Wichita-Sedgwick County Metropolitan Area Planning Department

Ben Baxter
c/o Ron Smith
1356 N. Emporia
Wichita, KS 67214

July 30, 2024

Baughman Co.
Attn: Jay Cook
315 Ellis
Wichita, KS 67211

Chad & Alicia Jantz
1651 S. Eisenhower Ct.
Wichita, KS 67209

RE: PUD2024-00010: Zone Change request in the City from RR Rural Residential District to PUD Planned Unit Development to allow for mixed-use development of commercial, industrial, and residential uses.

Dear Applicant;

At its regular meeting on **July 24, 2024**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BoCC 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 #129 Heartstone 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
Pete Meitzner, BoCC District 1
Colton Bartlett 1330 E. Douglas Wichita, KS 67214

Wichita-Sedgwick County Metropolitan Area Planning Department

June 14, 2024

Ben Baxter
c/o Ron Smith
1356 N. Emporia
Wichita, KS 67214

Baughman Co.
Attn: Jay Cook
315 Ellis
Wichita, KS 67211

Chad & Alicia Jantz
1651 S. Eisenhower Ct.
Wichita, KS 67209

RE: PUD2024-00010: Zone change request in the City from RR Rural Residential District to PUD Planned Unit Development to allow for mixed-use development of commercial, industrial, and residential uses.

Dear Applicant;

At its regular meeting on **June 13, 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 #129 Heartstone 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 County 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 **June 27, 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 1000 feet of the property for which the application was filed and must be submitted to the City Clerk by **June 27, 2024 at 5:00 p.m**.

This application will be heard at the Citizen's Advisory Board 1 meeting, which will take place on June 17, 2024 at 5:30 p.m. at the Bel Aire City Hall, 7651 E. Central Park Ave., Bel Aire, KS 67226. This application will be heard by the Board of Sedgwick County Commissioners on **Wednesday, July 24, 2024**, beginning at 9:00 a.m. The Board of County Commissioners meeting will be held at 100 North Broadway, Lower Level, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property.

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

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

Copies to: MABCD
Pete Meitzner, BoCC District 1
Colton Bartlett 1330 E. Douglas Wichita, KS 67214

Applicant proposed PUD language (staff recommended changes in ***red***)

Project Description:
The intent of this Planned Unit Development is to facilitate a mixed-use development that includes a residential, commercial, and industrial component that allows for a certain level of flexibility with site development regulations which would otherwise not be permitted under the existing zoning.

General Provisions:

1. Total Land Area: 903,303 sq.ft. ± or 20.74 acres ±
   Total Gross Floor Area: 316,156 sq.ft. ±
   Total Floor Area Ratio: 35.0 percent

2. Setbacks are displayed on the individual parcels within the PUD, or outlined in the Parcel description.

3. A Drainage Plan shall be submitted to the appropriate governing body for approval. Required guarantees for drainage shall be provided at the time of platting improvements.

4. Parcel 1 shall be limited to the following uses: Construction Sales and Service, Storage, Outdoor; subject to the supplemental regulations set forth in Section III.D.6.dd ***(listed below)*** of the Unified ***Z***oning ***C***ode, and Office, General.

> ***Outdoor Storage and/or Baling in LC through LI.*** *In LC through LI, the Outdoor Storage and/or baling of junk, scrap, paper, bottles, rags or similar materials is prohibited. See Sec. III-B.14.e, III-B.15.e, III-B.17.e and III-B.18.e for limitations on other Outdoor Storage in LC, OW, IP-A and IP.*

Parcel 2 shall be limited to ***a single-family residence plus; (6) six dwelling units considered Hotel/Motel***; an Event Center/Community Assembly limited to 80 people maximum at any given event. Event Center shall be subject to Supplementary Use Regulations in Section III-D.6.nn of the Unified Zoning Code, ***which states:***

> ***In the RR district only, an Event Center in the County, Church or Place of Worship, Community Assembly or Farmer's Market in the County on property with less than 20 acres requires a***

Conditional Use and is subject to the standards of this section. Event Center in the County, Church or Place of Worship, Community Assembly or Farmer's Market in the County are permitted by-right on sites of 20 acres or greater, including road right-of-way, if it complies with the standards of this section. When the uses listed above do not comply with the standards listed in this section a Conditional Use is required and shall be subject to the development standards established by the Governing Body.

(1) Maximum building occupancy is limited to that established by building and/or fire officials utilizing applicable building or fire code standards.

(2) Buildings, events and activities shall comply with applicable building, fire, sanitation, life-safety and other applicable codes.

(3) Seating or attendance at outdoor events shall be limited to the maximum number of occupants permitted by the minimum required parking.

(4) Required parking for an Event Center in the County shall be provided at the rate of one space per four occupants or as established by a parking study. Parking for Church or Place of Worship and Community Assembly shall be per the off-street standards listed in the Code for each use. Parking for Farmer's Market in the County shall be one space per 333 square feet of exhibition and sales area. Parking spaces for persons with disabilities shall be paved. Parking, drive aisles and circulation areas for uses shall be rock or material designated by County officials unless a rock or paved driveway 50 feet in length, measured from the right of way line and is at least six inches thick, is provided and maintained, and the use in not open to the public more than 100 days per year. If a rock or paved driveway 50 feet in length, measured from the right of way line and is at least six inches thick, is provided and maintained, the parking and circulation aisle surface may be grass. All parking shall be located on-site. The event operator or the property owner must maintain a logbook or calendar that accurately indicates the date(s) per month the site will be in use.

(5) Sites offering both indoor and outdoor events shall require parking for the use with the highest parking requirement.

(6) Drainage shall be addressed at the time of platting, change of occupancy or as part of building permit review.

(7) Building and activity areas (other than a driveway) shall be setback 100 feet from property lines.

(8) Access control shall be as determined by Sedgwick County Traffic Engineer.

(9) Signage shall be per County Sign Code.

(10) The service of food and drink may be permitted both indoor and outdoor as part of the operations of the facility provided that the service complies with all applicable regulations. The service of any alcoholic liquor or cereal malt beverage is permitted only with applicable licenses.

(11) Portable toilets shall not be placed within the 100-foot building setback.

(12) Prior to use of the property for the stated use, the applicant shall submit for review and approval by the Director of Planning or his designee a detailed site plan that depicts existing

and/or proposed: property boundaries, buildings, structures, access points, driveways, location and number of parking spaces, outdoor lighting, location of dumpsters, setbacks, outdoor seating or activity areas. At a minimum, the site plan shall be to scale and/or have enough dimension control to verify: site size, size of improvements, buildings or activity areas, location of improvements, buildings, or activity areas, and parking, circulation drives, and access points or any other pertinent details as requested by County staff.

The Event Center shall be limited to the following hours of operation:

- ***Sunday through Thursday: 8:00 a.m. to 8:00 p.m.***
- ***Friday and Saturday: 8:00 a.m. to 12:00 a.m. (midnight)***

5. Access shall be as indicated on the plan, and/or as approved during the platting process.

6. ***All freestanding signs must be monument type and must be placed on Parcel 2 for Parcels 1 and 2, inclusive. Each sign shall be allowed 75 sq ft for a total of 150 sq ft. The distance between signage for Parcel 2 shall be a minimum of 100 feet.***

7. Parking for uses in Parcel 1 shall adhere to the requirements stated in the Unified Zoning Code (UZC). Parking in Parcel 2 shall ***provide a minimum of:*** 20 total parking sp***aces*** for the Event Center/Community Assembly***, 1 (one) parking space for single-family dwelling,*** and 1 (one) parking sp***aces*** per ***Hotel/Motel dwelling unit.***

8. All outdoor lighting shall employ cut-off luminaries to minimize light trespass and ~~along, and~~ will be aimed or shielded away from neighboring properties.

9. Amendments, adjustments or interpretations to this P.U.D. shall be done in accordance with the Unified Zoning Code.

10. 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.

11. 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.

12. The design layout shown on the plan illustrates one development concept. Modifications to the size and/or location of improvements, building layout, and/or access locations may be permitted, provided they meet all requirements of this plan. This plan envisions the development of a mixed-use facility, as shown on the plan; however, in the event additional uses within separate buildings are proposed, the applicant shall submit a revised site plan to the Planning ***Department*** for review. If such modifications are determined by the Planning Director, with the concurrence of the Zoning Administrator, to be significant, the owner shall be required to file for an administrative adjustment to the P.U.D. If the change is considered greater than what can be approved administratively, the owner shall be required to file an amendment to the P.U.D., which shall be submitted to the Planning Commission for ***its*** consideration.

Parcel 1:

A. Net Area: 468,139 sq.ft. ±, or 10.7 acres ±

B.	Maximum Building Coverage:	163,849 sq.ft., or 35 percent
C.	Maximum Gross Floor Area:	163,849 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Building Height:	45 feet
F.	Setbacks:	Per ***Drawing***
G.	Access Points:	See Drawing
H.	Permitted Uses:	See General Provision #5

Parcel 2:

A.	Net Area:	453,164 sq.ft. ±, or 10.4 acres ±
B.	Maximum Building Coverage:	152,307 sq.ft., or 35 percent
C.	Maximum Gross Floor Area:	152,307 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Building Height:	35 feet
F.	Setbacks:	Per ***Drawing***
G.	Access Points:	See Drawing
H.	Permitted Uses:	See General Provision #5

Legal Description:

That part of the Northeast Quarter of Section 12, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Right of Way of the Chicago, Rock Island, and Pacific Railway Company; EXCEPT the South 988.9 feet; EXCEPT the North 1006.69 feet thereof; AND EXCEPT a tract described as commencing at the northeast corner thereof; THENCE south along the East Line of said Northeast Quarter, 1006.69 feet for a point of beginning; THENCE west, parallel with the North line of said Northeast Quarter, 807 feet; THENCE south, 652.77 feet; THENCE east, 806.98 feet; THENCE north to beginning, TOGETHER WITH that part of the Northeast Quarter of Section 12, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Right of Way of the Chicago, Rock Island, and Pacific Railway Company; EXCEPT the South 988.9 feet; EXCEPT the North 1006.69 feet thereof; AND EXCEPT a tract described as commencing at the northeast corner thereof; THENCE south along the East Line of said Northeast Quarter, 1006.69 feet; THENCE west, parallel with the North line of said Northeast Quarter, 807 feet for a place of beginning; THENCE continuing west along the last described line, 471.97 feet to the easterly Right of Way line of CRI&P Railroad; THENCE southwesterly along said Railroad Right of way, 759.10 feet to a point 988.90 feet north of the South line of said Northeast Quarter as measured parallel with the East line of said Northeast Quarter; THENCE east parallel with the South line of said Northeast Quarter, 859.24 feet to a point 806.98 feet west of the East line of said Northeast Quarter; THENCE north parallel with the East line of said Northeast Quarter, 652.77 feet to the place of beginning; AND EXCEPT the East 50 thereof for road.

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30326086
Receipt #: 2438288 Recording Fee: $55.00
Pages Recorded: 3
Authorized By: Tonya Buckingham
Cashier: ttepe
Date Recorded: 08/07/2024 02:10:18 PM

NOTICE OF PLANNED UNIT DEVELOPMENT

THIS NOTICE made this 2nd day of August, 2024, by Jantz Properties, LLC, a Kansas limited liability company, hereinafter called "Declarants",

WITNESSETH

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

TRACT 1: That part of the Northeast Quarter of Section 12, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Right of Way of the Chicago, Rock Island, and Pacific Railway Company; EXCEPT the South 988.9 feet; and EXCEPT the North 1006.69 feet thereof; AND EXCEPT a tract described as commencing at the northeast corner thereof; THENCE south along the East Line of said Northeast Quarter, 1006.69 feet for a point of beginning; THENCE west, parallel with the North line of said Northeast Quarter, 807 feet; THENCE south, 652.77 feet; THENCE east, 806.98 feet; THENCE north to beginning; and

TRACT 2: That part of the Northeast Quarter of Section 12, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Right of Way of the Chicago, Rock Island, and Pacific Railway Company; EXCEPT the South 988.9 feet; and EXCEPT the North 1006.69 feet thereof; AND EXCEPT a tract described as commencing at the northeast corner thereof; THENCE south along the East Line of said Northeast Quarter, 1006.69 feet; THENCE west, parallel with the North line of said Northeast Quarter, 807 feet for a place of beginning; THENCE continuing west along the last described line, 471.97 feet to the easterly Right of Way line of CRI&P Railroad; THENCE southwesterly along said Railroad Right of way, 759.10 feet to a point 988.90 feet north of the South line of said Northeast Quarter as measured parallel with the East line of said Northeast Quarter; THENCE east parallel with the South line of said Northeast Quarter, 859.24 feet to a point 806.98 feet west of the East line of said Northeast Quarter; THENCE north parallel with the East line of said Northeast Quarter, 652.77 feet to the place of beginning; AND EXCEPT the East 50 thereof for road.

and

WHEREAS, Declarants are desirous to file notice that a planned unit development plan approved by the Sedgwick County Board of County Commissioners is on file with the Metropolitan Area Planning Department, known as Heartstone Planned Unit Development (PUD #129).

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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

EXECUTED the day and year first written above.

JANTZ PROPERTIES, LLC

By: _____
Chadwick S. Jantz, Member

By: _____
Alicia N. Jantz, Member

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 2 day of August, 2024, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Chadwick S. Jantz and Alicia N. Jantz, as Member and Member of Jantz Properties, 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.

_____
Notary Public

(My Appointment Expires: 4/18/28)

NOTARIAL SEAL KANSAS
DAISY C DE LA TORRE
Notary Public - State of Kansas
My Appointment Expires
4/18/28

Sedgwick Co. public notice

(Published in The Ark Valley News May 23, 2024.)

MAPC June 13, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 13, 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.

PUD2024-00010: Zone Change in the County from RR Rural Residential to PUD Planned Unit Development to permit a mix of residential and commercial uses including Construction Sales and Service, Bed and Breakfast, and Event Center; located on the west side of North Woodlawn and one-quarter mile south of East 69th Street.

VAC2024-00030: Vacation request in the County of a portion of complete access control for a driveway for new residence on property zoned SF-20 Single-Family Residential; located on the east side of South 151st Street West and within one-half mile north of West Maple Street (212 South 151st Street West).

ZON2024-00023: Zone Change request in the County from SF-20 Single-Family Residential to LC Limited Commercial to eliminate landscape and screening requirements on adjacent property; located on the southeast corner of West Kellogg and South 135th Street West.

ZON2024-00024: Zone Change request in the County from RR Rural Residential to SF-20 Single-Family Residential for residential development on one- to two-acre lots; located on the east side of North 215th Street West and north of West 29th Street North.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the Wichita Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

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 May 23, 2024
Scott Wadle, Secretary
Wichita Sedgwick County Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 23rd day of May, 2024, with subsequent publications being made on the following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____, 2024 _____, 2024

Chris Strunk

Subscribed and sworn to before me this 23rd day of May, 2024.

Notary Public

My commission expires 4/24/28

Additional copies $ _____

Printer's fee $ _____

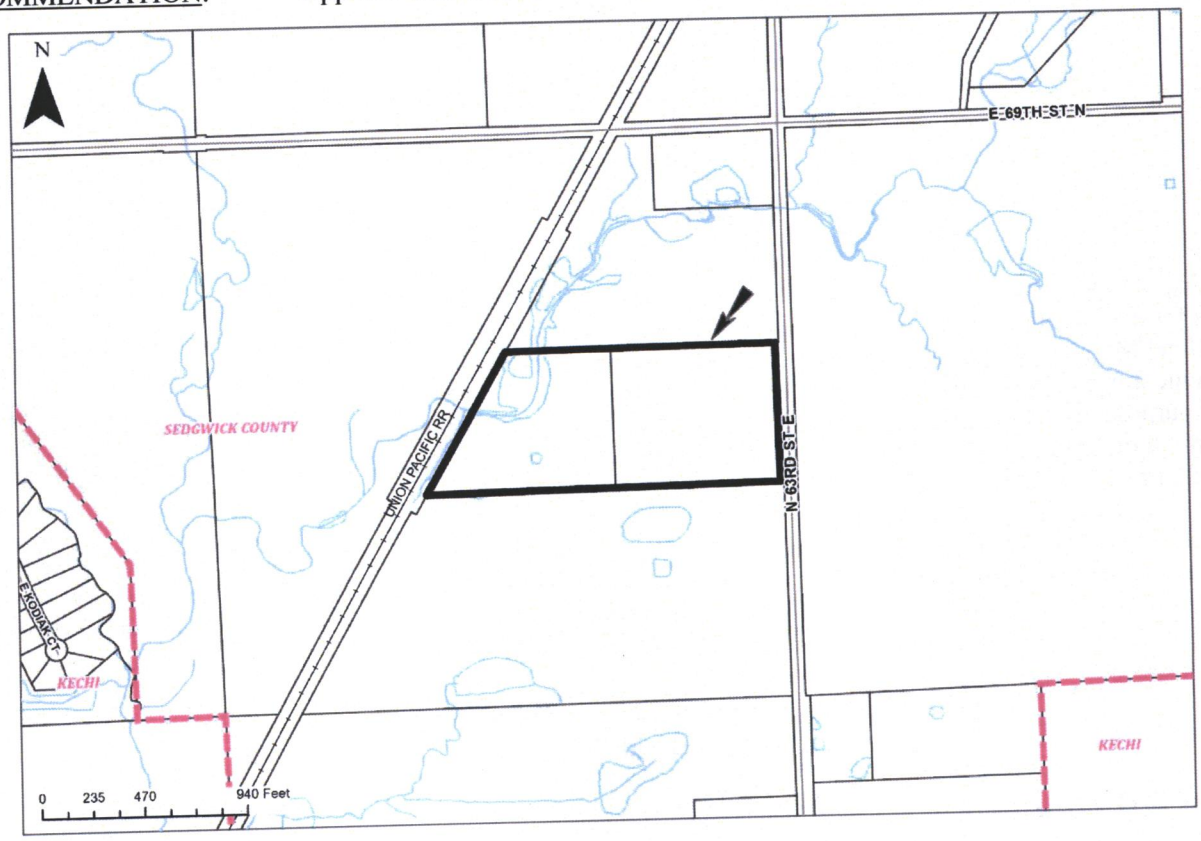
LISA K. STRUNK NOTARY PUBLIC STATE OF KANSAS

AGENDA ITEM NO. 4.3

WICHITA–SEDGWICK COUNTY W-SC METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: June 13, 2024
CAB 1: June 17, 2024
Kechi Planning Commission: June 11, 2024

CASE NUMBER:	PUD2024-000010 (County)
APPLICANT/AGENT:	Ben Baxter/Alicia & Chad Jantz (Applicants)/Baughman Co. P.A. (Agent)
REQUEST:	Rezone to create the Heartstone Planned Unit Development PUD #129
CURRENT ZONING:	RR Rural Residential District
SITE SIZE:	21.3 acres
LOCATION:	Located on the east side of North Woodlawn Boulevard and one-quarter mile south of North 69th Street East. (Kechi Area of Influence)
PROPOSED USE:	To allow for the mixed-use development of commercial, industrial and residential uses.
RECOMMENDATION:	Approve with conditions.



BACKGROUND: The applicant is requesting a zone change from RR Rural Residential District (RR) to PUD Planned Unit Development (PUD) to create the Heartstone Planned Unit Development (PUD #129). The subject site is 21.3 acres in size and is located on the east side of North Woodlawn Boulevard and one-quarter mile south of North 69th Street East. The subject site is currently developed with a single-family dwelling.

The applicant is requesting the zone change in order to allow for the mixed-use development of commercial, industrial and residential. Currently, the RR zoning does not permit the use of Construction Sales and Service; Outdoor Storage; Office, General; or Hotel/Motel. There are two parcels proposed for this PUD. The applicants are proposing a commercial/industrial use on Parcel 1 for a stonework business for commercial and residential clients. This would include the storage of equipment and occasionally, material. The site would not be used as a retail site where customers come to choose or pick up inventory. The applicants are proposing a single-family dwelling on Parcel 2 with six small cottages to be used as a Hotel/Motel use. The applicant is proposing six separate cottages that will each serve as a Hotel/Motel use. These cottages are proposed to be utilized in a way that typically invokes a short-term rental use. However, short-term rentals are not permitted by the UZC in unincorporated Sedgwick County. Therefore, they will be identified as the Hotel/Motel use. Parcel 2 would also permit an Event Center/Community Assembly that would be limited to no more than 80 people maximum at any given event. The hours of operation for the Event Center would be restricted to 8:00 a.m. to 8:00p.m. Sunday through Thursday and 8:00 a.m. to 12:00p.m. (midnight) Friday and Saturday.

Access to the site will be from North Woodlawn Boulevard. Uses in Parcel 1 would be limited to Construction Sales and Service; Storage, Outdoor (subject to the supplemental regulations set forth in Section III.D.6.dd of the UZC); and Office, General. Uses in Parcel 2 would be limited to a single-family dwelling; six dwelling units for Hotel/Motel; Event Center; and Community Assembly limited to 80 people at any given event. Development standards for PUD #129 are as follows:

Property Development Standards	PUD #129
Front Setback	25 feet
Rear Setback	Parcel 1: 0 feet Parcel 2: 25 feet
Interior Side Setback	10 feet
Maximum Height	45 feet

Parking within Parcel 1 shall adhere to the UZC. Parking within Parcel 2 shall be limited to twenty (20) total parking spots for the Event Center/Community Assembly, one (1) for the single-family dwelling, and one (1) parking space per Hotel/Motel cottage-house. No landscape buffering is being proposed. Signs for Parcel 1 and Parcel 2 must of a monument type and are limited to 150 square feet, inclusive. Signage for Parcel 1 is proposed to be placed on Parcel 2 for purposes of having visibility from the public right-of-way. The distance between signage on Parcel 2 shall be a minimum of 100 feet. All outdoor lighting shall employ cut-off luminaries and will be aimed or shielded away from neighboring properties.

The character of the neighborhood is area is mostly rural. The property to the north is zoned RR and is developed with an agricultural field. The property to the east is zoned RR and is developed with a single-family dwelling and an agricultural field. Properties to the south are zoned RR and LI Limited Industrial District (LI) and is developed with a Freight Terminal. Property to the west is zoned RR and is developed with an agricultural field.

CASE HISTORY: The subject site is unplatted. The site will be required to plat before the issuance of any building permits. No other zoning cases have been associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Single-Family Dwelling/Agriculture
SOUTH:	RR/LI	Freight Terminal
EAST:	RR	Single-Family Dwelling/Agriculture
WEST:	RR	Agriculture

PUBLIC SERVICES: The subject site has access to North Woodlawn Street, a gravel, two-lane arterial street with ditches on both sides. Water is served by Rural Water District #1. The property utilizes onsite sewage system for waste water.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with *The Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "Small City Urban Growth Area", which the *Plan* defines as: "*Generally located adjacent to existing municipal boundaries, these areas indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Growth direction and amount is based upon municipal political considerations, anticipated population growth, efficient patterns of growth, current infrastructure limitations, cost effective delivery of future municipal services, and environmental factors.*" With the subject site being in the Kechi Urban Growth Area, staff reviewed the Kechi 2040 Comprehensive Plan to identify the proposed future land use of the subject site. The attached 2040 Kechi Future Development Plan Map from the City of Kechi identifies the site as appropriate for Mixed/Transitional. The Kechi Planning Department defines Mixed/Transitional as "Areas where a mix of compatible housing and small businesses are appropriate at suburban densities. This function provides a buffer between residential and commercial development." Planning Staff considers the proposed uses to be appropriate for the subject site.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to provisions of the Heartstone Planned Unit Development PUD #129 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 #129 Heartstone 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 area is mostly rural. The property to the north is zoned RR and is developed with an agricultural field. The property to the east is zoned RR and is developed with a single-family dwelling and an agricultural field. Properties to the south are zoned RR and LI Limited Industrial District (LI) and is developed with a Freight Terminal. Property to the west is zoned RR and is developed with an agricultural field.

2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned RR Rural Residential District and is suitable for a limited number of residential, civic, commercial, and industrial uses. Uses such as Event Center in the County, Community Assembly, and Outdoor Storage are not permitted in the RR District by-right but would be permitted by establishment of PUD #129.

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. It is reasonable to conclude that there will be an incremental increase in traffic in the area based on the proposed land use.

4. Length of time the property has been vacant as currently zoned: The property is developed with a single-

family dwelling and several out-buildings. It is unknown how long the property has been unoccupied.

5. Relative gain to the public health, safety, and welfare, compared to the loss in value or the hardship imposed upon the applicant: Approval would bring commercial development to the property. Denial may result in the loss of use and enjoyment for 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 significant detrimental 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 #129 Text
2. PUD Drawing
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

Applicant proposed PUD language (staff recommended changes in ***red***)

Project Description:
The intent of this Planned Unit Development is to facilitate a mixed-use development that includes a residential, commercial, and industrial component that allows for a certain level of flexibility with site development regulations which would otherwise not be permitted under the existing zoning.

General Provisions:

1. Total Land Area: 903,303 sq.ft. ± or 20.74 acres ±
   Total Gross Floor Area: 316,156 sq.ft. ±
   Total Floor Area Ratio: 35.0 percent

2. Setbacks are displayed on the individual parcels within the PUD, or outlined in the Parcel description.

3. A Drainage Plan shall be submitted to the appropriate governing body for approval. Required guarantees for drainage shall be provided at the time of platting improvements.

4. Parcel 1 shall be limited to the following uses: Construction Sales and Service, Storage, Outdoor; subject to the supplemental regulations set forth in Section III.D.6.dd ***(listed below)*** of the Unified ***Z***oning ***C***ode, and Office, General.

> ***Outdoor Storage and/or Baling in LC through LI.*** *In LC through LI, the Outdoor Storage and/or baling of junk, scrap, paper, bottles, rags or similar materials is prohibited. See Sec. III-B.14.e, III-B.15.e, III-B.17.e and III-B.18.e for limitations on other Outdoor Storage in LC, OW, IP-A and IP.*

Parcel 2 shall be limited to ***a single-family residence plus; (6) six dwelling units considered Hotel/Motel***; an Event Center/Community Assembly limited to 80 people maximum at any given event. Event Center shall be subject to Supplementary Use Regulations in Section III-D.6.nn of the Unified Zoning Code, ***which states:***

> ***In the RR district only, an Event Center in the County, Church or Place of Worship, Community Assembly or Farmer's Market in the County on property with less than 20 acres requires a Conditional Use and is subject to the standards of this section. Event Center in the County, Church or Place of Worship, Community Assembly or Farmer's Market in the County are permitted by-right on sites of 20 acres or greater, including road right-of-way, if it complies with the standards of this section. When the uses listed above do not comply with the standards listed in this section a Conditional Use is required and shall be subject to the development standards established by the Governing Body.***
>
> ***(1) Maximum building occupancy is limited to that established by building and/or fire officials utilizing applicable building or fire code standards.***

(2) Buildings, events and activities shall comply with applicable building, fire, sanitation, life-safety and other applicable codes.

(3) Seating or attendance at outdoor events shall be limited to the maximum number of occupants permitted by the minimum required parking.

(4) Required parking for an Event Center in the County shall be provided at the rate of one space per four occupants or as established by a parking study. Parking for Church or Place of Worship and Community Assembly shall be per the off-street standards listed in the Code for each use. Parking for Farmer's Market in the County shall be one space per 333 square feet of exhibition and sales area. Parking spaces for persons with disabilities shall be paved. Parking, drive aisles and circulation areas for uses shall be rock or material designated by County officials unless a rock or paved driveway 50 feet in length, measured from the right of way line and is at least six inches thick, is provided and maintained, and the use in not open to the public more than 100 days per year. If a rock or paved driveway 50 feet in length, measured from the right of way line and is at least six inches thick, is provided and maintained, the parking and circulation aisle surface may be grass. All parking shall be located on-site. The event operator or the property owner must maintain a logbook or calendar that accurately indicates the date(s) per month the site will be in use.

(5) Sites offering both indoor and outdoor events shall require parking for the use with the highest parking requirement.

(6) Drainage shall be addressed at the time of platting, change of occupancy or as part of building permit review.

(7) Building and activity areas (other than a driveway) shall be setback 100 feet from property lines.

(8) Access control shall be as determined by Sedgwick County Traffic Engineer.

(9) Signage shall be per County Sign Code.

(10) The service of food and drink may be permitted both indoor and outdoor as part of the operations of the facility provided that the service complies with all applicable regulations. The service of any alcoholic liquor or cereal malt beverage is permitted only with applicable licenses.

(11) Portable toilets shall not be placed within the 100-foot building setback.

(12) Prior to use of the property for the stated use, the applicant shall submit for review and approval by the Director of Planning or his designee a detailed site plan that depicts existing and/or proposed: property boundaries, buildings, structures, access points, driveways, location and number of

parking spaces, outdoor lighting, location of dumpsters, setbacks, outdoor seating or activity areas. At a minimum, the site plan shall be to scale and/or have enough dimension control to verify: site size, size of improvements, buildings or activity areas, location of improvements, buildings, or activity areas, and parking, circulation drives, and access points or any other pertinent details as requested by County staff.

The Event Center shall be limited to the following hours of operation:

- ***Sunday through Thursday: 8:00 a.m. to 8:00 p.m.***
- ***Friday and Saturday: 8:00 a.m. to 12:00 a.m. (midnight)***

5. Access shall be as indicated on the plan, and/or as approved during the platting process.

6. ***All freestanding signs must be monument type and must be placed on Parcel 2 for Parcels 1 and 2, inclusive. Each sign shall be allowed 75 sq ft for a total of 150 sq ft. The distance between signage for Parcel 2 shall be a minimum of 100 feet.***

7. Parking for uses in Parcel 1 shall adhere to the requirements stated in the Unified Zoning Code (UZC). Parking in Parcel 2 shall ***provide a minimum of:*** 20 total parking sp***aces*** for the Event Center/Community Assembly***, 1 (one) parking space for single-family dwelling,*** and 1 (one) parking sp***aces*** per ***Hotel/Motel dwelling unit.***

8. All outdoor lighting shall employ cut-off luminaries to minimize light trespass and ~~along, and~~ will be aimed or shielded away from neighboring properties.

9. Amendments, adjustments or interpretations to this P.U.D. shall be done in accordance with the Unified Zoning Code.

10. 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.

11. 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.

12. The design layout shown on the plan illustrates one development concept. Modifications to the size and/or location of improvements, building layout, and/or access locations may be permitted, provided they meet all requirements of this plan. This plan envisions the development of a mixed-use facility, as shown on the plan; however, in the event additional uses within separate buildings are proposed, the applicant shall submit a revised site plan to the Planning ***Department*** for review. If such modifications are determined by the Planning Director, with the concurrence of the Zoning Administrator, to be significant, the owner shall be required to file for an administrative adjustment to the P.U.D. If the change is considered greater than what can be approved administratively, the owner shall be required to file an amendment to the

P.U.D., which shall be submitted to the Planning Commission for *its* consideration.

Parcel 1:

A.	Net Area:	468,139 sq.ft. ±, or 10.7 acres ±
B.	Maximum Building Coverage:	163,849 sq.ft., or 35 percent
C.	Maximum Gross Floor Area:	163,849 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Building Height:	45 feet
F.	Setbacks:	Per *Drawing*
G.	Access Points:	See Drawing
H.	Permitted Uses:	See General Provision #5

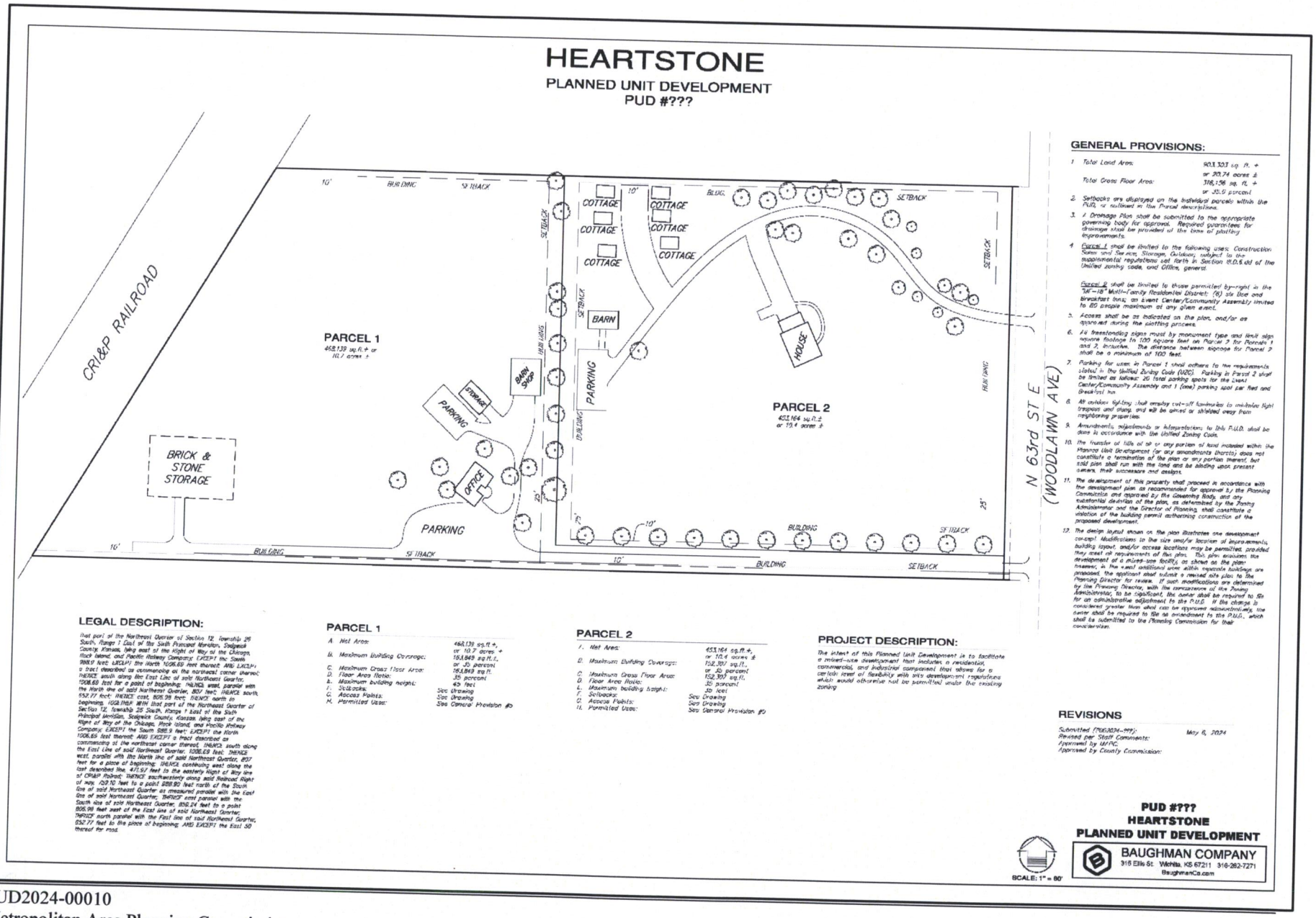
Parcel 2:

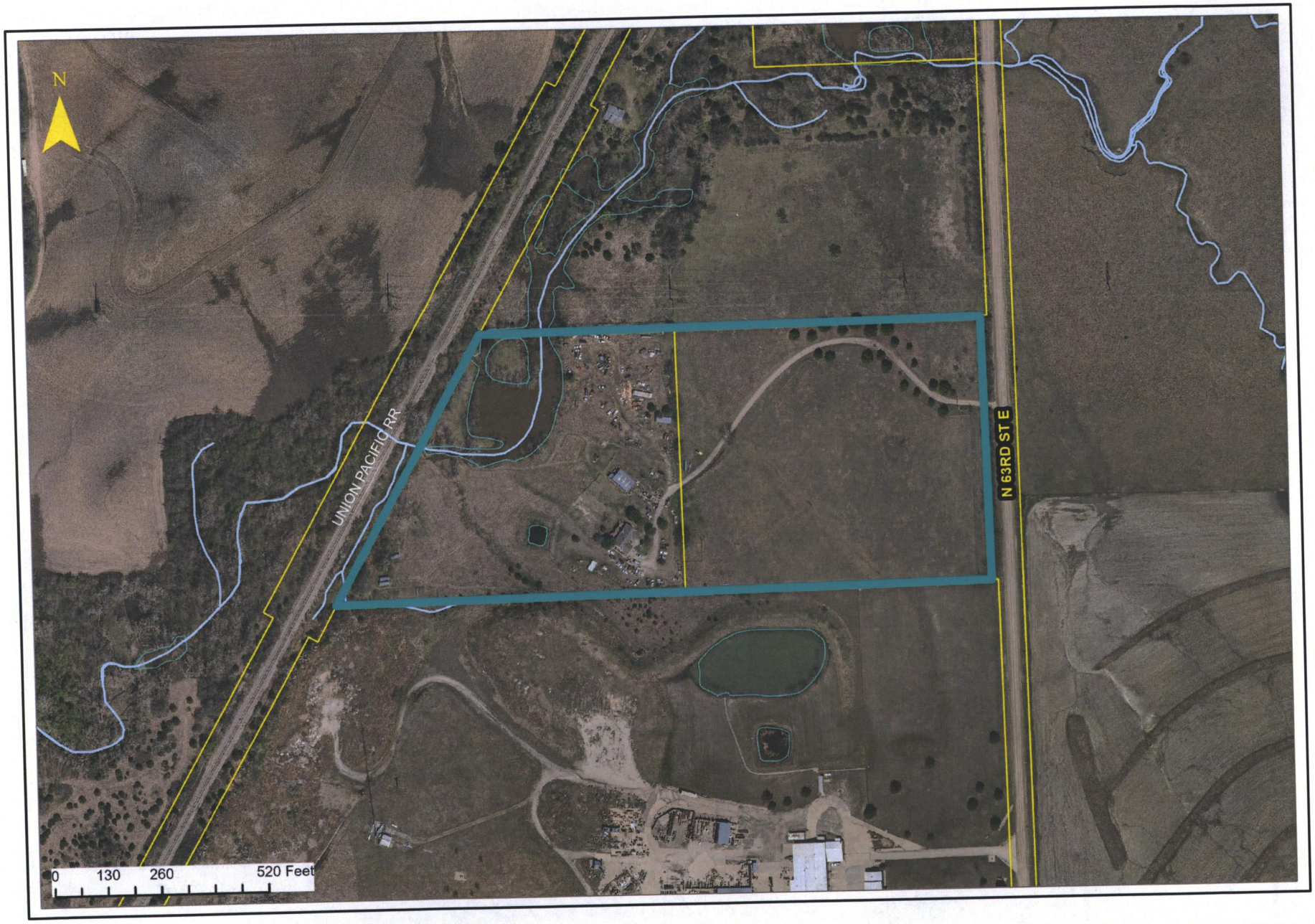
A.	Net Area:	453,164 sq.ft. ±, or 10.4 acres ±
B.	Maximum Building Coverage:	152,307 sq.ft., or 35 percent
C.	Maximum Gross Floor Area:	152,307 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Building Height:	35 feet
F.	Setbacks:	Per *Drawing*
G.	Access Points:	See Drawing
H.	Permitted Uses:	See General Provision #5

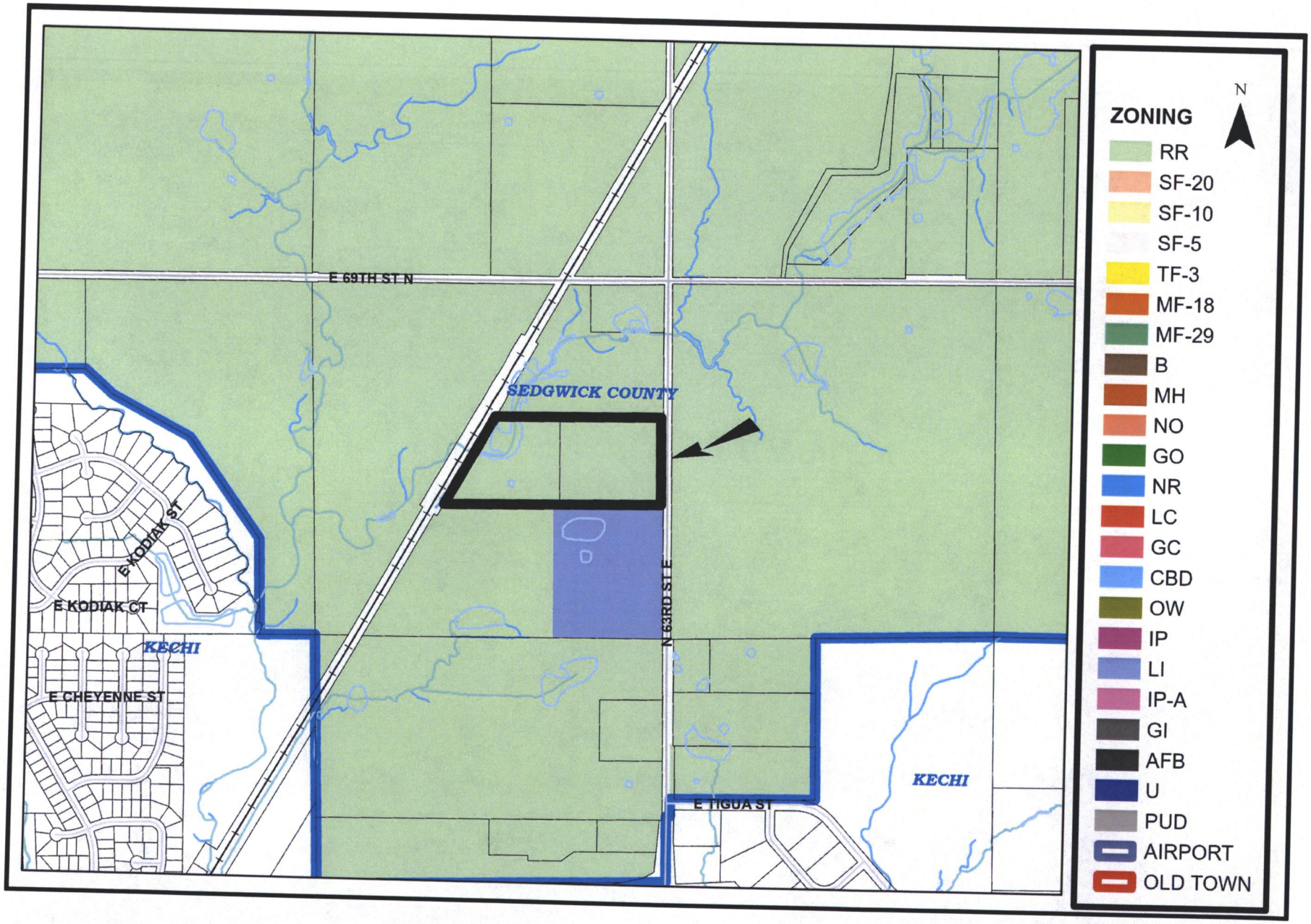
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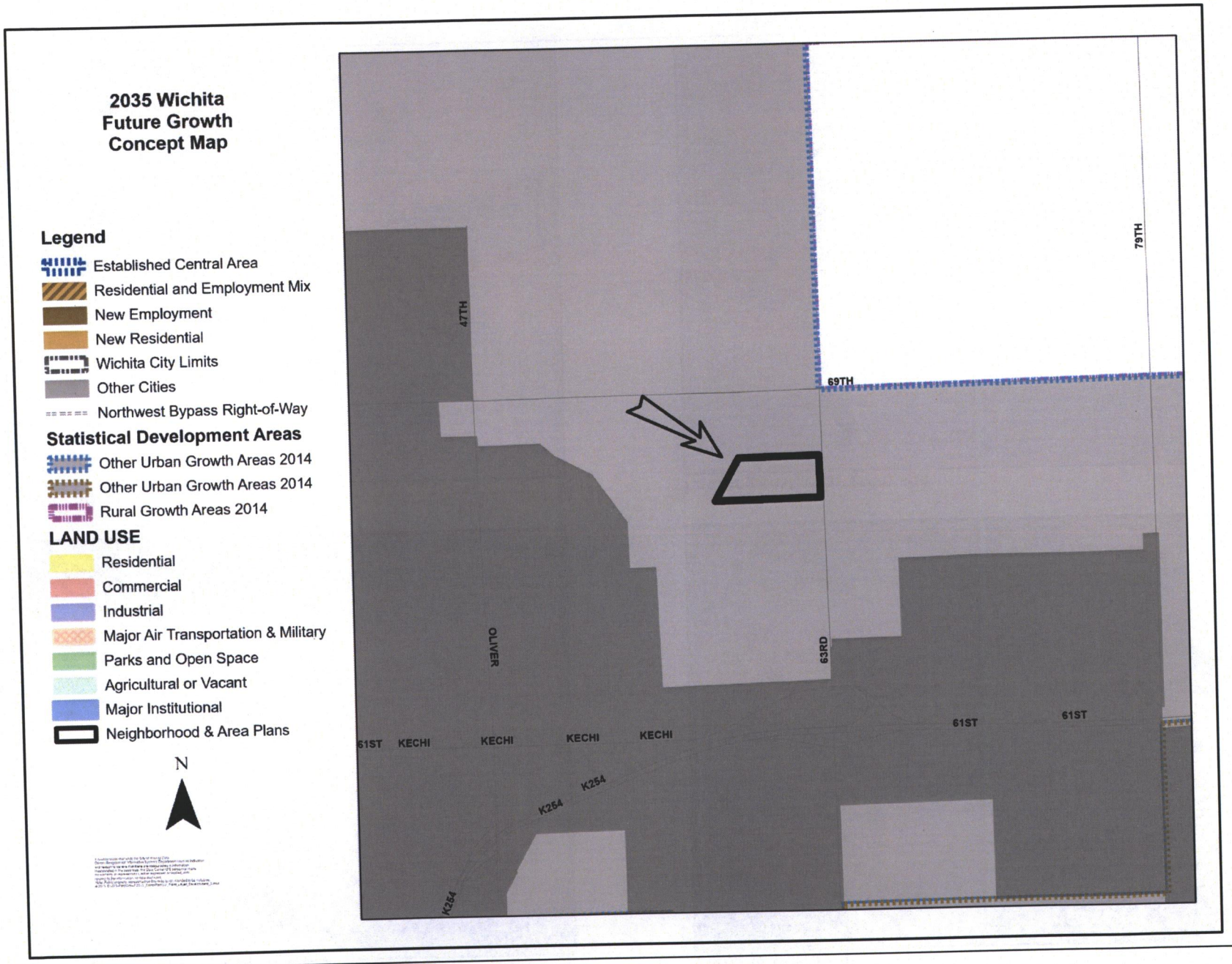
That part of the Northeast Quarter of Section 12, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Right of Way of the Chicago, Rock Island, and Pacific Railway Company; EXCEPT the South 988.9 feet; EXCEPT the North 1006.69 feet thereof; AND EXCEPT a tract described as commencing at the northeast corner thereof; THENCE south along the East Line of said Northeast Quarter, 1006.69 feet for a point of beginning; THENCE west, parallel with the North line of said Northeast Quarter, 807 feet; THENCE south, 652.77 feet; THENCE east, 806.98 feet; THENCE north to beginning, TOGETHER WITH that part of the Northeast Quarter of Section 12, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Right of Way of the Chicago, Rock Island, and Pacific Railway Company; EXCEPT the South 988.9 feet; EXCEPT the North 1006.69 feet thereof; AND EXCEPT a tract described as commencing at the northeast corner thereof; THENCE south along the East Line of said Northeast Quarter, 1006.69 feet; THENCE west, parallel with the North line of said Northeast Quarter, 807 feet for a place of beginning; THENCE continuing west along the last described line, 471.97 feet to the easterly Right of Way line of CRI&P Railroad; THENCE southwesterly along said Railroad Right of way, 759.10 feet to a point 988.90 feet north of the South line of said Northeast Quarter as measured parallel with the East line of said Northeast Quarter; THENCE east parallel with the South line of said Northeast Quarter, 859.24 feet to a point 806.98 feet west of the East line of said Northeast Quarter; THENCE north parallel with the East line of said Northeast Quarter, 652.77 feet to the place of beginning; AND EXCEPT the East 50 thereof for road.

PUD #129 Drawing

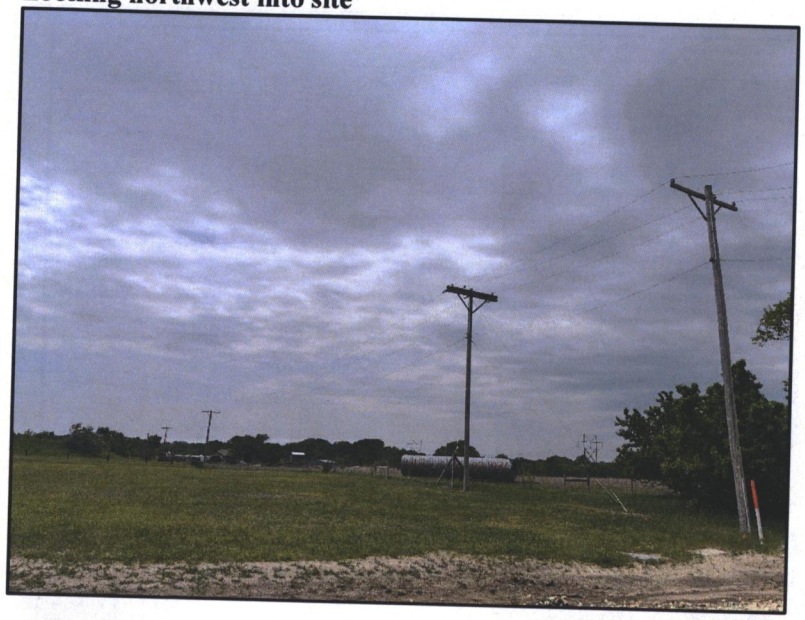



N
UNION PACIFIC RR
N 63RD ST E
0 130 260 520 Feet


E 69TH ST N
SEDGWICK COUNTY
E KODIAK ST
E KODIAK CT
KECHI
E CHEYENNE ST
N 63RD ST E
KECHI
E TIGUA ST
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


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
47TH
69TH
79TH
OLIVER
63RD
61ST
61ST
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KECHI
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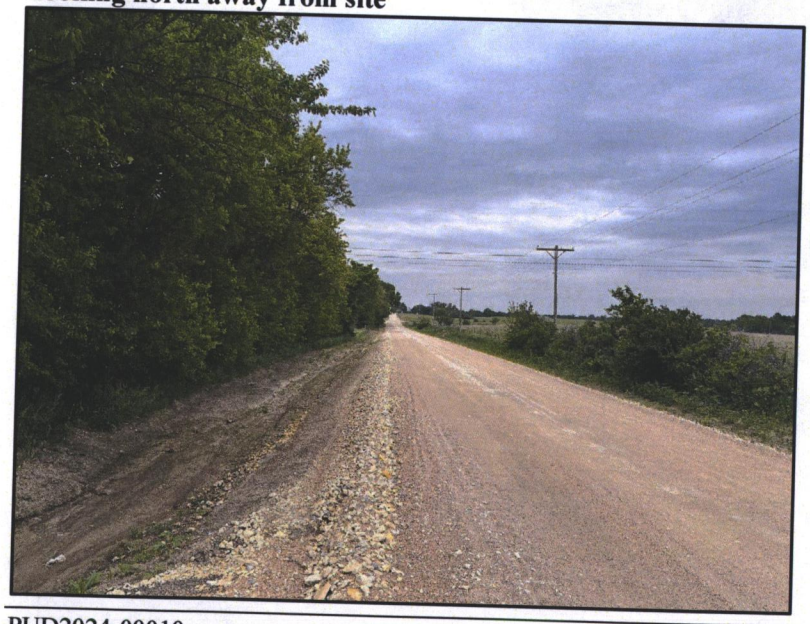
Looking northwest into site



Looking west into site



Looking north away from site



Looking east away from site



Looking south away from site

