

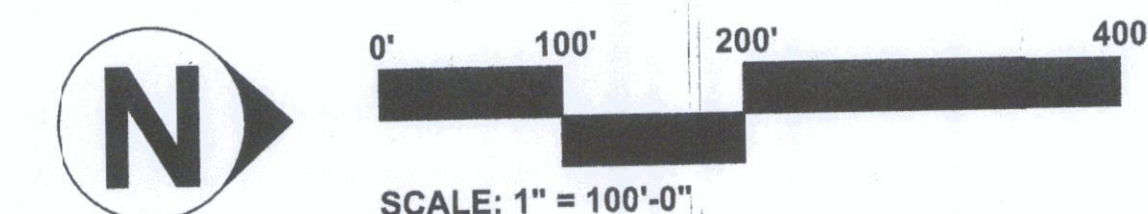
Per Admin Adj 6/15/16
APPROVED

MAR 12-5-02
WCC
Date 3/27/25
SUPERSEDED
MARC copy 1 of 2

PROTECTIVE OVERLAY #36 NEWMARKET SQUARE PHASES I & II

OWNER: NEWMARKET SQUARE, LTD.
727 N. WACO AVE., SUITE 400
WICHITA, KANSAS 67203

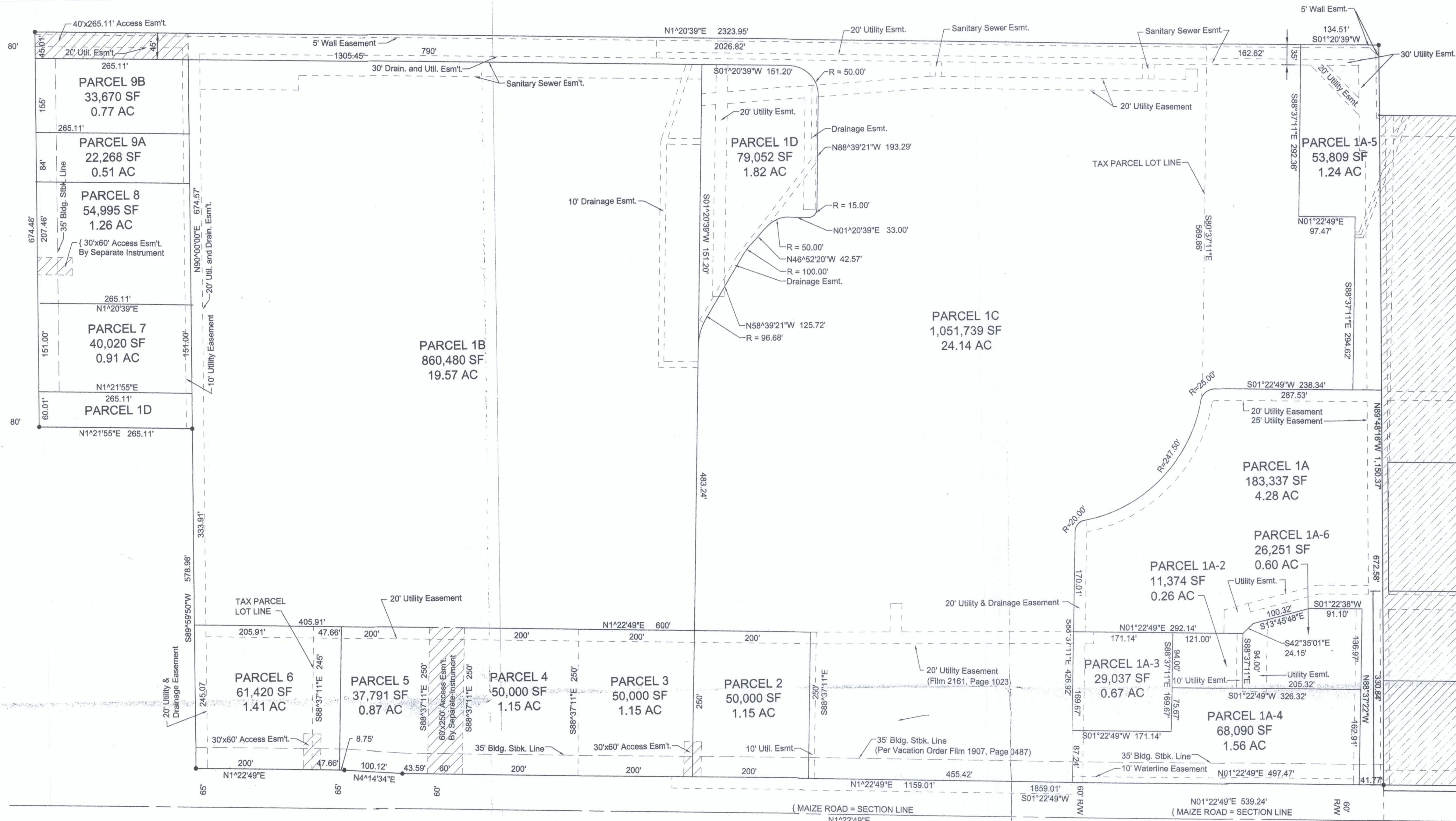
DATE: 10 OCTOBER 2016



Amended Per ZON2025-00006 and CON2025-00040 APPROVED 5/9/2025

APPROVED

[Signature]
2025-00006 / CON 2025-00040
Date: MAR 3/27/25
4 of 4



GENERAL PROVISIONS

SEE PLAN FOR PARCEL AND RESERVE INDIVIDUAL ACRES.

PARCEL DESCRIPTIONS:
NOTE: UNLESS OTHERWISE SPECIFIED, MAXIMUM GROSS FLOOR AREA AND MAXIMUM FLOOR AREA RATIO ARE THE SAME.

PARCEL 1A
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 4.88 ACRES +/-; OR 212,589 SF
• MAXIMUM BUILDINGS COVERAGE: 25.4% OR 58,921 SF
• MAXIMUM GROSS AREA: 26.7% OR 63,795 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 4

PARCEL 1A-2
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.26 ACRES +/-; OR 11,374 SF
• MAXIMUM BUILDINGS COVERAGE: 25.4% OR 7,000 SF
• MAXIMUM GROSS AREA: 26.7% OR 7,000 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1A-3
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.67 ACRES +/-; OR 29,037 SF
• MAXIMUM BUILDINGS COVERAGE: 25.4% OR 0 SF
• MAXIMUM GROSS AREA: 26.7% OR 0 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 0

PARCEL 1A-4
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.56 ACRES +/-; OR 68,090 SF
• MAXIMUM BUILDINGS COVERAGE: 20.6% OR 14,000 SF
• MAXIMUM GROSS AREA: 20.6% OR 14,000 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1A-5
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.24 ACRES +/-; OR 53,809 SF
• MAXIMUM BUILDINGS COVERAGE: 28.4% OR 15,300 SF
• MAXIMUM GROSS AREA: 28.4% OR 15,300 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1A-6
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.60 ACRES +/-; OR 26,251 SF
• MAXIMUM BUILDINGS COVERAGE: 28.4% OR 7,455 SF
• MAXIMUM GROSS AREA: 28.4% OR 7,455 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1B
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE. A GARDEN CENTER CORRAL IS PERMITTED ANNUALLY FROM FEBRUARY 15 TO OCTOBER 31. THE CITY RESERVES THE RIGHT TO REEVALUATE THE EXTENT OF THE CORRAL SHOULD PARKING DEMAND EXCEED THE REMAINING PARKING WITHIN SITE.
• NET AREA: 19.57 ACRES +/-; OR 860,480 SF
• MAXIMUM BUILDINGS COVERAGE: 25.4% OR 218,000 SF
• MAXIMUM GROSS AREA: 26.7% OR 282,000 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1C
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 24.14 ACRES +/-; OR 1,051,739 SF
• MAXIMUM BUILDINGS COVERAGE: 25.4% OR 267,142 SF
• MAXIMUM GROSS AREA: 26.7% OR 280,814 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 5

PARCEL 1D
PROPOSED USES: All uses permitted in the "LC" Zoning District, including Entertainment Establishment in the City as an Accessory Use to a Hotel per CON2025-00040; except Taverns and Adult Entertainment as defined by City Code.

• NET AREA: 1.82 ACRES +/-; OR 79,052 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 23,715 SF
• MAXIMUM GROSS AREA: 75% OR 59,289 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 2
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.15 ACRES +/-; OR 50,000 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 15,000 SF
• MAXIMUM GROSS AREA: 30% OR 15,000 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 3
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT TOGETHER WITH NEW CAR DEALERSHIP (SEE GP-18); EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.15 ACRES +/-; OR 50,000 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 15,000 SF
• MAXIMUM GROSS AREA: 30% OR 15,000 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 4
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT TOGETHER WITH NEW CAR DEALERSHIP (SEE GP-18); EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.15 ACRES +/-; OR 50,000 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 15,000 SF
• MAXIMUM GROSS AREA: 30% OR 15,000 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 5
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT TOGETHER WITH NEW CAR DEALERSHIP (SEE GP-18); EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.87 ACRES +/-; OR 37,791 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 11,337 SF
• MAXIMUM GROSS AREA: 30% OR 11,337 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 6
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT TOGETHER WITH NEW CAR DEALERSHIP (SEE GP-18); EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.41 ACRES +/-; OR 61,420 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 18,420 SF
• MAXIMUM GROSS AREA: 30% OR 18,420 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 2

PARCEL 7
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.91 +/-; OR 40,020 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 12,006 SF
• MAXIMUM GROSS AREA: 30% OR 12,006 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 8
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.26 ACRES +/-; OR 54,995 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 16,498 SF
• MAXIMUM GROSS AREA: 30% OR 16,498 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 9A
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS, NIGHT CLUBS IN THE CITY AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE, CAR WASHES AND EXCEPT RESIDENTIAL USES. NO OVERHEAD DOORS SHALL BE PERMITTED ON THE WEST OR SOUTH FACES OF ANY BUILDING ON THE PARCEL.
• NET AREA: 0.51 ACRES +/-; OR 22,268 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 6,680 SF
• MAXIMUM GROSS AREA: 30% OR 6,680 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 9B
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS, NIGHT CLUBS IN THE CITY AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE, CAR WASHES AND EXCEPT RESIDENTIAL USES. NO OVERHEAD DOORS SHALL BE PERMITTED ON THE WEST OR SOUTH FACES OF ANY BUILDING ON THE PARCEL.
• NET AREA: 0.77 ACRES +/-; OR 33,670 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 10,101 SF
• MAXIMUM GROSS AREA: 30% OR 10,101 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

THIS DEVELOPMENT (P.O. #36) CONTAINS 63.51 +/- NET ACRES; WITH A MAXIMUM BUILDING COVERAGE OF 720,041 SQUARE FEET AND A MAXIMUM GROSS FLOOR AREA OF 750,041 SQUARE FEET. FOR EVERY SQUARE FOOT OF RETAIL (DEFINED FOR PURPOSE OF THIS ADJUSTMENT AS USES ALLOWED IN THE LIMITED COMMERCIAL DISTRICT BUT NOT IN THE GENERAL OFFICE DISTRICT) CONSTRUCTION ON BLOCK 7, LOT 26 OF THE EVERGREEN ADDITION, THE MAXIMUM GROSS FLOOR AREA OF RETAIL WILL BE REDUCED BY ONE SQUARE FOOT. ALL BUILDINGS WITHIN 250 FEET OF THE EAST PROPERTY LINE ALONG MAIZE ROAD SHALL BE LIMITED TO 35 FEET IN HEIGHT AND SHALL NOT EXCEED 100 FEET IN DEPTH MEASURED IN AN EAST-WEST DIRECTION (PERPENDICULAR TO MAIZE ROAD) ON LOT 1A, 1B AND 1C, NEWMARKET SQUARE ADDITION.

4. BUILDING SETBACKS SHALL BE AS SHOWN ON THE SITE PLAN EXCEPT THAT THE MINIMUM BUILDING SETBACK ON LOT 1A, 1B AND 1C, NEWMARKET SQUARE ADDITION IS REDUCED TO 35 FEET FROM MAIZE ROAD.

5. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.

6. A DRAINAGE PLAN AND GUARANTEES FOR THE DRAINAGE IMPROVEMENTS SHALL BE PROVIDED AT THE TIME OF PLATTING.

7. STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS AS ESTABLISHED BY THE PLAT.

8. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE UNIFIED ZONING CODE, WITH THE EXCEPTION OF PARCEL 1D WHICH WILL BE SUBJECT TO A PARKING STUDY

9. THE TRANSFER OF THE TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE DEVELOPMENT DOES NOT CONSTITUTE A TERMINATION OF THESE PROVISIONS OR ANY PORTION THEREOF, BUT SAID PROVISIONS SHALL RUN WITH THE LAND FOR DEVELOPMENT AND BE BINDING UPON THE PRESENT LAND OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED.

10. ARCHITECTURAL CONTROLS:
a. ALL BUILDINGS WITHIN PARCELS 1A THROUGH 9 SHALL HAVE CONSISTENT PREDOMINANT EXTERIOR BUILDING MATERIALS WITH CONSISTENT ARCHITECTURAL CHARACTER, COLOR AND TEXTURE; EXCEPT, THIS REQUIREMENT SHALL BE WAIVED BY THE DIRECTOR OF PLANNING IF A LANDSCAPE PLAN IS SUBMITTED AND APPROVED PROVIDING FOR 25% ABOVE THE MINIMUM NUMBER OF TREES REQUIRED BY THE CITY OF WICHITA LANDSCAPE ORDINANCE.
b. ANY STRUCTURE OVER 400 FEET IN LENGTH SHALL BE DESIGNED SO AS TO STAGGER THE FRONT FACADES, OR DESIGNED IN ANOTHER MANNER AS APPROVED BY THE DIRECTOR OF PLANNING, TO BREAK UP THE VISUAL EXPANSE OF THE STRUCTURE.
c. ALL LIGHTING SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD AND AWAY FROM RESIDENTIAL AREAS. ALL PARKING LOT LIGHTING SHALL SHARE CONSISTENT LIGHTING DESIGN (FIXTURES, POLES, LAMPS, ETC.)
d. PARCEL 1D SHALL BE EXEMPT FROM ARCHITECTURAL CONTROLS, EXCLUDING GENERAL PROVISION 10C.

11. SCREENING SHALL BE IN ACCORDANCE WITH THE UNIFIED ZONING CODE

12. A MASONRY WALL SHALL BE 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 APPROXIMATELY 40 FEET EAST OF THE WEST PROPERTY LINE OF PARCEL 1B, 1C AND 4B, AS SHOWN ON THE SITE PLAN. CONSTRUCTION OF THE WALL WILL REQUIRE A BUILDING PERMIT. NO WALL SHALL BE CONSTRUCTED IN A UTILITY EASEMENT. SEE PROVISION 12a

13. 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. IF THE PROPERTY IS PLATTED INTO MULTIPLE LOTS, AN AGREEMENT FOR SIGNAGE ALLOCATIONS WILL BE REQUIRED.

12a. PARCEL 1D SHALL BE ALLOWED TO CONSTRUCT A MASONRY WALL IN THE WALL EASEMENT ON THE WEST PORTION OF PARCEL 1C

14. ALL SIGNS ALONG MAIZE ROAD AND 21ST STREET NORTH SHALL BE MONUMENT TYPE SIGNS WITH A MAXIMUM HEIGHT OF 20 FEET; PROVIDED HOWEVER, 2 SIGNS ALONG MAIZE ROAD AND 1 SIGN ALONG 21ST STREET NORTH MAY BE A POLE OR MONUMENT SIGN AND HAVE A MAXIMUM HEIGHT OF 30 FEET.
d. THE MAXIMUM SQUARE FOOTAGE OF SIGN AREA PERMITTED FOR GROUND MONUMENT SIGNS SHALL BE CALCULATED AT 0.8 SQUARE FEET PER FOOT OF LINEAR STREET FRONTAGE. AS THE FRONTAGE DEVELOPS ALONG THE ARTERIAL ROADWAYS, GROUND OR POLE SIGNS SHALL BE SPACED A MINIMUM OF 150 FEET APART, IRRESPECTIVE OF HOW LAND IS LEASED OR SOLD, EXCEPT AS FOLLOWS: MONUMENT SIGNS THAT ARE NO MORE THAN 12 FEET IN HEIGHT TO BE SPACED A MINIMUM OF 100 FEET FROM THE NEAREST SIGN (OR 71 FEET ON PARCELS 7-8 ONLY), NOT MORE THAN ONE SIGN SHALL BE ALLOWED PER PARCEL ON PARCELS 2-9. A TOTAL OF FIVE MONUMENT SIGNS PLUS TWO 30-FOOT SIGNS SHALL BE PERMITTED ON PARCEL 1A AND ONE 30-FOOT SIGN SHALL BE PERMITTED ON PARCEL 1B.
e. PARCEL 1D SHALL BE ALLOTTED A 50 SQ. FT. MONUMENT SIGN
15. LANDSCAPE BUFFERS 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 SPECIFICATION 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 THE PLANT MATERIALS.

ADDITIONAL REQUIREMENTS ARE AS FOLLOWS:

a. 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 INSTALLED.
b. ANY PARKING LOT IN PARCEL 1A OR 1B SHALL REQUIRE A MINIMUM OF ONE (1) SHADE TREE OR TWO (2) ORNAMENTAL TREES FOR EVERY 20 PARKING SPACES.

15. ACCESS CONTROL:

a. ACCESS TO 21ST STREET NORTH SHALL BE LIMITED TO FOUR OPENINGS, ONE OF WHICH SHALL BE A MAJOR OPENING, AS SHOWN ON THE PLAN.
b. ACCESS TO MAIZE ROAD SHALL BE LIMITED TO FIVE OPENINGS, TWO OF WHICH SHALL BE A MAJOR OPENING, AS SHOWN ON THE PLAN AND NEWMARKET SQUARE ADDITION.

16. SITE CIRCULATION:
a. PRIOR TO ISSUING BUILDING PERMITS, WITHIN PARCEL 1 OR 1C, THE APPLICANT SHALL SUBMIT AND RECEIVE APPROVAL BY THE DIRECTOR OF PLANNING AND TRAFFIC ENGINEER OF AN OVERALL SITE CIRCULATION PLAN. THE PLAN SHALL SHOW LAND USE RELATIONSHIPS, ACCESS POINTS AND/OR CONTROL, SETBACKS, INTERIOR CIRCULATION, PARKING, SCREENING AND OTHER DESIGN CONSIDERATIONS WHICH MAY AFFECT ADJACENT PROPERTY OR THE GENERAL HEALTH AND WELFARE OF THE PUBLIC.

b. PRIOR TO ISSUING BUILDING PERMITS FOR EACH PHASE OF DEVELOPMENT, WITHIN PARCEL 1A OR 1C, A PLAN FOR A PEDESTRIAN WALK SYSTEM SHALL BE SUBMITTED AND APPROVED BY THE DIRECTOR OF PLANNING. THIS WALK SYSTEM SHALL LINK SIDEWALKS ALONG 21ST STREET AND MAIZE ROAD WITH THE MAJOR ENTRANCES TO THE DEVELOPMENT, AND SHALL LINK THE PROPOSED BUILDINGS WITHIN THE DEVELOPMENT. GAPS IN THE MASONRY WALL AS REQUIRED IN THE GENERAL PROVISION NO. 10 TO LINK THE WALK SYSTEM AND TO ALLOW PEDESTRIAN ACCESS FROM THE NORTH OR WEST SHALL BE PERMITTED IF APPROVED BY THE DIRECTOR OF PLANNING.

c. AT THE TIME OF PLATTING, CROSS-LOT CIRCULATION BETWEEN PARCELS SHALL BE REQUIRED.

17. NO BUILDING PERMITS SHALL BE ISSUED FOR ANY DEVELOPMENT WITHOUT SERVICE BY MUNICIPAL WATER AND SEWER SERVICES.

18. AT THE TIME OF PLATTING, THE APPLICANT SHALL GUARANTEE A LEFT TURN LANE AND A DECAL LANE ALONG MAIZE ROAD AND 21ST STREET NORTH ADJACENT TO THE DEVELOPMENT.

19. DRINKING ESTABLISHMENTS SHALL BE LOCATED AT LEAST 200 FEET FROM ANY RESIDENTIAL ZONING DISTRICT. THE MAXIMUM NUMBER FOR THE ENTIRE DEVELOPMENT SHALL BE LIMITED TO THREE.

20. NEW CAR DEALERSHIPS, AS PERMITTED IN PARCELS 1B, 2, 3, 4, 5 AND 6 SHALL COMPLY WITH THE APPLICABLE REGULATIONS OF THE LIMITED COMMERCIAL DISTRICT. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, A PLAN SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING FOR REVIEW AND APPROVAL.

Per Adm Ad's 6-15-16

APPROVED

MARC 12-5-02 SK

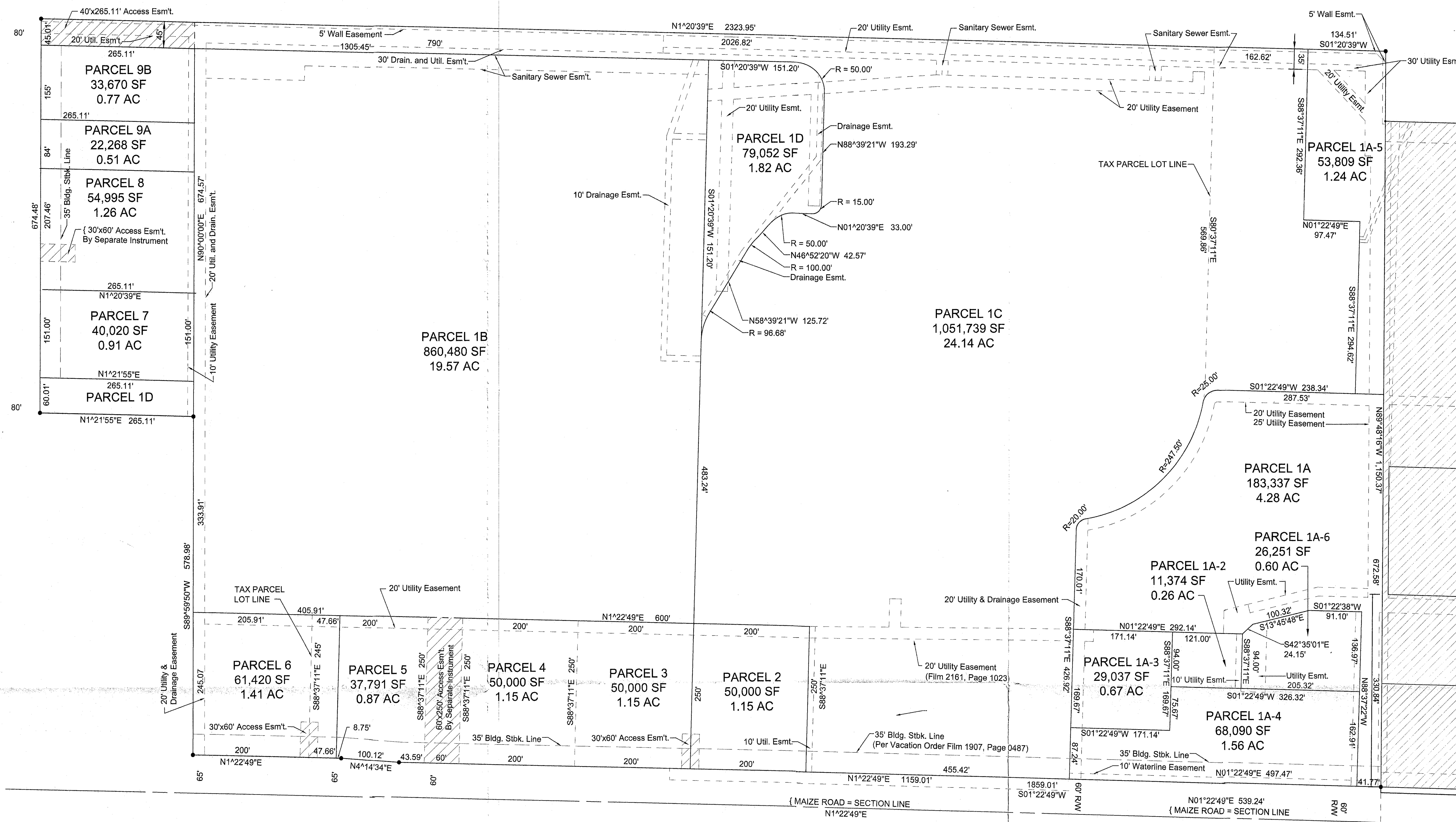
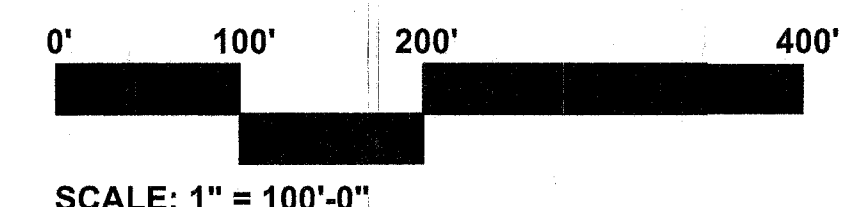
WCC
Date: 1-7-03 SK

MARCO copy 10/2

PROTECTIVE OVERLAY #36 NEWMARKET SQUARE PHASES I & II

OWNER: NEWMARKET SQUARE, LTD.
727 N. WACO AVE., SUITE 400
WICHITA, KANSAS 67203

DATE: 10 OCTOBER 2016



GENERAL PROVISIONS

SEE PLAN FOR PARCEL AND RESERVE INDIVIDUAL ACREAGES.

PARCEL DESCRIPTIONS:
NOTE: UNLESS OTHERWISE SPECIFIED, MAXIMUM GROSS FLOOR AREA AND MAXIMUM FLOOR AREA RATIO ARE THE SAME.

PARCEL 1A
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 4.88 ACRES +/-; OR 212,589 SF
• MAXIMUM BUILDINGS COVERAGE: 25.4% OR 58,921 SF
• MAXIMUM GROSS AREA: 26.7% OR 63,795 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 4

PARCEL 1A-2
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.26 ACRES +/-; OR 11,374 SF
• MAXIMUM BUILDINGS COVERAGE: 61.5% OR 7,000 SF
• MAXIMUM GROSS AREA: 61.5% OR 7,000 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1A-3
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.67 ACRES +/-; OR 29,037 SF
• MAXIMUM BUILDINGS COVERAGE: 0% OR 0 SF
• MAXIMUM GROSS AREA: 0% OR 0 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 0

PARCEL 1A-4
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.56 ACRES +/-; OR 68,090 SF
• MAXIMUM BUILDINGS COVERAGE: 20.8% OR 14,000 SF
• MAXIMUM GROSS AREA: 20.8% OR 14,000 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1A-5
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.24 ACRES +/-; OR 53,809 SF
• MAXIMUM BUILDINGS COVERAGE: 28.4% OR 15,300 SF
• MAXIMUM GROSS AREA: 28.4% OR 15,300 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1A-6
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.60 ACRES +/-; OR 26,251 SF
• MAXIMUM BUILDINGS COVERAGE: 28.4% OR 7,455 SF
• MAXIMUM GROSS AREA: 28.4% OR 7,455 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1B
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT TOGETHER WITH NEW CAR DEALERSHIP IN THAT PORTION OF PARCEL 1B ZONED "GC" (SEE GP-18); EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE. A GARDEN CENTER CORRAL IS PERMITTED ANNUALLY FROM FEBRUARY 15 TO OCTOBER 31. THE CITY RESERVES THE RIGHT TO REEVALUATE THE EXTENT OF THE CORRAL SHOULD PARKING DEMAND EXCEED THE REMAINING PARKING WITHIN SITE.
• NET AREA: 19.57 ACRES +/-; OR 860,480 SF
• MAXIMUM BUILDINGS COVERAGE: 25.4% OR 218,000 SF
• MAXIMUM GROSS AREA: 26.7% OR 282,000 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 1C
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 24.14 ACRES +/-; OR 1,051,739 SF
• MAXIMUM BUILDINGS COVERAGE: 25.4% OR 267,142 SF
• MAXIMUM GROSS AREA: 26.7% OR 280,814 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 5

PARCEL 1D
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.82 ACRES +/-; OR 79,052 SF
• MAXIMUM BUILDINGS COVERAGE: 25.4% OR 20,079 SF
• MAXIMUM GROSS AREA: 26.7% OR 21,107 SF
• MAXIMUM BUILDING HEIGHT: 45 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 2
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.15 ACRES +/-; OR 50,000 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 15,000 SF
• MAXIMUM GROSS AREA: 30% OR 15,000 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 3
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT TOGETHER WITH NEW CAR DEALERSHIP (SEE GP-18); EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.15 ACRES +/-; OR 50,000 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 15,000 SF
• MAXIMUM GROSS AREA: 30% OR 15,000 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 4
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT TOGETHER WITH NEW CAR DEALERSHIP (SEE GP-18); EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.15 ACRES +/-; OR 50,000 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 15,000 SF
• MAXIMUM GROSS AREA: 30% OR 15,000 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 5
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT TOGETHER WITH NEW CAR DEALERSHIP (SEE GP-18); EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.87 ACRES +/-; OR 37,791 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 11,337 SF
• MAXIMUM GROSS AREA: 30% OR 11,337 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 6
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT TOGETHER WITH NEW CAR DEALERSHIP (SEE GP-18); EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.41 ACRES +/-; OR 61,420 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 18,420 SF
• MAXIMUM GROSS AREA: 30% OR 18,420 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 2

PARCEL 7
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 0.91 +/-; OR 40,020 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 12,006 SF
• MAXIMUM GROSS AREA: 30% OR 12,006 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 8
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE.
• NET AREA: 1.26 ACRES +/-; OR 54,995 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 16,498 SF
• MAXIMUM GROSS AREA: 30% OR 16,498 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 9A
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE, CAR WASHES AND EXCEPT RESIDENTIAL USES. NO OVERHEAD DOORS SHALL BE PERMITTED ON THE WEST OR SOUTH FACES OF ANY BUILDING ON THE PARCEL.
• NET AREA: 0.51 ACRES +/-; OR 22,268 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 6,680 SF
• MAXIMUM GROSS AREA: 30% OR 6,680 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

PARCEL 9B
PROPOSED USES: ALL USES PERMITTED IN THE "LC" ZONING DISTRICT; EXCEPT TAVERNS, NIGHT CLUBS IN THE CITY AND ADULT ENTERTAINMENT AS DEFINED BY CITY CODE, CAR WASHES AND EXCEPT RESIDENTIAL USES. NO OVERHEAD DOORS SHALL BE PERMITTED ON THE WEST OR SOUTH FACES OF ANY BUILDING ON THE PARCEL.
• NET AREA: 0.77 ACRES +/-; OR 33,670 SF
• MAXIMUM BUILDINGS COVERAGE: 30% OR 10,101 SF
• MAXIMUM GROSS AREA: 30% OR 10,101 SF
• MAXIMUM BUILDING HEIGHT: 35 FT.
• MAXIMUM NUMBER OF BUILDINGS: 1

3. THIS DEVELOPMENT (P.O. #36) CONTAINS 63.51 + OR - NET ACRES; WITH A MAXIMUM BUILDING COVERAGE OF 720,041 SQUARE FEET AND A MAXIMUM GROSS FLOOR AREA OF 750,041 SQUARE FEET. FOR EVERY SQUARE FOOT OF RETAIL (DEFINED FOR PURPOSE OF THIS ADJUSTMENT AS USES ALLOWED IN THE LIMITED COMMERCIAL DISTRICT BUT NOT IN THE GENERAL OFFICE DISTRICT) CONSTRUCTION ON BLOCK 7, LOT 26 OF THE EVERGREEN ADDITION, THE MAXIMUM GROSS FLOOR AREA OF RETAIL ALLOWED WITHIN THE NEWMARKET SQUARE ADDITION WILL BE REDUCED BY ONE SQUARE FOOT. ALL BUILDINGS WITHIN 250 FEET OF THE EAST PROPERTY LINE ALONG MAIZE ROAD SHALL BE LIMITED TO 35 FEET IN HEIGHT AND SHALL NOT EXCEED 100 FEET IN DEPTH MEASURED IN AN EAST-WEST DIRECTION (PERPENDICULAR TO MAIZE ROAD) ON LOT 1A, 1B AND 1C, NEWMARKET SQUARE ADDITION.

4. BUILDING SETBACKS SHALL BE AS SHOWN ON THE SITE PLAN EXCEPT THAT THE MINIMUM BUILDING SETBACK ON LOT 1A, 1B AND 1C, NEWMARKET SQUARE ADDITION IS REDUCED TO 35 FEET FROM MAIZE ROAD.

5. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.

6. A DRAINAGE PLAN AND GUARANTEES FOR THE DRAINAGE IMPROVEMENTS SHALL BE PROVIDED AT THE TIME OF PLATTING.

7. STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS AS ESTABLISHED BY THE PLAT.

8. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE UNIFIED ZONING CODE.

9. THE TRANSFER OF THE TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE DEVELOPMENT DOES NOT CONSTITUTE A TERMINATION OF THESE PROVISIONS OR ANY PORTION THEREOF, BUT SAID PROVISIONS SHALL RUN WITH THE LAND FOR DEVELOPMENT AND BE BINDING UPON THE PRESENT LAND OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED.

10. ARCHITECTURAL CONTROLS:
a. ALL BUILDINGS WITHIN PARCELS 1A THROUGH 9 SHALL HAVE CONSISTENT PREDOMINANT EXTERIOR BUILDING MATERIALS WITH CONSISTENT ARCHITECTURAL CHARACTER, COLOR AND TEXTURE; EXCEPT, THIS REQUIREMENT SHALL BE WAIVED BY THE DIRECTOR OF PLANNING IF A LANDSCAPE PLAN IS SUBMITTED AND APPROVED PROVIDING FOR 25% ABOVE THE MINIMUM NUMBER OF TREES REQUIRED BY THE CITY OF WICHITA LANDSCAPE ORDINANCE.
b. ANY STRUCTURE OVER 400 FEET IN LENGTH SHALL BE DESIGNED SO AS TO STAGGER THE FRONT FACADES, OR DESIGNED IN ANOTHER MANNER AS APPROVED BY THE DIRECTOR OF PLANNING, TO BREAK UP THE VISUAL EXPANSION OF THE STRUCTURE.
c. ALL LIGHTING SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD AND AWAY FROM RESIDENTIAL AREAS. ALL PARKING LOT LIGHTING SHALL SHARE CONSISTENT LIGHTING DESIGN (FIXTURES, POLES, LAMPS, ETC.)

11. SCREENING SHALL BE IN ACCORDANCE WITH THE UNIFIED ZONING CODE.

12. A MASONRY WALL SHALL BE 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 APPROXIMATELY 40 FEET EAST OF THE WEST PROPERTY LINE OF PARCEL 1B, 1C AND 1D, AS SHOWN ON THE SITE PLAN. CONSTRUCTION OF THE WALL WILL REQUIRE A BUILDING PERMIT. NO WALL SHALL BE CONSTRUCTED IN A UTILITY EASEMENT.

13. 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. IF THE PROPERTY IS PLATTED INTO MULTIPLE LOTS, AN AGREEMENT FOR SIGNAGE ALLOCATIONS WILL BE REQUIRED.

c. ALL SIGNS ALONG MAIZE ROAD AND 21ST STREET NORTH SHALL BE MONUMENT TYPE SIGNS WITH A MAXIMUM HEIGHT OF 20 FEET; PROVIDED HOWEVER, 2 SIGNS ALONG MAIZE ROAD AND 1 SIGN ALONG 21ST STREET NORTH MAY BE A POLE OR MONUMENT SIGN AND HAVE A MAXIMUM HEIGHT OF 30 FEET.
d. THE MAXIMUM SQUARE FOOTAGE OF SIGN AREA PERMITTED FOR GROUND MONUMENT SIGNS SHALL BE CALCULATED AT 0.8 SQUARE FEET PER FOOT OF LINEAR STREET FRONTAGE. AS THE FRONTAGE DEVELOPS ALONG THE ARTERIAL ROADWAYS, GROUND OR POLE SIGNS SHALL BE SPACED A MINIMUM OF 150 FEET APART, IRRESPECTIVE OF HOW LAND IS LEASED OR SOLD, EXCEPT AS FOLLOWS: MONUMENT SIGNS THAT ARE NO MORE THAN 12 FEET IN HEIGHT TO BE SPACED A MINIMUM OF 100 FEET FROM THE NEAREST SIGN (OR 71 FEET ON PARCELS 7-8 ONLY); NOT MORE THAN ONE SIGN SHALL BE ALLOWED PER PARCEL ON PARCELS 2-9. A TOTAL OF FIVE MONUMENT SIGNS PLUS TWO 30-FOOT SIGNS SHALL BE PERMITTED ON PARCEL 1A AND ONE 30-FOOT SIGN SHALL BE PERMITTED ON PARCEL 1B.

14. LANDSCAPE BUFFERS 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 SPECIFICATION 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 THE PLANT MATERIALS.

ADDITIONAL REQUIREMENTS ARE AS FOLLOWS:
a. 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 INSTALLED.
b. ANY PARKING LOT IN PARCEL 1A OR 1B SHALL REQUIRE A MINIMUM OF ONE (1) SHADE TREE OR TWO (2) ORNAMENTAL TREES FOR EVERY 20 PARKING SPACES.

15. ACCESS CONTROL:
a. ACCESS TO 21ST STREET NORTH SHALL BE LIMITED TO FOUR OPENINGS, ONE OF WHICH SHALL BE A MAJOR OPENING, AS SHOWN ON THE PLAN.
b. ACCESS TO MAIZE ROAD SHALL BE LIMITED TO FIVE OPENINGS, TWO OF WHICH SHALL BE A MAJOR OPENING, AS SHOWN ON THE PLAN AND NEWMARKET SQUARE ADDITION.

16. SITE CIRCULATION:
a. PRIOR TO ISSUING BUILDING PERMITS, WITHIN PARCEL 1 OR 1C, THE APPLICANT SHALL SUBMIT AND RECEIVE APPROVAL BY THE DIRECTOR OF PLANNING AND TRAFFIC ENGINEER OF AN OVERALL SITE CIRCULATION PLAN. THE PLAN SHALL SHOW LAND USE CIRCULATION PLAN, THE POINTS AND/OR CONTROL, SETBACKS, INTERIOR CIRCULATION, PARKING, SCREENING AND OTHER DESIGN CONSIDERATIONS WHICH MAY AFFECT ADJACENT PROPERTY OR THE GENERAL HEALTH AND WELFARE OF THE PUBLIC.
b. PRIOR TO ISSUING BUILDING PERMITS FOR EACH PHASE OF DEVELOPMENT, WITHIN PARCEL 1A OR 1C, A PLAN FOR A PEDESTRIAN WALK SYSTEM SHALL BE SUBMITTED AND APPROVED BY THE DIRECTOR OF PLANNING. THIS WALK SYSTEM SHALL LINK SIDEWALKS ALONG 21ST STREET AND MAIZE ROAD WITH THE MAJOR ENTRANCES TO THE DEVELOPMENT, AND SHALL LINK THE PROPOSED BUILDINGS WITHIN THE DEVELOPMENT. GAPS IN THE MASONRY WALL AS REQUIRED IN THE GENERAL PROVISION NO. 10 TO LINK THE WALK SYSTEM AND TO ALLOW PEDESTRIAN ACCESS FROM THE NORTH OR WEST SHALL BE PERMITTED IF APPROVED BY THE DIRECTOR OF PLANNING.
c. AT THE TIME OF PLATTING, CROSS-LOT CIRCULATION BETWEEN PARCELS SHALL BE REQUIRED.

17. NO BUILDING PERMITS SHALL BE ISSUED FOR ANY DEVELOPMENT WITHOUT SERVICE BY MUNICIPAL WATER AND SEWER SERVICES.

18. AT THE TIME OF PLATTING, THE APPLICANT SHALL GUARANTEE A LEFT TURN LANE AND A DECEL LANE ALONG MAIZE ROAD AND 21ST STREET NORTH ADJACENT TO THE DEVELOPMENT.

19. DRINKING ESTABLISHMENTS SHALL BE LOCATED AT LEAST 200 FEET FROM ANY RESIDENTIAL ZONING DISTRICT. THE MAXIMUM NUMBER FOR THE ENTIRE DEVELOPMENT SHALL BE LIMITED TO THREE.

20. NEW CAR DEALERSHIPS, AS PERMITTED IN PARCELS 1B, 2, 3, 4, 5 AND 6 SHALL COMPLY WITH THE APPLICABLE REGULATIONS OF THE LIMITED COMMERCIAL DISTRICT. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, A PLAN SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING FOR REVIEW AND APPROVAL.

TGI FRIDAY'S SITE PLANT MATERIALS LIST					
KEY	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	CONDITION
DECIDUOUS TREES					
CP	2	Chanticleer Pear	Pyrus calleryana 'Chanticleer'	2.5'-5' Cal.	B & B
TM	2	Trident Maple	Acer buergerianum	2' Cal.	B & B
SHRUBS/ PERENNIALS/ GROUNDCOVER					
AJ	42	Agave	Agave rostrans	1 Gal.	Cont. : Space 8' 0".
AWS	27	Anthony Waterer Spirea	Spiraea x bumalda 'Anthony Waterer'	2 Gal.	Cont.
BRJ	13	Blue Rug Juniper	Juniperus horizontalis 'Wiltoni'	3 Gal.	Cont.
CBB	5	Compact Burning Bush	Euonymus alatus 'Compactus'	5 Gal.	Cont.
L	78	Liriope, Big Blue	Liriope muscari 'Big Blue'	1 Gal.	Cont.
PWC	144	Purpleleaf Wintercreeper	Euonymus fortunei 'Coloratus'	1 Gal.	Cont. : Space 12'
SC	11	Spreading Coloneaster	Coloneaster divaricatus	5 Gal.	Cont.
SJ	18	Sea Green Juniper	Juniperus chinensis 'Sea Green'	5 Gal.	Cont.
SPJ	13	Spartan Juniper	Juniperus chinensis 'Spartan'	5 Gal.	Cont.
TU	28	Tamarix Juniper	Juniperus sibirica var. tamariscifolia 'New Blue'	5 Gal.	Cont.
V	7	Grape Vine	Vitis (Check with local nursery for avail. species)	1 Gal.	Cont.
TGI FRIDAY'S SITE LANDSCAPE MATERIALS					
2'-4" DIAMETER RIVER ROCK = 300 SQ.FT. @ 4" DEPTH					
COMMERCIAL GRADE FILTER FABRIC (UNDER RIVER ROCK ONLY) = 300 SQ.FT.					

Diagram illustrating the steps for planting a tree:

- PRUNE BROKEN AND DAMAGED TWIGS AFTER PLANTING
- PLACE PLANT IN VERTICAL, PLUMB POSITION REMOVE CONTAINER PRIOR TO PLACING BACKFILL.
- MULCH 3"-6" DEEP (SUBSIDIARY TO TREE PLANTING BACKFILL—TAMP TO PREVENT SETTLEMENT. SOAK BACKFILL AFTER PLANTING)
- Measurements: X (width of the pit), 2X (width of the mulch area)

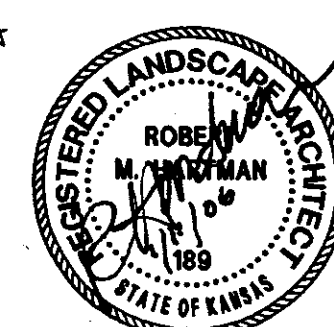
SHRUB PLANTING DETAIL

LANDSCAPE PLAN

APPROVED 01/31/06 BY DES. _____

SHEET 2 of 2

MAPD Copy 1 of 2



Professional Engineering Consultants, P.A.
303 S. TOPEKA • WICHITA, KANSAS 67202 • 316-262-2491 • FAX 316-262-3000

Saved 12-09-2005 1:51:08 PM by IDK
Plot Scale 1:20 01-11-2006 2:40:56 PM by IDK
Q:\2005\05676\TG Friday's Site Civil\05676-C-Landscaping Plan



1. CONTRACTOR SHALL PROVIDE MINIMUM FORTY-EIGHT (48) HOURS ADVANCE NOTICE (EXCLUDING WEEKENDS AND HOLIDAYS) PRIOR TO BEGINNING ANY EXCAVATION, TO KANSAS ONE-CALL SYSTEM, A UTILITY LOCATION SERVICE, AT (316) 687-2470 TO REQUEST THE FOLLOWING UTILITY COMPANIES TO LOCATE ALL EXISTING LINES WITHIN THE PROJECT AREA: K.G.S. GAS, AQUILA NATURAL GAS, WESTAR ELECTRIC, SBC TELEPHONE, COX COMMUNICATIONS, CITY OF WICHITA SEWER MAINTENANCE AND CITY OF WICHITA WATER DEPARTMENT.
2. CONTRACTOR SHALL SATISFY HIMSELF OF SURFACE AND SUBSURFACE CONDITIONS PRIOR TO BIDDING.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PRESERVING PROPERTY IRONS. THE CONTRACTOR WILL BE REQUIRED TO RE-ESTABLISH ANY PROPERTY IRONS WHICH ARE DAMAGED OR DESTROYED BY HIS CONSTRUCTION OPERATIONS. SUCH IRONS SHALL BE RE-ESTABLISHED BY A LICENSED LAND SURVEYOR IN ACCORDANCE WITH STATE LAWS.
4. THE CONTRACTOR WILL BE REQUIRED TO WORK AROUND IMPROVEMENTS CONSTRUCTED UNDER OTHER PROJECTS AND SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO IMPROVEMENTS IN PLACE. COSTS FOR COORDINATION AND REPAIRS TO IMPROVEMENTS IN PLACE, IF REQUIRED, SHALL BE BORNE BY THE CONTRACTOR.
5. ALL PLANT MATERIAL SHALL BE HIGH-QUALITY NURSERY GROWN STOCK WHICH MEETS THE "AMERICAN ASSOCIATION OF NURSERYMEN" STANDARDS AS SPECIFIED BY THE "AMERICAN NATIONAL STANDARDS INSTITUTE" IN ANSI Z60.1-1986 OR AS MAY BE AMENDED IN THE FUTURE.
6. MULCH ALL SHRUB BEDS AND TREES WITH A MINIMUM OF 3" SHREDDED CYPRESS MULCH.
7. ALL TURF AREAS ARE TO BE PREMIUM BLEND FESCUE UNLESS NOTED OTHERWISE.
8. ALL PLANT MATERIALS SHALL BE WATERED BY MEANS OF AN AUTOMATIC SPRINKLER SYSTEM EQUIPPED WITH A MOISTURE-SENSING DEVICES OR A RAIN SHUT-OFF SWITCH.
9. CONTRACTOR TO RELOCATE (4) EXISTING 3" SNOWDRIFT CRABAPPLE ON SITE AS NOTED ON PLAN.

COMMON AREA PLANT MATERIAL LIST					
KEY	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	CONDITION
DECIDUOUS TREES					
SDC	4	Snowdrift Crabapple *	Malus "Snowdrift"	2.5"-3" Cal.	RELOCATED
RM	3	Red Maple	Acer Rubrum "October Glory"	3" Cal.	B & B
RIB	1	Clump River Birch	Betula Nigra	3" Cal.	B & B
HJ	11	Hillspire Junipers	Juniperus Virginiana "Hillspire"	5'-6"	Cont.
SHRUBS/ PERENNIALS/ GROUND COVER					
GR	80	Gnome Pyracantha	Pyracantha angustifolia "Gnome"	5 Gal.	Cont.
PCR	31	Pink Flower Carpet Rose	Rosa nostrum	2 Gal.	Cont.
CBB	15	Compact Burning Bush	Euonymus ALATUS "Compacta"	5 Gal.	Cont.
COMMON AREA LANDSCAPE MATERIALS					
METAL EDGING = 370 LINEAL FEET					
TURF AREA = 600 S.Y. (KANSAS PREMIUM BLEND FESCUE 500)					
23,200 S.F. OR 0.53 AC. (ANNUAL RYE)					

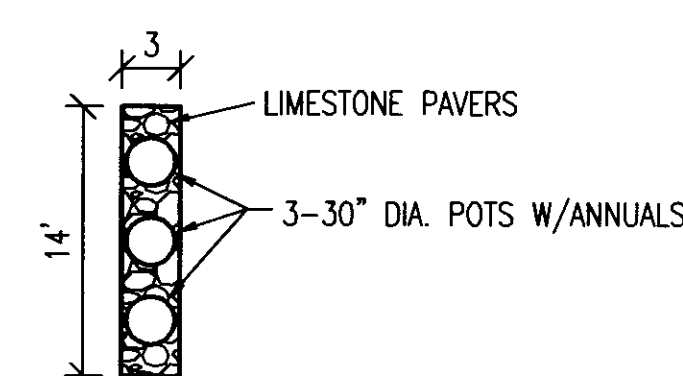
LEGAL DESCRIPTION
THE SOUTH 307 FEET OF THE NORTH 345 FEET OF THE EAST 162.91 FEET OF LOT 1, BLOCK 1, NEWMARKET SQUARE PHASE II ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

LANDSCAPE ORDINANCE REQUIREMENTS

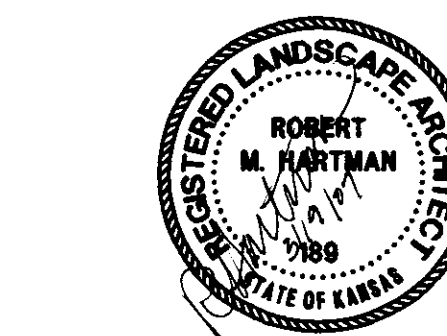
TOTAL PARKING SPACES - 73
LANDSCAPE STREET YARD REQUIRED - $307 \times 8 = 2456$ S.F.
LANDSCAPE STREET YARD PROVIDED - 4400 S.F.

STREET YARD TREES REQUIRED - 5
STREET YARD TREES PROVIDED - 5 (4 SHADE, 2 ORNAMENTAL)
PARKING LOT TREES REQUIRED - 4
PARKING LOT TREES PROVIDED - 4 (2-ORNAMENTALS, 2-SHADE)

PARKING LOT SCREENING - PROVIDED WITH GNOME PYRACANTHA
ALONG MAIZE ROAD FRONTAGE.

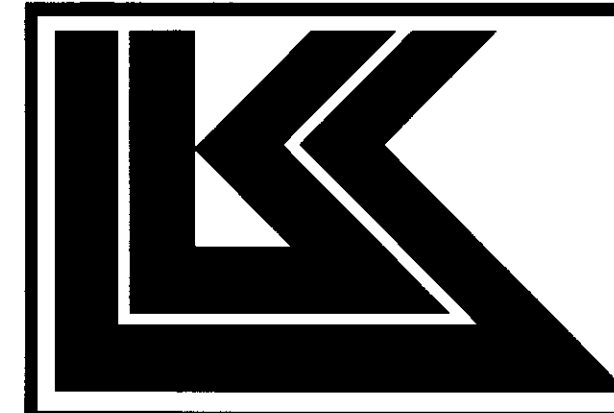


PLANTING STRIP DETAIL
SCALE: 1"=10'-0"



CONTRACTOR SHALL SCHEDULE PREPARATORY MEETING WITH ENGINEER PRIOR TO ANY SITE CONSTRUCTION

FOR CONSTRUCTION:

[illegible]

LAW/KINGDON, INC.
ARCHITECTS & ENGINEERS
345 RIVERVIEW, WICHITA, KS 67203
Phone (316) 268-0230 Fax: (316) 268-0205
Copyright © 2005

DATE _____

DENNIS D. SMITH, AIA
LICENSED KANSAS ARCHITECT
NO. 2196 EXPIRES 6/30/07

DRAWN	CHECKED
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RELATED DRAWINGS

SHELL	
DETAILS	
STRUCTURE	
MECHANICAL	
ELECTRICAL	
OTHER	

SEQUENCE NUMBER

OF _____ SHEETS



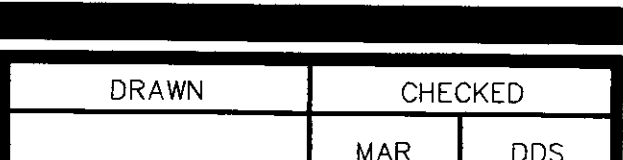
KEY PLAN

BUILDING 15

LANDSCAPE PLAN

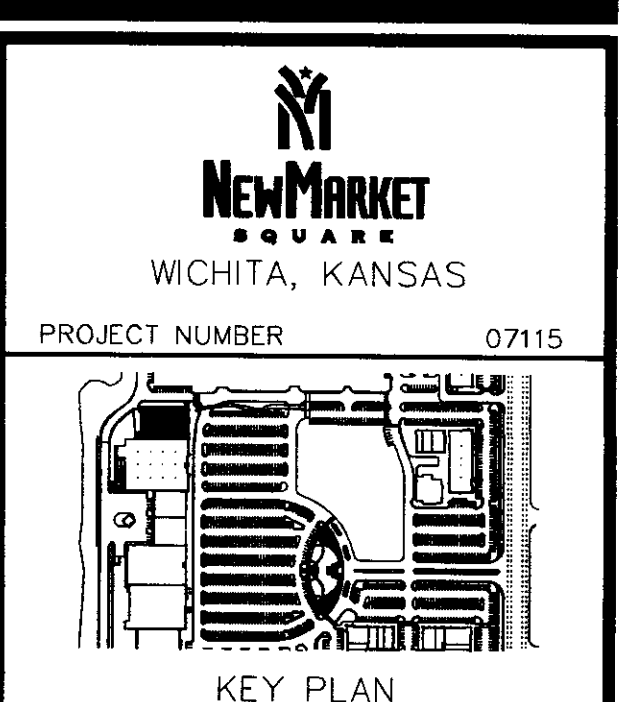
SHEET TITLE	
	SHEET NUMBER

LS101

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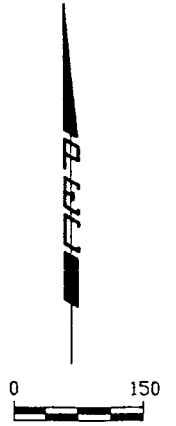
RELATED DRAWINGS	
SHELL	
DETAILS	
STRUCTURE	
MECHANICAL	
ELECTRICAL	
OTHER	

SEQUENCE NUMBER
OF _____ SHEETS



LS1.1

OF _____ SHEETS



2000

Agenda Item # _____

City of Wichita
City Council Meeting
September 10, 2002

Agenda Report # _____

TO: Mayor and City Council Members

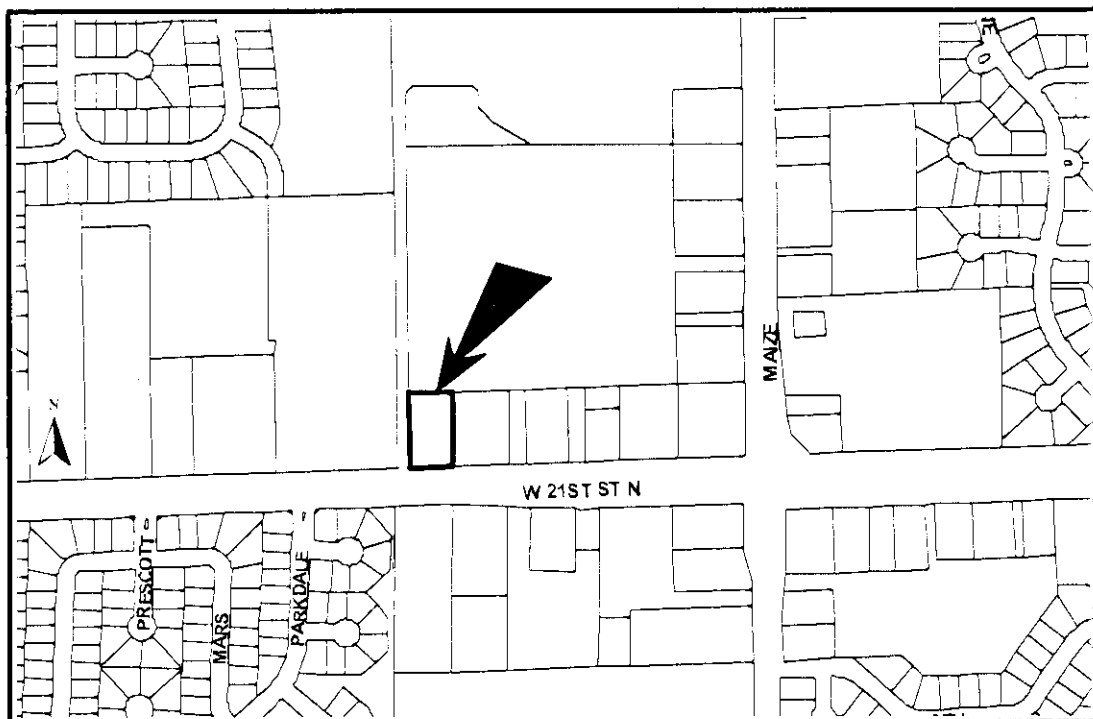
SUBJECT: **ZON2002-00046 – Amend Protective Overlay #36. Generally located on the north side of 21st Street North approximately 1,100 feet west of Maize Road. (District V)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendations. (13-0)

Staff Recommendation: Approve, subject to Protective Overlay provisions.



BACKGROUND: The applicant is proposing to amend the protective overlay provisions for Parcel 9 of the NewMarket Square development. The proposed amendment to P-O #36 would allow "LC" uses on Parcel 9 except for the following exclusions: taverns, adult entertainment, car washes and drive-in/drive through restaurants, with the additional restriction that no overhead doors would be permitted on the west or south facades of any building on Parcel 9. The number of buildings allowed on Parcel 9 would increase from one to two buildings. Other provisions of the protective overlay (building coverage, gross area, and height) would be unchanged.

Currently, Parcel 9 is zoned "LC" Limited Commercial, but is restricted to "GO" General Office uses except residential uses. This would not allow the parcel to be developed with retail uses, restaurants, and other similar commercial uses.

The area to the north, east and south is developed with commercial uses. Wal-Mart is located directly to the north, a bank is located directly to the east and a large furniture store is located directly to the south on Maize. The adjacent property to the west is a church. All other property to the west is low density (single-family) residential.

At the MAPC meeting held August 8, 2002, the MAPC voted (13-0) to recommend approval of the proposed amendment to Parcel 9 to permit all uses in the "LC" Limited Commercial district except taverns, night clubs in the City, and adult entertainment as defined by City Code, car washes and drive-in/drive-through restaurants and except residential uses. No overhead doors would be permitted on the west or south faces of any building on the parcel.

No protest petitions have been received.

Recommended action:

1. Concur with the findings of the MAPC and approve the amendment to Protective Overlay #36, approve first reading of the ordinance; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

First Read 9-10-02
(150004) Published in The Wichita Eagle on SEP 21 2002

ORDINANCE NO. 45-388

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. ZON2002-00046

Request amendment to "P-O" **Protective Overlay District #36**, on property described as:

Lot 9, Block 1, Newmarket Square, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 21st Street North approximately 1,100 feet west of Maize Road.

SUBJECT TO THE FOLLOWING AMENDED PROTECTIVE OVERLAY RESTRICTIONS:

Parcel 9

Proposed Uses - All uses permitted in the "LC" Zoning District except taverns, night clubs in the City, and adult entertainment as defined by City Code, car washes and drive-in/drive-through restaurants and except residential uses. No overhead doors shall be permitted on the west or south faces of any building on the parcel.

Net Area - 0.94 acres + or -; or 41,080 sq. ft.

Maximum Building Coverage - 30 % or 12,324 square feet

Maximum Gross Area - 30 % or 12,324 square feet

Maximum Building Height - 35 feet

Maximum Number of Buildings - 2

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.

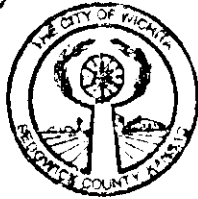
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, SEP 17 2002

ATTEST:

for Patsy Ellis Deputy
Pat Burnett, City Clerk

(SEAL)



Approved as to form:

Bob Knight
Bob Knight, Mayor

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

STAFF REPORT
MAPC August 8, 2002

CASE NUMBER: ZON2002-00046 Amendment to P-O #36

APPLICANT/AGENT: New Market Square, LTD (owner)

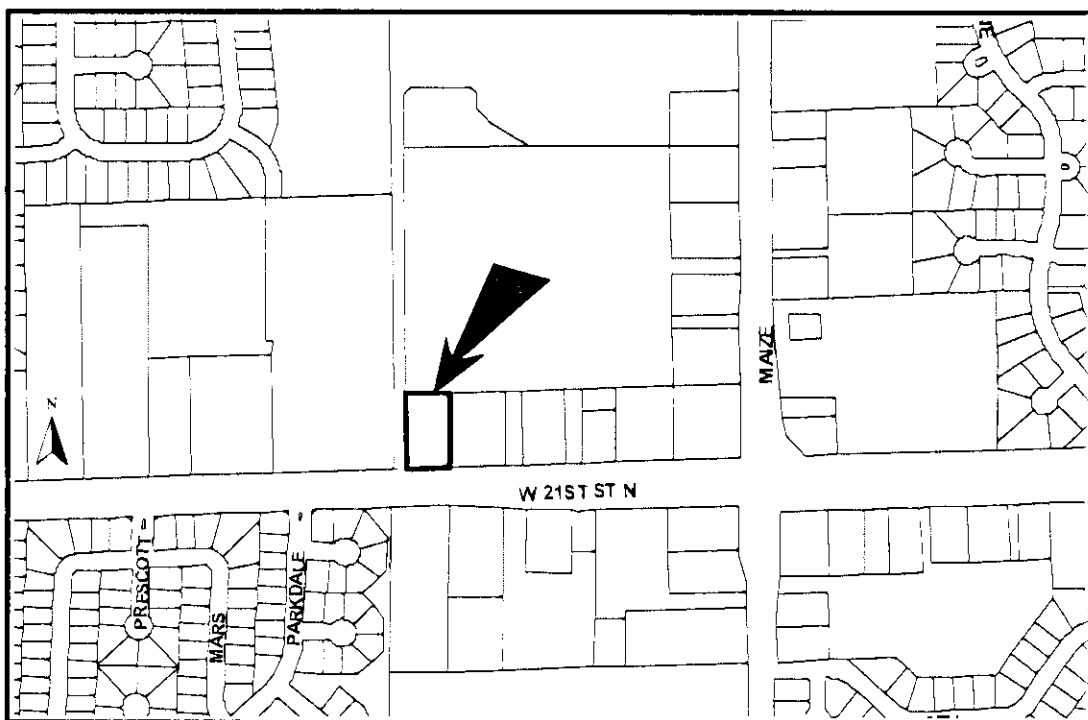
REQUEST: Amend Protective-Overlay #36

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.94 acre

LOCATION: North side of 21st Street North approximately 1,100 feet west of Maize Road

PROPOSED USE: Commercial development



BACKGROUND: The applicant is proposing to amend the protective overlay provisions for Parcel 9 of the NewMarket Square development. The proposed amendment to P-O #36 would allow "LC" uses on Parcel 9 except for the following exclusions: taverns, adult entertainment, car washes and drive-in/drive through restaurants, with the additional restriction that no overhead doors would be permitted on the west or south facades of any building on Parcel 9. The number of buildings allowed on Parcel 9 would increase from one to two buildings. Other provisions of the protective overlay (building coverage, gross area, and height) would be unchanged.

Currently, Parcel 9 is zoned "LC" Limited Commercial, but is restricted to "GO" General Office uses except residential uses. This would not allow the parcel to be developed with retail uses, restaurants, and other similar commercial uses.

The area to the north, east and south is developed with commercial uses. Wal-Mart is located directly to the north, a bank is located directly to the east and a large furniture store is located directly to the south on Maize. The adjacent property to the west is a church. All other property to the west is low density (single-family) residential.

CASE HISTORY: P-O #36 was approved as part of SCZ-0703 (January 24, 1996) and the property is platted as New Market Square, recorded April 27, 1998.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Wal-Mart, NewMarket Square
EAST:	"LC" Limited Commercial	Bank, vacant, Walgreens
SOUTH:	"LC" Limited Commercial	Furniture store, greenhouse, office, bank
WEST:	"SF-5" Single-Family	Single-family residences

PUBLIC SERVICES: Transportation access is from the private access drive abutting the parcel on the west that has access to 21st Street North, a six-lane arterial street. Existing traffic counts for eastbound traffic on 21st Street North is 11,744; projected to increase to 15,000 ADTs by 2030.

Other normal municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide in the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* shows the subject parcel for "commercial" use, which is in conformance with the requested protective overlay amendment.

RECOMMENDATION: The proposed amendment would allow retail, banking and restaurant uses on Parcel 9, the western-most parcel of the NewMarket development, but still restricts the intensity of use by eliminating taverns and adult entertainment,

drive-in/drive-through restaurants and car washes. It would prohibit overhead doors facing residential and church uses on the south and west. Based on these factors and information available prior to the public hearing, Staff recommends the application be APPROVED subject to the following protective overlay provisions:

Parcel 9

Proposed Uses - All uses permitted in the "LC" Zoning District except taverns, night clubs in the City, and adult entertainment as defined by City Code, car washes and drive-in/drive-through restaurants and except residential uses. No overhead doors shall be permitted on the west or south faces of any building on the parcel.

Net Area - 0.94 acres + or -; or 41,080 sq. ft.

Maximum Building Coverage - 30 % or 12, 324 square feet

Maximum Gross Area - 30 % or 12, 324 square feet

Maximum Building Height - 35 feet

Maximum Number of Buildings - 2

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning to the north, east and south of Parcel 9 is "LC" Limited Commercial and developed with a variety of commercial uses (Wal-Mart, NewMarket Square shopping center, banks, greenhouse, medical offices, furniture store), most of which are of equal or greater intensity than the proposed request. The property to the west is residential ("SF-5") and is developed with a church on the adjacent property and with residential subdivisions to the northwest, west and southwest.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for use in conformance with the protective overlay restrictions currently in effect.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Allowing "LC" type uses would increase the likelihood that the parcel is developed with a bank, retail or restaurant or other "LC" use rather than being restricted to offices. This would be an increase in intensity and the property most affected would be the adjacent church.
4. Length of time the property has remained vacant as zoned: The property has been vacant and available for development for four years since the platting was completed.
5. Conformance of the requested change to the adopted or recognized

Comprehensive Plan and Policies: The requested change is in conformance with the *Comprehensive Plan*.

6. Impact of the proposed development on community facilities: The proposed changes should not impact traffic, particularly since direct access is via the private drive already in existence or by cross-lot access to the abutting commercial tract to the east.



H2 EAST ELEVATION
1/4" = 1'-0"



S2 SOUTH ELEVATION
1/4" = 1'-0"



SHEET NOTES

- REFERENCE FINISH SCHEDULE FOR PAINT INFORMATION. PROVIDE AND INSTALL PER MANUFACTURER'S INSTRUCTIONS SPECIFIC TO THE UNDERLYING SUBSTRATE. EXTERIOR PAINTS TO BE SW RESILIENCE LATEX GLOSS OR APPROVED EQUAL.

APPROVED

PO#36 Arch Rev per GID

SK 2-23-18

Oculus Inc.
ARCHITECTURE | STRATEGIC PLANNING |
INTERIORS | MOVE MANAGEMENT

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BURGERFI
Burger-Fi - WICHITA
2441 NORTH MAIZE RD, STE 1501
WICHITA, KS 67205

Description Date

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ISSUED FOR PERMIT

EXTERIOR
ELEVATIONS

Project # 48917-KS01

Issue Date 02/23/2018

Scale 1/4" = 1'-0"

Drawn by CAG

Checked by MTB

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