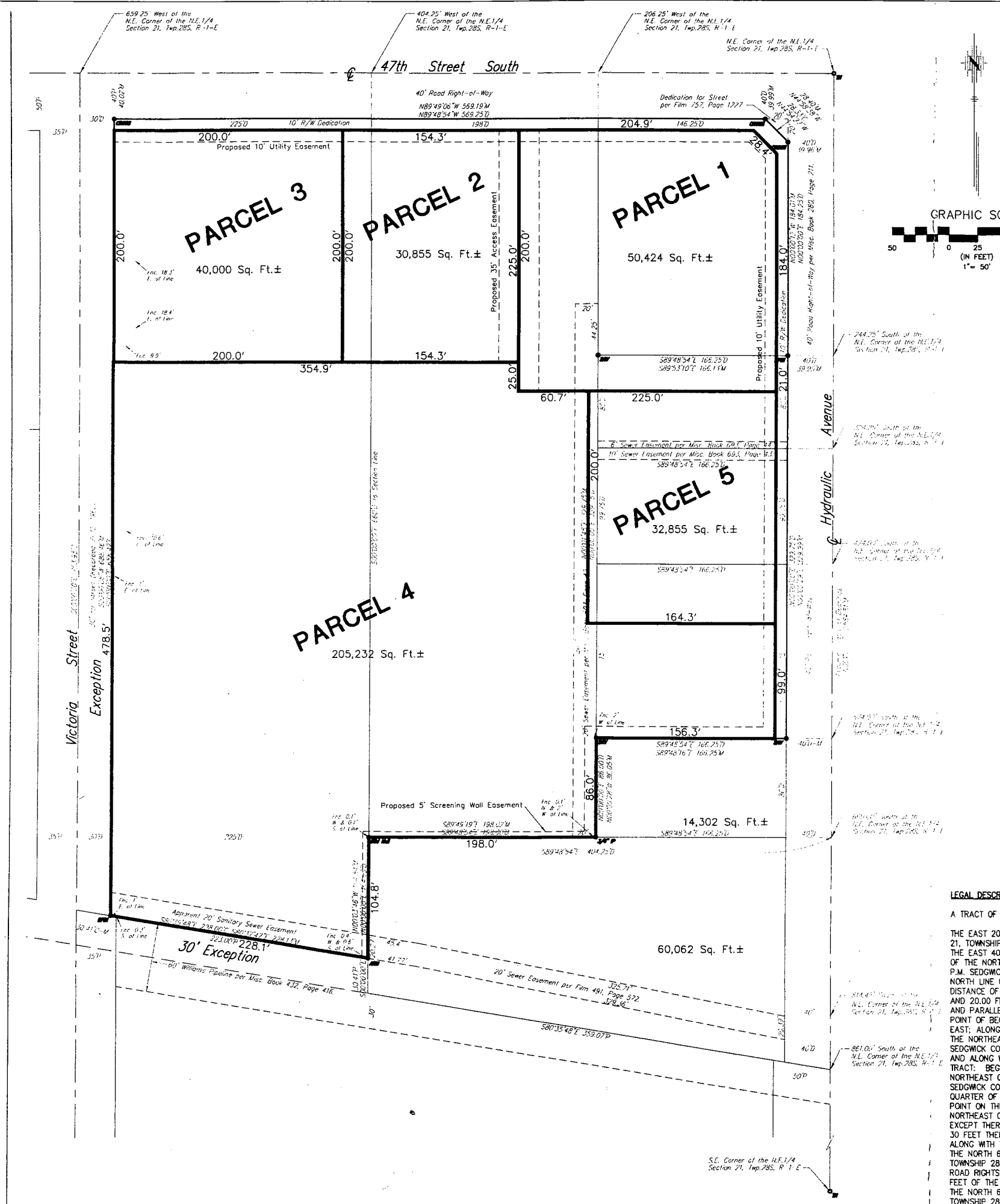

GENERAL PROVISIONS

1. THIS DEVELOPMENT CONTAINS 8.25 ACRES, MORE OR LESS.
2. THE DEVELOPMENT CONTAINS FIVE (5) PARCELS PERMITTING GENERAL COMMERCIAL USES. SEE PARCEL DESCRIPTION (GENERAL PROVISION NO. 27) FOR SPECIFIC USES.
3. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
4. SIGNAGE WILL BE PERMITTED AS ALLOWED BY THE SIGN CODE, CITY CODE TITLE 24.04, WITH THE FOLLOWING ADDITIONAL CONDITIONS/LIMITATIONS:
   A. NO PORTABLE, OFF-SITE OR BILLBOARD SIGNS SHALL BE PERMITTED.
   B. ALL SIGNS: SHALL BE MONUMENT STYLE. NO POLE SIGNS SHALL BE PERMITTED.
   C. TEMPORARY ADVERTISING DECORATION OR BANNER-TYPE SIGNS AS ALLOWED BY THE SIGN CODE, EXCLUDING TINSEL OR PENNANT STREAMERS OR OTHER SIMILAR DECORATION, SHALL BE PERMITTED, BUT SHALL BE LIMITED TO NO MORE THAN 36 SQUARE FEET IN SIZE, TO NO MORE THAN 15 DAY PLACEMENTS, AND TO NO MORE THAN THREE SUCH BANNER OR ADVERTISING DECORATION SIGNS IN THE CUP AT ANY TIME. ANY ADVERTISING DECORATION OR BANNER SIGNS SHALL BE SECURELY ATTACHED TO A BUILDING, WALL OR FENCE.
5. ALL DRAINAGE WAYS AND DRAINAGE EASEMENTS SHALL BE CONFIRMED AT THE TIME OF PLATTING. A SPECIFIC LOT GRADING PLAN WILL BE PREPARED IN CONFORMANCE WITH THE GENERAL DRAINAGE CONCEPT PLAN FOR REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
6. ANY OPEN SPACE, SIGNS, LOGOS, DRAINAGE FACILITIES, DRIVES OR PARKING AREAS CONTAINED WITHIN THE DESCRIBED PARCELS SHALL BE PRIVATELY OWNED AND MAINTAINED. IF MULTIPLE OWNERSHIP OCCURS AN AGREEMENT PROVIDING FOR THE MAINTENANCE OF RESERVES, OPEN SPACE, INTERNAL DRIVES, PARKING AREAS, DRAINAGE IMPROVEMENTS, ETC., SHALL BE FILED WITH THE PLAT.
7. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE UNIFIED ZONING CODE OF THE CITY OF WICHITA. ALL PARKING AND DRIVES SHALL BE HARD SURFACED WITH CONCRETE OR ASPHALT.
8. FIRE LANES:
   A. FIRE LANES SHALL BE IN ACCORDANCE WITH THE APPROPRIATE FIRE CODE OF THE CITY OF WICHITA. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANES, ALTHOUGH THEY MAY BE USED FOR PASSENGER LOADING AND UNLOADING.
   B. DURING BUILDING PERMIT REVIEW THE FIRE CHIEF OR HIS DESIGNATED REPRESENTATIVE SHALL REVIEW AND APPROVE THE SITE PLAN REGARDING FIRE LANE(S) AND FIRE HYDRANT LOCATION, PRIOR TO CONSTRUCTION.
9. ACCESS CONTROL: AS SHOWN ON THE RECORDED PLAT. IF THE ACCESS CONTROLS OF THE RECORDED PLAT ARE ALTERED BY AN APPROVED VACATION ORDER OF THE WICHITA CITY COUNCIL THE C.U.P. SHALL BE CONSIDERED TO HAVE BEEN ADJUSTED ACCORDINGLY.
10. CROSS LOT CIRCULATION AND INTERNAL ACCESS SHALL BE PROVIDED AT THE TIME OF PLATTING. AN INTERNAL CIRCULATION DRIVE SHALL PROVIDE CROSS-LOT ACCESS ALONG THE LINE BETWEEN OUT PARCELS; AND, ALSO THE MAIN PARCEL IF DEVELOPED WITH A COMMERCIAL USE.
11. THE TRANSFER OF TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE C.U.P. DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF, BUT SAID PLAN SHALL RUN WITH THE LAND AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED. ANY MAJOR CHANGES IN THIS DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION FOR ITS CONSIDERATION.
12. NO DEVELOPMENT OF THE CUP SHALL OCCUR UNTIL MUNICIPAL WATER AND SEWER SERVICES HAVE BEEN EXTENDED TO SERVE THE SITE.
13. ALL LIGHTS SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD OR DIRECT LIGHT AWAY FROM RESIDENTIAL AREAS. LIGHT POLES ON PARCELS SHALL BE LIMITED TO 20 FEET IN HEIGHT. ALL PARKING LOT LIGHTING WITHIN THE CUP SHALL SHARE CONSISTENT DESIGN (I.E. FIXTURES, POLES, LAMP BASES). LIGHTING HEIGHT SHALL BE LIMITED TO 15 FEET WHEN WITHIN 100 FEET OF RESIDENTIAL ZONING.
14. TRASH RECEPTACLES SHALL BE APPROPRIATELY SCREENED TO REASONABLY HIDE THEM FROM GROUND VIEW. SCREENING SHALL BE CONSTRUCTED OF MATERIALS AND/OR LANDSCAPING COMPATIBLE WITH AND COMPLEMENTARY TO THE EXTERIOR OF THE BUILDINGS TO WHICH THE TRASH RECEPTACLE PROVIDES SERVICE. LOADING DOCKS AND SERVICE AREAS SHALL ALSO BE SCREENED FROM 47TH STREET NORTH AND HYDRAULIC AVE. WITH SCREENING WALLS AND/OR LANDSCAPING APPROVED BY THE PLANNING DIRECTOR.
15. ON ALL PARCELS ROOF-TOP EQUIPMENT SHALL BE SCREENED FROM GROUND LEVEL VIEW FROM ADJACENT RESIDENTIAL AREAS; NO ROOF-TOP FENCING ALLOWED.
16. DEVELOPMENT OF ALL PARCELS WITHIN THE CUP SHALL COMPLY WITH THE LANDSCAPE ORDINANCE OF THE CITY OF WICHITA. A LANDSCAPE PLAN SHALL BE PREPARED BY A STATE OF KANSAS REGISTERED LANDSCAPE ARCHITECT FOR THE REQUIRED 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.
17. A FINANCIAL GUARANTEE FOR THE PLANT MATERIAL APPROVED ON THE LANDSCAPE PLAN FOR THAT PORTION OF THE CUP BEING DEVELOPED SHALL BE REQUIRED PRIOR TO ISSUANCE OF ANY OCCUPANCY PERMIT, IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.
18. ALL PARCELS IN THE CUP SHALL SHARE A SIMILAR OR COMPATIBLE PLANT PALETTE, AS DETERMINED BY THE REGISTERED LANDSCAPE ARCHITECT PREPARING REQUIRED PLAN.
19. ALL BUILDINGS OF THE SAME GENERAL LAND USE SHALL HAVE CONSISTENT EXTERIOR BUILDING MATERIALS WITH CONSISTENT ARCHITECTURAL CHARACTER, FORM, COLOR, AND TEXTURE. BUILDING WALLS SHALL BE BROKEN UP BY PROJECTIONS, RECESSES, CHANGES IN ROOF LINE, AND CHANGES IN COLORS, TEXTURES AND/OR MATERIALS, RELATING TO INTERIOR BUILDING FUNCTIONS WHERE FEASIBLE. BUILDINGS SHOULD HAVE A RECOGNIZABLE "BASE" AND "TOP".
20. BUILDINGS IN PARCELS ALONG THE ARTERIAL STREETS SHOULD BE SITED WITH A PRIMARY BUILDING FACADE ALONG THE STREET AND NO MORE THAN ONE DRIVING AISLE. MINIMUM SETBACK ALONG ARTERIAL STREETS MAY BE REDUCED TO A MINIMUM OF 20 FEET IF THE FRONT YARD AREA IS LANDSCAPED. A MINIMUM OF 50 PERCENT OF THE BUILDING FRONTAGE FACING THE ARTERIAL STREETS MUST HAVE WINDOWS OR DOOR OPENINGS.
21. GAS ISLANDS, ATMS, BANK DRIVE-THROUGH WINDOWS, OVERHEAD DOORS AND SIMILAR UTILITARIAN ITEMS SHALL BE SCREENED OR SITED BEHIND BUILDINGS TO MINIMIZE THEIR VIEW FROM THE STREET.
22. A SIX (6) FOOT HIGH MASONRY WALL SHALL BE CONSTRUCTED ALONG PARCEL 4 WHERE ADJACENT TO SF-5 RESIDENTIAL ZONING. EXCEPT THAT IF PARCEL 4 IS DEVELOPED WITH A RESIDENTIAL USE, THE WALL MAY BE SUBSTITUTED WITH A WOOD FENCE NO LESS THAN SIX FEET IN HEIGHT. NO UTILITIES SHALL BE PLACED WITHIN THE 5 FOOT WALL EASEMENT.
23. EXTENSIVE USE OF BACKLIT CANOPIES AND NEON OR FLUORESCENT TUBE LIGHTING ON BUILDINGS IS NOT PERMITTED.
24. THIS C.U.P. DOCUMENT IS GENERAL IN CHARACTER AND WILL REQUIRE THE SUBMISSION OF A SITE PLAN AND A LANDSCAPE PLAN FOR EACH PARCEL OR PORTION THEREOF. THIS SITE PLAN WILL REQUIRE ADMINISTRATIVE APPROVAL AT THE PLAN REVIEW STAGE PRIOR TO ISSUANCE OF A BUILDING PERMIT. THE SITE PLAN SHALL SHOW LAND USE RELATIONSHIPS, ACCESS POINTS AND/OR CONTROL SETBACKS, INTERIOR CIRCULATION, PARKING, SCREENING AND OTHER SIMILAR DESIGN CONSIDERATIONS.
25. 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.
26. THE FOLLOWING USES SHALL BE PROHIBITED IN ALL PARCELS: CEMETARY, CORRECTIONAL PLACEMENT RESIDENCES, NIGHT CLUB IN THE CITY. ANY USES ALLOWED ONLY BY CONDITIONAL USE SHALL NOT BE ALLOWED EXCEPT BY CUP AMENDMENT. THE FOLLOWING USES SHALL BE PROHIBITED WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY: SERVICE STATIONS, CONVENIENCE STORES WITH GAS ISLANDS, RESTAURANTS WITH DRIVE-IN OR DRIVE-TROUGH FACILITIES AND VEHICLE REPAIR. THERE SHALL BE NO OVERHEAD DOORS FOR AUTO SERVICES OR REPAIR USES FACING RESIDENTIAL DISTRICTS.
27. PARCEL DESCRIPTIONS:

PARCEL NO. 1
NET AREA – 50,424 SQ. FT. (1.16 ACRES)
MAXIMUM BUILDING COVERAGE – 15,127 SQ. FT. (30% MAX.)
TOTAL NUMBER OF BUILDINGS – 8
PARKING – SEE GENERAL PROVISION NUMBER 7
MAXIMUM BUILDING HEIGHT–35 FEET
GROSS FLOOR AREA RATIO: 35%

PARCEL NO. 2
NET AREA – 30,855 SQ. FT. (0.71 ACRES)
MAXIMUM BUILDING COVERAGE – 30%
TOTAL NUMBER OF BUILDINGS – 3
PARKING – SEE GENERAL PROVISION NUMBER 7
MAXIMUM BUILDING HEIGHT–35 FEET
GROSS FLOOR AREA RATIO: 30%

PARCEL NO. 3
NET AREA – 40,000 SQ. FT. (0.92 ACRES)
MAXIMUM BUILDING COVERAGE – 30%
TOTAL NUMBER OF BUILDINGS – 3
PARKING – SEE GENERAL PROVISION NUMBER 7
MAXIMUM BUILDING HEIGHT–35 FEET
GROSS FLOOR AREA RATIO: 30%

PARCEL NO. 4
NET AREA – 205,232 SQ. FT. (4.71 ACRES)
MAXIMUM BUILDING COVERAGE – 30%
TOTAL NUMBER OF BUILDINGS – 3
PARKING – SEE GENERAL PROVISION NUMBER 7
MAXIMUM BUILDING HEIGHT–35 FEET
GROSS FLOOR AREA RATIO: 30%

PARCEL NO. 5
NET AREA – 32,855 SQ. FT. (0.75 ACRES)
MAXIMUM BUILDING COVERAGE – 30%
TOTAL NUMBER OF BUILDINGS – 3
PARKING – SEE GENERAL PROVISION NUMBER 7
MAXIMUM BUILDING HEIGHT–35 FEET
GROSS FLOOR AREA RATIO: 30%

LEGAL DESCRIPTION

A TRACT OF LAND DESCRIBED AS FOLLOWS;

THE EAST 206.25 FEET OF THE NORTH 244.25 FEET OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS, EXCEPT THE EAST 40 FEET THEREOF FOR ROAD, EXCEPT BEGINNING 40 FEET SOUTH AND 40 FEET WEST OF THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 28 SOUTH, RANGE 1 EAST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS; THENCE WEST 40 FEET, SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 20.00 FEET; THENCE SOUTHEASTERLY A DISTANCE OF 28.33 FEET TO A POINT 40.00 FEET WEST OF THE EAST LINE OF SAID SECTION 21 AND 20.00 FEET SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 40.00 FEET, WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, SUBJECT TO ROAD RIGHTS-OF-WAY OF RECORDED ON THE NORTH AND EAST; ALONG WITH THE WEST 198 FEET OF THE EAST 404.25 FEET OF THE NORTH 660 FEET OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 28-S, RANGE 1 EAST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS, SUBJECT TO ROAD RIGHTS-OF-WAY OF RECORDED ON THE NORTH; AND ALONG WITH THE WEST 255 FEET OF THE EAST 659.25 FEET OF THE FOLLOWING DESCRIBED TRACT: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 28-S, RANGE 1 EAST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS; THENCE WEST TO NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 641 FEET; THENCE SOUTHEAST TO A POINT ON THE EAST LINE OF THE SAID NORTHEAST QUARTER, 861 FEET SOUTH OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 861 FEET TO BEGINNING, EXCEPT THEREFROM THE SOUTHERLY 30 FEET THEREOF, AND EXCEPT THEREFROM THE WESTERLY 30 FEET THEREOF, SUBJECT TO ROAD RIGHTS-OF-WAY OF RECORDED ON THE NORTH; AND ALONG WITH THE NORTH 80 FEET OF THE EAST 206.25 FEET OF THE SOUTH 415.75 FEET OF THE NORTH 660 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 28-S, RANGE 1 EAST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS, SUBJECT TO ROAD RIGHTS-OF-WAY OF RECORDED ON THE EAST; AND ALONG WITH THE SOUTH 99.75 FEET OF THE NORTH 179.75 FEET OF THE EAST 206.25 FEET OF THE SOUTH 415.75 FEET OF THE NORTH 660 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 28-S, RANGE 1 EAST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS, SUBJECT TO ROAD RIGHTS-OF-WAY OF RECORDED ON THE EAST; AND ALONG WITH THE NORTH 150 FEET OF THE SOUTH 236 FEET OF THE EAST 206.25 FEET OF THE NORTH 660 FEET OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 28-S, RANGE 1 EAST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS, EXCEPT THE EAST 40 FEET THEREOF FOR ROAD, SUBJECT TO ROAD RIGHTS-OF-WAY OF RECORDED ON THE EAST.

POE and ASSOCIATES, INC.
5940 E. Central, Suite 200 ■ Wichita KS 67208 ■ 316/685-4114 ■ Fax 316/685-4444

FUNSTON ADDITION

COMMUNITY UNIT PLAN (DP-XXX)

DATE OF PREPARATION 9/22/08

SHEET 1 OF 1