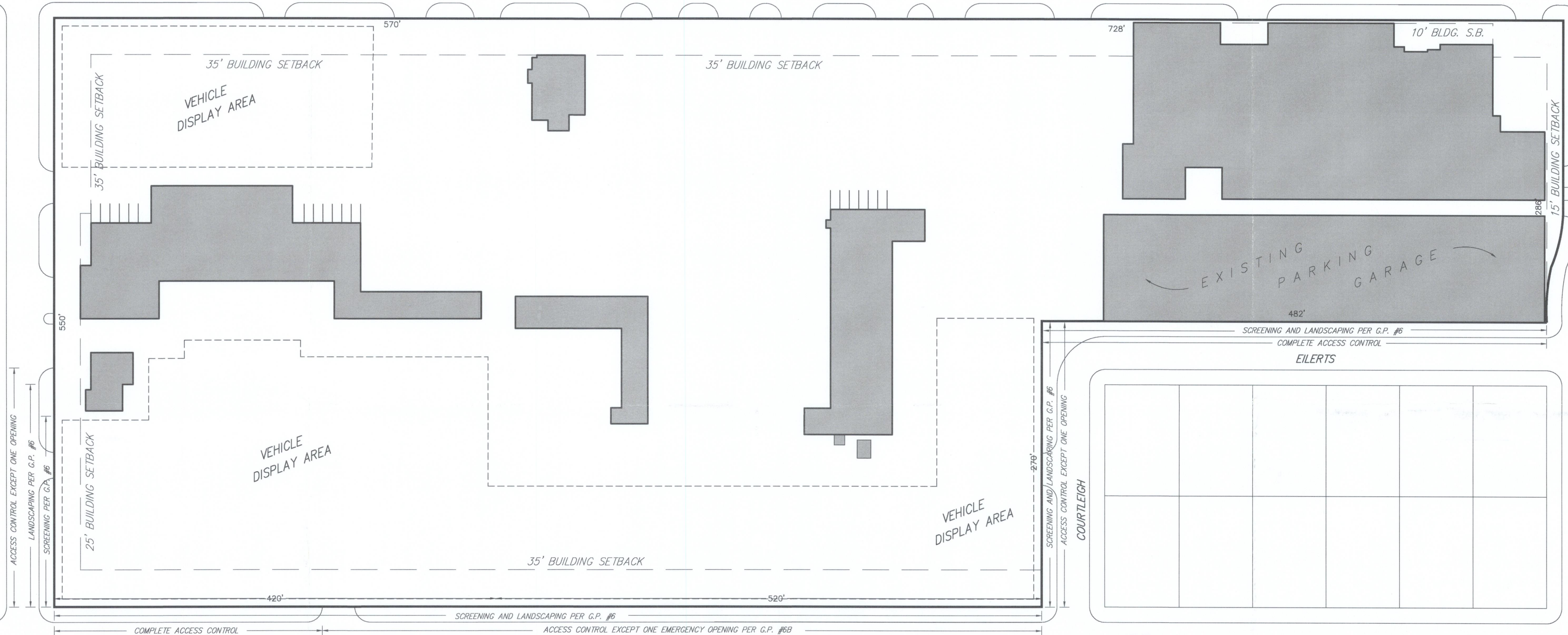


# DAVIS-MOORE COMMUNITY UNIT PLAN

KELLOGG (U.S. HIGHWAY 54 CASE NO. A-17549) STREET

KELLOGG DRIVE



**GENERAL PROVISIONS:**

1. This development contains a net area of 15.25 acres, more or less.
2. Signs shall be permitted in accordance with the City of Wichita Sign Code, except that no billboards, portable signs, or off-site signs shall be permitted.
3. Building setback lines are as shown on the plan.
4. Access control shall be as shown on the plan.
5. Off-street parking shall be provided in accordance with the Unified Zoning Code.
6. Screening and Landscaping:
  - A. A wooden screening fence 6 to 8 feet high shall be provided in place of a solid masonry wall in order to better utilize the existing screening fences, to avoid conflict with utility easements, and to allow for easy expansion should additional property be acquired. A building permit shall be obtained prior to the construction of any fences.

- B. Said screening fence shall be provided along the south parcel line adjacent to Orme and along the east parcel line adjacent to Courtleigh and along the south 180 feet adjacent to Lightner. The required screening fence adjacent to Courtleigh may be removed in the event that a building is constructed adjacent to the property line. In addition, one gated emergency opening may be allowed along the south property line as provided in General Provision #4.
- C. Said street trees shall be planted along the south property lines adjacent to Orme and Ellerts, and the east property line adjacent to Courtleigh at such time a building is constructed along the property line and the existing screening fence is removed as provided in General Provision #6b, and along the south 210 feet of the west property line adjacent to Lightner.
- D. Street trees shall be planted in accordance with the City of Wichita Landscape Ordinance, except that the

- number of required trees shall be calculated at 1 tree per 20 linear feet of frontage and planted between the curb and the required screening fence.
- E. Trash receptacles shall be appropriately screened to reasonable hide them from ground view.
  - F. A landscape plan prepared by a Landscape Architect for the required plantings, including the type, location and specifications of plant materials shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. A financial guarantee for the required plantings shall be required prior to the issuance of any occupancy permit if said plantings have not been installed.
  - G. Failure to properly maintain the required screening or landscaping shall be considered a violation of the C.U.P. after a joint determination by the Director of Planning and the Superintendent of Central Inspection.

- H. All outdoor storage of materials shall be visually screened from all surrounding properties and public rights-of-way. Materials shall not be stored or stacked to where they are visible above screening fences from surrounding properties or public rights-of-way.
7. Fire lane(s) shall be provided in accordance with the fire code of the City of Wichita. No parking shall be allowed in said fire lane(s) although they may be used for passenger loading and unloading. Prior to final approval of the parking plan, the Fire Chief or his designated representative, shall approve the plan as to location and design of the fire lane(s).
8. A drainage plan and guarantee for drainage improvements shall be provided at the time of platting.
9. Street right-of-way and easement vacations to be accomplished at the time of platting. Final determination of street right-of-way and pavement widths to be determined at the time of platting.

10. All lights shall be shielded to reflect light away from the residential properties adjacent to the C.U.P. Lighting for the south 180 feet of the west 420 feet of the C.U.P. shall have a maximum height of 15 feet.
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 for commercial development and be binding upon present owners, their successors, assigns and their lessees, unless amended.
12. No exterior audio systems shall be permitted within the south 180 feet of the C.U.P.

**PARCEL DESCRIPTION:**

Net Area:	664,245 sq. ft. or 15.25 acres
Maximum Building Coverage:	255,698 sq. ft. or 40%
Maximum Floor Area:	298,910 sq. ft.
Maximum Building Height:	35 ft.

**Permitted Uses:** All uses permitted by the "LC" Limited Commercial district, excluding adult entertainment establishments, sexually oriented business, group residences, correctional placement residences, asphalt/concrete plants, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Also permitted is new and used auto sales, leasing, service and all other associated uses, including parking garage (not for public use) for storage of vehicles for lease or sale, vehicles awaiting customer service, and vehicle repair (general) as a primary use. The following "GC" General Commercial uses are permitted: Construction sales and service, ancillary fuel storage, Outdoor storage, Vehicle Repair (general), and Wholesale or Business Services.

ADJUSTMENT (CUP2020-07): MARCH 5, 2020  
 AMENDMENT #13: JANUARY 6, 2016  
 AMENDMENT #12: OCTOBER 13, 2003  
 AMENDMENT #11: JULY 14, 2003  
 AMENDMENT #10: APPROVED NOVEMBER 17, 1998

Dated 3/5/2020  
**APPROVED CUP**  
 Per Admin Adjustment  
 Trip 2020  
 Copy 1 of 4 CUP2020-07

**DP-183  
 DAVIS-MOORE  
 COMMUNITY UNIT PLAN**



**Wichita-Sedgwick County Metropolitan Area Planning Department**

**March 5, 2020**

TZS Holdings, LLC  
Attn: Zack Steven  
6205 E. Kellogg Drive  
Wichita, KS 67218-1746

Baughman Company, P.A.  
Attn: Russ Ewy  
315 Ellis  
Wichita, KS 67211

**RE: CUP2020-07** – City Administrative Adjustment of Davis-Moore CUP DP-183; generally located on the south side of East Kellogg Drive and west of South Woodlawn Blvd. (6115 E. Kellogg Drive)

**Legal Description:** Lot 1, Block 1, Davis-Moore 13<sup>th</sup> Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH the East 130 feet of the West 140 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas; TOGETHER WITH Lot 1, Davis-Moore 5<sup>th</sup> Addition to Wichita, Sedgwick County, Kansas; TOGETHER WITH the West 110 feet of Lot 2, except the South 160 feet, Universals First Addition to Wichita, Kansas; TOGETHER WITH that part of vacated Waverly Drive lying adjacent to said Universals First Addition, and said Davis-Moore 5<sup>th</sup> Addition.

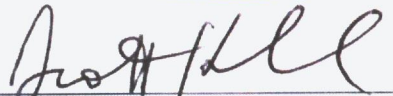
Dear Applicants:

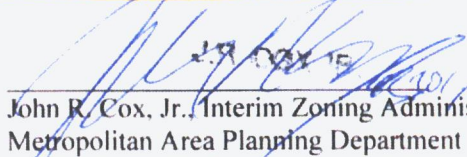
We received and reviewed your request for an Administrative Adjustment to DP-183 to include Vehicle Repair, General to the Permitted Uses.

On the basis of our review, we find that adjusting the CUP to include Vehicle Repair, General to the Permitted Uses and not permitted only as an accessory use to a new and used auto sales business is consistent with the approved CUP and will not have an adverse effect on the CUP or adjacent properties, nor will it be a substantial deviation of the original plan.

Our signatures below indicate that the CUP shall be adjusted as stated in this letter. This CUP adjustment shall not be deemed to alter any other provisions of the CUP except as expressly stated herein.

The "Development Application" sign should now be removed from the property. **Please submit four (4) copies of the revised CUP drawing within 60 days in order for this adjustment to be considered final.**

  
\_\_\_\_\_  
Scott Knebel, Interim Director  
Metropolitan Area Planning Department

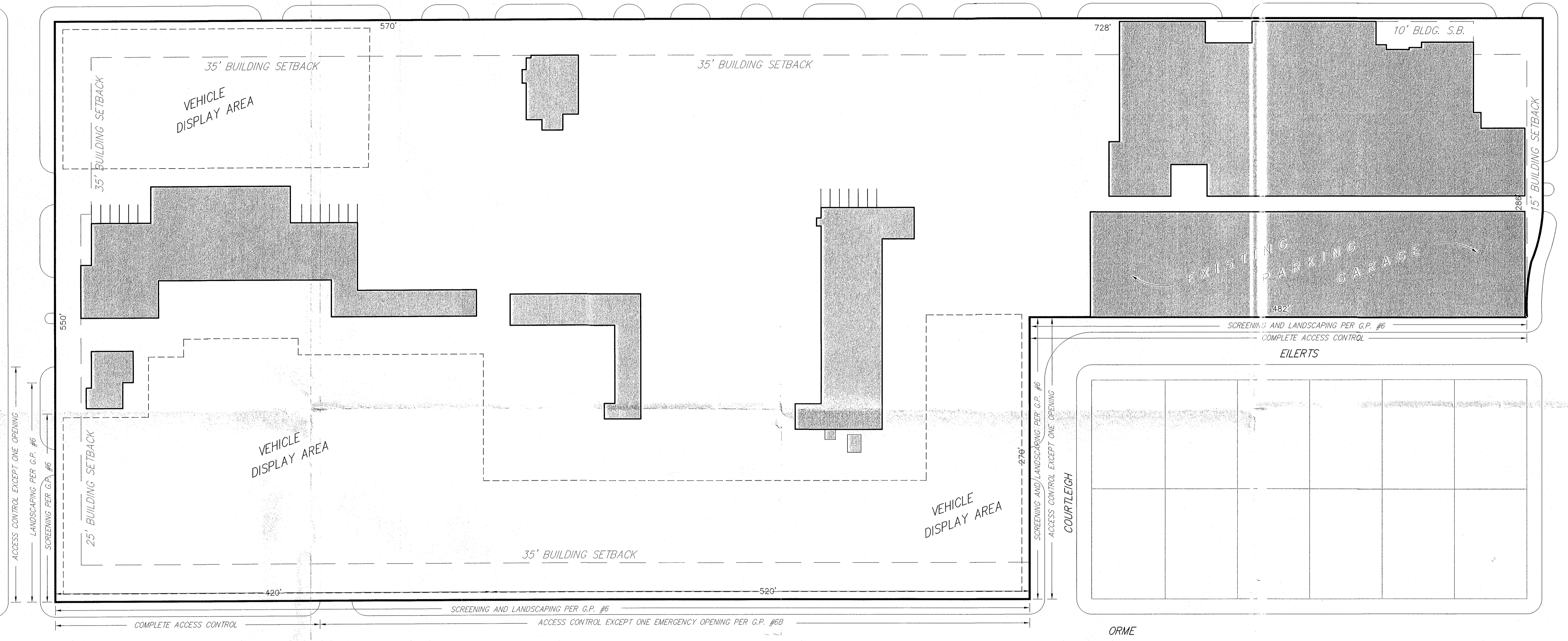
  
\_\_\_\_\_  
John R. Cox, Jr., Interim Zoning Administrator  
Metropolitan Area Planning Department

cc: MABCD  
James Clendenin, CM District III  
Maddy Campbell, CSR District III

# DAVIS-MOORE COMMUNITY UNIT PLAN

KELLOGG (U.S. HIGHWAY 54 CASE NO. A-17549) STREET

KELLOGG DRIVE



**GENERAL PROVISIONS:**

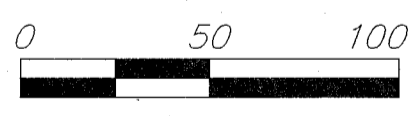
- This development contains a net area of 15.25 acres, more or less.
- Signs shall be permitted in accordance with the City of Wichita Sign Code, except that no billboards, portable signs, or off-site signs shall be permitted.
- Building setback lines are as shown on the plan.
- Access control shall be as shown on the plan.
- Off-street parking shall be provided in accordance with the Unified Zoning Code.
- Screening and Landscaping:
  - A wooden screening fence 6 to 8 feet high shall be provided in place of a solid masonry wall in order to better utilize the existing screening fences, to avoid conflict with utility easements, and to allow for easy expansion should additional property be acquired. A building permit shall be obtained prior to the construction of any fences.
  - Said screening fence shall be provided along the south parcel line adjacent to Orme and along the east parcel line adjacent to Courtleigh and along the south 180 feet adjacent to Lightner. The required screening fence adjacent to Courtleigh may be removed in the event that a building is constructed adjacent to the property line. In addition, one gated emergency opening may be allowed along the south property line as provided in General Provision #4.
  - Said street trees shall be planted along the south property lines adjacent to Orme and Eilerts, and the east property line adjacent to Courtleigh at such time a building is constructed along the property line and the existing screening fence is removed as provided in General Provision #6b, and along the south 210 feet of the west property line adjacent to Lightner.
  - Street trees shall be planted in accordance with the City of Wichita Landscape Ordinance, except that the number of required trees shall be calculated at 1 tree per 20 linear feet of frontage and planted between the curb and the required screening fence.
  - Trash receptacles shall be appropriately screened to reasonable hide them from ground view.
  - A landscape plan prepared by a Landscape Architect for the required plantings, including the type, location and specifications of plant materials shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. A financial guarantee for the required plantings shall be required prior to the issuance of any occupancy permit if said plantings have not been installed.
  - Failure to properly maintain the required screening or landscaping shall be considered a violation of the C.U.P. after a joint determination by the Director of Planning and the Superintendent of Central Inspection.
- Fire lane(s) shall be provided in accordance with the fire code of the City of Wichita. No parking shall be allowed in said fire lane(s) although they may be used for passenger loading and unloading. Prior to final approval of the parking plan, the Fire Chief or his designated representative, shall approve the plan as to location and design of the fire lane(s).
- A drainage plan and guarantee for drainage improvements shall be provided at the time of platting.
- Street right-of-way and easement vacations to be accomplished at the time of platting. Final determination of street right-of-way and pavement widths to be determined at the time of platting.
- All outdoor storage of materials shall be visually screened from all surrounding properties and public rights-of-way. Materials shall not be stored or stacked to where they are visible above screening fences from surrounding properties or public rights-of-way.
- All lights shall be shielded to reflect light away from the residential properties adjacent to the C.U.P. Lighting for the south 180 feet of the west 420 feet of the C.U.P. shall have a maximum height of 15 feet.
- 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 for commercial development and be binding upon present owners, their successors, assigns and their lessees, unless amended.
- No exterior audio systems shall be permitted within the south 180 feet of the C.U.P.

**PARCEL DESCRIPTION:**

Net Area:	664,245 sq. ft. or 15.25 acres
Maximum Building Coverage:	265,698 sq. ft. or 40%
Maximum Floor Area:	298,910 sq. ft.
Maximum Building Height:	35 ft.

**Permitted Uses:** All uses permitted by the "LC" Limited Commercial district, excluding adult entertainment establishments, sexually oriented businesses, group residences, correctional placement residences, asphalt/concrete plants, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Also permitted is new and used auto sales, leasing, service and all other associated uses, including parking garage (not for public use) for storage of vehicles for lease or sale, vehicles awaiting customer service, and vehicle repair (general). The following "GC" General Commercial uses are permitted: Construction sales and service, ancillary fuel storage, Outdoor storage, and Wholesale or Business Services.

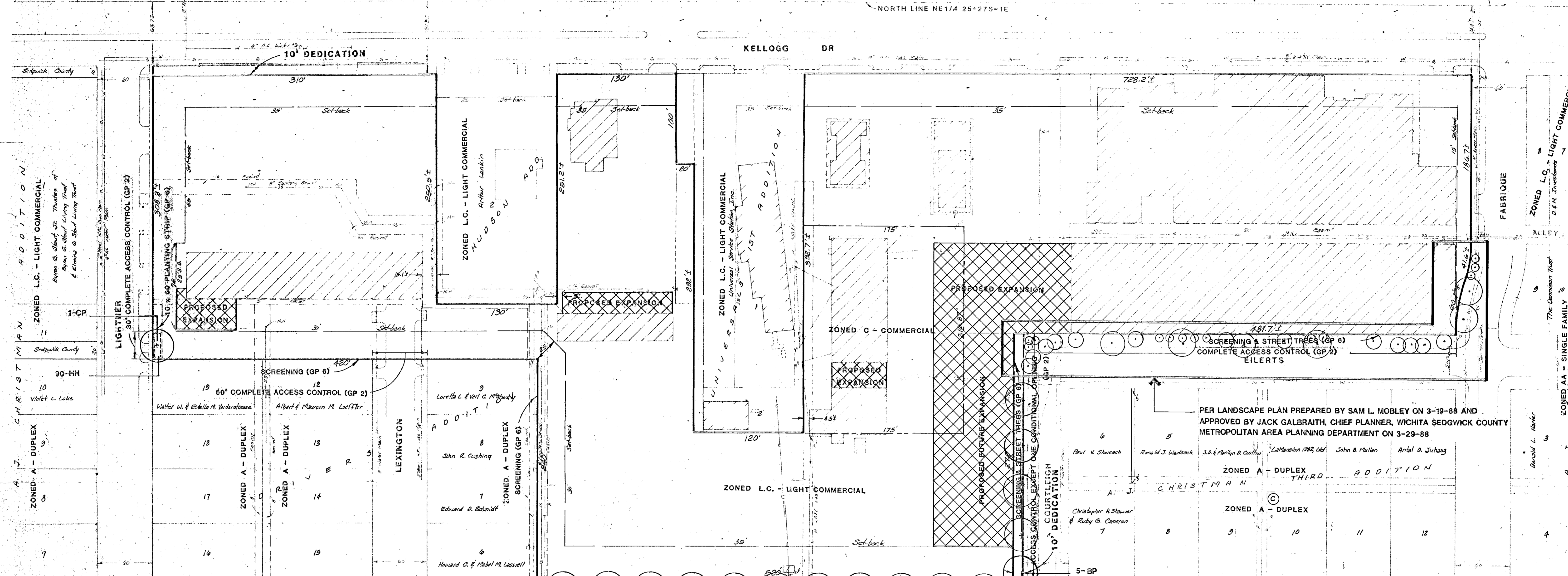
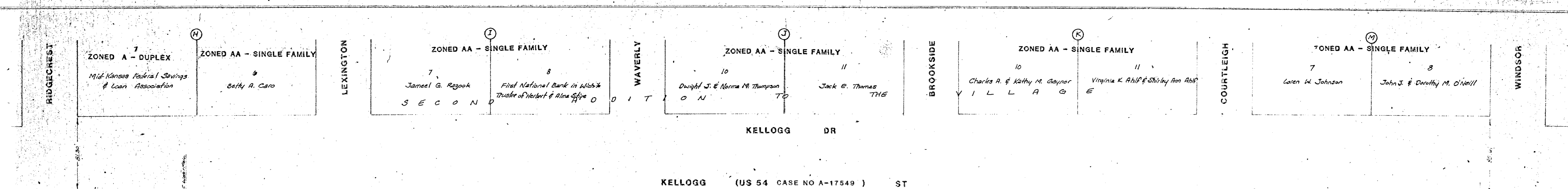
AMENDMENT #13: JANUARY 6, 2016  
 AMENDMENT #12: OCTOBER 13, 2003  
 AMENDMENT #11: JULY 14, 2003  
 AMENDMENT #10: APPROVED NOVEMBER 17, 1998



AMENDMENT #13  
**APPROVED CUP**  
 WAF 12-3-15  
 WCC 1-5-16  
 MAPD 1 of 2

**DP-183  
 DAVIS-MOORE  
 COMMUNITY UNIT PLAN**

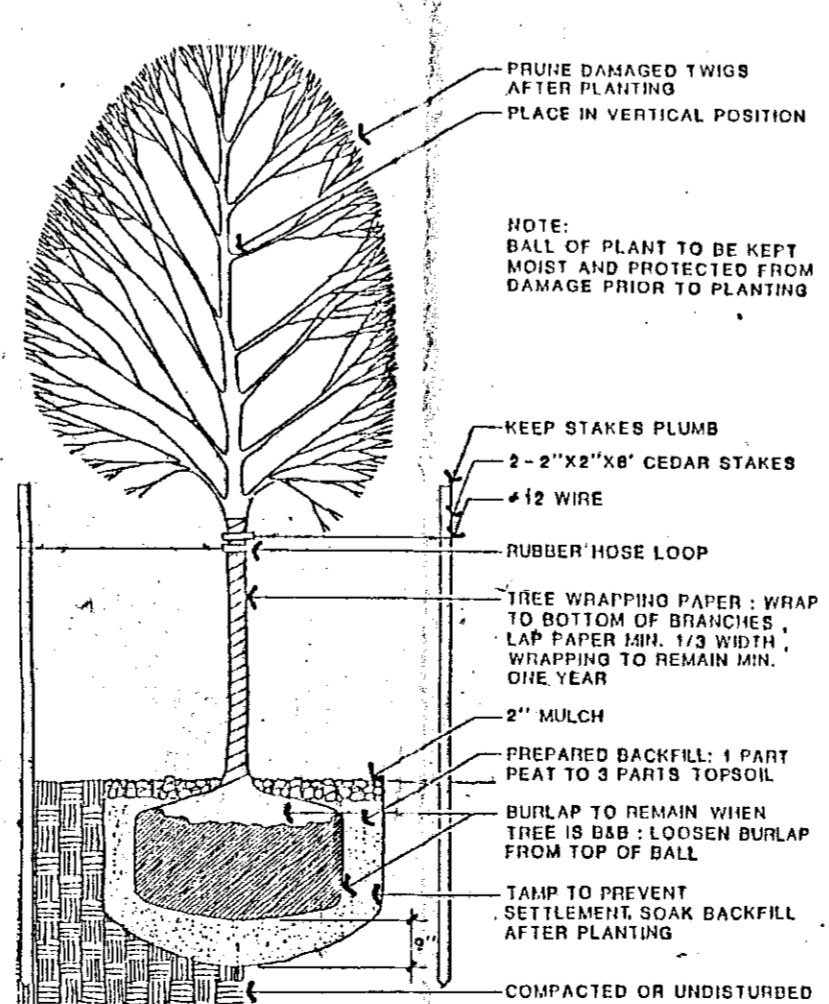
**BAUGHMAN COMPANY P.A.**  
 ENGINEERING, SURVEYING, & PLANNING  
 316-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211



**LANDSCAPE SCREENING PLANTING PLAN  
DAVIS-MOORE COMMUNITY UNIT PLAN DP - 183**

**GENERAL PROVISIONS**

- The development is proposed to contain a net area of 10.95 acres more or less.
- Curb cuts - The maximum number of curb cuts to Courtleigh shall be one until such time that a building is constructed along the property line. There shall be one curb cut to Courtleigh for emergency access only. There shall be no curb cut to Lexington or Eilerts or over the South 30 feet of the parcel adjacent to Eilerts.
- Signs shall be permitted in accordance with regulations and requirements of the zoning ordinance, except that no billboards, portable signs or off-site signs shall be permitted.
- Building Setback Lines  
Kellogg Drive - 38 feet  
Lightner - 28 feet and 38 feet as shown on the plan.  
Orse - 38 feet  
Courtleigh - Zero  
Eilerts - Zero  
Fabrique - 18 feet as shown on plan.  
All Others - shall be 28 feet, 30 feet and zero as shown on the plan.
- Off street parking and loading space shall be provided as required by ordinance.
- Planting and Screening  
a. A planting strip no less than 10 feet in width is required along the south 60 feet of the west line of the parcel adjacent to Lightner, except for access points of ingress and egress.  
b. A wooden screening fence (8' to 6' high) shall be provided, in place of a solid or semi-solid wall to facilitate the following utilization of the existing wooden screening fence, to allow use of existing wooden screening fence along property lines where utility easements exist. To allow for easy expansion of the site should additional adjacent property be required, a building permit shall be obtained prior to the construction of any fence.  
c. A wooden screening fence (8' to 6' high) shall be provided along the following lines:  
(1) Along the south parcel line extending 420 feet east of Lightner.  
(2) Along the west parcel line as established 420 feet east of Lightner.  
(3) Along the south parcel line adjacent to Orse, providing for a gate at the emergency access curb cut as provided for in General Provision #2.  
(4) Along the east parcel line adjacent to Courtleigh and the south parcel line adjacent to Eilerts west of the existing building until such time that a building is constructed adjacent to the property line, at which time the existing wooden screening fence shall be removed.  
d. Appropriate Street Trees (as approved by the City Forestry) shall be planted no further apart than 50 feet on center in the public parking area between the curb and wooden screening fence and shall be maintained by the owner of the adjacent parcel.  
- Street Trees shall be provided as follows:  
(1) Adjacent to Orse  
(2) Adjacent to Courtleigh at such time that a building is constructed adjacent to the property line and the existing screening fence is removed as provided in General Provision #6.a.(4)  
(3) Adjacent to Eilerts  
e. Trash receptacles shall be appropriately screened to reasonably hide them from ground view.  
f. A landscape plan prepared by a landscape architect for the planting strip and the street trees, indicating the type, location and specifications of plant materials shall be submitted to the Planning Department for their review and approval prior to the issuance of building permits. A financial guarantee for the street trees and plant materials shall be required prior to the issuance of any occupancy permit if the trees or plant materials have not been planted.  
g. Failure to properly maintain the screening fence, street trees or the planting strip shall be considered a violation of the D.U.P., after a joint determination by the Director of Planning and the Superintendent of Central Inspection.  
h. Fire lanes shall be in accordance with the fire code of the City of Wichita. No parking shall be in said fire lane(s) although they may be used for passenger loading and unloading. Prior to final approval of the planting plan, the fire chief or his designated representative, shall approve the plan as to location and design of the fire lane(s).  
i. A drainage plan and guarantee for drainage improvements shall be provided at the time of platting if necessary.  
j. Street right-of-way and easement vacations to be accomplished at the time of platting.  
k. Final determination of street right-of-way and pavement widths to be determined at the time of platting.  
l. All lights shall be shielded to reflect or direct light away from the residential properties adjacent to the D.U.P.  
m. The transfer of title on all or any portion of the land included in the D.U.P. shall be contingent upon completion 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, and their licensees, unless otherwise stated.



DECIDUOUS TREE PLANTING

**PARCEL DESCRIPTION**

- Hot Area: 477,063 sq. ft. ± or 10.95 acres ±
- Maximum Building Coverage: 40% or 190,826 sq. ft. ±
- Maximum Floor Area: 399,881 sq. ft. ±
- Maximum Building Height: 35 feet
- Proposed Uses: How and used automotive sales, leasing, service and all other associated uses, including parking garage (not for public use) for long term and short term storage of vehicles for lease and sale, vehicle waiting customer service and employee parking, subject to Board of zoning Appeals (BZA) approval. Also to include the temporary use of restaurant, until the existing lease expires.

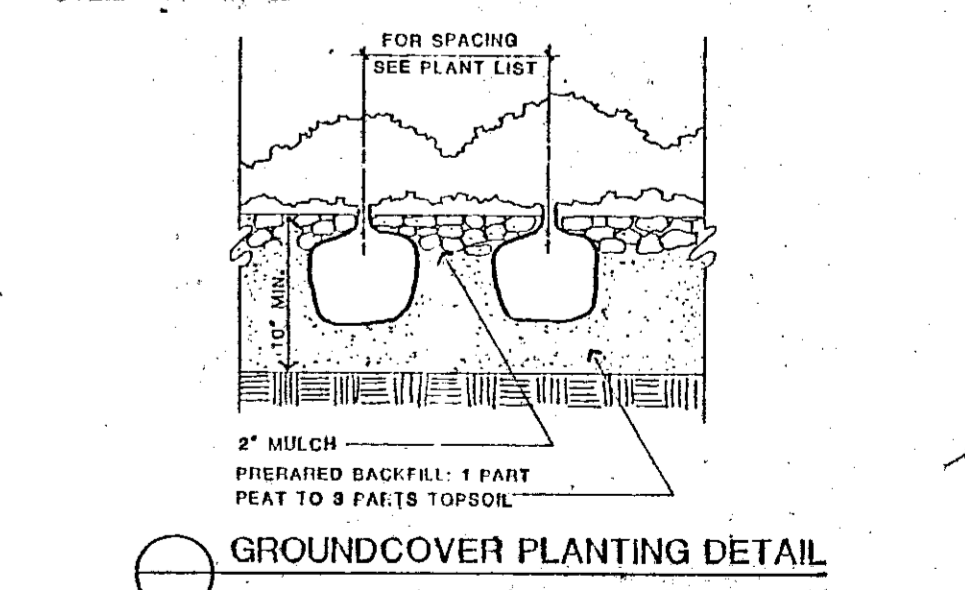
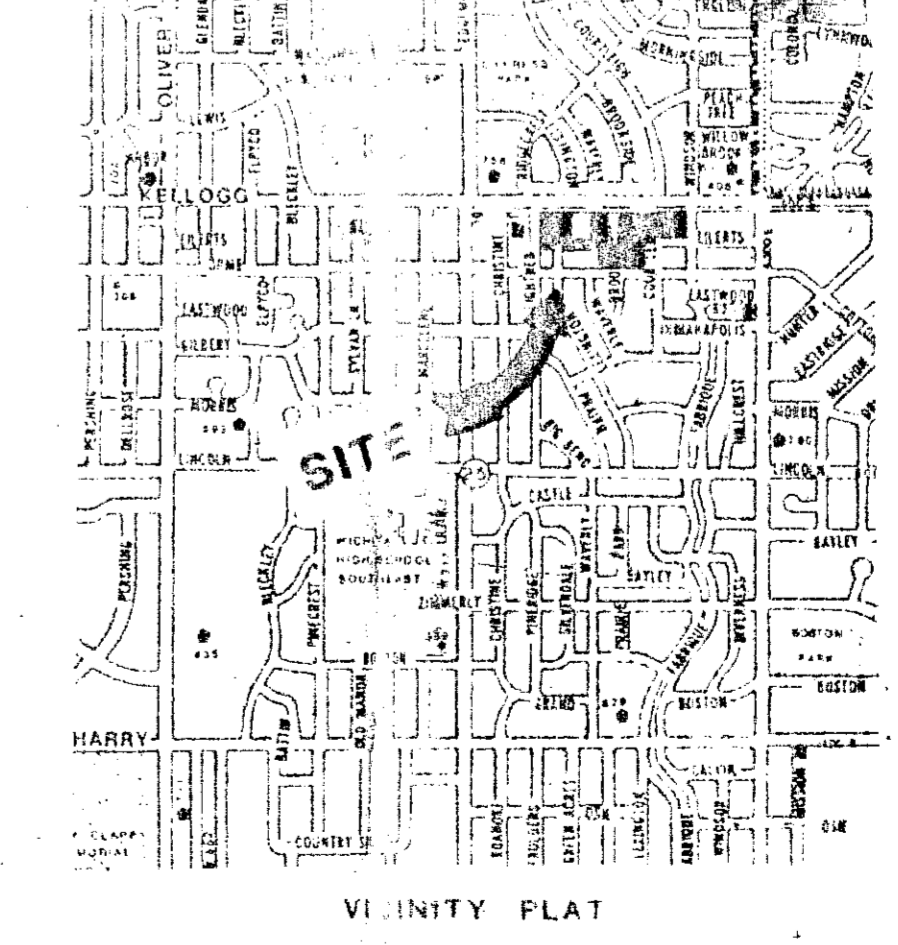
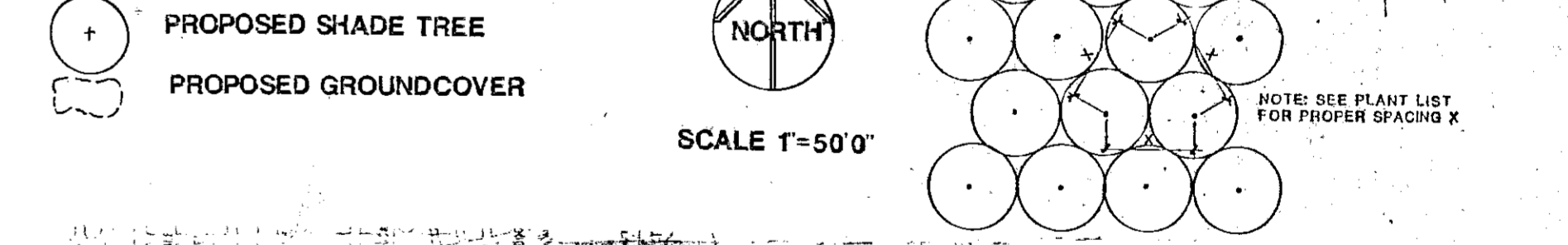
NOTE: LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITY LINES AND IS RESPONSIBLE FOR ANY DAMAGE DONE TO THEM AS A RESULT OF HIS ACTIONS.

**LANDSCAPE PLAN  
COMPLYING WITH GENERAL  
PROVISION No. 63 OF DP-183**  
APPROVED *[Signature]* DATE 4-27-88  
MAPP COPY 1 OF 2

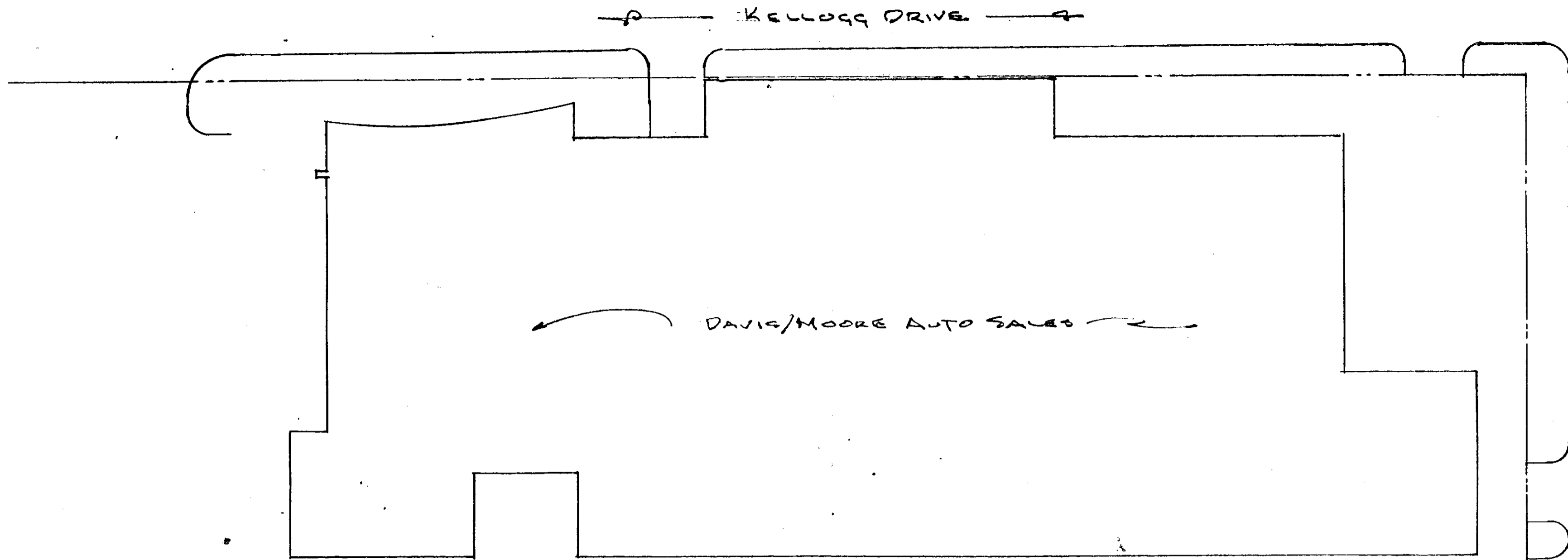
**PLANT LIST**

KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	COND.
<b>TREES</b>					
CP	5	CHINESE PISTACHE	PISTACIA CHINENSIS	T-1 1/2' CAL	B&B
LP	4	LONDON PLANETREE	PLATANUS ORIENTALIS	T-1 1/2' CAL	B&B
BP	5	BRADFORD PEAR	PYRUS CALLERYANA 'BRADFORD'	T-1 1/2' CAL	B&B
TH	3	THORNLESS HONEYLOCUST	GLEDTISIA TRIACANTHOS INERMIS SHADEMASTER	T-1 1/2' CAL	B&B
<b>GROUND COVER</b>					
HH	90	HALL'S HONEYSUCKLE	LONICERA JAPONICA 'HALLIANA'	2 1/4' POTS	24' O.C.

**LEGEND**



**POS**  
INCORPORATED  
PLANNING DEVELOPMENT SERVICES, INC.  
River Park Place, 727 North West, Suite 125  
Wichita, KS 67203 316-262-0451 Telex 417-375 POS WIC



DAVIS/MOORE AUTO SALES

PRIV ALLEY

3 STORY PARKING GARAGE

SPACE FOR TRASH DUMPSTER ON GARAGE

2'-0" WOOD FENCE PTR TO MATCH BLDGS.

3 JUNIPER OR BALTIC IVY

Curb Line

GOLDRAIN

Prop. Line

GOLDRAIN

FABRIQUE DR.

EXISTING BARRIER

FLOWERING CRAB

2- JUNIPER

FLOWERING CRAB

PEAR

COURTLEIGH DRIVE

CURB LINE

EXIS. CEDAR

BRADFORD PEAR

EXIS CEDAR

GOLDRAIN

5 BALTIC IVY

EXIS CEDAR

BRADFORD PEAR

EXIS CEDAR

2- BALTIC IVY

EXIS CEDAR

3 FLOWERING CRAB

WATER MTR

GOLDRAIN

NEW SERVICE

WATER MAIN

EILERTS STREET

PLAN  
1"=30'



NOTE:  
ENTIRE AREA SHALL BE SPRINKLED BETWEEN CURBS AND BUILDING - ALL WORK PER PLUMB. CODE & CITY ORD.  
THIS AREA IS NOW COVERED WITH GOOD STAND OF FESCUE GRASS  
ANY DAMAGE CAUSED BY NEW PLANTINGS SHALL BE REPLACED W/ SOD TO MATCH

LANDSCAPE PLAN APPROVED  
IN ASSOCIATION WITH DAVIS-  
MOORE COMMERCIAL C.U.P. - DP-183  
(SUPERCEDES BZA 26-86)  
MAPP COPY 1 OF 2

PLANTING PLAN			
Sara L. Mobley ARCHIT. 410 SOUTH HEDGE ROAD WICHITA, KAN. 343-6489	SCALE 1"=30'	DRAWN BY SUM	REVISED
DAVIS/MOORE CARS/MOBILE INC 6215 E KELLOGG, WICHITA KANSAS			
DATE 3-19-88	APPROVED BY <i>[Signature]</i>	DRAWING NUMBER 1 of 1	





**Wichita-Sedgwick County Metropolitan Area Planning Department**

December 4, 2015

Norma J. Davis & K-Da Inc.  
PO Box 780047  
Wichita, KS 67278

Baughman Company, PA  
Attn: Russ Ewy  
315 Ellis  
Wichita KS 67211

**RE: ZON2015-49 and CUP2015-43**- City zone change request from LC Limited Commercial to GC General Commercial and amendment to DP 183 to permit select GC General Commercial uses; generally located south of US 54 and west of Woodlawn (6215 East Kellogg).

Dear Applicants:

At its regular meeting on **December 3, 2015**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

- (1) The CUP General Provision #6 shall be amended to require that all outdoor storage of materials shall be visually screened from all surrounding properties and public right of way; materials shall not be stored or stacked to where they are visible above screening fences from surrounding properties or public right of way.
- (2) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Property owners may file written protest petitions on land use related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing, by **December 17, 2015, at 5:00 p.m.**

This application will be forwarded to the City Council for consideration at its regular meeting on **Tuesday, January 5, 2016**. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

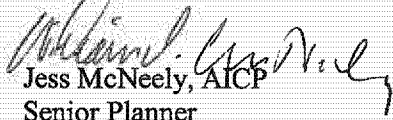
T 316.268.4421 F 316.268.4390

[www.wichita.gov](http://www.wichita.gov)

**NOTICE:** The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk by 5:00 p.m. on the Wednesday preceding this meeting, providing new facts on the issue or alleging an unfair hearing. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Jess McNeely, AICP  
Senior Planner  
Current Plans Division

Copies to: James Clendenin, WCC CM III  
Teia Wair, CSR III  
JR Cox, MABCD  
Tom Stolz, MABCD  
Paul Hays, MABCD  
Julianne Kallman, City Engineering