR, District II  
                     MABCD

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Nov. 25, 2022

ORDINANCE NO. 51-984

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. ZON2022-00048 and CUP2022-00043**

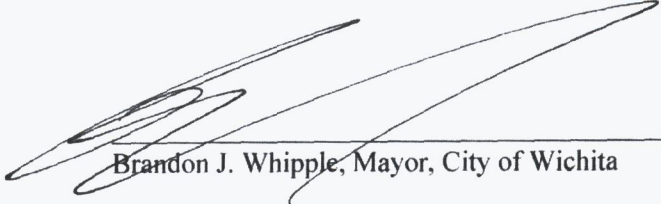
City zone change from B Multi-Family Residential District to GO General Office and subject to the development standards contained in Community Unit Plan DP-192 on property described as:

Commencing at the Northwest corner of Lot 4, Block 1, Kansas Surgery and Recovery Center Addition to Wichita, Sedgwick County, Kansas; thence bearing N89°03'21"E, along the North line of said Lot 4, 283.82 feet to the point of beginning; thence continuing along said North line bearing N89°03'21"E, 132.23 feet to the P.C. of a curve to the right having a radius of 974.31 feet; thence along said curve through a central angle of 14°30'00", an arc distance of 246.57 feet to the Northeast corner of said Lot 4; thence bearing S00°56'29"E along the East line of said Lot 4, 252.38 feet to a point on said East line, said point being 301.94 feet North of the Southeast corner of said Lot 4; thence bearing S89°03'21"W, 323.28 feet; thence bearing N45°56'39"W, 103.85 feet; thence bearing N44°03'21"E, 29.02 feet; thence bearing N00°56'39"W to the point of beginning.

**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:

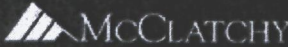
  
Brandon J. Whipple, Mayor, City of Wichita

  
Jamie Buster, City Clerk

(SEAL)



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



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
32522	350663	Print Legal Ad-IPL00993520 - IPL0099352		\$70.45	1	84 L

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

### LEGAL PUBLICATION

**OCA 180004**  
 PUBLISHED IN THE WICHITA EAGLE  
 ON NOVEMBER 25, 2022  
 ORDINANCE NO 51-984  
 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  
 28.04.010, AS ADOPTED BY SECTION  
 28.04.010, AS AMENDED,  
 BE IT ORDAINED BY THE GOVERN-  
 ING BODY

OF THE CITY OF WICHITA, KANSAS.  
 SECTION 1. That having received a  
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 and subject to the provisions of The  
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Case No. ZON2022-00048 and  
 CUP2022-00043  
 City zone change from B Multi-Fam-  
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Commencing at the Northwest corner  
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 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  
 Jamie Buster, City Clerk  
 (SEAL) Approved as to form:  
 Jennifer Magan a, City Attorney and  
 Director of Law  
 IPL0099352  
 Nov 25 2022

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

No. of Insertions: 1  
 Beginning Issue of: 11/25/2022  
 Ending Issue of: 11/25/2022

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 and was published in the regular and entire  
 Morning issue of said The Wichita Eagle from 11/25/2022  
 to 11/25/2022.

I certify (or declare) under penalty of perjury that the  
 foregoing is true and correct.  
 DATED: 11/25/2022

Stephanie Hatcher

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

**STEPHANIE HATCHER**  
 My Notary ID # 133534406  
 Expires January 14, 2026

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  
 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	316357	Print Legal Ad - IPL0089366		\$335.58	4	100 L

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

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

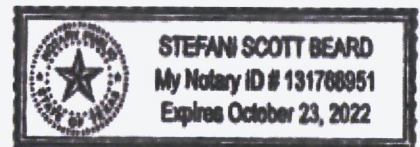
No. of Insertions: 1  
 Beginning Issue of: 09/15/2022  
 Ending Issue of: 09/15/2022

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 09/15/2022 to 09/15/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
 DATED: 09/15/2022

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

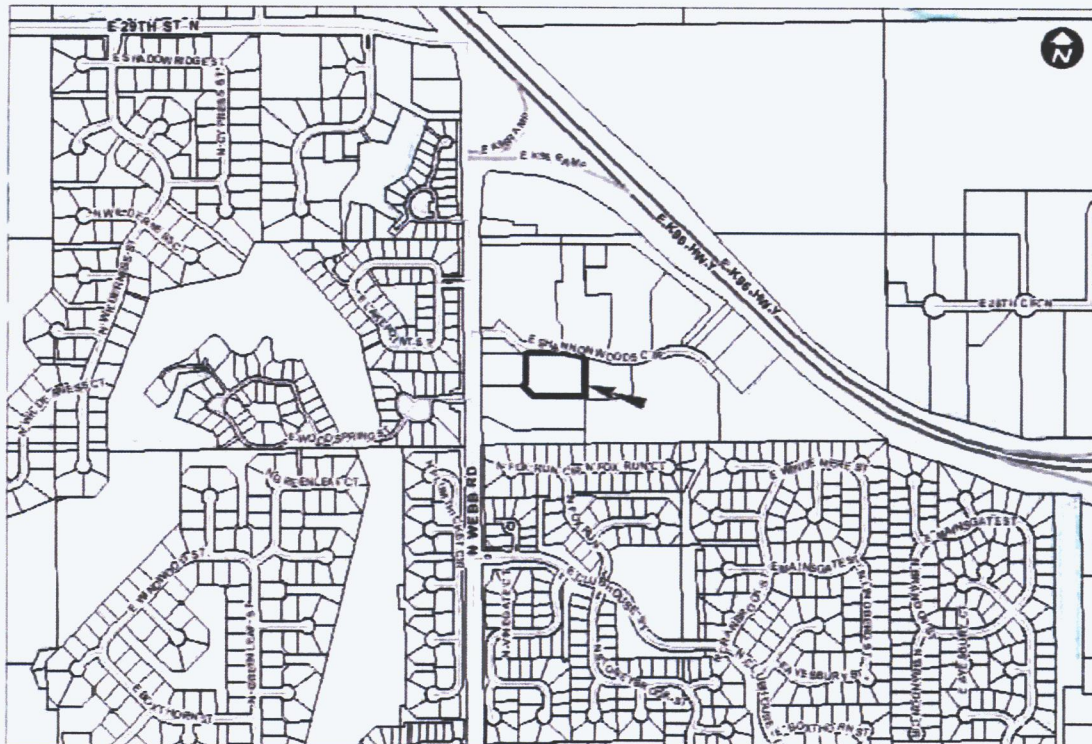
BGA 180004  
 Published in The Wichita Eagle on September 15, 2022  
 (One Time Only)  
 MAPC/BZA October 6, 2022  
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 6, 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 Ronald Reagan Building, 271 West Third Street, 2nd Floor, 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 WichitaSedgwick County Metropolitan Area Planning Department at (316)268-4421.

BZA2022-00038: Variance request in the City to permit a sign area increase from 32 sq. ft. to 42 sq. ft. to increase visibility of sign and to permit an LED sign on property zoned GO General Office, located on the west side of South Hillside Ave and within one half mile south of East Douglas Ave (311 S Hillside).  
 BZA2022-00041: Variance request in the City to increase the height of an off-site sign to 60 feet on property zoned LI Limited Industrial, generally located on the west side of Hydraulic Avenue, within one-quarter mile north of East 37th Street North (4035 North Hydraulic Avenue).  
 BZA2022-00042: Variance request in the City to increase the permitted height of a screening wall from 9 to 10 feet on property zoned SF-5 Single-Family Residential; generally located a quarter-mile east of the intersection of North Ridge Road and West 13th Street North.  
 CON2022-00032: Conditional Use request in the City for Day Care, General, located in SF-5 Single Family zoning district, approximately one-quarter mile east of the intersection of East Central Avenue and North Woodlawn Blvd (7011 East Central Avenue).  
 CON2022-00033: Conditional Use request in the City to amend CON2012-21 to allow outside music and dancing and amend CU-523 to modify hours of operation on property zoned LC Limited Commercial; generally located on the north side of West 21st Street North and within one block east of North Tyler Road (8550 & 8558 W 21st Street).  
 CON2022-00034: Conditional Use Request in the City to permit an off-site sign within 300 feet of residential property; on property zoned GI General Industrial; located between North Hydraulic and I-135 Highway and within one-quarter mile north of East 37th Street North (4035 N Hydraulic).  
 CON2022-00035: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor (associated with ZON2022-00046) for a used car dealership on property zoned LC Limited Commercial; located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 N Hillside Ave).  
 CUP2022-00041: Request in the City to Amend the Hanley Community Unit Plan DP-154 to permit a carwash on Parcel 7, zoned LC Limited Commercial; located on the east side of North Webb Road within one-quarter mile south of East 21st Street North (2110 North Webb Rd).  
 CUP2022-00042: Community Unit Plan Amendment request in the City to DP-126 to increase the height of an existing cell tower from 120 feet to 137 feet on property zoned GC General Commercial; located within one-quarter mile north of East Central Avenue and within one-quarter mile east of North Edgemoor.  
 CUP2022-00043: Request in the City to Amend Parcel 5 of the Tallgrass East Business Park CUP DP-192 to convert a medical office into a general office use (with ZON2022-00048), located within one-block east of North Webb Road and one-half mile south of K-96 Highway (8727 E Shannon Woods Cir).  
 CUP2022-00044: Request in the City to amend the LC Limited Commercial zoned Community Unit Plan DP-279 to align all Parcels and Reserves with the replot of Cross Pointe 2nd Addition, and revise provisions for signage totals and size, access drives, landscaping, height of buildings and architectural control on certain parcels; generally located on the southeast side of East 21st Street North and North Greenwood Road.  
 WVC2022-00028: Request in the City to Vacate a portion of a plateted setback on LI limited industrial zoned property; generally located on the southwest corner of East 39th Street North and North Webb Road.  
 WVC2022-00029: Request in the City to Vacate plateted sanitary sewer easements on property zoned LI Limited Industrial; generally located 1200 feet south of the K-96 Highway and North Hoover Road, on the east side of North Hoover Road.  
 WVC2022-00030: Request in the City to Vacate utility easements in Limited Commercial (LC) zoning in CUP DP-250 for site development; generally located on the west side of North Ridge Road and on the north side of West 37th Street North.  
 ZON2022-00040: Zone change request in the City from SF-5 Single-Family Residential and MH Manufactured Housing to MF-18 Multi-Family Residential on property located on the west side of South 167th Street West and within one-quarter mile north of West Maple Street.  
 ZON2022-00045: Zone Change request in the City from LC Limited Commercial District with PO #175 to GC General Commercial District with PO #397 to allow development of vacant parcels; generally located east of South Seneca Street within one-half mile of West Harry Street.  
 ZON2022-00046: Zone Change request in the City from MF-29 Multi-Family Residential to LC Limited Commercial with CON2022-00035 for Vehicle and Equipment Sales, Outdoor, located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 North Hillside).  
 ZON2022-00047: Zone Change request in the City from LC Limited Commercial to CBD Central Business District to redevelop the site in a consistent manner with surrounding properties; generally located on the south side of West Douglas Avenue, within two-block east of South Seneca Street (901 W Douglas).  
 ZON2022-00048: Zone change request in the City from B Multi-Family Residential to GO General Office associated with CUP2022-00043 a minor amendment to Community Unit Plan DP-192 to allow general office uses on Parcel 5, generally located within one-block east of North Webb Road and one-half mile south of K-96 Highway (8727 E Shannon Woods Cir).  
 ZON2022-00050: Zoning change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District to build duplexes; generally located on the east side of South Greenwich Road, within one-quarter mile south of East Harry Street.  
 ZON2022-00051: Zone change request in the City from TF-3 Two-Family Residential District to MF-18 Multi-Family Residential District; generally located on the southwest corner of West Burton Avenue and South Meridian Avenue (201 South Meridian).  
 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 Ronald Reagan 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 Wadle  
 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 (671) 317-3112  
 Access Code: 651-544-141  
 Join from a video-conferencing room or system.  
 Dial in by type: 67.217.95.2 or [incomlink.gotomeeting.com](https://incomlink.gotomeeting.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 Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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 (316-2684464) by 5pm, 3 days prior to the meeting.  
 WITNESS MY HAND on September 15, 2022  
 Scott Wadle, Secretary  
 WichitaSedgwick County  
 Metropolitan Area Planning Commission  
 IPL0089366  
 Sep 15 2022

**STAFF REPORT**  
MAPC October 6, 2022  
DAB II October 12, 2022

- CASE NUMBER:** ZON2022-00048 - CUP2022-00043 (City)
- APPLICANT/AGENT:** Via Christi Property Services, c/o Michael McCullough, & Medxcel Real Estate, c/o Elyssa Carter (owner/ applicant) Baughman Company PA c/o (agent)
- REQUEST:** GO General Office & a Minor Amendment on Parcel 5 to allow General Office; Amendment #3 for the Tallgrass East Business Park Community Unit Plan CUP DP-192
- CURRENT ZONING:** B Multi-Family Residential with CUP DP-192
- SITE SIZE:** Approximately 3.99-acres
- LOCATION:** Generally located one-half mile south of East 29<sup>th</sup> Street North and 260 feet east of North Webb Road on the south side of the private street Shannon Woods
- PROPOSED USE:** Allow Office development and retain the other permitted uses on Parcel 5



**BACKGROUND:** The applicant is requesting a zone change from B Multi-Family Residential to GO General Office for 'office' development on approximately 3.99-acre Parcel 5 of the Tallgrass East Business Park Community Unit Plan CUP DP-192. The subject site is located in the City approximately on-half mile south of East 29<sup>th</sup> Street North and 250 feet east of North Webb Road, on the south side of the private street Shannon Woods. The subject site is developed as a one-story medical services facility built in 1999,

As requested the GO zoning would allow General Office development as defined by the Unified Zoning Code UZC, Sec.II.B.9.i; "...an establishment offering executive, management, administrative and professional services. Typical uses include real estate, insurance, property management, investment employment, travel, law, architecture, design, engineering, accounting, and the teaching of these and similar activities, and communication switching facilities and telecommunication carriers that are accompanied by office uses and with all facilities within the Building or underground." The B zoning district does not permit these uses as defined on the GO zoning district, thus the request.

The applicant is also requesting a minor amendment to the subject Parcel's permitted uses provision by allowing 'office', while retaining its current permitted uses of the following:

"... medical services, assisted living for the elderly or developmentally disabled (excluding other types of group residences), church, day care center, convalescent care facility or rehabilitation hospital (excluding, drug and alcohol and psychiatric treatment facilities)."

As noted the subject Parcel is part of DP-192. DP-192 contains approximately 52.2-acres of B, GO, LC Limited Commercial, and GC General Commercial zoned parcels. The proposed GO zoning is not a new zoning for DP-192. A total of nine of the 13 parcels of DP-192 allow 'office' as a use. The proposed amendment to allow office use on the Subject parcel is not introducing a new use to DP-192. Because the use change affects less than 50 percent of the area of DP-192 the request is considered a minor amendment.

The subject Parcel is developed as a one-story medical services facility built in 1999. DP-192 is not completely developed. Undeveloped Parcels abut the subject Parcel's south and east sides. Undeveloped Parcels are adjacent to the subject Parcels north side. Medical service facilities or offices abut the subject Parcel's west and southwest sides and are adjacent to its northeast, northwest, and southeast sides.

South of the subject site and DP-192 are properties zoned SF-5 Single-Family Residential zoned single-family residential and developed as single-family homes. Between DP-192 and the single-family homes are approximately 140 feet of setbacks and easements located on and running parallel to the south side of DP-192. Large 'Y' shaped transmission poles are located in these easements.

West of the subject site is North Webb Road, which separates DP-192 from properties zoned SF-5 Single-Family and developed as single-family houses. Northwest of DP-192 (near the southwest corner of East 29<sup>th</sup> Street and North Webb Road) are properties zoned LC Limited Commercial and developed a bank, motel and medical services facility. East of DP-192 is the K-96 Highway, separating DP-192 from a SF-5 zoned portion of Jabara Airport. North of the subject site are properties zoned SF-5 Single-Family that are undeveloped and part of Jabara Airport.

**CASE HISTORY:** The subject Parcel is located on the northeast corner of Lot 4, Block 1, Kansas Surgery and Recovery Center Addition, recorded May 16, 1994. The subject Parcel is identified as Parcel 5 of CUP DP-192. DP-192 was originally approved July 7, 1989 as an undeveloped 28-acre CUP with Z-2952, a zone change from "AA" One-Family Residential to "LC" Light Commercial and "C" General Commercial. Subsequent amendments and zoning changes have expanded DP-192 to its current 52.2-acres of B, GO LC, and GC zoned Parcels developed as some type of medical services or offices. Portions of DP-192 are not developed.

**ADJACENT ZONING AND LAND USE:**

North: SF-5, LI, LC K-96 Highway, Jabara Airport  
South: SF-5 Single-family residences  
West: SF-5, LC Single-family residences, medical services, motel, bank  
East: SF-5 K-96 Highway, undeveloped portions of Jabara Airport

**PUBLIC SERVICES:** The subject site has access, via the private street Shannon Woods, to North Webb Road, which is located approximately 260 feet west of the subject site. This portion of North Webb Road is a paved four-lane arterial with right turn lanes on its east side. Sidewalks are located on both sides of this portion of North Webb Road. Municipal water and sewer services current serve the site. Wichita Transit provides bus service upon request along this portion of North Webb Road.

**CONFORMANCE TO PLANS/POLICIES:**

**Wichita-Sedgwick County Comprehensive Plan**

The proposed rezoning of the subject site is in conformance with the Wichita-Sedgwick County Comprehensive Plan. The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject Parcel and the whole of DP-192 as appropriate for “new employment.” The New Employment designation encompasses areas that are likely to be developed or redeveloped by 2035 with uses that constitute centers or concentrations primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. The requested GO zoning to allow ‘office’ use is more supportive of the New Employment designation than the current B zoning, which does not allow “office’ use. This designation is also consistent with the intent of the proposed minor amendment for the subject Parcel to allow ‘office’ use and the whole of DP-192 ’s intent to support more medical services or office development as currently written. As such, this request is consistent with the Comprehensive Plan.

The Unified Zoning Code UZC, Sec.VI.B.4., states that when an amendment to a CUP is accompanied by a zone change it must proceed, with a recommendation by the Planning Commission, to the Governing Body for final action.

**RECOMMENDATION:** Based upon the information available at the time the report was prepared, staff recommends **APPROVAL** of the requested GO zoning and for Parcel 5 of CUP DP-192 and the following minor amendment to Parcel 5’s provision of permitted uses:

1. Allow office, as defined by the UZC, Sec.II.B.9., as a permitted use on Parcel 5 while retaining its current permitted uses for medical services, assisted living for the elderly or developmentally disabled (excluding other types of group residences), church, day care center, convalescent care facility or rehabilitation hospital (excluding, drug and alcohol and psychiatric treatment facilities).
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. **The zoning uses and character of the neighborhood:** South of the subject site and DP-192 are properties zoned SF-5 Single-Family Residential zoned single-family residential and developed as single-family homes. Between DP-192 and the single-family homes are approximately 140 feet of setbacks and easements located on and running parallel to the south side of DP-192. Large ‘Y’

shaped transmission poles are located in these easements.

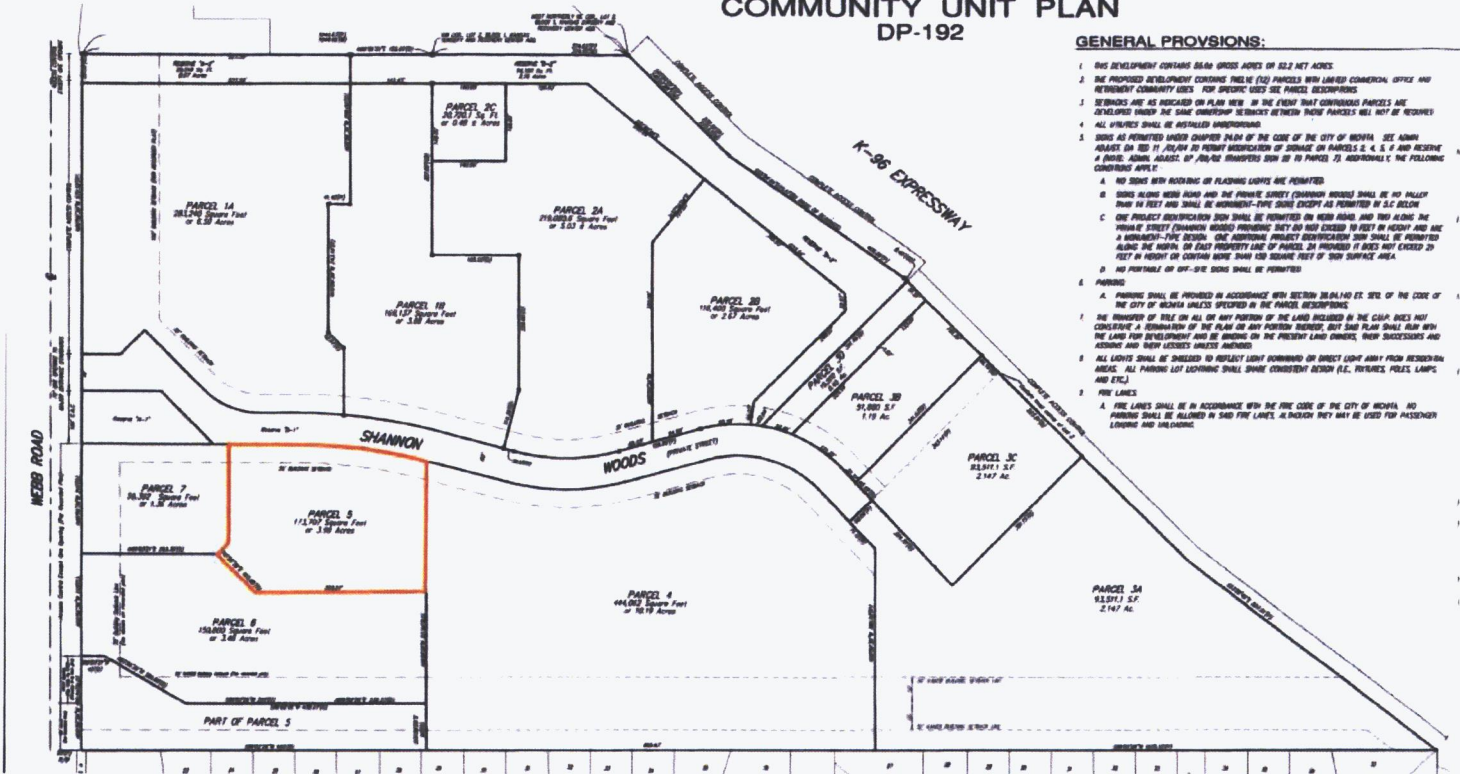
West of the subject site is North Webb Road, which separates DP-192 from properties zoned SF-5 Single-Family and developed as single-family houses. Northwest of DP-192 (near the southwest corner of East 29<sup>th</sup> Street and North Webb Road) are properties zoned LC Limited Commercial and developed a bank, motel and medical services facility. East of DP-192 is the K-96 Highway, separating DP-192 from a SF-5 zoned portion of Jabara Airport. North of the subject site are properties zoned SF-5 Single-Family that are undeveloped and part of Jabara Airport.

2. **The suitability of the subject property for the uses to which it has been restricted:** Parcel 5 of CUP DP-192 could continue to function with its current B zoning and its list of permitted uses. However, the proposed GO zoning is not a new zoning for CUP DP-192. A total of nine of the 13 parcels of the CUP allow 'office' as a use. The proposed amendment is not introducing a new use to the CUP, as of nine of the 13 parcels of the CUP allow 'office' as a use .
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed CUP amendment and zone change should not detrimentally impact nearby single-family residential property owners. , The proposed GO zoning is not a new zoning for CUP DP-192. A total of nine of the 13 parcels of the CUP allow 'office' as a use. The proposed amendment is not introducing a new use to the CUP, as of nine of the 13 parcels of the CUP allow 'office' as a use.
4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request represents a gain to the public in that it contributes to the area's long term economic opportunity. Approval of this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject Parcel and the whole of DP-192 as appropriate for "new employment." The New Employment designation encompasses areas that are likely to be developed or redeveloped by 2035 with uses that constitute centers or concentrations primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. The requested GO zoning to allow 'office' use is more supportive of the New Employment designation than the current B zoning, which does not allow "office" use. This designation is also consistent with the intent of the proposed minor amendment for the subject Parcel to allow 'office' use and the whole of DP-192 's intent to support more medical services or office development as it is currently written. As such, this request is consistent with the Comprehensive Plan.
6. **Impact of the proposed development on community facilities:** Existing improvements are in place to address anticipated demands.

**Attachments:**

- CUP DP-192
- Aerial Map
- Zoning Map
- Land Use Map
- Site Photos

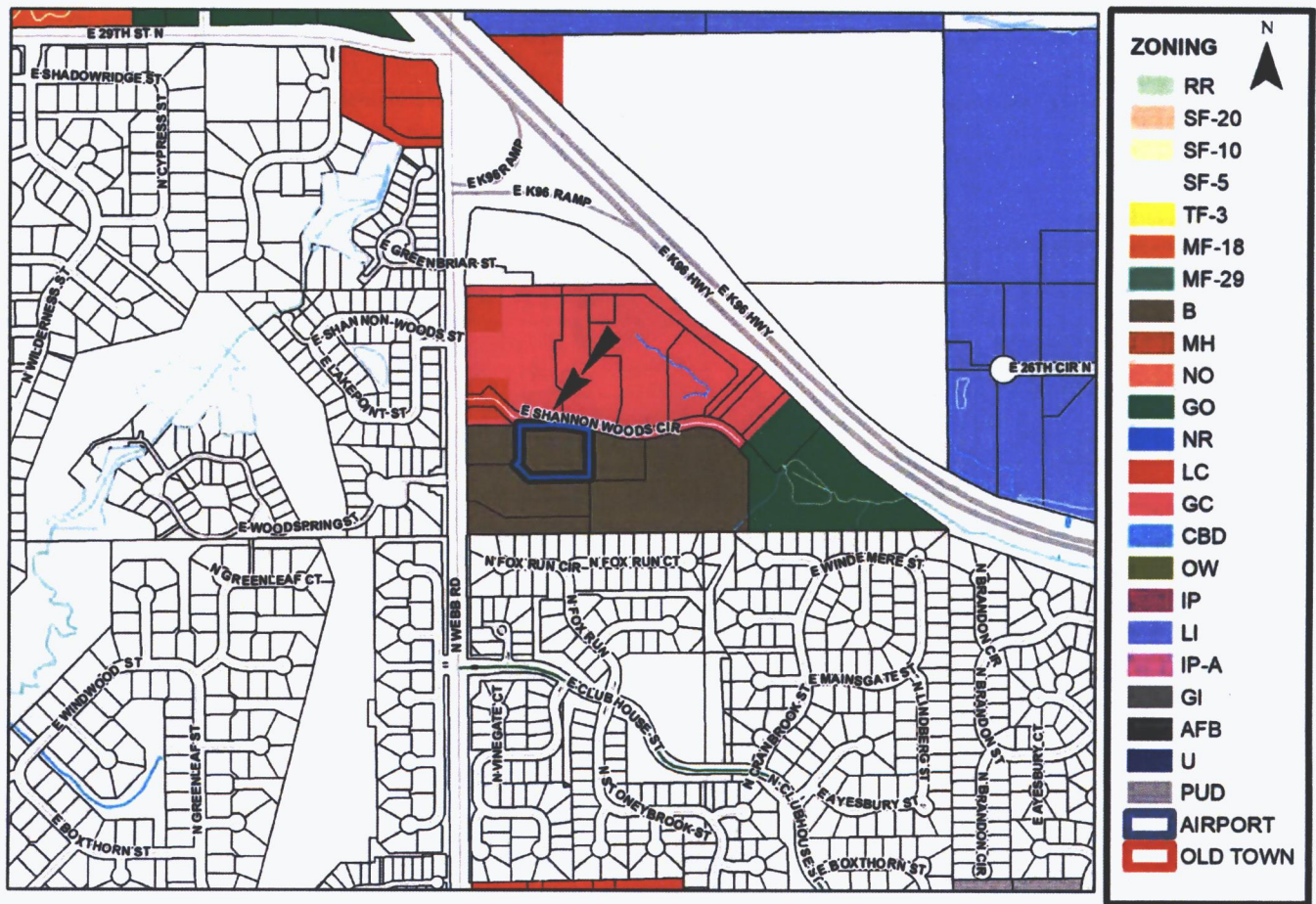
# TALLGRASS EAST BUSINESS PARK COMMUNITY UNIT PLAN DP-192



### GENERAL PROVISIONS:

1. THIS DEVELOPMENT CONTAINS SEVEN (7) PARCELS WITH A TOTAL GROSS AREA OF 51.2 NET ACRES.
2. THE PROPOSED DEVELOPMENT CONTAINS THREE (3) PARCELS WITH LIMITED COMMERCIAL OFFICE AND RETAIL/RECREATION COMMUNITY USES. FOR SPECIFIC USES SEE PARCEL DESCRIPTIONS.
3. RETAINERS ARE AS INDICATED ON PLAN HEREIN. IN THE EVENT THAT CONTIGUOUS PARCELS ARE DEVELOPED UNDER THE SAME CHAINSHIP BETWEEN THESE PARCELS WILL NOT BE REQUIRED.
4. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
5. SIGNS AS PERMITTED UNDER CHAPTER 20.04 OF THE CODE OF THE CITY OF MOHAWA. SEE ADMIN. ORDINANCE NO. 17, JULY 19, 2010 FOR FURTHER INFORMATION OF SIGNS ON PARCELS 2, 4, 5, 8 AND RESERVE A PORTION ADJACENT TO PARCELS 10 THROUGH 14 OF PARCEL 11. ADDITIONALLY THE FOLLOWING CONDITIONS APPLY:
  - A. NO SIGNS WITH MESSAGES OR PLACARDS ARE PERMITTED.
  - B. SIGNS ALONG HEBER ROAD AND THE PRIVATE STREET COMMUNITY ROADS SHALL BE NO TALLER THAN 10 FEET AND SHALL BE SIGNAGE-TYPE SIGNS EXCEPT AS PERMITTED BY 5.C BELOW.
  - C. ONE PROJECT IDENTIFICATION SIGN SHALL BE PERMITTED ON HEBER ROAD AND TWO ALONG THE PRIVATE STREET COMMUNITY ROADS PROVIDED THEY DO NOT EXCEED 10 FEET IN HEIGHT AND ARE A SIGNAGE-TYPE DESIGN. ONE SIGNAGE PROJECT IDENTIFICATION SIGN SHALL BE PERMITTED ALONG THE NORTH OR EAST PROPERTY LINE OF PARCEL 2A PROVIDED IT DOES NOT EXCEED 20 FEET IN HEIGHT OR CONTAIN MORE THAN 100 SQUARE FEET OF SIGN SURFACE AREA.
  - D. NO PORTABLE OR OFF-SITE SIGNS SHALL BE PERMITTED.
6. PARKING:
  - A. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 20.04.140 ET. SEQ. OF THE CODE OF THE CITY OF MOHAWA UNLESS SPECIFIED IN THE PARCEL DESCRIPTIONS.
  - B. THE NUMBER OF SPACES ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE CMAP DOES NOT CONSTITUTE A GUARANTEE OF THE PLAN OR ANY PORTION THEREOF, BUT SAID PLAN SHALL RUN WITH THE LAND FOR DEVELOPMENT AND BE BINDING ON THE PRESENT LAND OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS OTHERWISE SPECIFIED.
  - C. ALL LOTS SHALL BE DESIGNED TO REFLECT LIGHT FORWARD OR DIRECT LIGHT AWAY FROM RESIDENTIAL AREAS. ALL PARKING LOT LIGHTING SHALL SHOW CONSIDERATE DESIGN (E.G., FLOODLIGHTS, POLES, LAMPS AND ETC.).
  - D. FIRE LINES:
    - A. FIRE LINES SHALL BE IN ACCORDANCE WITH THE FIRE CODE OF THE CITY OF MOHAWA. NO PARKING SHALL BE ALLOWED IN SAID FIRE LINES. IF PARKING THEY MAY BE USED FOR PASSENGER LOADING AND UNLOADING.

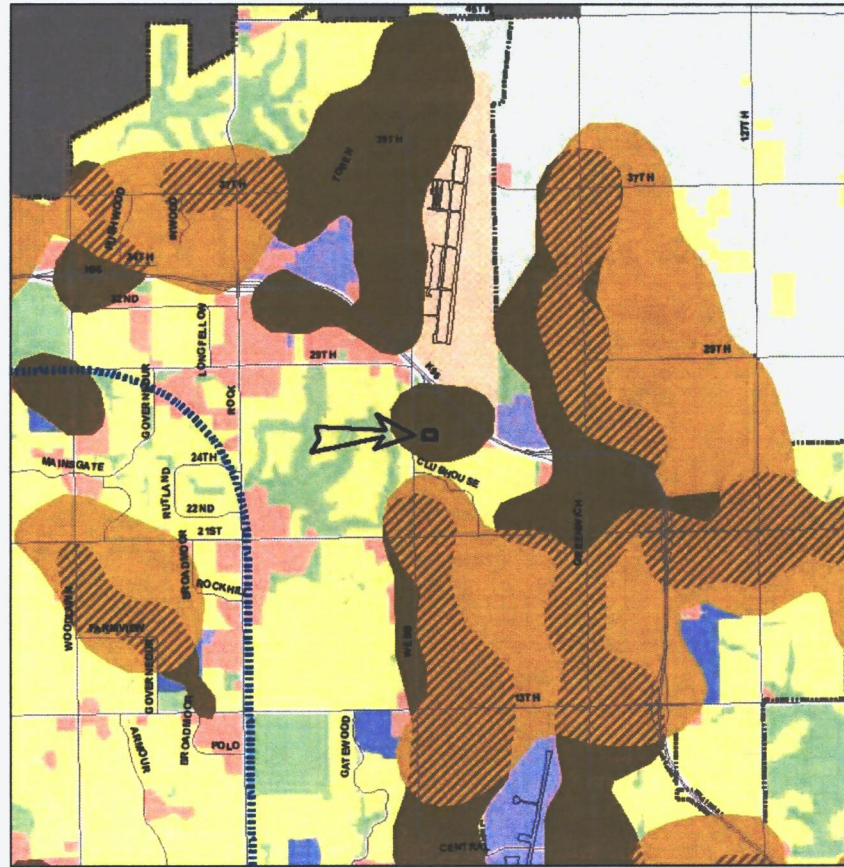




**2035 Wichita  
Future Growth  
Concept Map**

**Legend**

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way
- Statistical Development Areas**
-  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
-  Nghbd\_Plan\_Areas



**Looking south at site**



**Looking north away from site**



**Looking southwest away from site**



**Looking east away from site**



**Looking south away from site**

