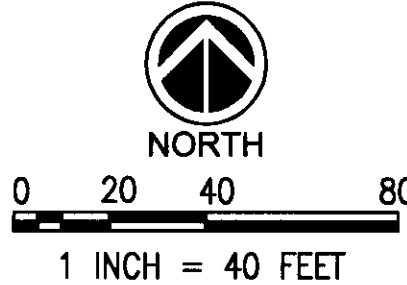
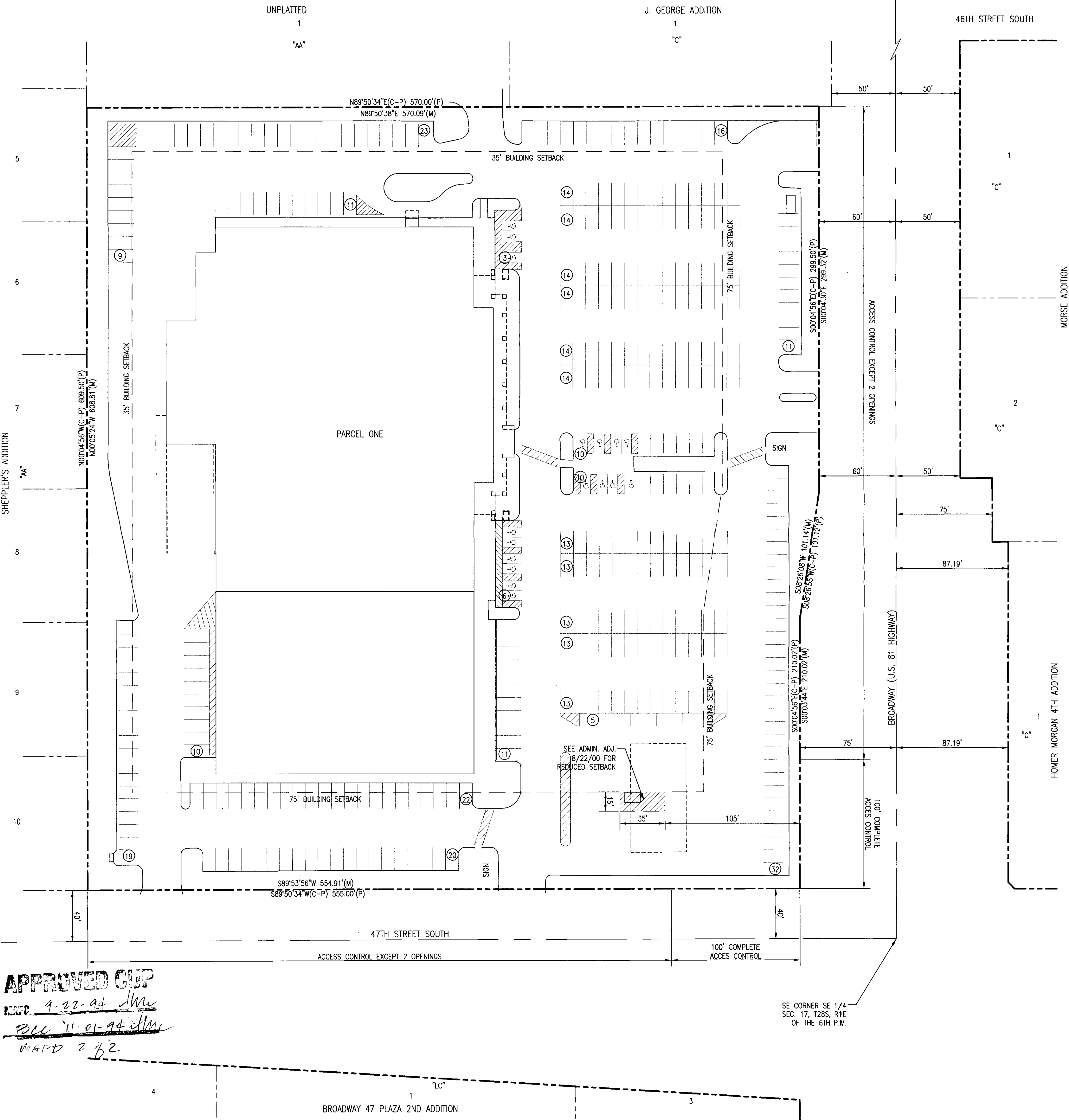


DILLONS COMMERCIAL COMMUNITY UNIT PLAN DP-216



REVISED SEPT. 28, 1994

AMENDED BUILDING SETBACK - 08/22/00

AMENDED GENERAL PROVISIONS NO. 12 - 12/27/00

REVISED PARCEL ONE CRITERIA - 1/9/01

REVISED GENERAL PROVISIONS NO. 12 - 1/16/01

REVISED PARCEL DESCRIPTION MAXIMUM - 5/8/14
BUILDING COVERAGE, MAXIMUM GROSS
FLOOR AREA, AND FLOOR AREA RATIO

PARCEL DESCRIPTION

PARCEL ONE

PROPOSED USE - SUPERMARKET WITH ASSOCIATED SEASONAL OUTDOOR
GARDEN CENTER (AS PERMITTED IN THE "C" ZONING
DISTRICT), FINANCIAL INSTITUTIONS, RESTAURANTS,
PHARMACIES, RETAIL SHOPS, CONVENIENCE STORES
AND OTHER USES AS PERMITTED BY THE GENERAL
COMMERCIAL ZONING DISTRICT INCLUDING A SERVICE
STATION WITHOUT MOTOR VEHICLE REPAIR.

NET AREA: 343,515 SQ. FT. OR 7.89 AC
MAXIMUM BUILDING COVERAGE: 103,055 SQ. FT. OR 30.00%
MAXIMUM GROSS FLOOR AREA: 103,055 SQ. FT.
FLOOR AREA RATIO: 30.00%
MAXIMUM BUILDING HEIGHT: 35 FEET
MAXIMUM NUMBER OF BUILDINGS: 2

GENERAL PROVISIONS

1. THIS DEVELOPMENT IS PROPOSED TO CONTAIN 7.89 NET ACRES MORE OR LESS.
2. MAJOR STREET IMPROVEMENTS: AT THE TIME OF PLATTING THE APPLICANT(S) SHALL GUARANTEE THE FOLLOWING IMPROVEMENTS:

A. THE RECONSTRUCTION OF THE RAISED MEDIAN IN BROADWAY TO PROVIDED FOR A LEFT TURN LANE TO SERVE PARCEL ONE.

APPROVAL OF THIS C.U.P. BY THE CITY COUNCIL WILL AUTHORIZE THE CITY ENGINEER TO NEGOTIATE WITH THE SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS TO ALLOW FOR AN OPENING IN THE RAISED MEDIAN AS PROVIDED FOR IN THE SUPPLEMENTAL AGREEMENT BY AND BETWEEN THE CITY OF WICHITA AND THE SECRETARY OF TRANSPORTATION DATED MARCH 7, 1989.

B. THE CONSTRUCTION OF A DECEL LANE ALONG BROADWAY AND 47TH STREET SOUTH. THE LIMITS OF THE CONSTRUCTION OF SAID DECEL LANES WILL BE DETERMINED AT THE TIME OF PLATTING.

C. THE EXTENSION OF THE LEFT TURN LANE ALONG 47TH STREET SOUTH.

D. SIDEWALK IMPROVEMENTS ALONG BOTH 47TH STREET SOUTH AND BROADWAY.

3. ACCESS CONTROL: ACCESS TO BROADWAY AND 47TH STREET SOUTH SHALL BE LIMITED TO FOUR (4) OPENINGS, TWO TO EACH STREET. THERE SHALL BE COMPLETE ACCESS CONTROL TO BROADWAY AND 47TH STREET SOUTH ALONG THE EAST AND SOUTH 100 FEET OF PARCEL ONE AS SHOWN ON THE PLAN.

4. BUILDING SETBACKS SHALL BE AS INDICATED ON THE PLAN.

5. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.

6. DRAINAGE: A DRAINAGE PLAN AND A GUARANTEE FOR ANY REQUIRED DRAINAGE IMPROVEMENTS SHALL BE SUBMITTED AT THE TIME OF PLATTING.

7. FIRE LANES

A. 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.

B. PRIOR TO FINAL APPROVAL OF THE PARKING PLAN, THE FIRE CHIEF, OR HIS DESIGNATED REPRESENTATIVE, SHALL APPROVE THE PLAN AS TO THE LOCATION AND DESIGN OF THE FIRE LANE.

8. PARKING RATIO SHALL BE IN ACCORDANCE WITH SECTION 28.04.140 OF THE CODE OF THE CITY OF WICHITA.

9. MASONRY WALLS - A SOLID OR SEMI-SOLID WALL CONSTRUCTED OF BRICK, STONE, MASONRY, ARCHITECTURAL TILE OR OTHER SIMILAR MATERIAL (NOT INCLUDING WOOD, OR WOVEN WIRE) AT LEAST SIX FEET BUT NOT MORE THAN EIGHT FEET HIGH SHALL BE CONSTRUCTED ALONG THE WEST LINE OF PARCEL ONE ADJACENT TO THE RESIDENTIAL DISTRICT. NO WALL SHALL BE REQUIRED ALONG THE NORTH LINE OF PARCEL ONE.

CONSTRUCTION OF WALLS WILL REQUIRE A BUILDING PERMIT. NO WALL SHALL BE CONSTRUCTED IN A UTILITY EASEMENT.

10. LANDSCAPING AND SCREENING SHALL BE IN ACCORDANCE WITH SECTION 10.32.010 ET. SEQ. OF THE CODE OF THE CITY OF WICHITA.

A LANDSCAPE PLAN INDICATING THE LOCATION, TYPE AND SPECIFICATIONS OF PLANT MATERIALS SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT(S). THE LANDSCAPE PLAN SHALL ALSO STATE HOW WATER IS TO BE PROVIDED TO PLANT MATERIALS.

FAILURE TO PROPERLY MAINTAIN THE REQUIRED LANDSCAPING 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.

A FINANCIAL GUARANTEE FOR THE PLANT MATERIALS AND WATERING SYSTEM(S) APPROVED FOR THE LANDSCAPE PLAN SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.

11. SIGNS - SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 24.04 OF THE SIGN CODE OF THE CITY OF WICHITA WITH THE FOLLOWING EXCEPTIONS:

A. NO OFF-SITE, PORTABLE SIGNS, OR SIGNS WITH ROTATING OR FLASHING LIGHTS SHALL BE PERMITTED.

B. SIGNAGE WILL BE LIMITED TO A MAXIMUM OF 350 SQUARE FEET PER FRONTAGE.

C. THE EXISTING BILLBOARD SIGN ALONG BROADWAY WILL BE REMOVED AS PART OF THE SITE REDEVELOPMENT.

12. ARCHITECTURAL CONTROL - ALL BUILDINGS WITHIN THE CUP SHALL SHARE SIMILAR ARCHITECTURAL CHARACTER, COLOR, TEXTURE AND THE SAME PREDOMINATE EXTERIOR BUILDING MATERIAL. METAL SHALL NOT BE PERMITTED AS A PREDOMINATE EXTERIOR BUILDING MATERIAL. EXCEPT FOR A 9'X12' KIOSK BUILDING THAT SHALL PERMIT A PREFABRICATED METAL SIDING THAT RESEMBLES A SPLIT FACE CONCRETE BLOCK. THE PREFABRICATED METAL SIDING, KIOSK FASCIA AND CANOPY FASCIA SHALL BE PAINTED TO MATCH THE EXTERIOR OF THE MAIN BUILDING.

ALL LIGHTING WITHIN THE CUP SHALL SHARE SIMILAR OR CONSISTENT DESIGN (I.E., FIXTURES, POLES, LAMPS, AND ETC.)

13. A PLAN FOR A DELINEATED PEDESTRIAN WALK SYSTEM SHALL BE A REQUIREMENT OF THE C.U.P. THIS WALK SYSTEM SHALL LINK PROPOSED BUILDINGS ON THE SITE WITH SIDEWALKS ON BROADWAY AND 47TH STREET SOUTH.

14. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD BEYOND THE PROPERTY LINES.

15. TRASH RECEPTACLES SHALL BE APPROPRIATELY SCREENED TO REASONABLY HIDE THEM FROM GROUND VIEW.

16. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM THE ADJOINING PROPERTIES. NO PERMANENT STRIP-TYPE LIGHTING SHALL BE PERMITTED.

17. THE MAJOR ENTRANCE ALONG 47TH STREET SOUTH SHALL ALIGN WITH THE MAJOR ENTRANCE LOCATED TO THE SOUTH IN LOT 1, BLOCK A, BROADWAY 47 PLAZA 2ND ADDITION.

18. 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 FOR THIS DEVELOPMENT AND BE BINDING UPON THE PRESENT OWNER, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED.

APPROVED CUP

9-22-94
11-01-94
2/2

SE CORNER SE 1/4
SEC. 17, T28S, R1E
OF THE 6TH P.M.



Wichita-Sedgwick County Metropolitan Area Planning Department

June 2, 2014

Dillon Companies, Inc.
2700 E. 4th
Hutchinson, KS 67501

Pickering Firm c/o Greg Carrico
6775 Lenox Center Court, Ste. 300
Memphis, TN 38115

RE: CUP2014-14 - City CUP administrative adjustment to DP-216 to increase maximum building coverage from 20.67% to 30% or 103,055 square feet; generally located north of 47th Street South on the west side of South Broadway (4747 S. Broadway).

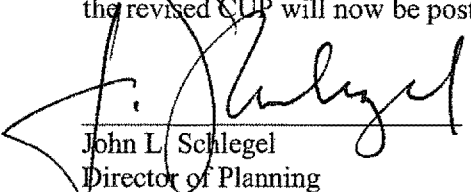
Dear Applicants:

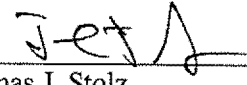
We received and reviewed your request for an administrative adjustment to the above-referenced community unit plan, DP-216 The Dillons Commercial Community Unit Plan (CUP). We understand that on Parcel 1 you wish to increase maximum building coverage from 20.67% to 30% or 103,055 square feet.

On the basis of our review, we find that adjusting the CUP in the manner stated in the above paragraph is consistent with the approved CUP and will not have an adverse effect on the CUP or on adjacent properties, nor will it be a substantial deviation of the original plan.

Our signatures below indicate that the CUP shall be adjusted as stated in this letter. This CUP adjustment shall not be deemed to alter any other provisions of the CUP except as expressly stated herein.

The "Development Application" signs may now be removed from the property. The submitted copies of the revised CUP will now be posted as the official CUP document.


John L. Schlegel
Director of Planning


Thomas J. Stolz
MABCD Director

cc: JR Cox, MABCD
Paul Hays, MABCD
Jeff Blubaugh, CM District IV
Case Bell, NA District IV