

PARCELS 18 & 18A COMMERCIAL CUP DP-108 (CUP2024-000)

GENERAL PROVISIONS

- This development is proposed to contain 13.0 gross or 22.8 net acres, more or less. Net acres are determined by subtracting drainage way estimates from gross area.
- The proposed development contains 2 parcels ranging from light commercial with residential to office. See specific uses by parcel description below.
- Setbacks: Minimum setbacks along arterials as shown on the plan. For structures exceeding 35' in height the arterial street setback indicated on specific parcel descriptions listed below shall be increased horizontally in direct proportion (1:1) to the vertical increase in building height. (Example for Parcel I, with an arterial setback of 20', a 40' building height would require an additional 5' of setback or 25', and for Parcel II, with an arterial setback of 35', an 80' building height would require and additional 45' of setback or 80') or as approved on a specific site plan submitted for approval at time of issuance of building permit. (See G.P. below) Minimum setbacks on the west and south boundaries of Parcel I and the southwest boundary of Parcel II shall be 10 feet.
*ADM' ADJ' 2-26-96 to allow drive-thru canopy, retaining wall, and screening wall for trash dumpsters in Parcel II within setback along 29th/ St North.
*See site plan submittal with request. Rescinded in memo of 3-13-96 - MK
- All utilities shall be installed underground.
- Signs shall be permitted in accordance with the provisions of Section 28.04.139 of the code of Wichita.
*Reduce sign spacing along Rock Rd. ADM' ADJ' 11-3-95
*additional sign restrictions for Parcel II per ADM' ADJ' dated 2-26-96. Rescinded in memo of 3-13-96 - MK
- All nonpublic, open space, signs, logo, drives and parking areas contained within the described parcels shall be privately owned and maintained.
- All drainage ways and drainage easements shall be confirmed at the time of platting. 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.
8. The applicant shall guarantee, at the time of platting, the construction of a major entrance and decel lane for Parcel I, and a major entrance and decel lane for one opening to Parcel II on 29th/ Street and one opening on Rock Road. If a major entrance is constructed on Parcel I, the maximum number of openings on Parcel 1 to 29th/ Street shall not exceed 3. Parcel II may have a maximum of 3 openings on 29th/ Street and Rock Road regardless of a major opening being constructed.
If Parcel I is developed with multiple frontage on 29th Street, the Director of Planning and the Traffic Engineer, after a review of the proposed site plan for Parcel I, may waive the requirement for a major opening to allow a maximum of 4 openings provided that an additional 10 feet of right-of-way is dedicated and a continuous decel lane is constructed along 29th Street.
*See memo of 3-26-85 and 10-22-85
- Screening Wall
a. If all buildings are designed and constructed so that all four exterior surfaces are alike with no one side appearing as the rear of the building the following conditions apply:
i. A five (5) to eight (8) foot solid or semi-solid wall shall be constructed of stone, masonry, architectural tile, or other similar materials (not including wood or woven wire) around all storage or service areas when across from residentially zoned areas.
ii. A 10 foot planting strip consisting of a combination of grass, low shrubs and trees shall be required along the west and south boundaries of Parcel I and on the southwest boundary of Parcel II.
b. If the proposed structures are designed so that one surface appears to have a rear side, then a five (5) to eight (8) foot wall shall be constructed of stone, masonry, architectural tile, or other similar materials (not including wood or woven wire) along the property lines across from residentially zoned areas. If this wall is constructed the ten (10) foot planting strip shall be waived.
- A landscape plan, prepared by a landscape architect, for the planting strip (if required), shall be submitted to the planning department for their review and approval prior to the issuance of any building permit(s) on the parcels involved. The landscape plan shall also depict proposed method of providing irrigation of the required plant materials.
*additional landscape requirements for Parcel II per ADM' ADJ' dated 2-26-96
- Failure to properly maintain the ten (10) foot planting strip shall be considered a violation of the building permit authorizing construction of the proposed development, after a joint determination by the Director of Planning and Superintendent of Central Inspection that the plants are not properly maintained. A financial guarantee for plant materials approved for the landscape plan shall be required prior to the issuance of any occupancy permit if the required landscaping has not been planted.
- This C.U.P. document is general in character and will require submission of a site plan and a landscape buffer plan for each parcel or portion thereof. This detailed site plan will require administrative approval at the plan review stage prior to issuance of a building permit. The plan shall show land use relationships, access points and/or control, setbacks, interior circulation, parking, screening and other similar design considerations which may affect adjacent property or the general health and welfare of the public. The plans shall be submitted to the Director of Planning for review and approval.
- The transfer of title of all or any portion of the land included in the C.U.P. does not constitute a termination of the plan or portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns and their lessees unless amended.
- Parking shall be provided as follows:
For commercial uses - 5.5 spaces/1000 sq. ft. of floor area
For office uses - 4.0 spaces/100 sq. ft. of floor area or as required by zoning ordinance.
For residential uses - 1.5 spaces/100 sq. ft. of floor area
Parking for Parcels II.A,B.&C shall be per Article IV Section A.4. of the Wichita-Sedgwick County Unified Zoning Code.
All parking and drives shall be hard surfaces with concrete, asphalt or pavers.
- Any potential parking garage structure is not included in maximum gross floor calculations.

PARCEL I.
Proposed Uses: All uses permitted in the BB Zoning District, except that no residential units shall be constructed. Food service facilities for employees or occupant and their guests are allowed providing that these facilities are to be constructed within office structure and not as a free standing element.

Gross Area - 4.4 acres
Net Area - 4.1 acres
Maximum Building Coverage - 30% (53,578 s.f.)
Maximum Gross Floor Area - 40% (71,438 s.f.)
Floor Area Ratio - 0.40
Maximum Building Height - 60'
Setbacks as shown on Plan View with 29th/ Street North at 20' for structures not exceeding 35' in height. (See General Provision #3 for structures over 35' in height.)
Parking Requirement - As set forth under General Provision #14.

PARCEL II.*
Proposed Uses: General Office and Retail Sales including the following:
A. Same office uses as described in Parcel I, except that residential uses are permitted in multi-story structures on the 2nd floor and above.
B. Shopping center, retail sales, office, restaurants, financial institutions, service stations, drycleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales and other similar uses.

*Interpretation for car washes with BZA See memo 1/13/88

Gross Area - 8.6 acres
Net Area - 7.7 acres
Maximum Building Coverage - 30% (100,623 s.f.)
Maximum Gross Floor Area - 40% (134,164 s.f.)
Floor Area Ratio - 0.40
Maximum Building Height - 80'

PARCEL II.A*
Permitted Uses: General Office, Event Centers in the City, and Retail Sales, subject to:
A. Same office uses as described in Parcel I, except that residential uses are permitted in multi-story structures on the 2nd/ floor and above.
B. Shopping center, retail sales, office, restaurants, financial institutions, service stations, dry cleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales and other similar uses.
C. Event Centers in the City, including those considered Nightclubs in the City, where the sale of alcohol and the provision of entertainment are accessory uses.

Parcel 2A shall not allow: Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Funeral Home; Marine Facility; Recreational; Monument Sales; Nurseries and Garden Centers; Pawn Shop; Sexually Oriented Business in the City; Construction Sales and Service; Asphalt or Concrete Plant, Limited and General; Storage, Outdoor; Agricultural Sales and Services.

*See 3-31-97 ADM' ADJ' Reducing parking requirements and floor area.

PARCEL II.B
Proposed Uses: General Office, Entertainment Establishment in the City, Indoor and Outdoor, and Retail Sales including the following:
A. Same office uses as described in Parcel I, except that residential uses are permitted in multi-story structures on the 2nd floor and above.
B. Shopping center, retail sales, office, restaurants, financial institutions, service stations, dry cleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales and other similar uses.
C. Restaurants and Entertainment Establishment in the City, Indoor and Outdoor. Outdoor entertainment shall cease at 12:00 AM Friday and Sunday and at 10:00 PM Sunday through Thursday.

PARCEL II.C
Proposed Uses: General Office and Retail Sales including the following:
A. Same office uses as described in Parcel I, except that residential uses are permitted in multi-story structures on the 2nd floor and above.
B. Shopping center, retail sales, office, restaurants, financial institutions, service stations, drycleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales and other similar uses.

MAPD APPROVAL STAMP

CASE HISTORY

Original CUP - 19#
Revised Oct. 29, 1979
Revised Oct. 2, 1980
Revised April 6, 1981
Revised Feb. 6, 1981

Major Amendment - January, 2024
CUP2024-00002
(split Parcel 2 into 2B and 2C and allowed for Entertainment Establishment in the City)



APPROVED CUP
WAPC 2-27-2024 3 OF 4
[Signature]

COMMUNITY UNIT PLAN DP-108 PARCELS 18 & 18A COMMERCIAL CUP



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

TCTO, LLC
100 South Main Street
Suite 610
Wichita, KS 67202

March 8, 2024

RE: CUP2024-00002: Request in the City for a Major amendment to CUP DP-108 to create two new parcels and permit Entertainment Establishment in the City, located on the southwest corner of East 29th Street North and North Rock Road.

Dear Applicant;

At its regular meeting on **February 22, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

1. Outdoor entertainment shall cease at 12:00am Friday and Saturday and at 10:00pm Sunday through Thursday.
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised 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.

No protests were filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner

Cc: Becky Tuttle, Council Member District II
Teresa Veazey, CSR, District II
MABCD
MKEC Engineering, attn: Brian Lindebak, 411 North Webb Road, Wichita, KS 67206



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

TCTO, LLC
100 South Main Street
Suite 610
Wichita, KS 67202

February 23, 2024

RE: CUP2024-00002: Request in the City for a Major amendment to CUP DP-108 to create two new parcels and permit Entertainment Establishment in the City, located on the southwest corner of East 29th Street North and North Rock Road.

Dear Applicant;

At its regular meeting on **February 22, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

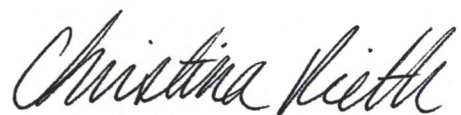
1. Outdoor entertainment shall cease at 12:00am Friday and Saturday and at 10:00pm Sunday through Thursday.
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised 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 opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on March 7, 2024. 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 by **March 7, 2024, at 5:00 p.m.** If this application is not protested, the MAPC decision will be final.

The District Advisory Board (DAB) II will hear this case on **Monday, March 11, 2024**. The meeting will be held at 6:00pm at the Rockwell Branch Library (5939 East 9th Street North, Wichita, KS 67208). For more information, please contact Teresa Veazey, Community Service Representative, at TCVeazey@wichita.gov or 316-352-4886.

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,

A handwritten signature in cursive script, reading "Christina Rieth".

Christina Rieth
Current Plans
Associate Planner

Copies to: Becky Tuttle, Council Member District II
 Teresa Veazey, CSR, District II
 MABCD

RESOLUTION No. CUP2024-00002

A RESOLUTION AUTHORIZING AN AMENDMENT TO DP-108 PARCELS 18 & 18A COMMERCIAL COMMUNITY UNIT PLAN TO CREATE PARCELS 2B AND 2C AND ALLOW ENTERTAINMENT ESTABLISHMENT IN THE CITY; ON PROPERTY ZONED LC LIMITED COMMERCIAL DISTRICT; GENERALLY LOCATED ON THE SOUTHWEST CORNER OF EAST 29TH STREET NORTH AND NORTH ROCK ROAD, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-E, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-E of the Wichita-Sedgwick County Unified Zoning Code, for an approximately 6.08-acre property zoned LC Limited Commercial with CUP DP-108, legally described below:

CUP2024-00002
DP-108

Beginning at the northeast corner of Lot 2, Block 1, Jeff and Jay Addition to Wichita, Sedgwick County, Kansas; thence south along the East line of said Lot 2, having an assumed bearing of S00°54'22"E, a distance of 175.00 feet; thence S14°56'32"E, a distance of 61.85 feet; thence S00°54'22"E, a distance of 123.42 feet; thence S89°05'38"W, a distance of 65.41 feet; thence N00°54'22"W, a distance of 16.0 feet; thence S89°05'38"W, a distance of 108.82 feet; thence S00°54'22"E, a distance of 20.00 feet; thence S89°05'38"W, a distance of 36.37 feet; thence N72°38'11"W, a distance of 24.00 feet; thence N53°19'18"W, a distance of 28.62 feet; thence N43°27'16"W, a distance of 163.94 feet; thence N39°55'32"W, a distance of 25.96 feet; thence N21°20'56"W, a distance of 25.54 feet; thence S70°47'40"W, a distance of 23.60 feet; thence N00°52'12"W, a distance of 123.94 feet; thence N89°07'48"E, a distance of 20.00 feet; thence N00°52'12"W, a distance of 71.36 feet; thence N87°37'51"E, a distance of 103.96 feet; thence S78°19'58"E, a distance of 103.08 feet; thence N87°37'51"E, a distance of 175.00 feet to the point of beginning.

TOGETHER WITH

Lot 2, Block A, Beggan Addition, Wichita, Sedgwick County, Kansas.

Amended text to CUP DP-108 shall read as follows:

General Provisions

1. This development is proposed to contain 13.0 gross or 22.8 net acres, more or less. Net acres are determined by subtracting drainage way estimates from gross area.
2. The proposed development contains 2 parcels ranging from light commercial with residential to office. See specific uses by parcel description below.
3. Setbacks: Minimum setbacks along arterials as shown on the plan. For structures exceeding 35; in height the arterial street setback indicated on specific parcel descriptions listed below shall be increased horizontally in direct proportion (1:1) to the vertical increase in building height. (Example for Parcel 1, with an arterial setback of 20', a 40' building height would require an additional 5' setback or 25', and for

Parcel II, with an arterial setback of 35', an 80' building height would require an additional 45' of setback or 80') or as approved on a specific site plan submitted for approval at time of issuance of building permit. (See G.P. below) Minimum setbacks on the west and south boundaries of Parcel I and the southwest boundary of Parcel II shall be 10 feet.

*ADM' ADJ' 2-26-96 to allow drive-thru canopy, retaining wall, and screening wall for trash dumpsters in Parcel II within setback along 29th Street North.

*See site plan submittal with request. Rescinded in memo of 3-13-96 – MK

4. All utilities shall be installed underground.
5. Signs shall be permitted in accordance with the provisions of Section 28.04.139 of the code of Wichita.
*Reduce sign spacing along Rock Rd. ADM' ADJ 11-3-95
*additional sign restrictions for Parcel II per ADM' ADJ' dated 2-26-96. Rescinded in memo of 3-13-96 – MK
6. All nonpublic, open space, signs, logo, drives and parking areas contained within the described parcels shall be privately owned and maintained.
7. All drainage ways and drainage easements shall be confined at the time of platting. 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.
8. The applicant shall guarantee, at the time of platting, the construction of a major entrance and decel lane for Parcel I, and a major entrance and decel lane for one opening to Parcel II on 29th Street and one opening on Rock Road. If a major entrance is constructed on Parcel 1, the maximum number of openings on Parcel 1 to 29th Street shall not exceed 3. Parcel 2 may have a maximum of 3 openings on 29th Street and Rock Road regardless of a major opening being constructed.
If Parcel 1 is developed with multiple frontages on 29th Street, the Director of Planning and the Traffic Engineer, after a review of the proposed site plan for Parcel 1, may waive the requirement for a major opening and allow a maximum of 4 openings provided that an additional 10 feet of right-of-way is dedicated and a continuous decel lane is constructed along 29th Street.
*See memo of 3-26-85 and 10-22-85
9. Screening Wall
 - A. If all buildings are designed and constructed so that all four exterior surfaces are alike with no one side appearing as the rear of the building, the following conditions apply:
 - i. A five (5) to eight (8) foot solid or semi-solid wall shall be constructed of stone, masonry, architectural tile, or other similar materials (not including wood or woven wire) around all storage or service areas when across from residentially zoned areas.
 - ii. A 10 foot planting strip consisting of a combination of grass, low shrubs and trees shall be required along the west and south boundaries of Parcel 1 and on the southwest boundary of Parcel 2.
 - B. If the proposed structures are designed so that one surface appears to have a rear side, then a five (5) to eight (8) foot wall shall be constructed of stone, masonry, architectural tile, or other similar materials (not including wood or woven wire) along the property lines across from residentially zoned areas. If this wall is constructed, the ten (10) foot planting strip shall be waived.
10. A landscape plan, prepared by a landscape architect, for the planting strip (if required), shall be submitted to the planning department for their review and approval prior to the issuance of any building permit(s) on the parcels involved. The landscape plan shall also depict proposed method of providing irrigation of the required plant materials.
*Additional landscape requirements for Parcel 2 per ADM' ADJ' dated 2-26-96
11. Failure to properly maintain the ten (10) foot planting strip shall be considered a violation of the building permit authorizing construction of the proposed development, after a joint determination by the Director of Planning and Superintendent of Central Inspection that the plants are not properly maintained. A financial guarantee for plant materials approved for the landscape plan shall be required prior to the issuance of any occupancy permit if the required landscaping has not been planted.
12. This CUP document is general in character and will require submission of a site plan and a landscape buffer plan for each parcel or portion thereof. This detailed site plan will require administrative approval

SECTION 2. That upon the taking effect of this Resolution, the notation of such Community Unit Plan Amendment shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Adopted this 17th Day of JULY, 2024.

METROPOLITAN AREA PLANNING COMMISSION



Bob Dool, Chairman

ATTEST:



Scott Wadle, Secretary



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
23834	514932	Print Legal Ad-IPL01573790 - IPL0157379		\$206.32	3	82 L

Attention: MANDY HEBERT

CITY OF WICHITA / MABCD

271 W 3RD ST N

3RD FLOOR STE 301

WICHITA, KS 67202

kgonzalez@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on February 1, 2024

(One Time Only)

MAPC/BZA February 22, 2024

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 22, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

EZA2024-00002: Variance request in the City to allow 9 ft masonry wall and equipment footings within zoning setback for expansion of utility substation on property zoned SF-5 Single Family Residential District, generally located on the west side of North Hoover Road and West 1st Street North (255 N Hoover Road).

CON2024-00001: Conditional Use request in the City to allow Correctional Placement Residence, Limited with additional restrictions, with ZON2024-00001 from SF-5 Single-Family to GO General Office, located on the north side of West 31st Street South and within one-quarter mile east of South Seneca (928 W 31st St).

CON2024-00002: Conditional Use request in the City to allow Utility Major on property zoned SF-5 Single Family Residential District, generally located on the west side of North Hoover Road and West 1st Street North (255 N Hoover Road).

CUP2024-00001: Request in the City to Amend the Killarney West CUP DP-156 to permit a Kennel/Boarding/Breeding/Training facility on Parcel 6 on property zoned LC Limited Commercial, located on the east side of North Woodlawn Avenue, within one-quarter mile north of East K-96 Highway (3590 N. Woodlawn).

CUP2024-00002: Request in the City for a Major amendment to CUP DP-108 to create two new parcels and permit Entertainment Establishment in the City, located on the southwest corner of East 29th Street North and North Rock Road.

DER2023-00017: Unified Zoning Code amendment (City and County) to the Use Regulations pertaining to requirements for all Solar Energy Conversion Systems (SECS) applications.

VAC2024-00001: Vacation request in the City to vacate a portion of a utility easement to allow walking for a walking connection between two buildings on property zoned LI Limited Industrial District, generally located on southeast corner of Esthner Avenue and Meridian Avenue (2621 W Esthner Ct).

VAC2024-00002: Vacation request in the City to vacate a sewer easement under an existing building, located approximately 680 feet east of the intersection of S. Seneca St. and West 31st St. S. (928 W. 31st St. S.).

VAC2024-00003: Vacation request in the City to vacate a portion of a utility easement to develop a warehouse on existing property zoned GI General Industrial District, generally located on southwest corner of 37th Street N & Saint Francis Street.

VAC2024-00004: Vacation request in the City to vacate a portion of Oak Street Right-of-Way to allow to create a private parking area for a commercial campus, generally located on within one-block north of West Douglas Avenue and one block west of North Sycamore (130 N Oak St).

VAC2024-00005: Vacation request in the City to vacate a portion of a utility easement to allow for development on property zoned GC General Commercial (PO 282 & 416), generally located on northwest corner of North Hoover Avenue & West Central Avenue (715 N & 721 N Hoover Ave).

ZON2024-00001: Zone Change request in the City from SF-5 Single-Family to GO General Office with CON2024-00001 to allow Correctional Placement Residence, Limited with additional restrictions; located on the north side of West 31st Street South, within one-quarter mile east of South Seneca (928 W. 31st St South).

ZON2024-00002: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential for duplex on property located within 237 ft northwest of the intersection of West 2nd Street North and North Doris Street (321 N Doris St).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 3rd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Department staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email: Planning@wichita.gov

Mailing Address:

Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone: 316.268.4421

Fax: 316.268.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/Planning>.

WITNESS MY HAND on February 1, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0157379

Feb 1 2024

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:

02/01/24

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 02/01/2024 to 02/01/2024.

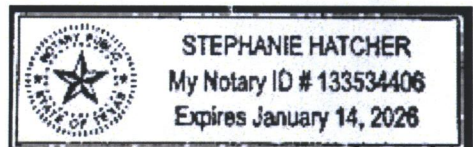
Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 02/05/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in
Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



STAFF REPORT

MAPC: February 22, 2024

DAB II: March 11, 2024

CASE NUMBER: CUP2024-00002 (City)

APPLICANT/AGENT: TCTO, LLC and Pohl Asset Group 1, LLC (Applicants)/MKEC Engineering (Agent)

REQUEST: Major Amendment to CUP DP-108

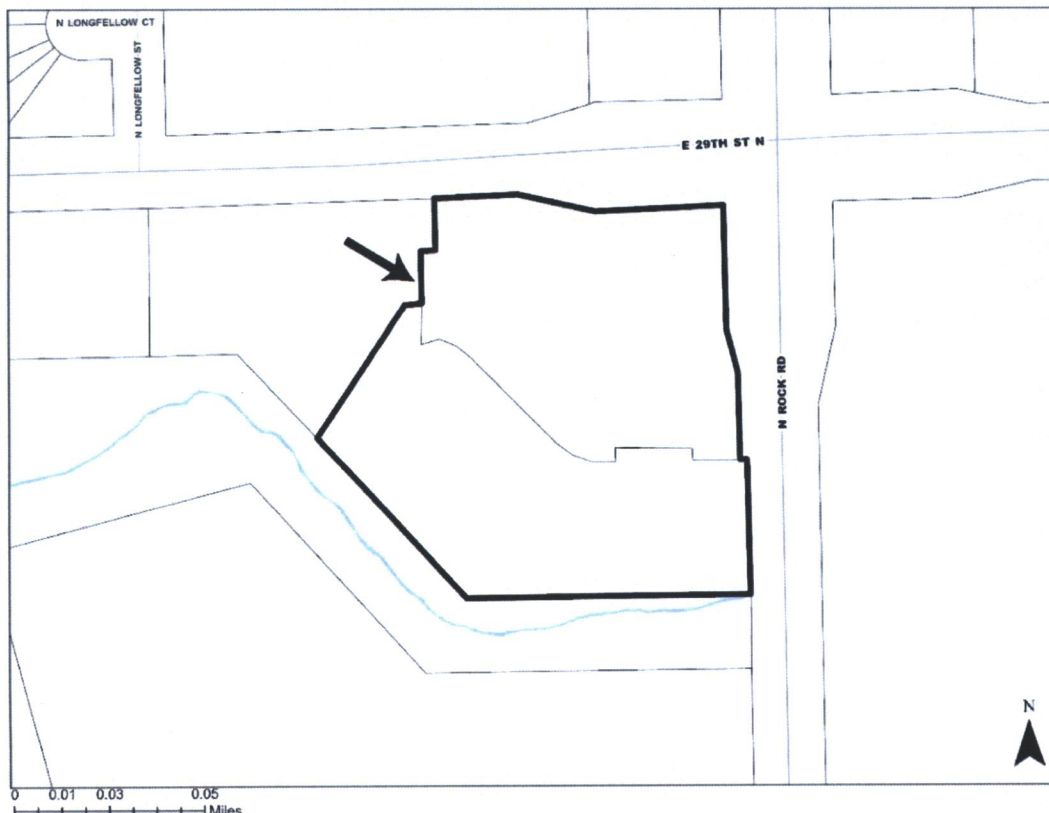
CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 6.08 acres

LOCATION: Generally located on the southwest corner of East 29th Street North and North Rock Road

PROPOSED USE: Create Parcels 2B and 2C, allow Entertainment Establishment in the City

RECOMMENDATION: Approve with conditions.



BACKGROUND: The applicant is requesting a major amendment to CUP DP-108, Parcels 18 & 18A Commercial Community Unit Plan. The subject site is 6.08 acres in size, is zoned LC Limited Commercial District, and is generally located on the southwest corner of East 29th Street North and North Rock Road. The applicant seeks to split Parcel 2 into Parcels 2B and 2C and amend the General Provisions of CUP DP-108. The amendments include allowing Entertainment Establishment in the City as a permitted use on Parcel 2B, which shall be on the northern half of what is currently Parcel 2. The revisions to CUP DP-108 are attached to the end of this report.

On January 2, 2024, the Wichita City Council approved changes to the Unified Zoning Code (UZY) to define "Entertainment Establishment in the City" as a venue that allows alcohol and live entertainment with a maximum capacity of less than 300 persons. Entertainment Establishment in the City normally requires a Conditional Use application when the subject site is not within a CUP and is within 300 feet of a place of worship, public park, school, or residential zoning district. Because the subject site is located in a CUP, a CUP amendment acts in lieu of a Conditional Use request because the notification and public hearing processes are the same. The shortest distance between the subject site and the residentially-zoned property is approximately 110 feet; there is a place of worship directly across North Rock Road from the subject site.

According to Section 3.30.050 of the City Code, no entertainment is allowed on the premises between the hours of 2:00 a.m. and noon. CUP DP-108 is adjacent to a place of worship to the east and multi-family housing to the south. To minimize the adverse impacts associated with Entertainment Establishment in the City, staff is recommending limited hours of operation for outdoor entertainment.

Per the revised provisions of CUP DP-108, parking for Parcels 2A, 2B, and 2C shall be per Article IV, Section A.4 of the UZY. The UZY does not specifically mention parking requirements for Entertainment Establishment in the City, but parking for the Entertainment Establishment shall adhere to parking requirements for which use it most closely associated with. Nightclub in the City requires one parking space per two occupants. There is an existing parking lot on Parcel 2 and what will become Parcel 2B. The revised provisions of the CUP also eliminate the maximum number of buildings on site. Parcels 2B and 2C shall have the same permitted uses as the existing Parcel 2A, which include General Office and Retail Sales.

The character of the neighborhood is mostly commercial at the intersection of the two arterial streets. Property to the north, across East 29th Street North, is zoned LC with CUP DP-109 and is developed with a strip mall and restaurant. Property to the south is zoned SF-5 Single-Family Residential District, is within CUP DP-73, and is developed with an apartment complex. Property to the east, across North Rock Road, is zoned SF-5 and is developed with a place of worship. Property west of the subject site is zoned LC, is within CUP DP-108, and is developed with a restaurant.

CASE HISTORY: In 1979, CUP DP-108 was created. In 1985, the subject site was platted as Lot 2, Block 1 of the Jeff and Jay Addition. In 1987, the Board of Zoning Appeals granted a Variance to increase the permitted height of four building signs from 30 feet to 60 feet (BZA 56-86).

ADJACENT ZONING AND LAND USE:

North:	LC (CUP DP-109)	Strip mall, restaurant
South:	SF-5 (CUP DP-73)	Apartment complex
East:	SF-5	Place of worship
West:	LC (CUP DP-108)	Restaurant

PUBLIC SERVICES: The site has access to East 29th Street North, a four-lane arterial street with sidewalks on both sides, and North Rock Road, a five-lane arterial street with sidewalks on each side. Wichita Transit stops at the southeast corner of North Rock Road and East 29th Street North, across the street from the subject site. Municipal services, such as water and sewer, already serve the site.

CONFORMANCE TO PLANS/POLICIES: The requested CUP amendment is in conformance with the *Community Investments Plan*. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “Commercial” uses. This category is described as “*areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.*” Entertainment Establishment in the City is an appropriate use for the site.

The CUP amendment is in conformance with the Locational Guidelines of the *Community Investments Plan*. In general, “Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors.” The CUP is located at the intersection of two arterial streets: North Rock Road and East 29th Street North.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the amendment to CUP DP-108 be **APPROVED** subject to the development guidelines of the amended CUP and the following conditions:

1. Outdoor entertainment shall cease at 12:00am Friday and Saturday and at 10:00pm Sunday through Thursday.
2. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
3. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is mostly commercial at the intersection of the two arterial streets. Property to the north, across East 29th Street North, is zoned LC with CUP DP-109 and is developed with a strip mall and restaurant. Property to the south is zoned SF-5 Single-Family Residential District, is within CUP DP-73, and is developed with an apartment complex. Property to the east, across North Rock Road, is zoned SF-5 and is developed with a place of worship. Property west of the subject site is zoned LC, is within CUP DP-108, and is developed with a restaurant.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC Limited Commercial District with CUP DP-108, which is suitable for commercial uses. Entertainment Establishment in the City is currently not a permitted use within Parcel 2 of the CUP.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff anticipates that the proposed CUP amendment and zone change will not detrimentally affect nearby property. The hours of operation for Entertainment Establishment in the City should mitigate potential negative impacts on surrounding properties.
4. Length of time subject property has remained vacant as zoned: The property is currently developed with an office building constructed in 1985.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it brings additional business to the area. Denial of the request could represent a loss in the use and enjoyment of the applicant’s property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in conformance to the *Community Investments Plan*, as noted

above.

7. Impact of the proposed development on community facilities: Staff does not anticipate that the proposed development will have any negative or additional impact on community facilities.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has received one question from the public from a gentleman who was curious about the proposed request.

Attachments:

1. Applicant Proposed CUP Amended Language
2. CUP DP-108 Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

Applicant Proposed CUP Language

The applicant seeks to make the following changes to CUP DP-108 in red. Staff-recommended changes are in blue.

GENERAL PROVISIONS

1. This development is proposed to contain 13.0 gross or 22.8 net acres, more or less. Net acres are determined by subtracting drainage way estimates from gross area.
2. The proposed development contains 2 parcels ranging from light commercial with residential to office. See specific uses by parcel description below.
3. Setbacks: Minimum setbacks along arterials as shown on the plan. For structures exceeding 35; in height the arterial street setback indicated on specific parcel descriptions listed below shall be increased horizontally in direct proportion (1:1) to the vertical increase in building height. (Example for Parcel I, with an arterial setback of 20', a 40' building height would require an additional 5' setback or 25', and for Parcel II, with an arterial setback of 35', an 80' building height would require an additional 45; of setback or 80') or as approved on a specific site plan submitted for approval at time of issuance of building permit. (See G.P. below) Minimum setbacks on the west and south boundaries of Parcel I and the southwest boundary of Parcel II shall be 10 feet.

*ADM' ADJ' 2-26-96 to allow drive-thru canopy, retaining wall, and screening wall for trash dumpsters in Parcel II within setback along 29th Street North.

*See site plan submittal with request. Rescinded in memo of 3-13-96 – MK

4. All utilities shall be installed underground.
5. Signs shall be permitted in accordance with the provisions of Section 28.04.139 of the code of Wichita.

*Reduce sign spacing along Rock Rd. ADM' ADJ 11-3-95

*additional sign restrictions for Parcel II per ADM' ADJ' dated 2-26-96. Rescinded in memo of 3-13-96 – MK

6. All nonpublic, open space, signs, logo, drives and parking areas contained within the described parcels shall be privately owned and maintained.
7. All drainage ways and drainage easements shall be confined at the time of platting. 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.
8. The applicant shall guarantee, at the time of platting, the construction of a major entrance and decel lane for Parcel I, and a major entrance and decel lane for one opening to Parcel II on 29th Street and one opening on Rock Road. If a major entrance is constructed on Parcel 1, the maximum number of openings on Parcel 1 to 29th Street shall not exceed 3. Parcel 2 may have a maximum of 3 openings on 29th Street and Rock Road regardless of a major opening being constructed.

If Parcel 1 is developed with multiple frontages on 29th Street, the Director of Planning and the Traffic Engineer, after a review of the proposed site plan for Parcel 1, may waive the requirement for a major opening and allow a maximum of 4 openings provided that an additional 10 feet of right-of-way is dedicated and a continuous decel lane is constructed along 29th Street.

*See memo of 3-26-85 and 10-22-85

9. Screening Wall
 - A. If all buildings are designed and constructed so that all four exterior surfaces are alike with no one side appearing as the rear of the building, the following conditions apply:
 - i. A five (5) to eight (8) foot solid or semi-solid wall shall be constructed of stone, masonry, architectural tile, or other similar materials (not including wood or woven wire) around all storage or service areas when across from residentially zoned areas.

- ii. A 10 foot planting strip consisting of a combination of grass, low shrubs and trees shall be required along the west and south boundaries of Parcel 1 and on the southwest boundary of Parcel 2.
- B. If the proposed structures are designed so that one surface appears to have a rear side, then a five (5) to eight (8) foot wall shall be constructed of stone, masonry, architectural tile, or other similar materials (not including wood or woven wire) along the property lines across from residentially zoned areas. If this wall is constructed, the ten (10) foot planting strip shall be waived.
10. A landscape plan, prepared by a landscape architect, for the planting strip (if required), shall be submitted to the planning department for their review and approval prior to the issuance of any building permit(s) on the parcels involved. The landscape plan shall also depict proposed method of providing irrigation of the required plant materials.
*Additional landscape requirements for Parcel 2 per ADM' ADJ' dated 2-26-96
11. Failure to properly maintain the ten (10) foot planting strip shall be considered a violation of the building permit authorizing construction of the proposed development, after a joint determination by the Director of Planning and Superintendent of Central Inspection that the plants are not properly maintained. A financial guarantee for plant materials approved for the landscape plan shall be required prior to the issuance of any occupancy permit if the required landscaping has not been planted.
12. This CUP document is general in character and will require submission of a site plan and a landscape buffer plan for each parcel or portion thereof. This detailed site plan will require administrative approval at the plan review stage prior to the issuance of a building permit. The plan shall show land use relationships, access points and/or control, setbacks, interior circulation, parking, screening and other similar design considerations which may affect adjacent property or the general health and welfare of the public. The plans shall be submitted to the Director of Planning for review and approval.
13. The transfer of title of all or any portion of the land included in the CUP does not constitute a termination of the plan or portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns and their lessees unless amended.
14. Parking shall be provided as follows:
 For commercial uses – 5.5 spaces/1000 square feet of floor area ~~—reduced for restaurant in Parcel 2— ADM' ADJ' 2-26-96/rescinded on 3-13-96 due to non-consent of other owner in Parcel 2—MK~~
 For office uses – 4.0 spaces/100 square feet of floor area or as required by zoning ordinance.
 For residential uses – 1.5 spaces/dwelling unit
 Parking for Parcels 2A, 2B, and 2C shall be per Article IV Section A.4 of the Wichita-Sedgwick County Unified Zoning Code.
 All parking and drives shall be hard surfaces with concrete, asphalt or pavers.
15. Any potential parking garage structure is not included in maximum gross floor calculations.

PARCEL 1

Proposed uses: All uses permitted in the BB Zoning District, except that no residential units shall be constructed. Food service facilities for employees or occupant and their guests are allowed providing that these facilities are to be constructed within office structure and not as a free standing element.

Gross Area – 4.4 acres

Net Area – 4.1 acres

Maximum Building Coverage – 30% (53,578 square feet)

Maximum Gross Floor Area - 40% (71,438 square feet)

Floor Area Ratio – 0.40

Maximum Building Height – 60 feet

Setbacks as shown on Plan View with 29th Street North at 20 feet for structures not exceeding 35 feet in height. (See General Provision #3 for structures over 35 feet in height.)

Parking Requirement – As set forth under General Provision #14.

PARCEL 2*

Proposed Uses: General Office and Retail Sales including the following:

- A. Same office uses as described in Parcel 1, except that residential uses are permitted in multi-story structures on the 2nd floor and above.
- B. Shopping center, retail sales, office, restaurants, financial institutions, service stations, drycleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales and other similar uses.

Interpretation for car washes with BZA See memo 1/13/88

~~Maximum number of buildings — 4~~

Gross Area – 8.6 acres

Net Area – 7.7 acres

Maximum Building Coverage – 30% (100,623 square feet)

Maximum Gross Floor Area – 40% (134,164 square feet)

Floor Area Ratio – 0.40

Maximum Building Height – 80 feet

Maximum Number of Residential Units – 320 dwelling units

Parcel 2A*

Permitted Uses: General Office, Event Centers in the City, and Retail Sales, subject to:

- A. Same office uses as described in Parcel 1, except that residential uses are permitted in multi-story structures on the 2nd floor and above.
- B. Shopping center, retail sales, office, restaurants, financial institutions, service stations, dry cleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales and other similar uses.
- C. Event Centers in the City, including those considered Nightclubs in the City, where the sale of alcohol and the provision of entertainment are accessory uses.

Parcel 2A shall not allow: Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Funeral Home; Marine Facility, Recreational; Monument Sales; Nurseries and Garden Centers; Pawn Shop; Sexually Oriented Business in the City; Construction Sales and Service; Asphalt or Concrete Plant, Limited and General; Storage, Outdoor; Agricultural Sales and Services.

*See 3-31-9 ADM' ADJ' Reducing parking requirements and floor area.

Parcel 2B

Permitted Uses: General Office, Entertainment Establishment in the City, Indoor and Outdoor, and Retail Sales, subject to:

- A. Same office uses as described in Parcel 1, except that residential uses are permitted in multi-story structures on the 2nd floor and above.
- B. Shopping center, retail sales, office, restaurants, financial institutions, service stations, dry cleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales and other similar uses.

Entertainment Establishment in the City, Indoor and Outdoor. Outdoor entertainment shall cease at 12:00am Friday and Saturday and at 10:00pm Sunday through Thursday.

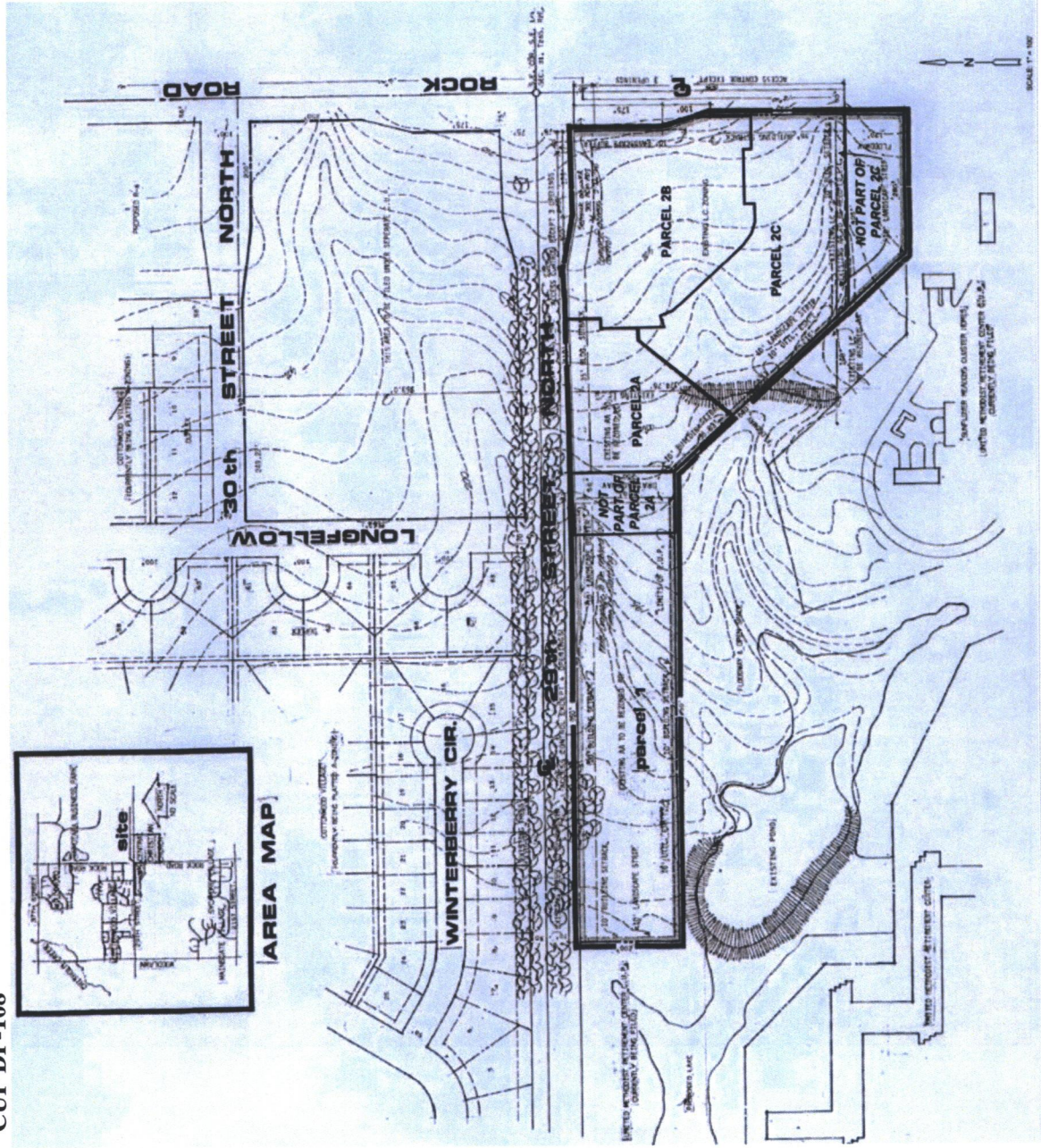
Parcel 2C

Permitted Uses: General Office and Retail Sales, subject to:

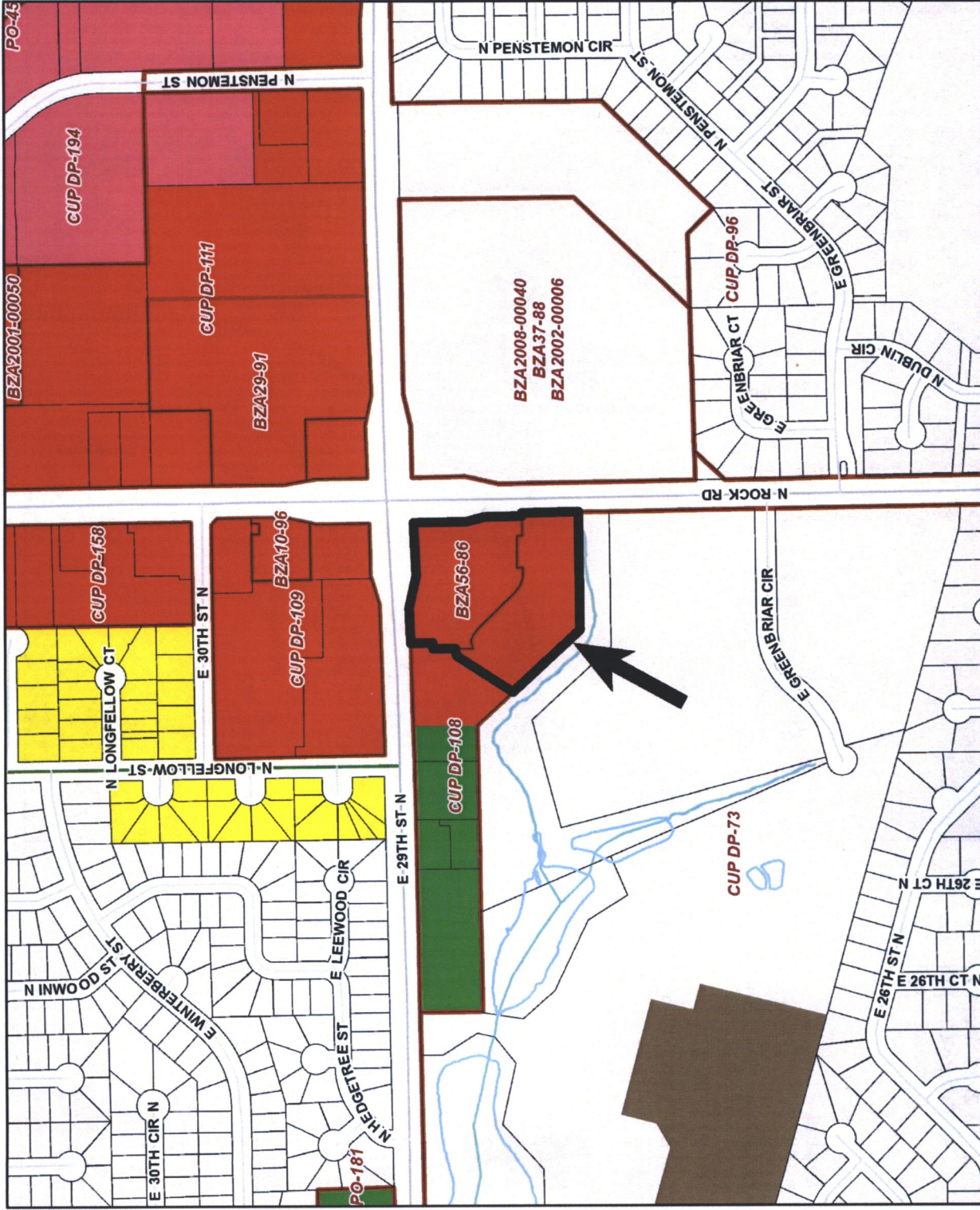
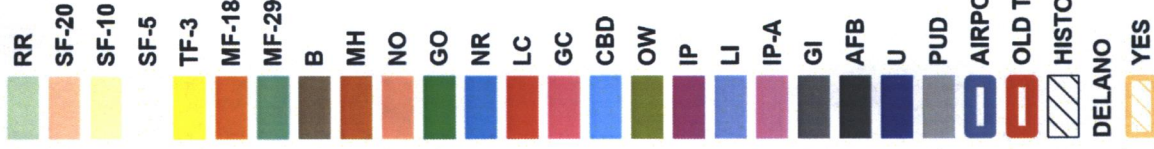
- A. Same office uses as described in Parcel 1, except that residential uses are permitted in multi-story

structures on the 2nd floor and above.

- B. Shopping center, retail sales, office, restaurants, financial institutions, service stations, dry cleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales, and other similar uses.





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2035 Wichita Future Growth Concept Map

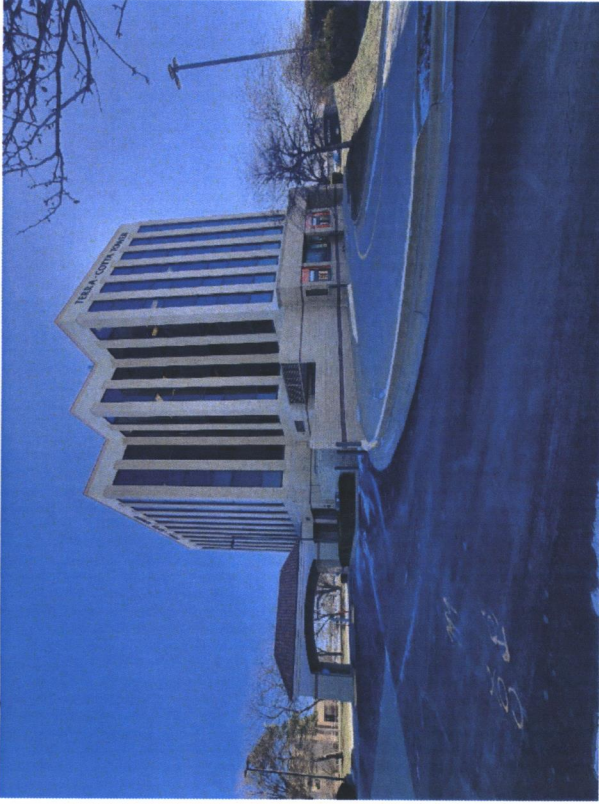
- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood/Area Plans



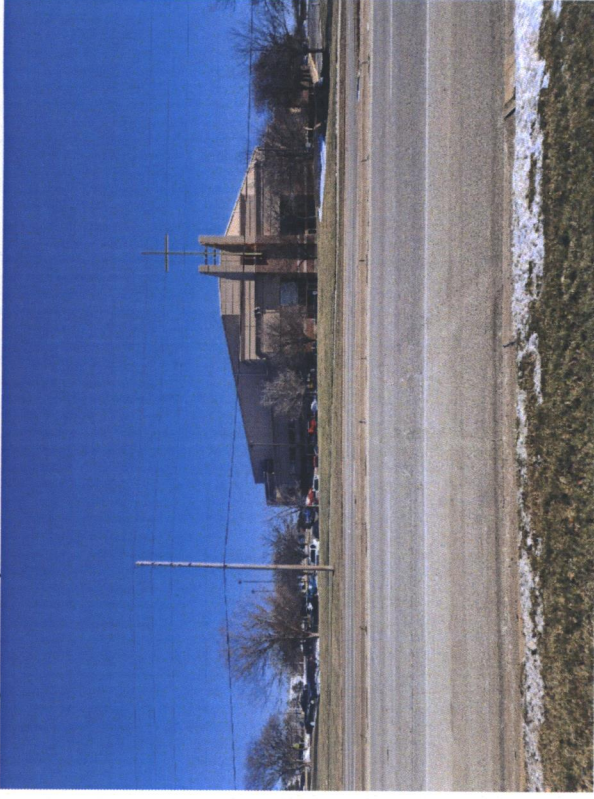
City of Wichita
Planning Department
2024
This map is for informational purposes only and does not constitute a contract or warranty of any kind. The City of Wichita and its Planning Department are not responsible for any errors or omissions on this map.



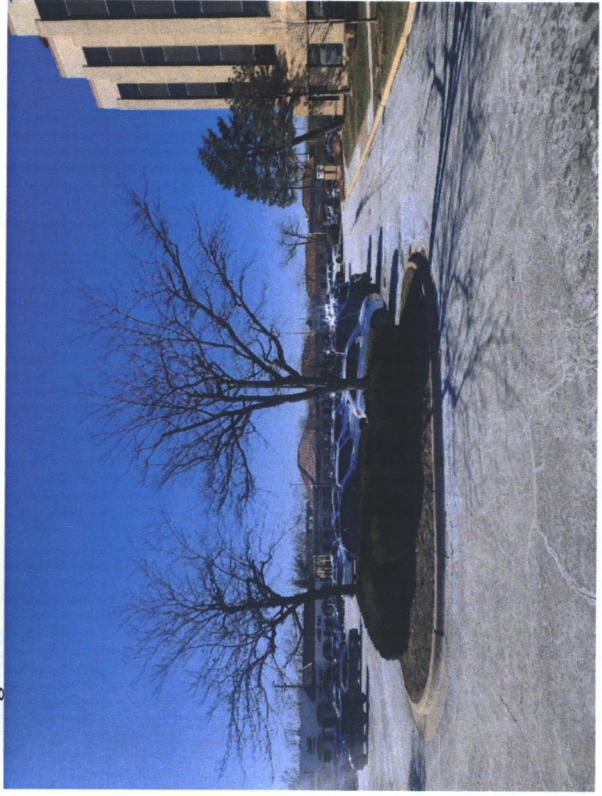
Looking south towards Parcel 2



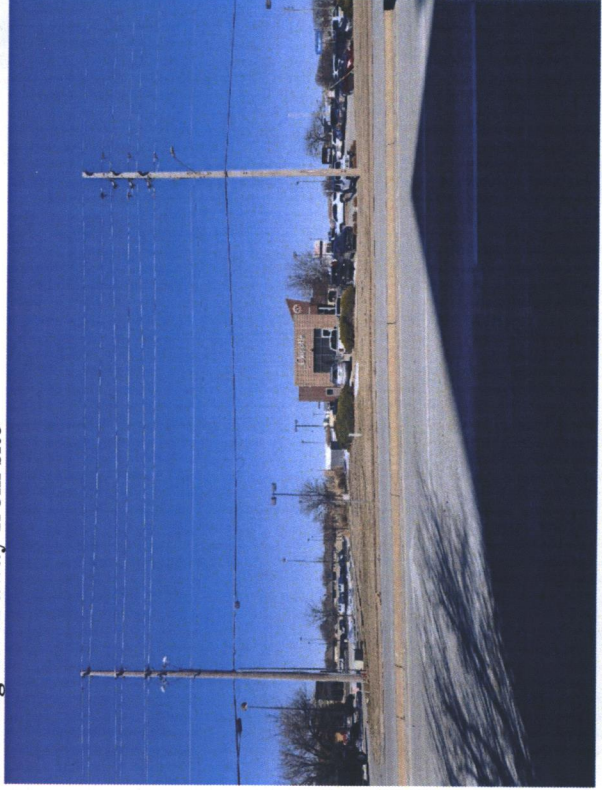
Looking east away from site



Looking west towards site



Looking north away from site



GENERAL PROVISIONS

1. This development is proposed to contain 13.0 gross or 11.8 net acres, more or less. Net acres are determined by subtracting drainage way estimates from gross area.
2. The proposed development contains 2 parcels ranging from light commercial with residential to office. See specific uses by parcel description below.
3. Setbacks: Minimum setbacks along arterials as shown on the plan. For structures exceeding 35' in height the arterial street setback indicated on specific parcel descriptions listed below shall be increased horizontally in direct proportion (1:1) to the vertical increase in building height. (Example for Parcel I, with an arterial setback of 20' a 40' building height would require an additional 5' of setback or 25', and for Parcel II, with an arterial setback of 35', a 80' building height would require an additional 45' of setback or 80') or as approved on a specific site plan submitted for approval at time of issuance of building permit. (See G.P. below) Minimum setbacks on the west and south boundaries of Parcel I and the southwest boundary of Parcel II shall be 10 feet.

ADM ADJ 2-26-96
to address drive-thru concept, retaining wall in Parcel 2
screening wall for trash dumpsters in Parcel 2
w/ or w/o setback along 29th St. north
see site plan submitted with request. Recorded in
memo of 5-13-96. MK

4. All utilities shall be installed underground.
5. Signs shall be permitted in accordance with the provisions of Section 20.04.139 of the code of Wichita. A Review 3/4" spacing along Rock Rd - ADM ADJ 11-2-95
6. All non public, open space, signs, logo, drives and parking areas contained within the described parcels shall be privately owned and maintained.
7. All drainage ways and drainage easements shall be confirmed at the time of platting. 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.
8. The applicant shall guarantee, at the time of platting, the construction of a major entrance and decal lane for Parcel I, and a major entrance and decal lane for one opening to Parcel II on 29th Street and one opening on Rock Road. If a major entrance is constructed on Parcel I, the maximum number of openings on Parcel I to 29th Street shall not exceed 3. Parcel II in a Y have a maximum of 3 openings on 29th Street and Rock Road regardless of a major opening being constructed.

additional sign restricting for Parcel 2 per
ADM ADJ 2-26-96/recorded in memo of 5-13-96

If Parcel I is developed with multiple frontage on 29th Street, the Director of Planning and the Traffic Engineer, after a review of the proposed site plan for Parcel I, may waive the requirement for a major opening and allow a maximum of 4 openings provided that an additional 10 feet of right-of-way is dedicated and a continuous decal lane is constructed along 29th Street.

see memo
9-26-95
10-22-95

9. Screening Wall
 - a. If all buildings are designed and constructed so that all four exterior surfaces are alike with no one side appearing as the rear of the building the following conditions apply:
 1. A five (5) to eight (8) foot solid or semi-solid wall shall be constructed of stone, masonry, architectural tile, or other similar materials (not including wood or woven wire) around all storage or service areas when across from residentially zoned areas.
 2. A 10 foot planting strip consisting of a combination of grass, low shrubs and trees shall be required along the west and south boundaries of Parcel I and on the southwest boundary of Parcel II.
 - b. If the proposed structures are designed so that one surface appears to have a rear side, then a five (5) to eight (8) foot wall shall be constructed of stone, masonry, architectural tile, or other similar materials (not including wood or woven wire) along the property lines across from residentially zoned areas. If this wall is constructed the ten (10) foot planting strip shall be waived.

additional landscape requirements for Parcel 2
per ADM ADJ 2-26-96

10. A landscape plan, prepared by a landscape architect, for the planting strip (if required), shall be submitted to the planning department for their review and approval prior to the issuance of any building permit(s) on the parcels involved. The landscape plan shall also depict proposed method of providing irrigation of the required plant materials.
11. Failure to properly maintain the ten (10) foot planting strip shall be considered a violation of the building permit authorizing construction of the proposed development, after a joint determination by the Director of Planning and Superintendent of Central Inspection that the plants are not properly maintained. A financial guarantee for plant materials approved for the landscape plan shall be required prior to the issuance of any occupancy permit if the required landscaping has not been planted.

12. This C.U.P. document is general in character and will require submission of a site plan and a landscape plan for each parcel or portion thereof. This detailed site plan will require administrative approval at the plan review stage prior to issuance of a building permit. The plan shall show land use relationships, access points and/or control, setbacks, interior circulation, parking, screening and other similar design considerations which may affect adjacent property or the general health and welfare of the public. The plans shall be submitted to the Director of Planning for review and approval.

13. The transfer of title of all or any portion of the land included in the C.U.P. does not constitute a termination of the plan or portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns and their lessees unless amended.

14. Parking shall be provided as follows:
 - For commercial uses — 5.5 spaces/1000 sq. ft. of floor area
 - For office uses — 4.0 spaces/1000 sq. ft. of floor area or as required by zoning ordinance.
 - For residential uses — 1.5 spaces/DU

Reduced for restaurants in Parcel 2 - ADM ADJ 2-26-96
proposition 3-13-96
due to uncertainty of
other owners in parcel 2. MK

15. All parking and drives shall be hard surfaces with concrete, asphalt or pavers.
- Any potential parking garage structure is not included in maximum gross floor calculations.

PARCEL I.
Proposed Uses: All uses permitted in the BB Zoning District, except that no residential units shall be constructed. Food service facilities for employees or occupants and their guests are allowed providing that these facilities are to be constructed within office structure and not as a free standing element.
Gross Area — 4.4 acres
Net Area — 4.1 acres
Maximum Building Coverage — 30% (53,578 s.f.)
Maximum Gross Floor Area — 40% (71,438 s.f.)
Floor Area Ratio — 0.40
Maximum Building Height — 60'
Setbacks as shown on Plan View with 29th Street North @ 20' for structures not exceeding 35' in height. (See general provision #3 for structures over 35' in height.)
Parking Requirement — As set forth under General Provision #14.

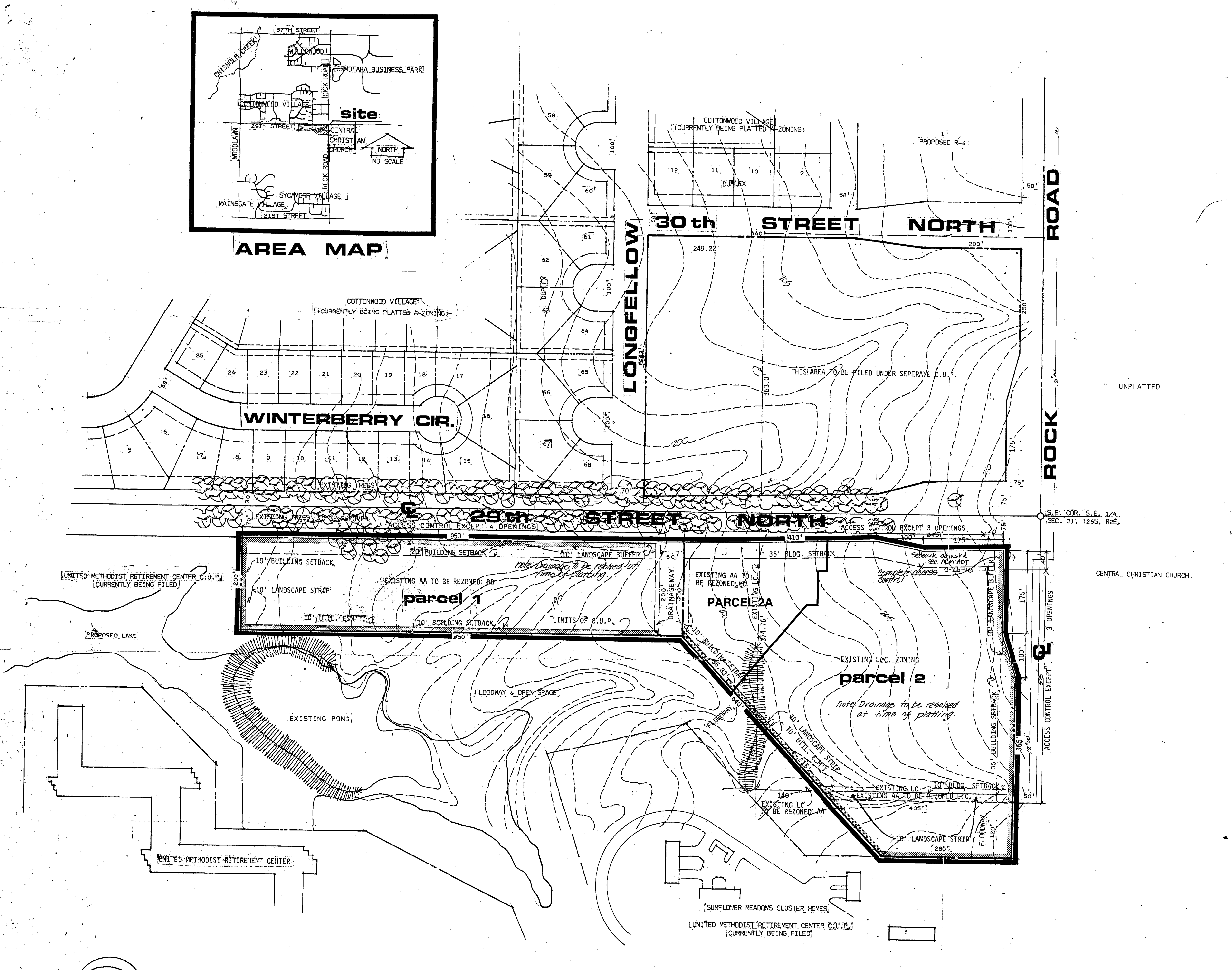
PARCEL II.
Proposed Uses: General Office and Retail Sales including the following:
A. Same office uses as described in Parcel I, except that residential uses are permitted in multi-story structures on the 2nd floor and above.
B. Shopping center, retail sales, offices, restaurants, financial institutions, service stations, drycleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales and other similar uses.
Maximum number of buildings — 4
Gross Area — 8.6 acres
Net Area — 7.7 acres
Maximum Building Coverage — 30% (100,823 s.f.)
Maximum Gross Floor Area — 40% (134,164 s.f.)
Floor Area Ratio — 0.40
Maximum Building Height — 80'
Maximum Number of Residential Units — 320 DUs

PARCEL IIA
Permitted Uses: General Office, Event Centers in the City, and Retail Sales, subject to:
A. Same office uses as described in Parcel I, except that residential uses are permitted in multi-story structures on the 2nd floor and above.
B. Shopping center, retail sales, offices, restaurants, financial institutions, service stations, dry cleaning shops, theaters, printing and reproduction facilities (not employing more than 5 people), retail sales and other similar uses.
C. Event Centers in the City, including those considered Nightclubs in the City, where the sale of alcohol and the provision of entertainment are accessory uses.

Parcel 2A shall not allow: Manufactured Home; Group Residence; Limited and General; Cemetery; Correctional Placement Residence; Limited and General; Golf Course; Recycling Collection Station; Private and Public; Recycling Center; Reverse Vending Machine; Funeral Home; Marine Facility; Recreational; Monument Sales; Nurseries and Garden Centers; Pawn Shop; Sexually Oriented Business in the City; Construction Sales and Service; Asphalt or Concrete Plant, Limited and General; Storage, Outdoor; Agricultural Sales and Services.

* SEC 3-81-97 ADM. ADJ. REDUCING PARKING REQUIREMENTS & FLOOR AREA.

APPROVED CUP
MAP 8/8/95
MAP 1 OF 2

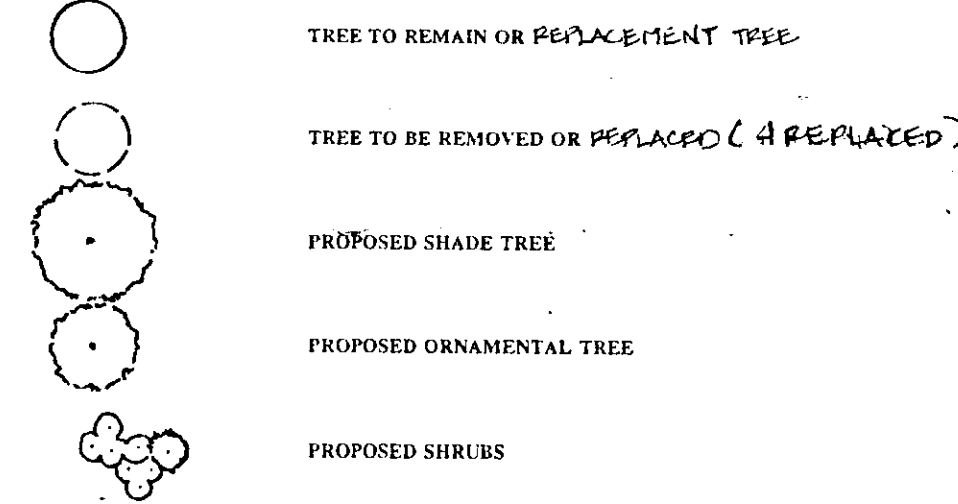


PARCELS 18 & 18A
COMMERCIAL C.U.P.
APPROVED CUP
DP108
MAP 4-23-81
5-19-81

PLANT LIST:

QUAN	COMMON/BOTANICAL NAME	SIZE	COND	REMARKS
11	SHADEMASTER HONEYLOCUST GLADISTIA TRIACANTHOS 'SHADEMASTER'	2"	BB	ALT. SK. LINE (A REPLACEMENT)
3	TRINITY PEAR PYRUS CALLERYANA 'TRINITY'	5'-6"	BB	
2	AMUR MAPLE ACER GINNALA	5'-6"	BB	MULTI-TRUNK
3	RAINFIRE CRABAPPLE MALUS 'RAINFIRE'	5'-6"	BB	
6	WELCH JUNIPER JUNIPERUS SCOPULORUM 'WELCHII'	5'-6"	BB	ALTERNATE 'WICHITA BLUE'
12	ANDORRA JUNIPER JUNIPERUS HORIZONTALIS 'PLUMOSA'	2 GAL	CONT	
5	MANHATTAN EUONYMUS EUONYMUS ALATUS 'MANHATTAN'	5 GAL	CONT	X
11	GOLDEN PRIVET LIGUSTRUM V. VICARI	2 GAL	CONT	
94	CRIMSON PYGMY BARBERRY BERBERIS THUNBERGII VAR. ATROPURPUREA 'CRIMSON PYGMY'	2 GAL	CONT	X (6 OPTIONAL)
8	COMPACT BURNING BUSH EUONYMUS ALATUS 'COMPACTUS'	24-36"	BB	X (6 OPTIONAL)
55	'MINT JULEP' JUNIPER JUNIPERUS CHINENSIS	2 GAL	CONT	
7	GOLDFLAME SPIREA SPIRAEA X BUNALDA 'GOLDFLAME'	3 GAL	CONT	X
2	COMMON LILAC SYRINGA VULGARIS	3 GAL	CONT	X PURPLE FLOWER
2	DWARF FOUNTAIN GRASS PENNISETUM ALOPECUROIDES 'HAEMELI'	2 GAL	CONT	X
6	EMERALD N'GOLD EUONYMUS EUONYMUS FORTUNEI 'EMERALD N'GOLD'	2 GAL	CONT	X

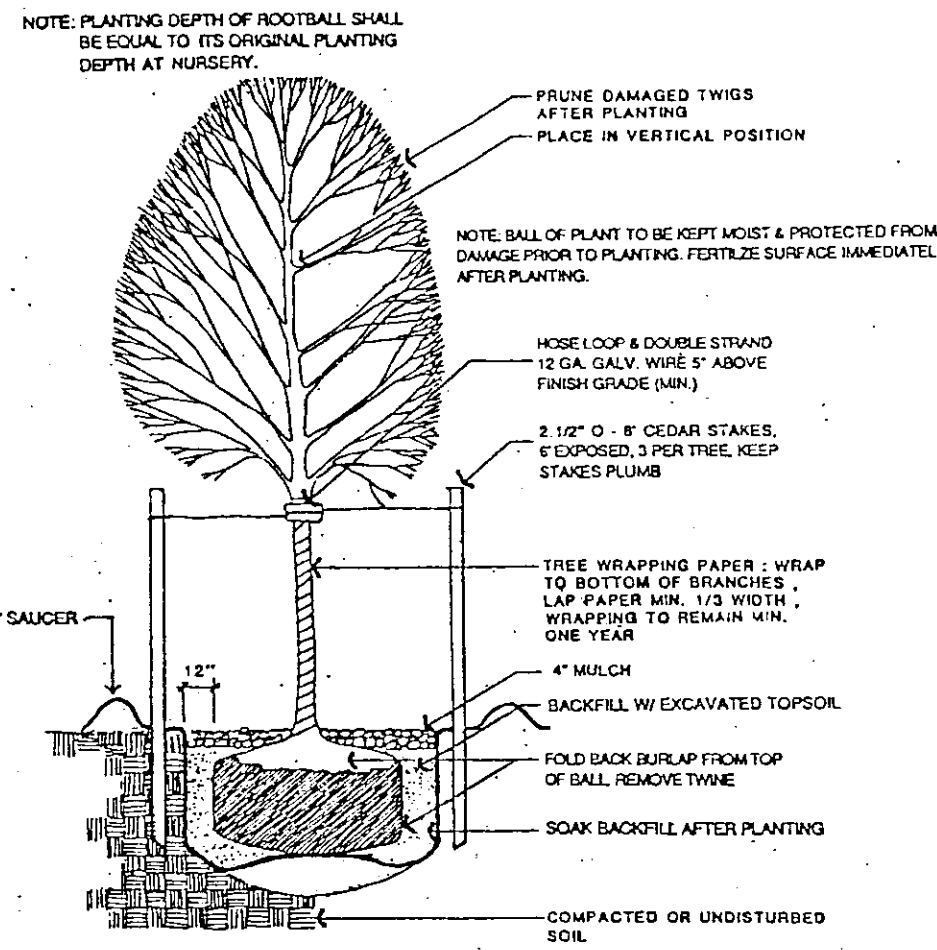
LEGEND:



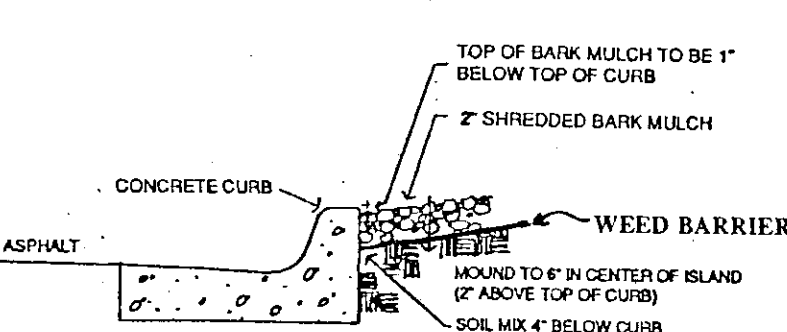
NOTES:

- LANDSCAPE CONTRACTOR IS TO VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF PLANT MATERIAL AND IRRIGATION SYSTEM. UTILITIES CAN BE FLAGGED BY CALLING 687-3478.
- THE PROPOSED LANDSCAPE PLAN IS TO BE IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM. THIS SYSTEM SHALL BE EQUIPPED WITH A MOISTURE SENSING DEVICE. THE AREAS TO BE IRRIGATED INCLUDE ALL PARKING ISLANDS, ALL SHRUB AND ANNUAL BEDS, AND ALL AREAS OF SEED AS INDICATED ON THE PLAN.
- THE LANDSCAPE CONTRACTOR AND/OR IRRIGATION CONTRACTOR IS RESPONSIBLE FOR OBTAINING A MINOR STREET PRIVILEGE PERMIT FROM THE CITY ENGINEER'S OFFICE PRIOR TO ANY CONSTRUCTION OF IRRIGATION SYSTEM, TREE PLANTING, OR ANY OTHER PERMANENT STRUCTURE IN THE PUBLIC RIGHT-OF-WAY.
- THE PROPOSED PARKING ISLANDS NEED TO BE EXCAVATED TO A DEPTH 3" BELOW THE TOP OF THE PROPOSED ISLAND CURB OR TO A DEPTH SUFFICIENT TO REMOVE ALL TRACES OF SOIL STABILIZATION MATERIAL AND COMPACTED SOIL WITHIN THE LIMITS OF THE ISLAND PERIMETER. THE ISLANDS SHOULD BE BACKFILLED WITH TOPSOIL PRIOR TO PLANTING OPERATIONS.
- THE PLANTING SOIL MIXTURE FOR PARKING ISLAND PLANTINGS, TREE, SHRUB, AND ANNUAL PLANTINGS SHALL BE TOPSOIL. NO EXCAVATED SUBSOIL SHALL BE ALLOWED AS BACKFILL.
- ALL SHRUB AND ANNUAL BEDS ARE TO BE MULCHED WITH SHREDDED CYPRESS MULCH TO A MINIMUM DEPTH OF 2". ALL TREES ARE TO BE MULCHED WITH SAME TO A MINIMUM DEPTH OF 4".
- BERM THE TRIANGULAR AREA PLANTED WITH PRAIRIFIRE CRABAPPLE FROM CURB TO 3' - 0" TO 4' - 0" AS SHOWN IN CONCEPT ON PLAN. BERM THE TWO 5' - 6" WIDE PARKING ISLANDS (DENOTED 'MULCH ONLY' - NO SEED) FROM 3" BELOW CURB TO 8' - 12" AT CENTERLINE OF ISLAND. BERM ALL OTHER PARKING ISLANDS FROM CURB TO 12' - 18" AT CENTERLINE OF ISLAND.
- INSTALL RYERSON STEEL EDGING OR EQUAL AS PER MANUFACTURER'S DIRECTIONS AROUND ALL PLANTING BEDS (INCLUDING ANDORRA JUNIPER IN ISLANDS TO BE SEED) EXCEPT WHERE ADJACENT TO CURBING.
- ALLOW FOR MOWING AREA BETWEEN EDGING AND CURB IN ISLANDS TO BE PLANTED WITH FESCUE AND ANDORRA JUNIPER.
- ALL GRASS AREAS DISTURBED BY CONSTRUCTION AND ALL AREAS DENOTED AS 'SEED' ON THE PLAN ARE TO BE SEED WITH FINE-BLADED FESCUE AS CONSTRUCTION SCHEDULE PERMITS. SEED WITH FESCUE AROUND ANDORRA JUNIPER EXCEPT WHERE DENOTED AS 'MULCH ONLY'.

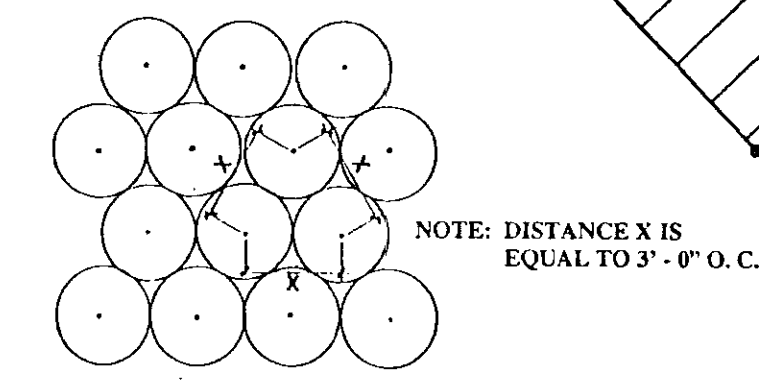
NOTE: 1. A SHADEMASTER HONEYLOCUST INSTALLED ALONG 29th ST. TO REPLACE 4 REMOVED TREES. (SEE LEGEND)



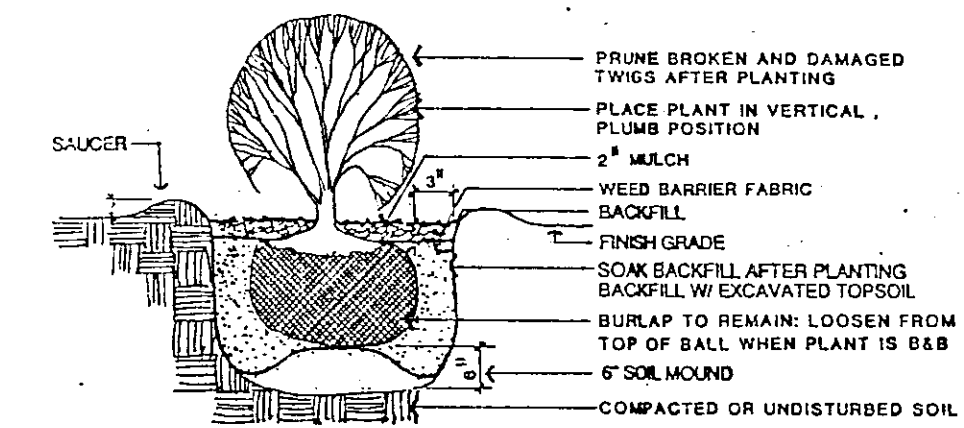
DECIDUOUS TREE PLANTING



MULCH INSTALLATION AT CURB



EVERGREEN SHRUB PLANTING DETAIL

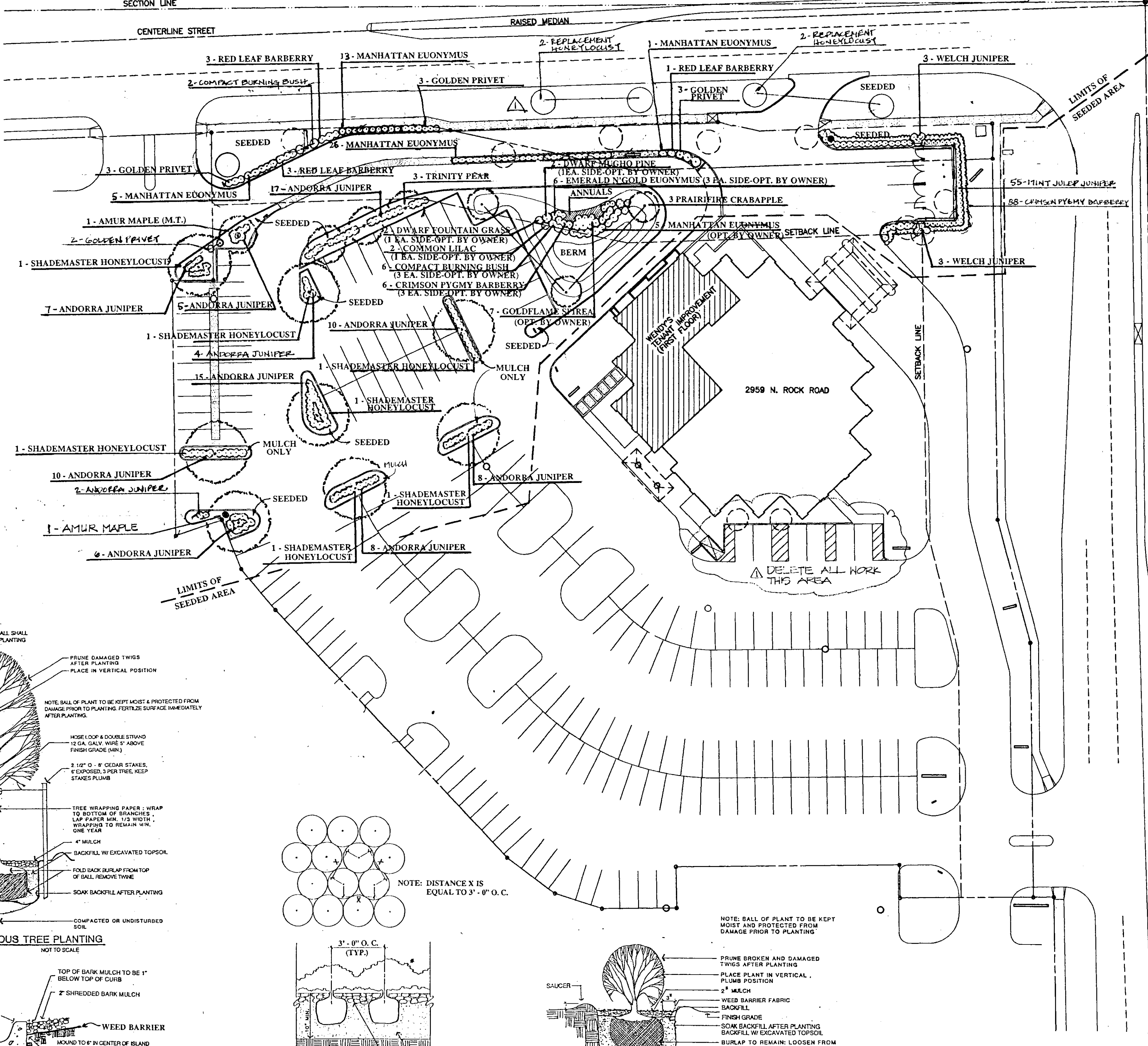


DECIDUOUS SHRUB PLANTING DETAIL

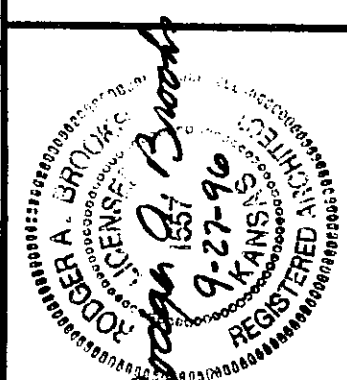


DP-108
Parcel 2 (Portion)
LANDSCAPE PLAN
APPROVED 11/3/97 BY *[Signature]*
SUPERSEDES PLAN OF 7/12/97

29th STREET NORTH



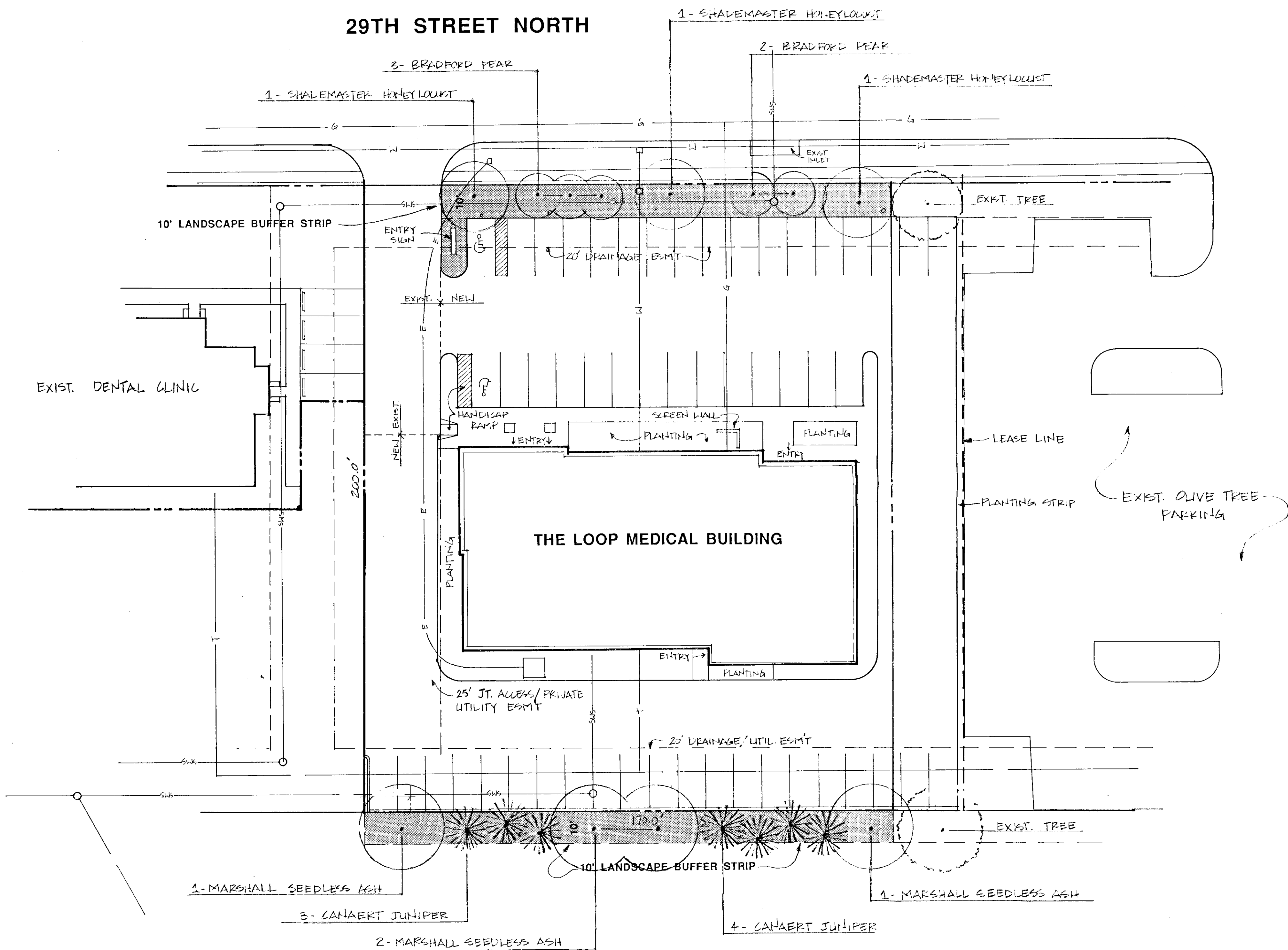
Tenant Improvement for:
WENDY'S Old Fashioned Hamburgers
2959 N. Rock Road, Wichita, Kansas



RODGER A. BROOKS / ARCHITECT
Professional Building Suite A
200 South Rock Road
Wichita, Kansas 67207-1180 / 316-684-7525

PROJECT NUMBER	95367
ISSUE DATE	9-27-96
REVISION DATE	1-3-97
1	-
2	-
3	-
4	-
5	-

SHEET
L1
OF -



LANDSCAPE BUFFER SITE PLAN

SCALE : 1"=20'-0"

N
W + E
S

PLANT LIST

QUAN.	PLANT NAME	SIZE	COND.
3	SHADEMASTER HONEYLOCUST	3 1/2-4"	BB
7	CANAERT REDCEDAR	5-6'	BB
5	BRADFORD PEAR	8-10'	BB
4	MARSHALL SEEDLESS ASH	3 1/2-4"	BB

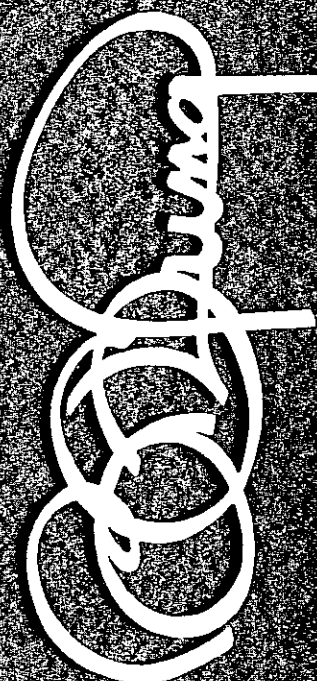
GENERAL NOTES

- LANDSCAPE CONTRACTOR IS TO VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF PLANT MATERIAL OR IRRIGATION SYSTEM. CALL (316) 687-2470
- CONTRACTOR IS RESPONSIBLE TO OBTAIN A MINOR STREET PRIVILEGE PERMIT FROM THE CITY ENGINEER'S OFFICE PRIOR TO ANY CONSTRUCTION SUCH AS IRRIGATION SYSTEMS, SCULPTURAL BERMING, WALLS, OR ANY OTHER PERMANENT STRUCTURES IN THE PUBLIC RIGHT-OF-WAY.
- IRRIGATION FOR LANDSCAPE BUFFER TO BE PROVIDED BY AUTOMATIC SYSTEM IN CONJUNCTION WITH REMAINDER OF PROJECT.
- LEGAL DESCRIPTION:
A PORTION OF LOT 2, BLOCK 1, OF JEFF AND JAY THIRD ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.
- THIS PLAN IS TO SATISFY LANDSCAPE BUFFER REQUIREMENTS AS PER D.P.- 108.
- ENTIRE SHADED AREA TO BE SEEDED WITH K-31 FESCUE. CONTRACTOR TO VERIFY QUANTITY.

APPROVED LANDSCAPE & SITE PLAN
FOR LOT 2, BLOCK 1, JEFF & JAY 3RD
ADDITION - DP-108 - PARCEL No. 1

Marvin S. Kraut
MARVIN S. KRAUT
DIRECTOR OF PLANNING.
5-1-90
date

M.A.R.D. Copy 2 of 2



BILL G. YUNG DESIGN
4912 E. 29TH STREET NORTH
WICHITA, KS. 67220
316-683-5567
FAX 316-683-9296

DATE APRIL 24, 1990
REV. APRIL 25, 1990

SHEET TITLE LANDSCAPE BUFFER

PROJECT THE LOOP MEDICAL BUILDING

SHEET
OF

— LAWN SPRINKLER SYSTEM
BY OWNER —



FOR A

WICHITA, KANSAS



3-30-87

1-2 April

ESTIMATED BILL OF MATERIAL

QTY.	SIZE	ITEM	EACH	TOTAL
6	2' CAL. BB	SWEET GUM TREE	\$8.00	\$ 510.00
12	5' CAL. 7 1/2' BB	MENTOR BARBERRY	20.00	240.00
				\$ 750.00
		PLANTING		\$ 412.50
		STAKING TREES	6 @ 12.00	78.00
	4" TO 6" BEDS	WOOD CHIPS AROUND TWO SHAUB		
		# 4" DIA. AROUND BASE OF TREES		BY OWNER
308	50 FT.	LAWN AREA (AS INDICATED ON PLAN)		
		SEEDS TO REBEL FESCUE -		
		ON FINISH GRADE -		
		FERTILIZER INCLUDED		\$ 350.00
		INSTALLED		

	-	AUTOMATIC SPRINKLER SYSTEM IN LAWN AREAS - W/ 4" RAINBIRD POP-UP HEADS -	BY <u>OWNER</u>
--	---	---	--------------------



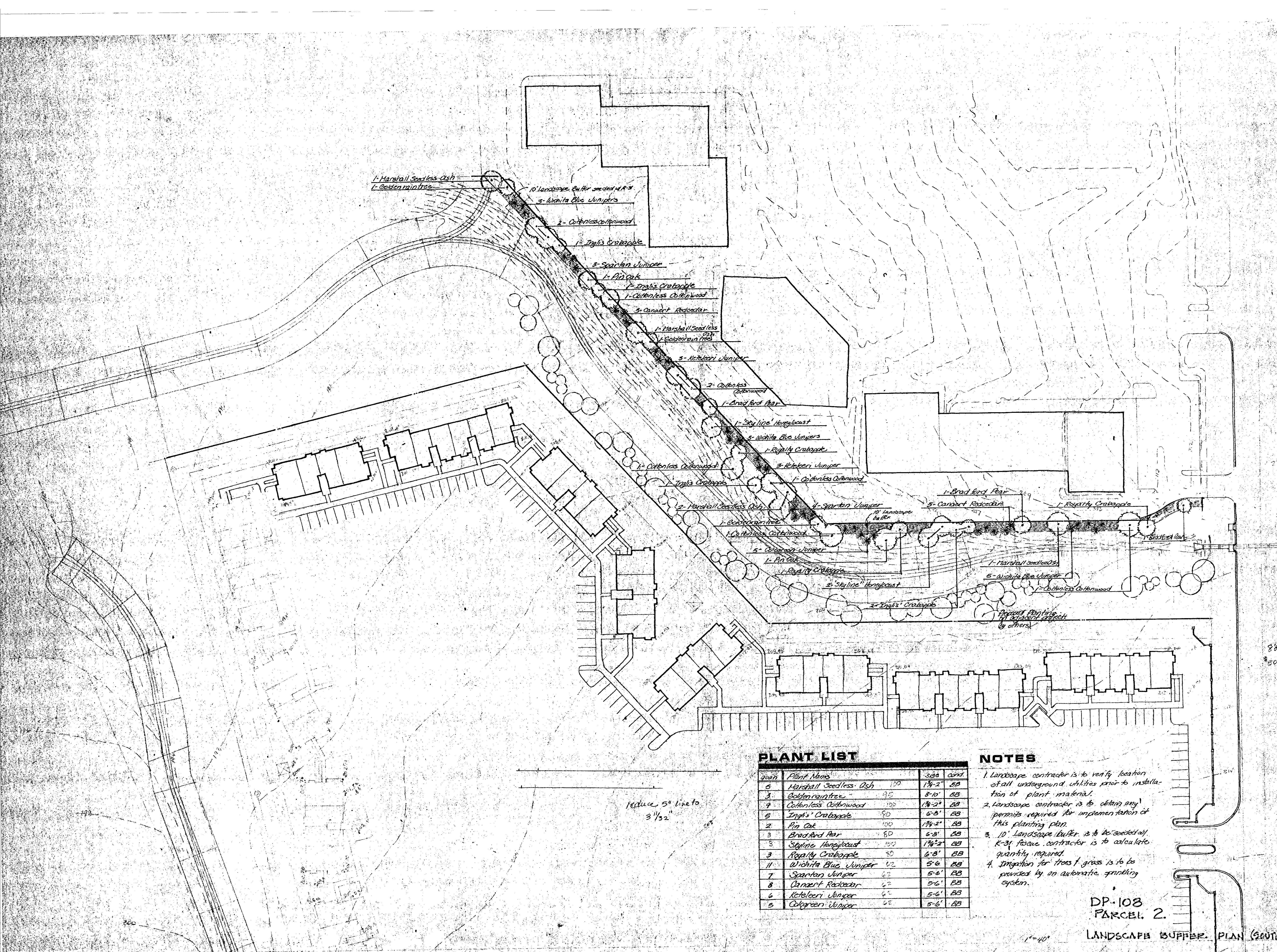
BILL G. YUNG DESIGN
822 E. 36TH ST. NORTH, WICHITA, KS. 67226
316.683.6667

date 29 April 85
rev. 1

sheet title
Landscape Buffer Plan

project
Parcel 16

sheet
of



PLANT LIST

Quan	Plant Name	Size	and
6	Marshall Seedless Ash	100	1 1/2" DB
3	Goldenrain tree	45	8-10' DB
9	Cottonless Crotchwood	100	1 1/4" DB
5	Engel's Crabapple	50	6-8' DB
2	Pin Oak	100	1 1/4" DB
3	Bradford Pear	50	6-8' DB
3	Styline Honeylocust	100	1 1/4" DB
3	Royalty Crabapple	50	6-8' DB
11	Wichita Blue Juniper	1/2	5-6' DB
7	Spartan Juniper	60	5-6' DB
8	Canadent Redcedar	60	5-6' DB
6	Keteleeri Juniper	60	5-6' DB
5	Colgreen Juniper	60	5-6' DB

NOTES

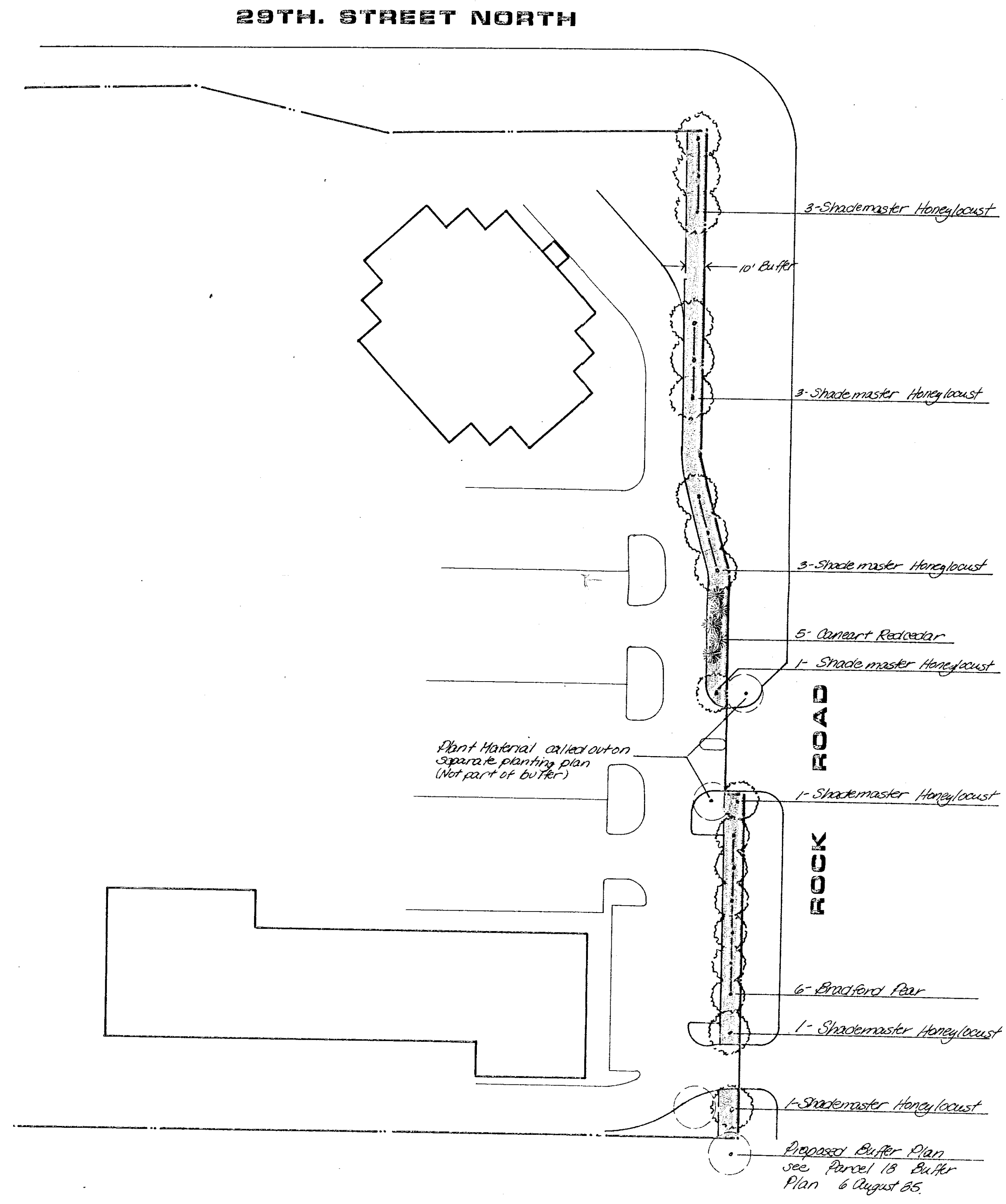
1. Landscape contractor is to verify location of all underground utilities prior to installation of plant material.
2. Landscape contractor is to obtain any permits required for implementation of this planting plan.
3. 10' Landscape Buffer is to be seeded w/ 1/4-3/4" fescue. contractor is to calculate quantity required.
4. Irrigation for trees / grass is to be provided by an automatic sprinkling system.

DP-108
PARCEL 2.

LANDSCAPE BUFFER PLAN (SOUTH SIDE)

SEE MEMO DATED 9-17-85

MAPD COPY 1 of 1



PLANT LIST

Quan	Plant Name	Size	Cond.
13	Shademaster Honeylocust	3 1/2-4	BB
5	Caneart Redcedar	6-6	BB
6	Bradford Pear	8-10	BB

NOTES

- Landscape contractor is to verify the location of all underground utilities prior to installation of plant material or irrigation system.
Notify prior to any excavation:
Orkla gas co. 742-8350
Bell Telephone 1 316/571-2115
Cablevision 2 266-6817
Gas Service Co. 263-7511
K&E 261-6248
Kansas One Call 1-800-344-7233
- Landscape contractor to obtain any permits req'd for implementation of this plan.
- Entire shaded area to be seeded w/ K-31 Fescue. Contractor to verify quantity.
- Irrigation for Landscape Buffer to be provided by automatic system in conjunction w/ remainder of project.
- Legal Description:
Lot 2, Blk 1, Jeff; Jay Addition to Wichita, Sedgwick Co. Ks.
- This plan is to satisfy Landscape Buffer requirements as per DP-108



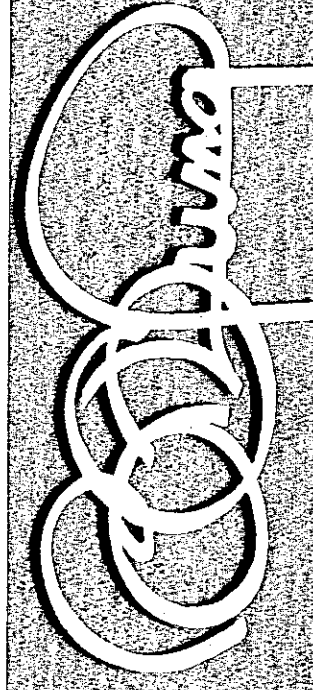
DP-108
PARCEL 2

LANDSCAPE PLAN (EAST SIDE)

SEE MEMO DATED 12-3-85

300/6 1"=40'

[Signature]



BILL G. YOUNG DESIGN
8225 E. 35TH. ST. NORTH, WICHITA, KS. 67226 316-653-5587

date 19 Nov 85
rev.

sheet title
Landscape Buffer Plan
DP-108

project
Office Building at 2959
North Rock Road

sheet
1
of 1