Wichita-Sedgwick County Metropolitan Area Planning Department

July 8, 2021

Baughman Company
Phil Meyer
315 S Ellis
Wichita, KS 67211

RE: **PUD2021-00006:** City zone change to create Northgate 4th Addition PUD #86; generally located on the northwest corner of Meridian Avenue and 55th Street North.

Dear Applicant;

At its regular meeting on **July 6, 2021**, the Wichita City Council considered the above captioned request. The action of the City Council was to recommend **APPROVAL** of the request subject to the following conditions

1. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #86 Northgate 4th Addition Planned Unit Development) has special conditions for development on the property.
2. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
3. All other federal, state, and local laws and ordinances must be observed.

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

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Cindy Claycomb, Council Member District VI
Ana Lopez, CSR District VI
Red Roxx Rentals, LLC, PO Box 75337, Wichita, KS 67275

OCA 150004

(Published in the Wichita Eagle, July 16, 2021)

ORDINANCE NO. 51-597

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. PUD2021-00006

City zone change from TF-3 Two-Family Residential to PUD Planned Unit Development, subject to the general provisions of PUD #86, on property described as:

Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block A, Northgate 4th Addition, Wichita, Sedgwick County, Kansas.

The Northgate 4th Addition Planned Unit Development (PUD #86) shall be subject to the following conditions:

1. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #86 Northgate 4th Addition Planned Unit Development) has special conditions for development on the property.
2. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
3. All other federal, state, and local laws and ordinances must be observed.

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 13th day of July, 2021.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Jennifer Magaña, City Attorney and Director of Law

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30067513
Receipt #: 2241065
Pages Recorded: 2
Recording Fee: $38.00
Authorized By: Tonya Buckingham
Cashier: jeherman
Date Recorded: 06/09/2021 02:28:16 PM

NOTICE OF PLANNED UNIT DEVELOPMENT

THIS NOTICE made this 8th day of June, 2021, by Red Foxx Rentals, LLC, a Kansas limited liability company, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

NORTHGATE 4TH ADDITION
Lots 1 through 8, Block A

and

WHEREAS, Declarant is desirous to file notice that a planned unit development plan approved by the Wichita City Council is on file with the Metropolitan Area Planning Department, known as Northgate 4th Addition Planned Unit Development (PUD-#86).

NOW, THEREFORE, the Declarant wants to make notice that the approved planned unit development plan has placed restrictions on the use and requirements on the development of the above-described real property.

The Metropolitan Area Planning Department is located on the 2nd Floor, The Ronald Reagan Building, 271 West 3rd Street, Suite 201, Wichita, Kansas, (316) 268-4421.

The planned unit development shall be binding on the owners, their heirs, or successors or assigns and is a document running with the land and is binding on all successors in title to Lots 1 through 8, Block A, Northgate 4th Addition, Wichita, Sedgwick County, Kansas.

EXECUTED the day and year first written above.

Red Foxx Rentals, LLC
a Kansas limited liability company

By: The Amended and Restated Jay W. Russell Revocable Trust Dated March 14, 1997 and as Amended April 16, 2018 and June 23, 2020, Sole Member

By: _____
Jay W. Russell, Trustee

STATE OF KANSAS, SEDGWICK COUNTY, SS:

BE IT REMEMBERED, that on this 8th day of June, 2021, before me, a Notary Public, in and for said county and state aforesaid, came Jay W. Russell, Trustee of The Amended and Restated Jay W. Russell Revocable Trust Dated March 14, 1997 and as Amended April 16, 2018 and June 23, 2020, Sole Member of Red Foxx Rentals, LLC, a Kansas limited liability company, to me personally known to be the same person(s) who executed the within and foregoing instrument and duly acknowledged the execution of the same as the authorized act and deed of the limited liability company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last written.

LUNETTE A. SAUBER
Notary Public – State of Kansas
My Appt. Expires 09-20-22

_____
Notary Public

My Commission Expires: 09-20-2022

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	100168	Print Legal Ad - IPL0032639	Ordinance No. 51-597	$68.77	1	82 L

Attention: Jamie Buster

CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

LEGAL PUBLICATION

(Published in the Wichita Eagle, July 16, 2021)
ORDINANCE NO. 51-597

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OF THE CITY OF WICHITA, KANSAS.

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City zone change from TF-3 Two-Family Residential to PUD Planned Unit Development, subject to the general provisions of PUD #86, on property described as:

Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block A, Northgate 4th Addition, Wichita, Sedgwick County, Kansas

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1.The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #86 Northgate 4th Addition Planned Unit Development) has special conditions for development on the property.

2.A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

3.All other federal, state, and local laws and ordinances must be observed.

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 13th day of July, 2021.
Brandon J Whipple, Mayor, City of Wichita
ATTEST:
Karen Sublett, City Clerk
(SEAL)
Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0032639
Jul 16 2021

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

No. of Insertions: 1
Beginning Issue of: 07/16/2021
Ending Issue of: 07/16/2021

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 07/16/2021 to 07/16/2021.

M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 07/16/2021

Stefani Beard

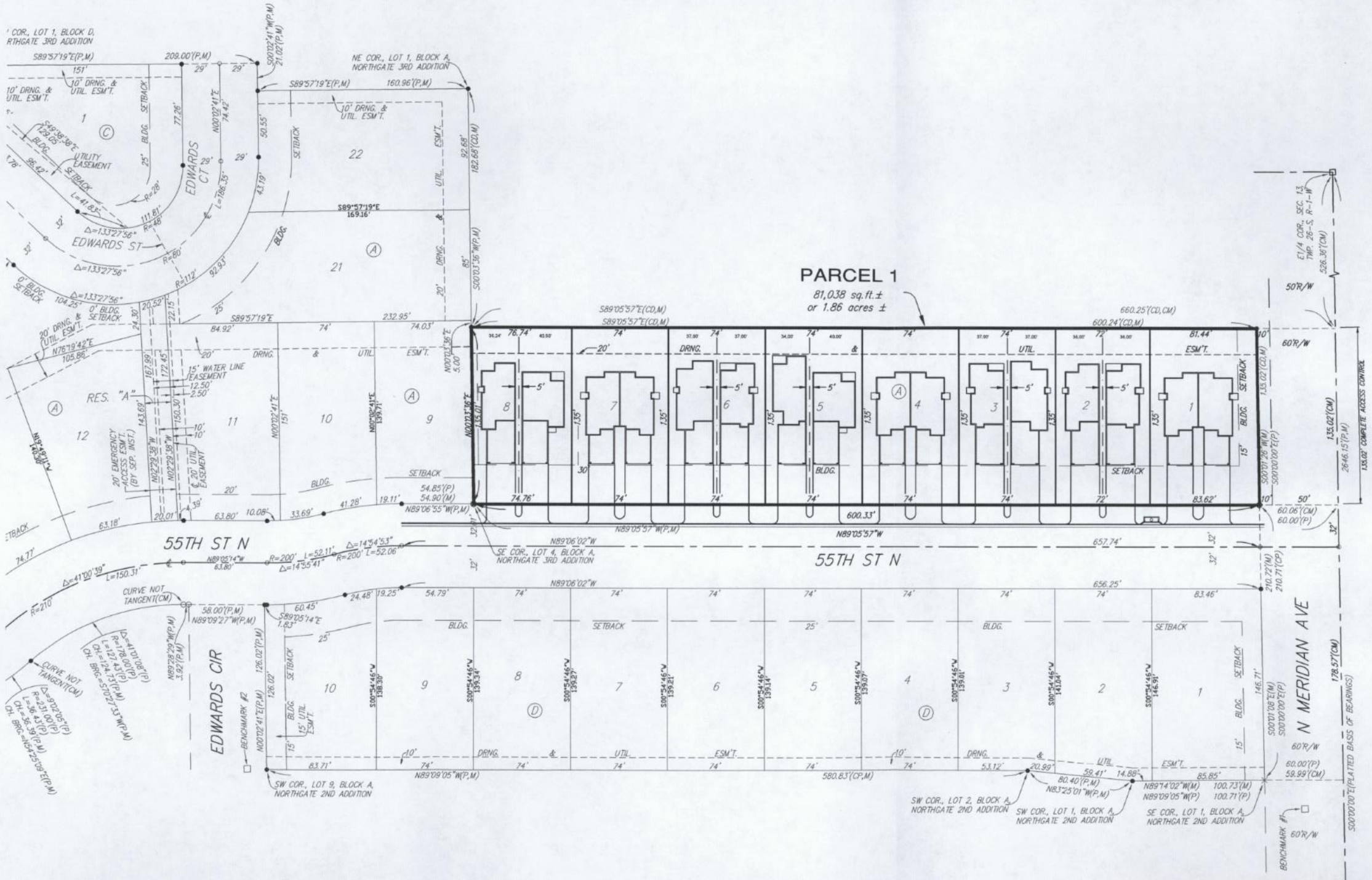
Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

NORTHGATE 4TH ADDITION

PLANNED UNIT DEVELOPMENT - P.U.D.#86



PROJECT DESCRIPTION:

The intent of this Planned Unit Development is to permit a new approach to providing increased density in a manner otherwise constrained by the traditional development standards of the Unified Zoning Code and Subdivision Regulations. The site is currently being developed with duplex units and under this proposed plan the area will offer similar densities with a varied visual design. The PUD allows a certain level of flexibility with site development regulations which would otherwise not be permitted under the existing zoning.

GENERAL PROVISIONS:

1. *This development contains a gross area of 1.86 acres, or 81,038 square feet, more or less.*
2. *Parking shall be per the standards of the Unified Zoning Code.*
3. *Uses in Parcel 1 shall be limited to those permitted by-right in the "TF-3" Two-Family Residential zoning district.*
4. *Parcel 1 shall permit the future division of platted lots without the approval of individual lot splits in order to divide dwelling units into separate ownerships. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.*
5. *The property development standards of the "TF-3" Two-Family Residential zoning district shall apply to Parcel 1 with the following exceptions:*
   - *A. There shall be no required interior side yard setback, provided units either share a common wall or maintain a minimum interior separation between buildings of five (5) feet, except there shall be a minimum 5-foot building setback along the west property line of the PUD.*
   - *B. Divided lots, as permitted by General Provision #4, shall not be required to maintain a minimum lot area.*
   - *C. Divided lots, as permitted by General Provision #4, shall not be required to maintain a minimum lot width.*
6. *Signs shall be in accordance with the "TF-3" Two-Family Residential zoning district.*
7. *The layout of dwelling units shown on this plan is conceptual and may change, provided the site is developed in accordance with the provisions of this P.U.D.*
8. *Amendments, adjustments or interpretations to this P.U.D. shall be done in accordance with the Unified Zoning Code.*
9. *The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.*
10. *The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator or the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.*
11. *Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.*
12. *Prior to publishing the ordinance establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating this tract (referenced as PUD #86) includes special conditions for development on this property.*

VICINITY MAP



PARCEL 1

- *A. Net Area: 81,038 sq.ft.± or 1.86 acres ±*
- *B. Maximum Dwelling Units: 16*
- *C. Maximum building height to conform to the "TF-3" Two-Family Residential zoning district.*
- *D. Setbacks: See drawing and General Provision #5*
- *E. Permitted Uses: See General Provision #3.*

LEGAL DESCRIPTION:

All Lots 1 through 8, Block A, Northgate 4th Addition, Wichita, Sedgwick County, Kansas.

REVISIONS

Drawn:	*April 14, 2021*
Submitted (PUD2021-06):	*April 26, 2021*
Revised:	*May 5, 2021*
Approved by MAPC:	*June 3, 2021*
Revised per City Council:	

APPROVED PUD

MAPC June 3 2021

7/12/21

SCALE: 1" = 40'

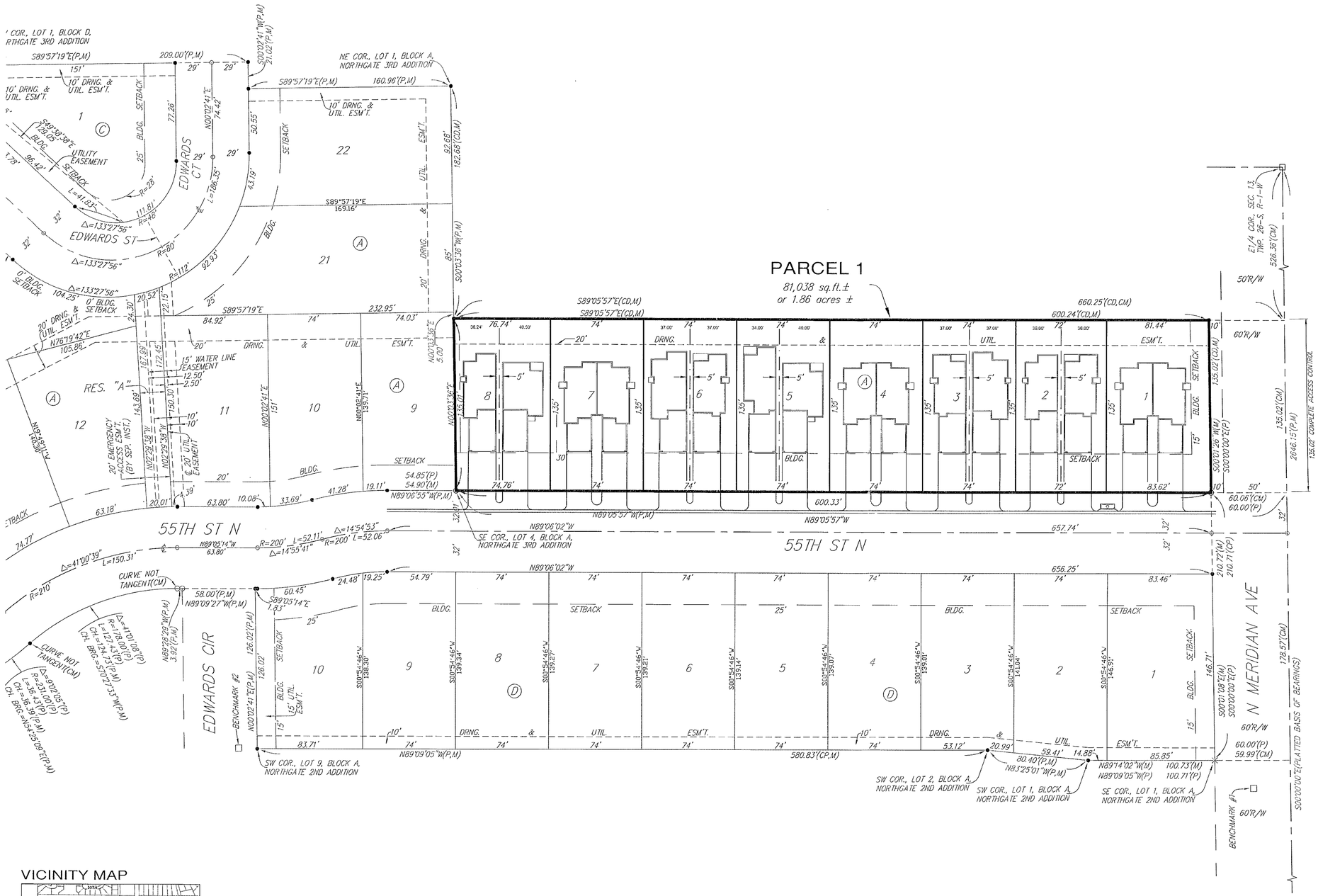
PUD #86

NORTHGATE 4TH ADDITION
PLANNED UNIT DEVELOPMENT

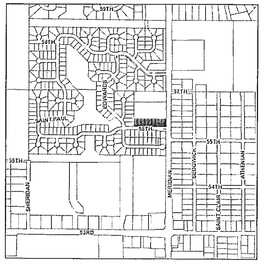
Baughman Company, P.A.
Baughman
315 Ellis St. Wichita, KS 67211 P 316.262.7271 F 316.262.0149

NORTHGATE 4TH ADDITION

PLANNED UNIT DEVELOPMENT - P.U.D.#86



VICINITY MAP



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APPROVED PUD

MAPC 6/3/2021

7/12/21

Copy 2 of 4

PUD #86

NORTHGATE 4TH ADDITION
PLANNED UNIT DEVELOPMENT

SCALE: 1" = 40'

Baughman Company, P.A.
313 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE