Wichita-Sedgwick County Metropolitan Area Planning Department

Rocky Ford LLC
2738 North Curtis Street
Wichita, KS 67205

August 12, 2025

RE: **CUP2025-00020 with ZON2025-00029:** Community Unit Plan in the City to create the Kabbaz Commercial Community Unit Plan CUP DP-364, generally located north of East 39th Street South and east of South Rock Road.

Dear Applicant;

At its regular meeting on **August 12, 2025**, the Wichita City Council heard the above captioned requests. The action of the WCC was to **APPROVE** the requests with the following conditions:

1. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
2. 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,

Christina Rieth
Associate Planner

Copies to: Becky Tuttle, Council Member District II
Teresa Veazey, CSR, District II
MABCD
Baughman Company P.A., attn: Phil Meyer, 315 South Ellis Street, Wichita, KS 67211
Kennedy Dunn, Community Planner, Facility Space Planning Manager, 22 CES/CENPL, McConnell AFB, KS
Janetta and Leon Knabe, 3803 South Cypress Street, Derby, KS 67037

Wichita-Sedgwick County Metropolitan Area Planning Department

Rocky Ford LLC
2738 North Curtis Street
Wichita, KS 67205

July 11, 2025

RE: **CUP2025-00020 with ZON2025-00029:** Community Unit Plan in the City to create the Kabbaz Commercial Community Unit Plan CUP DP-364, generally located north of East 39th Street South and east of South Rock Road.

Dear Applicant;

At its regular meeting on **July 10, 2025**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned requests. The action of the MAPC was to recommend **APPROVAL** of the requests with the following conditions:

1. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
2. 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 **July 24, 2025.** 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 **July 24, 2025, at 5:00 p.m.**

This application will be considered by the District II Advisory Board on **Monday, July 14, 2025**, at 6:00 p.m. Meetings take place at 2255 South Greenwich Road, Wichita, KS 67207. For more information, please visit www.wichita.gov/dab2 or contact Teresa Veazey, Community Services Representative for DAB II, at 316-352-4886 or TCVeazey@wichita.gov. Lastly, this application will be heard by the Wichita City Council on **Tuesday, August 12, 2025**, for final action. Meetings take place at 9:00 a.m. at Wichita City Hall, 455 North Main Street, Wichita, KS 67202.

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,

Christina Rieth

Christina Rieth
Associate Planner

Copies to: Becky Tuttle, Council Member District II
Teresa Veazey, CSR, District II
MABCD
Baughman Company P.A., attn: Jay Cook, 315 South Ellis Street, Wichita, KS 67211
Kennedy Dunn, Community Planner, Facility Space Planning Manager, 22 CES/CENPL, McConnell AFB, KS
Brenda Bishop, 3900 South Linden Street, Derby, KS 67037
David Dixon, 4015 South Heather Road, Derby, KS 67037
Janetta and Leon Knabe, 3803 South Cypress Street, Derby, KS 67037

CUP DP-364 MAPC Recommended Text
MAPC-recommended changes are in red.

GENERAL PROVISIONS:

1. Total Land Area 590,238 sq. ft. or 13.55 ± acres

2. Total Gross Floor Area: 265,607 sq. ft
   Total Floor Area Ratio: 40 percent

3. Parcel 1 shall be allowed all uses in the LC Limited Commercial zoning district with exception to the following: No parcel within the CUP shall allow the use of adult entertainment establishments, sexually oriented businesses, night clubs in the city, taverns and drinking establishments, correctional placement residences, asphalt/concrete plants, safety service, pawn shops, vehicle repair, agricultural sales and service, commercial wireless communication facilities, or theaters. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Warehouse, Self-Service Storage shall be allowed in Parcel 1 and shall ~~not~~ be subject to the following Supplemental Use Regulations of Article III, Section III-D.6.y: 5, 8, 10, 11, 12, 15, 16, and 19. Any multi-family use on Parcel 1 shall be limited to 29 dwelling units per acre.
4. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
5. Setbacks are as indicated on the CUP drawing, or as specified on the parcel description~~s~~.
6. A drainage plan shall be submitted to the appropriate engineering for approval during the platting process. Required guarantees for drainage shall be provided at the time of platting improvements.
7. Access controls shall be as shown on the final plat.
8. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions and limitations:
   a. A maximum of three signs with a combined area of 840 sq. ft. of signage, with one allowed along East 39th Street South and two signs allowed along South Rock Road.
   b. Flashing signs (except for signs showing only time, temperature, and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
   c. Portable, billboards, and off-site signs are not permitted, except one off-site sign is permitted within Reserve A, subject to the following standards:
      i. The off-site sign shall not exceed 400 square feet per side.
      ii. The off-site sign~~s~~ shall be allowed a maximum height of ~~35~~-25 feet.
      iii. The off-site sign shall be required to adhere to building setbacks, and shall be not be located within the north 275 feet of Reserve A. ~~not be required to be setback from the property line~~.
      iv. The off-site sign may carry the name, occupation or nature of the activities conducted on the premises and may be a multi-tenant sign.
      v. The off-site sign shall be a single pole sign.
   d. All freestanding signs must be monument type and shall have a maximum height of 20 feet and limit sign square footage to 300 square feet for an individual sign.
   e. No string lights, banners, balloons, flags, pennants, or similar devices shall be permitted except as special displays per Chapter 24.04.240 of the Wichita Sign Code.
   f. Temporary signs shall be permitted ~~on a special purpose basis during construction, seasonal sales and/or special events~~ per Chapter 24.04.190 of the Wichita Sign Code.
9. Site lighting:
   a. All exterior lighting for Parcel 1 shall be shielded to direct light disbursement in a downward direction.
   ~~b. Within said CUP shall share similar or consistent parking parcel lighting elements (i.e. fixtures,~~

~~pole type, lamps, etc.)~~

c. Light poles, including fixtures, lamps, and base are limited to 24 feet, except within 200 feet of residential zoning where the maximum height shall be 15 feet. Any lighting greater than 15 feet tall within 200 feet of residential zoning shall require a photometric plan to be approved by MAPD.
d. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.

10. Landscaping:
    a. Development of Parcels within the CUP shall comply with the Landscape Ordinance of the City of Wichita.
    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 Planning Department for their review and approval prior to the issuance of a building permit.
    c. A financial guarantee for the plant material approved on the landscape plan for that portion of the CUP being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
11. Screening:
    a. Any rooftop mechanical equipment within Parcel 1 shall be screened from ground level view per the Unified Zoning Code.
    b. Trash receptacles, loading docks, outdoor storage, and loading areas within Parcel 1 shall be appropriately screened to reasonably hide them from ground view.
    c. Screening walls on Parcel 1 shall be constructed along the east property line of Parcel 1 adjacent to the TF-3 Two-Family Residential District ~~zoning~~. Screening along the property line of Parcel 1 shall be six (6) feet in height and shall conform to the screening requirements for CUPs contained in the Unified Zoning Code. The screening is to be constructed at the time that a building permit is issued for Parcel 1.
    d. Screening along the north property line of Parcel 1 shall not be required due to the buffer of Reserve A and the adjacent reserve of the Betzen Addition Plat.
12. No development shall occur until such time as municipal water and sewer service are provided to the site.
13. All utilities shall be installed underground.
14. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in such fire lands. Prior to final approval of the parking plan, the Fire Chief or his designated representative shall approve the plan to the location and design of the fire lane.
~~15. Detention ponds and drainage ways on site and on the adjoining property to the north connected to this development shall conform to all recommended ground water pollution standards in place at the time when they are developed. The detention ponds and drainage ways shall use natural filtration systems with bioswales and bank plantings to serve as natural cleansing systems for runoff from the development and shall be reviewed and approved by the Storm Water Engineer.~~
16. The transfer of title on all or any portion of the land included in the CUP does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon the present owners, their successors and assigns and their lessees unless amended. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
17. Development of this property shall proceed in accordance with the development plan, general provisions and individual parcel standards as recommended for approval by the Planning Commission and approved by the Governing Body.
18. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
19. Amendments, adjustments, or interpretations to this CUP shall be done in accordance with the Unified Zoning Code.

Parcel 1:

A.	Net Area:	590,238 sq.ft. or 13.55 ± acres
B.	Maximum Building Coverage:	265,607 sq.ft. or 40 percent
C.	Maximum Gross Floor Area:	265,607 sq.ft.
D.	Floor Area Ratio:	40 percent
E.	Maximum Number of Commercial Buildings:	Eight (8)
F.	Maximum Residential Density	29 dwelling units per acre or 394 dwelling units
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita and the Air Force Base Protective Overlay (AFBP-O), but shall be not greater than ~~45~~ 25 feet.	
H.	Setbacks:	See Drawing
I.	Access Points:	See Drawing
J.	Permitted Uses:	See General Provision #3

Reserve "A"

A.	Net Area:	195,148.8 sq.ft.

Legal Description:

A portion of the South half of the Southwest Quarter of Section 8, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, as prepared by Baughman Company, P.A., CLS 58, surveyors in aforementioned county and state on June 2, 2025, more particularly described as follows: The West 725.00 feet of the South half of the Southwest Quarter of Section 8, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, except therefrom that portion thereof described as follows: Beginning at the Southwest corner of said Southwest Quarter of Section 8; thence East 10 rods; thence North 16 rods; thence West 10 rods, thence South to the point of beginning; also except therefrom that portion thereof described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North, coincident with the west boundary line of said Southwest Quarter, 264.00 feet (16 rods), for a point of beginning; thence continuing North for a distance of 35.00 feet; thence East, parallel with the South boundary line of said Southwest Quarter, a distance of 209.00 feet; thence South, parallel with said West boundary line, a distance of 299.00 feet, to said South boundary line; thence West, coincident with said South boundary line, a distance of 44.00 feet; thence North, parallel with said West boundary line, a distance of 264.00 feet; thence West, parallel with said South boundary line, a distance of 165.00 feet, to said West boundary line, and the point of beginning. Subject property contains 863,332.8 square feet or 19.82 acres.

OCA 150004 PUBLISHED AT WICHITA.GOV/LEGALNOTICES ON Aug. 15, 2025

RESOLUTION No. 25-360

A RESOLUTION AUTHORIZING THE CREATION OF CUP DP-364 KABBAZ COMMERCIAL COMMUNITY UNIT PLAN TO PERMIT COMMERCIAL DEVELOPMENT ON PROPERTIES ZONED LC LIMITED COMMERCIAL DISTRICT; GENERALLY LOCATED ON THE EAST SIDE OF SOUTH ROCK ROAD AND THE NORTH SIDE OF EAST 39TH STREET SOUTH, 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 18.08-acre property zoned LC Limited Commercial District with CUP DP-364, legally described below:

CUP2025-00020
DP-364

A portion of the South half of the Southwest Quarter of Section 8, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, as prepared by Baughman Company, P.A., CLS 58, surveyors in aforementioned county and state on June 2, 2025, more particularly described as follows: The West 725.00 feet of the South half of the Southwest Quarter of Section 8, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT therefrom that portion thereof described as follows: Beginning at the Southwest corner of said Southwest Quarter of Section 8; THENCE East 10 rods; THENCE North16 rods; THENCE West 10 rods; THENCE South to the point of beginning; ALSO EXCEPT therefrom that portion thereof described as follows: Commencing at the Southwest corner of said Southwest Quarter; THENCE North, coincident with the west boundary line of said Southwest Quarter, 264.00 feet (16 rods), for a Point of Beginning; THENCE continuing North for a distance of 35.00 feet; THENCE East, parallel with the South boundary line of said Southwest Quarter, a distance of 209.00 feet; THENCE South, parallel with said West boundary line, a distance of 299.00 feet, to said South boundary line; THENCE West, coincident with said South boundary line, a distance of 44.00 feet; THENCE North, parallel with said West boundary line, a distance of 264.00 feet; THENCE West, parallel with said South boundary line, a distance of 165.00 feet, to said West boundary line, and the point of beginning. Subject property contains 863,332.8 sq. ft. or 19.82 acres.

The amendments are hereby GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the development guidelines and general provisions of the approved CUP.
2. The applicant shall submit four copies of the approved CUP within 60 days of final approval to the Metropolitan Area Planning Department or the CUP shall be deemed null and void.

The Parcel Descriptions and General Provisions of CUP DP-364 shall be as follows:

KABBAZ COMMERCIAL
Community Unit Plan – DP-364
Development Guidelines

GENERAL PROVISIONS:

1. Total Land Area 590,238 sq. ft. or 13.55 ± acres

2. Total Gross Floor Area: 265,607 sq. ft
   Total Floor Area Ratio: 40 percent

3. Parcel 1 shall be allowed all uses in the LC Limited Commercial zoning district with exception to the following: No parcel within the CUP shall allow the use of adult entertainment establishments, sexually oriented businesses, night clubs in the city, taverns and drinking establishments, correctional placement residences, asphalt/concrete plants, safety service, pawn shops, vehicle repair, agricultural sales and service, commercial wireless communication facilities, or theaters. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Warehouse, Self-Service Storage shall be allowed in Parcel 1 and shall be subject to the following Supplemental Use Regulations of Article III, Section III-D.6.y: 5, 8, 10, 11, 12, 15, 16, and 19. Any multi-family use on Parcel 1 shall be limited to 29 dwelling units per acre.
4. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
5. Setbacks are as indicated on the CUP drawing, or as specified on the parcel description.
6. A drainage plan shall be submitted to the appropriate engineering for approval during the platting process. Required guarantees for drainage shall be provided at the time of platting improvements.
7. Access controls shall be as shown on the final plat.
8. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions and limitations:
   a. A maximum of three signs with a combined area of 840 sq. ft. of signage, with one allowed along East 39th Street South and two signs allowed along South Rock Road.
   b. Flashing signs (except for signs showing only time, temperature, and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
   c. Portable, billboards, and off-site signs are not permitted, except one off-site sign is permitted within Reserve A, subject to the following standards:
      i. The off-site sign shall not exceed 400 square feet per side.
      ii. The off-site sign shall be allowed a maximum height of 25 feet.
      iii. The off-site sign shall be required to adhere to building setbacks, and shall be not be located within the north 275 feet of Reserve A.
      iv. The off-site sign may carry the name, occupation or nature of the activities conducted on the premises and may be a multi-tenant sign.
      v. The off-site sign shall be a single pole sign.
   d. All freestanding signs must be monument type and shall have a maximum height of 20 feet and limit sign square footage to 300 square feet for an individual sign.
   e. No string lights, banners, balloons, flags, pennants, or similar devices shall be permitted except as special displays per Chapter 24.04.240 of the Wichita Sign Code.
   f. Temporary signs shall be permitted per Chapter 24.04.190 of the Wichita Sign Code.
9. Site lighting:
   a. All exterior lighting for Parcel 1 shall be shielded to direct light disbursement in a downward direction.
   b. Light poles, including fixtures, lamps, and base are limited to 24 feet, except within 200 feet of residential zoning where the maximum height shall be 15 feet. Any lighting greater than 15 feet tall

within 200 feet of residential zoning shall require a photometric plan to be approved by MAPD.

c. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.

10. Landscaping:
    a. Development of Parcels within the CUP shall comply with the Landscape Ordinance of the City of Wichita.
    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 Planning Department for their review and approval prior to the issuance of a building permit.
    c. A financial guarantee for the plant material approved on the landscape plan for that portion of the CUP being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
11. Screening:
    a. Any rooftop mechanical equipment within Parcel 1 shall be screened from ground level view per the Unified Zoning Code.
    b. Trash receptacles, loading docks, outdoor storage, and loading areas within Parcel 1 shall be appropriately screened to reasonably hide them from ground view.
    c. Screening walls on Parcel 1 shall be constructed along the east property line of Parcel 1 adjacent to the TF-3 Two-Family Residential District. Screening along the property line of Parcel 1 shall be six (6) feet in height and shall conform to the screening requirements for CUPs contained in the Unified Zoning Code. The screening is to be constructed at the time that a building permit is issued for Parcel 1.
    d. Screening along the north property line of Parcel 1 shall not be required due to the buffer of Reserve A and the adjacent reserve of the Betzen Addition Plat.
12. No development shall occur until such time as municipal water and sewer service are provided to the site.
13. All utilities shall be installed underground.
14. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in such fire lands. Prior to final approval of the parking plan, the Fire Chief or his designated representative shall approve the plan to the location and design of the fire lane.
15. The transfer of title on all or any portion of the land included in the CUP does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon the present owners, their successors and assigns and their lessees unless amended. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
16. Development of this property shall proceed in accordance with the development plan, general provisions and individual parcel standards as recommended for approval by the Planning Commission and approved by the Governing Body.
17. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
18. Amendments, adjustments, or interpretations to this CUP shall be done in accordance with the Unified Zoning Code.

Parcel 1:

A. Net Area:	590,238 sq.ft. or 13.55 ± acres
B. Maximum Building Coverage:	265,607 sq.ft. or 40 percent
C. Maximum Gross Floor Area:	265,607 sq.ft.
D. Floor Area Ratio:	40 percent
E. Maximum Number of Commercial Buildings:	Eight (8)

F. Maximum Residential Density — 29 dwelling units per acre or 394 dwelling units
G. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita and the Air Force Base Protective Overlay (AFBP-O), but shall be not greater than 25 feet.
H. Setbacks: — See Drawing
I. Access Points: — See Drawing
J. Permitted Uses: — See General Provision #3

Reserve "A"
A. Net Area: — 195,148.8 sq.ft.

Legal Description:
A portion of the South half of the Southwest Quarter of Section 8, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, as prepared by Baughman Company, P.A., CLS 58, surveyors in aforementioned county and state on June 2, 2025, more particularly described as follows: The West 725.00 feet of the South half of the Southwest Quarter of Section 8, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, except therefrom that portion thereof described as follows: Beginning at the Southwest corner of said Southwest Quarter of Section 8; thence East 10 rods; thence North 16 rods; thence West 10 rods, thence South to the point of beginning; also except therefrom that portion thereof described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North, coincident with the west boundary line of said Southwest Quarter, 264.00 feet (16 rods), for a point of beginning; thence continuing North for a distance of 35.00 feet; thence East, parallel with the South boundary line of said Southwest Quarter, a distance of 209.00 feet; thence South, parallel with said West boundary line, a distance of 299.00 feet, to said South boundary line; thence West, coincident with said South boundary line, a distance of 44.00 feet; thence North, parallel with said West boundary line, a distance of 264.00 feet; thence West, parallel with said South boundary line, a distance of 165.00 feet, to said West boundary line, and the point of beginning. Subject property contains 863,332.8 square feet or 19.82 acres.

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.

Adopted this 12th day of August, 2025.

Lily Wu

Lily Wu, Mayor, City of Wichita

ATTEST:

Shinita Rice

Shinita Rice, Deputy City Clerk

(SEAL)

Approved as to form: Anna Magaña for
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
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
41100	15934	Legal Ad - IPL0242186	7 10 2025 MAPC WICHITA EAGLE SUMMARY	2.0	114.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov

MAPC/BZA July 10, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, July 10, 2025, no earlier than 1:30 p.m.,** the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. **Full notice can be found at www.wichita.gov/LegalNotices.**

CON2025-00078: Conditional Use in the City to allow Tavern and Drinking Establishment on property zoned Central Business District, less than 300 feet from residential zoned property, generally located on the southwest corner of West Douglas Avenue and South Oak Street (623 West Douglas Avenue).

CON2025-00080: Conditional Use request in the City to allow multi-family density (with ZON2025-00028) for three duplexes, generally located on the northeast corner of North Gow Avenue and West 11th Street North (1202 North Gow Avenue).

CUP2025-00020: Community Unit Plan in the City (with ZON2025-00029 from SF-5 to LC) to create the Kabbaz Commercial Community Unit Plan CUP DP-364, generally located north of East 39th Street South and east of South Rock Road.

PUD2025-00009: Zone Change request in the City to create PUD #144, generally located on the east side of North Greenwich Road and within 600 feet north of East Central Avenue (600 North Greenwich Road).

VAC2025-00022: Vacation request in the City of a Utility Easement, generally located on the northeast corner of South Baehr Street and West MacArthur Road (3950 South Baehr Street).

VAC2025-00023: Vacation request in the City of a 15-foot platted side setback, generally located on the southeast corner of South Hillside Avenue and East Penley Drive (3201 East Penley Drive).

ZON2025-00028: Zone Change request from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District (with CON2025-00080 for multi-family density) to allow duplexes, generally located on the northeast corner of North Gow Avenue and West 11th Street North (1202 North Gow Avenue).

ZON2025-00029: Zone Change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District (with CUP2025-00020 to create the Kabbaz Commercial CUP #364), generally located on the northeast corner of East 39th Street South and South Rock Road.

ZON2025-00030: Zone Change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District to build single-family and two-family homes, generally located north of East 39th Street South and east of South Rock Road.
IPL0242186
Jun 18 2025

In The STATE OF KANSAS
In and for the County of Sedgwick
STATE OF KANSAS)
SS
County of Sedgwick)
the undersigned, 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.

1.0 insertion(s) published on:
06/18/25 Print

Print Tearsheet Link

Marketplace Link

Amanda Rodela

DIGITALLY SIGNED

Amanda Rodela

Julie A Ambry

DIGITALLY SIGNED

Sworn to and subscribed before me on Jun 18, 2025, 3:54 PM EDT

OFFICIAL SEAL
JULIE A AMBRY
NOTARY PUBLIC, STATE OF ILLINOIS
COMMISSION NO. 1010991
MY COMMISSION EXPIRES MAY 28, 2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

CITY OF WICHITA

AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Paul Leeker, City Clerk

Being first duly sworn, deposes and says:

That Mandy Hebert, Administrative Aide I, from the Planning Department of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of (Public Hearing) / Ordinance No. _____ / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 19th day of June, 2025.

Paul Leeker
Signature

SUBSCRIBED AND SWORN to before me this 10th day of June, 2025.

SHINITA RICE
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires:
9/27/25
(seal)

Shinita Rice
Notary Public

City Clerk's Office
Paul Leeker, City Clerk
City Hall •13th Floor •455 N. Main •Wichita, Kansas 67202
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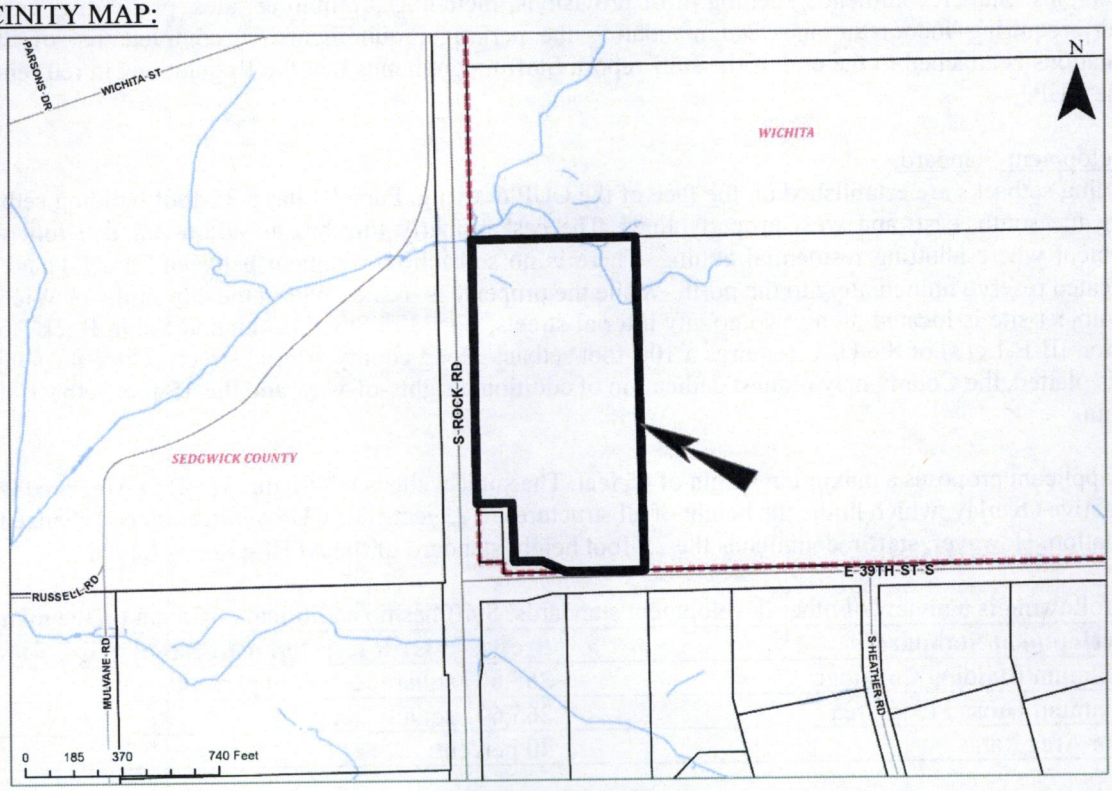
WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.7

STAFF REPORT
MAPC: July 10, 2025
DAB II: July 14, 2025

CASE NUMBER:	CUP2025-00020 and ZON2025-00029 (City)
APPLICANT/AGENT:	Rocky Ford LLC (Applicant)/ Baughman Company, P.A. (Agent)
REQUEST:	Zone change to LC Limited Commercial District; Create CUP DP-364 Kabbaz Commercial Community Unit Plan
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	18.08 acres
LOCATION:	Generally located north of East 39th Street South and east of South Rock Road.
PROPOSED USE:	Commercial and multi-family development.
RECOMMENDATION:	Approve with conditions.

VICINITY MAP:



BACKGROUND: The applicant has two requests:

1. A zone change from SF-5 Single-Family Residential District (SF-5) to LC Limited Commercial District (LC); and
2. To establish the Kabbaz Commercial Community Unit Plan (CUP) DP-364.

The subject site is 18.08 acres in size and is generally located on the east side of South Rock Road and the north side of East 39th Street South. Section III-C.2.b. of the Unified Zoning Code (UZC) requires a CUP to be established on any property six acres or greater that is zoned LC. If approved, the CUP would be made up of one Parcel, Parcel 1, and one reserve, Reserve "A". Parcel 1 would be approximately 13.61 acres in size. Reserve A is 4.48 acres in size and is located on the north portion of the subject site.

Permitted Uses

Parcel 1 in the CUP permits uses within the LC District except Sexually Oriented Businesses; Correctional Placement Residences; Night Clubs in the City; Asphalt and Concrete Plants; Safety Services; Agricultural Sales and Services, Wireless Communication Facilities; and Tavern and Drinking Establishments. Restaurants may serve liquor as long as food is the primary service of the restaurant. The applicant also requests to prohibit theatres, which are under the category of Auditorium or Stadium. The CUP drawing also allows for multi-family development at a maximum density of 29 dwelling units per acre. This is less than the permitted density in LC zoning, which is 75 dwelling units per acre.

The applicant also requests a waiver of all Supplementary Use Regulations outlined in Section III-D.6.y of the UZC on Warehouse, Self-Service Storage in the GO General Office District and LC zoning district. These Regulations include setback requirements from rights-of-way and residential zoning, screening and landscaping requirements, architectural design requirements, pavement and parking provisions, lighting provisions, an on-site manager, prohibiting on-site vehicle repair, prohibiting garage sales, maximum lot coverage, and maximum leasing are for individuals and businesses. Staff does not recommend waiving all regulations. Staff recommends keeping most provisions, including prohibiting sales, prohibiting vehicle repair, requiring indoor storage, and mandating the parking requirements. A complete list of these regulations is attached to the end of the staff report. Staff recommends that the Regulations in red remain in the CUP.

Development Standards

Building setbacks are established on the face of the CUP drawing. Parcel 1 has a 35-foot building setback along the south, east, and west property lines. The east property line has an additional five-foot wall easement where abutting residential zoning. There is no setback requirement between Parcel 1 and the dedicated reserve immediately to the north. While the property is located within the city limits of Wichita, the subject site is located along two county arterial streets, East 39th Street South and South Rock Road. Section III-E.1.e(3) of the UZC requires a 100-foot setback along county arterial streets. Once the subject site is platted, the County may request dedication of additional rights-of-way, and the 35-foot setback shall remain.

The applicant proposes a maximum height of 45 feet. The subject site is within the AFBP-O Air Force Base Protective Overlay, which limits the height of all structures to 25 feet. The CUP application can change this regulation. However, staff recommends the 25-foot height standard of the AFBP-O be enforced.

The following is a review of other development standards. Staff has no additional comment on the matter.

Development Standard	Proposed CUP Development Standards
Maximum Building Coverage	265,607 square feet or 40 percent
Maximum Gross Floor Area	265,607 square feet
Floor Area Ratio:	40 percent

Maximum Number of Buildings per Parcel	Eight (8)
Maximum Building Height	25 feet per the AFBP-O
Parking	Per Section IV of the UZC

Signage

The CUP would permit a maximum of three signs, which cannot exceed 840 square feet altogether. If the subject site were not in a CUP, per the City of Wichita Sign Code, two signs are allowed per 180 feet of street frontage with an additional sign for every 150 feet thereafter. The site has approximately 516 feet of street frontage along East 39th Street South and 1,028 feet of street frontage along South Rock Road, 300 feet of which belongs to Reserve A. Therefore, the applicant is requesting provisions that are more restrictive than the Sign Code.

One sign is allowed along East 39th Street South, and two signs are allowed along South Rock Road. The CUP document prohibits portable signs, billboards, string lights, banners, balloons, flags, and pennants. One off-site sign would be allowed on Reserve A, provided it is a pole sign and does not exceed 400 square feet per side. The Wichita Sign Code restricts the area of off-site signs to 300 square feet. All freestanding signs are monument type with a maximum height of 20 feet and a maximum square footage of 300 square feet. This is the same as the regulations set forth in the Wichita Sign Code, which allows a maximum square footage for individual signs of 300 feet along arterial streets.

Staff supports the request to allow the off-site sign to be larger because the CUP allows less on-site signage than the maximum permitted in the Wichita Sign Code. Because they are restricting the number of on-site signs along South Rock Road, staff is amenable to the off-site sign being 100 square feet larger than the Sign Code permits. An increase of 100 square feet for one sign is appropriate considering there is a net decrease in possible sign clutter along the roadway.

Screening and Landscaping

A six-foot solid screening wall shall be installed on the east side of the property where abutting residential zoning. The CUP document also provides a five-foot wall easement for its installation. Rooftop mechanical equipment, trash receptacles, and loading areas shall also be properly screened. The applicant requests to eliminate screening along the north property line of Parcel 1 due to the buffer of Reserve A. Staff is in support of the request. The property shall still require landscaping per the Wichita Landscape Code along the north property line where abutting residential zoning on the north side.

The CUP requires adherence to the standards of the Wichita Landscape Code. This will require landscaped street yards with parking lot screening and parking lot trees for development along the arterial frontages. It will also require parking lot trees for any parking lots on internal parcels. Finally, it will require landscape buffer trees on the north, south and east boundaries of the CUP where abutting residential zoning. As of August 2024, the City of Wichita has declared a Stage II drought and does not require property owners to install landscaping until the drought restrictions have been lifted.

Lighting

The applicant is proposing 24-foot-tall light poles except within 200 feet of residential zoning. It is proposed that within 200 feet of residential zoning, light poles are restricted to 15 feet in height, except that they are permitted to be taller provided that a photometric plan is approved by the Planning Department.

The character of the neighborhood is low-density residential and undeveloped. Property to the north is zoned TF-3 Two-Family Residential District, is owned by the applicant, and is undeveloped. Properties to the south are zoned LC and SF-20 Single-Family Residential District in unincorporated Sedgwick County and are undeveloped. Property to the east is zoned SF-5, is owned by the applicant, and is undeveloped.

The applicant is concurrently requesting a zone change on the property to the east from SF-5 to TF-3 (ZON2025-00030) to be heard by the Metropolitan Area Planning Commission on July 10, 2025. Property to the west is zoned AFB Air Force Base District and is developed with an Air Force Base.

CASE HISTORY: In 2025, the property was annexed into the City of Wichita. The process of annexation converted the SF-20 Single-Family Residential District zoning to SF-5 (ANX2025-00001). There are no other zoning cases associated with this site. The site is unplatted. Platting is required prior to the issuance of building permits.

ADJACENT ZONING AND LAND USE:

North:	TF-3	Undeveloped
South:	LC, SF-20 (Unincorporated)	Undeveloped
East:	SF-5	Undeveloped
West:	AFB	Air Force Base

PUBLIC SERVICES: This site has access to East 39th Street South and South Rock Road. East 39th Street South is a two-way county arterial street with open ditches on each side, and South Rock Road is a five-lane county arterial street with open ditches on each side. Wichita Transit does not serve this site.

CONFORMANCE TO PLANS/POLICIES: The proposed zone change and establishment of CUP DP-364 are in conformance with the *Community Investments Plan*. This plan identifies the site as appropriate for both "New Employment" and "Residential and Employment Mix" uses on the Future Growth Concept Map. The "New Employment" category is described as follows: *"Encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed." The* "Residential and Employment Mix" category is described as follows: "*Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominantly of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor."* The requested zone change and CUP allow for multi-family density, up to 29 dwelling units per acre, as well as the opportunity for major commercial development.

The proposed zone change and establishment of CUP DP-364 are in conformance with the Locational Guidelines of the *Community Investments Plan*. General Development Pattern locational guideline 1.b states:

- 1.b.: "Major commercial and employment centers should be located at the intersection of arterial streets and along highways and commercial corridors." This CUP is at the intersection of two County arterial streets: East 39th Street South and South Rock Road.

Additionally, the requests are in conformance with General Land Use Compatibility locational guideline 1.b, which states, "Industrial and major commercial uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts." The general provisions of the CUP regarding screening, landscaping, setbacks, and lighting are designed to mitigate any possible negative impacts to nearby properties.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the zone change request from SF-5 to LC and the establishment of CUP DP-364 be **APPROVED**, subject to the following conditions:

1. The site shall be developed in substantial conformance with the development guidelines and general provisions of the approved CUP.
2. The applicant shall submit four copies of the approved CUP within 60 days of final approval to the Metropolitan Area Planning Department or the CUP shall be deemed null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is low-density residential and undeveloped. Property to the north is zoned TF-3 Two-Family Residential District, is owned by the applicant, and is undeveloped. Properties to the south are zoned LC and SF-20 Single-Family Residential District in unincorporated Sedgwick County and are developed with a reserve and a single-family dwelling, respectively. Property to the east is zoned SF-5, is owned by the applicant, and is undeveloped. The applicant is concurrently requesting a zone change on the property to the east from SF-5 to TF-3 (ZON2025-00030) to be heard by the Metropolitan Area Planning Commission on July 10, 2025. Property to the west is zoned AFB Air Force Base District and is developed with an Air Force Base.

2. **The suitability of the subject property for the uses to which it has been restricted:** This site is currently zoned SF-5 and LC and is an agricultural field. SF-5 permits a limited number of residential and civic uses. LC permits a range of residential and civic uses, along with a limited number of commercial uses.

3. **Extent to which removal of the restrictions will detrimentally effect nearby property:** Staff does not anticipate the requests to have a significant detrimental impact on nearby property. The site is located at the intersection of two arterial streets. The general provisions of the CUP are designed to mitigate possible negative impacts on nearby residential uses.

4. **Length of time the property has been vacant as currently zoned:** The property has never been developed. It has historically been used for agriculture.

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 of the request will permit the development of the property with commercial uses. Denial would presumably represent a loss of economic opportunity to the applicant and/or landowner.

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

7. **Impact of the proposed development on community facilities:** The proposed development would create an increase in traffic and would require the extension of municipal water and sewer services, since the subject site was recently annexed.

8. **Opposition or support of neighborhood residents**: At the time the staff report was prepared, staff received one comment from someone curious about the application.

Attachments:

1. Supplementary Use Regulations for Warehouse, Self-Service Storage in GO and LC Zoning (Section III-D.6.y) with Staff Analysis
2. CUP DP-364 Planning Staff Recommended Text
3. Proposed CUP DP-364 Drawing
4. Aerial Map
5. Zoning Map
6. Land Use Map
7. Site Photos

Supplementary Use Regulations for Warehouse, Self-Service Storage in GO and LC Zoning
Staff recommends that the regulations in red remain within the CUP.

1. A tract for such use located in the GO District shall be contiguous with a less restrictive district.
   Staff commentary: Staff supports the request to waive this provision. It does not apply to properties with LC zoning.

2. The use must be located contiguous to an arterial street, and have direct access to the arterial Street, as designated in the *Transportation Plan* adopted by the Governing Bodies and amended from time to time.
   Staff commentary: Staff supports the request to waive this provision. The subject site is already located at the intersection of two arterial streets.

3. All buildings shall set back at least 35 feet from arterial street rights-of-way lines. There shall be a minimum 20-foot building setback line from all other streets, unless a platted building setback line would require a greater setback.
   Staff commentary: Staff supports the request to waive this provision. The CUP document requires a 35-foot setback along the arterial streets.

4. Where the Lot is contiguous to a residential zoning district, a landscaped yard with a minimum depth of 15 feet shall be provided on the lot contiguous to the residential zoning district and a landscaped front yard with a minimum depth of 15 feet shall be provided when within 100 feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type fences or face of the structures that shall be designed to screen the use from the residential neighborhood. Such fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than six feet or more than eight feet in height. The landscaped yard may be reduced in depth to not less than the minimum side and rear setback required by the property development standards of the applicable zoning district of the lot when the contiguous residential zoning district is occupied by any legal nonconforming office, commercial or industrial use, or when adjacent to a property where an adopted zoning policy by the Governing Body is to look with favor on office, commercial or industrial zoning for the area.
   Staff commentary: Staff supports the request to waive this provision. The CUP document requires landscaping in accordance with the Wichita Landscape Code as well as a wall easement where abutting residentially-zoned properties.

5. When the Development is in close proximity to residential development, the architectural design shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the architecture is compatible with the surrounding development, and that adequate Screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Planning Commission, may be retained in the MAPC case file and by the Zoning Administrator to ensure that final Development plans and construction comply therewith.
   Staff commentary: Staff recommends keeping this provision. It is staff's opinion that architectural review and approval ensures the visual harmonious development of the community.

6. Any side of the building providing doorways to storage areas shall be set back from the property line at least 40 feet when contiguous to a residential zoning district.

Staff commentary: Staff supports the request to waive this provision. The CUP document requires a 35-foot building setback and a five-foot wall easement where abutting residentially-zoned properties. It is staff's opinion that this will not be a significant detriment to the proposed residential development to the east. If a building has an overhead door facing residentially-zoned properties, it would be screened by the required six-foot masonry wall.

7. Off-street parking shall be required on the basis of one space for each 8,000 square feet of floor area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.
   Staff commentary: Staff supports the request to waive this provision. The CUP document already requires parking to be in accordance with the UZC.

8. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
   Staff commentary: Staff supports the request to waive this provision. The UZC already requires commercial areas to be paved.

9. All lights shall be shielded to direct light onto the uses established and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.
   Staff commentary: Staff supports the request to waive this provision. The CUP document provides lighting provisions that sufficiently shield lighting away from residential developments.

10. All storage on the property shall be kept within an enclosed building, unless a portion of the property or lot is properly zoned to otherwise permit a designated area for outside storage.
    Staff commentary: Staff recommends keeping this provision. Outdoor storage is not a permitted use in LC zoning and is not compatible with the surrounding context.

11. No activities such as miscellaneous or garage sales shall be conducted on the premises.
    Staff commentary: Staff recommends keeping this provision. It is staff's opinion that said sales may be detrimental to the harmonious development of the community.

12. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
    Staff commentary: Staff recommends keeping this provision. The requested use may bring additional noise pollution to the area and may directly abut residentially zoned properties.

13. Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.
    Staff commentary: Staff supports the request to waive this provision. The CUP document has its own provisions for signage that Warehouse, Self-Service Storage must adhere to.

14. All areas not paved in accordance with the requirements of this section shall be landscaped with deciduous and coniferous plant materials. The Landscaping plan shall be approved by the Planning Department. Maintenance of the Landscaping shall be sufficient to maintain it in good condition.
    Staff commentary: Staff supports the request to waive this provision. The CUP document already requires the property to comply with the Landscape Code of the City of Wichita.

15. The area shall be properly policed by the owner or operator for removal of trash and debris.
Staff commentary: Staff recommends keeping this provision. Regular removal of trash and debris maintains the harmonious development of the community.

16. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of Vehicles is part of such business.
Staff commentary: Staff recommends keeping this provision. The provision essentially prohibits the site as being used as a Freight Terminal, which is not a permitted use in the LC zoning.

17. A resident manager shall be required on the Site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
Staff commentary: Staff supports the request to waive this provision. It is staff's opinion that the request will not have a detrimental impact on the public health, safety, or welfare of the subject site or immediate vicinity.

18. No more than 45 percent of the Lot Area shall be covered by Buildings.
Staff commentary: Staff supports the request to waive this provision. The underlying CUP document requires a 40 percent maximum lot coverage, which is lower than what is required by the Supplementary Use Regulations.

19. No individual or business shall lease more than 3,000 square feet of storage spaces.
Staff commentary: Staff recommends keeping this provision. Limiting the size will limit the type of business that may rent storage space, which helps ensure the site is not used for such things as a Freight Terminal or Contractor Storage.

CUP DP-364 Planning Staff Recommended Text
Staff-recommended changes are in red.

GENERAL PROVISIONS:

1. Total Land Area 590,238 sq. ft. or 13.55 ± acres

2. Total Gross Floor Area: 265,607 sq. ft
   Total Floor Area Ratio: 40 percent

3. Parcel 1 shall be allowed all uses in the LC Limited Commercial zoning district with exception to the following: No parcel within the CUP shall allow the use of adult entertainment establishments, sexually oriented businesses, night clubs in the city, taverns and drinking establishments, correctional placement residences, asphalt/concrete plants, safety service, pawn shops, vehicle repair, agricultural sales and service, commercial wireless communication facilities, or theaters. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Warehouse, Self-Service Storage shall be allowed in Parcel 1 and shall ~~not~~ be subject to the following Supplemental Use Regulations of Article III, Section III-D.6.y: 5, 8, 10, 11, 12, 15, 16, and 19. Any multi-family use on Parcel 1 shall be limited to 29 dwelling units per acre.
4. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
5. Setbacks are as indicated on the CUP drawing, or as specified on the parcel description~~s~~.
6. A drainage plan shall be submitted to the appropriate engineering for approval during the platting process. Required guarantees for drainage shall be provided at the time of platting improvements.
7. Access controls shall be as shown on the final plat.
8. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions and limitations:
   a. A maximum of three signs with a combined area of 840 sq. ft. of signage, with one allowed along East 39th Street South and two signs allowed along South Rock Road.
   b. Flashing signs (except for signs showing only time, temperature, and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
   c. Portable, billboards, and off-site signs are not permitted, except one off-site sign is permitted within Reserve A, subject to the following standards:
      i. The off-site sign shall not exceed 400 square feet per side.
      ii. The off-site sign~~s~~ shall be allowed a maximum height of ~~35~~-25 feet.
      iii. The off-site sign shall be required to adhere to building setbacks, and shall be not be located within the north 275 feet of Reserve A. ~~not be required to be setback from the property line~~.
      iv. The off-site sign may carry the name, occupation or nature of the activities conducted on the premises and may be a multi-tenant sign.
      v. The off-site sign shall be a single pole sign.
   d. All freestanding signs must be monument type and shall have a maximum height of 20 feet and limit sign square footage to 300 square feet for an individual sign.
   e. No string lights, banners, balloons, flags, pennants, or similar devices shall be permitted except as special displays per Chapter 24.04.240 of the Wichita Sign Code.
   f. Temporary signs shall be permitted ~~on a special purpose basis during construction, seasonal sales and/or special events~~ per Chapter 24.04.190 of the Wichita Sign Code.
9. Site lighting:
   a. All exterior lighting for Parcel 1 shall be shielded to direct light disbursement in a

downward direction.

~~b. Within said CUP shall share similar or consistent parking parcel lighting elements (i.e. fixtures, pole type, lamps, etc.)~~

c. Light poles, including fixtures, lamps, and base are limited to 24 feet, except within 200 feet of residential zoning where the maximum height shall be 15 feet. Any lighting greater than 15 feet tall within 200 feet of residential zoning shall require a photometric plan to be approved by MAPD.

d. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.

10. Landscaping:
    a. Development of Parcels within the CUP shall comply with the Landscape Ordinance of the City of Wichita.
    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 Planning Department for their review and approval prior to the issuance of a building permit.
    c. A financial guarantee for the plant material approved on the landscape plan for that portion of the CUP being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
11. Screening:
    a. Any rooftop mechanical equipment within Parcel 1 shall be screened from ground level view per the Unified Zoning Code.
    b. Trash receptacles, loading docks, outdoor storage, and loading areas within Parcel 1 shall be appropriately screened to reasonably hide them from ground view.
    c. Screening walls on Parcel 1 shall be constructed along the east property line of Parcel 1 adjacent to the TF-3 Two-Family Residential District ~~zoning~~. Screening along the property line of Parcel 1 shall be six (6) feet in height and shall conform to the screening requirements for CUPs contained in the Unified Zoning Code. The screening is to be constructed at the time that a building permit is issued for Parcel 1.
    d. Screening along the north property line of Parcel 1 shall not be required due to the buffer of Reserve A and the adjacent reserve of the Betzen Addition Plat.
12. No development shall occur until such time as municipal water and sewer service are provided to the site.
13. All utilities shall be installed underground.
14. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in such fire lands. Prior to final approval of the parking plan, the Fire Chief or his designated representative shall approve the plan to the location and design of the fire lane.
15. ~~Detention ponds and drainage ways on site and on the adjoining property to the north connected to this development shall conform to all recommended ground water pollution standards in place at the time when they are developed. The detention ponds and drainage ways shall use natural filtration systems with bioswales and bank plantings to serve as natural cleansing systems for runoff from the development and shall be reviewed and approved by the Storm Water Engineer.~~
16. The transfer of title on all or any portion of the land included in the CUP does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon the present owners, their successors and assigns and their lessees unless amended. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
17. Development of this property shall proceed in accordance with the development plan, general provisions and individual parcel standards as recommended for approval by the Planning Commission and approved by the Governing Body.

18. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
19. Amendments, adjustments, or interpretations to this CUP shall be done in accordance with the Unified Zoning Code.

Parcel 1:

A.	Net Area:	590,238 sq.ft. or 13.55 ± acres
B.	Maximum Building Coverage:	265,607 sq.ft. or 40 percent
C.	Maximum Gross Floor Area:	265,607 sq.ft.
D.	Floor Area Ratio:	40 percent
E.	Maximum Number of Commercial Buildings:	Eight (8)
F.	Maximum Residential Density	29 dwelling units per acre or 394 dwelling units
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than ~~45~~ 25 feet.	
H.	Setbacks:	See Drawing
I.	Access Points:	See Drawing
J.	Permitted Uses:	See General Provision #3

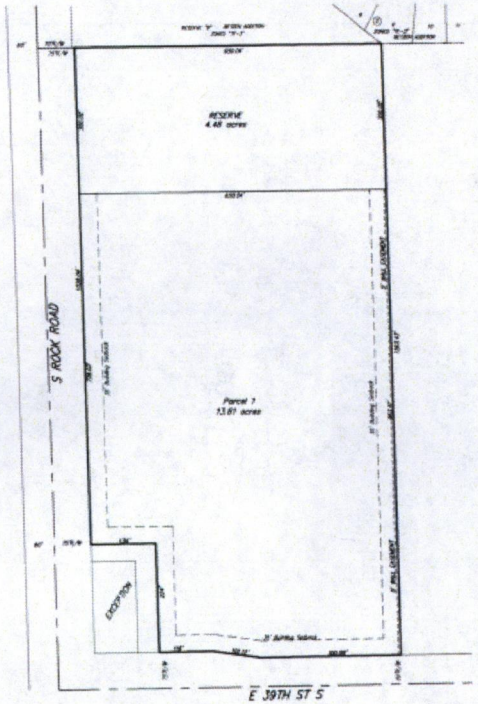
Reserve "A"

A.	Net Area:	195,148.8 sq.ft.

Legal Description:

A portion of the South half of the Southwest Quarter of Section 8, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, as prepared by Baughman Company, P.A., CLS 58, surveyors in aforementioned county and state on June 2, 2025, more particularly described as follows: The West 725.00 feet of the South half of the Southwest Quarter of Section 8, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, except therefrom that portion thereof described as follows: Beginning at the Southwest corner of said Southwest Quarter of Section 8; thence East 10 rods; thence North 16 rods; thence West 10 rods, thence South to the point of beginning; also except therefrom that portion thereof described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North, coincident with the west boundary line of said Southwest Quarter, 264.00 feet (16 rods), for a point of beginning; thence continuing North for a distance of 35.00 feet; thence East, parallel with the South boundary line of said Southwest Quarter, a distance of 209.00 feet; thence South, parallel with said West boundary line, a distance of 299.00 feet, to said South boundary line; thence West, coincident with said South boundary line, a distance of 44.00 feet; thence North, parallel with said West boundary line, a distance of 264.00 feet; thence West, parallel with said South boundary line, a distance of 165.00 feet, to said West boundary line, and the point of beginning. Subject property contains 863,332.8 square feet or 19.82 acres.

CUP DP-364 Drawing



Kabbaz Commercial

Community Unit Plan

DP-???

GENERAL PROVISIONS:

1. Total Land Area: 590,238 sq.ft. or 13.552 acres
2. Total Gross Floor Area: 265,607 sq.ft. Total Floor Area Ratio: 40 percent
3. Parcel 1 shall be allowed all uses in the "LC" Limited Commercial zoning district with exception to the following: No parcel within this C.U.P. shall allow the use of adult entertainment establishments, sexually-oriented businesses, night clubs in city, taverns and drinking establishments, correctional placement residences, asphalt/concrete plants, safety service, pawn shops, agricultural sales and service, commercial wireless communication facilities or theaters. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Warehouse, Self-Storage shall be allowed within Parcel 1 and shall not be subjected to the Supplemental Use Requirements of Article III, Section III-D.6.y.
   Any multi-family use on Parcel 1 shall be limited to 25 dwelling units per acre.
4. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel descriptions.
5. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions.
6. A Drainage Plan shall be submitted to the appropriate Engineering for approval during the platting process. Required guarantees for drainage shall be provided at the time of parking improvements.
7. Access Controls shall be as shown on the final plat.
8. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions/ limitations:
   A. A maximum of three signs with a combined area of 840 sq. ft. of signage, with one allowed along E 39th St S and two signs allowed along S Rock Rd.
   B. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
   C. Portable, billboards, and off-site signs are not permitted, except one off-site sign is permitted within Reserve A, subject to the following standards:
      1. The off-site sign shall not exceed 400 square feet per side.
      2. The off-site sign shall be allowed to a height of 35 feet.
      3. The off-site sign shall not be required to be setback from the property line.
      4. The off-site sign may carry the name, occupation or nature of the activities conducted on the premises, and may be a multi-tenant sign.
      5. The off-site sign shall be a pole sign.
   D. All freestanding signs must be monument type and shall have a maximum height of 20 feet and limit sign square footage to 200 square feet.
   E. No string lights, banners, balloons, flags, pennants, or similar devices shall be permitted except as special displays per Chapter 24.04.240 of the Wichita Sign Code.
   F. Temporary signs shall be permitted on a special purpose basis during construction, seasonal sales and/or special events per Chapter 24.04.190 of the Wichita Sign Code.
9. Site lighting:
   A. All exterior lighting for Parcel 1 shall be shielded to direct light downward in a downward direction.
   B. Within said C.U.P. shall share similar or consistent parking parcel lighting elements (i.e., fixtures, pole type, lamps, etc.).
   C. Light poles, including fixtures, lamps, and base are limited to 24 feet, except within 200 feet of residential zoning where the maximum height shall be 15 feet. Any lighting greater than 15 feet tall within 200 feet of residential zoning shall require a photometric plan to be approved by MAPC.
   D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
10. Landscaping:
    A. Development of Parcels within C.U.P. shall comply with the Landscape Ordinance of the City of Wichita.
    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 Planning Department for their review and approval prior to issuance of a building permit.
    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.
11. Screening:
    A. Any rooftop mechanical equipment within Parcel 1 shall be screened from ground level view per Unified Zoning Code.
    B. Trash receptacles, loading docks, outdoor storage, and loading areas within Parcel 1 shall be appropriately screened to reasonable hide them from ground view.
    C. Screening walls on Parcel 1 shall be constructed along the east property line of Parcel 1 adjacent to "R"-3" two-family Residential zoning. Screening along the property line of Parcel 1 shall be six feet (6') in height and shall conform to the screening requirements for C.U.P.'s contained in the Unified Zoning Code. The screening is to be constructed at the time that a building permit is issued for Parcel 1.
    D. Screening along the north property line of Parcel 1 shall not be required due to buffer of Reserve A and the adjacent reserve at the Belaire Addition Plat.
12. No development shall occur until such time as municipal water and sewer service are provided to the site.
13. All utilities shall be installed underground.
14. Fire zones shall be in accordance with the appropriate Fire Code. No parking shall be allowed in such fire zones. Prior to final approval of the parking plan, the Fire Chief or his designated representative, shall approve the plan to his location and design of the fire zone.
15. Detention ponds and drainage ways on site and on the adjoining property to the north connected to this development shall conform to all recommended ground water pollution standards in place at the time when they are developed. The detention ponds and drainage ways shall use natural filtration systems with bioswales and bare plantings to serve as natural cleansing systems for runoff from the development and shall be reviewed and approved by the Storm Water Engineer.
16. The transfer of title on all or any portion of the land included in the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon the present owners, their successors and assigns and their lessees unless amended. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
17. Development of this property shall proceed in accord with the development plan, general provisions and individual parcel standards as recommended for approval by the Planning Commission and approved by the Governing Body. 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.
18. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
19. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.

LEGAL DESCRIPTION:

A portion of the South half of the Southwest Quarter of Section 8, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, as prepared by Baughman Company, P.A., CLS 58, surveyors in aforementioned county and state on June 2, 2025, more particularly described as follows: The West 175.00' feet of the South half of the Southwest Quarter of Section 8, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, ("SUBJECT") therefrom that portion thereof described as follows: Beginning at the Southeast corner of said Southwest Quarter of Section 8; THENCE East 10 rods; THENCE North 16 rods; THENCE West 10 rods; THENCE South to the point of beginning; ALSO EXCEPT therefrom that portion thereof described as follows: Commencing at the Southeast corner of said Southwest Quarter; THENCE North, coincident with the east boundary line of said Southwest Quarter, 264.00 feet (16 rods); for a Point of Beginning; THENCE continuing North for a distance of 75.00 feet; THENCE East, parallel with the South boundary line of said Southwest Quarter, a distance of 209.00 feet; THENCE South, parallel with said West boundary line, a distance of 298.00 feet; to said South boundary line; THENCE West, coincident with said South boundary line, a distance of 44.00 feet; THENCE North, parallel with said West boundary line, a distance of 264.00 feet; THENCE West, parallel with said South boundary line, a distance of 165.00 feet, to said West boundary line, and the point of beginning. Subject property contains 590,238 sq. ft. or 13.552 acres.

REVISIONS

Drawn:	May 29, 2025
Submitted	June 2, 2025
Approved by MAPC:	YYYY YY, 2025
Approved by City Council:	YYYY YY, 2025

PARCEL 1

A. Net Area:	590,238 sq.ft. or 13.552 acres
B. Maximum Building Coverage:	265,607 sq.ft. or 40 percent
C. Maximum Gross Floor Area	265,607 sq.ft.
D. Floor Area Ratio:	40 percent
E. Maximum number of commercial buildings	Eight (8)
F. Maximum Residential Density:	24 d.u./acre or 394 dwelling units
G. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 65 feet.	
H. Setbacks:	See drawing
I. Access Points:	See drawing
J. Permitted Uses:	See C.U.P. #3

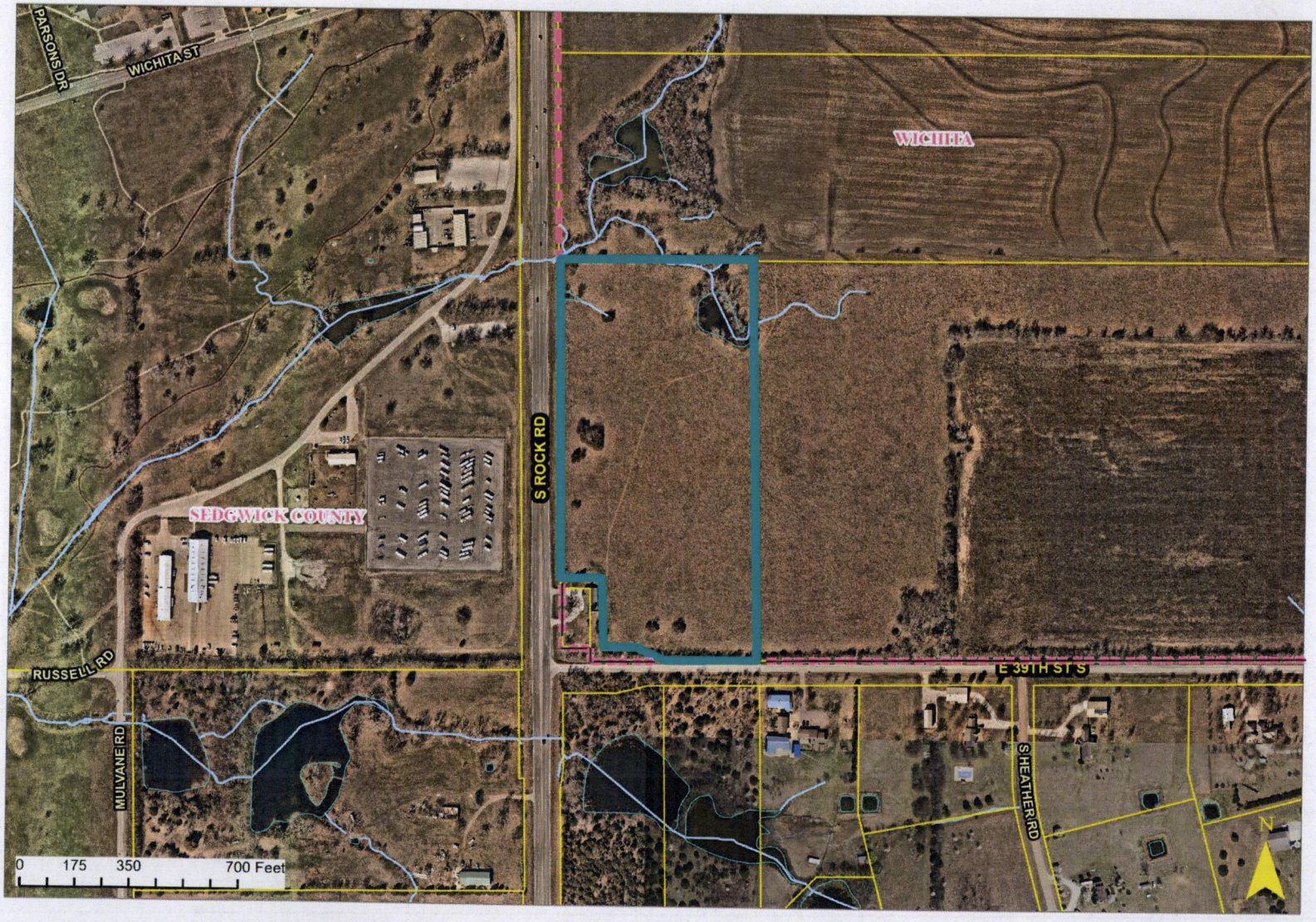
RESERVE "A"

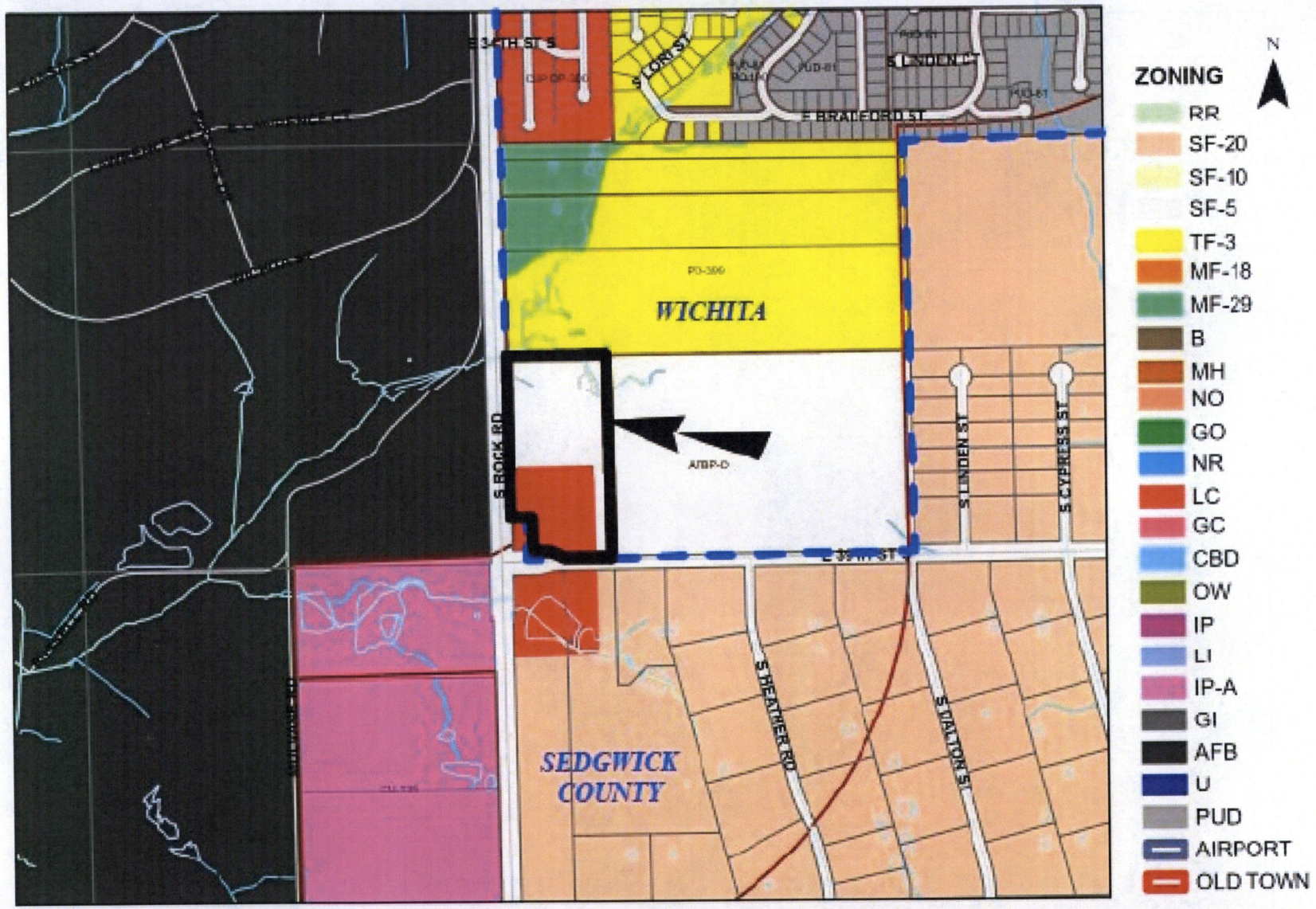
A. Net Area: 195,148.8 Sq.ft.

DP-???
Kabbaz Commercial
Community Unit Plan

SCALE: 1" = 100'

BAUGHMAN COMPANY


PARSONS DR
WICHITA ST
WICHITA
S ROCK RD
SEDGWICK COUNTY
RUSSELL RD
MULVANE RD
E 39TH ST S
S HEATHER RD
N
0 175 350 700 Feet


E 34TH ST S
S LORE ST
S LINDEN ST
E BRADFORD ST
PUD-81
CUP OF 340
PO-399
WICHITA
AIRP-O
S ROCK RD
S LINDEN ST
S CYPRESS ST
E 39TH ST
SEDGWICK COUNTY
S HEATHER RD
S DALTON ST
N
ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN

2035 Wichita Future Growth Concept Map

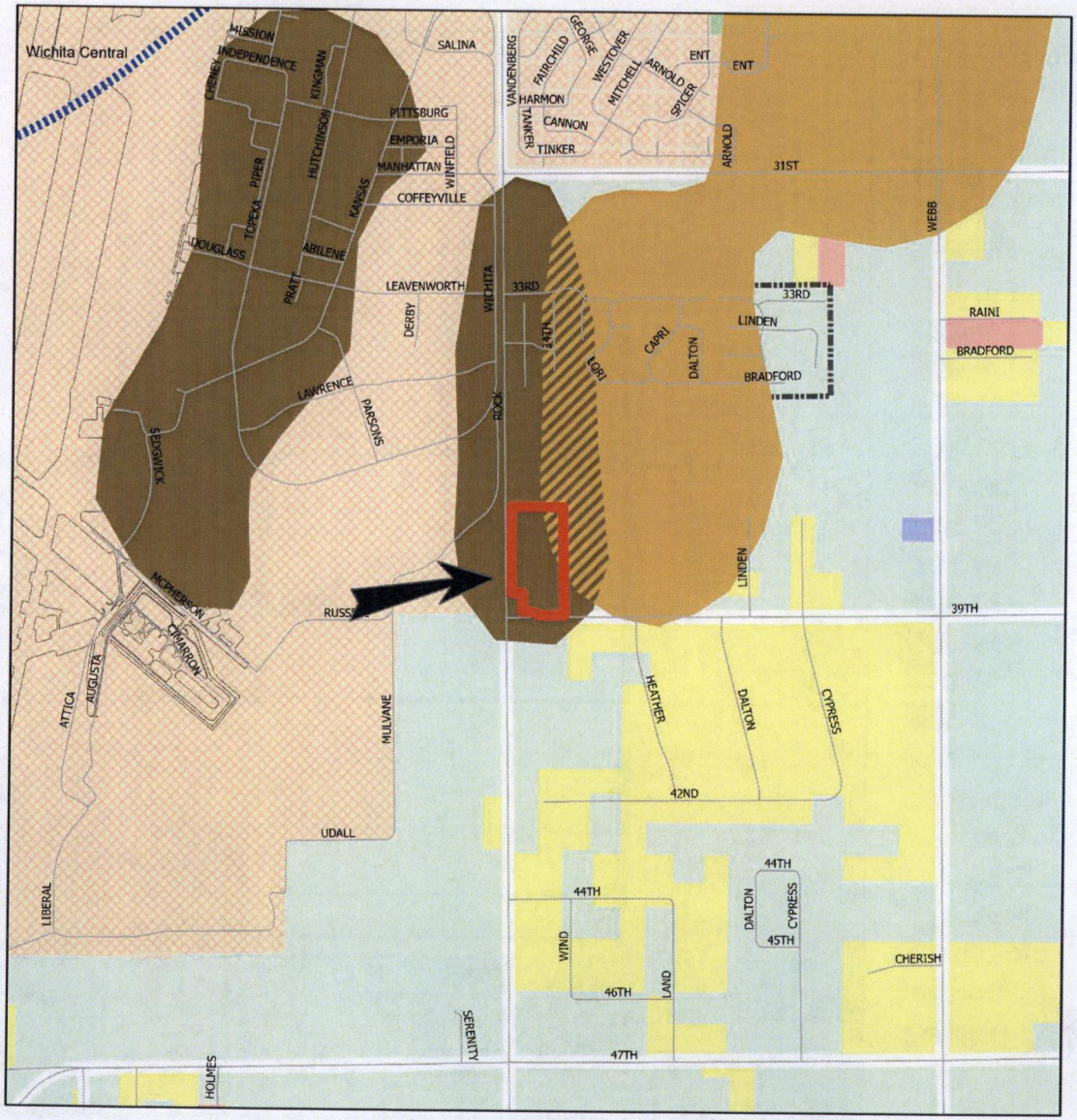
Legend

- Established Central Area
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way
- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014

LAND USE

- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Neighborhood & Area Plans
- Application Area

N



Looking east towards site



Looking west away from site



Looking south away from site



Looking north away from site

