

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law on June 27, 2024, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code ("UZC"), the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. PUD2024-00010

Zone change request from RR Rural Residential to Planned Unit Development, subject to the general provisions of PUD #129.

Legally described as follows:

That part of the Northeast Quarter of Section 12, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Right of Way of the Chicago, Rock Island, and Pacific Railway Company; EXCEPT the South 988.9 feet; EXCEPT the North 1006.69 feet thereof; AND EXCEPT a tract described as commencing at the northeast corner thereof; THENCE south along the East Line of said Northeast Quarter, 1006.69 feet for a point of beginning; THENCE west, parallel with the North line of said Northeast Quarter, 807 feet; THENCE south, 652.77 feet; THENCE east, 806.98 feet; THENCE north to beginning, TOGETHER WITH that part of the Northeast Quarter of Section 12, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying east of the Right of Way of the Chicago, Rock Island, and Pacific Railway Company; EXCEPT the South 988.9 feet; EXCEPT the North 1006.69 feet thereof; AND EXCEPT a tract described as commencing at the northeast corner thereof; THENCE south along the East Line of said Northeast Quarter, 1006.69 feet; THENCE west, parallel with the North line of said Northeast Quarter, 807 feet for a place of beginning; THENCE continuing west along the last described line, 471.97 feet to the easterly Right of Way line of CRI&P Railroad; THENCE southwesterly along said Railroad Right of way, 759.10 feet to a point 988.90 feet north of the South line of said Northeast Quarter as measured parallel with the East line of said Northeast Quarter; THENCE east parallel with the South line of said Northeast Quarter, 859.24 feet to a point 806.98 feet west of the East line of said Northeast Quarter; THENCE north parallel with the East line of said Northeast Quarter, 652.77 feet to the place of beginning; AND EXCEPT the East 50 thereof for road.

The Heartstone Planned Unit Development (PUD #129) shall be subject to the following general provisions:

1. The PUD shall be developed in accordance with the approved PUD language as included herein.
 - a. Total Land Area: 903,303 sq. ft. or 20.74 acres ±
 - b. Total Gross Floor Area: 316,156 sq. ft.
 - c. Total Floor Area: 35.0 percent
 - d. Setbacks are displayed on the individual parcels within the PUD, or outlined in the Parcel description.
 - e. A Drainage Plan shall be submitted to the appropriate governing body for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
 - f. Parcel 1 shall be limited to the following uses: Construction Sales and Service, Storage, Office, General, and Section III.D.6.dd of the UZC which states:

Outdoor Storage and/or Baling in LC through LI. In LC through LI, the Outdoor Storage and/or baling of junk, scrap, paper, bottles, rags or similar materials is prohibited. See Sec. III-B.14.e, III-B.15.e, III-B.17.e and III-B.18.e for limitations on other Outdoor Storage in LC, OW, IP-A and IP.
 - g. Parcel 2 shall be limited to a single-family residence plus (6) six dwelling units considered Hotel/Motel; an Event Center/Community Assembly limited to 80 people maximum at any given event. Event Center shall be subject to Supplementary Use Regulations in Section III-D.6.nn of the UZC, which states:

In the RR district only, an Event Center in the County, Church or Place of Worship,

Community Assembly or Farmer's Market in the County on property with less than 20 acres requires a Conditional Use and is subject to the standards of this section. Event Center in the County, Church or Place of Worship, Community Assembly or Farmer's Market in the County are permitted by-right on sites of 20 acres or greater, including road right-of-way, if it complies with the standards of this section. When the uses listed above do not comply with the standards listed in this section a Conditional Use is required and shall be subject to the development standards established by the Governing Body.

1. Maximum building occupancy is limited to that established by building and/or fire officials utilizing applicable building or fire code standards.
 2. Buildings, events, and activities shall comply with applicable building, fire, sanitation, life-safety, and other applicable codes.
 3. Seating or attendance at outdoor events shall be limited to the maximum number of occupants permitted by the minimum required parking.
 4. Required parking for an Event Center in the County shall be provided at the rate of one space per four occupants or as established by a parking study. Parking for Church or Place of Worship and Community Assembly shall be per the off-street standards listed in the Code for each use. Parking for Farmer's Market in the County shall be one space per 333 square feet of exhibition and sales area. Parking spaces for persons with disabilities shall be paved. Parking, drive aisles, and circulation areas for uses shall be rock or material designated by County officials unless a rock or paved driveway 50 feet in length, measured from the right-of-way line and is at least six inches thick, is provided and maintained, and the use is not open to the public more than 100 days per year. If a rock or paved driveway 50 feet in length, measured from the right of way line and is at least six inches thick, is provided and maintained, the parking and circulation aisle surface may be grass. All parking shall be located on-site. The event operator or the property owner must maintain a logbook or calendar that accurately indicates the date(s) per month the site will be in use.
 5. Sites offering both indoor and outdoor events shall require parking for the use with the highest parking requirement.
 6. Drainage shall be addressed at the time of platting, change of occupancy or as part of building permit review.
 7. Building and activity areas (other than a driveway) shall be setback 100 feet from property lines.
 8. Access control shall be as determined by Sedgwick County Traffic Engineer.
 9. Signage shall be per County Sign Code.
 10. The service of food and drink may be permitted both indoor and outdoor as part of the operations of the facility provided that the service complies with all applicable regulations. The service of any alcoholic liquor or cereal malt beverage is permitted only with applicable licenses.
 11. Portable toilets shall not be placed within the 100-foot building setback.
 12. Prior to use of the property for the stated use, the applicant shall submit for review and approval by the Planning Director or his designee, a detailed site plan that depicts existing and/or proposed: property boundaries, buildings, structures, access points, driveways, location and number of parking spaces, outdoor lighting, location of dumpsters, setbacks, outdoor seating, or activity areas. At a minimum, the site plan shall be to scale and/or have enough dimension control to verify: site size, size of improvements, buildings or activity areas, location of improvements, buildings, or activity areas, and parking, circulation drives, and access points or any other pertinent details as requested by County staff.
- h. The Event Center shall be limited to the following hours of operation:
Sunday through Thursday: 8:00 a.m. to 8:00 p.m.
Friday and Saturday: 8:00 a.m. to 12:00 a.m. (midnight)
- i. Access shall be as indicated on the plan and/or as approved during the platting process.
 - j. Parking for uses in Parcel 1 shall adhere to the requirements stated in the UZC. Parking in Parcel 2 shall provide a minimum of: 20 total parking spaces for the Event Center/Community Assembly, 1 (one) parking space for single-family dwelling, and 1 (one) parking spaces per Hotel/Motel dwelling unit.
 - k. All outdoor lighting shall employ cut-off luminaries to minimize light trespass and will be aimed or shielded away from neighboring properties.
 - l. Amendments, adjustments or interpretations to this PUD shall be done in accordance with the UZC.
 - m. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Planning Director, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - n. The design layout shown on the plan illustrates one development concept. Modifications to the size and/or location of improvements, building layout, and/or access locations may be permitted, provided they meet all requirements of this plan. This plan envisions the development of a mixed-use facility, as shown on the plan; however, in the event additional uses within separate buildings are proposed, the applicant shall submit a revised

site plan to the Planning Department for review. If such modifications are determined by the Planning Director, with the concurrence of the Zoning Administrator, to be significant, the owner shall be required to file for an administrative adjustment to the PUD. If the change is considered greater than what can be approved administratively, the owner shall be required to file an amendment to the PUD, which shall be submitted to the Planning Commission for its consideration.

- o. Parcel 1:
 - A. Net Area: 468,139 sq. ft. or 10.7 acres ±
 - B. Maximum Building Coverage: 163,849 sq. ft. or 35 percent
 - C. Maximum Gross Floor Area: 163,849 sq. ft.
 - D. Floor Area Ratio: 35 percent
 - E. Maximum Building Height: 45 feet
 - F. Setbacks: Per Drawing
 - G. Access Points: See Drawing
 - H. Permitted Uses: See General Provision #5

- j. Parcel 2:
 - A. Net Area: 453,164 sq. ft. or 10.4 acres ±
 - B. Maximum Building Coverage: 152,307 sq. ft. or 35 percent
 - C. Maximum Gross Floor Area: 152,307 sq. ft.
 - D. Floor Area Ratio: 35 percent
 - E. Maximum Building Height: 35 feet
 - F. Setbacks: Per Drawing
 - G. Access Points: See Drawing
 - H. Permitted Uses: See General Provision #5

- 2. 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.
- 3. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #129 Heartstone 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.

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

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SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

PETER F. MEITZNER	Absent
SARAH LOPEZ	Aye
DAVID T. DENNIS	Aye
RYAN K. BATY	Aye
JAMES M. HOWELL	Aye

Dated this 24 day of JULY, 2024.


BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:




 KELLY B. ARNOLD, County Clerk






 RYAN K. BATY, Chairman
 Commissioner, Fourth District



 SARAH LOPEZ, Chair Pro Tem
 Commissioner, Second District

Absent

 PETER F. MEITZNER
 Commissioner, First District



 DAVID T. DENNIS
 Commissioner, Third District



 JAMES M. HOWELL
 Commissioner, Fifth District

APPROVED AS TO FORM:



 SAMANTHA SEANG
 Assistant County Counselor