

115-119 S. Minneapolis & 104 S. Kansas

PLANNED UNIT DEVELOPMENT No. 117

LEGAL DESCRIPTION:

Parcel 1

Lots 1-3, Grace, now Minneapolis, Black's Addition.

And

Lots 5-7, Grace, now Minneapolis, Black's Addition.

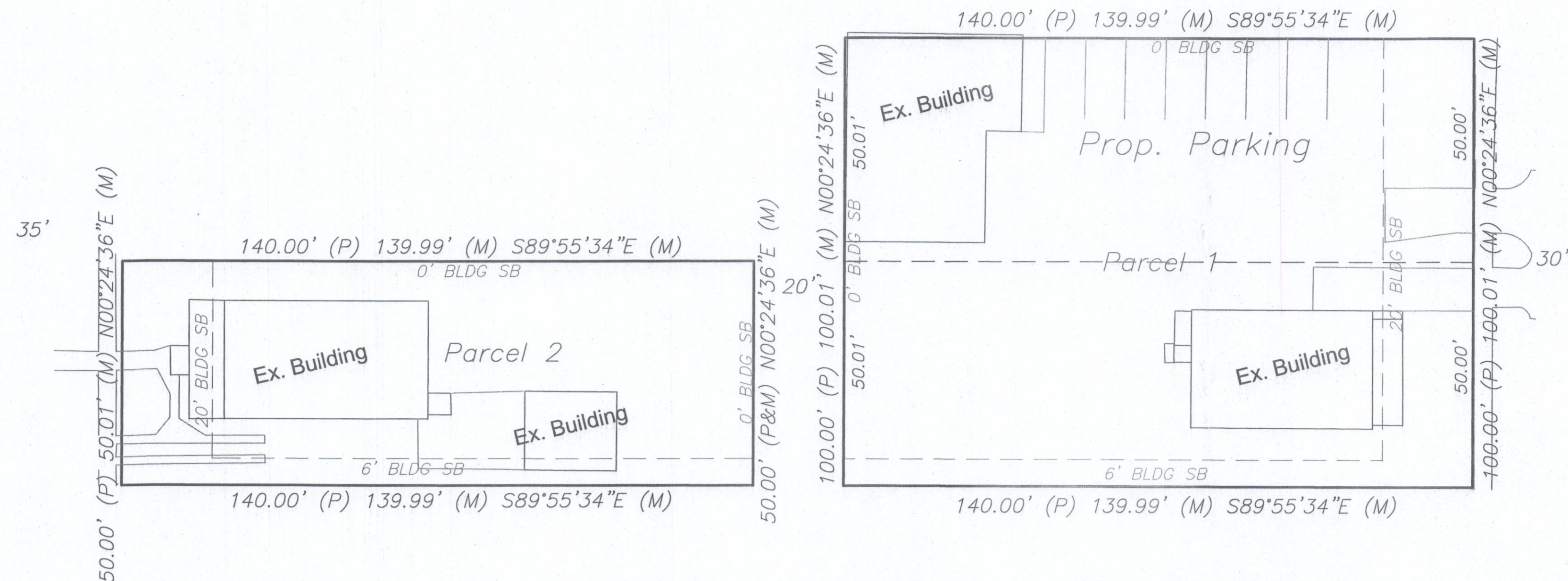
Parcel 2

Lots 6-8, Johnson, now Kansas, Black's Addition.

Project Description

The purpose of this Planned Unit Development is to allow commercial uses of the existing buildings on this property. The PUD will permit shared parking across all lots.

KANSAS AVE.



MINNEAPOLIS AVE.

GENERAL PROVISIONS:

- Total Land Area 21000 sq ft. or 0.48 acre
- Parking will be shared between all parcels.
- Unless specified or shown on the drawing, the PUD will adhere to the development standards for the LC Limited Commercial District, including but not limited to, uses, height compatibility, and setbacks. All uses for LC Limited Commercial District are approved except for Public Recycling Station, Reverse Vending Machine, Broadcast/Recording Studio, Car Wash, Convenience Store, Farmer's Market, Funeral Home, Hotel or Motel, Nursery or Garden Center, or Post Office Substation. Tattoo or body piercing facilities will be allowed. Height limits and setback compatibility for any new construction shall apply.
- New utilities shall be installed underground on all parcels.
- Development of the site will not be permitted without connection to public water and sewer.
- Relocation of any existing utilities and sidewalks will be the responsibility of the developer.
- Amendments, adjustments, or interpretations to this PUD shall be done in accordance with Unified Zoning Code.
- The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
- The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial

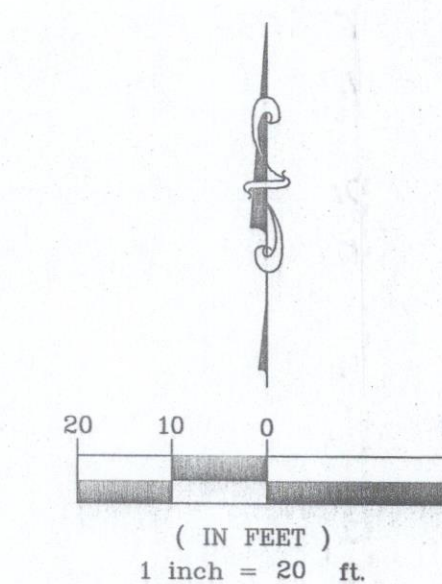
- deviation of the plan, after a joint determination by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
- If property is used for single family or duplex purposes, that portion of the property will not have a landscape requirement. Otherwise, landscaping and screening shall be in accordance with Section IV-B of the Unified Zoning Code.
- Signs shall be in accordance with the LC Limited Commercial District in the Sign Code of the City of Wichita, with the following additional requirements:
 - Portable signs are not permitted.
 - Ground signs shall not be monument type.
 - No off-site/billboard signs.
 - No illuminated building signs on the south elevations of any building or north elevation of Parcel 2.
- Property shall install similar or consistent parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc.).
 - The height of all light poles, including pole base, is limited to 15 feet.
 - All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
- Noise from the site shall not be audible from adjacent or surrounding property above the local ambient noise. No outdoor speaker system shall be permitted.
- Trash receptacles and ground level mechanical equipment shall be screened to sufficiently hide them from ground level view, adjacent property, and street right of way. Screening will adhere to the code except for conditions stated in the provisions.

PARCEL 1:

- Net Area: 14000 sq. ft. ±
0.32 acres ±
- Maximum Building Coverage 7000 sq. ft.
- Maximum Height 35 feet
- Setbacks See Drawing
See General Provision 3

PARCEL 2:

- Net Area: 7000 sq. ft. ±
0.16 acres ±
- Maximum Building Coverage 3500 sq. ft.
- Maximum Height 35 feet
- Setbacks See Drawing
See General Provision 3



APPROVED PUD

WAPC 11/30/23
J. K. K...
lot 4 PUD 23-12

KEMILLER
ENGINEERING PA
117 E. Lewis, Wichita, KS 67202 (316)264-0242



Wichita-Sedgwick County Metropolitan Area Planning Department

January 9, 2024

RR Business Properties, LLC
3737 N. Hydraulic
Wichita, KS 67219

K.E. Miller Engineering
117 E. Lewis
Wichita, KS 67202

RE: PUD2023-00012: Zone change request in the City, B Multi-Family Residential to PUD Planned Unit Development to allow commercial uses for an existing building and to allow shared parking among all of the lots; generally located within one-block south of East Douglas Avenue and on the east side of South Kansas Avenue and the west side of South Minneapolis Avenue (104 South Kansas Avenue, 115 and 119 South Minneapolis Avenue).

Dear Applicant,

On January 2, 2024, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request with the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that these tracts (referenced as PUD #117 115-119 South Minneapolis and 104 South Kansas Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Eatherly'.

Brad Eatherly
Current Plans
Senior Planner

Copies to: MABCD
Brandon Johnson, Councilmember, District I
Maddy Campbell, CSR District I
Rita Ruiz, 132 South Minneapolis, Wichita, KS 67211



Wichita-Sedgwick County Metropolitan Area Planning Department

December 4, 2023

RR Business Properties, LLC
3737 N. Hydraulic
Wichita, KS 67219

K.E. Miller Engineering
117 E. Lewis
Wichita, KS 67202

RE: PUD2023-00012: Zone change request in the City, B Multi-Family Residential to PUD Planned Unit Development to allow commercial uses for an existing building and to allow shared parking among all of the lots; generally located within one-block south of East Douglas Avenue and on the east side of South Kansas Avenue and the west side of South Minneapolis Avenue (104 South Kansas Avenue, 115 and 119 South Minneapolis Avenue).

Dear Applicants;

At its regular meeting on **November 30, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request, subject to the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that these tracts (referenced as PUD #117 115-119 South Minneapolis and 104 South Kansas Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) **To be effective, the protest must be filed by 5:00 p.m. on December 14, 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 **December 14, 2023 at 5:00 p.m.**

This case will be heard by the District I Advisory Board (DAB) on **Monday, December 4, 2023**, beginning at 6:00 p.m. DAB I meets at the Atwater Neighborhood Resource Center, 2755 East 19th St North, Wichita, Kansas. For more information, please contact the Community Services Representative for District I, Tasha Hayes, at thayes@wichita.gov or (316) 268-4197.

This application will be heard by the Wichita City Council on **Tuesday, January 2, 2024**, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Brad Eatherly
Current Plans
Senior Planner

Copies to: MABCD
Brandon Johnson, Councilmember District I
Tasha Hayes, CSR District I
Rita Ruiz, 132 South Minneapolis, Wichita, KS 67211

1. Planning Department Staff Recommended PUD #117 Text

Staff recommended text *in red.*

Project Description:

The purpose of this Planned Unit Development is to allow commercial uses of the existing buildings on this property. The PUD will permit shared parking across all lots.

General Provisions:

1. Total Land Area: 21,000 sq. ft. ± or 0.48 acres
2. Parking will be shared between all parcels.
3. Unless specified or shown on the drawing, the PUD will *adhere to the development standards for the LC Limited Commercial District, including but not limited to, uses, height compatibility, and setbacks.* All uses for LC *Limited Commercial District* are approved except for Public Recycling Station, Reverse Vending Machine, Broadcast/Recording Studio, Car Wash, Convenience Store, Farmer's Market, Funeral Home, Hotel or Motel, Nursery or Garden Center, or Post Office Substation. Tattoo or Body Piercing facilities will be allowed. Height limits and setback compatibility for any new construction shall apply.
4. New utilities shall be installed underground on all parcels.
5. Development of the site will not be permitted without connection to public water and sewer.
6. Relocation of any existing utilities and sidewalks will be the responsibility of the developer.
7. Amendments, adjustments, or interpretations to this PUD shall be in accordance with Unified Zoning Code.
8. The Transfer of title of all or any portion of land included within the Planned Unit

Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors, and assigns.

9. The **development** of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, 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.
10. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
11. If property is used for single family or duplex purposes, that portion of the property will not have a landscape requirement. **Otherwise, landscaping and screening shall be in accordance with Section IV-B of the Unified Zoning Code.**
12. Signs shall be in accordance with the **LC Limited Commercial District** in the Sign Code of the City of Wichita, with the following additional requirements:
 - a. Portable signs are not permitted.
 - b. Ground signs shall not be monument type.
 - c. No off-site/billboard signs.
 - d. No illuminated building signs on the south elevations of any building or north elevation of Parcel 2.
13. Property shall install similar or consistent parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc).
 - a. The height of all light poles, including pole base, is limited to 15 feet.
 - b. All exterior lighting shall be shielded to direct light and disbursement in a downward direction and away from residential areas.
14. Noise from the site shall not be audible from adjacent or surrounding property above the local, ambient noise. No outdoor speaker system shall be permitted.
15. Trash receptacles and ground level mechanical equipment shall be screened to **sufficiently** hide them from ground level view, adjacent property, and street right of way. Screening will adhere to the code except for conditions stated in the provisions.

Parcel 1:

A. Net Area:	14000 sq. ft. ± .32 acres ±
B. Maximum Building Coverage:	7000 sq. ft
C. Maximum Height:	35 feet
D. Setbacks:	See Drawing

Parcel 2:

A. Net Area:	7000 sq. ft. ± 0.16 acres ±
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- B. Maximum Building Coverage: 3500 sq. ft.
C. Maximum Height: 35 feet
D. Setbacks: See Drawing

Legal Description:

Parcel 1

Lots 1-3, Grace, now Minneapolis, Black's Addition.

And

Lots 5-7, Grace, now Minneapolis, Black's Addition

Parcel 2

Lots 6-8, Johnson, now Kansas, Black's Addition

OCA 150004

(Published in the Wichita Eagle, January 12, 2024)

ORDINANCE NO. 52-318

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. PUD2023-00012

Zone Change Request from B Multi-Family District to PUD Planned Unit Development #117 subject to the general provisions of PUD #117, on property legally described as:

Lots 1, 3, 5, and 7, on Grace, now Minneapolis Avenue, Black's Addition to Wichita, Sedgwick County, Kansas.

AND

Lots 6 and 8 on Johnson, now Kansas Avenue, Black's Addition to Wichita, Sedgwick County, Kansas.

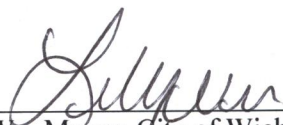
The 115-119 South Minneapolis & 104 South Kansas Planned Unit Development (PUD #117) shall be subject to the following conditions:

1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that these tracts (referenced as PUD #117 115-119 South Minneapolis and 104 South Kansas Planned Unit Development) have special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning 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.

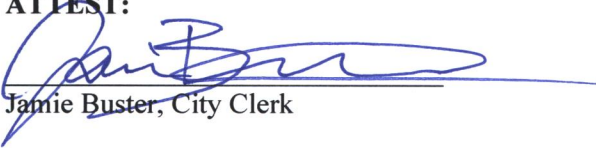
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 9th day of January, 2024.



Lily Wu, Mayor, City of Wichita

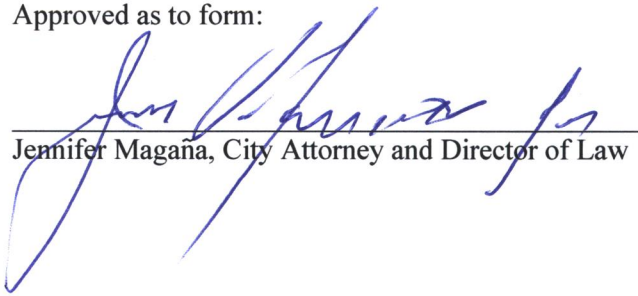
ATTEST:


Jamie Buster, City Clerk

(SEAL)



Approved as to form:


Jennifer Magaña, City Attorney and Director of Law



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Film-Pg: 30287592

Receipt #: 2412506
Pages Recorded: 1
Cashier: tmoeder

Recording Fee: \$21.00

Authorized By: *Tonya Buckingham*
Date Recorded: 01/26/2024 08:13:02 AM

NOTICE OF PLANNED UNIT DEVELOPMENT
115-119 South Minneapolis and 104 South Kansas, PUD#117

THIS NOTICE made this 25th day of January, 2024, by Richard Wessley, Owner, RR Business Properties, LLC, hereinafter called "Declarant,"
WITNESSETH

WHEREAS, the Declarant is the owner of the following-described property:

Lots 1-3, Grace, now Minneapolis, Black's Addition to Wichita, AND Lots 5-7 Grace, now Minneapolis, Black's Addition to Wichita, AND Lots 6-8, Johnson, now Kansas, Black's Addition to Wichita.

and

WHEREAS, the Declarant is desirous to file notice that a planned unit development approved by the City of Wichita is on file with the Wichita-Sedgwick County Metropolitan Area Planning Department.

NOW, THEREFORE, the Declarant give notice that the approved planned unit development for 115-119 South Minneapolis and South Kansas, PUD#117 has placed restrictions on the use and requirements on the development of the above-described real property. The planned unit development shall be binding on the owners, their heirs, or successors or assigns and is a document running with the land and is binding on all successors in title to Lots 1-3, Grace, now Minneapolis, Black's Addition to Wichita, AND Lots 5-7 Grace, now Minneapolis, Black's Addition to Wichita, AND Lots 6-8, Johnson, now Kansas, Black's Addition to Wichita.

EXECUTED the day and year first written above.

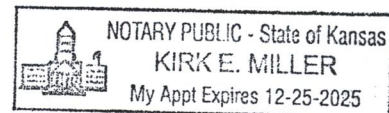
By: *R Wessley*
Richard Wessley, Owner
RR Business Properties, LLC.

1/25/2024
Date

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

This instrument was acknowledged before me on this 25th day of JANUARY, 2024, by Richard Wessley, Owner, RR Business Properties, LLC.

Kirk E. Miller
Notary Public



My Commission Expires: 12/25/2025



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

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

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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	508415	Print Legal Ad-IPL01549220 - IPL0154922	ORD#52-318	\$71.49	1	85 L

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

JMBuster@wichita.gov

OCA 150004
(Published in the Wichita Eagle,
January 12, 2024)

ORDINANCE NO. 52-318
AN ORDINANCE CHANGING THE
ZONING CLASSIFICATIONS OF DIS-
TRICTS OF CERTAIN LANDS LOCAT-
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UNDER THE AUTHORITY GRANTED
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BE IT ORDAINED BY THE GOVERN-
ING BODY
OF THE CITY OF WICHITA, KANSAS,
SECTION 1. That having received a
recommendation from the Planning
Commission, and proper notice hav-
ing 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. PUD2023-00012
Zone Change Request from B
Multi-Family District to PUD Planned
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general provisions of PUD #117, on
property legally described as:
Lots 1, 3, 5, and 7, on Grace, now
Minneapolis Avenue, Black's Addition
to Wichita, Sedgwick County, Kansas,
AND

Lots 6 and 8 on Johnson, now Kansas
Avenue, Black's Addition to Wichita,
Sedgwick County, Kansas.

The 115-119 South Minneapolis & 104
South Kansas Planned Unit Develop-
ment (PUD #117) shall be subject to
the following conditions:

The PUD shall be developed in ac-
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language.

The applicant shall record a PUD cer-
tificate with the Register of Deeds indi-
cating that these tracts (referenced as
PUD #117 115-119 South Minneapolis
and 104 South Kansas Planned Unit
Development) have special conditions
for development on the property.

A copy of the recorded certificate
along with four copies of the approved
PUD shall be submitted to the Met-
ropolitan Area Planning Department
within 60 days of governing body ap-
proval, or the request shall be consid-
ered denied and closed.

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 Wich-
ita -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 9th day of January, 2024.
Lily Wu, Mayor, City of Wichita

ATTEST:
Jemile Buster, City Clerk
(SEAL)

Approved as to form:
Jenniffer Magana, City Attorney and
Director of Law
IPL0154922
Jan 12 2024

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

1 insertion(s) published on:
01/12/24

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn,
deposeth and saith: That he is Record Clerk of The
Wichita Eagle, a daily newspaper published in the City of
Wichita, County of Sedgwick, State of Kansas, and having
a general paid circulation on a daily basis in said County,
which said newspaper has been continuously and
uninterruptedly published in said County for more than
one year prior to the first publication of the notice
hereinafter mentioned, and which said newspaper has
been entered as second class mail matter at the United
States Post Office in Wichita, Kansas, and which said
newspaper is not a trade, religious or fraternal
publication and that a notice of a true copy is hereto
attached was published in the regular and entire
Morning issue of said The Wichita Eagle from 01/12/2024
to 01/12/2024.

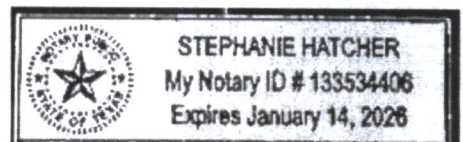
Stefani Beard

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

DATED: 01/12/2024

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!



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

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

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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	486952	Print Legal Ad-IPL01467920 - IPL0146792		\$198.76	3	79 L

Attention: MANDY HEBERT

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on November 9, 2023
(One Time Only)

MAPC/BZA November 30, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 30, 2023, 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.

CON2023-00056: Conditional Use request in the City for an Accessory Apartment; generally located on the northwest corner of West Central Avenue and North Clara Street (703 North Clara Street).

CUP2023-00036: CUP Amendment in the City to DP-327 to Parcel 8 to have a drive-thru and Parcel 8 to match architectural controls of Parcel 5, on property zoned LC Limited Commercial, located on the east side of North Maize Road, within one-quarter mile north of West 29th Street North (3220 N. Maize).

DER2023-00018: Unified Zoning Code amendment (City and County) to better define the term Entertainment Establishments, and Nightclubs in the City. Entertainment Establishments will now include alcohol and require a Conditional Use Permit in some cases. Nightclub in the City applies to uses with a capacity of 300 persons or more.

PUD2023-00012: Zone change request in the City from B Multi-Family to PUD (Planned Unit Development) to allow commercial uses for an existing building, generally located on the west side of South Minneapolis Avenue, within one block south of East Douglas Avenue. (104 South Kansas Avenue, 115 and 119 South Minneapolis Avenue).

PUD2023-00013: Zone change request in the City from SF-5 Single-Family Residential District to PUD #118 Planned Unit Development for multi-family development and custom parking standards, generally located on the northwest corner of West 9th Street North and North Saint Paul Avenue (1001 North Saint Paul).

VAC2023-00043: Vacation request in the City to vacate a portion of platted right-of-way (South Mosley Street) located one-quarter mile north of Highway 54 and 800-ft south of East Douglas Avenue.

ZON2023-00060: Zone Change request in the City from SF-5 Single-Family Residential to LC Limited Commercial for retail sales development; located south along West 21st Street North and within one-half mile east of North Tyler Road (8021 West 21st Street North).

ZON2023-00061: Zone change request in the City from SF-5 Single-Family Residential District and LC Limited Commercial District to LI Limited Industrial District to allow for industrial development, generally located on the southwest corner of 45th Street North and Hillside Avenue.

ZON2023-00062: Zone change request in the City from GC General Commercial to CBD Central Business District to redevelop the site in a consistent manner with the surrounding properties, located north-east corner of S Walnut Street and W Texas Avenue (110 S Walnut Street, 926 W Texas Avenue).

ZON2023-00063: Zone change in the City from GO General Office District to LC Limited Commercial District to allow a restaurant, generally located on the west side of South Webb Road, within 750 feet south of East Harry Street (1705 South Webb Road).

ZON2023-00064: 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 west side of North Webb Rd, within one-quarter mile south of East 45th Street North (4439 North Webb Road).

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

Options to participate:

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

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

Email: Planning@wichita.gov

Mailing Address

Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone: 316.268.4421

Fax: 316.858.7764

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

Option to View Remotely (Not Participate)

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

WITNESS MY HAND on November 9, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0146792

Nov 9 2023

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

1 insertion(s) published on:

11/09/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 11/09/2023 to 11/09/2023.

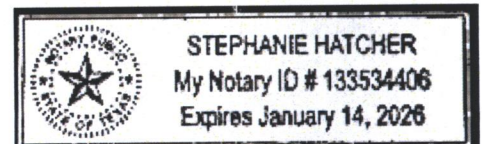
Stefani Beard

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

DATED: 11/09/2023

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: November 30, 2023

DAB 1: December 4, 2023

<u>CASE NUMBER:</u>	PUD2023-00012 (City)
<u>APPLICANT/AGENT:</u>	RR Business Properties (Applicant); Kirk Miller, K. E. Miller Engineering
<u>REQUEST:</u>	Rezone to create the 115-119 South Minneapolis & 104 South Kansas Planned Unit Development PUD #117
<u>CURRENT ZONING:</u>	B Multi-Family Residential
<u>SITE SIZE:</u>	3.34 acres
<u>LOCATION:</u>	Generally located within one-block south of East Douglas Avenue and on the east side of South Kansas Avenue and the west side of South Minneapolis. (104 South Kansas Avenue, 115 and 119 South Minneapolis Avenue).
<u>PROPOSED USE:</u>	To allow commercial uses for an existing building and to allow shared parking among all of the lots.
<u>RECOMMENDATION:</u>	Denial.



BACKGROUND: The applicant is requesting a zone change from B Multi-Family Residential District to PUD Planned Unit Development to create the 115-119 South Minneapolis & 104 South Kansas Planned Unit Development (PUD #117). The site is approximately 0.48 acres in size and is generally located within one-block south of East Douglas Avenue and on the east side of South Kansas Avenue and the west side of South Minneapolis. The proposed PUD would allow commercial uses for an existing building and to allow shared parking among all of the lots. Currently 104 South Kansas Avenue and 119 South Minneapolis Avenue are developed with single-family dwellings, while 115 South Minneapolis is developed with a duplex.

The applicant is proposing to demolish the existing residence on 115 South Minneapolis while keeping the garage and developing a parking lot on the property. The buildings on 119 South Minneapolis and 104 South Kansas are being proposed to remain at the time of application.

Development Standards

Setbacks shall be as indicated on the plan, otherwise shall be per the UZC for the LC Limited Commercial District. The applicant has proposed the maximum building height at 35 feet. The applicant is proposing all uses in the LC Limited Commercial District approved except for Public Recycling Station, Reverse Vending Machine, Broadcast/Recording Studio, Car Wash, Convenience Store, Farmer's Market, Funeral Home, Hotel or Motel, Nursery or Garden Center, or Post Office Substation. Tattoo or Body Piercing uses will be permitted.

Signage

The applicant is proposing signage be in accordance with the City Sign Code for the GC General Commercial District. No billboard, monument, portable, or off-site signs shall be permitted. No illuminated building signs on the south elevations of any building. Staff recommends that signage be in accordance with the City Sign Code for the LC Limited Commercial District.

Screening and Landscaping

Staff recommends the proposed PUD be required to adhere to Section IV-B of the Unified Zoning Code regarding screening and to adhere to the Wichita Landscape Ordinance for landscaping. The applicant is requesting that if the properties are developed as single-family or duplex dwellings, that landscaping will not be required. The applicant proposes that trash receptacles and ground level mechanical equipment be screened to reasonably hide them from ground level view, adjacent property, and street right-of-way.

Parking

Parking shall adhere to the parking standards of the UZC. The applicant is proposing shared parking between both PUD parcels

Lighting

The applicant is proposing outdoor lighting be limited to fifteen (15) feet in height. The UZC states that any outdoor lighting shall be limited to fifteen (15) feet when within 200 feet of a residential district.

Surrounding Context

Property to the north is zoned CBD Central Business District and is developed with an auto repair center and an office building and B Multi-family Residential and is developed with a single-family dwelling. Property to the east is zoned PUD #159 and is developed with the Kansas Food Bank. Properties to the south, are zoned B Multi-family Residential District and developed with a single-family dwelling and an apartment building. Properties to the west are zoned B Multi-family Residential and are developed with a single-family dwelling and a parking lot.

CASE HISTORY: On September 13, 1886, the properties were platted as part of the Blacks Addition. There are no past zoning cases associated with these properties.

ADJACENT ZONING AND LAND USE:

NORTH:	CBD & B	Vehicle Repair, Offices, Single-Family Residence
SOUTH:	B	Single-Family Residence, Multi-Family Residence
EAST:	PUD #159	Kansas Food Bank
WEST:	B	Single Family Residence, Parking Lot

PUBLIC SERVICES: Both South Kansas Avenue and South Minneapolis Avenue are two-lane local streets with sidewalks on both sides. Wichita Transit provides regular bus service at the intersection of East Douglas Avenue and North Kansas Avenue. Municipal water and sewer currently serves the sites.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is governed by the following plans:

Community Investments Plan: The requested zone change is in partial conformance with the *Plan's* 2035 Wichita Future Growth Concept Map. The Map identifies the area to be appropriate for "Residential" and a small portion as "New Employment." The "Residential" category is described as "...Encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas." While "New Employment" is described as "...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. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed."

The proposed rezoning is not in conformance with the land use compatibility locational guidelines of the *Community Investments Plan*. Land use compatibility guidelines state that, "Higher-intensity development should be discouraged from locating in areas of existing lower-intensity development, particularly established low-density residential areas."

Wichita: Places for People: The proposed rezoning is not in conformance with the *Wichita: Places for People Plan*. The subject site is located within the Established Central Area, which the *Plan* describes as "a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles." The requested zone change does not align with the *Plan's* Strategy 6, which aims to "encourage infill and redevelopment that is contextual to the environment in which it is occurring." The context of the surrounding neighborhood is residential in nature, with older, single-family dwellings. Incorporating commercial uses in the established neighborhood would not be a contextual redevelopment project. Approving the request would also create an island of the residential property north of 104 South Kansas Avenue.

The subject site is located in what the *Places for People Plan* calls an "Area of Stability", defined as "areas of the ECA that exhibit less stress, or fewer economic, connectivity, and walkability issues. Areas of Stability should require fewer interventions and potentially less investment to maintain a viable development environment and community. Improvements should be geared toward continuing the area's momentum and strengthening the established context."

Central Northeast Plan: The proposed rezoning is in conformance with the Central Northeast Area Plan. The plan calls for the support of local business development and to market potential business sites in the area.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **DENIAL** of the application.

This recommendation is based on the following findings:

1. The zoning, uses, and character of the neighborhood: The character of the neighborhood is residential. Properties to the north of 115 South Minneapolis Avenue, across the alley, are zoned CBD Central Business District and are developed with a Vehicle Repair Center and an office building. Property to the north of 104 South Kansas Avenue is zoned B Multi-family Residential District and is developed with a single-family dwelling. Property to the east is zoned PUD #159 and is developed with the Kansas Food Bank. Property to the south of 119 South Minneapolis Avenue is zoned B Multi-family Residential District and is developed with a single-family dwelling. Property to the south of 104 South Kansas Avenue is zoned B Multi-family Residential District and is developed with an apartment building. Properties to the west are zoned B Multi-Family Residential District and are developed with a single-family dwelling and a parking lot.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned B Multi-family Residential District and is suitable for residential uses. The vast majority of commercial uses are not allowed in the B Multi-family Residential District.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions has the potential to bring increased vehicular and pedestrian traffic to the area as well as increased light and noise pollution.
4. Length of time the property has been vacant as currently zoned: The subject site currently has two single-family residences and a duplex, and some outbuildings on the properties. Based on the PUD drawing, the duplex is being proposed to be demolished.
5. Relative gain to the public health, safety, and welfare, compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will bring new commercial uses to the area. Denial would represent economic loss to the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested rezoning is in partial conformance with the *Community Investments Plan*, is not in conformance with the *Wichita: Places for People Plan*, and is in conformance with the *Central Northeast Plan*, as discussed in the staff report.
7. Impact of the proposed development on community facilities: The proposed uses are anticipated to bring an increase of both automobile traffic and pedestrian traffic to the community.
8. Opposition or support of neighborhood residents: At the time of the publication of the staff report, staff has received one letter of support from the public.

Should the MAPC find that the PUD be approved, it is recommended that the MAPC adopt alternative findings, supporting their recommendation. Staff recommends the following conditions of approval:

Recommended Conditions of Approval:

1. The PUD shall be developed in accordance with the approved PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that these tracts (referenced as PUD #117 115-119 South Minneapolis and 104 South Kansas Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

Attachments:

1. Planning Department Staff Recommended PUD #117 Text
2. PUD Drawing
3. Public Comment
4. Aerial Map
5. Zoning Map
6. Land Use Map
7. Photos

8. Planning Department Staff Recommended PUD #117 Text

Staff recommended text *in red*.

Project Description:

The purpose of this Planned Unit Development is to allow commercial uses of the existing buildings on this property. The PUD will permit shared parking across all lots.

General Provisions:

1. Total Land Area: 21,000 sq. ft. ± or 0.48 acres
2. Parking will be shared between all parcels.
3. Unless specified or shown on the drawing, the PUD will *adhere to the development standards for the LC Limited Commercial District, including but not limited to, uses, height compatibility, and setbacks*. All uses for LC *Limited Commercial District* are approved except for Public Recycling Station, Reverse Vending Machine, Broadcast/Recording Studio, Car Wash, Convenience Store, Farmer's Market, Funeral Home, Hotel or Motel, Nursery or Garden Center, or Post Office Substation. Tattoo or Body Piercing facilities will be allowed. Height limits and setback compatibility for any new construction shall apply.
4. New utilities shall be installed underground on all parcels.
5. Development of the site will not be permitted without connection to public water and sewer.
6. Relocation of any existing utilities and sidewalks will be the responsibility of the developer.
7. Amendments, adjustments, or interpretations to this PUD shall be in accordance with Unified Zoning Code.
8. The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors, and assigns.
9. The *development* of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, 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.
10. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
11. If property is used for single family or duplex purposes, that portion of the property will not have a landscape requirement. *Otherwise, landscaping and screening shall be in accordance with Section IV-B of the Unified Zoning Code.*
12. Signs shall be in accordance with the *LC Limited Commercial District* in the Sign Code of the City of Wichita, with the following additional requirements:

- a. Portable signs are not permitted.
 - b. Ground signs shall not be monument type.
 - c. No off-site/billboard signs.
 - d. No illuminated building signs on the south elevations of any building or north elevation of Parcel 2.
13. Property shall install similar or consistent parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc).
- a. The height of all light poles, including pole base, is limited to 15 feet.
 - b. All exterior lighting shall be shielded to direct light and disbursement in a downward direction and away from residential areas.
14. Noise from the site shall not be audible from adjacent or surrounding property above the local, ambient noise. No outdoor speaker system shall be permitted.
15. Trash receptacles and ground level mechanical equipment shall be screened to *sufficiently* hide them from ground level view, adjacent property, and street right of way. Screening will adhere to the code except for conditions stated in the provisions.

Parcel 1:

A. Net Area:	14000 sq. ft. ± .32 acres ±
B. Maximum Building Coverage:	7000 sq. ft
C. Maximum Height:	35 feet
D. Setbacks:	See Drawing

Parcel 2:

A. Net Area:	7000 sq. ft. ± 0.16 acres ±
B. Maximum Building Coverage:	3500 sq. ft.
C. Maximum Height:	35 feet
D. Setbacks:	See Drawing

Legal Description:

Parcel 1

Lots 1-3, Grace, now Minneapolis, Black's Addition.

And

Lots 5-7, Grace, now Minneapolis, Black's Addition

Parcel 2

Lots 6-8, Johnson, now Kansas, Black's Addition

115-119 S. Minneapolis & 104 S. Kansas

PLANNED UNIT DEVELOPMENT

LEGAL DESCRIPTION:

Parcel 1

Lots 1-3, Grace, now Minneapolis, Block's Addition.

And

Lots 5-7, Grace, now Minneapolis, Block's Addition.

Parcel 2

Lots 6-8, Johnson, now Kansas, Block's Addition.

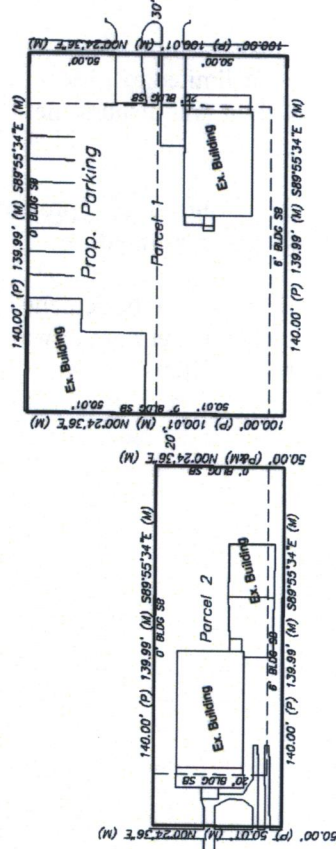
Project Description:

The purpose of this Planned Unit Development is to allow commercial uses of the existing buildings on this property. The PUD will permit shared parking across all lots.

GENERAL PROVISIONS:

1. Total Land Area 27000 sq ft. or 0.48 acre
2. Parking will be shared between all parcels.
3. Unless specified or shown on the drawing, the PUD will have an underlying zoning of LC. All uses for LC are approved except for Public Recycling Station, Reverse Vending Machine, Broadcast/Recording Studio, Car Wash, Convenience Store, Farmer's Market, Funeral Home, Hotel or Motel, Nursery or Garden Center, or Post Office Substation. Tattoo or body piercing facilities will be allowed. Height, limits and setback compatibility for any new construction shall apply.
4. New utilities shall be installed underground on all parcels.
5. Development of the site will not be permitted without connection to public water and sewer.
6. Relocation of any existing utilities and sidewalks will be the responsibility of the developer.
7. Amendments, adjustments, or interpretations to this PUD shall be done in accordance with Unified Zoning Code.
8. The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
9. The planning of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, after a joint determination by the Zoning

MINNEAPOLIS AVE.



PARCEL 1:

- A. Net Area: 14000 sq. ft. ± 0.32 acres ±
- B. Maximum Building Coverage: 7000 sq. ft.
- C. Maximum Height: 35 feet
- D. Setbacks: See Drawing See General Provision 3

PARCEL 2:

- A. Net Area: 7000 sq. ft. ± 0.16 acres ±
- B. Maximum Building Coverage: 3500 sq. ft.
- C. Maximum Height: 35 feet
- D. Setbacks: See Drawing See General Provision 3

Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

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

11. If property is used for single family or duplex purposes, that portion of the property will not have a landscape requirement. Landscaping will adhere to the code except for conditions stated in the provisions.

12. Signs shall be in accordance with the LC zoning district in the Sign Code of the City of Wichita, with the following additional requirements:
 - a. Portable signs are not permitted.
 - b. Ground signs shall not be monument type.
 - c. No off-site/billboard signs.
 - d. No illuminated building signs on the south elevations of any building or north elevation of Parcel 2.

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14. The height of all light poles, including pole base, is limited to 15 feet.
 - a. All exterior lighting shall be shielded to direct light discharge in a downward direction and away from residential areas.

15. Noise from the site shall not be audible from adjacent or surrounding property above the local ambient noise. No outdoor speaker system shall be permitted.

16. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property, and street right of way. Screening will adhere to the code except for conditions stated in the provisions.



From: [Planning](#)
To: [Eatherly, Brad](#)
Subject: FW: Case PUD2023-00012
Date: Monday, November 13, 2023 8:06:24 AM

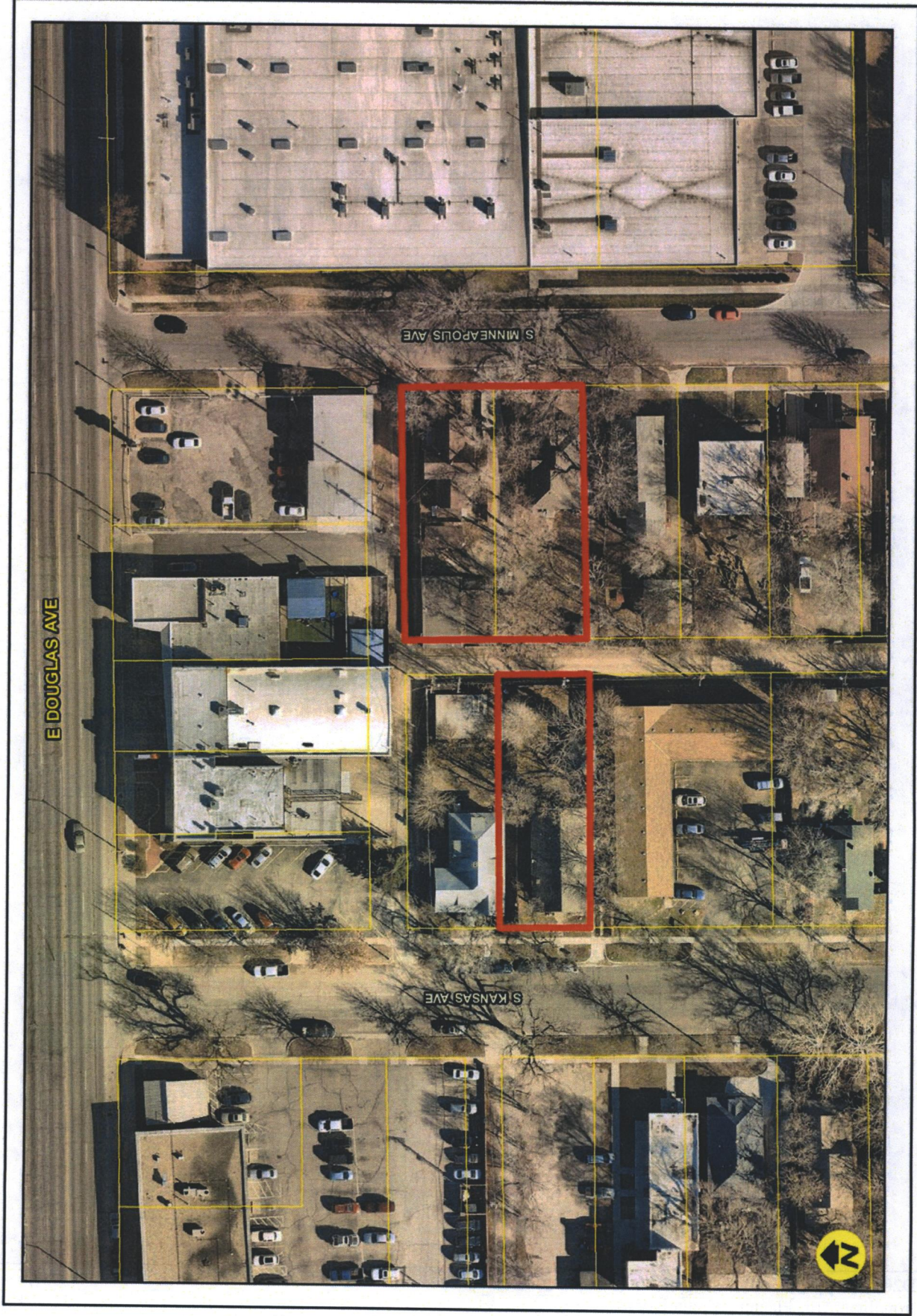
-----Original Message-----

From: Scott Ward <scott@wardsofz.com>
Sent: Thursday, November 9, 2023 5:02 PM
To: Planning <Planning@wichita.gov>
Subject: Case PUD2023-00012

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

While I know it's not necessary, I have spoken to Rick the applicant after receiving this application. I am in favor of this application and support it. This neighborhood is transitioning, and this will only benefit the entire area.

Scott Ward
316.833.7905

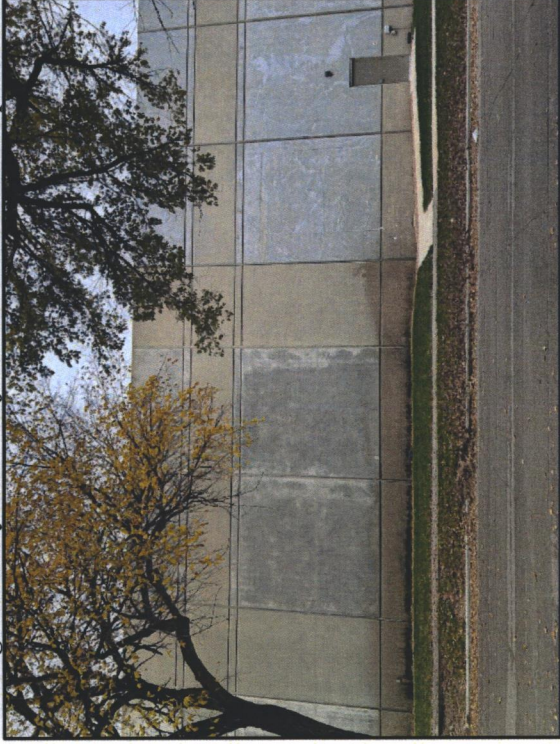




Looking west into subject site on S. Minneapolis Ave.



Looking east away from subject site from S. Minneapolis Ave.



Looking north away from site on S. Minneapolis Ave.



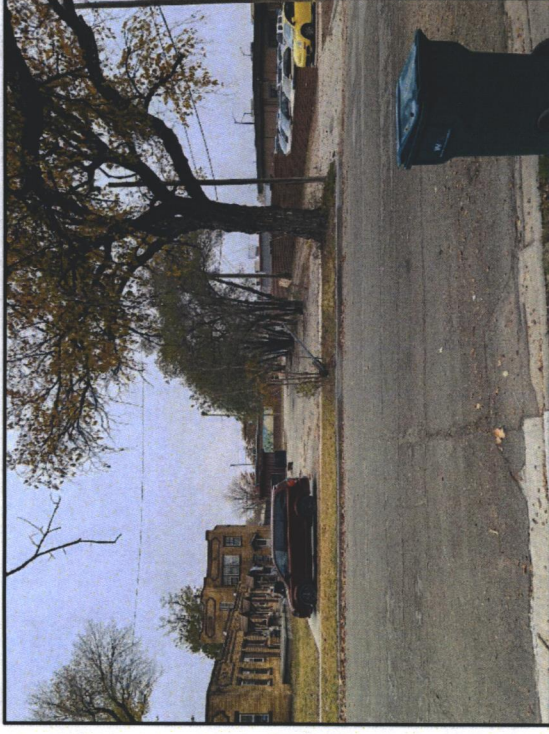
Looking south away from site on S. Minneapolis Ave.



Looking east into subject site on S. Kansas Ave.



Looking west away from subject site on S. Kansas Ave.



Looking south away from subject site on S. Kansas Ave.



Looking north away from subject site on S. Kansas Ave.

