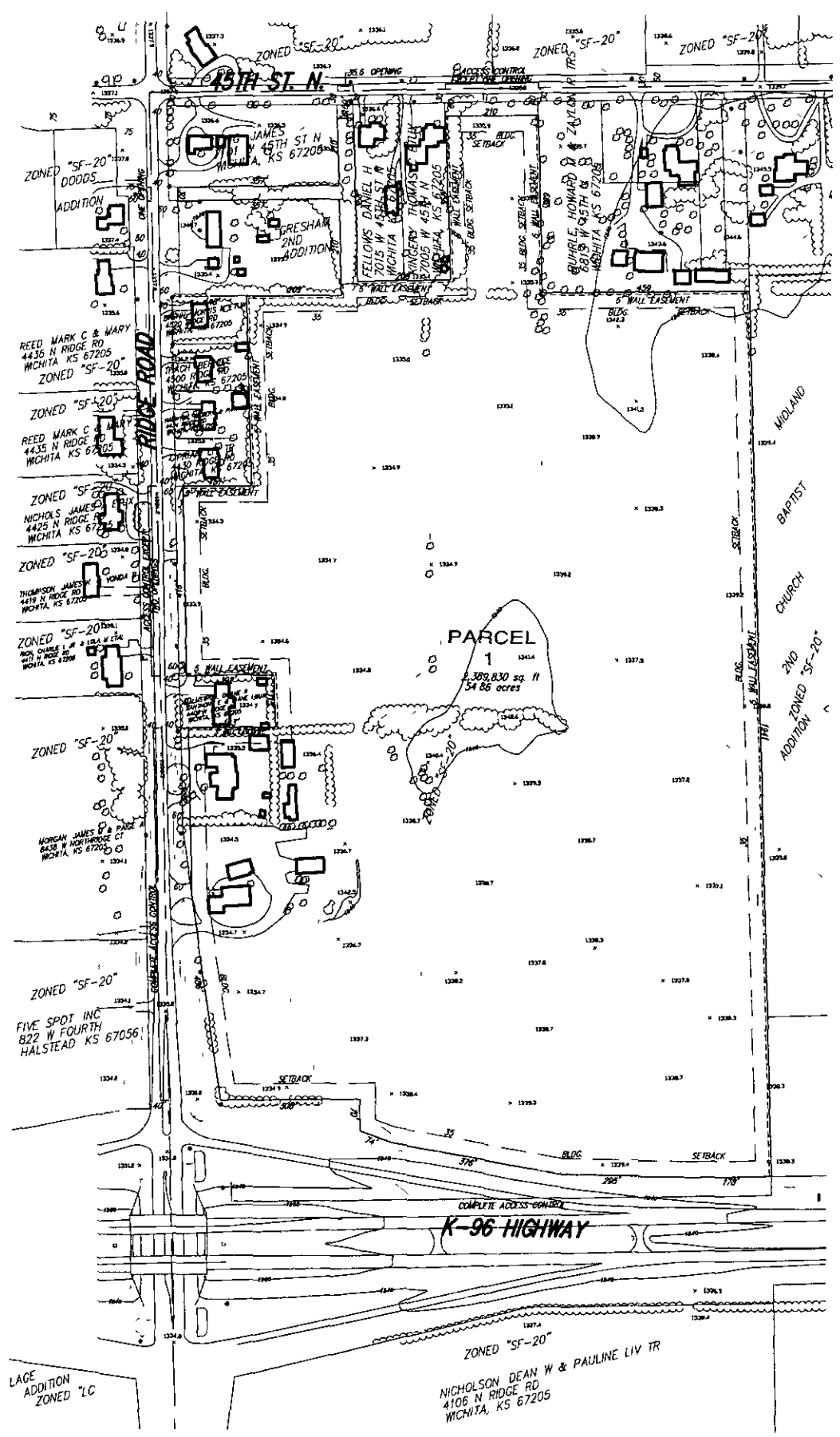
NORTH FORTY-FIFTH PLACE

COMMUNITY UNIT PLAN

DP-301



PARCEL 1

A.	Net Area	2,389,830 sq ft or 54.86 acres
B.	Maximum Building Coverage	716,949 sq ft or 30 percent
C.	Maximum Gross Floor Area.	836,441 sq ft
D.	Floor Area Ratio.	.35 percent
E.	Maximum Number of Buildings.	Fourteen (14)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet. Maximum building height shall be reduced to 35 feet within 200 feet of Ridge Road and 45th Street North and within 200 feet of residential zoning except the east property line of the CUP.	
G.	Setbacks.	See Drawing
H.	Access Points.	See Drawing

LEGAL DESCRIPTION

The E ½ of the SW ¼ of the NW ¼ and the E ½ of Government Lot 4, and the E ½ of the W ½ of Government Lot 6 in the NW ¼ of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT a tract of land described as beginning at a point in the North line of said Section and 867.8 feet East of the Northwest corner of said Section 27; thence south parallel with the East line of the SW ¼ of the NW ¼ of said Section 27, a distance of 452.0 feet; thence East parallel with the North line of said Section 27, a distance of 458.0 feet to a point in the East line of the NW ¼ NW ¼ of said Section 27; thence North along the East line of the NW ¼ of the NW ¼ of said Section 27 to the Northeast Corner of said NW ¼ of the NW ¼ of said Section 27; thence West to the point of beginning, and EXCEPT a tract of land in the E ½ of the SW ¼ of the NW ¼ of said Section 27, described as follows: Beginning at the Southeast corner of said SW ¼ of the NW ¼; thence North along the East line of said E ½ of the SW ¼ of the NW ¼ 237.7 feet, said East line having a bearing of North 0 degrees 24 minutes West; thence South 89 degrees 46 minutes West 19.4 feet; thence North 85 degrees 28 minutes West, 301.0 feet; thence North 78 degrees 56 minutes West to a point on the West line 293.1 feet North of the Southeast corner of said E ½ of the SW ¼ of the NW ¼ Section; thence South 0 degrees 27 minutes East, 293.1 feet to the South line of said Quarter section; thence North 89 degrees 58 minutes East along said South line to the place of beginning, TOGETHER with the W ½ of the SW ¼ of the NW ¼; the W ½ of Government Lot 4 in the NW ¼; and the W ½ of the W ½ of Government Lot 6, all lying in said Section 27, EXCEPTING THEREFROM, as it may affect the last described three tracts, the following described properties: A tract of land in the S ½ of the NW ¼ of said Section 27 described as follows: Beginning at a point on the West line 417.42 feet North of the SW corner of said Quarter Section, said West line having a bearing of N00°13'E; FIRST COURSE, thence N89°46'E, 111.3 feet; SECOND COURSE, thence N07°23'W, 696.9 feet; THIRD COURSE, thence S89°37'E, 40.0 feet to the West line of said Quarter Section; FOURTH COURSE, thence S00°13'E, 690.7 feet along said West line to the place of beginning; and EXCEPT a tract of land in the W ½ of the SW ¼ of the NW ¼ of said Section 27 described as follows: Beginning at the SE corner of said W ½ of the SW ¼ of the NW ¼; thence North along the East line thereof, 293.1 feet, said East line having a bearing of N00°23'W; thence N78°56'W, to a point 417.42 feet East of the West line of said Quarter Section; thence S 00°23'E, 342.3 feet, more or less, to the South line of said Quarter Section; thence N89°58'E along said South line to the place of beginning; and EXCEPT the following described tract: A survey in the form of a square in the NW corner of the NW ¼ of said Section 27; and EXCEPT a tract described as follows: Beginning at the SW corner of the said NW ¼; thence North 417.42 feet; thence East 417.42 feet; thence South 417.42 feet to the South line of said NW ¼; thence West 417.42 feet to the point of beginning; and EXCEPT a tract described as follows: Beginning at a point 447.43 feet South of the NW corner of said Section 27; thence East 208.72 feet; thence South 417.44 feet; thence West 208.72 feet; thence North 417.44 feet to the point of beginning; and EXCEPT a tract described as follows: Beginning at a point 1233 feet North of the SW corner of said NW ¼; thence East 250 feet; thence North 115 feet; thence West 250 feet; thence South 115 feet, to the point of beginning; and EXCEPT a tract of land described as follows: Beginning at the NE corner of the W ½ of Government Lot 6, in said Section 27; thence South 417.6 feet, thence West parallel with the North line of Government Lot 6, 208.75 feet, thence North 417.6 feet to the North line of Government Lot 6, thence East to the place of beginning, and EXCEPT a tract of land in the W ½ of the SW ¼ of the NW ¼ of said Section 27 described as follows: Commencing at the SW corner of the W ½ of said SW ¼ of the NW ¼; thence on an assumed bearing of N89°55'12"E, 201.424 meters (660.84 feet) along the South line of said W ½ to the East line of the W ½ of said SW ¼ of said NW ¼; thence N01°32'42"E, 89.337 meters (293.10 feet) along said East line to the Northerly right-of-way line of the existing highway; thence N79°41'04"W 64.474 meters (211.72 feet) along said Northerly right-of-way line to the point of beginning; FIRST COURSE; thence N70°02'07"W 22.534 meters (73.93 feet) to said Northerly right-of-way line, SECOND COURSE; thence S01°35'23"E, 3.860 meters (12.66 feet) along said Northerly right-of-way line, THIRD COURSE; thence S79°41'04"E 21.419 meters (70.27 feet) along said Northerly right-of-way line to the point of beginning; all being subject to road rights-of-way of record.

GENERAL PROVISIONS

1. Total Land Area: 2,409,896 ± sq ft or 55.32 ± acres
   Net Land Area: 2,389,830 ± sq ft or 54.86 ± acres

2. Total Gross Floor Area: 843,463 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 CUP drawing, or as specified in the parcel descriptions. If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required.

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 Ridge and 45th 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. 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 and share similar elements in design.

   B. 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.

   C. Portable, billboards, and off-site signs are not permitted.

   D. Window display signs are limited to 25% of the window area.

   E. On Ridge Road, monument signs shall have a maximum height of 20 feet and maximum sign face area to 100 square feet each, except one sign that may be 30 feet in height and 250 square feet. The maximum number of signs on Ridge Road would be five.

   F. On 45th Street North, two monument signs shall be permitted with a maximum height of 12 feet and a maximum sign face area of 75 square feet each.

   G. Along K-96 monument signs shall have a maximum height of 25 feet and spacing of 150 feet apart. These signs may be increased up to 35 feet by trading one sign location in exchange for five additional feet in height above 25 feet. Maximum sign face area shall not exceed 0.8 times the linear frontage along K-96.

8. Access Controls shall be as shown on the final plat.

9. All exterior lighting shall be shielded to direct light disbursement in a downward direction.

10. All parcels shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc.).

A. Limited height of light poles 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 CUP shall comply with the Landscape Ordinance of the City of Wichita with a shared palette of landscaping materials.

B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type locations, 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.

C. 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 landscape has not been planted.

13. Screening Walls.

A. A six (6) foot high concrete/masonary wall along the north, east, & west property lines of the CUP where adjacent to residential zoning is required.

B. This solid wall shall be constructed of a pattern and color that is consistent with the building walls.

14. Rooftop mechanical equipment shall be screened from ground level view per Unified Zoning Code with similar materials to the main buildings.

15. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view with similar materials to the main buildings.

16. All buildings in the CUP 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. Metal as an exterior material shall be limited to incidental accent.

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 CUP shall allow the use of adult entertainment establishments, sexually oriented business, correctional placement residences, asphalt/concrete safety service, pawn shop, agricultural sales and service commercial wireless communication facilities or theater. Restaurants that serve liquor can be developed and may serve liquor as long as food is the primary service of the establishment. Uses within 500 feet of 45th Street North shall be restricted to those uses permitted in the "NR" Neighborhood Retail zoning district. No overhead doors shall be permitted within 200 feet of residential zoning and shall not be facing any residential zoning district. Only one use shall be permitted that occupies more than 80,000 square feet in a single use and this use shall be located at least 1,500 feet south of 45th Street North.

19. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the CUP.

20. Amendments, adjustments or interpretations to this CUP 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 (for any amendments thereto) does not constitute a termination of the plan or any portion thereof but said plan shall run with the land for commercial development and be binding upon present owners, their successors and assigns, unless amended.

22. The development of the 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.

24. 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 Ridge and 45th Street North with the proposed buildings within the subject property.

25. No development shall occur until such time as municipal water and sewer service are provided to the site.

26. The CUP shall be revised prior to issuance of the first building permit to reflect parcel boundaries for individual proposed uses.

27. Approval of a site circulation plan by the Planning Director is required for each phase of construction prior to the issuance of a building permit. An overall 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.

28. No development shall occur within 200 feet of residential zoning except on the east property line.

29. Guarantee installation and maintenance by separate instrument of a walking path with all-weather surfacing such as concrete asphalt, asphaltic concrete or rubber sidewalks along the south edge of the CUP with a gate or opening for pedestrian/bicycle access to provide a pedestrian/bicycle link between DP-301 and the park to be developed to the east of the property. The plan for walking paths and access shall be reviewed and approved by the Director of Planning.

30. Transportation Improvements.

   A. Guarantee construction of northbound accel/decel lanes on Ridge Road and center turn lane to major entrances.

   B. Guarantee construction of two-lane paved road on 45th Street North to county rural standards from intersection east to edge of CUP boundary.

   C. Provide petition for future signalization of major entrance on Ridge Road, to be installed when warranted by the Traffic Engineer.

   D. Access shall be limited to three openings on Ridge Road on two openings on 45th Street North, as shown on the CUP drawing; these openings shall conform to access management policy by separating full movement openings by 400 feet measured from centerline of openings.

31. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

32. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-301) includes special conditions for development on this property.

DP-301

NORTH FORTY-FIFTH PLACE COMMUNITY UNIT PLAN

SCALE 1 = 150

City Council Approved: November 16, 2006

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