CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 5, 2022

Maple & Ridge, LLC
10180 Southwest Blvd
Wichita, KS 67215

RE: ZON2022-00006: City Amendment to Protective Overlay 167 to change screening wall and building wall requirements, generally located on the north side of West Kellogg Drive and within one half mile west of South Tyler Road (9400 West Kellogg Drive).

Dear Applicant;

At its regular meeting on **April 5, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the attached, amended language for Protective Overlay #167

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

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
Jeff Blubaugh, City Council District IV
Rebecca Fields, CSR District IV
John E Dugan Family Partnership, LP, 15810 W 47th Street South, Clearwater, KS 67026
Keeter Properties, LLC, 776 N West Street, Wichita, KS 67203

Recommended amended language for Protective Overlay #167

1. The development parcel contains 5.22 net acres, more or less.
2. Restricted uses: group residence, correctional placement residence (limited and general), group home (limited, general, and commercial), communication tower (commercial), kennel (boarding/breeding/training, and hobby), night club, riding academy or stable, tattooing and body piercing facility, tavern and drinking establishment, outdoor vehicle repair, asphalt and concrete plant, gas and fuel storage, rock crushing, and solid waste incinerator.
3. The transfer of title on all or any portion of the land included in the development does to constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successor and assigns, and their lessees unless amended. However, the Planning Director, with concurrence of the ~~Superintendent of Central Inspection~~ Zoning Administrator, may approve minor adjustments to the conditions of the overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
4. Landscape and Parking Lot Screening: Shall be in accordance with the City of Wichita Landscape Ordinance, including but not limited to a landscaped street yard and parking lot landscaping and screening along Kellogg Dive, Seville Avenue and Dubon Avenue. Additionally, the rate of plant materials on Dubon Avenue shall be calculated at a rate of one shade tree required per 40 feet of linear frontage along Dubon, with this requirement being met by a minimum of at least one-third evergreen plant material; two ornamental trees or ten shrubs shall be equivalent to one shade tree and may be substituted for shade trees except that nor more than one-third of the total requirement may be met by shrubbery plant material. A landscape plan, prepared by a Landscape Architect licensed in the State of Kansas, indicating the location, type, and specification of plant material shall be submitted to the Planning Department for its review and approval prior to the issuance of any building permit(s). The site shall be screened along Dubon Avenue by way of building walls and solid screening walls. Building walls seen from ground level along Dubon Avenue shall not have visible windows, doors, or utility meters or boxes. Building walls shall be the same or similar color to screening walls. Screening walls shall be connected to building walls and shall give the appearance of solid masonry. ~~screening wall of the same material, texture and color as the building's walls and be connected to the building's walls.~~ The screening walls shall be a minimum of 8 feet in height. ~~and set back at least 20 feet from the right-of-way.~~ Landscaping will be required along Dubon Avenue and shall be in accordance with the City of Wichita Landscape Ordinance, except that Dubon Avenue right-of-way may be used for meeting the landscaping requirements; any improvements in the right-of-way shall require review by Public Works and may require a ~~minor street privilege~~ Use of Right-of-Way Permit. The right-of-way shall only be used for a landscape buffer along a building wall that is built on the property line. The owner is responsible to replace any landscaping that is removed to make any infrastructure improvements along West Dubon Avenue.
5. Minimum Setback Requirements:
    a. Front setback: 20 feet
    b. Side setback: 0 feet
    c. Rear setback: 0 feet for buildings, ~~20 feet for screening wall~~
6. All signs shall be per Wichita Sign Code for property zoned "LC." No portable or off-site signs allowed. No signs shall be allowed on the north side of the buildings, facing Dubon Avenue, nor on the west façade facing Seville Avenue except within the southernmost 20 feet of the façade.
7. Parking: Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code (UZC).
8. Architectural Control: All buildings shall have the same predominate exterior building materials with consistent architectural character, color and texture, and consistent lighting design (fixtures, poles, lamps, etc.) as approved by the Planning ~~Director.~~ Department. ~~There shall be no predominately metal facades on any buildings.~~ Light standards shall be a maximum height of 25 feet and consistent in pole and fixture throughout the development. No freestanding light standards shall be allowed on Dubon Avenue; building wall lighting shall be limited to 15 feet in height and shall have directional shielding to prevent light spillage onto residential zoning districts.
9. An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc shall be filed by the time the plat is filed of record.

CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

March 4, 2022

Maple & Ridge, LLC
10180 Southwest Blvd
Wichita, KS 67215

RE: **ZON2022-00006**: City Amendment to Protective Overlay 167 to change screening wall and building wall requirements, generally located on the north side of West Kellogg Drive and within one half mile west of South Tyler Road (9400 West Kellogg Drive).

Dear Applicant;

At its regular meeting on **March 3, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request subject to the attached, amended language for Protective Overlay #167

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 **March 17, 2022.** 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 **March 17, 2022 at 5:00 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, April 5, 2022, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, 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,

Philip Zevenbergen, AICP
Senior Planner

Copies to: MABCD
Jeff Blubaugh, City Council District IV
Rebecca Fields, CSR District IV
John E Dugan Family Partnership, LP, 15810 W 47th Street South, Clearwater, KS 67026
Keeter Properties, LLC, 776 N West Street, Wichita, KS 67203

Recommended amended language for Protective Overlay #167

1. The development parcel contains 5.22 net acres, more or less.
2. Restricted uses: group residence, correctional placement residence (limited and general), group home (limited, general, and commercial), communication tower (commercial), kennel (boarding/breeding/training, and hobby), night club, riding academy or stable, tattooing and body piercing facility, tavern and drinking establishment, outdoor vehicle repair, asphalt and concrete plant, gas and fuel storage, rock crushing, and solid waste incinerator.
3. The transfer of title on all or any portion of the land included in the development does to constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successor and assigns, and their lessees unless amended. However, the Planning Director, with concurrence of the ~~Superintendent of Central Inspection~~ Zoning Administrator, may approve minor adjustments to the conditions of the overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
4. Landscape and Parking Lot Screening: Shall be in accordance with the City of Wichita Landscape Ordinance, including but not limited to a landscaped street yard and parking lot landscaping and screening along Kellogg Dive, Seville Avenue and Dubon Avenue. Additionally, the rate of plant materials on Dubon Avenue shall be calculated at a rate of one shade tree required per 40 feet of linear frontage along Dubon, with this requirement being met by a minimum of at least one-third evergreen plant material; two ornamental trees or ten shrubs shall be equivalent to one shade tree and may be substituted for shade trees except that nor more than one-third of the total requirement may be met by shrubbery plant material. A landscape plan, prepared by a Landscape Architect licensed in the State of Kansas, indicating the location, type, and specification of plant material shall be submitted to the Planning Department for its review and approval prior to the issuance of any building permit(s). The site shall be screened along Dubon Avenue by way of building walls and solid screening walls. Building walls seen from ground level along Dubon Avenue shall not have visible windows, doors, or utility meters or boxes. Building walls shall be the same or similar color to screening walls. Screening walls shall be connected to building walls and shall give the appearance of solid masonry. ~~screening wall of the same material, texture and color as the building's walls and be connected to the building's walls.~~ The screening walls shall be a minimum of 8 feet in height. ~~and set back at least 20 feet from the right of way.~~ Landscaping will be required along Dubon Avenue and shall be in accordance with the City of Wichita Landscape Ordinance, except that Dubon Avenue right-of-way may be used for meeting the landscaping requirements; any improvements in the right-of-way shall require review by Public Works and may require a ~~minor street privilege~~ Use of Right-of-Way Permit. The right-of-way shall only be used for a landscape buffer along a building wall that is built on the property line. The owner is responsible to replace any landscaping that is removed to make any infrastructure improvements along West Dubon Avenue.
5. Minimum Setback Requirements:
    a. Front setback: 20 feet
    b. Side setback: 0 feet
    c. Rear setback: 0 feet for buildings, ~~20 feet for screening wall~~
6. All signs shall be per Wichita Sign Code for property zoned "LC." No portable or off-site signs allowed. No signs shall be allowed on the north side of the buildings, facing Dubon Avenue, nor on the west façade facing Seville Avenue except within the southernmost 20 feet of the façade.
7. Parking: Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code (UZC).
8. Architectural Control: All buildings shall have the same predominate exterior building materials with consistent architectural character, color and texture, and consistent lighting design (fixtures, poles, lamps, etc.) as approved by the Planning ~~Director.~~ Department. ~~There shall be no predominately metal facades on any buildings.~~ Light standards shall be a maximum height of 25 feet and consistent in pole and fixture throughout the development. No freestanding light standards shall be allowed on Dubon Avenue; building wall lighting shall be limited to 15 feet in height and shall have directional shielding to prevent light spillage onto residential zoning districts.
9. An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc shall be filed by the time the plat is filed of record.

10. All drainage ways and easements shall be determined at the time of platting.
11. Loading areas, trash receptacles, outdoor storage and docks shall be screened from ground level view. Mechanical equipment on top of buildings shall be screened to the height of the unit. Screening of all trash dumpsters and mechanical equipment will be constructed to match the buildings they support and no trash dumpster shall be along Dubon. Outdoor storage shall be screened such that no stored material protrudes above the top of the screening. In those cases where these requirements are more stringent than the UZC, it shall be deemed that these requirements shall govern.
12. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Metropolitan Area Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Planning Director, shall constitute a violation of the building permit authorizing construction of the proposed development.
13. Outdoor speakers and sound amplification systems shall not be permitted on the site.
14. Development Standards:
    a. Maximum height: 35 feet
    b. Maximum building coverage: 30 percent
    c. Maximum gross floor area: 35 percent

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON 4/15/2022

ORDINANCE NO. 51-735

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. ZON2022-00006

Amendment to Protective Overlay #167 on property zoned GC General Commercial, described as:

Lots 1, 2, and 3, Block A, Westport 3rd Addition, Sedgwick County, Kansas

Protective Overlay #167 shall hereby read as follows:

1. The development parcel contains 5.22 net acres, more or less.
2. Restricted uses: group residence, correctional placement residence (limited and general), group home (limited, general, and commercial), communication tower (commercial), kennel (boarding/breeding/training, and hobby), night club, riding academy or stable, tattooing and body piercing facility, tavern and drinking establishment, outdoor vehicle repair, asphalt and concrete plant, gas and fuel storage, rock crushing, and solid waste incinerator.
3. The transfer of title on all or any portion of the land included in the development does not constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successors and assigns, and their lessees unless amended. However, the Planning Director, with concurrence of the Zoning Administrator, may approve minor adjustments to the conditions of the overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
4. Landscape and Parking Lot Screening: Shall be in accordance with the City of Wichita Landscape Ordinance, including but not limited to a landscaped street yard and parking lot landscaping and screening along Kellogg Dive, Seville Avenue and Dubon Avenue. Additionally, the rate of plant materials on Dubon Avenue shall be calculated at a rate of one shade tree required per 40 feet of linear frontage along Dubon, with this requirement being met by a minimum of at least one-third evergreen plant material; two ornamental trees or ten shrubs shall be equivalent to one shade tree and may be substituted for shade trees except that not more than one-third of the total requirement may be met by shrubbery plant material. A landscape plan, prepared by a Landscape Architect licensed in the State of Kansas, indicating the location, type, and specification of plant material shall be submitted to the Planning Department for its review and approval prior to the issuance of any building permit(s). The site shall be screened along Dubon Avenue by way of building walls and solid screening walls. Building walls seen from ground level along Dubon Avenue shall not have visible windows, doors, or utility meters or boxes. Building walls shall be the same or similar color to screening walls. Screening walls shall be connected to building walls and shall give the appearance of solid masonry. The screening walls shall be a minimum of 8 feet in height. Landscaping will be required along Dubon Avenue and shall be in accordance with the City of Wichita Landscape Ordinance, except that Dubon Avenue right-of-way may be used for meeting the landscaping requirements; any improvements in the right-of-way shall require review by Public Works and may require a Use of Right-of-Way Permit. The right-of-way shall only be used for a landscape buffer along a building wall that is built

on the property line. The owner is responsible to replace any landscaping that is removed to make any infrastructure improvements along West Dubon Avenue.

5. Minimum Setback Requirements:
    a. Front setback: 20 feet
    b. Side setback: 0 feet
    c. Rear setback: 0 feet for buildings
6. All signs shall be per Wichita Sign Code for property zoned "LC." No portable or off-site signs allowed. No signs shall be allowed on the north side of the buildings, facing Dubon Avenue, nor on the west façade facing Seville Avenue except within the southernmost 20 feet of the façade.
7. Parking: Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code (UZC).
8. Architectural Control: All buildings shall have the same predominate exterior building materials with consistent architectural character, color and texture, and consistent lighting design (fixtures, poles, lamps, etc.) as approved by the Planning Department. Light standards shall be a maximum height of 25 feet and consistent in pole and fixture throughout the development. No freestanding light standards shall be allowed on Dubon Avenue; building wall lighting shall be limited to 15 feet in height and shall have directional shielding to prevent light spillage onto residential zoning districts.
9. An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc. shall be filed by the time the plat is filed of record.
10. All drainage ways and easements shall be determined at the time of platting.
11. Loading areas, trash receptacles, outdoor storage and docks shall be screened from ground level view. Mechanical equipment on top of buildings shall be screened to the height of the unit. Screening of all trash dumpsters and mechanical equipment will be constructed to match the buildings they support and no trash dumpster shall be along Dubon. Outdoor storage shall be screened such that no stored material protrudes above the top of the screening. In those cases where these requirements are more stringent than the UZC, it shall be deemed that these requirements shall govern.
12. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Metropolitan Area Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Planning Director, shall constitute a violation of the building permit authorizing construction of the proposed development.
13. Outdoor speakers and sound amplification systems shall not be permitted on the site.
14. Development Standards:
    a. Maximum height: 35 feet
    b. Maximum building coverage: 30 percent
    c. Maximum gross floor area: 35 percent

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.

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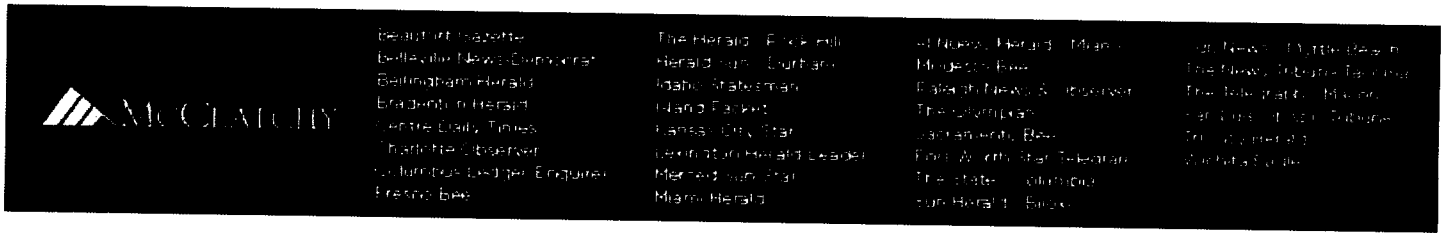
ATTEST:

Brandon J. Whipple, Mayor, City of Wichita

Karen Sublett, City Clerk

(SEAL)

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



AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	212193	WIC-2-10-2022	OCA 150004	$117.60	1	14.00 in

Attention: Betsy Pagán

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

Copy of ad content
is on the next page

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

No. of Insertions: 1

Beginning Issue of: 02/10/2022

Ending Issue of: 02/10/2022

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 02/10/2022 to 02/10/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 02/28/2022

Stefani Beard

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

STEFANI SCOTT BEARD
My Notary ID # 131788951
Expires October 23, 2022

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

LEGAL PUBLICATION

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON
FEBRUARY 10, 2022 (500759)
(ONE TIME ONLY)
MAPC/BZA MARCH 3, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, March 3, 2022, 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 virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). **Masks are required at City Hall at this time. 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.**

PUD2022-00002: PUD Amendment to PUD 83 to permit commercial uses in addition to existing residential uses on property located on the northeast corner of East Pawnee Rd and South 127th Street East.

VAC2022-00001: City Vacation of a portion of a utility easement on property zoned SF-5 Single-Family Residential, generally located within one-half mile east of N 143rd Street East and within one-half mile south of West Central Avenue (20 N Sandpiper Ct.)

VAC2022-00002: City Vacation of a portion of complete access control for two new driveways along North Hoover Road for the Northwest Water Treatment Plant; generally located south of West 21st Street North and east of North Hoover Road.

ZON2022-00003: City Zone Change from SF-5 Single-Family Residential to MF-18 Multi-Family Residential; generally located 1,100 feet north of K-96 Highway and 1,000 feet west of North Meridian Avenue.

ZON2022-00004: City zone change from LC Limited Commercial to CBD Central Business District; generally located on the south side of West Douglas Avenue and within one-half mile west of South Seneca Street (1601 W. Douglas Ave.).

ZON2022-00005: City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential on property located 175 feet north of West 32nd Street South on the west side of South Waco Avenue (3245 and 3247 S. Waco Ave) to bring zoning into compliance for existing duplex home.

ZON2022-00006: City Amendment to Protective Overlay 167 to change screening wall and building wall requirements; generally located on the north side of West Kellogg Drive and within one half mile west of South Tyler Road (9400 West Kellogg Drive).

ZON2022-00007: Zone change request in the City from TF-3 Two-Family Residential to MF-29 Multi-Family Residential for redevelopment on property; generally located within one-half mile north of West 13th Street North and one block east of North Waco Avenue (164) N Fairview).

ZON2022-00008: Zone change request in the City from SF-5 Single-Family Residential to MH Manufactured Housing to bring property into conformance and expand existing use on property located on the south side of West US-54/400 and within one-half mile east of South 167th Street East (16315 W Kellogg).

ZON2022-00009: Zone change request in the city from NR Neighborhood Retail to GC General Commercial to allow Food Truck on property located on the north side of West 53rd Street North and one block east of North Meridian Avenue (5400 N Sedgwick).

Complete legal descriptions are available for public inspection at the Metrocolitan 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.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email, letter, video, and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff 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.

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

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/651544141
You can also dial in using your phone.
United States: +1 (571) 317-3112
Access Code: 651-544-141
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or
67.217.95.2##651544141
New to GoToMeeting? Get the app now and be ready when your first meeting starts:
https://global.gotomeeting.com/install/651544141

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. **Masks are required at City Hall at this time.** For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on February 10, 2022
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

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	247663	Print Legal Ad - IPL0068934		$221.44	3	88 L

Attention: Jamie Buster

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

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON April 15, 2022

ORDINANCE NO. 51-733

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. ZON2022-00006

Amendment to Protective Overlay #167 on property zoned GC General Commercial, described as:

Lots 1, 2, and 3, Block A, Westport 3rd Addition, Sedgwick County, Kansas

Protective Overlay #167 shall hereby read as follows:

The development parcel contains 5.22 net acres, more or less.

Restricted uses; group residence, correctional placement residence (limited and general), group home (limited, general, and commercial), communication tower (commercial), kennel (boarding/breeding/training, and hobby), night club, riding academy or stable, tattooing and body piercing facility, tavern and drinking establishment, outdoor vehicle repair, asphalt and concrete plant, gas and fuel storage, rock crushing, and solid waste incinerator.

The transfer of title on all or any portion of the land included in the development does not constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successors and assigns, and their lessees unless amended. However, the Planning Director, with concurrence of the Zoning Administrator, may approve minor adjustments to the conditions of the overlay, consistent with the approved development plan, without filing a formal ordinance amendment.

Landscape and Parking Lot Screening: Shall be in accordance with the City of Wichita Landscape Ordinance, including but not limited to a landscaped street yard and parking lot landscaping and screening along Kellogg Dive, Seville Avenue and Dubon Avenue. Additionally, the rate of plant materials on Dubon Avenue shall be calculated at a rate of one shade tree required per 40 feet of linear frontage along Dubon, with this requirement being met by a minimum of at least one-third evergreen plant material; two ornamental trees or ten shrubs shall be equivalent to one shade tree and may be substituted for shade trees except that not more than one-third of the total requirement may be met by shrubbery plant material. A landscape plan, prepared by a Landscape Architect licensed in the State of Kansas, indicating the location, type, and specification of plant material shall be submitted to the Planning Department for its review and approval prior to the issuance of any building permit(s). The site shall be screened along Dubon Avenue by way of building walls and solid screening walls. Building walls seen from ground level along Dubon Avenue shall not have visible windows, doors, or utility meters or boxes. Building walls shall be the same or similar color to screening walls. Screening walls shall be connected to building walls and shall give the appearance of solid masonry. The screening walls shall be a minimum of 8 feet in height. Landscaping will be required along Dubon Avenue and shall be in accordance with the City of Wichita Landscape Ordinance, except that Dubon Avenue right-of-way may be used for meeting the landscaping requirements; any improvements in the right-of-way shall require review by Public Works and may require a Use of Right-of-Way Permit. The right-of-way shall only be used for a landscape buffer along a building wall that is built on the property line. The owner is responsible to replace any landscaping that is removed to make any infrastructure improvements along West Dubon Avenue.

Minimum Setback Requirements:
Front setback: 20 feet
Side setback: 0 feet
Rear setback: 0 feet for buildings

All signs shall be per Wichita Sign Code for property zoned "LC." No portable or off-site signs allowed. No signs shall be allowed on the north side of the buildings, facing Dubon Avenue, nor on the west façade facing Seville Avenue except within the southernmost 20 feet of the façade.

Parking: Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code (UZC).

Architectural Control: All buildings shall have the same predominate exterior building materials with consistent architectural character, color and texture, and consistent lighting design (fixtures, poles, lamps, etc.) as approved by the Planning Department. Light standards shall be a maximum height of 25 feet and consistent in pole and fixture throughout the development. No freestanding light standards shall be allowed on Dubon Avenue; building wall lighting shall be limited to 15 feet in height and shall have directional shielding to prevent light spillage onto residential zoning districts.

An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc. shall be filed by the time the plat is filed of record.

All drainage ways and easements shall be determined at the time of platting.

Loading areas, trash receptacles, outdoor storage and docks shall be screened from ground level view. Mechanical equipment on top of buildings shall be screened to the height of the unit. Screening of all trash dumpsters and mechanical equipment will be constructed to match the buildings they support and no trash dumpster shall be along Dubon. Outdoor storage shall be screened such that no stored material protrudes above the top of the screening. In those cases where these requirements are more stringent than the UZC, it shall be deemed that these requirements shall govern.

The development of this property shall proceed in accordance with the development plan as recommended for approval by the Metropolitan Area Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Planning Director, shall constitute a violation of the building permit authorizing construction of the proposed development.

Outdoor speakers and sound amplification systems shall not be permitted on the site.

Development Standards:
Maximum height: 35 feet
Maximum building coverage: 30 percent
Maximum gross floor area: 35 percent

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.

[Remainder of page intentionally left blank]

ATTEST:
Brandon J. Whipple, Mayor, City of Wichita
Karen Sublett, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law

IPL0068934
Apr 15 2022

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

No. of Insertions: 1

Beginning Issue of: 04/15/2022

Ending Issue of: 04/15/2022

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 04/15/2022 to 04/15/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 04/15/2022

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!