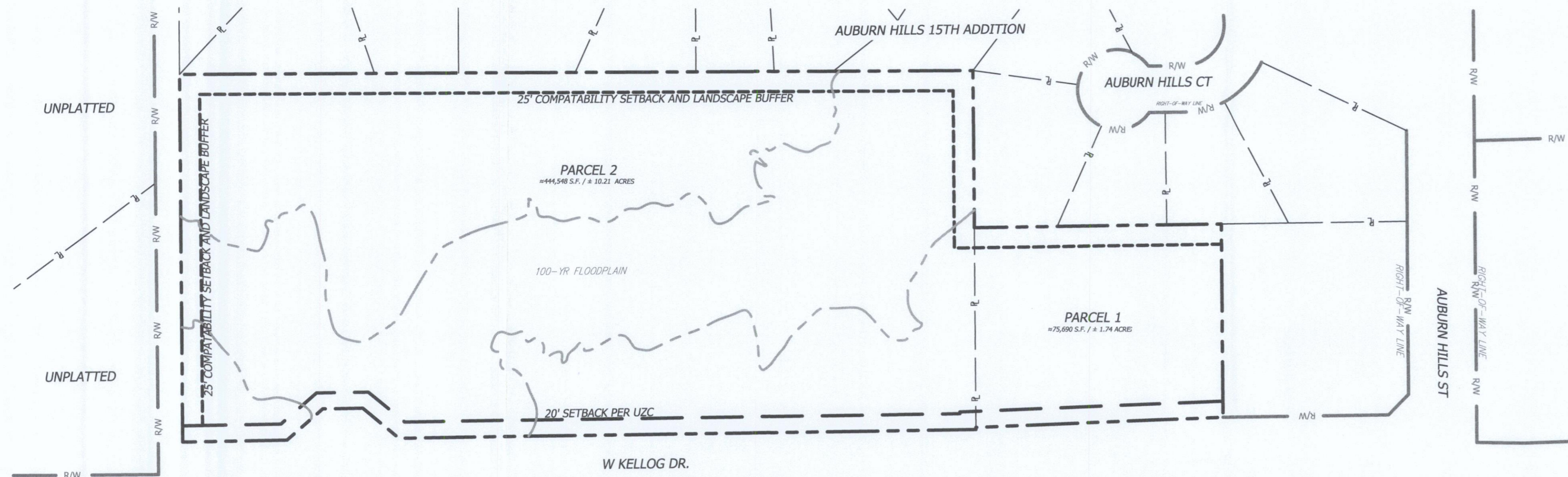


13728 W KELLOGG DR, WICHITA

WICHITA, KS

PUD #125



GENERAL NOTES.

- THE PUD AREA TOTALS APPROXIMATELY 11.94 ACRES.
- PERMITTED USES:
 - ALL USES PERMITTED BY RIGHT UNDER GENERAL COMMERCIAL "GC" FROM THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (UZC) ARE PERMITTED, EXCEPT FOR THE FOLLOWING: CORRECTIONAL PLACEMENT RESIDENCE, LIMITED AND GENERAL, RECYCLING COLLECTION STATION, NIGHTCLUB IN THE CITY, SERVICE STATION, SEXUALLY ORIENTED BUSINESS, ASPHALT OR CONCRETE PLANT.
 - OPERATION OF TEMPORARY CONCESSION STANDS AND/OR FOOD TRUCKS (DEFINED IN THE UZC AS "MOBILE FOOD UNIT IN THE CITY") SHALL BE PERMITTED ON PARCELS 1 AND 2. PURSUANT TO SECTION III-D.6.00 OF THE UZC, THE ZONING ADMINISTRATION MAY AUTHORIZE A MOBILE FOOD UNIT IN THE CITY ONLY IN CONFORMANCE WITH THE LICENSE REQUIREMENTS OF SEC.3.15 OF THE CODE OF THE CITY OF WICHITA.
- CONTIGUOUS OWNERSHIP:

IF CONTIGUOUS PARCELS ARE TO BE DEVELOPED UNDER THE SAME OWNERSHIP, SETBACKS BETWEEN THOSE PARCELS WILL NOT BE REQUIRED.
- SIGNS:

ALL SIGNAGE PURSUANT TO THE WICHITA SIGN CODE AS APPLICABLE IN THE GENERAL COMMERCIAL (GC) DISTRICT.
- SCREENING:

SCREENING SHALL BE INSTALLED PURSUANT TO THE UNIFIED ZONING CODE FOR GC DISTRICTS. WITH THE FOLLOWING EXCEPTIONS.

 - THE SOUTH HALF OF PARCEL 2 AND ALL OF PARCEL 1 USED FOR PRODUCT SALES/DISPLAY AND SHALL NOT BE REQUIRED TO BE SCREENED FROM W KELLOGG DRIVE OR ALONG THE EAST PROPERTY LINE OF PARCELS 1 & 2 WHERE ABUTTING NON-RESIDENTIAL ZONING.
 - IN LIEU OF A SOLID SCREENING FENCE, CONIFER TREE LANDSCAPING SHALL BE RETAINED OR PLANTED AND MAINTAINED ALONG THE WEST AND NORTH LINES OF PARCEL 2 AT A SPACING OF 10 FEET TO 15 FEET WITHIN THE 25-FOOT COMPATIBILITY SETBACK AND LANDSCAPE BUFFER, SPACED SUCH THAT NEW TREES MAINTAIN A HEALTHY GROWTH PATTERN IN RELATION TO EXISTING MATURE TREES WHILE SATISFYING REQUIREMENTS FOR SOLID SCREENING PER THE UZC AND THE WICHITA LANDSCAPE ORDINANCE.
- LANDSCAPING:

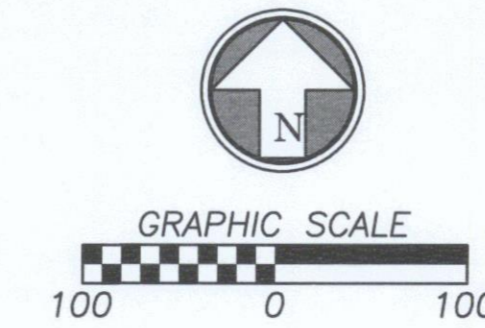
LANDSCAPING SHALL ADHERE TO THE REQUIREMENTS OF THE WICHITA LANDSCAPE ORDINANCE.
- PARKING/STORAGE COVERAGE:
 - PARKING SHALL MEET PARKING REQUIREMENTS ESTABLISHED BY THE UNIFIED ZONING CODE FOR BUILDING AND SITE USAGE, WITH THE EXCEPTION THAT AGGREGATE SURFACING IS AN ALLOWED SURFACE TREATMENT FOR PARKING, DRIVE AISLES, AND OUTDOOR DISPLAY AREAS. WHEN AN AGGREGATE SURFACE TREATMENT IS USED AS A SUBSTITUTE FOR ASPHALTIC OR CONCRETE PAVEMENT, DUST PRONE AGGREGATE SURFACING SHALL BE TREATED WITH A DUST RETARDANT TO CONTROL DUST LEVELS. ANY AGGREGATE SURFACE TREATMENT USED SHALL BE OF SUFFICIENT DEPTH FOR USE AND SATISFY THE NEEDS OF EMERGENCY SERVICE VEHICULAR TRAVEL. AN AGGREGATE SURFACE SHALL ONLY BE PERMITTED FOR THE USE OF OUTDOOR STORAGE AND DISPLAY OF PORTABLE STORAGE CONTAINERS. ANY OTHER USE PERMITTED HEREIN SHALL HAVE APPROPRIATE SURFACING PER THE UNIFIED ZONING CODE.
 - ALL SALES PRODUCT AND OUTDOOR STORAGE OF MATERIAL SHALL NOT EXCEED A STACKED HEIGHT OF 20 FEET AND SHALL BE SUBJECT TO THE UZC.
 - NO STACKING OF PRODUCT OR MATERIAL SHALL BE ALLOWED WITHIN 25 FEET OF THE NORTHERN PROPERTY LINE OF PARCEL 1. NO STACKING OF SHIPPING CONTAINERS OR SIMILAR PRODUCTS SHALL BE ALLOWED WITHIN 50 FEET OF ANY NORTHERLY LINES OF PARCEL 2 ABUTTING RESIDENTIAL ZONING.
- HOURS OF OPERATION:

HOURS OF BUSINESS OPERATION AND OUTDOOR ACTIVITY SHALL BE RESTRICTED TO THE FOLLOWING

MONDAY THROUGH FRIDAY 6:00 AM TO 6:00PM
 SATURDAY 8:00AM TO 12:00PM
 NO HOURS OF OPERATION ALLOWED ON SUNDAY
- LIGHTING:

ALL LIGHTING SHALL BE SHIELDED OR DIRECTED AWAY FROM THE NORTHERN PROPERTY LINE OF PARCELS 1 AND 2 TO MINIMIZE LIGHT POLLUTION ON THE ADJACENT RESIDENTIAL PROPERTIES. ALL LIGHTING SHALL COMPLY WITH THE LIGHTING STANDARDS OF THE UZC.
- THE TRANSFER OF THE TITLE ON ALL OR ANY PORTION OF THE PROPERTY INCLUDED IN THE PUD DOES NOT CONSTITUTE A TERMINATION OF THE PUD OR ANY PORTION THEREOF, HOWEVER, THE DIRECTOR OF PLANNING, WITH THE CONCURRENCE OF THE ZONING ADMINISTRATOR, MAY APPROVE MINOR ADJUSTMENTS TO THE CONDITIONS OF THIS OVERLAY, CONSISTENT WITH THE APPROVED DEVELOPMENT PLAN, WITHOUT FILING A FORMAL PUD AMENDMENT. THE PUD SHALL RUN WITH THE PROPERTY AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS, AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED.
- AMENDMENTS, ADJUSTMENTS, OR INTERPRETATIONS TO THE PUD SHALL BE DONE IN ACCORDANCE WITH THE WICHITA-SEDGWICK COUNTY, KANSAS UNIFIED ZONING CODE.
- PROPERTY DESCRIPTION:

PARCEL 1: LOT 1 BLOCK A OF AUBURN HILLS 17TH ADDITION
 PARCEL 2: THE WEST 30 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, EXCEPT THAT PART PLATTED AS AUBURN HILLS 16TH ADDITION, SEDGWICK COUNTY, KANSAS, EXCEPT THAT PART PLATTED AS AUBURN HILLS 15TH ADDITION, SEDGWICK COUNTY, KANSAS AND EXCEPT THAT PART CONDEMNED IN CONDEMNATION CASE# A-38302 AND EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 54 AND THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE NORTH ALONG SAID WEST LINE A DISTANCE OF 72 FEET; THENCE EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 130 FEET; THENCE NORTHEASTERLY FOR A DISTANCE OF 59.07 FEET TO A POINT 175 FEET EAST OF SAID WEST LINE AND 110 FEET NORTH OF SAID NORTH HIGHWAY RIGHT-OF-WAY LINE; THENCE EAST, PARALLEL WITH SAID NORTH HIGHWAY RIGHT-OF-WAY LINE, A DISTANCE OF 50 FEET; THENCE SOUTHEASTERLY FOR A DISTANCE OF 58.73 FEET TO A POINT 270 FEET EAST OF THE WEST LINE AND 72 FEET NORTH OF SAID NORTH HIGHWAY RIGHT-OF-WAY LINE; THENCE EAST, PARALLEL WITH SAID NORTH HIGHWAY RIGHT-OF-WAY LINE, A DISTANCE OF 723.18 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF THE WEST 30 ACRES OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 72 FEET TO A POINT ON SAID NORTH HIGHWAY RIGHT-OF-WAY LINE; THENCE WEST ALONG SAID NORTH HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 993.18 FEET MORE OR LESS TO THE POINT OF BEGINNING.
- DEVELOPMENT OF THIS PROPERTY SHALL PROCEED AS APPROVED BY THE WICHITA-SEDGWICK COUNTY 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 DIRECTOR OF PLANNING, SHALL CONSTITUTE A VIOLATION OF THE BUILDING PERMIT AUTHORIZING CONSTRUCTION OF THE PROPOSED DEVELOPMENT.
- ANY MAJOR CHANGES WITHIN THIS PUD SHALL BE SUBMITTED TO THE PLANNING COMMISSION AND THE GOVERNING BODY FOR THEIR CONSIDERATION. AMENDMENTS, ADJUSTMENTS, OR INTERPRETATIONS OF THE PUD SHALL BE MADE IN ACCORDANCE WITH THE UNIFIED ZONING CODE.
- A CERTIFICATE OR NOTICE OF PUD IS RECORDED WITH THE SEDGWICK COUNTY REGISTER OF DEEDS OFFICE UPON APPROVAL OF THE PUD.



LEGAL DESCRIPTION:

PUD PROPERTY DESCRIPTION:

PARCEL 1:
 LOT 1 BLOCK A OF AUBURN HILLS 17TH ADDITION

TOGETHER WITH

PARCEL 2:
 THE WEST 30 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, EXCEPT THAT PART PLATTED AS AUBURN HILLS 16TH ADDITION, SEDGWICK COUNTY, KANSAS, EXCEPT THAT PART PLATTED AS AUBURN HILLS 15TH ADDITION, SEDGWICK COUNTY, KANSAS AND EXCEPT THAT PART CONDEMNED IN CONDEMNATION CASE# A-38302 AND EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 54 AND THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE NORTH ALONG SAID WEST LINE A DISTANCE OF 72 FEET; THENCE EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 130 FEET; THENCE NORTHEASTERLY FOR A DISTANCE OF 59.07 FEET TO A POINT 175 FEET EAST OF SAID WEST LINE AND 110 FEET NORTH OF SAID NORTH HIGHWAY RIGHT-OF-WAY LINE; THENCE EAST, PARALLEL WITH SAID NORTH HIGHWAY RIGHT-OF-WAY LINE, A DISTANCE OF 50 FEET; THENCE SOUTHEASTERLY FOR A DISTANCE OF 58.73 FEET TO A POINT 270 FEET EAST OF THE WEST LINE AND 72 FEET NORTH OF SAID NORTH HIGHWAY RIGHT-OF-WAY LINE; THENCE EAST, PARALLEL WITH SAID NORTH HIGHWAY RIGHT-OF-WAY LINE, A DISTANCE OF 723.18 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF THE WEST 30 ACRES OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 72 FEET TO A POINT ON SAID NORTH HIGHWAY RIGHT-OF-WAY LINE; THENCE WEST ALONG SAID NORTH HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 993.18 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PROJECT DESCRIPTION:

THIS PLANNED UNIT DEVELOPMENT (PUD) IS INTENDED TO ALLOW FOR THE CONTINUED USE AND DEVELOPMENT OF 11.95 ACRES. TO ALLOW FOR THE USE OF GRAVEL AND/OR AGGREGATE MIX AS A PAVEMENT SUBSTITUTE ON THE SITE IN AREAS IDENTIFIED FOR OUTDOOR STORAGE, PARKING, AND DRIVE AISLES. THE OWNERSHIP HAS EXISTING BUILDINGS FOR BUSINESS OPERATIONS AND CONCRETE/GRAVEL PAVEMENT FOR CURRENT PARKING AND GRAVELED AREAS FOR EXISTING PRODUCT DISPLAY AND STORAGE. IT IS RECOGNIZED THAT THE PROJECT LOCATION IS IN A GENERAL COMMERCIAL (GC) DISTRICT AS DEFINED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (CODE), AND THIS PUD IS INTENDED TO ADDRESS DEVELOPMENT STANDARDS THAT WILL BENEFIT THE PROJECT LOCATION AND SURROUNDING COMMUNITY AS A WHOLE.

PARCEL 1:

- | | |
|-------------------------------|------------------------------------|
| A. NET AREA: | ≈75,690 S.F. ± (1.74 ACRES ±) |
| B. MAXIMUM BUILDING COVERAGE: | PER "GC" ZONING REGULATIONS OF UZC |
| C. MAXIMUM GROSS FLOOR AREA: | PER "GC" ZONING REGULATIONS OF UZC |
| D. FLOOR AREA RATIO: | THIRTY-FIVE (35) FEET |
| E. MAXIMUM BUILDING HEIGHT: | PER "GC" ZONING REGULATIONS OF UZC |
| F. SETBACKS: | SEE GENERAL PROVISION #2 |
| G. PERMITTED USES: | |

PARCEL 2:

- | | |
|-------------------------------|------------------------------------|
| A. NET AREA: | ≈44,548 S.F. ± (10.21 ACRES ±) |
| B. MAXIMUM BUILDING COVERAGE: | PER "GC" ZONING REGULATIONS OF UZC |
| C. MAXIMUM GROSS FLOOR AREA: | PER "GC" ZONING REGULATIONS OF UZC |
| D. FLOOR AREA RATIO: | PER "GC" ZONING REGULATIONS OF UZC |
| E. MAXIMUM BUILDING HEIGHT: | THIRTY-FIVE (35) FEET |
| F. SETBACKS: | PER "GC" ZONING REGULATIONS OF UZC |
| G. PERMITTED USES: | SEE GENERAL PROVISION #2 |



13728 W KELLOGG DR, WICHITA
 WICHITA, KS
 PUD #2024-00007

APPROVED PUD
 MAP# 5/16/2024
 [Signature]
 4 OF 4



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Simple Ventures LLC
Attn: Dallas Broz
11408 West 21st Court North
Wichita, KS 67212

August 16, 2024

RE: PUD2024-00007 – Zone change request from GC General Commercial District to PUD Planned Unit Development to create the 13728 W Kellogg Planned Unit Development (PUD #125).

Dear applicant,

At its regular meeting on **August 8, 2024**, the Wichita City Council heard the above captioned request. The action of the WCC was to **APPROVE** the request, subject to the following conditions:

1. The PUD shall be developed in accordance with the staff-recommended PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #125 13728 W Kellogg Dr 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 application, please contact our office at 316-268-4421.

Sincerely,

A handwritten signature in black ink that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner

CC: Dalton Glasscock, Council Member District IV
Brooke Kauchak, CSR, District IV
MABCD
BHC, attn: Matthew Tucker, 165 South Rock Island Avenue, Wichita, KS 67202

13728 W KELLOGG DR
Planned Unit Development No. 125
Case Number: PUD2024-00007

PROJECT DESCRIPTION: This Planned Unit Development (PUD) is intended to allow for the continued use and development of 11.95 acres. To allow for the use of gravel and/or aggregate mix as a pavement substitute on the site in areas identified for outdoor storage, parking, and drive aisles. The ownership has existing buildings for business operations and concrete/gravel pavement for current parking and graveled areas for existing product display and storage. It is recognized that the project location is in a General Commercial (GC) District defined by the Wichita-Sedgwick County Unified Zoning Code (Code), and this PUD is intended to address development standards that will benefit the project location and surrounding community as a whole.

GENERAL NOTES:

1. The PUD area totals approximately 11.94 acres.
2. Permitted Uses
 - a. All uses permitted by-right under General Commercial “GC” from the Wichita-Sedgwick County Unified Zoning Code (UZC) are permitted, except for the following: Correctional Placement Residence, Limited and General, Recycling Collection Station, Nightclub in the City, Service Station, Sexually Oriented Business, or Asphalt or Concrete Plant.
 - b. Operation of temporary concession stands and/or food trucks (defined in the UZC as “Mobile Food Unit in the City”) shall be permitted on Parcels 1 and 2. Pursuant to Section III-D.6.00 of the UZC, the Zoning Administrator may authorize a Mobile Food Unit in the City only in conformance with the license requirements of Sec. 3.15 of the Code of the City of Wichita.
3. Contiguous ownership: if contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required.
4. Signs: all signage pursuant to the Wichita Sign Code as applicable in the General Commercial (GC) District.
5. Screening: screening shall be installed pursuant to the Unified Zoning Code for GC Districts, with the following exceptions:
 - a. The south half of Parcel 2 and all of Parcel 1 will be for product sales/display and shall not be required to be screened from W Kellogg Drive or along the east property line of Parcels 1 & 2 where abutting non-residential zoning.
 - b. In lieu of a solid screening fence, conifer tree landscaping shall be retained or planted and maintained along the west and north lines of Parcel 2 at a spacing of 10 to 15 feet within the 25-foot compatibility setback and landscape buffer, spaced such that new trees maintain a healthy growth pattern in relation to existing mature trees while satisfying requirements for solid screening per the UZC and the Wichita Landscape Ordinance.
6. Landscaping: landscaping shall adhere to the requirements of the Wichita Landscape Ordinance.
7. Parking/storage coverage
 - A. Parking shall meet parking requirements established by the Unified Zoning Code for building and site usage, with the exception that aggregate surfacing is an allowed surface treatment for parking, drive aisles, and outdoor display areas. When an aggregate surface treatment is used as a substitute for asphaltic or concrete pavement, dust prone aggregate surfacing shall be treated with a dust retardant to control dust levels. Any aggregate surface treatment used shall be of sufficient depth for use and satisfy the needs of emergency service vehicular travel. An aggregate surface shall only be permitted for the use of outdoor storage and display of Portable Storage Containers. Any other use permitted herein shall have appropriate surfacing per the Unified Zoning Code.

- B. All sales product and outdoor storage of material shall not exceed a stacked height of 20 feet and shall be subject to the UZC.
 - C. No stacking of product or material shall be allowed within 25 feet of the northern property line of Parcel 1. No stacking of shipping containers or similar products shall be allowed within 50 feet of any northerly lines of Parcel 2 abutting residential zoning.
8. Hours of operation
Hours of business operation and outdoor activity shall be restricted to the following:
Monday through Friday 6:00a.m. to 6:00p.m.
Saturday 8:00am to 12:00p.m.
No hours of operation allowed on Sunday.
 9. Lighting
All lighting shall be shielded or directed away from the northern property line of Parcels 1 and 2 to minimize light pollution on the adjacent residential properties. All lighting shall comply with the lighting standards of the UZC.
 10. The transfer of the title on all or any portion of the property included in the PUD does not constitute a termination of the PUD or any portion thereof, however, the Director of Planning, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan, without filing a formal PUD amendment. The PUD shall run with the property and be binding upon the present owners, their successors, and assigns and their lessees unless amended.
 11. Amendments, adjustments, or interpretations to the PUD shall be done in accordance with the Wichita-Sedgwick County, Kansas Unified Zoning Code.
 12. Property description
Parcel 1: Lot 1, Block A of Auburn Hills 17th Addition

Parcel 2: The West 30 acres of the Southwest Quarter of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, except that part platted as Auburn Hills 15th Addition, Sedgwick County, Kansas and except that part condemned in Condemnation Case# A-38302 and except that part described as follows: beginning at the intersection of the north right-of-way line of U.S. Highway 54 and the west line of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence north along said west line a distance of 72 feet; thence east, parallel with said north right-of-way line, a distance of 130 feet; thence northeasterly for a distance of 59.07 feet to a point 175 feet east of said west line and 110 feet north of said north highway right-of-way line; thence east, parallel with said north highway right-of-way line, a distance of 50 feet; thence southeasterly for a distance of 58.73 feet to a point 270 feet east of the west line and 72 feet north of said north highway right-of-way line; thence east, parallel with said north highway right-of-way line, a distance of 723.18 feet more or less to a point on the east line of the west 30 acres of the Southwest Quarter of said Southeast Quarter; thence south along said east line a distance of 72 feet to a point on said north highway right-of-way line; thence west along said north highway right-of-way line a distance of 993.18 feet more or less to the point of beginning.
 13. Development of this property shall proceed as approved by the Wichita-Sedgwick County 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 Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 14. Any major changes within this PUD shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations of the PUD shall be made in accordance with the Unified Zoning Code.
 15. A certificate or notice of PUD shall be recorded with the Sedgwick County Register of Deeds Office upon

approval of the PUD.

Parcel 1

- A. Net Area: 75,690 square feet or 1.74 acres
- B. Maximum Building Coverage: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- C. Maximum Gross Floor Area: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- D. Floor Area Ratio: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- E. Maximum Building Height: Thirty-five (35) feet
- F. Setbacks: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- G. Permitted Uses: See General Provision #2

Parcel 2

- A. Net Area: 44,458 square feet of 10.21 acres
- B. Maximum Building Coverage: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- C. Maximum Gross Floor Area: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- D. Floor Area Ratio: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- E. Maximum Building Height: Thirty-five (35) feet
- F. Setbacks: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- Permitted Uses: See General Provision #2

(Published in the Wichita Eagle, Aug. 16, 2024)

ORDINANCE NO. 52-530

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. PUD2024-00007

Zone change request from GC General Commercial District to PUD Planned Unit Development subject to the general provisions of PUD #125, on property legally described as:

Lot 1, Block A, Auburn Hills 17th Addition, Wichita, Sedgwick County, Kansas.

AND

The West 30 acres of the Southwest Quarter of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part platted as Auburn Hills 16th Addition; and EXCEPT that part platted as Auburn Hills 15th Addition; and EXCEPT that part Condemned in Condemnation Case # A-38302; and EXCEPT that part described as follows:

Beginning at the intersection of the North right-of-way line of U.S. Highway 54 and the West line of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the 6th P.M.; thence North along said West line a distance of 72 feet; thence East, parallel with said North highway right-of-way line, a distance of 130 feet; thence Northeasterly for a distance of 59.07 feet to a point 175 feet East of said West line and 110 feet North of said North highway right-of-way line; thence East, parallel with said North highway right-of-way line, a distance of 50 feet; thence Southeasterly for a distance of 58.73 feet to a point 270 feet East of the West line of the West 30 Acres of the Southwest Quarter of said Southeast Quarter; thence South along said East line a distance of 72 feet to a point on said North highway right-of-way line; thence West along said North highway right-of-way line a distance of 993.18 feet more or less to the point of beginning.

The 13728 W Kellogg Dr Planned Unit Development (PUD #125) shall be subject to the following conditions:

1. The PUD shall be developed in accordance with the staff-recommended PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #125 13728 W Kellogg Dr 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.

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.

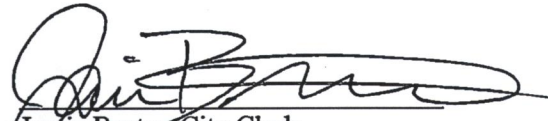
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 13th day of August, 2024.



Lily Wu, Mayor, City of Wichita

ATTEST:

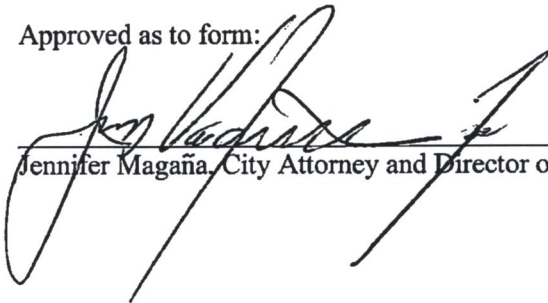


Jamie Buster, City Clerk

(SEAL)



Approved as to form:



Jennifer Magaña, City Attorney and Director of Law



The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
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 Bradenton Herald
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Attention: LaTosha Alvarez
 CITY OF WICHITA/CLERKS OFFICE
 455 N MAIN ST FL 13
 WICHITA, KS 67202

JMBuster@wichita.gov

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

1 insertion(s) published on:
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 County of Sedgwick)

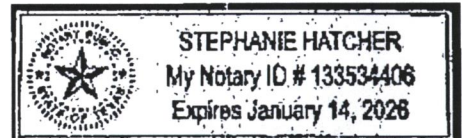
Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 08/16/2024 to 08/16/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 08/21/2024

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!

ORDINANCE NO. 52-530

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. PUD2024-00007

Zone change request from GC General Commercial District to PUD Planned Unit Development subject to the general provisions of PUD #125, on property legally described as:

Lot 1, Block A, Auburn Hills 17th Addition, Wichita, Sedgwick County, Kansas.

AND The West 30 acres of the Southwest Quarter of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the 6th PM., Sedgwick County, Kansas, EXCEPT that part platted as Auburn Hills 16th Addition; and EXCEPT that part platted as Auburn Hills 15th Addition; and EXCEPT that part condemned in Condemnation Case # A-38302; and EXCEPT that part described as follows:

Beginning at the intersection of the North right-of-way line of U.S. Highway 54 and the West line of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the 6th PM.; thence North along said West line a distance of 72 feet; thence East, parallel with said North highway right-of-way line, a distance of 130 feet; thence Northeasterly for a distance of 59.07 feet to a point 175 feet East of said West line and 110 feet North of said North highway right-of-way line; thence East, parallel with said North highway right-of-way line, a distance of 50 feet; thence Southeasterly for a distance of 58.73 feet to a point 270 feet East of the West line of the West 30 Acres of the Southwest Quarter of said Southeast Quarter; thence South along said East line a distance of 72 feet to a point on said North highway right-of-way line; thence West along said North highway right-of-way line a distance of 993.18 feet more or less to the point of beginning.

The 13728 W Kellogg Dr Planned Unit Development (PUD #125) shall be subject to the following conditions:

1. The PUD shall be developed in accordance with the staff-recommended PUD language.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #125 13728 W Kellogg Dr 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.

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 13th day of August, 2024.

Lily Wu, Mayor, City of Wichita

ATTEST: Jamie Buster, City Clerk

(SEAL)

Approved as to form:

Jennifer Magan, City Attorney and Director of Law

**13728 W KELLOGG DR
Planned Unit Development No. 125
Case Number: PUD2024-00007**

PROJECT DESCRIPTION: This Planned Unit Development (PUD) is intended to allow for the continued use and development of 11.95 acres. To allow for the use of gravel and/or aggregate mix as a pavement substitute on the site in areas identified for outdoor storage, parking, and drive aisles. The ownership has existing buildings for business operations and concrete/gravel pavement for current parking and gravel areas for existing product display and storage. It is recognized that the project location is in a General Commercial (GC) District defined by the Wichita-Sedgwick County Unified Zoning Code (Code), and this PUD is intended to address development standards that will benefit the project location and surrounding community as a whole.

GENERAL NOTES:

1. The PUD area totals approximately 11.94 acres.
2. Permitted Uses
 - a. All uses permitted by-right under General Commercial "GC" from the Wichita-Sedgwick County Unified Zoning Code (UZC) are permitted, except for the following: Correctional Placement Residence, Limited and General, Recycling Collection Station, Nightclub in the City, Service Station, Sexually Oriented Business, or Asphalt or Concrete Plant.
 - b. Operation of temporary concession stands and/or food trucks (defined in the UZC as "Mobile Food Unit in the City") shall be permitted on Parcels 1 and 2. Pursuant to Section III-D.6.00 of the UZC, the Zoning Administrator may authorize a Mobile Food Unit in the City only in conformance with the license requirements of Sec. 3.15 of the Code of the City of Wichita.
3. Contiguous ownership: If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required.
4. Signs: all signage pursuant to the Wichita Sign Code as applicable in the General Commercial (GC) District.
5. Screening: screening shall be installed pursuant to the Unified Zoning Code for GC Districts, with the following exceptions:
 - a. The south half of Parcel 2 and all of Parcel 1 will be for product sales/display and shall not be required to be screened from W Kellogg Drive or along the east property line of Parcels 1 & 2 where abutting non-residential zoning.
 - b. In lieu of a solid screening fence, conifer tree landscaping shall be retained or planted and maintained along the west and north lines of Parcel 2 at a spacing of 10 to 15 feet within the 25-foot compatibility setback and landscape buffer, spaced such that new trees maintain a healthy growth pattern in relation to existing mature trees while satisfying requirements for solid screening per the UZC and the Wichita Landscape Ordinance.
6. Landscaping: landscaping shall adhere to the requirements of the Wichita Landscape Ordinance.
7. Parking/storage coverage
 - A. Parking shall meet parking requirements established by the Unified Zoning Code for building and site usage, with the exception that aggregate surfacing is an allowed surface treatment for parking, drive aisles, and outdoor display areas. When an aggregate surface treatment is used as a substitute for asphaltic or concrete pavement, dust prone aggregate surfacing shall be treated with a dust retardant to control dust levels. Any aggregate surface treatment used shall be of sufficient depth for use and satisfy the needs of emergency service vehicular travel. An aggregate surface shall only be permitted for the use of outdoor storage and display of Portable Storage Containers. Any other use permitted herein shall have appropriate surfacing per the Unified Zoning Code.
 - B. All sales product and outdoor storage of material shall not exceed a stacked height of 20 feet and shall be subject to the UZC.
 - C. No stacking of product or material shall be allowed within 25 feet of the northern property line of Parcel 1. No stacking of shipping containers or similar products shall be allowed within 50 feet of any northerly lines of Parcel 2 abutting residential zoning.
8. Hours of operation
 - Hours of business operation and outdoor activity shall be restricted to the following:
Monday through Friday 8:00a.m. to 6:00p.m.
Saturday 8:00am to 12:00p.m.
No hours of operation allowed on Sunday/Lighting
9. All lighting shall be shielded or directed away from the northern property line of Parcels 1 and 2 to minimize light pollution on the adjacent residential properties. All lighting shall comply with the lighting standards of the UZC.
10. The transfer of the title on all or any portion of the property included in the PUD does not constitute a termination of the PUD or any portion thereof, however, the Director of Planning, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan, without filing a formal PUD amendment. The PUD shall run with the property and be binding upon the present owners, their successors, and assigns and their lessees unless amended.
11. Amendments, adjustments, or interpretations to the PUD shall be done in accordance with the Wichita-Sedgwick County, Kansas Unified Zoning Code.
12. Property description
 - Parcel 1: Lot 1, Block A of Auburn Hills 17th Addition
 - Parcel 2: The West 30 acres of the Southwest Quarter of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, except that part platted as Auburn Hills 15th Addition, Sedgwick County, Kansas and except that part condemned in Condemnation Case# A-38302 and except that part described as follows: beginning at the intersection of the north right-of-way line of U.S. Highway 54 and the west line of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence north along said west line a distance of 72 feet; thence east, parallel with said north right-of-way line, a distance of 130 feet; thence northeasterly for a distance of 59.07 feet to a point 175 feet east of said west line and 110 feet north of said north highway right-of-way line; thence east, parallel with said north highway right-of-way line, a distance of 50 feet; thence southeasterly for a distance of 58.73 feet to a point 270 feet east of the west line and 72 feet north of said north highway right-of-way line; thence east, parallel with said north highway right-of-way line, a distance of 723.18 feet more or less to a point on the east line of the west 30 acres of the Southwest Quarter of said Southeast Quarter; thence south along said east line a distance of 72 feet to a point on said north highway right-of-way line; thence west along said north highway right-of-way line a distance of 993.18 feet more or less to the point of beginning.
13. Development of this property shall proceed as approved by the Wichita-Sedgwick County 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 Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
14. Any major changes within this PUD shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations of the PUD shall be made in accordance with the Unified Zoning Code.
15. A certificate or notice of PUD shall be recorded with the Sedgwick County Register of Deeds Office upon approval of the PUD.

Parcel 1

- A. Net Area: 75,690 square feet or 1.74 acres
- B. Maximum Building Coverage: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- C. Maximum Gross Floor Area: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- D. Floor Area Ratio: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- E. Maximum Building Height: Thirty-five (35) feet
- F. Setbacks: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- G. Permitted Uses: See General Provision #2

Parcel 2

- A. Net Area: 44,458 square feet or 10.21 acres
- B. Maximum Building Coverage: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- C. Maximum Gross Floor Area: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- D. Floor Area Ratio: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- E. Maximum Building Height: Thirty-five (35) feet
- F. Setbacks: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- G. Permitted Uses: See General Provision #2

IFLO189201

Aug 16 2024



Sedgwick County
Register of Deeds - Tonya Buckingham

Doc.#/Film-Pg: 30339671

Receipt #: 2447406
Pages Recorded: 2

Recording Fee: \$38.00

Cashier: epsge
Authorized By: *Tonya Buckingham*
Date Recorded: 10/11/2024 12:21:07 PM



NOTICE OF PLANNED UNIT DEVELOPMENT

PUD #125

THIS NOTICE made this 10 day of October, 2024, by Simple Ventures, LLC, hereinafter called "Declarant".

WITNESSETH

WHEREAS, the declarant is owner of all or a portion of the following described property:

LOT 1, BLOCK A, AUBURN HILLS 17TH ADDITION, WICHITA, KS; TOGETHER WITH THE WEST 30 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, EXCEPT THAT PART PLATTED AS AUBURN HILLS 16TH ADDITION, SEDGWICK COUNTY, KANSAS, EXCEPT THAT PART PLATTED AS AUBURN HILLS 15TH ADDITION, SEDGWICK COUNTY, KANSAS AND EXCEPT THAT PART CONDEMNED IN CONDEMNATION CASE# A-38302 AND EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 54 AND THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE NORTH ALONG SAID WEST LINE A DISTANCE OF 72 FEET; THENCE EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 130 FEET; THENCE NORTHEASTERLY FOR A DISTANCE OF 59.07 FEET TO A POINT 175 FEET EAST OF SAID WEST LINE AND 110 FEET NORTH OF SAID NORTH HIGHWAY RIGHT-OF-WAY LINE; THENCE EAST, PARALLEL WITH SAID NORTH HIGHWAY RIGHT-OF-WAY LINE, A DISTANCE OF 50 FEET; THENCE SOUTHEASTERLY FOR A DISTANCE OF 58.73 FEET TO A POINT 270 FEET EAST OF THE WEST LINE AND 72 FEET NORTH OF SAID NORTH HIGHWAY RIGHT-OF-WAY LINE; THENCE EAST, PARALLEL WITH SAID NORTH HIGHWAY RIGHT-OF-WAY LINE, A DISTANCE OF 723.18 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF THE WEST 30 ACRES OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 72 FEET TO A POINT ON SAID NORTH HIGHWAY RIGHT-OF-WAY LINE; THENCE WEST ALONG SAID NORTH HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 993.18 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND

WHEREAS, Declarant is desirous to file notice that a Planned Unit Development approved by the Wichita City Council and is on file with Metropolitan Area Planning Department, known as located at 271 W. 3rd St. - Suite 201, Wichita, Kansas, (316) 268-4421).

NOW, THEREFORE, the declarant wants to make notice that the approved Planned Unit Development (PUD. #125) has placed restrictions on the use and requirements for the development of the above-described real property.

The Metropolitan Area Planning Department is located on the 2nd flood, The Ronald Reagan Building, 271 West 3rd St, Wichita, Kansas, (316)268-4421

The Planned Unit Development shall be binding on the owners, the heirs, successors, or assigns, and is a document running with the land and is binding on all successors in title to the above-described real property.

EXECUTED the day and year first written hereon.

Simple Ventures, LLC,



Dallas Broz, Owner

STATE OF KANSAS }
COUNTY OF SEDGWICK} SS:

BE IT REMEMBERED, that on this 16 day of October, 2024, before me, the undersigned, a Notary Public in and for said State and County, came Dallas Broz, Owner of Simple Ventures, LLC, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

My Appt. Expires 8/30/2028

Notary Public Krysta Andrade





STAFF REPORT
MAPC: May 9, 2024
DAB IV: May 6, 2024

CASE NUMBER: PUD2024-00007 (City)

APPLICANT/AGENT: Simple Ventures LLC, Dallas Broz (Applicants)/ BHC, Matthew Tucker (Agents)

REQUEST: Rezone to create the 13728 W Kellogg Dr Planned Unit Development PUD #125

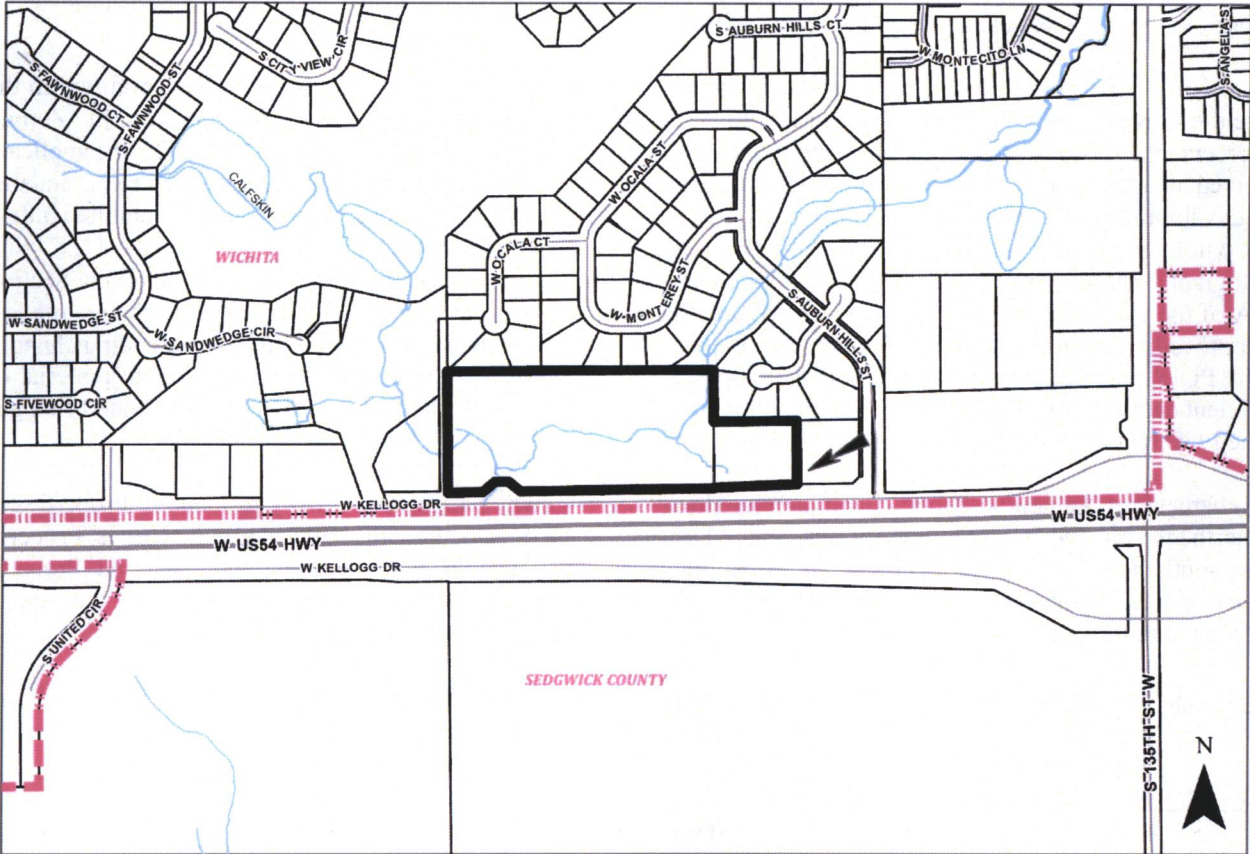
CURRENT ZONING: GC General Commercial District

SITE SIZE: 11.94 acres

LOCATION: Generally located on the north side of West Kellogg Drive, within one-quarter mile west of South 135th Street West (13728 West Kellogg Drive).

PROPOSED USE: Outdoor display and sales, adjusted screening requirements, gravel surfacing.

RECOMMENDATION: Denial.



BACKGROUND: The applicant is requesting a zone change from GC General Commercial District (GC) to PUD Planned Unit Development (PUD) to create the 13728 W Kellogg Dr Planned Unit Development (PUD #125). The subject site is 11.94 acres in size and is generally located on the north side of West Kellogg Drive, within one-quarter mile west of South 135th Street West (13728 West Kellogg Drive). The subject site is currently developed with a shipping container sales facility, whose office was constructed in 2020.

The proposed PUD divides the site into two Parcels. Although Parcel 2 is currently zoned GC, the 10.21-acre parcel cannot be developed until a CUP is created. In lieu of a CUP, the applicant is requesting a PUD. Planned Unit Developments are similar to CUPs because they delineate the permitted uses, parking requirements, setback requirements, screening requirements, and landscape requirements, and the public hearing processes are the same.

The applicant is filing the zone change request to bring the existing site facilities and use into code compliance and to allow future development of the northern portion of the property for self-service storage. The applicant intends to utilize the existing drive entrances of West Kellogg Drive. The applicant requests that if the zone change request be approved, there shall be no change in permitted uses on site, setback requirements, or maximum building height, and compatibility standards. Additionally, the requested zone change would keep the provisions of the Wichita Landscape Ordinance and the Wichita Sign Code.

The applicant is requesting several exceptions to the screening requirements in GC zoning. On the south half of Parcel 2 and all of Parcel 1, the applicant requests to remove the screening from the south and east property lines for product sales and display. Additionally, screening along the south half of the west property line of Parcel 2 shall be permitted to be addressed by existing vegetation. Lastly, for the north half of the west property line and all of the north property line of Parcel 2, the applicant requests to substitute the required six-to-eight-foot solid fence for screening with portable storage containers, adjoined end to end and painted a common color. Should the zone change request be approved, to ensure harmonious development of the property and surrounding area, staff is recommending changes to the requested screening on site to not permit the use of the storage containers as the screening. Staff-recommended changes to the PUD text are attached to the end of this report.

Parcel 1 of the proposed PUD is currently developed with a shipping container business, which is permitted in the current GC zoning as "Warehousing". In May 2023, the applicant received a Notice of Violation from the Zoning Enforcement Division (MAPD) for violating the screening requirements on Parcel 2. In September 2023, the applicant received an additional Notice of Violation for violating the screening requirements, off-street parking requirements, and developing on Parcel 2. Development on any commercial property six acres or greater in size is prohibited unless it is within a CUP. The zone change to PUD is an alternate method to be in compliance with the UZC. Site photography shows that the site is paved with a combination of gravel and asphaltic or concrete materials. Section IV-A of the Unified Zoning Code prohibits off-street parking on unsurfaced areas. Should the zone change request be approved, to ensure harmonious development of the property and surrounding area, staff is recommending changes to the PUD's parking requirements. Staff is recommending the surface material be of a dust retardant material of sufficient depth for the use and must meet the standards of the Wichita Fire Department. Staff-recommended changes to the PUD text are attached to the end of this report.

The character of the neighborhood is commercial along U.S. Highway 54 and low-density residential. Properties to the north are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. Property to the south, across U.S. Highway 54 and West Kellogg Drive, is zoned GC and is currently undeveloped. Property to the east is zoned GC and is in use as open space for the Auburn Hills subdivision. Directly to the west of the subject site is an unimproved right-of-way. Property to the west is zoned GC and is undeveloped.

CASE HISTORY: On May 10, 2020, Parcel 1 was platted as Lot 1, Block A of the Auburn Hills 17th Addition. Parcel 2 is not platted. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	GC	Undeveloped

EAST: GC Open space
WEST: GC Undeveloped

PUBLIC SERVICES: The subject site has access to West Kellogg Drive, which is a two-way local street that serves as a frontage road for U.S. Highway 54. Parcel 2 of the proposed PUD has municipal services, such as water, stormwater, and sewer, provided by the City of Wichita. Wichita Transit does not provide any bus service to the site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in partial conformance with the *Community Investments Plan*. The *Plan's* 2035 Wichita Future Growth Concept Map identifies the area to be primarily appropriate for "New Employment" uses. The *Plan* defines "New Employment" 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... 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 applicant requests the zone change to continue his outdoor storage business on site.

The Locational Guidelines provide a decision-making framework regarding land use changes. The General Development Pattern discourages "development from occurring in aquifer recharge, flood prone, high ground water, wetland, and unsuitable soil areas." The Cowskin Creek, which runs through Parcel 2, is categorized as a Special Flood Hazard Area, which makes a significant portion of the parcel flood prone. The Cowskin Creek is typically used as a Reserve to mitigate runoff in commercial and residential developments. However, the General Development Pattern also states that "major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors." Additionally, "primary outdoor sales uses should be located along highway corridors or in areas where the uses have already been established." The subject site is developed with an outdoor sales facility and located on West Kellogg Drive, which is the frontage road for U.S. Highway 54. The existing land use is deemed appropriate for the site, however the use of gravel for parking areas and drive and circulation aisles; and the proposed alternate screening requirements may have negative impacts on nearby residential properties.

The Land Use Compatibility guidelines state that "Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts." The PUD text proposes using screening exemptions on portions of the site and gravel surfacing throughout the development, which may negatively impact the visual character and generate dust. It is staff's opinion that it does not propose screening, buffering, and site design features sufficient to mitigate adverse impacts to the residential zoning directly north.

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 undeveloped and low-density residential. Properties to the north are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. Property to the south, across U.S. Highway 54 and West Kellogg Drive, is zoned GC and is currently undeveloped. Property to the east is zoned GC and is in use as open space for the Auburn Hills subdivision. Directly to the west of the subject site is an unimproved right-of-way. Property to the west is zoned GC and is undeveloped.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is currently zoned GC General Commercial District, which allows for a wide variety of commercial and residential uses. Parcel 2 of the development is not platted. Platting is required prior to the issuance of building permits for

commercial development. Parcel 1 is platted and allows for its current use. The current uses on the site are permitted in the existing GC District. However, the parking and drive/circulation aisles are required to be paved with a monolithic surface.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff anticipates the requested zone change to have negative impacts on the adjacent residential properties to the north, including dust, and possible negative visual impacts associated with commercial development with alternate screening requirements.
4. Length of time the property has been vacant as currently zoned: Parcel 1 has been developed with an office building for the shipping container business since 2020. Parcel 2 has never been developed with any buildings, but site photography shows shipping containers placed on site.
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 could represent a gain to the public in that it contributes to supporting economic opportunity in the area. However, any gain must be considered in light of the possible negative impacts on public welfare, including the adverse effects on neighboring properties due to dust, and possible negative visual impacts. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.
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*, as discussed in the staff report.
7. Impact of the proposed development on community facilities: Staff does not anticipate the proposed development to have significant detrimental impacts on community facilities.
8. Opposition or support of neighborhood residents: At the time of the publication of the staff report, staff has received three phone calls from the public in opposition to the requested zone change with concerns for dust associated with gravel surfacing, possible future development, and noise associated with its current use. One written comment in opposition to the requested zone change is attached to this report.

Should the MAPC find that the zone change request be approved, it is recommended that the MAPC adopt alternate findings supporting their recommendation, and Staff recommends the following conditions:

1. The surface material shall be of a dust retardant material of sufficient depth for the use and must meet the standards of the Wichita Fire Department.
2. The PUD shall be developed in accordance with the staff-recommended PUD language.
3. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #125 13728 W Kellogg Dr 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.

Attachments:

1. Public Comment
2. Staff-Recommended Text for PUD #125
3. PUD Drawing
4. Aerial Map
5. Zoning Map
6. Land Use Map
7. Photos

Public Comment

From:
Tim Bachman
President, Auburn Hills 13th – 16th Homeowners Association
C/O
Carrie Draut, CMCA, AMS
HOA Management Services
1900 E. Douglas Suite 100
Wichita, KS 67214
Office: 316.351.7650 Ext 207
Carrie@homeownermgmt.com

April 30, 2024

To:
Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: Christina Rieth
271 W. 3rd St. Suite 201
Wichita, KS 67202

Dear Christina Rieth,

Thank you for providing notice of the public hearing regarding Case Number PUD2024-00007 and receiving comments from surrounding property owners. The Auburn Hills 15th Addition neighbors the Simple Ventures property under consideration for the zoning change. Nine residential lots of Auburn Hills 15th Addition share property boundaries with the Simple Ventures property. In addition, Auburn Hills 15th Lot 51 and Reserve B both owned by the Auburn Hills 13-16 HOA also share property boundaries with the Simple Ventures property. The condition and configuration of the Simple Ventures property has a substantial effect on the neighboring properties; consequently, I am compelled to provide comments concerning the proposed zoning change. On behalf of the Auburn Hills 13th-16th Homeowners Association Board of Directors and the 406 members of the homeowner association, I submit the following comments for consideration at the Metropolitan Area Planning Commission meeting scheduled for Thursday, May 9th, 2024.

Parcel 2 of the Simple Ventures property drains directly to the pond located within Reserve B of Auburn Hills 15th Addition. Stormwater, and whatever trash and silt contained in that water, will be deposited in the Reserve B Pond. This will negatively impact the pond water quality, depth, and aesthetic appearance of the pond. The Auburn Hills HOA will incur expenses to address these issues that result from drainage from the Simple Ventures property. Restoration expenses for pond could easily top \$50,000 depending on a variety of factors and annual expenses to address water quality issues would be more than \$1000 per year. The Auburn Hills 13-16 HOA opposes any existing or proposed gravel surfacing due to erosion concerns and the resulting siltation of the Reserve B Pond.

Approximately 40 percent of Simple Ventures Parcel 2 is located within a FEMA flood plain. Consequently, the Auburn Hills 13-16 HOA is concerned alteration of the landscape will increase potential flooding upstream and downstream from Parcel 2 and is generally opposed to any development within Parcel 2. Furthermore, destruction of those wetlands within Parcel 2 will have a negative impact on water quality primarily to the Reserve B Pond. Permitting development within a FEMA flood plain seems very irresponsible and short sighted considering the flooding risks.

The Simple Ventures property has negatively affected neighboring property values and the proposed screening is inadequate. This assertion is supported by reviewing sale prices of homes in the area. For example, two comparable Auburn Hills 15th residential properties sold in 2023 within two months of each other. The properties are within 1/4 mile of each other, both walkout ranch homes, situated on cul-de-sac lots, same age, etc. The

PUD2024-00007

Metropolitan Area Planning Commission

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significant differences are the house square footages differ by 184 square feet, lot sizes differ by .07 acres, and the character of the bordering properties differ. The smaller lot, with smaller house, that borders undeveloped residential and other residences sold for \$40,000 more than the larger lot, larger house, which borders Simple Ventures Parcel 1 and other residences. If the sale prices are compared based on dollars per square foot, the smaller house sale was 20% higher than the larger house. It is conceivable that the larger house would've sold for \$90,000 more if it wasn't neighboring the Simple Ventures Parcel 1. \$90,000 is a substantial loss of value and investment potential for homeowners in the area. The current combined appraised value of all nine neighboring Auburn Hills 15th residences totals nearly 4.5 million dollars and the value loss for those residences combined could potentially top one million dollars. Consequently, the Auburn Hills 13-16 HOA is opposed to Simple Ventures proposed screening using shipping containers. Furthermore, Auburn Hills 13-16 HOA believes the six-foot-high privacy fence is also inadequate to obscure the view of Parcel 2 from the neighboring properties and requests significant setback requirements be implemented for Parcel 2 and a tall berm constructed and planted with a mix of native grasses and trees which should separate Auburn Hills 15th from the developed areas of the Simple Ventures property. The signage, containers, buildings, vehicles, parking areas, etc. should not be visible from any neighboring Auburn Hills 15th property following construction of the berm.

Unfortunately, the natural landscape of Parcel 2 has already been substantially altered which destroyed much of the natural screening for the properties located to the north of the Simple Ventures property. Noise pollution from Highway 54 now easily reaches the properties of Auburn Hills 15th. The Simple Ventures proposal seeking to eliminate some screening requirements altogether is opposed by the Auburn Hills 13-16 HOA. Screening would help reduce noise transmission from Highway 54 and all screening requirements should be upheld and/or upgraded to reduce noise transmission.

In closing, the Auburn Hills 13-16 HOA is opposed to the zoning change, screening, gravel surfacing, and development proposed by Simple Ventures. Thank you once again for receiving these comments. For any questions or clarifications, please respond to the HOA Management Services email above.

Best regards,
Tim Bachman
Auburn Hills 13th-16th HOA Board President

PUD #125 Text

Staff-recommended changes are in red.

13728 W KELLOGG DR
Planned Unit Development No. 125
Case Number: PUD2024-00007

PROJECT DESCRIPTION: This Planned Unit Development (PUD) is intended to allow for the continued use and development of 11.95 acres. To allow for the use of gravel and/or aggregate mix as a pavement substitute on the site in areas identified for outdoor storage, parking, and drive aisles. The ownership has existing buildings for business operations and concrete/gravel pavement for current parking and graveled areas for existing product display and storage. It is recognized that the project location is in a General Commercial (GC) District defined by the Wichita-Sedgwick County Unified Zoning Code (Code), and this PUD is intended to address development standards that will benefit the project location and surrounding community as a whole.

GENERAL NOTES:

The PUD area totals approximately 11.94 acres.

1. Parking shall be provided in accordance with the Unified Zoning Code unless otherwise specified on the parcel description.
2. Permitted Uses:
 - a. All uses permitted by-right under General Commercial "GC" from the Wichita-Sedgwick County Kansas Unified Subdivision Regulations are permitted.
 - b. Operation of temporary concession stands and/or food trucks (defined in the UZC as "Mobile Food Unit in the City") shall be permitted on Parcels 1 and 2. Pursuant to Section III-D.6.00 of the UZC, the Zoning Administrator may authorize a Mobile Food Unit in the City only in conformance with the license requirements of Sec. 3.15 of the Code of the City of Wichita.
 - c. Gravel may be used as a substitute for asphaltic or concrete pavement where shipping containers will be placed.
3. Contiguous ownership: if contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required.
4. Signs: all signage pursuant to the Wichita Sign Code as applicable in the General Commercial (GC) District.
5. Screening: screening shall be installed pursuant to the Unified Zoning Code for GC Districts, with the following exceptions:
 - a. The south half of Parcel 2 and all of Parcel 1 both parcels will be for product sales/display and shall not be required to be screened from W Kellogg Drive or along the east property line of Parcels 1 & 2 where abutting non-residential zoning. Screening along the south half of the west property line of Parcel 2 shall be permitted to be addressed by existing vegetation. The south half of the west property line of Parcel 2 may be exempt from screening requirements so long as the vegetation meets or exceeds twice the requirements set by the Wichita Landscape Ordinance.
 - b. ~~Portable storage containers, adjoined end to end and painted a common color, shall be allowed to achieve any screening, wall or fencing requirements for the north half of the west property line and all of the north property line of Parcel 2.~~
6. Landscaping: landscaping shall adhere to the requirements of the Wichita Landscape Ordinance.
7. Parking/storage coverage: parking shall meet parking requirements established by the Unified Zoning Code for building and site usage, with the exception that gravel is an allowed surface treatment for parking, drive aisles,

and outdoor display areas. The surface material shall be of a dust retardant material of sufficient depth for the use and must meet the standards of the Wichita Fire Department.

8. The transfer of the title on all of any portion of the property included in the PUD does not constitute a termination of the PUD or any portion thereof, however, the Director of Planning, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan, without filing a formal PUD amendment. The PUD shall run with the property and be binding upon the present owners, their successors, and assigns and their lessees unless amended.
9. Amendments, adjustments, or interpretations to the PUD shall be done in accordance with the Wichita-Sedgwick County, Kansas Unified Zoning Code.

10. Property description:

- a. Parcel 1: Lot 1, Block A of Auburn Hills 17th Addition
- b. Parcel 2: The West 30 acres of the Southwest Quarter of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, except that part platted as Auburn Hills 15th Addition, Sedgwick County, Kansas and except that part condemned in Condemnation Case# A-38302 and except that part described as follows: beginning at the intersection of the north right-of-way line us U.S. Highway 54 and the west line of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence north along said west line a distance of 72 feet; thence east, parallel with said north right-of-way line, a distance of 130 feet; thence northeasterly for a distance of 59.07 feet to a point 175 feet east of said west line and 110 feet north of said north highway right-of-way line; thence east, parallel with said north highway right-of-way line, a distance of 50 feet; thence southeasterly for a distance of 58.73 feet to a point 270 feet east of the west line and 72 feet north of said north highway right-of-way line; thence east, parallel with said north highway right-of-way line, a distance of 723.18 feet more or less to a point on the east line of the west 30 acres of the Southwest Quarter of said Southeast Quarter; thence south along said east line a distance of 72 feet to a point on said north highway right-of-way line; thence west along said north highway right-of-way line a distance of 993.18 feet more or less to the point of beginning.

11. Development of this property shall proceed as approved by the Wichita-Sedgwick County **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 Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
12. Any major changes within this PUD shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations of the PUD shall be made in accordance with the **Unified Zoning Code**.
13. A certificate or notice of PUD shall be recorded with the Sedgwick County Register of Deeds Office upon approval of the PUD.

Parcel 1

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|-------------------------------|--|
| A. Net Area: | 75,690 square feet or 1.74 acres |
| B. Maximum Building Coverage: | Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code |
| C. Maximum Gross Floor Area: | Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code |
| D. Floor Area Ratio: | Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code |
| E. Maximum Building Height: | Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
35 feet |
| F. Setbacks: | Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code |
| G. Permitted Uses: | See General Provision #2 |

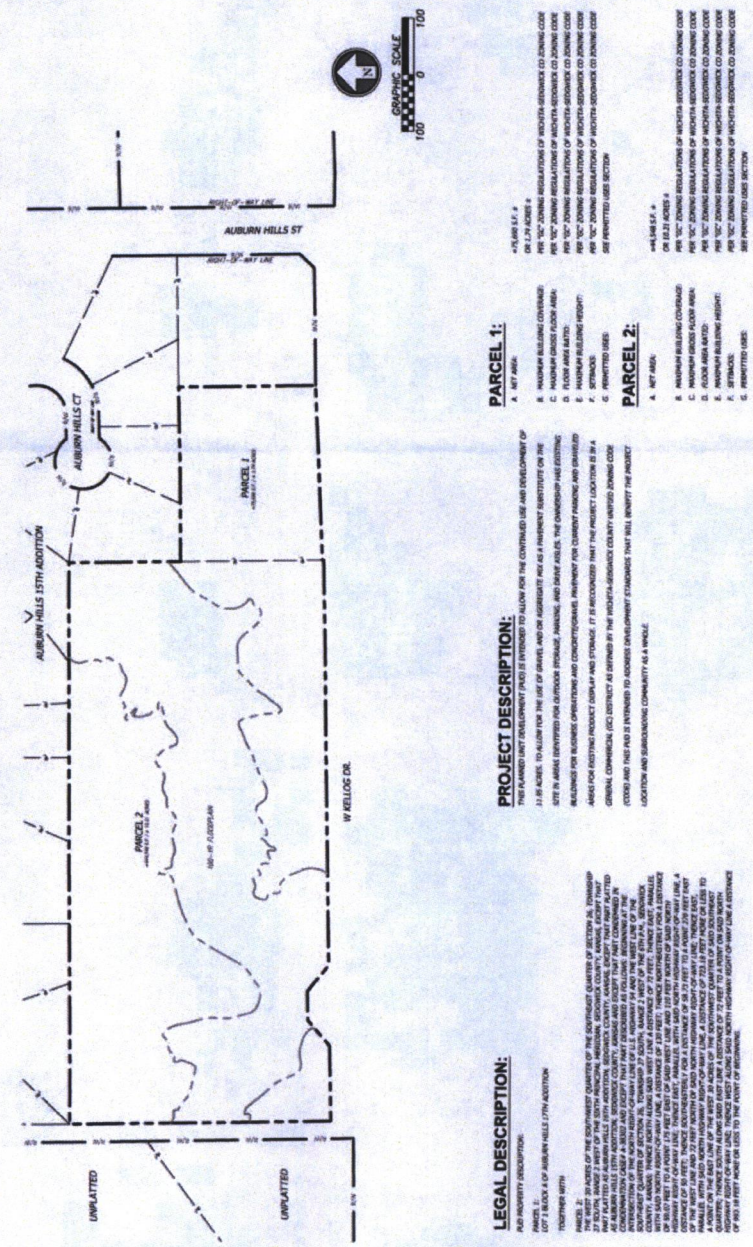
Parcel 2

- A. Net Area: 44,458 square feet of 10.21 acres
- B. Maximum Building Coverage: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- C. Maximum Gross Floor Area: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- D. Floor Area Ratio: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- E. Maximum Building Height: ~~Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code~~
35 feet
- F. Setbacks: Per "GC" zoning regulations of the Wichita-Sedgwick Co. Zoning Code
- G. Permitted Uses: See **General Provision #2**

13728 W KELLOGG DR, WICHITA

WICHITA, KS

PUD #2024-XXXX



LEGAL DESCRIPTION:

PARCEL 1:
 A. NET AREA:
 B. HAZARDOUS BUILDING COVERAGE:
 C. HAZARDOUS FLOOR AREA:
 D. HAZARDOUS BUILDING HEIGHT:
 E. PERMITTED USES

LEGAL DESCRIPTION:

PARCEL 2:
 A. NET AREA:
 B. HAZARDOUS BUILDING COVERAGE:
 C. HAZARDOUS FLOOR AREA:
 D. HAZARDOUS BUILDING HEIGHT:
 E. PERMITTED USES

PROJECT DESCRIPTION:

The proposed site development plan is intended to allow for the continued use and development of the 11.8 acres, to allow for the use of gravel and for aggregate use as a permanent substitute on the site in areas identified for on-site storage, parking, and other uses. The development of the existing building for business operations and construction is a primary use for the property. The development of the site for residential development and other uses is also a primary use for the property. The project location is in a general commercial (GC) district as defined by the Wichita-Sedgewick County Unified Zoning Code (ZCUZC) and this PUD is intended to address development standards that will benefit the project location and surrounding community as a whole.

GENERAL NOTES:

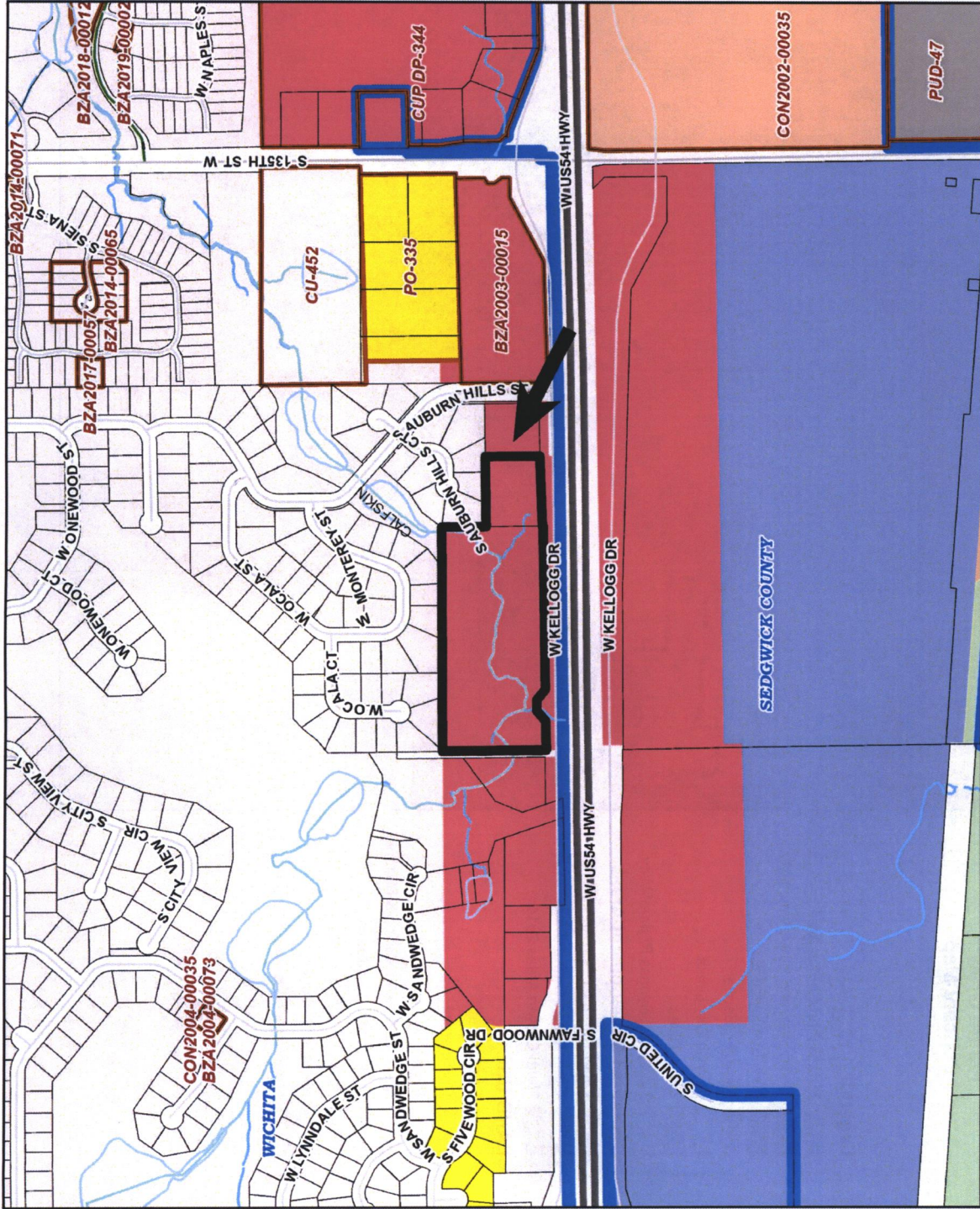
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ZONING



- RR
- SF-20
- SF-10
- SF-5
- TF-3
- MF-18
- MF-29
- B
- MH
- NO
- GO
- NR
- LC
- GC
- CBD
- OW
- IP
- LI
- IP-A
- GI
- AFB
- U
- PUD
- AIRPORT
- OLD TOWN
- HISTORIC
- DELANO
- DELANO OVERLAY



2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood & Area Plans



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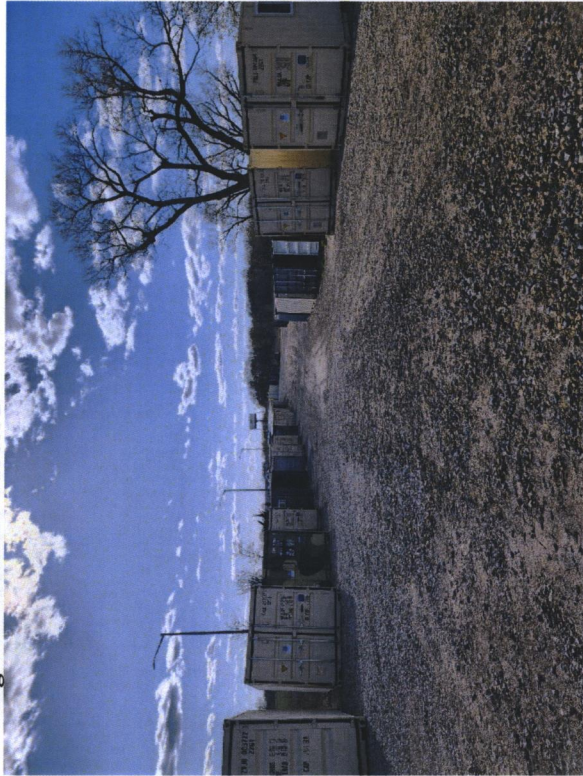
Looking north towards Parcel 1



Looking north towards Parcel 2



Looking west towards Parcel 2



Looking east towards site



Looking south away from site

