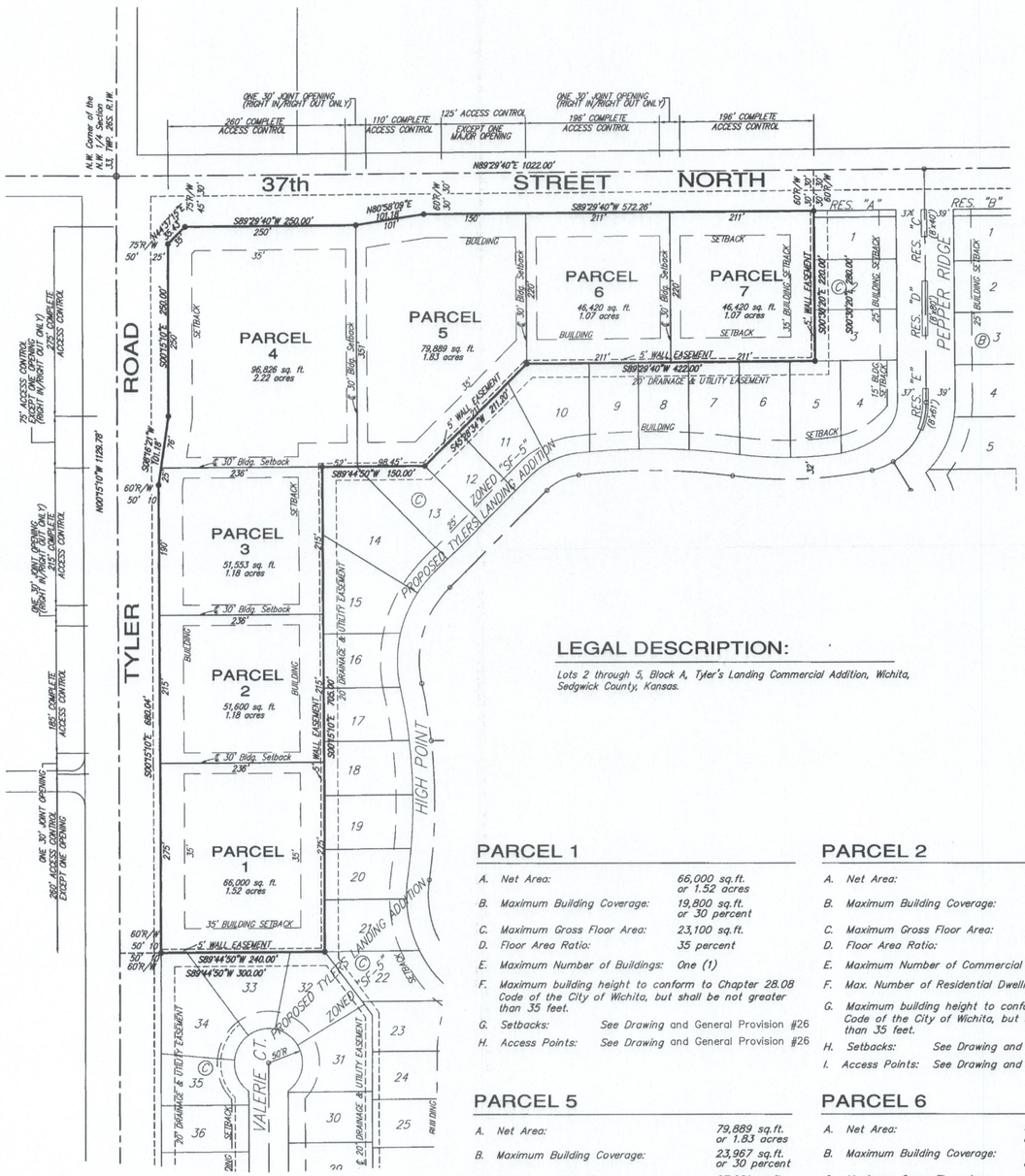
TYLERS LANDING COMMERCIAL PLAZA

COMMUNITY UNIT PLAN

DP-267



LEGAL DESCRIPTION:

Lots 2 through 5, Block A, Tyler's Landing Commercial Addition, Wichita, Sedgwick County, Kansas.

GENERAL PROVISIONS:

1. *Total Land Area:* ± 488,870 sq.ft. or ± 11.22 acres
   Net Land Area: ± 438,716 sq.ft. or ± 10.07 acres
2. *Total Gross Floor Area:* 175,487 sq.ft.
   Total Floor Area Ratio: 40 percent
3. *Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.*
4. *Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions. If the site is developed for commercial uses, the CUP shall have a 35-foot setback where the site abuts "SF-5" zoned property. If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required. See General Provision #26 regarding setbacks for residential development.*
5. *A Drainage Plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.*
6. *Guarantees for specific street improvements for Tyler Road and 37th St. North shall be further reviewed and determined at the time of platting.*
7. *Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions:*
   A. *Each parcel is permitted one sign per arterial frontage with the following area restrictions:*
      Parcel 1: 170 sq. ft. of signage (total), no closer than 75' to south property line.
      Parcel 2: 170 sq. ft. of signage.
      Parcel 3: 170 sq. ft. of signage.
      Parcel 4: 150 sq. ft. of signage, on each frontage.
      Parcel 5: 150 sq. ft. of signage.
      Parcel 6: 150 sq. ft. of signage.
      Parcel 7: 150 sq. ft. of signage, no closer than 75' to east property line.
   B. *As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150' apart, irrespective of how land is leased or sold.*
   C. *Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.*
   D. *Portable and off-site signs are not permitted.*
   E. *Interior window display signs are limited to 25% of the window area.*
   F. *No signs shall be allowed on the rear of any buildings.*
   G. *All freestanding signs must be monument type and shall have a maximum height of 20 feet for Parcels 1-7.*
8. *Access Controls shall be as shown on the final plat. See General Provision #26 regarding access control for residential development.*
9. *All exterior lighting shall be shielded to direct light disbursement in a downward direction. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.*
10. *All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).*
    A. *If the site is developed for commercial uses, the height of light poles and base shall be limited to 24 feet.*
    B. *Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.*
11. *Utilities shall be installed underground on all parcels.*
12. *Landscaping for this site shall be required as follows:*
    A. *Development of all parcels within the C.U.P. shall comply with the Landscape Ordinance of the City of Wichita and share a similar landscape palette. The landscape buffer shall be provided at a rate of one tree per 30 feet. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.*
    B. *A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.*
    C. *A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.*
13. *Screening:*
    A. *Commercial Development: A six (6) foot high concrete/ masonry wall shall be constructed along the south & east property lines of the C.U.P. where adjacent to residential zoning. This solid wall shall be constructed of a pattern and color that is consistent with the building walls.*
    B. *Residential Development: Screening shall be provided in accordance with the Unified Zoning Code, and shall be constructed with a minimum 6-foot wood screening fence.*
14. *Rooftop mechanical equipment shall be screened from ground level view per Unified Zoning Code. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.*
15. *Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view from Tyler Road, 37th St. North, or rear of single-family lots to south and east. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.*
16. *All buildings in the C.U.P. shall share uniform architectural character, color, texture, and the same predominate exterior building material, as determined by the Director of Planning. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas. No predominately metal facades shall be allowed. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.*
17. *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. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. 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.*
18. *All parcels shall be zoned Limited Commercial. No parcel within this C.U.P. shall allow the use of adult entertainment establishments, sexually oriented business, group residential, correctional placement residences, asphalt/concrete plants, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Restaurants shall not have drive-through windows located within 100 feet of residential zoning and order boards shall not exceed the existing noise ordinance. Exterior audio systems that project sound beyond the boundaries of the C.U.P. are prohibited. Service stations, vehicle repair, limited and full-service car washes will not be permitted on Parcels 1 and 7. Car washes associated with convenience stores will be located north of a building on Parcel 1 and west of a building on Parcel 7. No overhead doors associated with vehicle repair shall be permitted to face any adjacent residential zoning district, i.e. they cannot face as follows:*
    Parcels 1 & 7: Cannot face south or east
    Parcels 2 & 3: Cannot face east
    Parcel 4: Cannot face southeast
    Parcels 5 & 6: Cannot face south
19. *Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the C.U.P. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.*
20. *Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.*
21. *The Transfer of title of all or any portion of land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.*
22. *The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.*
23. *Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.*
23. *A plan for a pedestrian walk system shall be submitted and approved by the Director of Planning prior to the issuance of building permits. Said walk system shall link sidewalks along Tyler Road and 37th Street North with the proposed buildings within the subject property.*
24. *No development shall occur until such such time as municipal water and sewer service are provided to the site.*
25. *Transportation requirements:*
    A. *A site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/blocked by the layout of parking stalls or landscaping.*
    B. *The applicant shall provide a guarantee for right-turn accel/deceleration lanes along the perimeter of the property.*
    C. *The applicant shall provide a guarantee for right-turn lane along 37th Street North and Tyler Road.*
    D. *Location of the major entrance on Tyler Road shall be located across from the major entrance to Maize South Middle School.*
    E. *Access points shall be in conformance with the Access Management Policy.*
    F. *The developer shall guarantee 12-1/2 percent share of the cost for the intersection signalization at Tyler Road and 37th Street North.*
    G. *Provision of a traffic impact study is not required if the applicant accepts the above recommendations.*
26. The development of Parcels 1 through 7 may allow for single-family and/or two-family residential development. In the event Parcels 1 through 7 are developed residentially, all requirements for commercial development shall not apply, and the seven commercial lots shall be re-platted for residential purposes. Such issues as access control, building setbacks, and other improvements shall be established during the subdivision process. Parcels 2 through 5 shall, collectively, permit a maximum of 26 single-family (52 two-family) dwelling units. Parcels 1, 6 and 7 shall, collectively, permit a maximum of 18 single-family (36 two-family) dwelling units.

PARCEL 1

A.	Net Area:	66,000 sq.ft. or 1.52 acres
B.	Maximum Building Coverage:	19,800 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	23,100 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Buildings:	One (1)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
G.	Setbacks:	See Drawing and General Provision #26
H.	Access Points:	See Drawing and General Provision #26

PARCEL 2

A.	Net Area:	51,600 sq.ft. or 1.18 acres
B.	Maximum Building Coverage:	15,480 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	18,060 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Commercial Buildings:	One (1)
F.	Max. Number of Residential Dwelling Units:	See G.P.#26
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
H.	Setbacks:	See Drawing and General Provision #26
I.	Access Points:	See Drawing and General Provision #26

PARCEL 3

A.	Net Area:	51,553 sq.ft. or 1.18 acres
B.	Maximum Building Coverage:	15,466 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	18,044 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Commercial Buildings:	One (1)
F.	Max. Number of Residential Dwelling Units:	See G.P.#26
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
H.	Setbacks:	See Drawing and General Provision #26
I.	Access Points:	See Drawing and General Provision #26

PARCEL 4

A.	Net Area:	96,826 sq.ft. or 2.22 acres
B.	Maximum Building Coverage:	29,048 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	33,889 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Commercial Buildings:	Two (2)
F.	Max. Number of Residential Dwelling Units:	See G.P.#26
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
H.	Setbacks:	See Drawing and General Provision #26
I.	Access Points:	See Drawing and General Provision #26

PARCEL 5

A.	Net Area:	79,889 sq.ft. or 1.83 acres
B.	Maximum Building Coverage:	23,967 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	27,961 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Commercial Buildings:	Two (2)
F.	Max. Number of Residential Dwelling Units:	See G.P.#26
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
H.	Setbacks:	See Drawing and General Provision #26
I.	Access Points:	See Drawing and General Provision #26

PARCEL 6

A.	Net Area:	46,420 sq.ft. or 1.07 acres
B.	Maximum Building Coverage:	13,926 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	16,247 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Buildings:	One (1)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
G.	Setbacks:	See Drawing and General Provision #26
H.	Access Points:	See Drawing and General Provision #26

PARCEL 7

A.	Net Area:	46,420 sq.ft. or 1.07 acres
B.	Maximum Building Coverage:	13,926 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	16,247 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Buildings:	One (1)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
G.	Setbacks:	See Drawing and General Provision #26
H.	Access Points:	See Drawing and General Provision #26

BENCHMARK:

COW benchmark SE corner of intersection
32.30' south of centerline
30.00' east of centerline
55.50' east of PP
9.20' southeast of PP
43.20' southeast of section corner iron
Elev. = 1784.04 City Datum(1365.44 NGVD29)

REVISIONS:

Amendment #1 Submitted:	*May 12, 2014*
Approved by City Council:	*June 8, 2004*
Resubmittal:	*March 17, 2004*
Drawn:	*July 25, 2003*
Amendment #2	8-30-2019

Dated 11/13/19
APPROVED CUP
MAPC Per Admin Adjustment
Philip Shelby
Copy 2014 CUP2019-33

SCALE: 1" = 100'

DP-267
TYLERS LANDING COMMERCIAL PLAZA COMMUNITY UNIT PLAN

Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316.263.7271 F 316.262.0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

Wichita-Sedgwick County Metropolitan Area Planning Department

November 18, 2019

Premier Holdings LLC
5817 N. Broadway
Wichita, KS 67219

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 East Lewis
Wichita, KS 67202

RE: **CUP2019-00033** –City Minor Amendment of Tyler Landing Commercial Plaza Community Unity Plan (CUP) DP-267; Generally Located at the Southeast Corner of the Intersection of West 37th Street North and North Tyler Road.

Dear Applicants:

At its regular meeting on **October 24, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request with the following conditions:

1. The site shall be developed and maintained in general conformance with the approved Community Unit Plan DP-267 as follows:

   Parcel 1: G. Setbacks: See Drawing and General Provision #26
   H. Access Points: See Drawing and General Provision #26

   Parcel 6: G. Setbacks: See Drawing and General Provision #26
   H. Access Points: See Drawing and General Provision #26

   Parcel 7: G. Setbacks: See Drawing and General Provision #26
   H. Access Points: See Drawing and General Provision #26

   General Provisions:

   #1: Total Land Area ± 488,870 sq. ft. or ± 11.22 acres
   Net Land Area ± 438,716 sq. ft. or ± 10.07 acres

   #2: Total Gross Floor Area: 175,487 sq. ft.
   Total Floor Area Ratio: 40%

   #26: The development of Parcels 1 through 7 may allow for single-family and/or two-family residential development. In the event Parcels 1 through 7 are developed residentially, all requirements for commercial development shall not apply, and the seven commercial lots shall be re-platted for residential purposes. Such issues as access control, building setbacks, and other improvement shall be established during the subdivision process. Parcels 2 through 5 shall,

collectively, permit a maximum of 26 single-family (52 two-family) dwelling units. Parcels 1, 6 and 7 shall, collectively, permit a maximum of 18 single-family (36 two-family) dwelling units.

2. The amendment shall apply only to Parcels 1, 6 and 7. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.

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.

No protests were received, the MAPC's approval is final. Please submit four copies of the amended CUP DP-222 within 60 days for the case to be finalized.

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Bryan Frye, Council Member District V
Cory Buchta, CSR District V

RESOLUTION No. CUP2019-33

A RESOLUTION AUTHORIZING AN AMENDMENT TO DP-328 TO ALLOW A "NIGHTCLUB IN THE CITY", ON LOT 4, BLOCK 1 OF THE K-96 AND GREENWICH SOUTH CUP DP-328 ZONED LI LIMITED INDUSTRIAL ("LI"), GENERALLY LOCATED EAST OF NORTH GREENWICH ROAD AND SOUTH OF K-96 IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, 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-D of the Wichita-Sedgwick County Unified Zoning Code, for an approximately 3.66-acre zoned LC Limited Commercial ("LC") legally described below:

CUP2019-00033
DP-267

Lots 1, 6 and 7, Block A, Tyler's Landing Commercial Addition, Wichita, Sedgwick County, Kansas. Generally located at the southeast of the intersection of 37th Street North and North Tyler Road.

DP-267 shall be amended as follows:

1. The site shall be developed and maintained in general conformance with the approved Community Unit Plan DP-267 as follows:

   Parcel 1: G. Setbacks: See Drawing and General Provision #26
   H. Access Points: See Drawing and General Provision #26

   Parcel 6: G. Setbacks: See Drawing and General Provision #26
   H. Access Points: See Drawing and General Provision #26

   Parcel 7: G. Setbacks: See Drawing and General Provision #26
   H. Access Points: See Drawing and General Provision #26

   General Provisions:

#1:	Total Land Area	± 488,870 sq. ft. or ± 11.22 acres
	Net Land Area	± 438,716 sq. ft. or ± 10.07 acres
#2:	Total Gross Floor Area:	175,487 sq. ft.
	Total Floor Area Ratio:	40%

   #26: The development of Parcels 1 through 7 may allow for single-family and/or two-family residential development. In the event Parcels 1 through 7 are developed residentially, all requirements for commercial development shall not apply, and the seven commercial lots shall be re-

platted for residential purposes. Such issues as access control, building setbacks, and other improvement shall be established during the subdivision process. Parcels 2 through 5 shall, collectively, permit a maximum of 26 single-family (52 two-family) dwelling units. Parcels 1, 6 and 7 shall, collectively, permit a maximum of 18 single-family (36 two-family) dwelling units.

2. The amendment shall apply only to Parcels 1, 6 and 7. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.

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.

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 24 Day of October, 2019

METROPOLITAN AREA PLANNING COMMISSION

William C Moore FOR
Charles A. Warren, Chairman MAPC

ATTEST:

Dale Miller
Dale Miller, Secretary

The Wichita Eagle
Kansas.com
330 N Mead St | Wichita, KS 67202 | 316-268-6000



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453868	0004400730			$33.60	1	56

Attention: Betsy Pagán

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

LEGAL PUBLICATION

Published in The Wichita Eagle on October 3, 2019
(One Time Only)
MAPC October 24, 2019
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 24, 2019 no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission will consider the following applications in the Planning Commission Conference Room, 271 West Third Street, 2nd Floor, Ste #203, Wichita, Kansas. If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Commission at (316) 2684421.

CON2019000036 City Conditional Use to allow Vehicle and Equipment Sales, Outdoor (U-Haul Rental) on property zoned LC Limited Commercial, generally located 300 feet south of the southeast corner of West Central Avenue and North Maize Road (610 N. Maize).

CUP2019000033 City Minor Amendment to CUP DP-267 (associated with SUB2019-00012) to allow six duplexes per parcel on Parcels 1, 6, and 7 zoned LC Limited Commercial and generally located near the southeast corner of North Tyler Road and West 37th Street North

VAC2019000033 City Vacation of 5-foot wall and 10-foot "utility easements (associated with BZA2019-00038 to reduce the rear setback) to permit construction of a swimming pool in SF-5 Single-Family Residential zoning; generally located south of W. 29th St. N. and west of N. Ridge Rd. (7922 W. Meadow Park Ct).

ZON2019000038 City Zone Change from SF-5 Single Family Residential to NR Neighborhood Retail and LC Limited Commercial to allow commercial development on property generally located on the north side of East 21st Street North and west of North Oliver Avenue (2 Crestview Lakes Drive).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

WITNESS MY HAND on September 30, 2019
Dale Miller, Secretary
WichitaSedgwick County
0004400730

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

1 Insertions

Beginning issue of: 10/24/2019

Ending issue of: 10/24/2019

STATE OF KANSAS)
.SS
County of Sedgwick)

Dale Seiwert, 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 **10/24/2019** to **10/24/2019**.

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

Dale Seiwert
(Signature of Principal Clerk)
DATED: 10/24/2019

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 6/14/2021

Notary Public Sedgwick County, Kansas

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.3

STAFF REPORT
MAPC October 24, 2019
DAB November 4, 2019

CASE NUMBER: CUP2019-33

APPLICANT/AGENT: Premier Holdings, LLC (owner)/KE Miller Engineering, Kirk Miller (agent)

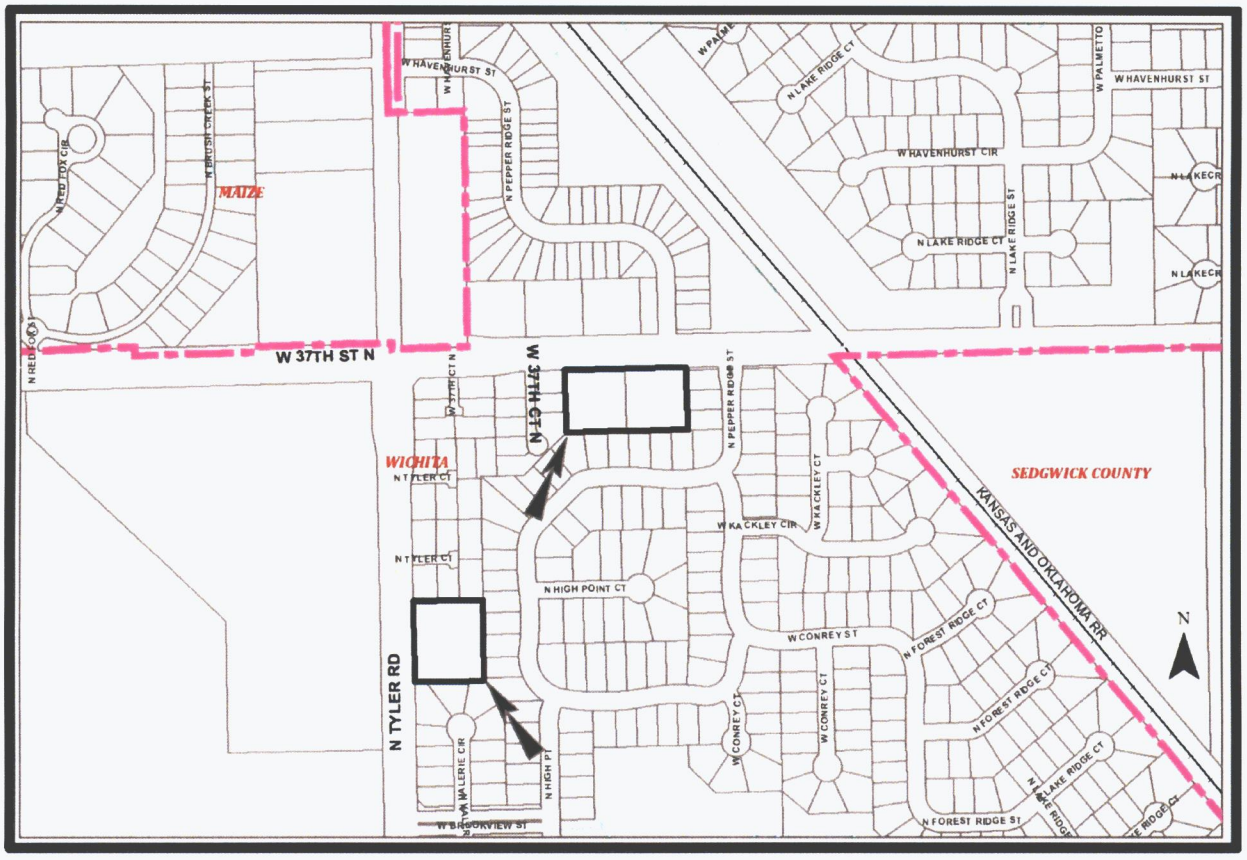
REQUEST: Minor Amendment #2 to CUP DP-267 to build six two-family dwelling units on each of 3 lots

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 3.66 acres

LOCATION: Southeast of the intersection of 37th Street North and Tyler Road

PROPOSED USE: Duplex Residential



BACKGROUND: The subject site is located in the Tyler Landing Commercial Plaza Community Unity Plan (CUP) DP-267, which is located at the southeast of the intersection of 37th Street North and North Tyler Road. Total acreage of DP-267 is approximately 11.22 acres. The applicants are requesting a minor amendment to Parcels 1, 6 and 7 (approximately 3.66 acres) to allow six duplexes (12 units) on each of the three parcels. The subject site is zoned LC Limited Commercial.

CUP DP-267 has seven parcels. Parcels 2 through 5 are currently developed with two-family dwelling units. Properties to the east, west and south are zoned SF-5 Single-Family Residential and are developed with single-family dwelling units and the South Campus of Maize High School. Properties north of the site on the north side of West 37th Street North are zoned LC and are undeveloped.

The applicant is requesting the following minor amendments to CUP DP-267:

Parcel 1: G. Setbacks: See Drawing and General Provision #26
H. Access Points: See Drawing and General Provision #26

Parcel 6: G. Setbacks: See Drawing and General Provision #26
H. Access Points: See Drawing and General Provision #26

Parcel 7: G. Setbacks: See Drawing and General Provision #26
H. Access Points: See Drawing and General Provision #26

General Provisions:

#1:	Total Land Area	± 488,870 sq. ft. or ± 11.22 acres
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#2:	Total Gross Floor Area:	175,487 sq. ft.
	Total Floor Area Ratio:	40%

#26: The development of Parcels 1 through 7 may allow for single-family and/or two-family residential development. In the event Parcels 1 through 7 are developed residentially, all requirements for commercial development shall not apply, and the seven commercial lots shall be re-platted for residential purposes. Such issues as access control, building setbacks, and other improvement shall be established during the subdivision process. Parcels 2 through 5 shall, collectively, permit a maximum of 26 single-family (52 two-family) dwelling units. Parcels 1, 6 and 7 shall, collectively, permit a maximum of 18 single-family (36 two-family) dwelling units.

CASE HISTORY: "LC" Limited Commercial zoning (ZON2003-00044) and the Tylers Landing Commercial Plaza CUP DP-267 were approved in 2004. Tylers Landing Commercial Addition was perfected on January 27, 2005. Amendment #1 to DP-267 allowed development of single-family and/or two-family residences on Parcels 2 through 5, which were platted as Tylers Landing 5th Addition (January 20, 2015) and Tylers Landing 6th Addition (September 28, 2016). This case is associated with SUB2019-00012 to replat Parcels 1, 6 and 7 of CUP DP-267.

ADJACENT ZONING AND LAND USE:

North:	LC	Undeveloped
South:	SF-5	Single-Family dwellings
West:	SF-5 & LC	Maize School South Campus, Two-Family dwellings
East:	SF-5	Single-Family dwellings

PUBLIC SERVICES: All municipal services are in place and can accommodate the required services to the site. The parcels have access to West 37th Street North and North Tyler Road per the subdivision access control requirements. West 37th Street North (130 ft. Right-of-Way) and North Tyler Road (145 ft. Right-of-Way) are paved arterial streets with travel in both directions.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limit Urban Growth Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "New Employment," encompassing areas that will likely be developed or redeveloped by 2035 with manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. This area is immediately adjacent to a residential development area identified in the Community Investments Plan's *2035 Wichita Future Growth Concept Map*. The requested amendment to CUP DP-267 is consistent with the residential zoning and development patterns in the area.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the zone change and amendments to CUP DP-267 be **APPROVED** subject to the development guidelines of the amended CUP and the following conditions:

A. APPROVE the Amendment to CUP DP-267, subject to the following conditions:
   1. The amendment shall apply only to Parcels 1, 6 and 7. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
   2. 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: CUP DP-267 has seven parcels. Parcels 2 through 5 are currently developed with two-family dwelling units. Properties to the east, west and south are zoned SF-5 Single-Family Residential and are developed with single-family dwelling units and the South Campus of Maize High School. Properties north of the site on the north side of West 37th Street North are zoned LC and are undeveloped.

2. The suitability of the subject property for the uses to which it has been restricted: The CUP is located at a major arterial intersection and is appropriately zoned "LC" Limited Commercial, except for night clubs. The minor amendment request retains the LC uses requirement of the original CUP.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed CUP minor amendment would allow single-family and two-family residential

development. The requested changes should not detrimentally impact nearby property owners to any greater extent than allowed in LC Limited Commercial zoning as permitted in the CUP DP-267 language.

4. 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 contributes to the area's long term economic opportunity. Denial would presumably represent a loss in economic opportunity to the property owner or future tenants.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Although the area is identified as "New Employment," in the adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, *2035 Wichita Future Growth Concept Map*, the development trends are following a residential pattern. This area is immediately adjacent to a residential development area identified in the Community Investments Plan's *2035 Wichita Future Growth Concept Map*. The requested amendment to CUP DP-267 is consistent with the residential zoning and development patterns in the area.

6. Impact of the proposed development on community facilities: Existing improvements are in place to address anticipated demands.

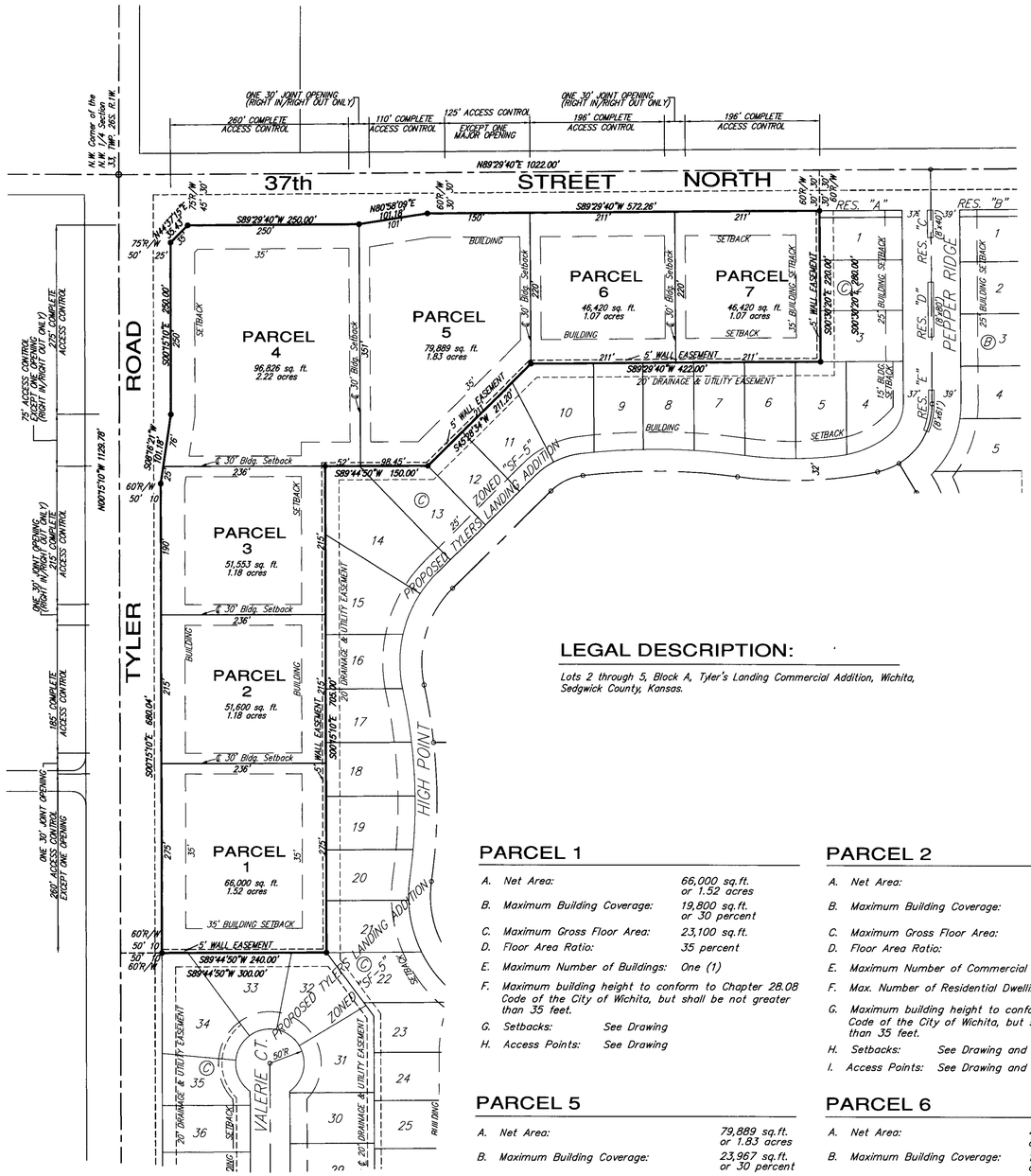
Attachments:

Proposed CUP amendment drawing.

TYLERS LANDING COMMERCIAL PLAZA

COMMUNITY UNIT PLAN

DP-267



GENERAL PROVISIONS:

1. Total Land Area: 488,870 ±XX sq.ft. or 11.22 ± acres
   Net Land Area: 438,716 ±XX sq.ft. or 10.07 ± acres
2. Total Gross Floor Area: 153,551 sq.ft.
   Total Floor Area Ratio: 35 percent
3. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
4. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions. If the site is developed for commercial uses, the CUP shall have a 35-foot setback where the site abuts "SF-5" zoned property. If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required. See General Provision #26 regarding setbacks for residential development.
5. A Drainage Plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
6. Guarantees for specific street improvements for Tyler Road and 37th St. North shall be further reviewed and determined at the time of platting.
7. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions:
   A. Each parcel is permitted one sign per arterial frontage with the following area restrictions:
      Parcel 1: 170 sq. ft. of signage (total), no closer than 75' to south property line.
      Parcel 2: 170 sq. ft. of signage.
      Parcel 3: 170 sq. ft. of signage.
      Parcel 4: 150 sq. ft. of signage, on each frontage.
      Parcel 5: 150 sq. ft. of signage.
      Parcel 6: 150 sq. ft. of signage.
      Parcel 7: 150 sq. ft. of signage, no closer than 75' to east property line.
   B. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150' apart, irrespective of how land is leased or sold.
   C. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
   D. Portable and off-site signs are not permitted.
   E. Interior window display signs are limited to 25% of the window area.
   F. No signs shall be allowed on the rear of any buildings.
   G. All freestanding signs must be monument type and shall have a maximum height of 20 feet for Parcels 1-7.
8. Access Controls shall be as shown on the final plat. See General Provision #26 regarding access control for residential development.
9. All exterior lighting shall be shielded to direct light disbursement in a downward direction. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.
10. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
    A. If the site is developed for commercial uses, the height of light poles and base shall be limited to 24 feet.
    B. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
11. Utilities shall be installed underground on all parcels.
12. Landscaping for this site shall be required as follows:
    A. Development of all parcels within the C.U.P. shall comply with the Landscape Ordinance of the City of Wichita and share a similar landscape palette. The landscape buffer shall be provided at a rate of one tree per 30 feet. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.
    B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.
    C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.
13. Screening:
    A. Commercial Development: A six (6) foot high concrete/ masonry wall shall be constructed along the south & east property lines of the C.U.P. where adjacent to residential zoning. This solid wall shall be constructed of a pattern and color that is consistent with the building walls.
    B. Residential Development: Screening shall be provided in accordance with the Unified Zoning Code, and shall be constructed with a minimum 6-foot wood screening fence.
14. Rooftop mechanical equipment shall be screened from ground level view per Unified Zoning Code. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.
15. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view from Tyler Road, 37th St. North, or rear of single-family lots to south and east. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.
16. All buildings in the C.U.P. shall share uniform architectural character, color, texture, and the same predominate exterior building material, as determined by the Director of Planning. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas. No predominately metal facades shall be allowed. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.
17. 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. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. 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.
18. All parcels shall be zoned Limited Commercial. No parcel within this C.U.P. shall allow the use of adult entertainment establishments, sexually oriented business, group residential, correctional placement residences, asphalt/concrete plants, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Restaurants shall not have drive-through windows located within 100 feet of residential zoning and order boards shall not exceed the existing noise ordinance. Exterior audio systems that project sound beyond the boundaries of the C.U.P. are prohibited. Service stations, vehicle repair, limited and full-service car washes will not be permitted on Parcels 1 and 7. Car washes associated with convenience stores will be located north of a building on Parcel 1 and west of a building on Parcel 7. No overhead doors associated with vehicle repair shall be permitted to face any adjacent residential zoning district, i.e. they cannot face as follows:

Parcels 1 & 7:	Cannot face south or east
Parcels 2 & 3:	Cannot face east
Parcel 4:	Cannot face southeast
Parcels 5 & 6:	Cannot face south

19. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the C.U.P. This requirement does not apply to Parcels 2 through 5 in the event they are developed with residential uses.
20. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.
21. The Transfer of title of all or any portion of land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
22. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
23. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
23. A plan for a pedestrian walk system shall be submitted and approved by the Director of Planning prior to the issuance of building permits. Said walk system shall link sidewalks along Tyler Road and 37th Street North with the proposed buildings within the subject property.
24. No development shall occur until such such time as municipal water and sewer service are provided to the site.
25. Transportation requirements:
    A. A site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/blocked by the layout of parking stalls or landscaping.
    B. The applicant shall provide a guarantee for right-turn accel/deceleration lanes along the perimeter of the property.
    C. The applicant shall provide a guarantee for right-turn lane along 37th Street North and Tyler Road.
    D. Location of the major entrance on Tyler Road shall be located across from the major entrance to Maize South Middle School.
    E. Access points shall be in conformance with the Access Management Policy.
    F. The developer shall guarantee 12-1/2 percent share of the cost for the intersection signalization at Tyler Road and 37th Street North.
    G. Provision of a traffic impact study is not required if the applicant accepts the above recommendations.
26. The development of Parcels 2 through 5 may allow for single-family and/or two-family residential development. In the event Parcels 2 through 5 are developed residentially, all requirements for commercial development shall not apply, and the four commercial lots shall be re-platted for residential purposes. Such issues as access control, building setbacks, and other improvements shall be established during the subdivision process. Parcels 2 through 5 shall, collectively, permit a maximum of 26 single-family (52 two-family) dwelling units.

LEGAL DESCRIPTION:

Lots 2 through 5, Block A, Tyler's Landing Commercial Addition, Wichita, Sedgwick County, Kansas.

PARCEL 1

A.	Net Area:	66,000 sq.ft. or 1.52 acres
B.	Maximum Building Coverage:	19,800 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	23,100 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Buildings:	One (1)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing

PARCEL 2

A.	Net Area:	51,600 sq.ft. or 1.18 acres
B.	Maximum Building Coverage:	15,480 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	18,060 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Commercial Buildings:	One (1)
F.	Max. Number of Residential Dwelling Units:	See G.P.#26
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
H.	Setbacks:	See Drawing and General Provision #26
I.	Access Points:	See Drawing and General Provision #26

PARCEL 3

A.	Net Area:	51,553 sq.ft. or 1.18 acres
B.	Maximum Building Coverage:	15,466 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	18,044 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Commercial Buildings:	One (1)
F.	Max. Number of Residential Dwelling Units:	See G.P.#26
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
H.	Setbacks:	See Drawing and General Provision #26
I.	Access Points:	See Drawing and General Provision #26

PARCEL 4

A.	Net Area:	96,826 sq.ft. or 2.22 acres
B.	Maximum Building Coverage:	29,048 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	33,889 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Commercial Buildings:	Two (2)
F.	Max. Number of Residential Dwelling Units:	See G.P.#26
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
H.	Setbacks:	See Drawing and General Provision #26
I.	Access Points:	See Drawing and General Provision #26

PARCEL 5

A.	Net Area:	79,889 sq.ft. or 1.83 acres
B.	Maximum Building Coverage:	23,967 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	27,961 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Commercial Buildings:	Two (2)
F.	Max. Number of Residential Dwelling Units:	See G.P.#26
G.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
H.	Setbacks:	See Drawing and General Provision #26
I.	Access Points:	See Drawing and General Provision #26

PARCEL 6

A.	Net Area:	46,420 sq.ft. or 1.07 acres
B.	Maximum Building Coverage:	13,926 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	16,247 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Buildings:	One (1)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing

PARCEL 7

A.	Net Area:	46,420 sq.ft. or 1.07 acres
B.	Maximum Building Coverage:	13,926 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	16,247 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Buildings:	One (1)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing

BENCHMARK:

COW benchmark SE corner of intersection
32.30' south of centerline
30.00' east of centerline
55.50' east of PP
9.20' southeast of PP
43.20' southeast of section corner iron
Elev. = 1784.04 City Datum(1365.44 NGVD29)

REVISIONS:

Amendment #1 Submitted:	May 12, 2014
Approved by City Council:	June 8, 2004
Resubmittal:	March 17, 2004
Drawn:	July 25, 2003

APPROVED CUP
MAPC 5/6/04 JMc
DCC 6/8/04 JMc
MAPD 29-2

SCALE: 1" = 100'

DP-267
TYLERS LANDING COMMERCIAL PLAZA COMMUNITY UNIT PLAN

Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316.262.7271 F 316.262.0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 19, 2014

R &R Realty, LLC
Attn: Jay Russell
PO Box 75337
Wichita, KS 67275

Baughman Company, PA c/o Russ Ewy
315 Ellis
Wichita, KS 67211

RE: **CUP2014-13** - Amendment to Community Unit Plan (CUP) DP-267 to allow residential use with residential development standards, generally located at the southeast corner of 37th Street North and Tyler Road.

Dear Applicants:

At its regular meeting on **June 19, 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 conditions:

(1) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days of approval or the request shall be considered denied and closed.
(2) If the Zoning Administrator finds that there is a violation of any of the conditions of the CUP amendment, 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 the CUP amendment null and void.

Property owners may file written protest petitions on land use 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 located 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 **July 3, 2014, at 5:00 p.m.**

If protests are received, this application will be forwarded to the City Council for consideration at its regular meeting on **Tuesday, July 22, 2014**. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

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 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.

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,

Jess McNeely, AICP
Senior Planner
Current Plans Division

Copies to: Jeffery Longwell, WCC CM V
Martha Sanchez, NA V
Julianne Kallman, Engineering
JR Cox, MABCD
Tom Stolz, MABCD
Paul Hays, MABCD