Wichita-Sedgwick County Metropolitan Area Planning Department

Baughman Company
Phil Meyer
315 Ellis
Wichita, KS 67211

October 23, 2020

RE: **ZON2006-00008 with CUP2006-00007** – Ordinance for a Zone Change Request From the Single-Family Residential (SF-5) to Limited Commercial (LC) and General Office (GO) with the Creation of DP-296 Faber Community Unit Plan; Generally Located on the Northwest Corner of West 29th Street North and North 119th Street West.

Dear Applicant;

At its regular meeting on **October 20, 2020** the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request in accordance with the attached ordinance. Our records show that the conditions of approval for the associated CUP2006-00007 (DP-296) have not been completed. Please review the following conditions and provide the necessary documents in order to complete this application.

1. The applicant shall guarantee an eastbound left turn center lane and a westbound right-turn decal lane to the full movement opening on 29th Street North at the time of platting.
2. Change General Provision 6A: Parcel 1 and Parcels 2-5 maximum size of 150 square feet. Parcel 6-7 (maximum size as permitted in GO district by City of Wichita Sign Code).
3. Change General Provision 17 as follows: 1) EDIT Section III-D.6.0 to read Section III-D6, 2) remove the restriction on group homes, and 3) add a restriction to prohibit safety service; pawn shops; and storage, outdoor.
4. Cross-lot circulation shall be required between all parcels.
5. Any major changes in this development plan shall be submitted to the Planning commission and ot the Governing Body for their consideration.
6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
7. ~~All property included in this CUP and zone case within one year after approval of this Cup by the Governing Body, or the case shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.~~
8. Prior to the publishing of the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-296) includes special conditions for development on this property.
9. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

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

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

April 11, 2006

Geraldine Faber, Trustee
Geraldine Faber Revocable Trust
11500 W. 29th St N
Wichita, KS 67205

RE: CUP2006-07 – DP296 and ZON2006-08 – Create DP-296 Faber Community Unit Plan; zone change to "LC" Limited Commercial and "GO" General Office. Generally located at the northeast corner of 29th Street North and 119th Street West. (District V)

Dear Ladies and Gentlemen:

At its regular meeting on **April 6, 2006**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to APPROVE subject to the followings:

APPROVED subject to platting within one year and subject to the following conditions:

A. APPROVE the zone change (ZON2006-08) to LC Limited Commercial and GO General Office subject to platting of the entire property within one year;

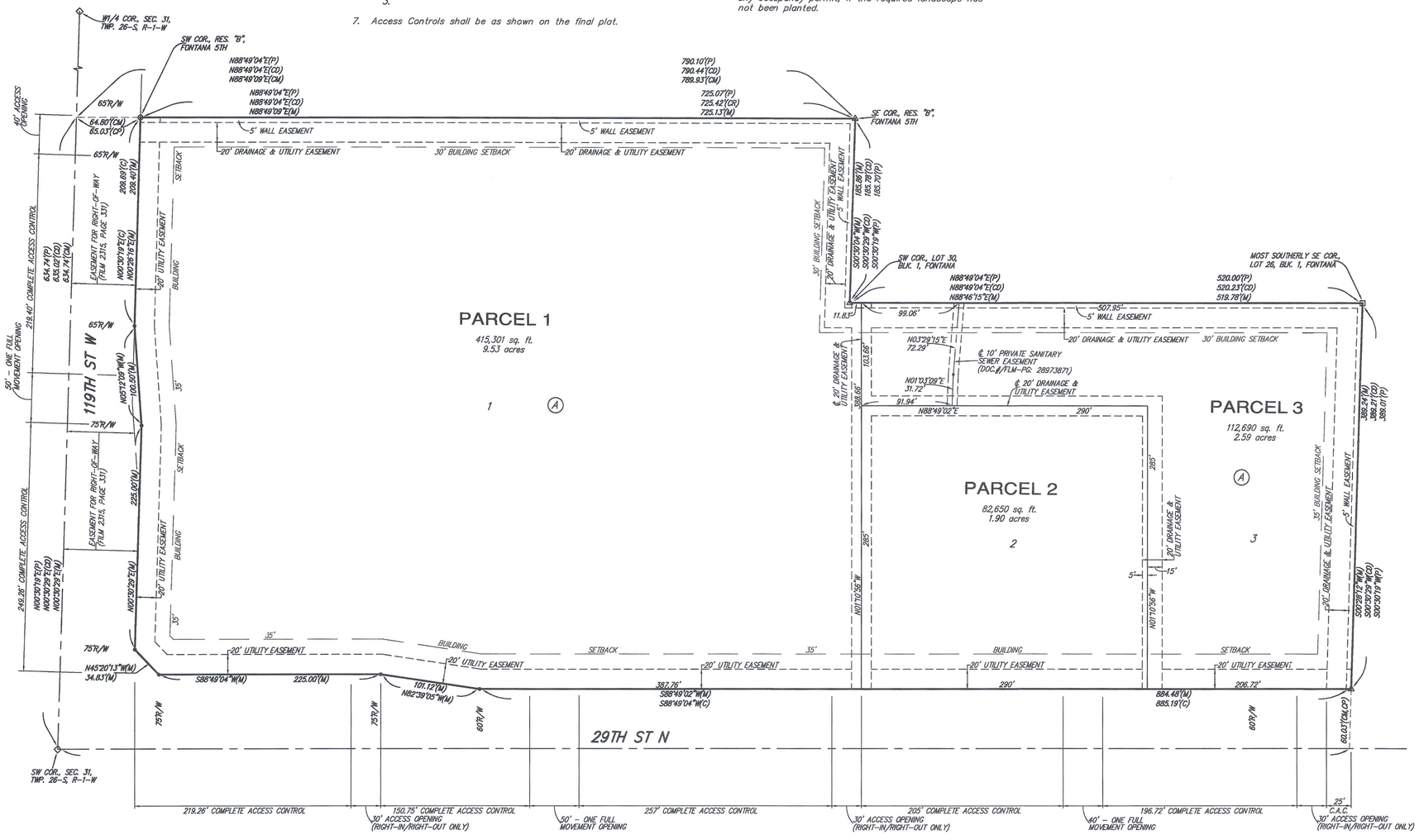
B. APPROVE the Community Unit Plan (DP-296), subject to the following conditions:

1. The applicant shall guarantee an eastbound left turn center lane and a westbound right-turn decel lane to the full movement opening on 29th Street North at time of platting.
2. Change General Provision 6A: Parcel 1 and Parcels 2-5 maximum size of 150 square feet. Parcel 6-7 (Maximum size as permitted in GO district by City of Wichita Sign Code).
3. Change General Provision 17 as follows: (1) edit Section III-D.6.0 to read Section III-D.6, (2) remove the restriction on group homes, and (3) add a restriction to prohibit safety service, pawn shops and storage, outdoor.
4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

FABER
COMMERCIAL COMMUNITY UNIT PLAN
DP-296

GENERAL PROVISIONS:

1. Total Land Area: 734,690.1 ± sq.ft. or 16.87± acres
   Net Land Area: 610,641 ± sq.ft. or 14.02 ± acres
   Total Gross Floor Area: 183,192 sq.ft.
   Total Floor Area Ratio: 30 percent
2. Parking shall be provided in accordance with Article IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
3. 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.
4. A Drainage Plan shall be submitted to City Engineering for approval during the platting process. Required guarantees for drainage shall be provided at the time of platting improvements.
5. Guarantees for street improvements for 29th Street North and 119th Street shall be determined at the time of platting.
6. Signs shall be in accordance with the Sign Code of the City of Wichita, with the following additional requirements:
   A. Each parcel is permitted the following free-standing signage:
      Parcel 1: A total of 442 sq.ft. of signage along 119th Street (0.8 sq. ft. per foot of frontage) with no one sign larger than 150 sq.ft. A total of 585 sq.ft. of signage along 29th Street (0.8 sq. ft. per foot of frontage) with no one sign larger than 150 sq.ft.
      Parcels 2: Maximum size as permitted in the "GO" zoning district by the City of Wichita Sign Code.
      Parcels 3: Maximum size as permitted in the "GO" zoning district by the City of Wichita Sign Code.
   B. As the frontage develops along the arterial roadways, signs shall be spaced a minimum of 150' apart, irrespective of how land is leased or sold.
   C. Portable, off-site signs, billboards and signs with flashing or moving lights are not permitted.
   D. Interior window display signs are limited to 25% of the window area. No interior window display signs shall be allowed on Parcels 2 and 3.
   E. No building signs shall be allowed on the north elevation of any buildings within Parcels 1-3, and along the east elevation of any buildings on Parcel 3 and the north 300 feet of Parcel 1.
   F. All ground signs must be monument type signs and limited to a maximum height of 20 feet on Parcel 1, and shall limit sign height to 12 feet over the north 50 feet. All ground signs must be monument type signs and limited to a maximum height of 12 feet on Parcels 2 and 3.
7. Access Controls shall be as shown on the final plat.
8. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
   A. The height of any light poles, including pole base, within 50 feet of residentially zoned property is limited to 14 feet. The height of any light poles, including pole base, outside of 50 feet of residentially zoned property is limited to 24 feet.
   B. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
   C. All exterior and site lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
9. Utilities shall be installed underground on all parcels.
10. Landscaping for this site shall be required as follows:
    A. Development of all parcels within the C.U.P. shall comply with the Landscape Ordinance of the City of Wichita.
    B. 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. Landscape plan should include a row of trees along the north and east property lines (inside the wall).
    C. 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.
    D. All parcels shall share a similar landscape palette.
11. An eight (8) foot high concrete/masonry wall shall be constructed along the north and east property line where adjacent to residential uses. This solid wall shall be constructed of a pattern and color that is consistent with the building walls.
12. Rooftop mechanical equipment shall be screened from ground level view per Unified Zoning Code.
13. Trash receptacles shall be appropriately screened to reasonably hide them from ground view. Trash enclosures to be masonry, painted to match building exteriors.
14. All buildings in the C.U.P. shall share uniform architectural character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominantly earth-tone colors, with vivid colors limited to incidental accent. Exterior walls facing residential areas shall not be metal siding.
15. Fire lanes shall be in accordance with the Fire Code of the City of Wichita. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits.
16. Parcel 1 shall be limited to those uses permitted by-right in the "LC" Limited Commercial District, subject to the requirements of Section III-D.6 of the Unified Zoning Code. Any other use that requires Conditional Use approval in the "LC" district shall only be permitted by separate C.U.P. Amendment approval. No parcels shall allow the use of adult entertainment establishments, group residential, correctional placement residences, multi-family residential uses, hotels and motels, wireless communication facilities, recycling stations, animal care facilities, private clubs, taverns, and drinking establishments, nightclubs, sexually oriented businesses, safety services, pawn shops, or storage (outdoor). No overhead doors or truck docks shall be allowed within 200 feet of residential uses and shall not be facing any residential zoning district. Convenience stores, service stations, car washes, or drive-in or drive-through restaurants are not permitted within the north 300 feet of Parcel 1.
    Parcels 2 & 3 shall allow uses permitted in the "GO" General Office District.
17. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the C.U.P.
18. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.
19. The Transfer of title of all or any portion of land included within the Community Unit Plan (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.
21. 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.
22. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
23. A plan for a pedestrian walk system shall be submitted and approved by the Director of Planning prior to the issuance of building permits. Said walk system shall link sidewalks along 29th Street and 119th Street with the proposed buildings within the subject property as determined necessary by the Director of Planning.
24. Transportation requirements:
    A. A site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
    B. Access points shall be in conformance with the Access Management Policy, or as determined by the Traffic Engineer.



SCALE: 1" = 60'

PARCEL 1

A.	Net Area:	415,301 sq. ft. or 9.53 acres
B.	Maximum Building Coverage:	124,590 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	124,590 sq.ft.
D.	Floor Area Ratio:	30 percent
E.	Maximum Number of Buildings:	Seven (7)
F.	Maximum building height:	35 feet (Single Story)
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing
I.	Permitted Uses:	See General Provision #16.

PARCEL 2

A.	Net Area:	82,650 sq. ft. or 1.90 acres
B.	Maximum Building Coverage:	24,795 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	24,795 sq.ft.
D.	Floor Area Ratio:	30 percent
E.	Maximum Number of Buildings:	Three (3)
F.	Maximum building height:	35 feet (Single Story)
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing
I.	Permitted Uses:	See General Provision #16.

PARCEL 3

A.	Net Area:	112,690 sq. ft. or 2.59 acres
B.	Maximum Building Coverage:	33,807 sq. ft. or 30 percent
C.	Maximum Gross Floor Area:	33,807 sq. ft.
D.	Floor Area Ratio:	30 percent
E.	Maximum Number of Buildings:	Three (3)
F.	Maximum building height:	35 feet
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing
I.	Permitted Uses:	See General Provision #16.

LEGAL DESCRIPTION:

A tract of land described as the south 634.74 feet of the west 790.10 feet of the SW1/4 of Section 31, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, TOGETHER with the east 520.00 feet of the west 1310.10 feet of the south 449.04 feet of said SW1/4, all being subject to road rights-of-way of record.

REVISIONS:

Prepared:	August 10, 2005
Approved by City Council:	May 9, 2006
Revised per Plat:	March 13, 2014
Revised per platting waiver:	October 23, 2020
Revised per adjustment (CUP2022-06):	March 25, 2022

APPROVED CUP
MAPC 3/25/2022 per A1 cup22-06
4/25/2022
Copy 1 of 4

DP-296
FABER COMMERCIAL COMMUNITY UNIT PLAN

March 25, 2022

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

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,

Donna Goltry, AICP, Principal Planner
Current Plans Division

DJG/rms

Cc: Terry Smythe, Baughman Company, 315 Ellis, Wichita, KS 67211
Bob Martz, WCC V, Mail Stop 1-13

OCA 150004

(Published in the Wichita Eagle, Oct. 30, 2020)

ORDINANCE NO. 51-358

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. ZON2006-00008

Request for Zone change from "SF-5" Single-family Residential to "LC" Limited Commercial and "GO" General Office subject to the development standards contained in Community Unit Plan DP-296, on property legally described as:

"LC" Limited Commercial Tract: The south 634.74 feet of the west 790.10 feet of the Southwest Quarter of Section 31, Township 26 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas subject to road rights-of-way of record.

"GO" General Office Tract: The east 520.00 feet of the west 1310.10 feet of the south 449.04 feet of said Southwest Quarter, subject to the road rights-of-way of record. Generally located on the northeast corner of 29th Street North and 119th Street West .

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.

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

The Wichita Eagle
Kansas.com
330 N Mead St | Wichita, KS 67202 | 316-268-6000



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
453697	0004784656		OCA 150004	$50.40	1	6.00 In

Attention: Jamie Buster

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

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

1 Insertions

Beginning issue of: 10/30/2020

Ending issue of: 10/30/2020

STATE OF KANSAS)
.SS
County of Sedgwick)

VICTORIA RODELA, 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 **10/30/2020** to **10/30/2020**.

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

V Rodela
Signature of Principal Clerk
DATED: 11/3/2020

AMANDA DAWN GRISHAM
My Notary ID # 132031326
Expires May 30, 2023

Notary Public Dallas County, Texas

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

LEGAL PUBLICATION

OCA 150084

PUBLISHED IN THE WICHITA EAGLE
ON OCTOBER 30, 2020 (4794656)

ORDINANCE NO. 51-358

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. ZON2006-00008

Request for Zone change from "SF-5" Single-family Residential to "LC" Limited Commercial and "GO" General Office subject to the development standards contained in Community Unit Plan DP-296, on property legally described as:

"LC" Limited Commercial Tract: The south 634.74 feet of the west 790.10 feet of the Southwest Quarter of Section 31, Township 26 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas subject to road rights-of-way of record ordered repaired or demolished. The structure is a one story frame dwelling about 28 x 32 feet in size. Vacant, this structure has been badly damaged by fire. It has fire damaged siding; sagging roof with holes; fire damaged front porch; and the wood trim is rotted.

"GO" General Office Tract: The east 520.80 feet of the west 1310.10 feet of the south 449.84 feet of said Southwest Quarter, subject to the road rights-of-way of record. Generally located on the northeast corner of 29th Street North and 119th Street West

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.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Karen Subelt, City Clerk

(SEAL)

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

AFFIDAVIT

STATE OF KANSAS \
\- SS.
County of Sedgwick /

Milt Mounts, 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 for ____1__ consecutive issues - ~~weeks~~, that the first publication of said notice was

made as aforesaid on the 16th day of

March A.D. 2006, with

subsequent publications being made on the following dates:

And affiant further says that _____ he has personal knowledge of the statements above set forth and that they are true.

Subscribed and sworn to before me this

16th day of March, 2006

Danna M Ingram

Notary Public Sedgwick County, Kansas

DANNA M. INGRAM
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 8/21/08

Printer's Fee **$94.80**

RECEIVED
MAR 16 2006
METROPOLITAN PLANNING
ROUTE

LEGAL PUBLICATION

Published in The Wichita Eagle
on March 16, 2006 (2459423)

MAPC APRIL 6, 2006
PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, APRIL 6, 2006**, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the Planning Department Conference Room, 10th Floor, Wichita City Hall, 455 N. Main St., Wichita, Kansas, **will consider the following applications no earlier than 1:30 p.m. 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.**

VAC2006-00008 - Request to vacate street row, between Woodland and Burns Avenues. Generally located south of 25th Street North and west of Arkansas Avenue.

VAC2006-00010 - Request to vacate a portion of a platted sewer and utility easement. Generally located on the northeast corner of 21st Street North and Maize Road.

VAC2006-00011 Request to vacate a platted easement on multiple lots. Generally located north of 21st Street North and east of 127th Street East, east of Williamsgate Street, on the north side of Ayesbury Street.

VAC2006-00012 - Request to vacate a portion of platted setback, generally located west of Oliver Avenue, south of Mt Vernon Road, on the west side of Dellrose Avenue.

VAC2006-00013 Request to vacate portion of platted street right-of-way. Generally located southeast of the Market Avenue - 9th Street North intersection.

VAC2006-00014 Request to vacate a portion of a platted alley. Generally located between Ohio and Indiana Avenues and 1st and 2nd Streets.

ZON2006-00005 - Zone change from SF-5 Single-family Residential to GI General Industrial. Generally located west of Broadway and south of I-235.

ZON2006-00006 - Zone change from SF-5 Single-family Residential to GI General Industrial. Generally located 1/4 mile west of Broadway and 1/4 mile south of I-235 (3939 N. Fairview).

ZON2006-00009 - Zone change from SF-5 Single-family Residential to LC Limited Commercial. Generally located west of Tyler Road approximately 1/5 mile south of Central.

ZON2006-00010 - Zone change from SF-5 Single-family Residential to TF-3 Two-family Residential. Generally located on the northwest corner of Hoover Road and 8th Street North.

ZON2006-00013 Protective Overlay #136 (Associated with CON2006-00007) - Amendment to Protective Overlay #136 to remove car wash from a list of prohibited uses, and CON2006-00007 to approve a car wash . Generally located at the southwest corner of Central and Ellson.

CON2006-00006 - Conditional Use to permit a sanitary sewer lift station on property zoned SF-5 Single-family Residential. Generally located west of West Street, south of 29th Street North.

ZON2006-00008 Associated with CUP2006-00007 The Creation of DP296 Faber Community Unit Plan; and zone change from SF-5 Single-family Residential to LC Limited Commercial and GO General Office. Generally located on the northeast corner of 119th Street West and 29th Street North.

The applicant proposes to create a commercial Community Unit Plan containing approximately 16.87 acres with seven parcels on the northeast corner of 119th Street West and 29th Street North. Parcels 1-5 would be zoned LC Limited Commercial and Parcels 6 and 7 would be zoned GO General Office. Parcel 1 is 3.87 acres; Parcels 2-5 are 1-2 acres in size. Parcels 6 and 7 are 2.32 acres each. Prohibited uses for Parcels 1-5 would be: adult entertainment establishment, group residential, correctional placement residence, multi-family residential uses, hotels and motels, wireless communication facilities, recycling stations, animal care facilities, private clubs, taverns and drinking establishments, nightclubs, or sexually oriented businesses. No overhead doors or truck docks allowed within 200 feet or facing residential zoning. Parcels 1 and 2 also would prohibit convenience stores, service stations, car washes, or drive-in or drive-through restaurants. Parcels 6-7 would be allowed those uses permitted in the GO district. Four access points (one restricted to right-in/right-out only) are requested on 29th Street North and two on 119th Street West (one restricted to right-in/right-out only), with internal circulation and pedestrian connections. Perimeter setbacks would be 35 feet. Internal building setbacks are 15 feet but would not be required if parcels are developed under the same ownership. An 8-foot masonry wall is shown along the north and east property lines. Maximum building height is 35 feet and maximum building coverage and gross floor area 30.%. Number of buildings requested are 3 for Parcels 1, 6 and 7; one for Parcels 2-5. Each parcel would permit monument-type sign with a maximum height of 20 feet for Parcels 1-5, and 12 feet for the northern 50 of Parcel 2 and all of Parcels 6 and 7. Maximum sign area for Parcel 1 would be 200 square feet for each street frontage, and 0.8 times linear arterial street frontage for Parcels 2-5 (200 SF max). Parcel 6-7 would be 0.5 times linear street frontage (75 SF max), with all ground signs spaced 150 feet apart. Portable and off-site signs and signs with flashing or moving lights are prohibited. Window displays would be limited to 25% of window area on Parcels 1-5 and prohibited on Parcel 6-7; signs on the rear would be prohibited.

Buildings would have uniform architectural compatibility of character, color, texture and materials, and would use earth-tone colors predominately; exterior walls facing residential would not be metal siding. Parking lots would have similar or consistent lighting elements, limited to 24 feet in height except within 50 feet of residential zoning reduced to 14 feet.

The Development Plans for the Community Unit Plans have been submitted as required under the provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V. The Development Plan is on file in the Planning Department office and is available for public information and review.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, Wichita City Hall - 10th Floor. 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.

WITNESS MY HAND this 13th day of MARCH, 2006.

John L. Schlegel, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

D67

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC April 6, 2006
DAB V April 3, 2006

CASE NUMBER: CUP2006-07 AND ZON2006-08 DP-296 Faber Community Unit Plan

APPLICANT/AGENT: Geraldine Faber Revocable Trust, Geraldine Faber, Trustee (owner); Baughman Company, PA, c/o Terry Smythe (agent)

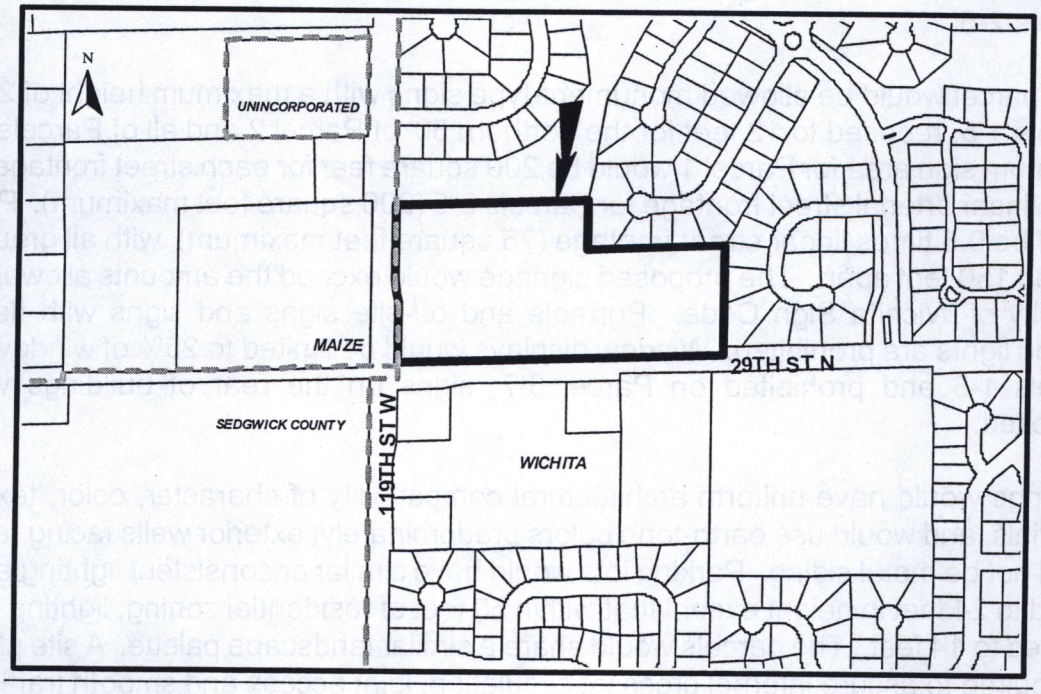
REQUEST: Create DP-296 Faber Community Unit Plan; zone change to LC Limited Commercial and GO General Office

CURRENT ZONING: SF-5 Single-family Residential

SITE SIZE: 16.87± gross acres; 13.9± net acres

LOCATION: Northeast corner of 29th Street North and 119th Street West

PROPOSED USE: Retail and office use



onsite.

The property to the north and east is being developed as a single-family subdivision, The Fontana Addition. The property to the south is approved for a 12-acre community unit plan, DP-235, Westridge CUP zoned LC and NR Neighborhood Retail, and is undeveloped. The property to the east of the CUP is zoned SF-5 Single-family Residential and owned by the Catholic Diocese; it could be developed with institutional uses. The property to the northwest is owned by the City of Maize for park and utility uses. The property to the southwest is zoned SF-20 Single-family Residential and is in agricultural use.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Vacant
SOUTH:	LC, NR, SF-5	Vacant
EAST:	SF-5	Vacant
WEST:	City of Maize	Park and utility use

PUBLIC SERVICES: Four access points (one restricted to right-in/right-out only) are requested on 29th Street North and two on 119th Street West (one restricted to right-in/right-out only). The opening onto 119th Street West is nearer than typical for the first full movement opening, but no right-in/right-out is requested between this opening and the intersection and only one other opening along the northern boundary of the CUP as a right-in/right-out opening is requested.

29th Street North and 119th Street West are minor arterials. A project by the City of Wichita to improve 29th Street North from Maize Road to 119th Street West as a four/five lane roadway and intersection improvements on 119th is underway. Traffic counts for 119th Street West were approximately 3,000 vehicles per day in 2004. The County has a project to improve 119th Street North to two lane standards in 2009. The County right-of-way was annexed by the City of Maize.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide", 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as "local commercial". The proposed CUP is in conformance with this designation.

Commercial Objective III.B encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.**1 seeking to channel new strip commercial uses to areas identified on the "Wichita Land Use Guide", and **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. **Commercial Locational Guideline #3** of the Comprehensive Plan recommends that commercial sites should have site design features that limit noise,

property to the east of the CUP is zoned SF-5 Single-family Residential and owned by the Catholic Diocese; it could be developed with institutional uses. The property to the northwest is owned by the City of Maize for park and utility uses. The property to the southwest is zoned SF-20 Single-family Residential and is in agricultural use.

2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed as zoned, but the commercial use to the south could negatively impact residential use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CUP uses restrictions on Parcels 1-5 and zoning on Parcels 6-7, and the eight-foot solid screening wall would mitigate some of the impacts. The northern boundary of Parcels 1 and 2 are buffered by a drainage reserve and an increased setback on Parcels 6 and 7 could provide additional separation for the office tracts.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide", 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as "local commercial". The proposed CUP is in conformance with this designation. **Commercial Objective III.B** encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.**1 seeking to channel new strip commercial uses to areas identified on the "Wichita Land Use Guide", and **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. **Commercial Locational Guideline #3** of the Comprehensive Plan recommends that commercial sites should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed CUP would follow these guidelines.

5. Impact of the proposed development on community facilities: The impact on traffic is less for local commercial than for a full-scale regional commercial facility.