



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

Southfork Investment, LLC
13018 East Pinehurst
Wichita, KS 67228

July 17, 2024

RE: CUP2024-00015 and ZON2024-00026– CUP Amendment request in the City to DP-249 to amend the permitted uses on Parcel 5 to permit Freight Terminal and RV Sales and Service, located south of East 47th Street South and on the west side of I-135; zone change request from GC General Commercial District to LI Limited Industrial District on Parcel 5

Dear Applicant;

At its regular meeting on **July 16, 2024**, the Wichita City Council heard the above captioned requests. The action of the WCC was to **APPROVE** the requests, subject to the following conditions:

1. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.
 - a. The south 200 feet of Parcel 5C shall be restricted to GC uses currently permitted in Parcel 1.
2. The applicant shall submit four copies of the approved CUP within 60 days of final approval to the Metropolitan Area Planning Department or the CUP shall be deemed null and void.

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

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner

CC: MABCD
Mike Hoheisel, Wichita City Council District III
Rebecca Johnson, CSR District III
Lewis Blackwell, 929 East 52nd Street South, Wichita, KS 67216
Kim Edgington, 2532 North Cardinal Drive, Wichita, KS 67204



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

Southfork Investment, LLC
13018 East Pinehurst
Wichita, KS 67228

June 13, 2024

RE: CUP2024-00015 and ZON2024-00026– CUP Amendment request in the City to DP-249 to amend the permitted uses on Parcel 5 to permit Freight Terminal and RV Sales and Service, located south of East 47th Street South and on the west side of I-135; zone change request from GC General Commercial District to LI Limited Industrial District on Parcel 5

Dear Applicant;

At its regular meeting on **June 13, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned requests. The action of the MAPC was to recommend **APPROVAL** of the requests.

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 June 27, 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 **June 27, 2024, at 5:00 p.m.**

This application will be considered by Wichita City Council on **Tuesday, July 16, 2024**, beginning at 9:00 a.m., at 455 North Main Street, Wichita, KS 67202.

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

Sincerely,

Christina Rieth
Current Plans
Associate Planner

CC: MABCD
Mike Hoheisel, Wichita City Council District III
Rebecca Johnson, CSR District III
Lewis Blackwell, 929 East 52nd Street South, Wichita, KS 67216
Kim Edgington, 2532 North Cardinal Drive, Wichita, KS 67204

RESOLUTION No. 24-258

A RESOLUTION AUTHORIZING AN AMENDMENT TO CUP DP-249 SOUTHFORK COMMERCIAL ADDITION COMMUNITY UNIT PLAN TO PERMIT A FREIGHT TERMINAL AND RECREATIONAL VEHICLE SALES; GENERALLY LOCATED SOUTH OF EAST 47TH STREET SOUTH AND WEST OF INTERSTATE 135, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-E, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-E of the Wichita-Sedgwick County Unified Zoning Code, for an approximately 30.4-acre property within CUP DP-249, legally described below:

CUP2024-00015
DP-249

Lot 5, Block 1, Southfork Commercial Addition, Wichita, Sedgwick County, Kansas.

The amendments are hereby GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.
 - a. The south 200 feet of Parcel 5C shall be restricted to GC uses currently permitted in Parcel 1.
2. The applicant shall submit four copies of the approved CUP within 60 days of final approval to the Metropolitan Area Planning Department or the CUP shall be deemed null and void.

The Parcel Descriptions and General Provisions of CUP DP-249 shall be as follows:

SOUTHFORK COMMERCIAL
Community Unit Plan – DP-249
Development Guidelines

GENERAL PROVISIONS

21. All buildings shall have consistent exterior building materials with consistent architectural character, form, color, and texture. Building walls shall be broken up by projections, recesses, changes in roof line, and changes in colors, textures, and/or materials, relating to interior building functions where feasible. Buildings should have a recognizable “base” and “top”. Prefabricated metal panels shall not be permitted on the side of buildings facing I-35 or 47th Street South and shall not be the predominant wall material on any other side of the building. Industrial uses on Parcels 5A, 5B, and 5C are exempt from the architectural controls listed above.
24. A six (6) foot high masonry wall shall be constructed along the southern line of Parcel 5C when any portion of Parcel 5C is developed. No utilities shall be placed within the 5 foot wall easement.

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON July 26, 2024

ORDINANCE NO. 52-54

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. ZON2024-00026

Zone change in the City from GC General Commercial District to LI Limited Industrial District, subject to the General Provisions of Community Unit Plan CUP DP-249, on property legally described as:

Lot 5, Block 1, Southfork Commercial Addition, Wichita, Sedgwick County, Kansas, EXCEPT for the South 200 feet thereof.

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 23rd day of July, 2024.

Lily Wu
Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster
Jamie Buster, City Clerk
(SEAL)



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

Parcel 1

Proposed uses: all permitted uses in GC General Commercial zoning district except: taverns, night clubs, drinking establishments or adult entertainment

Net area: 93,412 square feet (2.14 acres)

Maximum building coverage – 28,023 square feet (30% max)

Total number of buildings – 2

Parking – see General Provision Number 7

Maximum building height – 45 feet

Gross floor area ratio: 40%

Parcel No. 5A

Proposed uses: all permitted uses in the “LI” Limited Industrial zoning district except: Gas and Fuel Storage and Sales; Correctional Facility; Correctional Placement Residence, Limited; Correctional Placement Residence, General

Net area – 443,876.4 sq. ft. (10.19 acres)

Maximum building coverage – 173,550.56 sq. ft (40% max)

Total number of buildings – 2

Parking – see General Provision Number 7

Maximum building height – 80 feet

Gross floor area ratio – 40%

Parcel No. 5B

Same as Parcel 5A

Net area – 396,831.6 sq. ft. (9.11 acres)

Maximum building coverage – 158,732.64 sq. ft (40% max)

Total number of buildings – 2

Parking – see General Provision Number 7

Maximum building height – 80 feet

Gross floor area ratio – 40%

Parcel No. 5C

Same as Parcel 5A, except the south 200 feet shall be restricted to GC uses as permitted in Parcel 1.

Net area – 435,600 sq. ft. (10.0 acres)

Maximum building coverage – 174,240 sq. ft (40% max)

Total number of buildings – 2

Parking – see General Provision Number 7

Maximum building height – 80 feet

Gross floor area ratio – 40%

SECTION 2. That upon the taking effect of this Resolution, the notation of such Community Unit Plan shall be shown on the “Official Zoning District Map” on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Adopted this 16th day of July, 2024.

ATTEST:




Lily Wu, Mayor, City of Wichita



Jamie Buster, City Clerk

(SEAL)

Approved as to form: 

Jennifer Magaña, City Attorney and Director of Law







The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
 Idaho Statesman
 Bradenton Herald
 The Charlotte Observer
 The State
 Ledger-Enquirer

Durham | The Herald-Sun
 Fort Worth Star-Telegram
 The Fresno Bee
 The Island Packet
 The Kansas City Star
 Lexington Herald-Leader
 The Telegraph - Macon
 Merced Sun-Star
 Miami Herald
 El Nuevo Herald

The Modesto Bee
 The Sun News - Myrtle Beach
 Raleigh News & Observer
 Rock Hill | The Herald
 The Sacramento Bee
 San Luis Obispo Tribune
 Tacoma | The News Tribune
 Tri-City Herald
 The Wichita Eagle
 The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
3252	576641	Print Legal Ad-IPL01854430 - IPL0185443	ORD#52-516	\$51.33	1	61L

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

JMBuster@wichita.gov

**OCA 150004 PUBLISHED
 IN THE WICHITA EAGLE ON
 July 26, 2024**

ORDINANCE NO. 52-516

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. ZON2024-00026

Zone change in the City from GC General Commercial District to LJ Limited Industrial District, subject to the General Provisions of Community Unit Plan CUP DP-249, on property legally described as:

Lot 5, Block 1, Southfork Commercial Addition, Wichita, Sedgwick County, Kansas, EXCEPT for the South 200 feet thereof.

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 23rd day of July, 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

IPL0185443

Jul 26 2024

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

07/26/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 07/26/2024 to 07/26/2024.

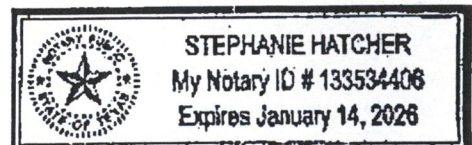
Mary Castro

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

DATED: 08/05/2024

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!



The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
 Idaho Statesman
 Bradenton Herald
 The Charlotte Observer
 The State
 Ledger-Enquirer

Durham | The Herald-Sun
 Fort Worth Star-Telegram
 The Fresno Bee
 The Island Packet
 The Kansas City Star
 Lexington Herald-Leader
 The Telegraph - Macon
 Merced Sun-Star
 Miami Herald
 El Nuevo Herald

The Modesto Bee
 The Sun News - Myrtle Beach
 Raleigh News & Observer
 Rock Hill | The Herald
 The Sacramento Bee
 San Luis Obispo Tribune
 Tacoma | The News Tribune
 Tri-City Herald
 The Wichita Eagle
 The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	574596	Print Legal Ad-IPL01843430 - IPL0184343	RES#24-258	\$164.82	2	98 L

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

JMBuster@wichita.gov

OCA 160004 PUBLISHED IN THE WICHITA EAGLE ON
 July 16, 2024
 RESOLUTION No. 24-258

A RESOLUTION AUTHORIZING AN AMENDMENT TO CUP DP-249 SOUTH FORK COMMERCIAL ADDITION COMMUNITY UNIT PLAN TO PERMIT A FREIGHT TERMINAL AND RECREATIONAL VEHICLE SALES; GENERALLY LOCATED SOUTH OF EAST 47TH STREET SOUTH AND WEST OF INTERSTATE 135, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-E, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED. BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-E of the Wichita-Sedgwick County Unified Zoning Code, for an approximately 30.4-acre property within CUP DP-249, legally described below:

CUP2024-00015
 DP-249

Lot 5, Block 1, Southfork Commercial Addition, Wichita, Sedgwick County, Kansas.

The amendments are hereby GRANTED, subject to the following conditions: The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP. The south 200 feet of Parcel 5C shall be restricted to GC uses currently permitted in Parcel 1.

The applicant shall submit four copies of the approved CUP within 60 days of final approval to the Metropolitan Area Planning Department or the CUP shall be deemed null and void. The Parcel Descriptions and General Provisions of CUP DP-249 shall be as follows:

SOUTH FORK COMMERCIAL
 Community Unit Plan - DP-249
 Development Guidelines

GENERAL PROVISIONS

21. All buildings shall have consistent exterior building materials with consistent architectural character, form, color, and texture. Building walls shall be broken up by projections, recesses, changes in roof line, and changes in colors, textures, and/or materials, relating to interior building functions where feasible. Buildings should have a recognizable "base" and "top". Prefabricated metal panels shall not be permitted on the side of buildings facing I-35 or 47th Street South and shall not be the predominant wall material on any other side of the building. Industrial uses on Parcels 5A, 5B, and 5C are exempt from the architectural controls listed above.

24. A six (6) foot high masonry wall shall be constructed along the southern line of Parcel 5C when any portion of Parcel 5C is developed. No utilities shall be placed within the 5 foot wall easement.

Parcel 1

Proposed uses: all permitted uses in GC General Commercial zoning district except: taverns, night clubs, drinking establishments or adult entertainment

Net area - 53,412 square feet (2.14 acres)

Maximum building coverage - 26,023 square feet (30% max)

Total number of buildings - 2

Parking - see General Provision Number 7

Maximum building height - 45 feet

Gross floor area ratio - 40%

Parcel No. 5A

Proposed uses: all permitted uses in the "LI" Limited Industrial zoning district except: Gas and Fuel Storage and Sales; Correctional Facility; Correctional Placement Residence. Limited; Correctional Placement Residence, General

Net area - 443,876.4 sq. ft. (10.19 acres)

Maximum building coverage - 173,650.56 sq. ft. (40% max)

Total number of buildings - 2

Parking - see General Provision Number 7

Maximum building height - 80 feet

Gross floor area ratio - 40%

Parcel No. 5B

Same as Parcel 5A

Net area - 396,831.6 sq. ft. (9.11 acres)

Maximum building coverage - 158,732.64 sq. ft. (40% max)

Total number of buildings - 2

Parking - see General Provision Number 7

Maximum building height - 80 feet

Gross floor area ratio - 40%

Parcel No. 5C

Same as Parcel 5A, except the south 200 feet shall be restricted to GC uses as permitted in Parcel 1.

Net area - 435,600 sq. ft. (10.0 acres)

Maximum building coverage - 174,240 sq. ft. (40% max)

Total number of buildings - 2

Parking - see General Provision Number 7

Maximum building height - 80 feet

Gross floor area ratio - 40%

SECTION 2.

That upon the taking effect of this Resolution, the notation of such Community Unit Plan shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Adopted this 16th day of July, 2024.

ATTEST:

Lily Wu, Mayor, City of Wichita

Jemie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law
 IPL0184343
 Jul 19 2024

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

1 insertion(s) published on:

07/19/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 07/19/2024 to 07/19/2024.

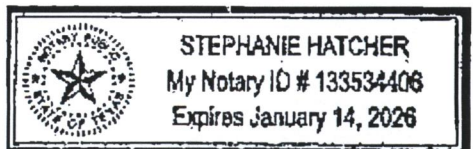
Mary Castro

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

DATED: 07/19/2024

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!



The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
 Idaho Statesman
 Bradenton Herald
 The Charlotte Observer
 The State
 Ledger-Enquirer

Durham | The Herald-Sun
 Fort Worth Star-Telegram
 The Fresno Bee
 The Island Packet
 The Kansas City Star
 Lexington Herald-Leader
 The Telegraph - Macon
 Merced Sun-Star
 Miami Herald
 El Nuevo Herald

The Modesto Bee
 The Sun News - Myrtle Beach
 Raleigh News & Observer
 Rock Hill | The Herald
 The Sacramento Bee
 San Luis Obispo Tribune
 Tacoma | The News Tribune
 Tri-City Herald
 The Wichita Eagle
 The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	554268	Print Legal Ad-IPL01740880 - IPL0174088	OCA 150004	\$201.86	3	80 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 May 23, 2024
(One Time Only)
MAPC/BZA June 13, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 13, 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.

BZA2024-00022: Variance request in the City to allow an Electronic Message Sign on property zoned TF-3 Two-Family Residential District, generally located at the intersection of North River Boulevard and West Briggs Avenue (1101 West River Boulevard).

BZA2024-00027: Variance request in the City to permit a Sexually Oriented Business within 500 feet of residential zoning on property zoned GC General Commercial, located on the east side of South Broadway Avenue and one-quarter mile south of East 47th Street South (4950 South Broadway).

BZA2024-00028: Variance request in the City to reduce the minimum lot size to build a duplex in TF-3 Two-Family Residential zoning from 6,000 square feet to approximately 3,000 square feet on property located one block south of West 21st Street North and one block east of North Arkansas Ave (512 West 20th Street North).

CUP2024-00015: CUP Amendment request in the City to DP-249 to amend the permitted uses on Parcel 5 (with ZON2024-00026 from GC to LI) to permit Freight Terminal and RV Sales and Service; located south of East 47th Street South and on the west side of I-135.

PUD2024-00009: Zone Change request in the City from SF-5 Single-Family to PUD to create the Blackbear Bosin-Price PUD #126 to convert school into apartments and permit single-family, duplexes, or fourplexes on school grounds; located one-block west of North Woodlawn and two blocks south of East 13th Street North.

VAC2024-00026: Vacation request in the City of the 40-foot platted front setback; generally located on the east side of South Decker Drive and within 400 feet south of West Maple Street (346 South Decker Drive).

VAC2024-00027: Vacation request in the City to vacate Reserve A on property zoned SF-5 Single-Family Residential; located one-quarter mile east of North 135th Street West and just south of West 21st Street North (13426 West 21st Street North).

VAC2024-00028: Vacation request in the City to vacate 5 feet of a platted 25-foot street side setback to construct a detached garage on property zoned SF-5 Single-Family Residential; generally located on-block south of West Maple Street and one block west of South Woodchuck Lane (384 South Floyd).

VAC2024-00029: Vacation request in the City to reduce the platted building setback from 30 feet to 25 feet on property located between 7811 and 7837 East Pagent Lane.

VAC2024-00031: Vacation request in the City to vacate a 15-foot contingent street, drainage and utility easement and a 32-foot contingent right-of-way dedication for future development on property zoned GC General Commercial, located on the south side of East 47th Street South and West of I-135.

ZON2024-00025: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located one-block east of North Hillside Avenue and within two blocks north of East 25th Street North (2710 North Holyoke Street).

ZON2024-00026: Zone Change request in the City from GC General Commercial to LI Limited Industrial (with CUP2024-00015) to permit freight terminal and RV sales and service; generally located south of East 47th Street South and on the west side of I-135.

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 Department 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 May 23, 2024
 Scott Wadle, Secretary
 Wichita-Sedgwick County
 Metropolitan Area Planning Commission
 IPL0174088
 May 23 2024

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

1 insertion(s) published on:
 05/23/24

STATE OF KANSAS)
 SS
 County of Sedgwick)

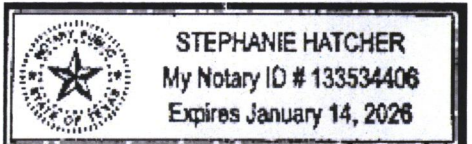
Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterrupted 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 05/23/2024 to 05/23/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 05/23/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in
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STAFF REPORT
MAPC: June 13, 2024
DAB III: June 5, 2024

CASE NUMBER: CUP2024-00015 and ZON2024-00026 (City)

APPLICANT/AGENT: Southfork Investment LLC (Applicant)/ Kim Edgington (Agent)

REQUEST: Major Amendment to CUP DP-249; LI Limited Industrial District for Parcel 5

CURRENT ZONING: GC General Commercial District

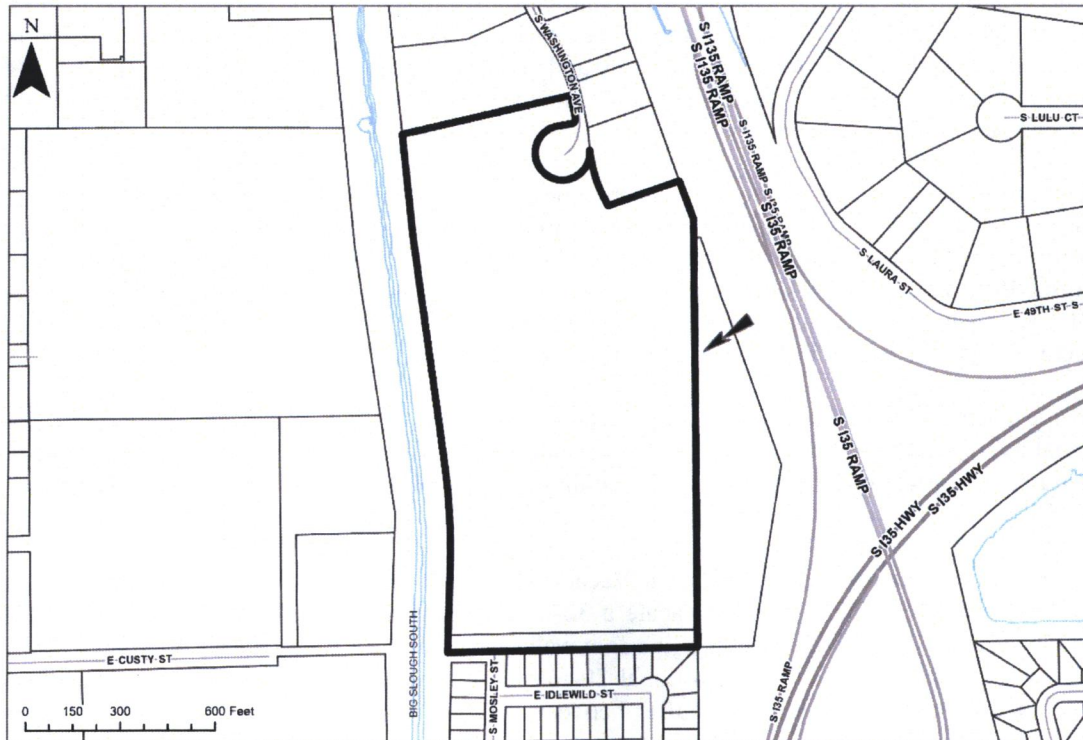
SITE SIZE: 30.4 acres

LOCATION: Generally located south of East 47th Street South and east of Interstate 135

PROPOSED USE: Allow development on Parcel 5 for a Freight Terminal and RV sales.

RECOMMENDATION: Approve with conditions.

VICINITY MAP



BACKGROUND: The applicant has two requests:

1. A major amendment to the Southfork Commercial Community Unit Plan (CUP) DP-249 on Parcel 5 to allow a freight terminal and RV sales; and
2. A zone change for the new Parcel 5 from GC General Commercial District (GC) to LI Limited Industrial District (LI).

The subject site is 30.4 acres in size and is generally located south of East 47th Street South and east of Interstate 135. It is zoned GC and part of a 50.4-acre Community Unit Plan (CUP), DP-339. The applicant is requesting the zone change in order to develop a freight terminal and Recreational Vehicle (RV) sales.

Vehicle and Equipment Sales, Outdoor is currently permitted by-right in GC zoning, but it is subject to Supplementary Use Regulations defined in Section III-D.6.hh of the Unified Zoning Code (UZC), which includes provisions on screening, pavement, lighting, compatibility noise standards, and repair work. The CUP document already includes similar General Provisions on lighting to direct light away from residential zoning, solid screening on Parcel 5, and hard surfacing for all parking and drives. The zone change to LI would permit an all-weather surface instead of hard paving for storage areas as the use would not be required to adhere to the Supplementary Use Regulations stated above.

Freight Terminal is defined in the UZC as “a building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.” It is not a permitted use in the current GC zoning.

The applicant requests to divide Parcel 5 into 5A, 5B, and 5C. They shall be 10.9 acres, 9.11 acres, and 10 acres in size, respectively, and shall allow a maximum of two buildings on each parcel. Parcel 5 currently allows five buildings. All parcels shall have the same permitted uses, which are all permitted uses in LI zoning except for Gas and Fuel Storage and Sales, Correctional Facility, and Correctional Placement Residence, Limited and General. Due to the proximity of low-density residential uses abutting to the south, staff recommends the south 200 feet of Parcel 5 be restricted to the existing GC uses as currently permitted in the CUP for Parcel 1. The gross floor area ratio and maximum building coverage for Parcels 5A, 5B, and 5C remain the same as Parcel 5 at 40 percent. The maximum height shall increase from 35 feet to 80 feet for all three parcels. The proposed CUP revisions are attached to the end of this report.

The requested zoning is less restrictive than the current zoning and permits more uses on site, such as industrial uses. However, LI zoning does not permit any residential development. The revised CUP document excludes several uses permitted by-right in LI zoning, such as Gas and Fuel Storage and Sales and Correctional Placement Residences. Cemeteries and nightclubs remain prohibited uses on any parcel in the CUP. Because of the introduction of industrial uses on site, staff is recommending eliminating the architectural controls in the CUP document on Parcels 5A, 5B, and 5C.

Should the zone change request be approved, there will be no change in minimum lot area (for non-residential uses), minimum lot width, or setbacks. Both zoning districts have a maximum height of 80 feet, plus two additional feet of height beyond the required setback. The CUP amendment allows a maximum height of 80 feet on Parcels 5A, 5B, and 5C.

The applicant has concurrently submitted a Vacation request to vacate two, 15-foot contingent street, drainage and utility easements; and to vacate a 32-foot contingent right-of-way dedication to facilitate development on the site. The overlapping five-foot wall easement, the 35-foot platted building setback, the 55-foot drainage easement, and the additional 20-foot drainage maintenance easement shall remain on Parcel 5C, which creates a significant buffer between potential industrial development and the existing residential development to the south. Additionally, when the property is developed, it shall be subject to

the provisions of the Wichita Landscape Code, which require one shade tree (or two ornamental trees) per 40 linear feet where abutting residential zoning.

The character of the neighborhood is mostly undeveloped or commercial, but it gradually becomes more residential moving away from the adjacent interstate. Properties to the north and east of the parcel are zoned GC, are within the CUP, and are undeveloped. Immediately east of the CUP is Interstate 135. Properties to the south are zoned SF-5 Single-Family Residential District, pertain to CUP DP-131, and are developed with single-family dwellings. Properties west of Parcel 5, across Big Slough Creek, are zoned MH Manufactured Housing District and GC; they are developed with manufactured homes and the commercial office, respectively.

CASE HISTORY: In 2011, the CUP was created as the Southfork Commercial Addition, DP-249 (CUP2011-00010). In 2014, the subject site was platted as part of the Southfork Commercial Addition subdivision. The applicant has concurrently submitted a Vacation request to vacate two, 15-foot contingent street, drainage and utility easements; and to vacate a 32-foot contingent right-of-way dedication to facilitate development on the site (VAC2024-00031). This case will be also heard by the Metropolitan Area Planning Commission on June 13, 2024.

ADJACENT ZONING AND LAND USE

North: GC with CUP DP-249	Undeveloped
South: SF-5 with CUP DP-131:	Single-Family Residences
East: None	Interstate 135
West: MH, GC	Manufactured home development, commercial office

PUBLIC SERVICES: The site has public water and sewer nearby, which will need to be extended as development occurs. The site can be accessed from South Washington Avenue, which is a two-way local street terminating in a cul-de-sac just north of Parcel 5. Wichita Transit serves this site within one-half mile northwest, on the northeast corner of East 47th Street South and South Emporia Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed zone change and amendment to the CUP are in partial conformance with the *Community Investments Plan*. This plan identifies the site as appropriate for both “New Employment” on the Future Growth Concept Map. The “New Employment” category is described as follows: “Encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed.” While the applicant is requesting to introduce industrial development to the site, it is currently zoned GC, which allows a number of high intensity commercial uses.

One of the *Plan’s* Land Use Compatibility Guidelines states that “Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts.” The site is near existing residential development, but its site design features are sufficient to mitigate adverse impacts, such as the building setbacks and easements to the south, the solid screening required by the CUP document, and the Big Slough Creek. One guideline in the General Development Pattern states that “Industrial uses should be located in areas with good access to highways,

rail lines, and airports.” The subject site is adjacent to Interstate 35.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the zone change request from GC to LI and the amendment to CUP DP-249 be **APPROVED**, subject to the following conditions:

1. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.
 - a. The south 200 feet of Parcel 5C shall be restricted to GC uses currently permitted in Parcel 1.
2. The applicant shall submit four copies of the approved CUP within 60 days of final approval to the Metropolitan Area Planning Department or the CUP shall be deemed null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is mostly undeveloped or commercial, but it gradually becomes more residential moving away from the adjacent interstate. Properties to the north and east of the parcel are zoned GC, are within the CUP, and are undeveloped. Immediately east of the CUP is Interstate 135. Properties to the south are zoned SF-5 Single-Family Residential District, pertain to CUP DP-131, and are developed with single-family dwellings. Properties west of Parcel 5, across Big Slough Creek, are zoned MH Manufactured Housing District and GC; they are developed with manufactured homes and the commercial office, respectively.
2. **The suitability of the subject property for the uses to which it has been restricted:** This site is currently zoned GC with CUP DP-249, which allows for higher-intensity commercial development with a few exceptions outlined in the CUP document. The current zoning does not allow for Freight Terminal and permits RV sales subject to Supplementary Use Regulations in Section III-D.6.hh of the UZC.
3. **Extent to which removal of the restrictions will detrimentally effect nearby property:** The introduction of industrial development may also bring additional noise, traffic, and light pollution to the area. The revised CUP document restricts a number of higher-intensity industrial uses and maintains site design features intended to mitigate potential detrimental impacts to the adjacent residential developments, such as building setbacks and easements, solid screening, and maximum height restrictions. The staff recommended language providing a 200-foot buffer along the south side of Parcel 5C is also intended to mitigate possible negative impacts that may affect the residential uses to the south.
4. **Length of time the property has been vacant as currently zoned:** The property has never been developed.
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 requests will permit development in an area that is appropriate for most industrial development. However, the requests should be weighed against possible detrimental impacts to the surrounding properties, such as traffic, noise, and pollution. Denial will result in the enjoyment of the property and possible loss of economic opportunity.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and**

policies: The requested zoned change and CUP amendment is in partial conformance with the *Community Investments Plan*, as discussed in the staff report.

7. **Impact of the proposed development on community facilities:** The requested zone change and CUP amendment will require an extension of municipal utilities, such as sewer, water, and stormwater services. The introduction of higher-intensity development could bring detrimental impacts to the adjacent Big Slough Creek, such as industrial runoff.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any public comments.

Attachments:

1. CUP DP-249 Recommended Language
2. Original CUP DP-249 Drawing
3. Proposed CUP DP-249 Drawing
4. Aerial Map
5. Zoning Map
6. Land Use Map
7. Site Photos

CUP DP-249 RECOMMENDED LANGUAGE

Staff recommended language is in red.

**Southfork Commercial Addition
Community Unit Plan – DP-249**

General Provisions

21. All buildings shall have consistent exterior building materials with consistent architectural character, form, color, and texture. Building walls shall be broken up by projections, recesses, changes in roof line, and changes in colors, textures, and/or materials, relating to interior building functions where feasible. Buildings should have a recognizable “base” and “top”. Prefabricated metal panels shall not be permitted on the side of buildings facing I-35 or 47th Street South and shall not be the predominant wall material on any other side of the building. **Industrial uses on Parcels 5A, 5B, and 5C are exempt from the architectural controls listed above.**

24. A six (6) foot high masonry wall shall be constructed along the southern line of Parcel 5C when any portion of Parcel 5C is developed. No utilities shall be placed within the 5 foot wall easement.

Parcel 1

Proposed uses: all permitted uses in GC General Commercial zoning district except: taverns, night clubs, drinking establishments or adult entertainment

Net area: 93,412 square feet (2.14 acres)

Maximum building coverage – 28,023 square feet (30% max)

Total number of buildings – 2

Parking – see General Provision Number 7

Maximum building height – 45 feet

Gross floor area ratio: 40%

Parcel no. 5

Proposed Uses: Same as Parcel 1

~~Net Area – 1,319,537 sq. ft. (30.29 acres)~~

~~Maximum building coverage – 527,815 sq. Ft. (40% max)~~

~~Total number of buildings – 5~~

~~Parking – see General Provision Number 7~~

~~Maximum building height – 35 feet~~

~~Gross floor area ratio: 40%~~

Parcel No. 5A

Proposed uses: all permitted uses in the “LI” Limited Industrial zoning district except: Gas and Fuel Storage and Sales; Correctional Facility; Correctional Placement Residence, Limited; Correctional Placement Residence, General

Net area – 443,876.4 sq. ft. (10.19 acres)

Maximum building coverage – 173,550.56 sq. ft (40% max)

Total number of buildings – 2

Parking – see General Provision Number 7

Maximum building height – 80 feet
Gross floor area ratio – 40%

Parcel No. 5B

Same as Parcel 5A

Net area – 396,831.6 sq. ft. (9.11 acres)
Maximum building coverage – 158,732.64 sq. ft (40% max)
Total number of buildings – 2
Parking – see General Provision Number 7
Maximum building height – 80 feet
Gross floor area ratio – 40%

Parcel No. 5C

Same as Parcel 5A, **except the south 200 feet shall be restricted to GC uses as permitted in Parcel 1.**

Net area – 435,600 sq. ft. (10.0 acres)
Maximum building coverage – 174,240 sq. ft (40% max)
Total number of buildings – 2
Parking – see General Provision Number 7
Maximum building height – 80 feet
Gross floor area ratio – 40%



**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



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Looking south at site



Looking north away from site



Looking west away from site



Looking east away from site

