

# NORTH FORTY-FIFTH ADDITION

PLANNED UNIT DEVELOPMENT  
PUD #94

## 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 multi-family, 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 30.92 acres or 1,347,029 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.
  - 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 in Parcel 1 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 #94) includes special conditions for development on this property.

## LEGAL DESCRIPTION:

All of Lots 1 through 71, inclusive, Block A, TOGETHER with all of Lots 1 through 12, inclusive, Block B, TOGETHER with all of Reserves "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", and "L", all as platted in North Forty-Fifth Addition, Wichita, Sedgwick County, Kansas.

## REVISIONS:

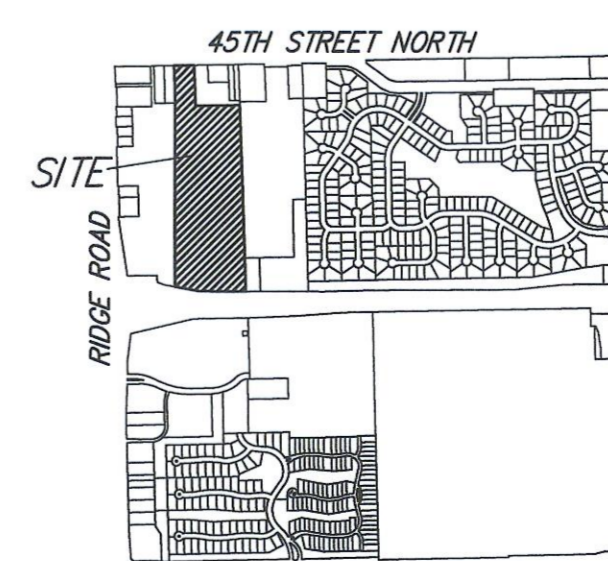
Draft Planned Unit Development (PUD2022-03)	February 09, 2022
Revised per staff comments:	
Approved by MAPC:	April 7, 2022
Approved by City Council:	May 10, 2022

## PARCEL 1

- A. Net Area: 1,347,029 sq.ft.± or 30.92 acres
- B. Maximum Dwelling Units: 166
- 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.

## RESERVE USES

Reserve "A" is hereby reserved for open space, landscaping, drainage purposes, floodplain, berms, entry monuments, signs, playgrounds and related uses, sidewalks, lakes, pipelines as confined to easement, and utilities as confined to easement. Reserve "B" is hereby reserved for open space, landscaping, drainage purposes, lakes, public sidewalks, walking paths, emergency access purposes as confined to easement, and utilities as confined to easements. Reserve "C" is hereby reserved for open space, landscaping, drainage purposes, lakes, public sidewalks, walking paths, swimming pools and related facilities, parking, recreational uses, streets as confined to easement, and utilities as confined to easements. Reserve "D" is hereby reserved for open space, landscaping, drainage purposes, floodplain, berms, sidewalks, walking paths, and utilities as confined to easements. Reserve "E" is hereby reserved for open space, landscaping, drainage purposes, floodplain, berms, sidewalks, entry monuments, signs, pipelines as confined to easement, and utilities as confined to easements. Reserve "F" is hereby reserved for open space, landscaping, drainage purposes, berms, sidewalks, streets as confined to easement, and utilities as confined to easements. Reserves "G", "K", and "L" are hereby reserved for open space, landscaping, drainage purposes, sidewalks, private drives, emergency access purposes as confined to easement, streets as confined to easement, and utilities as confined to easements. Reserve "H" is hereby reserved for open space, landscaping, drainage purposes, private drives, emergency access purposes as confined to easement, a contingent dedication for public uses, and utilities as confined to easements. Reserve "I" is hereby reserved for open space, landscaping, drainage purposes, playgrounds and related uses, public sidewalks, streets as confined to easements, and utilities as confined to easements. Reserve "J" is hereby reserved for open space, landscaping, drainage purposes, sidewalks, private drives, emergency access purposes as confined to easement, and utilities as confined to easements.



VICINITY MAP  
SEC. 27, T26S, R1W

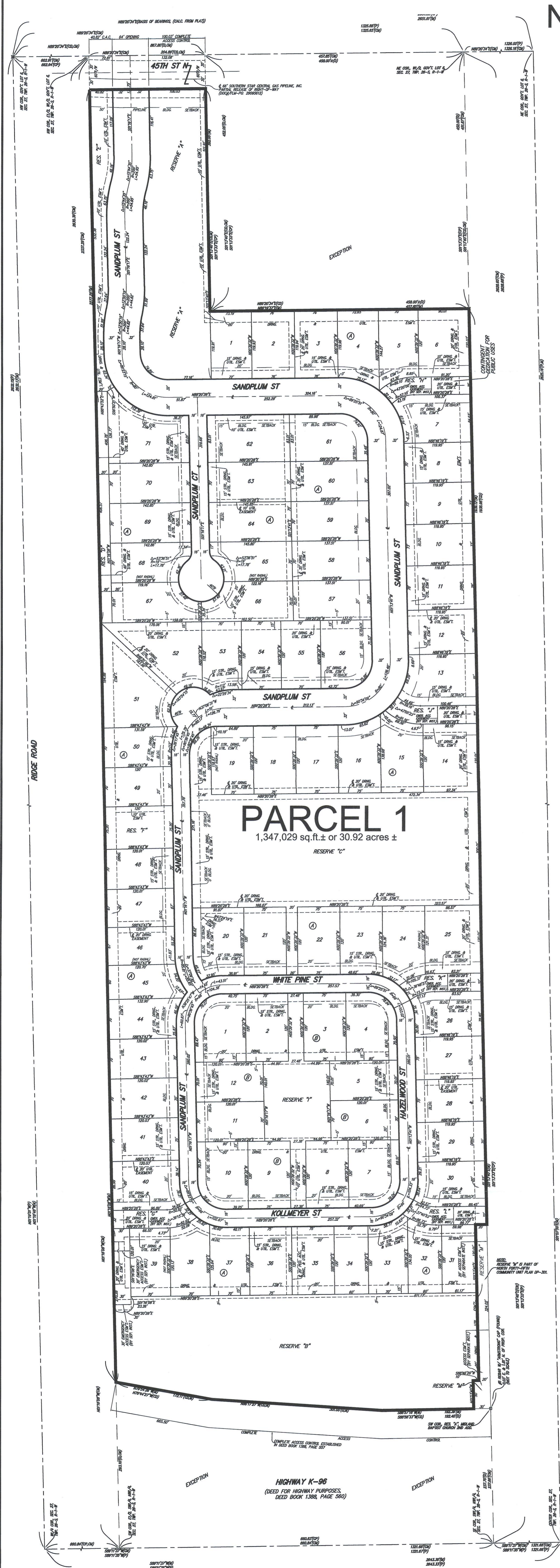
**APPROVED PUD**

MAPC May 10, 2022  
Indep 8/25/2022  
Copy 2 of 4 PUD2022-0003

0 80 160  
Scale: 1" = 80'

PUD #94  
NORTH FORTY-FIFTH ADDITION  
PLANNED UNIT DEVELOPMENT  
Aug. 16, 2022

**BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com





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

May 12, 2022

Red Foxx Rentals, LLC  
Jay Russell  
PO Box 75337  
Wichita, KS 67275

**RE: PUD2022-00003:** City Planned Unit Development (PUD #94), the North Forty-Fifth Addition PUD on property zoned LC Limited Commercial; located on the south side of West 45<sup>th</sup> Street North, 700 feet east of North Ridge Road.

Dear Applicant;

At its regular meeting on May 10, 2022, the Wichita City Council considered the above captioned request. The action of the City Council was to APPROVAE the request subject to the enclosed recommended PUD text and the following conditions.

1. The subject property shall be removed from The North Forty-Fifth Place Community Unit Plan (DP-301).
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #94 North Forty-Fifth Planned Unit Development) has special conditions for development on the property.
3. 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.
4. 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,

A handwritten signature in black ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP  
Current Plans, Division Manager

Copies to: MABCD  
Maggie Ballard, City Council District VI  
Ana Lopez CSR District VI  
MKEC Engineering, Joey Deneke, 411 N Webb Rd, Wichita, KS 67206  
Northside Church of Christ, 4545 N Meridian Ave., Wichita, KS 67204

**APPROVED Language for the North Forty-Fifth Addition PUD #94**  
**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 multi-family, 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 30.92 acres or 1,347,029 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.
  - 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 in Parcel 1 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 #??) includes special conditions for development on this property.

Parcel 1

- A. Net Area: 1,347,029 sq.ft.± or 30.92 acres
- B. Maximum Dwelling Units: 166
- 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.

RESERVE USES

Reserve "A" is hereby reserved for open space, landscaping, drainage purposes, floodplain, berms, entry monuments, signs, playgrounds and related uses, sidewalks, lakes, pipelines as confined to easement, and utilities as confined to easement. Reserve "B" is hereby reserved for open space, landscaping, drainage purposes, lakes, public sidewalks, walking paths, emergency access purposes as confined to easement, and utilities as confined to easements. Reserve "C" is hereby reserved for open space, landscaping, drainage purposes, lakes, public sidewalks, walking paths, swimming pools and related facilities, parking, recreational uses, streets as confined to easement, and utilities as confined to easements. Reserve "D" is hereby reserved for open space, landscaping, drainage purposes, floodplain, berms, sidewalks, walking paths, and utilities as confined to easements. Reserve "E" is hereby reserved for open space, landscaping, drainage purposes, floodplain, berms, sidewalks, entry monuments, signs, pipelines as confined to easement, and utilities as confined to easements. Reserve "F" is hereby reserved for open space, landscaping, drainage purposes, berms, sidewalks, streets as confined to easement, and utilities as confined to easements. Reserves "G", "K", and "L" are hereby reserved for open space, landscaping, drainage purposes, sidewalks, private drives, emergency access purposes as confined to easement, streets as confined to easement, and utilities as confined to easements. Reserve "H" is hereby reserved for open space, landscaping, drainage purposes, private drives, emergency access purposes as confined to easement, a contingent dedication for public uses, and utilities as confined to easements. Reserve "I" is hereby reserved for open space, landscaping, drainage purposes, playgrounds and related uses, public sidewalks, streets as confined to easements, and utilities as confined to easements. Reserve "J" is hereby reserved for open space, landscaping, drainage purposes, sidewalks, private drives, emergency access purposes as confined to easement, and utilities as confined to easements.



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

April 8, 2022

Red Foxx Rentals, LLC  
Jay Russell  
PO Box 75337  
Wichita, KS 67275

**RE: PUD2022-00003:** City Planned Unit Development (PUD #94), the North Forty-Fifth Addition PUD on property zoned LC Limited Commercial; located on the south side of West 45<sup>th</sup> Street North, 700 feet east of North Ridge Road.

Dear Applicant;

At its regular meeting on **April 7, 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 enclosed recommended PUD text and the following conditions.

1. The subject property shall be removed from The North Forty-Fifth Place Community Unit Plan (DP-301).
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #94 North Forty-Fifth Planned Unit Development) has special conditions for development on the property.
3. 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.
4. All other federal, state, and local laws and ordinances must be observed.

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 April 21, 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 **April 21, 2022 at 5:00 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, May 10, 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,

A handwritten signature in black ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP  
Current Plans, Division Manager

Copies to: MABCD  
Maggie Ballard, City Council District VI  
Ana Lopez CSR District VI  
MKEC Engineering, Joey Deneke, 411 N Webb Rd, Wichita, KS 67206  
Northside Church of Christ, 4545 N Meridian Ave., Wichita, KS 67204

**Recommended Language for the North Forty-Fifth Addition PUD #94**

**PROJECT DESCRIPTION:**

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OCA 150004

(Published in the Wichita Eagle, May 20, 2022)

ORDINANCE NO. 51-859

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. PUD2022-00003**

City zone change from LC Limited Commercial to PUD Planned Unit Development, subject to the general provisions of PUD #94, on property described as:

Lots 1 through 71 inclusive, Block A, North Forty-Fifth Addition, Wichita, Sedgwick County, Kansas.

AND

Lots 1 through 12 inclusive, Block B, North Forty-Fifth Addition, Wichita, Sedgwick County, Kansas.

AND

Reserves A, B, C, D, E, F, G, H, I, J, K, L, & M, North Forty-Fifth Addition, Wichita, Sedgwick County, Kansas.

The North Forty-Fifth Planned Unit Development (PUD #94) shall be subject to the following conditions:

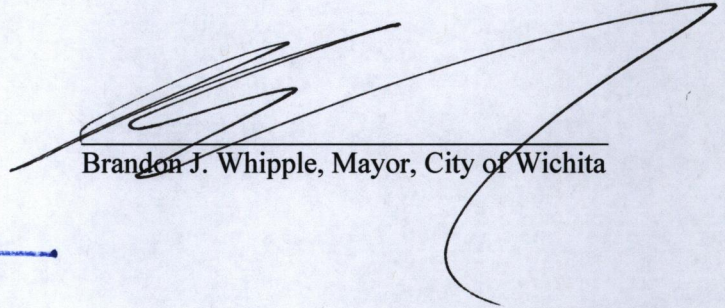
1. The subject property shall be removed from The North Forty-Fifth Place Community Unit Plan (DP-301).
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #94 North Forty-Fifth Planned Unit Development) has special conditions for development on the property.
3. 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.
4. 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.

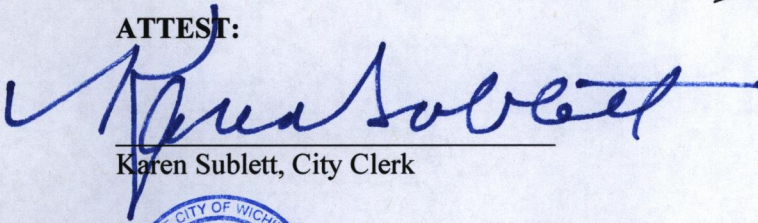
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Adopted this 17<sup>th</sup> day of May, 2022.



Brandon J. Whipple, Mayor, City of Wichita

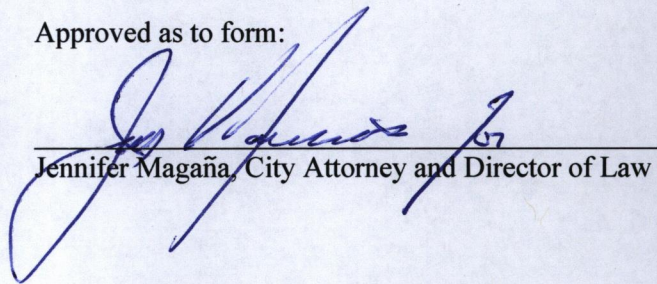
ATTEST:



Karen Sublett, City Clerk



Approved as to form:



Jennifer Magaña, City Attorney and Director of Law



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	264448	Print Legal Ad - IPL0073767		\$92.19	2	55 L

**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

No. of Insertions: 1  
 Beginning Issue of: 05/20/2022  
 Ending Issue of: 05/20/2022

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterrupted published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 05/20/2022 to 05/20/2022.

### LEGAL PUBLICATION

OCA 150004

(Published in the Wichita Eagle, May 20, 2022)  
 ORDINANCE NO. 51-859

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. PUD2022-00003

City zone change from LC Limited Commercial to PUD Planned Unit Development, subject to the general provisions of PUD #94, on property described as: Lots 1 through 71 inclusive, Block A, North Forty-Fifth Addition, Wichita, Sedgwick County, Kansas.

AND

Lots 1 through 12 inclusive, Block B, North Forty-Fifth Addition, Wichita, Sedgwick County, Kansas.

AND

Reserves A, B, C, D, E, F, G, H, I, J, K, L, & M, North Forty-Fifth Addition, Wichita, Sedgwick County, Kansas.

The North Forty-Fifth Planned Unit Development (PUD #94) shall be subject to the following conditions:

1. The subject property shall be removed from The North Forty-Fifth Place Community Unit Plan (DP-301).
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #94 North Forty-Fifth Planned Unit Development) has special conditions for development on the property.
3. 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.
4. 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 17th day of May, 2022.

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

IPL0073767  
 May 20 2022

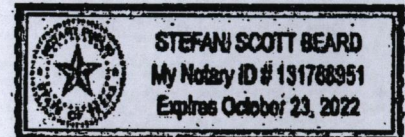
*Hayley Martin*

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

DATED: 05/26/2022

*Stefani Beard*

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



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



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  
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## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	231498	WIC-3-17-2022	OCA 150004	\$134.40	1	16.00 in

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

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

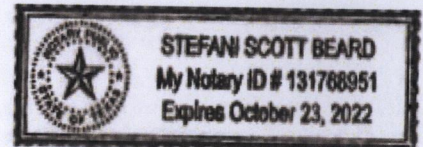
No. of Insertions: 1  
 Beginning Issue of: 03/13/2022  
 Ending Issue of: 03/13/2022

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 03/13/2022 to 03/13/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
 DATED: 03/17/2022

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



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# LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE

ON MARCH 17, 2022

ONE TIME ONLY (547289)

MAPC/BZA April 7, 2022

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 7, 2022, no earlier than 1:30 p.m., the Wichita-Sedgewick 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 - 1<sup>st</sup> Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgewick County Metropolitan Area Planning Department at (316) 268-4441.

**BZA2022-0005:** City Variance to allow a 30-foot tall, 208 square foot sign on property zoned LC Limited Commercial, generally located on the north side of West Kellogg Drive, one-half mile east of Eisenhower Parkway, (800 West Kellogg).

**BZA2022-0006:** Request in the City for a variance to allow a sign larger than 22-square feet, permit red illumination & allow more than one sign on a building on U University zoned property, generally located east of South Meridian Avenue, north of West Kellogg Avenue (2100 West University Ave).

**CUP2022-0008:** City CUP Minor Amendment to Parcel 3 of DP-146 to replace an existing 10-foot fence along the rear property line of 9 lots zoned SF-5 Single-Family Residential generally located on the west side of North Webb Road, within one-half mile south of East 10th Street North.

**CUP2022-0009:** City Amendment to CUP DP-38 on property zoned LC Limited Commercial, and SF-5 Single Family Residential, to remove property from CUP (associated with CUP2022-0010 and PUD2022-0004), generally located 850 feet north of West 42nd Street North and west of North Meridian Avenue.

**CUP2022-0010:** City Amendment to CUP DP-323 on property zoned LC Limited Commercial, SF-5 Single Family Residential, and OW Office Warehouse to remove property from CUP (associated with CUP2022-0009 and PUD2022-0004), generally located 850 feet north of West 42nd Street North and west of North Meridian Avenue.

**PUD2022-0002:** City Planned Unit Development (PUD #4), the North Forty-Fifth Addition PUD on property zoned LC Limited Commercial located on the south side of West 45th Street North, 700 feet east of North Ridge Road.

**PUD2022-0004:** City zone change from LC Limited Commercial and SF-3 Single-Family Residential to PUD Planned Unit Development for residential development (associated with CUP2022-0009 and CUP2022-0010); generally located 850 feet north of West 42nd Street North and west of North Meridian Avenue.

**VAC2022-0002:** Request in the City to vacate a platified utility easement on LC Limited Commercial zoned property generally located on the north side of West 47th Street South & on the east side of South Seneca Street.

**VAC2022-0004:** Request in the City to vacate a portion of East 10th Street North right-of-way, generally located between North New York Avenue (NW), I-135 (E) & private property (N & S).

**ZON2022-0015:** City Amendment to Protective Overlay #59 (ZON2022-0015) for construction of a duplex, Generally located within 200 feet north of East 17th Street North and within one-half mile east of North Hydraulic Avenue (1885 North Madison).

**ZON2022-0016:** City zone change from SF-5 Single Family Residential to B Multi-Family Residential on property, generally located south of East 26th Street North and four blocks east of North Hillside Avenue.

**ZON2022-0017:** City zone change from SF-5 Single Family Residential to TF-3 Two Family Residential, generally located 225 feet south of 26th Street North and two blocks east of North Hillside Avenue.

**ZON2022-0018:** City zone change from SF-5 Single Family Residential to TF-3 Two Family Residential, generally located northeast of North Hoover Street and West Douglas Avenue (208 North Elder Street and 524 West 1st Street North).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgewick 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-SEDEGWICK 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-Meetings. 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-Sedgewick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 3pm 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-Sedgewick County Metropolitan Area Planning Department Attn: Scott Wadde 271 W. 3 <sup>rd</sup> Street - Suite 201 Wichita, KS 67202
Phone	316-268-4421
Fax	316-858-7744

### Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

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Dial in or type: 67.217.95.2 or inroomlink.goto.com

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Or dial directly: 651544141@67217952 or 67217952#651544141

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### Attend in-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (655 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/virtual](http://www.wichita.gov/virtual). 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 (316-268-4444) by 3pm, 3 days prior to the meeting.

WITNESS MY HAND on March 17, 2022

Scott Wadde, Secretary

Wichita-Sedgewick County

Metropolitan Area Planning Commission

**STAFF REPORT**  
MAPC: April 7, 2022  
DAB VI: April 4, 2022

CASE NUMBER: PUD2022-00003 (City)

APPLICANT/AGENT: R&R Realty LLC (Jay Russell), Red Foxx Rentals LLC, Russell Family Irrevocable Trust LLC (Owner/Applicant);  
Baughman Company, Phil Meyer (Agent)

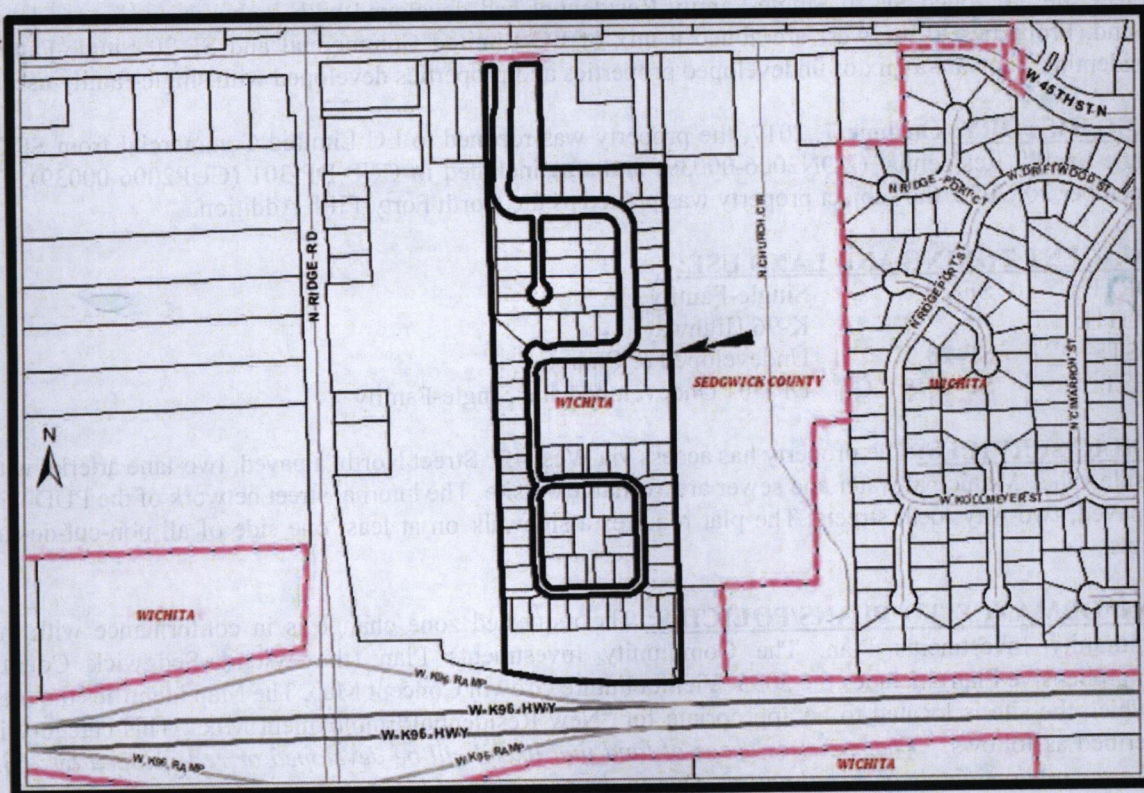
REQUEST: Rezone to create the North Forty-Fifth Planned Unit Development PUD #94

CURRENT ZONING: LC Limited Commercial with CUP DP-301

SITE SIZE: 30.92 acres

LOCATION: Generally located on the south side of West 45<sup>th</sup> Street North and 700 feet east of North Ridge Road

PROPOSED USE: To create a multi-family residential zoning district with non-standard side yard setbacks.



**BACKGROUND:** The applicant is requesting a zone change from LC Limited Commercial with CUP DP-301 to PUD Planned Unit Development to create the North Forty-Fifth Planned Unit Development (PUD #94). The site is approximately 30.92 acres in size and is generally located on the south side of West 45th Street North and 700 feet east of North Ridge Road. The purpose of the PUD is to create a multi-family residential zoning district with non-standard side yard setbacks.

The PUD has one parcel. Uses on Parcel 1 are those permitted by-right in the TF-3 Two-Family Residential zoning district. Development standards afford the ability for duplex development on a single lot or for one lot to have two single-family dwellings built as long as they maintain a minimum separation of five feet between the dwellings. The lots may be divided between the dwelling units or along the common wall of a duplex. In such cases, minimum lot area and width requirements of Section III-B.6.d of the Unified Zoning Code shall not apply. All other development standards shall adhere to the TF-3 zoning district. The PUD does not stipulate which lots shall be developed with duplexes and which shall be developed with the single-family concept. Parcel 1 is platted into 83 lots and eleven reserves. Therefore, up to 166 dwelling units could be built regardless of being in the form of a duplex or the single-family concept.

Parking standards are per Section IV of the Unified Zoning Code. Signage shall adhere to those permitted in TF-3 zoning. The Unified Zoning Code does not require screening or landscaping for Parcel 1 because the property is being developed as if it were TF-3 zoning.

This site is subject to the North Forty-Fifth Place Community Unit Plan (DP-301). The subject site is located wholly within parcel 1B of DP-301. Parcel 1B allows a maximum number of 7 buildings. This is incompatible with the desired level of development on this parcel. This property will need to be removed from CUP DP-301.

Properties north of the subject site are zoned SF-20 Single-Family Residential and are developed with single-family uses. To the south of the subject property is K-96 Highway. Properties to the east of the subject site are zoned SF-20 Single-Family Residential and developed with a church and undeveloped ground. Properties to the west are zoned a mix of LC Limited Commercial and SF-20 Single-Family Residential. They are a mix of undeveloped properties and properties developed with single-family uses.

**CASE HISTORY:** On June 7, 2017, the property was rezoned to LC Limited Commercial from SF-20 Single-Family Residential (ZON2006-00039) and was included in CUP DP-301 (CUP2006-00039). On December 30, 2020, the subject property was platted as the North Forty-Fifth Addition.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-20	Single-Family
SOUTH:	-	K-96 Highway
EAST:	SF-20	Undeveloped & Church
WEST:	SF-20 & LC	DP-301 Undeveloped and Single-Family

**PUBLIC SERVICES:** The property has access via West 45<sup>th</sup> Street North, a paved, two-lane arterial with no sidewalks. Municipal water and sewer are available on-site. The internal street network of the PUD will be paved, two-way local streets. The plat requires a sidewalk on at least one side of all non-cul-de-sac streets.

**CONFORMANCE TO PLANS/POLICIES:** The requested zone change is in conformance with the Community Investments Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "New Residential/Employment Mix." This category is described as follows: *"Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of mixed nature. Due to the proximity of higher intensity businesses, residential*

PUD2022-00003

Metropolitan Area Planning Commission

*housing types within this area likely will be high density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.”*

**RECOMMENDATION:** Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to provisions of the North Forty-Fifth Planned Unit Development PUD #94, and subject to the following conditions:

1. The subject property shall be removed from The North Forty-Fifth Place Community Unit Plan (DP-301).
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #94 North Forty-Fifth Planned Unit Development) has special conditions for development on the property.
3. 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.
4. All other federal, state, and local laws and ordinances must be observed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Properties north of the subject site are zoned SF-20 Single-Family Residential and are developed with single-family uses. To the south of the subject property is K-96 Highway. Properties to the east of the subject site are zoned SF-20 Single-Family Residential and developed with a church and undeveloped ground. Properties to the west are zoned a mix of LC Limited Commercial and SF-20 Single-Family Residential. They are a mix of undeveloped properties and properties developed with single-family uses.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC with CUP DP-301. The subject site is located wholly within parcel 1B of DP-301. Parcel 1B allows a maximum number of 7 buildings. This is incompatible with the desired level of development on this parcel. This property will need to be removed from CUP DP-301.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The site is zoned LC, which can accommodate the desired level of residential density desired.
4. **Length of time the property has been vacant as currently zoned:** The property has never been developed. Historically it has been used as agricultural land.
5. **Relative gain to the public health, safety, and welfare, compared to the loss in value or the hardship imposed upon the applicant:** The proposed changes should create no significant issues related to the public health, safety or welfare given the governing language of the recommended PUD text.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is in conformance with the Community Investments Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “New Residential/Employment Mix.” This category is described as follows: *“Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of mixed nature. Due to the proximity of higher intensity businesses, residential housing types within this area likely will be high density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous*

emissions, visual blight, and odor.”

7. **Impact of the proposed development on community facilities:** There are no anticipated significant adverse impacts on community facilities.

**Attachments:**

- PUD Text from Agent
- Aerial Map
- Zoning Map
- Land use Map
- CUP DP-301
- Photos
- PUD Drawing

1. The zoning uses and character of the neighborhood. The subject site is zoned R-20 Single-Family Residential and is developed with single-family uses. To the south of the subject property is K-90 Highway. Properties to the east of the subject site are zoned R-20 Single-Family Residential and developed with a church and undeveloped ground. Properties to the west are zoned a mix of L.O. Limited Commercial and R-20 Single-Family Residential. They are a mix of undeveloped properties and properties developed with single-family uses.

2. The suitability of the subject property for the uses to which it has been rezoned. The site is zoned LC with CUP DP-301. The subject site is located wholly within parcel 15 of DP-301 Parcel 15. It allows a maximum number of 7 buildings. This is incompatible with the desired level of development on this parcel. This property will need to be removed from CUP DP-301.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. The site is zoned LC which can accommodate the desired level of residential density desired.

4. Length of time the property has been vacant or currently vacant. The property has never been developed. Historically it has been used as agricultural land.

5. Relative gain to the public health, safety, and welfare compared to the loss in value of the property. The proposed change should create no significant issues related to the public health, safety or welfare given the governing language of the recommended PUD text.

6. Conformance of the rezoned change to the adopted or proposed Comprehensive Plan and zoning. The rezoned zone change is in conformance with the Community Investment Plan. The Community Investment Plan (the Wichita-Salvick County Comprehensive Plan) includes the 2022 Wichita Future Growth Concept Map. The map identifies the area in which the site is located to be appropriate for "New Residential Employment Mix". This category is described as follows: "The proposed area of land that likely will be developed or redeveloped by 2022 with new employment and mixed uses. Due to the presence of light-oriented businesses, residential development (e.g., retail) that will be significant. Due to the proximity of residential uses, employment uses that will have limited negative impacts associated with noise, hazardous

## **North Forty-Fifth Addition Planned Unit Development PUD #94 Text Provided by Agent**

### **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 multi-family, 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 30.92 acres or 1,347,029 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.
  - 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 in Parcel 1 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.

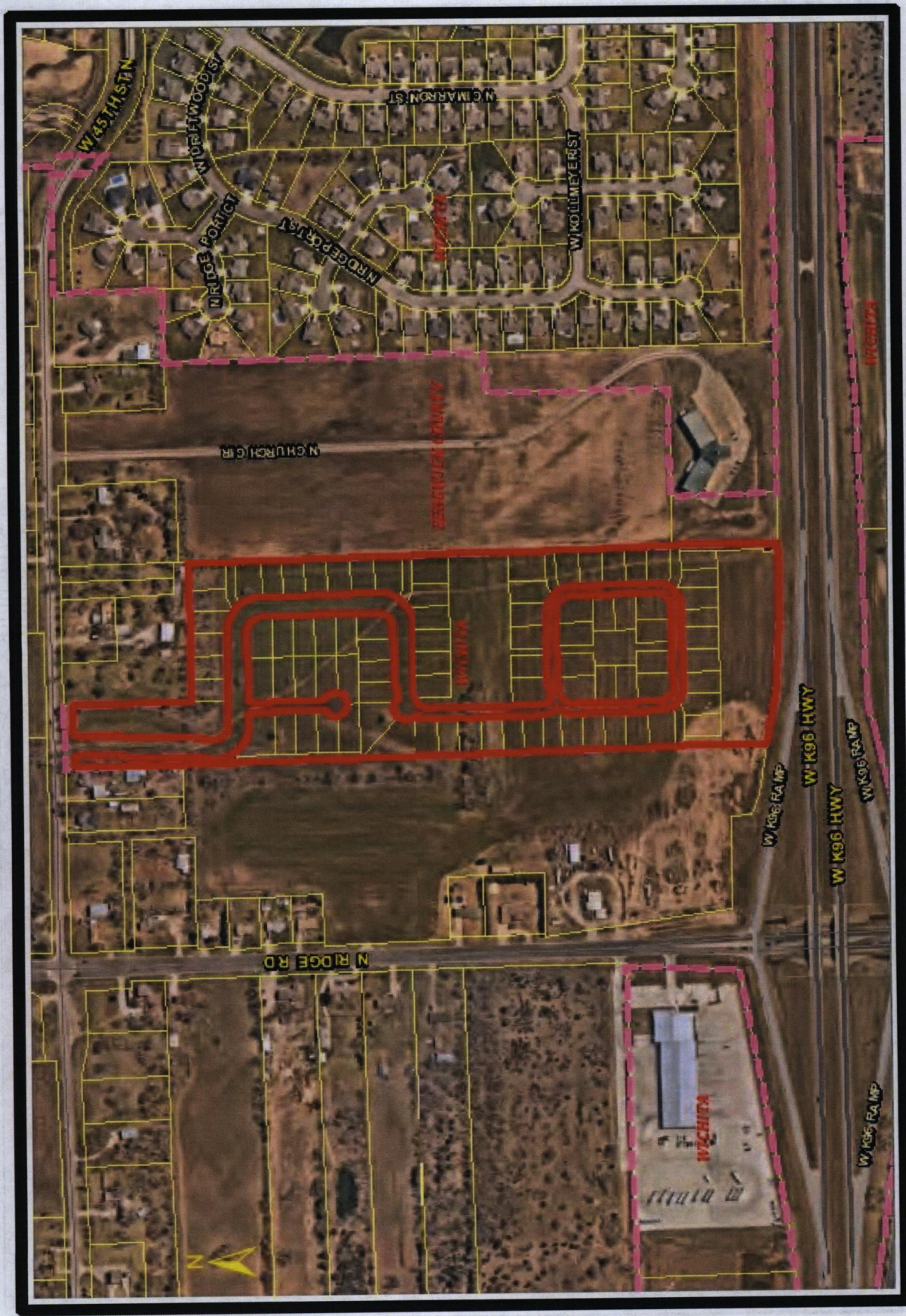
10. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator or the Director of Planning, shall 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 #??) includes special conditions for development on this property.

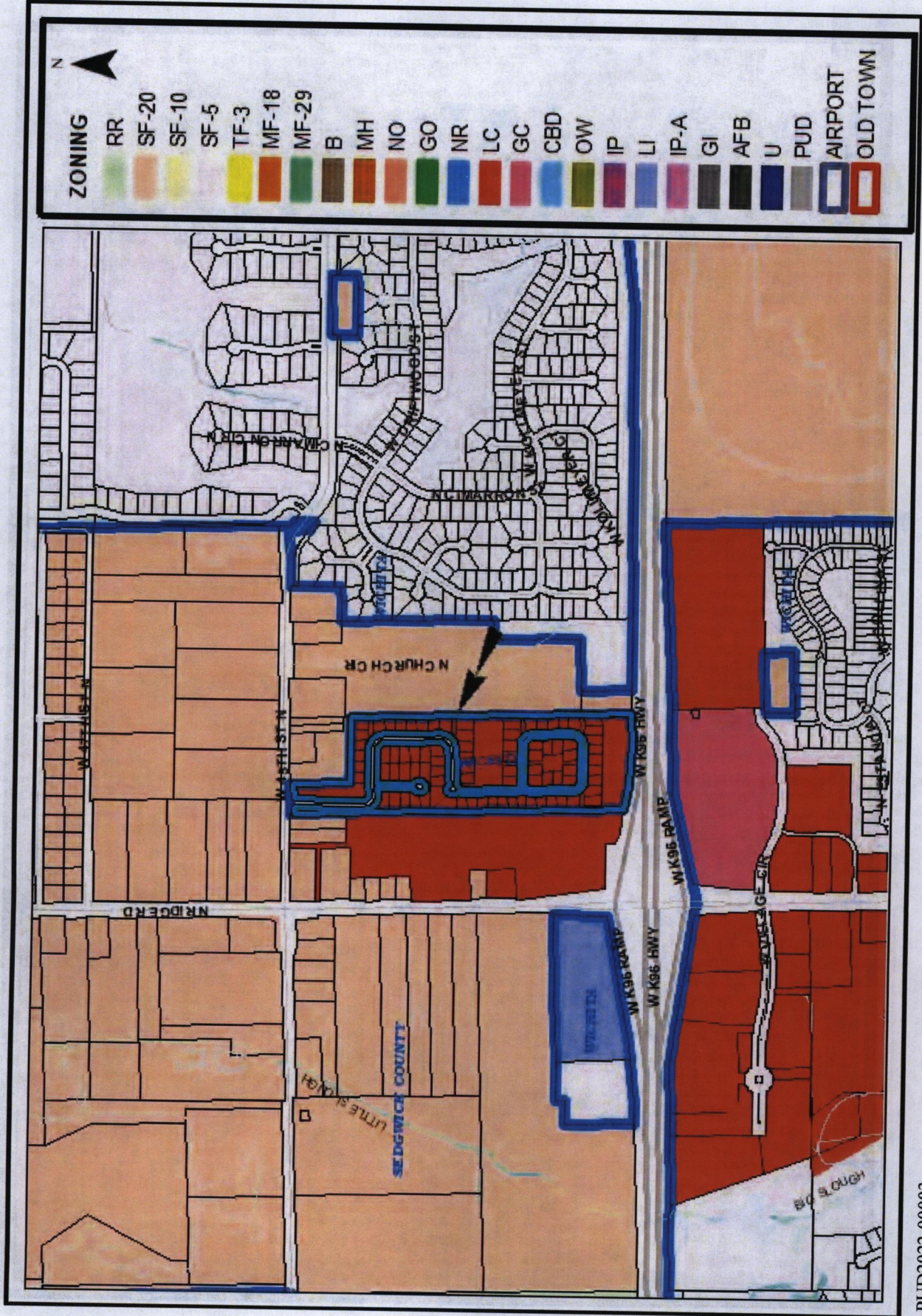
Parcel 1

- A. Net Area: 1,347,029 sq.ft.± or 30.92 acres
- B. Maximum Dwelling Units: 166
- 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.

RESERVE USES

Reserve "A" is hereby reserved for open space, landscaping, drainage purposes, floodplain, berms, entry monuments, signs, playgrounds and related uses, sidewalks, lakes, pipelines as confined to easement, and utilities as confined to easement. Reserve "B" is hereby reserved for open space, landscaping, drainage purposes, lakes, public sidewalks, walking paths, emergency access purposes as confined to easement, and utilities as confined to easements. Reserve "C" is hereby reserved for open space, landscaping, drainage purposes, lakes, public sidewalks, walking paths, swimming pools and related facilities, parking, recreational uses, streets as confined to easement, and utilities as confined to easements. Reserve "D" is hereby reserved for open space, landscaping, drainage purposes, floodplain, berms, sidewalks, walking paths, and utilities as confined to easements. Reserve "E" is hereby reserved for open space, landscaping, drainage purposes, floodplain, berms, sidewalks, entry monuments, signs, pipelines as confined to easement, and utilities as confined to easements. Reserve "F" is hereby reserved for open space, landscaping, drainage purposes, berms, sidewalks, streets as confined to easement, and utilities as confined to easements. Reserves "G", "K", and "L" are hereby reserved for open space, landscaping, drainage purposes, sidewalks, private drives, emergency access purposes as confined to easement, streets as confined to easement, and utilities as confined to easements. Reserve "H" is hereby reserved for open space, landscaping, drainage purposes, private drives, emergency access purposes as confined to easement, a contingent dedication for public uses, and utilities as confined to easements. Reserve "I" is hereby reserved for open space, landscaping, drainage purposes, playgrounds and related uses, public sidewalks, streets as confined to easements, and utilities as confined to easements. Reserve "J" is hereby reserved for open space, landscaping, drainage purposes, sidewalks, private drives, emergency access purposes as confined to easement, and utilities as confined to easements.

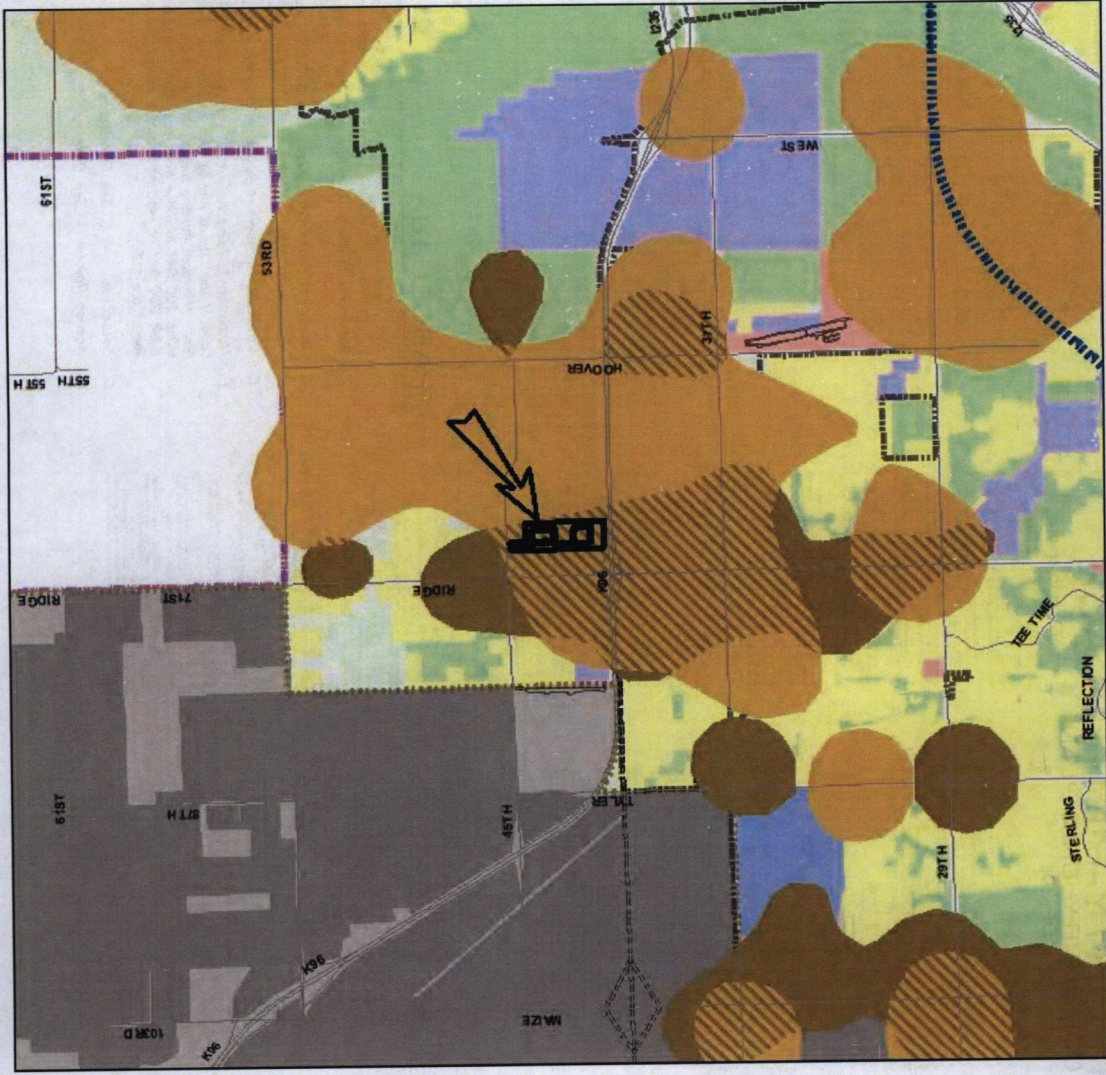




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### 2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
  - Residential and Employment Mix
  - New Employment
  - New Residential
  - Wichita City Limits
  - Other Cities
  - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
  - Other Urban Growth Areas 2014
  - Rural Growth Areas 2014
- LAND USE**
- Residential
  - Commercial
  - Industrial
  - Major Air Transportation & Military
  - Parks and Open Space
  - Agricultural or Vacant
  - Major Institutional
  - Nghbd\_Plan\_Areas





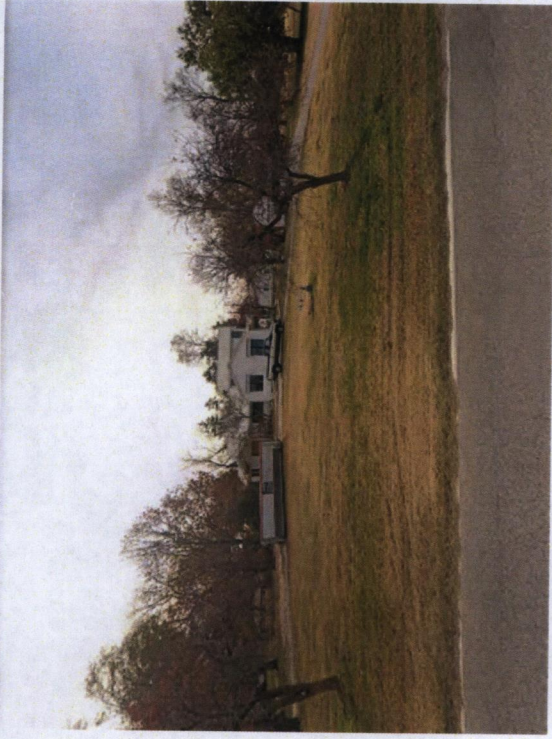
Subject site facing south



Property west of subject site



Property east of subject site



Property north of subject site

