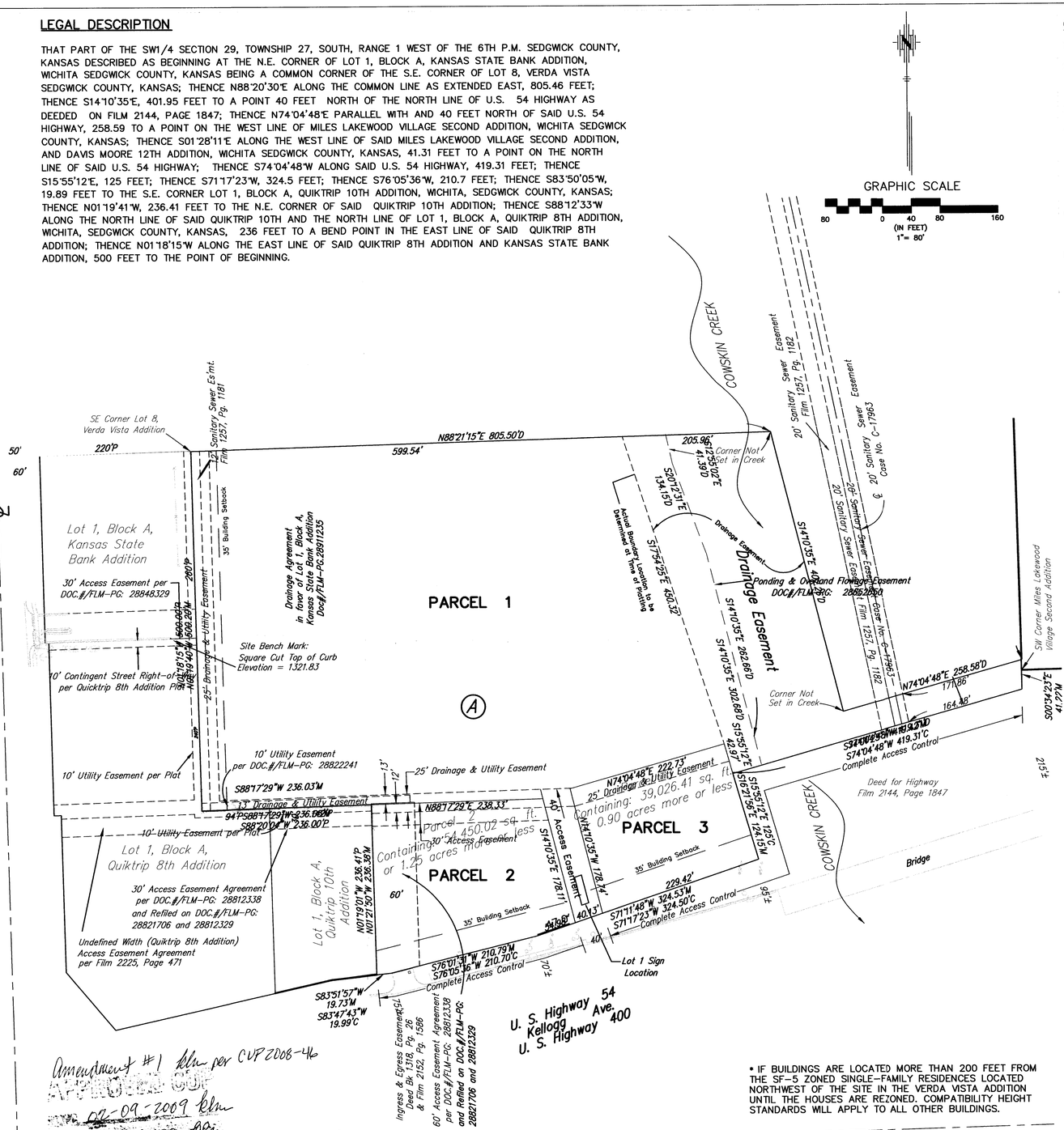
LEGAL DESCRIPTION

THAT PART OF THE SW1/4 SECTION 29, TOWNSHIP 27, SOUTH, RANGE 1 WEST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS DESCRIBED AS BEGINNING AT THE N.E. CORNER OF LOT 1, BLOCK A, KANSAS STATE BANK ADDITION, WICHITA SEDGWICK COUNTY, KANSAS BEING A COMMON CORNER OF THE S.E. CORNER OF LOT 8, VERDA VISTA SEDGWICK COUNTY, KANSAS; THENCE N88°20'30"E ALONG THE COMMON LINE AS EXTENDED EAST, 805.46 FEET; THENCE S14°10'35"E, 401.95 FEET TO A POINT 40 FEET NORTH OF THE NORTH LINE OF U.S. 54 HIGHWAY AS DEEDED ON FILM 2144, PAGE 1847; THENCE N74°04'48"E PARALLEL WITH AND 40 FEET NORTH OF SAID U.S. 54 HIGHWAY, 258.59 TO A POINT ON THE WEST LINE OF MILES LAKEWOOD VILLAGE SECOND ADDITION, WICHITA SEDGWICK COUNTY, KANSAS; THENCE S01°28'11"E ALONG THE WEST LINE OF SAID MILES LAKEWOOD VILLAGE SECOND ADDITION, AND DAVIS MOORE 12TH ADDITION, WICHITA SEDGWICK COUNTY, KANSAS, 41.31 FEET TO A POINT ON THE NORTH LINE OF SAID U.S. 54 HIGHWAY; THENCE S74°04'48"W ALONG SAID U.S. 54 HIGHWAY, 419.31 FEET; THENCE S15°55'12"E, 125 FEET; THENCE S71°17'23"W, 324.5 FEET; THENCE S76°05'36"W, 210.7 FEET; THENCE S83°50'05"W, 19.89 FEET TO THE S.E. CORNER LOT 1, BLOCK A, QUIKTRIP 10TH ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS; THENCE N01°19'41"W, 236.41 FEET TO THE N.E. CORNER OF SAID QUIKTRIP 10TH ADDITION; THENCE S88°12'33"W ALONG THE NORTH LINE OF SAID QUIKTRIP 10TH AND THE NORTH LINE OF LOT 1, BLOCK A, QUIKTRIP 8TH ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS, 236 FEET TO A BEND POINT IN THE EAST LINE OF SAID QUIKTRIP 8TH ADDITION; THENCE N01°18'15"W ALONG THE EAST LINE OF SAID QUIKTRIP 8TH ADDITION AND KANSAS STATE BANK ADDITION, 500 FEET TO THE POINT OF BEGINNING.



Amendment #1 klm per CUP2008-46
APPROVED BY
08-09-2009 klm
WCC 8-7-2009 klm
MAPD Spec 1.84

MAIZE 54 ADDITION

COMMUNITY UNIT PLAN (DP-318)

DATE OF PREPARATION 08/03/09

* IF BUILDINGS ARE LOCATED MORE THAN 200 FEET FROM THE SF-5 ZONED SINGLE-FAMILY RESIDENCES LOCATED NORTHWEST OF THE SITE IN THE VERDA VISTA ADDITION UNTIL THE HOUSES ARE REZONED. COMPATIBILITY HEIGHT STANDARDS WILL APPLY TO ALL OTHER BUILDINGS.

GENERAL PROVISIONS

1. THIS DEVELOPMENT CONTAINS 12.03 ACRES, MORE OR LESS.
2. THE DEVELOPMENT CONTAINS THREE (3) PARCELS PERMITTING LIMITED COMMERCIAL USES. SEE PARCEL DESCRIPTION (GENERAL PROVISION NO. 25) FOR SPECIFIC USES.
3. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
4. SIGNAGE WILL BE PERMITTED AS ALLOWED BY THE SIGN CODE, CITY CODE TITLE 24.04, WITH THE FOLLOWING ADDITIONAL CONDITIONS/LIMITATIONS:
   A. NO PORTABLE SIGNS SHALL BE PERMITTED.
   B. TEMPORARY SIGNS SHALL BE PER THE SIGN CODE.
   C. EXPOSED NEON/LED LIGHTS USED AS ACCENT FEATURES SHALL BE ALLOWED AS PERMITTED IN THE LC LIMITED COMMERCIAL ("LC") ZONING DISTRICT.
   D. THE APPLICANT SHALL PROVIDE PROOF OF OWNERSHIP AND MAINTENANCE RESPONSIBILITY FOR ANY SIGN PLACED IN A PROPOSED ACCESS EASEMENT OR PUBLIC RIGHT-OF-WAY FROM THE SITE'S PARCEL 1 TO MAIZE ROAD. THE SIGN WILL BE A MONUMENT TYPE, PER LC LIMITED COMMERCIAL ("LC") STANDARDS AND ITS LOCATION MUST BE APPROVED BY THE TRAFFIC ENGINEER.
   E. WINDOW DISPLAYS ARE LIMITED TO 25% OF THE WINDOW AREA.
   F. NO BUILDING SIGNS ALLOWED ON THE BACK OR SIDES OF BUILDING OR ANY SIDE OF A BUILDING THAT IS FACING RESIDENTIAL ZONING. THE EXCEPTION IS THAT PARCEL 1 MAY HAVE A BUILDING SIGN ON THE SOUTH SIDE OF THE PRINCIPAL BUILDING IF ITS FRONT IS FACING SOUTHWEST.
   G, NO BACKLIT CANOPIES.
   H. BILLBOARDS ARE PERMITTED PER THE SIGN CODE ALONG THE SITE'S KELLOGG FRONTAGE
   I. PARCEL 1 SHALL BE ALLOWED 450 SF OF SIGNAGE. PARCELS 2 & 3 SHALL BE ALLOWED 125 SF OF SIGNAGE EACH AND SHALL BE MONUMENT STYLE SIGNS.
5. ALL DRAINAGE WAYS AND DRAINAGE EASEMENTS SHALL BE CONFIRMED AT THE TIME OF PLATTING. A SPECIFIC LOT GRADING PLAN WILL BE PREPARED IN CONFORMANCE WITH THE GENERAL DRAINAGE PLAN FOR REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. DRAINAGE IMPROVEMENTS WILL BE GUARANTEED AT THE TIME OF THE FINAL PLAT. THE PERPETUAL EASEMENT FOR PONDING AND OVERLAND FLOWAGE, LOCATED ALONG THE EASTERN PORTION OF THE SUBJECT PROPERTY SHALL BE DEEDED TO THE CITY AT THE TIME OF PLATTING. AN INGRESS AND EGRESS EASEMENT TO THE DRAINAGE WILL BE PROVIDED TO THE CITY.
6. ANY OPEN SPACE, SIGNS, LOGOS, DRAINAGE FACILITIES, DRIVES OR PARKING AREAS CONTAINED WITHIN THE DESCRIBED PARCELS SHALL BE PRIVATELY OWNED AND MAINTAINED. IF MULTIPLE OWNERSHIP OCCURS AN AGREEMENT PROVIDING FOR THE MAINTENANCE OF RESERVES, OPEN SPACE, INTERNAL DRIVES, PARKING AREAS, DRAINAGE IMPROVEMENTS, ETC., SHALL BE FILED WITH THE PLAT.
7. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE UNIFIED ZONING CODE OF THE CITY OF WICHITA; HOWEVER, THE DEVELOPMENT SHALL ONLY BE REQUIRED TO MEET 75% OF THE PARKING REQUIREMENTS UNDER ARTICLE IV.A OF THE UZC. ALL PARKING AND DRIVES SHALL BE HARD SURFACED WITH CONCRETE OR ASPHALT.
8. FIRE LANES:
   A. FIRE LANES SHALL BE IN ACCORDANCE WITH THE APPROPRIATE FIRE CODE OF THE CITY OF WICHITA. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANES, ALTHOUGH THEY MAY BE USED FOR PASSENGER LOADING AND UNLOADING.
   B. DURING BUILDING PERMIT REVIEW THE FIRE CHIEF OR HIS DESIGNATED REPRESENTATIVE SHALL REVIEW AND APPROVE THE SITE PLAN REGARDING FIRE LANE(S) AND FIRE HYDRANT LOCATION, PRIOR TO CONSTRUCTION.
9. ACCESS CONTROL: AS SHOWN ON THE RECORDED PLAT. IF THE ACCESS CONTROLS OF THE RECORDED PLAT ARE ALTERED BY AN APPROVED VACATION ORDER OF THE WICHITA CITY COUNCIL THE C.U.P. SHALL BE CONSIDERED TO HAVE BEEN ADJUSTED ACCORDINGLY.
10. CROSS LOT CIRCULATION AND INTERNAL ACCESS SHALL BE PROVIDED AT THE TIME OF PLATTING. AN INTERNAL CIRCULATION DRIVE SHALL PROVIDE CROSS-LOT ACCESS ALONG THE LINE BETWEEN OUT PARCELS; AND, ALSO THE MAIN PARCEL IF DEVELOPED WITH A COMMERCIAL USE.
11. THE TRANSFER OF TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE C.U.P. DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF, BUT SAID PLAN SHALL RUN WITH THE LAND AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED. ANY MAJOR CHANGES IN THIS DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION FOR ITS CONSIDERATION.
12. NO DEVELOPMENT OF THE CUP SHALL OCCUR UNTIL MUNICIPAL WATER AND SEWER SERVICES HAVE BEEN EXTENDED TO SERVE THE SITE.
13. ALL LIGHTS SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD OR DIRECT LIGHT AWAY FROM RESIDENTIAL AREAS. LIGHT POLES ON PARCELS SHALL BE LIMITED TO 24 FEET IN HEIGHT. ALL PARKING LOT LIGHTING WITHIN THE CUP SHALL SHARE CONSISTENT DESIGN (I.E. FIXTURES, POLES, LAMP BASES). NO LIGHTS WITHIN THE CUP'S 35-FOOT SETBACKS OR THE COMPATIBILITY SETBACKS.
14. ALL TRASH RECEPTACLES SHALL BE SCREENED WITH SIMILAR MATERIAL AS THE BUILDINGS.
15. ON ALL PARCELS ROOF-TOP EQUIPMENT SHALL BE SCREENED FROM GROUND LEVEL VIEW FROM ADJACENT RESIDENTIAL AREAS; NO ROOF-TOP FENCING ALLOWED. SCREENING MATERIALS SHALL BE OF A SIMILAR MATERIAL AS THE BUILDINGS.
16. DEVELOPMENT OF ALL PARCELS WITHIN THE CUP SHALL COMPLY WITH THE LANDSCAPE ORDINANCE OF THE CITY OF WICHITA. A LANDSCAPE PLAN SHALL BE PREPARED BY A STATE OF KANSAS REGISTERED LANDSCAPE ARCHITECT FOR THE REQUIRED LANDSCAPING, INDICATING THE TYPE, LOCATION AND SPECIFICATIONS OF ALL PLANT MATERIAL. THIS PLAN SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT.
17. ALL BUILDINGS OF THE SAME GENERAL LAND USE SHALL HAVE CONSISTENT EXTERIOR BUILDING MATERIALS WITH CONSISTENT ARCHITECTURAL CHARACTER, FORM, COLOR, AND TEXTURE.
18. A FINANCIAL GUARANTEE FOR THE PLANT MATERIAL APPROVED ON THE LANDSCAPE PLAN FOR THAT PORTION OF THE CUP BEING DEVELOPED SHALL BE REQUIRED PRIOR TO ISSUANCE OF ANY OCCUPANCY PERMIT, IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.
19. ALL PARCELS IN THE CUP SHALL SHARE A SIMILAR OR COMPATIBLE PLANT PALETTE, AS DETERMINED BY THE REGISTERED LANDSCAPE ARCHITECT PREPARING REQUIRED PLAN.
20. A 35-FOOT SETBACK WILL BE PROVIDED ALONG THE KELLOGG STREET FRONTAGE OF PARCELS 2 & 3; THE WEST LINE OF PARCEL 1 AND THE WEST 200 FEET OF THE NORTH PROPERTY LINE OF PARCEL 1. THE 35-FOOT SETBACK ALONG THE EAST SIDE OF PARCEL 1 WHERE IT ABUTS THE PERPETUAL EASEMENT FOR PONDING AND OVERLAND FLOWAGE OR DEEDED DRAINAGE RIGHT-OF-WAY IS WAIVED. THE 35-FOOT SETBACK ALONG THE EAST SIDE OF PARCEL 3 WHERE IT ABUTS AN UNPLATTED, SF-5 SINGLE-FAMILY RESIDENTIAL ("SF-5") ZONED TRACT, OWNED BY THE CITY OF WICHITA, WHICH FRONTS KELLOGG STREET, AND WHERE IT ABUTS THE COWSKIN CREEK IS WAIVED.
21. SCREENING WALL AS REQUIRED PER THE UZC WILL BE WAIVED FOR 3 YEARS ALONG THE SUBJECT SITE'S NORTH PROPERTY LINE OR UPON THE REZONING OF THE ABUTTING NORTH PROPERTIES TO NON-RESIDENTIAL ZONING, WHICHEVER COMES FIRST. THE APPLICANT/OWNER OF THE SUBJECT SITE MAY APPLY FOR A ONE YEAR EXTENSION, EVERY YEAR THEREAFTER UNTIL THE REZONING OF THE ABUTTING NORTH PROPERTIES TO NON-RESIDENTIAL ZONING. APPROVED EVERGREENS, A MINIMUM OF 5 FEET TALL, WILL BE PLANTED EVERY 15 FEET, ALONG THE WEST 200 FEET ON THE NORTH PROPERTY LINE (PARCEL 1), TO PROVIDE THE EQUIVALENT OF SOLID SCREENING UNTIL SUCH TIME AS WHEN THE REQUIRED CUP SOLID SCREENING IS PUT UP. SOLID SCREENING ALONG THE EAST SIDE OF PARCEL WHERE IT ABUTS THE PERPETUAL EASEMENT FOR PONDING AND OVERLAND FLOWAGE OR DEEDED DRAINAGE RIGHT-OF-WAY IS WAIVED. SOLID SCREENING ALONG THE EAST SIDE OF PARCEL 3 WHERE IT ABUTS AN UNPLATTED, SF-5 SINGLE-FAMILY RESIDENTIAL ("SF-5") ZONED TRACT, OWNED BY THE CITY OF WICHITA, WHICH FRONTS KELLOGG STREET, AND WHERE IT ABUTS THE COWSKIN CREEK IS WAIVED.
22. NO BUILDING PERMITS SHALL BE ISSUED UNTIL APPROVALS ARE RECEIVED FROM FEMA, DWR, AND/OR THE CORPS FOR THE FLOOD-PLAIN REMOVAL WORK.
23. ALL PROPERTY INCLUDED WITHIN THE CUP AND ZONE CASE SHALL BE PLATTED WITHIN ONE YEAR AFTER APPROVAL OF THE CUP BY THE GOVERNING BODY.
24. BUILDING SIGNAGE ON PARCEL 1 IS ALLOWED ON THE EAST SIDE OF THE BUILDING WHEN THE BUILDING IS ORIENTED SUCH THAT THE FRONT OF THE BUILDING IS FACED SOUTHWEST.
25. THE FOLLOWING USES SHALL BE ALLOWED IN ALL PARCELS: COMMUNITY ASSEMBLY, DAY CARE, GROUP HOMES, HOSPITAL, LIMITED ANIMAL CARE, AUTOMATED TELLER MACHINE, BANK OR FINANCIAL INSTITUTION, BROADCAST RECORDING STUDIO, HOTEL/MOTEL, MEDICAL SERVICE, GENERAL OFFICE , PERSONAL CARE, PERSONAL IMPROVEMENT SERVICE, PRINTING AND PUBLISHING, RECREATION AND ENTERTAINMENT INDOORS, GENERAL RETAIL, AND NO CONVENIENCE STORES WITH GAS ISLANDS, RESTAURANTS WITH DRIVE THRU OR DRIVE IN SERVICE, SERVICE STATIONS, OR VEHICLE REPAIR WHEN LOCATED WITHIN 200 FEET OF RESIDENTIAL ZONING. THE CUP PROHIBITS OVERHEAD DOORS FOR VEHICULAR REPAIR OR VEHICULAR SERVICE FACING RESIDENTIAL ZONING DISTRICTS.
26. PARCEL DESCRIPTIONS:

PARCEL NO. 1
NET AREA – 431,022 SQ. FT. (9.89 ACRES)
MAXIMUM BUILDING COVERAGE – 30%
TOTAL NUMBER OF BUILDINGS – 5
MAXIMUM BUILDING HEIGHT–55 FEET*
GROSS FLOOR AREA RATIO: 45%

PARCEL NO. 2
NET AREA – 54,450.02 SQ. FT. (1.25 ACRES)
MAXIMUM BUILDING COVERAGE – 30%
TOTAL NUMBER OF BUILDINGS – 2
MAXIMUM BUILDING HEIGHT–35 FEET
GROSS FLOOR AREA RATIO: 30%

PARCEL NO. 3
NET AREA – 39,026.41 SQ. FT. (0.90 ACRES)
MAXIMUM BUILDING COVERAGE – 30%
TOTAL NUMBER OF BUILDINGS – 2
MAXIMUM BUILDING HEIGHT–35 FEET
GROSS FLOOR AREA RATIO: 30%

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