

Spencer Gardens C.U.P. (DP-93)

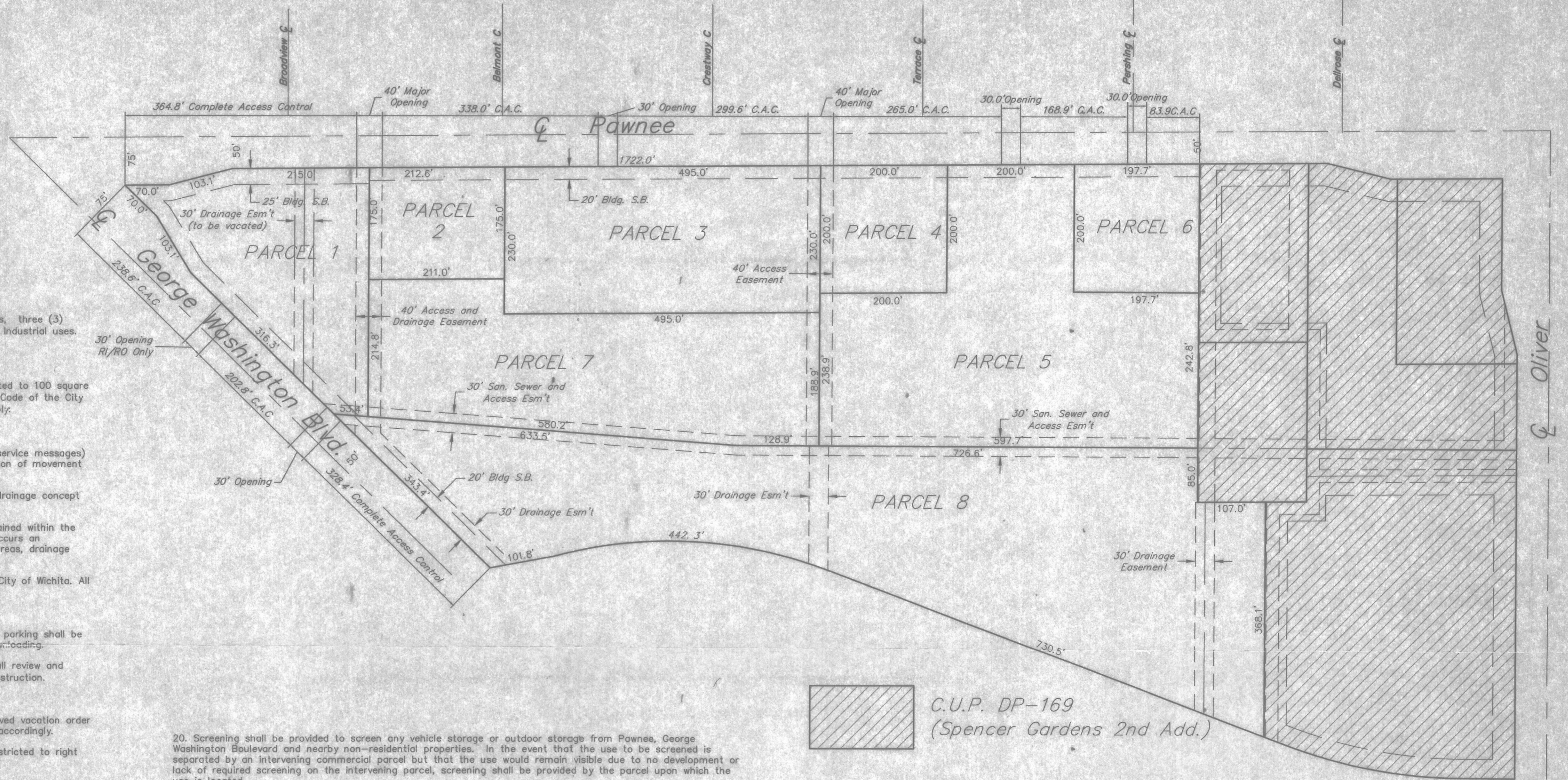


SCALE



GENERAL PROVISIONS

- This Development Contains 22.58 Acres, more or less.
- The development contains four (4) parcels permitting Limited Commercial Uses, three (3) parcels permitting General Commercial uses and one (1) parcel permitting Limited Industrial uses. (See General Provision No. 24 for Specific Uses)
- All utilities shall be installed underground.
- Freestanding signs shall be limited to 20 feet in height. Signage shall be limited to 100 square feet per business on properties zoned "LC" and that allowed in "LC" by the Sign Code of the City of Wichita on property zoned "GC." Additionally, the following conditions shall apply:
 - No portable or off-site signs shall be permitted on this tract.
 - Flashing signs, (Except for showing date, time, temperature, and other public service messages) rotating or moving signs, signs with moving lights, or signs which create the illusion of movement are not permitted.
- A specific lot grading plan will be prepared in conformance with the general drainage concept plan for review prior to the issuance of a building permit.
- Any open space, signs, logos, drainage facilities, drives or parking areas contained within the described parcels shall be privately owned and maintained. If multiple ownership occurs an agreement providing for the maintenance of open space, internal drives, parking areas, drainage improvements, etc., shall be filed with the plat.
- Parking shall be provided in accordance with the Unified Zoning Code of The City of Wichita. All parking and drives shall be hard surfaced with concrete or asphalt.
- Fire Lanes:
 - 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.
 - During building permit review the fire chief or his designated representative shall review and approve the site plan regarding fire lane(s) and fire hydrant location, prior to construction.
- Access Control:
 - As shown, if the access controls of the recorded plat are altered by an approved vacation order of the Wichita City Council the C.U.P. shall be considered to have been adjusted accordingly.
 - The northernmost drive opening along George Washington Boulevard shall be restricted to right in/right out access.
- Cross-lot circulation and internal access shall be provided at such time as any of the parcels come under separate ownership.
- 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 and be binding upon the present owners, their successors and assigns and their lessees unless amended. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
- All lights shall be shielded to reflect light downward or direct light away from residential areas.
- Trash receptacles shall be appropriately screened to reasonably hide them away from ground view. Screening shall be constructed of materials and/or landscaping compatible with and complimentary to the exterior of the buildings to which the trash receptacle provides service. Loading docks and service areas shall also be screened from the residential areas.
- All loading, service and outside storage areas shall be screened from George Washington Blvd., Pawnee, and nearby non-commercial properties.
- Transportation improvements:
 - Developer shall guarantee a continuous left-turn lane on Pawnee from George Washington Boulevard to the existing five-lane section west of Oliver when the City of Wichita determines, through traffic analysis, and places this portion of Pawnee in the CIP budget.
 - A continuous accel/decel lane along the south side of Pawnee shall be provided.
- Construction sales and services; warehousing; welding and machine shops; and wholesale or business services shall be permitted in property zoned "GC" but all activities, equipment and materials shall be stored within a building.
- Warehouse, self-storage, use (mini-warehouses) on property zoned "GC" shall be subject to requirements as per the Uniform Zoning Code Section III-D.6.y.3-16.17.18.
- Building materials shall be predominantly earth tones, with vivid colors limited to metal accents. No metal facades facing Pawnee or George Washington Boulevard shall be permitted.
- Landscaping:
 - Landscaping along Pawnee and George Washington Boulevard shall be provided at a rate of 1.5 times the area and tree requirements of the Landscape Ordinance.
 - The developer shall make attempt to maintain the grove of existing trees along Pawnee if possible, however, these trees shall not satisfy more than 50% of the tree requirement for the Parcels upon which they are located.
 - A buffer along the southern property line of the CUP shall be provided at a rate of one tree every 40 feet.
 - A Landscape Plan for each parcel, prepared by a Registered Landscape Architect in the State of Kansas, shall be submitted to the Director of Planning for approval prior to the issuance of any building permit for such Parcel.



20. Screening shall be provided to screen any vehicle storage or outdoor storage from Pawnee, George Washington Boulevard and nearby non-residential properties. In the event that the use to be screened is separated by an intervening commercial parcel but that the use would remain visible due to no development or lack of required screening on the intervening parcel, screening shall be provided by the parcel upon which the use is located.

21. This C.U.P. document is general in character and will require the submission of a site plan and a landscape plan for each parcel or portion thereof. This site plan will require administrative approval at the plan review stage prior to the issuance of a building permit. The site plan shall show land use relationships, access points and/or control setbacks, interior circulation, parking, screening and other similar design considerations.

22. Prior to issuing building permits for each parcel or portion thereof, a plan for vehicular circulation and a pedestrian walk system shall be submitted and approved by the Director of Planning. The walk system shall link sidewalks along George Washington Blvd. and/or Pawnee with the major entrances to the development, and shall link with the proposed buildings within the development.

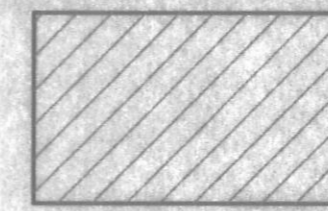
23. The development of this property shall proceed in general accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, any substantial deviation from the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

24. Parcel Description:
Vehicle sales and service, car washes and freight terminals shall be prohibited in all parcels.

Parcel No. 1:
Permitted Uses: All allowed uses in the "LC" Zoning Code except the following: pawnshops; secondhand stores; taverns; night clubs; drinking establishments; adult entertainment; or public uses except churches, community assemblies, libraries, parks and recreation, government services and day care
Net Area: 88,731 s.f. (2.04 Acres)
Maximum Building Coverage: 30% or 115,382 s.f.
Maximum No. of Buildings: 5
Maximum Building Height: 35'

Parcel No. 2:
Permitted Uses: All allowed uses in the "LC" Zoning Code except the following: Residential uses; pawnshops; secondhand stores; taverns; night clubs; drinking establishments; adult entertainment or public uses except daycare.
Net Area: 19,319 s.f. (0.85 Acres)
Maximum Building Coverage: 30% or 79,241 s.f.
Maximum No. of Buildings: 1
Maximum Building Height: 35'

Parcel No. 3:
Permitted Uses: Same as Parcel 2
Net Area: 112,493 s.f. (2.61 Acres)
Maximum Building Coverage: 30% or 23,999 s.f.
Maximum No. of Buildings: 5
Maximum Building Height: 35'



C.U.P. DP-169
(Spencer Gardens 2nd Add.)

Parcel No. 4:
Proposed Uses: All allowed uses in the "GC" Zoning Code except the following: Residential uses; public uses except daycare, pawnshops, secondhand stores, taverns, night clubs, drinking establishments; adult entertainment; microbrewery; recreation and entertainment, outdoor; recreational vehicle campground; manufacturing; and vehicle storage yard.
Net Area: 39,997 s.f. (0.92 Acres)
Maximum Building Coverage: 30% or 12,000 s.f.
Maximum No. of Buildings: 3
Maximum Building Height: 35'

Parcel No. 5:
Proposed Uses: Same as Parcel 4
Net Area: 184,143 s.f. (4.23 Acres)
Maximum Building Coverage: 45%
Maximum No. of Buildings: 25
Maximum Building Height: 35'

Parcel No. 6:
Proposed Uses: Same as Parcel 4
Net Area: 39,640 s.f. (.91 Acres)
Maximum Building Coverage: 30%
Maximum No. of Buildings: 3
Maximum Building Height: 35'

Parcel No. 7:
Permitted Uses: Same as Parcel 2, except that residential uses are allowed.
Net Area: 144,744 s.f. (3.32 Acres)
Maximum Building Coverage: 30%
Maximum No. of Buildings: 10
Maximum Building Height: 35'

Parcel No. 8:
Permitted Uses: All uses allowed in the "LI" zoning district except: asphalt plant; landfill; mining or quarrying; oil or gas drilling; rock crushing; solid waste incinerator; transfer station; wrecking/salvage yard; correctional placement residences; correctional placement facilities; and microbrewery. Any fuel storage facility shall be located in the Northeast corner of Parcel 8 and shall be screened from view of nearby residential uses.
Net Area: 334,749 s.f. (7.68 Acres)
Maximum Building Coverage: 30%
Maximum No. of Buildings: 7
Maximum Building Height: 80'

DP-93 SPENCER GARDENS CUP
AMENDMENT #1

APPROVED CUP

MFC 12/07/00 DM
WCA 01/09/01 DM
MAPD Copy 1/2/01

Revised 12/21/00
FILENAME: 00293.cup11_02_2000

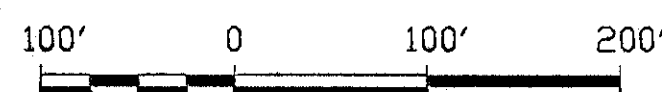
AUSTIN MILLER P.A.
ENGINEERING SERVICES
355 N. Waco, Suite 200 Wichita, KS 67202
316/262-1281 fax 316/262-6773

PD CL# 1001

Spencer Gardens C.U.P. (DP-93)

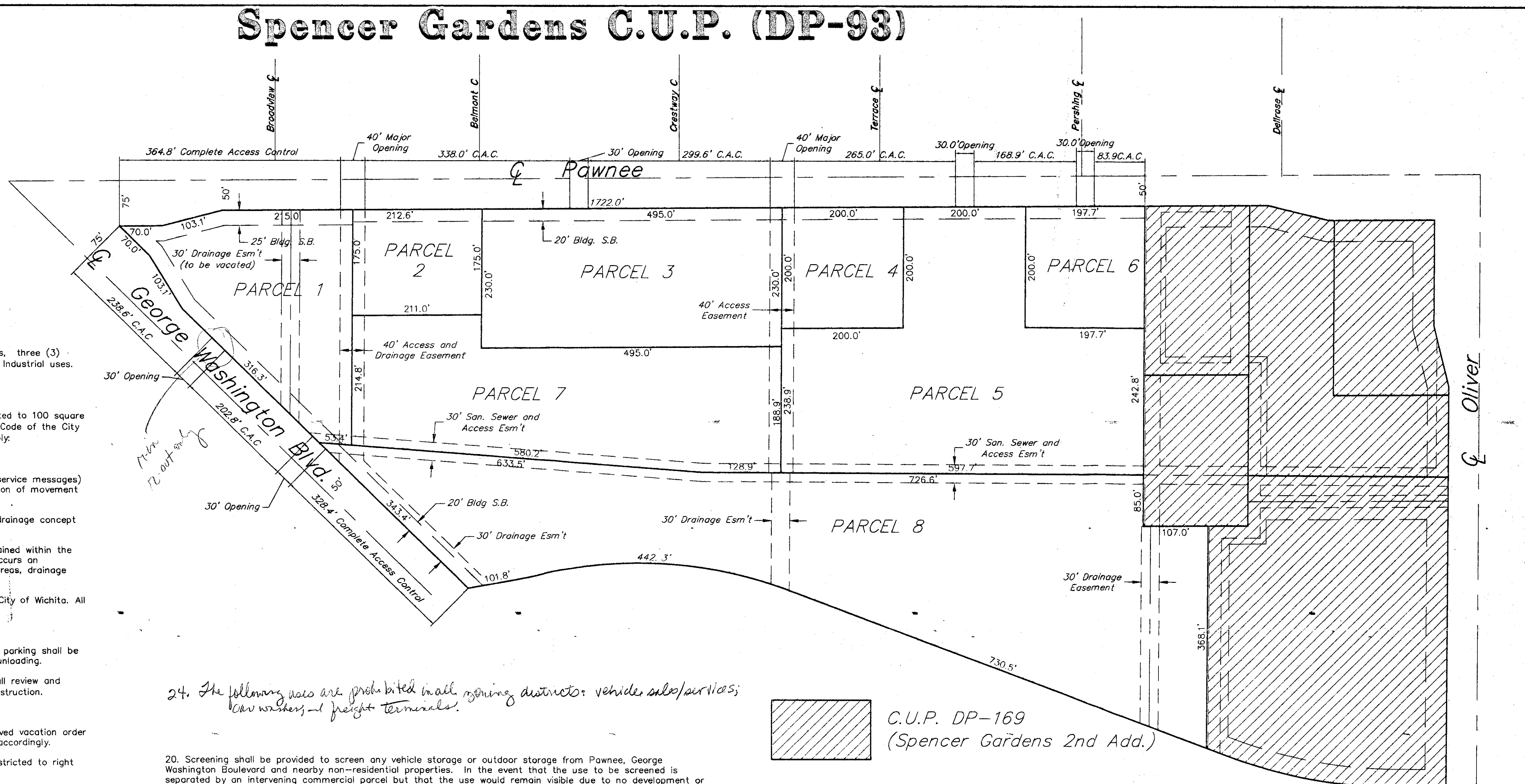


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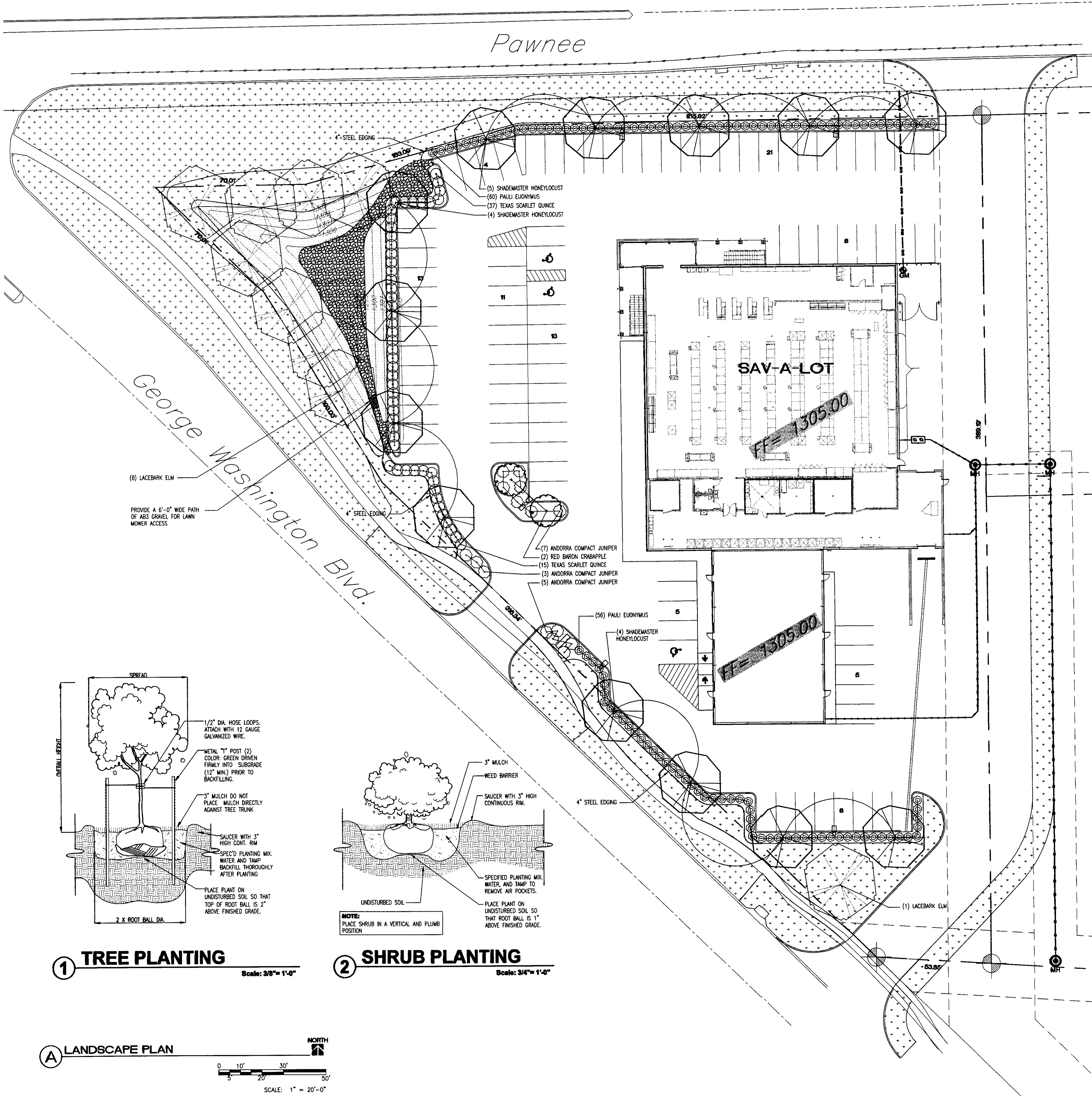
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Revised 12/21/00
FILENAME: 00293.dwg 11.02.2000

AUSTIN MILLER
ENGINEERING SERVICES
355 N. Wood, Suite 200 Wichita, KS 67202
316/262-1281 fax: 316/262-6773



DP-93 PARCEL 1
LANDSCAPE PLAN
 APPROVED 06-18-11 BY [Signature]
 MAPP Copy 1 of 2

LANDSCAPE CALCULATIONS

LANDSCAPED STREETYARD CALCULATIONS - METHOD 2
 STREET FRONTAGE = 931 TOTAL FT. - 194 FT. (GREATEST PERPENDICULAR DISTANCE) = 737 FT.
 AVERAGE LOT DEPTH = 260' -> SQ. FT. FACTOR = 10
 TOTAL REQUIRED LANDSCAPE STREETYARD = 737 X 10 = 7,370 SQ. FT. x 1.5 (C.U.P. requirement) = 11,050 SQ. FT.
 TOTAL PROVIDED LANDSCAPE STREETYARD = 13,974 SQ. FT.
 TOTAL REQUIRED LANDSCAPE STREETYARD TREES = 11,050 / 500 = 23 SHADE TREES
 TOTAL PROVIDED LANDSCAPE STREETYARD TREES = 23 TREES PROVIDED

PARKING LOT SHADE TREE CALCULATIONS
 TOTAL REQUIRED PARKING LOT SHADE TREES = 92 TOTAL PARKING SPACES / 20 = 5 SHADE TREES REQUIRED
 TOTAL PROVIDED PARKING LOT SHADE TREES = 5 SHADE TREES PROVIDED USING 1/2 OF THE STREET YARD SHADE TREES

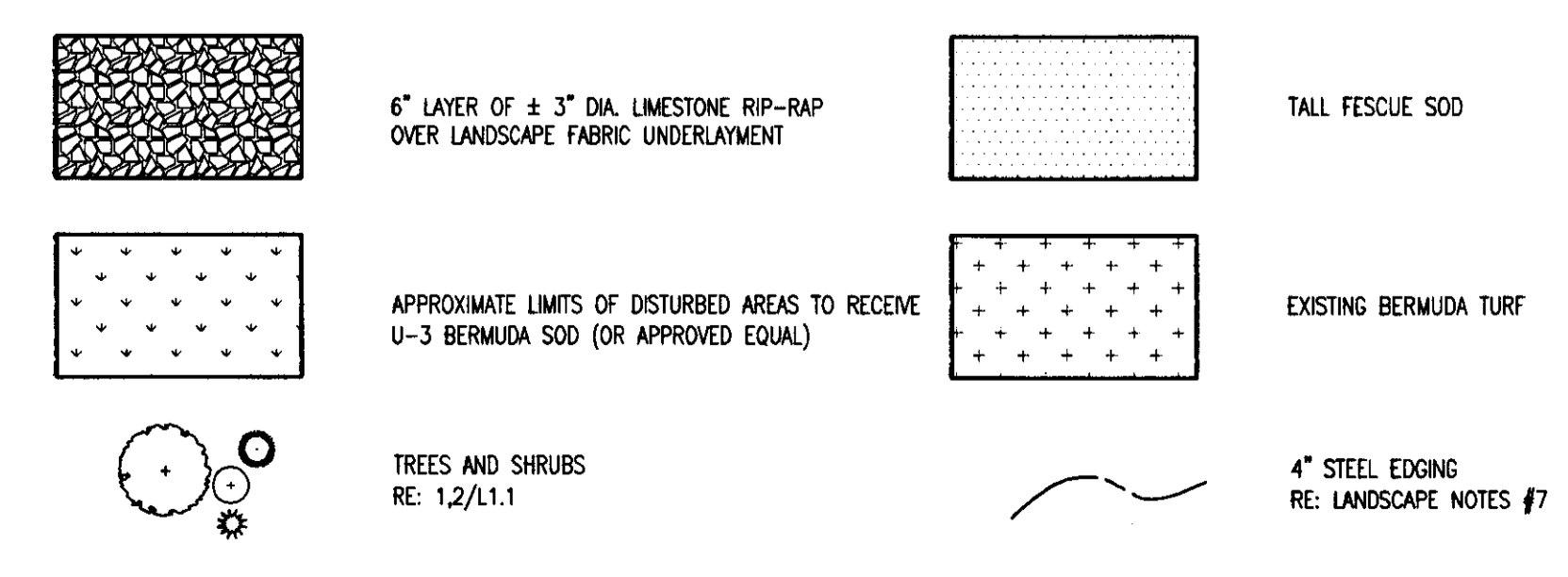
LANDSCAPE NOTES

- CONTRACTOR SHALL PROVIDE FINISH GRADING AND SODDING OF AREAS SHOWN ON PLAN.
- TURF GRASS SHALL BE TALL FESCUE AND U-3 BERMUDA SOG (OR APPROVED EQUAL).
- ALL SHRUB BEDS AND LAWN AREAS SHALL BE HAND WATERED. AN IN-GROUND AUTOMATIC IRRIGATION SYSTEM WILL BE NOT BE PROVIDED.
- ALL SHRUB BEDS SHALL RECEIVE A 3" LAYER OF 1" TO 2" WASHED NATIVE RIVER GRAVEL W/ LANDSCAPE FABRIC UNDERLAYMENT.
- NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT ARCHITECT'S APPROVAL.
- QUANTITIES IN THE PLANT LIST ARE FOR INFORMATION ONLY. CONTRACTOR SHALL VERIFY.
- PLANTING BED EDGING SHALL BE 4" STEEL EDGING (COLOR: GREEN) OR APPROVED EQUAL. INSTALL STEEL EDGING ACCORDING TO MANUFACTURER'S INSTRUCTIONS.
- LANDSCAPE FABRIC UNDERLAYMENT SHALL BE DUPONT LANDSCAPE PRO PROFESSIONAL GRADE LANDSCAPE FABRIC OR APPROVED EQUAL. INSTALL ACCORDING TO MANUFACTURER'S INSTRUCTIONS: DUPONT (GARDEN.PRODUCTS@USA.DUPONT.COM) 1.800.448.9835
- ANY PLANTING BED ADJACENT TO WALKS OR CURBING SHALL HAVE THE GRADE LOWERED TO A SUFFICIENT DEPTH TO ALLOW THE TOP OF THE MULCH TO MATCH THE TOP OF WALK OR CURBING.
- WHEN CLAY SOIL IS ENCOUNTERED IN THE ESTABLISHMENT OF THE LAWN OR THE INSTALLATION OF PLANT MATERIAL, SOIL SHALL BE IMPROVED IN ACCORDANCE WITH STANDARD TRADE PRACTICE. I.e. ADDITION OF LIME, GYPSUM, ETC. REFERENCE SPECS. FOR ADDITIONAL INFORMATION.
- CONTRACTOR SHALL SUBMIT A SAMPLE OF THE PROPOSED WASHED RIVER GRAVEL FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
- REFERENCE GRADING PLAN FOR ALL PROPOSED SLOPES IN SHRUB BEDS AND LAWN AREAS.

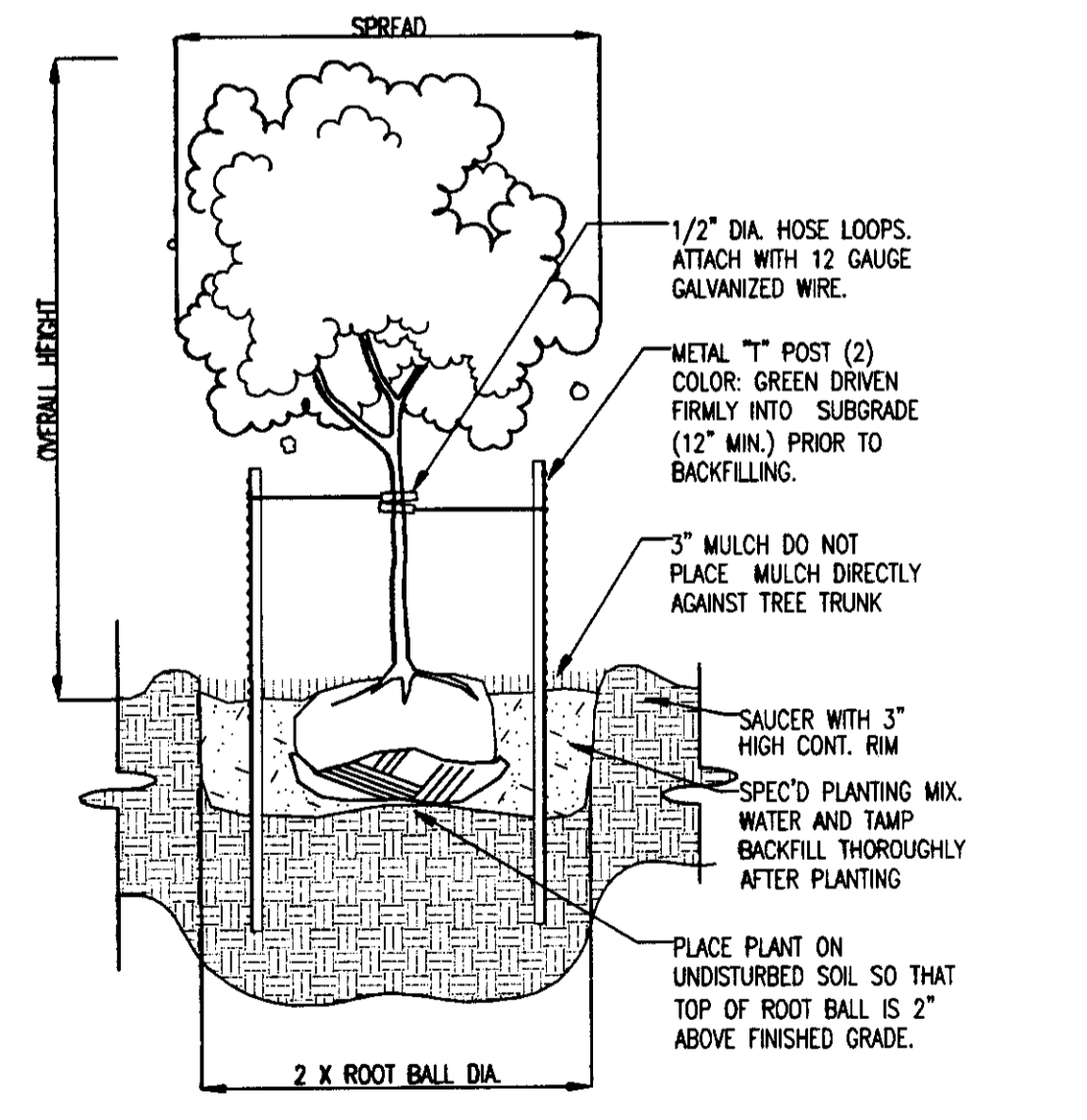
PLANT LIST

QTY.	COMMON NAME	BOTANICAL NAME	SIZE	COND.
TREES				
RE: 1/1,1				
2	RED BARON CRABAPPLE	MALUS SP. RED BARON	1" CAL.	B&B
9	LACEBARK ELM	ULMUS PARVIFOLIA	2" CAL.	B&B
13	SHADEMASTER HONEYLOCUST	GLEDITSIA TRIACANTHOS	2" CAL.	B&B
SHRUBS				
RE: 2/1,1				
12	ANDORRA COMPACT JUNIPER	JUNIPERUS 'ANDORRA COMPACTA'	2 GAL.	CONT.
116	PAULI EUONYMUS	EUONYMUS HAUPTSCHONICUS 'PAULI'	18" MIN. HT.	CONT.
52	TEXAS SCARLET QUINCE	CHENOMELES SPECIOSA 'TEXAS SCARLET'	18" MIN. HT.	CONT.

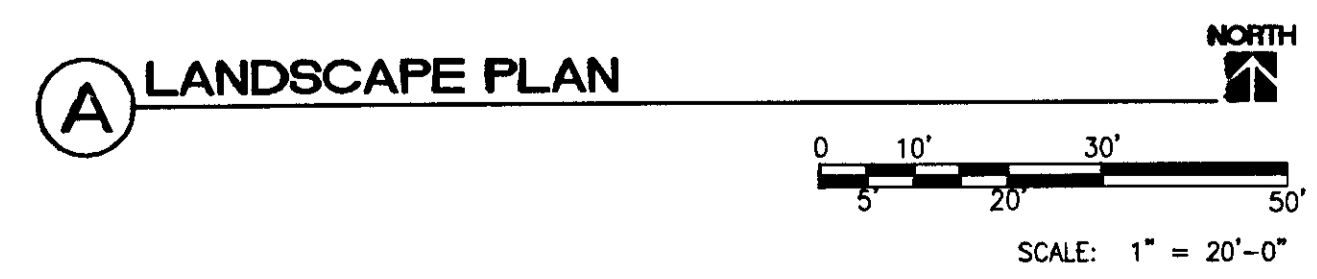
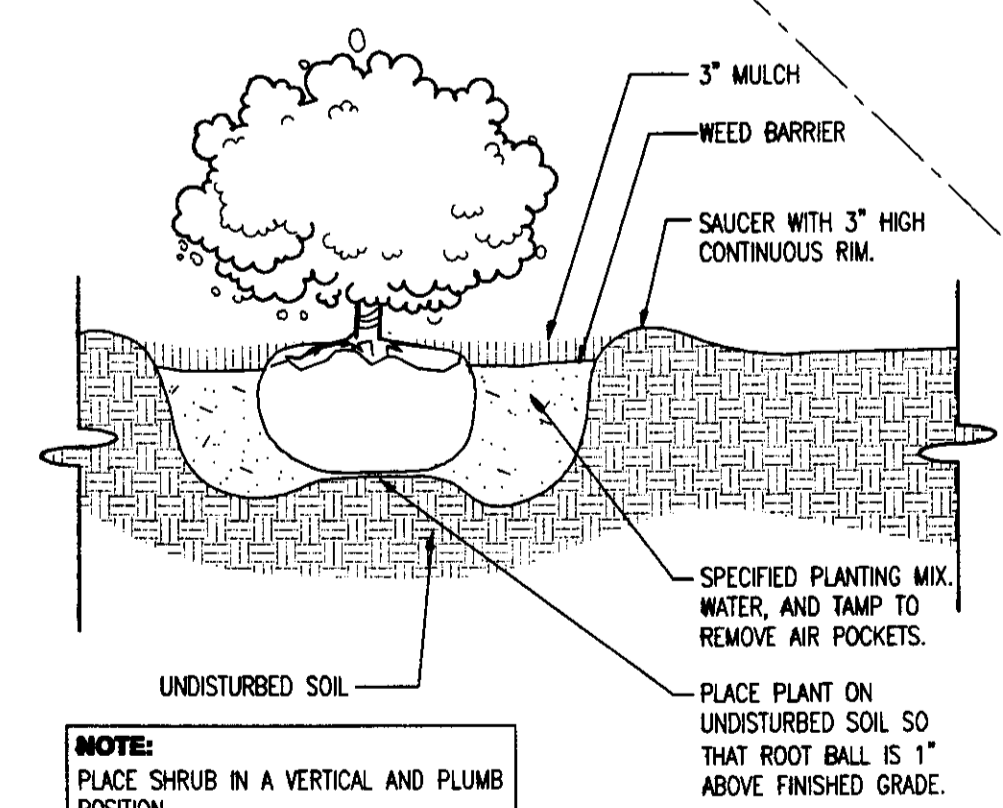
SITE LEGEND

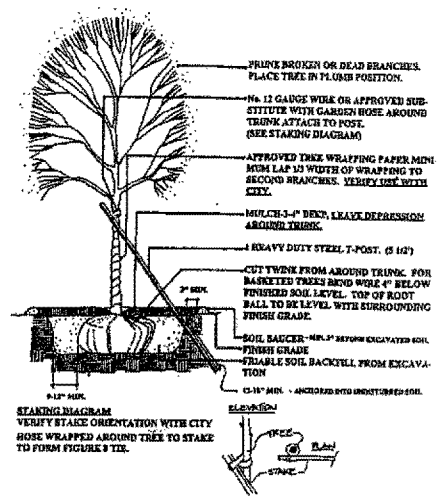
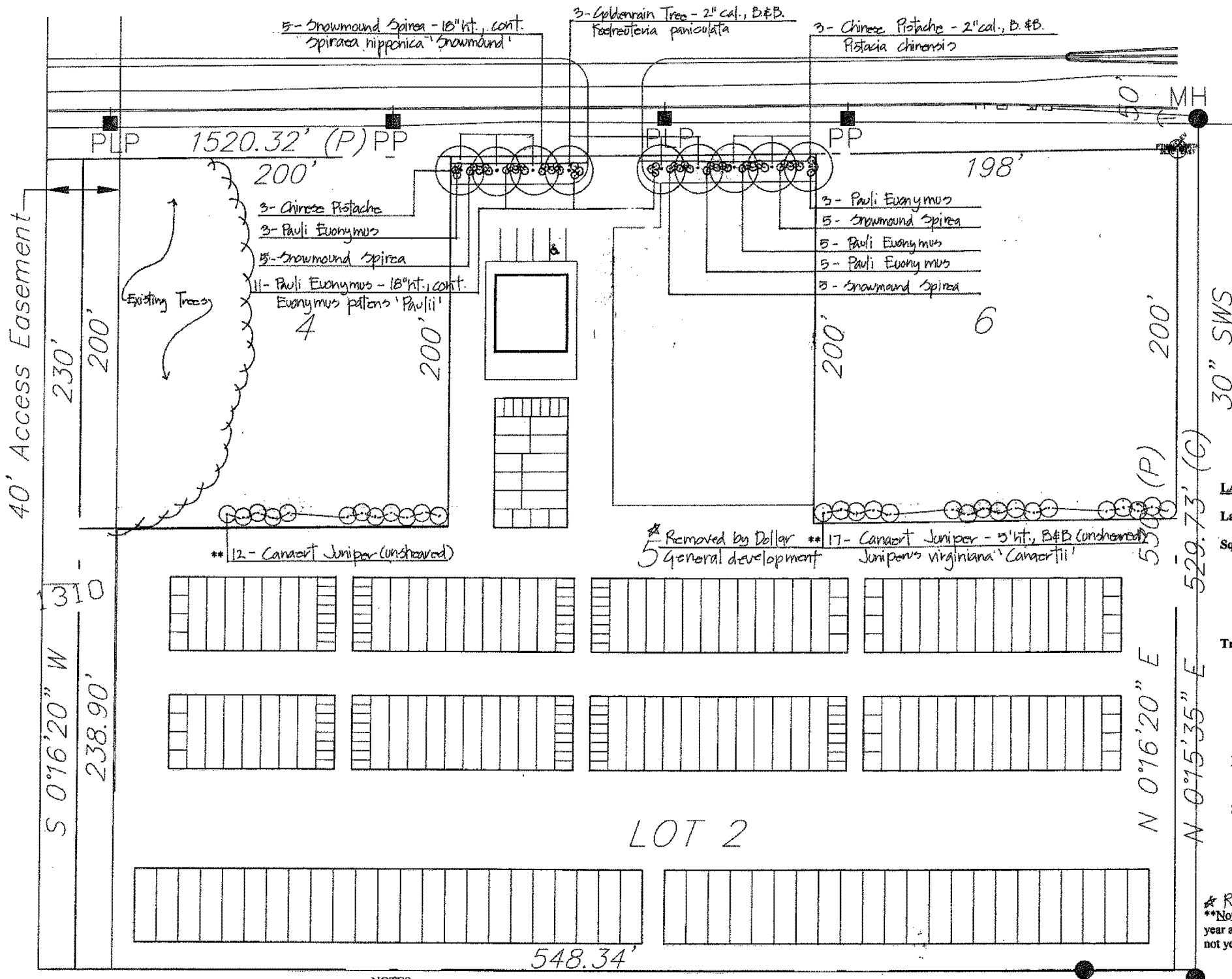


1 TREE PLANTING
 Scale: 3/8" = 1'-0"



2 SHRUB PLANTING
 Scale: 3/4" = 1'-0"





DECIDUOUS TREES: 2" CALIPER AND SMALLER
EVERGREEN TREES: 6' HEIGHT AND SMALLER

LANDSCAPE CALCULATIONS:

Landscape Street Yard:
Square footage required:
200' x 20' = 4000 sq. ft. required
Shows +/- 3000 sq. ft. (amount required of adjacent properties)

Trees required:
4000 sq. ft. / 500 = 8 x 1.5 = 12
12 shade trees
shows - 12 shade trees

Legal Description: Lot 5, replat of Spencer Gardens Addition
Wichita, Sedgwick Co., Kansas
Street Address: 4 East Pawnee

* Removed
**Note: Canaert junipers, shown on this plan, will be installed one year after start of construction only if adjacent development has not yet begun.

NOTES:-

- All trees to be planted, fertilized, staked, mulched, pruned and wrapped in accordance with standard industry practices. (See tree planting detail.) All trees to be Northern grown - Plants grown in nurseries one (1) year or more, located in hardiness zones 3 - 6, per the USDA map. Trees furnished shall be well-branched, particularly with respect to the height-width relationship. Trees with broken leaders will not be accepted. Trees provided shall be balled and burlapped - shade tree size - minimum 2" caliper, conifers - minimum 5' high. All shrubs are to be planted, fertilized, and pruned in accordance with standard industry practices. Shrubs provided shall be delivered in containers or balled and burlapped (B & B) - minimum shrub size - 18" high.
- All plant materials provided for this project shall be in accordance with - American National Standards Institute, Inc.: ANSI Z60.1 - 1973, American Standard for Nursery Stock.
- Soil in planting areas to be tested and modified as required.
- Top soil provided for this project shall be fertile, friable, natural loam soil, of uniform quality, characteristic of representative local soils to produce a heavy growth of vegetation. It should be free of subsoil, clay, trash, stones, etc. that would impede plant growth.
- Mulch 4" deep around trees and 2" deep in all shrub planting beds. Mulch material to be medium size, dry, shredded wood fiber of a quality, which meet industry standards.
- Planting times:**
Spring: February 15 to May 31 - inclusive
Fall: September 15 to December 31 - inclusive
- Irrigation -** Water for establishment and maintenance of plant material shall be provided, per the Owner, by installation of an automatic irrigation system. A moisture sensing device or a rain shut-off switch will be included as part of the system.
- The Landscape Contractor is to be responsible for all permits required and is to see that all work is performed in accordance with state and local codes.
- The Landscape Contractor is responsible for the location of all utilities in the project area and their protection. Any damage to utility lines during construction will be repaired at the Landscape Contractor's expense. Location of underground utilities shall be determined by calling KS One-call system at (316) 687-2470.
- All turf areas disturbed by construction will be replanted.

LANDSCAPE PLAN

APPROVED 6/10/16 BY NES

DP-93

June 22, 2011

Ben and Mary Titus Trust
1006 Wedgewood
Derby, KS 67037

GBT Realty
Attn: Austin Rogers
201 Summit View Drive, Suite 110
Brentwood, TN 37027

Michael Jenkinson
511 Union Street
Nashville, TN 37219

RE: DP-93 - Administrative Adjustment to reduce the parking requirement by up to 10 percent for Parcel 6, on property zoned GC General Commercial, of DP-93 Spencer Gardens Community Unit Plan, generally located south of Pawnee Avenue 1/8 mile west of Oliver (4549 E Pawnee). (CUP2011-00022)

Dear Applicants:

We received and reviewed your request for an administrative adjustment to the above-referenced community unit plan, DP-93 Spencer Gardens Community Unit Plan (“CUP”). We understand that you have requested to reduce the parking requirement by 10 percent for Parcel 6, on property zoned GC General Commercial. You have stated that the amount of parking required to meet the demand generated by your site is slightly (as requested, up to 10 percent) less than the Unified Zoning Code requirement. The adjustment falls within the percent allowed to be reduced by administrative review. As shown on a preliminary site plan, the number of parking spaces is two below the maximum parking requirement of 36 spaces, or providing 94 percent of the projected requirement of the building permit.

The requested reduction impacts your site primarily as no off-street parking is allowed on the abutting arterial street (Pawnee). Any shortfall in parking from this reduction would primarily

impact your use by discouraging customers from shopping at your site. The only other site developed nearby is a mini-storage warehouse within the same CUP which has a very small parking area that is rarely fully occupied but that does have direct access with this site. The potential for overflow to this lot is possible, but could be managed by posted parking spaces upon the mini-storage site.

On the basis of our review, we feel that adjusting the CUP in the manner you have requested would be consistent with the approved CUP and will not have an adverse effect on the CUP or on adjacent properties, nor will it be a substantial deviation of the original plan.

Our signatures below indicate that the parking requirement for Parcel 6 may be reduced up to 10 percent of the requirement of the Unified Zoning Code.

The zoning notification signs may now be removed from the property. We will make a notation of these changes on the CUP document.

John L. Schlegel
Director of Planning

Kurt A. Schroeder
Superintendent of Central Inspection

cc: Paul Hays, Office of Central Inspection via email
Dale Miller, MAPD via email
J.R. Cox, Office of Central Inspection via email
Leonard Fox, Office of Central Inspection via email
Richard Chamberlin, Office of Central Inspection via email