CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 19, 2014

Baughman Company, P.A.
Russ Ewy
315 Ellis
Wichita, KS 67211

RE: Administrative Adjustment (BZA2014-00020) to allow a third building to be constructed on Parcel 1 and establish the building setback to 35-feet along the north parcel line on Harry Street of the Cherry Creek Shopping Center Community Unit Plan ("CUP") DP-98 zoned as "LC" – Limited Commercial.

Currently, Parcel 1 of CUP DP-98 allows only two building on the site. The existing west building is approximately 68,550 square feet and the south building is approximately 9,200 square feet. The applicant is proposing to allow a maximum number of three buildings on the Parcel 1 and establish the minimum setback along Harry Street to 35-feet between Parcel 2 and the existing west building on Parcel 1. The maximum gross floor area will remain 114,684.8± square feet and the minimum off-street parking standard for "LC" zoning will be maintained.

We have reviewed your request and have approved the requested adjustment as described above.

All other applicable development standards shall apply unless specifically adjusted or amended.

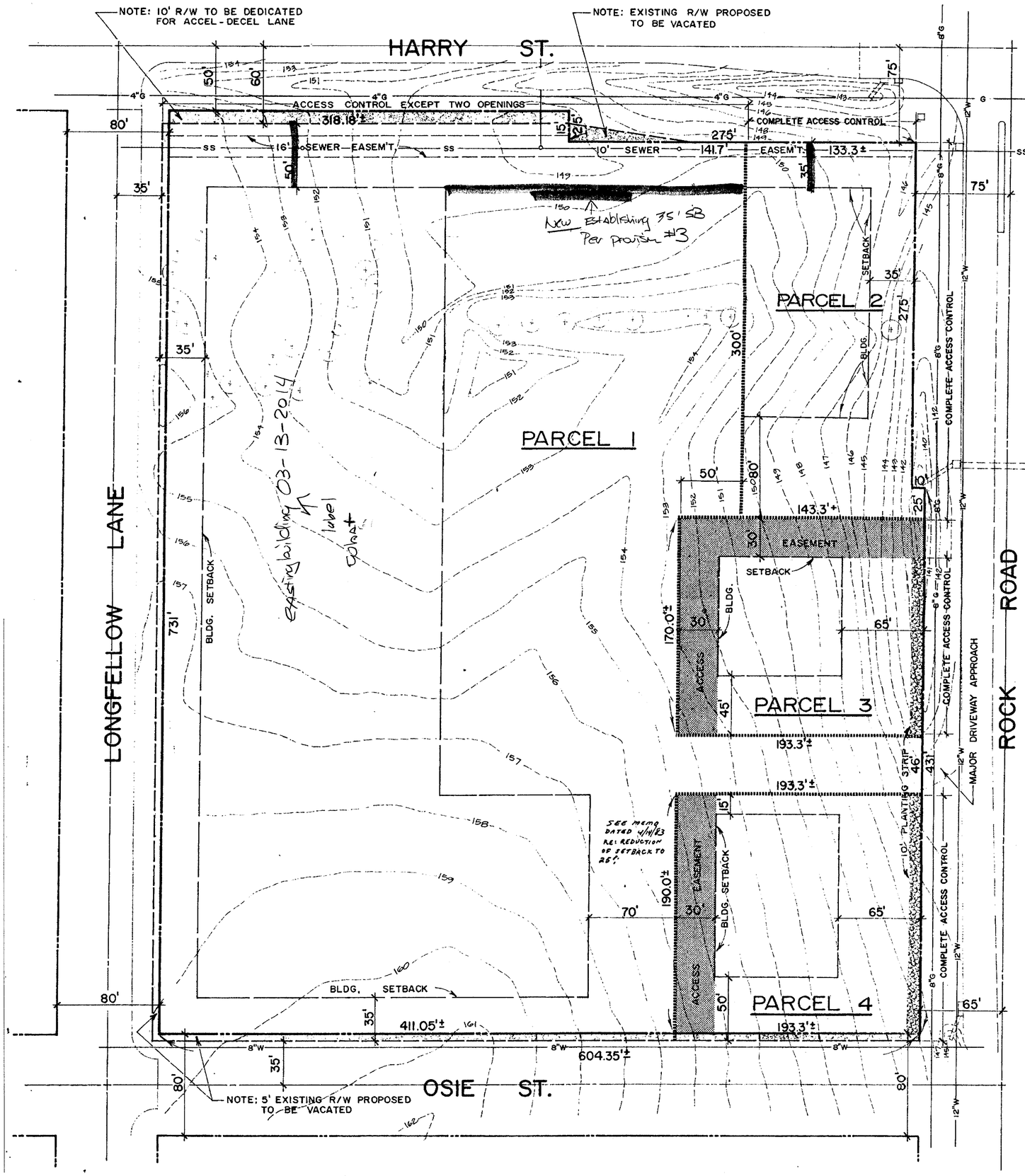
This adjustment shall not be deemed to alter any other provisions of CUP DP-98, except as expressly stated above. Please provide four revised and dated copies of CUP DP-98 indicating the existing buildings on Parcel 1, the new building setback along Harry Street and the reduction of setback to 25 feet per correspondence dated April 14, 1983.

The zoning notification signs may now be removed from the property.

John L. Schlegel, Director
Metropolitan Area Planning Department

Tom J. Stolz, Director
Metropolitan Area Building and Construction Department

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GENERAL PROVISIONS

1. THIS PROPOSED DEVELOPMENT, AS PRESENTLY PLATTED, CONTAINS 9.9± GROSS ACRES.

   AS A CONDITION OF C.U.P. APPROVAL, PARCELS 1, 3 AND 4 ARE PROPOSED TO BE REPLATTED. IN THE REPLAT OF SAID PORTION OF SUBJECT PROPERTY, TEN (10) FEET OF ADDITIONAL RIGHT-OF-WAY IS PROPOSED TO BE DEDICATED, AS SHOWN ON THE PLAN, FOR THE CONSTRUCTION OF AN ACCEL-DECEL LANE ALONG THE SOUTH SIDE OF HARRY STREET; AND, PORTIONS OF EXISTING RIGHT-OF-WAY FOR HARRY STREET, LONGFELLOW LANE AND OSIE STREET, AS SHOWN ON THE PLAN, ARE PROPOSED TO BE VACATED IN THE REPLATTING PROCESS TO CURRENT STREET STANDARDS.

   THE RESULT OF SAID DEDICATION AND VACATIONS, WILL PROVIDE A NET AREA FOR THE COMMUNITY UNIT PLAN OF 10.0± ACRES.

2. ACCESS. - AS SHOWN ON THE PLAN, ACCESS CONTROLS SHALL PERMIT A MAXIMUM OF TWO (2) CURB CUTS ALONG HARRY STREET, AND TWO (2) CURB CUTS ALONG ROCK ROAD. ACCESS SHALL ALSO BE PERMITTED TO AND FROM THE ADJACENT STREETS OF LONGFELLOW AND OSIE IN ACCORDANCE WITH THE CITY'S CURB CUT REQUIREMENTS. ONE OF THE ACCESS POINTS TO ROCK ROAD, AS INDICATED ON THE PLAN, SHALL BE CONSTRUCTED TO MAJOR DRIVEWAY APPROACH STANDARDS AS DETAILED IN DEPARTMENT OF PUBLIC WORKS DRAWING NO. C67-190A.

3. MINIMUM BUILDING SETBACKS ARE AS INDICATED ON THE PLAN.

4. SCREENING AND LANDSCAPING - A PLANTING STRIP, AS INDICATED ON THE PLAN, EXCEPT FOR POINTS OF INGRESS EGRESS, SHALL BE PROVIDED AND MAINTAINED OF TREES AND SHRUBBERY NOT LESS THAN TEN (10) FEET IN WIDTH AND SHALL BE OF SUCH A TYPE, AND MAINTAINED IN SUCH A MANNER, THAT IT MINIMIZES ANY NUISANCE OF THE COMMERCIAL AREA TO THE ADJACENT RESIDENTIAL AREAS. A LANDSCAPE PLAN, PREPARED BY A LANDSCAPE ARCHITECT FOR THE PLANTING STRIP, 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) ON THE PARCELS INVOLVED. THE LANDSCAPE PLAN SHALL ALSO DEPICT PROPOSED METHODS OF PROVIDING WATER TO THE REQUIRED PLANT MATERIALS.

   FAILURE TO PROPERLY MAINTAIN THE TEN (10) FOOT PLANTING STRIP 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 THAT THE PLANTINGS ARE NOT PROPERLY MAINTAINED.

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

Make sure the minimum standards Parking must be maintained

5. SIGNS SHALL BE PERMITTED IN ACCORDANCE WITH LIMITATIONS AND REQUIREMENTS OF THE ZONING ORDINANCE. NO BILLBOARDS SHALL BE PERMITTED.

6. OFF-STREET PARKING FOR ALL PARCELS SHALL BE IN ACCORDANCE WITH SECTION 28.04.141 OF THE CODE OF THE CITY OF WICHITA.

7. A FIRE LANE HARD SURFACED AND TWENTY FOUR (24) FEET MINIMUM IN WIDTH SHALL BE PROVIDED TO SERVE ALL MAIN STRUCTURES. SAID FIRE LANE SHALL BE CONSTRUCTED WITH A MINIMUM 3½ INCH ASPHALT BASE WITH 1½ INCH ASPHALT SURFACE. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANE, ALTHOUGH IT MAY BE USED FOR PASSENGER LOADING AND UNLOADING.

   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 (S).

8. AT THE TIME OF REPLATTING PARCELS 1, 3 AND 4, A GRADING AND DRAINAGE PLAN SHALL BE PROVIDED TO SHOW HOW THE SITE WILL BE GRADED TO DRAIN TO THE ADJACENT STREETS AND AVAILABLE STORM SEWER SYSTEM (S).

9. AT THE TIME OF REPLATTING PARCELS 1, 3 AND 4, THE APPLICANT SHALL GUARANTEE THE CONSTRUCTION OF AN ACCELLERATION-DECELERATION LANE ALONG HARRY STREET AND ROCK ROAD; AND, SHALL GUARANTEE THE CONSTRUCTION OF THE MAJOR DRIVEWAY APPROACH ON ROCK ROAD.

10. THE ACCESS EASEMENTS, AS INDICATED ON THE PLAN ON PARCELS 3 AND 4, ARE FOR THE PURPOSE OF ASSURING INGRESS AND EGRESS AND CONTINUITY OF OVERALL VEHICULAR CIRCULATION FOR THE PROPOSED SHOPPING CENTER.

    SAID EASEMENTS ARE TO PERMIT THE CONSTRUCTION AND MAINENANCE OF A MINIMUM 24 FEET WIDE TWO-WAY CIRCULATION DRIVE TO BE LOCATED THEREIN. THE RIGHTS TO USE THE CIRCULATION DRIVES FOR INGRESS AND EGRESS PURPOSES, SHALL EXTEND TO THE OWNERS OF ALL PARCELS, AND THEIR RESPECTIVE AGENTS, EMPLOYEES, CUSTOMERS, SUPPLIERS, LESSEES, AND SUCCESSORS AND ASSIGNS.

    IT IS ALSO TO BE UNDERSTOOD THAT CURBING, PLANTING ISLANDS, PLANT AND LANDSCAPE MATERIALS, WALKS AND ACCESS OPENINGS TO AND FROM THE CIRCULATION DRIVES WITHIN SAID EASEMENTS, ARE ALL PERMITTED WITHIN THE ACCESS EASEMENTS SO LONG AS THE CONTINUATION OF THE MINIMUM 24 FEET WIDE TWO-WAY CIRCULATION DRIVES ARE MAINTAINED.

11. THE EXISTING BUILDING ADJACENT TO HARRY STREET MAY BE USED FOR PURPOSES OF OFFICE AND STORAGE DURING CONSTRUCTION OF THE PROPOSED SHOPPING CENTER, BUT SAID BUILDING SHALL BE REMOVED PRIOR TO THE OCCUPANCY OF ANY NEW STRUCTURE ON PARCEL 1.

PARCEL DESCRIPTIONS

PARCEL - 1

PROPOSED USES - SHOPPING CENTER, INCLUDING POSSIBLE RESTAURANTS AND OFFICES.
EXISTING AREA - 7.45± ACRES
NET AREA, AFTER RIGHT-OF-WAY DEDICATION AND VACATION AT TIME OF REPLATTING, WILL BE 7.52± ACRES OR 327,670.8± SQ. FT. Same
MAXIMUM BUILDING COVERAGE=30 PERCENT, OR 98,301.2± SQ. FT. Same
FLOOR AREA RATIO - .35 Same
MAXIMUM GROSS FLOOR AREA = 114,684.8± SQ. FT. Same
MAXIMUM BUILDING HEIGHT - 35 FEET
[redacted] SHOULD IT LATER BE DETERMINED THAT MORE THAN [redacted] ARE DESIRABLE, SPECIFIC SITE PLANS SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR REVIEW AND APPROVAL, PRIOR TO THE ISSUANCE OF BUILDING PERMITS IN EXCESS OF TWO MAIN BUILDINGS ON THIS PARCEL.
WAS 2 WAS 2 Change

PARCEL - 2

PROPOSED USES - BANK, OTHER FINANCIAL INSTITUTUIONS, OFFICES, RETAIL OR SERVICE COMMERCIAL.
NET AREA - 0.92± ACRES, OR 40,240.+SQ. FT.
MAXIMUM BUILDING COVERAGE = 30 PERCENT, OR 12,072.± SQ.FT.
FLOOR AREA RATIO - .35
MAXIMUM GROSS FLOOR AREA = 14,084± SQ. FT.
MAXIMUM BUILDING HEIGHT - 25 FEET
MAXIMUM NUMBER OF BUILDINGS - ONE (1).

PARCEL - 3

PROPOSED USES - OFFICES, RESTAURANT, PRIVATE CLUB, RETAIL AND SERVICE COMMERCIAL.
NET AREA - 0.75± ACRES, OR 32,861.± SQ.FT.
MAXIMUM BUILDING COVERAGE = 30 PERCENT, OR 9,858.3± SQ. FT.
FLOOR AREA RATIO - .30
MAXIMUM GROSS FLOOR AREA = 9,858.3± SQ. FT.
MAXIMUM BUILDING HEIGHT - 35 FEET
MAXIMUM NUMBER OF BUILDINGS - ONE (1).

PARCEL - 4

PROPOSED USES - OFFICES, RESTAURANT, PRIVATE CLUB, RETAIL AND SERVICE COMMERCIAL.
EXISTING AREA - 0.84± ACRES
NET AREA, AFTER RIGHT-OF-WAY VACATION AT TIME OF REPLATTING, WILL BE 0.36± ACRES OR 37,693.5± SQ. FT.
MAXIMUM BUILDING COVERAGE = 30 PERCENT, OR 11,308.± SQ. FT.
FLOOR AREA RATIO - .30
MAXIMUM GROSS FLOOR AREA = 11,308.± SQ. FT.
MAXIMUM BUILDING HEIGHT - 35 FEET
MAXIMUM NUMBER OF BUILDINGS - ONE(1).

NORTH

SCALE IN FEET
0 10 25 40 100 200

CITY DATUM ELEVATIONS - JULY 1978
BAUGHMAN CO.

CHERRY CREEK SHOPPING CENTER

COMMUNITY UNIT PLAN DP-98

oblinger-smith corporation
625 First National Bank Building
Wichita, Kansas 67202
316-262-0451

Drawn G.D.L./B.H.
Checked J.D.G.
Revised 5-14-79/5-29-79
Date APRIL 9, 1979
Scale 1"=40'-0"

OWNER - DEVELOPER
LAND ENTERPRISES COMPANY

Sheet 1 Of ONE