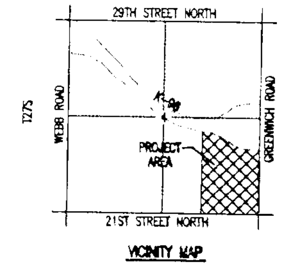


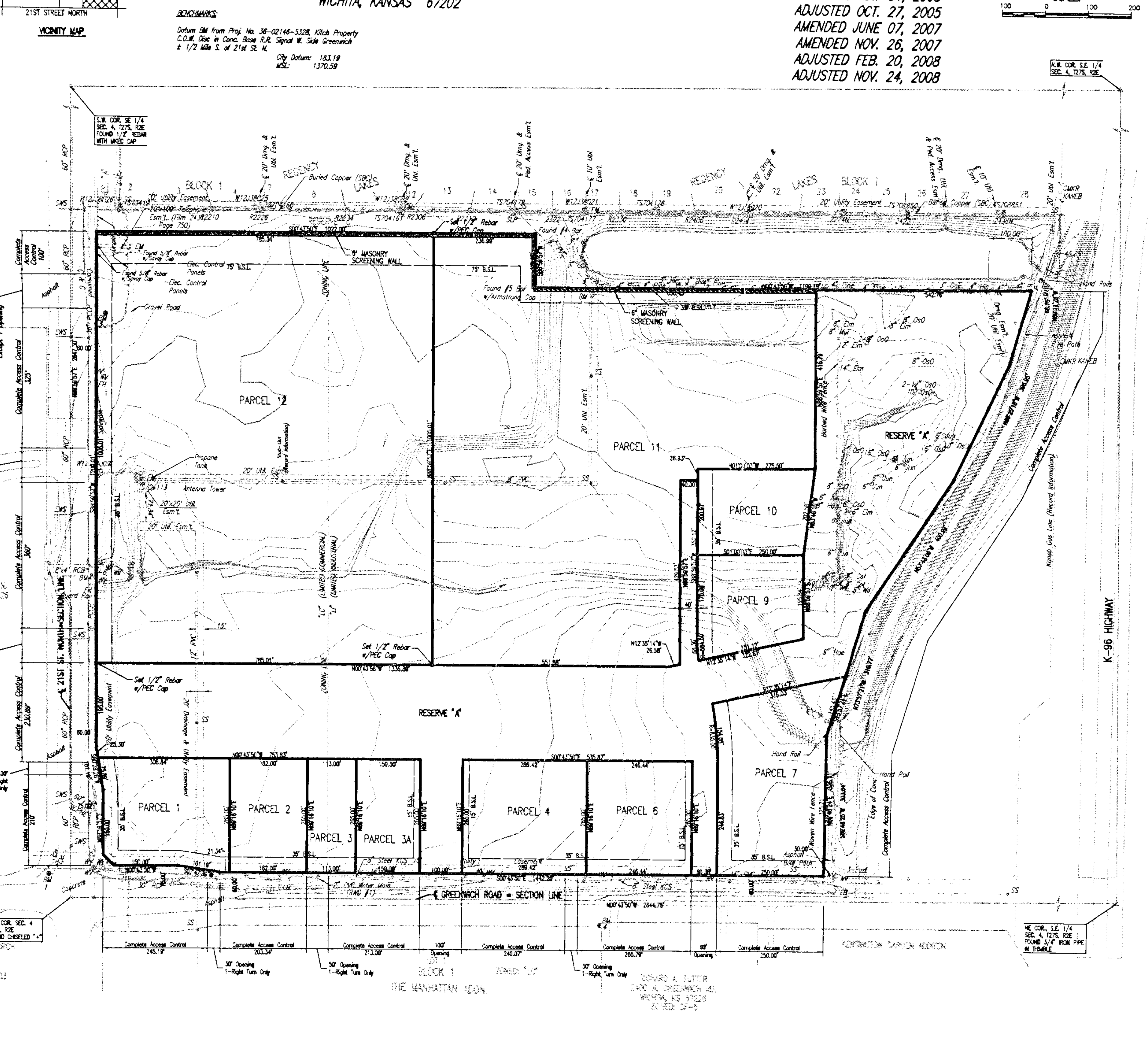
COMMUNITY UNIT PLAN DP-234 AMENDMENT #2

REGENCY LAKES COMMERCIAL

OWNER: CONSOLIDATED GREENWICH 21, LLC
200 MARKET CENTRE
155 N. MARKET
WICHITA, KANSAS 67202

AMENDED OCT. 20, 2003
ADJUSTED JAN. 06, 2004
ADJUSTED MAY 04, 2005
ADJUSTED OCT. 27, 2005
AMENDED JUNE 07, 2007
AMENDED NOV. 26, 2007
ADJUSTED FEB. 20, 2008
ADJUSTED NOV. 24, 2008

SCALE: 100 0 100 200



DEVELOPMENT GUIDELINES

1. THIS DEVELOPMENT CONTAINS 63.08 NET ACRES MORE OR LESS.

2. PARCEL 1
GROSS AREA–1.73 AC.
MAXIMUM HEIGHT–35 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

PARCEL 2
GROSS AREA–1.11 AC.
MAXIMUM HEIGHT–35 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

PARCEL 3
GROSS AREA–0.69 AC.
MAXIMUM HEIGHT–35 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

PARCEL 3A
GROSS AREA–0.81 AC.
MAXIMUM HEIGHT–35 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

PARCEL 4
GROSS AREA–1.77 AC.
MAXIMUM HEIGHT–35 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

PARCEL 5
DELETED

PARCEL 6
GROSS AREA–1.50 AC.
MAXIMUM HEIGHT–35 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

PARCEL 7
GROSS AREA–2.56 AC. (111,514 S.F.)
MAXIMUM HEIGHT–55 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–70,000 S.F.

PARCEL 8
DELETED

PARCEL 9
GROSS AREA–1.26 AC.
MAXIMUM HEIGHT–35 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

PARCEL 10
GROSS AREA–1.21 AC.
MAXIMUM HEIGHT–35 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

PARCEL 11
GROSS AREA–15.40 AC.
MAXIMUM HEIGHT–48 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

PARCEL 12
GROSS AREA–18.11 AC.
MAXIMUM HEIGHT–48 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

RESERVE A
GROSS AREA–16.80 AC.
MAXIMUM HEIGHT–35 FEET
MAXIMUM COVERAGE–30%
MAXIMUM GROSS FLOOR AREA–30%

3. PERMITTED USES: THE FOLLOWING USES ARE PERMITTED FOR ALL PROPERTY LOCATED 540 FEET NORTH OF 21ST. STREET; ALL USES IN THE "LI" DISTRICT EXCEPT FOR ADULT ENTERTAINMENT AS DEFINED BY CITY CODE, RECREATION VEHICLE CAMPGROUND, FREIGHT TERMINAL, VEHICLE STORAGE YARD, GAS AND FUEL STORAGE AND SALES, STORAGE OF CLASS–C FIREWORKS, POULTRY OR RABBIT DRESSING, TIRE RE-TREADING OR RECAPPING, GRAIN STORAGE AND CONCRETE OR ASPHALT PLANT. THE FOLLOWING USES ARE PERMITTED FOR ALL PROPERTY LOCATED IN THE SOUTH 540 FEET OF THE PROPERTY; ALL USES WITHIN THE "LC" DISTRICT EXCEPT FOR ADULT ENTERTAINMENT AS DEFINED IN CITY CODE. ALL USES THAT REQUIRE CONDITIONAL USE PERMITS IN THE "LC" AND "LI" DISTRICTS ARE ONLY PERMITTED BY AMENDING THE CUP.

4. THE TRANSFER OF THE TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE DEVELOPMENT DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF; BUT SAID PLAN SHALL RUN WITH THE LAND FOR DEVELOPMENT AND BE BINDING UPON THE PRESENT LAND OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED. HOWEVER, THE PLANNING DIRECTOR, WITH THE CONCURRENCE OF THE OCI SUPERINTENDENT, MAY APPROVE MINOR ADJUSTMENTS TO THE CONDITIONS IN THIS OVERLAY, CONSISTENT WITH THE APPROVED DEVELOPMENT PLAN, WITHOUT FILING A FORMAL ORDINANCE AMENDMENT.

5. LANDSCAPE AND PARKING LOT SCREENING – SHALL BE IN ACCORDANCE WITH SECTION 10.32.010 ET. SEQ. OF THE CITY OF WICHITA CODE. A LANDSCAPE PLAN INDICATING THE LOCATION, TYPE, AND SPECIFICATION OF PLANT MATERIAL SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT(S).

6. MINIMUM SETBACK REQUIREMENTS:
THERE SHALL BE A SETBACK OF 75 FEET ALONG THE WEST LINE OF PARCEL 12 AND A PORTION OF WEST LINE OF PARCEL 11 (AS SHOWN ON PLAN). THERE SHALL BE A BUILDING SETBACK OF 35 FEET ALONG 21ST ST. NORTH, GREENWICH ROAD, A PORTION OF THE WEST LINE OF PARCEL 11 (AS SHOWN ON PLAN), AND THE SOUTH PROPERTY LINE OF PARCEL 7, 9 AND 10. THERE SHALL BE A BUILDING SETBACK OF 15 FEET ALONG THE NORTH LINE OF PARCELS 3A AND 6 AND THE SOUTH LINE OF PARCEL 4. SIDE-YARD SETBACKS BETWEEN PARCELS ARE ZERO (0) FEET.

7. SIGNS – ALL SIGNS ALONG GREENWICH AND 21ST STREET NORTH SHALL BE MONUMENT TYPE SIGNS WITH A MAXIMUM HEIGHT OF 20' AND A SIGN AREA OF 96 SQUARE FEET WITH THE EXCEPTION OF THREE SHOPPING CENTER IDENTIFICATION SIGNS WHICH SHALL BE ALLOWED A MAXIMUM HEIGHT OF 30 FEET AND 315 SQUARE FEET IN SIZE EACH. ONE SHALL BE LOCATED ON 21ST ST. AND TWO ON GREENWICH ROAD AT THE MAJOR ENTRANCES. THERE SHALL BE THREE SIGNS PERMITTED ALONG THE K-96 RIGHT OF WAY WITH A MAXIMUM HEIGHT OF 45 FEET AND 580 SQUARE FEET IN SIZE FOR EACH. THE POLE FACE FOR THESE SIGNS WILL BE ENCLOSED TO CONCEAL THE POLE. NO OFF-SITE OR PORTABLE SIGNS PERMITTED. EACH PARCEL SHALL BE LIMITED TO ONE 20' MONUMENT SIGN PER STREET FRONTAGE WITH A MINIMUM DISTANCE OF 150 FEET BETWEEN EACH 20' MONUMENT SIGNS. THE DISTANCE BETWEEN THE THREE (3) 30 FOOT PROJECT IDENTIFICATION SIGNS AND THE 20' MONUMENT SIGN ALLOWED ON EACH PARCEL SHALL BE REDUCED TO 50 FEET.

7A. BUILDING SIGNS – BUILDING SIGNS FOR PARCELS 1, 2, 3, 3A, 4 AND 6 SHALL BE PER SIGN CODE FOR LIMITED COMMERCIAL ZONING. PARCEL 7 SHALL PERMIT SIGNS PER CODE FOR LIGHT INDUSTRIAL ZONING. PARCELS 9 AND 10 SHALL PERMIT SIGNS ON THE NORTH, SOUTH AND EAST ELEVATIONS PER CODE. PARCEL 11–SHALL BE PER THE SIGN CODE EXCEPT THAT IT MAY PERMIT SIGNS ON THE NORTH ELEVATION OF THE NORTHERN MOST BUILDING DUE TO THE FACT THAT IT FACES K-96 AND IS SEPARATED BY A RESERVE. ALL BUILDINGS OVER 75,000 SQ. FT. SHALL PERMIT UP TO FIVE SIGNS PER ELEVATION (UP TO 400 SQ.FT. PER SIGN) WITH A MAXIMUM OF 1,200 SQ.FT. PER ELEVATION. ONE SIGN PER ELEVATION IS PERMITTED AT A MAXIMUM HEIGHT OF 48 FEET WITH A SIGN AREA OF 150 SQ. FT. FOR A CORPORATE LOGO. PARCEL–12 SHALL BE PER THE SIGN CODE EXCEPT THAT ALL BUILDINGS OVER 75,000 SQ. FT. SHALL PERMIT UP TO FIVE SIGNS PER ELEVATION (UP TO 400 SQ. FT. PER SIGN) WITH A MAXIMUM OF 1,200 SQ.FT. PER ELEVATION. ONE SIGN PER ELEVATION IS PERMITTED AT A MAXIMUM HEIGHT OF 48 FEET WITH A SIGN AREA OF 150 SQ. FT. FOR A CORPORATE LOGO. THERE SHALL BE NO SIGNS FACING THE RESIDENTIAL AREA TO THE WEST EXCEPT FOR SMALL IDENTIFICATION SIGNS AS DESCRIBED IN SECTION 24.04.190.3 OF THE SIGN CODE.

8. PARKING – SHALL BE IN ACCORDANCE WITH ARTICLE IV.A OF THE WICHITA – SEDGWICK COUNTY UNIFIED ZONING CODE. EXCEPT IF PARCEL 7 IS DEVELOPED AS A HOTEL, ~~IT SHALL PROVIDE ONE SPACE PER UNIT PLUS 10 ADDITIONAL SPACES FOR OFFICE/ COMMONS AREA CONNECTED TO THE HOTEL.~~ AN ADMINISTRATIVE ADJUSTMENT HAS BEEN GRANTED TO REDUCE THE PARKING REQUIREMENT FOR PARCEL 7 TO 102 PARKING SPACES SO LONG AS IT CONFORMS TO THE PRELIMINARY PLANS AS SUBMITTED AND DATED SEPTEMBER 28, 2007. THIS ADJUSTMENT SHALL NOT BE DEEMED TO ALTER ANY OTHER PROVISIONS OF THE CUP EXCEPT AS STATED HEREIN AND/OR TO ALTER UNIFIED ZONING CODE SITE REQUIREMENTS OTHER THAN PARKING REQUIREMENTS AND LANDSCAPE ORDINANCE REQUIREMENTS APPLICABLE TO THE PROPERTY. (AMENDED NOVEMBER 26, 2007)

9. ARCHITECTURAL CONTROL – ALL BUILDINGS WITHIN PARCEL 11 AND 12 SHALL HAVE THE SAME PREDOMINATE EXTERIOR BUILDING MATERIALS WITH CONSISTENT ARCHITECTURAL CHARACTER, COLOR AND TEXTURE, AND CONSISTENT LIGHTING DESIGN (FIXTURES, POLES, LAMPS, ETC.) AS APPROVED BY DIRECTOR OF PLANNING. METAL SHALL NOT BE PERMITTED AS A PREDOMINATE EXTERIOR BUILDING MATERIAL ON ANY PARCEL. PARCELS 1, 2, 3, 3A, 4, 6, 7, 9 AND 10 SHALL HAVE CONSISTENT LIGHTING FIXTURES, MONUMENT SIGN, AND LANDSCAPE PALLET.

10. AN OWNERS ASSOCIATION AGREEMENT PROVIDING FOR THE MAINTENANCE OF RESERVES, OPEN SPACES, INTERNAL DEVISES, PARKING AREAS, DRAINAGE IMPROVEMENTS, ETC., IS FILED BY THE TIME THE PLAT IS FILED OF RECORD.

11. CROSS–LOT CIRCULATION IS TO BE PROVIDED FOR ALL LOTS PLATTED FOR RETAIL, COMMERCIAL OR OFFICE USES.

12. ALL DRAINAGEWAYS AND EASEMENTS SHALL BE DETERMINED AT THE TIME OF PLATTING.

13. A LOT GRADING PLAN WILL BE PREPARED IN CONFORMANCE WITH THE DRAINAGE CONCEPT PLAN FOR REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

14. THERE ARE NO INTERNAL PUBLIC STREET AREAS WITHIN THE C.U.P.

15. IF MULTIPLE OWNERSHIP IS ANTICIPATED, AN OWNERS ASSOCIATION AGREEMENT PROVIDING FOR THE MAINTENANCE OF RESERVES, OPEN SPACE, INTERNAL DEVICES, PARKING AREAS, DRAINAGE IMPROVEMENTS, ETC., SHALL BE FILED WITH THE PLAT OF THE AREA.

16. LOADING AREAS AND DOCKS IN THE CUP SHALL BE SCREENED FROM GROUND LEVEL VIEW WITH A MASONRY WALL ALONG K-96, 21ST STREET NORTH AND GREENWICH. SCREENING OF ALL TRASH DUMPSTERS, OUTSIDE STORAGE, AND MECHANICAL EQUIPMENT WILL BE CONSTRUCTED OF MATERIAL TO MATCH THE BUILDINGS THEY SUPPORT.

17. A SIX (6) TO EIGHT (8) FOOT SOLID WALL SHALL BE CONSTRUCTED OF BRICK, STONE, MASONRY, ARCHITECTURAL TILE OR SIMILAR MATERIAL (NOT INCLUDING WOOD OR WOVEN WIRE) ALONG THE WEST PROPERTY LINE OF PARCELS 11 AND 12.

18. PRIOR TO ISSUING BUILDING PERMITS, 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 NORTH, GREENWICH ROAD, AND THE K-96 EXPRESSWAY BIKE TRAIL WITH PROPOSED BUILDINGS WITHIN THE SUBJECT PROPERTY AS DETERMINED NECESSARY BY THE DIRECTOR OF PLANNING.

19. 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.

20. ANY MAJOR CHANGES IN THIS DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION AND TO THE GOVERNING BODY FOR THEIR CONSIDERATION.

21. ALL LIGHTS SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD OR AWAY FROM RESIDENTIAL AREAS.

NOTES:

1. ZONING: LIMITED INDUSTRIAL – LI
LIMITED COMMERCIAL – LC

2. LOT MINIMUM PADS AS INDICATED ON DRAINAGE PLAN.