

VICINITY MAP

LEGEND

- POLE - Pole
- GATE - Gate
- WALL - Wall
- LIGHT POLE - Light Pole
- FH - Fire Hydrant
- WV - Water Valve
- WM - Water Meter
- SN - Sign
- GM - Gas Meter
- PPA - Power Pole And Guy Anchor
- KBE - Electric Box
- TR - Telephone Riser
- INLET - Inlet
- SMWH - Storm Water Manhole
- SSMH - Sanitary Sewer Manhole
- SCO - Sewer Clean Out
- SSP - Storm Sewer Pipe
- WL - Water Line
- SSL - Sanitary Sewer Line
- GL - Gas Line
- TL - Telephone Line
- UEL - Underground Electric Line
- OTL - Overhead Telephone
- OEL - Overhead Electric
- UFC - Underground Fiber Optic Cable
- BUSH - Bush
- CTD - Coniferous Tree & Diameter
- DDT - Deciduous Tree & Diameter
- FENCE - Fence
- FSM - Found Survey Monument
- SCM - Section Corner Monument
- PLM - Platted Measurement
- DM - Dead Measurement
- MM - Measured
- CP - Calculated From Platted Measurement
- CM - Calculated From Measurement

LEGAL DESCRIPTION

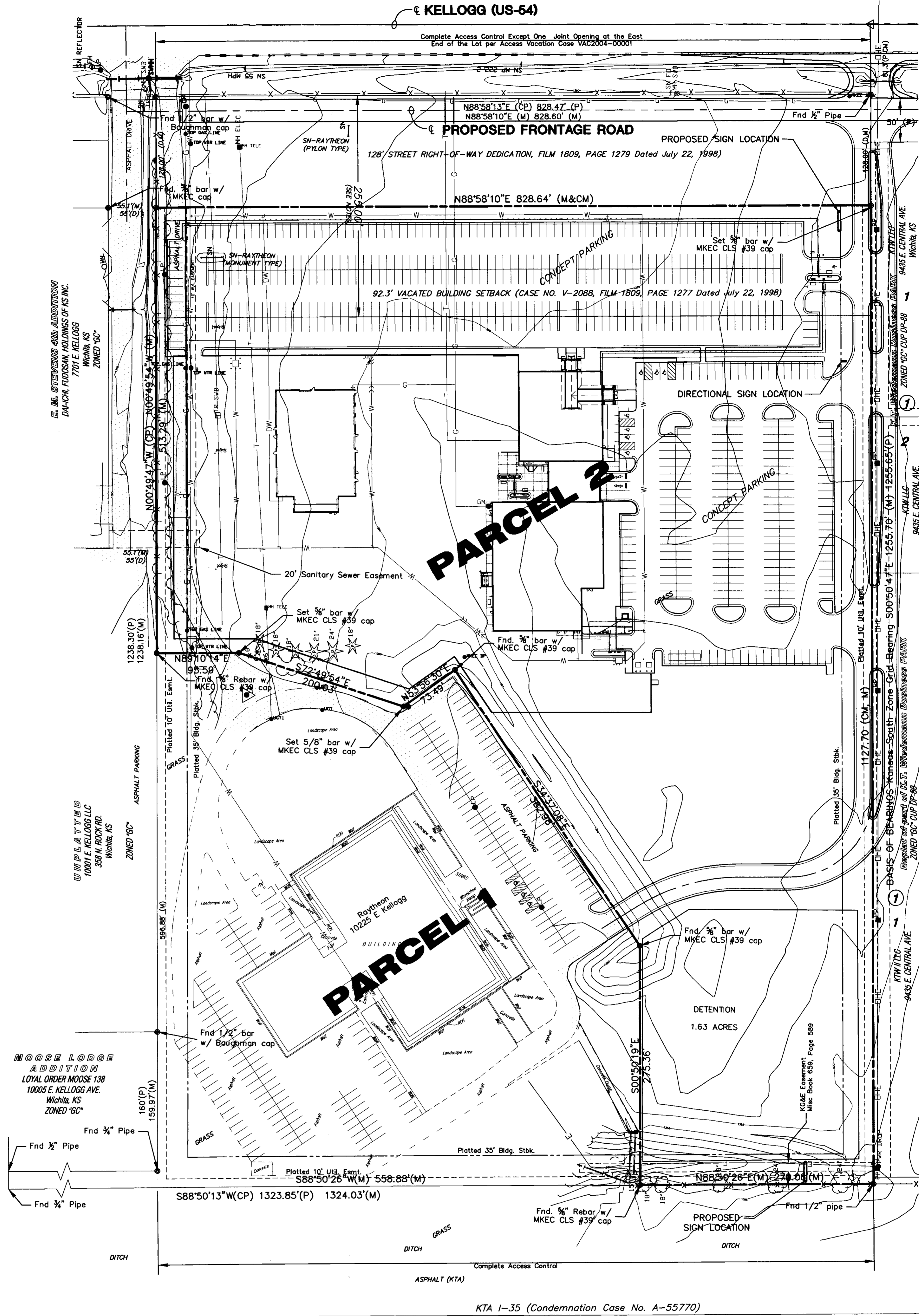
LOT 1, BLOCK A, PIZZA HUT SECOND ADDITION to Wichita, Sedgewick County, Kansas, according to the recorded plat thereof, EXCEPT the North 128 feet thereof dedicated for street right-of-way purposes.

NOTE

Incidentally, the platted access control along the North line of said Lot 1 shall be vacated and rededicated concurrently with this first amendment of C.U.P. DP-36.



SCALE: 1"=60'
0 60 120



Development Guidelines

1. This development contains 21.70 net acres more or less, (excludes N. 128 feet of Lot 1, Block A, Pizza Hut Second Addition or 2.39 acres more or less dedicated to the public for right-of-way).
2. Parcel Descriptions and Development Restrictions:
 - Parcel 1
Gross Area=7.05 Ac.
Maximum Height=41 feet
Maximum Lot Coverage (Building footprint area/property area)=30%
Max. Gross Floor Area (Building footprint area/property area)=35%
 - Parcel 2
Gross Area=14.65 Ac. (excludes N. 128 feet of Lot 1, Block A, Pizza Hut Second Addition or 2.39 acres more or less dedicated public for right-of-way).
Maximum Height=41 feet
Maximum Lot Coverage (Building footprint area/property area)=30%
Max. Gross Floor Area (Building footprint area/property area)=35%
3. Permitted Uses: The following uses are permitted for all parcels within the C.U.P.: All uses permitted in the "GC" Zoning District; EXCEPT: correctional placement residences, group residences, group homes, halfway houses, night clubs including adult entertainment and sexually oriented businesses; public and/or private recycling collection stations including recycling processing centers; pawn shops; tattooing and body piercing facilities; wireless communication facilities; and recreational vehicle compounds and vehicle storage yards; uses that require conditional use permits in the "GC" district.
4. Runs with Land: 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. Landscaping: 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 its review and approval prior to the issuance of any building permits.
6. Minimum Setback Requirements:
 - Front setback.....35'
 - Rear setback.....10'
 - Interior side setback.....0'
7. Sign Control: Signage shall be per the City of Wichita Sign Ordinance. In addition, the following provisions shall apply: A. No offsite or portable signs shall be permitted. B. Signs shall not exceed 35 feet in height provided such height is permitted by the Sign Code. C. The maximum square footage for all signs on the C.U.P. shall not exceed 2,100 square feet, including "Building Signs." No sign shall exceed the maximum height or area allowed by the Sign Code, and the maximum square footage of freestanding shall not exceed 0.8 times the linear frontage along either Kellogg Drive or the KTA. All freestanding signs shall be spaced a minimum of 150 feet apart regardless of ownership and for each five feet of height above 25 feet, it shall be counted for spacing purposes as equaling a freestanding sign.
8. Water and Sewer Handling: No occupancy permits shall be issued for any buildings without municipal water and sewer service.
9. Storm Water Handling: Storm water from the property shall be detained on Parcel 2 in accordance with storm water handling regulations applicable to the property. A grading and drainage plan for the property shall be prepared for approval by the City prior to the issuance of a building permit for construction on Parcel 2.
10. Utilities: All utilities hereafter constructed to serve Parcel 2 shall be underground except for storm-water detention.
11. Screening: Loading areas (parking areas for the unloading of motor vehicles from car carriers shall not be considered loading areas), mechanical equipment, trash receptacles, outside storage, and docks shall be screened from ground level view. 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.
12. Curb Cuts: The Maximum number of curb cuts along Kellogg Street shall not exceed one. Developer shall provide a private access road from such curb cut to Parcel 1. The owners of Parcels 1 and 2 shall enter into and record a maintenance agreement providing for the maintenance of such private access road.
13. Owners agree and bind upon their successors and assigns, that no development shall take place on the north 255 feet of Lot 1, Block A Pizza Hut Second Addition, until such time as a frontage road system is dedicated from this property. This provision has been satisfied by 128' street right-of-way dedication, Film 1809, Page 1279 dated July 22, 1998.
14. Owners agree and bind upon their successors and assigns, that said frontage road will be dedicated at the location required by the City of Wichita within the 128 feet of the original 255 feet when this portion of the property is proposed to be developed; or when the City of Wichita determines that said right-of-way and frontage road is needed. In the event owners or their successors or assigns, desire to develop said property being herein reserved for future frontage road, replating shall be required and the needed right-of-way and geometrics of construction shall be determined at that time.
15. Owners and their successors and assigns shall be bound to provide and/or join in a valid paving petition for the guarantee of the future improvement at the time the frontage road right-of-way is dedicated or at the time of development of the residential area within the 128 feet of the original 255 feet of property, or the construction of the future road when deemed necessary by the City.
16. Owners agree, and bind upon their successors and assigns, that when a frontage road is constructed, the private drive indicated generally along the west property line shall be relocated to the east of where the frontage road will intersect with its direct access to the highway.
17. A traffic impact study shall be submitted to the City Traffic Engineer for review and submitted to KDOT.
18. If in the future KDOT grants access to Kellogg frontage road for the interim prior to freeway construction, the owner of Parcel 2 agrees and binds upon its successors and assigns, to guarantee the cost of channelization, accel/decel lanes, left-turn lanes and signalization of Kellogg and Kellogg Drive, if warranted by KDOT.
19. This approval shall not be interpreted to convey any direct access onto Kellogg from this property. All new access shall be permitted onto the Kellogg Drive frontage road only, which frontage road may have a new access onto Kellogg at the east property line only by Kansas Department of Transportation approval and subject to KDOT provisions. If granted, the owners or successors and assigns shall be responsible to construct the interim frontage road from the existing opening to the access point.
20. KDOT retains the right to at any time revoke access onto the Kellogg freeway or relocate access for other future traffic needs.

DP-36 AMENDMENT #1
APPROVED CUP
MAPC 02/19/04 DM

MAPDCopy 2 of 2

COMMUNITY UNIT PLAN - DP 36 AMENDMENT #1
REVISIED ON MARCH 16, 2005 TO REFLECT THE VACATION OF ACCESS TO KELLOGG FRONTAGE ROAD PER VAC2004-00001
PIZZA HUT SECOND ADDITION

OWNER: Car Max Auto Superstores, Inc. 4900 Cox Road, Glen Allen, VA 23060 804-747-0422
 Nestor R. Weigand, Jr., Ross Tidemann, Herbert L. Krumsick, Louis E. Weiss, Norma Jean Weiss 150 N. Market, Wichita, KS 67202 316-262-6400



GENERAL PLANTING NOTES:

1. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL MATERIAL QUANTITIES SHOWN ON THESE DRAWINGS BEFORE PRICING THE WORK.
2. PROVIDE PLANT MATERIALS TRUE TO SPECIES AND VARIETY COMPLYING WITH RECOMMENDATIONS OF "AMERICAN STANDARD FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERY MEN.
3. THE LANDSCAPE CONTRACTOR SHALL COMPLETELY WARRANT ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING AT THE DATE OF SUBSTANTIAL COMPLETION. THE LANDSCAPE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE WARRANTY PERIOD (AS DIRECTED BY THE OWNER).
4. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN OR DEFOLIATES (PRIOR TO DATE OF SUBSTANTIAL COMPLETION OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, SIZE AND MEETING ALL THE PLANT LIST SPECIFICATIONS.
5. LOCATE AND VERIFY ALL UTILITY LOCATIONS AND EXISTING STRUCTURES IN AND AROUND THE SITE PRIOR TO WORK. MAINTAIN EXISTING UTILITIES AND STRUCTURES AND PROTECT AGAINST DAMAGE DURING THE WORK.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES TO EXISTING UTILITIES, STRUCTURES, PAVING AND/OR WORK OF OTHER TRADES RESULTING FROM LANDSCAPE CONSTRUCTION.
7. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL, FREE OF DISEASES, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN-SCALD, INJURIES, ABRASIONS AND/OR DISFIGUREMENT.
8. WATER AND WATER TRANSPORTATION IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
9. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT AND THE OWNER BEFORE, DURING AND UNTIL DATE OF SUBSTANTIAL COMPLETION OF THE WORK.
10. ALL PLANTS MUST BE CONTAINER-GROWN (CONT.) OR BALLED AND BURLAPPED (B & B) AS INDICATED IN THE PLANT LIST.
11. ALL TREES MUST BE STRAIGHT TRUNKED, FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
12. AFTER BEING DUG AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCLIMATED FOR TWO (2) WEEKS UNDER A MIST SYSTEM PRIOR TO INSTALLATION.
13. THE LANDSCAPE ARCHITECT WILL APPROVE THE STAKED LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
14. ALL PLANTS AND PLANTING AREAS MUST BE COMPLETELY MULCHED AS SPECIFIED.
15. ALL TREES MUST BE GUYED OR STAKED AS SHOWN IN THE DRAWINGS.
16. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING (INCLUDING, BUT NOT LIMITED TO, WATERING, SPRAYING, MULCHING, FERTILIZING, MOVING, ETC.) OF PLANTING AREAS AND LAWS UNTIL DATE OF SUBSTANTIAL COMPLETION.
17. FOR TREE PLANTING REFER TO DETAILS
- 19. FOR MULTI-TRUNK TREE PLANTING REFER TO DETAIL
- 21. FOR HEDGE PLANTING REFER TO DETAIL
- 23. FOR GROUND COVER BED PLANTING REFER TO DETAIL

LANDSCAPE STREET YARD REQUIREMENT:

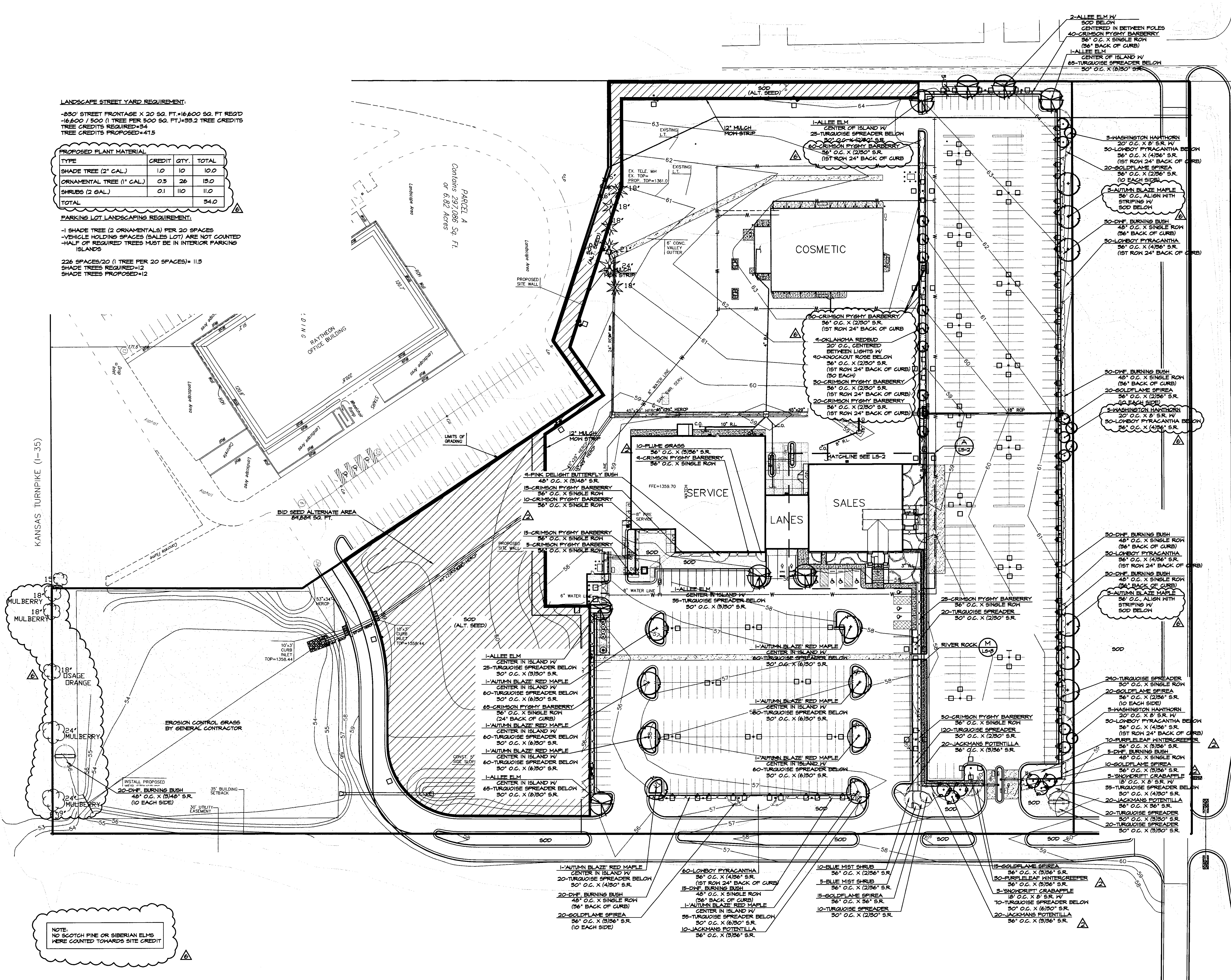
-850' STREET FRONTAGE X 20 SQ. FT. = 16,800 SQ. FT REQ'D
 -16,800 / 500 (1 TREE PER 500 SQ. FT.) = 33.2 TREE CREDITS
 TREE CREDITS REQUIRED = 34
 TREE CREDITS PROPOSED = 41.5

| PROPOSED PLANT MATERIAL | CREDIT | QTY. | TOTAL |
|---------------------------|--------|------|-------------|
| SHADE TREE (2" CAL.) | 1.0 | 10 | 10.0 |
| ORNAMENTAL TREE (1" CAL.) | 0.5 | 26 | 13.0 |
| SHRUBS (2 GAL.) | 0.1 | 110 | 11.0 |
| TOTAL | | | 34.0 |

PARKING LOT LANDSCAPING REQUIREMENT:

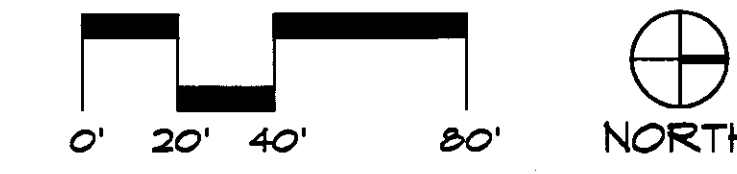
-1 SHADE TREE (2 ORNAMENTALS) PER 20 SPACES
 -VEHICLE HOLDING SPACES (SALES LOT) ARE NOT COUNTED
 -HALF OF REQUIRED TREES MUST BE IN INTERIOR PARKING ISLANDS

226 SPACES/20 (1 TREE PER 20 SPACES) = 11.5
 SHADE TREES REQUIRED = 12
 SHADE TREES PROPOSED = 12

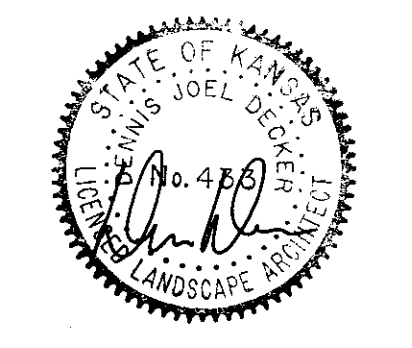


NOTE:
 NO SCOTCH PINE OR SIBERIAN ELMS
 WERE COUNTED TOWARDS SITE CREDIT

LANDSCAPE DEVELOPMENT PLAN
 LS-1 SCALE: 1"=40'-0"



HAGOR
 HUGHES | GOOD | O'LEARY & RYAN
 LANDSCAPE ARCHITECTURE • PLANNING • URBAN DESIGN • ENVIRONMENTAL SERVICES
 6 EXECUTIVE PARK DR. • STE 300
 ATLANTA • GEORGIA 30329
 P 404 | 248 | 1960
 F 404 | 248 | 1092
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 www.hagor.com



RELEASED FOR CONSTRUCTION

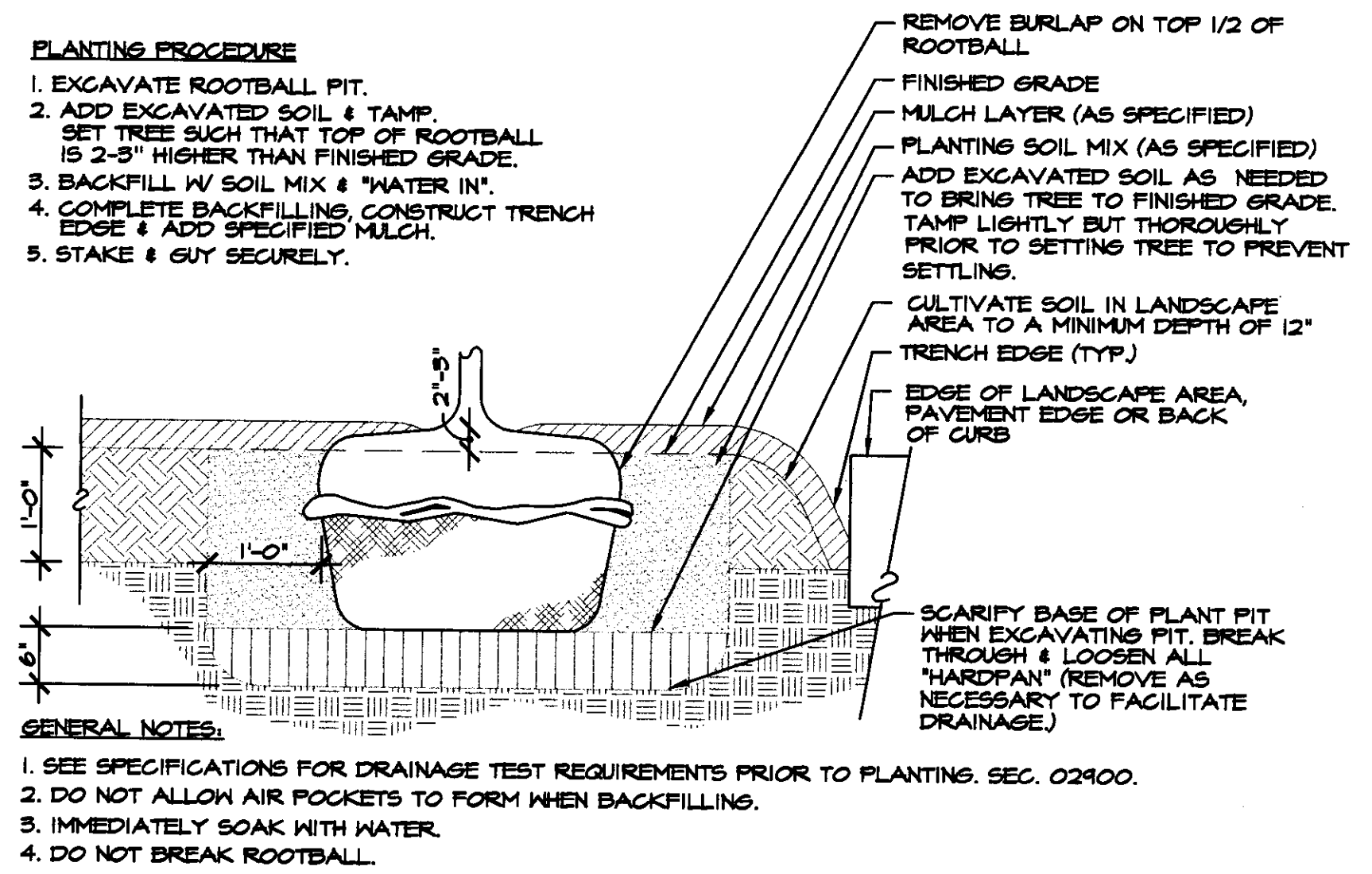
FILE # - 04283

| REV. NO. | DATE | DESCRIPTION |
|----------|------|------------------------|
| 02/07/05 | | PERMIT/ BID DOCUMENTS |
| 03/18/05 | | OWNER/ PERMIT COMMENTS |
| 07/08/05 | | BULLETIN #5 |

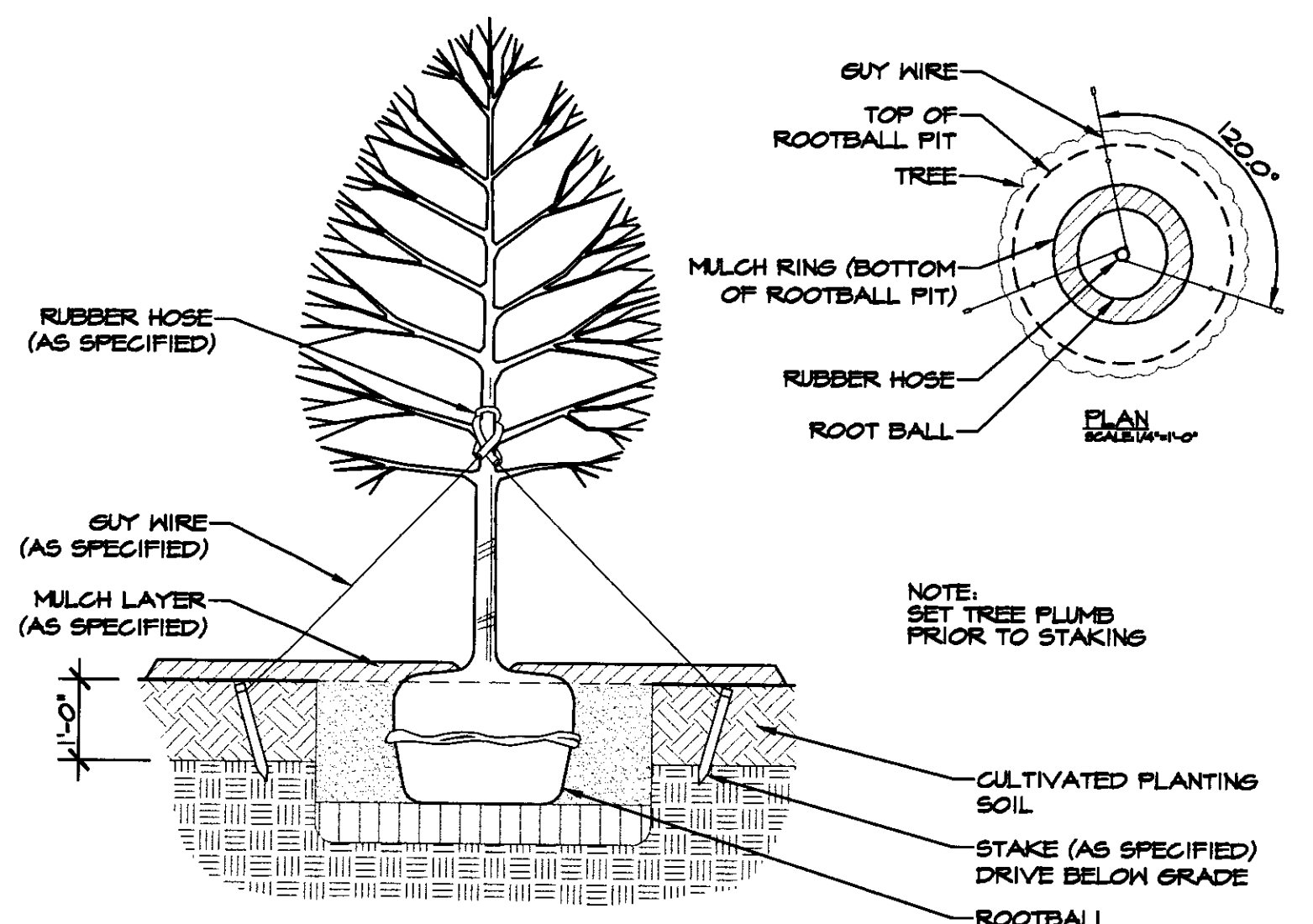
DP-36 Parcel 2
LANDSCAPE PLAN
 APPROVED BY: [Signature]
 SHEET 1 OF 4
 MAPS COPY 1 OF 2

Carmax
 THE AUTO SUPERSTORE
 STORE NO. 7267
 WICHITA, KANSAS

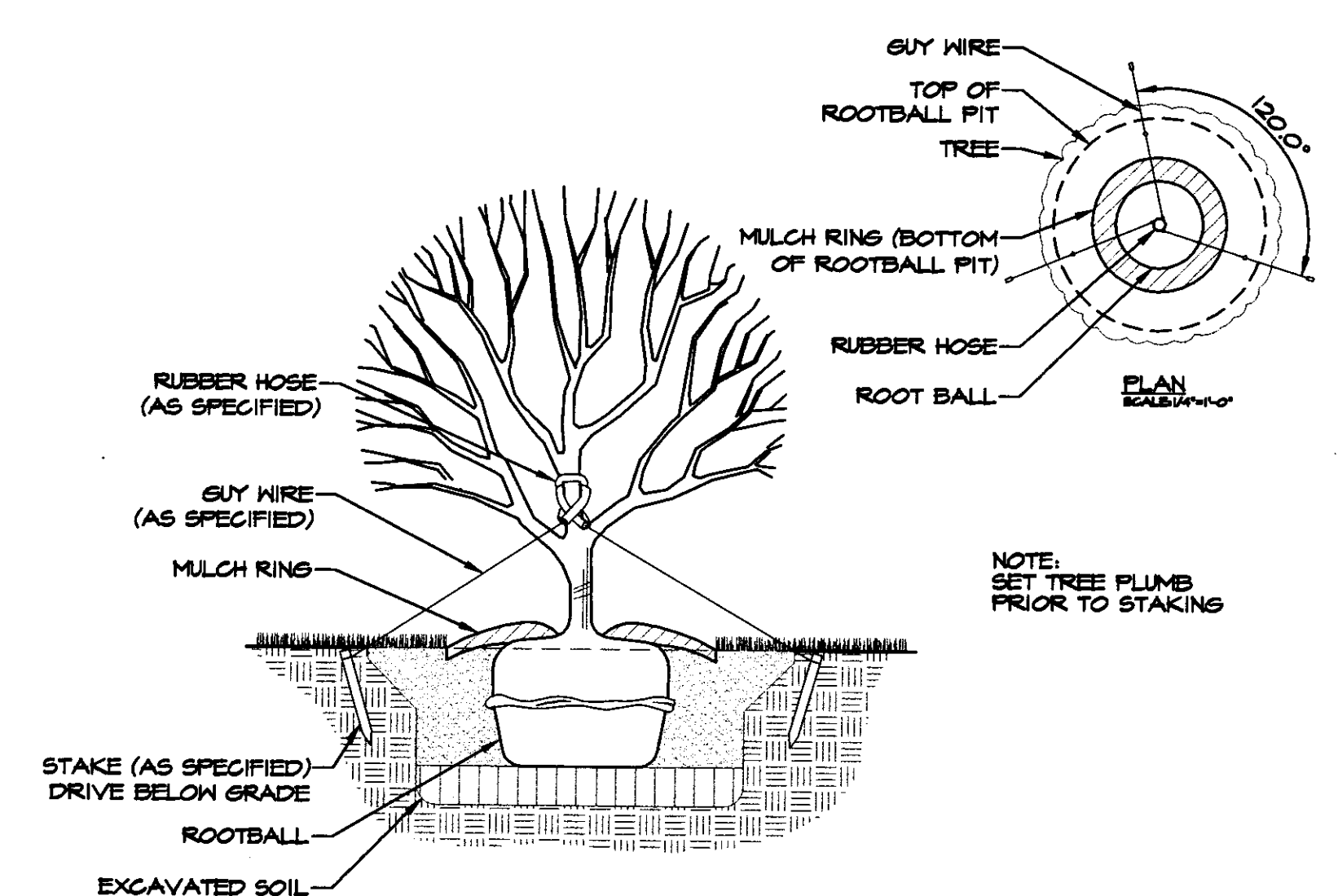
| | |
|-------------|----------------------------|
| PROJECT NO | 20-02096.02 |
| DATE | 24 FEB 2005 |
| SHEET TITLE | LANDSCAPE DEVELOPMENT PLAN |
| SHEET NO | LS-1 |



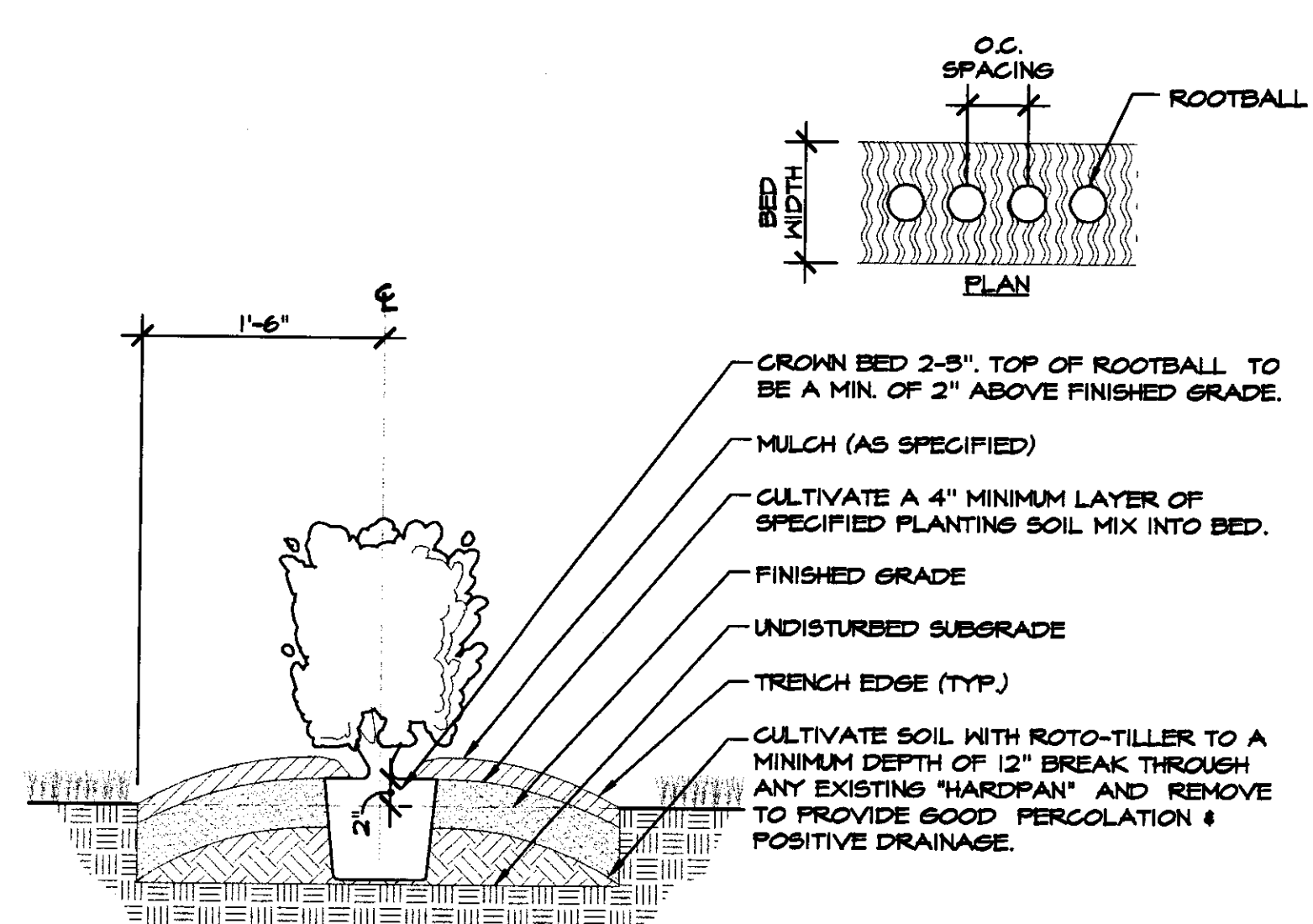
A TYPICAL TREE ROOTBALL PIT IN CULTIVATED AND MULCHED PLANTING AREA
LS-3 SCALE: 3/4"=1'-0"
FILE NAME: LSP02



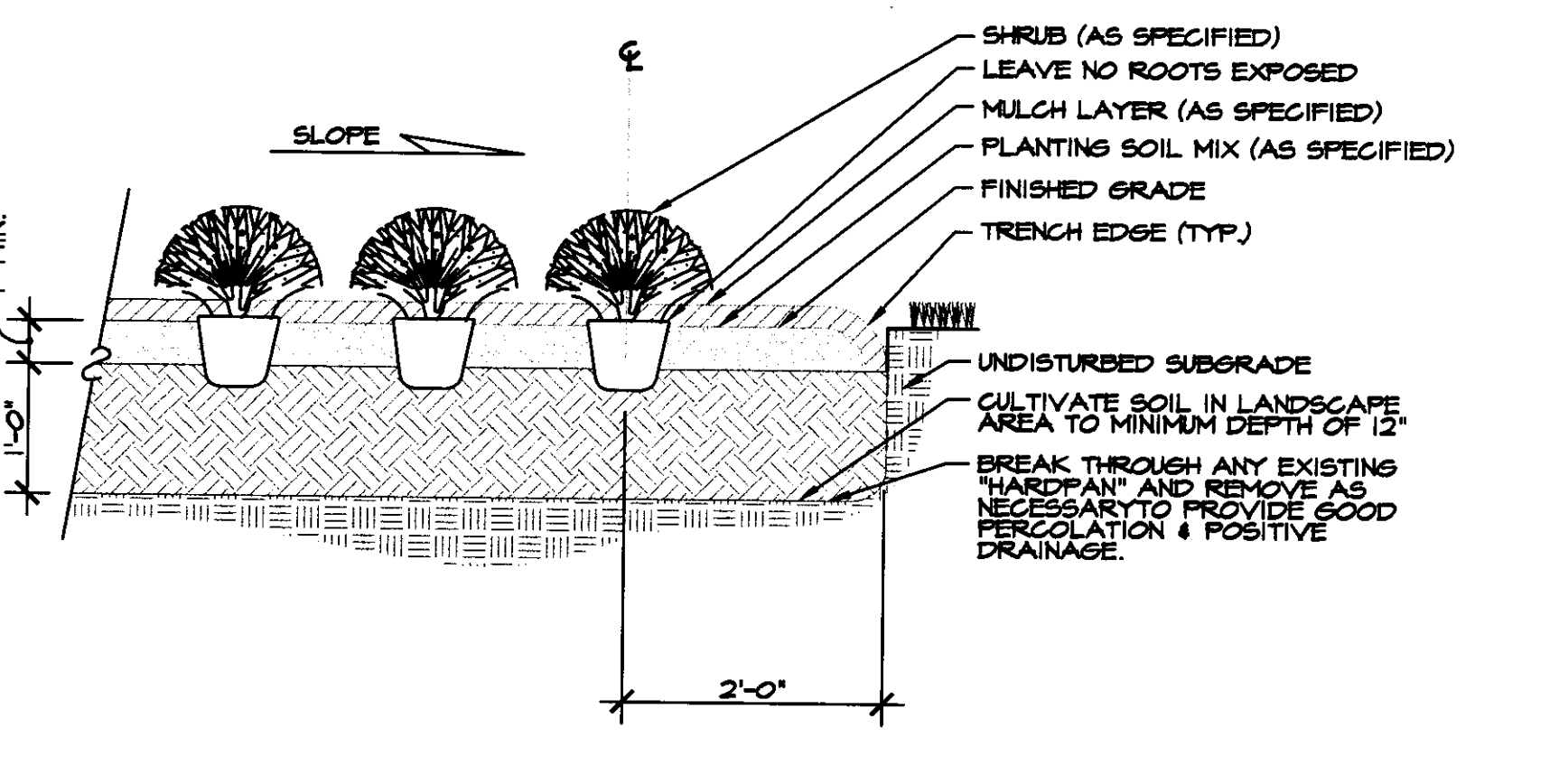
B TREE STAKING AND GUYING IN CULTIVATED AND MULCHED PLANTING AREA
LS-3 SCALE: 1/2"=1'-0"
FILE NAME: LSP03



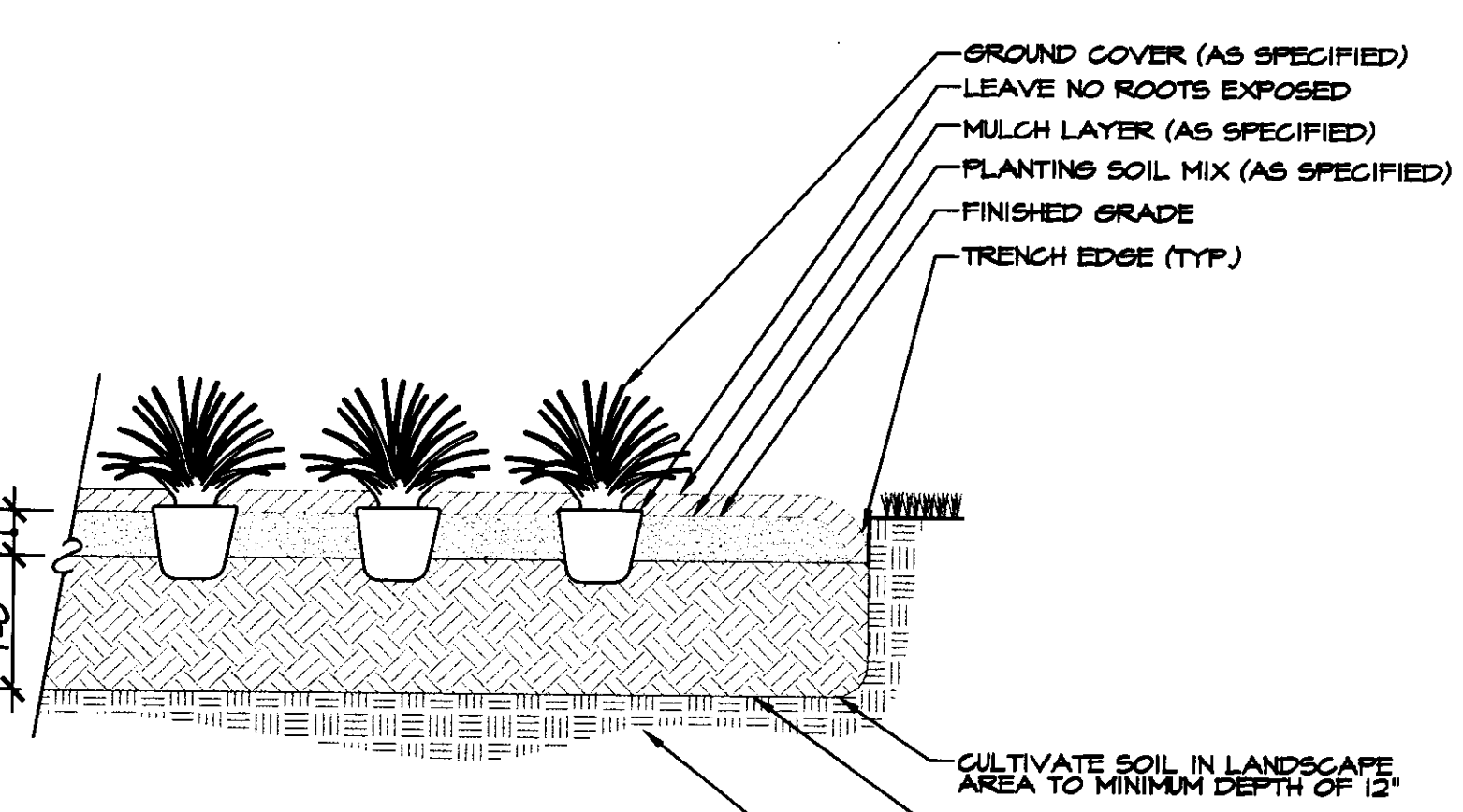
C FLOWERING TREE STAKING AND GUYING
LS-3 SCALE: 1/2"=1'-0"
FILE NAME: LSP04



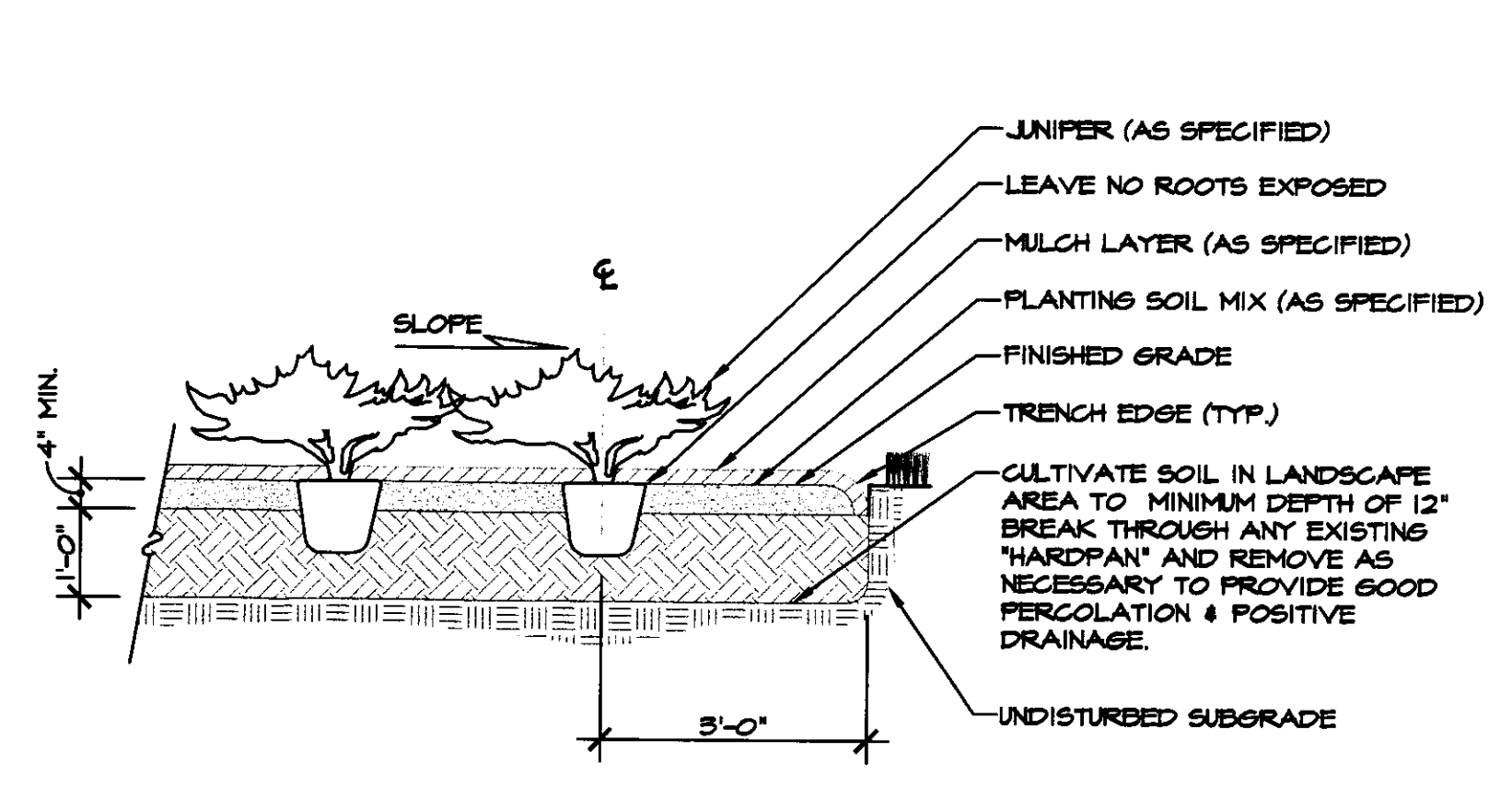
D HEDGE PLANTING (SINGLE ROW)
LS-3 SCALE: 1/4"=1'-0"
FILE NAME: LSP05



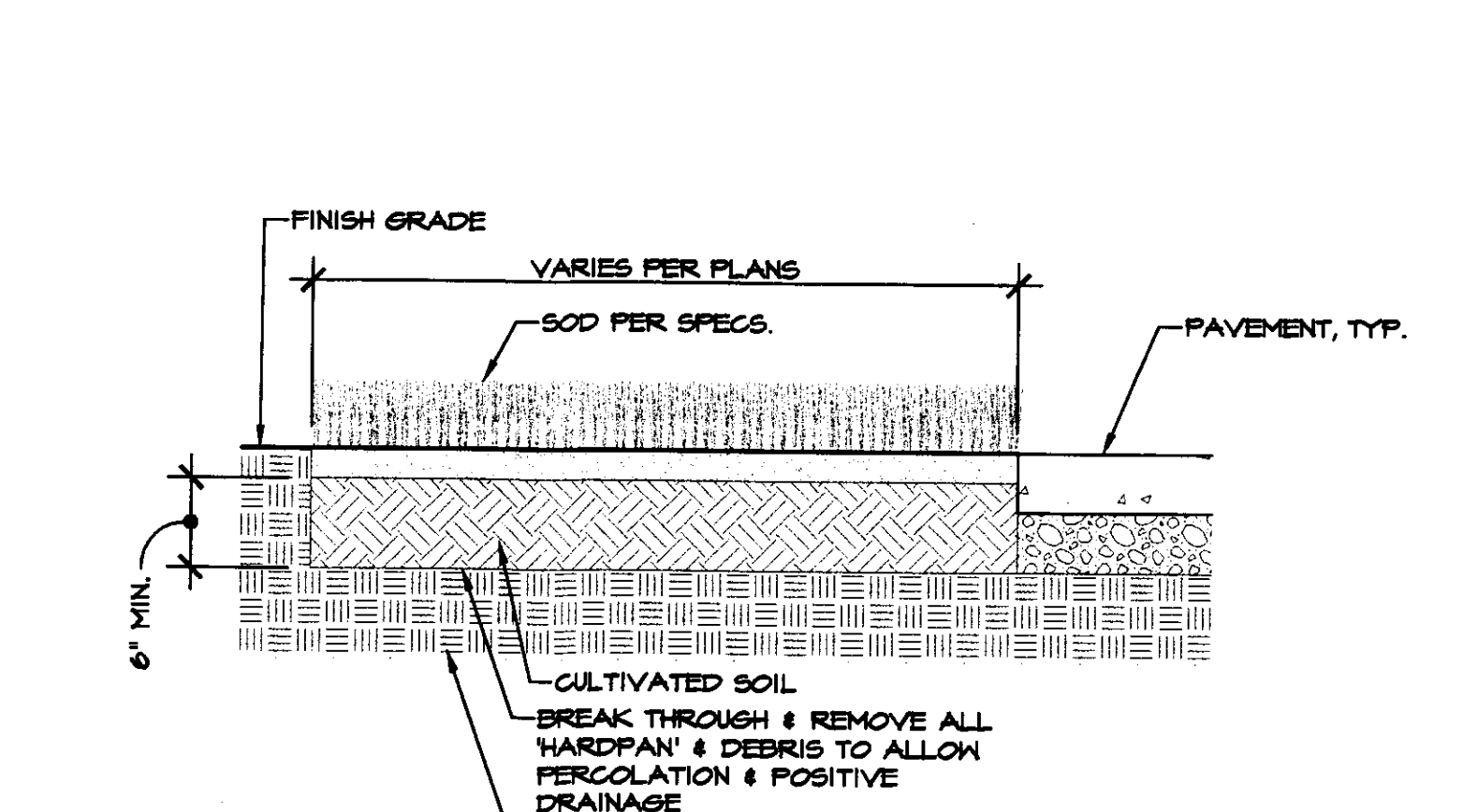
E SHRUB PLANTING
LS-3 SCALE: 3/4"=1'-0"
FILE NAME: LSP06



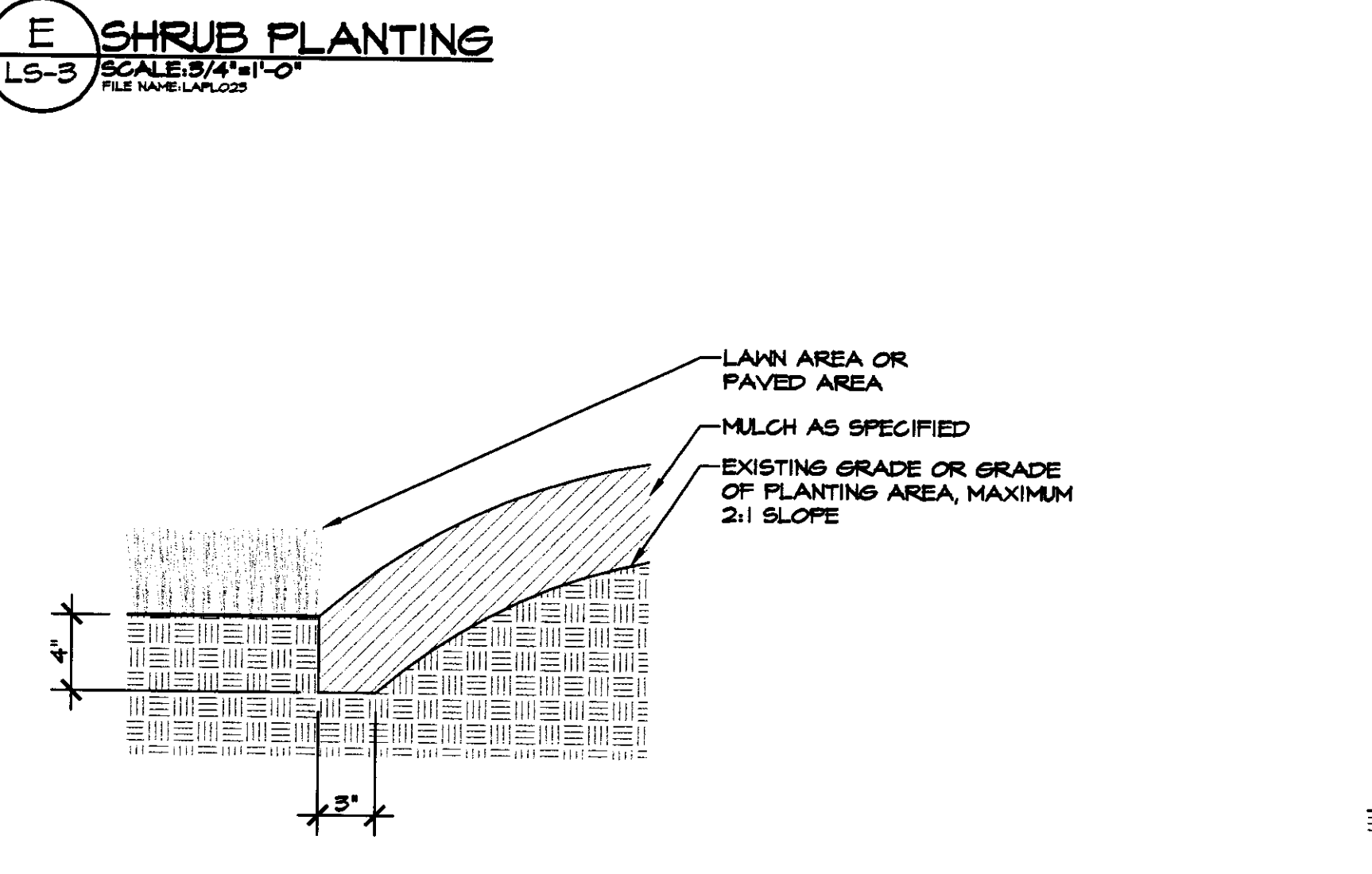
F GROUND COVER PLANTING
LS-3 SCALE: 1/2"=1'-0"
FILE NAME: LSP07



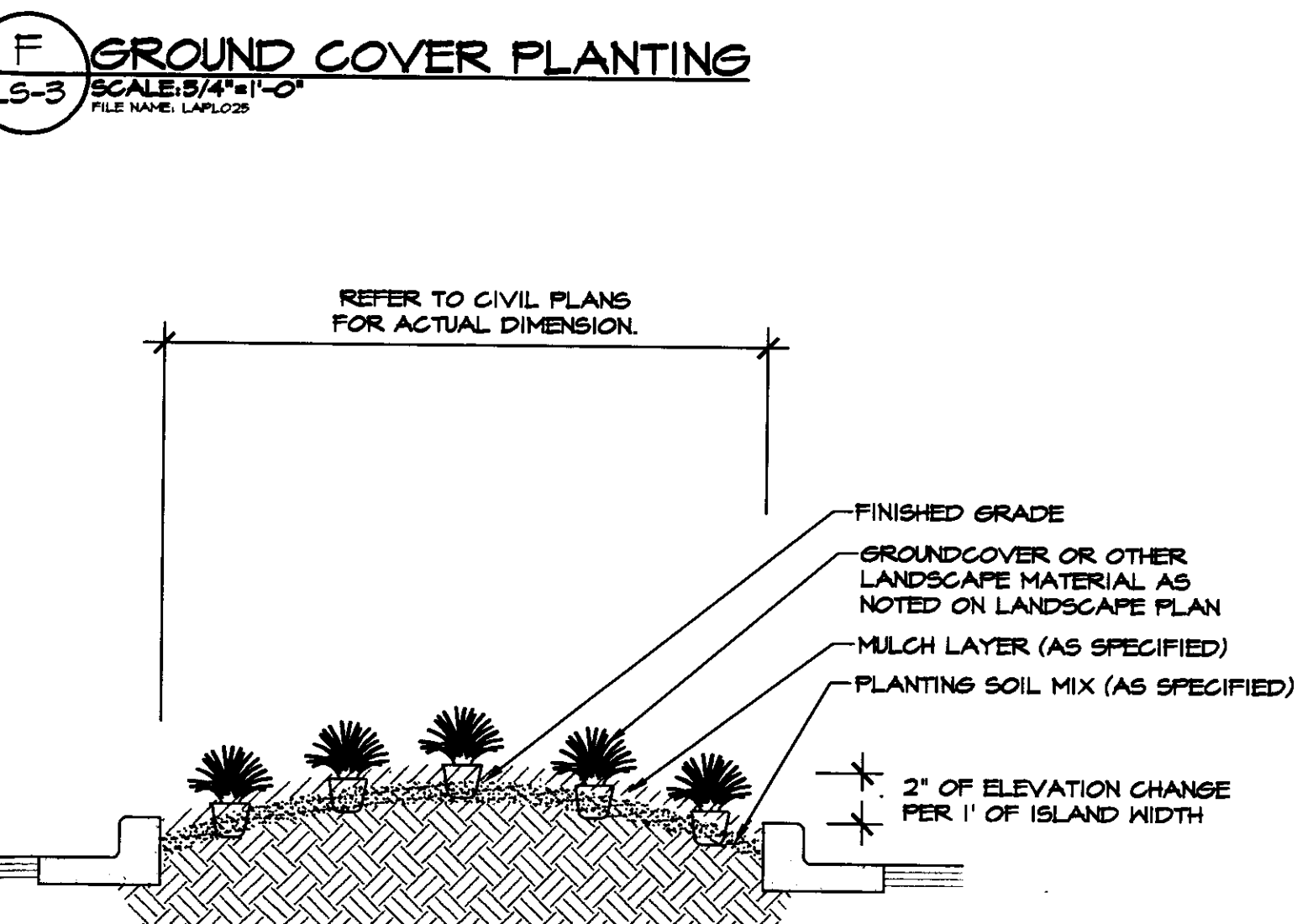
G JUNIPER PLANTING
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FILE NAME: LSP08



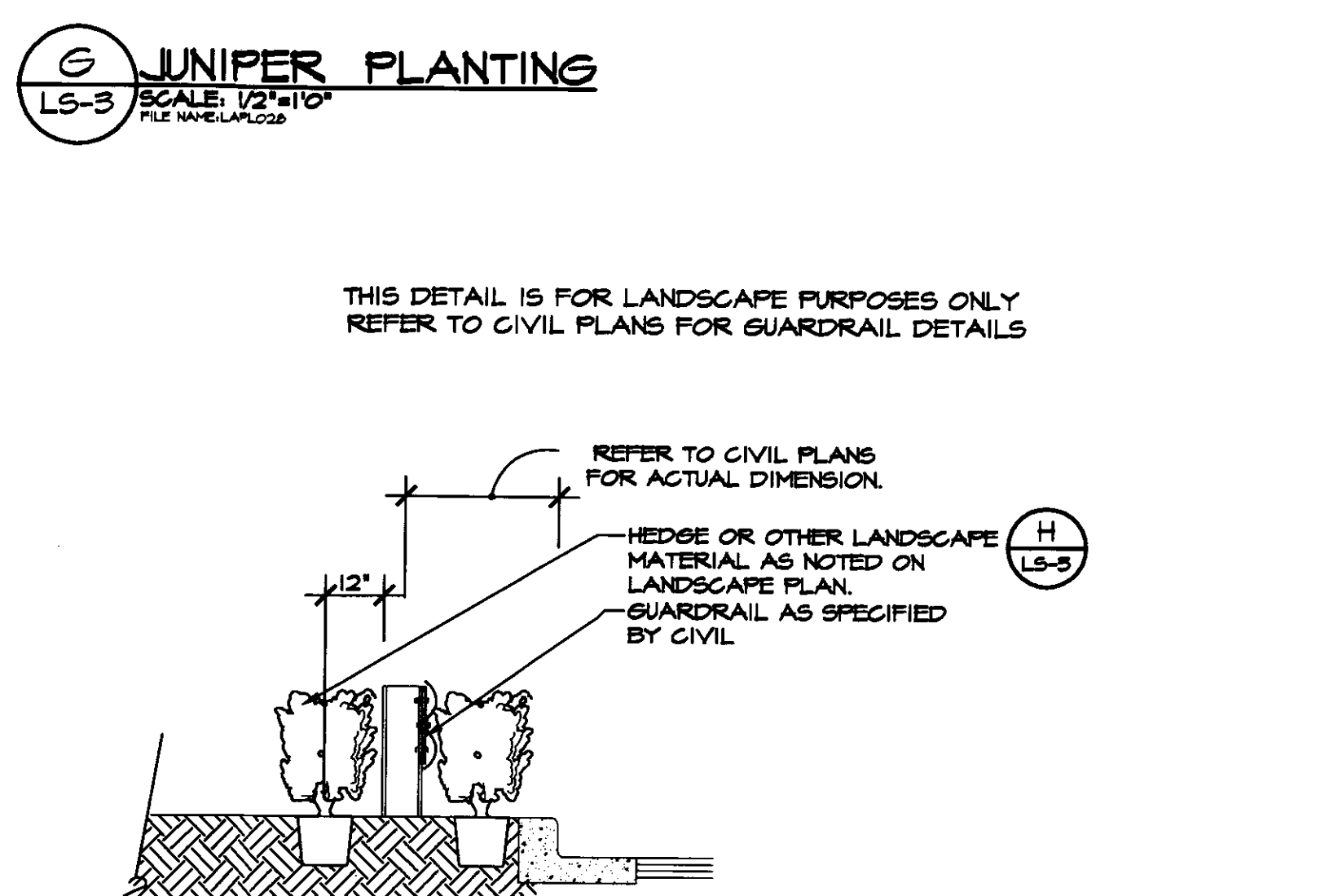
H SOD INSTALLATION
LS-3 SCALE: 1/4"=1'-0"
FILE NAME: LSP09



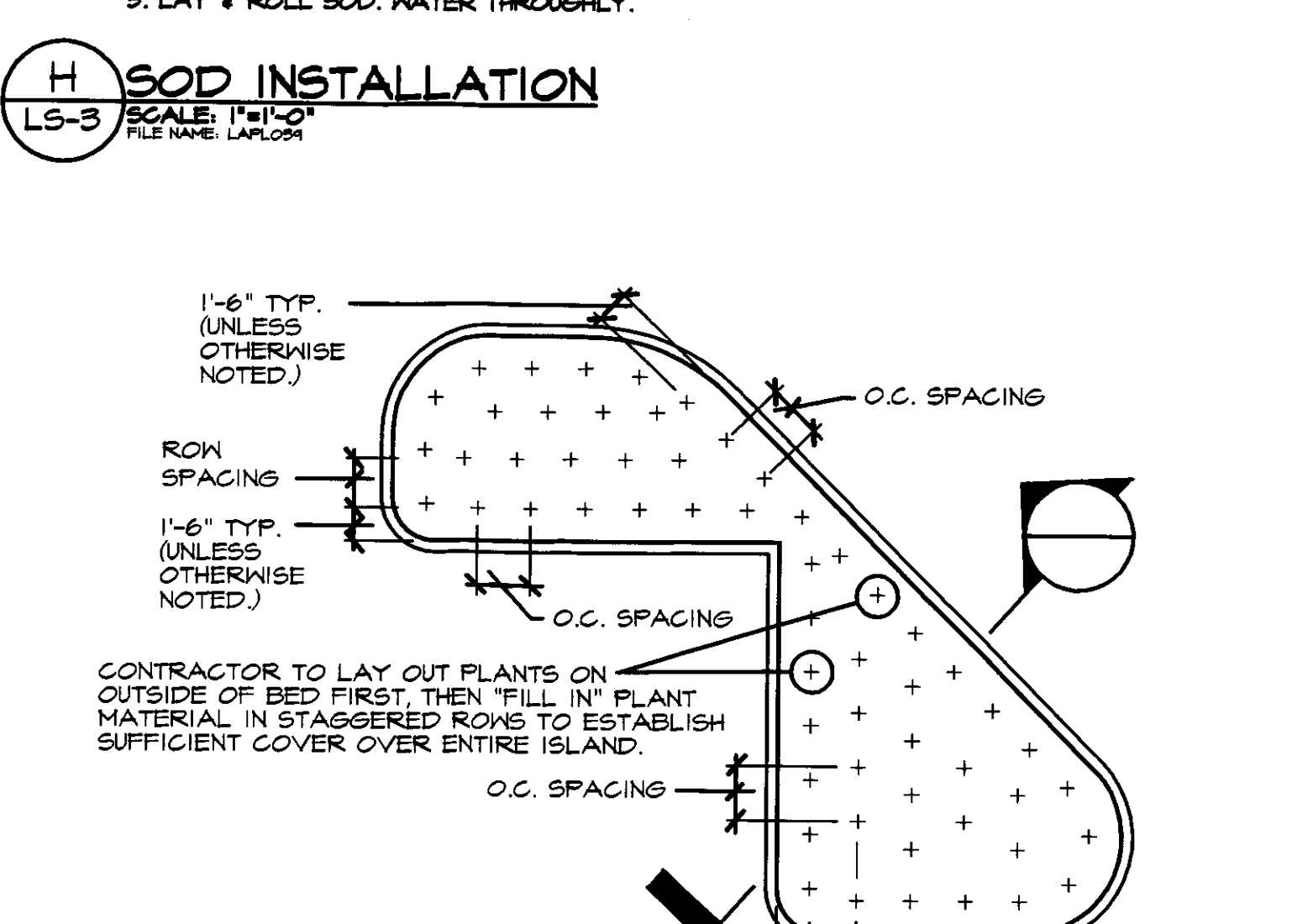
I TRENCH EDGE DETAIL
LS-3 SCALE: 1/2"=1'-0"
FILE NAME: LSP10



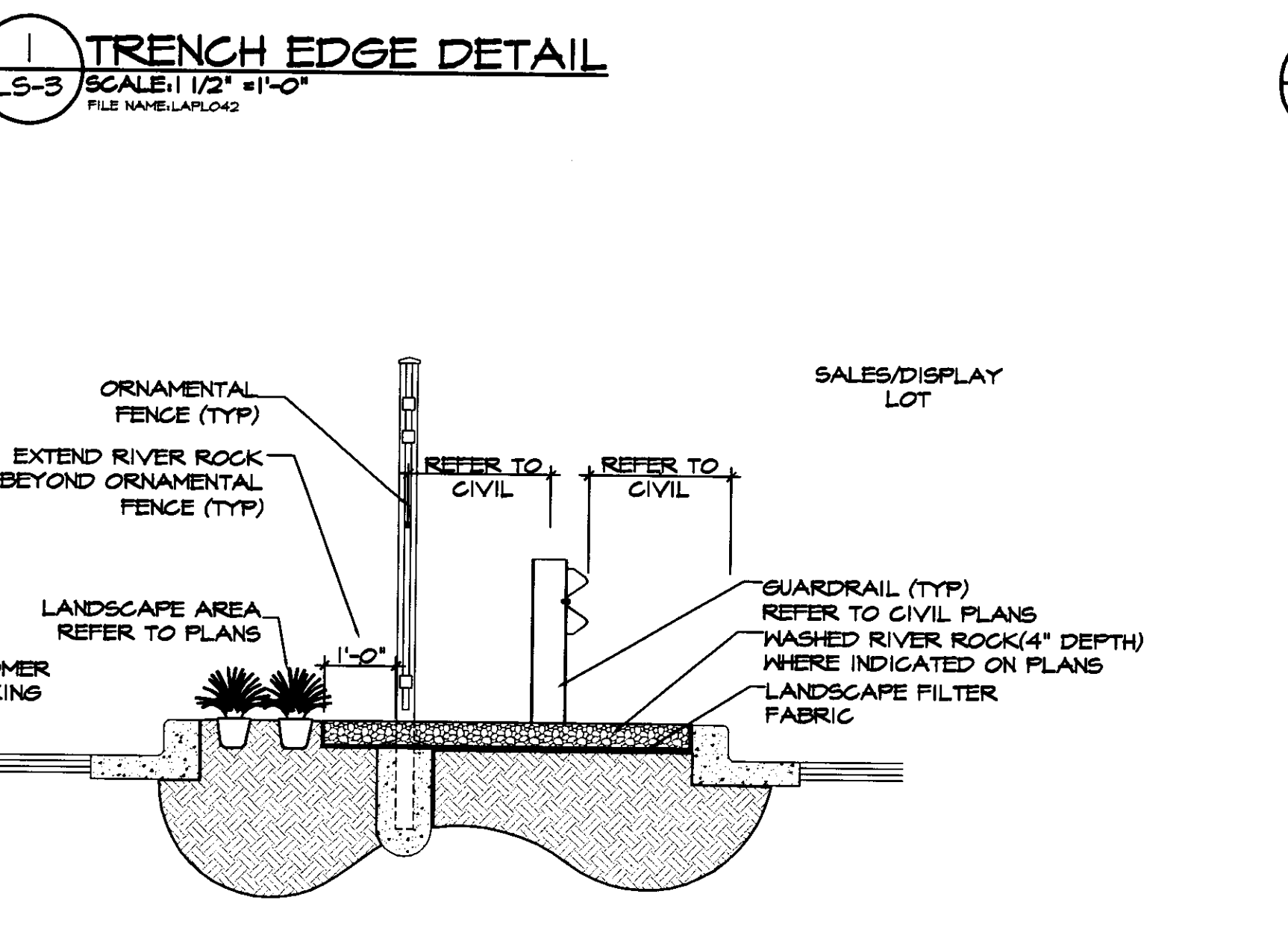
J BERMING LANDSCAPE ISLANDS
LS-3 SCALE: 1/2"=1'-0"
FILE NAME: LSP11



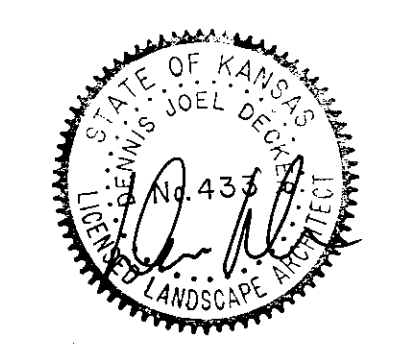
K LANDSCAPE LAYOUT AT GUARDRAIL
LS-3 SCALE: 1/2"=1'-0"
FILE NAME: LSP12



L TYPICAL PARKING END ISLAND PLANTING PLAN
LS-3 N.T.S.
FILE NAME: LSP13



M RIVER ROCK
LS-3 SCALE: 1/2"=1'-0"
FILE NAME: LSP14



RELEASED FOR CONSTRUCTION

FILE # - 04283

APPROVAL

| REVISIONS | | |
|-----------|----------|-----------------------|
| REV. NO. | DATE | DESCRIPTION |
| 1 | 02/07/05 | PERMIT/ BID DOCUMENTS |
| 2 | 03/18/05 | OWNER/PERMIT COMMENTS |

Carmax
THE AUTO SUPERSTORE

STORE NO. 7267
WICHITA, KANSAS

20-02096.02
24 FEB 2005
LAND
DEVELOPMENT
DETAILS
SHEET NO **LS-3**

20-36 PARCEL 2
LANDSCAPE PLAN
REVISED BY JCS
SHEET 3 OF 4
M. APR 04, 1 OF 2