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RESOLUTION NO. 160-2026

**A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION V-C OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, AS ADOPTED BY RESOLUTION NO. 84-01, AND SUBSEQUENTLY AMENDED**

WHEREAS, Lane Estates, LLC; Hannah O. & Paul S. Curtis; and Mel Hambelton Real Estate, LLC applied for a zone change request from SF-20 Single-Family Residential District to PUD Planned Unit Development District subject to the development standards contained in the Kellogg 119<sup>th</sup> Power Center Plan Unit Development ("PUD 167") on the below-described property in Case No. PUD2026-00015.

WHEREAS, after providing proper notice as required by law, the Metropolitan Area Planning Commission ("Planning Commission") did consider said application at the meeting of July 23, 2026.

WHEREAS, the Planning Commission has forwarded its recommendation of approval subject to conditions to the Board of County Commissioners of Sedgwick County, Kansas for final action.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Sedgwick County, Kansas that:

**SECTION I.** After receiving said recommendation from the Planning Commission, and under the authority granted by Section V-C of the Unified Zoning Code, the Board hereby approves the zone change request from SF-20 Single-Family Residential District to PUD District, subject to the development standards contained in the Kellogg 119<sup>th</sup> Power Center PUD #167 for property legally described as:

The North Half of the Northeast Quarter of Section 36, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part taken for highway in Condemnation Case A-38302, EXCEPT that part deeded to the State of Kansas for highway purposes in Deed Book 1422, Page 231, EXCEPT that part deeded to the City of Wichita, Kansas on Film 2564, Page 1909 and Doc#/Flm-Pg: 28912348, AND EXCEPT A tract of land lying in the North Half of the Northeast Quarter of Section 36, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows: Beginning at the southwest corner of the North Half of said Northeast Quarter; thence N00°26'54"W, (platted basis of bearings), coincident with the west line of the North Half of said Northeast Quarter, 467.23 feet; thence S47°01'22"E, 299.89 feet; thence S29°35'30"E, 300.00 feet to the intersection with the south line of the North

Half of said Northeast Quarter; thence S89°42'21"W coincident with the south line of the North Half of said Northeast Quarter, 371.21 feet to the point of beginning. TOGETHER WITH: That part of the (NE1/4) Northeast Quarter of Section 36, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, as prepared by Joseph W. Hutchison, P.S. 1740, of BHC, LLC, CLS 175, on this 6th day of May, 2026, and more particularly described as follows: Beginning at the Southwest Corner of Auburn Villas Addition, Wichita, Sedgwick County, Kansas; Thence N88°30'06"E along the South line of said Auburn Villas Addition, said line also being the North line of the South Half of said Northeast Quarter, 371.60 feet to the Southeast Corner of said Auburn Villas Addition; Thence N88°30'47"E continuing along the North line of the South Half of said Northeast Quarter, 428.25 feet to the center line of a channel easement as described in Condemnation Case A-38302; Thence Southeast along said center line, being a non-tangent curve to the right, having a radius of 1763.18 feet, a central angle of 12°23'14", and length of 381.20 feet, to the North Right of Way line of the Atchison, Topeka, and Santa Fe Railroad; Thence S75°42'46"W along said North line, 932.48 feet to the West line of said Northeast Quarter; Thence N00°45'50"W along said West line, 573.03 feet to the Point of Beginning. TOGETHER WITH: A tract of land located in the South Half of the Northeast Quarter of Section 36, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as follows: That part of said South Half of said Quarter lying North of the North Right of Way line of the Atchison, Topeka, and Santa Fe Railroad, and lying East of the centerline of a channel easement described in Condemnation Case No. A-38302.

**Approval is 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 this tract (referenced as PUD #167 Kellogg 119<sup>th</sup> Power Center 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 prior to the signing of the resolution. If the recorded certificate and drawings are not submitted within 60 days of governing body approval, the request shall be considered denied and closed.

**The approved general provisions of PUD #167 read as follows:**

The PUD shall be developed in accordance with the approved PUD language.

**Property:** An unplatted tract to be known as, Kellogg 119th Addition

**Area Size:** 76.6 acres more or less

**Project Description:** This PUD is intended to create high-density, mixed-use development of residential, commercial, and industrial uses through flexible development regulations which would not be possible otherwise the Unified Zoning Code ("UZC").

**Permitted uses:** Parcel 1 commercial uses as permitted in the General Commercial zoning district and industrial uses as permitted in the Limited Industrial zoning district, and/or combination thereof. Parcels 2 and 3: All uses as permitted in the LC Limited Commercial zoning district; Excluding the following uses on all Parcels: Recycling Collection Station (Public and Private); Marine Facility, Recreational; Sexually Oriented Business in the City or County; Freight Terminal; Gas and/or Fuel Storage and Sales; Vehicle Storage Yard; Wrecking or Salvage Yard; Transfer Station. Uses permitted are limited to those permitted by-right and not by Conditional Use.

**General Provisions:**

1. **Site Plan.** A final site plan for each parcel and any subsequent parcels created through Lot Split or PUD adjustment shall be required prior to the issuance of a building permit on each parcel. Site plans may be administratively adjusted and re-approved administratively as needed.
2. **Cross lot circulation** shall be required across and among all parcels developed with non-residential uses.
3. **Parking.** Parking for residential uses shall be provided at a rate of a minimum of 1 space per dwelling unit. Off-street parking shall be paved with either asphalt or concrete. Parking for non-residential uses shall be provided at 75% of the required parking requirements of the Wichita/Sedgwick County Unified Zoning Code.
4. **Bulk Regulations:**

**Parcel 1:**

- Front (Streetside) setback to Kellogg and 119th: 60 feet
- Rear setback (west boundary): 50 feet
- Interior side setback (south boundary): 0 feet, except if Parcel 2 and/or Parcel 3 is developed with residential uses, in which case building setback shall be 50 feet where non-residential uses are adjacent to residential uses.
- Maximum building height: 85 feet

**Parcel 2:**

- Building setback shall be 10 feet along north, east and west boundaries. If Parcel 3 is developed with residential uses, in which case building setback shall be 50 feet where non-residential uses are adjacent to residential uses.
- Building setback shall be 25 feet along south boundary.
- Maximum building height shall be 45 feet.

**Parcel 3:**

- Building setback shall be 10 feet along north and west boundary. If Parcel 2 is developed with residential uses, in which case building setback shall be 50 feet where non-residential uses are adjacent to residential uses.
- Building setback shall be 25 feet along south boundary.
- Maximum building height shall be 45 feet.

For contiguously developed parcels all building setbacks may be eliminated.

5. **Screening:** Screening only for non-residential uses shall be per the Wichita/Sedgwick County Unified Zoning Code, Site Development Standards Section B, Screening and Lighting, as further defined below:

Screening shall be provided on all properties developed for all uses except single-family and duplex when such uses are established on property within, abutting, or across a street or alley from residential uses, except when separated by a Major Barrier (as defined by the Unified Zoning Code).

Solid screening shall be required in those situations where a landscaped street yard or landscape buffer sufficient to comply with Sec. IV-B.3.c-e are allowed.

Screening may be provided by screening fences, screening walls, vegetation, landscaped earth berms or, by landscaping per the Wichita Landscape Ordinance in certain locations within the City of Wichita.

Screening fences shall not be less than six feet nor more than eight feet in height, except within 20 feet of street right-of-way line in the front (streetside) setback, the height shall be reduced to 3 feet.

When solid screening is required and vegetation or landscaped earth berms are proposed for the solid screening, a landscape plan shall be submitted to the Planning Director and the Zoning Administrator for review and approval.

Rooftop mechanical equipment shall be screened from ground level view and public rights-of-way. Materials used for screening roof-mounted equipment shall consist of similar or complimentary materials used in the primary structure.

Trash receptacles, loading docks, outdoor storage and loading areas shall be appropriately screened to reasonably hide them from ground level view with fencing and/or landscaping. Materials used in screening trash receptacles, loading docks, outdoor storage and loading areas shall be constructed of

standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete or wood and/or landscaping of sufficient height to obscure them from ground view.

Multi-Family or less intensive uses developed along the south property lines of Parcels 2 and 3 shall not be required to install screening. However landscaping as stated herein is required.

6. **Signage.**

**Parcel 1:** Signage allowance shall be per LI Limited Industrial provisions of the City of Wichita Sign Code.

**Parcel 2:** Signage allowance shall be per the LC Limited Commercial provisions of the City of Wichita Sign Code.

**Parcel 3:** Signage allowance shall be per the LC Limited Commercial provisions of the City of Wichita Sign Code.

The developer/owner shall be responsible for allocating the sign areas amongst the PUD. Any signage allocation shall be in conformance with the Wichita Sign Code.

7. **Landscaping shall be required as follows:**

1. Landscaped street yards, buffers and parking lot landscaping and screening shall be in accordance with the City of Wichita Landscape Ordinance.
2. A landscape plan shall be prepared by a Kansas Landscape Architect for the above-referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Metropolitan Area Planning Department (MAPD) for its review and approval prior to the issuance of any building permit(s).
3. Failure to properly maintain the required landscaping shall be considered a violation of the PUD after a joint determination by the Director of Planning and the Zoning Administrator.

8. **Lighting:** Lighting shall be in accordance with the Wichita/Sedgwick County Unified Zoning Code, Article IV Site Development Standards Section B, Screening and Lighting, B.4. Light poles including above ground base shall be limited to 25 feet tall, except 15 feet tall within 200 feet of residential uses.

9. **Compatibility Standards:** Compatibility setbacks and compatibility height standards as defined in the UZC Section IV-C shall only be required when a non-residential use abuts or is across the street from residential uses. These Compatibility setbacks and compatibility height standards shall apply to property

and uses within the PUD and between property in the PUD and adjacent property not within the PUD.

10. **Access:** All lots shall have access to public right-of-way.
11. 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 PUD or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
12. 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 Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
13. Any major changes in this development plan shall be submitted to the Planning Commission and the Governing Body for their consideration.

**SECTION II.** 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.

**SECTION III.** 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.

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Commissioners present and voting were:

PETER F. MEITZNER aye  
JEFF BLUBAUGH aye  
STEPHANIE WISE aye  
RYAN BATY aye  
JAMES M. HOWELL aye

Dated this 2 day of September, 2026.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold  
KELLY B. ARNOLD, County Clerk



Jeff Blubaugh  
JEFF BLUBAUGH, Chairman  
Commissioner, Second District

Stephanie Wise  
STEPHANIE WISE, Chair Pro Tem  
Commissioner, Third District

APPROVED AS TO FORM:

Kirk Sponsel  
KIRK SPONSEL  
Deputy County Counselor

Peter F. Meitzner  
PETER F. MEITZNER  
Commissioner, First District

Ryan Baty  
RYAN BATY  
Commissioner, Fourth District

James M. Howell  
JAMES M. HOWELL  
Commissioner, Fifth District