



Wichita-Sedgwick County Metropolitan Area Planning Department

May 16, 2023

Mess LLC
818 N. Emporia, Ste. 310
Wichita, KS 67214

Iron Horse Development
142 N. Emporia
Wichita, KS 67202

Mad Holdings, LLC
500 S. Topeka
Wichita, KS 67202

RE: PUD2023-00001: Zone change request in the City from LI Limited Industrial District with PO #162 to PUD Planned Unit Development for mixed-use development; generally located on the northwest corner of East 29th Street North and North Greenwich Road.

Dear Applicant;

At its regular meeting on **May 16, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the zone change. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'E. Ebach'.

Eryn Ebach
Associate Planner

Copies to: MABCD
Becky Tuttle, WCC District II
Cory Buchta, Community Services Representative II



Wichita-Sedgwick County Metropolitan Area Planning Department

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RE: PUD2023-00001: Zone change request in the City from LI Limited Industrial District with PO #162 to PUD Planned Unit Development for mixed-use development; generally located on the northwest corner of East 29th Street North and North Greenwich Road.

Dear Applicant;

At its regular meeting on **April 13, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the zone change.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) **To be effective, the protest must be filed by 5:00 p.m. on April 27, 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 **April 27, 2023 at 5:00 p.m.**

This application is scheduled for consideration by the Sedgwick County Commission on **Tuesday, May 16, 2023, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the 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,

Eryn Ebach
Associate Planner

Copies to: MABCD
Becky Tuttle, WCC District II
Cory Buchta, Community Services Representative II

OCA 150004

(Published in the Wichita Eagle, 5/24/23)

ORDINANCE NO. 52-177

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. PUD2023-00001

Zone Change Request from LI Limited Industrial District with Protective Overlay #162 to PUD Planned Unit Development subject to the general provisions of PUD #111 and the property legally described below is no longer subject to the provision of Protective Overlay #162:

Lot 1, Block 1, EXCEPT the North 725 feet thereof, K-96 Business Park, an Addition to Wichita, Sedgwick County, Kansas.
AND
The North 725 feet of Lot 1, Block 1, K-96 Business Park, an Addition to Wichita, Sedgwick County, Kansas.


The Northwest Corner 29th and Greenwich Planned Unit Development (PUD #111) shall be subject to the following conditions:

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.
2. The owner shall obtain FAA determination regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for any structures exceeding the 25-foot height ceiling of the Airport Hazard Zone Area A. A copy of the FAA determination shall be submitted to the MABCD prior to the issuance of a building permit.
3. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #111 Northwest Corner 29th & Greenwich Planned Unit Development) has special conditions for development on the property.
4. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
5. All other federal, state, and local laws and ordinances must be observed.

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 23rd day of May, 2023.



Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

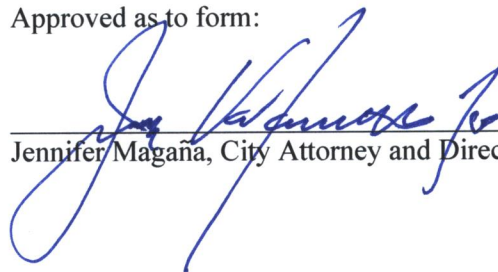


Jamie Buster, City Clerk

(SEAL)



Approved as to form:



Jennifer Magaña, City Attorney and Director of Law



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
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 Kansas City Star
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 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	425197	Print Legal Ad-IPL01242560 - IPL0124256		\$100.59	2	60 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, May 26, 2023)
 ORDINANCE NO. 52-177

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. PUD2023-00001

Zone Change Request from LI Limited Industrial District with Protective Overlay #162 to PUD Planned Unit Development subject to the general provisions of PUD #111 and the property legally described below is no longer subject to the provision of Protective Overlay #162:

Lot 1, Block 1, EXCEPT the North 725 feet thereof, K-96 Business Park, an Addition to Wichita, Sedgwick County, Kansas.

AND

The North 725 feet of Lot 1, Block 1, K-96 Business Park, an Addition to Wichita, Sedgwick County, Kansas.

The Northwest Corner 29th and Greenwich Planned Unit Development (PUD #111) shall be subject to the following conditions:

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.
2. The owner shall obtain FAA determination regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for any structures exceeding the 25-foot height ceiling of the Airport Hazard Zone Area A. A copy of the FAA determination shall be submitted to the MABCD prior to the issuance of a building permit.
3. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #111 Northwest Corner 29th & Greenwich Planned Unit Development) has special conditions for development on the property.
4. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
5. All other federal, state, and local laws and ordinances must be observed.

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 23rd day of May, 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
 IPL0124256
 May 26 2023

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

1 insertion(s) published on:
 05/26/23

STATE OF KANSAS)

SS

County of Sedgwick)

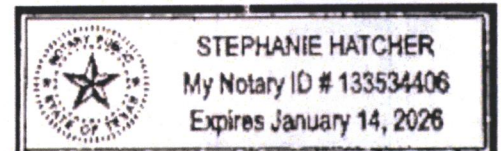
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 05/26/2023 to 05/26/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 05/26/2023

Stephanie Hatcher

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



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



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
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 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
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 San Luis Obispo Tribune
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 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	398642	Print Legal Ad-IPL01149060 - IPL0114906		\$231.52	3	92 L

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

In The STATE OF KANSAS
 In and for the County of Sedgwick
 1 insertion(s) published on:
 03/23/23

LEGAL PUBLICATION

OGA 180004
 Published in The Wichita Eagle on March 23, 2023
 (One Time Only)
 MAPC/EZA April 13, 2023
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 13, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

BZA2023-00008: Variance in the City to allow a rooftop sign in the CBD Central Business District on property located on the northwest corner of South Broadway Avenue and East William Street (230 East William).

BZA2023-00013: Variance requested in the City to allow an off-site sign in the 20-foot west front setback on property zoned GI General Industrial; generally located west of North Hydraulic Avenue and approximately one-quarter-mile north of East 37th Street North (4035 N. Hydraulic).

CON2023-00005: Conditional Use request in the City to permit expansion of existing bar with live entertainment (defined as Night Club in the City) on property zoned LC Limited Commercial; located on the south side of East 17th Street and within one block east of North Hillside Avenue (3227 East 17th Street North).

DER2023-00006: Wichita-Sedgwick County Unified Zoning Code (UZC) amendment to include Short-Term Rental businesses.

PUD2023-00001: Zone change request in the City from LI Limited Industrial District with PO #162 to PUD Planned Unit Development for mixed-use development; generally located on the northwest corner of East 29th Street North and North Greenwich Road.

PUD2023-00002: Zone change request in the City from B Multi-Family Residential to PUD Planned Unit Development for duplex development with flexible development standards; generally located west of North Wellington Street and approximately 300 feet north of West 11th Street North.

VAC2023-00004: Request in the County to vacate a portion of platted access control located along East 71st Street South, within one block east of South 143rd Street East.

VAC2023-00005: Request in the County to vacate a platted 70-foot contingent street dedication between Lots 6 and 7, Downs County Estates Addition, on properties zoned SF-20 Single-Family Residential; located within one-quarter mile northwest of South Webb Road and East 47th Street South (9314 and 9207 E Cherish).

VAC2023-00006: Request in the County to vacate a floodway reserve easement dedicated by separate instrument; generally located one-half-mile south of West 125th Street North and east of North Seneca (10th) Street North (12220 North Seneca).

VAC2023-00007: Request in the City to vacate a platted 30-foot utility easement on property zoned GI General Industrial; generally located north of North Cleveland Avenue and west of North New York Avenue.

ZON2023-00007: Zone change in the City from SF-5 Single-Family Residential District to GO General Office District to allow GO uses including duplexes; generally located east of South Maize Road and north of West Kellogg Drive.

ZON2023-00008: Zone change request in the City from SF-5 Single Family Residential to LC Limited Commercial to build a commercial building with drive-through; located at South Seneca Street and South Walnut Street, within one block South of West 31st Street South (3234 Seneca Street & 3241 South Walnut Street).

ZON2023-00009: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northwest corner of North Fairview Avenue and West 31st Street North (3205 North Fairview).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting
<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBhbnFJQ0RlV0xPVDBXUT09>
 Meeting ID: 408 986 6967
 Passcode: 094136
 One tap mobile
 +16699006833,4089866967#,,,,*094136# US (San Jose)
 +17193584580,4089866967#,,,,*094136# US
 Meeting ID: 408 986 6967
 Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967>
 Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email Planning@wichita.gov
 Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department
 Attn: Scott Wadle
 271 W. 3rd Street - Suite 201
 Wichita, KS 67202
 Phone 316.268.4421
 Fax 316.858.7764
 WITNESS MY HAND on March 23, 2023
 Scott Wadle, Secretary
 WichitaSedgwick County
 Metropolitan Area Planning Commission
 IPL0114906
 Mar 23 2023

STATE OF KANSAS)

SS

County of Sedgwick)

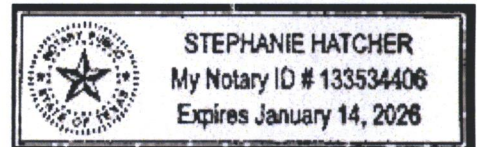
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 03/23/2023 to 03/23/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 03/23/2023

Stephanie Hatcher

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



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



STAFF REPORT
MAPC: April 13, 2023
DAB II: April 10, 2023

CASE NUMBER: PUD2023-00001 (City)

APPLICANT/AGENT: Mess LLC (Applicant); Mad Holdings LLC (Contract Purchaser);
Iron Horse Development (Agent)

REQUEST: Create the Northwest Corner 29th & Greenwich Planned Unit
Development PUD #111

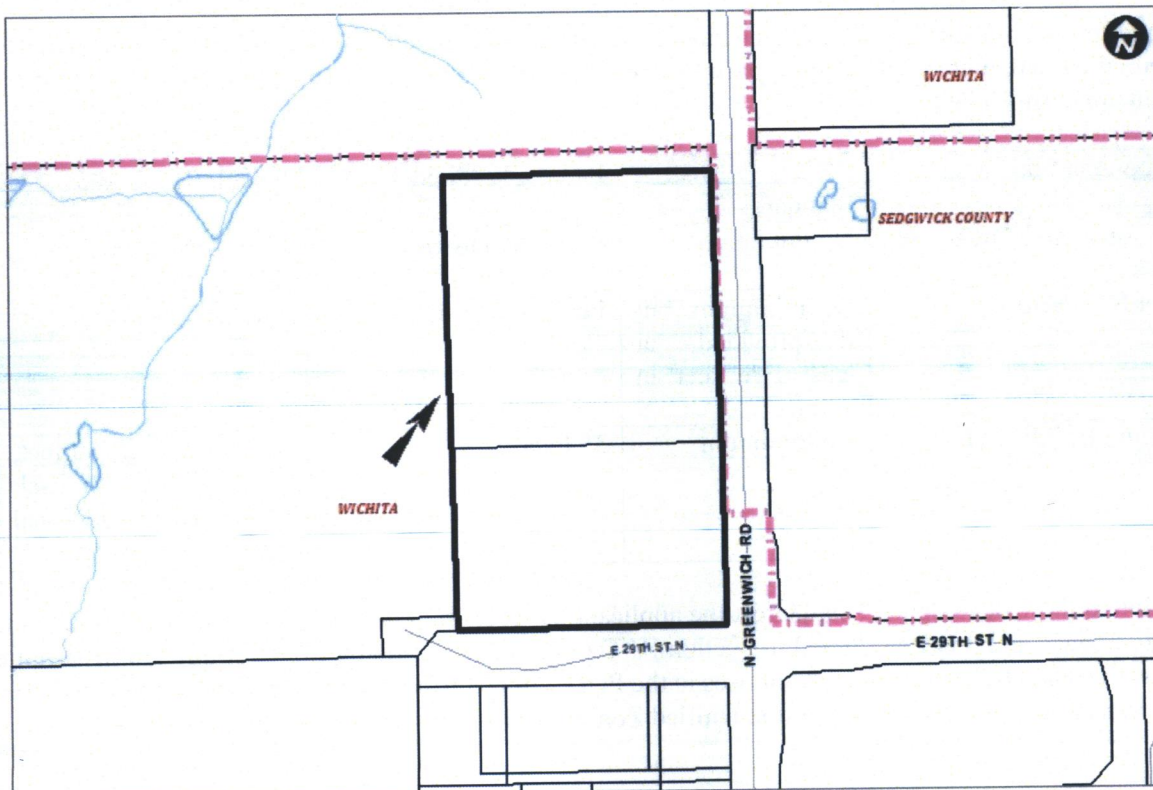
CURRENT ZONING: LI Limited Industrial with Protective Overlay #162

SITE SIZE: 19.7 acres

LOCATION: Generally located on the northwest corner of East 29th Street North and
North Greenwich Road.

PROPOSED USE: Mixed-use commercial and hospitality center

RECOMMENDATION: Approval with conditions



BACKGROUND: The applicant is requesting a zone change from LI Limited Industrial District with Protective Overlay #162 to PUD Planned Unit Development to create the Northwest Corner 29th & Greenwich Planned Unit Development PUD #111. As proposed by the applicant, PUD #111 would permit the development of a mixed-use commercial and hospitality district with outdoor spaces for games, entertainment, and retail.

The 19.7-acre property is generally located on the northwest corner of East 29th Street North and North Greenwich Road. Development in this area is a predominately a mix of retail and recreation/entertainment uses. Jabara Airport is located northeast of the subject site, and this property and the surrounding area are located in its Airport Hazard Zone Area A. The Stryker Sports Complex abuts the subject site to the north, west, and southwest. Farther north of the site is undeveloped property zoned SF-20. South of the subject site is property zoned LI Limited Industrial with PO #13, and developed with retail and indoor recreation uses. East of the subject site is undeveloped property zoned LC Limited Commercial with CUP DP-359 and a single-family residence zoned RR Rural Residential District.

Northwest Corner 29th & Greenwich PUD #111: The proposed PUD will be comprised of six parcels of varying size. The applicant has requested an underlying zoning of CBD Central Business District for permitted uses and development standards unless otherwise specified in their proposed language.

All parcels would allow uses permitted by-right in the CBD Central Business District, including those subject to Supplementary Use Regulations, except for Adult Entertainment and/or Sexually Oriented Businesses, various processing and manufacturing uses, auto sales and repair, and various public and civic uses (See attachment 1, Applicant's Proposed PUD Language, for a complete list of prohibited uses).

As a hospitality district, the applicant has proposed that alcohol sales be allowed and Nightclub in the City, Mobile Food Unit, and Outdoor Entertainment and Recreation be permitted as an accessory use to all other permitted uses in the PUD. The applicants proposed hours of operation for Indoor and Outdoor Entertainment are 10:00 p.m. Sunday through Thursday and midnight Friday and Saturday.

The requested custom zoning classification would provide flexible development standards allowing cohesive commercial development and outdoor space. An overview of the development standards requested by the applicant are outlined below:

Development Standards	CBD District Standards	Parcels 1, 2, and 3	Parcels 4, 5, and 6
Front, Rear, and Street Side Setback	No minimum	Per CBD District	Per CBD District
Interior Side Setback	No minimum, but if provided, at least five feet in width	Per CBD District	Per CBD District
Maximum Building Height	No minimum	35 Feet	Per LI District (80 feet, plus two feet for each foot of additional setback provided)

In addition to these development standards, the applicant has requested that the Compatibility Standards for building setbacks and heights outlined in Section IV-C of the Unified Zoning Code for any of the permitted uses be waived and Off-street Parking for uses in the PUD will be provided in accordance with the Off-street Parking Schedule in Section IV-A.4 of the Unified Zoning Code.

The subject site is located in Airport Hazard Zone A in proximity to Colonel James Jabara Airport. Airport Hazard Zone A limits structures to a maximum height of 25 feet. Any structures in the PUD exceeding the 25-foot ceiling shall require a Federal Aviation Administration (FAA) determination of no hazard regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures." The property owner shall submit a copy of the FAA determination to the Metropolitan Area Building and Construction Department (MABCD) prior to the issuance of a building permit.

Screening and landscaping shall be provided per Section IV-B of the Unified Zoning Code and the Wichita Landscape Ordinance. The applicant has requested that signs within the PUD be as permitted in the LI Limited Industrial Zoning District, and multi-tenant signs be permitted within common reserves.

CASE HISTORY: In 2005, the subject site was rezoned from SF-20 Single-Family Residential District to LI Limited Industrial District with PO #162. In 2006, the subject site was platted as Lot 1, Block 1, K-96 Business Park, an Addition to Wichita, Sedgwick County, Kansas. There are no other zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5 and SF-20	Recreation, outdoor and undeveloped property
SOUTH:	LI with PO #13	Recreation, indoor; retail, and undeveloped property
EAST:	LC with DP-359 and RR	Agriculture and single-family residence
WEST:	SF-5	Recreation, outdoor

PUBLIC SERVICES: The subject property fronts North Greenwich Road which is a paved, two-way arterial street with partial sidewalks on both sides. To its south, the property abuts East 29th Street North, which is a paved, two-way private street in this area. City sanitary sewer is located along the subject site's east property line. City water and stormwater are located in the North Greenwich Road right-of-way. Wichita Transit serves this area with a bus stop approximately a half mile south at Greenwich Place and the Wichita Sports Forum.

CONFORMANCE TO PLANS/POLICIES:

The Community Investments Plan: The proposed rezoning to Planned Unit Development PUD #111 is in conformance with the *Community Investment 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 primarily appropriate for "New Residential/Employment Mix" development. This category anticipates development of a mixed nature, with employment uses in these areas generally having limited negative impacts associated with noise, emissions, and visual blight.

The *Community Investments Plan* provides Locational Guidelines to serve as a framework for land use decisions in the *Plan area*. The development pattern element of these guidelines recommends practices which support the expansion of existing uses to adjacent areas and establish commercial and employment centers at arterial intersections and along highways or commercial corridors. The approval of this request would permit the expansion of existing retail and recreation and entertainment uses located at North Greenwich Road and East 29th street, which is consistent with the development pattern recommended by the *Plan*.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to adherence to the recommended PUD text (attached) and the following conditions listed below.

Recommended Conditions of Approval

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.

PUD2023-00001

Metropolitan Area Planning Commission

2. The owner shall obtain FAA determination regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for any structures exceeding the 25-foot height ceiling of the Airport Hazard Zone Area A. A copy of the FAA determination shall be submitted to the MABCD prior to the issuance of a building permit.
3. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #111 Northwest Corner 29th & Greenwich Planned Unit Development) has special conditions for development on the property.
4. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
5. All other federal, state, and local laws and ordinances must be observed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Development in this area is a predominately a mix of retail and recreation/entertainment uses. The Stryker Sports Complex abuts the subject site to the north, west, and southwest. Farther north of the site is undeveloped property zoned SF-20. South of the subject site is property zoned LI Limited Industrial with PO #13, and developed with retail and indoor recreation uses. East of the subject site is undeveloped property zoned LC Limited Commercial with CUP DP-359 and a single-family residence zoned RR Rural Residential District.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned LI Limited Industrial with Protective Overlay #162 and can be developed with various industrial and commercial uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The removal of restrictions will not detrimentally affect nearby properties.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is in conformance with the *Community Investments Plan* as discussed in the staff report.
5. **Impact of the proposed development on community facilities:** The proposed PUD should have minimal impacts on community facilities.

Attachments: 1. Staff Recommended PUD Language, 2. Applicant Proposed PUD Language, PUD #111 Drawing, 3. Aerial Map, 4. Zoning Map, 5. Land Use Map, 6. Site Pictures

Attachment 1. Staff Recommended Language for Northwest Corner 29th & Greenwich Planned Unit Development PUD #111

Project Description: This Planned Unit Development (PUD) is intended to allow for the development of undeveloped industrial land into a mixed-use commercial marketplace and hospitality district. A portion of the PUD may be utilized as an outdoor area to enjoy games, entertainment and goods available in the PUD.

The PUD provides flexible development Standards to accomplish the above goals, which otherwise would not be possible.

Land Uses:

The following uses are permitted for all Parcels and Reserves within the PUD:

1. All uses permitted by right in the CBD Central Business District zoning district, including those with supplemental conditions, except for the following which shall be prohibited: Adult Entertainment and/or Sexually Oriented Businesses; Parking Area, Commercial; Pawnshop; Recycling Collection Stations; Recycling Processing Centers; Reverse Vending Machines; Construction Sales And Services; General Animal Care; Recreational Marine Facilities; Group Homes; Group Residences; Cemeteries; Golf Courses; Hospitals; General Printing and Publishing; Outdoor Vehicle And Equipment Sales; Vehicle Repair; Self-Service Storage Warehouses; Correctional Facilities and/or Correctional Placement Residences; Manufacturing, Limited; Manufacturing, General; Warehousing; Welding or Machine Shop; Agricultural Research; and Agricultural Sales And Service.
2. Tattooing and Body Piercing Facility in the City shall be permitted when the property is properly screened to prevent the action of tattooing from being seen from the public.
3. Night Club in the City and Mobile Food Units in the City shall be permitted as accessory to uses permitted by-right in the CBD Central Business District.
4. The sale of alcohol shall be permitted.

General Provisions:

1. Setbacks within all Parcels and Reserves shall be per the CBD Central Business District.
2. No structure shall exceed the 25-foot height ceiling of the Airport Hazard Zone Area A, without obtaining Federal Aviation Administration (FAA) determination regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures."
3. Compatibility Standards for building setbacks and heights as outlined in Section IV-C of the Unified Zoning Code for any of the permitted uses shall be waived.
4. Off-street parking requirements shall be in accordance with Section IV-A.4 of the Unified Zoning Code.
5. Signs:

- a. The site shall utilize building signs as permitted in the LI Limited Industrial District, except that the total area of building signs may be up to seventy-five (75) percent of the building elevation.
 - b. Reserves A, B, and C shall be allowed multi-tenant signs not to individually exceed 500 square feet, and no single tenant sign shall exceed 150 square feet.
 - c. Roof top signs shall be permitted.
6. Indoor and outdoor entertainment shall not operate past 10:00 p.m. Sunday through Thursday and midnight Friday and Saturday.
7. Screening shall comply with Section IV-B of the Unified Zoning Code, the Wichita Landscape Ordinance, and all other applicable standards and requirements of the City of Wichita.
8. A landscape plan shall be prepared indicating the type, location and specifications of all plant material. This plan shall be submitted to and approved by the planning department for final approval prior to the issuance of any building permits. Existing on-site vegetation and portable landscaping may be used to fulfill landscape buffer requirement.
9. Roof-mounted equipment, loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing cooler or refrigeration units, outdoor storage, outdoor work areas or similar uses shall be screened from ground level view from any residentially zoned property.
10. The transfer of title of all or any portion of land included with the planned unit development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof but said plan shall run with the land and be binding upon present owners, their successors and assigns.
11. All exterior lighting shall be per the unified zoning code and shall be shielded to direct light disbursement in a downward direction.
12. This PUD can be administratively adjusted for plats, replats, and lot splits without having to be reapproved by the planning commission and governing body.
13. The development of this property shall proceed in accordance with the development plan as recommended for approval by the planning commission and if approved by the governing body. Any substantial deviation of the plan, after a joint determination by the zoning administrator and the director of planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
14. Any major changes in this planned unit development shall be submitted to the planning commission for their consideration. Amendments, adjustments, or interpretations to the PUD shall be in accordance with the unified zoning case.
15. Access controls shall be as shown on the final plat or lot split.
16. Prior to the issuance of building permits a site circulation plan shall be submitted to the planning department for approval. The site circulation plan shall address pedestrian, bicycle and transit connectivity to the site.

17. Architectural controls: all buildings within the PUD shall share complimentary architectural character and colors. The building(s) walls shall not utilize metal as a predominant exterior facade material unless designed to meet the above architectural controls and approved by the director of planning.

Legal description:

Lot 1, Block 1, K-96 Business Park, an Addition to Wichita, Sedgwick County, Kansas

Parcel 1:

Gross area = 1.2 acres or 52,000 square feet +/-

Maximum building height = 35 feet

Parcel 2:

Gross area = 1.2 acres or 52,000 square feet +/-

Maximum building height = 35 ft.

Parcel 3:

Gross area = 1.2 acres or 52,000 square feet +/-

Maximum building height = 35 ft.

Parcel 4:

Gross area = 2.7 acres or 116,063 square feet +/-

Maximum building height = per U.Z.C. standards for the LI Limited Industrial District

Parcel 5:

Gross area = 3.3 acres or 141,711 square feet +/-

Maximum building height = per U.Z.C. standards for the LI Limited Industrial District

Parcel 6:

Gross area = 10.2 acres or 445,824 square feet +/-

Maximum building height = per U.Z.C. standards for the LI Limited Industrial District

Attachment 2. Applicant Proposed Language for Northwest Corner 29th & Greenwich Planned Unit Development PUD #111

Project Description: This Planned Unit Development (PUD) is intended to allow for the development of undeveloped industrial land into a mixed-use commercial marketplace and hospitality district. A portion of the PUD may be utilized as an outdoor area to enjoy games, entertainment and goods available in the PUD.

The PUD provides flexible development Standards to accomplish the above goals, which otherwise would not be possible.

Land Uses:

The following uses are permitted for all Parcels and Reserves within the PUD:

5. All uses permitted by right in the CBD Central Business District zoning district, including those with supplemental conditions, except for the following which shall be prohibited: Adult Entertainment and/or Sexually Oriented Businesses; Parking Area, Commercial; Pawnshop; Recycling Collection Stations; Recycling Processing Centers; Reverse Vending Machines; Construction Sales And Services; General Animal Care; Recreational Marine Facilities; Group Homes; Group Residences; Cemeteries; Golf Courses; Hospitals; General Printing and Publishing; Outdoor Vehicle And Equipment Sales; Vehicle Repair; Self-Service Storage Warehouses; Correctional Facilities and/or Correctional Placement Residences; Manufacturing, Limited; Manufacturing, General; Warehousing; Welding or Machine Shop; Agricultural Research; and Agricultural Sales And Service.
6. Tattooing and Body Piercing Facility in the City shall be permitted when the property is properly screened to prevent the action of tattooing from being seen from the public.
7. Night Club in the City and Mobile Food Units in the City shall be permitted as accessory to uses permitted by-right in the CBD Central Business District.
8. The sale of alcohol shall be permitted.

General Provisions:

18. Setbacks within all Parcels and Reserves shall be per the CBD Central Business District.
19. Compatibility Standards for building setbacks and heights as outlined in Section IV-C of the Unified Zoning Code for any of the permitted uses shall be waived.
20. Off-street parking requirements shall be in accordance with Section IV-A.4 of the Unified Zoning Code.
21. Signs:

- a. The site shall utilize building signs as permitted in the LI Limited Industrial District, except that the total area of building signs may be up to seventy-five (75) percent of the building elevation.
 - b. Reserves A, B, and C shall be allowed multi-tenant signs not to individually exceed 500 square feet, and no single tenant sign shall exceed 150 square feet.
 - c. Roof top signs shall be permitted.
22. Indoor and outdoor entertainment shall not operate past 10:00 p.m. Sunday through Thursday and midnight Friday and Saturday.
 23. Screening shall comply with Section IV-B of the Unified Zoning Code, the Wichita Landscape Ordinance, and all other applicable standards and requirements of the City of Wichita.
 24. A landscape plan shall be prepared indicating the type, location and specifications of all plant material. This plan shall be submitted to and approved by the planning department for final approval prior to the issuance of any building permits. Existing on-site vegetation and portable landscaping may be used to fulfill landscape buffer requirement.
 25. Roof-mounted equipment, loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing cooler or refrigeration units, outdoor storage, outdoor work areas or similar uses shall be screened from ground level view from any residentially zoned property.
 26. The transfer of title of all or any portion of land included with the planned unit development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof but said plan shall run with the land and be binding upon present owners, their successors and assigns.
 27. All exterior lighting shall be per the unified zoning code and shall be shielded to direct light disbursement in a downward direction.
 28. This PUD can be administratively adjusted for plats, replats, and lot splits without having to be reapproved by the planning commission and governing body.
 29. The development of this property shall proceed in accordance with the development plan as recommended for approval by the planning commission and if approved by the governing body. Any substantial deviation of the plan, after a joint determination by the zoning administrator and the director of planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 30. Any major changes in this planned unit development shall be submitted to the planning commission for their consideration. Amendments, adjustments, or interpretations to the PUD shall be in accordance with the unified zoning case.
 31. Access controls shall be as shown on the final plat or lot split.

32. Prior to the issuance of building permits a site circulation plan shall be submitted to the planning department for approval. The site circulation plan shall address pedestrian, bicycle and transit connectivity to the site.
33. Architectural controls: all buildings within the PUD shall share complimentary architectural character and colors. The building(s) walls shall not utilize metal as a predominant exterior facade material unless designed to meet the above architectural controls and approved by the director of planning.

Legal description:

Lot 1, Block 1, K-96 Business Park, an Addition to Wichita, Sedgwick County, Kansas

Parcel 1:

Gross area = 1.2 acres or 52,000 square feet +/-
Maximum building height = 35 feet

Parcel 2:

Gross area = 1.2 acres or 52,000 square feet +/-
Maximum building height = 35 ft.

Parcel 3:

Gross area = 1.2 acres or 52,000 square feet +/-
Maximum building height = 35 ft.

Parcel 4:

Gross area = 2.7 acres or 116,063 square feet +/-
Maximum building height = per U.Z.C. standards for the LI Limited Industrial District

Parcel 5:

Gross area = 3.3 acres or 141,711 square feet +/-
Maximum building height = per U.Z.C. standards for the LI Limited Industrial District

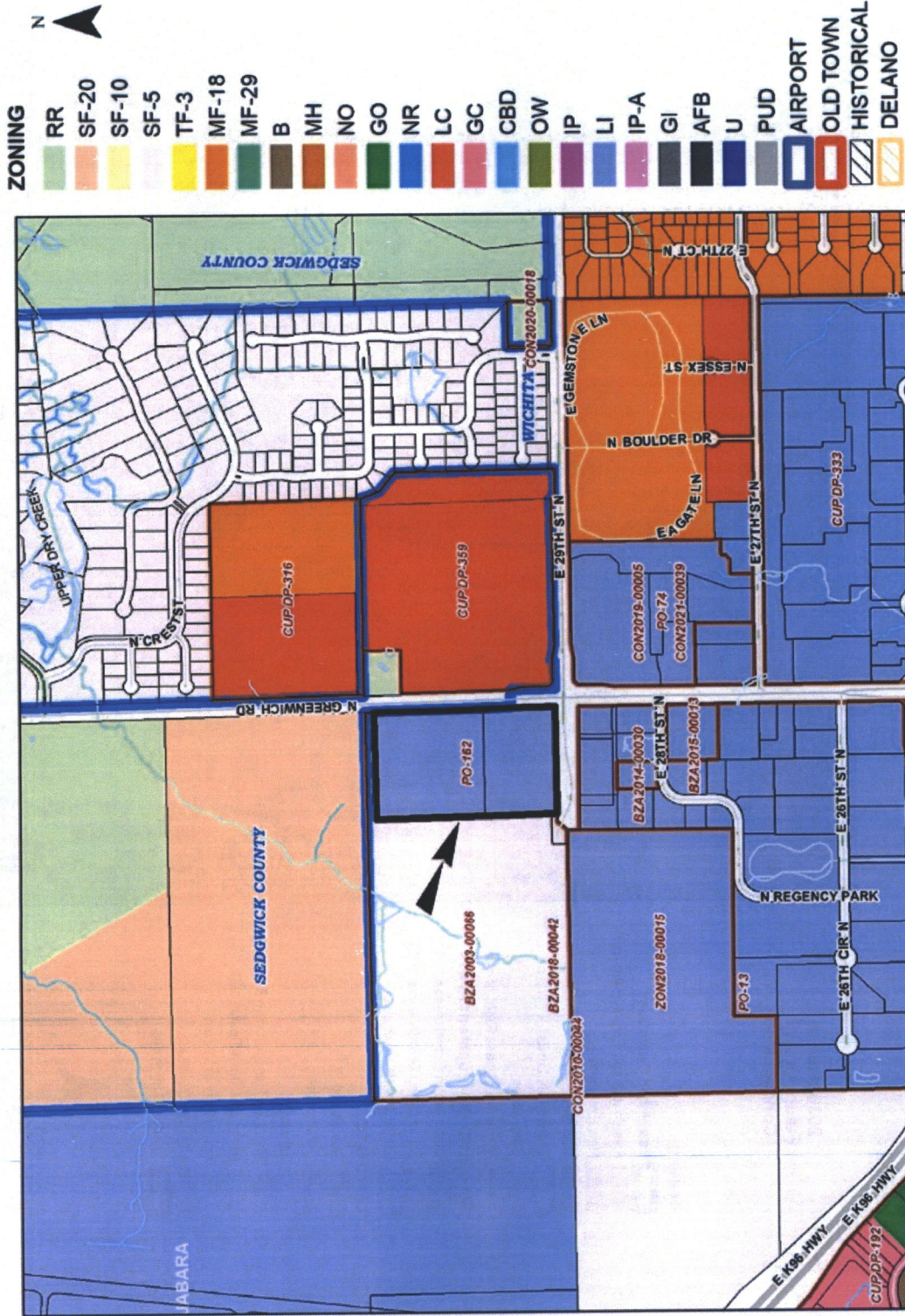
Parcel 6:

Gross area = 10.2 acres or 445,824 square feet +/-
Maximum building height = per U.Z.C. standards for the LI Limited Industrial District

Attachment 4. Aerial Map



Attachment 5. Zoning Map



Attachment 7. Site Photos



The subject site facing west.



The subject site facing southwest.



Single-family residence northeast of the subject site.



Undeveloped property east of the subject site.



Top Golf southeast of the subject site.

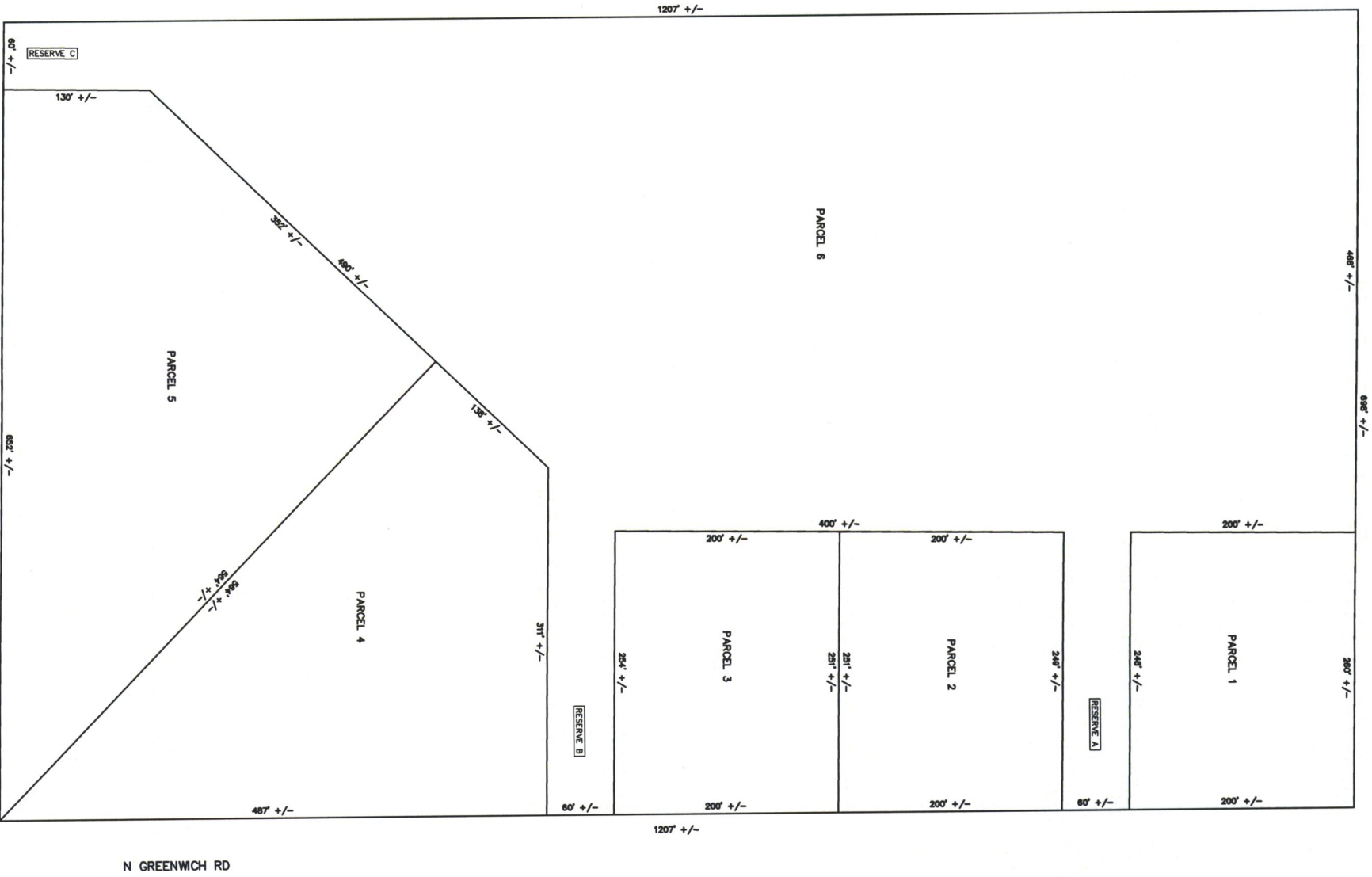


South of the subject site.

NWC 29TH & GREENWICH

WICHITA, SEDGWICK COUNTY, KANSAS

PLANNED UNIT DEVELOPMENT PUD-111



Project Description: This Planned Unit Development (PUD) is intended to allow for the development of undeveloped industrial land into a mixed-use commercial marketplace and hospitality district. A portion of the PUD may be utilized as an outdoor area to enjoy games, entertainment and goods available in the PUD.

The PUD provides flexible development standards to accomplish the above goals, which otherwise would not be possible.

Land Uses:

The following uses are permitted for all Parcels and Reserves within the PUD:

- All uses permitted by right in the CBD Central Business District zoning district, including those with supplemental conditions, except for the following which shall be prohibited: Adult Entertainment and/or Sexually Oriented Businesses; Parking Area, Commercial; Pawnshop; Recycling Collection Stations; Recycling Processing Centers; Reverse Vending Machines; Construction Sales and Services; General Animal Care; Recreational Marine Facilities; Group Homes; Group Residences; Coneseries; Golf Courses; Hospitals; General Printing and Publishing; Outdoor Vehicle and Equipment Sales; Vehicle Repair; Self-Service Storage; Warehouses; Correctional Facilities and/or Correctional Placement Residences; Manufacturing; Limited; Manufacturing; General; Warehousing; Welding or Machine Shop; Agricultural Research; and Agricultural Sales And Service.
- Tattooing and Body Piercing Facility in the City shall be permitted when the property is properly screened to prevent the action of tattooing from being seen from the public.
- Night Club in the City and Mobile Food Units in the City shall be permitted as accessory to uses permitted by-right in the CBD Central Business District.
- The sale of alcohol shall be permitted.

General Provisions:

- Setbacks within all Parcels and Reserves shall be per the CBD Central Business District.
- No structure shall exceed the 25-foot height ceiling of the Airport Hazard Zone Area A, without obtaining Federal Aviation Administration (FAA) determination retaining objects affecting navigable airspace and impacts to terminal instrument procedures.
- Compatibility Standards for building setbacks and heights as outlined in Section IV-C of the Unified Zoning Code for any of the permitted uses shall be waived.
- Off-street parking requirements shall be in accordance with Section IV-A-4 of the Unified Zoning Code.
- Signs:
 - The site shall utilize building signs as permitted in the LI Limited Industrial District, except that the total area of building signs may be up to seventy-five (75) percent of the building elevation.
 - Reserves A, B, and C shall be allowed multi-tenant signs not to individually exceed 500 square feet, and no single tenant sign shall exceed 150 square feet.
 - Roof top signs shall be permitted.
- Indoor and outdoor entertainment shall not operate past 10:00 p.m. Sunday through Thursday and midnight Friday and Saturday.
- Screening shall comply with Section IV-B of the Unified Zoning Code, the Wichita Landscape Ordinance, and all other applicable standards and requirements of the City of Wichita.
- A landscape plan shall be prepared indicating the type, location and specifications of all plant material. This plan shall be submitted to and approved by the planning department prior to the issuance of any building permits. Existing on-site vegetation and portable landscaping may be used to fulfill landscape buffer requirement.
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- The transfer of title of all or any portion of land included with the planned unit development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof but said plan shall run with the land and be binding upon present owners, their successors and assigns.
- All exterior lighting shall be per the unified zoning code and shall be shielded to direct light disbursement in a downward direction.

- This PUD can be administratively adjusted for plans, replans, and lot splits without having to be reapproved by the planning commission and governing body.
- The development of this property shall proceed in accordance with the development plan as recommended for approval by the planning commission and if approved by the governing body. Any substantial deviation of the plan, after a final determination by the zoning administrator and the director of planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- Any major changes in this planned unit development shall be submitted to the planning commission for their consideration. Amendments, adjustments, or interpretations to the PUD shall be in accordance with the unified zoning code.
- Access controls shall be as shown on the final plat or lot split.
- Prior to the issuance of building permits a site circulation plan shall be submitted to the planning department for approval. The site circulation plan shall address pedestrian, bicycle and transit connectivity to the site.
- Architectural controls: all buildings within the PUD shall share complementary architectural character and colors. The building(s) walls shall not utilize metal as a predominant exterior facade material unless designed to meet the above architectural controls and approved by the director of planning.

Legal description:

Lot 1, Block 1, K-96 Business Park, an Addition to Wichita, Sedgwick County, Kansas

Parcel 1:
Gross area = 1.2 acres or 52,000 square feet +/-
Maximum building height = 35 feet

Parcel 2:
Gross area = 1.2 acres or 52,000 square feet +/-
Maximum building height = 35 ft.

Parcel 3:
Gross area = 1.2 acres or 52,000 square feet +/-
Maximum building height = 35 ft.

Parcel 4:
Gross area = 2.7 acres or 116,063 square feet +/-
Maximum building height = per U.Z.C. standards for the LI Limited Industrial District

Parcel 5:
Gross area = 3.3 acres or 141,711 square feet +/-
Maximum building height = per U.Z.C. standards for the LI Limited Industrial District

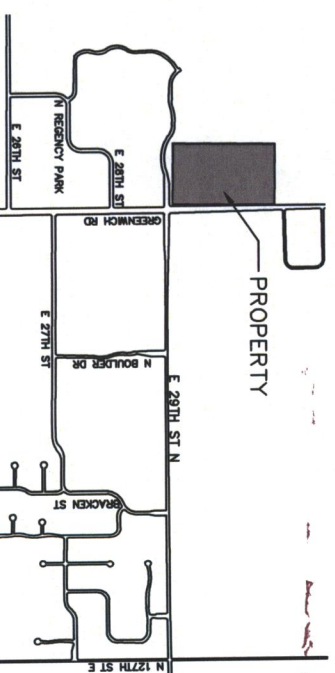
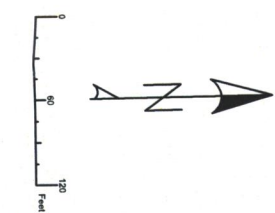
Parcel 6:
Gross area = 10.2 acres or 445,824 square feet +/-
Maximum building height = per U.Z.C. standards for the LI Limited Industrial District

APPROVED PUD

MAPS 5116103

QA

DATE OF PREPARATION
1) 2023-05-06 MAPS SUBMITTAL
2) 2023-03-31 UPDATED PER STAFF
RECOMMENDED LANGUAGE



Background: The applicant is requesting to rezone a 21-acre tract from “SF-20” Single-family Residential to “LI” Limited Industrial for limited industrial uses. No specific users are identified for the tract. The property is located north of 29th Street North and west Greenwich Road.

North of the application area is SF-20 zoned property used for agriculture. East of the site, across Greenwich Rd., is RR zoned property developed with a single-family residence and agriculture. Southeast of the site, across Greenwich Rd., is 160 acres zoned SF-20, but approved for LI under PO #74 in 2000, and awaiting platting. South of the site is the Regency Park industrial development, rezoned to LI in 2000, and under Protective Overlay PO #13. Southwest of the site is an LI zoned, city owned soccer field complex. West of the site is property zoned SF-5, owned by the city, and proposed as a ball field complex. Further to the west is the LI zoned Jabara Airport.

Analysis: The Metropolitan Area Planning Commission (MAPC) heard this case on August 11, 2005, and no one except the applicant and his agent were present to speak on behalf of the application. A motion for approval passed 11-0, subject to platting within one year and Protective Overlay #162.

In summary, Protective Overlay #162 contains: a list of prohibited uses, such as correctional facility, night club and grain storage; requires use of similar building materials for screening; limitations on outside storage; screening of heating/air conditioning and outdoor work areas; establishes minimum building setbacks and height and LC district signage standards.

No protests have been received.

Alternatives:

1. Approve the zone change subject to platting and the provisions of Protective Overlay #162; adopt the findings of the Metropolitan Area Planning Commission and direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC’s failure to approve or disapprove.
3. Deny the zone change and override the MAPC recommendation with a 2/3 vote.

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations:   *Approved as to form and signed by County Counselor's Office*

AGENDA ITEM REQUEST

FILE COPY

Proposed Agenda Item: ZON2005-00032- Sedgwick County Zone change from "SF-20" Single-family Residential to "LI" Limited Industrial. Generally located north of 29th Street North and west of Greenwich Road. (District 1)

Presented By: John L. Schlegel, Planning Director *JLS*

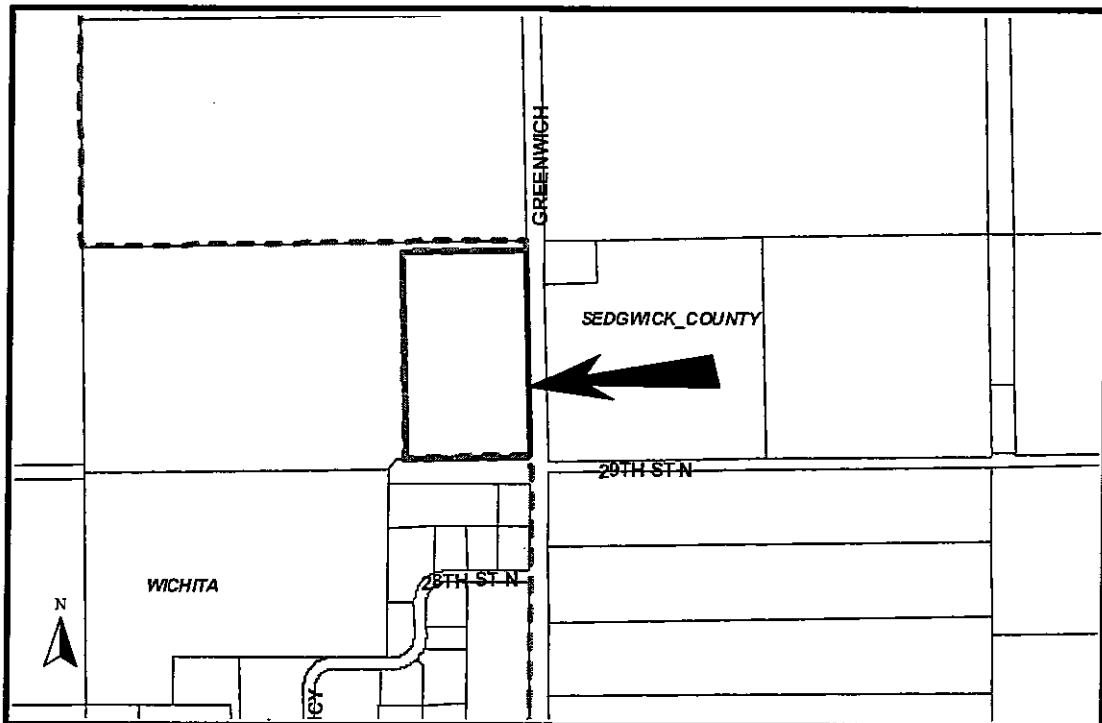
Recommended Action: Approve the zone change subject to platting within one year, and subject to the provisions of Protective Overlay #162, adopt the findings of the Metropolitan Area Planning Commission and direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.

Proposed Agenda Date: September 28, 2005

Outside Attendees: Rob Hartman, PEC, 303 S. Topeka, Wichita, KS 67202

Multimedia Presentation: Powerpoint

Donations: Not applicable



the landscaping requirements; any improvements in the right-of-way shall require review by Public Works, and may require a minor street privilege.

- (5) Minimum Setback Requirements: front setback - 20 feet; side setback – 0 feet; rear setback – 0 feet for building; 20 feet for screening wall.
- (6) All signs shall be per Wichita Sign Code for property zoned "LC". No portable or off-site signs allowed. No signs shall be allowed on the north side of the buildings, facing Dubon Avenue, nor on the west façade facing Seville Avenue except within the southernmost 20 feet of the façade.
- (7) Parking – Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code ("UZC").
- (8) Architectural Control – All buildings shall have the same predominate exterior building materials with consistent architectural character, color and texture, and consistent lighting design (fixtures, poles, lamps, etc.) as approved by the Planning Director. There shall be no predominately metal façades on any buildings. Light standards shall be a maximum height of 25 feet and consistent in pole and fixture throughout the development. No freestanding light standards shall be allowed on Dubon Avenue; building wall lighting shall be limited to 15 feet in height and shall have directional shielding to prevent light spillage onto residential zoning districts.
- (9) An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc. shall be filed by the time the plat is filed of record.
- (10) All drainage ways and easements shall be determined at the time of platting.
- (11) Loading areas, trash receptacles, outdoor storage, and docks shall be screened from ground level view. Mechanical equipment on top of buildings shall be screened to the height of the unit. Screening of all trash dumpsters and mechanical equipment will be constructed to match the buildings they support and no trash dumpsters shall be allowed along Dubon. Outdoor storage shall be screened such that no stored material protrudes above the top of the screening. In those cases where these requirements are more stringent than the UZC, it shall be deemed that these requirements shall govern.
- (12) The development of this property shall proceed in accordance with the development plan as recommended for approval by the Metropolitan Area Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Planning Director, shall constitute a violation of the building permit authorizing construction of the proposed development.
- (13) Outdoor speakers and sound amplification systems shall not be permitted on the site.
- (14) Maximum height – 35 feet; maximum building coverage – 30 percent; maximum gross floor area – 35 percent.

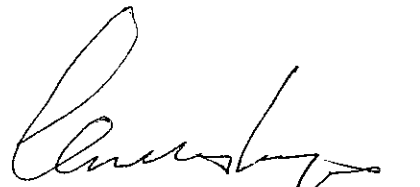
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

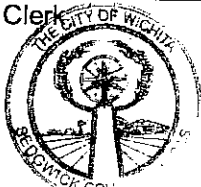
ADOPTED this 28th day of March, 2006.

ATTEST:

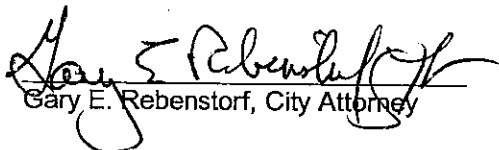

Karen Sublett, City Clerk


Carlos Mayans, Mayor

(SEAL)



Approved as to form:


Gary E. Rebenstorf, City Attorney

Published in The Wichita Eagle on March 30, 2006

ORDINANCE NO. 47-003

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. ZON 2005-32

Request for Zone change from "SF-20" Single-family Residential District to "LI" Limited Industrial District and to PO #162 - Protective Overlay District, on property described as:

Lot 1, Block 1, K -96 Business Park Addition, Wichita, Sedgwick County, Kansas.

Generally located on the northwest corner of 29th Street North and Greenwich Road.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #162:

- (1) The development parcel contains 5.22 net acres, more or less.
- (2) Restricted uses: group residence, correctional placement residence (limited and general), group home (limited, general, and commercial), communication tower (commercial), kennel (boarding/breeding/training, and hobby), night club, riding academy or stable, tattooing and body piercing facility, tavern and drinking establishment, outdoor vehicle repair, asphalt and concrete plant, gas and fuel storage, rock crushing, and solid waste incinerator.
- (3) The transfer of title on all or any portion of the land included in the development does not constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successor and assigns and their lessees unless amended. However, the Planning Direct, with concurrence of the Superintendent of Central Inspection, may approve minor adjustments to the conditions of the overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
- (4) Landscape and Parking Lot Screening – Shall be in accordance with the City of Wichita Landscape Ordinance, including but not limited to a landscaped street yard and parking lot landscaping and screening along Kellogg Drive, Seville Avenue and Dubon Avenue. Additionally, the rate of plant materials on Dubon Avenue shall be calculated at a rate of one shade tree required per 40 feet of lineal frontage along Dubon, with this requirement being met by a minimum of at least one-third evergreen plant material; two ornamental trees or ten shrubs shall be equivalent to one shade tree and may be substituted for shade trees except that no more than one-third of the total requirement may be met by shrubbery plant material. A landscape plan, prepared by a Landscape Architect licensed in the State of Kansas, indicating the location, type, and specification of plant material shall be submitted to the planning department for its review and approval prior to the issuance of any building permit(s). The site shall be screened along Dubon Avenue by way of building walls and solid screening walls. Building walls seen from ground level along Dubon Avenue shall not have visible windows, doors, or utility meters or boxes, but shall give the appearance of solid masonry screening wall of the same material, texture and color as the buildings walls and be connected to the buildings walls. The screening walls shall be a minimum of 8' in height and set back at least 20' from the right-of-way. Landscaping will be required along Dubon Avenue and shall be in accordance with the City of Wichita Landscape Ordinance, except that Dubon Avenue right-of-way may be used for meeting