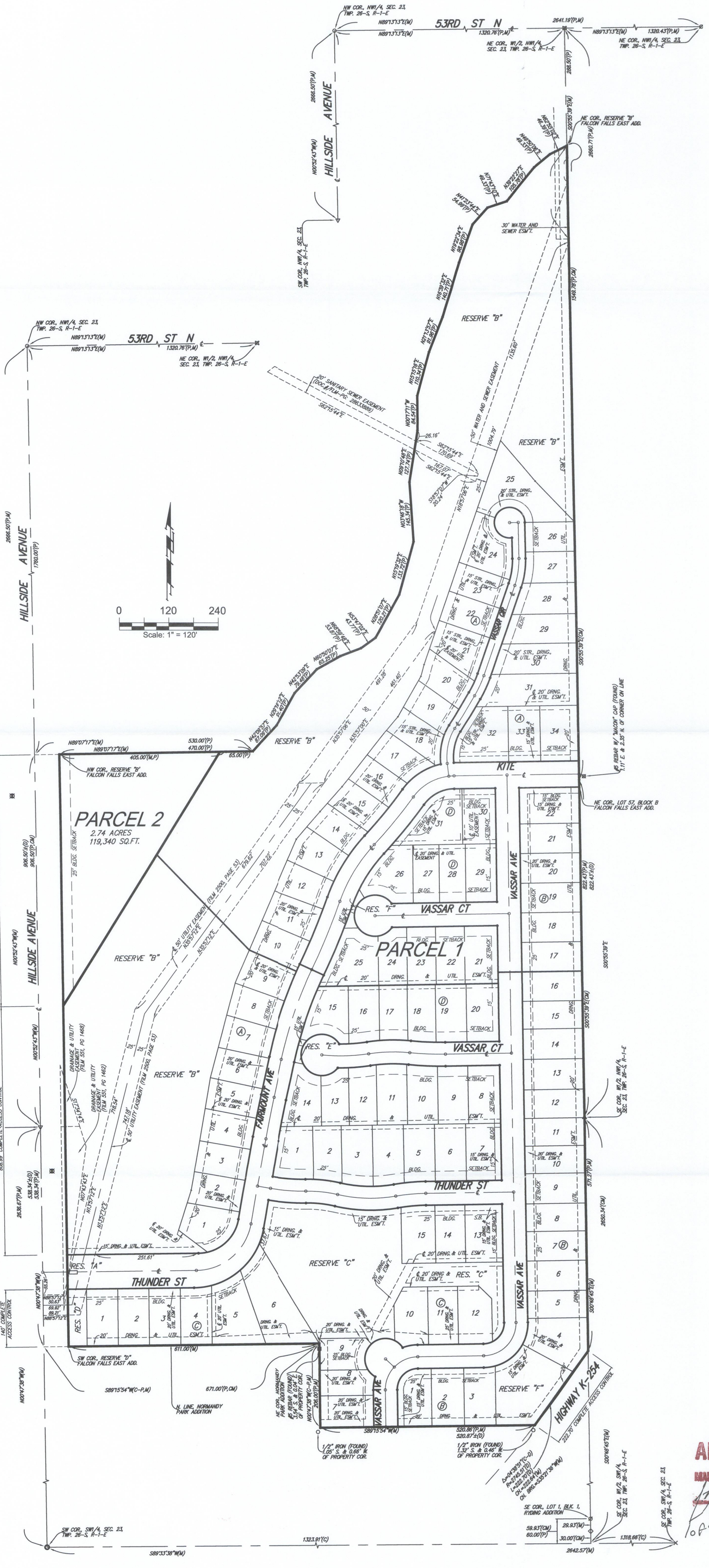
FALCON FALLS EAST ADDITION

PLANNED UNIT DEVELOPMENT

PUD-122



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 57.9 acres or 252,907.29 sq. ft. ±.
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. Uses in Parcel 2 shall be limited to those permitted by-right in the "MF-18" Multi-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. Signs in Parcel 2 shall be in accordance with the "MF-18" Residential zoning district.
7. Amendments, adjustments or interpretations to this P.U.D. shall be done in accordance with the Unified Zoning Code. The property owner(s) of a platted lot(s) in a parcel may file to amend or adjust the P.U.D. general provisions as they relate to their lot(s) within the P.U.D. without the requirement that owners of other lots in the parcel join in the application.
8. 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.
9. 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.
10. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
11. Prior to publishing the ordinance establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating this tract includes special conditions for development on this property.

LEGAL DESCRIPTION:

All of Lots 1 through 34, inclusive, Block A, TOGETHER with all of Lots 1 through 22, inclusive, Block B, TOGETHER with all of lots 1 through 15, inclusive, Block C, TOGETHER with all of Lots 1 through 31, inclusive Block D, TOGETHER with all of Reserves "A", "B", "C", "D", "E", "F", and "G" all as platted in Falcon Falls East 2nd Addition, Wichita, Sedgwick County, Kansas.

PARCEL 1:

A. Net Area:	55.16 acres and 2,402,684.47 sq.ft. ±
B. Maximum Dwelling Units:	204 units
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

PARCEL 2:

A. Net Area:	2.74 acres and 119,340 sq.ft. ±
B. Maximum Dwelling Units:	47 units
C. Maximum building height to conform to the "MF-18" Multi-Family Residential zoning district.	
D.Setbacks:	Shall be in accordance with the Unified Zoning Code
E. Permitted Uses:	See General Provision #3

REVISIONS:

Planned Unit Development (PUD2024-00004) Filed:	March 4, 2024
Approved by MAPC:	April 11, 2024
Approved by City Council:	May 14, 2024

APPROVED PUD
MAPC 4/11/24
7/3/24
PUD2024-00004
1 OF 4

SCALE: 1" = 120'

PUD-122

FALCON FALLS EAST ADD.
PLANNED UNIT DEVELOPMENT

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

F:\planning\PUD\Falcon Falls East 2nd PUD\Falcon Falls East 2nd PUD_3-4-24.dwg

CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

May 17, 2024

Bell Land Holdings
PO BOX 75337
Wichita, KS 67275

Baughman Co., P.A.
Attn: Jay Cook
315 S. Ellis St.
Wichita, KS, 67211

RE: PUD2024-00004 – Rezone to create the Falcon Falls East Addition Planned Unit Development PUD #122, generally located on the east side of North Hillside Avenue, within one-half mile south of East 53rd Street North.

Dear Applicant,

On May 14, 2024, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request with the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #122 Falcon Fall East Addition 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.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

Copies to: MABCD
Brandon Johnson, Councilmember, District I
Cameron Jackson, CSR District I

Wichita-Sedgwick County Metropolitan Area Planning Department

Bell Land Holdings
PO BOX 75337
Wichita, KS 67275

April 11, 2024

Baughman Co., P.A.
Attn: Jay Cook
315 S. Ellis St.
Wichita, KS, 67211

RE: PUD2024-00004 – Rezone to create the Falcon Falls East Addition Planned Unit Development PUD #122, generally located on the east side of North Hillside Avenue, within one-half mile south of East 53rd Street North.

Dear Applicant,

At its regular meeting on **April 11, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request, subject to the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #122 Falcon Fall East Addition 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.

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 25, 2024**. 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 25, 2024, at 5:00 p.m**.

This application will be heard by the Wichita City Council on **Tuesday, May 15, 2024**, beginning at 9:00 a.m.

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,

Brad Eatherly
Senior Planner

CC: MABCD
Brandon Johnson, Council Member District I
Cameron Jackson, District I, CSR
Delbert Bennett 5216 N Hillside Ave Wichita, KS 67219
Cody McClellan 5140 N Hillside Ave Wichita, KS 67219
Jack Patton 337 S. Rutan Ave Wichita, KS 67218

OCA 150004

(Published in the Wichita Eagle, 5/24/24

ORDINANCE NO. 52-492

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. PUD2024-00004

Zone Change from TF-3 Two-Family Residential District and MF-18 Multi-Family Residential District to PUD Planned Unit Development #122 subject to the general provisions of PUD #122, on property legally described as:

All of Lots 1 through 34, inclusive, Block A, TOGETHER with all of Lots 1 through 22, inclusive, Block B, TOGETHER with all of Lots 1 through 15, inclusive, Block C, TOGETHER with all of Lots 1 through 31, inclusive, Block D, TOGETHER with all of Reserves "A", "B", "C", "D", "E", "F", and "G", all as platted in Falcon Falls East 2nd Addition, Wichita, Sedgwick County, Kansas.

The Falcon Falls East Addition Planned Unit Development (PUD #122) shall be subject to the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #122 Falcon Falls East Addition 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.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning change 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 21st day of May, 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

Approved as to form:

Jennifer Magaña, City Attorney and Director of Law

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30311507
Receipt #: 2428680 Recording Fee: $38.00
Pages Recorded: 2
Authorized By: Tonya Buckingham
Cashier: vbunch
Date Recorded: 05/29/2024 02:19:02 PM

NOTICE OF PLANNED UNIT DEVELOPMENT

THIS NOTICE made this 28th day of May, 2024, by Bell Land Holdings, LLC, a Kansas limited liability company, hereinafter called "Declarants",

WITNESSETH

WHEREAS, Declarants are the owners of the following described property:

All of Lots 1 through 34, inclusive, Block A, TOGETHER with all of Lots 1 through 22, inclusive, Block B, TOGETHER with all of lots 1 through 15, inclusive, Block C, TOGETHER with all of Lots 1 through 31, inclusive Block D, TOGETHER with all of Reserves "A", "B", "C", "D", "E", "F", and "G" all as platted in Falcon Falls East 2nd Addition, Wichita, Sedgwick County, Kansas.

and

WHEREAS, Declarants are desirous to file notice that a planned unit development plan approved by the Wichita City Council is on file with the Metropolitan Area Planning Department, known as Falcon Falls East Addition Planned Unit Development (PUD-122).

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

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

The planned unit development shall be binding on the owners, their heirs, or successors or assigns and is a document running with the land and is binding on all successors in title to the above described property.

COPY

EXECUTED the day and year first written above.

BELL LAND HOLDINGS, LLC

By: J Russell Development and Management, Inc., Manager

By: _____
Jay W. Russell, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 28th day of May, 2024, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W Russell, President of J Russell Development and Management, Inc., Manager of Bell Land Holdings, LLC, a Kansas limited liability company, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same, for an on behalf of said Limited Liability Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

LUNETTE A. SAUBER
Notary Public - State of Kansas
My Appt. Expires 9/20/24

_____
Notary Public

(My Appointment Expires: 09/20/2024)

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	555705	Print Legal Ad-IPL01746240 - IPL0174624	ORD #52-492	$82.50	2	49 L

Attention: LaTosha Alvarez

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

JMBuster@wichita.gov

OCA 150004
(Published in the Wichita Eagle May 24, 2024)
ORDINANCE NO. 52-492

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. PUD2024-00004
Zone Change from TF-3 Two-Family Residential District and MF-18 Multi-Family Residential District to PUD Planned Unit Development #122 subject to the general provisions of PUD #122, on property legally described as:
All of Lots 1 through 34, inclusive, Block A, TOGETHER with all of Lots 1 through 22, inclusive, Block B, TOGETHER with all of Lots 1 through 15, inclusive, Block C, TOGETHER with all of Lots 1 through 31, inclusive, Block D, TOGETHER with all of Reserves "A", "B", "C", "D", "E", "F", and "G", all as platted in Falcon Falls East 2nd Addition, Wichita, Sedgwick County, Kansas.
The Falcon Falls East Addition Planned Unit Development (PUD #122) shall be subject to the following conditions:
1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #122 Falcon Falls East Addition 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.
SECTION 2. That upon the taking effect of this Ordinance, the above zoning change 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 21st day of May 2024.
Lily Wu, Mayor, City of Wichita
ATTEST:
Jamie Buster, City Clerk
(SEAL)
Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0174624
May 24 2024

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

1 insertion(s) published on:
05/24/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, 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 05/24/2024 to 05/24/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 05/24/2024

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	532634	Print Legal Ad-IPL01649120 - IPL0164912		$158.10	2	94 L

Attention: MANDY HEBERT

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on March 21, 2024
(One Time Only)
MAPC/BZA April 11, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 11, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/ Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2024-00009: Variance request in the City to reduce the front setback from 25 feet to approximately 12 feet to allow construction of a front porch on the property zoned SF-5 Single-Family Residential District, located on West 31st Street South and 129 feet west of South Osage Avenue (812 West 31st Street South).

CON2024-00012: Conditional Use request in the City to allow an Entertainment Establishment (cabaret-type club/nightclub with the provision of alcohol); located one-quarter mile east of South Webb Road and north of I-35 (10001 East Kellogg Drive, Suite #2).

CON2024-00013: Conditional Use request in the City to waive compatibility standards for 105-foot telecommunications tower with 5-foot lightning rod on property zoned Limited Industrial, generally located on the west side of South Mosley Avenue, within one-quarter mile north of East Harry Street (1325 South Mosley).

CON2024-00014: Conditional Use request in the City to allow an Entertainment Establishment (events with music and alcohol associated with retail store) within 300 feet of a public park, generally located on the southwest corner of East Douglas Avenue and South Saint Francis Avenue (523 East Douglas Avenue).

CUP2024-00005: CUP Amendment in the City to CUP DP-357 to change parcel boundaries, rename to "OneRise" and to modify uses to permit Correctional Placement Residence and Correctional Facility for State Mental Health Hospital (with ZON2024-00014), located at the northwest corner of S. Meridian Ave and W. MacArthur Rd.

PUD2024-00004: Zone change request in the City from TF-3 Two-Family Residential and MF-18 Multi-Family Residential to the PUD to allow multi-family residential with non-standard building setbacks; generally located on the east side of North Hillside Avenue and within one-half mile south of East 53rd Street North.

VAC2024-00012: Vacation request in the city of Control Access, generally located on the south side of East Stafford Street and within one-quarter mile of South Southeast Boulevard.

VAC2024-00013: Vacation request in the City to vacate a portion of the platted setback and platted utility easement along Polo Street, generally located at the northwest corner of Polo Street and West 12th Street North (2033 West 12th Street North).

ZON2024-00014: Zone Change request in the City from GC General Commercial to LI Limited Industrial with CUP2024-05, generally located the north side of West MacArthur Road and within one-half mile west of South Meridian Avenue.

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-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: https://www.wichita.gov/Planning.

WITNESS MY HAND on March 21, 2024
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0164912
Mar 21 2024

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

1 insertion(s) published on:
03/21/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, 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 03/21/2024 to 03/21/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 03/21/2024

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

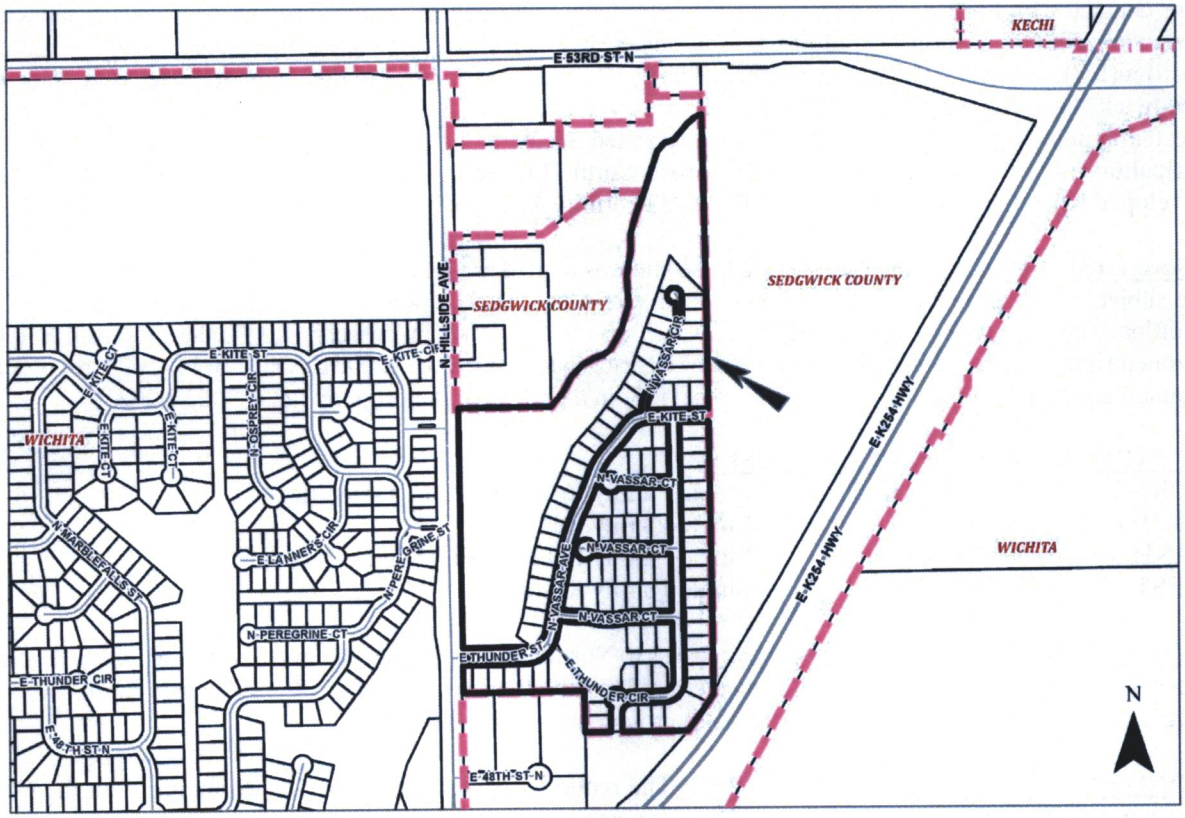
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

AGENDA ITEM NO. 4.4

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: April 11, 2024
DAB I: April 1, 2024

CASE NUMBER:	PUD2024-00004 (City)
APPLICANT/AGENT:	Bell Land Holdings (Applicant)/Baughman Company, P.A. (Agent)
REQUEST:	Rezone to create the Falcon Falls East Addition Planned Unit Development PUD #122
CURRENT ZONING:	TF-3 Two-Family Residential District and MF-18 Multi-Family Residential District
SITE SIZE:	57.9 acres
LOCATION:	Generally located on the east side of North Hillside Avenue, within one-half mile south of East 53rd Street North.
PROPOSED USE:	Multi-family residential zoning with non-standard side yard setbacks.
RECOMMENDATION:	Approve with conditions.



BACKGROUND: The applicant is requesting a zone change from TF-3 Two-Family Residential District (TF-3) and MF-18 Multi-Family Residential District (MF-18) to PUD Planned Unit Development (PUD) to create the Falcon Falls East Addition Planned Unit Development (PUD #122). The subject site is 57.9 acres in size and is generally located on the east side of North Hillside Avenue and within one-half mile south of East 53rd Street North. The subject site is currently undeveloped.

The applicant is requesting the zone change to create a multi-family residential zoning district with non-standard side yard setbacks. A PUD allows a certain level of flexibility with site development regulation which would otherwise not be permitted under the existing zoning.

According to the PUD drawing submitted by the applicant, the site will consist of two parcels (Parcel 1 and Parcel 2) and seven reserves (Reserves A-G). Access to the site is from North Hillside Avenue with future connection points on the south and east sides of the property. Uses in Parcel 1 will be limited to those permitted by-right in the TF-3 zoning district. Development standards for the TF-3 district will be applied to Parcel 1 with three exceptions:

1. There be no required side yard setback, with units either having a shared wall or maintaining a minimum interior separation between buildings of five (5) feet.
2. There be no minimum lot area or lot width.
3. The future division of platted lots be permitted without the approval of individual lot splits 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.

Uses in Parcel 2 will be limited to those permitted by-right in the MF-18 zoning district. Parcel 2 will conform to the development standards for the MF-18 zoning district.

Parking within the PUD shall be provided in accordance with the Unified Zoning Code unless otherwise specified in the Parcel description. Signs in Parcel 1 shall conform to the Wichita Sign Code for the TF-3 zoning district. Signs in Parcel 2 shall conform to the Wichita Sign Code for the MF-18 zoning district.

The character of the neighborhood is mostly residential. Properties to the north are located in unincorporated Sedgwick County, are zoned SF-20 Single-Family Residential District (SF-20), SF-5, and LC Limited Commercial District (LC), and are developed with single-family dwellings. Properties to the south are located in unincorporated Sedgwick County, are zoned SF-20 and one lot is developed with a single-family dwelling. Properties to the east are located in unincorporated Sedgwick County, are zoned SF-20, and are developed with a single-family dwelling and agricultural fields. Properties to the west, across North Hillside Avenue, are zoned SF-5 and PUD #82, and are developed with single-family dwellings. PUD #82 permits Accessory Apartments by-right.

CASE HISTORY: On December 13, 2023, the site was platted as part of the Falcon Falls East 2nd Addition. In 2010, the subject area was platted as Falcon Falls East Addition (SUB2008-00011). In 2017, the southeast 23 lots of the addition were rezoned as MF-18 District (ZON2016-00060). Also in February 2017, the proposed Parcel 2 was rezoned from SF-5 to NR Neighborhood Retail District (NR) (ZON2016-00061). On July 11, 2023, the Wichita City Council approved a zone change from SF-5 to TF-3 on a portion of the property (ZON2023-00021).

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20/LC/SF-5	Single-Family Residences and Agriculture
SOUTH:	SF-20	Single-Family Residence
EAST:	SF-20	Single-Family Residence/Agricultural
WEST:	SF-5/PUD #82	Single-Family Residences

PUBLIC SERVICES: The subject site has access to North Hillside Avenue, a paved, two-lane arterial street without sidewalks. City sanitary sewer and stormwater are located in Reserve B. City water is located in the North Hillside Avenue right-of-way. Wichita Transit does not provide service in this area.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the *Community Investments Plan*'s 2035 Wichita Future Growth Concept Map. The Map identifies the area to be appropriate for

"New Residential" and "Agricultural" uses. The *Plan* defines "New Residential" as "*areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.*" The *Plan* defines "Agricultural" as "*areas that are undeveloped or used for agricultural production. Agricultural land is an important natural resource. Pockets of low-density residential uses without the full range of municipal services likely will be developed in areas of the urban fringe that primarily are used for agriculture."* The proposed PUD is utilizing existing infrastructure to continue residential on the site.

The proposed rezoning is in conformance with the Land Use Compatibility Guidelines of the *Community Investments Plan.* Under the heading *Land Use Compatibility*, Guideline 1.c that "Residential development should not encroach upon existing or planned heavy industry, airfields, and military installations." The proposed PUD is not encroaching upon any of those items listed in the guideline.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to provisions of the Falcon Falls East Addition Planned Unit Development PUD #122 as attached hereto, and subject to the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #122 Falcon Fall East Addition 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.

This recommendation is based on the following findings:

1. The zoning, uses, and character of the neighborhood: The character of the neighborhood is mostly residential. Properties to the north are located in unincorporated Sedgwick County, are zoned SF-20 Single-Family Residential District (SF-20), SF-5, and LC Limited Commercial District (LC), and are developed with single-family dwellings. Properties to the south are located in unincorporated Sedgwick County, are zoned SF-20 and one lot is developed with a single-family dwelling. Properties to the east are located in unincorporated Sedgwick County, are zoned SF-20, and are developed with a single-family dwelling and agricultural fields. Properties to the west, across North Hillside Avenue, are zoned SF-5 and PUD #82, and are developed with single-family dwellings. PUD #82 permits Accessory Apartments by-right.

2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned TF-3 and MF-18, which is suitable for several types of residential, public and civic uses. The applicant is requesting multi-family residences and duplexes with non-standard side yard setback requirements.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate the requested zone change to have detrimental effects on nearby property. The subject site is already zoned to permit the uses of multi-family residential and duplex. The changes to setback regulations are not anticipated to have significant detrimental effects on nearby properties.

4. Length of time the property has been vacant as currently zoned: The subject site has never been developed.

5. Relative gain to the public health, safety, and welfare, compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would allow side yard setbacks to be 0 feet for duplexes in an area that is appropriate for the use. Denial may represent economic loss to the applicant.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested rezoning is in conformance with the *Community Investments Plan*, as discussed in the staff report.

7. Impact of the proposed development on community facilities: Staff does not anticipate the proposed development to have a significant impact on community facilities.

8. Opposition or support of neighborhood residents: At the time of the publication of the staff report, staff has not received any comments from the public regarding the proposal.

Attachments:

1. PUD #122 Text
2. PUD Drawing
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Photos

PUD #121 Text

Staff-recommended changes are in ***red***.

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 57.9 acres or 252,907.29 sq. ft. ±.

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. Uses in Parcel 2 shall be limited to those permitted by-right in the "MF-18" Multi-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. ***The property development standards of the "MF-18" Multi-Family Residential zoning district shall apply to Parcel 2.***

7. Signs in Parcel 1 shall be in accordance with the "TF-3" Two-Family Residential zoning district. Signs in Parcel 2 shall be in accordance with the "MF-18" Residential zoning district.

8. Amendments, adjustments or interpretations to this P.U.D. shall be done in accordance with the Unified Zoning Code. The property owner(s) of a platted lot(s) in a parcel may file to amend or adjust the P.U.D. general provisions as they relate to their lot(s) within the P.U.D. without the requirement that owners of other lots in the parcel join in the application.

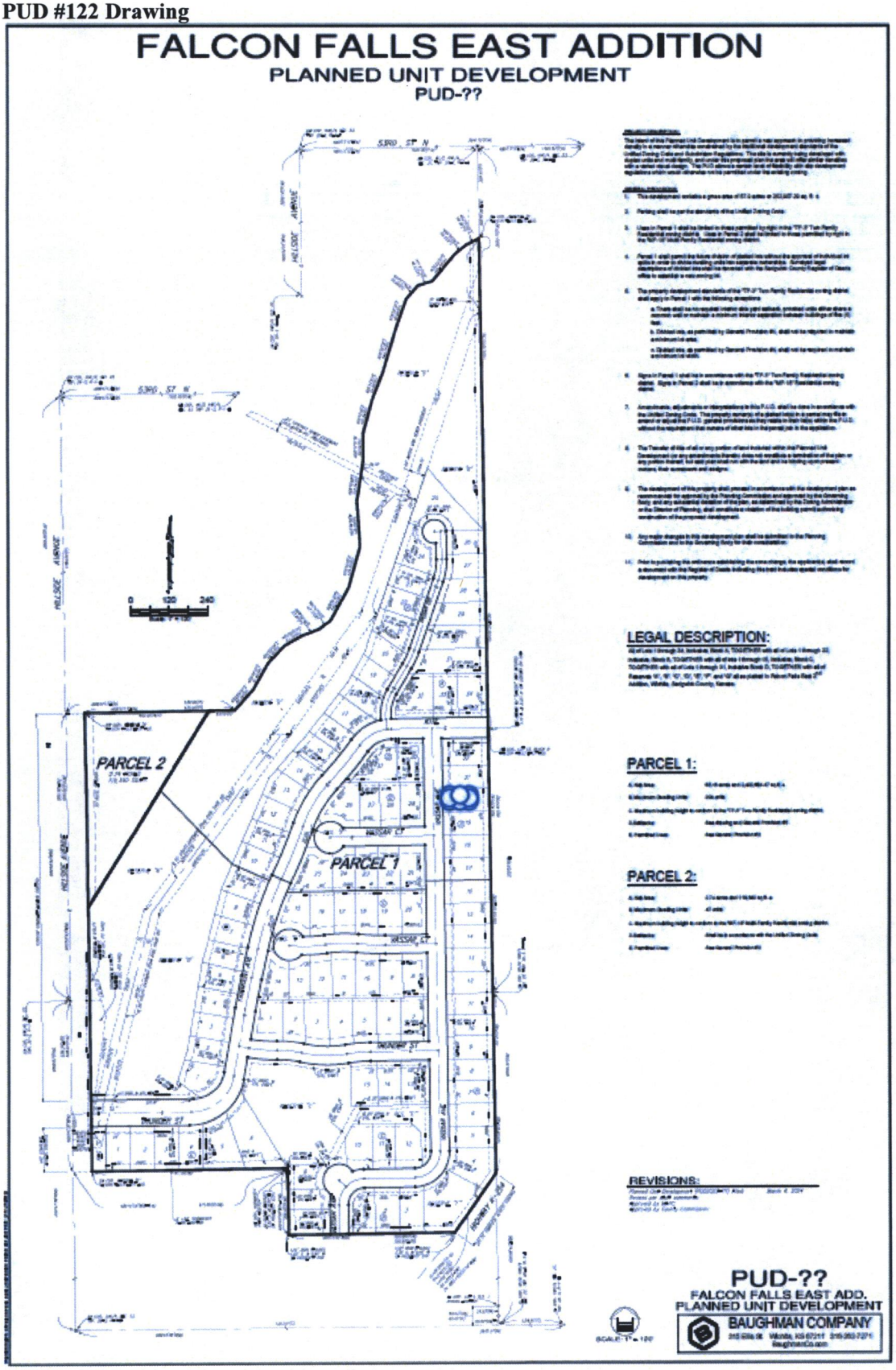
9. The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.

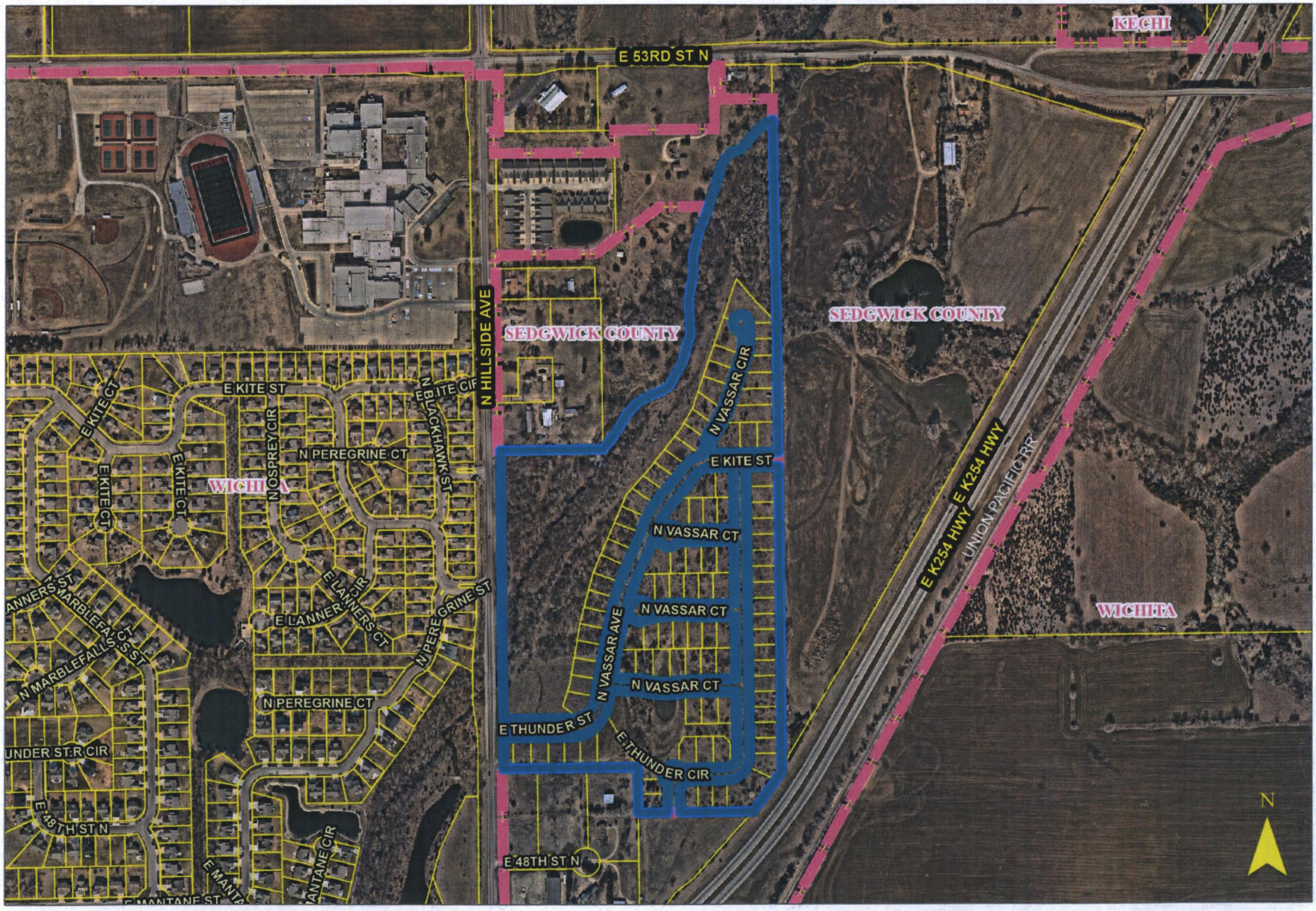
10. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator or the Director of Planning, shall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

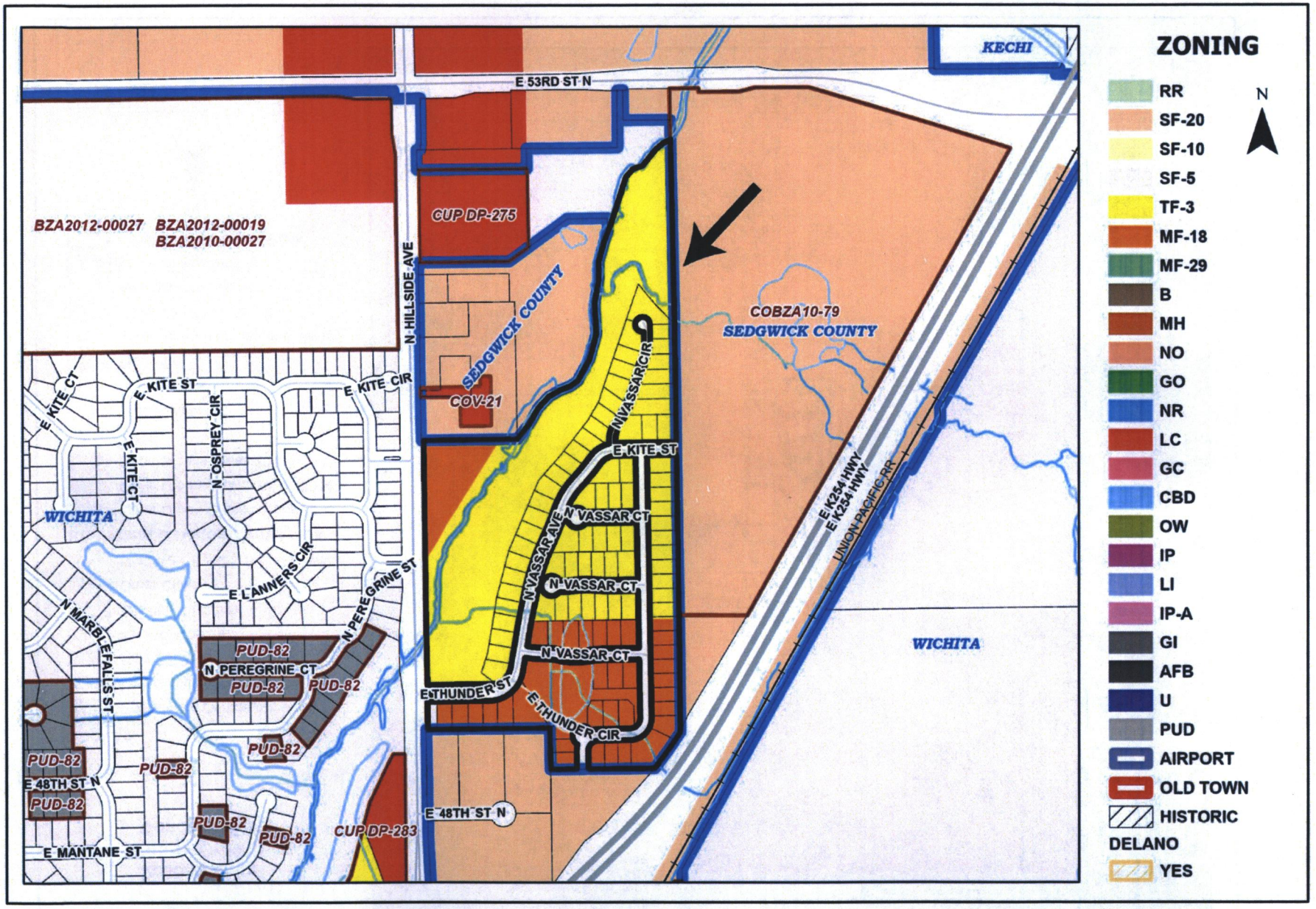
11. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

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 includes special conditions for development on this property.

PUD #122 Drawing




KECHI
E 53RD ST N
N HILLSIDE AVE
SEDGWICK COUNTY
SEDGWICK COUNTY
WICHITA
WICHITA
E KITE ST
E KITE CT
E KITE CT
E KITE CT
N OSPREY CIR
N BLACKHAWK ST
N PEREGRINE CT
N PEREGRINE CT
N PEREGRINE ST
E LANNER CIR
E LANNERS CT
N MARBLEFALLS CT
N VASSAR CIR
E KITE ST
N VASSAR CT
N VASSAR CT
N VASSAR CT
N VASSAR AVE
E THUNDER ST
E THUNDER CIR
E K254 HWY
E K254 HWY
UNION PACIFIC RR
E 48TH ST N
E 48TH ST N
N

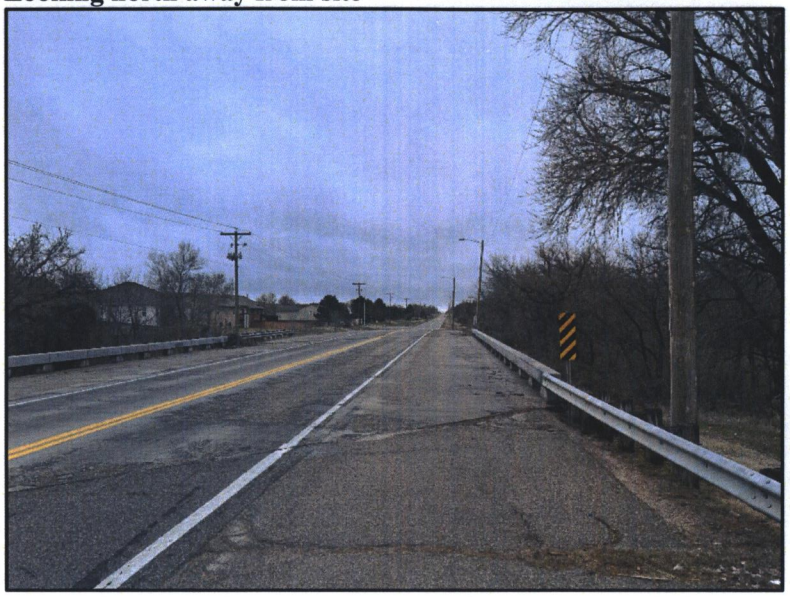

ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORIC
DELANO
YES
N
KECHI
E 53RD ST N
BZA2012-00027 BZA2012-00019
BZA2010-00027
CUP DP-275
N HILLSIDE AVE
SEDGWICK COUNTY
COV-21
COBZA10-79
SEDGWICK COUNTY
N VASSAR CIR
E KITE ST
N VASSAR AVE
N VASSAR CT
E KITE CT
E KITE CIR
N OSPREY CIR
WICHITA
E LANNERS CIR
N PEREGRINE ST
N MARBLE FALLS ST
PUD-82
N PEREGRINE CT
E THUNDER ST
E THUNDER CIR
E 48TH ST N
E MANTANE ST
CUP DP-283
E K254 HWY
UNION PACIFIC RR


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
Neighborhood & Area Plans
N
HYDRAULIC
53RD
HILLSIDE
K254
OLIVER
45TH
K254
I135
HYDRAULIC

Looking east towards site



Looking north away from site



Looking south away from site



Looking west away from site

