



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

Develop Kansas LLC
Attn: Aaron Freeman
W. 21st St. N.
Suite 200 #183
Wichita, KS 67205

October 17, 2024

RE: ZON2024-000040 – Zone Change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District, Generally located on the north side of West MacArthur Road and within 800 feet west of South Seneca Street (1310 West MacArthur Road).

Dear Applicant;

At its regular meeting on **October 15, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** of the zone change from SF-5 Single Family Residential District to LC Limited Commercial District. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly
Current Plans
Senior Planner

CC: Dalton Glasscock, Council Member, District IV
Brooke Kauchak, CSR, District IV
MABCD



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

Develop Kansas LLC
Attn: Aaron Freeman
W. 21st St. N.
Suite 200 #183
Wichita, KS 67205

September 13, 2024

RE: ZON2024-000040 – Zone Change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District, Generally located on the north side of West MacArthur Road and within 800 feet west of South Seneca Street (1310 West MacArthur Road).

Dear Applicant,

At its regular meeting on **September 12, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request to change zoning from SF-5 Single-Family Residential District to LC Limited Commercial District.

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 September 26, 2024. 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 **September 26, 2024, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, October 15, 2024**, 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 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Dalton Glasscock, Council Member, District IV
Brooke Kauchak, CSR, District IV
MABCD

OCA 150004

PUBLISHED at Wichita.gov/LegalNotices on October 25, 2024

ORDINANCE NO. 52-565

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. ZON2024-00040

Zone change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District zoning, on property legally described as:

Beginning 495 feet East of the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 7, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence North 300 feet; thence East 130 feet; thence South 300 feet; thence West 130 feet to the point of beginning, EXCEPT that part deeded for road.

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 22nd day of October, 2024.



Lily Wu, Mayor, City of Wichita

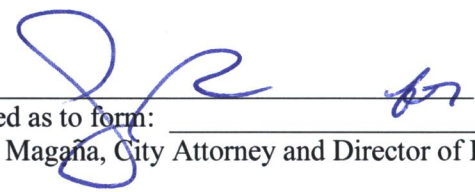
ATTEST:



Jamie Buster, City Clerk

(SEAL)





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



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Jamie Buster, City Clerk

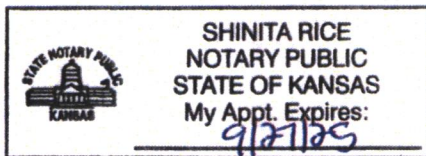
Being first duly sworn, deposes and says:

That I, Jamie Buster, City Clerk of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. 52-545 / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 25th day of October, 2024.

Signature

SUBSCRIBED AND SWORN to before me this 25th day of October, 2024.



(seal)

Notary Public

City Clerk's Office

Jamie Buster – City Clerk

City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529 ext. 2805

www.wichita.gov



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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	605486	Print Legal Ad-IPL02009620 - IPL0200962	ORD 52-565	\$56.37	1	67 L

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

JMBuster@wichita.gov

OCA 150004 PUBLISHED
at Wichita.gov/LegalNotices on
October 25th, 2024
ORDINANCE NO. 52-565

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:

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Zone change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District zoning, on property legally described as: Beginning 495 feet East of the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 7, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence North 300 feet; thence East 130 feet; thence South 300 feet; thence West 130 feet to the point of beginning, EXCEPT that part deeded for road.

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Adopted this 22nd day of October, 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:
Jamie Buster, City Clerk
(SEAL)

Approved as to form:
Jennifer Magana, City Attorney and
Director of Law
IPL0200962
Oct 25 2024

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

1 insertion(s) published on:

10/25/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 10/25/2024 to 10/25/2024.

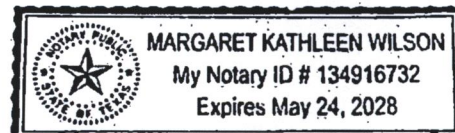
Mary Castro

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

DATED: 10/25/2024

Margaret K. Wilson

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!



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
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Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	584581	Print Legal Ad-IPL01898810 - IPL0189881		\$122.82	2	73 L

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on August 22, 2024
(One Time Only)
MAPC/BZA September 12, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 12, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

CON2024-00125: Conditional Use request in the City for Multi-Family density on property zoned TF-3 Two-Family Residential District to allow 28 apartments on 3.67 acres; generally bounded by North Custer Avenue, North Clayton Avenue, West Newell Street, and West Saint Louis Avenue (3006 West Saint Louis Avenue).

VAC2024-00039: Vacation request in the city to vacate a portion of the platted 25 feet Waterline Easement; located at the corner of North Meridian Avenue and West 42nd Street North (4243 North Meridian).

ZON2024-00038: Zone Change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District; generally located on the west side of North Tyler Road and within 700 feet south of West Central Avenue (545 North Tyler Road).

ZON2024-00040: Zone change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District to match the zoning of nearby properties, generally located on the north side of West MacArthur Road, within 800 feet west of South Seneca Street (1310 West MacArthur Road).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.
2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/planning>.

WITNESS MY HAND on August 22, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0189881

Aug 22 2024

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

08/22/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 08/22/2024 to 08/22/2024.

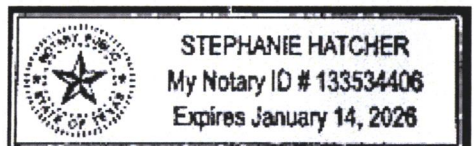
Mary Castro

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

DATED: 08/22/2024

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!



STAFF REPORT

MAPC: September 12, 2024

DAB IV: September 9, 2024

CASE NUMBER: ZON2024-00040 (City)

APPLICANT: Develop Kansas, LLC (Applicant)

REQUEST: LC Limited Commercial District

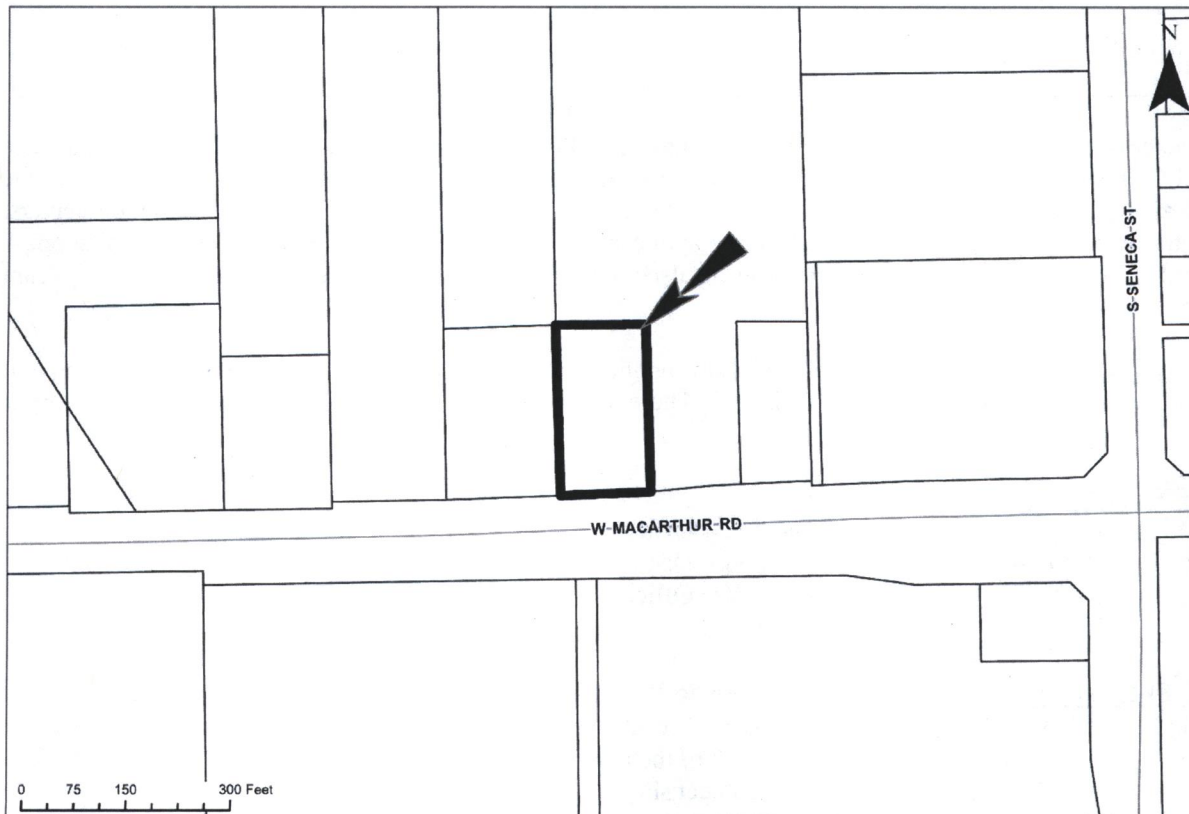
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.70 acres

LOCATION: Generally located on the north side of West MacArthur Road and within 800 feet west of South Seneca Street (1310 West MacArthur Road).

PROPOSED USE: To match zoning of surrounding properties.

RECOMMENDATION: Approve.



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District (SF-25) to LC Limited Commercial District (LC) on a 0.70-acre property. The subject site is generally located on the north side of West MacArthur Road and within 800 feet west of South Seneca Street (1310 West MacArthur Road).

The site is currently developed with a single-family dwelling. The applicant is looking to use the property for its highest and best use similar to uses permitted on adjacent LC-zoned properties.

SF-5 allows for single-family housing and a limited number of civic and public uses, while LC allows for single-family, two-family, and multi-family housing, in addition to a limited number of civic, public, and commercial uses. table below compares the development standards of each zoning district.

Development Standards	SF-5 Single-Family Residential District	LC Limited Commercial District
Minimum lot area	5,000 square feet	2,500 square feet for single-family; 2,000 square feet per dwelling unit for duplex; 580 square feet per dwelling unit for multi-family (maximum 75.1 dwelling units per acre); no minimum for nonresidential uses
Minimum lot width	50 feet	No minimum
Rear setback	20 feet	Ten feet, subject to compatibility setback standards
Interior side setback	6 feet	Zero feet, but if an interior side setback is provided it shall be at least five feet in width
Maximum height	35 feet	80 feet, plus two feet of additional height for each foot of setback beyond the required minimum, subject to compatibility height standards

The character of the neighborhood is generally commercial and industrial in nature. Property to the north and east is zoned LC and OW Office Warehouse and is developed with a warehouse/office combination. Properties to the south are zoned Planned Unit Development (PUD) #46 and are developed with warehouses/distribution centers. Property to the west is zoned LC, is owned by the applicant, and is developed with a small commercial shop. A single-family dwelling and a manufactured house are also on the lot. All three buildings are vacant and the applicant is working to have them demolished.

CASE HISTORY: The subject site is unplatted. If the applicant develops the site as a commercial use, platting will be required prior to any building permit is issued. There are no other zoning cases associated with the subject property.

ADJACENT ZONING AND LAND USE:

NORTH:	LC/OW	Warehouse/Office
SOUTH:	PUD #46	Warehouse/Distribution
EAST:	LC/OW	Warehouse/Office
WEST:	LC	Vacant

PUBLIC SERVICES: The subject site has access to West MacArthur Road, which is a four-lane arterial street with a middle turn lane and sidewalks on both sides. The site has access to municipal services, which include sewer and water. Wichita Transit serves the site just north of the intersection of West MacArthur Road and South Seneca Street approximately 1,000 feet away from the subject site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the *Community Investments Plan*, which identifies the site as “Residential and Employment Mix” on the 2035 Future Growth Concept Map. This category is described as follows: “*Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.*” Rezoning the subject site to LC is an appropriate request considering the proximity to other commercially zoned properties.

The Locational Guidelines of the *Community Investments Plan* provide a framework for decision-making regarding land use changes. Under the heading of “Land Use Compatibility,” Guideline 1.a suggests, “*Higher-intensity development should be discouraged from locating in areas of existing lower-intensity development, particularly established low-density residential areas.*” The applicant’s request would fulfill this locational guideline’s intent.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for LC Limited Commercial District be **APPROVED**. This recommendation is based on the following findings:

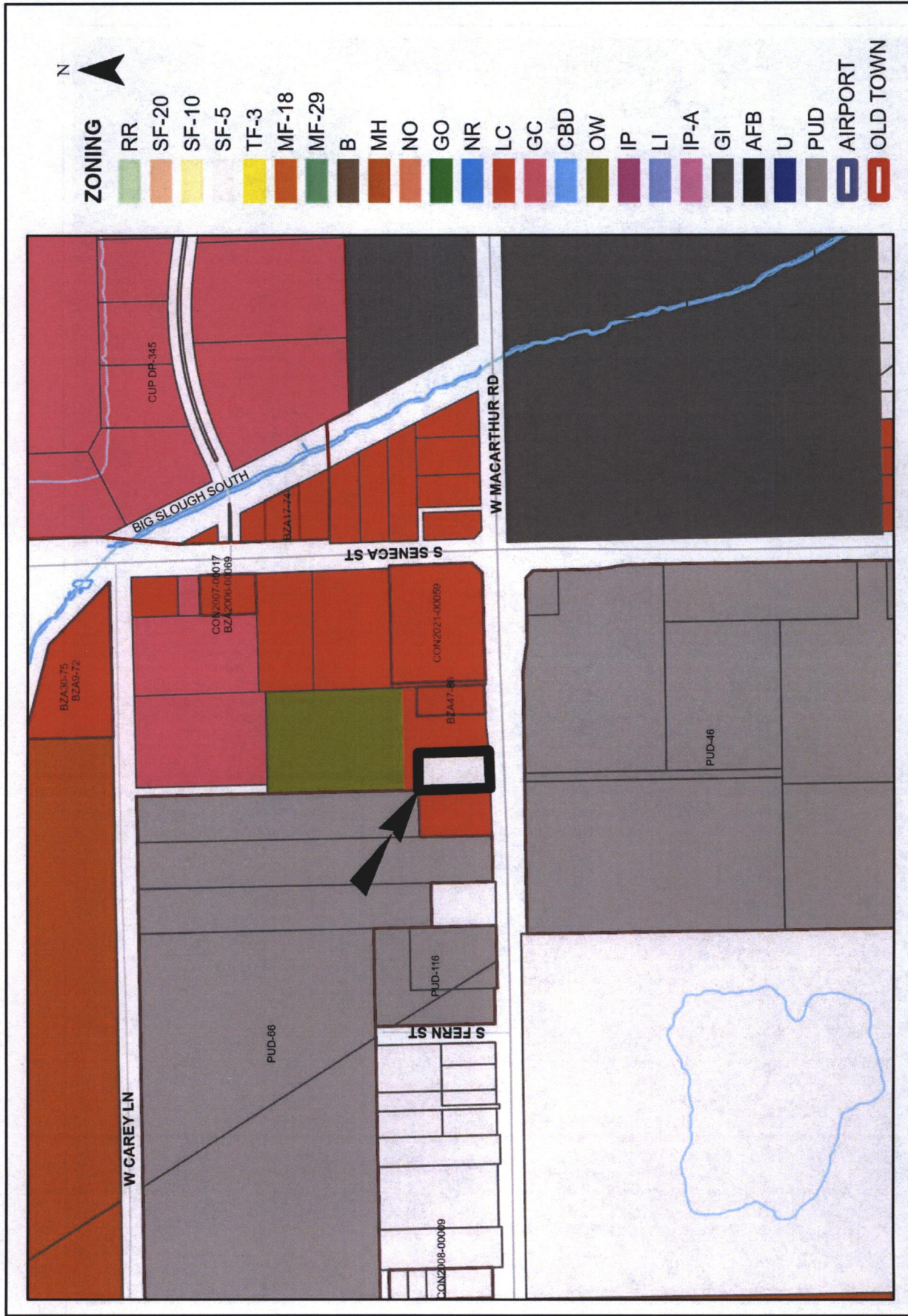
1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is generally commercial and industrial in nature. Property to the north and east is zoned LC and OW Office Warehouse and is developed with a warehouse/office combination. Properties to the south are zoned Planned Unit Development (PUD) #46 and are developed with warehouses/distribution centers. Property to the west is zoned LC, is owned by the applicant, and is developed with a small commercial shop. A single-family dwelling and a manufactured house are also on the lot. All three buildings are vacant and the applicant is working to have them demolished.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned SF-5, which is suitable for low-density residential use.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** It is not anticipated that the removal of restrictions will detrimentally affect nearby property due to the commercial and industrial zoning and uses adjacent to the site.
4. **Length of time the property has been vacant as currently zoned:** The subject site is developed with a single-family dwelling.
5. **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 would allow limited commercial development on site. Denial of the application may result in the loss of use and enjoyment of the property.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is in conformance with *The Community Investments Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** Staff does not anticipate the proposed development to have any significant negative impact on community facilities.
8. **Opposition or support of neighborhood residents:** At the time of the publication of the staff report, staff has not received any comments from the public.

Attachments:

- 1) Aerial Map
- 2) Zoning Map

- 3) Land Use Map
- 4) Site Photos





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
 - Neighborhood & Area Plans
- SDA**
- Andale
 - Bd Air
 - Bentley
 - Cheney
 - Cleanwater
 - Colwich
 - Derby
 - Garden Plain
 - Goddard
 - Haystack
 - Kechi
 - Maize
 - Mount Hope
 - Mulvane
 - Park City
 - Sedgwick
 - Valley Center
 - <all other values>



City of Wichita, Kansas
Metropolitan Area Planning Commission
2024-2025
Map of the City of Wichita, Kansas
Metropolitan Area Planning Commission
2024-2025
Map of the City of Wichita, Kansas
Metropolitan Area Planning Commission
2024-2025



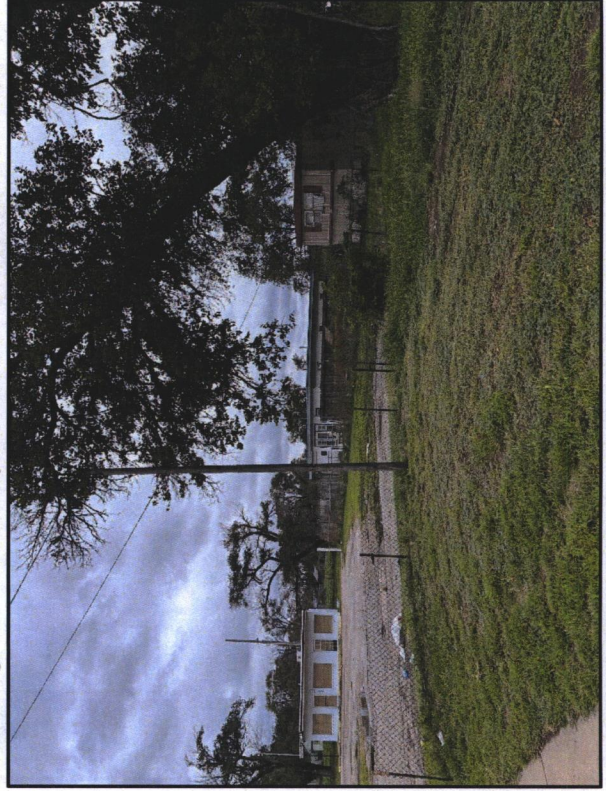
Looking north into site



Looking northeast away from site



Looking northwest away from site



Looking east away from site



Looking southwest away from site



Looking southeast away from site



Looking east away from site

