Wichita-Sedgwick County Metropolitan Area Planning Department

June 13, 2023

Broadmoor One, LLC
Attn: Max Cole
10346 E. Stonegate Ln. Ste. 800
Wichita, KS 67206

MKEC Engineering
Attn: Brian Lindebak
411 N Webb Rd.
Wichita, KS 67206

RE: **CUP2023-00013 and ZON2023-00019:** Community Unit Plan (DP-361 Meridian 53 CUP) in the City associated with a zoned change to GC General Commercial; located on the south side of West 53rd Street North and on the west side of North Meridian Avenue.

Dear Applicant;

At its regular meeting on **June 13, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request with the following conditions:

1. The CUP text shall be amended in accordance with the following:
    a. Land use distance requirements shall be based on the lot line to lot line distance between the parcel boundary and the lot line of a residential land use.
    b. Night Club in the City and/or Entertainment Establishment shall be accessory uses to other uses permitted by the CUP.
    c. Vehicle and Equipment Sales, Outdoor shall permit only the rental of vehicles and/or equipment as an accessory use to a principal use permitted by the CUP with typical uses to include automobile/truck rental, trailers, and/or moving trailer rental.
    d. Include specific restrictions regarding the copy and graphics for EMCs when abutting or across the street from residential zoning.
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

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

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD

WCC Approved Amended Language

COMMUNITY UNIT PLAN DP-361

DEVELOPMENT GUIDELINES

General Provisions

1. Area: The total development contains a gross area of 24.89 acres.
2. Parcel Descriptions:

Parcel 1
Gross Area = 9.06 Ac. or 394,792 s.f.
Maximum Height = 60 feet; 35 feet when within 200' of Single-Family Residential land use.
Max. Building Coverage = 35%
Max. Gross Floor Area = 85%

Parcel 2
Gross Area = 11.64 Ac. or 506,824 s.f.
Maximum Height = 60 feet; 35 feet when within 200' of Single-Family Residential land use.
Max. Building Coverage = 35%
Max. Gross Floor Area = 60%

Parcel 3
Gross Area = 0.70 Ac. or 30,360 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 4
Gross Area = 0.70 Ac. or 30,360 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 5
Gross Area = 0.69 Ac. or 29,981 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 6
Gross Area = 0.53 Ac. or 23,040 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 7
Gross Area = 0.53 Ac. or 23,000 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 8
Gross Area = 0.53 Ac. or 23,000 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 9
Gross Area = 0.53 Ac. or 23,000 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

3. Land Uses: The following uses are permitted for Parcels within the C.U.P.:

A. All allowed uses permitted within the GC Zoning District with the following EXCEPTIONS; No Parcels within this C.U.P. shall allow:
Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Animal Care, General; Marine Facility, Recreational; Monument Sales; Parking Area Commercial; Parking Area, Commercial; Pawn Shop; Recreational Vehicle Campground; Riding Academy or Stable; Rodeo in the City; Sexually Oriented Business in the City; Kennel - Hobby; Asphalt or Concrete Plant, Limited and General; Manufacturing, Limited and General; Mining or Quarrying; Rock Crushing; and Welding or Machine Shop.

B. The following uses are permitted with the following conditions:

1. Car Wash, provided said use is located a minimum of 200 feet from the lot line of any residential use ~~Single-Family Residential Zoning Lot.~~
2. Kennel, Boarding/Breeding/Training, provided said use is located a minimum of 400 feet from any Single-Family Residential Zoning Lot, including any outdoor runs. Kennel land use is subject to Wichita-Sedgwick County Unified Zoning Code, Supplementary Use Regulations in Section III-D.6.k.
3. Vehicle Repair General, provided said uses is located a minimum of 200 feet from the lot line of any residential use ~~Single-Family Residential Zoning Lot.~~
4. Entertainment, Outdoor, which is defined as the provision of entertainment as defined by Section 3.30.20 of the Wichita Municipal Code, provided said uses are located a minimum of 200 feet from the lot line of any residential use ~~Single-Family Residential Zoning Lot.~~ And provided said Outdoor Entertainment uses shall cease operation by 10:00 p.m. Sunday through Thursday and shall cease by 12:00 a.m. on Friday and Saturday. After which, all windows, doors, or other movable barriers between indoor and outdoor spaces shall be closed as to ensure entertainment is confined to the interior of the building.
5. Vehicle and Equipment Sales, Outdoor is restricted to the rental of vehicles and/or equipment as an accessory use a principal use permitted by the CUP. ~~as defined herein: An establishment engaged in the retail and/or rental, from the premises, of Motor Vehicles and/or equipment along with incidental services and/or maintenance.~~ Typical uses to include automobile/truck rental, trailers, and/or moving trailer rental.

6. Taverns and Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the city are permitted provided such uses are located a minimum of 300 feet away from the lot line of any residential use ~~Single-Family Residential Zoning Lot~~, or Church or Place of Worship, or public or parochial School. And such uses are subject to the conditions of Wichita-Sedgwick County Unified Zoning Code, Section III-D.6.w Outdoor services conditions (1), (2), (3), (4), and (5.) Entertainment Establishment and/or Night Club in the City shall be permitted where the provision of entertainment is accessory to another permitted use within the CUP.

C. The uses permitted by the C.U.P. are only those uses permitted by right and not by conditional use unless specifically identified.

4. Architectural Controls: All buildings within the C.U.P. shall share a compatible architectural character, color, and similar predominate exterior building material, as determined by the Planning Department.

5. Landscaping for this site shall be required as follows:

A. Landscaped street yards, buffers, and parking lot landscaping and screening shall be in accordance with the City of Wichita Landscape Ordinance.

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).

C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.

D. Failure to properly maintain the required landscaping shall be considered a violation of the C.U.P. after a joint determination by the Zoning Administrator and the Director of Planning.

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 Planning Department.

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 27 feet tall, except 15 feet tall when within 200 feet of residential zoning with residential use.

E. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.

7. Screening for this site shall be required as follows:

A. Rooftop mechanical equipment shall be screened from ground-level view per Wichita-Sedgwick County Unified Zoning Code.

B. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view with fencing and/or landscaping.

C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.

8. Setbacks are as shown hereon; if not shown they shall be as specified in Wichita-Sedgwick County Unified Zoning Code for the corresponding base zoning district property development standards or as specified below. If contiguous Parcels are developed under the same ownership, setbacks between such Parcels will not be required.

9. Parking: All Parcels, shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV-A, unless otherwise specified.

10. Utilities: No occupancy permits shall be issued for any development without services by municipal water and sewer services. All proposed new utilities shall be installed underground; unless it is prohibitive due to groundwater depth.

11. Final determination of minimum pad elevations (at least 2 feet higher than the 100-year flood elevation), street right(s)-of-way, easements, and pavement widths on public-private streets shall be resolved at the time of platting. Drainage requirements and improvements shall be determined at the time of platting. If necessary, the CUP development plan shall be adjusted or amended to reflect final drainage requirements.

12. Signs are permitted under the Sign Code of the City of Wichita as per the GC General Commercial Zoning District, and amendments thereto. Additionally, the following conditions apply: The minimum distance between the

monument-type signs shall be 150 feet, except tenant signs may be located a minimum distance of 75 feet when adjacent to development identification signs. One monument-type development identification sign shall be permitted along Meridian Avenue. This sign shall be limited to a maximum of 25 feet in height and 100 square feet.

A. Flashing signs, rotating or moving signs, signs with moving lights, signs which create an illusion of movement are not permitted; provided, however, electronic message signs are allowed provided that when abutting or across the street from residential zoning, copy or graphics shall be limited to static images only and shall not change more than once every five seconds. The sign shall conform to all other requirements of the City of Wichita Sign Code.
B. Portable, billboards, and off-site signs are prohibited.
C. Window display signs are limited to 20% of the window area.
D. No building signs shall be allowed on the rear/westery/southerly facades of any buildings on Parcel 2, provided that they are not seen from ground view on a Single-Family Residential zoned lot to the south/west.
F. Building signage shall be permitted within the CUP. Building signage shall be limited to 20% of the wall area with a maximum of area 400 square feet per building facade.
G. Accent lighting of monument signs shall be permitted.
H. The Developer/Owners shall be responsible for allocating the sign areas to both street frontages.

13. Transportation improvements and Parcel access shall be provided as follows:

A. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between Parcels within the C.U.P.
B. Access controls shall be as shown on the Final Plat and revised upon the C.U.P.
C. An overall site circulation plan shall be submitted for review and approval by the Planning Department, in concurrence with the Zoning Administrator, Fire Chief/Marshal and Traffic Engineer. The circulation plan shall assure smooth internal vehicular and pedestrian movements, pedestrian connectivity to major arterial and within buildings on the CUP and may provide connections to adjoining properties, and ensure that the main drives are not blocked by parking spaces directly backing onto the main drive aisles.
D. A plan for a pedestrian walk system shall be a requirement of the C.U.P. The walk system shall link proposed buildings with the entrances and sidewalks to 53rd Street or Meridian Avenue and shall be assured by required submission and approval of circulation plans by the Planning Department prior to issuing building permits.

14. Title: 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, 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.
15. 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.
16. 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 done in accordance with the Unified Zoning Code.

Wichita-Sedgwick County Metropolitan Area Planning Department

May 12, 2023

Broadmoor One, LLC
Attn: Max Cole
10346 E. Stonegate Ln. Ste. 800
Wichita, KS 67206

MKEC Engineering
Attn: Brian Lindebak
411 N Webb Rd.
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RE: **CUP2023-00013 and ZON2023-00019:** Community Unit Plan (DP-361 Meridian 53 CUP) in the City associated with a zoned change to GC General Commercial; located on the south side of West 53rd Street North and on the west side of North Meridian Avenue.

Dear Applicant;

At its regular meeting on **May 11, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request with the following conditions:

1. The CUP text shall be amended in accordance with the following:
    a. Land use distance requirements shall be based on the lot line to lot line distance between the parcel boundary and the lot line of a residential land use.
    b. Night Club in the City and/or Entertainment Establishment shall be accessory uses to other uses permitted by the CUP.
    c. Vehicle and Equipment Sales, Outdoor shall permit only the rental of vehicles and/or equipment as an accessory use to a principal use permitted by the CUP with typical uses to include automobile/truck rental, trailers, and/or moving trailer rental.
    d. Include specific restrictions regarding the copy and graphics for EMCs when abutting or across the street from residential zoning.
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, 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 **May 25, 2023.** 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 **May 25, 2023 at 5:00 p.m.**

If this application is not protested, the MAPC decision will be final. If it is protested, this application will be presented to the Wichita City Council on **Tuesday, June 13, 2023,** 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,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD

MAPC Recommended Amended Language

COMMUNITY UNIT PLAN DP-361

DEVELOPMENT GUIDELINES

General Provisions

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   A. All allowed uses permitted within the GC Zoning District with the following EXCEPTIONS; No Parcels within this C.U.P. shall allow:
   Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Animal Care, General; Marine Facility, Recreational; Monument Sales; Parking Area Commercial; Parking Area, Commercial; Pawn Shop; Recreational Vehicle Campground; Riding Academy or Stable; Rodeo in the City; Sexually Oriented Business in the City; Kennel - Hobby; Asphalt or Concrete Plant, Limited and General; Manufacturing, Limited and General; Mining or Quarrying; Rock Crushing; and Welding or Machine Shop.
   B. The following uses are permitted with the following conditions:
      1. Car Wash, provided said use is located a minimum of 200 feet from the lot line of any residential use ~~Single-Family Residential Zoning Lot.~~
      2. Kennel, Boarding/Breeding/Training, provided said use is located a minimum of 400 feet from any Single-Family Residential Zoning Lot, including any outdoor runs. Kennel land use is subject to Wichita-Sedgwick County Unified Zoning Code, Supplementary Use Regulations in Section III-D.6.k.
      3. Vehicle Repair General, provided said uses is located a minimum of 200 feet from the lot line of any residential use ~~Single-Family Residential Zoning Lot.~~

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C. The uses permitted by the C.U.P. are only those uses permitted by right and not by conditional use unless specifically identified.

4. Architectural Controls: All buildings within the C.U.P. shall share a compatible architectural character, color, and similar predominate exterior building material, as determined by the Planning Department.
5. Landscaping for this site shall be required as follows:
   A. Landscaped street yards, buffers, and parking lot landscaping and screening shall be in accordance with the City of Wichita Landscape Ordinance.
   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).
   C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
   D. Failure to properly maintain the required landscaping shall be considered a violation of the C.U.P. after a joint determination by the Zoning Administrator and the Director of Planning.
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 Planning Department.
   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 27 feet tall, except 15 feet tall when within 200 feet of residential zoning with residential use.
   E. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
7. Screening for this site shall be required as follows:
   A. Rooftop mechanical equipment shall be screened from ground-level view per Wichita-Sedgwick County Unified Zoning Code.
   B. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view with fencing and/or landscaping.
   C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.

8. Setbacks are as shown hereon; if not shown they shall be as specified in Wichita-Sedgwick County Unified Zoning Code for the corresponding base zoning district property development standards or as specified below. If contiguous Parcels are developed under the same ownership, setbacks between such Parcels will not be required.
9. Parking: All Parcels, shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV-A, unless otherwise specified.
10. Utilities: No occupancy permits shall be issued for any development without services by municipal water and sewer services. All proposed new utilities shall be installed underground; unless it is prohibitive due to groundwater depth.
11. Final determination of minimum pad elevations (at least 2 feet higher than the 100-year flood elevation), street right(s)-of-way, easements, and pavement widths on public-private streets shall be resolved at the time of platting. Drainage requirements and improvements shall be determined at the time of platting. If necessary, the CUP development plan shall be adjusted or amended to reflect final drainage requirements.
12. Signs are permitted under the Sign Code of the City of Wichita as per the GC General Commercial Zoning District, and amendments thereto. Additionally, the following conditions apply: The minimum distance between the monument-type signs shall be 150 feet, except tenant signs may be located a minimum distance of 75 feet when adjacent to development identification signs. One monument-type development identification sign shall be permitted along Meridian Avenue. This sign shall be limited to a maximum of 25 feet in height and 100 square feet.
    A. Flashing signs, rotating or moving signs, signs with moving lights, signs which create an illusion of movement are not permitted; provided, however, electronic message signs are allowed provided that when abutting or across the street from residential zoning, copy or graphics shall be limited to static images only and shall not change more than once every five seconds. The sign shall conform to all other requirements of the City of Wichita Sign Code.
    B. Portable, billboards, and off-site signs are prohibited.
    C. Window display signs are limited to 20% of the window area.
    D. No building signs shall be allowed on the rear/westery/southerly facades of any buildings on Parcel 2, provided that they are not seen from ground view on a Single-Family Residential zoned lot to the south/west.
    F. Building signage shall be permitted within the CUP. Building signage shall be limited to 20% of the wall area with a maximum of area 400 square feet per building facade.
    G. Accent lighting of monument signs shall be permitted.
    H. The Developer/Owners shall be responsible for allocating the sign areas to both street frontages.
13. Transportation improvements and Parcel access shall be provided as follows:
    A. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between Parcels within the C.U.P.
    B. Access controls shall be as shown on the Final Plat and revised upon the C.U.P.
    C. An overall site circulation plan shall be submitted for review and approval by the Planning Department, in concurrence with the Zoning Administrator, Fire Chief/Marshal and Traffic Engineer. The circulation plan shall assure smooth internal vehicular and pedestrian movements, pedestrian connectivity to major arterial and within buildings on the CUP and may provide connections to adjoining properties, and ensure that the main drives are not blocked by parking spaces directly backing onto the main drive aisles.
    D. A plan for a pedestrian walk system shall be a requirement of the C.U.P. The walk system shall link proposed buildings with the entrances and sidewalks to 53rd Street or Meridian Avenue and shall be assured by required submission and approval of circulation plans by the Planning Department prior to issuing building permits.
14. Title: 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, 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.

15. 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.
16. 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 done in accordance with the Unified Zoning Code.

OCA 150004 CORRECTED AND REPUBLISHED IN THE WICHITA EAGLE ON Sept. 4, 2024

ORDINANCE NO. 52-197

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. ZON2023-00019

Zone change in the City from GO General Office District to GC General Commercial District, subject to the General Provisions of Community Unit Plan CUP DP-361, on property legally described as:

A tract of land lying within a portion of Lot 2, Block A, and a portion of Reserve A, Meridian 53 Addition, Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows:

BEGINNING at the northwest corner of Meridian 53 Addition, Wichita, Sedgwick County, Kansas, thence along the north line of said Addition on an assumed bearing of S89°57'29"E, 70.00 feet to the northwest corner of Lot 1, Block A, said Addition; thence along the west line of said Lot 1, S00°53;05"E, 230.00 feet to the southwest corner of said Lot 1; thence along the south line of said Lot 1, S89°57'29"E, 396.11 feet to the southeast corner of said Lot 1; thence along an easterly line of said Lot 2, S00°46'05"E, 331.80 feet; thence continuing along an easterly line of said Lot 2, S00°45'15"E, 45.80 feet to the point of intersection of said Lot 2; thence along a northerly line of said Lot 2, N89°19'05"E, 566.79 feet to the northwest corner of Lot 3, said Block A, said Addition; thence along the westerly line of said Lot 3 extended to the northwest corner of Lot 4, Block A, said Addition and along the west line of said Lot 4, S00°46'03"E, 658.30 feet to the southwest corner of said Lot 4; thence along the south line of said Lot 2 and the south line of said Reserve A, S89°39'33"W, 883.09 feet to a point on a platted drainage easement within Reserve A, said Addition being a point on a non-tangent curve to the right; said curve having a radius of 1,157.63 feet, a central angle of 24°53'47", a chord bearing of N13°20'24"W, and a chord distance of 499.07 feet, thence along said non-tangent curve to the right, 503.02 feet; thence S89°06'55"W, 40.00 feet to the west line of said Addition; thence along said west line, N00°53'05"W, 786.43 feet to the POINT OF BEGINNING.

Zone change in the City from LC Limited Commercial District to GC General Commercial District, subject to the General Provisions of Community Unit Plan CUP DP-361, on property legally described as:

Lots 1, 3, 4, Block A, and Reserve B, TOGETHER WITH, the west most 230 feet of Lot 2, said Block A, Meridian 53 Addition, Wichita, Sedgwick County, Kansas.

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

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

Adopted this 20th day of June, 2023.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

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

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
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The Telegraph - Macon
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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	588289	Print Legal Ad-IPL01919090 - IPL0191909	ORD. NO.52-197	$102.66	2	61 L

Attention: LaTosha Alvarez
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

JMBuster@wichita.gov

OCA 150004 CORRECTED AND REPUBLISHED IN THE WICHITA EAGLE ON September 1, 2024
ORDINANCE NO. 52-197

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. ZON2023-00019
Zone change in the City from GO General Office District to GC General Commercial District, subject to the General Provisions of Community Unit Plan CUP DP-361, on property legally described as:
A tract of land lying within a portion of Lot 2, Block A, and a portion of Reserve A, Meridian 53 Addition, Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows:
BEGINNING at the northwest corner of Meridian 53 Addition, Wichita, Sedgwick County, Kansas, thence along the north line of said Addition on an assumed bearing of S89°57'29"E, 70.00 feet to the northwest corner of Lot 1, Block A, said Addition; thence along the west line of said Lot 1, S00°53'05"E, 230.00 feet to the southwest corner of said Lot 1; thence along the south line of said Lot 1, S89°57'29"E, 396.11 feet to the southeast corner of said Lot 1; thence along an easterly line of said Lot 2, S00°46'05"E, 331.80 feet; thence continuing along an easterly line of said Lot 2, S00°45'15"E, 45.80 feet to the point of intersection of said Lot 2; thence along a northerly line of said Lot 2, N89°19'05"E, 566.79 feet to the northwest corner of Lot 3, said Block A, said Addition; thence along the westerly line of said Lot 3 extended to the northwest corner of Lot 4, Block A, said Addition and along the west line of said Lot 4, S00°46'03"E, 658.30 feet to the southwest corner of said Lot 4; thence along the south line of said Lot 2 and the south line of said Reserve A, S89°39'33"W, 883.09 feet to a point on a platted drainage easement within Reserve A, said Addition being a point on a non-tangent curve to the right; said curve having a radius of 1,157.63 feet, a central angle of 24°53'47", a chord bearing of N13°20'24"W, and a chord distance of 499.07 feet, thence along said non-tangent curve to the right, 503.02 feet; thence S89°06'55"W, 40.00 feet to the west line of said Addition; thence along said west line, N00°53'05"W, 786.43 feet to the POINT OF BEGINNING.
Zone change in the City from LC Limited Commercial District to GC General Commercial District, subject to the General Provisions of Community Unit Plan CUP DP-361, on property legally described as:
Lots 1, 3, 4, Block A, and Reserve B, TOGETHER WITH, the west most 230 feet of Lot 2, said Block A, Meridian 53 Addition, Wichita, Sedgwick County, Kansas.
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.
Adopted this 20th day of June, 2023.
Lily Wu, Mayor, City of Wichita
ATTEST:
Jamie Buster, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0191909
Sep 1 2024

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

1 insertion(s) published on:
09/01/24

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 09/01/2024 to 09/01/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 09/03/2024

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!

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON June 16, 2023

RESOLUTION No. 23-261

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF CUP DP-361 MERIDIAN 53 COMMUNITY UNIT PLAN; ON PROPERTY ZONED LC LIMITED COMMERCIAL DISTRICT AND GC GENERAL COMMERCIAL DISTRICT; GENERALLY LOCATED ON THE WEST SIDE OF NORTH MERIDIAN AVENUE AND ON THE SOUTH SIDE OF WEST 53RD STREET NORTH, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for an approximately 24.85-acre property zoned LC Limited Commercial District and GC General Commercial District with CUP DP-361, legally described below:

CUP2023-00013
DP-361

A tract of land lying within Lots 1, 2, 3, 4, Block A, Reserve B, and a portion of Reserve A, Meridian 54 Addition, Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows:

BEGINNING at the northwest corner of Meridian 53 Addition, Wichita, Sedgwick County, Kansas, thence along the perimeter of said addition for the next nine (9) courses on assumed bearings of, S89°57'29"E, 466.53 feet; thence S00°46'52"E, 215.19 feet; thence S00°46'05"E, 331.80 feet; thence S00°45'15"E, 59.80 feet; thence N89°19'05"E, 596.79 feet; thence N89°17'02"E, 112.49 feet; thence N89°20'20"E, 87.51 feet; thence S00°46'03"E, 667.20 feet; thence S89°39'33"W, 1,113.10 feet to a point on a platted drainage easement within Reserve A, said addition being a point on a non-tangent curve to the right, said curve having a radius of 1,157.63 feet, a central angle of 24°53'47", a chord bearing of N13°20'24"W, and a chord distance of 499.07 feet, thence along said non-tangent curve to the right 503.02 feet; thence S89°06'55"W, 40.00 feet to the west line of said addition; thence along said west line, N00°53'05"W, 786.43 feet to the POINT OF BEGINNING.

The publication of this Resolution establishes the boundaries of the CUP DP-361 and the provisions of said Community Unit Plan shall only apply to above-described property.

Amended text to CUP DP-361 shall read as follows:

GENERAL PROVISIONS – DP-361

1. Area: The total development contains a gross area of 24.89 acres.
2. Parcel Descriptions:

Parcel 1
Gross Area = 9.06 Ac. or 394,792 s.f.

Maximum Height = 60 feet; 35 feet when within 200' of Single-Family Residential land use.
Max. Building Coverage = 35%
Max. Gross Floor Area = 85%

Parcel 2
Gross Area = 11.64 Ac. or 506,824 s.f.
Maximum Height = 60 feet; 35 feet when within 200' of Single-Family Residential land use.
Max. Building Coverage = 35%
Max. Gross Floor Area = 60%

Parcel 3
Gross Area = 0.70 Ac. or 30,360 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 4
Gross Area = 0.70 Ac. or 30,360 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 5
Gross Area = 0.69 Ac. or 29,981 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 6
Gross Area = 0.53 Ac. or 23,040 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 7
Gross Area = 0.53 Ac. or 23,000 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 8
Gross Area = 0.53 Ac. or 23,000 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 9
Gross Area = 0.53 Ac. or 23,000 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

3. Land Uses: The following uses are permitted for Parcels within the C.U.P.:
   A. All allowed uses permitted within the GC Zoning District with the following EXCEPTIONS: No Parcels within this C.U.P. shall allow:
      Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Animal Care, General; Marine Facility, Recreational; Monument Sales; Parking Area, Commercial; Pawn Shop; Recreational Vehicle Campground; Riding Academy or Stable; Rodeo in the City; Sexually Oriented Business in the City; Kennel - Hobby; Asphalt or Concrete Plant, Limited and General; Manufacturing, Limited and General; Mining or Quarrying; Rock Crushing; and Welding or Machine Shop.
   B. The following uses are permitted with the following conditions:
      1. Car Wash, provided said use is located a minimum of 200 feet from the lot line of any residential use.
      2. Kennel, Boarding/Breeding/Training, provided said use is located a minimum of 400 feet from any Single-Family Residential Zoning Lot, including any outdoor runs. Kennel land use is subject to Wichita-Sedgwick County Unified Zoning Code, Supplementary Use Regulations in Section III-D.6.k.
      3. Vehicle Repair General, provided said use is located a minimum of 200 feet from the lot line of any residential use.
      4. Entertainment, Outdoor, which is defined as the provision of entertainment as defined by Section 3.30.20 of the Wichita Municipal Code, provided said uses are located a minimum of 200 feet from the lot line of any residential use. And provided said Outdoor Entertainment uses shall cease operation by 10:00 p.m. Sunday through Thursday and shall cease by 12:00 a.m. on Friday and Saturday. After which, all windows, doors, or other movable barriers between indoor and outdoor spaces shall be closed as to ensure entertainment is confined to the interior of the building.
      5. Vehicle and Equipment Sales, Outdoor is restricted to the rental of vehicles and/or equipment as an accessory use to a principal use permitted by the CUP. Typical uses to include automobile/truck rental, trailers, and/or moving trailer rental.
      6. Taverns and Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the city are permitted provided such uses are located a minimum of 300 feet away from the lot line of any residential use, or Church or Place of Worship, or public or parochial school. And such uses are subject to the conditions of Wichita-Sedgwick County Unified Zoning Code, Section III-D.6.w Outdoor services conditions (1), (2), (3), (4), and (5.) Entertainment Establishment and/or Night Club in the City shall be permitted where the provision of entertainment is accessory to another permitted use within the CUP.
   C. The uses permitted by the C.U.P. are only those uses permitted by right and not by conditional use unless specifically identified.
4. Architectural Controls: All buildings within the C.U.P. shall share a compatible architectural character, color, and similar predominate exterior building material, as determined by the Planning Department.
5. Landscaping for this site shall be required as follows:
   A. Landscaped street yards, buffers, and parking lot landscaping and screening shall be in accordance with the City of Wichita Landscape Ordinance.
   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).
   C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
   D. Failure to properly maintain the required landscaping shall be considered a violation of the C.U.P. after a joint determination by the Zoning Administrator and the Director of Planning.
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 Planning Department.

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 27 feet tall, except 15 feet tall when within 200 feet of residential zoning with residential use.

E. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.

7. Screening for this site shall be required as follows:

A. Rooftop mechanical equipment shall be screened from ground-level view per Wichita-Sedgwick County Unified Zoning Code.

B. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view with fencing and/or landscaping.

C. Unless otherwise noted screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.

8. Setbacks are as shown hereon; if not shown they shall be as specified in Wichita-Sedgwick County Unified Zoning Code for the corresponding base zoning district property development standards or as specified below. If contiguous Parcels are developed under the same ownership, setbacks between such Parcels will not be required.

9. Parking: All Parcels shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV-A, unless otherwise specified.

10. Utilities: No occupancy permits shall be issued for any development without services by municipal water and sewer services. All proposed new utilities shall be installed underground; unless it is prohibitive due to groundwater depth.

11. Final determination of minimum pad elevations (at least 2 feet higher than the 100-year flood elevation), street right(s)-of-way, easements, and pavement widths on public-private streets shall be resolved at the time of platting. Drainage requirements and improvements shall be determined at the time of platting. If necessary, the CUP development plan shall be adjusted or amended to reflect final drainage requirements.

12. Signs are permitted under the Sign Code of the City of Wichita as per the GC General Commercial Zoning District, and amendments thereto. Additionally, the following conditions apply: The minimum distance between the monument-type signs shall be 150 feet, except tenant signs may be located a minimum distance of 75 feet when adjacent to development identification signs. One monument-type development identification sign shall be permitted along Meridian Avenue. This sign shall be limited to a maximum of 25 feet in height and 100 square feet.

A. Flashing signs, rotating or moving signs, signs with moving lights, signs which create an illusion of movement are not permitted; provided, however, electronic message signs are allowed provided that when abutting or across the street from residential zoning, copy or graphics shall be limited to static images only and shall not change more than once every five seconds. The sign shall conform to all other requirements of the City of Wichita Sign Code.

B. Portable, billboards, and off-site signs are prohibited.

C. Window display signs are limited to 20% of the window area.

D. No building signs shall be allowed on the rear/westery/southerly facades of any buildings on Parcel 2, provided that they are not seen from ground view on a Single-Family Residential zoned lot to the south/west.

F. Building signage shall be permitted within the CUP. Building signage shall be limited to 20% of the wall area with a maximum of area 400 square feet per building facade.

G. Accent lighting of monument signs shall be permitted.

H. The Developer/Owners shall be responsible for allocating the sign areas to both street frontages.

13. Transportation improvements and Parcel access shall be provided as follows:

A. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between Parcels within the C.U.P.

B. Access controls shall be as shown on the Final Plat and revised upon the C.U.P.

C. An overall site circulation plan shall be submitted for review and approval by the Planning Department, in concurrence with the Zoning Administrator, Fire Chief/Marshal and Traffic Engineer. The circulation plan

shall assure smooth internal vehicular and pedestrian movements, pedestrian connectivity to major arterial and within buildings on the CUP and may provide connections to adjoining properties and ensure that the main drives are not blocked by parking spaces directly backing onto the main drive aisles.

D. A plan for a pedestrian walk system shall be a requirement of the C.U.P. The walk system shall link proposed buildings with the entrances and sidewalks to 53rd Street or Meridian Avenue and shall be assured by required submission and approval of circulation plans by the Planning Department prior to issuing building permits.

14. Title: 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. However, the Director of Planning, 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.
15. 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.
16. 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 done in accordance with the Unified Zoning Code.

The amendment is hereby GRANTED, subject to the following conditions:

1. The CUP text shall be amended in accordance with the following:
    a. Land use distance requirements shall be based on the lot line to lot line distance between the parcel boundary and the lot line of a residential land use.
    b. Night Club in the City and/or Entertainment Establishment shall be accessory uses to other uses permitted by the CUP.
    c. Vehicle and Equipment Sales, Outdoor shall permit only the rental of vehicles and/or equipment as an accessory use to a principal use permitted by the CUP with typical uses to include automobile/truck rental, trailers, and/or moving trailer rental.
    d. Include specific restrictions regarding the copy and graphics for EMCs when abutting or across the street from residential zoning.
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Community Unit Plan shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

[Remainder of Page Intentionally Left Blank]

Adopted this 13TH day of June, 2023.

ATTEST:

Brandon J. Whipple, Mayor, City of Wichita

Jamie Buster, 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
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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	435580	Print Legal Ad-IPL01280200 - IPL0128020		$97.23	2	58 L

Attention: Jamie Buster

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

LAlvarez@wichita.gov

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON June 23, 2023
ORDINANCE NO. 52-197

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. ZON2023-00019

Zone change in the City from GO General Office District to GC General Commercial District, subject to the General Provisions of Community Unit Plan CUP DP-361, on property legally described as:

A tract of land lying within a portion of Lot 2, Block A, and a portion of Reserve A, Meridian 53 Addition, Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows:

BEGINNING at the northwest corner of Meridian 53 Addition, Wichita, Sedgwick County, Kansas, thence along the north line of said Addition on an assumed bearing of S89°57'29"E, 70.00 feet to the northwest corner of Lot 1, Block A, said Addition; thence along the west line of said Lot 1, S00°53;05"E, 230.00 feet to the southwest corner of said Lot 1; thence along the south line of said Lot 1, S89°57'29"E, 396.11 feet to the southeast corner of said Lot 1; thence along an easterly line of said Lot 2, S00°46'05"W, 331.80 feet; thence continuing along an easterly line of said Lot 2, S00°45'15"E, 59.80 feet to the point of intersection of said Lot 2; thence along a northerly line of said Lot 2, N89°19'05"E, 566.79 feet to the northwest corner of Lot 3, said Block A, said Addition; thence along the westerly line of said Lot 3 extended to the northwest corner of Lot 4, Block A, said Addition and along the west line of said Lot 4, S00°46'03"E, 665.80 feet to the southwest corner of said Lot 4; thence along the south line of said Lot 2 and the south line of said Reserve A, S89°39'33"W, 883.09 feet to a point on a platted drainage easement within Reserve A, said Addition being a point on a non-tangent curve to the right; said curve having a radius of 1,157.63 feet, a central angle of 24°53'47", a chord bearing of N13°20'24"W, and a chord distance of 499.07 feet, thence along said non-tangent curve to the right, 503.02 feet; thence S89°06'55"W, 40.00 feet to the west line of said Addition; thence along said west line, N00°53'05"W, 786.43 feet to the POINT OF BEGINNING.

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

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

Adopted this 20th day of June, 2023.
Brandon J. Whipple, Mayor, City of Wichita
ATTEST:
Jamie Buster, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0128020
Jun 23 2023

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

1 insertion(s) published on:
06/23/23

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 06/23/2023 to 06/23/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 06/23/2023

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

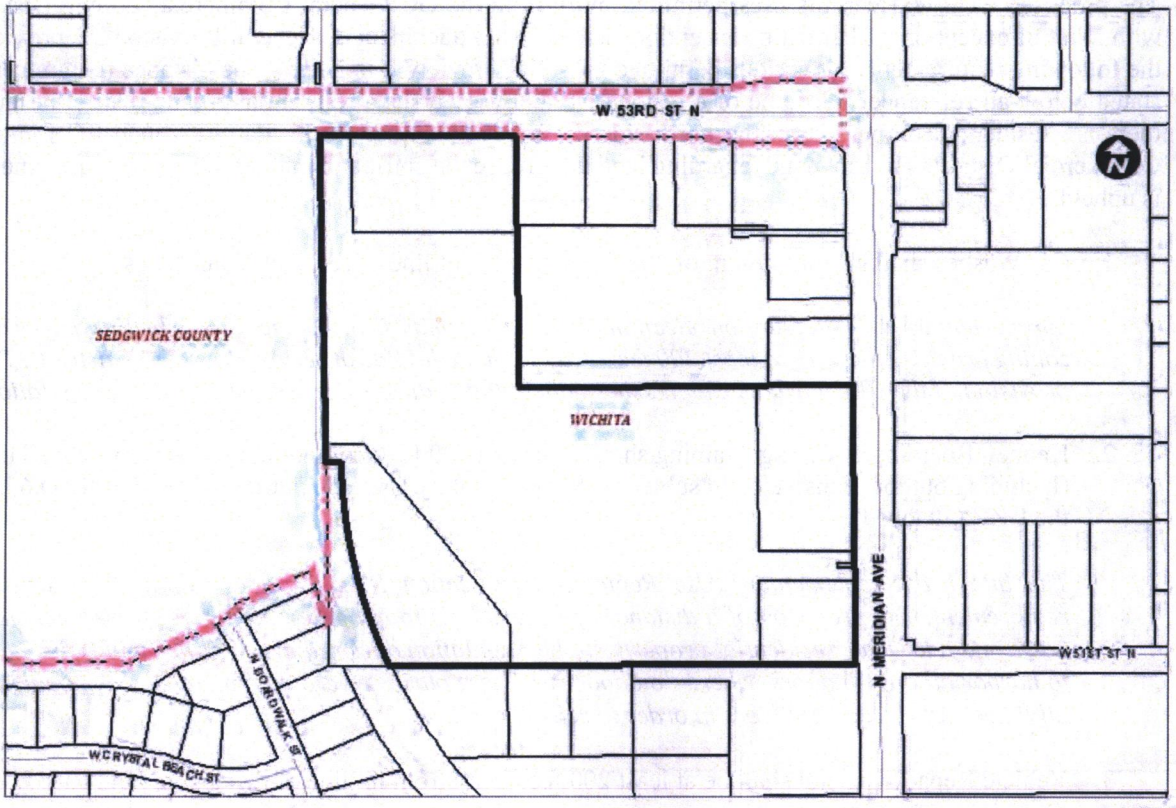
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

WICHITA—SEDGWICK COUNTY
W SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO: 4.4

STAFF REPORT
MAPC: May 11, 2023
DAB VI: May 8, 2023

CASE NUMBER:	ZON2023-00019 and CUP2023-00013 (City)
APPLICANT/AGENT:	Broadmoor One, LLC (Applicant)/ MKEC Engineering (Agent)
REQUEST:	GC General Commercial District and Establish the Meridian 53 CUP DP-361
CURRENT ZONING:	GO General Office District and LC Limited Commercial District
SITE SIZE:	24.85 acres
LOCATION:	Generally located on the west side of North Meridian Avenue, within one-quarter mile south of West 53rd Street North
PROPOSED USE:	Uses within GC General Commercial District, with exceptions.
RECOMMENDATION:	Approval with conditions



BACKGROUND: The applicant is requesting:

1. a zone change from GO General Office District and LC Limited Commercial District to GC General Commercial District; and
2. to establish the Meridian 53 Community Unit Plan CUP DP-361.

The subject site properties are a combined total of 24.85 acres in size, are zoned GO General Office District and LC Limited Commercial District and are generally located on the west side of North Meridian Avenue, within one-quarter mile south of West 53rd Street North. The applicant seeks to change the zoning on 22.73 acres of the land to GC General Commercial District and to establish the Meridian 53 CUP DP-361.

Zone Change

The applicant is requesting the zone change in order to allow higher intensity commercial uses on the subject site. As seen on the attached zoning map, only land immediately fronting both North Meridian Avenue and West 53rd Street are zoned LC Limited Commercial District. The remaining land internal to the subject site is zoned GO General Office District. The applicant is requesting to rezone 22.73 of the 24.85 acres to GC General Commercial. The portion of the site remaining GO General Office District is in the southwest corner of the site, which is a portion of platted Reserve A.

CUP DP-361

The proposed CUP includes Parcels 1 through 9. Parcels 1 and 2 are large parcels internal to the site while Parcels 3 through 9 are smaller parcels fronting North Meridian Avenue and West 53rd Street North. Section III-C.2.b of the Unified Zoning Code (UZC) requires property owners to establish a CUP when property zoned LC or GC is six acres or greater. The CUP follows standard requirements with 35-foot setbacks along the arterials and parking is per Section IV-A of the UZC.

Land Uses

The proposed CUP text permits uses permitted by-right in the GC General Commercial Zoning District with a list of exceptions. That list of exceptions is listed in Attachment 3. General Provision 3B provides the following requirements for various permitted uses. Staff review is in italics. The distance requirements stated below all reference to lot line of a residential land use versus a residential zoning district because there are residential properties on the north side of West 53rd Street North that are zoned LC Limited Commercial District. The language regarding land use ensure the spirit and intent of distance requirements is upheld.

1. Car Washes shall be a minimum of 200 feet from the lot line of residential land uses.

   Supplementary Use Regulation, Section III-D.6.f, permits Car Washes by-right in commercial zoning provided they are at least 200 feet away from the lot line of residential zoning districts. This provision of the CUP ensures Car Washes adhere to the distance requirements of this regulation.

2. Kennel, Boarding/Breeding/Training shall be at least 400 feet from lot line of residential land uses (including outdoor runs) and are subject to Supplementary Use Regulations in Section III-D.6.k of the UZC (attached).

   The attached Supplementary Use Regulation in Section III-D.6.k does not have a distance requirement. The provision of a distance requirement is to mitigate possible negative impacts of noise and odor near residential properties. The Regulation does require facilities under five acres to harbor all dogs indoors, where "outdoor runs" are places where an animal is accompanied at all times and is taken outdoors in order to relieve itself.

3. Vehicle Repair, General shall be at least 200 feet away from lot line of residential land uses.

Vehicle Repair, General does not have a distance requirement from residential uses. However, like with the Kennel, this provision is to help mitigate possible negative impacts of noise and odor near residential properties.

4. Outdoor Entertainment, provided said uses are located a minimum of 200 feet from any Single-Family Residential Zoning Lot. And provided said outdoor entertainment uses shall cease operation by 10:00 p.m. Sunday through Thursday and shall cease by 12:00 a.m. on Friday and Saturday. After which, all windows, doors, or other movable barriers between indoor and outdoor spaces shall be closed so as to ensure entertainment is confined to the interior of the building.

   Staff recommends that this provision provide a more tailored definition of "outdoor entertainment." The way it is written could include everything from entertainment defined by the City Code (live music, dancing, DJs, etc.) to games of skill (pickle ball, driving range, mini golf, etc.). Planning staff recommends that this provision include a definition that entertainment be defined by the City Code and not permit outdoor games of skill. Planning staff also recommends that this provision be updated to state that outdoor entertainment must be a minimum of 200 feet from any residential use, not single-family residential zoning lot because there are residential lots north of West 53rd Street that are zoned LC Limited Commercial District.

5. Vehicle and Equipment Sales, Outdoor as defined herein: an establishment engaged in the retail and/or rental, from the premises, of Motor Vehicles and/or equipment along with incidental services and/or maintenance. Typical uses to include automobile/truck rental, trailer rental, and/or moving trailer rental.
   This provision permits the retail sales of automobiles, trucks, and equipment/trailers, but also permits the rental of said items as well. Staff's understanding is the intended use is the rental of such items, but this provision does not prohibit the sale of such items. This, as a primary use, would be an intensive commercial use and is introducing a new use into the area. There are no automotive or equipment sales/rental facilities in the near vicinity. Staff would be supporting of vehicle/equipment rental associated with a different primary use. Staff is not supportive of Vehicle and Equipment Sales, Outdoor as defined by this provision.

The uses of Tavern/Drinking Establishment, Entertainment Establishment, Event Center, and Night Club in the City (definitions attached) are permitted uses within the CUP. The CUP text permits these uses by-right as long as they adhere to distance requirements. Staff is supportive of Entertainment Establishments and Night Clubs in the City permitted only as accessory to another use such as an Event Center, Tavern/Drinking Establishment, or restaurant.

- Tavern/Drinking Establishment and Night Club in the City are subject to Supplementary Use Regulation Section III-D.6.w, which requires a minimum of a 300-foot distance from residential zoning, church or place of worship, public park, or public or parochial school.
- Event Center and Entertainment Establishment (when neither are considered Night Club in the City) are subject to Supplementary Use Regulation Section III-D.6.w, which requires a minimum of a 200-foot distance from residential zoning, church or place of worship, public park, or public or parochial school.

Landscaping and Screening

Landscaping shall be provided per the Wichita Landscape Ordinance which requires landscaped street yards with parking lot screening along North Meridian Avenue and West 53rd Street North. Additionally, if abutting residential zoning, a landscape buffer is also required. The CUP requires a landscape plan to be reviewed and approved by the Planning Department prior to the issuance of building permits.

Screening standards mostly adhere to those required by Section IV-B and Section III-C.2.b of the UZC provided that screening around trash receptacles, loading docks, outdoor storage, and loading areas can be

provided by either a fence and/or landscaping. The intent of the screening to reasonably hide these things from ground level view. A landscape plan is required for review and approval prior to the issuance of building permits, which will permit the Planning Department the opportunity to ensure any landscape screening around such things is sufficient. Section III-C.2b requires that a six-foot masonry wall be constructed around the perimeter of CUP when abutting a residential zoning district.

Signs

The CUP permits signs according to the standards permitted for the GC General Commercial District with the following provisions above and beyond the Sign Code. Staff review is in italics.

- The minimum distance between tenant signs and development identification signs can be reduced to 75 feet, but the distance between tenant signs shall be 150 feet.

  The Sign Code prohibits all ground or pole signs from being less than 150 feet apart. However, several recent CUPs have had this provision to reduce the distance between a tenant sign and a development identification sign.

- A 25-foot, 100 square-foot monument identification sign is permitted along North Meridian Avenue. The developer/owner is responsible for allocating sign area along each street frontage.

  The Sign Code limits an individual sign to 25 feet in height. Total allotted sign area is calculated at 0.8 times the linear frontage of the arterial street and no sign shall exceed 300 square feet. This includes the development identification sign area.
  - *Total sign area along North Meridian shall not exceed 533 square feet for all signs.*
  - *Total sign area along West 53rd Street shall not exceed 373 square feet for all signs.*

- Electronic message signs are permitted.

  Staff recommends additional provisions for electronic message signs that abut or are across the street from residential zoning. In line with regulations stated below prohibiting flashing, rotating, moving or the illusion of movement, staff recommends the following regulations for EMCs abutting or across the street from residential zoning districts.

  - *Copy or graphics shall be limited to static images only and shall not change more than once every five seconds. The sign shall conform to all other requirements of the City of Wichita Sign Code.*

The CUP provides the following restrictions.

- Flashing signs, rotating or moving signs, signs with moving lights, signs which create the illusion of movement are prohibited.
- Portables, Billboards, and off-site signs are prohibited.
- Building signs are only permitted on the south and west facades of buildings on Parcel 2 as long as they cannot be seen from ground level view of any single-family residential zoned lot to the south or west.

Surrounding Context

- Properties to the north, across West 53rd Street, are zoned LC Limited Commercial District with CUP DP-299. North and west of the subject site, land is platted for residential development. North and east of the subject site, property is developed with a big-box retail store and a restaurant.
- Properties to the east, across North Meridian Avenue, are zoned SF-5 Single-Family Residential District and developed with single-family residences.
- Properties to the south are zoned LC with CUP DP-311 and SF-5. The LC-zoned land is

undeveloped except a City of Wichita Public Works facility. The SF-5-zoned land is mix of undeveloped single-family lots and lots developed with single-family residences.

- Property to the west is zoned SF-20 Single-Family Residential, is in unincorporated Sedgwick County, and is undeveloped. A zoned change to LC and the establishment of CUP DP-306 is pending platting or the rescinding of the platting requirement.
- Properties sharing the elbow of the subject property are zoned LC with CUP DP-289 and are developed with retail and a restaurant.

CASE HISTORY: In 2019, a zone change to GO General Office District (ZON2019-00060) was approved for the entire subject site. In 2021, a zone change to LC Limited Commercial District was approved for land fronting North Meridian Avenue and West 53rd Street North. In 2022, the subject site was platted as part of the Meridian 53 Addition.

ADJACENT ZONING AND LAND USE:

North:	LC with CUP DP-299	Mix of undeveloped, single-family residences, and retail.
South:	LC with CUP DP-311 and SF-5	Public Works Facility, undeveloped, and single-family
East:	SF-5	Single-family residences
West:	SF-20	Undeveloped

PUBLIC SERVICES: The site has access to North Meridian Avenue and West 53rd Street North. North Meridian Avenue is a five-lane arterial street with a sidewalk on both sides. West 53rd Street North is a paved, two-lane county arterial street with no sidewalks on either side across from the subject site. There is a sidewalk on the north side from the commercial entrance east to the intersection with North Meridian Avenue. Wichita Transit does not serve this site. Municipal services, such as water and sewer are nearby, but they will need to be extended to serve the various parcels of the subject site.

CONFORMANCE TO PLANS/POLICIES: The proposed applications are in conformance with the *Community Investments Plan.* The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "New Residential" and "New Residential/Employment Mix." The "New Residential/Employment Mix" promotes a mixture of higher density residential mixed with lower intensity commercial uses along West 53rd Street where Parcels 3-5 are located. Possible uses within those parcels may align with this use category. Where the CUP will likely have higher intensity commercial uses is identified by the map as appropriate for "New Residential" This category predominantly promotes the expansion of residential uses, but states that commercial uses could be developed based on market driven factors.

Locational Guidelines

The *Community Investments Plan* identifies locational guidelines to provide a decision-making framework to land use changes.

- The proposed applications are in conformances with the Development Pattern Locational Guidelines. These state that major commercial centers should be located at the intersection of arterial streets, and higher-density residential and neighborhood service retail and office uses should buffer lower density housing from major commercial uses. The commercial development of this property within the provisions of the CUP is a contextual expansion of existing commercial and future commercial development in the area. There is existing commercial zoning on the north and south side of the subject site. Furthermore, the commercial zoning to the south buffers the proposed higher intensity commercial uses of Parcel 1 from lower density residential. Low density residential to the southwest is buffered by a platted reserve.
- The proposed applications are in conformance with the Land Use Compatibility Locational Guidelines. These state that major commercial land uses that could possibly generate negative

impacts such as light pollution, noise, odor and high traffic should be sufficiently screened and buffered from low density residential by site design features. The provisions of the CUP required screening, landscaping, and distance restrictions on certain uses are all designed to help mitigate possible negative impacts.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the zone change from GO General Office District and LC Limited Commercial District to GC General Commercial District and the establishment of the Meridian 53 CUP DP-361 be **APPROVED** subject to the following conditions:

1. The CUP text shall be amended in accordance with the following:
    a. Land use distance requirements shall be based on the lot line to lot line distance between the parcel boundary and the lot line of a residential land use.
    b. Night Club in the City and/or Entertainment Establishment shall be accessory uses to other uses permitted by the CUP.
    c. Vehicle and Equipment Sales, Outdoor shall permit only the rental of vehicles and/or equipment as an accessory use to a principal use permitted by the CUP with typical uses to include automobile/truck rental, trailers, and/or moving trailer rental.
    d. Include specific restrictions regarding the copy and graphics for EMCs when abutting or across the street from residential zoning.
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, 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 vicinity is developed with a mixture of low density residential housing to the east and southwest with commercial uses on the three sides of the intersection of West 53rd Street and North Meridian. The subject site is located primarily in between two existing commercial developments.

2. The suitability of the subject property for the uses to which it has been restricted: The subject site is primarily zoned GO General Office District with the frontages of both streets zoned for LC Limited Commercial District and is suitable for high-density residential, office, and small-scale commercial development along the street frontages.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: A zone change to GC General Commercial permits higher intensity commercial uses to develop on the property, which could create negative impacts such as light, noise, odor, and an increase in traffic. The provisions of the CUP regarding screening, landscaping, and distance restrictions are designed to mitigate possible negative impacts.

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

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would permit additional economic development in the area, bringing additional services to this part of Wichita. The language of the CUP is designed to mitigate possible negative impacts of visual aesthetic, noise, odor, and light in order to protect the public health, safety, and welfare. Denial may represent economic loss to the applicant.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and

policies: The proposed applications are 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 that the proposed development will have any significant negative or additional impact on community facilities.

8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff did not receive any comments regarding these applications.

Attachments:

1. Supplementary Use Regulations Section III-D.6.k
2. Use Definitions
3. Staff Recommended CUP Language
4. CUP DP-361 Drawing
5. Aerial Map
6. Zoning Map
7. Land Use Map
8. Site Photos

Supplementary Use Regulations Section III-D.6.K
Kennel, Boarding/Breeding/Training

k. **Kennel, Boarding/Breeding/Training and Hobby.** When allowed as a permitted or Conditional Use, Boarding/Breeding/Training Kennels and Hobby Kennels shall be subject to the following standards:

(1) **Minimum Lot Area.** The minimum Lot Area for Hobby Kennels shall be two acres, unless all animals are harbored indoors with no discernible noise or odor at the property lines. The minimum lot size for Boarding/Breeding/Training Kennels shall be five acres, unless all animals are harbored indoors with no discernible noise or odor at the property lines.

(2) **Setbacks.** Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the Front Setback Line and located at least 200 feet from any Dwelling Unit other than the Owner's and at least 50 feet from Contiguous property lines.

(3) **Screening.** Screening shall be provided except for those facilities located 600 feet or more from Contiguous property lines. Screening shall be provided by Structure, solid or semi-solid Fencing, landscape materials, earth berms or natural Site features maintained for the purpose of concealing the view of the animals behind such Fence, landscape material, berm or natural feature from activities on Contiguous properties. If Fencing is used, it shall not be less than four nor more than eight feet in height. If Fences over six feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Planning Director and Zoning Administrator. Fences used for Screening may have no more than five percent open surface. Landscape materials must provide the desired Screening effect within the first growing season following installation and throughout the year every year thereafter.

Use Definitions

- Tavern/Drinking Establishment: means an establishment engaged in the preparation and retail sale of alcoholic liquor or cereal malt beverage for consumption on the premises that derives in a six-month period less than fifty percent (50%) of its gross revenues from the sale of food and beverages for consumption on the premises. For the purposes of this Code, the term Tavern and Drinking Establishment shall include Class B Club.

- Entertainment Establishment: means any Event Center or any person or entity that provides entertainment as defined by Chapter 3.30 of the Code of the City of Wichita or any person or entity that provides a venue for any such entertainment. For purposes of this Code, Entertainment Establishment(s) in the City where the establishment is licensed to sell alcoholic liquor or cereal malt beverage or if alcoholic liquor or cereal malt beverage will be offered, consumed or served on the premises shall be considered a Nightclub in the City.

- Event Center: means premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled.

- Night Club in the City: means an establishment located in the City that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, and which may or may not serve food. When the Nightclub in the City qualifies as an "Adult Entertainment Establishment" under Chapter 3.05 of the Code of the City of Wichita, its Uses shall be governed in this Code by the requirements for "Sexually Oriented Businesses in the City."

Staff Recommended CUP Language.
Staff recommended language is in red.

COMMUNITY UNIT PLAN DP-361

DEVELOPMENT GUIDELINES

General Provisions

1. Area: The total development contains a gross area of 24.89 acres.
2. Parcel Descriptions:

Parcel 1
Gross Area = 9.06 Ac. or 394,792 s.f.
Maximum Height = 60 feet; 35 feet when within 200' of Single-Family Residential land use.
Max. Building Coverage = 35%
Max. Gross Floor Area = 85%

Parcel 2
Gross Area = 11.64 Ac. or 506,824 s.f.
Maximum Height = 60 feet; 35 feet when within 200' of Single-Family Residential land use.
Max. Building Coverage = 35%
Max. Gross Floor Area = 60%

Parcel 3
Gross Area = 0.70 Ac. or 30,360 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 4
Gross Area = 0.70 Ac. or 30,360 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 5
Gross Area = 0.69 Ac. or 29,981 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 6
Gross Area = 0.53 Ac. or 23,040 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 7
Gross Area = 0.53 Ac. or 23,000 s.f.
Maximum Height = 35 feet

Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 8
Gross Area = 0.53 Ac. or 23,000 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

Parcel 9
Gross Area = 0.53 Ac. or 23,000 s.f.
Maximum Height = 35 feet
Max. Building Coverage = 35%
Max. Gross Floor Area = 35%

3. Land Uses: The following uses are permitted for Parcels within the C.U.P.:
   A. All allowed uses permitted within the GC Zoning District with the following EXCEPTIONS; No Parcels within this C.U.P. shall allow:
   Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Animal Care, General; Marine Facility, Recreational; Monument Sales; Parking Area Commercial; Parking Area, Commercial; Pawn Shop; Recreational Vehicle Campground; Riding Academy or Stable; Rodeo in the City; Sexually Oriented Business in the City; Kennel - Hobby; Asphalt or Concrete Plant, Limited and General; Manufacturing, Limited and General; Mining or Quarrying; Rock Crushing; and Welding or Machine Shop.
   B. The following uses are permitted with the following conditions:
      1. Car Wash, provided said use is located a minimum of 200 feet from the lot line of any residential use ~~Single-Family Residential Zoning Lot.~~
      2. Kennel, Boarding/Breeding/Training, provided said use is located a minimum of 400 feet from any Single-Family Residential Zoning Lot, including any outdoor runs. Kennel land use is subject to Wichita-Sedgwick County Unified Zoning Code, Supplementary Use Regulations in Section III-D.6.k.
      3. Vehicle Repair General, provided said uses is located a minimum of 200 feet from the lot line of any residential use ~~Single-Family Residential Zoning Lot.~~
      4. Entertainment, Outdoor, which is defined as the provision of entertainment as defined by Section 3.30.20 of the Wichita Municipal Code, provided said uses are located a minimum of 200 feet from the lot line of any residential use ~~Single-Family Residential Zoning Lot.~~ And provided said Outdoor Entertainment uses shall cease operation by 10:00 p.m. Sunday through Thursday and shall cease by 12:00 a.m. on Friday and Saturday. After which, all windows, doors, or other movable barriers between indoor and outdoor spaces shall be closed as to ensure entertainment is confined to the interior of the building.
      5. Vehicle and Equipment Sales, Outdoor is restricted to the rental of vehicles and/or equipment as an accessory use a principal use permitted by the CUP. ~~as defined herein: An establishment engaged in the retail and/or rental, from the premises, of Motor Vehicles and/or equipment along with incidental services and/or maintenance.~~ Typical uses to include automobile/truck rental, trailers, and/or moving trailer rental.
      6. Taverns and Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the city are permitted provided such uses are located a minimum of 300 feet away from the lot line of any residential use ~~Single-Family Residential Zoning Lot~~, or Church or Place of Worship, or public or parochial School. And such uses are subject to the conditions of Wichita-Sedgwick County Unified Zoning Code, Section III-D.6.w Outdoor services conditions (1), (2), (3), (4), and (5.) Entertainment Establishment and/or Night Club

in the City shall be permitted where the provision of entertainment is accessory to another permitted use within the CUP.

C. The uses permitted by the C.U.P. are only those uses permitted by right and not by conditional use unless specifically identified.

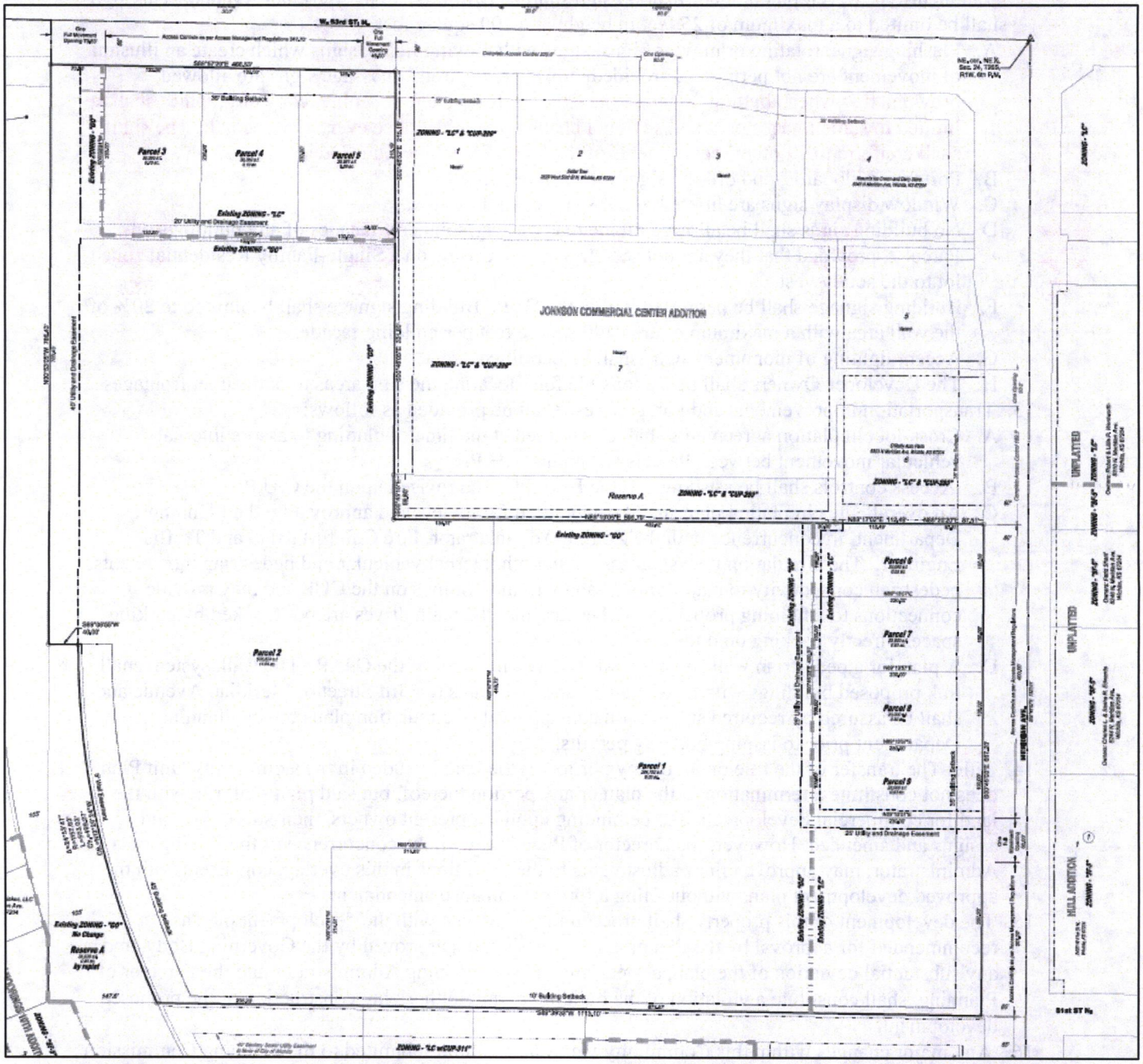
4. Architectural Controls: All buildings within the C.U.P. shall share a compatible architectural character, color, and similar predominate exterior building material, as determined by the Planning Department.
5. Landscaping for this site shall be required as follows:
   A. Landscaped street yards, buffers, and parking lot landscaping and screening shall be in accordance with the City of Wichita Landscape Ordinance.
   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).
   C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
   D. Failure to properly maintain the required landscaping shall be considered a violation of the C.U.P. after a joint determination by the Zoning Administrator and the Director of Planning.
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 Planning Department.
   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 27 feet tall, except 15 feet tall when within 200 feet of residential zoning with residential use.
   E. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
7. Screening for this site shall be required as follows:
   A. Rooftop mechanical equipment shall be screened from ground-level view per Wichita-Sedgwick County Unified Zoning Code.
   B. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view with fencing and/or landscaping.
   C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
8. Setbacks are as shown hereon; if not shown they shall be as specified in Wichita-Sedgwick County Unified Zoning Code for the corresponding base zoning district property development standards or as specified below. If contiguous Parcels are developed under the same ownership, setbacks between such Parcels will not be required.
9. Parking: All Parcels, shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV-A, unless otherwise specified.
10. Utilities: No occupancy permits shall be issued for any development without services by municipal water and sewer services. All proposed new utilities shall be installed underground; unless it is prohibitive due to groundwater depth.
11. Final determination of minimum pad elevations (at least 2 feet higher than the 100-year flood elevation), street right(s)-of-way, easements, and pavement widths on public-private streets shall be resolved at the time of platting. Drainage requirements and improvements shall be determined at the time of platting. If necessary, the CUP development plan shall be adjusted or amended to reflect final drainage requirements.
12. Signs are permitted under the Sign Code of the City of Wichita as per the GC General Commercial Zoning District, and amendments thereto. Additionally, the following conditions apply: The

minimum distance between the monument-type signs shall be 150 feet, except tenant signs may be located a minimum distance of 75 feet when adjacent to development identification signs. One monument-type development identification sign shall be permitted along Meridian Avenue. This sign shall be limited to a maximum of 25 feet in height and 100 square feet.

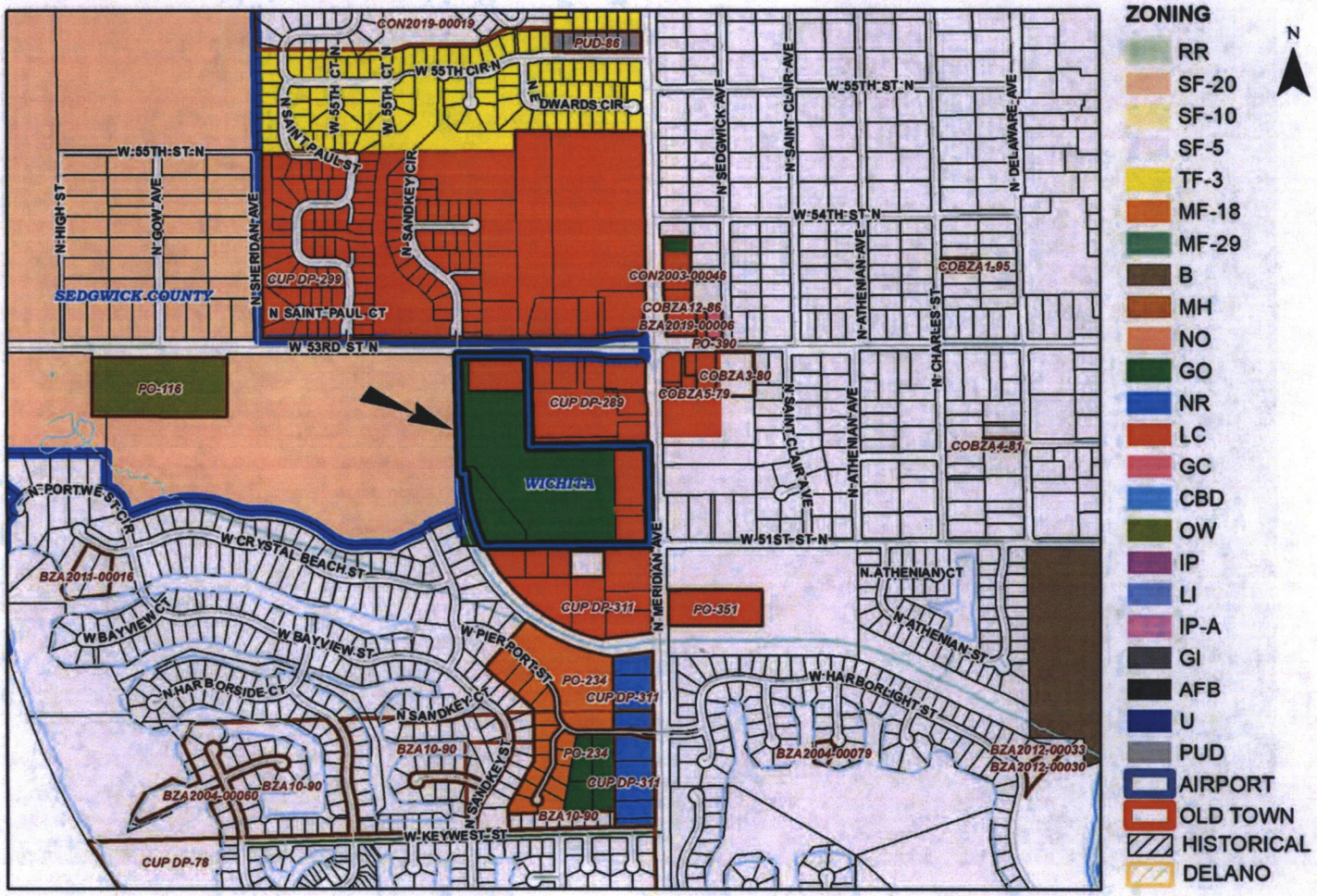
A. Flashing signs, rotating or moving signs, signs with moving lights, signs which create an illusion of movement are not permitted; provided, however, electronic message signs are allowed provided that when abutting or across the street from residential zoning, copy or graphics shall be limited to static images only and shall not change more than once every five seconds. The sign shall conform to all other requirements of the City of Wichita Sign Code.
B. Portable, billboards, and off-site signs are prohibited.
C. Window display signs are limited to 20% of the window area.
D. No building signs shall be allowed on the rear/westery/southerly facades of any buildings on Parcel 2, provided that they are not seen from ground view on a Single-Family Residential zoned lot to the south/west.
F. Building signage shall be permitted within the CUP. Building signage shall be limited to 20% of the wall area with a maximum of area 400 square feet per building facade.
G. Accent lighting of monument signs shall be permitted.
H. The Developer/Owners shall be responsible for allocating the sign areas to both street frontages.

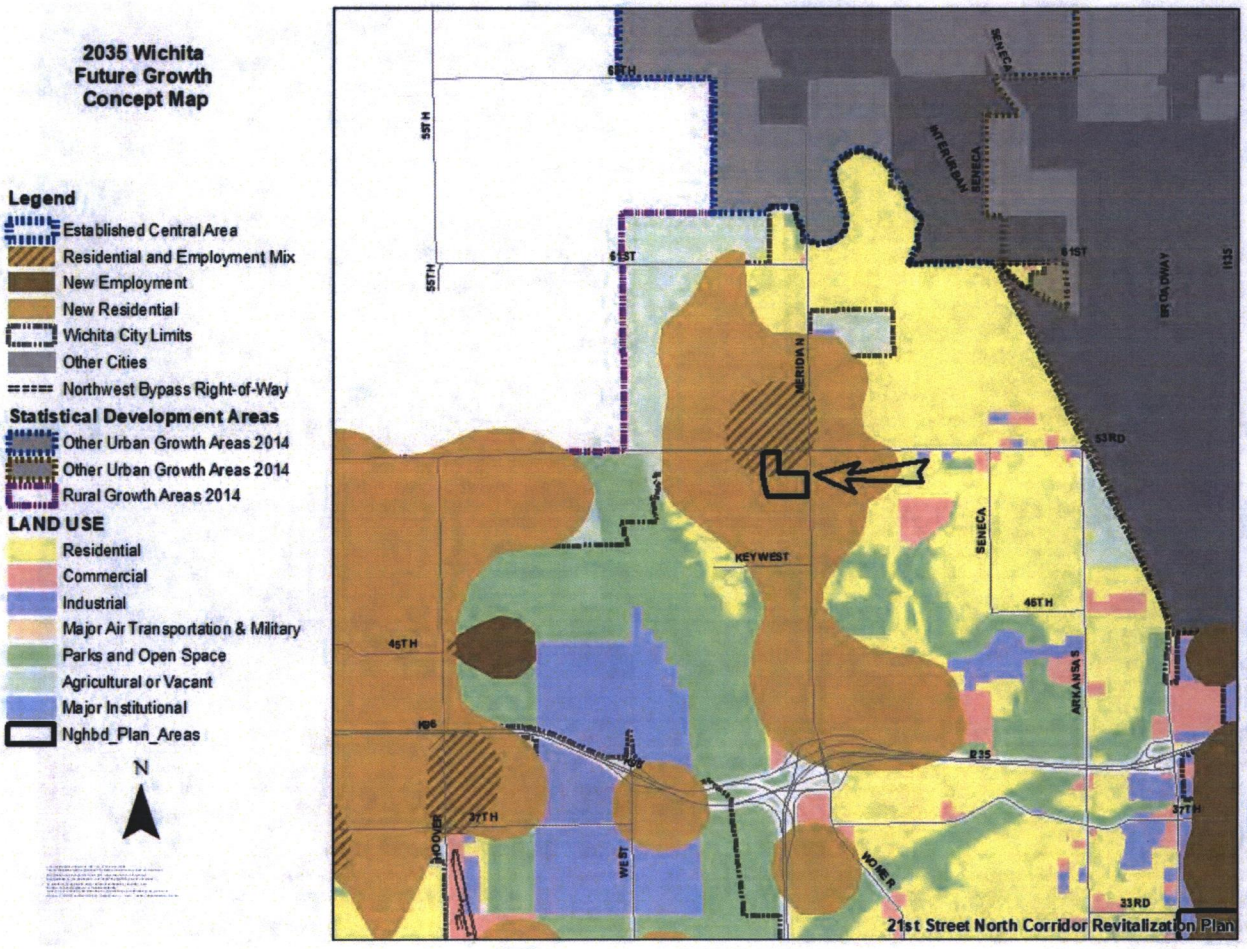
13. Transportation improvements and Parcel access shall be provided as follows:
    A. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between Parcels within the C.U.P.
    B. Access controls shall be as shown on the Final Plat and revised upon the C.U.P.
    C. An overall site circulation plan shall be submitted for review and approval by the Planning Department, in concurrence with the Zoning Administrator, Fire Chief/Marshal and Traffic Engineer. The circulation plan shall assure smooth internal vehicular and pedestrian movements, pedestrian connectivity to major arterial and within buildings on the CUP and may provide connections to adjoining properties, and ensure that the main drives are not blocked by parking spaces directly backing onto the main drive aisles.
    D. A plan for a pedestrian walk system shall be a requirement of the C.U.P. The walk system shall link proposed buildings with the entrances and sidewalks to 53rd Street or Meridian Avenue and shall be assured by required submission and approval of circulation plans by the Planning Department prior to issuing building permits.
14. Title: 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, 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.
15. 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.
16. 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 done in accordance with the Unified Zoning Code.

CUP Drawing


JOHNSON COMMERCIAL CENTER ADDITION
Parcel 1
Parcel 2
Parcel 3
Parcel 4
Parcel 5
Parcel 6
Parcel 7
Parcel 8
Parcel 9
Reserve A
UNPLATTED
HULL ADDITION
81st ST N


N SAINT PAUL ST
N SANDKEY ST
N SAINT PAUL CT
W 53RD ST N
N MERIDIAN AVE
N SEDGWICK AVE
N SAINT CLAIR AVE
SEDGWICK COUNTY
WICHITA
N SAINT CLAIR AVE
N ATHENIAN AVE
W 51ST ST N
N BOARDWALK ST
W CRYSTAL BEACH ST
W BAYVIEW ST
W PIERPORT ST


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
HISTORICAL
DELANO
N
CON2019-00019
PUD-86
W 55TH CIR N
W 55TH CT N
W 55TH ST N
N SAINT PAUL ST
N EDWARDS CIR
W 55TH ST N
N HIGH ST
N GOW AVE
N SHERIDAN AVE
N SANDKEY CIR
CUP DP-299
N SAINT PAUL CT
SEDGWICK COUNTY
W 53RD ST N
PO-116
CUP DP-289
WICHITA
N PORTWEST CIR
W CRYSTAL BEACH ST
BZA2011-00016
W BAYVIEW CT
W BAYVIEW ST
N HARBORSIDE CT
N SANDKEY CT
W PIER PORT ST
PO-234
CUP DP-311
BZA10-90
BZA2004-00060
W KEYWEST ST
CUP DP-78
N SEDGWICK AVE
N SAINT CLAIR AVE
W 55TH ST N
N DELAWARE AVE
W 54TH ST N
N ATHENIAN AVE
N CHARLES ST
CON2003-00046
COBZA12-86
BZA2019-00006
PO-390
COBZA1-95
COBZA3-80
COBZA5-79
COBZA4-51
W 51ST ST N
N MERIDIAN AVE
PO-351
N ATHENIAN CT
N ATHENIAN ST
W HARBORLIGHT ST
BZA2004-00079
BZA2012-00033
BZA2012-00030


2035 Wichita
Future Growth
Concept Map
Legend
Established Central Area
Residential and Employment Mix
New Employment
New Residential
Wichita City Limits
Other Cities
Northwest Bypass Right-of-Way
Statistical Development Areas
Other Urban Growth Areas 2014
Other Urban Growth Areas 2014
Rural Growth Areas 2014
LAND USE
Residential
Commercial
Industrial
Major Air Transportation & Military
Parks and Open Space
Agricultural or Vacant
Major Institutional
Nghbd_Plan_Areas
N
KEYWEST
SENECA
MERIDIAN
ARKANSAS
HOOVER
WEST
WOMER
BROADWAY
I135
61ST
53RD
46TH
37TH
33RD
21st Street North Corridor Revitalization Plan

Looking northwest at site



Looking south at site



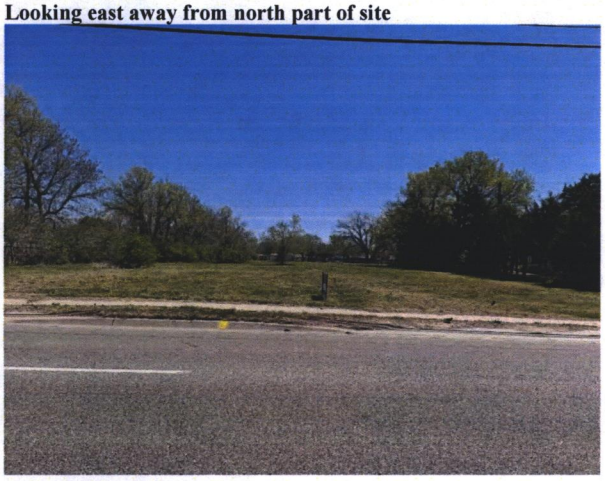
Looking southwest away from site



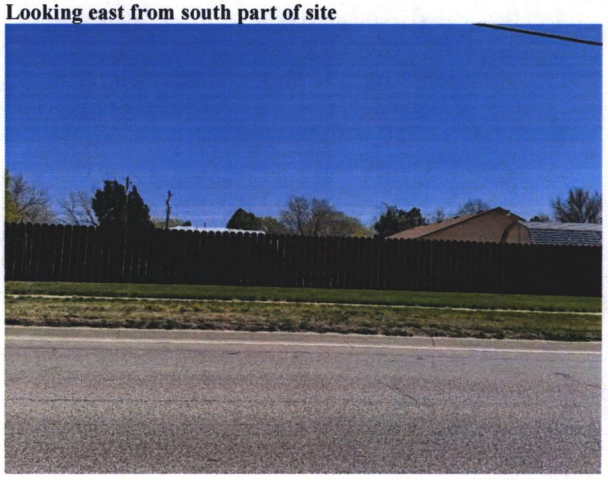
Looking northwest away from site



Looking east away from north part of site



Looking east from south part of site



Looking east from middle of site

