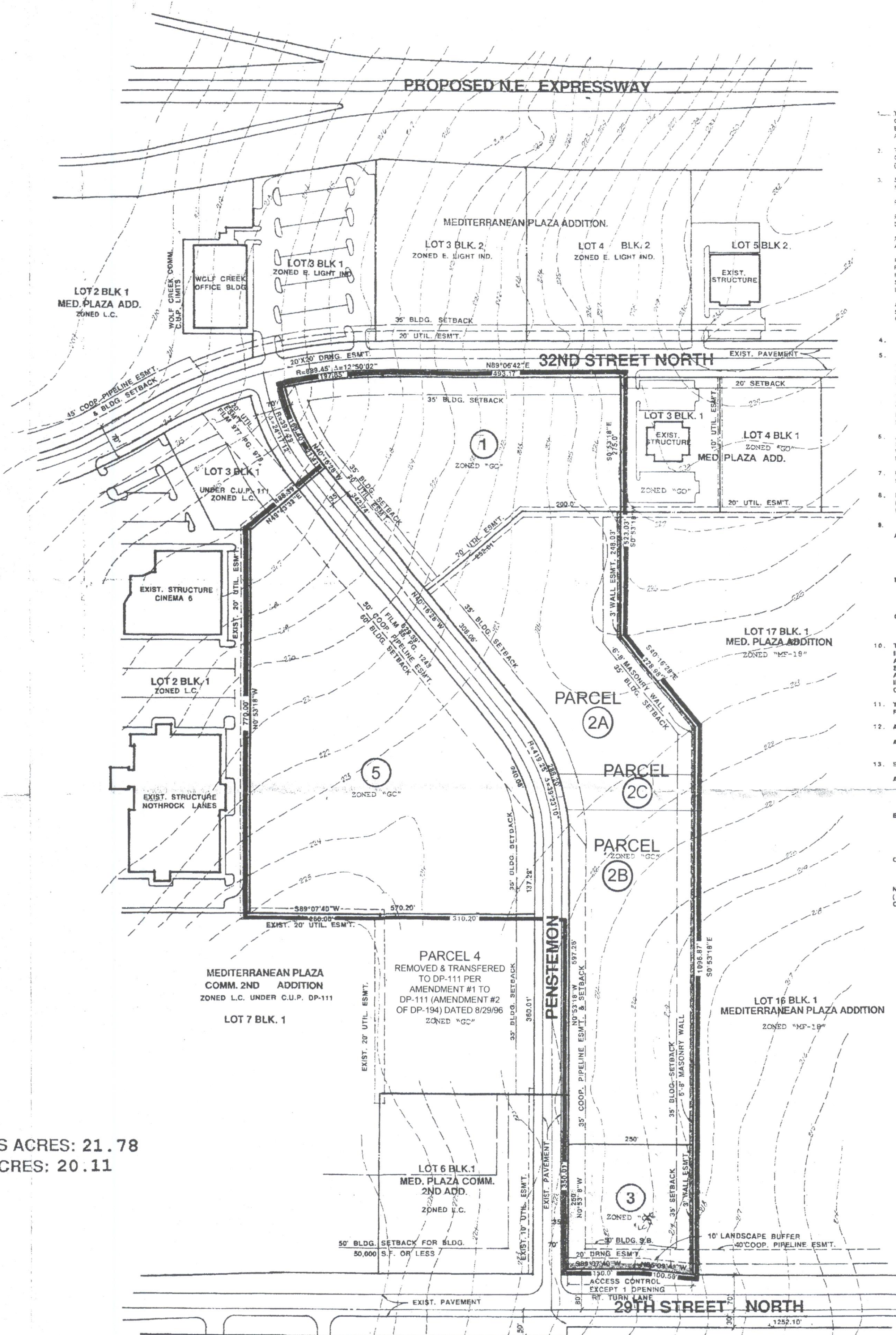
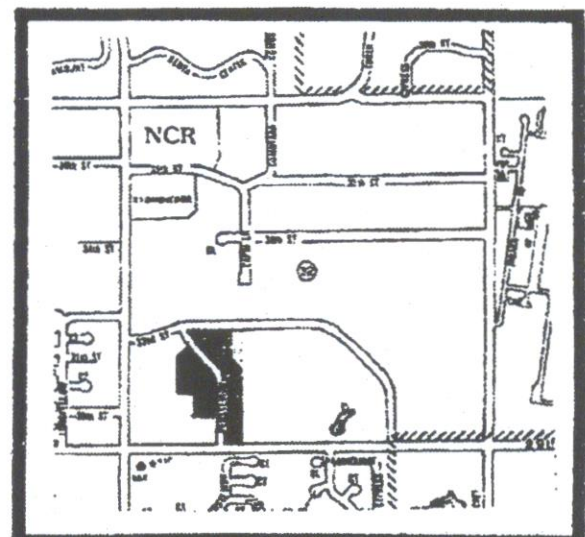




GENERAL PROVISIONS

1. THIS DEVELOPMENT IS PROPOSED TO CONTAIN 21.78 GROSS ACRES (0.23-1.17 ACRES, MORE OR LESS, NET ACRES AS DETERMINED BY SUBTRACTING PUBLIC RIGHT OF WAY (PEDESTRIAN) FROM GROSS ACRES).
 2. THE PROPOSED DEVELOPMENT CONTAINS FOUR (4) PARCELS PERMITTING OFFICE AND COMMERCIAL USES. SEE DESCRIPTIONS FOR SPECIFIC USES (GENERAL PROVISION NC 3).
 3. SETBACKS ARE AS INDICATED ON THE PLAN VIEW OR IN GENERAL ARE AS FOLLOWS:
PARCEL NUMBER 1-35' ALONG PENSTEMON AND 32ND STREET NORTH.
PARCEL NUMBER 2-35' ALONG PENSTEMON AND THE EAST PROPERTY LINE.
PARCEL NUMBER 3-35' ALONG PENSTEMON AND EAST PROPERTY LINE AND 50' ALONG 29TH STREET NORTH.
PARCEL NUMBER 4-35' ALONG PENSTEMON (SEE PLAN).
IN THE EVENT THAT CONTIGUOUS PARCELS ARE DEVELOPED UNDER THE SAME OWNERSHIP OR WHERE BUILDINGS ARE CONNECTED AT PARCEL LINES, SETBACKS BETWEEN THOSE PARCELS WILL NOT BE REQUIRED.
ALL MAIN BUILDINGS OR STRUCTURES SHALL HAVE A REAR YARD ALLEY, SERVICE DRIVE OR COMBINATION THEREOF OF NOT LESS THAN THIRTY FEET.
 4. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
 5. SIGNS AS PERMITTED BY ZONING DISTRICT SHALL BE PERMITTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 28.04.13 OF THE CODE OF THE CITY OF WICHITA. SIGNS SHALL NOT EXCEED 30' IN HEIGHT, NO OFF SITE OR PORTABLE SIGNS SHALL BE PERMITTED. ALL SIGNS RELATING TO THE SPECIFIC USES CONTAINED WITHIN EACH PARCEL SHALL BE PERMITTED PROVIDING THEY FOLLOW APPROPRIATE CITY CODES. FLASHING SIGNS, (EXCEPT FOR SIGNS SHOWING DATE, TIME, TEMPERATURE AND OTHER PUBLIC SERVICE MESSAGES) ROTATING OR MOVING SIGNS, SIGNS WITH MOVING LIGHTS OR SIGNS WHICH CREATE THE ILLUSION OF MOVEMENT ARE NOT PERMITTED. See Ordinance 14-15-15-18.
 6. ALL DRAINAGE IMPROVEMENTS SHALL BE DETERMINED AT THE TIME OF PLATTING. A LOT DRAINAGE PLAN WILL BE PREPARED IN CONFORMANCE WITH THE GENERAL DRAINAGE CONCEPT PLAN FOR REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 7. FINAL DETERMINATION OF STREET RIGHT-OF-WAY AND PAVEMENT WIDTH SHALL BE RESOLVED AT THE TIME OF PLATTING.
 8. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 28.04.140 ET SEQ OF THE CODE OF THE CITY OF WICHITA, UNLESS SPECIFIED IN THE PARCEL DESCRIPTIONS.
 9. FIRE LINES:
A. FIRE LINES SHALL BE IN ACCORDANCE WITH THE FIRE CODE OF THE CITY OF WICHITA. NO PARKING SHALL BE ALLOWED IN FIRE LINES ALTHOUGH THEY MAY BE USED FOR PASSENGER LOADING AND UNLOADING.
B. DURING THE BUILDING PERMIT REVIEW, THE FIRE CHIEF, OR HIS DESIGNATED REPRESENTATIVE SHALL APPROVE THE SITE PLAN REGARDING THE DESIGN OF THE FIRE LANE PRIOR TO ISSUANCE OF A BUILDING PERMIT.
C. FIRE HYDRANT INSTALLATION AND PAVED ACCESS TO ALL BUILDING SITES SHALL BE PROVIDED FOR EACH PHASE OF CONSTRUCTION PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
 10. 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 ON 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 AND THE CITY COUNCIL FOR THEIR CONSIDERATION.
 11. TRASH RECEPTACLES SHALL BE APPROPRIATELY SCREENED TO REASONABLY HIDE THEM FROM GROUND VIEW.
 12. ACCESS CONTROL SHALL BE AS FOLLOWS:
A. ACCESS TO 29TH STREET NORTH FROM PARCEL 3 SHALL BE LIMITED TO ONE (1) OPENING.
 13. SCREENING WALLS:
A. A SIX (6) TO EIGHT (8) FOOT WALL SHALL BE CONSTRUCTED OF STONE, MASONRY, ARCHITECTURAL TILE, OR OTHER SIMILAR MATERIALS (NOT INCLUDING WOOD OR WOVEN WIRE) ALONG THE EAST PROPERTY LINES OF PARCELS 2 AND 6, ADJACENT TO THE RESIDENTIAL ZONED AREA.
B. WALLS AS DESCRIBED ABOVE SHALL BE CONSTRUCTED ALONG THE PROPERTY LINE WHERE ADJACENT TO A RESIDENTIAL DISTRICT AND SEPARATED BY A PUBLIC WAY, STREET OR ALLEY, IF THE STORAGE AREA, SERVICE AREA, OR REAR OF BUILDING FACES THE RESIDENTIAL DISTRICT.
C. ALL WALLS SHALL BE CONSTRUCTED WITHIN A PLATTED THREE (3) FOOT WALL EASEMENT AND A BUILDING PERMIT SHALL BE OBTAINED PRIOR TO CONSTRUCTION.
NOTE: WALLS MAY CROSS UTILITY EASEMENTS WHEN COLUMN FOOTINGS (IN LIEU OF SPREAD FOOTINGS) ARE USED, AND APPROVAL HAS BEEN OBTAINED FROM THE CITY ENGINEER.
- ### PARCEL NUMBER 1
- PROPOSED USES: GENERAL OFFICE; OFFICE / WAREHOUSE; OFFICE / SHOWROOM; LIGHT MANUFACTURING AS PERMITTED IN "C" ZONING DISTRICT; PROFESSIONAL OFFICE; FURNITURE, CARPET, LUMBER, PLUMBING AND SIMILAR FURNISHING OUTLETS, APPLIANCES, EQUIPMENT AND FUTURE SUPPLIER OUTLETS; LIGHT COMMERCIAL USES LIMITED TO HOME OFFICE, SUPPLY, DECORATING, CONSTRUCTION MATERIAL AND DESIGN STORES. ESTABLISHMENTS PER 9-11-15-18 ADJ.
SPEC. INV. 7. Bldg. 1. Sales Bldg. 6-10-12 ADJ. ADJ.
NET AREA - 105,307 SQ. FT. (3.79 AC.)
MAXIMUM BUILDING COVERAGE - 59,168 SQ. FT. (30% MAX.)
MAX. GROSS FLOOR AREA - 78,000 SQ. FT.
FLOOR AREA RATIO - 0.385
MAXIMUM BUILDING HEIGHT - 35 FT.
PARKING - SEE GENERAL PROVISION NUMBER 8
SETBACKS - SEE GENERAL PROVISION NUMBER 3
- ### PARCEL NUMBER 2A
- PROPOSED USES: SAME AS PARCEL 1, VEHICLE SALES W/ INSIDE STORAGE AND DRIVELANE PER 20-12-12 ADJ. ADJ.
NET AREA - 165,307 SQ. FT. (3.79 AC.)
MAXIMUM BUILDING COVERAGE - 49,502 SQ. FT. (30% MAX.)
MAX. GROSS FLOOR AREA - 65,702 SQ. FT.
FLOOR AREA RATIO - 0.288
MAXIMUM BUILDING HEIGHT - 35 FT.
PARKING - SEE GENERAL PROVISION NUMBER 8
SETBACKS - SEE GENERAL PROVISION NUMBER 3
- ### PARCEL NUMBER 2B
- PROPOSED USES: SAME AS PARCEL 1, VEHICLE SALES W/ INSIDE STORAGE AND DRIVELANE PER 20-12-12 ADJ. ADJ.
NET AREA - 165,307 SQ. FT. (3.79 AC.)
MAXIMUM BUILDING COVERAGE - 49,502 SQ. FT. (30% MAX.)
MAX. GROSS FLOOR AREA - 65,702 SQ. FT.
FLOOR AREA RATIO - 0.288
MAXIMUM BUILDING HEIGHT - 35 FT.
PARKING - SEE GENERAL PROVISION NUMBER 8
SETBACKS - SEE GENERAL PROVISION NUMBER 3
- ### PARCEL NUMBER 2C
- PROPOSED USES: ACCESS DRIVE FOR PROPERTY (APARTMENTS) TO EAST NET AREA - 16,533 SQ. FT. (0.42 ACRES)
- ### Parcel Number 3 - per Amendment #3
- Permitted Uses: Automated teller machine; bank or financial institution; construction sales and service, limited to retail establishments only; medical service; general office; general retail; personal care service; personal improvement service; and restaurant, excluding drive-in or free-standing drive-thru restaurant.
Net Area: 63,008 square feet (1.45 acres)
Maximum Building Coverage: 18,902 square feet (30% maximum)
Maximum Gross Floor Area: 23,000 square feet (36.5% maximum)
Maximum Building Height: 35 feet
Paving: See General Provision Number 8.
Setbacks: See General Provision Number 8 and plan.
Signs: Permitted per the Sign Code for the "NR" Neighborhood Retail zoning district, except that ground signs shall be monument type and limited to 10 feet in height. Window display signs are limited to 25% of the window area.
Architecture: All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building material, as approved by the Director of Planning prior to the issuance of a building permit. Building walls and roofs must have predominantly earth-tone colors, with vivid colors limited to incidental accents, and must employ materials consistent with surrounding residential areas (e.g., masonry, stucco, wood, etc.).
Landscaping: In addition to the landscape buffer along 29th Street North required by General Provision Number 14 and the street trees required by General Provision Number 15, a landscaped street yard and parking lot screening shall be provided along Penstemon and a landscape buffer shall be provided along the east property line. The access drive in 29th Street North shall be located no closer than 200 feet from the right-of-way line of Penstemon and shall be limited to right turns in and out.
Access: The access drive in 29th Street North shall be located no closer than 200 feet from the right-of-way line of Penstemon and shall be limited to right turns in and out.
- ### PARCEL NUMBER 5
- PROPOSED USES: SAME AS PARCEL 1 WITH THE ADDITION OF GARDEN CENTER, OUTSIDE STORAGE OF LUMBER SUPPLIES (WITH SCREENING), RETAIL, SERVICE ORIENTED RETAIL, RESTAURANTS, FINANCIAL INSTITUTIONS, THEATERS, BOWLING ALLEYS, DEPARTMENT STORES, AND OTHER SIMILAR USES. AUTO SERVICE CENTERS SUBJECT TO THE FOLLOWING CONDITIONS: (1) NO OUTDOOR VEHICLE SALES, RENTAL, OR STORAGE OF VEHICLES SHALL BE PERMITTED; (2) ALL AUTO REPAIR ACTIVITIES SHALL BE INDICATED PER ADMINISTRATIVE ADJUSTMENT 620396.
NET AREA: 337,207 SQ. FT. (7.74 ACRES)
MAXIMUM BUILDING COVERAGE: 101,162 SQ. FT. (30%)
MAXIMUM GROSS FLOOR AREA: 130,000 SQ. FT.
FLOOR AREA RATIO: 0.306
MAXIMUM BUILDING HEIGHT: 35 FEET
PARKING: SEE GENERAL PROVISION #8
SETBACKS: SEE GENERAL PROVISION #3



LOCATION MAP
NO SCALE

TOTAL GROSS ACRES: 21.78
TOTAL NET ACRES: 20.11

APPROVED CUP
MARC 12/12/24
Bill Longmire

AMENDMENT #3
APPROVED CUP
MARC 10-11-2024
WCC 11-04-2024
MAD Copy 1 of 2

DP-194

AMENDMENT #4 - 06-11-2013

COMMERCIAL COMMUNITY UNIT PLAN

HOME DESIGN CENTER

CORRECTED: AUGUST 29, 2001

AMENDMENT APPROVED - MARC ADJ287 29, 1996

OWNER: WOODLAWN DEVELOPMENT CO. 575 FOURTH FINANCIAL CENTER, WICHITA, KANSAS 67202

AMENDMENT APPROVED: OCT. 1, 1996

DATE: SEPTEMBER 8, 1989 OCT. 9, 1989 NOVEMBER 6, 1989

AMENDMENT TO PARCEL 2B (CUP2024-40) - APPROVED DEC 12, 2024



BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com





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

Saewoong Kim
3030 N. Penstemon St.
Wichita, KS 67226

December 27, 2024

Yul Kim
3800 E. 16th St. N
Apt 308
Wichita, KS 67208

RE: CUP2024-00040: CUP Amendment in the City to CUP DP-194 to Permit Entertainment Establishment in the City on Parcel 2B; Generally located on the east side of North Penstemon Street and within 450 feet north of East 29th Street North (3030 North Penstemon Street).

Dear Applicant;

At its regular meeting on **December 12, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

1. No outside loudspeakers or entertainment are permitted.
2. Entertainment shall occur between 12:00 P.M. and 12:00 a.m.
3. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
4. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

No protests were filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

Cc: Becky Tuttle, Council Member District II
Teresa Veazey, CSR, District II
MABCD



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

Saewoong Kim
3030 N. Penstemon St.
Wichita, KS 67226

December 13, 2024

Yul Kim
3800 E. 16th St. N
Apt 308
Wichita, KS 67208

RE: CUP2024-00040: CUP Amendment in the City to CUP DP-194 to Permit Entertainment Establishment in the City on Parcel 2B; Generally located on the east side of North Penstemon Street and within 450 feet north of East 29th Street North (3030 North Penstemon Street).

Dear Applicant;

At its regular meeting on **December 12, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the requests with the following conditions:

1. No outside loudspeakers or entertainment are permitted.
2. Entertainment shall occur between 12:00 P.M. and 12:00 a.m.
3. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
4. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) **To be effective, the protest must be filed by 5:00 p.m. on December 26, 2024.** In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **December 26, 2024, at 5:00 p.m.**

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

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

Copies to: Becky Tuttle, Council Member District II
Teresa Veazey, CSR, District II
MABCD

MAPC recommended CUP DP-194 language:

Parcel 2B – Per Amendment #4

Proposed Uses: Same as Parcel 1, and Vehicle Sales w/Inside Storage and Display per 8-20-1992 Admin Adj and Tavern and Drinking Establishment: No Outside Loudspeakers or Entertainment are permitted with a minimum parking requirement of 90 parking spaces (CUP2013-0008, 06-11-2013), and Entertainment Establishment in the City as an Accessory Use to Restaurant, with hours between 12:00 p.m. and 12:00 a.m.

Net Area – 165,307 SQ. FT. (3.79 A.C.)

Maximum Building Coverage – 49,592 SQ. FT. (30% MAX)

Maximum Gross Floor Area – 65,792 SQ. FT.

Floor Area Ratio – 0.398

Maximum Building Height – 35 feet

Parking – See General Provision Number #8 and per the Parcel Description

Setbacks – See General Provision Number #3

RESOLUTION No. **CUP2024-00040**

A RESOLUTION AUTHORIZING AN AMENDMENT TO DP-194 PARCEL 2B HOME DESIGN CENTER COMMERCIAL COMMUNITY UNIT PLAN TO ALLOW ENTERTAINMENT ESTABLISHMENT IN THE CITY; ON PROPERTY ZONED GC GENERAL COMMERCIAL DISTRICT; GENERALLY LOCATED ON THE EAST SIDE OF NORTH PENSTEMON STREET AND WITHIN 450 FEET NORTH OF EAST 29TH STREET NORTH IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-E, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. 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, and under authority granted by Section V-E of the Wichita-Sedgwick County Unified Zoning Code, for an approximately 2.53-acre property zoned GC General Commercial with CUP DP-194, legally described below:

CUP2024-00040
DP-194

Lot 2, Block 1, Home Design Center Third Addition to Wichita, Sedgwick County, Kansas.

Amended text to CUP DP-194 shall read as follows:

Parcel 2B – Per Amendment #4

Proposed Uses: Same as Parcel 1, and Vehicle Sales w/Inside Storage and Display per 8-20-1992 Admin Adj and Tavern and Drinking Establishment: No Outside Loudspeakers or Entertainment are permitted with a minimum parking requirement of 90 parking spaces (CUP2013-0008, 06-11-2013), and Entertainment Establishment in the City as an Accessory Use to Restaurant, with hours between 12:00 p.m. and 12:00 a.m.

Net Area – 165,307 SQ. FT. (3.79 A.C.)

Maximum Building Coverage – 49,592 SQ. FT. (30% MAX)

Maximum Gross Floor Area – 65,792 SQ. FT.

Floor Area Ratio – 0.398

Maximum Building Height – 35 feet

Parking – See General Provision Number #8 and per the Parcel Description

Setbacks – See General Provision Number #3

SECTION 2. That upon the taking effect of this Resolution, the notation of such Community Unit Plan Amendment 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 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

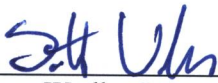
Adopted this 27 Day of Feb., 2025.

METROPOLITAN AREA PLANNING COMMISSION



Bryan Frye, Chairman

ATTEST:



Scott Wadle, Secretary



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

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

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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	612665	Print Legal Ad-IPL02045660 - IPL0204566	OFFICIAL HEARING NOTI	\$126.18	2	75 L

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on November 20, 2024
(One Time Only)

MAPC/BZA December 12, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 12, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. Full notice can be found at www.wichita.gov/LegalNotices.

BZA2024-00075: Variance request in the City to reduce minimum building separation from three feet to one foot for raised beam hot tub on property zoned SF-5 Single-Family Residential, located one-third mile east of West Webb Road and one-half mile north of East 21st Street North (9023 E Woodspring Street).

BZA2024-00077: Variance request in the City to allow a temporary 2,120-square-foot wall graphic on the east elevation of a property zoned CBD Central Business District, generally located on the northeast corner of South Main Street and East English Street (100 East English).

CON2024-00242: Conditional Use to allow Daycare, General on property zoned SF-5 Single-Family Residential District to allow up to 100 children on site, generally located on the north side of East 15th Street North, between North Pershing Avenue and North Oliver Avenue (4640 East 15th Street North).

CUP2024-00030: CUP Amendment to CUP DP-45 to allow Entertainment Establishment in the City for events with entertainment and alcohol associated with a fitness club on Parcel 3B, generally located on the northwest corner of East Central Avenue and North Woodlawn Boulevard (6100 East Central Avenue).

CUP2024-00040: CUP Amendment in the City to CUP DP-194 to allow Entertainment Establishment on Parcel 2B for karaoke, generally located on the east side of North Penstemon Street, within 450 feet north of East 29th Street North (3030 North Penstemon).

CUP2024-00041: CUP Amendment Request in the City to CUP DP-278 to allow Entertainment Establishment in Parcel A, adjust parking requirements, maximum building coverage, and remove architectural controls for Parcels A and C, generally located on the southwest corner of West 29th Street North and North Maize Road.

PUD2024-00024: Zone change request in the City from GC General Commercial to Planned Unit Development #135 to create the Empower PUD for an Entertainment Establishment, generally located on the southwest corner of West 21st Street North and North Market Street (2157 North Market Street).

PUD2024-00025: Zone change request in the City from SF-5 Single-Family Residential to Planned Unit Development to create the Northeast Substation PUD #136 to expand existing electric substation, generally located on the east side of North Woodlawn Boulevard, within one-half mile south of East 21st Street North.

VAC2024-00051: Vacation request in the City to vacate the north 40 feet building setback along Wilshire Terrace on property zoned SF-5 Single-Family, located approximately 187 feet southeast of the intersection of South Bedford Terrace and East Wilshire Terrace (1046 South Bedford Terrace).

VAC2024-00052: Vacation request in the City to vacate platted access control on property zoned PUD Planned Unit Development #52, generally located on the south side of West MacArthur Boulevard, within 675 feet west of South Meridian Avenue (2611 West MacArthur).

VAC2024-00053: Vacation request in the City to vacate the south 20 feet of a platted utility easement on property zoned PUD Planned Unit Development #122, generally located east of North Hillside Avenue and north of Kansas Highway 254.

ZON2024-00052: Zone Change request in the City from SF-5 Single-Family Residential and TF-3 Two-Family Residential to MF-18 Multi-Family Residential, generally located on the west side of North Doris Street and within 120 feet north of West 2nd Street North (317 & 321 North Doris Street).

ZON2024-00054: Zone Change request in the City from SF-5 Single-Family Residential to MF-18 Multi-Family Residential, located on the northeast corner of North Hoover Street and West Robinson Street.

ZON2024-00055: Zone Change in the city from B Multi-Family to LI Limited Industrial, generally located on the west side of Santa Fe Avenue and within 250 feet south of East 13th Street North (1331 North Santa Fe Avenue).

ZON2024-00056: Zone change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District, generally located on the east side of North Hillside Avenue, within 700 feet south of East Central Avenue.

IPL0204566
Nov 20 2024

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

1 insertion(s) published on:

11/20/24

STATE OF KANSAS)

SS

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 11/20/2024 to 11/20/2024.

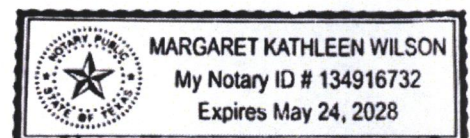
Mary Castro

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

DATED: 11/20/2024

Margaret K. Wilson

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

STAFF REPORT

MAPC: December 12, 2024

DAB II: December 9, 2024

CASE NUMBER: CUP2024-00040 (City of Wichita)

APPLICANT/AGENT: Yul and Saewoong Kim (Applicants)

REQUEST: Major Amendment to CUP DP-194

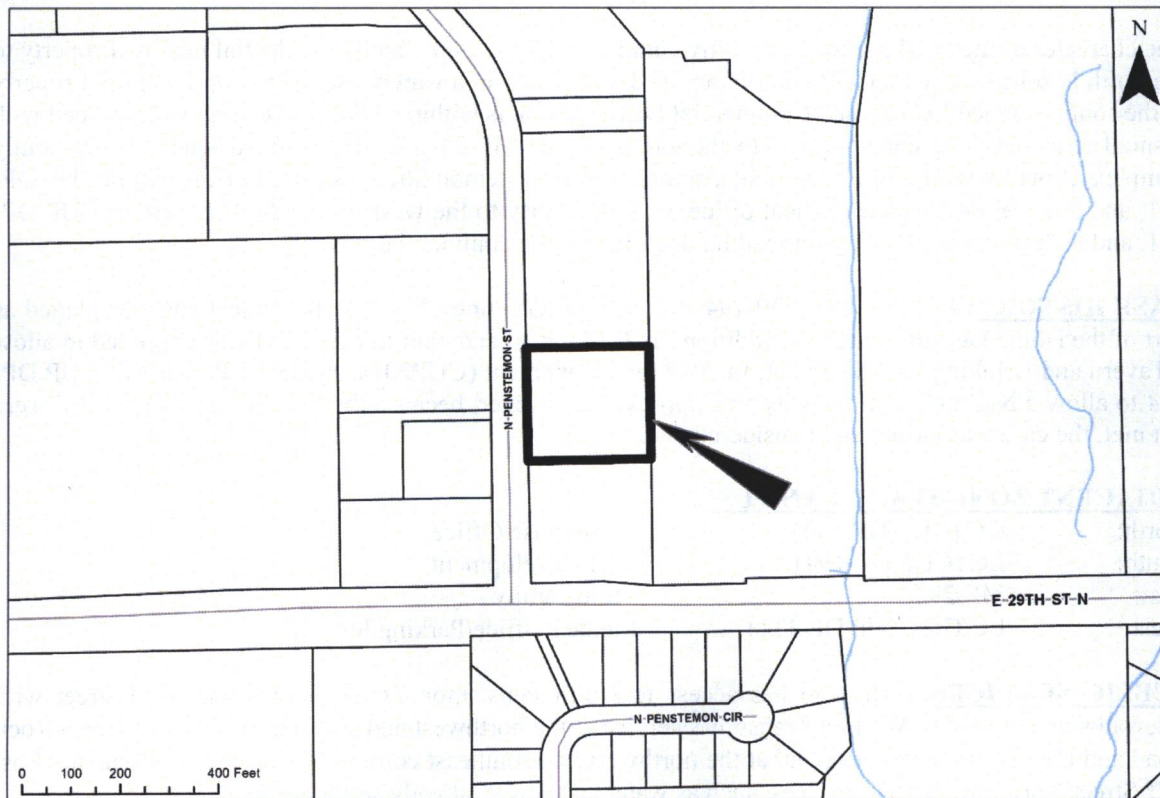
CURRENT ZONING: GC General Commercial District

SITE SIZE: 2.53 acres

LOCATION: Generally located on the east side of North Penstemon Street and within 450 feet north of East 29th Street North (3030 North Penstemon Street).

PROPOSED USE: Permit Entertainment Establishment in the City on Parcel 2B

RECOMMENDATION: Approve with conditions.



BACKGROUND: The applicant is requesting a major amendment to Parcel 2B of CUP DP-194. The subject site is 2.53 acres in size, is zoned GC General Commercial District (GC), and is generally located on the east side of North Penstemon Street and within 450 feet north of East 29th Street North (3030 North Penstemon Street). The applicant seeks to amend the General Provisions of CUP DP-194. The amendment includes allowing Entertainment Establishment in the City as a permitted use on Parcel 2B. The property is in use as a Restaurant and would like to add karaoke entertainment. The revisions to CUP DP-194 are attached to the end of this report. The Entertainment Establishment would be an Accessory Use to the primary Restaurant use.

On January 2, 2024, the Wichita City Council approved changes to the Unified Zoning Code (UZY) to define "Entertainment Establishment in the City" as a venue that allows alcohol and live entertainment with a maximum capacity of less than 300 persons. Entertainment Establishment in the City normally requires a Conditional Use application when the subject site is not within a CUP and is within 300 feet of a place of worship, public park, school, or residential zoning district. Because the subject site is located in a CUP, a CUP amendment acts in lieu of a Conditional Use request because the notification and public hearing processes are the same. The subject property abuts MF-29 Multi-Family Residential District (MF-29) to the east.

Per the provisions of CUP DP-194, parking for Parcel 2B shall be per Section 28.04.140 of the Code of the City of Wichita. This is now recognized as Article IV, Section A.4 of the UZY. The UZY does not specifically mention parking requirements for Entertainment Establishment in the City, but parking for the Entertainment Establishment shall adhere to parking requirements for which use it most closely associated with. Restaurant requires one parking space per three seats. The existing parking lot on Parcel 2B satisfies the parking requirement.

The character of the neighborhood is mostly commercial with multi-family residential nearby. Property to the north is zoned GC with CUP DP-194 and is developed with a warehouse/office combination. Property to the south is zoned LC Limited Commercial District (LC), is within CUP DP-194, and is developed with a small strip development. Property to the east is zoned MF-29 and is developed with a multi-family complex. Property west of the subject site, across North Penstemon Street, is zoned LC, is within CUP DP-111, and is developed with a medical office. Other property to the west is zoned GC, is within CUP DP-111, and is developed a parking lot/loading dock for a large commercial box store.

CASE HISTORY: In 1990, CUP DP-194 was created. On June 11, 1996, the subject site was platted as part of the Home Design Center 3rd Addition. In 2013, an amendment to Parcel 2B was approved to allow a Tavern and Drinking Establishment. In 2014, an amendment (CUP2014-00035) to Parcel 1 of CUP DP-194 to allow a Night Club in the City was approved. However, because the Conditions of Approval were not met, the case was closed and considered denied.

ADJACENT ZONING AND LAND USE:

North:	GC (CUP DP-194)	Warehouse/Office
South:	LC (CUP DP-194)	Strip development
East:	MF-29	Multi-family
West:	LC/GC (CUP DP-111)	Medical office/Parking lot

PUBLIC SERVICES: The site has access to North Penstemon Street, a two-lane local street with sidewalks on both sides. Wichita Transit has service at the northwest and southeast corners of North Rock Road and East 30th Street North, and at the northwest and southeast corners of North Rock Road and East 32nd Street North. Municipal services, such as water and sewer, already serve the site.

CONFORMANCE TO PLANS/POLICIES: The requested CUP amendment is in conformance with the

Community Investments Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "Commercial" uses. This category is described as "*areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.*" Entertainment Establishment in the City is an appropriate use for the site.

The CUP amendment is in conformance with the Locational Guidelines of the *Community Investments Plan*. Under the heading *Development Pattern*, Guideline 1.a states that "Development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with the development." The requested amendment would be in an area that is currently supported by existing infrastructure.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the amendment to CUP DP-194 be **APPROVED** subject to the development guidelines of the amended CUP and the following conditions:

1. No outside loudspeakers or entertainment are permitted.
2. Entertainment shall occur between 12:00 P.M. and 12:00 a.m.
3. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
4. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is mostly commercial with multi-family residential nearby. Property to the north is zoned GC with CUP DP-194 and is developed with a warehouse/office combination. Property to the south is zoned LC Limited Commercial District (LC), is within CUP DP-194, and is developed with a small strip development. Property to the east is zoned MF-29 and is developed with a multi-family complex. Property west of the subject site, across North Penstemon Street, is zoned LC, is within CUP DP-111, and is developed with a medical office. Other property to the west is zoned GC, is within CUP DP-111, and is developed a parking lot/loading dock for a large commercial box store.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GC General Commercial District with CUP DP-194, which is suitable for commercial uses. Entertainment Establishment in the City is currently not a permitted use within Parcel 2B of the CUP.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff anticipates that the proposed CUP amendment will not detrimentally affect nearby property. The hours of operation for Entertainment Establishment in the City should mitigate potential negative impacts on surrounding properties.
4. Length of time subject property has remained vacant as zoned: The property is currently developed with a restaurant.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it brings additional business to the area. 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 proposed application is in conformance to the *Community Investments Plan*, as noted above.
7. Impact of the proposed development on community facilities: Staff does not anticipate that the proposed development will have any negative or additional impact on community facilities.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has received one question from the public who was curious about the proposed request.

Attachments:

1. Staff Proposed CUP Amended Language
2. CUP DP-194 Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

Staff Proposed CUP Language for Parcel 2B (Staff-recommended changes are in *red*.)

Parcel 2B – Per Amendment #4

Proposed Uses: Same as Parcel 1, and Vehicle Sales w/Inside Storage and Display per 8-20-1992 Admin Adj and Tavern and Drinking Establishment: No Outside Loudspeakers or Entertainment are permitted with a minimum parking requirement of 90 parking spaces (CUP2013-0008, 06-11-2013), *and Entertainment Establishment in the City as an Accessory Use to Restaurant, with hours between 12:00 p.m. and 12:00 a.m..*

Net Area – 165,307 SQ. FT. (3.79 A.C.)

Maximum Building Coverage – 49,592 SQ. FT. (30% MAX)

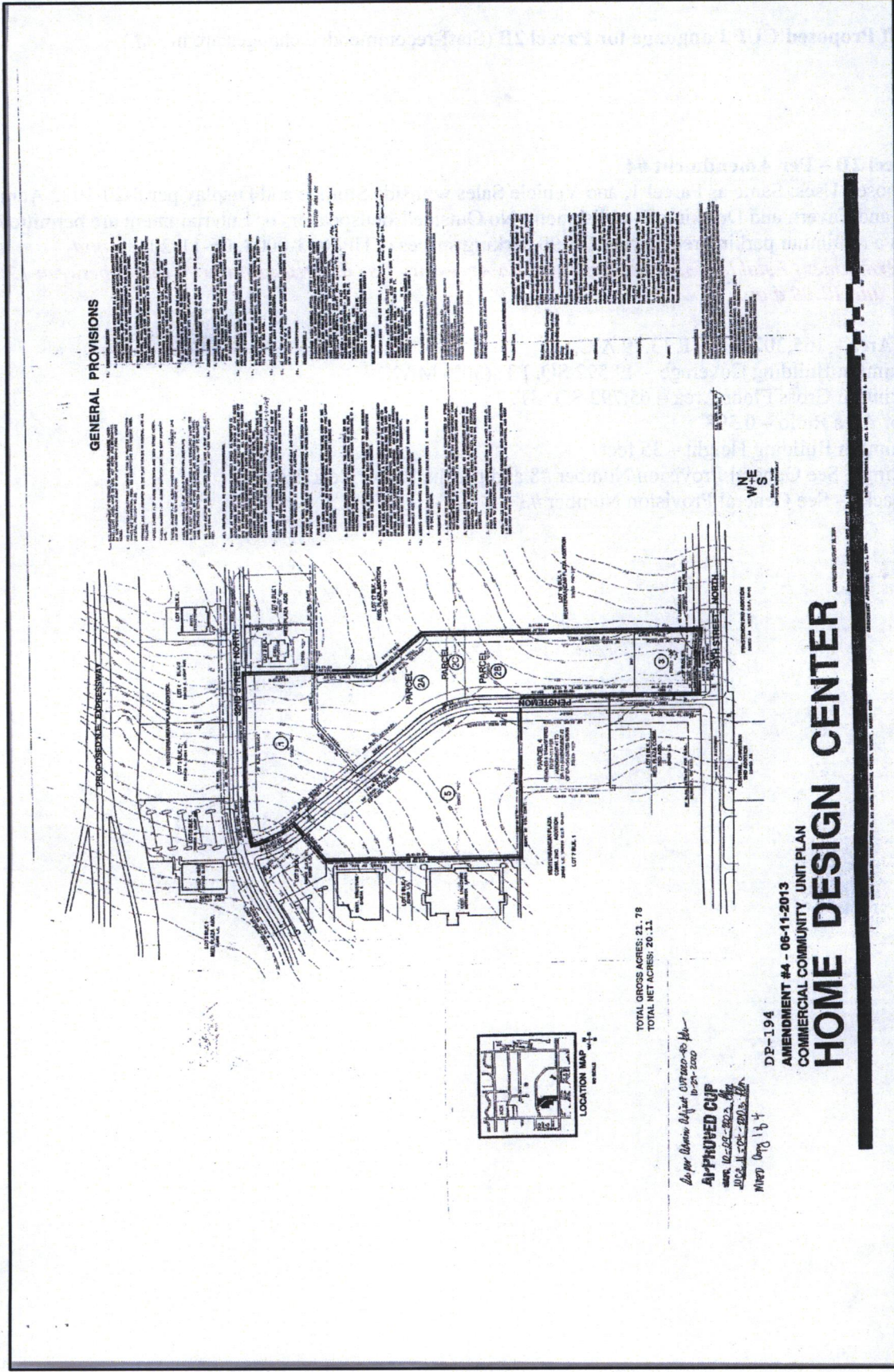
Maximum Gross Floor Area – 65,792 SQ. FT.

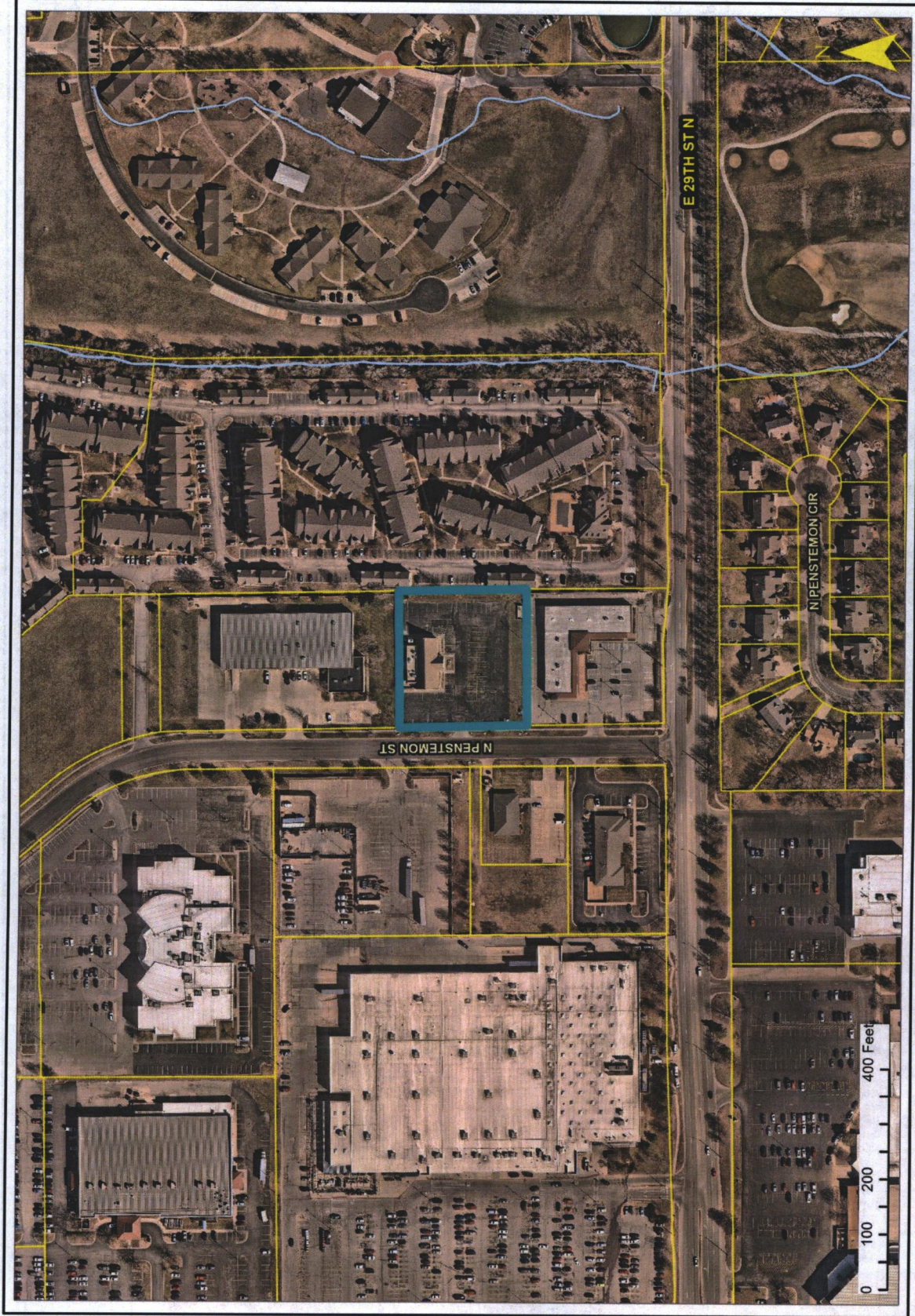
Floor Area Ratio – 0.398

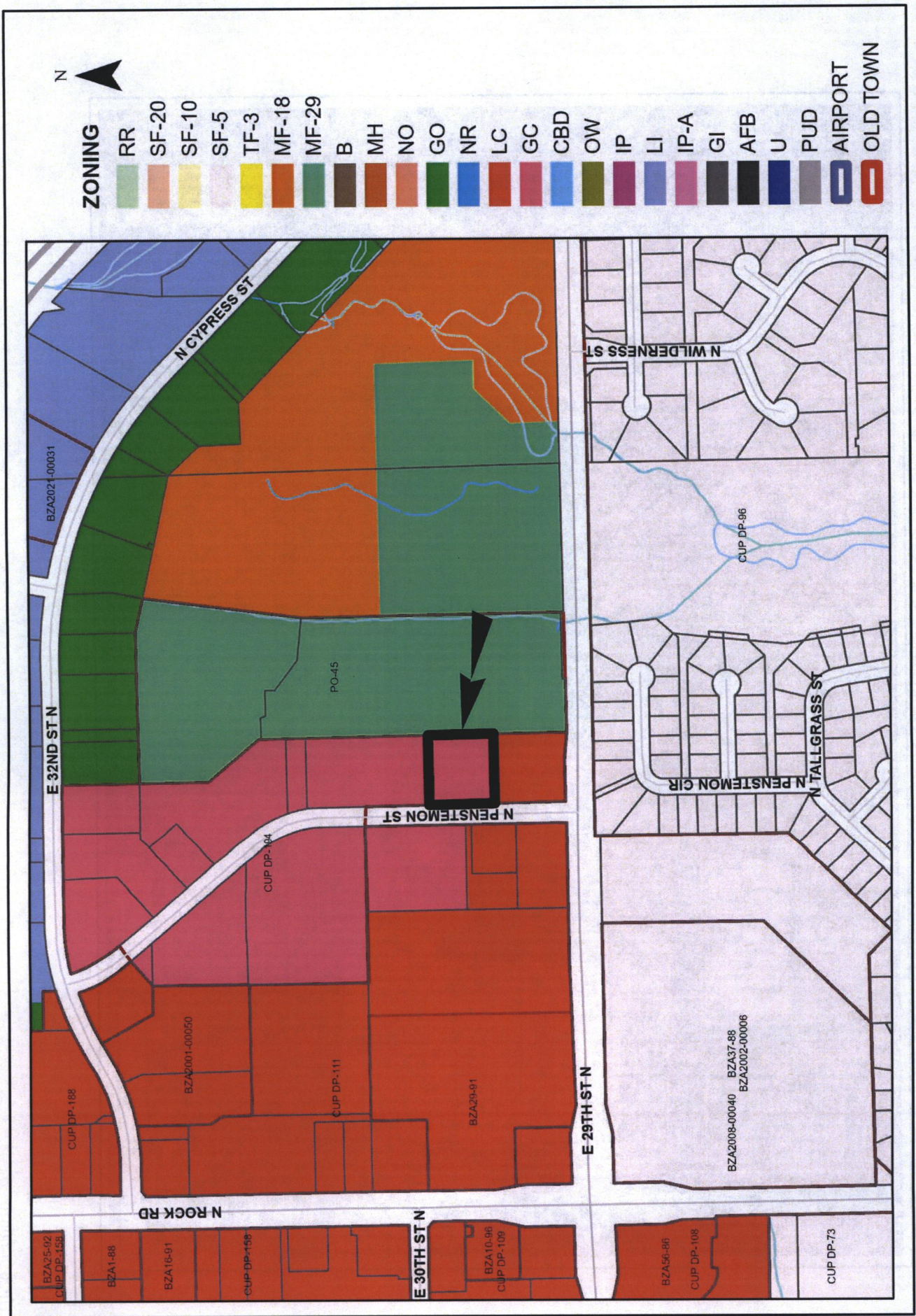
Maximum Building Height – 35 feet

Parking – See General Provision Number #8 and per the Parcel Description

Setbacks – See General Provision Number #3







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
- 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
- Application Area



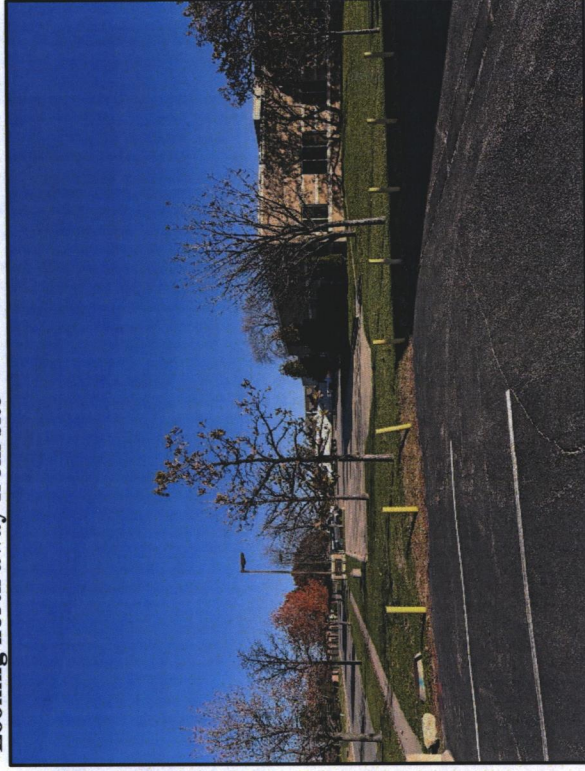
Map prepared by the Metropolitan Area Planning Commission, 1001 North Lincoln Street, Suite 200, Wichita, KS 67202. The map is for informational purposes only and does not constitute a contract or warranty of any kind. The map is subject to change without notice. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared.



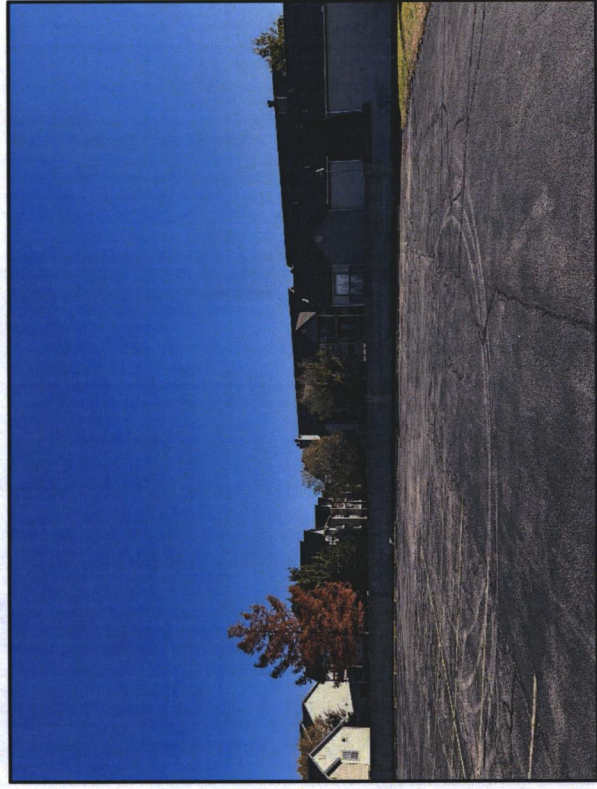
Looking north towards site



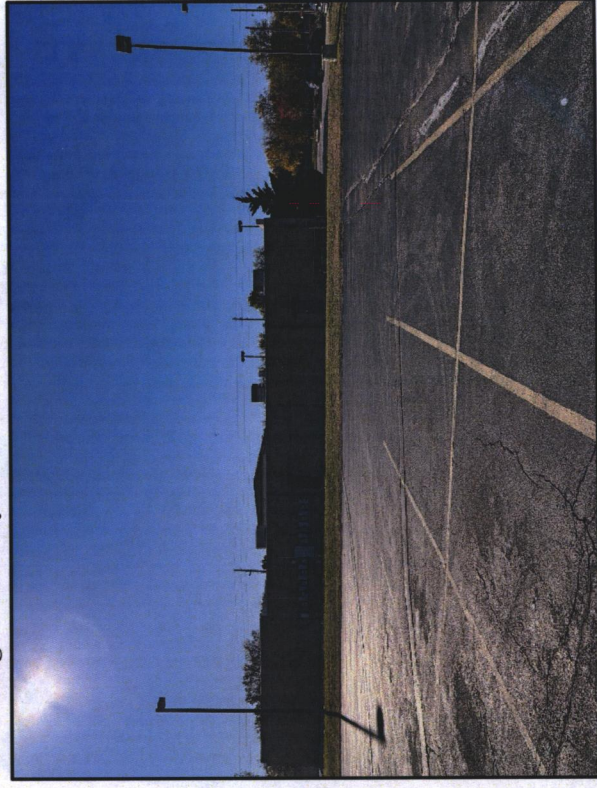
Looking north away from site



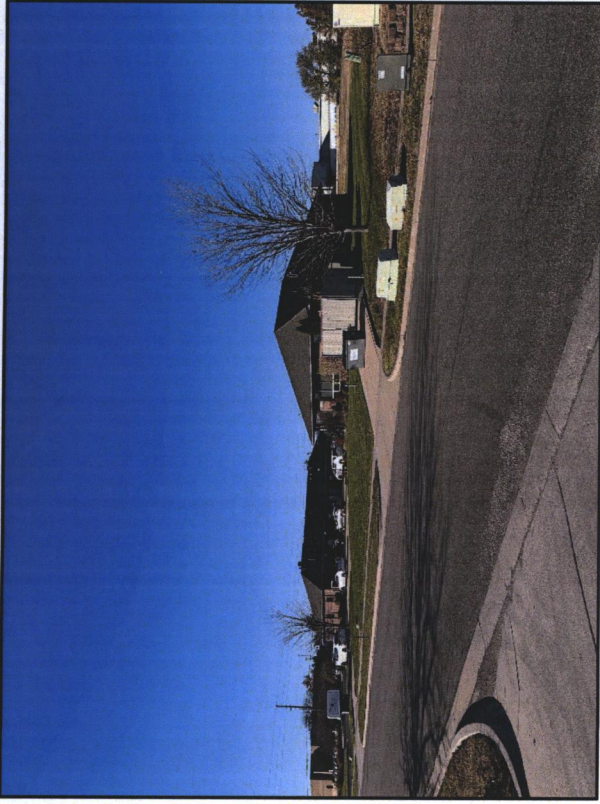
Looking east away from site



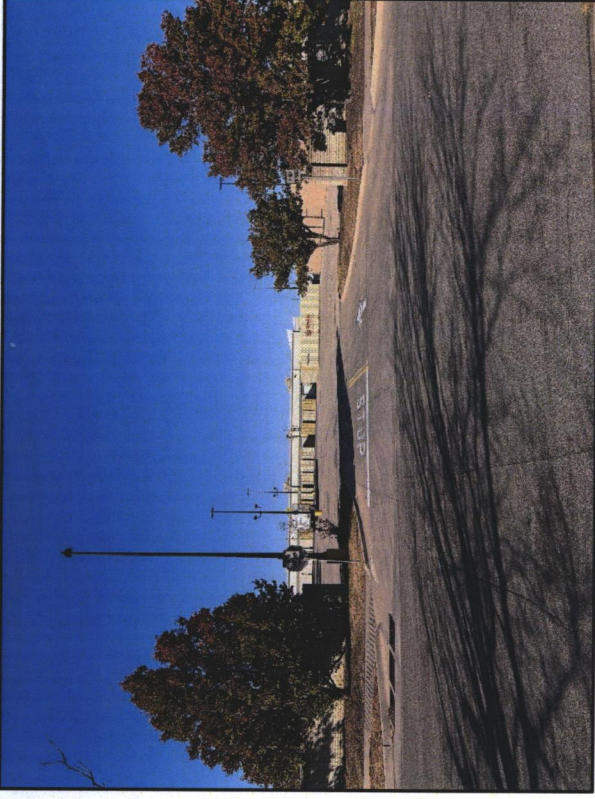
Looking south away from site

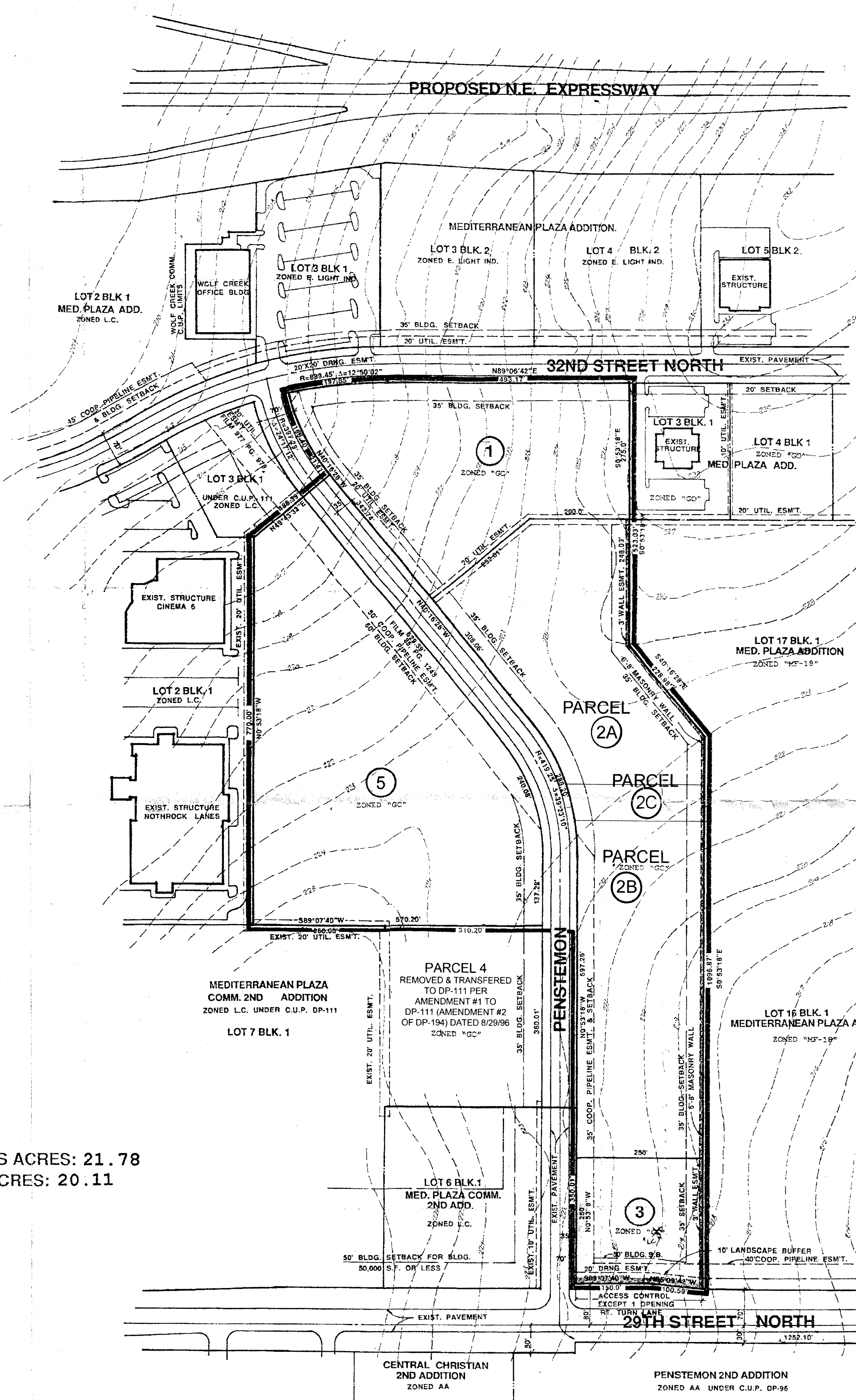


Looking southwest away from site



Looking west away from site





GENERAL PROVISIONS

- THIS DEVELOPMENT IS PROPOSED TO CONTAIN 21.78 ACRES. THE TOTAL GROSS ACRES, MORE OR LESS, ARE DETERMINED BY SUBTRACTING PUBLIC RIGHT OF WAY (PENSTEMON) FROM GROSS ACRES.
 - THE PROPOSED DEVELOPMENT CONTAINS FOUR (4) PARCELS PERMITTING OFFICE AND COMMERCIAL USES. SEE DESCRIPTIONS FOR SPECIFIC USES. (GENERAL PROVISION NC 20)
 - SETBACKS ARE AS INDICATED ON THE PLAN VIEW OR IN GENERAL ARE AS FOLLOWS:
PARCEL NUMBER 1: 35' ALONG PENSTEMON AND 32ND STREET NORTH.
PARCEL NUMBER 2: 35' ALONG PENSTEMON AND THE EAST PROPERTY LINE.
PARCEL NUMBER 3: 35' ALONG PENSTEMON AND EAST PROPERTY LINE AND 50' ALONG 29TH STREET NORTH.
PARCEL NUMBER 4: 35' ALONG PENSTEMON (SEE PLAN).
PARCEL NUMBER 5: 35' ALONG PENSTEMON. IN THE EVENT THAT CONTIGUOUS PARCELS ARE DEVELOPED UNDER THE SAME OWNERSHIP OR WHERE BUILDINGS ARE CONNECTED AT PARCEL LINES, SETBACKS BETWEEN THOSE PARCELS WILL NOT BE REQUIRED.
ALL MAIN BUILDINGS OR STRUCTURES SHALL HAVE A REAR YARD, ALLEY, SERVICE DRIVE OR COMBINATION THEREOF OF NOT LESS THAN THIRTY FEET.
 - ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
 - SIGNS AS PERMITTED BY ZONING DISTRICT SHALL BE PERMITTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26.04.130 OF THE CODE OF THE CITY OF WICHITA. SIGNS SHALL NOT EXCEED 35' IN HEIGHT, NO OFF SITE OR PORTABLE SIGNS SHALL BE PERMITTED. ALL SIGNS RELATING TO THE SPECIFIC USES CONTAINED WITHIN EACH PARCEL SHALL BE PERMITTED PROVIDING THEY FOLLOW APPROPRIATE CITY CODES. FLASHING SIGNS, EXCEPT FOR SIGNS SHOWING DATE, TIME, TEMPERATURE AND OTHER PUBLIC SERVICE MESSAGES) ROTATING OR MOVING SIGNS, SIGNS WITH MOVING LIGHTS, OR SIGNS WHICH CREATE THE ILLUSION OF MOVEMENT ARE NOT PERMITTED. See General Provision #4-15-18
 - ALL DRAINAGE IMPROVEMENTS SHALL BE DETERMINED AT THE TIME OF PLATTING. A LOT GRADING PLAN WILL BE PREPARED IN CONFORMANCE WITH THE GENERAL DRAINAGE CONCEPT PLAN FOR REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 - FINAL DETERMINATION OF STREET RIGHT-OF-WAY AND PAVEMENT WIDTH SHALL BE RESOLVED AT THE TIME OF PLATTING.
 - PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 26.04.140 ET SEQ OF THE CODE OF THE CITY OF WICHITA, UNLESS SPECIFIED IN THE PARCEL DESCRIPTIONS.
 - RRE LANES
 - FIRE LANES SHALL BE IN ACCORDANCE WITH THE 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.
 - DURING THE BUILDING PERMIT REVIEW, THE FIRE CHIEF, OR HIS DESIGNATED REPRESENTATIVE SHALL APPROVE THE SITE PLAN REGARDING THE DESIGN OF THE FIRE LANE PRIOR TO ISSUANCE OF A BUILDING PERMIT.
 - FIRE HYDRANT INSTALLATION AND PAVED ACCESS TO ALL BUILDING SITES SHALL BE PROVIDED FOR EACH PHASE OF CONSTRUCTION PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
 - 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 AND THE CITY COUNCIL FOR THEIR CONSIDERATION.
 - TRASH RECEPTACLES SHALL BE APPROPRIATELY SCREENED TO REASONABLY HIDE THEM FROM GROUND VIEW.
 - ACCESS CONTROL SHALL BE AS FOLLOWS:
A. ACCESS TO 29TH STREET NORTH FROM PARCEL 3 SHALL BE LIMITED TO ONE (1) OPENING.
 - SCREENING WALL:
A. A SIX (6) TO EIGHT (8) FOOT WALL SHALL BE CONSTRUCTED OF STONE, MASONRY, ARCHITECTURAL TILE, OR OTHER SIMILAR MATERIALS (NOT INCLUDING WOOD OR WOVEN WIRE) ALONG THE EAST PROPERTY LINES OF PARCELS 1 AND 2 ADJACENT TO THE RESIDENTIAL ZONED AREA.
B. WALLS AS DESCRIBED ABOVE SHALL BE CONSTRUCTED ALONG THE PROPERTY LINE WHERE ADJACENT TO A RESIDENTIAL DISTRICT AND SEPARATED BY A PUBLIC WAY, STREET OR ALLEY, IF THE STORAGE AREA, SERVICE AREA, OR REAR OF BUILDING FACES THE RESIDENTIAL DISTRICT.
C. ALL WALLS SHALL BE CONSTRUCTED WITHIN A PLATTED THREE (3) FOOT WALL EASEMENT AND A BUILDING PERMIT SHALL BE OBTAINED PRIOR TO CONSTRUCTION.
NOTE: WALLS MAY CROSS UTILITY EASEMENTS WHEN COLUMN FOOTINGS (IN LIEU OF SPREAD FOOTINGS) ARE USED, AND APPROVAL HAS BEEN OBTAINED FROM THE CITY ENGINEER.
14. LANDSCAPE BUFFER:
A. A LANDSCAPE PLAN PREPARED BY A LANDSCAPE ARCHITECT FOR THE LANDSCAPE BUFFER ALONG 29TH STREET NORTH, INDICATING THE TYPE, LOCATION, AND SPECIFICATIONS OF PLANT MATERIAL, SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
B. THE 10' PLANTING BUFFER, ALONG 29TH ST. NO., AS INDICATED ON THE PLAN VIEW, SHALL CONSIST OF LOW EARTH BERRIES 1' IN HEIGHT, TREES, GRASS AND LOW SHRUBBERY, AND SHALL BE OF SUCH TYPE AND MAINTAINED IN SUCH A MANNER AS TO NOT CONSTITUTE A TRAFFIC HAZARD.
C. FAILURE TO PROPERLY MAINTAIN THE LANDSCAPE BUFFER SHALL BE CONSIDERED A VIOLATION OF THE C.U.P., AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND THE SUPERINTENDENT OF CENTRAL INSPECTION.
D. A FINANCIAL GUARANTEE FOR THE PLANT MATERIALS APPROVED IN THE LANDSCAPE PLAN SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT FOR PARCEL 3, IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.
E. IF THE WALL IS CONSTRUCTED AS PER 15-B ABOVE THE PLANTING BUFFER REQUIREMENT SHALL BE WAIVED.

15. STREET TREES:
A. STREET TREES AS APPROVED BY THE CITY FORESTER SHALL BE PLANTED NO FURTHER APART THAN 50' O.C. IN PUBLIC PARKING AREAS, BETWEEN CURB AND PROPERTY LINES, ALONG PENSTEMON AND 32ND STREET NORTH. TREES SHALL BE MAINTAINED BY OWNERS OF ADJACENT PARCEL.

16. ANY OPEN SPACE, SIGNS, DRAINAGE FACILITIES, DRIVES OR PARKING AREAS CONTAINED WITHIN THE DESCRIBED PARCELS SHALL BE PRIVATELY OWNED AND MAINTAINED.

17. IF MULTIPLE OWNERSHIP IS ANTICIPATED, AN AGREEMENT PROVIDING FOR THE MAINTENANCE OF RESERVES, OPEN SPACE, INTERNAL DRIVES, PARKING AREAS, DRAINAGE IMPROVEMENTS, ETC., SHALL BE FILED WITH THE PLAN OF THE AREA.

18. ALL LIGHTS SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD OR DIRECT LIGHT AWAY FROM RESIDENTIAL AREAS.

19. AT THE TIME OF PLATTING, THE APPLICANT SHALL GUARANTEE THE CONSTRUCTION OF A RIGHT TURN LANE ONTO PENSTEMON ST. FROM 29TH STREET NORTH.

20. PARCEL DESCRIPTIONS:
PARCEL NUMBER 1
PROPOSED USES: GENERAL OFFICE; OFFICE / WAREHOUSE; OFFICE / SHOWROOM; LIGHT MANUFACTURING AS PERMITTED IN "C" ZONING DISTRICT; PROFESSIONAL OFFICE; FURNITURE, CARPET, LUMBER, PLUMBING AND SIMILAR FURNISHING OUTLETS; APPLIANCES, EQUIPMENT AND FUTURE SUPPLIER OUTLETS; LIGHT COMMERCIAL USES LIMITED TO HOME OFFICE / SUPPLY, DECORATING, CONSTRUCTION MATERIAL AND DESIGN STORES. See General Provision #8-11-15-18
NET AREA - 197,235 SQ. FT. (4.53 AC.)
MAX. GROSS FLOOR AREA - 59,168 SQ. FT. (30% MAX.)
FLOOR AREA RATIO - 0.305
MAXIMUM BUILDING HEIGHT - 35 FT.
PARKING - SEE GENERAL PROVISION NUMBER 8
SETBACKS - SEE GENERAL PROVISION NUMBER 3
PARCEL NUMBER 2A
PROPOSED USES: SAME AS PARCEL 1, VEHICLE SALES W/ INSIDE STORAGE AND DRIVE-THRU SERVICE. See General Provision #8-11-15-18
NET AREA - 105,307 SQ. FT. (2.39 AC.)
MAXIMUM BUILDING COVERAGE - 40,920 SQ. FT. (30% MAX.)
MAX. GROSS FLOOR AREA - 65,792 SQ. FT.
FLOOR AREA RATIO - 0.388
MAXIMUM BUILDING HEIGHT - 35 FT.
PARKING - SEE GENERAL PROVISION NUMBER 8
SETBACKS - SEE GENERAL PROVISION NUMBER 3
PARCEL NUMBER 2B
PROPOSED USES: SAME AS PARCEL 1, AND VEHICLE SALES W/ INSIDE STORAGE AND DRIVE-THRU SERVICE. See General Provision #8-11-15-18
NET AREA - 163,907 SQ. FT. (3.74 AC.)
MAXIMUM BUILDING COVERAGE - 40,920 SQ. FT. (30% MAX.)
MAX. GROSS FLOOR AREA - 65,792 SQ. FT.
FLOOR AREA RATIO - 0.388
MAXIMUM BUILDING HEIGHT - 35 FT.
PARKING - SEE GENERAL PROVISION NUMBER 8 AND PER THE PARCEL DESCRIPTION
SETBACKS - SEE GENERAL PROVISION NUMBER 3
PARCEL NUMBER 2C
PROPOSED USE: ACCESS DRIVE FOR PROPERTY (APARTMENTS) TO EAST
NET AREA - 18,523 SQ. FT. (0.42 ACRES)
Parcel Number 3 - per Amendment #3
Permitted Uses: Automated teller machine; bank or financial institution; construction sales and service, limited to retail establishments only; medical service; general office; general retail; personal care service; personal improvement service; and restaurant, excluding drive-in or free-standing drive-thru restaurant.
Net Area: 63,008 square feet (1.45 acres)
Maximum Building Coverage: 18,902 square feet (30% maximum)
Maximum Gross Floor Area: 23,000 square feet (36.5% maximum)
Maximum Building Height: 35 feet
Parking: See General Provision Number 8.
Setbacks: See General Provision Number 8 and plan.
Signs: Permitted per the Sign Code for the "NR" Neighborhood Retail zoning district, except that ground signs shall be monument type and limited to 10 feet in height. Window display signs are limited to 25% of the window area.
Architecture: All buildings shall share uniform architectural character, color, texture, and the same predominant exterior building material, as approved by the Director of Planning prior to the issuance of a building permit. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials consistent with surrounding residential areas (e.g., masonry, stucco, wood, etc.).
Landscaping: In addition to the landscape buffer along 29th Street North required by General Provision Number 14 and the street trees required by General Provision Number 15, a landscaped street yard and parking lot screening shall be provided along Penstemon and a landscape buffer shall be provided along the east property line. The access drive to 29th Street North shall be located no closer than 200 feet from the right-of-way line of Penstemon and shall be limited to right turns in and out.
Access:
PARCEL NUMBER 5
PROPOSED USES: SAME AS PARCEL 1 WITH THE ADDITION OF GARDEN CENTER, OUTSIDE STORAGE OF LUMBER SUPPLIES (WITH SCREENING), RETAIL SERVICE ORIENTED RETAIL RESTAURANTS, FINANCIAL INSTITUTIONS, THEATERS, DOWNING ALLEYS, DEPARTMENT STORES, AND OTHER SIMILAR USES. AUTO SERVICE CENTERS SUBJECT TO THE FOLLOWING CONDITIONS: (1) NO OUTDOOR VEHICLE SALES, RENTAL, OR STORAGE OF VEHICLES SHALL BE PERMITTED; (2) ALL AUTO REPAIR ACTIVITIES SHALL BE INDORS (PER ADMINISTRATIVE ADJUSTMENT 02/05/05)
NET AREA: 337,207 SQ. FT. (7.74 ACRES)
MAXIMUM BUILDING COVERAGE: 101,162 SQ. FT. (30%)
MAXIMUM GROSS FLOOR AREA: 130,000 SQ. FT.
FLOOR AREA RATIO: 0.388
MAXIMUM BUILDING HEIGHT: 35 FEET
PARKING - SEE GENERAL PROVISION #8
SETBACKS - SEE GENERAL PROVISION #3

TOTAL GROSS ACRES: 21.78
TOTAL NET ACRES: 20.11

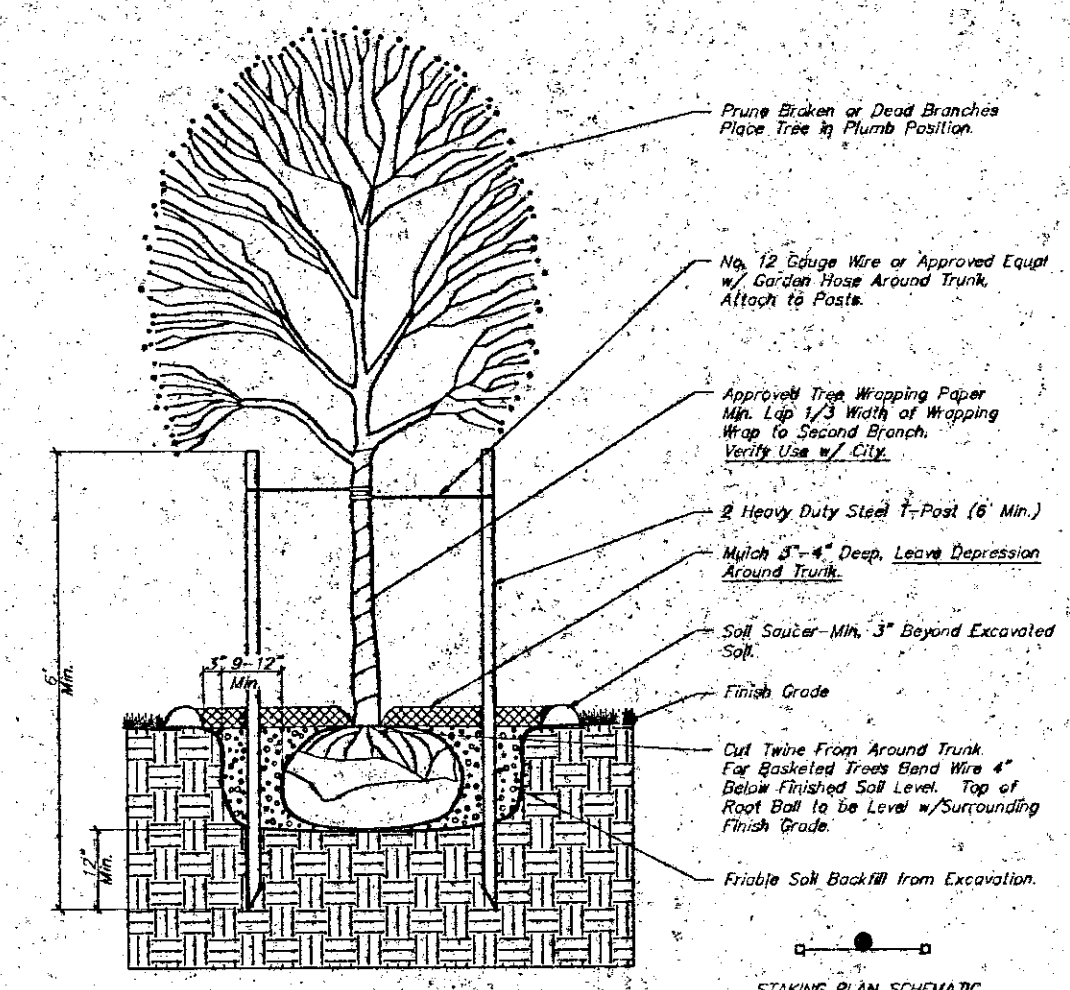
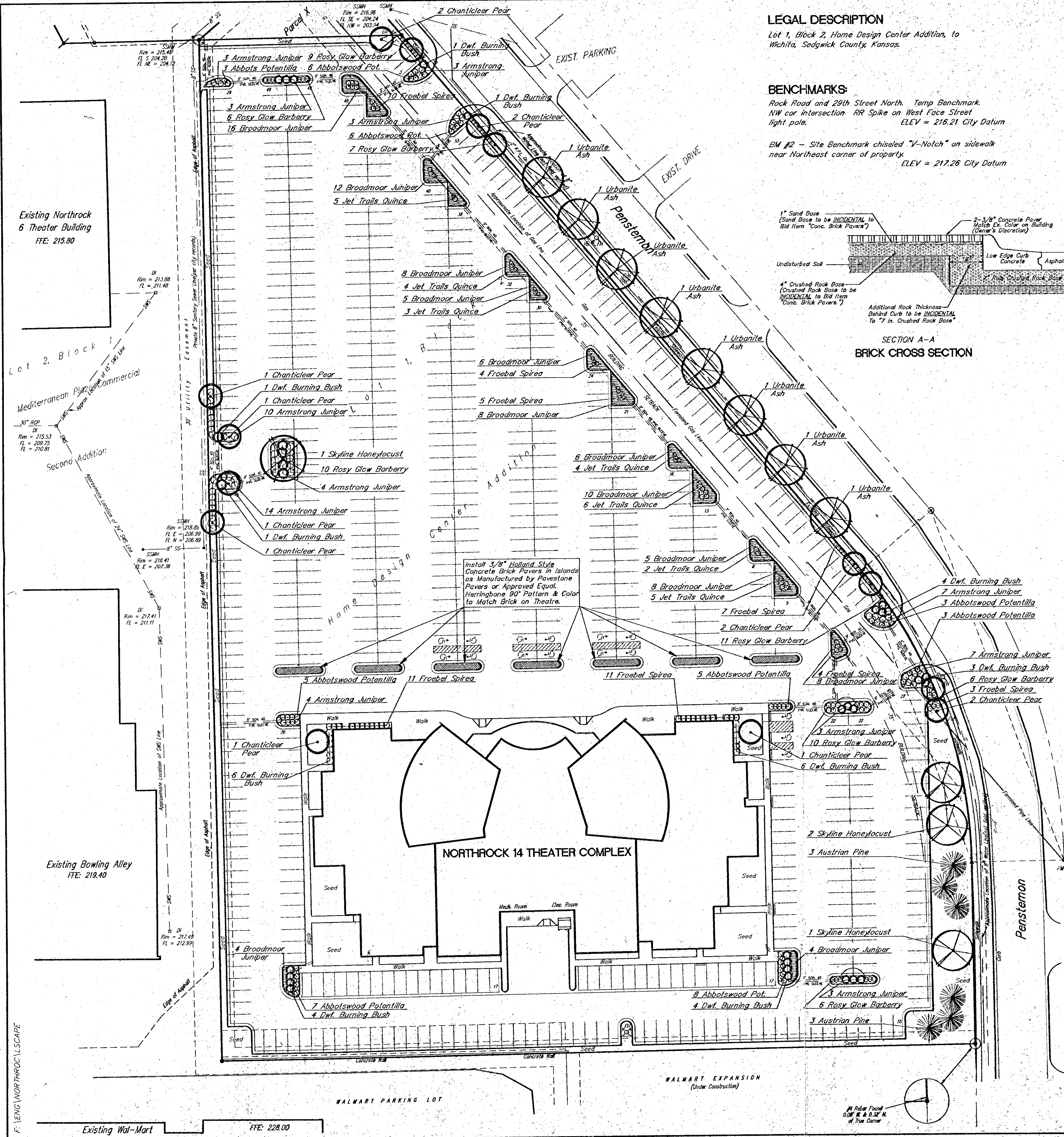
APPROVED CUP
MAY 16, 2013
Bill Longstaff

AMENDMENT #3
APPROVED CUP
MAY 10, 2013
WCC 11-04-03
MAY 10, 2013
MAY 10, 2013

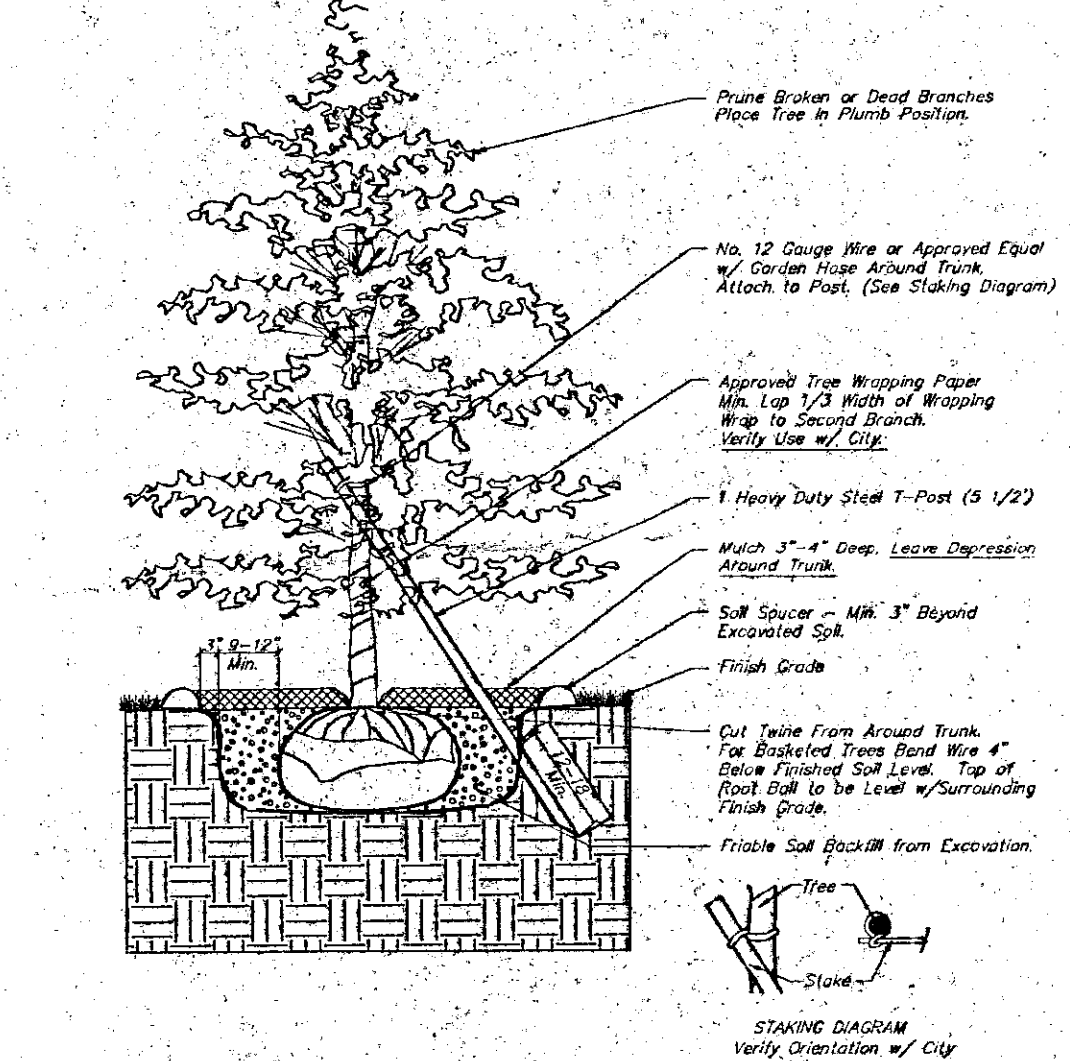
DP-194
AMENDMENT #4 - 06-11-2013
COMMERCIAL COMMUNITY UNIT PLAN
HOME DESIGN CENTER

CORRECTED: AUGUST 29, 2001

AMENDMENT APPROVED - MAPC AUGUST 29, 1996



TREE PLANTING & STAKING DETAIL
 Deciduous Trees Larger than 2" Cal.
 Evergreen Trees Larger than 6" Height



TREE PLANTING & STAKING DETAIL
 Deciduous Trees 2" Cal and Smaller
 Evergreen Trees 6" Height and Smaller

LANDSCAPE NOTES:

- All landscape work shall be done in accordance with industry standards.
- All areas called out on the plan as "Seed" shall be seeded and fertilized as follows:
SEED -
 Kansas Premium Fescue Blend 6-8#/1000 sq. ft.
 (equal parts of Olympic II, Bonanza, Apache, and Monarch varieties.)
FERTILIZER -
 16-20-6 ratio 4#/1000 sq. ft.
- Trees with broken leaders or no central leader will not be accepted.
- All planting beds shall be prepared by killing all existing vegetation with Round-Up (or equal) according to label directions. A Pre-emergent herbicide such as Treton (5%) (or equal) shall be applied per label directions. All planting beds to receive 2" organic matter (such as cotton bur mulch, compost, or humus) and shall be rototilled to a depth of 8-12".
- Mulch all planting beds with 2" of mulch. Mulch all tree soaker wells with 4" of mulch. Mulch material to be shredded cypress mulch of uniform consistency.
- Plastic edging shall be used to separate all turf areas from planting beds. Edging shall be Cobra Commercial Heavy Duty Grade, from Old Dutch Materials Company or approved equal.
- Topsoil hauled onto site shall be fertile, friable, natural loam topsoil, of uniform quality characteristic of representative local soils which produce heavy growth of crops, grass, or other vegetation. It shall be free trash, or other matter toxic to plant growth.
- Topsoil shall be delivered in an unfrozen and non-muddy condition and shall be subject to approval by the Landscape Architect.
- Landscape Parking Islands are also to be bid with a ROCK alternate. River Rock at 1"-2 1/2" Dia. size is to be the variety used. Landscape Contractor to contact Landscape Architect of any other changes to the plan.
- Prior to any excavation for landscaping purposes the location of underground utilities shall be determined by calling Kansas One Call at 1-800-344-7233. Contractor shall be responsible for any damage done to existing utilities.
- Irrigation Contractor to coordinate with the G.C. on site to install all irrigation sleeving before asphalt paving is complete.
- Report any discrepancies in the planting plan to the Landscape Architect, prior to starting construction.

LANDSCAPE PLAN DP-194
 PARCEL 4

APPROVED 10/23/97 BY *FLY*

PLANT SCHEDULE:

QTY.	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
8	Fraxinus pennsylvanica 'Urbanite'	Urbanite Ash	2 1/2" Cal.	B & B	Single Stem Only
4	Gleditsia triacanthos 'Skycole'	Skyline Honeylocust	2 1/2" Cal.	B & B	Single Stem Only
14	Pyrus calleryana 'Chanticleer'	Chanticleer Pear	1 1/2" Cal.	B & B	Single Stem Only
6	Pinus nigra	Austrian Pine	6' - 8' Ht.	B & B	Single Stem Only
65	Barberis thunbergii 'atna. var. 'Rosy Glow'	Rosy Glow Barberry	5 gal.	Cont.	
29	Chonometes speciosa 'Jet Trails'	Jet Trails Quince	5 gal.	Cont.	
31	Euonymus alatus 'Compactus'	Dwf. Winged Burning Bush	2 gal.	Cont.	
64	Juniperus chinensis 'Armstrong'	Armstrong Juniper	5 gal.	Cont.	
100	Juniperus sabina 'Broadmoor'	Broadmoor Juniper	5 gal.	Cont.	
46	Potentilla fruticosa 'Abbottswood'	Abbottswood Potentilla	2 gal.	Cont.	
55	Spiraea x bumalda 'Froebel'	Froebel Spirea	2 gal.	Cont.	
PERENNIALS Owner's Discretion					

LANDSCAPE CALCS:

CITY OF WICHITA LANDSCAPE ORDINANCE
 LANDSCAPE REQUIREMENT = NONE
 C.U.P. REQUIREMENT = 1 Shade Tree @ 50' O.C.
 Along Panstemon.
 (19 Shade Trees Needed)
 LANDSCAPE SHOWN = 17 Shade Trees,
 8 Ornamental Shown

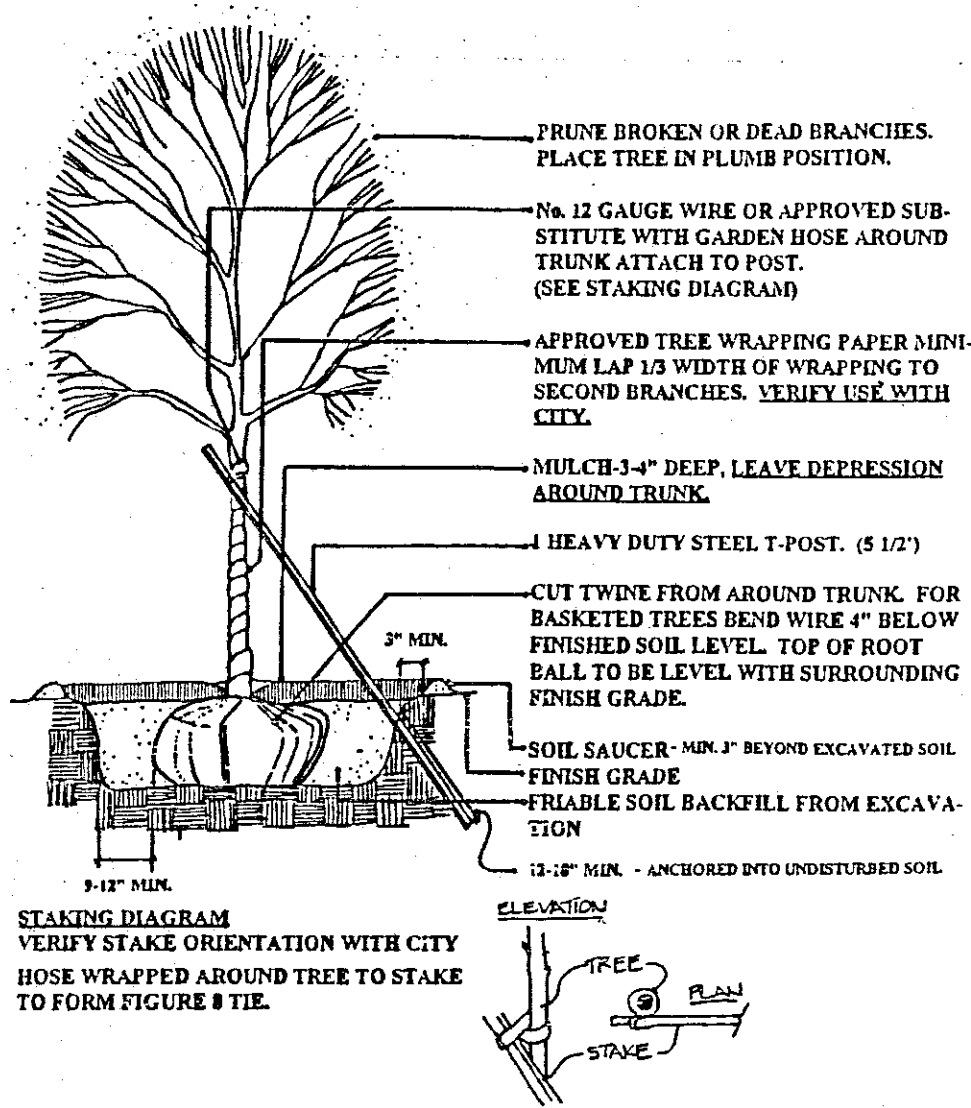


**DICKINSON - NORTHROCK 14 THEATERS
 LANDSCAPE PLAN**
 PENSTEMON AND 29TH STREET

P.A. BAUGHMAN COMPANY P.A.
 ENGINEERING, SURVEYING, & PLANNING
 316-262-7271 • 313 ELLIS • WICHITA, KANSAS 67211

PROJECT NUMBER _____

DESIGN *JL/TS* DRAWN *JL* APPROVED *PJM* DATE *SEPT. 1997* SCALE *1"=40'* SHEET **C4**

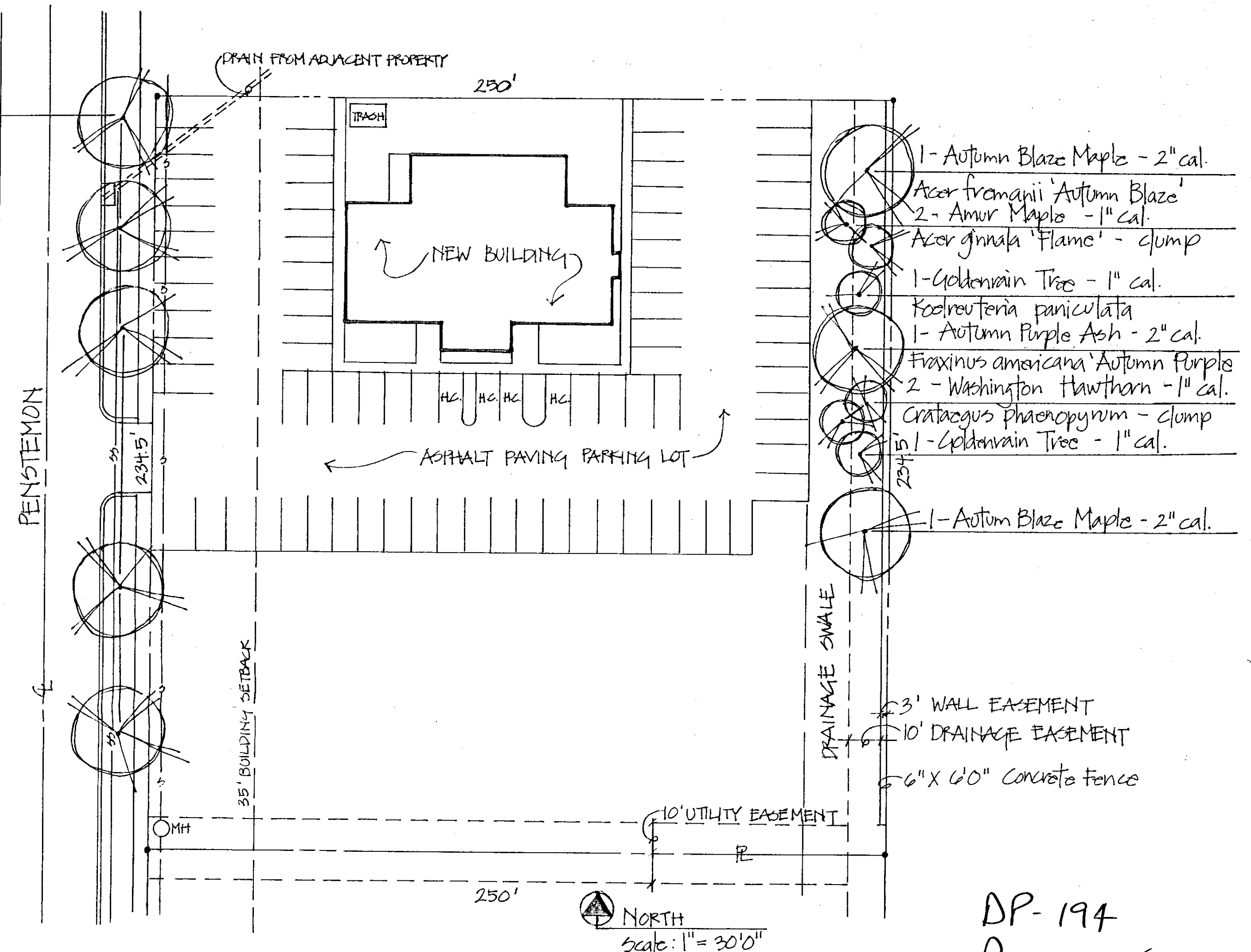


DECIDUOUS TREES: 2" CALIPER AND SMALLER
EVERGREEN TREES: 6' HEIGHT AND SMALLER NO SCALE

NOTES --

1. All trees to be planted, fertilized, staked, mulched, pruned and wrapped in accordance with standard industry practices. (See attached tree planting detail.) All trees to be Northern grown - Plants grown in nurseries one (1) year or more, located in hardiness zones 3 - 6, per the USDA map. Trees furnished shall be well-branched, particularly with respect to the height-width relationship. Trees with broken leaders will not be accepted. Trees provided shall be balled and burlapped - shade tree size - minimum 2" caliper, conifer size - minimum 5' in height, ornamental trees size - minimum 1" caliper.
2. All plant materials provided for this project shall be in accordance with - American National Standards Institute, Inc. : ANSI Z60.1 - 1973, American Standard for Nursery Stock.
3. Soil in planting areas to be tested and modified as required.
4. Top soil provided for this project shall be fertile, friable, natural loam soil, of uniform quality, characteristic of representative local soils which produce a heavy growth of vegetation. It should be free of subsoil, clay, trash, stones, etc. that would impede plant growth.
5. Mulch 4" deep around trees. Mulch material to be medium size, dry, shredded wood fiber of a quality which meets industry standards.
6. Planting times:
Spring: February 15 to May 31 - inclusive
Fall: September 15 to December 31 - inclusive
7. Irrigation - Water for establishment and maintenance of plant material shall be provided, per the Owner, by the use of hose bibs and hose. Hose bibs will be located at the entrance sign and on the west and north sides of the building.
8. The Landscape Contractor is to be responsible for all permits required and is to see that all work is performed in accordance with state and local codes.
9. The Landscape Contractor is responsible for the location of all utilities in the project area and their protection. Any damage to utility lines during construction will be repaired at the Landscape Contractor's expense. Location of underground utilities shall be determined by calling KS One - call system at (316) 687-2470.

5 - Skyline Honeylocust
Gleditsia triacanthos var. inermis 'Skyline' - 2" cal.



LEGAL DESCRIPTION:
Lot 2, Block 1, Home Design Center, 3rd Addition

ADDRESS:
3030 Penstemon

LANDSCAPE CALCULATIONS:

Buffer between non residential and residential zoning - (located within 15 ft. of the property line)

East property line -
234.5 lin. ft. / 40 lin. ft. = 5.86 shade trees = 6 required
Shown - 6 trees = 3 shade trees, 3 ornamental trees

C.U.P. requirement - Street trees every 50 feet on center minimum

PARKING SPACES: 80

DP-194
Parcel 2 (portion)
LANDSCAPE PLAN
APPROVED 8/5/97 BY *[Signature]*

LANDSCAPE PLAN
FOR AST & MORGAN
"THE CHALET"
3030 Penstemon

Susan L. Moeder
Landscape Architect
1047 W. River Blvd.
Wichita, Kansas 67203
(316) 267-4830

Note

Note:
In case of a discrepancy between the plant schedule and the planting plan, the planting plan shall govern.

LEGAL DESCRIPTION: Portion of Lot 2, Block 1, Home Design Center Addition (In process of replatting). Wichita, Sedgwick County, KS.

ADDRESS: 3100 Penstemon

ADJACENT ZONING: Zoning to the west, north and south is commercial. Zoning to the east is residential.

STREET CLASSIFICATIONS: Penstemon is classified as a local street.

Residential use is zoned to the east side of the site. A buffer of 1 shade tree or 2 ornamental trees for each 40' of abutting property is required.

Buffer Calculation: $435.48 \text{ l.f.} / 40$ equals 11 shade trees or 22 ornamental trees.

Planned Buffer Trees: The plan shows 3 shade trees and 8 pine trees for a total of 11 trees.

WATERING: Landscaped areas shall be watered using hose bibs at the building and an automatic underground irrigation system equipped with a rain sensing device.

Notes to Landscape Contractor

1. The landscape contractor shall provide all plants, materials, labor and equipment to complete the installation of trees, planting beds and installation of lawn areas according to these specifications and the landscape plan.
2. The Landscape Contractor shall be responsible for fine grading prior of bed areas.
3. Prior to landscape work, flag all underground utilities by calling Kansas One-Call (1-800-344-7233).
4. Notify of City of Overland Park's Public Works Department of any activities that affect planting operations.
5. Prior to the start of fine grading, the Landscape Contractor shall spray to kill weeds and grass in planting bed and lawn areas. Use Round-up or similar chemical in as many applications required for complete kill.
6. Fall planting season shall be September 1 through October 31. Spring planting season shall be April 1 through June 15. The planting season for seed shall be from March 1 through May 15. The Owner's Representative shall approve changes to the planting and grass installation seasons.

Materials and Installation Requirements

Materials shall be approved by the Owner's Representative before start of work. Materials may be rejected at any time during the installation.

Topsoil shall be provided by the landscape contractor as required for finished grading. This is intended only for low areas. **Plant Materials** shall meet current American National Standards Institute standards and exhibit a vigorous and healthy condition.

Mulch to be premium grade dress or recycled hardwood mulch. Bed areas to be 2 1/2 - 3" deep. Prior to the mulch installation, rake smooth the ground surface.

Landscape Edge to be Ryerson Steel Edge (1/8" x 4" x 16") or equal product to form a smooth curved or straight line as shown on the plan. Unless noted otherwise, all bed areas on the plan shall be outlined with landscape edge. The installation of edging and planting work shall not block the natural drainage of water. Stake as recommended by manufacturer.

Soil Amendments: Use 4 parts soil from excavation to 1 part "Back to Earth" cotton burr compost or horticultural peat moss for

Fertilizer for planting backfill to be Milorganite (6-2-0) or other approved product installed per manufacturer's instructions. **Pre-emergent** weed control such as dacthal, trifluralin or approved similar product shall be installed per manufacturer's instruction in all beds except tree wells. Do not apply in tree wells of individual trees.

Tree Wrap shall be 4" Forces wrap or other approved product (i.e. DeWitt Tree Wrap). Verify use for individual tree types with Owner's Representative. Securely wrap from ground level to second level of branches on the trunk.

Note: See tree details for staking and planting methods of trees.

Irrigation System

1. The landscape contractor shall be responsible for coordination of bidding and installation of the irrigation system. Bid submittals shall include information on sprinkler heads, valves and irrigation controller(s) recommended for the job. Include quantities of each head type. All Irrigation heads to be Rainbird and approved by Owner. No gear driven heads.

Grass Installation

1. Grass areas are to be seeded with an approved fine-bladed fescue blend or buffalograss.
2. Install seed in a method approved by the Owner's Representative in accordance with local practices.
3. Notify Owner's Representative of the schedule for seeding to avoid conflicts with other contractors and interference with watering schedule necessary for newly installed grass.

Maintenance, Acceptance and Guarantee

1. Prior to acceptance, the planting and lawn area shall be maintained, watered and kept clean and weed free by the Landscape Contractor.
2. When landscape work is completed, the Landscape Contractor and Owner's Representative shall meet to review the installation. If the installation is in accordance with the plans and specifications, the Owner's Representative shall accept the work. If not, the Owner's Representative may require additional work before acceptance. The Landscape Contractor shall provide maintenance recommendations to the Owner.
3. Guarantee for spring planted plants shall be through August 1. Guarantee for fall planted plants shall be through May 15.
4. At the end of the guaranteed period the Owner's Representative and Landscape Contractor shall meet to review for plant survival. Dead plants shall be replaced. If the survival condition shall be replaced as originally specified in the following planting schedule. There shall be no additional cost to the Owner for replacements except due to vandalism.

1415 East Second Street
Wichita, Kansas 67214
phone (316) 262-4525
fax (316) 262-7316

Margaret R. Jones, ASLA
Jack R. Jones, AIA
J. Michael Rice, AIA
David W. Foster, ASLA
Larry D. Hoertner
Debra J. Foster

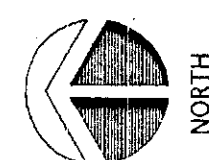
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DP-194 PARCEL 2 (PORTION)

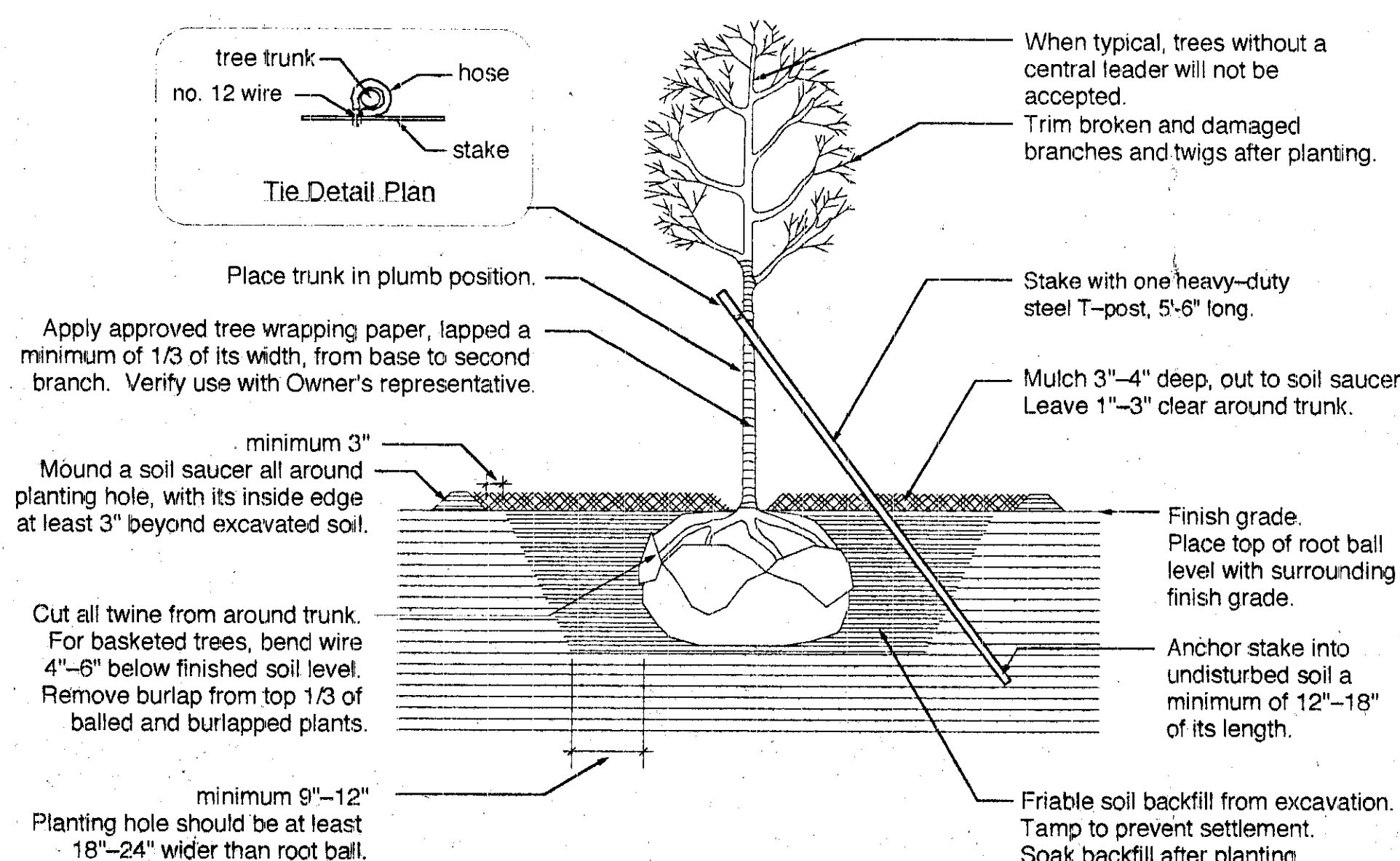
LANDSCAPE PLAN

OF SHEET
MAPD (OF 1)



1" = 20'-0"

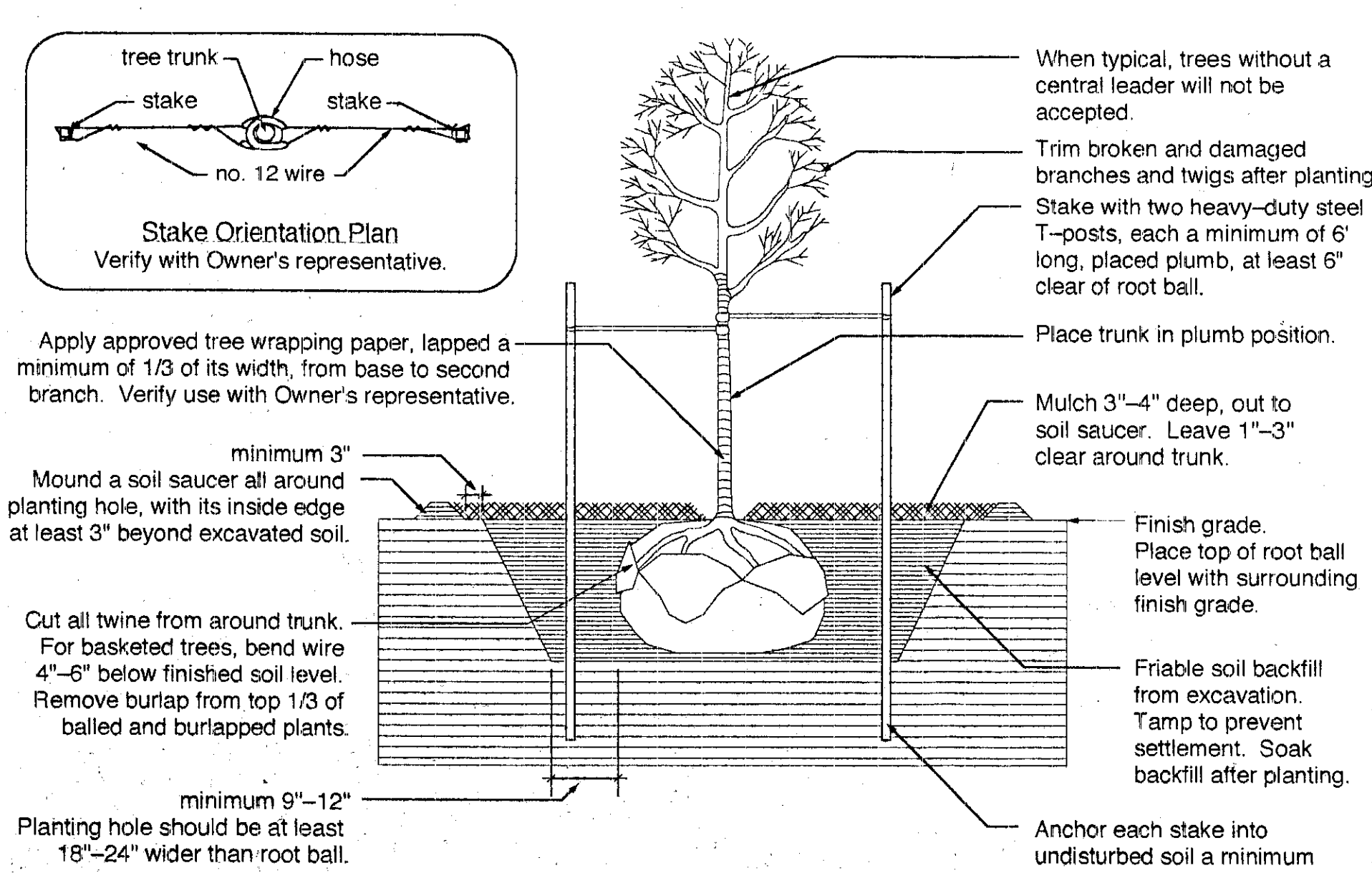
Note: Approved rope or strap tie is an acceptable substitute.



1 Tree Planting and Staking Detail (no scale)

For Deciduous Trees with a caliper equal to or less than 2"

Note: Approved rope or strap tie is an acceptable substitute.



Tree Planting and Staking Detail (no scale)

For Deciduous Trees with a caliper greater than 2",
and Evergreen Trees with a height greater than 6'.

DP-194 PARCEL 2 (PORTION)



Wichita-Sedgwick County Metropolitan Area Planning Department

November 21, 2014

Spire Wireless
9660 Audelia Road, Ste. 12375
Dallas, TX, 75238

REFERENCE: CUP2014-00035 – City request for an Amendment to CUP DP-194, Parcel 1 to allow a night club in the city on property generally located east of Rock Road, on the south side of 32nd Street North and on the east side of Penstemon Street.

Dear Applicant:

At its regular meeting on **November 21, 2014**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the following amended provisions of a DP-194 (the remaining provisions shall remain in effect):

- (1) No outside loudspeakers or entertainment are permitted.
- (2) Provide the seating capacity of the building to address the new parking standards for a tavern/drinking establishment within 60 days after approval of this case by the Governing Body.
- (3) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
- (4) If the Zoning Administrator finds that there is a violation of any of the conditions of the amendment to the CUP, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the amendment to the CUP is null and void.

NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk by 5:00 p.m. on the

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 **F** 316.268.4390

www.wichita.gov

REFERENCE: CUP2014-00035 – City request for an Amendment to CUP DP-194, Parcel 1 to allow a night club in the city on property generally located east of Rock Road, on the south side of 32nd Street North and on the east side of Penstemon Street.

November 21, 2014

Page 2

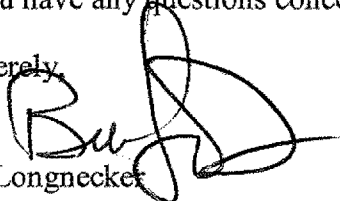
Wednesday preceding this meeting, providing new facts on the issue or alleging an unfair hearing. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning related items heard by the MAPC. In order to be considered a “valid” petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing, by **December 4, 2014, at 5 PM.** Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote of six (6) of its members.

If there are no valid protests or appeals the recommendation of the MAPC on an Amendment to a CUP request is final. If appeals or protest petitions are filed, your application will be forwarded to the **January 6, 2015,** City Council meeting as a non-consent item for final action. That meeting will be at 9 AM, 1st Floor City Hall, 455 N Main Street.

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

Sincerely,



Bill Longnecker
Senior Planner

BL: mc

Copies to: KE Miller Engineering, PA, c/o Kirk Miller, 117 E. Lewis St, Wichita, KS, 67202
Darl Heffelbower, 2809 Foxpointe, Wichita, KS, 67226
Pete Meitzner, WCC II, Mail Stop 1-13
Alana Haynes, CL II, Mail Stop 1-135



Wichita-Sedgwick County Metropolitan Area Planning Department

March 25, 2013

MRP-Metro LLC, MRP Northview LLC & RBA, LLC
2054 Kildaire Farm Rd. Unit 420
Cary, NC 27518

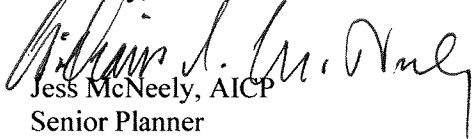
Poe and Associates c/o Tim Austin
5940 E. Central
Wichita, KS 67208

RE: CUP2013-03 - Amendment to #4 to DP-194 Parcel 2a to permit "Kennel - Boarding, Breeding, Training", generally located east of Penstemon and South of East 32nd Street North (8343 E. 32nd Street North).

Dear applicants:

At its regular meeting on March 7, 2013, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to DENY the request by a vote of 6-5. No protests were filed on this request therefore the MAPC decision is final. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Jess McNeely, AICP
Senior Planner
Current Plans Division

Copies to: Craig Ablah, Classic Real Estate, 8110 E. 32nd St. N, Ste 110, Wichita, KS 67220
Karen Hildebrand, 6652 E. 44th Ct. North, Wichita, KS, 67226
Jeff Vanzant, City Law
N.A. II, LaShonda Garnes, Mail Stop 1-135
JR Cox, MABCD
Rick Stubbs, MABCD
Paul Hays, MABCD
Bill Ramsey, 1832 Wyndham, Wichita, KS 67219



Wichita-Sedgwick County Metropolitan Area Planning Department

June 12, 2013

Ast & Morgan Partnership
1813 S. Florence St.
Wichita, KS, 67209

RE: CUP2013-00008 - Request for Amendment #4 for the "GC" General Commercial zoned DP-194 to allow a "tavern and drinking establishment," generally located east of Rock Road, north of 29th Street North, on the east side of Penstemon Street (3030 N. Penstemon Street)

Dear Applicants:

At its regular meeting on **June 11, 2013**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request, with the following provisions:

- (1) No outside loudspeakers or entertainment are permitted.
- (2) Provide the seating capacity of the building to address the new parking standards for a tavern/drinking establishment within 60 days after approval of this case by the Governing Body.
- (3) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
- (4) If the Zoning Administrator finds that there is a violation of any of the conditions of the amendment to the CUP, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the amendment to the CUP is null and void.

The above conditions must be completed and complied with. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Bill Longnecker
Senior Planner

Current Plans Division – Wichita-Sedgwick County MAPD

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

Cc: Hollander & Craft, LLC, c/o Stephen M. Joseph, 500 N Market St, Wichita, KS, 67214
Pete Meitzner, WCC II, (e-mail)
Janet Johnson, NA II, (e-mail)
Jeff Van Zandt, City Law, (e-mail)
Paul Hays, MABCD, Mail (e-mail)
JR Cox, Zoning Supervisor, MABCD, (e-mail)
Villas of Waterford LLC, 4200 E. Shelly Dr., Tulsa, OK, 74135

