



Wichita-Sedgwick County Metropolitan Area Planning Department

February 9, 2023

Alley Investments, LLC
PO Box 20384
Wichita, KS 67208

Credit Union of America
Attn: Lea Ann Gabbert
PO Box 47528
Wichita, KS 67201

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

RE: ZON2022-00067: Zone change request in the City from NR Neighborhood Retail to LC Limited Commercial to increase sign rights for financial institution; generally located on the east side of North Woodlawn Boulevard and about 700 feet north of East 37th Street North.

Dear Applicants;

At its regular meeting on **February 7, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the following Protective Overlay.

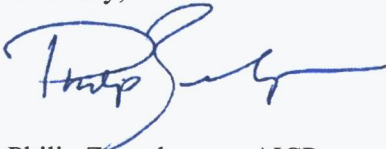
Protective Overlay #402

1. The subject property shall be limited to all uses permitted by-right in the "NR" Neighborhood Retail zoning district.
2. Signs shall be in accordance with the "LC" Limited Commercial zoning district in the Wichita Sign Code, except off-site billboard signs are prohibited and the sign area for a single-tenant sign shall not exceed 100 square feet.
3. Screening requirements along the south and east property line can be achieved with the existing evergreen hedge row, including the evergreen hedgerow on the adjacent property. At any point, if there is a degradation of the existing evergreen hedgerow, Lot 1, Block A Chisholm Creek 2nd Addition shall either replace the evergreen plant material or fill in the gaps with a solid screening fence per the Unified Zoning Code.
4. Screening Requirements along the north property line can be achieved with the existing screening fences on the adjacent property. At any point the screening fences are removed, Lot 1, Block A Chisholm Creek 2nd Addition shall be required to fill in any and all gaps with a solid screening fence per the Unified Zoning Code.
5. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
6. The Transfer of title of all or any portion of the land included within the Protective Overlay (PO) (or any amendments thereto) does not constitute a termination of the PO or any portion thereof, but said

PO shall run with the land and be binding upon present owners, their successor and assigns.

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 stylized 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
 Kermit Morris, 6415 East 39th Court North, Wichita, KS 67220



Wichita-Sedgwick County Metropolitan Area Planning Department

January 6, 2023

Alley Investments, LLC
PO Box 20384
Wichita, KS 67208

Credit Union of America
Attn: Lea Ann Gabbert
PO Box 47528
Wichita, KS 67201

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

RE: ZON2022-00067: Zone change request in the City from NR Neighborhood Retail to LC Limited Commercial to increase sign rights for financial institution; generally located on the east side of North Woodlawn Boulevard and about 700 feet north of East 37th Street North.

Dear Applicants;

At its regular meeting on **January 5, 2023**, 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 following Protective Overlay.

Protective Overlay #402

1. The subject property shall be limited to all uses permitted by-right in the "NR" Neighborhood Retail zoning district.
2. Signs shall be in accordance with the "LC" Limited Commercial zoning district in the Wichita Sign Code, except off-site billboard signs are prohibited and the sign area for a single-tenant sign shall not exceed 100 square feet.
3. Screening requirements along the south and east property line can be achieved with the existing evergreen hedge row, including the evergreen hedgerow on the adjacent property. At any point, if there is a degradation of the existing evergreen hedgerow, Lot 1, Block A Chisholm Creek 2nd Addition shall either replace the evergreen plant material or fill in the gaps with a solid screening fence per the Unified Zoning Code.
4. Screening Requirements along the north property line can be achieved with the existing screening fences on the adjacent property. At any point the screening fences are removed, Lot 1, Block A Chisholm Creek 2nd Addition shall be required to fill in any and all gaps with a solid screening fence per the Unified Zoning Code.
5. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
6. The Transfer of title of all or any portion of the land included within the Protective Overlay (PO) (or

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

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 January 19, 2023. 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 January 19, 2023, at 5:00 p.m.

This application will be presented to the Wichita City Council on Tuesday, February 7, 2023 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 stylized flourish at the end.

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: Becky Tuttle, Council Member District II
Cory Buchta, CSR, District II
MABCD
Kermit Morris, 6415 East 39th Court North, Wichita, KS 67220

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Feb. 17, 2023

ORDINANCE NO. 52-033

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. ZON2022-00067

Zone change request in the City from NR Neighborhood Retail District to LC Limited Commercial District zoning subject to the provisions of Protective Overlay #402, on property legally described as:

Lot 1, Block A, Chisholm Creek 2nd Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #402

1. The subject property shall be limited to all uses permitted by-right in the "NR" Neighborhood Retail zoning district.
2. Signs shall be in accordance with the "LC" Limited Commercial zoning district in the Wichita Sign Code, except off-site billboard signs are prohibited and the sign area for a single-tenant sign shall not exceed 100 square feet.
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4. Screening Requirements along the north property line can be achieved with the existing screening fences on the adjacent property. At any point the screening fences are removed, Lot 1, Block A Chisholm Creek 2nd Addition shall be required to fill in any and all gaps with a solid screening fence per the Unified Zoning Code.
5. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
6. The Transfer of title of all or any portion of the land included within the Protective Overlay (PO) (or any amendments thereto) does not constitute a termination of the PO or any portion thereof, but said PO shall run with the land and be binding upon present owners, their successor and assigns.

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.

Adopted this 14th day of February, 2023.



Brandon J. Whipple, Mayor, City of Wichita

ATTEST:



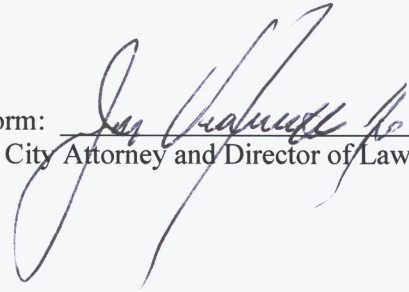
Jamie Buster, City Clerk

(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	383901	Print Legal Ad-IPL01100430 - IPL0110043		\$100.59	2	60 L

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

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON February 17, 2023
ORDINANCE NO. 52-033

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. ZON2022-00067

Zone change request in the City from NR Neighborhood Retail District to LC Limited Commercial District zoning subject to the provisions of Protective Overlay #402, on property legally described as:

Lot 1, Block A, Chisholm Creek 2nd Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #402

1. The subject property shall be limited to all uses permitted by-right in the "NR" Neighborhood Retail zoning district.

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

Adopted this 14th day of February 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0110043

Feb 17 2023

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

1 insertion(s) published on:
02/17/23

STATE OF KANSAS)

SS

County of Sedgwick)

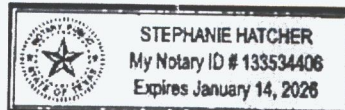
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 02/17/2023 to 02/17/2023.

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

DATED: 02/17/2023

Stephanie Hatcher

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
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	357985	Print Legal Ad-IPL01016180 - IPL0101618		\$216.40	3	86 L

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

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on December 15, 2022
(One Time Only)
MAPC/BZA January 5, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 5, 2023, 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 at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end 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) 2684421.

CON2022-00046: Conditional Use request in the City to allow a Nightclub in the City within 300 feet of a residential zoning district; generally located on the south side of East Harry Street, within one-quarter mile east of Interstate 35 (7707 East Harry).

CON2022-00047: Conditional Use request in the City to permit Vehicle and Equipment Sales accessory to Vehicle Repair on property zoned LC Limited Commercial District; located at the southwest corner of South Broadway Avenue and East Kinikad Avenue (2201 South Broadway).

CUP2022-00054: Request in the City to amend CUP DP-67 to permit Recreation and Entertainment, Indoor, on property generally located on the south side of East 21st Street North within a quarter mile east of North Woodlawn Boulevard (6959 E. 21st Street).

CUP2022-00055: Request in the City to amend Community Unit Plan CUP DP-164 to permit a Tattooing and Body Piercing Facility on property zoned GC General Commercial; generally located on the south side of West 21st Street North within a quarter mile east of North Tyler Road (8535 W. 21st Street N).

PUD2022-00023: Zone change request in the City from TF-3 Two-Family Residential and MF-29 Multi-Family Residential to RUD Planned Unit Development to permit Group Residence, Limited, with custom development standards, on property generally located northwest of East 14th Street North and Hillside Avenue.

ZON2022-00065: Zone change request in the City from SF-5 Single-Family Residential District to MF-29 Multi-Family Residential District for duplex development; generally located within one block north of West 29th Street North and within a half-mile east of North Arkansas on North Fairview Avenue.

ZON2022-00066: Zone Change request in the City from SF-5 Single-Family to Neighborhood Office (NO) for office business; generally located on the east side of South 119th Street West and within 400 feet south of West Maple Street (11924 West Taft Street).

ZON2022-00067: Zone Change request in the City from Neighborhood Retail (NR) to Limited Commercial (LC) to increase sign rights for financial institution; generally located on the east side of North Woodlawn Boulevard and about 700 feet north of East 37th Street North.

ZON2022-00068: Zone Change request in the City from LC Limited Commercial to GC General Commercial with PO #401 to permit RV and Self-Service Storage; generally located on the northeast corner of East 47th Street South and South Hydraulic Avenue.

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.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

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 inroomlink.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 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.

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

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

WITNESS MY HAND on December 15, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0101618

Dec 15 2022

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

1 insertion(s) published on:

12/15/22

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 12/15/2022 to 12/15/2022.

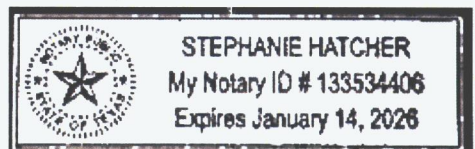
M. Hayley

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

DATED: 12/15/2022

Stephanie Hatcher

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!

Sherman makes case for ditching Kauffman Stadium

BY LYNN WORTHY
lworthy@kstar.com

The Kansas City Royals have certainly made an effort to tie their youth movement and optimism about the club's future into the push for a downtown stadium and ballpark district.

That's been evident from CEO and chairman John Sherman's open letter to the images and video montages the club has used to promote the project.

During the Royals' first public meeting as part of a "listening tour" in the region, the first question fired at Sherman by a community member made it clear that the team's performance also wasn't far from the mind of some fans.

The question, one of more than 150 submitted by more than 350 audience members at Plexpod Westport Commons, as well as questions submitted online, pointedly asked "why was a perpetual last-place team" deserving of a new stadium financed by public money — and challenged Sherman and the ownership's investment in the payroll and roster.

"This is a public-private partnership and our ownership group will be the

substantial investor in this project," Sherman replied. "And we are spending on the team. I would tell you, I think in baseball — and I don't know if we want to talk about baseball — but investing in the team has to be at a point where you know you have a core that's ready to invest in."

Sherman also refuted the implication that ownership hadn't invested in the team on the field, and he pointed to the additions of free agents pitcher Mike Minor, first baseman Carlos Santana and center fielder Michael A. Taylor as well as acquiring Andrew Benintendi via trade going into the 2021 season.

Those additions were made coming off a pandemic-shortened season with no fans in attendance in 2020, the first MLB season after the current ownership group bought the team for a reported \$1 billion.

Sherman also asserted that the ownership's desire to make a show of their commitment and to "accelerate" the rebuilding process did not work.

That exchange served as the lone pointed reference to the club's struggles on the field, including sub-.500 records in each season since 2017, two fifth-place finishes in the division and three fourth-

place finishes.

The event included eight speakers, including Sherman, accompanied by a slide presentation and multiple video montages followed by a question and answer session that lasted approximately 40 minutes.

POPULOUS AND THE CASE AGAINST THE K

In a mid-November open letter, Sherman made his first public case for a downtown stadium.

He asserted that the costs of necessary renovations to Kauffman Stadium, also known as "The K," would equal or surpass the cost to "develop a new ballpark."

The letter didn't offer specifics on either pending renovation, nor did the \$2 billion price tag Sherman placed on the project separate the stadium costs from the overall cost of the district.

"Recognizing that the K will have outgrown its fullest functionalities by the time our lease expires with Jackson County by the end of the decade, we are clear-eyed that the Truman Sports Complex is not a viable option for us long-term," Royals senior VP of business operations Sarah Tourville said on Tuesday night.

For the first time, the Royals followed that state-

ment with an assessment from highly-regarded KC-based global design and architecture firm Populous.

Populous' Sarah Dempster presented findings from their team of engineers and stated that renovations needed to make Kauffman Stadium a viable long-term home for the Royals in the future would cost \$1.072 billion.

Among the major take-aways, according to Dempster, included evidence of "cancer of the concrete" in the structure that could require major removal in order to extend the life another 30 years.

Other issues Dempster highlighted included: leakage in the fountain and pump room that has caused deterioration in the steel and concrete structure, rust issues in the right field tunnel as well as the canopy steel supports and light towers and the need to replace the front row tubs in the upper deck.

The chiller plant south of the stadium, piping to the stadium and heating system were also cited as pending issues — though it was not clear how immediate a problem those issues presented.

Dempster pointed to the electrical distribution system as requiring replacement by the end of



Kansas City Royals Chairman and CEO John Sherman, right, spoke at a public meeting Tuesday at the Plexpod Westport Commons about a proposed downtown ballpark district.

the decade.

Populous global chair and founder Earl Santee added that for the Royals to get another 50 years out of Kauffman Stadium, 70 percent of the stadium would need to be replaced. That included replacing the lower bowl and tearing down the canopy and major concourse areas.

PARSING THE NEW PROJECT

For the first time, the Royals presented the cost of the stadium apart from the ballpark district. The stadium will cost an estimated \$1.005 billion of the \$2 billion total district price tag.

Royals COO Brooks Sherman, senior VP and member of the ownership group, said the ownership group will invest hundreds of millions of dollars of their own into the project. The Royals maintain that they would not ask

any more financially from Jackson County than what is currently devoted to sports ventures.

The new ballpark proposal by Populous would likely aim to have 34,000-35,000 seats with an additional space for 3,500 standing room patrons to bring the capacity to approximately 38,000. Of course, a definitive site has not yet been determined.

Santee said Populous did a parking study that found there were 2 1/2 times the available parking spaces downtown as the Truman Sports Complex within a 10-minute walk to a new downtown ballpark, and that the parking setup would work concurrently with any events at the T-Mobile Center.

Lynn Worthy:
816-234-4951,
@LWorthySports

Alex Ovechkin reaches 800 career goals

BY JAY COHEN
Associated Press

CHICAGO

Soaked with beer and still wearing his No. 8 jersey, Alex Ovechkin held three pucks in his right hand as he posed for a picture with the rest of the jubilant Washington Capitals in the visiting locker room at the United Center.

Three pucks that added up to 800.

Ovechkin became the third NHL player to reach 800 career goals when he scored three times Tuesday night, touching off a wild celebration for his team and an appreciative Chicago crowd.

"Soon as it happened, kind of relief," Ovechkin said after Washington's 7-3 win over the Blackhawks.

Ovechkin scored on his first two shots, beating Blackhawks goaltender Petr Mrazek 24 seconds into the game before stuffing one home on a power play with 11:46 left in the first period. The 37-year-old winger then completed his 29th career hat trick when he knocked Anthony Mantha's pass over a sprawled Mrazek 6:34 into the third.

"When he got the first goal today, I was like, 'This is the night,'" teammate Evgeny Kuznetsov said.

The rest of the Capitals jumped off the bench to celebrate after the milestone goal, and hats rained down on the ice from the crowd of 16,181. Fans in Chicago then chanted "Ovi! Ovi!" — drawing a wave from Ovechkin.

The star forward moved within one goal of Gordie Howe for second all-time. Wayne Gretzky holds the record with 894 goals.

"It's a big number," Ovechkin said. "It's the best company (you can) ever imagine since you started playing hockey."

Ovechkin also praised the crowd for its response.

"Even in the warmup, I was feeling that energy right away," he said. "The fans watch me and the fans want to see that historical moment."

When it was over, Ovechkin jumped onto the ice one last time to salute the cheering fans. He then gave his stick to a boy wearing a Capitals jersey above the tunnel to the visiting locker room.

Shortly after he got to the back, he was showered with beer by his chanting teammates. Goaded into making a speech, Ovechkin said it was special to accomplish the feat with the team.

"It was awesome," Washington coach Peter Laviolette said. "It was just awesome to be on the bench and be a part of it, a part of history."

Ovechkin has seven goals in his last four games and a team-high 20 on the season. His previous four goals were all empty-netters.

The Capitals play seven of their next nine at home.

"I think once he's going to be No. 1 he can have a sense of relief," Mantha said. "Until then, I think he's on the hunt, and that's what we love about him."

Ovechkin has been one of the NHL's most dangerous scorers practically since he got two goals in his debut with Washington on Oct. 5, 2005, against Columbus.

The 12-time All-Star has nine seasons with at least 50 goals, including a career-high 65 during the 2007-08 season. The three-time MVP, who won the Stanley Cup in 2018, had 50 goals and 40 assists in 77 games last season.

"It's mind blowing," Chicago captain Jonathan Toews said. "How many guys can score goals at his rate in the season, let alone year after year after year? He's one of a kind, for sure."

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Legals

LEGAL NOTICE

Notice of Intent to dispose of or sell property
To: Rodney Schneider and all others in possession by through or under them. Please take notice that on or after December 20th 2022, the collective of 12 items on the list below will be disposed of by public sale at the location below. The items to be disposed of include: 12 items on the list below. TV stand, wall decor, floor, chairs, dresser, clothes, 2 vehicles, 1 black bronco, 1 Chevrolet Camaro Black and other misc. household furnishings and personal items.
PLD101988
Dec. 15, 2022

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The Wichita Eagle
jpk@kansas.com

LEGAL NOTICE

USA 1800004

Published in The Wichita Eagle on December 15, 2022

MARCISSA January 5, 2023

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 5, 2023, no earlier than 1:30 p.m., the WichitaSedgewick County Metropolitan Area Planning Commission/Board of Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on the notice, please call the WichitaSedgewick County Metropolitan Area Planning Department at (316) 268-4421.
CON2022-00046: Conditional Use request in the City to allow a Nightclub in the City within 300 feet of a residential zoning district, generally located on the south side of East Harry Street, within one-quarter mile east of Interstate 35 (707) East Harry.
CON2022-00047: Conditional Use request in the City to permit Vehicle and Equipment Sales accessory to Vehicle Repair on property zoned LC Limited Commercial, generally located on the southeast corner of South Broadway Avenue and Kirkwood Avenue (2201 South Broadway).
CUP2022-00048: Request in the City to amend CUP DP-67 to permit Recreation and Entertainment, Indoor, on property generally located on the south side of East 21st Street North within a quarter mile east of North Woodlawn Boulevard.
CUP2022-00055: Request in the City to amend Community Unit Plan CUP DP-164 to permit a Tattooing and Body Piercing Facility on property zoned GC General Commercial, generally located on the south side of West 21st Street North within a quarter mile east of North Tyler Road (8535 W 21st Street).
RUC2022-00023: Zone change request in the City from TF-3 Two-Family Residential and MF-29 Multi-Family Residential to RUC Planned Unit Development, generally located within one block north of West 26th Street North and within a half-mile east of North Arkansas on North Fairview Avenue.
ZON2022-00056: Zone change request in the City from SF-5 Single-Family Residential District to MF-29 Multi-Family Residential District for duplex development, generally located within one block north of West 26th Street North and within a half-mile east of North Arkansas on North Fairview Avenue.
ZON2022-00058: Zone Change request in the City from SF-5 Single-Family to neighborhood Office (NO) for office business, generally located on the east side of South 119th Street West and within 400 feet south of West Maple Street (11924 West 1st Street).
ZON2022-00057: Zone Change request in the City from Neighborhood Retail (NR) to Limited Commercial (LC) to increase sign rights for financial institution, generally located on the east side of North Woodlawn Boulevard and about 700 feet north of East 37th Street North.
ZON2022-00058: Zone Change request in the City from LC Limited Commercial to GC General Commercial with PO #401 to permit RV and Self-Service Storage, generally located on the northeast corner of East 47th Street South and South Hydraulic Avenue.
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 WichitaSedgewick 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 that 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.

Options to participate (see below):
1 Participate virtually
2 Attend in-person at the Ronald Reagan Building
3 Submit comments ahead of time
Participate Virtually
Please join my meeting from your computer, tablet or smartphone
https://global.gotomeeting.com/join/651544141
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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 (316-268-4464) by Jan. 3 days prior to the meeting.
Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the WichitaSedgewick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than Jan 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.

WichitaSedgewick County Metropolitan Area Planning Department
Mailing Address: WichitaSedgewick County Metropolitan Area Planning Department
Attn: Scott Wade
271 W. 3rd Street - Suite 201
Wichita, KS 67202
Phone: 316-268-4421
Fax: 316-858-7784
WITNESS MY HAND on December 15, 2022
Scott Wade, Secretary
WichitaSedgewick County Metropolitan Area Planning Commission
PLD101988
Dec 15, 2022

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STAFF REPORT

MAPC January 5, 2023

DAB II January 9, 2023

CASE NUMBER: ZON2022-00067 (City)

APPLICANT/AGENT: Alley Investments, LLC (Owner)/Credit Union of America (Contract Purchaser)/Baughman Company (Agent).

REQUEST: LC General Commercial District with Protective Overlay #402

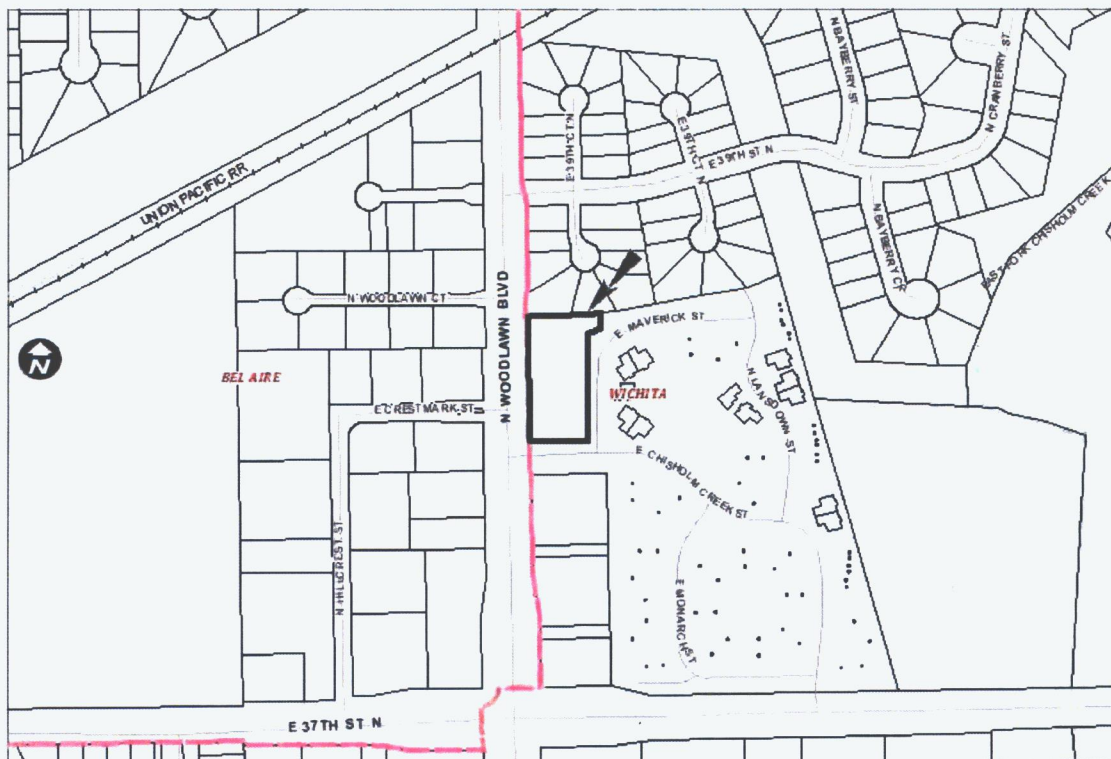
CURRENT ZONING: NR Neighborhood Retail District

SITE SIZE: 1.11 acres

LOCATION: Located on the east side of North Woodlawn Boulevard and within one-quarter mile north of East 37th Street North.

PROPOSED USE: Permit larger on-site signage for a financial institution.

RECOMMENDATION: Approval subject to Protective Overlay #402.



BACKGROUND: The applicant, on behalf of the contract purchaser, is requesting two things:

- a zone change from NR Neighborhood Retail District to LC Limited Commercial District to permit a larger on-site sign for a financial institution; and
- a Protective Overlay that restricts uses and permits existing screening to satisfy the screening requirement.

The property is located on the east side of North Woodlawn Boulevard and within one-quarter mile north of East 37th Street North. The contract purchaser is proposing Protective Overlay #402 with the following items:

Applicant Proposed ZON2022-00067 Protective Overlay #402

1. The subject property shall be limited to all uses permitted by-right in the “NR” Neighborhood Retail zoning district.
 2. Signs shall be in accordance with the “LC” Limited Commercial zoning district in the Wichita Sign Code, except off-site billboard signs are prohibited and the sign area for a single-tenant sign shall not exceed 100 square feet.
 3. Screening requirements along the south and east property line can be achieved with the existing evergreen hedge row, including the evergreen hedgerow on the adjacent property. At any point, if there is a degradation of the existing evergreen hedgerow, Lot 1, Block A Chisholm Creek 2nd Addition shall either replace the evergreen plant material or fill in the gaps with a solid screening fence per the Unified Zoning Code.
 4. Screening Requirements along the north property line can be achieved with the existing screening fences on the adjacent property. At any point the screening fences are removed, Lot 1, Block A Chisholm Creek 2nd Addition shall be required to fill in any and all gaps with a solid screening fence per the Unified Zoning Code.
 5. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
 6. The Transfer of title of all or any portion of the land included within the Protective Overlay (PO) (or any amendments thereto) does not constitute a termination of the PO or any portion thereof but said PO shall run with the land and be binding upon present owners, their successor and assigns.
- The proposed protective overlay limits the uses to the current NR Neighborhood Retail District;
 - it permits additional signage per the LC Limited Commercial District;
 - it permits the existing dense evergreen hedgerow on the east and south property lines to satisfy the screening requirement; and
 - it permits the existing screening fence on the north property line to satisfy the screening requirement.

As seen in the attached sign exhibit, the applicant desires to install a 21-foot, eight-inch monument sign with approximately 97 square feet. This includes a static identification sign for the bank in addition to an LED electronic message center sign. According to the applicant, this sign prototype is currently used at all their other sites in Wichita. The applicant desires their locations to have uniformity with the signage they use.

Section 24.04.193 of the Wichita Sign Code governs the standards for on-site signs in the NR Neighborhood Retail zoning district. Section 24.04.221 of the Wichita Sign Code governs the standards for on-site signs in the LC Limited Commercial zoning District. The following table compares the development standards for on-site ground or pole signs. In general, a notable difference between what is allowed in the two zoning classifications is that LC zoning determines the size of a sign by multiplying the linear street frontage by 0.8. NR zoning has standard sign areas for single-tenant and multi-tenant commercial uses. For the table below, the numbers provided for the LC zoning are based on a 316.09-foot frontage along North Woodlawn Boulevard (as determined by the plat).

Standard	NR Zoning	LC Zoning
Sign area	• 32 square feet (single tenant) • 24 square feet per tenant for multi-tenant sign (96 square	252.87 total square feet for single or multi-tenant sign.

	feet maximum area)	
Sign Height	22 feet	25 feet
Number of Signs	1 sign per business with 150-foot separation. Multi-tenant signs are permitted.	1 sign per business with 75-foot separation. Multi-tenant signs are permitted.

Properties surrounding the subject site are mostly commercial properties with residential to the north and east. Property to the north is zoned MF-18 Multi-Family Residential District with CUP DP-119 and is developed with single-family dwellings. Property to the east is zoned MF-18 and is developed with multi-family condominiums. The subject site is screened from the residential properties to the north and east by dense, evergreen trees.

The requested zone change would permit the subject property the similar sign rights and the following commercially-zoned properties on the east side of North Woodlawn. Property abutting to the south is zoned MF-18 and is the private entrance drive into the condominium complex. Properties farther south to the intersection of East 37th Street are Zoned LC Limited Commercial and are developed with a multi-tenant retail center, a fast-food restaurant, and a vehicle repair shop. These commercial properties have a mixture of monument and pole identification signs in addition to a junior offsite billboard sign on the vehicle repair property. The following table outlines the sign area permitted on each of these properties based on Section 24.04.221 of the Wichita Sign Code.

Property	Street Frontage	Sign Area
Multi-Tenant Retail Center	175 feet	140 square feet
Fast-Food Restaurant	170 feet	136 square feet
Vehicle Repair Shop	150 feet	120 square feet

Based on the review of the existing, permitted sign areas for LC-zoned properties nearby, the possibility of permitting up to 252.87 square feet of sign area on the subject site is out of character with the surrounding signs. The proposed Protective Overlay restricts the sign area to no more than 100 square feet, which meets the need of the applicant and is more in context with the existing permitted sign areas.

Properties to the west, across North Woodlawn Boulevard are in the City of Bel Aire and zoned C-1 Commercial. These properties are developed with a bank, a dental office, and retail stores. Section 17.9.7 of the Bel Aire City Sign Code permits each single-tenant building to have one monument identification sign up to 45 square feet per face (90 square feet total).

The applicant is also requesting the ability to use existing screening methods to meet the required screening on the north, east, and south sides. Section V-I.2.m of the Unified Zoning Code permits property owners to request and Administrative Adjustment to reduce or waive the screening requirements of Section IV-B.3 when existing topography or vegetation provide a natural screen and if the location of improvements on the adjacent residential property provides adequate screening. The applicant is requesting this along with the zone change since the process of the zone change is above and beyond the requirements of the Administrative Adjustment.

The east and south property lines are lined with a dense, evergreen hedgerow that is owned and maintained by the neighboring residential Homeowners Association (HOA). The north property line has an existing screening fence owned and maintained by the private property owners. Both the vegetation and the fence meet the screening requirements of the Unified Zoning Code. The Protective Overlay requires the proposed bank be responsible for the maintenance of the screening from now on. If vegetation were to become sparse, the subject property owner would be required to replace the vegetation or provide a screening fence at that location. Similarly, if any part of the fence on the north side were to fall into disrepair and not serve as screening, the subject property owner is required to replace that portion of the fence in order to maintain required screening.

Staff is providing two recommendations on this application for the MAPC to consider regarding the following:

1. the zone change for additional sign rights ; and
2. the request to change the screening requirement.

ZON2022-00067

CASE HISTORY: In 1999, the property was rezoned (Z-3329) from MF-18 Multi-Family Residential District to NR Neighborhood Retail District. In 2022, the property was platted as the Chisholm Creek 2nd Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	MF-18 with CUP DP-119	Single-family dwellings
SOUTH:	MF-18	Private access road
EAST:	MF-18	Condominiums
WEST:	C-1 (Bel Aire)	Retail

PUBLIC SERVICES: Property has access to North Woodlawn Boulevard, a paved, four lane arterial road with no sidewalks within the corporate limits of Bel Aire. Wichita water and sewer serve the property. Wichita Transit does not serve this location.

CONFORMANCE TO PLANS/POLICIES: The proposed zone change is in conformance with the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be primarily appropriate for Commercial and New Employment uses. Convenience retail, restaurants, small offices, and personal services uses are located in close proximity to, and potentially mixed with residential uses.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends the following:

1. **APPROVAL** of the request to rezone the subject property to LC Limited Commercial; and
2. **APPROVAL** of the request to use existing landscaping and screening on adjacent property to satisfy the screening requirements of the subject site.

Both approvals are subject to Protective Overlay #402:

Protective Overlay #402

1. The subject property shall be limited to all uses permitted by-right in the “NR” Neighborhood Retail zoning district.
2. Signs shall be in accordance with the “LC” Limited Commercial zoning district in the Wichita Sign Code, except off-site billboard signs are prohibited and the sign area for a single-tenant sign shall not exceed 100 square feet.
3. Screening requirements along the south and east property line can be achieved with the existing evergreen hedge row, including the evergreen hedgerow on the adjacent property. At any point, if there is a degradation of the existing evergreen hedgerow, Lot 1, Block A Chisholm Creek 2nd Addition shall either replace the evergreen plant material or fill in the gaps with a solid screening fence per the Unified Zoning Code.
4. Screening Requirements along the north property line can be achieved with the existing screening fences on the adjacent property. At any point the screening fences are removed, Lot 1, Block A Chisholm Creek 2nd Addition shall be required to fill in any and all gaps with a solid screening fence per the Unified Zoning Code.
5. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
6. The Transfer of title of all or any portion of the land included within the Protective Overlay (PO) (or any amendments thereto) does not constitute a termination of the PO or any portion thereof, but said PO shall run with the land and be binding upon present owners, their successor and assigns.

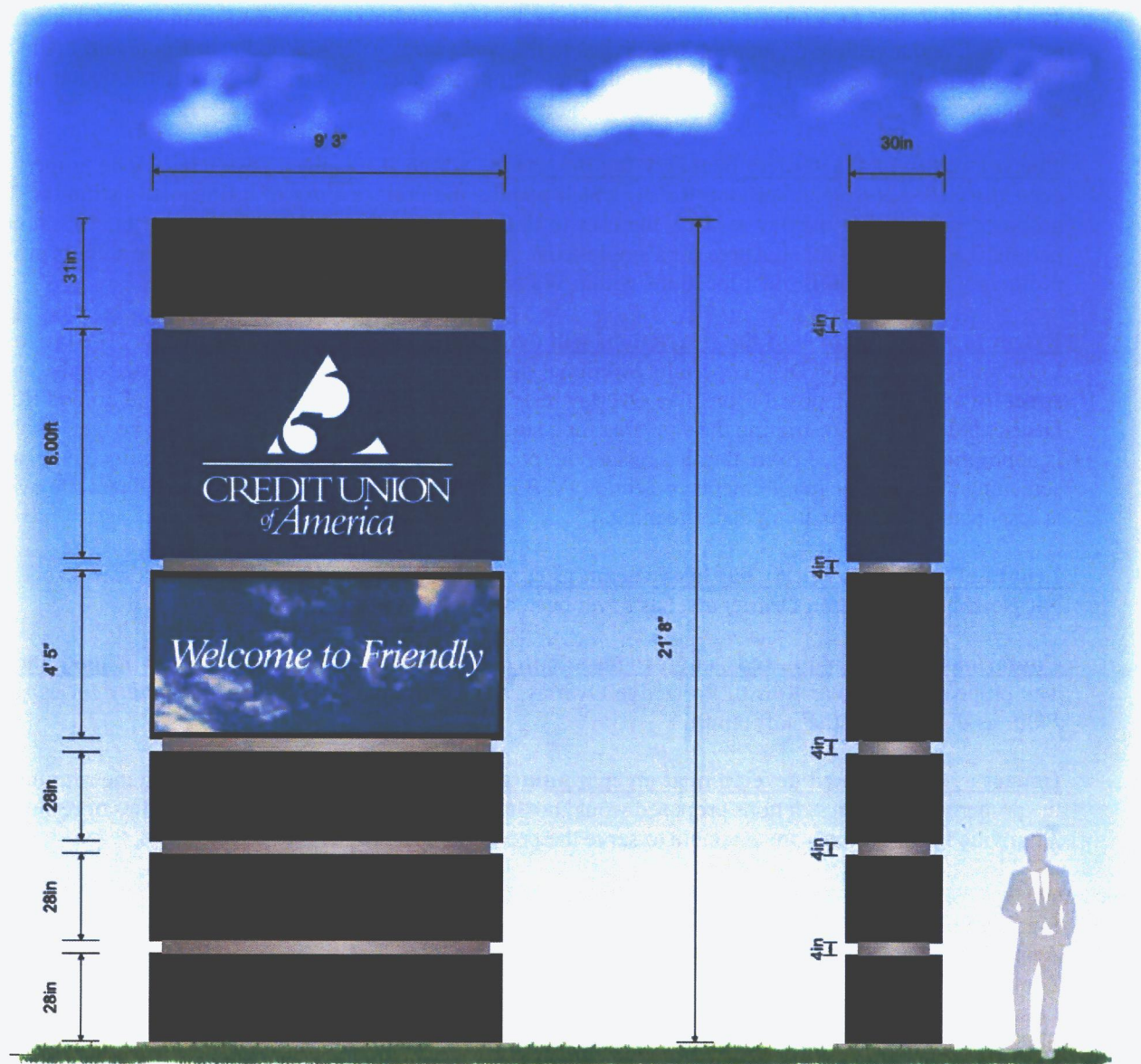
This recommendation is based on the following findings:

1. **The zoning uses and character of the neighborhood:** The requested zone change would permit the subject property the similar sign rights and the commercially-zoned properties on the east side of North Woodlawn, south of the subject property. Property to the north is zoned MF-18 Multi-Family Residential District with CUP DP-119 and is developed with single-family dwellings. Property to the east is zoned MF-18 and is developed with multi-family condominiums. Property abutting to the south is zoned MF-18 and is the private entrance drive into the condominium complex. Properties farther south to the intersection of East 37th Street is Zoned LC Limited Commercial and are developed with a multi-tenant retail center, a fast-food restaurant, and a vehicle repair shop. Properties to the west, across North Woodlawn Boulevard are in the City of Bel Aire and zoned C-1 Commercial. These properties are developed with a bank, a dental office, and retail stores.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is currently zoned NR Neighborhood Retail, which permits the proposed use of a financial institution. The proposed protective overlay restricts the uses to those permitted in the NR zoning district. NR zoning permits 32 square feet for sign area for a single-tenant building. The applicant desires to use a uniform sign prototype that exists at its other locations within Wichita.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed LC Limited Commercial District permits additional sign rights such as a sign area that is based on the linear street frontage. The proposed Protective Overlay restricts the uses to the existing NR Neighborhood Retail District in addition to restricting the sign area for a single tenant to a maximum of 100 square feet. The site is appropriately screened from abutting residential properties. The Protective Overlay permits the existing screening to satisfy the requirements of Section IV-B.3 of the Unified Zoning Code. The subject site owner is responsible for maintaining that screening.
4. **Length of time the property has been vacant as currently zoned:** In 1999, the property was rezoned to NR Neighborhood Retail District and has never been developed.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The proposed zone change with Protective Overlay is in conformance with the *Community Investments Plan* as discussed in the staff report.
6. **Impact of the proposed development on community facilities:** It is not anticipated that the rezoning of the property with the restrictions proposed would not have any impact on community facilities or resources. All public improvements are available to serve the property.

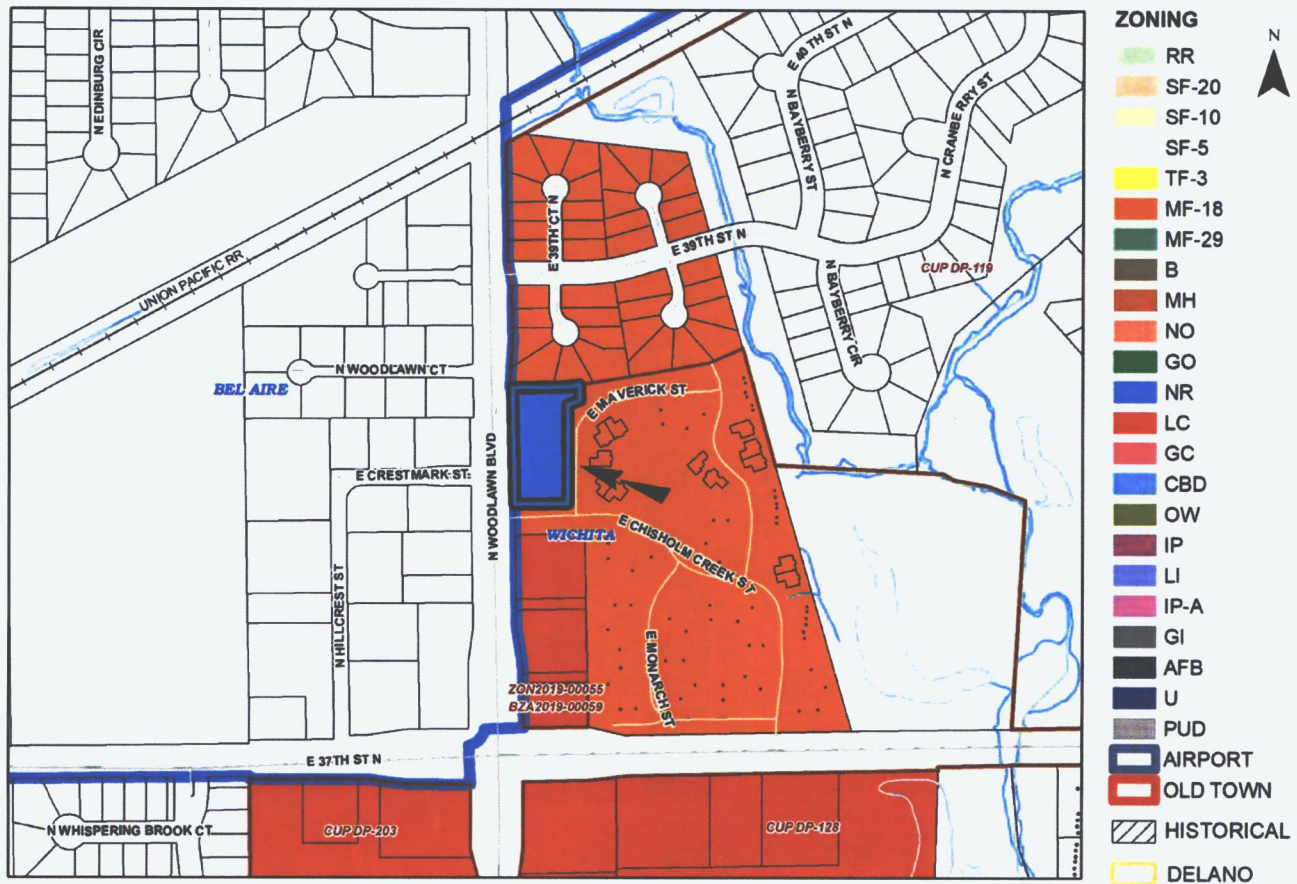
Attachments:

1. Sign Exhibit
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos

Sign Exhibit:







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

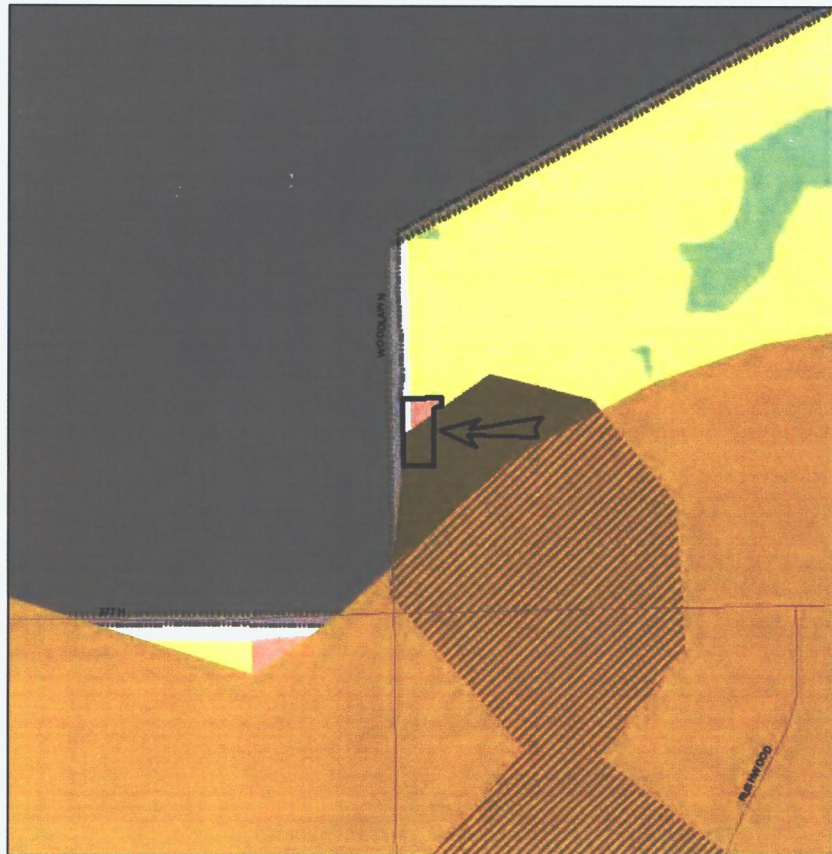
Statistical Development Areas

-  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

N



Looking east at site



Looking northeast at and away from site



Looking southeast at and away from site



Looking southeast away from site



Looking north at property west of site

