

C.U.P. D.P. - 262

# 37TH & MAIZE COMMERCIAL C.U.P. DP-262

OWNER: THELMA R. SMITH REV. TRUST

**APPROVED CUP**

MAPC 10/10/02 DM

BCC 11/13/02 DM

MAPD City 1/02

SCALE: 1"=100'  
 DATE: OCTOBER 1, 2002

1. THIS DEVELOPMENT CONTAINS 25.5 GROSS ACRES OR 24.8 NET ACRES. NET ACRES ARE DETERMINED BY SUBTRACTING STREET R/W.

2. PARCEL DESCRIPTIONS:

RESERVE "A"  
 GROSS AREA= 3.1 ACRES  
 PERMITTED USES: DRAINAGE DETENTION, SIDEWALKS, AND UTILITIES

PARCEL 1  
 GROSS AREA= 2.5 ACRES  
 MAXIMUM HEIGHT= 45 FEET  
 MAXIMUM COVERAGE= 30%  
 MAX. GROSS FLOOR AREA= 40%

PARCEL 2  
 GROSS AREA= 1.4 ACRES  
 MAXIMUM HEIGHT= 45 FEET  
 MAXIMUM COVERAGE= 30%  
 MAX. GROSS FLOOR AREA= 40%

PARCEL 3  
 GROSS AREA= 1.2 ACRES  
 MAXIMUM HEIGHT= 35 FEET  
 MAXIMUM COVERAGE= 30%  
 MAX. GROSS FLOOR AREA= 30%

PARCEL 4  
 GROSS AREA= 1.2 ACRES  
 MAXIMUM HEIGHT= 35 FEET  
 MAXIMUM COVERAGE= 30%  
 MAX. GROSS FLOOR AREA= 30%

PARCEL 5  
 GROSS AREA= 1.2 ACRES  
 MAXIMUM HEIGHT= 35 FEET  
 MAXIMUM COVERAGE= 30%  
 MAX. GROSS FLOOR AREA= 30%

PARCEL 6  
 GROSS AREA= 1.2 ACRES  
 MAXIMUM HEIGHT= 35 FEET  
 MAXIMUM COVERAGE= 30%  
 MAX. GROSS FLOOR AREA= 30%

PARCEL 7  
 GROSS AREA= 1.1 ACRES  
 MAXIMUM HEIGHT= 35 FEET  
 MAXIMUM COVERAGE= 30%  
 MAX. GROSS FLOOR AREA= 30%

PARCEL 8  
 GROSS AREA= 3.1 ACRES  
 MAXIMUM HEIGHT= 35 FEET  
 MAXIMUM COVERAGE= 30%  
 MAX. GROSS FLOOR AREA= 30%

PARCEL 9  
 GROSS AREA= 8.6 ACRES  
 MAXIMUM HEIGHT= 35 FEET  
 MAXIMUM COVERAGE= 30%  
 MAX. GROSS FLOOR AREA= 30%

3. PERMITTED USES: THE FOLLOWING USES ARE PERMITTED FOR ALL PARCELS WITHIN THE C.U.P.: ALL USES PERMITTED IN THE L.C. ZONING DISTRICT EXCEPT FOR GROUP HOMES, CORRECTIONAL PLACEMENT RESIDENCES, VEHICLE STORAGE YARDS, GENERAL VEHICLE REPAIR, OUTDOOR STORAGE AND ASPHALT OR CONCRETE PLANTS; PARCELS 1, 8 AND 9 SHALL PROHIBIT SERVICE STATIONS, CONVENIENCE STORES WITH GAS ISLANDS, AND VEHICLE SERVICE OR REPAIR WITH OVERHEAD DOORS FACING RESIDENTIAL DISTRICTS. NO SERVICE STATIONS, CONVENIENCE STORES WITH GAS ISLANDS, RESTAURANTS WITH DRIVE-IN AND DRIVE-THROUGH FACILITIES SHALL BE PERMITTED WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY.

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 CONCURRENT APPROVAL OF THE CITY 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 THE CITY OF WICHITA CODE. A LANDSCAPE PLAN INDICATING THE LOCATION, TYPE, AND SPECIFICATION OF PLANT MATERIAL SHALL BE SUBMITTED BY A LANDSCAPE ARCHITECT TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT(S). A FINANCIAL GUARANTEE FOR THE PLANT MATERIALS APPROVED ON THE LANDSCAPE PLAN FOR THAT PORTION OF THE C.U.P. BEING DEVELOPED SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.

6. MINIMUM SETBACK REQUIREMENTS: PER PLAN

7. SIGNS SHALL BE IN ACCORDANCE WITH APPROPRIATE CODES WITH THE FOLLOWING ADDITIONAL 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.  
 B. FLASHING SIGNS (EXCEPT FOR SIGNS SHOWING ONLY TIME, TEMPERATURE, AND OTHER PUBLIC SERVICE MESSAGES), ROTATING OR MOVING SIGNS, SIGNS WITH MOVING LIGHTS OF SIGNS WHICH CREATE ILLUSIONS OF MOVEMENT ARE NOT PERMITTED.

C. PORTABLE AND OFF-SITE SIGNS ARE NOT PERMITTED.  
 D. WINDOW DISPLAY SIGNS ARE LIMITED TO 25 PERCENT OF THE WINDOW AREA.  
 E. NO SIGNS SHALL BE ALLOWED ON THE REAR OF ANY BUILDINGS.  
 F. ALL FREESTANDING SIGNS MUST BE MONUMENT TYPE AND SHALL HAVE A MAXIMUM HEIGHT OF 20 FEET, EXCEPT THAT ONE 25-FOOT SIGN ON MAIZE ROAD AND ONE 25-FOOT SIGN ON 37TH STREET NORTH MAY BE PERMITTED BY ELIMINATING ON MONUMENT SIGN OTHERWISE PERMITTED BASED ON THE LENGTH OF FRONTAGE FOR EACH FIVE FEET OF ADDITIONAL HEIGHT. THE MAXIMUM SQUARE FOOTAGE OF SIGN FACE ALLOWED IN PARCELS 1-9 SHALL NOT EXCEED 80 PERCENT OF LOT FRONTAGE.  
 G. IF A HOTEL IS DEVELOPED ON PARCELS 1 OR 2, REQUESTS FOR TALLER BUILDING SIGNAGE MAY BE LOOKED UPON WITH FAVOR, BUT WILL BE REQUIRED TO BE APPROVED AS EITHER AN ADJUSTMENT OF AMENDMENT TO THE C.U.P. DEPENDING ON THE SIGNIFICANCE OF THE REQUESTED INCREASE.

8. PARKING - SHALL BE IN ACCORDANCE WITH THE WICHITA-SEDDWICK COUNTY UNIFIED ZONING CODE.

9. ARCHITECTURAL CONTROL - ALL BUILDINGS WITHIN PARCEL 1 THRU 9 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. NO FACADES THAT ARE PREDOMINANTLY METAL SHALL BE ALLOWED. THIS REQUIREMENT SHALL ALSO APPLY TO ANY RETAIL DEVELOPMENT (E.G. RESTAURANTS, BANKS, CONVENIENCE STORE/SERVICE STATIONS, GROCERY STORE, PERSONAL CARE OR IMPROVEMENT SERVICES) LOCATED ON PROPERTY ZONED "L.C.".

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

11. NO OCCUPANCY PERMITS SHALL BE ISSUED FOR ANY DEVELOPMENT WITHOUT SERVICES BY MUNICIPAL WATER AND SEWER SERVICES.

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

13. ALL DRAINAGE WAYS AND EASEMENTS SHALL BE DETERMINED AT THE TIME OF PLATTING.

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

15. LOADING AREAS, TRASH RECEPTACLES, OUTSIDE STORAGE, AND DOCKS IN THE C.U.P. SHALL BE SCREENED FROM GROUND LEVEL VIEW ALONG 37TH STREET NORTH AND MAIZE ROAD. SCREENING OF ALL TRASH DUMPSTERS, OUTSIDE STORAGE, AND MECHANICAL EQUIPMENT WILL BE CONSTRUCTED OF MATERIAL TO MATCH AND PREFERABLY BE CONNECTED TO THE BUILDINGS THEY SUPPORT.

16. MASONRY WALLS:  
 A. A SIX (6) FOOT HIGH MASONRY WALL SHALL BE CONSTRUCTED ALONG PROPERTY LINES OF THE C.U.P. IN CONFORMANCE WITH THE PROVISIONS OF ARTICLE III, SECTION 18.02.2(1)(g) OF THE UNIFIED ZONING CODE, EXCEPT THAT THE WALL MAY BE WAIVED IF THE SOUTHERN PORTION OF THE WESTERN PROPERTY LINE IS DEVELOPED AS AN AMENITY FOR JOINT USE BY THE C.U.P. AND THE PROPERTY TO THE WEST AND NO SERVICE ACTIVITIES ARE LOCATED ON THIS PROPERTY LINE.  
 B. THIS SOLID MASONRY WALL SHALL BE CONSTRUCTED OF A PATTERN AND COLOR THAT IS CONSISTENT WITH THE BUILDING WALLS.

17. 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.

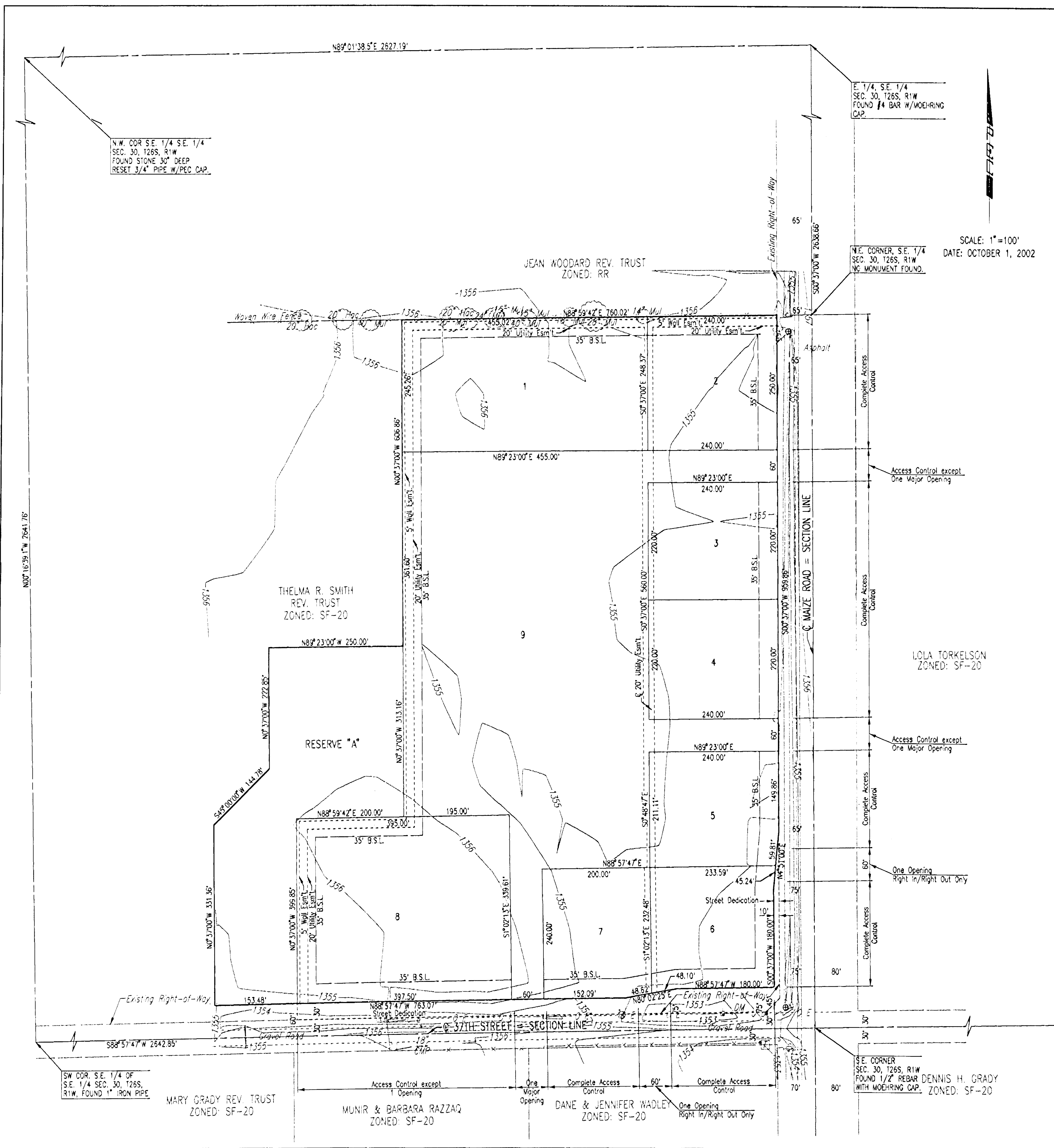
18. PRIOR TO ISSUING BUILDING PERMITS, A PLAN FOR A PEDESTRIAN WALK SYSTEM SHALL BE SUBMITTED AND APPROVED BY THE DIRECTOR OF PLANNING. THIS WALK SYSTEM SHALL LINK SIDEWALKS ALONG 37TH STREET NORTH AND MAIZE ROAD WITH THE PROPOSED BUILDINGS WITHIN THE SUBJECT PROPERTY AND WITH PEDESTRIAN CONNECTIVITY BEING PROVIDED FOR RESIDENTIAL DEVELOPMENT TO THE WEST AS DETERMINED BY THE DIRECTOR OF PLANNING.

19. ALL EXTERIOR LIGHTING SHALL BE SHIELDED TO DIRECT LIGHT DISBURSEMENT DOWNWARD AND AWAY FROM RESIDENTIAL ZONING.

20. PARCELS 1-9 SHALL SHARE SIMILAR OR CONSISTENT PARKING LOT LIGHTING ELEMENTS (I.E. FIXTURES, POLES AND LAMPS, AND ETC.).  
 A. LIGHT POLES SHALL BE LIMITED IN HEIGHT TO 24 FEET, EXCEPT WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY WHERE LIGHT POLES SHALL NOT EXCEED 14 FEET IN HEIGHT.  
 B. EXTENSIVE USE OF BACKLIT CANOPIES AND NEON OR FLUORESCENT TUBE LIGHTING ON BUILDINGS IS NOT PERMITTED.

21. TRAFFIC IMPROVEMENTS TO MAIZE ROAD AND 37TH STREET NORTH SHALL BE DETERMINED AT THE TIME OF PLATTING. (See letter dated 11/14/02)

22. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT, A SITE CIRCULATION PLAN SHALL BE APPROVED FOR THE OVERALL CIRCULATION OF THE C.U.P. THAT PROVIDES FOR SMOOTH FLOW OF TRAFFIC AMONG ALL PARCELS, AND PROVIDES CONNECTIVITY WITH THE PROPERTIES TO THE NORTH/NORTHWEST.



DSNR: RMH OPER: DK SCALE: 1"=100.00  
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