Wichita-Sedgwick County Metropolitan Area Planning Department

December 7, 2021

Iron Horse Development, LLC
Levi Bond
142 N Emporia
Wichita, KS 67202

RE: **CUP2021-00051 with ZON2021-0045:** City request for a mixed use Community Unit Plan on LC Limited Commercial zoned property generally located on the northeast corner of West 47th Street South and South Meridian Avenue (associated with ZON2021-45 a zone change from SF-5 Single-Family Residential to LC Limited Commercial).

Dear Applicants;

At its regular meeting on **December 7, 2021**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the following conditions:

1. The Development Guidelines shall be modified to read in accordance with the attached recommendation. Changes include:
   a. A height restriction of 35-feet on Parcel 3
   b. The north property line shall have 1.5 times the landscaping required by the Wichita Landscape Ordinance.
2. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.
3. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-360 47th and Meridian CUP) has special conditions for development on the property.
4. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of final approval to the Metropolitan Area Planning Department or the amendment shall be deemed null and void.

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
Christopher Lee, 4029 Sweet Bay Ct., Wichita, KS 67226
Tony and Teresa Ingram, 2417 W 45th Street South, Wichita, KS 67217
Larry and Marilyn Galvan, 2421 W 45th Street South, Wichita, KS 67217

BACKGROUND: This application is to establish the 47th and Meridian Community Unit Plan CUP DP-360 on property located at the northeast corner of South Meridian Avenue and West 47th Street South (4756 South Meridian Avenue). The entire parcel is 7.25 acres and is primarily zoned LC Limited Commercial. The eastern 0.8 acres is zoned SF-5. The applicant is requesting a zone change to unify the zoning to LC. The subject property is unplatted. Platting the property will be required in order to obtain building permits. The application states the intended development is to be mixed-use with commercial parcels and residential development with duplex or higher density.

The CUP will contains three parcels: one large parcel occupying the north portion and two smaller parcels fronting West 47th Street South. The drawing shows two full-movement access drives: one, 60-foot full access drive onto West 47th Street South and one, 60-foot, full access drive onto South Meridian Avenue. In addition, the drawing shows two right-in/right-out access drives—one for Wes 47th and South Meridian Avenue respectively. All parcels without access to the public street will be accessible through internal cross lot access. The CUP states a 60-foot building setback along arterial frontages. This is 25 feet greater than the minimum 35-foot building setback required for CUPs in Section III-C.2.b.(2) of the Unified Zoning Code. The applicant states that this is to ensure uniform development, and it provides the minimum space for a single drive aisle and two rows of parking between the right-of-way and the building(s).

The text of the CUP states that all uses permitted by right in the LC Limited Commercial zoning district will be permitted on each parcel with several exceptions (see CUP text attached). The CUP permits a Nightclub in the City use if it is associated with an event center, restaurant, or church. In essence, this will permit an establishment to serve alcohol and provide entertainment (such as live music, etc.) as accessory to their main function. Staff recommends adding that Tavern/Drinking Establishment as a use be prohibited within 300 feet of the east boundary due to the abutting public park and the nearby public elementary school. The property of Cessna Elementary is within 750 feet east of the subject site.

The CUP text also states that "outdoor storage and display as permitted in the GC General Commercial zoning district shall be allowed as an accessory use to an approved use in the CUP. Outdoor storage as a primary use shall be prohibited." The intent of this is to not be restricted by the maximum square footage requirements that LC Limited Commercial zoning places on accessory outdoor storage. LC zoning restricts the area of accessory outdoor storage to 10 percent of the floor area of the principal use within a building. Accessory outdoor storage area between 10-20 percent would require a Conditional Use. Staff is recommending that the area of outdoor storage be permitted up to 20 percent of the building floor area of the principal use and outdoor display as permitted in GC General Commercial. Limited Commercial zoning would restrict display to be within 10 feet of the building.

The applicant is proposing the following that staff believes are reasonable departures from the standards in the zoning code:

- General Provision 6.D: light poles within 100 feet of residential uses are limited to 15 feet in height. Section IV-B.4 of the UZC limits the height of light poles to 15 feet if they are within 200 feet of residential zoning districts. Staff has determined that the request for light poles 15 feet in height within 100 feet of residential uses is acceptable in this situation given the abutting residential zoning to the east is an established public park. The provision as written should provide appropriate mitigation for nearby residential uses to the north as the code intends.
- General Provision 7.C: no additional screening shall be required along the north property line of development unless the existing masonry wall is removed or significantly modified/reduced in height. The north property line is still required to adhere to the requirements of the Wichita Landscape Ordinance for a landscape buffer.
- General Provision 7.D: the applicant is proposing that the screening requirement for a six-foot masonry wall be reduced to a six-foot wood fence along the east property line where the

B. A LANDSCAPE PLAN SHALL BE PREPARED BY A KANSAS LANDSCAPE ARCHITECT FOR THE ABOVE REFERENCED LANDSCAPING, INDICATING THE TYPE, LOCATION, AND SPECIFICATIONS OF ALL PLANT MATERIAL. THIS PLAN SHALL BE SUBMITTED TO THE METROPOLITAN AREA PLANNING DEPARTMENT (MAPD) FOR ITS REVIEW AND APPROVAL PRIOR TO ISSUANCE OF ANY BUILDING PERMIT(S)

6. LIGHTING
A. LIGHTING SHALL BE IN ACCORDANCE WITH THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION IV.
B. ALL PARCELS SHALL SHARE SIMILAR OR CONSISTENT PARKING LOT LIGHTING ELEMENTS (I.E. FIXTURES, POLES AND LAMPS AND ETC.), AS APPROVED BY THE DIRECTOR OF THE MAPD
C. ALL LIGHTING SHALL BE SHIELDED TO DIRECT LIGHT DISBURSEMENT IN A DOWNWARD DIRECTION AND DIRECTED AWAY FROM RESIDENTIAL AREAS.
D. LIGHT POLES INCLUDING ABOVE GROUND BASE SHALL BE LIMITED TO 25 FEET TALL, EXCEPT 15 FEET TALL WHEN WITHIN 100 FEET OF RESIDENTIAL USE. ~~SCHOOL IS NOT A RESIDENTIAL USE.~~ FOR THE PURPOSE OF LIGHTING, PARKS AND/OR COMMUNITY OPEN SPACES SHALL NOT BE CONSIDERED RESIDENTIAL USES.

7. SCREENING FOR THIS SITE SHALL BE REQUIRED AS FOLLOWS:
A. ROOFTOP MECHANICAL EQUIPMENT SHALL BE SCREENED FROM GROUND LEVEL VIEW. SCREENING MATERIALS SHALL MATCH THE BUILDING ROOF OR WALL MATERIALS.
B. TRASH RECEPTACLES, LOADING DOCKS, OUTDOOR STORAGE, AND LOADING AREAS SHALL BE APPROPRIATELY SCREENED WITH MATERIALS MATCHING OR SIMILAR TO THE BUILDING(S) FACADE MATERIALS TO REASONABLY HIDE THEM FROM GROUND VIEW.
C. NO ADDITIONAL SOLID SCREENING SHALL BE REQUIRED ALONG THE NORTH LINE OF DEVELOPMENT UNLESS THE EXISTING MASONRY WALL IS REMOVED OR SIGNIFICANTLY MODIFIED/REDUCED IN HEIGHT.
D. SOLID SCREENING SHALL BE REQUIRED ALONG THE EAST LINE OF THE DEVELOPMENT. AT A MINIMUM, A WOOD FENCE OF AT LEAST 6 FEET IN HEIGHT SHALL BE INSTALLED.
E. UNLESS OTHERWISE NOTED SCREENING SHALL BE IN ACCORDANCE WITH THE WICHITA SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION IV-B.3 AND SECTION III-C.2.B

8. SIGNS: AS PERMITTED UNDER THE SIGN CODE OF THE CITY OF WICHITA
A. NO PORTABLE, BANNER, OR PENNANT SIGNS SHALL BE PERMITTED
B. WINDOW SIGNAGE SHALL BE LIMITED TO 25% OF WINDOW AREA
C. BILLBOARDS AND OFF SITE SIGNS ARE PROHIBITED.

9. PARKING
ALL PARCELS SHALL BE IN ACCORDANCE WITH THE WICHITA-SEDGWICK COUNTY CODE, SECTION IV-A, UNLESS OTHERWISE SPECIFIED.

10. NO OCCUPANCY PERMITS SHALL BE ISSUED FOR ANY DEVELOPMENT WITHOUT SERVICES BY WATER AND SEWER.

11. THE FOLLOWING TRANSPORTATION IMPROVEMENTS AND PARCEL ACCESS SHALL BE PROVIDED:
A. ACCESS CONTROLS SHALL BE AS SHOWN ON THE FINAL PLAT.
B. CROSS-LOT CIRUCLATION AGREEMENTS SHALL BE REQUIRED AT THE TIME OF PLATTING TO ASSURE INTERNAL VEHICULAR MOVEMENT BETWEEN PARCELS WITHIN THE C.U.P.

of the applicant is to develop a portion of the CUP with higher density residential uses.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request for LC Limited Commercial and the creation of the 47th and Meridian CUP DP-360 be **APPROVED** subject to the following conditions:

1. The Development Guidelines shall be modified to read in accordance with the attached recommendation.
2. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.
3. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-360 47th and Meridian CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of final approval to the Metropolitan Area Planning Department or the amendment shall be deemed null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north is zoned SF-5 Single-Family Residential and is developed with a single-family dwelling with accessory structures in addition to agricultural land. Property to the east is zoned SF-5 and is Sunview Park. Property to the west is zoned LC Limited Commercial and is undeveloped. Property to the south is zoned LC and is agricultural land.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned LC Limited Commercial and SF-5 Single-Family Residential and is currently developed with a single-family home and accessory structures. Historically, the majority of the land has been used for agriculture. The property can remain as it is under the current zoning classifications.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: With the recommended development standards, approval of the proposed CUP would be expected to have minimal detrimental impact on nearby property.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would add commercial and residential development to this area, which is generally considered a gain to the public welfare in that it expands the employment and tax base. Denial would presumably represent a loss of economic opportunity to the applicant and/or land owner.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed zone change and Community Unit Plan is in conformance to the *Community Investments Plan.* The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for "Residential" and "New Residential." These categories encompass areas of land that will likely be developed or redeveloped with residential uses by 2035. The category states, "Pockets of institutional and commercial uses likely will be developed within this area as well, based upon market-driven location factors." The application area is at the intersection of two arterial streets, which historically has been deemed appropriate for commercial

Wichita-Sedgwick County Metropolitan Area Planning Department

October 22, 2021

Iron Horse Development, LLC
Levi Bond
142 N Emporia
Wichita, KS 67202

RE: **CUP2021-00051 with ZON2021-0045:** City request for a mixed use Community Unit Plan on LC Limited Commercial zoned property generally located on the northeast corner of West 47th Street South and South Meridian Avenue (associated with ZON2021-45 a zone change from SF-5 Single-Family Residential to LC Limited Commercial).

Dear Applicants;

At its regular meeting on **October 21, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

1. The Development Guidelines shall be modified to read in accordance with the attached recommendation. Changes include:
    a. A height restriction of 35-feet on Parcel 3
    b. The north property line shall have 1.5 times the landscaping required by the Wichita Landscape Ordinance.
2. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.
3. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-360 47th and Meridian CUP) has special conditions for development on the property.
4. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of final approval to the Metropolitan Area Planning Department or the amendment shall be deemed null and void.

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 **November 4, 2021.** 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 **November 4, 2021 at 5:00 p.m.**

This case is scheduled for consideration by the Wichita City Council on **Tuesday, November December 7, 2021, 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.

PLANNING DEPARTMENT RECOMMENDED CUP TEXT FOR DP-360:

1. PROJECT DESCRIPTION
   AREA: THE TOTAL DEVELOPMENT CONTAINS 7.25 ACRES +/- 315, 810 SQUARE FEET +/-
2. SUMMARY:
   TOTAL ALLOWABLE FLOOR RATIO = 0.40 ~~UNLESS NOTED OTHERWISE~~
   MAXIMUM BUILDING COVERAGE = 30%
   MINIMUM BUILDING SETBACKS: (APPLIES TO ALL PARCELS)
   ARTERIAL STREET SETBACK = 60'
   REAR SETBACK= 10' (OR PER COMPATIBILITY SETBACK STANDARDS)
   INTERIOR SIDE SETBACK= 10'
   IF CONTIGUOUS PARCELS ARE TO BE DEVELOPED UNDER THE SAME OWNERSHIP, SETBACKS BETWEEN THOSE PARCELS WILL NOT BE REQUIRED.

3. ALL USES PERMITTED IN THE LC, LIMITED COMMERCIAL DISTRICT, ARE PERMITTED FOR ALL OF THE PARCELS SUBJECT TO THE CONDITIONS BELOW, AND EXCEPT THE FOLLOWING USES:

GROUP RESIDENCE, LIMITED; GROUP RESIDENCE, GENERAL; CORRECTIONAL PLACEMENT RESIDENCE, LIMITED; CORRECTION PLACEMENT RESIDENCE GENERAL; PARKS AND RECREATION; RECYCLING COLLECTION STATION, PRIVATE; RECYCLING COLLECTION STATION, PUBLIC; UTILITY, MAJOR; UTILITY, MINOR; HELIPORT; KENNEL, BOARDING/BREEDING/TRAINING; NIGHT CLUB IN THE CITY UNLESS ASSOCIATED WITH AN EVENT CENTER, RESTAURANT, OR CHURCH; ~~NIGHT CLUB IN THE COUNTY~~; PAWN SHOP; SEXUALLY ORIENTED BUSINESS; CEMETERY; GOLF COURSE; MARINE FACILITY, RECREATIONAL; ALL INDUSTRIAL/MANUFACTURING/EXTRACTIVE USES.

TAVERN AND DRINKING ESTABLISHMENTS ARE PROHIBITED WITHIN 300 FEET OF THE EAST PROPERTY LINE.

THE USES PERMITTED BY THE C.U.P. ARE ONLY THOSE PERMITTED BY RIGHT AND NOT BY CONDITIONAL USE.

OUTDOOR STORAGE AND DISPLAY AS PERMITTED IN THE GC DISTRICT SHALL BE ALLOWED AS AN ACCESSORY USE TO AN APPROVED USE IN THE C.U.P. PROVIDED THAT AREA OF OUTDOOR STORAGE DOES NOT EXCEED 20 PERCENT OF THE FLOOR AREA OF THE PRINCIPAL USE. OUTDOOR DISPLAY IS PERMITTED IS PERMITTED AS ALLOWED IN GC GENERAL COMMERCIAL ZONING. OUTDOOR STORAGE AS A PRIMARY USE SHALL BE PROHIBITED.

4. THE TRANSFER OF THE TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE COMMUNITY UNIT PLAN DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF; BUT SAID PLAN SHALL RUN WITH THE LAND FOR COMMERCIAL DEVELOPMENT AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS ~~AND AMENDED~~. HOWEVER, THE DIRECTOR OF PLANNING ~~THE MAPD~~, WITH THE CONCURRENCE OF THE ZONING ADMINISTRATOR, MAY APPROVE MINOR ADJUSTMENTS TO THE CONDITIONS IN THIS OVERLAY, CONSISTENT WITH THE APPROVED DEVELOPMENT PLAN, WITHOUT FILING A FORMAL ORDINANCE AMENDMENT.

5. LANDSCAPING FOR THIS SITE SHALL BE REQUIRED AS FOLLOWS:

4. THE TRANSFER OF THE TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE COMMUNITY UNIT PLAN DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF; BUT SAID PLAN SHALL RUN WITH THE LAND FOR COMMERCIAL DEVELOPMENT AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS ~~AND AMENDED~~. HOWEVER, THE DIRECTOR OF PLANNING ~~THE MAPD~~, WITH THE CONCURRENCE OF THE ZONING ADMINISTRATOR, MAY APPROVE MINOR ADJUSTMENTS TO THE CONDITIONS IN THIS OVERLAY, CONSISTENT WITH THE APPROVED DEVELOPMENT PLAN, WITHOUT FILING A FORMAL ORDINANCE AMENDMENT.

5. LANDSCAPING FOR THIS SITE SHALL BE REQUIRED AS FOLLOWS:
A. LANDSCAPED STREET YARDS, BUFFERS, AND PARKING LOT LANDSCAPING/SCREENING, SHALL BE IN ACCORDANCE WITH THE CITY OF WICHITA LANDSCAPE ORDINANCE, EXCEPT A LANDSCAPE BUFFER ALONG THE NORTH AND EAST PROPERTY LINES SHALL BE 1.5 TIMES THE REQUIRED LANDSCAPING WITH ONE-THIRD OF THE TREES BEING EVERGREEN.
B. A LANDSCAPE PLAN SHALL BE PREPARED BY A KANSAS LANDSCAPE ARCHITECT FOR THE ABOVE REFERENCED LANDSCAPING, INDICATING THE TYPE, LOCATION, AND SPECIFICATIONS OF ALL PLANT MATERIAL. THIS PLAN SHALL BE SUBMITTED TO THE METROPOLITAN AREA PLANNING DEPARTMENT (MAPD) FOR ITS REVIEW AND APPROVAL PRIOR TO ISSUANCE OF ANY BUILDING PERMIT(S)

6. LIGHTING
A. LIGHTING SHALL BE IN ACCORDANCE WITH THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION IV.
B. ALL PARCELS SHALL SHARE SIMILAR OR CONSISTENT PARKING LOT LIGHTING ELEMENTS (I.E. FIXTURES, POLES AND LAMPS AND ETC.), AS APPROVED BY THE DIRECTOR OF THE MAPD
C. ALL LIGHTING SHALL BE SHIELDED TO DIRECT LIGHT DISBURSEMENT IN A DOWNWARD DIRECTION AND DIRECTED AWAY FROM RESIDENTIAL AREAS.
D. LIGHT POLES INCLUDING ABOVE GROUND BASE SHALL BE LIMITED TO 25 FEET TALL, EXCEPT 15 FEET TALL WHEN WITHIN 100 FEET OF RESIDENTIAL USE. ~~SCHOOL IS NOT A RESIDENTIAL USE.~~ FOR THE PURPOSE OF LIGHTING, PARKS AND/OR COMMUNITY OPEN SPACES SHALL NOT BE CONSIDERED RESIDENTIAL USES.

7. SCREENING FOR THIS SITE SHALL BE REQUIRED AS FOLLOWS:
A. ROOFTOP MECHANICAL EQUIPMENT SHALL BE SCREENED FROM GROUND LEVEL VIEW. SCREENING MATERIALS SHALL MATCH THE BUILDING ROOF OR WALL MATERIALS.
B. TRASH RECEPTACLES, LOADING DOCKS, OUTDOOR STORAGE, AND LOADING AREAS SHALL BE APPROPRIATELY SCREENED WITH MATERIALS MATCHING OR SIMILAR TO THE BUILDING(S) FACADE MATERIALS TO REASONABLY HIDE THEM FROM GROUND VIEW.
C. NO ADDITIONAL SOLID SCREENING SHALL BE REQUIRED ALONG THE NORTH LINE OF DEVELOPMENT UNLESS THE EXISTING MASONRY WALL IS REMOVED OR SIGNIFICANTLY MODIFIED/REDUCED IN HEIGHT.
D. SOLID SCREENING SHALL BE REQUIRED ALONG THE EAST LINE OF THE DEVELOPMENT. AT A MINIMUM, A WOOD FENCE OF AT LEAST 6 FEET IN HEIGHT SHALL BE INSTALLED.
E. UNLESS OTHERWISE NOTED SCREENING SHALL BE IN ACCORDANCE WITH THE WICHITA SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION IV-B.3 AND SECTION III-C.2.B

8. SIGNS: AS PERMITTED UNDER THE SIGN CODE OF THE CITY OF WICHITA
A. NO PORTABLE, BANNER, OR PENNANT SIGNS SHALL BE PERMITTED

10. NO OCCUPANCY PERMITS SHALL BE ISSUED FOR ANY DEVELOPMENT WITHOUT SERVICES BY WATER AND SEWER.

11. THE FOLLOWING TRANSPORTATION IMPROVEMENTS AND PARCEL ACCESS SHALL BE PROVIDED:
A. ACCESS CONTROLS SHALL BE AS SHOWN ON THE FINAL PLAT.
B. CROSS-LOT CIRUCLATION AGREEMENTS SHALL BE REQUIRED AT THE TIME OF PLATTING TO ASSURE INTERNAL VEHICULAR MOVEMENT BETWEEN PARCELS WITHIN THE C.U.P.

12. ALL PROPOSED NEW UTILITIES SHALL BE INSTALLED UNDERGROUND.

13. ARCHITECTURAL CONTROLS: ALL BUILDINGS WITHIN THE C.U.P. SHALL SHARE COMPLIMENTARY ARCHITECTURAL CHARACTER AND COLORS. THE BUILDING(S) WALLS SHALL NOT UTILIZE METAL AS A PREDOMINANT EXTERIOR FACADE MATERIAL UNLESS DESIGNED TO MEET THE ABOVE ARCHITECTURAL CONTROLS AND APPROVED BY THE DIRECTOR OF PLANNING.

14. 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 AND THE DIRECTOR OF PLANNING, SHALL CONSTITUTE A VIOLATION OF THE BUILDING PERMIT AUTHORIZING CONSTRUCTION OF THE PROPOSED DEVELOPMENT.

15. ANY MAJOR CHANGES WITHIN THIS COMMUNITY UNIT PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION AND THE GOVERNING BODY FOR THEIR CONSIDERATION. AMENDMENTS, ADJUSTMENTS, OR INTERPRETATIONS TO THE C.U.P. SHALL BE IN ACCORDANCE WITH THE UNIFIED ZONING CODE.

Applicant shall add individual parcel descriptions with the following information:

- Gross floor area (acreage and square feet)
- Maximum building height
- Building coverage (percentage and square feet)
- Max. Gross Floor Area (percentage and square feet)

OCA 150004

(Published in the Wichita Eagle, 12/17/2021)

ORDINANCE NO. 51-1086

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. ZON2021-00045 with CUP2021-00051

Zone change from SF-5 Single-Family Residential to LC Limited Commercial District, subject to the development standards contained in Community Unit Plan DP-360, on property described as:

The South 600 feet of the West half of the Southwest Quarter of the Southwest Quarter of Section 18, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT for Lot 1, Block 1, South Meridian Odor Control Facility Addition, Wichita, Sedgwick County, Kansas; AND EXCEPT that part conveyed to the City of Wichita, Kansas, by Trustee's Deed recorded as Doc#/Flm-Pg: 29047969

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Karen Sublett, City Clerk

(SEAL)

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

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	188606	WIC-12-17-2021	ORD. NO. 51-686	$50.40	1	6.00 In

Attention: Jamie Buster

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

LEGAL PUBLICATION



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

No. of Insertions: 1

Beginning Issue of: 12/17/2021

Ending Issue of: 12/17/2021

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 12/17/2021 to 12/17/2021.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/17/2021

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

OCA 150004
PUBLISHED IN THE WICHITA EAGLE,
DECEMBER 17, 2021 (437311)

ORDINANCE NO. 51-686

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:

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Zone change from SF-5 Single-Family Residential to LC Limited Commercial District, subject to the development standards contained in Community Unit Plan DP-360, on property described as:

The South 600 feet of the West half of the Southwest Quarter of the Southwest Quarter of Section 18, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT for Lot 1, Block 1, South Meridian Odor Control Facility Addition, Wichita, Sedgwick County, Kansas; AND EXCEPT that part conveyed to the City of Wichita, Kansas, by Trustee's Deed recorded as Doc#/Flm-Pg: 29047969.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Brandon J. Whipple, Mayor,
City of Wichita

ATTEST:

Karen Sublett, City Clerk

(SEAL) Approved as to form:

Jennifer Magaña, City Attorney
and Director of Law

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
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Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	142136	WIC-9-30-21	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

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

No. of Insertions: 1
Beginning Issue of: 09/30/2021
Ending Issue of: 09/30/2021

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 09/30/2021 to 09/30/2021.

M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 06/14/2022

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

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LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
ON SEPTEMBER 30, 2021 (326918)
(One Time Only)

MAPC/BZA October 21, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, October 21, 2021 no earlier than 1:30 p.m.**, the WichitaSedgwick 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). **If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.**

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CUP2021-00050 - City Community Unit Plan amendment to allow restaurant/bar with entertainment (defined as Night Club in the City), Generally located on the east side of North Amidon Avenue and within one-quarter mile south of West 21st Street North (2106 North Amidon).

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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).

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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

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Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141

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WITNESS MY HAND on September 30, 2021

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

Congress juggles funding, debt limit, Biden agenda



J. SCOTT APPLEWHITE AP

Sen. Joe Manchin, D-W.Va., a centrist Democrat vital to the fate of President Joe Biden's $3.5 trillion domestic agenda, is surrounded by reporters outside the Capitol on Wednesday.

BY ERIK WASSON AND LAURA LITVAN
Bloomberg News

WASHINGTON

President Joe Biden's economic agenda faced a pivotal day in Congress Wednesday, with the prospects growing of an embarrassing setback for his infrastructure bill and markets beginning to take notice of the intensifying debt ceiling standoff with Republicans.

Senate Majority Chuck Schumer said he anticipates Congress will avert a government shutdown by passing a stopgap spending bill before current funding expires Friday.

But he was not as optimistic on efforts to suspend the debt ceiling, which Republicans have refused to do.

"We're just asking Republicans to get out of the way," Schumer said on the Senate floor.

Treasury Secretary Janet Yellen has warned that a default looms on Oct. 18 without congressional action.

Concerns about the current impasse in Washington over the debt limit and other fiscal measures contributed to the biggest selloff in equities since May. The 2% drop in the S&P 500 Index was partially reversed in Wednesday trading.

Congress appears to be working toward averting a shutdown of nonessential government functions after the end of the fiscal year on Thursday. As soon as Wednesday evening, the Senate planned to take up the stopgap spending bill extending funding through Dec. 3 and providing billions in disaster aid and funds for Afghan refugees. The House plans to quickly follow suit.

Democrats earlier attempted to use the stopgap measure as a vehicle for a debt ceiling suspension but Republicans blocked that effort in the Senate.

For now, Democrats are trying to win public support. They plan to pass a stand-alone debt limit bill in the House to highlight the issue and continue to seek GOP consent in the Senate to pass the debt limit with just 51 votes instead of the usual 60 votes.

Republicans continue to press Democrats to use the same fast-track budget process to raise the debt ceiling without GOP support they plan to use for the tax and spending measure that encompasses much of Biden's agenda.

Across the Capitol, Speaker Nancy Pelosi faces a hard choice of when to hold a vote on the $550 billion infrastructure bill, which has already passed the Senate with bipartisan support.

Pelosi has promised moderates in her caucus a Thursday vote on the bill, a top priority for swing-district Democrats. But progressives have doubled down on their threat to vote down the bill until the House and Senate passes a $3.5 trillion tax and spending measure that funds many of their priorities.

"I think if we come to a place where we have agreement in legislative language, not just principle but legislative language that the president supports," Pelosi said, "and then I think we will come together."

To unlock the second larger bill, the House is waiting on Senate moderates led by Joe Manchin of West Virginia and Kyrsten Sinema of Arizona to reveal the price tag they'll support. Manchin has hinted he could back $1.5 trillion while Sinema has been more circumspect.

Biden was personally negotiating with the two senators and canceled a trip to Chicago to continue those talks.

Without some deal between Biden and the moderates, it is increasingly likely that that the infrastructure bill will fail on the House floor or that Pelosi will pull it from the schedule. As a result, the entire Biden agenda could languish in Congress for months.

Kansas leaders have failed in attempts to expand Medicaid. Will Congress do it for them?

BY DANIEL DESROCHERS AND KATIE BERNARD
ddesrochers@mcclatchydc.com
cbernard@kcstar.com

WASHINGTON

For nearly a decade, politicians in Kansas have sought to expand access to Medicaid only to be blocked by conservative Republicans.

Gov. Sam Brownback vetoed a bi-partisan effort in 2017, citing the lack of work requirements for beneficiaries and a failure to defund Planned Parenthood. Senate President Susan Wagle scuttled another bi-partisan agreement in 2020, making passage contingent on approval of an anti-abortion constitutional amendment.

Now, Democrats in Washington, D.C. are on the verge of stepping in.

"State after state has chosen to expand Medicaid and protect the health of their most vulnerable residents, but Kansans continue to suffer solely because partisan actors have repeatedly chosen to leave money on the table," said Kansas U.S. Rep. Sharice Davids. "Kansans have made their voices clear on this — that's why we are exploring every avenue, including continued financial incentives for states and a federal option to close the Medicaid coverage gap."

Among the many provisions in the mammoth budget bill Democrats are calling "Build Back Better" is a new Medicaid program to provide health insurance for most low-income adults in the 12 states, like Kansas, that have not expanded eligibility for coverage. The expansion, a provision of the 2010 Affordable Care Act, would cover households making up to 138 percent of the federal poverty line, or $36,570 for a family of four.

It may be the only shot to extend coverage to the estimated 165,000 Kansans who don't have health insurance. The latest efforts to expand Medicaid have attracted little support in Topeka.

"I don't think it's in the cards in this building for 2022," State Sen. Pat Pettey, a Kansas City, Kansas Democrat said in Topeka last week. "We haven't been able as a Legislature to even have, I would say within the last 2 years, to even have a significant conversation about Medicaid expansion."

Any federal Medicaid expansion relies on Democrats agreeing to pass a budget bill packed with legislative priorities, from universal pre-kindergarten to combating climate change. The status of the package is tenuous. Conservative Democrats in the Senate have chafed at the $3.5 trillion cost, and House and Senate Democrats are negotiating what portions to cut.

Some of the bill's healthcare provisions have been part of the negotiations, such as whether to allow Medicare to negotiate drug prices with pharmaceutical companies, another measure supported by Davids. The provision creating a federal Medicaid program for people in the "coverage gap," however, has stayed uncontroversial.

If the provision remains and the bill becomes law, the Secretary of the Department of Health and Human Services would have until 2025 to create a new program to administer Medicaid to the newly eligible recipients.

Until the program is set up, they would be able to get subsidies to purchase coverage in the federal health insurance marketplace.

Depending on how the program is set up, the federal workaround means the state potentially would not have to spend any money on insurance coverage for the expanded Medicaid population — even though the federal government covers 90 percent of the cost for states that have expanded.

But it also means they won't get any say over running the program and how to best tailor it for Kansas.

"It would be great to have those people insured but we do lose the opportunity to make it a Kansas program, to put our own stamp on things," said Kansas state Rep. Susan Concannon, a Beloit Republican who supports Medicaid expansion.

Expansion proponents said they would still like to see the Kansas legislature pass a bill. April Hollman, Executive Director of the Alliance for a Healthy Kansas, said she would like to see a program tailored to the needs of Kansas, which would require expansion by the legislature instead of a federal workaround.

Concannon said she hoped the state's lack of control over the workaround would encourage conservatives who have resisted expansion to come to the negotiating table.

A federal program may not have work requirements, which some conservatives have made a condition of expansion. The 2020 version of the bill crafted by Kelly and Senate Republican leader Jim Denning had a program that referred people to work, but didn't require it.

Still, the prospect of the federal government stepping in doesn't appear to have changed the minds of Republicans who opposed Medicaid expansion. Sen. Richard Hilderbrand, a Galena Republican and chair of the Senate Health and Human Services Committee, called it federal overreach and promised to seek ways to fight if it goes through.

"The federal government is stepping way outside of its intent of what the founding fathers wanted it to be," Hilderbrand said. "We don't need any more federal programs and if it's a state issue like it always has been let the states decide if they want it or they don't."

Focus on boosters might hurt outreach for 1st-time shots

BY MIKE STOBBE
The Associated Press

NEW YORK

The spread of COVID-19 vaccination requirements across the U.S. hasn't had the desired effect so far, with the number of Americans getting their first shots plunging in recent weeks. And some experts worry that the move to dispense boosters could just make matters worse.

The fear is that the rollout of booster shots will lead some people to question the effectiveness of the vaccine in the first place.

"Many of my patients are already saying, 'If we need a third dose, what was the point?' " said Dr. Jason Goldman, a physician in Coral Springs, Florida.

The average daily count of Americans getting a first dose of vaccine has been falling for six weeks, plummeting more than 50% from about 480,000 in early August to under 230,000 by the middle of last week, according to the most recently available federal data.

An estimated 70 million vaccine-eligible Americans have yet to start vaccinations, despite a summer surge in infections, hospitalizations and deaths driven by the delta variant.

Experts have long said the key to ending the U.S. epidemic is vaccinating the vast majority of the American public – perhaps as much as 90%. But of the more than 283 million Americans age 12 and older who are eligible for shots, only about 65% – 184 million – are fully vaccinated, according to Centers for Disease Control and Prevention data. Children under 12 are not yet eligible to get vaccinated, meaning only about 55% of the U.S. public is fully protected.

More than 400,000 Americans got boosters at drugstores over the weekend, and 1 million more have signed up for them, according to White House officials.

FROM PAGE 1A

KANSAS GAS

done about it? Is there an investigation underway and what would be a reasonable timeline for the people of Kansas to know the truth about this? Was there price gouging and who made the money?"

The two FERC officials at the meeting told the senator they're doing what they can, but their power is limited.

"We don't have jurisdiction over the price of the sale of natural gas; Congress deregulated that a number of years ago," Glick said. "I believe it would be helpful if Congress would either get FERC or some other agency some sort of circuit breaker authority when there's extreme prices to impose some sort of limitations at certain times."

He and Christie told Marshall that the agency does have the authority to investigate whether prices were artificially inflated and they're working on that.

Both officials kept the details of the investigation close.

"Your question about who makes the money; it could be traders, it could be suppliers," Christie told Marshall. "It depends on the facts of the situation and what happened in Kansas and Oklahoma in this past February."

How long it will take to unravel that is an open question.

"I'm hoping months," rather than years, Glick told Marshall.

In the meantime, Kansas' regulatory agency, the Kansas Corporation Commission, has decided it doesn't have authority to investigate allegations of potential gouging and it's moving forward with payment plans that will spread the extraordinary February cost over the next few years of bills to tamp down rate shock.

Wichita-area households are expected to pay between $600 and $750 of additional costs from the freeze, according to documents filed with the KCC.

For Kansas Gas Service customers, that could range from $17.51 a month extra on gas bills over three years, to $5.10-$6 a month spread over 10 years.

Black Hills Energy, the No. 2 gas company in Wichita, has proposed charging an extra $12.23 a month spread over five years.

In addition to the FERC investigation, Attorney General Derek Schmidt is looking into whether the spiraling gas prices violated the Kansas Consumer Protection Act, a law designed to limit price increases on necessities during periods of emergency.

That law is also being invoked in a civil court case by the tiny city of Mulberry in southeast Kansas. James Zakoura, a prominent Kansas energy lawyer, is representing Mulberry and argues that gas suppliers engaged in price gouging and piracy during the freeze emergency.

Dion Lefler: 316-268-6527, @DionKansas

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON SEPTEMBER 30, 2021 (324918)
(One Time Only)

MAPC/BZA October 11, 2021
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Phone	316.268.4421
Fax	316.858.7744

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Access Code: 651-544-141

Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or in.gotomtg.gotu.com
Meeting ID: 651 544 141

Or dial directly 651544141@67.217.95.2 or 67.217.95.2#651544141

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WITNESS MY HAND on September 30, 2021

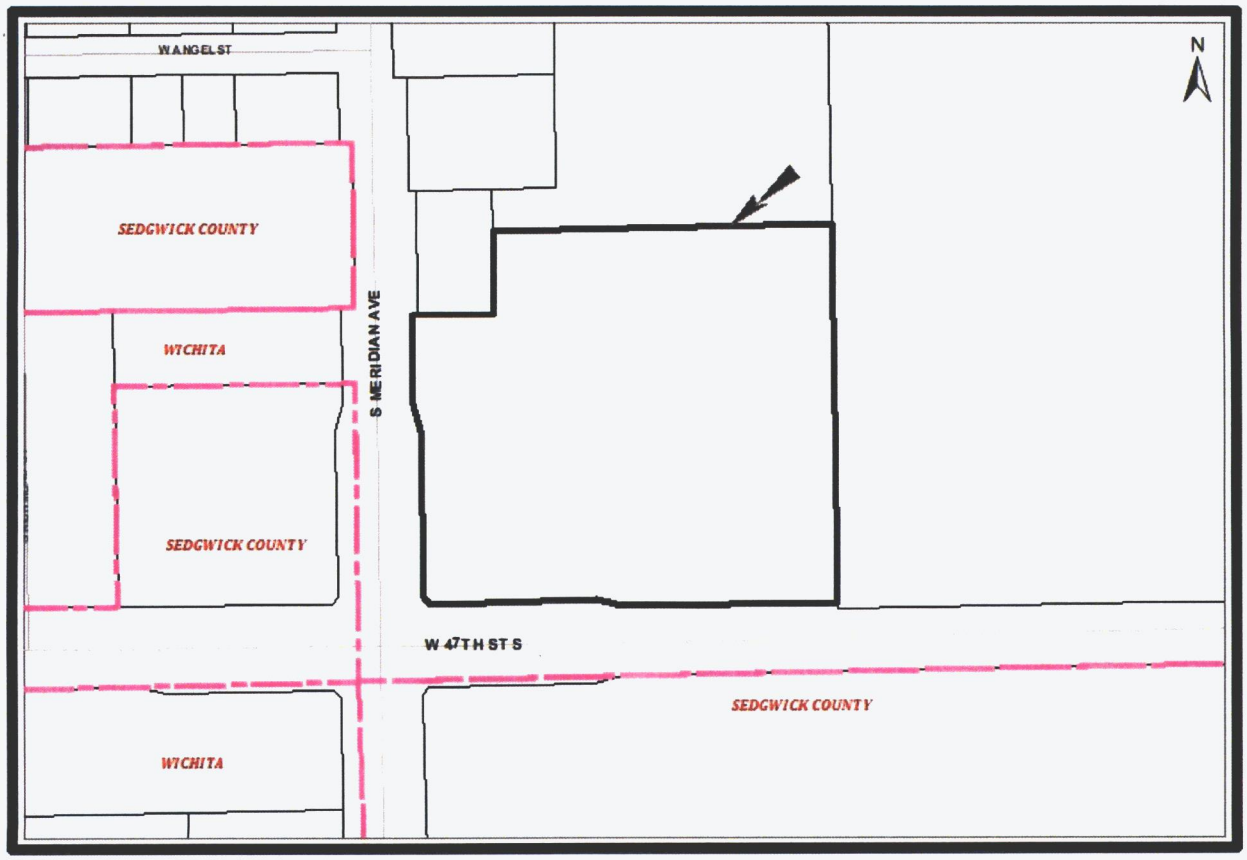
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.5

STAFF REPORT
MAPC: October 21, 2021
DAB IV: November 1, 2021

CASE NUMBER:	CUP2021-00051 and ZON2021-00045 (City)
APPLICANT/AGENT:	Christopher Lee (Applicant) / Iron Horse Development c/o Levi Bond (agent)
REQUEST:	LC Limited Commercial, and CUP DP-360: 47th and Meridian Community Unit Plan
CURRENT ZONING:	LC Limited Commercial and SF-5 Single-Family Residential
SITE SIZE:	7.25 acres
LOCATION:	On the northeast corner of South Meridian Avenue and West 47th Street South (4756 South Meridian Avenue).
PROPOSED USE:	Mixed use development, subject to restrictions of the CUP



APPROVED CUP TEXT FOR DP-360:

1. PROJECT DESCRIPTION
   AREA: THE TOTAL DEVELOPMENT CONTAINS 7.25 ACRES +/- 315, 810 SQUARE FEET +/-
2. SUMMARY:
   TOTAL ALLOWABLE FLOOR RATIO = 0.40 ~~UNLESS NOTED OTHERWISE~~
   MAXIMUM BUILDING COVERAGE = 30%
   MINIMUM BUILDING SETBACKS: (APPLIES TO ALL PARCELS)
   ARTERIAL STREET SETBACK = 60'
   REAR SETBACK= 10' (OR PER COMPATIBILITY SETBACK STANDARDS)
   INTERIOR SIDE SETBACK= 10'
   IF CONTIGUOUS PARCELS ARE TO BE DEVELOPED UNDER THE SAME OWNERSHIP, SETBACKS BETWEEN THOSE PARCELS WILL NOT BE REQUIRED.

3. ALL USES PERMITTED IN THE LC, LIMITED COMMERCIAL DISTRICT, ARE PERMITTED FOR ALL OF THE PARCELS SUBJECT TO THE CONDITIONS BELOW, AND EXCEPT THE FOLLOWING USES:

GROUP RESIDENCE, LIMITED; GROUP RESIDENCE, GENERAL; CORRECTIONAL PLACEMENT RESIDENCE, LIMITED; CORRECTION PLACEMENT RESIDENCE GENERAL; PARKS AND RECREATION; RECYCLING COLLECTION STATION, PRIVATE; RECYCLING COLLECTION STATION, PUBLIC; UTILITY, MAJOR; UTILITY, MINOR; HELIPORT; KENNEL, BOARDING/BREEDING/TRAINING; NIGHT CLUB IN THE CITY UNLESS ASSOCIATED WITH AN EVENT CENTER, RESTAURANT, OR CHURCH; ~~NIGHT CLUB IN THE COUNTY~~; PAWN SHOP; SEXUALLY ORIENTED BUSINESS; CEMETERY; GOLF COURSE; MARINE FACILITY, RECREATIONAL; ALL INDUSTRIAL/MANUFACTURING/EXTRACTIVE USES.

TAVERN AND DRINKING ESTABLISHMENTS ARE PROHIBITED WITHIN 300 FEET OF THE EAST PROPERTY LINE.

THE USES PERMITTED BY THE C.U.P. ARE ONLY THOSE PERMITTED BY RIGHT AND NOT BY CONDITIONAL USE.

OUTDOOR STORAGE AND DISPLAY AS PERMITTED IN THE GC DISTRICT SHALL BE ALLOWED AS AN ACCESSORY USE TO AN APPROVED USE IN THE C.U.P. PROVIDED THAT AREA OF OUTDOOR STORAGE DOES NOT EXCEED 20 PERCENT OF THE FLOOR AREA OF THE PRINCIPAL USE. OUTDOOR DISPLAY IS PERMITTED IS PERMITTED AS ALLOWED IN GC GENERAL COMMERCIAL ZONING. OUTDOOR STORAGE AS A PRIMARY USE SHALL BE PROHIBITED.

4. THE TRANSFER OF THE TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE COMMUNITY UNIT PLAN DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF; BUT SAID PLAN SHALL RUN WITH THE LAND FOR COMMERCIAL DEVELOPMENT AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS ~~AND AMENDED~~. HOWEVER, THE DIRECTOR OF PLANNING ~~THE MAPD~~, WITH THE CONCURRENCE OF THE ZONING ADMINISTRATOR, MAY APPROVE MINOR ADJUSTMENTS TO THE CONDITIONS IN THIS OVERLAY, CONSISTENT WITH THE APPROVED DEVELOPMENT PLAN, WITHOUT FILING A FORMAL ORDINANCE AMENDMENT.

5. LANDSCAPING FOR THIS SITE SHALL BE REQUIRED AS FOLLOWS:

A. LANDSCAPED STREET YARDS, BUFFERS, AND PARKING LOT LANDSCAPING/SCREENING, SHALL BE IN ACCORDANCE WITH THE CITY OF WICHITA LANDSCAPE ORDINANCE, EXCEPT A LANDSCAPE BUFFER ALONG THE NORTH AND EAST PROPERTY LINES SHALL BE 1.5 TIMES THE REQUIRED LANDSCAPING WITH ONE-THIRD OF THE TREES BEING EVERGREEN.

development abuts a public park. Staff is recommending approval of the six-foot screening fence with the addition that the required landscape buffer be 1.5 times what is required by the Wichita Landscape Ordinance and one-third of the trees be evergreen.

The applicant's proposed CUP has the standard architectural, landscaping, cross-lot circulation, and parking language. All buildings within the CUP are to share uniform architectural character, color and similar predominate exterior building materials. Landscaping is to be per the Wichita Landscape Ordinance. Rooftop mechanical equipment, trash receptacles, and loading areas shall be reasonably screened from ground level view. Outdoor storage and work areas, mechanical equipment, heating and air conditioning units and dumpsters located within 150 feet of a street require screening. Cross-lot circulation agreements between parcels will be provided. Parking is to be per code unless specified otherwise within the CUP.

Property to the north is zoned SF-5 Single-Family Residential and is developed with a single-family dwelling with accessory structures in addition to agricultural land. Property to the east is zoned SF-5 and is Sunview Park. Property to the west is zoned LC Limited Commercial and is undeveloped. Property to the south is zoned LC and is agricultural land.

CASE HISTORY: Other than the current CUP proposal with a request for zone change, no other cases have been filed. The property is unplatted. Platting will be required prior to the issuance of building permits.

ADJACENT ZONING AND LAND USE:

North:	SF-5:	Single-family dwelling and agricultural land
South:	LC:	Agricultural land
East:	SF-5:	Public park
West:	LC:	Undeveloped land

PUBLIC SERVICES: City water and sewer utilities are available nearby, but will need to be extended to serve the development. Both South Meridian Avenue and West 47th Street South are five-lane arterial streets with sidewalks on both sides. The intersection has been improved with left turn lanes.

CONFORMANCE TO PLANS/POLICIES: The proposed zone change and Community Unit Plan is in conformance to the comprehensive plan. The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for "Residential" and "New Residential." These categories encompass areas of land that will likely be developed or redeveloped with residential uses by 2035. The category states, "Pockets of institutional and commercial uses likely will be developed within this area as well, based upon market-driven location factors." The application area is at the intersection of two arterial streets, which historically has been deemed appropriate for commercial development. Furthermore, it is the intention of the applicant to develop a portion of the CUP with higher density residential uses.

The site is also located within the boundaries of the South Wichita/ Haysville Area Plan, and the requested zone change and Community Unit plan is in conformance with this plan. Adopted in 2002, the plan was conceived as an effort to provide guidance for redevelopment after a tornado went through the area in 1999, in addition to providing guidance for future development in the area. Chapter Four of the plan discusses the desire for new commercial development in the area, and the future land use map identifies this property as appropriate for commercial development and residential development. The attached future land use map indicates commercial land use for the immediate corner of South Meridian Avenue and West 47th Street South, but indicates residential development between the commercial corner and the public park. It is not an unreasonable request to expand commercial development at the arterial corner. In addition, the intention

12. ALL PROPOSED NEW UTILITIES SHALL BE INSTALLED UNDERGROUND.

13. ARCHITECTURAL CONTROLS: ALL BUILDINGS WITHIN THE C.U.P. SHALL SHARE COMPLIMENTARY ARCHITECTURAL CHARACTER AND COLORS. THE BUILDING(S) WALLS SHALL NOT UTILIZE METAL AS A PREDOMINANT EXTERIOR FACADE MATERIAL UNLESS DESIGNED TO MEET THE ABOVE ARCHITECTURAL CONTROLS AND APPROVED BY THE DIRECTOR OF PLANNING.

14. 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 AND THE DIRECTOR OF PLANNING, SHALL CONSTITUTE A VIOLATION OF THE BUILDING PERMIT AUTHORIZING CONSTRUCTION OF THE PROPOSED DEVELOPMENT.

15. ANY MAJOR CHANGES WITHIN THIS COMMUNITY UNIT PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION AND THE GOVERNING BODY FOR THEIR CONSIDERATION. AMENDMENTS, ADJUSTMENTS, OR INTERPRETATIONS TO THE C.U.P. SHALL BE IN ACCORDANCE WITH THE UNIFIED ZONING CODE.

Applicant shall add individual parcel descriptions with the following information:

- Gross floor area (acreage and square feet)
- Maximum building height (RESTRICTED TO 35 FEET ON PARCEL 3)
- Building coverage (percentage and square feet)
- Max. Gross Floor Area (percentage and square feet)

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6. Impact of the proposed development on community facilities: Staff does not anticipate any negative impacts to community facilities.

Attachment:
Recommended CUP Text for DP-360
DP-360 47th and Meridian CUP
Aerial Map
Zoning Map
Land Use Map
South Wichita/Haysville Area Future Land Use Map
Site Pictures

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
Christopher Lee, 4029 Sweet Bay Ct., Wichita, KS 67226
Tony and Teresa Ingram, 2417 W 45th Street South, Wichita, KS 67217
Larry and Marilyn Galvan, 2421 W 45th Street South, Wichita, KS 67217

MAPC RECOMMENDED CUP TEXT FOR DP-360:

1. PROJECT DESCRIPTION
   AREA: THE TOTAL DEVELOPMENT CONTAINS 7.25 ACRES +/- 315, 810 SQUARE FEET +/-
2. SUMMARY:
   TOTAL ALLOWABLE FLOOR RATIO = 0.40 ~~UNLESS NOTED OTHERWISE~~
   MAXIMUM BUILDING COVERAGE = 30%
   MINIMUM BUILDING SETBACKS: (APPLIES TO ALL PARCELS)
   ARTERIAL STREET SETBACK = 60'
   REAR SETBACK= 10' (OR PER COMPATIBILITY SETBACK STANDARDS)
   INTERIOR SIDE SETBACK= 10'
   IF CONTIGUOUS PARCELS ARE TO BE DEVELOPED UNDER THE SAME OWNERSHIP, SETBACKS BETWEEN THOSE PARCELS WILL NOT BE REQUIRED.

3. ALL USES PERMITTED IN THE LC, LIMITED COMMERCIAL DISTRICT, ARE PERMITTED FOR ALL OF THE PARCELS SUBJECT TO THE CONDITIONS BELOW, AND EXCEPT THE FOLLOWING USES:

GROUP RESIDENCE, LIMITED; GROUP RESIDENCE, GENERAL; CORRECTIONAL PLACEMENT RESIDENCE, LIMITED; CORRECTION PLACEMENT RESIDENCE GENERAL; PARKS AND RECREATION; RECYCLING COLLECTION STATION, PRIVATE; RECYCLING COLLECTION STATION, PUBLIC; UTILITY, MAJOR; UTILITY, MINOR; HELIPORT; KENNEL, BOARDING/BREEDING/TRAINING; NIGHT CLUB IN THE CITY UNLESS ASSOCIATED WITH AN EVENT CENTER, RESTAURANT, OR CHURCH; ~~NIGHT CLUB IN THE COUNTY~~; PAWN SHOP; SEXUALLY ORIENTED BUSINESS; CEMETERY; GOLF COURSE; MARINE FACILITY, RECREATIONAL; ALL INDUSTRIAL/MANUFACTURING/EXTRACTIVE USES.

TAVERN AND DRINKING ESTABLISHMENTS ARE PROHIBITED WITHIN 300 FEET OF THE EAST PROPERTY LINE.

THE USES PERMITTED BY THE C.U.P. ARE ONLY THOSE PERMITTED BY RIGHT AND NOT BY CONDITIONAL USE.

OUTDOOR STORAGE AND DISPLAY AS PERMITTED IN THE GC DISTRICT SHALL BE ALLOWED AS AN ACCESSORY USE TO AN APPROVED USE IN THE C.U.P. PROVIDED THAT AREA OF OUTDOOR STORAGE DOES NOT EXCEED 20 PERCENT OF THE FLOOR AREA OF THE PRINCIPAL USE. OUTDOOR DISPLAY IS PERMITTED IS PERMITTED AS ALLOWED IN GC GENERAL COMMERCIAL ZONING. OUTDOOR STORAGE AS A PRIMARY USE SHALL BE PROHIBITED.

A. LANDSCAPED STREET YARDS, BUFFERS, AND PARKING LOT LANDSCAPING/SCREENING, SHALL BE IN ACCORDANCE WITH THE CITY OF WICHITA LANDSCAPE ORDINANCE, EXCEPT A LANDSCAPE BUFFER ALONG THE EAST PROPERTY LINE SHALL BE 1.5 TIMES THE REQUIRED LANDSCAPING WITH ONE-THIRD OF THE TREES BEING EVERGREEN.

B. A LANDSCAPE PLAN SHALL BE PREPARED BY A KANSAS LANDSCAPE ARCHITECT FOR THE ABOVE REFERENCED LANDSCAPING, INDICATING THE TYPE, LOCATION, AND SPECIFICATIONS OF ALL PLANT MATERIAL. THIS PLAN SHALL BE SUBMITTED TO THE METROPOLITAN AREA PLANNING DEPARTMENT (MAPD) FOR ITS REVIEW AND APPROVAL PRIOR TO ISSUANCE OF ANY BUILDING PERMIT(S)

6. LIGHTING

A. LIGHTING SHALL BE IN ACCORDANCE WITH THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION IV.

B. ALL PARCELS SHALL SHARE SIMILAR OR CONSISTENT PARKING LOT LIGHTING ELEMENTS (I.E. FIXTURES, POLES AND LAMPS AND ETC.), AS APPROVED BY THE DIRECTOR OF THE MAPD

C. ALL LIGHTING SHALL BE SHIELDED TO DIRECT LIGHT DISBURSEMENT IN A DOWNWARD DIRECTION AND DIRECTED AWAY FROM RESIDENTIAL AREAS.

D. LIGHT POLES INCLUDING ABOVE GROUND BASE SHALL BE LIMITED TO 25 FEET TALL, EXCEPT 15 FEET TALL WHEN WITHIN 100 FEET OF RESIDENTIAL USE. ~~SCHOOL IS NOT A RESIDENTIAL USE.~~ FOR THE PURPOSE OF LIGHTING, PARKS AND/OR COMMUNITY OPEN SPACES SHALL NOT BE CONSIDERED RESIDENTIAL USES.

7. SCREENING FOR THIS SITE SHALL BE REQUIRED AS FOLLOWS:

A. ROOFTOP MECHANICAL EQUIPMENT SHALL BE SCREENED FROM GROUND LEVEL VIEW. SCREENING MATERIALS SHALL MATCH THE BUILDING ROOF OR WALL MATERIALS.

B. TRASH RECEPTACLES, LOADING DOCKS, OUTDOOR STORAGE, AND LOADING AREAS SHALL BE APPROPRIATELY SCREENED WITH MATERIALS MATCHING OR SIMILAR TO THE BUILDING(S) FACADE MATERIALS TO REASONABLY HIDE THEM FROM GROUND VIEW.

C. NO ADDITIONAL SOLID SCREENING SHALL BE REQUIRED ALONG THE NORTH LINE OF DEVELOPMENT UNLESS THE EXISTING MASONRY WALL IS REMOVED OR SIGNIFICANTLY MODIFIED/REDUCED IN HEIGHT.

D. SOLID SCREENING SHALL BE REQUIRED ALONG THE EAST LINE OF THE DEVELOPMENT. AT A MINIMUM, A WOOD FENCE OF AT LEAST 6 FEET IN HEIGHT SHALL BE INSTALLED.

E. UNLESS OTHERWISE NOTED SCREENING SHALL BE IN ACCORDANCE WITH THE WICHITA SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION IV-B.3 AND SECTION III-C.2.B

8. SIGNS: AS PERMITTED UNDER THE SIGN CODE OF THE CITY OF WICHITA

A. NO PORTABLE, BANNER, OR PENNANT SIGNS SHALL BE PERMITTED

B. WINDOW SIGNAGE SHALL BE LIMITED TO 25% OF WINDOW AREA

C. BILLBOARDS AND OFF SITE SIGNS ARE PROHIBITED.

9. PARKING

ALL PARCELS SHALL BE IN ACCORDANCE WITH THE WICHITA-SEDGWICK COUNTY CODE, SECTION IV-A, UNLESS OTHERWISE SPECIFIED.

B. WINDOW SIGNAGE SHALL BE LIMITED TO 25% OF WINDOW AREA
C. BILLBOARDS AND OFF SITE SIGNS ARE PROHIBITED.

9. PARKING
ALL PARCELS SHALL BE IN ACCORDANCE WITH THE WICHITA-SEDGWICK COUNTY CODE, SECTION IV-A, UNLESS OTHERWISE SPECIFIED.

10. NO OCCUPANCY PERMITS SHALL BE ISSUED FOR ANY DEVELOPMENT WITHOUT SERVICES BY WATER AND SEWER.

11. THE FOLLOWING TRANSPORTATION IMPROVEMENTS AND PARCEL ACCESS SHALL BE PROVIDED:
A. ACCESS CONTROLS SHALL BE AS SHOWN ON THE FINAL PLAT.
B. CROSS-LOT CIRUCLATION AGREEMENTS SHALL BE REQUIRED AT THE TIME OF PLATTING TO ASSURE INTERNAL VEHICULAR MOVEMENT BETWEEN PARCELS WITHIN THE C.U.P.

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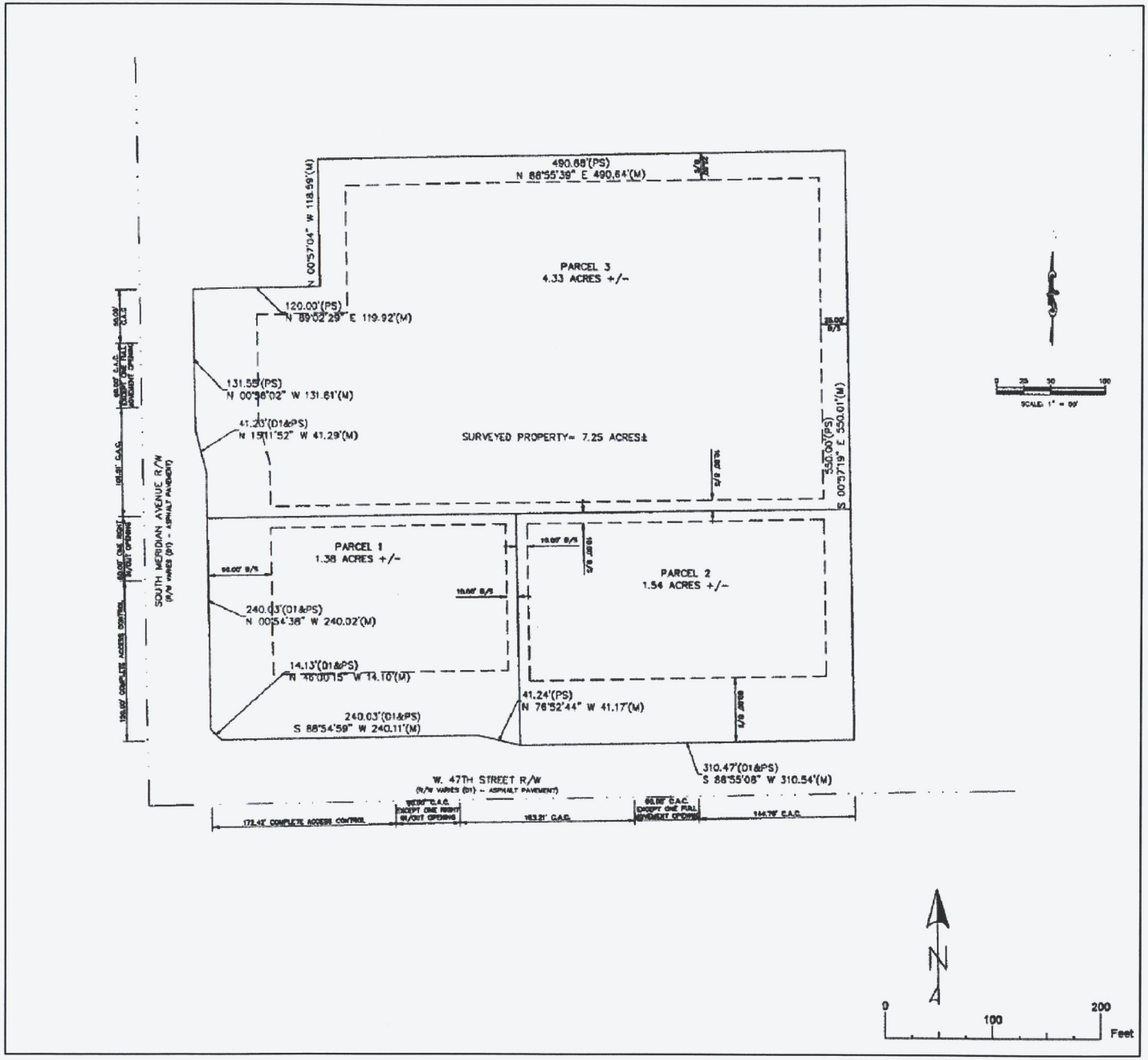
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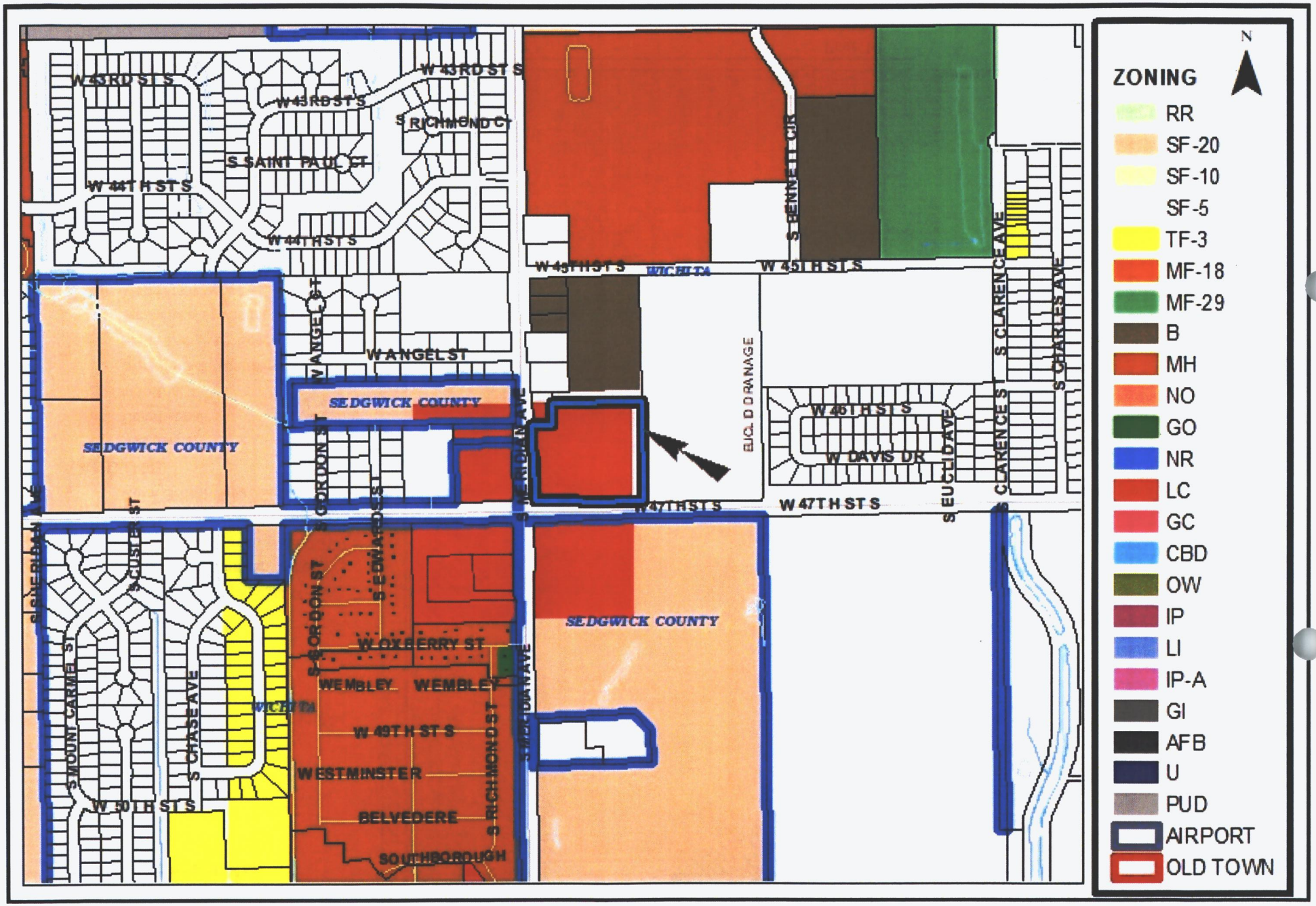
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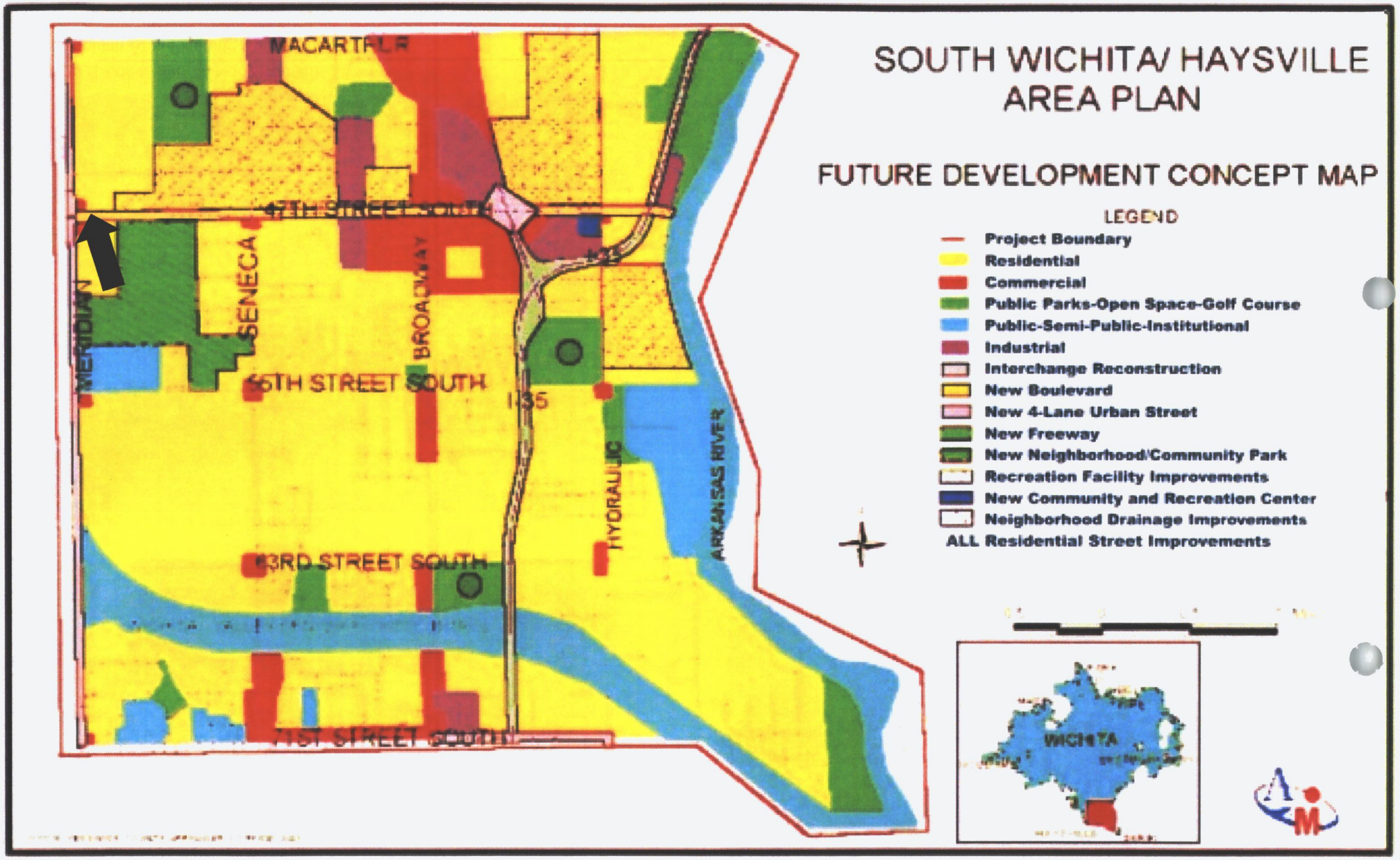
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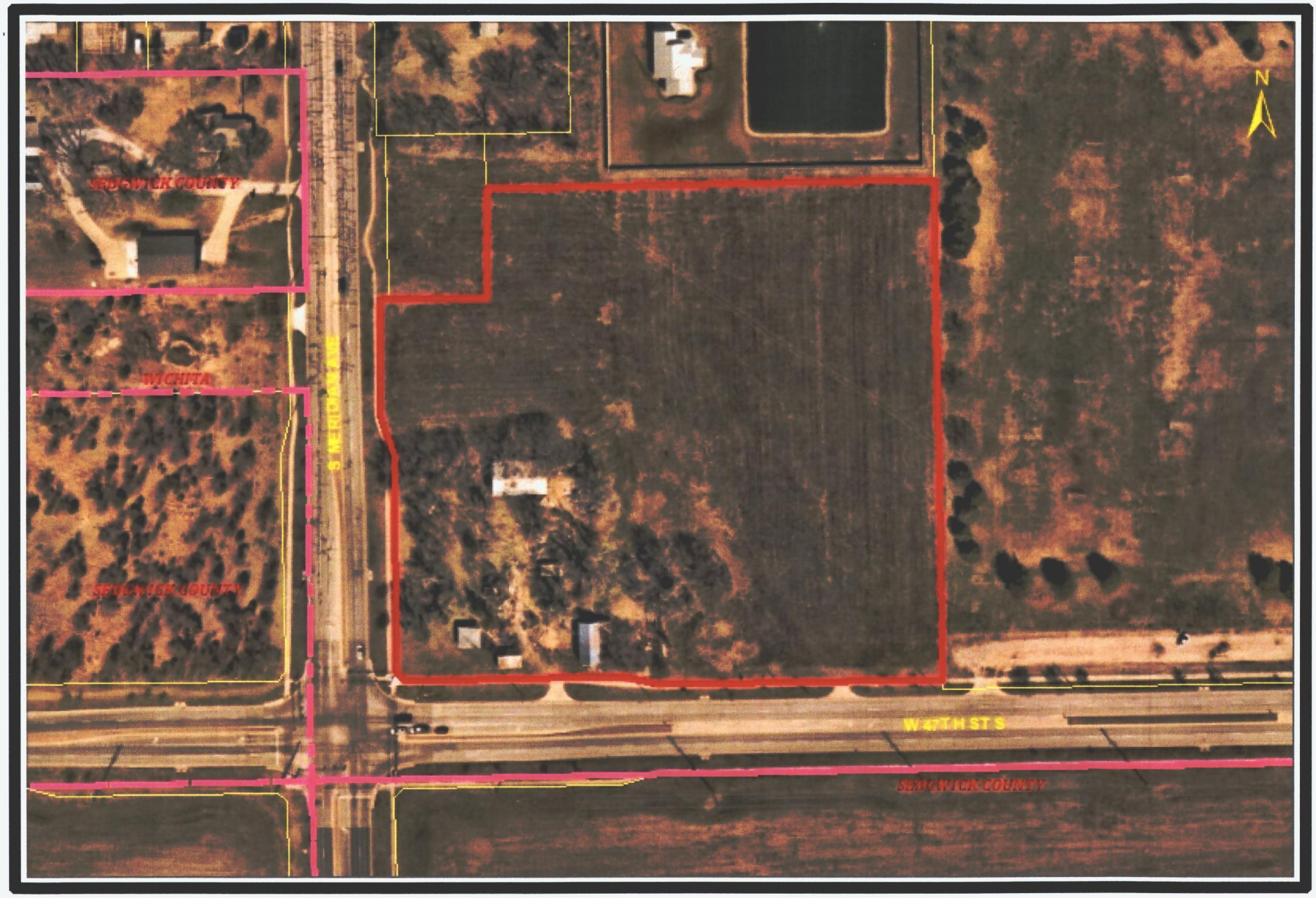
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- Gross floor area (acreage and square feet)
- Maximum building height (RESTRICTED TO 35 FEET ON PARCEL 3)
- Building coverage (percentage and square feet)
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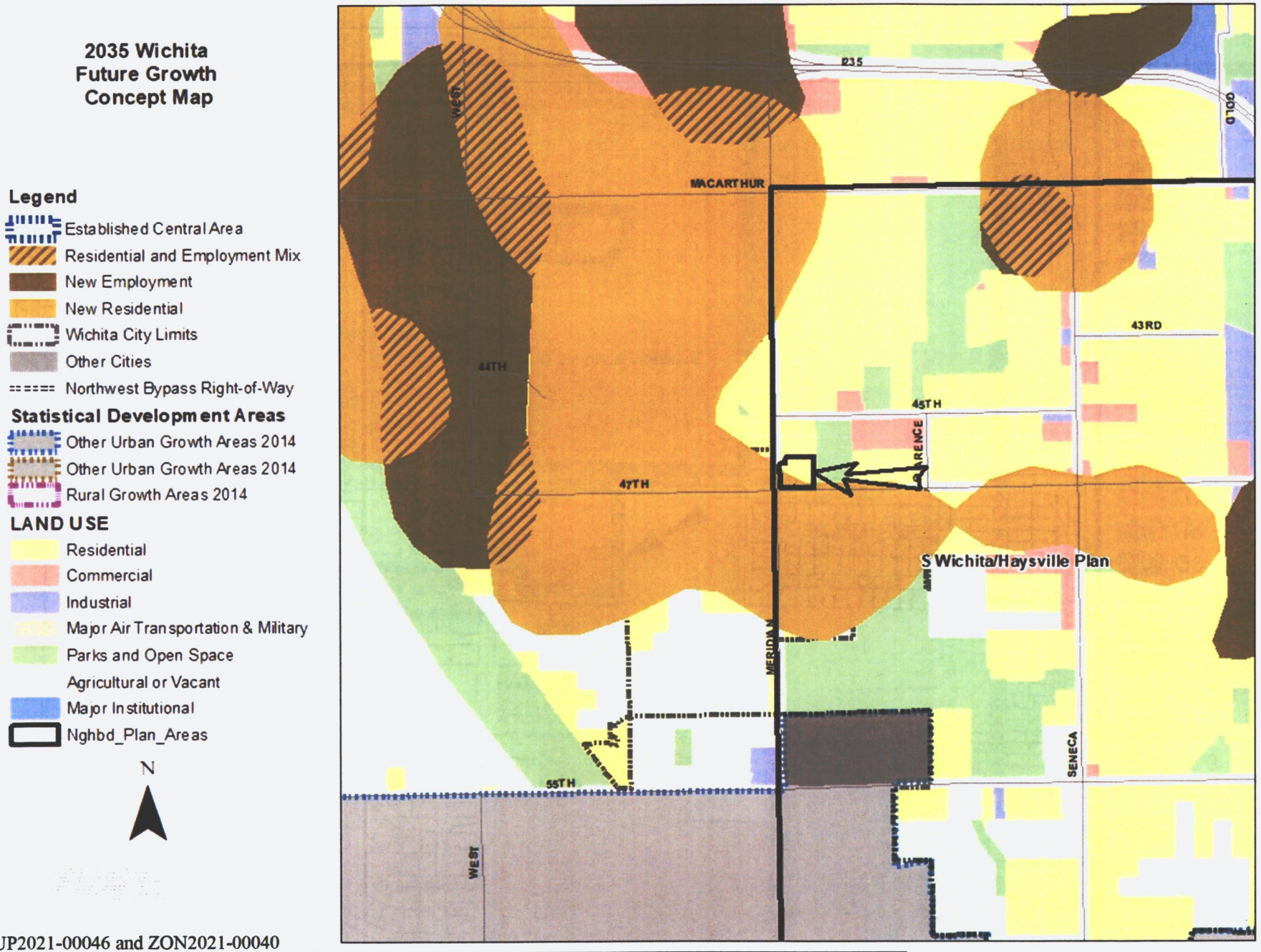

490.68'(PS)
N 88°55'39" E 490.64'(M)
N 00°57'04" W 118.59'(M)
PARCEL 3
4.33 ACRES +/-
120.00'(PS)
N 89°02'29" E 119.92'(M)
131.55'(PS)
N 00°36'02" W 131.61'(M)
41.25'(D1&PS)
N 15°11'52" W 41.29'(M)
SURVEYED PROPERTY= 7.25 ACRES±
S 00°57'19" E 550.01'(M)
550.00'(PS)
PARCEL 1
1.38 ACRES +/-
PARCEL 2
1.54 ACRES +/-
240.03'(D1&PS)
N 00°54'38" W 240.02'(M)
14.13'(D1&PS)
N 46°00'15" W 14.10'(M)
240.03'(D1&PS)
S 88°54'59" W 240.11'(M)
41.24'(PS)
N 76°52'44" W 41.17'(M)
310.47'(D1&PS)
S 88°55'08" W 310.54'(M)
SOUTH MERIDIAN AVENUE R/W
W. 47TH STREET R/W
SCALE 1" = 99'
0
100
200
Feet


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
N
W 43RD ST S
S RICHMOND CT
S SAINT PAUL CT
W 44TH ST S
W ANGEL ST
SEDGWICK COUNTY
W 45TH ST S
WICHITA
S BENNETT CIR
S CLARENCE AVE
S CHARLES AVE
W 46TH ST S
W DAVIS DR
S EUCLID AVE
W 47TH ST S
S MERIDIAN AVE
S GORDON ST
S SENECA CT
S CUSTER ST
S MOUNT CARMEL ST
S CHASE AVE
W OXBERRY ST
WEMBLEY
W 49TH ST S
WESTMINSTER
BELVEDERE
SOUTHBOROUGH
S RICHMOND ST
W 50TH ST S


SOUTH WICHITA/ HAYSVILLE
AREA PLAN
FUTURE DEVELOPMENT CONCEPT MAP
LEGEND
Project Boundary
Residential
Commercial
Public Parks-Open Space-Golf Course
Public-Semi-Public-Institutional
Industrial
Interchange Reconstruction
New Boulevard
New 4-Lane Urban Street
New Freeway
New Neighborhood\Community Park
Recreation Facility Improvements
New Community and Recreation Center
Neighborhood Drainage Improvements
ALL Residential Street Improvements
MACARTHUR
47TH STREET SOUTH
SENECA
BROADWAY
MERIDIAN
55TH STREET SOUTH
I-35
TYORALUIC
ARKANSAS RIVER
63RD STREET SOUTH
71ST STREET SOUTH
WICHITA


N
SEDGWICK COUNTY
WICHITA
SEDGWICK COUNTY
W 47TH ST S
SEDGWICK COUNTY

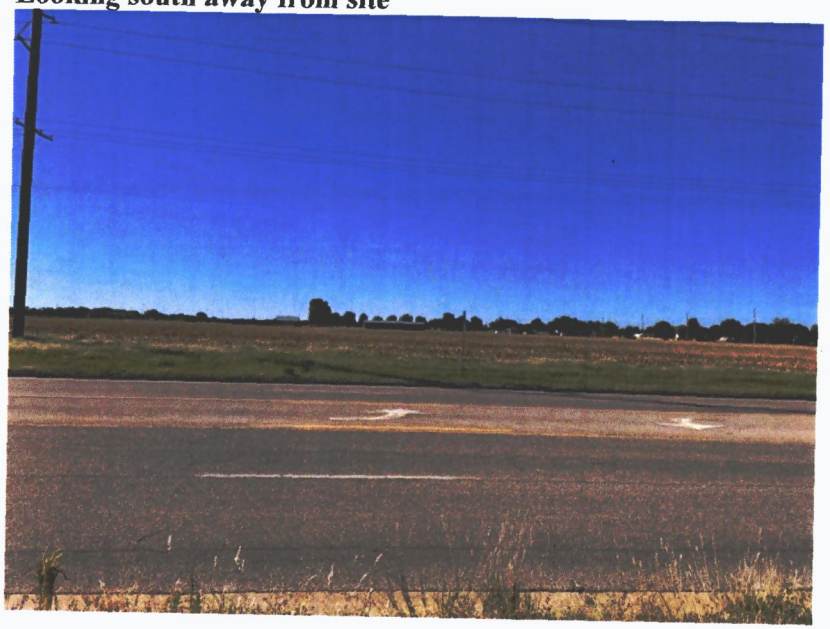
2035 Wichita Future Growth Concept Map



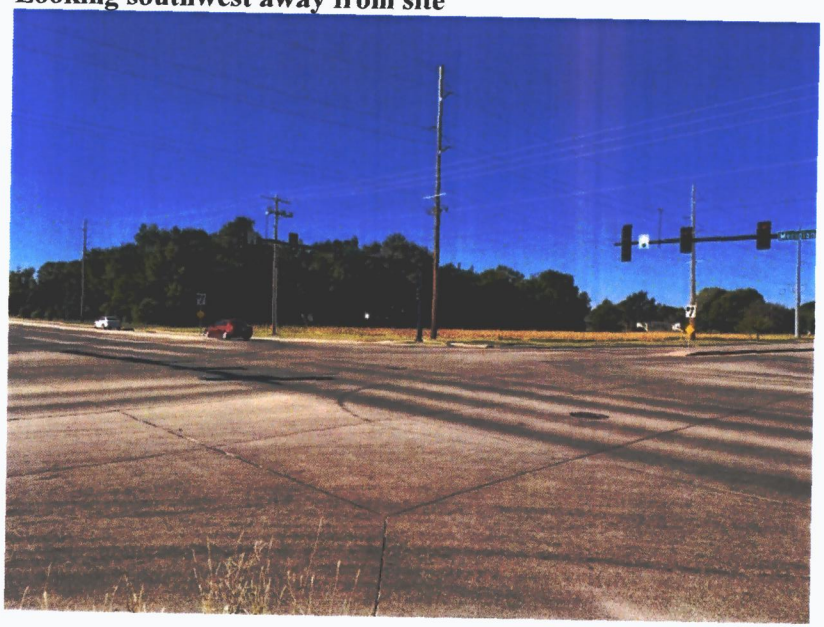
Looking northeast at site



Looking south away from site



Looking southwest away from site



Looking northeast away from site at public park

