Agenda Item No. _____

City of Wichita
City Council Meeting
April 13, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: Corrective Ordinance for Z-3179 and ZON2000-00027 Zone Change from "TF-3" Two-family Residential to "GO" General Office, "LC" Limited Commercial and "B" Multi-family Residential (District II).

INITIATED BY: Planning Department JLS

AGENDA: Planning (Consent).

Recommendation: Adopt the Ordinance; authorize signatures.

Background: Z-3179, zone change from "TF-3" Two-family Residential to "B" Multi-family Residential, associated with DP-154 Amendment #2, located approximately 1/8 mile south of 21st Street North, east of Webb Road was approved by Wichita City Council on November 7, 1995. The zone change approved was for "BB" Office District for Parcel 7 and "B" Multi-family Residential for Parcel 6 on the DP-154 Hanley Residential Community Unit Plan Amendment #2. The property was replatted as Hanley Second Addition, recorded May 20, 1998. Parcel 6 plus the abutting right-of-way of Shadybrook vacated by Hanley Second Addition was platted as Lot 2. Parcel 7 plus the abutting right-of-way of Shadybrook vacated by Hanley Second Addition was platted as Lot 1. Reserve A was included within Parcel 6 on the C.U.P.

In 2000, another zone change was requested for the same C.U.P. ZON2000-00027 was approved for a zone change from "B" Multi-family Residential to "GO" General Office for Parcel 6 and from "GO" General Office to "LC" for Parcel 7 by Wichita City Council on August 22, 2000. The boundaries of Parcels 6 and 7 were modified slightly by Amendment #3. Reserve A was not included in the zone change.

Analysis: Ordinance No. 44-694 was published August 11, 2000. This ordinance erred by including Lot 3 (Parcels 2 and 3 of DP-154 Amendment #2) and Lot 4 (Parcel 1 on DP-154 Amendment #2) as part of the zone change from "TF-3" Two-family Residential to "B" Multi-family Residential. Although Lots 3 and 4 were originally part of the rezoing request, they had been withdrawn by the applicant prior to the MAPC hearing and were not part of WCC motion. They should have remained zoned "TF-3" Two-family Residential.

In addition, Ordinance No. 44-694 changed Lot 1 (DP-154 Parcel 7) to "B" Multi-family Residential, but the WCC motion was to zone it "BB" Office District. "BB" is equivalent to the current "GO"General Office zoning district under the Unified Zoning Code adopted subesequent to the WCC action on this case.

Ordinance No. 44-708 was published September 16, 2000. The legal description was in error by not incorporating the boundary shifts to Lot 1 and Lot 2, Block 1, Hanley Second Addition to correspond to the new boundaries of Parcels 6 and 7.

The errors in both of these ordinanc can be corrected by repealing the ordina s and combining both actions into one new zoning ordinance. The ordinance grants rezoning to "GO" General Office and "LC" limited commercial on Lots 1 and 2 and "B" Multi-family Residential to Reserve A as originally intended.

Development of Parcels 6 and 7 have proceeded in accordance with DP-154 requirements. The corrective ordinance should not affect any of the existing development or create any nonforming status with respect to the Unified Zoning Code.

Legal Considerations: The ordinance has been reviewed and approved as to form by the City Attorney.

Financial Considerations: None

Recommendations/Actions: Approve first reading of the ordinance.

(150004) Pub ed in The Derby Reporter on 23-04
ORDINANCE NO. 46-140

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3179 and ZON2000-00027

Request for zone change from "TF-3" Two-family Residential to "GO" General Office on property described as:

That portion of Lot 1, Block 1, Hanley Second Addition, an Addition to Wichita, Sedgwick County, Kansas, described as beginning at the S.W. Corner of said Lot 1; thence N00°E, 42.00 feet, along the west line of said Lot 1; thence N89°44'21"E, 55.00 feet, parallel with the south line of said Lot 1; thence S67°26'22"E, 108.29 feet to a point lying on the south line of said Lot 1; thence S89°44'21"W, 155.00 feet, along said south line to the point of beginning, and Lot 2, Block 1, Hanley Second Addition, an Addition to Wichita, Sedgwick County, Kansas, except beginning at the N.E. Corner of Lot 1, Block 1, in said Addition; thence N89°44'21"E, 30.00 feet, along the north line of said Lot 2; thence S00°E, 170.05 feet, parallel with the east line of said Lot 1; thence S89°44'21"W, 30.00 feet to the S.E. Corner of said Lot 1; thence N00°E, 170.05 feet, along said east line of said Lot 1, to the point of beginning. Generally located approximately 1/8 mile south of 21st Street North, east of Webb Road.

AND

Request for zone change from "TF-3" Two-family Residential to "LC" Limited Commercial on property described as:

Lot 1, Block 1, Hanley Second Addition, an Addition to Wichita, Sedgwick County, Kansas, except that portion more particularly described as beginning at the S.W. Corner of said Lot 1; thence N00°E, 42.00 feet, along the west line of said Lot 1; thence N89°44'21"E, 55.00 feet, parallel with the south line of said Lot 1; thence S67°26'22"E, 108.29 feet to a point lying on the south line of said Lot 1; thence S89°44'21"W, 155.00 feet, along said south line to the point of beginning, and including a portion of Lot 2, Block 1, Hanley Second Addition, an Addition to Wichita, Sedgwick County, Kansas, more particularly described as beginning at the N.E. Corner of Lot 1, Block 1, in said Addition; thence N89°44'21"E, 30.00 feet, along the north line of said Lot 2; thence S00°E, 170.05 feet, parallel with the east line of said Lot 1; thence S89°44'21"W, 30.00 feet to the S.E. Corner of said Lot 1; thence N00°E, 170.05 feet, along said east line of said Lot 1, to the point of beginning. Generally located approximately 1/8 mile south of 21st Street North, east of Webb Road.

AND

Request for zone change from "TF-3" Two-family Residential to "B" Multi-family Residential on property described as:

Reserve A, Hanley Second Addition, an Addition to Wichita, Sedgwick County, Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. Ordinance 44-694 and Ordinance 44-708 are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, April 20, 2004

Carlos Mayans, Mayor

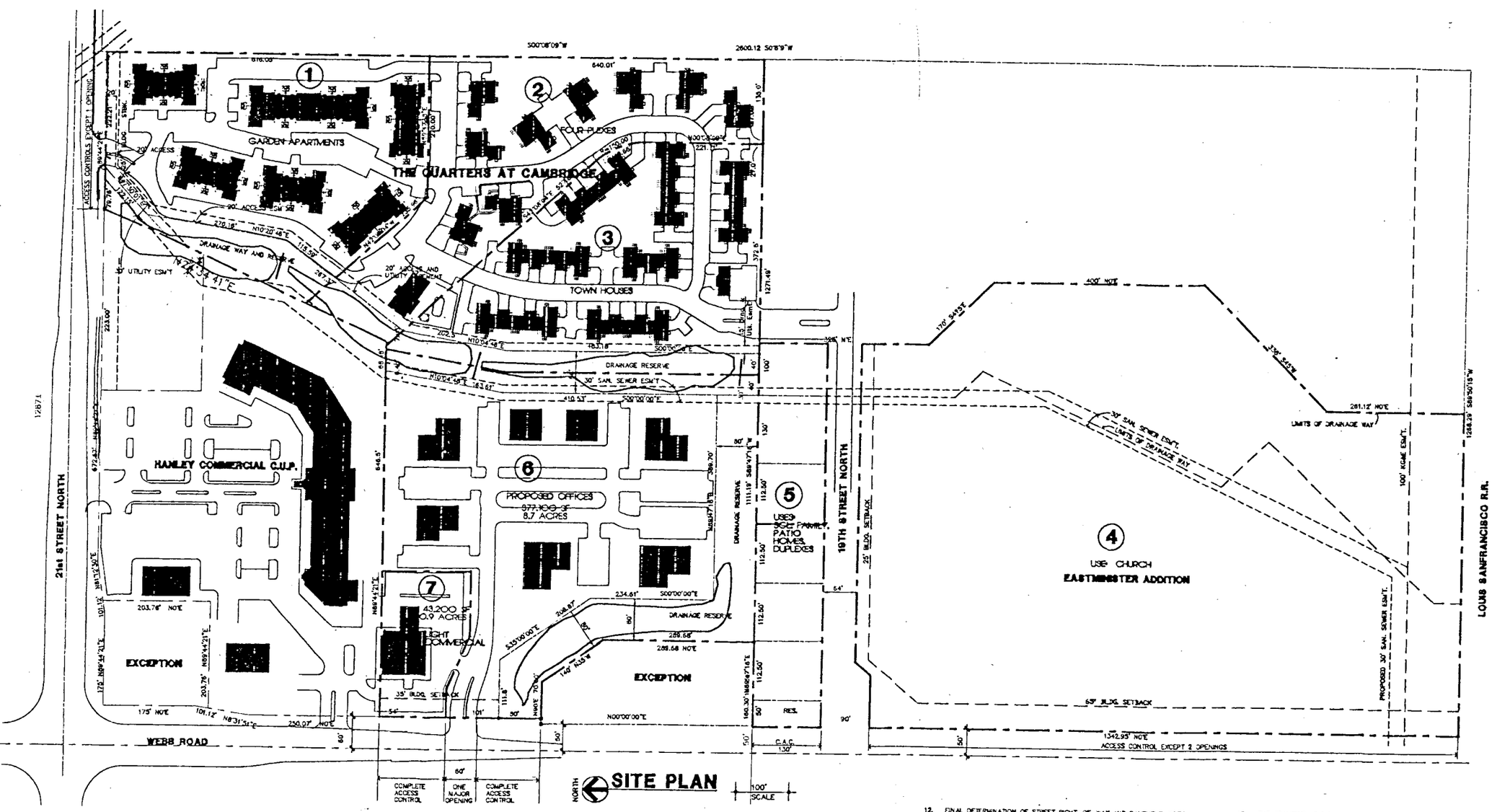
ATTEST:

Karen Schofield, City Clerk

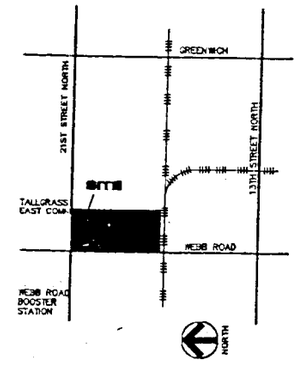
(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney



SITE PLAN



LOCATOR MAP

NO SCALE

DP-154 HANLEY RESIDENTIAL CUP
AMENDED AS OF SEPT #3

APPROVED CUP

MAPC 07/27/00 DM

WCM 08/22/00 DM

MAPD Copy 1 of 2

24. PROPOSED USES:

PARCEL 1
ZERO LOT LINE, CLUSTER SINGLE FAMILY, FOUR-PLEXES, TOWN HOUSES, GARDEN APARTMENTS
GROSS AREA 54 ACRES
MAXIMUM UNITS PERMITTED 419 104 See Adm Adj. dated 3/10/98
MAXIMUM DENSITY – 20.3 DU/ACRE

PARCEL 2
SINGLE FAMILY, DUPLEX, CLUSTER SINGLE FAMILY, FOUR-PLEXES
GROSS AREA 4.0 ACRES
MAXIMUM UNITS PERMITTED 36
MAXIMUM DENSITY – 8.0 DU/ACRE

PARCEL 3
SINGLE FAMILY, DUPLEX, ZERO-LOT-LINE, CLUSTER SINGLE FAMILY, FOUR-PLEXES, TOWN HOUSES
GROSS AREA 4.8 ACRES
MAXIMUM UNITS PERMITTED 62-54
MAXIMUM DENSITY – 7.8 DU/ACRE

PARCEL 4
CHURCH

PARCEL 5
SINGLE FAMILY, PATIO HOMES, DUPLEXES

MAXIMUM UNITS PERMITTED 18
MAXIMUM DENSITY 6.0 DU/ACRE

PARCEL 6
ALL USES PERMITTED IN THE GO, GENERAL OFFICE DISTRICT INCLUDING THE HEREBY PERMITTED CONDITIONAL USE FOR A BANK OF FINANCIAL INSTITUTION.

OFFICE USE
GROSS AREA 8.1 ACRES
MAXIMUM NUMBER OF BUILDINGS: 10
MAXIMUM BUILDING COVERAGE: 79,000 SQ. FT. (20%)
MAXIMUM FLOOR AREA: 79,000 SQ. FT. (20%)
MAX. BUILDING HT.: 35 FT.
NON-HABITABLE BASEMENT SPACE SHALL NOT COUNT AGAINST THE MAXIMUM FLOOR AREA ALLOWANCE.

RESIDENTIAL USE
MAXIMUM NUMBER OF DWELLING UNITS: 100
(ASSISTED LIVING LIMITED TO 60 UNITS)
MAXIMUM DENSITY 11.5 UNITS PER ACRE.

PARCEL 7
ALL USES PERMITTED IN THE LC, LIMITED COMMERCIAL DISTRICT EXCEPT ADULT ENTERTAINMENT, DRINKING ESTABLISHMENTS (BUSINESSES WHERE 50 % OR MORE OF THE GROSS INCOME IS DERIVED FROM THE SALE OF ALCOHOLIC OR CEREAL MALT BEVERAGES) AND GENERAL AUTOMOTIVE USES, INCLUDING AUTO AND AUTO PARTS SALES, SERVICE REPAIR AND FUEL DISPENSING.

GROSS AREA 0.98 ACRES
MAXIMUM NUMBER OF BUILDINGS: 2
MAXIMUM BUILDING COVERAGE: 10,000 SQ. FT. (25%)
MAX. FLOOR AREA: 10,000 SQ. FT. (25%)
MAX. BUILDING HEIGHT: 35 FEET
NON-HABITABLE BASEMENT SPACE SHALL NOT COUNT AGAINST THE MAXIMUM FLOOR AREA ALLOWANCE.

25. SITE RESTRICTIONS WHICH APPLY TO PARCELS 1,2,3,6 AND 7:
A. ALL DRIVES AND PARKING AREAS SHALL INCLUDE CURBS AND GUTTERS.
B. MAJOR ENTRY DRIVES FROM WEBB ROAD AND 21ST STREET SHALL BE DESIGNED TO THE CITY'S MAJOR ENTRANCE STANDARDS.

26. ARCHITECTURAL RESTRICTIONS WHICH APPLY TO PARCELS 1,2,3,6,AND 7:
A. BUILDING ELEVATIONS WILL BE DESIGNED TO INCORPORATE PROJECTIONS AND RECESSES TO CREATE SHADE AND SHADOWS.
B. ALL ROOF STRUCTURES SHALL CONSIST OF WOOD SHAKES, ARCHITECTURAL TILE, ARCHITECTURALLY TEXTURED COMPOSITION SHINGLES, OR METAL STANDING SEAM ROOFING.
C. THE PREDOMINANT ROOF PITCH SHALL BE NO LESS THAN 7:12. THE ROOF PITCH MAY BE REDUCED TO 4:12 FOR COMMERCIAL AND OFFICE FACILITIES ON PARCELS 6 AND 7.
D. ALL ROOF STRUCTURES SHALL INCORPORATE MULTIPLE ROOF FORMS.
E. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET.
F. THE ARCHITECTURAL FACADE ON ANY BUILDINGS FOR ASSISTED LIVING MATERIALS COLORS, AND FORMS. NON-RESIDENTIAL BUILDINGS IN PARCEL 7 SHALL SHARE SIMILAR ARCHITECTURAL CHARACTER AND THE SAME PREDOMINATE EXTERIOR BUILDING MATERIALS, COLORS AND FORMS AS PARCEL 6, OR WITH BUILDINGS LOCATED IN DP-213 HANLEY COMMERFICAL C.U.P.

27. BEFORE A BUILDING PERMIT IS ISSUED, THE DEVELOPER SHALL NOTIFY THE PLANNING DEPARTMENT, THE ADJOINING LANDOWNER(S) TO THE EAST (OR HOME OWNERS ASSOCIATION AS APPROPRIATE), THE TALLGRASS EAST HOME OWNERS ASSOCIATION, AND THE BENT TREE HOME OWNERS ASSOCIATION FOR THEIR REVIEW OF ANY PROPOSED BUILDINGS.

28. WITHIN 60 DAYS OF APPROVAL BY THE APPROPRIATE REVIEWING AUTHORITY, THE APPLICANT SHALL SUBMIT A REVISED C.U.P. DRAWING WHICH DEPICTS ALL APPLICABLE CONDITIONS OF DEVELOPMENT AND PARCEL PARTICULARS FOR THE APPLICATION AREA.

GENERAL PROVISIONS

1. THIS PROJECT CONTAINS APPROXIMATELY 47.38 ACRES.

2. IT IS UNDERSTOOD THAT AS OF THIS DATE THE EASTMINSTER PORTION OF THE C.U.P. (PARCELS 4 AND 5) HAS BEEN PLATTED AS EASTMINSTER ADDITION TO THE CITY OF WICHITA, KANSAS. THE PROVISIONS AND COMMITMENTS DESCRIBED HEREIN, UNLESS SPECIFICALLY IDENTIFYING THE EASTMINSTER PLAT, RELATE TO THE HANLEY PORTION (PARCELS 1,2,3,6 AND 7) OF THE C.U.P.

3. THE PROPOSED DEVELOPMENT IS TO CONTAIN A MIXTURE OF RESIDENTIAL TYPES, OFFICES, COMMERCIAL AND A CHURCH. THE NUMBER OF DWELLING UNITS, OFFICES AND COMMERCIAL BUILDINGS LISTED FOR EACH TYPE, UNDER GENERAL PROVISION 24, IS THE MAXIMUM NUMBER FOR EACH USE. THESE MAXIMUMS DO NOT NECESSARILY REFLECT WHAT IS SHOWN ON THE PLAN VIEW.

4. GROSS DENSITY CALCULATION: IF PARCELS 1, 2, 3, 6 AND 7 ARE DEVELOPED WITH THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED, 306, THE OVERALL DENSITY FOR THOSE PARCELS WOULD BE 12.4 DU/ACRE. ON PARCEL 5, THE DENSITY OF 18 CALCULATES TO A DENSITY OF 6.0 DU/ACRE.

5. SETBACKS ARE DETERMINED AT THE TIME OF FINAL PLATTING, DEPENDING ON LAND USE AND SPECIFIC CONDITION.

(A) FRONT, REAR AND SIDE YARD SETBACKS FROM ARTERIAL STREETS SHALL NOT BE LESS THAN 35 FEET. THE ARTERIAL SETBACK FOR PARCEL 4 SHALL BE 65 FEET.

(B) SIDE YARD SETBACKS MAY BE REDUCED TO 10 FEET FOR GARAGES ONLY. THERE SHALL BE A MINIMUM OF 12 FEET SEPARATING THE HABITABLE PORTION OF DETACHED DWELLING UNITS.

(C) REAR YARD SETBACKS MAY BE REDUCED TO 10 FEET WHEN ADJACENT TO A PLATTED OPEN SPACE OR RESERVE.

(D) THE SIDE YARD SETBACK FOR PARCEL 7, ON THE SIDE ADJACENT TO THE HANLEY COMMERCIAL C.U.P. IS WAIVED.

5(A). PRIOR TO THE ISSUANCE OF BUILDING PERMITS, A LANDSCAPE PLAN FOR THOSE AREAS BEING DEVELOPED, SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING FOR REVIEW AND APPROVAL. SUCH PLAN SHALL PROVIDE FOR THE LANDSCAPING OF MAJOR ENTRY WAYS, INSTALLATION OF SPRINKLING SYSTEMS OR ALTERNATIVELY A XERISCAPE PLAN.

A 40 FOOT LANDSCAPE BUFFER WITH A MINIMUM 1 SHADE TREE OR 2 ORNAMENTAL TREES OF 2" CALIPUR MINIMUM, PER 300 SQUARE FEET SHALL BE REQUIRED ALONG BOTH 21ST STREET NORTH AND WEBB ROAD. TEN SHRUBS MAY BE SUBSTITUTED PER TREE FOR UP TO 33% OF THE TREE REQUIREMENT. EXISTING TREES AND EVERGREENS MAY BE INCLUDED TO SATISFY THE LANDSCAPE REQUIREMENT WITHIN THE BUFFER AREA.

AT MAJOR ENTRANCES, THE DEVELOPER OR SUBSEQUENT OWNER OF THE PROPERTY SHALL INSTALL AND MAINTAIN MEDIAL PLANTINGS WHICH MAY INCLUDE FLOWERS IN THE APPROPRIATE SEASON.

USING HEDGES OR FENCING THE DEVELOPER MUL SCREEN UTILITY METERS AND TRASH RECEPTACLES FROM GROUND LEVEL VIEW AT THE PERIMETER OF THE TRACT.

A MINIMUM OF 1.5 TREES PER DWELLING UNIT AND/OR BED AT 1.5" MINIMUM CALIPER SHALL BE REQUIRED. EXISTING TREES ON THE INTERIOR OF THE SITE MAY BE COUNTED TO MEET THIS REQUIREMENT.

6.(B) FOR PARCELS 6 AND/OR 7 IF THEY DEVELOP WITH NON-RESIDENTIAL USES:

A. UPON DEVELOPMENT OF THE PROPERTY, LANDSCAPING SHALL BE REQUIRED ALONG WEBB ROAD FRONTAGE AS PER THE LANDSCAPE ORDINANCE OF THE TIME.

B. A LANDSCAPE PLAN INDICATING THE TYPE, LOCATION AND SPECIFICATIONS OF PLANT MATERIALS AND METHOD OF WATERING SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

C. A LANDSCAPED BUFFER, PER LANDSCAPE CODE, SHALL BE MAINTAINED ALONG THE EAST AND SOUTH PROPERTY LINES OF PARCEL 6, IN LIEU OF A SCREENING WALL OR FENCE. THE LANDSCAPE BUFFER SHALL BE APPROVED BY THE PLANNING DEPARTMENT AND SHALL INCLUDE THE EXISTING HEDGEROWS. THE BUFFER SHALL FURNISH A SUFFICIENT AND SUITABLE SCREEN TO REASONABLY BLOCK GROUND LEVEL VIEW OF THE USES IN PARCEL 5 AND PARCEL 3.

7. ALL UTILITIES SHALL BE UNDERGROUND.

8. SIGNS DESIGNATING THE NAME OF THE DEVELOPMENT SHALL BE PERMITTED AT THE ENTRANCE TO THE PROPOSED PARCELS, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 24.04.191 OF THE CODE OF THE CITY OF WICHITA, AS MODIFIED BELOW. IN ADDITION THAT THOSE PARCELS WITH TOWN HOUSES OF GARDEN APARTMENTS MAY HAVE SIGNS AS PERMITTED IN THE MF-29 ZONING DISTRICT.

A. NO PORTABLE OR FLASHING SIGNS SHALL BE PERMITTED.

B. FREE-STANDING SIGNS SHALL BE MONUMENT TYPE AND SHALL NOT EXCEED 20 FEET IN HEIGHT.

C. THE MAXIMUM SQUARE FOOTAGE OF SIGNAGE OF SIGN AREA PERMITTED FOR POLE OR GROUND SIGNS SHALL BE CALCULATED AT 0.8 SQ. FT. OF LINEAR STREET FRONTAGE FOR PARCEL 7. PARCEL 6 SHALL BE ALLOWED ONE MONUMENT SIGN UP TO 96 SQ. FT. ALONG WEBB ROAD. AN ADDITIONAL MONUMENT SIGN UP TO 128 SQ. FT. IN SIZE SHALL BE PERMITTED ON PARCEL 6 PROVIDED THE SIGN IS LOCATED 112 FT. AWAY FROM WEBB ROAD.

D. IDENTIFICATION SIGNS NO LARGER THAN 20 SQUARE FEET AND OF MONUMENT TYPE, SHALL BE PERMITTED FOR EACH BUILDING IN PARCEL 6.

9. EITHER INDIVIDUAL PARCEL OWNERS OR ONE OR MORE OWNERS ASSOCIATIONS SHALL PROVIDE FOR THE MAINTENANCE OF NON-PUBLIC OPEN SPACE, PARKING AREAS, PRIVATE STREETS OR DRIVES, BUFFER AREAS, DRAINAGE CHANNELS, SWALES, ETC... FAILURE OF THE INDIVIDUAL OWNERS OR OWNERS ASSOCIATION(S) TO PROPERLY MAINTAIN THE PRIVATE STREETS OR OPEN DRAINAGE SYSTEMS, AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND THE SUPERINTENDENT OF CENTRAL INSPECTION, SHALL CONSTITUTE A VIOLATION OF THE BUILDING PERMIT AUTHORIZING THE CONSTRUCTION OF THE PROPOSED DEVELOPMENT, AND SHALL GIVE THE CITY THE RIGHT TO PROPERLY MAINTAIN THE AREAS PREVIOUSLY LISTED AND TO ASSESS THE COST OF MAINTENANCE TO THE PROPERTY OWNER (S).

10. THE PROPOSED DRAINAGE FACILITIES, LAKES, DETENTION FACILITIES, DRAINAGE WAYS, SWALES, ETC... THAT ABUT PARCELS 1,2,3,4,5, AND 6 SHALL BE MAINTAINED BY THE OWNER, OWNERS ASSOCIATIONS OR JOINT OWNERS ASSOCIATIONS AND SHALL BE DESIGNED IN ACCORDANCE WITH A HYDROLOGY STUDY AS PREPARED INDEPENDENTLY FROM THIS DOCUMENT. RESULTS OF THE STUDY AND PROPOSED DRAINAGE FACILITIES SHALL BE SUBMITTED FOR APPROVAL AT THE TIME OF PLATTING.

11. MINIMUM LOT SIZES FOR SINGLE FAMILY DETACHED UNITS SHALL BE 5,500 SQUFT. EXCEPT FOR ZERO LOT LINE, PATIO HOMES, AND CLUSTER SINGLE FAMILY UNITS SHALL BE 4,500 SQUFT., MINIMUM LOT SIZES FOR DUPLEXES SHALL BE 7,500 SQ.FT., AND MINIMUM LOT SIZES FOR FOUR PLEXES SHALL BE 12,000 SQ.FT.

12. FINAL DETERMINATION OF STREET RIGHT-OF-WAY AND PAVEMENT WIDTH WILL BE RESOLVED AT THE TIME OF PLATTING. THE APPLICANT FOR PARCELS 1,2,3,6 AND 7, BUT NOT EASTMINSTER (OWNER OF PARCELS 4 AND 5), ON A PRO-RATA BASIS WITH THE OPPOSING AND ADJOINING LAND OWNERS, AT THE TIME OF PLATTING, SHALL GUARANTEE EXTENSION OF LEFT TURN STORAGE AND ACCEL./DECEL LANES TO THE MAJOR ENTRANCES INTO PARCELS 6 AND 7 FROM WEBB ROAD AND TO PARCEL 1 FROM 21ST STREET NORTH, AS THEY ARE DETERMINED APPROPRIATE, BASED ON THE FINAL DEVELOPMENT USE OF THE SPECIFIC PARCEL OR AREA AND ESTIMATES OF THE TRAFFIC THAT WILL BE GENERATED THEREFROM, PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS. IF THE C.U.P. IS AMENDED TO PROVIDE ACCESS TO PARCEL 6 FROM 19TH STREET, THEN THE DECEL LANE ALONG WEBB ROAD FOR PARCEL 6 AND 7 WOULD NOT BE REQUIRED.

13. SHOULD AN ALTERNATIVE LAND USE, PERMITTED UNDER PARCEL DESCRIPTIONS BELOW (GENERAL PROVISION 24), BE DEVELOPED INSTEAD OF THE PARCEL PLAN AS ILLUSTRATED, A CONCEPTUAL SITE PLAN SHALL BE SUBMITTED FOR APPROVAL TO THE DIRECTOR OF PLANNING.

14. FIRE PROTECTION, INCLUDING FIRE APPARATUS ACCESS AND WATER FOR FIRE PROTECTION SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO OR DURING THE TIME OF CONSTRUCTION. WHEN ALTERNATE METHODS OF PROTECTION AS APPROVED BY THE CHIEF ARE PROVIDED, THE ABOVE MAY BE MODIFIED OR WAIVED.
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 TEMPORARY PASSENGER LOADING OR UNLOADING. THE FIRE CHIEF OR HIS DESIGNATED REPRESENTATIVE SHALL REVIEW AND APPROVE THE LOCATION AND DESIGN OF ALL FIRE LANES PRIOR TO FINAL APPROVAL OF THE PARKING PLAN.

15. OFF-STREET PARKING REQUIREMENTS SHALL BE DETERMINED UNDER CHAPTER 28.04.141 OF THE CODE OF THE CITY OF WICHITA, IF THE STREET IS DESIGNED WITH PARKING RESTRICTIONS FOR SINGLE FAMILY, A RESTRICTIVE COVENANT REQUIRING 4 SPACES PER SINGLE FAMILY DWELLING UNIT MUL BE SUBMITTED AT THE TIME OF PLATTING.

16. WITHIN EACH SUB-PARCEL THERE ARE SEVERAL LAND USE OPTIONS AS INDICATED UNDER SPECIFIC PARCEL INFORMATION (GENERAL PROVISION 24). ADDITIONALLY, THERE IS AN OPTION TO MIX THE TYPES OF LAND USE WITHIN EACH PARCEL TO DETERMINE THE MAXIMUM NUMBER OF DWELLING UNITS PER LAND USE, UTILIZE THE PROCEDURE DESCRIBED AS FOLLOWS:
A. CONVERT GROSS ACREAGE OF A SUB-PARCEL TO SQUARE FEET.
B. DETERMINE PERCENT OF LAND USE WITHIN THE MIX.
C. CONVERT THOSE PERCENTAGE FIGURES INTO SQUARE FEET OF THE TOTAL PARCEL.
D. DIVIDE BY SITE ALLOTMENT PER DWELLING UNIT FROM GENERAL PROVISION 11 TO DETERMINE THE MAXIMUM NUMBER OF UNITS FOR EACH LAND USE.

17. 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 DEVELOPMENT AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED.

18. ALL LIGHTING SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD AND TO DIRECT LIGHT AWAY FROM RESIDENTIAL AREAS.

19. MASONRY WALLS:
A. WHENEVER PARCELS 6 OR 7 IS DEVELOPED WITH RESIDENTIAL USES, A SIX (6) FOOT HIGH MASONRY WALL SHALL BE CONSTRUCTED ON THE NORTH PARCEL LINES. IF PARCEL 6 IS DEVELOPED WITH RESIDENTIAL USES AND PARCEL 7 IS DEVELOPED WITH NON-RESIDENTIAL USES, A SIX FOOT MASONRY WALL SHALL BE PROVIDED ALONG THE EAST AND SOUTH BOUNDARIES OF PARCEL 7. IF PARCEL 7 DEVELOPS WITH RESIDENTIAL USES AND PARCEL 6 DEVELOPS WITH NON-RESIDENTIAL USES, A SIX-FOOT MASONRY WALL SHALL BE PROVIDED ALONG THE EAST AND SOUTH BOUNDARIES OF PARCEL 7.
B. THE MASONRY WALL SHALL BE CONSTRUCTED OF STONE, BRICK, MASONRY BLOCK, CONCRETE, ARCHITECTURAL TILE OR SIMILAR MATERIAL (NOT INCLUDING WOOD OR WOVEN WIRE).
C. THE WALL SHALL BE CONSTRUCTED WITHIN A FIVE (5) FOOT WALL EASEMENT. CONSTRUCTION OF THE WALL WILL REQUIRE A BUILDING PERMIT. NO WALL SHALL BE CONSTRUCTED IN ANY UTILITY EASEMENT.
D. THE OWNER(S) OF PARCELS 6 AND 7 SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY REQUIRED MASONRY WALLS.

20. FAILURE TO PROPERLY MAINTAIN THE MASONRY WALL OR LANDSCAPING SHALL BE CONSIDERED A VIOLATION OF THE C.U.P., AFTER JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND THE SUPERINTENDENT OF CENTRAL INSPECTION.

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

22. MECHANICAL EQUIPMENT, SERVICE AND LOADING AREAS SHALL BE SCREENED TO REASONABLY HIDE THEM FROM GROUND VIEW.

23. NON-RESIDENTIAL BUILDING IN PARCEL 6 SHALL SHARE SIMILAR ARCHITECTURAL CHARACTER AND THE SAME PREDOMINANT EXTERIOR BUILDING MATERIALS COLORS, AND FORMS. NON-RESIDENTIAL BUILDINGS IN PARCEL 7 SHALL SHARE SIMILAR ARCHITECTURAL CHARACTER AND THE SAME PREDOMINATE EXTERIOR BUILDING MATERIALS, COLORS AND FORMS AS PARCEL 6, OR WITH BUILDINGS LOCATED IN DP-213 HANLEY COMMERFICAL C.U.P.

SPANGENBERG • PHILLIPS
ARCHITECTURE
224 E. Douglas, Fifth Floor Wichita, KS 67202 T 316.267.4002 F 316.267.1509

HANLEY RESIDENTIAL COMMUNITY UNIT PLAN

AMENDED 13 DEC 00

OWNER: FRED HANLEY, 438 N BELMONT, WICHITA KS 67208

APPROVED CUP

MAPC