

WEST KELLOGG COMMERCIAL COMMUNITY UNIT PLAN DP-344

GENERAL PROVISIONS:

1. Total Land Area: 1,225,179 ± sq.ft. or 28.13 ± acres
Net Land Area: 1,225,179 ± sq.ft. or 28.13 ± acres
2. Total Gross Floor Area: 428,813 sq.ft. or 35 percent
3. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
4. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions. If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required.
5. A Drainage Plan shall be submitted to the appropriate Engineer for approval during the platting process. Required guarantees or drainage shall be provided at the time of platting improvements.
6. Guarantees for left turn center lanes and right turn decel lanes to all full movement approaches, and other specific street improvements for Harry Drive and 135th Street W, shall be further reviewed and determined at the time of platting.
7. Signs will be as allowed by the Sign Code of the appropriate jurisdiction, with the following additional conditions/limitations:
 - A. Each parcel is permitted at least one freestanding sign per arterial frontage with the following area restrictions:
 - Parcel 1: A maximum of three signs with a combined area of 400 sq. ft. of signage, with one sign allowed along Harry Drive and two signs allowed along 135th Street W. No one sign is permitted to be larger than 200 sq.ft. in area. Any sign within the north 300 feet of Parcel 1 shall be limited to 90 sq.ft.
 - Parcel 2: 100 sq.ft. of signage along 135th Street W.
 - Parcel 3: 100 sq.ft. of signage along 135th Street W.
 - Parcel 4: 150 sq.ft. of signage along 135th Street W. and/or Harry Drive.
 - Parcel 5: 150 sq.ft. of signage along Harry Drive.
 - Parcel 6: 150 sq.ft. of signage along Harry Drive.
 - Parcel 7: 150 sq.ft. of signage along Harry Drive.
 - Parcel 8: 150 sq.ft. of signage along Harry Drive.
 - Parcel 9: 150 sq.ft. of signage along Harry Drive.
 - B. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150' apart, irrespective of how and is leased or sold and share similar elements in design.
 - C. Flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - D. Portable, billboards and off-site signs are not permitted.
 - E. Window display signs are limited to 25% of the window area.
 - F. No signs shall be allowed on any elevation any buildings facing residential uses.
 - G. All freestanding signs must be monument type and shall have a maximum height of 15 feet, except Parcel 1 may be allowed a maximum height of 25 feet. Any sign within the north 300 feet of Parcel 1 shall be limited to 10 feet in height.
8. Full-movement access onto 135th Street W. and Harry Drive shall be determined at the time of platting, and may be reflected on an updated C.U.P. drawing.
9. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
10. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, etc.).
 - A. Limited height of light poles, including fixtures, lamps and base, to 24 feet, except within 200 feet of residential zoning said lighting shall be a maximum height of 15 feet.
 - B. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
 - C. Wall-pack lighting shall be prohibited on the north and east elevations of any building within 300 feet of the north and east property lines, as indicated on the plan.
11. Utilities shall be installed underground on all parcels.
12. Landscaping for this site shall be required as follows:
 - A. Development of all parcels within the C.U.P. shall comply with the landscaping requirements of the City of Wichita, with the exception that landscaping shall be calculated at 1.5 times the minimum standards.
 - B. Landscaping for all parcels within the C.U.P. shall have a shared palette of landscape materials.
 - C. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
 - D. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
 - E. If screening is provided through the use of an off-site landscaped berm, per General Provision #13, a covenant or similar agreement shall be made which specifies the owner(s) of the adjacent property used for said screening is responsible for its installation and future maintenance.
13. Screening for this CUP shall consist of either an eight (8) foot high concrete/masonry wall constructed along the east and north property lines where adjacent to residential zoning, or by an eight (8) foot high berm and landscape buffer constructed within the residential development planned adjacent to the east and north of Parcel 1.
 - A. If a screening wall is planned, the following shall apply:
 - i. Said wall shall be constructed at the time any portion(s) of the C.U.P. is developed.
 - ii. This solid wall shall be constructed of a pattern and color that is consistent or compatible with the building walls.
 - B. If a screening system of landscaping and berms is planned, the following shall apply:
 - i. Screening along the north and east property lines of Parcel 1 may be provided by a combination of an eight (8) foot high berm and landscape buffer per the requirements of Section IV-B.3.d.(2) of the UZC, and constructed off-site within the area as indicated on the plan. Said off-site screening shall be installed and maintained by the adjacent owner per General Provision #12(E).

PARCEL 1

- A. Net Area: 862,699 sq.ft. or 19.80 acres
- B. Maximum Building Coverage: 258,810 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 301,945 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Buildings: Four (4)
- F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
- G. Setbacks: See Drawing
- H. Access Points: See Drawing
- I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 2

- A. Net Area: 39,550 sq.ft. or 0.91 acres
- B. Maximum Building Coverage: 11,865 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 13,843 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Buildings: One (1)
- F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
- G. Setbacks: See Drawing
- H. Access Points: See Drawing
- I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 3

- A. Net Area: 42,521 sq.ft. or 0.98 acres
- B. Maximum Building Coverage: 12,756 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 14,882 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Buildings: One (1)
- F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
- G. Setbacks: See Drawing
- H. Access Points: See Drawing
- I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 4

- A. Net Area: 44,285 sq.ft. or 1.02 acres
- B. Maximum Building Coverage: 13,286 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 15,500 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Buildings: One (1)
- F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- G. Setbacks: See Drawing
- H. Access Points: See Drawing
- I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 5

- A. Net Area: 51,294 sq.ft. or 1.18 acres
- B. Maximum Building Coverage: 15,398 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 17,953 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Buildings: One (1)
- F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- G. Setbacks: See Drawing
- H. Access Points: See Drawing
- I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 6

- A. Net Area: 45,193 sq.ft. or 1.04 acres
- B. Maximum Building Coverage: 13,558 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 15,818 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Buildings: One (1)
- F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- G. Setbacks: See Drawing
- H. Access Points: See Drawing
- I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 7

- A. Net Area: 42,970 sq.ft. or 0.99 acres
- B. Maximum Building Coverage: 12,891 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 15,040 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Buildings: One (1)
- F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- G. Setbacks: See Drawing
- H. Access Points: See Drawing
- I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 8

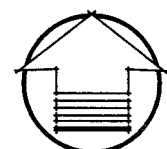
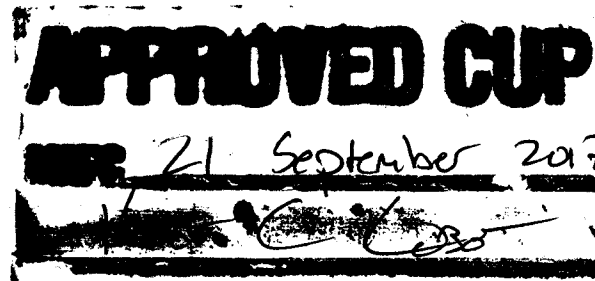
- A. Net Area: 49,350 sq.ft. or 1.13 acres
- B. Maximum Building Coverage: 14,805 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 17,273 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Buildings: One (1)
- F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- G. Setbacks: See Drawing
- H. Access Points: See Drawing
- I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 9

- A. Net Area: 47,317 sq.ft. or 1.09 acres
- B. Maximum Building Coverage: 14,195 sq.ft. or 30 percent
- C. Maximum Gross Floor Area: 16,561 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum Number of Buildings: One (1)
- F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- G. Setbacks: See Drawing
- H. Access Points: See Drawing
- I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

REVISIONS

Submitted (CUP2017-40): August 14, 2017
Revised per staff comments: September 14, 2017
Approved by MAPC: September 21, 2017



SCALE: 1" = 100'

DP-344 WEST KELLOGG COMMERCIAL COMMUNITY UNIT PLAN

Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316-262-1721 F 316-262-0149
ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE



Wichita-Sedgwick County Metropolitan Area Planning Department

Russ Ewy
Baughman Company
315 Ellis Ave
Wichita, KS 67211

September 25, 2017

RE: CUP2017-000040 – City and County request to create DP-334 West Kellogg Commercial Community Unit Plan, generally located at the northeast corner of the intersection of US Highway 54 and 135th Street West

Dear Mr. Ewy,

At its regular meeting on **September 21, 2017**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request.

Property owners opposed to the application may file with the City Clerk signed written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on October 5, 2017. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **October 5, 2017, at 5:00 p.m.**

This application will be presented to the City Council on Tuesday, **October 24, 2017, beginning at 9:00 a.m.** The City Council meeting will be held in City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kyle C. Kobe
Associate Planner

Copies to: West Kellogg LC. Attn: W.E. Lusk, Jr., 1608 E. Lewis, Wichita, KS.
Perfection Signature Properties LLC. Attn: Scott A. Lehner, 11828 W. Central, Ste 124, Wichita. KS
MABCD
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR IV

STAFF REPORT

MAPC – September 21, 2017

DAB IV – October 2, 2017

CASE NUMBER: CUP2017-00040

APPLICANT/AGENT: West Kellogg, LLC, W.E. Lusk, Jr. and Perfection Signature Properties, LLC, Scott Lehner / Baughman Company, Russ Ewy

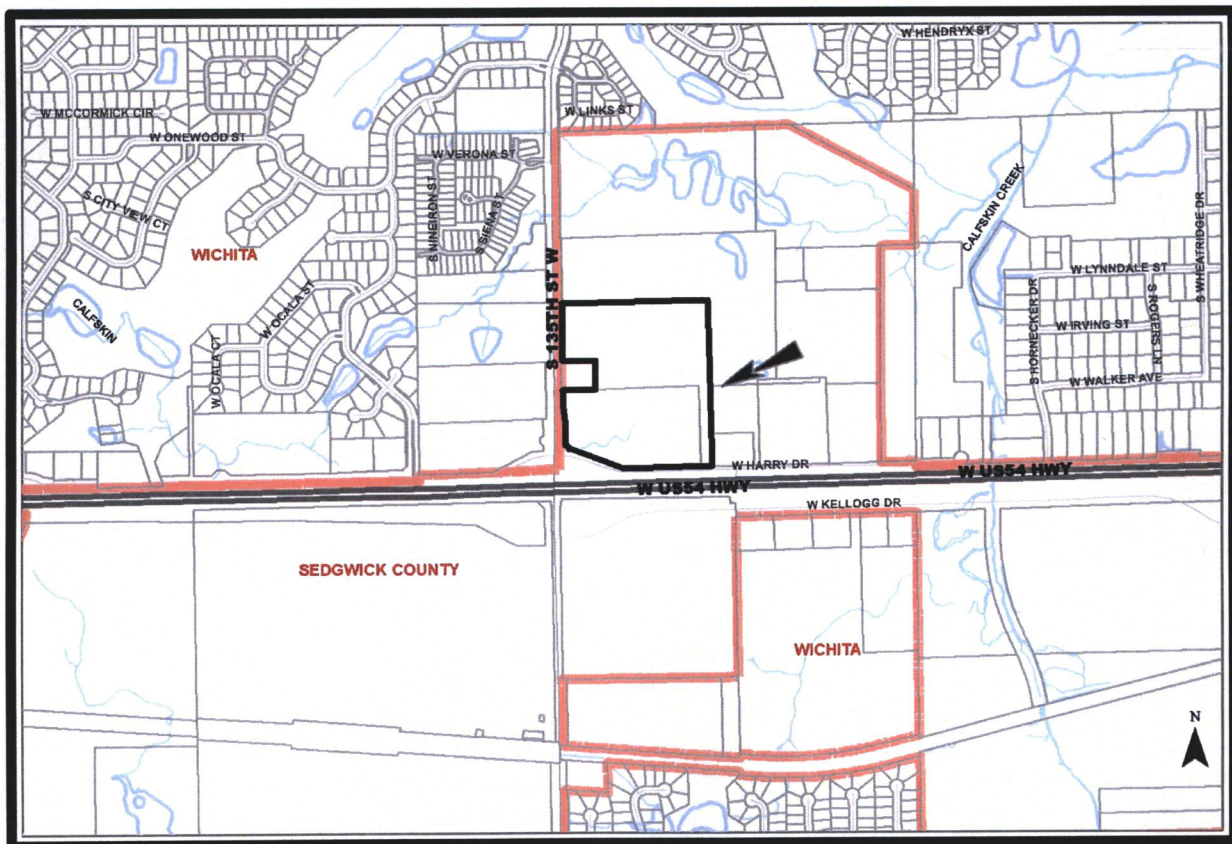
REQUEST: City and County request to create DP-344 West Kellogg Commercial Community Unit Plan

CURRENT ZONING: GC General Commercial

SITE SIZE: 28.1 acres

LOCATION: Northeast corner of US Highway 54 and 135th Street West

PROPOSED USE: General Commercial Development



BACKGROUND: The applicant requests the creation of the West Kellogg Commercial Community Unit Plan, DP-344 on property currently zoned GC General Commercial (GC). The site is unplatted, though there has been some development on the site which is categorized as farming/ranch operations. This case is associated with a plat (SUB2017-00026) and a request for annexation (A17-06).

The site is located at the northeast corner of US Highway 54 and 135th Street West, a paved arterial. Harry Drive, a paved local frontage road runs parallel to the southern property line between the site and West Kellogg Avenue. Two points of access are shown along South 135th Street West and one is proposed along West Harry Drive. Access, movement, and cross-lot plans are stated to be determined via platting.

North of the site is currently undeveloped and zoned SF-20 Single Family (SF-20). To the east, land is zoned GC and there are retail and self-storage developments in the immediate vicinity. To the south is undeveloped land zoned SF-20. To the west are lots zoned both GC and SF-5 Single Family Residential (SF-5), with a church and single family homes built on each, respectively.

The CUP allows for all uses in the GC District with the exceptions of: Single-Family; Duplex; Multi-Family; Manufactured Home; Group Residence (Limited & General); Auditorium or Stadium; Cemetery; Correctional Placement Residence (Limited & General); Recycling Collection Station (Public & Private); Recycling Processing Center; Reverse Vending Machine; Utility (Minor or Major); Animal Care (General); Kennel (Hobby/Boarding/Breeding/Training); Nightclub in the City or County; Pawnshop; Recreational Vehicle Campground; Riding Academy or Stable; Rodeo in the City; Secondhand Store; Sexually Oriented Business in the (City or County); Tattooing and Body Piercing Facility (City or County); Tavern and Drinking Establishment; Asphalt or Concrete Plant (Limited); Manufacturing (General); Research Services; Outdoor Storage (as a Principal Use); Vehicle Storage Yard; Welding or Machine Shop.

Within 300 feet of the north and east property lines and Parcels 2 and 3 of the proposed CUP, the following uses are prohibited: Construction Sales and Service; Recreation & Entertainment (Outdoor); Service Station; Vehicle and Equipment Sales (Outdoor); Vehicle Repair (Limited & General); Manufacturing (Limited); Warehousing; Wholesale or Business Services.

CASE HISTORY: The parcel has not been platted.

ADJACENT ZONING AND LAND USE:

North:	SF-20	undeveloped
South:	SF-20	Highway 54, undeveloped
East:	GC	retail, self-storage
West:	GC, SF-5	church, single family residential

PUBLIC SERVICES: 135th Street West is a paved arterial street, West Harry Drive is a paved local road, and West Kellogg Avenue is a paved US Highway. There is currently a water line running along South 135th Street. CUP General Provision number 11 states that utilities shall be installed underground on all parcels.

CONFORMANCE TO PLANS/POLICIES: The Future Growth Plan Map of the *Community Investment Plan* depicts the subject site as appropriate for Residential and Employment Mix and New Residential uses. Though this development will not include residential units, it will satisfy the New Employment portion. Further, development of this type could potentially catalyze residential development

nearby.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be **APPROVED**, subject to the following stipulations.

- (1) This CUP will not be considered finalized until SUB2017-00026 and A17-06 have been recorded and/or approved.
- (2) The applicant shall submit four revised copies of the CUP to the MAPD within 60 days of approval.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site is currently undeveloped and zoned SF-20 Single Family (SF-20). To the east, land is zoned GC and there are retail and self-storage developments in the immediate vicinity. To the south is undeveloped land zoned SF-20. To the west are lots zoned both GC and SF-5 Single Family Residential (SF-5), with a church and single family homes built on each, respectively.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned GC, which permits a wide range of residential, office, and commercial uses. This CUP would allow for a continuation of these types of uses, with some additional restrictions as listed in the CUP text. There is no zone change associated with this case and the uses are being reasonably and appropriately restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: This CUP is preserving the existing GC zoning, and in fact adds additional use restrictions. Development of this type could add additional factors to the area such as traffic, noise, and other such issues – but this should be mitigated by the CUP plan and development codes.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Future Growth Plan Map of the *Community Investment Plan* depicts the subject site as appropriate for Residential and Employment Mix and New Residential uses. Though this development will not include residential units, it will satisfy the New Employment portion. Further, development of this type could potentially catalyze residential development nearby.
5. Impact of the proposed development on community facilities: This use will increase the amount of traffic flow on 135th Street South off of Kellogg Avenue. This may require upgrades or modifications to the road to facilitate healthy traffic flow, but the base infrastructure for access onto the site is in place already. Additional public improvements will be determined via the platting process.

Staff Report Attachments:

1. West Kellogg Commercial Community Unit Plan Drawing
2. Site Aerial
3. Future Growth Concept Map



Legend

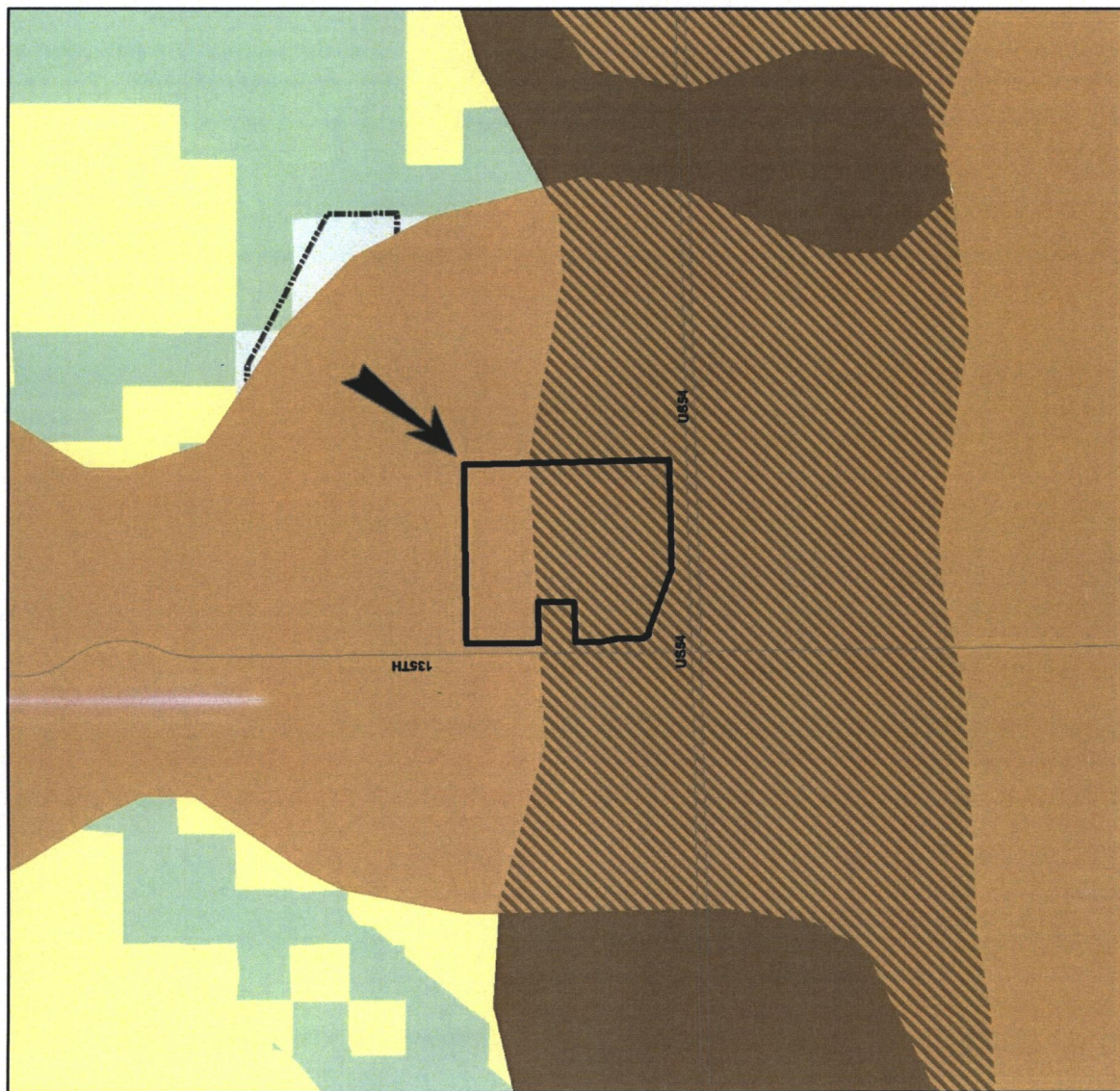
- Established Central Area
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way

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





LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453868	0003255012	Published in The Wichita Eagle on August 31, 2017		\$50.40	1	84

Attention: ana lopez

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

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

1 Insertions

Beginning issue of: 08/31/2017

Ending issue of: 08/31/2017

STATE OF KANSAS)

.SS

County of Sedgwick)

Dale Seiwert, 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 8/31/2017 to 08/31/2017.

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

Dale Seiwert

(Signature of Principal Clerk)
DATED: 8/31/2017

[Signature]

Notary Public Sedgwick County, Kansas

LEGAL PUBLICATION

Published in The Wichita Eagle
on August 31, 2017 (3255012)
MAPC September 21, 2017
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 21, 2017 no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission will consider the following applications in the Planning Commission Conference Room, 271 West Third Street, 2nd Floor, Ste. #203, Wichita, Kansas. If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Commission at (316) 268-4421.

CUP201700039- City case to create a new Community Unit Plan (DP-338 Country Hollow North) for residential and commercial uses on 35.88 acres (associated with ZON201700034), generally at the southeast corner of 127th Street East and East Kellogg.

CUP201700040- City case to create a new Community Unit Plan (DP344 West Kellogg Commercial) on 28.1 Acres zoned GC General Commercial, generally located at the northeast corner of US Highway 54 and 135th Street West.

VAC201700028- City Vacation of a utility easement generally located on the Menards property southwest of the intersection of North Webb Road and East 34th Street North (2350 N. Toben St.).

VAC201700029- City Vacation of a platred drainage reserve generally located approximately half a mile southwest of the intersection of East 21st Street North and North 143rd Street East (1717 N. Burning Tree St.).

VAC201700030- City Vacation of a 20-foot drainage easement generally located south of 29th Street North and east of North Broadway Avenue (2929 N. Ohio).

ZON201700034- City Zone Change from SF5 Single Family to GC General Commercial and MF18 Multi Family associated with Country Hollow North DP338 for residential and commercial uses on 35.88 acres; generally located at the southeast corner of 127th Street East and East Kellogg (associated with CUP201700039).

ZON201700038- City Zone Change from LI Limited Industrial to CBD Central Business District for the property generally located on the east side of North Oak Street, approximately 200 feet north of West Douglas Avenue, (130 N. Oak)

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. 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.

WITNESS MY HAND on August 28, 2017
Dale Miller, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 6/1/2021