

DP-57 LAMBSDALE Commercial CUP -
At the Southeast corner of Oliver
& 13th Street - Claude R. Lambe
by Robert H. Nelson

POSTED
9-21-73

ACTION

COMMITTEE	DATE
M.A.P.C.	Approved subj. 10-25-73 to conditions
B.C.C. / B.C.C.	Returned to 11-13-73 MAPC
MAPC	Special meeting 11-29-73 Approved subj. to conditions
BCC	Withdrawn & the 12-11-73 applicant. atoms

POSTED
9-21-73

DP-57 LANDSLIDE COMMUNITY CUP -
At the Southeast corner of Oliver
6 13th Street Claude K. Jambe
by Robert H. Nelson

ACTION

COMMITTEE	DATE
M.A.P.C. <u>Appvd. subj. to conditions</u>	<u>10.25.73</u>
B.C.C./ B.C.C. <u>Returned to MAPC</u>	<u>11.13.73</u>
<u>MAPC Special meeting</u> <u>Appvd. subj. to conditions</u>	<u>11.29.73</u>
BCC <u>Withdrawn by the applicant's attorney</u>	<u>12.11.73</u>

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 25, 1973:

- 17a. Case No. Z-1567 - Claude R. Lambe and Deal Development Company request change from "LC" and "AA" to "R-5" for:

A tract in the NW 1/4 of Sec. 13, Twp. 27S, R1E, described as beginning 20 feet N of the NW corner of Lot 1, Block 11, Second Addition to Lamsdale, Wichita, Kansas; thence S 350 feet to the SW corner of Lot 4, in said Block 11; thence southwesterly 174.9 feet to the SW corner of Lot 6, in said Block 11; thence southwesterly along the westerly line of said Block 11, and the westerly line of Block 6, Third Addition to Lamsdale, Wichita, Kansas, a distance of 1102.45 feet; thence south along the west line of said Block 6, 538.57 feet more or less to the south line of the NE 1/4 of the SW 1/4 of the NW 1/4 of said Sec. 13; thence west 510 feet more or less to the SW corner of said NE 1/4 of the SW 1/4 of the NW 1/4 of said Sec. 13; thence north along the east line of the W 1/2 of the W 1/2 of said NW 1/4, 799.78 feet to a point 1190 feet south of the north line of said NW 1/4; thence east parallel with the north line of said NW 1/4 and along the south line of said Fourth Addition to Lamsdale, 319 feet more or less to a point 310 feet northwesterly from and measured at right angles to the westerly line of said Block 6, Third Addition to Lamsdale; thence northeasterly along the easterly line of said Fourth Addition to Lamsdale, 895 feet, more or less; thence northeasterly along the east line of said Addition, 194.97 feet, more or less; thence north along the east line of said Addition 240 feet to a point 310 feet west of beginning; thence east 310 feet to the place of beginning, together with Block 1, Fourth Addition to Lamsdale, Wichita, Kansas, except beginning at the NW corner of said Block; thence south 583 feet more or less to the north line of 12th Street as platted in said Addition; thence east along the north line of said 12th Street and said Street line extended east, 800 feet; thence north parallel with the west line of said Block 1, 583.7 feet, more or less to the north line of said Block; thence west along the north line of said Block to the NW corner of said Block and the place of beginning. Generally located on the south side of 13th Street in an area west of Parkwood Lane.

- 17b. Case No. DP-57 - Claude R. Lambe and Deal Development Company request approval of a Commercial Community Unit Plan for:

That part of Block 1, Fourth Addition to Lamsdale, Wichita, Kansas, described as beginning at the NW corner sd Blk 1; th south 583 ft M/L to the north line of 12th Street; th E along N line sd 12th St extend East, 800 ft; th N parl with W line Blk 1, 583.7 ft. M/L to N line sd Blk 1; th W along N line sd Blk 1 to NW cor sd Blk and place of beginning. Generally located at the southeast corner of Oliver and 13th Street.

- 17c. Case No. DP-58 - Claude R. Lambe and Deal Development Company request approval of a Residential Community Unit Plan for:

Block 1, Fourth Addition to Lamsdale except beginning at NW corner; thence South 583 ft. M/L to N line of 12th St. thence east along N line sd 12th St. extended East, 800 ft; thence north parl to W line Blk 1, 583.7 ft. M/L to N line sd Blk 1; thence W along N line sd Blk 1 to NW corner sd blk and pt. of beginning, and the following: A tract in the NW 1/4 of Sec. 13, T27S, R1E, described as beginning 20 feet north of the NW corner of Lot 1, Block 11, Second Addition to Lamsdale, Wichita, Kansas; thence south 350 feet to the SW corner of Lot 4, in said Block 11; thence southwesterly 174.9 feet to the SW corner of Lot 6, in said Block 11; thence southwesterly along the westerly line of said Block 11 and the westerly line of Block 6, Third Addition to Lamsdale, Wichita, Kansas, a distance of 1102.45 feet; thence

south along the west line of said Block 6, 538.57 feet more or less to the south line of the NE 1/4 of the SW 1/4 of the NW 1/4 of said Sec. 13; thence west 510 feet, more or less to the SW corner of said NE 1/4 of the SW 1/4 of the NW 1/4 of said Sec. 13; thence north along the east line of the W 1/2 of the W 1/2 of said NW 1/4, 799.78 feet to a point 1190 feet south of the north line of said NW 1/4; thence east parallel with the north line of said NW 1/4 and along the south line of said Fourth Addition to Lamsdale, 319 feet more or less to a point 310 feet northwesterly from and measured at right angles to the westerly line of said Block 6, Third Addition to Lamsdale; thence northeasterly along the easterly line of said Fourth Addition to Lamsdale, 895 feet, more or less; thence northeasterly along the east line of said Addition, 194.97 feet, more or less; thence north along the east line of said Addition 240 feet to a point 310 feet west of beginning; thence east 310 feet to the place of beginning. Generally located at the southeast corner of Oliver and 13th Street.

GALBRAITH pointed out the area on the map and reviewed the following staff reports:

Case Z-1567 and DP-58 (Residential CUP)

Comments

1. As permitted under the Residential CUP provisions of the zoning ordinance, the applicant has submitted a preliminary residential development plan for review and recommendation by the Planning Commission. In order for the Planning Commission to recommend approval of a residential CUP, it must find specific evidence and facts showing that the proposed development plan meets the following conditions:
 - a. That the value of the buildings and the character of the property adjoining the area included in such plan will not be adversely affected.
 - b. That such plan is consistent with the intent and purpose of this Chapter (28.04.190.A) to promote public health, safety, morals and general welfare.
 - c. That the buildings shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas, garages and community activities, including churches; and provided that an "LC" district can be established through the regular channels.
 - d. That the average lot area per family contained in this site, exclusive of the area occupied by streets, shall be not less than the lot area per family required by the district in which the development is located.
2. The plan proposes a "cluster" type development of condominiums, townhouses and associated community activity centers or clubs located on an interior private street system, with the main point of ingress and egress being 13th Street, a major street. The proposed density of the development, 321 dwelling units on approximately 32.1 net acres, exceeds that permitted in the "AA" Single-family zoning district and, therefore, the applicant is requesting the "R-5" General Residence District in order to increase the density from 7.2 to 10.0 dwelling units per acre.
3. Should the Planning Commission determine that the request for "R-5" zoning is appropriate and find that the four conditions listed in comment #1 have been satisfied, the following are recommended conditions of approval:
 - a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.

- b. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
- c. Expand General Provision #9 to provide that "No wall shall be constructed in any utility easement."
- d. Add a General Provision #12 stating that "at the time of platting, the applicant shall guarantee the construction of an accel-decel lane on 13th Street 200 feet in either direction from the center of the major driveway."
- e. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.
- f. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- g. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Case No. DP-57 - Amendment to Commercial Community Unit Plan

Comments

- 1. Subject property is zoned "LC" and contains a gross land area of 10.7 acres.
- 2. In 1957, an application for a change in zoning from "AA", "A" and "LC" to "LC", and a CUP for "Lambsdale" was considered and approved. The applicant has now submitted an amended Commercial CUP for a lesser area.
- 3. Should the Planning Commission determine the amended CUP is satisfactory and recommend its approval, the following are recommended conditions of approval.
 - a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
 - b. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
 - c. Expand General Provision #7 to provide that "No wall shall be constructed in any utility easement."
 - d. Indicating "complete access control" adjacent to 12th Street on the face of the plan.
 - e. Street name Shadowlawn Place shall be changed to Harding.
 - f. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

- g. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- h. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

In addition to the comments in the staff report, GALBRAITH said the staff has received a letter from an adjacent owner to the south stressing concern for an existing small pond that abuts his home, and there have been many calls and contacts at the counter from people in the area who are interested in the proposal. He stated that problems related to drainage will be resolved at the time of platting. He said the staff would recommend approval of the zone change and both CUP's, subject to the standard conditions as well as the conditions in the staff reports.

BLAKEY said he is a trustee of the church that abuts the property on the west, but he did not feel such would disqualify him from discussion and voting.

ROBERT H. NELSON, attorney for the contract developer, said the property is owned by Mr. and Mrs. Claude Lambe, who live there at present; however, most of the area is open pasture land where they pasture horses; they have owned it since 1935 or 1936. In 1957, when an application was made for "LC" zoning for the entire ownership for a regional shopping center, there was considerable opposition and as a result, only 25.5 acres were approved for "LC", which is still the situation. At this time, NELSON stated, it is under contract to the Deal Development Company, which is a partnership composed of Kaiser Aluminum and Aetna Life Insurance Company, and as the Deal Development Company, they have approximately \$600,000,000 worth of assets behind the overall partnership.

NELSON said they have had many meetings with the area residents, the City staffs, representatives of the Deal Development Company have viewed the area from a development standpoint and from the sales standpoint and have spent many thousands of dollars in preparation for this project.

In explaining what is proposed, NELSON said it is proposed to reduce the existing "LC" from 25.5 acres to 10.2, and in addition they are asking that 15 acres now "LC", and that zoned "AA" to the east of the existing CUP area, both be changed to "R-5". NELSON pointed out that there are houses on Pinecrest and Parkwood which abut subject property on the east. He stated that at present there is a total of 43.9 acres, which is reduced to 42.4 after deduction of additional right-of-way for Oliver and 13th Street.

NELSON referred back to the original CUP, which at that time was required to be recorded in the Office of the Register of Deeds to make any buyer aware of the development restrictions, and if what is proposed at this time is approved, the title record can be cleared.

NELSON said there will be approximately 300 dwelling units, and will vary from 2 to 8 in a building, some will have detached garages, but about 50% will have attached garages. NELSON said his research has revealed that the average family in condominiums of the type proposed, is approximately 3.1, which could result in something over 300 children. He said he has checked with the school administration and been informed that Adams Elementary, Robinson Intermediate and Southeast High Schools could easily handle any increased enrollment and there should be no school problem.

NELSON said it is proposed that the principal entrance to the condominium development will be on 13th Street, similar to the one at The Mall on East Harry (divided). Also, ingress is from Oliver on 10th, 11th and 12th Streets. It is recognized that a 10-foot easement will be required on the easternmost portion and also additional right-of-way for 10th Street and the west portion improved and ended in a cul-de-sac, which the applicant is willing to provide for on his property.

NELSON next referred to the traffic situation, and said that Bill McKinley, Assistant Traffic Engineer, has indicated to him that increased traffic from the development proposed will be so slight as to not create any problem; however, if it is found necessary to provide right turn lanes, sufficient right-of-way has been provided at the intersection for such. McKinley stated, according to NELSON, that traffic on 10th, 11th or 12th, he did not believe would amount to enough that it would be detrimental to the neighborhood.

NELSON next discussed the type of development, stating that it is anticipated that approximately 10% of the residential units will contain 1,300 square feet; approximately 40% will contain 1,300 to 1,600 square feet, and the balance of 50% will be 1,600 to 1,700 square feet. He stated the building coverage will be approximately 30% which is the limit on a CUP. He said the roads or streets will be private, installed by the developer without cost to anyone in the area, and will represent approximately 4.3 acres, which results in about 13.4 acres of streets and area occupied by buildings, which leaves about 16 acres of open space. He stated the Lambe family has the right to retain possession of their home for several months after the property is sold, but it is anticipated the house will be retained intact as a community center for the area residents.

Additional facilities to be provided are a swimming pool and at least one tennis court.

NELSON stated that the developer desires to build a fence on the property line on the east side, which would be adjacent to the Lambdale single-family development, and it is not anticipated that Lambdale Drive will be extended from the east into the condominium project, as the developer is attempting to leave the area to the east as much as possible as it is today.

NELSON said the height of the fencing on the CUP is shown as 6 to 8 feet. He said in meetings with the people of the area, some wanted 8 feet, some wanted 6 and some didn't want any fence at all, although most of them did. He stated that in order to fence and be able to develop 300 units, it is necessary that the fence be centered on the easement (property line). In this respect, he pointed out that such is permitted under the present most restricted classification "AA" zoning on subject property. He said it would be a continuous fence from 13th Street south to 10th Street, then west along 10th Street. NELSON stated that the developers are having a landscape architect in Dallas prepare a landscaping plan for the project.

Reference was made to drainage, and NELSON said they realize it is a problem, but exactly how much area will be required for drainage is unknown at this time, although they have indicated on the CUP some 80 to 90 feet in width and it may even be more. He stated that from 13th Street adjacent to the "LC", drainage will be in a boxed culvert and from the south side of the "LC" zoning, it will be an open ditch to 10th Street. NELSON said they do not have a drainage plan at this time, but have discussed it with the Flood Control Office personnel on numerous occasions and one is being prepared for submission at the time of filing a plat, and the plat will not be filed until the drainage problem is resolved.

NELSON said there were questions raised at the various meetings as to type of construction and how much value would be represented by each unit. He pointed out an architect's rendering

showing the three different types of construction - full brick, stucco, and part brick and part wood, to be of two, four or six units, which will all be of the same type of construction and interspersed throughout the development. He said the units will be two and three bedroom units - no one-bedroom units, and there will not be any basements. A two-car garage will be available for each unit and there will be two off-street parking spaces in front of the garages, which means four spaces for each unit, so there should not be any on-street parking.

As for lighting of the premises, NELSON stated lights will be so constructed and installed that there will not be any light directed onto surrounding areas, and they will not be high and will be planned principally for the benefit of pedestrians, and he did not see how they could be a problem to adjacent areas. He pointed out also that it is anticipated at this time that the units will sell for \$40,000 to \$45,000.

NELSON considered what is proposed a very desirable development for the area, which is one of the few areas left for development after remaining vacant for many years. He stated that the price is substantial and with the cost of land, something must be developed that will sell, and so it has to be desirable and adequate or it cannot be sold. He said they have attempted to answer all questions which have been raised concerning "squeezing in" of the property, increased traffic, drainage, etc. and conferred with various staffs.

NELSON said the development will be under a homeowners association which will provide, in substance, among other things, that the entire open space and exterior of the buildings will be maintained by the association and the cost thereof charged back to individual owners. He said he has had experience with homeowners association agreements before and they do work very well. He said one for this development has not been prepared as yet, but will be at the time of platting.

NELSON next referred to the fact that at present the property returns about \$6,000 in taxes per year, and their estimate of tax return from the development proposed is about \$300,000, which he noted should more than offset any increase in school costs.

In summary, NELSON said they have tried to protect everybody in the area, and subject property must be developed, after remaining vacant for many many years, and it was his opinion that what is being developed is the most logical use for the area.

In response to a question as to why the area has remained vacant for many years, NELSON said it was his understanding that Mr. Lambe has received a great many offers since approval of the CUP in 1957, particularly for that portion zoned "LC", which have all been turned down. He said it is Mr. Lambe's desire to have a nice development - something that will not be derogatory to the area in general and good for the community as a whole, which is why he is willing to deal with the Deal Development Company at this time, since they are proposing a desirable project.

WALDO WETMORE, a resident of the area and also speaking for others in the area (who may also want to speak), discussed the drainage problem in detail, as that is their principal concern.

WETMORE questioned the apparent desire to change the drainage channel from its natural course, and whereas at present a pond is on the southern portion of subject property that will usually impound most of the drainage during heavy rains, it is proposed to remove the pond and straighten and widen the drainage channel, which will increase the run-off through their area. With the elimination of this retention pond, he was concerned for residents at the southern end of the proposed 80-foot drainage channel. He related the fact that he and other residents have themselves done some improvement to handle the water on 10th Street, and he was much concerned for the additional runoff which would occur in relation to the development proposed.

WETMORE said according to his computation, two cars in every garage and two on the driveway for 300 units means a potential of 1,200 additional cars, and he did not feel traffic volumes would be insignificantly increased as thought by the Assistant Traffic Engineer.

WETMORE pointed out that the plan shows the handling of drainage on subject property, but nothing so far as handling it on 10th Street or to the south, and he suggested the natural flow of the drainage not be changed rather than to channel it all from the development to where it is already overloaded.

WETMORE expressed concern for the open space between proposed buildings and existing homes and suggested there be greater setbacks to present a more beneficial affect to adjacent properties.

HILL said all problems of drainage will be considered and resolved at the time of platting, and asked Mr. Wetmore if he was opposed to the zoning or CUP's. WETMORE answered that he was desirous of seeing that assurance and protection is carried through and that the community has a voice in seeing that the surrounding areas are not adversely affected.

HENNESSY pointed out that if the requests are granted and there should be any damages from drainage to property owners downstream, they would have recourse through litigation.

TAYLOR pointed out again that drainage matters would be resolved during consideration of the plat when submitted and first reviewed by the Subdivision and Utility Advisory Committees.

F. REA CHAPMAN, 1443 North Battin, quoted figures related to amount of drainage which could be anticipated from the development proposed and the size of the pond and drainage channel, and degree of absorption of undeveloped land, and it was his opinion that the development could not materialize as proposed because the proposed channel is not wide enough and the difficult drainage situation at the south end.'

TAYLOR again commented that such matters would be resolved during the platting process, and that adjacent owners would not be asked to absorb the costs of drainage improvements for subject property.

JAKE GRAYBELL, 1359 North Parkwood, said he was concerned with the proposed development along the east side which would be adjacent to the rear property line of the single-family homes on the west side of Parkwood. He commented that he obtained a different understanding from the community meetings with Mr. Nelson than has been presented by Mr. Nelson at this time, in that at the meetings the developer was proposing to set the fence back 10 feet from the property line. He said they are not opposed to the development as a whole, but did have some concerns. He pointed out that there was talk about the backyards of the units being much like the backyard of any residential area, but now apparently they intend to build a fence right on the property line, then a 20-foot paved private street and with high density garages adjacent to his rear yard. He asked that a masonry fence be required rather than wood and that there be some assurance that it would be maintained in future years.

GRAYBELL was also interested in landscaping, commenting that it was difficult for him to see where landscaping would be provided in view of a fence on the property line, and a paved street adjacent to the street. He asked that the development be set back farther from the east property line along the lots adjacent on Parkwood Lane and that in order to protect the rear yards of the single family homes on Parkwood Lane, some type of high growing evergreen plantings be required, in view of the desire of the developer to construct two story structures which would result in a visual encroachment into the rear yards of the single-family homes.

ROD JOHNSON, attorney, spoke on behalf of Jeanne M. and Bess M. Parish, 1201 North Harding. He noted that apparently the principal access points will be on 13th Street and 11th Street west to Oliver, with minor access points at 10th and 12th Streets, thus protecting the Lamsdale single-family development to the east from any additional traffic (there are no openings proposed for this development to the east). It was his feeling that residents from the condominium units proposed would be more inclined to utilize the access on 11th Street, then to Oliver and then to their destination, rather than the major entrance on 13th Street, in order to avoid 13th Street traffic. He contended that this, in effect, would turn a very small quiet residential street into a major thoroughfare, and it was his suggestion that some of the traffic be channeled to the east from the proposed development in that it would only be fair to diffuse the traffic fairly with respect to adjoining properties, and the residents on 11th Street would not have to totally lose their quiet area.

JOHNSON referred to the discussion on screening for the east side primarily in the form of a wooden wall or appropriate masonry wall, altho he now understood that a masonry wall is not acceptable to the Public Works Department if located in an easement, and although there was talk of a screen on the east side, no mention was made as to a wall being required adjacent to Harding. He maintained that the residents on the west are entitled to as much protection aesthetically speaking as people on the east, and that anything other than that would not be acceptable.

JOHNSON next pointed out that apparently a sign is proposed to be directly across from his clients' home on Harding, and while it is understandable that a sign would be desirable for the developer, he pointed out that there is no reason why it should be placed directly across from the houses when it could be located elsewhere.

ROBERT MOORE, 5141 East 10th, said his house overlooks Mr. Lambe's property now and apparently a wood plank type fence is proposed, although he would prefer masonry construction. He stated also that there should be some type of landscaping on the parking area to make it more presentable to people residing on the south side of 10th Street. He continued that over the years they have enjoyed the view across the Lambe Estate, which has been admirably maintained by Mr. Lambe, and now they will have to look at the back side of condominiums for a block long. He wondered if the structures could be set back farther where there would be more open area, and he pointed out that previously it had been proposed that there would be single-family residences to the north and many of the homes in Lamsdale to the east were sold on the basis of the aesthetic value of the balance of the area being single-family. MOORE commented that while an excellent job has been done in an attempt to develop something that would be compatible with present property values in the area and to protect the neighborhood, he suggested a little more be spent to give the people in the surrounding area more area in which to breathe.

JAMES EDWARDS, 1056 North Battin, felt that he is the one with the most to lose by what is proposed, as drainage improvements will require a ditch right through his front room. He said he has talked with Flood Control staff people several times, and what is proposed would close off his area from access over a private bridge on Harding and he would have no access from 19th since it is proposed to be cul-de-saced. He referred also to the fact that he had given the City a 45-foot easement through his property, and that he has a 100-foot long hedge which would probably be removed. He asked who would pay for the bridge and how would he get to his property if this project is approved. He said also, if approved, he would like the opportunity for consideration at the time of platting as to how much property value he will lose.

ROBERT CORNWELL, attorney for Mr. and Mrs. Richard Burke, 1317 North Parkwood, said his clients have enjoyed the openness of the area and while they wish that it could continue, they realize the land is going to be developed one way or the other. He said they do not want a regional shopping center, and can live with the proposal presented, with a few modifications. He spoke first concerning the height of the fence proposed adjacent to the homes on Parkwood, and asked that it be 8 feet high rather than 6 feet to block off activity from the high density development.

CORNWELL asked that a sound barrier of mature evergreen trees be installed from 13th Street south to slightly past Lambsdale Drive to make the 20-foot drive and garages planned for the multi-units more compatible with the residential property adjacent on the east.

CORNWELL spoke also on the subject of lighting of the area and asked that all such lighting be focused into subject property and away from adjoining property.

The resident at 1010 North Harding, said he owns the property where the pond is (to the south of 10th Street) and knew from having lived there 10 years that the pond will not handle any additional water without creating overflow conditions. He stated that he is willing to continue maintaining the pond according to his ability to do so, but did stress concern over the silting in of the pond.

HERMAN BARNETT, 1351 North Parkwood, said he agreed with every thing said by Mr. Graybell concerning fencing and screening and lighting. He commented further that they have been fortunate in having a nice view for 16 years, and it was his hope that if this project is approved, that the condominium construction will be held to top quality. He commented further that the drainage situation will be a real problem to resolve.

LAWRENCE FINLEY, 1135 North Pinecrest, spoke in opposition, and said that one of the inducements to his purchasing his home was because of the single-family zoning at the rear. He said he has in the past enjoyed the view from his large picture window, but would certainly not enjoy the view of a 35-foot building immediately behind his property. He made reference to the four conditions which the Commission must find to exist before approving a residential CUP primarily the one that reads: "That the values of buildings and the character of the property adjoining the area included in such plan will not be adversely affected." FINLEY pointed out that there has been no special showing presented that what is proposed will not adversely affect the established values of surrounding properties, and it was his opinion that high density such as proposed adjacent to low density cannot help but adversely affect the property values, especially when the backyard of the property adjacent to his will be 25 feet in depth with a 35-foot brick building. He said he only recently purchased his home and paid a good sum for it, and did not like to see the value destroyed by what is proposed. When questioned, he agreed that development under a CUP probably provides more protection to adjacent areas than under the "R-5" classification. In further discussion, FINLEY was of the opinion that the Commission could not find that the project would not adversely affect the property values of adjoining property, and thus could not approve the request. He said it not only would adversely affect the value of his property, but his view as well.

FINLEY also referred to the drainage situation and the possibility that he would be taxed for drainage improvements to handle runoff from subject area.

GEORGE SLATER, 1345 North Parkwood, pointed out that there is an easement at the east side of subject property 16 feet in width and he asked if the fence will be built to the west easement line or in the center of the easement. The answer was that it is proposed to be on the property line which would be the center line of the 16-foot easement. In more discussion on this matter, SLATER indicated his fence was 3 feet on Mr. Lambe's property and that he had put his fence in line with others when he moved there.

In an attempt to clarify the situation, KAMEN pointed out that the 16-foot easement is 8 feet on each property and that the property line ownership is to the center of the easement.

BUD KUTHAN, 1020 North Harding, expressed concern for the handling of the drainage matter.

MARJORIE SHOWALTER, 1159 North Pinecrest, said at the neighborhood meetings with Mr. Nelson, the fence was represented as to be installed 8 feet west of the west edge of the easement and was to be masonry, and apparently the understanding today is different than at that meeting. HOPPER pointed out that the City staff has recommended that it would not be advisable to put a masonry type wall over the sewer line in the easement.

ZENO BOLLINGER, 4919 East 10th (corner of 10th and Harding) was concerned for the possibility of some of his front yard being required for street or for drainage. It was stated that he would not be required to give any additional right-of-way for Harding, as at this time it is not proposed that right-of-way would be any closer to his house than at present.

RAY COURTER, 1111 North Pinecrest, said he bought his lot and built his home about 16 years ago and observed at the time certain restrictions and requirements which Mr. Lambe had imposed in order to be assured of a nice desirable residential area, which he felt had been developed, and while he recognized that there needs to be a change and something developed on subject property, he stated he would like to see something comparable and appropriate in relation to the existing development in the area. He asked also if there was a chance of filling in several feet of the low area and constructing a 35-foot building thereon. It was stated that at the time of platting minimum pad elevations would be established by the Flood control staff and that it is likely that some of the area next to the drainage channel will have to be raised to be assured of being above any flood area.

COURTER said he was willing to go along with whatever is best for everybody concerned, but felt the fence should be high enough to properly screen the activities of subject project from the single-family homes to the east.

HAROLD SHOWALTER, 1159 North Pinecrest, stated that if what is proposed is to be built, the residents should have at least the protection they have now by the open area, that buildings should not be built so close to their property lines; that they needed an adequate open area to give them better protection against vandalism and fire hazards. He pointed out also that he preferred a masonry wall with spaced openings for drainage so that they would not have water standing in their backyards as they have presently. A masonry wall would also give residents more security from vandalism, although SHOWALTER pointed out that the neighborhood has banded together to act as a vigilance committee for their own protection, but because of the higher density proposed, it was his feeling they would need better protection. Also, there should be some assurance that their property would not be devalued, and that appropriate and compatible buildings would be constructed which would be comparable with restrictions applicable to the Lambsdale area to the east.

BESS PARISH, 1201 Harding, expressed concern for the water which would converge at the corner of 11th and Oliver, and said that the water is hub deep after a heavy rain from the water from Oliver as well as the church parking lot to the west. She also stated that with channelization of traffic from the proposed development via 11th Street would ruin the corner and possibly reduce the value of property on the corner by at least \$5,000.

MRS. EUGENE CUSICK, 1010 North Harding, said they were concerned about pollution of the drainage channel, and that they own part of the pond to the south and were concerned with pollution for the fish as well as with the lake silting up. She referred to the fact that one could expect added pollution from children throwing things in the drainage ditch that would float down to the pond.

CHAIRMAN TAYLOR stated that the Commission has heard sufficiently from those who cared to speak and would take into consideration the comments made.

MOTION: That the Planning Commission recommend to the City Commissioners the approval of DP-57 (Amendment to the Commercial Community Unit Plan) subject to conditions suggested in the staff report; AND approval of Z-1567 and DP-58 (Residential Community Unit Plan) subject to comments shown in the staff report, and subject to the Subdivision Committee definitely taking into consideration the points that have been raised at this meeting with respect to the drainage, and the wall for screening the development. Blakey moved.

HILL said he would second the motion, with the following amendments being included: That in addition to the staff comments, there be an opening made to Lambsdale Drive instead of complete access control all along the east side of subject property; that there be either a wooden fence or masonry screening on the west as well as on the east and south to protect those properties that face this development; and that there be a sign restriction that no sign can be erected on the commercial property farther than 200 feet from the intersection (south on Oliver - east on 13th Street); and further, that any fence, whether wood or masonry be a minimum of 8 feet high; and that any problem of drainage on the property be at the cost of the developer.

BLAKEY said he would agree to everything except the opening of access on the east side to Lambsdale.

HILL questioned why all the traffic should be channeled to Oliver by means of 10th, 11th and 12th Streets and why would it hurt to siphon some off on Lambsdale Drive.

BALKEY commented that it would be taking the traffic right through a residential area rather than away from it. HILL pointed out that the area to the west is also residential.

GALBRAITH requested a clarification on the sign location at the intersection of Oliver and 13th, pointing out that Parcel 1 is 261 feet square and therefore a sign could not be placed on Parcel 2.

HILL amended the distance to be 275 feet in each direction from the intersection.

KAMEN asked if the motion was proposing that the developer correct the drainage problem all the way south wherever it extends. HILL said such applied only as far as subject property extends, however, any problems it creates should be taken care of.

BLAKEY accepted the amendments as proposed.

HENNESSY spoke in favor of the proposed development and asked Nelson if he could give any idea of the investment involved. NELSON said he could only estimate 12 1/2 million dollars on the residential CUP and 10 million on the "LC" development proposed, plus the cost of the land. He continued that in view of the investment, the developer cannot afford to construct anything but the most desirable.

VOTE ON MOTION: Carried unanimously. (Arnholz absent.)

RISING commended the people for their involvement and interest and said the Commissioners share their concern, but must attempt to vote for what is the greatest good for the entire situation and will certainly make every effort to take into consideration points raised in future considerations of this development.

For clarification and to include the recommendations in the staff reports which were a part of the motion, the Commission's action is as follows:

That the Planning Commission recommend approval of the zone change request (Z-1567) subject to the platting of all the property associated with all three cases (Z-1567, DP-57 and DP-58) within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed; AND approval of DP-57 (Amendment to the Commercial Community Unit Plan, subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
- c. Expand General Provision #7 to provide that "No wall shall be constructed in any utility easement."
- d. Indicating "complete access control" adjacent to 12th Street on the face of the plan.
- e. Street name Shadowlawn Place shall be changed to Harding.
- f. Expand General Provision #5 to read as follows: Advertising ground signs shall be permitted along 13th Street and Oliver, only within a distance of 275 feet from the intersection, not to exceed the height of 30 feet, nor to be placed so as to project over any public right-of-way. No billboard advertising or roof signs shall be permitted.
- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- h. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- i. Any major changes in this development plan being re-submitted to the Planning Commission and City Commission for their consideration;

AND

approval of DP-58 (Residential Community Unit Plan, subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.

- c. Expand General Provision #9 to provide that "No wall shall be constructed in any utility easement."
 - d. Add a General Provision to #12 stating that "At the time of platting, the applicant shall guarantee the construction of an accel-decel lane on 13th Street 200 feet in either direction from the center of the major driveway."
 - e. Change the plat to reflect an access point to Lamsdale Drive.
 - f. Amend General Provision #9 to provide for a minimum 8-foot masonry wall or wood fence along the east, south and west, which should read as follows:

A planting screen 15 feet in width will be provided and maintained adjacent to the east line of Harding Avenue except at points for ingress and egress. A solid or semi-solid wall constructed of brick, stone, masonry, architectural tile, wood or other similar material at least 3 feet high shall be constructed along the east and south lines of Parcel #3 and along the west line adjacent to Harding, as indicated on the plan.
 - g. Add screening wall, fence and landscaping to the Homeowners Association Agreement under General Provision #8.
 - h. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.
 - i. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - j. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
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EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 29, 1973:

- 1a. Case No. Z-1567 - Claude R. Lambe and Deal Development Company request change from "LC" and "AA" to "R-5" for: (See excerpt of Planning Commission minutes of October 25, 1973 for legal description.) Generally located on the south side of 13th Street in an area west of Park-wood Lane.
- 1b. Case No. DP-57 - Claude R. Lambe and Deal Development Company request approval of a Commercial Community Unit Plan for: (See excerpt of Planning Commission minutes of October 25, 1973 for legal description.) Generally located at the southeast corner of Oliver and 13th Street.
- 1c. Case No. DP-58 - Claude R. Lambe and Deal Development Company request approval of a Residential Community Unit Plan for: (See excerpt of Planning Commission minutes of October 25, 1973 for legal description.) Generally located at the southeast corner of Oliver and 13th.

CHAIRMAN TAYLOR stated that this special meeting is for rehearing of the Lambsdale zone case (Z-1567) and Residential and Commercial Community Units Plans (DP-57 and DP-58) at the southeast corner of 13th and Oliver. She inquired as to how many were present in opposition and whether or not they had a spokesman for the group. She said the Commission would convene for as long as necessary to hear new and appropriate information, but that repetitive statements would be of no value in the deliberations, and asked that those who speak limit their remarks, and if it is repetitious, they might be asked to relinquish the microphone at the end of five minutes. She suggested that if anyone's concern is the same as a previous speaker, they could so indicate by a show of hands. She hoped that in this way all the information needed to reach a proper decision to the best interest of all would result.

The opposition indicated they had no principal speaker and that there would be individual comments.

HENNESSY suggested that it might clarify the situation and be useful for the Commission to consider the points that were specifically brought up at the other hearing, and also asked that it be made a matter of record that the previous action was unanimously recommended to the City Commission.

CHAIRMAN TAYLOR pointed out that there are two Commissioners present that were not at the other meeting, Arnholz having been absent at that time and Gragert being a new member.

At the suggestion of Hill, The chairman inquired if there was anyone present who felt they did not have a chance to speak or a fair hearing before by reason of the Annex Building being locked.

HILL said he would like to hear from them first if there were any present. No one was present who had been locked out of the building before, but one of the audience stated that a Mr. Moffett had been unable to enter the building at the other meeting because it was locked, but he was not present at this time.

GALBRAITH said the previous action of the Planning Commission was unanimous as to those members present, to recommend approval of all three cases, subject to several conditions. For the benefit specifically of the two members not present before, he reviewed the requests briefly as follows:

Case Z-1567 requests change from "LC" and "AA" to "R-5" for development of condominiums and townhouses; DP-57 is a request for amendment of a previously approved Commercial Community Unit Plan and reduces the "LC" zoning from approximately 25 acres to 10 acres; and DP-58 is a request for a Community Unit Plan for residential development for the same area as requested for "R-5" zoning.

GALBRAITH said all of the property is undeveloped except for one single-family home and a horse barn; with single-family homes to the east, south, west and north, with some duplexes on Harding; and with "LC" zoning on the other three corners of the intersection of 13th and Oliver; and a church to the west and north.

The Residential CUP contains 32 acres, and the applicant has submitted a plan indicating interior circulation, open space, and providing for termination of 10th Street by a cul-de-sac. GALBRAITH said the general type of information required on a CUP application has been submitted, and that the density proposed for the residential CUP is not to exceed 10 dwelling units per acre.

GALBRAITH said one of the requirements at the previous hearing was not only plantings along Harding but also an 8-foot wall. He stated that the applicant prefers to provide only the planting material and not the wall.

GALBRAITH said that at the City Commission meeting, the matter of limiting advertising signs was brought up, the Planning Commission having recommended they be limited to within 275 feet of the intersection, and the applicant has requested a greater distance - 600 feet along 13th Street and 350 feet along Oliver.

It was pointed out that since the other hearing by the Planning Commission legal protest petitions representing 34.78% have been submitted opposing the rezoning. He pointed out that the Planning Commissioners have been furnished copies of the City Commission minutes and all letters submitted to the City Commission on this matter. He said the reason for its referral back to the Planning Commission was because of the claim of unfair hearing by a party who did not have access to the meeting because of the City Building Annex being locked.

GALBRAITH said the first motion of the City Commission denied access to Lambsdale and did not require construction of the wall along Harding, but its final action was to return all three cases for reconsideration of all items, including a major item to reconsider the drainage problems.

GALBRAITH said that many of the conditions required by the previous action have been complied with on the plans, prior to hearing by the City Commission.

ARNHOLZ asked concerning the notification area, and GALBRAITH explained that for this special hearing, notices had been sent to all owners within a radius of 1,000 feet of the total area as required for CUP applications, and that the legal notification area for rezoning is only 200 feet. In further explanation, GALBRAITH explained that the Commercial CUP provides for major access to 13th Street and Oliver Street, and provides for two parcels, and does not provide for access to 12th Street. It indicates a planting screen adjacent to 12th and 13th across from single-family.

GALBRAITH stated that at the previous hearing there was major concern raised as to drainage, not only how the developer would handle it through subject property, but what happens to it south, and how does the drainage coming from the north get into the proposed box structure. He said the Commission heard from many people on this point, but that it is a problem to be resolved during the platting process, and that since the last meeting a drainage plan has been submitted by the developer to the Flood Control Office, and persons are present to discuss this point.

Another factor of importance to people in the area, GALBRAITH said, was the fence or wall requirement on the east side. Several people living in that area preferred that a wall not be on the property line, but constructed to the west 10 feet, and also mentioned they had hoped there would be landscaping of some sort.

GALBRAITH said the applicant still wants to fence along the property line, and has indicated a planting strip of 5 feet adjacent to the west of the fence, and the Planning Commission might want to incorporate that in the general text - that before any building permit is issued, a landscape plan must also be submitted for that area.

Next GALBRAITH said access to Lambsdale has become a major issue. The plans were submitted without access, but at the other hearing, several persons living west of Harding had asked that the traffic from the development be dispersed in all directions. GALBRAITH said the legal notification area for rezoning is 200 feet with respect to requiring a 4/5ths vote of the City Commission, but this does not apply for Community Unit Plans.

There was brief discussion at this time about the location of signs, it being pointed out that on the north side of 13th a grocery store site extends from Oliver to Glendale, a distance of about 350 feet. One of the Commissioners noted that as approved before, a sign on 13th or Oliver would be across from commercial and not across from residential.

ROBERT H. NELSON, attorney for the applicant, said they would amend the plan to include the 5-foot planting strip referred to previously along the fence on the east. He also stated that when the plan was originally submitted to the Planning Staff, an opening to Lambsdale was indicated, and mainly because of the staff objection, it was changed, the feeling of the staff being that the most appropriate access from the property should be to the major streets of 13th and Oliver. In further explanation of access, NELSON said there would be access at 10th, 11th and 12th, and with the main entrance to the Residential CUP on 13th Street, being a divided ingress-egress arrangement. NELSON said another reason for the deletion of access to Lambsdale was because of the difficulty in handling traffic from Lambsdale and then east to Edgemoor because of the curvature of the streets, and the fact that it would take traffic through a residential area, but not directly to a major street, Edgemoor being more of a collector street.

As for the wall on Harding, NELSON said the motion was for a wall or fence along all areas adjacent to residential; however, the residents on Harding do not want a wall along their property, and a petition was filed with the City Commission signed by 11 owners along Harding opposing a fence or wall; they do, however, want the 15-foot planting screen. He said that is the desire of the developer also - a planting screen but no wall or fence. As for the type of plantings, NELSON said the landscape plan will have to be approved by the Planning Department before a building permit can be issued.

NELSON referred to the City Commission action, pointing out that a motion was passed 4-0 (Stevens absent) to delete access to Lambsdale and the fence along Harding prior to another motion to refer the matter back to the Planning Commission. It was his assumption that the City Commission feeling will be the same so far as the Lambsdale opening and the fence/wall on Harding, which he stated was satisfactory with the developer and is the desire of the people to the east and along Harding.

Reference was made by NELSON to the sign locations, and he recalled that previously someone living either on 11th or 12th had said they would not want a sign opposite their home. He pointed out that the location of the home would be at least two blocks south of the "LC" development, and there has been nothing said by the applicant that there would be any sign in the residential area. He noted that at the present time on shopping centers, signs are limited by a City ordinance already. He said that the only freestanding sign proposed would be to indicate the shopping center, and that is why they have asked that the distance be increased to 600 feet on 13th and 350 feet on Oliver, which will all be within their light commercial area.

With respect to the fence on the east, NELSON referred to an artist's drawing on the board showing the plan. He said they desire to put the fence on the lot line (a permanent type wall cannot be put on an easement). He pointed out that under the present "AA" zoning, an owner is permitted to install a fence at the property line. It was explained by NELSON that adjacent to the fence would be a 5-foot planting strip on the inside of the fence, then a 20-foot private street or driveway back to the garages at the rear of the units, then there would be a 25-foot parking space in front of the garages, and then the garages would be about 25 feet, and beyond that is a patio before you get to the townhouses. The total distance, NELSON stated, would be 95 feet from the fence line to the buildings, so really the people on the east side have been granted much more space than they would have as "AA" development, because if only observed the required rear yard setback in a "AA" district, it would be very small compared to 95 feet being proposed by this plan. (The above discussion with respect to a fence along the east side refers to that area north of Lambsdale Drive.)

As for screening on the east side south of Lambsdale Drive, NELSON said the same type of planting strip is proposed, and then open greenery until the patio, which will be approximately 45 feet in all between the lot line and the building. It was his feeling again that adequate protection is being provided for the homes to the east, and to a much greater degree than under the "AA" zoning.

NELSON referred to the density factor and said that under "AA", 7.2 units per acre is permitted while what is proposed is 10 units per acre, so under the "R-5" only three more units per acre is proposed; however "R-5" allows a maximum of 12.4 units.

NELSON felt that this is the last property in the northeast section of Wichita that is vacant and is what might be termed close to town in that most of the shopping center areas have gone beyond - farther east and south or north. He pointed out that Kellogg Mall is three miles east and two south, and he referred to several others and their locations. He said that in this case they are asking for a reduction of the "LC" from 25 acres to 10, and that people in the area will be relieved of at least 15 acres of "LC" zoning and development. He said the 25 acres has been zoned "LC" since 1957 and he thought the public would like this kind of improvement plan rather than being opposed to it.

HENNESSY asked how many homes there were on the north side of 13th Street facing subject property, and NELSON said it was his recollection there were none - that they all face to the east or west side streets.

In further clarification, GALBRAITH pointed out that the 25 acres of "LC" is under an old CUP (one of the first approved) and does not comply with present CUP regulations, but the zoning is "LC" and it would only require an amendment to the CUP to develop the entire 25 acres.

HENNESSY referred to the request for "R-5" zoning and the possibility of a street along the east side with single-family home development. GALBRAITH said a minimum of 64 feet would be required for a residential street which could be put through the center with single-family lots about 120 feet in depth on each side.

HENNESSY asked how development of the present "LC" might affect the drainage problem already in the area. GALBRAITH answered that there would be more runoff with 25 acres of "LC" than under a Residential CUP.

GRAGERT asked Nelson why an opening on Lambsdale was put in if there was no opposition to its closing by the developer. NELSON answered that there were people at the previous meeting on 10th, 11th and 12th Streets who felt that the traffic should be dispersed in all directions from the proposed development, and he presumed that was the reason the motion was made and passed by the Planning Commission to give access to Lambsdale. He said the developer originally had shown such an opening when first discussed with the planning staff, but based on the staff's recommendation, it was eliminated prior to submission to the Planning Commission.

GRAGERT asked Nelson to explain the drainage problem. NELSON said that from 13th Street adjacent to the "LC", drainage will be in a boxed culvert and from the south side of the "LC" zoning, it will be an open ditch 80 to 90 feet in width to just north of 10th Street. He said it is proposed to maintain the ditch with proper slopes and vegetation to beautify the channel and efforts made to enhance the view.

Further on the drainage matter, NELSON said it will have to be solved at the time of platting, even if the zoning and CUP's are approved at this time. He said they cannot get a permit for construction of any building until the area is platted and in the platting procedure, adequate handling of the drainage will be required through working with the Flood Control office and the City Engineer. He said they had not anticipated that in any approval of the zoning and CUP's that they would be required to solve the drainage problem. He stated, however, that a plan has been submitted to the Flood Control office and also discussed with the Director of Public Works and the City Engineer.

NELSON agreed that there is a problem to the south of 10th Street, and people there are objecting because they say there will be more water on and past their properties than at present. He said it is true there will be some increase, but he himself was not able to speak with authority on the subject. NELSON stated further that the drainage problem that exist in this area is not the result of subject area, but that area north of 13th Street drains approximately 200 acres of ground, and drainage matters were not properly handled when that particular area was platted and developed. He said they are prepared to pay for handling all of the drainage problems on their subject property and are not asking for any help from the City or anyone else. NELSON said the private drives are to be put in subject development at the expense of the developer and maintained by the developer under a homeowners agreement which will be filed as a part of the CUP, which means that the developer will continue to maintain all of the open space, all streets, the drainage system and exterior of the buildings. he explained further that under the homeowners agreement there will be assessments against each lot for maintenance.

ARNHOLZ commented that it would appear to him access to Lambsdale would be desirable because he did not think there would be much traffic from the proposed development wanting to go in that direction, and also, Edgemoor at present doesn't carry so much traffic that it couldn't handle a little more.

GARDENHIRE brought up the fact that at the previous meeting there was opposition from adjacent residents opposed to 2-story condominiums because it would be an invasion of their privacy in their backyards. She wondered if the present plan of a fence, planting, roadway, parking, garage and patio area alleviated that objection.

NELSON pointed out that it is much better than could be assured under the "AA" classification, as that requires only a 20-foot backyard setback, while the plan proposes 95 feet. He said the garages to the south of Lambsdale along the east side would be in front of the dwelling units and the only thing back of the house will be the patio.

NELSON said he would like to have Mr. Zollars, who prepared the drainage plan and conferred with the City staffs, present the plan. He referred again, however, to Arnholz's point on the opening of Lambsdale, and pointed out that there was much opposition by residents on the east opposing such an opening because they do not want additional traffic thru their residential area.

MRS. BOB JONES, 1207 Harding, asked about the opening on 12th. GALBRAITH explained that there is a curb cut proposed at the intersection of Harding and 12th that will provide access from a row of townhouses, but that there will not be access from the major portion of the project at this point.

JONES said they were opposed to having 11th Street as the only opening and would like to see Lambsdale opened on the other side to spread the traffic.

HILL agreed that it would funnel much traffic to 11th and the opening to Lambsdale would alleviate some of that traffic problem.

RAY COURTER, 1111 North Pinecrest, said he personally was very much in favor of keeping Lambsdale closed because of the terrific traffic problem and dangerous street crossings leading east from Lambsdale. He did not expect that all traffic would go to Edgemoor from Lambsdale particularly, and thought it would take several more traffic signals to properly handle the traffic out of there. He thought it would create a problem, and that surely the major entrance on 13th would handle the traffic.

COURTER commented further that he felt Mr. Lambe had been very good to develop a fine area and placed restrictions on the development which have to be complied with. He felt that in selling this to the proposed developer, Mr. Lambe is trying to provide something really nice that would be an asset to the city and the general community. He asked, however, if it is possible that if the change is allowed, and the present proposed developer later sells the property, whether a new owner could develop something less desirable.

CHAIRMAN TAYLOR pointed out that under the Community Unit Plan, the plan would have to be followed regardless of the ownership, and that any changes desired would have to again be submitted to the Planning Commission and City Commission.

LARRY PRATHER, 5421 Lambsdale, said he submitted the petition of 46 names opposed to the opening of Lambsdale to the City Commission, and asked that it not be allowed to be opened.

JACK LASHLEY, 1201 North Pinecrest, said he was probably the only one who would directly gain by the closing of the Lambsdale opening (assuming the vacation of such street). He said he had visited with his neighbors and they are concerned with the narrowness of the streets and the fact that they are not designed to carry additional traffic. He suggested the danger to children in the area, and also the fact that drivers would be inclined to possibly use it as a short cut to avoid the intersection of 13th and Oliver.

EUGENE CUSICK, 1010 North Harding, said they thought they had a beautiful area, and that at the City Commission meeting on November 13, the City Attorney made the statement that the pond (on Cuscik's property) would probably be taken from them. He said he was much concerned about that statement, but doubted if anyone could speak intelligently on the matter until Mr. Mitchell of the Flood Control Office was heard from.

GEORGE SLATER, 1345 North Parkwood, commented that if the fence is built along the east side, then it would stop the water from flowing to the west, which is the natural drainage. Further, the construction of a street as proposed in the development would raise the level and be inclined to hold the water on the four north lots. He said the lots on the east are so shallow the fence would be within 20 feet of his back door. He said they did not think pavement or anything like that should be built on the easement.

WALDO WETMORE, 5125 East 10th, reviewed the present drainage and flooding problem at 10th Street, commenting that to add anymore to an already overflowing situation would be much opposed, and there apparently is no plan for channeling the drainage on south of 10th Street.

MOTION: Hennessy moved and Arnholz seconded that M. S. Mitchell of the Flood Control Office be heard from at this time.

M. S. MITCHELL said that Mr. Zollars, the applicant's engineer, has a plan for drainage and thought it should be explained to the Commission and then he would be glad to answer questions or make comments. HENNESSY asked Mitchell to identify his position, and MITCHELL said he was Assistant Superintendent of Public Works Maintenance and Supervisor of the Flood Control Office for Wichita-Sedgwick County. He said he and the City Engineer serve on the Utility Advisory Committee with the Subdivision Committee and their responsibility relates to approving the design for drainage in new subdivisions, and in this specific instance, they would have to approve any design that the developer proposed and make recommendations to the Subdivision Committee if they were not in agreement with that plan.

BOB ZOLLARS, on behalf of the applicant, said he has talked with Mr. Mitchell about the problems and developed a plan and said he would point out how they intended to solve at least the majority of the problem.

He pointed out that north of 13th when it was platted, there was not an underground drainage system provided and that all water collected in streets and flowed across the surface of subject area. He pointed out that water which falls on subject area at present is not collected in any manner other than flowing over the surface of the ground. From the north, water goes into 13th Street where the City has made some attempt to channel the water into catch basins and taken underground into a boxed culvert. At present, this system is not fully taking care of the water coming from the north and water ponds and overflows the curb on 13th Street. From the catch basins on 13th, it goes into a 45-foot drainage easement and into a ditch and onto the south into a pond.

ZOLLARS said there are a number of homes on Parkwood which drain onto subject area and the drainage is diverted into the drainage ditch. He said the problem is that there is not an adequate system, and the area to the north of 13th is not entirely developed at this time, so the condition will become more critical. He said they have recognized this situation and have attempted to design a system which would alleviate the problems caused by this area if the City upgrades its system north of 13th.

ZOLLARS pointed out that on the west side, the flow is to the east on the streets. They propose to accept such water in their system, that it will not be blocked off in any way. They propose installing inlets to take the overflow into the drainage channel. He said they further propose to extend a pipe from the drainage ditch to the property line, and if the City ever sees the need to upgrade the drainage improvements in this area, there will be the means of tying in the system. It doesn't force the City to act, but only if and when they are ready.

ZOLLARS said the problem at the north is primarily because there is not an adequate underground system to collect the water where it needs to be collected. The possibility exists that sometime in the future, the governing body may need to provide adequate drainage to the area north of 13th. He said that under the developer's proposal at this time, the water would be collected and funneled into the channel and in order to allow this to operate they have provided for culverts deep enough that it should not cause any problem to future improvements by the City. He said they have sized the culvert to not only take water at the present time, but all the water under a fully developed situation north of 13th.

ZOLLARS commented that should the area north of 13th not develop fully, and the City not build a system, then it is possible that a large amount of money has been wasted by this developer in building the drainage facilities about twice the size for the need right now.

As for the area on the east, ZOLLARS said the fence proposed will be so constructed as to allow the water to drain onto subject property from the rear of the existing residential lots and there will be no attempt made to block it off. He said it is proposed to take the water underground on subject property into the drainage channel. He said it is proposed to handle the drainage coming from Lambsdale Drive from the east onto subject property in the same manner. Further, water from the lots on the east south of Lambsdale Drive will be collected on the grassy areas of subject property and taken at certain intervals into the drainage system.

ZOLLARS stated that development of subject area under the present zoning, he estimated, would create a 5% increase over the present drainage, but if developed as proposed, his estimate was 1.1% more runoff.

ZOLLARS said they have made an attempt to handle the drainage in such a way that it would not tend to be erosive in nature or get out of control. He reviewed again their proposal to box the drainage adjacent to the light commercial, but let it flow naturally in a ditch in the area south. He felt this would be an ideal situation prior to the City doing any work on the area south of subject property. He commented that in any future improvement on the part of the City, the water could be carried to their channel and they are willing to do whatever is feasible and proper in the way of paying their share. He said the channel would be landscaped and sodded, and maintained as an asset to their property. ZOLLARS repeated that they have tried to improve the situation for the adjacent residents. He pointed out that the system is designed to be used, based on development of the area north of 13th Street and so that when the City does make improvements related to drainage north and south of subject tract, it will be possible to make use of drainage facilities on subject tract. He stated that unless most of the improvements proposed by the developer are ultimately used in the City's plan, then much money will have been wasted in providing facilities much bigger than are actually needed at this time.

When questioned about Mr. Cusick's concern for his pond, ZOLLARS said they have no control over what happens to the pond - that the City will have to decide what should be done with the pond and the drainage area south of their project.

CUSICK stated that while the developer may not have responsibility with regard to the pond, they do have the responsibility with regard to changing the course of the creek and the laws of the State provide that extra water cannot be created without some allowance being made therefor.

HILL said Mr. Cusick's concern is whether or not with the estimated 1.1% increase in flow, his dam will be washed out, or the pond silted in.

ZOLLARS said he did not know the capacity of the pond, but if not overflowing at the present time, 1.1% will not affect it, and if it is overflowing, the 1.1%, of course, will not help the situation.

CUSICK said that in the past they have had water right up to their back step and any additional water might cause flooding of the house.

MITCHELL said that he was of the opinion that this developer would not have the legal responsibility for improving the channel from his property south to the pond or 9th Street. It is not his responsibility to make his development plan take care of drainage which might be created by his increased use of the land.

MITCHELL continued that it is unfortunate that when the land to the south and north was developed, the City was not far sighted enough to see what development would occur and to make provisions which this study has provided for, being the ultimate design of a system on the basis of a fully developed area. He stated that there are flooding problems on this West Branch of Dry Creek all the way to the Veterans Hospital, and they have made some very preliminary studies which indicate that a flood occurring today with no changes at all, could cause properties to flood. He said the property north of Cusick's has a 1/2 foot difference in elevation between a flood which has occurred and a flood which would cause damage. He pointed out that Mr. Edwards' house and garage at times have had water around them and that just a little bit of a raise in elevation could cause considerable damage. He felt that the development proposed may add some to the flooding situation, but that at present, with no development on subject property, there could be a serious flood which would cause the same kind of problem.

MITCHELL said the City needs to address itself to the entire West Branch of Dry Creek and provide solutions to the situation, and the normal method of financing such improvement is by a benefit district, which would mean everyone who lives in the area where water flows from would be involved in paying for the improvement. He pointed out that this developer has agreed to pay the entire cost of a drainage system for about 1/2 mile, which would reduce the cost of the total benefit district, which, when built, would be to the same standards as being proposed. He said he did not have the complete answer as to how such a project would be financed, as that is an action for the City Commission to determine whether the financing will be city at large or by benefit district.

MITCHELL said they have recommended improvements since 1958 - they come up every time Dry Creek floods, but at present the damages from such flooding have not reached the magnitude of the cost of solving the problem, and until a definite financing arrangement is arrived at, there will be no improvement. He pointed out that there seems to be little emphasis at this time to make such improvements.

HILL asked Mitchell if the pond spillway was lowered and the pond was lowered, even with the 1.1% increase, if the water wouldn't go on down Dry Creek and alleviate Mr. Cusick's problem and that of his neighbors.

MITCHELL said there are several ways of alleviating the situation between 9th and 10th, one being to widen the spillway, or a combination of widening the spillway and lowering of the crest which would give a better slope and permit faster velocity. He felt either would protect the properties on either side of the pond and even if water got to a higher elevation than it has in the past, there would be no overflow.

MITCHELL stated that none of these possibilities have been discussed in detail because at the present time there is no way of financing, no right-of-way and no public need at the moment to make such an attempt. He commented that to Cusick, Edwards and others, it is a very pressing problem, but to the rest of the people living along the West Branch of Dry Creek, it is not pressing. He continued that the pond is creating part of the flooding problem and as far as he has been able to determine, there is no permit from the State for the pond to even be there.

HILL commented then that the pond could be taken out. MITCHELL agreed it could be by action of the Attorney General or the County Attorney.

CUSICK asked if the statute of limitations might apply to a situation like this. He said the pond was constructed years ago,

and that he had written the State inquiring about a permit and learned that one had not been issued, and he questioned why such had not been brought up 20 years or so ago.

HENNESSY suggested that in view of the amount of money the developer is going to spend, it might be reasonable for him to attempt to help alleviate the situation for owners to the south by sharing in the cost of adequate flood control measures.

CUSICK commented that he had sent two letters pointing out his problem and had received only one answer - assurance from a City Commissioner that he would support Cusick, and Mr. Cusick commented that he thought it would be pretty difficult to get approval of this project through the City Commission unless something else is done.

HENNESSY stated that if a City Commissioner has already made up his mind, then this is an unfair situation for the developer.

TAYLOR pointed out to Mr. Cusick that there is no way that anyone can answer his questions concerning drainage at this time.

CUSICK said that possibly it would have to be decided in a court of law because he did not want his place flooded because of the changing of the course of the drainage. He stated further that 10 years ago the pond was 6 feet deep and now is only 2 feet deep and he maintained that he was not responsible for all the silt accumulation, and he was asking for some cooperation as the problem is not all one of his creation.

HOPPER commented that silt accrues in every pond and they have to be dredged out. CUSICK further expressed his concern that his property may be taken away from him, and as for the lack of a permit, he said he was not aware there was no permit until this development proposal came up.

HENNESSY expressed his interest in the developer as well as Cusick and others in the area, and asked again if the problem might be resolved through a cooperative effort on the part of the developer and those concerned, and the City staffs. CUSICK said he would be willing to try.

HILL referred back to Mr. Mitchell's earlier suggestions as to alleviating the pond problem so far as overflow - widening of the spillway, etc. MITCHELL said there is another possibility, being construction of a dike around the pond.

HENNESSY commented further for the record, that there is not a member of the Commission that wants to see this property owner or anyone else's property taken away or damaged, but the area is already zoned for 25 acres of "LC", and under the present zoning there could be development that would create a greater problem than what is being proposed, and this developer has the desire and financial stability to do a good job.

CUSICK agreed that they might be worse off, but felt that something has to be done.

HENNESSY commented that the pond could not be taken from Mr. Cusick except by eminent domain proceedings on the part of the City, and it was his further opinion that what is proposed would enhance the whole area. CUSICK said he had never objected to what is proposed for development, but only so far as drainage and the affect it will have on his property.

TAYLOR commented that the problem has been stated and it seemed to her that any change would, in fact, definitely affect the problems that already exist and perhaps if a benefit district for improvement of the drainage had been started years ago, the problem would not be before the Commission at this time. CUSICK said he thought his property would be damaged and that he would proceed along those lines.

JAMES EDWARDS, 1056 North Battin, said the way the drainage is shown, it would go right through his house. He said he could not get to his property except from Harding and across a foot bridge, and it was his opinion that with 1.1% increase, there would be flooding before the water even reaches Mr. Cusick's pond. He suggested the developer use some of his money to help alleviate the problem to the south and possibly save about 7 feet of his property on which he has shrubbery. EDWARDS stated that if changes are made, he did not know how he would be able to get to his property at all, and he was concerned for the reduction in his property value. He maintained that they do have a beautiful area, and that he was willing to compromise with the developers in an effort to reach a mutually satisfactory solution to their drainage problem.

EDWARDS spoke also in favor of the opening of Lambsdale Drive to avoid having too much increase of traffic on 10th Street out to Oliver through an older quiet residential neighborhood.

When asked to comment on the plan, M. S. MITCHELL said there is nothing in the plan presented by Mr. Zollars which he disapproved of, and felt Zollars had been overconservative in his assessment of what can happen as far as runoff is concerned. He was not sure whether a reduction in structure size could be accomplished between 12th and 13th Streets, but he thought Mr. Zollars had done an excellent job of addressing himself to all the major problems in the area.

MITCHELL suggested that the basic problem is for the governing body to limit the area of responsibility for this developer and Mr. Zollars and then work out an equitable arrangement for a system and financing thereof through a benefit district.

HILL asked if Public Works had put the stakes on Mr. Edwards property which he had referred to, and MITCHELL said that his office had because they needed to do some surveying in order to find some of the answers to questions that have been asked, and their survey had indicated Mr. Edwards' shrubbery and a corner of the garage were in the drainage easement. In further discussion of the drainage plan submitted by Mr. Zollars, MITCHELL said the water is picked up at 13th and extends it to 10th Street (boxed culvert and open ditch), and he was in agreement with that. As for the feeling of the residents downstream that this developer has some responsibility so far as their situation is concerned, MITCHELL said that is not a decision which can be made now.

EDWARDS asked who would approve the drainage plans if this project is approved. MITCHELL said that he would.

HENNESSY complimented Mitchell and Zollars on their presentations.

HENNESSY asked Mitchell if he could recall any similar situation in the City. MITCHELL said he could not and that a developer has been required to bear the expense of improvement of drainage on his own property only, but improvement beyond the ownership must originate with the City Commission so far as financing such a project. When questioned further, MITCHELL said there has not been a serious flood on Dry Creek since 1967. So far as emphasis being placed on flood control measures, MITCHELL said there is little effort being made to overcome existing flooding problems, the emphasis being on prevention, the principal deterring factor being one of funding.

It was pointed out also in the discussion that, at such time as a benefit district might be established for flood control measures along West Branch of Dry Creek, the fact that this developer would be assuming the cost on his own property, would relieve the assessment to others in the benefit district considerably.

One of the Commissioners commented that in view of the extent of silting in Mr. Cusick's pond now, apparently it wouldn't be too long before the pond would be eliminated anyway. MITCHELL agreed.

ARNHOLZ asked Mitchell if the people concerned with flooding problems would have to put in some kind of flood control system anyway, regardless of the approval of the requested zoning and CUP's. MITCHELL said that in his opinion that was correct, as flooding has occurred in the past and can occur again, and if they desire protection something will have to be done.

ARNHOLZ commented that the developer in this case is not creating the problem - it is already there, and he is not adding to the problem.

MITCHELL commented that while Mr. Zollars has determined 1.1% more runoff, one can figure such percentage in a variety of ways based on any number of facts and figures. He continued that there would be almost no condition under which there would be less runoff from the Lambe property than the development plan proposed by the developer.

ROD JOHNSON, attorney for Bess Parish, 1201 North Harding, spoke in opposition to funneling traffic on 11th Street and felt Lambsdale Drive should be open to the east. He pointed out that there are children also in the area he represents and he was not suggesting that Lambsdale Drive would ever carry the traffic that 11th or 13th Streets would. He said that none of the surrounding homeowners are happy with the possibility of 600 cars, and that estimate doesn't include traffic from the shopping center. He considered it unfair to force most of the traffic down one street (11th) and suggested there be equal dispersion in all directions.

H. A. SHOWALTER, 1159 North Pinecrest, said they bought their home and built in 1955 and at the time were assured by the realtor and his representative that the area would remain "AA". There are restrictions as to size, setback, etc., on the deeds in the area to the east and density limited to 3 units to the acre. He was much opposed to the proposal for 10 units per acre and had been advised by a realtor that it would lessen the value of the single-family homes. He pointed out also that at present the water supply in this area is weak and with 320 more units there is likely to be additional expense for water service. He referred also to the traffic congestion at 13th and Oliver and felt a study should be made for improvement of the intersection to handle additional traffic.

ARNHOLZ doubted that a development such as proposed would have any deteriorating affect on adjacent property values.

SHOWALTER still maintained that there would be devaluation as far as traffic, noise, light, fumes, etc.

JAKE GRAYBILL, 1359 North Parkwood, had questions concerning screening treatment along the east side. He questioned the width of only 5 feet for a planting screen and what type of shrubbery could be placed in only 5 feet - he doubted that such would be sufficient to afford any degree of privacy to the back yard of his home adjacent on the east. He asked for clarification with respect to the type of wall/fence, commenting that redwood fences often in time are neglected and unattractive. He thought the developer should be required to provide something more permanent than a wood fence which might last only 5 to 7 years before it was in disrepair.

GRAYBILL also asked for clarification of the notification area and GALBRAITH again explained that for this special meeting notices were sent to everyone within 1,000 feet of the application areas - a total of 474 notices.

ARNHOLZ asked Graybill if his backyard was fenced so that he would have privacy from neighbors, and when GRAYBILL answered that it was not so fenced, ARNHOLZ said the applicant under the present zoning could construct two-story single-family homes to within 20 feet of the rear yard line and the proposed development of townhouses provides for a distance of 95 feet. In further explanation it was pointed out to Mr. Graybill that in townhouse construction, each unit includes both the first and second floor, so that time spent on the second floor by the occupants would no doubt be limited as opposed to having complete apartments on the second floor.

As for the type of plantings which would be high enough to provide screening in a 5-foot width, HILL said the landscape plan has to be approved by the Planning Staff before a building permit can be issued.

LAKIN said there are particular species of trees such as in the downtown area of a deciduous type that can be planted in a 5-foot area, however, as far as coniferous type, with a screening affect for a full two story height, he agreed that could not be accomplished in 5 feet and would even be doubtful in a 10-foot width. As for maintenance of the fencing, LAKIN said that would also be the responsibility of the homeowners association.

Also, for the record, LAKIN commented that as Public Works has not approved a masonry wall on the easement along the east side, he could not see the logic in allowing pavement of the private street, which would also have to be torn up in case of utility line problems. He pointed out that the 5-foot width for plantings would be on the easement.

GRAYBILL agreed that perhaps certain type of trees would provide screening in the summer when in foliage, but there would be no screening in the winter time.

CHAIRMAN TAYLOR asked if anyone present felt they had not had a fair hearing. MRS. BOB JONES spoke again briefly on the matter of requiring access on Lambsdale to relieve the traffic existing on 11th Street, but she had no comment so far as fair hearing.

CHAIRMAN TAYLOR again asked if everyone felt they had had a fair hearing. No one indicated any such feeling or indicated a desire to speak.

HENNESSY referred back to his previous suggestion, and asked Nelson if there was any way the developers could work with the owners to the south so far as drainage.

NELSON said he was not in a position to answer, but based on what Mitchell has said, his client is solving the drainage problem in their own ownership, which, if a benefit district is established, would greatly reduce the assessment for others in the area, and their own share under a benefit district would no doubt be considerably less than what would be spent under the plan submitted by Mr. Zollars. He pointed out that the reason for designing the system as presented was to comply with what the City will have to do in the future when improvements are made to the north and south.

NELSON said he was also informed that in the 1940's, the City of Wichita employed an engineer to develop a set of plans for this drainage channel, and had that been followed by the City both north and south of subject area, the problem would not be here today.

NELSON continued that based on those plans prepared by H. R. Hunter, subject area is granting the required amount of drainage easement as suggested in that study. He said the fact that streets and alleys are being used for drainage is not the fault of the developer or the owner of the land - it is the result of not following an overall plan.

NELSON pointed out that north of 13th Street there are 200 acres of land that all drain to 13th. Drainage facilities were not properly provided as the area built up to accommodate additional watershed, and south of 10th Street the plans were not followed even though bought and paid for by the City.

ARNHOLZ commented that there is a problem now without development of subject area and there could be a worse problem under the present zoning if developed than there would be under the proposed development. He could not understand why the people in the area were so concerned.

GRAGERT suggested the Commission vote on each factor that has been brought up as a problem on the Residential CUP.

MOTION: That the Planning Commission again recommend the approval of the zone change request (Z-1567) from "AA" and "LC" to "R-5", subject to the platting of all the property associated with these three cases within one year from the date of approval by the City Commission; or the application be considered denied and closed. Hill moved, Arnholz seconded and it carried unanimously. (Blakey and Rising absent.)

MOTION: That the Planning Commission again recommend to the City Commission the approval of DP-57 - Amendment to the Commercial Community Unit Plan, subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
- c. Expand General Provision #7 to provide that: "No wall shall be constructed in any utility easement."
- d. Indicating "complete access control" adjacent to 12th Street on the face of the plan.
- e. Street name Shadowlawn Place shall be changed to Harding.
- f. Expand General Provision #5 to read as follows: Advertising ground signs shall be permitted along 13th Street and Oliver, only within a distance of 275 feet from the intersection, not to exceed the height of 30 feet; nor to be placed so as to project over any public right-of-way. No billboard advertising or roof signs shall be permitted.
- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- h. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- i. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Hill moved and Gragert seconded.

HILL said he still thought the signs should be limited to a distance of 275 feet from the corner of Oliver and 13th because they would then be facing other commercial zoning or development.

VOTE ON MOTION: Unanimous. (Blakey and Rising absent.)

MOTION: That the Planning Commission recommend approval of the Residential CUP (DP-58), subject to the staff requirements previously made and the additional requirements made at the previous hearing. Hill moved.

Upon further thought, HILL said that since the people on Harding don't want a wall, he would delete that and leave just a requirement for a planting strip as provided in the original application, but he would still leave the opening of Lambsdale as a part of his motion.

GRAGERT again requested that the points of concern be considered in separate motions as while he is in favor of the residential CUP he is not in favor of opening Lambsdale.

CHAIRMAN TAYLOR asked Hill if he would be willing to yield to that part of the motion related to the opening of Lambsdale.

HILL said he would leave it out of the motion, and moved that the Residential CUP be approved as previously recommended, subject to the staff comments previously made, and excluding the opening of Lambsdale, with the right to make another motion concerning the opening of Lambsdale.

HILL said his motion in the previous discussion was that this developer would take care of the drainage as far as his development is concerned at his expense and at no expense to anyone else and is included in the above motion, but he would make a second motion on Lambsdale.

KAMEN asked if two more motions - one for Lambsdale and one on drainage could be considered separately.

One of the Commissioners asked for a restatement of the motion, and HILL repeated his motion to move approval of the Residential CUP as submitted and the submission of a landscape plan before a building permit would be issued.

HENNESSY asked again if there was any way a committee could be formed to work with the people concerned with drainage.

ARNHOLZ seconded the motion.

AMENDMENT TO MOTION: That the opening of Lambsdale Drive be included in the above motion. Hill moved. This motion was not seconded.

AMENDMENT TO MOTION: That the developer be required to have a drainage plan and take care of costs at his expense of handling drainage on his own property. HILL moved and Arnholz seconded.

HENNESSY said he would agree 100% with Hill and as stated by Mitchell, a tremendous job has been done on the drainage plan, but there is flooding to the south and he thought the developer should also help the people to the south.

HOPPER also expressed a desire to assist the people downstream if possible.

KAMEN pointed out that the people to the south are wanting relief on the drainage matter from the south edge of subject property to the pond, but the flooding of the pond could be overcome as suggested by Mr. Mitchell previously.

HILL commented that the drainage plan will have to be considered at the Subdivision Committee and approved by the City Engineer and M. S. Mitchell, and then it will come back to this Commission and on to the City Commission.

AMENDMENT TO THE AMENDMENT: That the drainage problem be submitted which incorporates alternate solutions for the properties to the south to the Subdivision Committee for them to consider, and that the Planning Commission recommend that some method be developed to alleviate the difficulty of the three houses immediately adjacent to the south, if possible. Gragert moved and Hennessy seconded.

ARNHOLZ objected to the motion as he thought the Commission did not have the authority to require a developer to work with those to the south. He commented further that the drainage problem has to be met and approved and if not approved, the development will not occur, but the area south is already being flooded by admission of those owners, so why should this developer have to overcome the problem for the owners to the south. ARNHOLZ thought the suggestion was beyond the province of the Planning Commission to require.

HENNESSY said the reason he seconded the motion was because he was in favor of trying to protect the neighborhood.

HILL asked that it be considered that a developer can only be asked to do so much, and if the pressure becomes too much a project is shelved.

HILL continued that Mr. Edwards has to cross a foot bridge to get to his house, has flooding in his garage, shrubbery in a drainage easement; Cusick has water up to his house, and all these problems have existed long before the submission of this development plan.

HILL said he thought it arbitrary and capricious for the Planning Commission to now say just because of this development plan, that the developer must protect the area to the south, when everybody who bought a home there knew that some day subject property would be developed and that a drainage system would be necessary. He noted that apparently the owners have made no effort to get the problem solved themselves, or by the City, and Mitchell has suggested three ways to keep the water under control, and no one has said they would be willing to share in the cost. He did not think it fair to this developer to load things on him to where he might decide it is just too much to proceed with the project.

GRAGERT said he understood some of the people had indicated they would be willing to work toward solving the drainage problem and knew they had to share in the cost.

ARNHOLZ questioned why they had not done something about the situation before this time then.

VOTE ON THE AMENDMENT TO THE AMENDMENT:

Motion carried by a vote of 6 in favor (Taylor, Kamen, Hopper, Gardenhire, Gragert and Hennessy) and 2 opposed (Arnholz and Hill). (Blakey and Rising absent.)

VOTE ON AMENDMENT TO THE PRIME MOTION (drainage)
Carried unanimously. (Blakey and Rising absent.)

VOTE ON PRIME MOTION: Motion carried unanimously.
(Blakey and Rising absent.)

A restatement of the overall action was as follows:

That DP-58 - Residential Community Unit Plan again be recommended for approval as amended by the applicant to include the 5 feet of landscaping adjacent to the fence on the east, and subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. That the wall/fence adjacent to the planting area along Harding not be required.
- c. That access to Lambsdale not be permitted.
- d. That the developer be required to submit drainage plans and bear the costs for drainage improvements on his own property.
- e. That, at the time of platting, the developer shall also submit drainage plans that incorporates alternate solutions to solving the drainage problems to the south, including the Edwards property and the two properties on the west side of the pond; and work toward developing some procedure to solve the drainage problems adjacent to the three properties to the south "if possible".
- f. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
- g. Expand General Provision #9 to provide that: "No wall shall be constructed in any utility easement."
- h. Add a General Provision to #12 stating that: "At the time of platting, the applicant shall guarantee the construction of an accel-decel lane on 13th Street 200 feet in either direction from the center of the major driveway."
- i. Amend General Provision #9 by removing "and along the west line adjacent to Harding."
- j. Add screening wall, fence and landscaping to the homeowners association agreement under General Provision #8.
- k. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.
- l. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- m. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Regarding the requirement to work toward solutions to solving the drainage problems, if possible, on the three properties to the south of this project, the developer was advised that he should work toward coordinating his plans with the Flood Control Section of the Department of Public Works as well as working with the three property owners to the south.

WICHITA--SEDCWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 2-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

November 30, 1973

Mr. Robert H. Nelson, Attorney
Suite 630, 200 West Douglas
Wichita, Kansas 67202

Re: Z-1567 - "AA" and "LC" to
"R-5"
DP-57 - Commercial CUP
DP-58 - Residential CUP
Southeast corner of 13th
and Oliver

Dear Mr. Nelson:

At a special meeting of the Metropolitan Area Planning Commission on November 29, 1973, the above-captioned cases were re-considered.

The action of the Planning Commission was to again recommend the approval of the zone change request from "AA" and "LC" to "R-5", subject to the platting of all the property associated with these three cases within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed; and to again recommend the approval of DP-57 - Amendment to the Commercial Community Unit Plan, subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
- c. Expand General Provision #7 to provide that: "No wall shall be constructed in any utility easement."
- d. Indicating "complete access control" adjacent to 12th Street on the face of the plan.
- e. Street name Shadowlawn Place shall be changed to Harding.

WICHITA--SEDCWICK COUNTY

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November 30, 1973

- f. Expand General Provision #5 to read as follows: Advertising ground signs shall be permitted along 13th Street and Oliver, only within a distance of 275 feet from the intersection, not to exceed the height of 30 feet; nor to be placed so as to project over any public right-of-way. No billboard advertising or roof signs shall be permitted.
 - g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 - h. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - i. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration; and to
- recommend the approval of DP-58 - Residential Community Unit Plan, as amended by the applicant, to include the 5 feet of landscaping adjacent to the fence on the east, subject to the following conditions:
- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
 - b. That the wall/fence adjacent to the planting area along Harding not be required.
 - c. That access to Lambsdale not be permitted.
 - d. That the developer be required to submit drainage plans and bear the costs for drainage improvements on his own property.
 - e. That, at the time of platting, the developer shall also submit drainage plans that incorporates alternate solutions to solving the drainage problems to the south, including the Edwards property and the two properties on the west side of the pond; and work toward developing some procedure to solve the drainage problems adjacent to the three properties to the south "if possible".

WICHITA - SEDGWICK COUNTY

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November 30, 1973

- f. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
- g. Expand General Provision #9 to provide that: "No wall shall be constructed in any utility easement."
- h. Add a General Provision to #12 stating that: "At the time of platting, the applicant shall guarantee the construction of an accel-decel lane on 13th Street 200 feet in either direction from the center of the major driveway."
- i. Amend General Provision #9 by removing "and along the west line adjacent to Harding."
- j. Add screening wall, fence and landscaping to the Homeowners Association Agreement under General Provision #8.
- k. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.
- l. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- m. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Regarding the requirement to work toward solutions to solving the drainage problems, if possible, on the three properties to the south of this project, the developer should be advised that he should work toward coordinating his plans with the Flood Control Division of the Department of Public Works, as well as working with the three property owners to the south.

It is again necessary that you submit nine corrected copies of both Community Unit Plans to our office by 5:00 p.m. on December 5, 1973, so that these items may be forwarded to the Board of City Commissioners for consideration on December 11, 1973, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main, Wichita, Kansas.

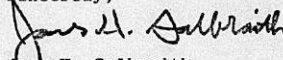
WICHITA—SEDGWICK COUNTY

Page 4 - Mr. Robert H. Nelson
November 30, 1973

Enclosed are two marked copies of the CUP that outline the necessary corrections that should be reviewed with Oblinger-Smith.

If you have any questions, please contact our office.

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: Claude R. Lambe, 5101 East 13th Street 67208
Deal Development Company, c/o Robert H. Nelson,
Suite 630, 200 West Douglas 67202
Bob Zollars, c/o Robert H. Nelson, Suite 630,
200 West Douglas 67202
Waldo Wetmore, Attorney, Bitting Building 67202
F. Rea Chapman, 1443 North Battin 67208
Jake Graybill, 1359 North Parkwood 67208
Rod Johnson, Attorney, Century Plaza Building 67202
Robert Moore, 5141 East 10th 67208
Jim Edwards, 1056 North Battin 67208
Robert Cornwell, Attorney, 125 North Market 67202
H. D. Barnett, 1351 North Parkwood 67208
Lawrence Finley, 1135 North Pinecrest 67208
George Slater, 1345 North Parkwood 67208
Bud Kuthan, 1020 North Harding 67208
Mr. and Mrs. H. A. Showalter, 1159 North Pinecrest 67208
Zeno Bollinger, 4919 East 10th 67208
Ray Courter, 1111 North Pinecrest 67208
Bess Parish, 1201 North Harding 67208
Mr. and Mrs. Eugene Cusick, 1010 North Harding 67208
Gary Wiley, Oblinger-Smith Corp., 625 1st National
Bank Building 67202
Mrs. Bob Jones, 1207 Harding 67208
Larry Prather, 5420 Lambsdale 67208
Jack Lashley, 1201 North Pinecrest 67208
City Manager's Office
M. S. Mitchell, Assistant Superintendent of Public Works
Maintenance and Flood Control Supervisor
Albert J. Kirk, Attorney, 10225 E. Kellogg 67207

November 30, 1973

Mr. Waldo Wetmore, Attorney
Bitting Building
Wichita, Kansas 67202

Re: Z-1567 - "AA" and "LC" to
"R-5"
DP-58 - Commercial CUP
LP-57 - Residential CUP
Southeast corner of 13th
and Oliver

Dear Mr. Wetmore:

The Planning Commission, at its special meeting on November 29, 1973, reconsidered the above-captioned zone change request and Community Units Plans. The action of the Commission was to again recommend the approval of these requests, subject to the conditions listed in the attached copy of our letter to Mr. Robert H. Nelson.

The protest petitions submitted prior to the zone case being previously considered by the Board of City Commissioners, which amounted to 34.78%, are still valid and require a 4/5ths vote of the City Commission to change the zoning.

As we previously advised you and others speaking in opposition, if you desire, you may write the City Commission at 204 South Main, to express your opposition on these Community Units Plans. Although protest petitions have no legal significance in requiring a greater than majority vote of the City Commission to approve a Community Unit Plan, it is still permissible to submit a list of protest signatures and their addresses. Inasmuch as these cases are scheduled for the Board of City Commissioners meeting on December 11, 1973, any letter or protest on the CUP's should be submitted to the City Clerk by the Wednesday preceding the City Commission meeting.

Page 2 - Mr. Waldo Wetmore
November 30, 1973

If additional information is desired so that you may be fully informed on these matters, please call the Planning Department at 262-0611, Extension 205.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: F. Rea Chapman, 1443 North Battin 67208
Jake Graybill, 1359 North Parkwood 67208
Rod Johnson, Attorney, Century Plaza Building 67202
Robert Moore, 5141 East 10th 67208
Jim Edwards, 1056 North Battin 67208
Robert Cornwell, Attorney, 125 North Market 67202
H. D. Barnett, 1351 North Parkwood 67208
Lawrence Finley, 1135 North Pinecrest 67208
George Slater, 1345 North Parkwood 67208
Bud Futhan, 1020 North Harding 67208
Mr. and Mrs. H. A. Showalter, 1159 N. Pinecrest 67208
Zeno Bollinger, 4919 East 10th 67208
Ray Courter, 1111 North Pinecrest 67208
Bess Parish, 1201 North Harding 67208
Mr. and Mrs. Eugene Cusick, 1010 North Harding 67208
Mrs. Bob Jones, 1207 Harding 67208
Larry Prather, 5420 Lambdale 67208
Jack Lashley, 1301 North Pinecrest 67208
City Manager's Office
Albert J. Kirk, Attorney, 10225 East Kellogg 67207

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: November 29, 1973

Case No. Z-1567 - "AA" and "LC" to "R-5"
Case No. DP-58 - Residential CUP
Case No. DP-57 - Commercial CUP

Referred back to the Metropolitan Area Planning Commission
for reconsideration.

Location:

In the area to the southeast of the intersection of Oliver
and 13th Street, east of Harding, north of 10th, and to
the west of Pinecrest and Parkwood.

Case History:

MAPC	10-25-73	Approved subject to certain conditions
BCC	11-13-73	Referred back to the MAPC for reconsideration

City Commission Minutes of November 13, 1973, are attached.

ZONE CHANGE
REQUEST: (Z-1567)
and DP-58)

South side of
13th St. in an
area west of
Parkwood Lane

Report from the Metropolitan Area Planning Commission (Case No.

Z-1567 and DP-58) in regard to petition to change from "AA" and "LC" to "R-5"

and request for approval of Residential CUP, generally located on the south side of 13th Street in an area west of Parkwood Lane, presented.

Legal Description is as follows:

Z-1567 - A tract in the NW $\frac{1}{4}$ of Sec. 13, Twp. 27 S, R1E, described as beginning 20 feet N of the NW corner of Lot 1, Block 11, Second Addition to Lambsdale, Wichita, Kansas; thence S 350 feet to the SW corner of Lot 4, in said Block 11; thence SWly 174.9 feet to the SW corner of Lot 6, in said Block 11; thence SWly along the Wly line of said Block 11, and the westerly line of Block 6, Third Addition to Lambsdale, Wichita, Kansas, a distance of 1102.45 feet; thence south along the west line of said Block 6, 538.57 feet more or less to the south line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 13; thence west 510 feet more or less to the SW corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 13; thence north along the east line of the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of said NW $\frac{1}{4}$, 799.78 feet to a point 1190 feet south of the NL of said NW $\frac{1}{4}$; thence east parallel with the north line of said NW $\frac{1}{4}$ and along the south line of said Fourth Addition to Lambsdale, 319 feet more or less to a point 310 feet NWly from and measured at right angles to the westerly line of said Block 6, Third Addition to Lambsdale; thence NEly along the Ely line of said Fourth Addition to Lambsdale, 895 feet, more or less; thence NEly along the EL of said Addition, 194.97 feet, more or less; thence north along the EL of said Addition 240 feet to a point 310 feet west of beginning; thence east 310 feet to the place of beginning, together with Block 1, Fourth Addition to Lambsdale, Wichita, Kansas, except beginning at the NW corner of said Block; thence south 583 feet more or less to the north line of 12th Street as platted in said Addition; thence east along the north line of said 12th Street and said Street line extended east, 800 feet; thence north parallel with the west line of said Block 1, 583.7 feet, more or less to the NL of said Block; thence W along the NL of said Block to the NW corner of said Block and the place of beginning.

DP-58 - Block 1, Fourth Addition to Lambsdale except beginning at NW corner; thence south 583 feet N/L to NL of 12th Street thence east along NL said 12th Street extending east, 800 feet; thence north parallel to the NL Block 1, 583.7 feet, more or less to NL said Block 1; thence W along NL said Block 1 to NW corner said block and point of beginning, and the following: A tract in the NW $\frac{1}{4}$ of Sec. 13, T27S, R1E, described as beginning 20 feet north of the NW corner of Lot 1, Block 11, Second Addition to Lambsdale, Wichita, Kansas; thence south 350 feet to the SW corner of Lot 4, in said Block 11; thence southwesterly 174.9 feet to the SW corner of Lot 6, in said Block 11; thence SWly along the westerly line of said Block 11 and the westerly line of Block 6, Third Addition to Lambsdale, Wichita, Kansas, a distance of 1102.45 feet; thence south along the WL of said Block 6, 538.57 feet more or less to the SL of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 13; thence west 510 feet, more or less to the SW corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 13; thence north along the EL of the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of said NW $\frac{1}{4}$, 799.78 feet to a point 1190 feet south of the NL of said NW $\frac{1}{4}$; thence east parallel with the north line of said NW $\frac{1}{4}$ and along the SL of said Fourth Addition to Lambsdale, 319 feet more or less to a point 310 feet northwesterly from and measured at right angles to the westerly line of said Block 6, Third Addition to Lambsdale; thence northeasterly along the easterly line of said Fourth Addition to Lambsdale, 895 feet, more or less; thence northeasterly along the east line of said Addition, 194.97 feet, more or less; thence north along the east line of said Addition 240 feet to a point 310 feet west of beginning; thence east 310 feet to the place of beginning.

Plg. Comm.
recommendation

Planning Commission recommended that Z-1567 be approved subject to the platting of all the property associated with all three cases (Z-1567, DP-57 (the following item) and DP-58) within one year from the date of approval by the City Commission; or the application be considered denied and closed; and approval of DP-58, subject to the following conditions:

Conditions for
approval

1. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
2. Increase of the building setback line adjacent to the south and east lines of Parcel No. 2 from 30 feet to 35 feet.
3. Expand General Provision No. 9 to provide that "No wall shall be constructed in any utility easement."
4. Add a General Provision to No. 12 stating that "At the time of platting, the applicant shall guarantee the construction of an access-decel lane on 13th Street 200 feet in either direction from the center of the major driveway."
5. Change the plat to reflect an access point to Lamsdale Drive.
6. Amend General Provision No. 9 to provide for a minimum 8-foot masonry wall or wood fence along the east, south and west, which should read as follows:

A planting screen 15 feet in width will be provided and maintained adjacent to the east line of Harding Avenue except at points for ingress and egress. A solid or semi-solid wall constructed of brick, stone, masonry, architectural tile, wood or other similar material at least 8 feet high shall be constructed along the east and south lines of Parcel No. 3 and along the west line adjacent to Harding, as indicated on the plan.

7. Add screening wall, fence and landscaping to the Homeowners Association Agreement under General Provision No. 8.
8. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.
9. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
10. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Mayor Donnell

Mayor Donnell stated that he received a letter from Mr. Nelson, Attorney for the applicant, requesting that signs be permitted on 13th Street, 600 feet east of Oliver and on Oliver Street, 350 feet south of 13th Street, that no access be provided to Lamsdale, and that the eight-foot masonry wall adjacent to Harding Street not be considered.

Jack Galbraith

Jack Galbraith stated that 34.78% of the property owners have signed a legal protest petition which would require a 4/5ths vote of the City Commission to approve the change in zoning.

The Commission proceeded to the opening of Bids on General Obligation Bonds and the adoption of the two ordinances. The Commission then returned to this item.

--Motion made
and carried

Porter moved that the access to Lamsdale be denied and the wall on the west side next to Harding Street be eliminated. Motion carried unanimously.

H. A. Schowalter

H. A. Schowalter, 1159 North Pinecrest, spoke regarding the drainage and the higher density that the new zoning would permit.

Jacob Graybell

Jacob Graybell, 1359 North Parkwood, requested that a permanent fence be constructed on the east side of the property and that he did not believe that the hearing held by the Planning Commission satisfied the State statutes of an open public meeting, because by the time the Planning Commission had arrived at this item on the agenda, the building was locked and the public was not permitted to attend the meeting.

Comm. Shanahan

Commissioner Shanahan stated that he believed something needed to be done in this regard as he has found it difficult to get in and out of the City building after hours. He requested the Department of Law to see if it is illegal to lock a public building with the public inside.

George Slater

George Slater, 1345 North Parkwood, objected to the change in grade which would back surface water upon his property.

Eugene H. Cusick

Eugene H. Cusick, 1010 North Harding, stated that he lived to the south of this property and was part owner of a pond. He believed the additional run-off caused by the improvement, would create many problems for his property which he did not believe he could tolerate.

--Motion made

Donnell moved that the matter be returned to the Metropolitan Area Planning Commission as there was apparently an inadequate public hearing and requested the Planning Commission to take another look at the drainage problem.

Com. Peters

Commissioner Peters requested the Department of Law to determine the legality of the City policy on locking of public buildings after hours.

--Motion made
(Amendment)

Shanahan moved to amend the motion that the Metropolitan Area Planning Commission consider elimination of the wall on the west, access to Lambdale on the east and further consideration be given for placement of the wall & nature of the landscaping on the east. Motion carried unanimously.

--carried

Jim Edwards

Jim Edwards, 1056 North Battin, stated that as he sees it, it would eliminate his property as he is the owner of the pond to the south of the application area and he does not believe he could get to his property during times when the drainage channel has water in it.

--Motion carried

Mayor Donnell's motion, as amended, carried unanimously.

COMMUNITY UNIT
PLAN: (DP-57)

SE corner of
Oliver and 13th

Report from the Metropolitan Area Planning Commission (Case Number DP-57) in regard to request for approval of Commercial Community Unit Plan generally located on the SE corner of Oliver and 13th Street, legally described as: DP-57 - That part of Block 1, Fourth Addition to Lambdale, Wichita, Kansas, described as beginning at the NW corner of said Block 1, thence south 583 feet N/L to the NE of 12th Street; thence E along NE said 12th Street extending East, 800 feet; thence north parallel with WL Block 1, 583.7 feet N/L to NE said Block 1; thence W along NE said Block 1 to NW corner said block and place of beginning.

Plg. Com.
recommendation

Planning Commission recommended approval subject to the following conditions:

Conditions for
approval

1. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
2. Increase of the building setback line adjacent to the south and east line of Parcel No. 2 from 30 feet to 35 feet.
3. Expand General Provision No. 7 to provide that "No wall shall be constructed in any utility easement."
4. Street name Shadowlawn Place shall be changed to Harding.
5. Expand General Provision No. 5 to read as follows: Advertising ground signs shall be permitted along 13th Street and Oliver, only within a distance of 275 feet from the intersection, not to exceed the height of 30 feet, nor to be placed so as to project over any public right-of-way. No billboard advertising or roof signs shall be permitted.

6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
7. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
8. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
9. Indicating "complete access control" adjacent to 12th Street on the face of the plan.

--Returned to
MAPC

Donnell moved that this matter be returned to the Metropolitan Area Planning Commission due to an inadequate hearing. Motion carried unanimously.

Notices sent to protestors and commentators:

Waldo Wetmore, Attorney, 5125 E. 10th, 67208
F. Rea Chapman, 1443 N. Battin, 67208
Jake Graybell, 1359 N. Parkwood, 67208
Rod Johnson, 1201 N. Harding, 67208
Jeanne M. & Bess M. Parish, 1201 N. Harding, 67208
Robert Moore, 5141 E. 10th, 67208
James Edwards, 1056 N. Battin, 67208
Robert T. Cornwell, 1532 Kenmar, 67208
Mr. and Mrs. Richard Burke, 1317 N. Parkwood, 67208
Herman Barnett, 1351 N. Parkwood, 67208
Lawrence Finley, 1135 N. Pinecrest, 67208
George Slater, 1345 N. Parkwood, 67208
Bud Kuthan , 1020 N. Harding, 67208
Mr. and Mrs. Harold Showalter, 1159 N. Pinecrest, 67208
Zeno Bollinger, 4919 E. 10th, 67208
Ray Courter, 1111 N. Pinecrest, 67208
Mrs. Eugene Cusick, 1010 N. Harding, 67208

also Mrs. Norma Peirson, 1527 S. Parkwood, 67218, asked for a notice for the hearing through Gary Thompson, PIO.

Also sent notice to Gary Wiley, Oblinger-Smith Corp., 1st National Bank Bldg., 67202

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
WICHITA, KANSAS 67202

November 15, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

This is to advise you that the Board of City Commissioners, at its regular meeting of November 13, 1973, considered zone change request, Case Number Z-1567, Residential Community Unit Plan DP-58, and Commercial Community Unit Plan DP-57, for the area known as Lambsdale, generally located in the area to the southeast of the intersection of Oliver and 13th Street, east of Harding, north of 10th, and to the west of Pinecrest and Parkwood. Their action was to return these applications to the Metropolitan Area Planning Commission for reconsideration.

This is to advise you that the Wichita-Sedgwick County Metropolitan Area Planning Commission will reconsider these three cases at a special meeting on Thursday, November 29, 1973, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at 1:30 p.m., at which time you may appear either in person or by agent or attorney, if you so desire.

These two development plans are on file in the office of the Planning Department, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, and are available for public information and review.

Jack H. Galbraith
Assistant Secretary

KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW

AUSTIN M. COWAN (1885-1948)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

November 7, 1973

Mr. Jack H. Galbraith, Chief Planner
Metropolitan Area Planning Commission
104 South Main
Wichita, Kansas 67202

Dear Mr. Galbraith:

Re: Z-1567 - "AA" and "LC" to "R-5"
DP-57 - Commercial CUP
DP-58 - Residential CUP
Southeast Corner of 13th and Oliver

Pursuant to your letter dated October 26, 1973, there is enclosed herewith nine (9) corrected copies of both Community Unit Plans (Commercial-Residential) which are to be forwarded to the City Commission for consideration at its meeting on November 13, 1973.

With reference to the DP-57, Amendment to the Commercial Community Unit Plan, all changes recommended by you in your letter of October 26, 1973, have been shown on the corrected new CUP, except the following:

1. The sign limitations as recommended by the Planning Commission at its meeting, that such signs be within 275 feet of the intersection of 13th and Oliver, has not been set out for the reason that we desire to present this matter to the City Commission and request the following:

- a. Sign limitations on Oliver Street, 350 feet;
- b. Sign Limitations on 13th Street, 600 feet.

With reference to the Residential CUP, all of your requested changes have been made, except the following:

- a. The access point to Lambsdale Drive, has not been shown. This will be presented to the City Commission as it is opposed by the petitioner and also by the residents in the Lambsdale area.

Mr. Jack H. Galbraith, Chief Planner
Page -2-
November 7, 1973

- b. The 8 foot wall/fence has not been shown on Harding Street, as this matter is desired to be presented to the City Commission. This matter will be opposed by the developer and also by the adjacent property owners on Harding Street.

A petition is being filed with the City Manager by 13 property owners, wherein they oppose the construction of an 8 foot wall on the Harding Street side, and are requesting that the CUP be returned to a grass medial with an approximate 3 foot low screening that is of a nature to prevent walk-through traffic.

We have complied with all other items pursuant to your letter of October 26, 1973, except the items as above listed. We desire to be heard before the City Commission on these particular items at the meeting on November 13, 1973.

Yours very truly,


Robert H. Nelson
of KAHRN, NELSON, FANNING, HITE & KELLOGG

RHN:t

Encs.

cc:

Mr. Gary Wiley
Mr. Paul Brown
Mr. Karl Solomon
Deal Development

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR APPROVAL OF COMMERCIAL COMMUNITY UNIT PLAN

CASE NO. DP-57

CONSIDERED BY MAPC: 10-25-73

REQUEST FOR: Approval of Commercial Community Unit Plan

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

GENERAL LOCATION: Southeast corner of
Oliver and 13th Street

LEGAL DESCRIPTION:

See attached excerpt of Planning Commission
minutes of October 25, 1973.APPLICANT: Claude R. Lambe, c/o Robert H. Nelson, Suite 630,
200 West Douglas 67202, and
Deal Development Company, Dallas, Texas

COUNSEL FOR APPLICANT: Robert H. Nelson, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north is "AA", "A" and "LC"; east is "AA" and
"LC"; south is "AA" and "A"; west is "A", "BB" and "LC"LAND USE: Subject property is undeveloped; north is single-family and food
market; east is single-family and undeveloped; south is single-
family; west is single-family, restaurant and service station

PLANNING COMMISSION RECOMMENDATION:

That this application be approved, subject to the conditions as shown
by the attached excerpt of Planning Commission minutes of October 25,
1973. Hill moved, Blakey seconded and it carried unanimously. (Arnholz
absent.)

ACTION 1. Approve the CUP as recommended by the Metropolitan Area Planning
Commission, subject to the recommended conditions; or2. Return the application to the Metropolitan Area Planning Com-
mission for its reconsideration. The City Commission states the following
reasons for its action:

Wichita, Kansas
December 3, 1973

Wichita City Commission
City Building
204 South Main
Wichita, Kansas 67202

RE: DP-57 - Commercial CUP
DP-58 - Residential CUP
Southeast Corner of 13th and Oliver

Dear City Commission Members:

We the undersigned oppose this project until the drainage problems that so vitally affect our homes are resolved; and respectfully request to be heard at the City Commission Meeting on December 11, 1973.

We do not feel that it is necessary to wait until the time of platting to resolve these drainage issues. We have offered repeatedly to meet with Mr. Nelson and Mr. Mitchell through our letters and personal appearances at MAPC and City Commission meetings to work together toward resolving these drainage problems as suggested by MAPC staff members. We have had no response from either party to this request. We have expressed a willingness to compromise these issues at all public meetings to this date. Mr. Nelson has steadfastly insisted that the development has no responsibility outside the confines of the development, even though what they do will damage our property. We do not agree with this supposition.

We strenuously oppose the wording in item "e" Page 2 and the second paragraph of item "m" on Page 3 of letter to Mr. Robert H. Nelson, Attorney for the Development from MAPC dated November 30, 1973, which states they should work with us and the Flood Control - Department of Public Works to resolve the drainage problems "if possible". It is the two words "if possible" that we object to.

Since Deal Development Company has now done extensive research and have an approved drainage plan for the complex area, according to Mr. Nelson's statements at MAPC meeting of November 29, 1973, we see no need in a further delay in resolving the drainage problems in our area. We are willing to meet with Mr. Nelson and Mr. Mitchell at any time they express a willingness to do so. Until this meeting is a reality and the drainage problems resolved to the satisfaction of all the concerned parties, we are opposed to the granting of the zoning change.

Respectfully yours,

Eugene H. Cusick
Eugene H. Cusick
1010 N. Harding

Bud Kuthan
Bud Kuthan
1020 N. Harding

Jim Edwards
Jim Edwards
1056 N. Battin



cc: MAPC

M. S. Mitchell - Flood Control-Dept. of Public Works

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

AUSTIN M. COWAN (1985 1940)

W. A. KAHRS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

RICHARD L. HONEYMAN

LARRY A. WITHERS

GARY A. WINFREY

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

November 7, 1973

Mr. Jack H. Galbraith, Chief Planner
Metropolitan Area Planning Commission
104 South Main
Wichita, Kansas 67202

Dear Mr. Galbraith:

Re: Z-1567 - "AA" and "LC" to "R-5"
DP-57 - Commercial CUP
DP-58 - Residential CUP
Southeast Corner of 13th and Oliver

Pursuant to your letter dated October 26, 1973, there is enclosed herewith nine (9) corrected copies of both Community Unit Plans (Commercial-Residential) which are to be forwarded to the City Commission for consideration at its meeting on November 13, 1973.

With reference to the DP-57, Amendment to the Commercial Community Unit Plan, all changes recommended by you in your letter of October 26, 1973, have been shown on the corrected new CUP, except the following:

1. The sign limitations as recommended by the Planning Commission at its meeting, that such signs be within 275 feet of the intersection of 13th and Oliver, has not been set out for the reason that we desire to present this matter to the City Commission and request the following:

- a. Sign limitations on Oliver Street, 350 feet;
- b. Sign Limitations on 13th Street, 600 feet.

With reference to the Residential CUP, all of your requested changes have been made, except the following:

- a. The access point to Lambsdale Drive, has not been shown. This will be presented to the City Commission as it is opposed by the petitioner and also by the residents in the Lambsdale area.

Mr. Jack H. Galbraith, Chief Planner
Page -2-
November 7, 1973

- b. The 8 foot wall/fence has not been shown on Harding Street, as this matter is desired to be presented to the City Commission. This matter will be opposed by the developer and also by the adjacent property owners on Harding Street.

A petition is being filed with the City Manager by 13 property owners, wherein they oppose the construction of an 8 foot wall on the Harding Street side, and are requesting that the CUP be returned to a grass medial with an approximate 3 foot low screening that is of a nature to prevent walk-through traffic.

We have complied with all other items pursuant to your letter of October 26, 1973, except the items as above listed. We desire to be heard before the City Commission on these particular items at the meeting on November 13, 1973.

Yours very truly,


Robert H. Nelson
of KAHRs, NELSON, FANNING, HITE & KELLOGG

RHN:t
Encs.

cc: Mr. Gary Wiley
Mr. Paul Brown
Mr. Karl Solomon
Deal Development

WICHITA—SEDERWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 2-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

ROUTING:	
<input type="checkbox"/> RW	_____
<input type="checkbox"/> RGE	_____
OCT 29 1973	
<input type="checkbox"/> EK	_____
<input type="checkbox"/> FILE	<input type="checkbox"/> _____

October 26, 1973

11/13

Mr. Robert H. Nelson, Attorney
Suite 630, 200 West Douglas
Wichita, Kansas 67202

Re: Z-1567 - "AA" and "LC" to "R-5"
DP-57 - Commercial CUP
DP-58 - Residential CUP
Southeast corner of 13th and
Oliver

Dear Mr. Nelson:

At the regular meeting of the Metropolitan Area Planning Commission on October 25, 1973, the above-captioned cases were considered.

The action of the Planning Commission was to recommend the approval of the zone change request subject to the platting of all the property associated with these cases within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed; and to

recommend the approval of DP-57 - Amendment to the Commercial Community Unit Plan subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
- c. Expand General Provision #7 to provide that "No wall shall be constructed in any utility easement."
- d. Indicating "complete access control" adjacent to 12th Street on the face of the plan.
- e. Street name Shadowlawn Place shall be changed to Harding.

WICHITA - SEDGWICK COUNTY

Page 2 - Mr. Robert H. Nelson
October 26, 1973

- f. Expand General Provision #5 to read as follows:
Advertising ground signs shall be permitted along 13th Street and Oliver, only within a distance of 275 feet from the intersection, not to exceed the height of 30 feet, nor to be placed so as to project over any public right-of-way. No billboard advertising or roof signs shall be permitted.
- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- h. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- i. Any major changes in this development plan being re-submitted to the Planning Commission and City Commission for their consideration; and to

recommend the approval of DP-58 - Residential Community Unit Plan subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
- c. Expand General Provision #9 to provide that "No wall shall be constructed in any utility easement."
- d. Add a General Provision to #12 stating that "At the time of platting, the applicant shall guarantee the construction of an accel-decel lane on 13th Street 200 feet in either direction from the center of the major driveway."
- e. Change the plan to reflect an access point to Lambsdale Drive.

WICHITA--SEDDWICK COUNTY

Page 3 - Mr. Robert H. Nelson
October 26, 1973

- f. Amend General Provision #9 to provide for a minimum 8-foot masonry wall or wood fence along the east, south and west, which should read as follows:

A planting screen 15 feet in width will be provided and maintained adjacent to the east line of Harding Avenue except at points for ingress and egress. A solid or semi-solid wall constructed of brick, stone, masonry, architectural tile, wood or other similar material at least 8 feet high shall be constructed along the east and south lines of Parcel #3 and along the west line adjacent to Harding, as indicated on the plan.

- g. Add screening wall, fence and landscaping to the Homeowners Association Agreement under General Provision #8.
- h. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.
- i. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- j. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

It should also be pointed out that after much discussion, the Planning Commission stressed to those speaking and concerned over drainage, that the text of the Community Unit Plan provides that drainage problems will be resolved at the time of platting and that drainage costs on subject property will be at the expense of the developer.

It is necessary that you submit nine corrected copies of both Community Unit Plans to our office by 5:00 p.m. on November 7, 1973, so that these items may be forwarded to the Board of City Commissioners for consideration on November 13, 1973, their meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main, Wichita, Kansas.

WICHITA--SEDCWICK COUNTY

Page 4 - Mr. Robert H. Nelson
October 26, 1973

Enclosed are two marked copies of the CUP that outline the necessary corrections that should be reviewed with Oblinger-Smith.

If you have any questions, please contact our office.

Sincerely,



Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: Claude R. Lambe, 5101 East 13th Street 67208
Deal Development Company, c/o Robert H. Nelson,
Suite 630, 200 West Douglas 67202
Waldo Wetmore, Attorney, Bitting Building 67202
F. Rea Chapman, 1443 North Battin 67208
Jake Graybill, 1359 North Parkwood 67208
Rod Johnson, Attorney, Century Plaza Building 67202
Robert Moore, 5141 East 10th 67208
Jim Edwards, 1056 North Battin 67208
Robert Cornwell, Attorney, 125 North Market 67202
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George Slater, 1345 North Parkwood 67208
Bud Kuthan, 1020 North Harding 67208
Mr. and Mrs. H. A. Showalter, 1159 N. Pinecrest 67208
Zeno Bollinger, 4919 East 10th 67208
Ray Courter, 1111 North Pinecrest 67208
Bess Parish, 1201 North Harding 67208
Mr. & Mrs. Eugene Cusick, 1010 North Harding 67208
Gary Wiley, Oblinger-Smith Corp., 625 1st National
Bank Building 67202
*City Manager's Office

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 2-0611 - AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

October 29, 1973

Mr. Waldo Wetmore, Attorney
Bitting Building
Wichita, Kansas 67202

Re: Z-1567 - "AA" and "LC" to "R-5"
DP-57 - Commercial CUP
DP-58 - Residential CUP
Southeast corner of 13th and
Oliver

Dear Mr. Wetmore:

The Planning Commission, at its regular meeting on October 25, 1973, considered the above-captioned zone change request and Community Units Plans. The action of the Commission was to recommend the approval of these requests, subject to the conditions listed in the attached copy of our letter to Mr. Robert H. Nelson.

Should you or others speaking in opposition desire to submit protest petitions on the zone change request, attached is the necessary petition and instruction sheet for your use. As you are aware, these protest petitions only relate to the zone change and should be submitted to the City Clerk's Office by 5:00 p.m. on November 8, 1973.

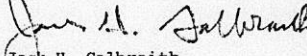
Also, as requested by the City Manager, this is to advise you that, if you desire, you may write the City Commission at 204 South Main, to express your opposition on these Community Unit Plans. Although protest petitions have no legal significance in requiring a greater than majority vote of the City Commission to approve a Community Unit Plan, it is still permissible to submit a list of protest signatures and their addresses. Inasmuch as these cases are scheduled for the Board of City Commissioners meeting on November 13, 1973, any letter or protest on the CUP's should be submitted to the City Clerk by the Wednesday preceeding the City Commission meeting.

WICHITA - SEDGWICK COUNTY

Page 2 - Mr. Waldo Wetmore
October 29, 1973

If additional protest petitions for the zone case are desired, please contact our office. Also, if additional information is desired so that you may be fully informed on these matters, please call the Planning Department at 262-0611, Extension 205.

Sincerely,



Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

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*City Manager's Office

October 29, 1973

Mr. Waldo Wetmore, Attorney
Bitting Building
Wichita, Kansas 67202

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Page 2 - Mr. Waldo Wetmore
October 29, 1973

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Chief Planner

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City Manager's Office

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 20511 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

October 26, 1973

Mr. Robert H. Nelson, Attorney
Suite 630, 200 West Douglas
Wichita, Kansas 67202

Re: Z-1567 - "AA" and "LC" to "R-5"
DP-57 - Commercial CUP
DP-58 - Residential CUP
Southeast corner of 13th and
Oliver

Dear Mr. Nelson:

At the regular meeting of the Metropolitan Area Planning Commission on October 25, 1973, the above-captioned cases were considered.

The action of the Planning Commission was to recommend the approval of the zone change request subject to the platting of all the property associated with these cases within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed; and to

recommend the approval of DP-57 - Amendment to the Commercial Community Unit Plan subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. Increase of the building setback line adjacent to the south and east lines of Parcel #2 from 30 feet to 35 feet.
- c. Expand General Provision #7 to provide that "No wall shall be constructed in any utility easement."
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WICHITA—SEDCWICK COUNTY

Page 2 - Mr. Robert H. Nelson
October 26, 1973

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- i. Any major changes in this development plan being re-submitted to the Planning Commission and City Commission for their consideration; and to

recommend the approval of DP-58 - Residential Community Unit Plan subject to the following conditions:

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- e. Change the plan to reflect an access point to Lambsdale Drive.

WICHITA - SEDGWICK COUNTY

Page 3 - Mr. Robert H. Nelson
October 26, 1973

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- j. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

It should also be pointed out that after much discussion, the Planning Commission stressed to those speaking and concerned over drainage, that the text of the Community Unit Plan provides that drainage problems will be resolved at the time of platting and that drainage costs on subject property will be at the expense of the developer.

It is necessary that you submit nine corrected copies of both Community Unit Plans to our office by 5:00 p.m. on November 7, 1973, so that these items may be forwarded to the Board of City Commissioners for consideration on November 13, 1973, their meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main, Wichita, Kansas.

WICHITA—SEDCWICK COUNTY

Page 4 - Mr. Robert H. Nelson
October 26, 1973

Enclosed are two marked copies of the CUP that outline the necessary corrections that should be reviewed with Oblinger-Smith.

If you have any questions, please contact our office.

Sincerely,



Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: Claude R. Lambe, 5101 East 13th Street 67208
Deal Development Company, c/o Robert H. Nelson,
Suite 630, 200 West Douglas 67202
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Gary Wiley, Oblinger-Smith Corp., 625 1st National
Bank Building 67202
City Manager's Office

DP-57 - 198 Notices to Property Owners sent 10-11-73

40	with Z-1567 and DP-58
1	with Z-1567 only
91	with DP-58 only
<u>66</u>	DP-57 only
198	

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
WICHITA, KANSAS, 67202

October 11, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m. on Thursday, October 25, 1973, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-57 - That part of Block 1, Fourth Addition to Lambsdale, Wichita, Kansas, described as beginning at the NW corner sd Blk 1: th South 583 ft M/L to the North line of 12th Street; th E along N line sd 12th St extend East, 800 ft; th N Parl with W line Blk 1, 583.7 ft, M/L to N line sd Blk 1; th W along N line sd Blk 1 to NW cor sd Blk and place of beginning. Generally located at the Southeast corner of Oliver and 13th Street.

This Development Plan has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Code of the City of Wichita. The Development Plan is on file in the office of the Planning Director, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, and is available for public information and review.

The Development Plan on file proposes an approximate 10.2 acre commercial development which will include a shopping center and/or offices, professional, personal services, comparison and convenience shopping, automotive, financial, and other service oriented retail uses. Included in the Development Plan is information concerning building setbacks, maximum ground coverage by structures, maximum gross floor area, screening and sign and building height limitations.

This hearing is to be held as provided in Section 28.04.190 of the Code of the City of Wichita and the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at this time.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

September 19, 1973

Mr. Robert H. Nelson
Suite 630, 200 West Douglas
Wichita, Kansas 67202

RE: DP-57 - Lambdale Commercial
CUP

Dear Mr. Nelson:

We have reviewed the plans submitted on the above captioned CUP with representatives of the Department of Public Works and generally find the plan acceptable as to the information required by the CUP regulations in the City Zoning Ordinance. There are two minor changes, however, that should be changed under General Provisions.

General Provision #1 should also provide that "No curb cuts shall be provided to 12th Street". (This should also be reflected on the face of the plan).

General Provision #7 should be revised and the CUP corrected to reflect the required 10 foot planting strip adjacent to 12th Street and the provision reworded to require the wall if the rear of the buildings on Parcel #2 face into 12th. In discussing this matter with Gary Wiley, he assured me that he could correct the wording to make it clear.

Also, relative to a discussion I had with Mr. Wiley on the existing sewer line in the designated north-south easement being incased so that development could be placed over the easement on Parcel #1, I was advised yesterday that the Engineering Division has no evidence that such was ever done when the sewer was installed. They advised that the sewer was constructed in about 1951, is approximately 18 feet deep and at that time it would not have been any more costly to relocate the sewer than it would have been to incase

Mr. Robert H. Nelson
Page 2

it. They cautioned about a building being proposed over the easement and the impossible situation that will be created for any development in an emergency with a sewer this deep lying under a building. They asked that, if possible, proof be submitted as to whether or not the sewer was incased at the time of construction.

These are all the comments we have at this time. Please provide us with 14 corrected copies of the CUP by October 5, 1973. We have enclosed a marked copy of the CUP with a copy of the letter to Mr. Wiley.

Please contact me if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rw
enclosures

cc: Claude R. Lambe, 5101 East 13th, 67208
Deal Development Co., Dallas, Texas, c/o Robert H. Nelson
Gary Wiley, Oblinger-Smith Corporation, 1st National Bank Bldg.,
67202

September 13,
1973

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
M. S. Mitchell, Supt. Public Works Maintenance
Jack E. Galbraith, Chief Planner

DP-57 - Lamsdale Commercial CUP and DP-58 - Lamsdale Residential CUP
Generally located at the Southeast corner of Oliver and 13th Street

Attached for your information and review are two CUPs submitted late yesterday, one residential and one commercial on the Claude Lambe property at the southeast corner of 13th and Oliver. As you all may be aware, approximately 12 years ago a commercial CUP was approved on most of this area which is zoned "LC" with some "AA" to the east and south of 11th Street. We have received a zone change application from "AA" and "LC" to "R-5" for all of that area described on the residential CUP.

Regarding the two parcel commercial CUP submitted by Oblinger and Smith, I have quickly reviewed the plan, and its contents seem to provide all the necessary information. Please note that they propose 60' and 75' of half street rights of way and propose to guarantee accel-decel lanes. At this time I don't see any major problems on this plan. The only unusual thing I heard about this plan is that the sewer in the easement through Parcel #1 was apparently encased a number of years ago so that buildings could be constructed over the easement. You might check your records to see if this is true.

As to the residential CUP, I drove around the perimeter of the site last evening and noted several things that need attention. One major entrance is proposed on 13th and the architect has raised the question as to if an accel-decel lane is necessary. Based on the proposed 10 dwelling units per acre and the dispersal of entrances, I am inclined to say that they are not needed. Comment please.

An entrance to Lamsdale Drive is proposed and I question this access to this single family area. The house on the southwest corner has a circle drive entrance to Lamsdale. Should there be an entrance to the project at this point?

Dick Linn
Paul Graves
M. S. Mitchell
Page 2

As you are aware, 10th Street does not extend through and is only partially paved south of the proposed project. Please note that an entrance is also proposed to 10th. There is a drainage problem through this site and the question I have is should a bridge be provided on 10th. The designated east-west collector in this section is 9th Street. If a bridge is not provided, I assume 10th should terminate in a cul-de-sac.

Harding Avenue is not a fully dedicated street. Only half street rights of way exists, partial pavement and no right of way on the east side of the church. Subject property will dedicate their half and guarantee paving. Please note that there is a distinct curve at the intersection of Harding Avenue and 12th. I don't see problems with the three proposed curb cuts to Harding although General Provisions state four.

Drainage problems seem to be serious and I have cautioned about there not being contours. The individual town house parcels appear to encroach into what may be needed for drainage.

As the architect is from Dallas, I need to respond to him next week. Therefore, if possible, I need your comments by Wednesday, September 19, 1973. Please contact me if I can furnish additional information or join in a meeting.

JHG:rw
attachment

J.e
Comm
DP-57

APPLICATION FOR COMMUNITY UNIT PLAN
(PLANNED RESIDENTIAL OR COMMERCIAL DEVELOPMENT)
FOR PROPERTY LOCATED WITHIN THE LIMITS OF THE
CITY OF WICHITA, KANSAS

This is an application for a Community Unit Plan - Planned Development. The form must be completed and filed at the Planning Department, Room 402, City Building Annex, 104 South Main, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants and/or their agent or agents.

a. Applicant Claude R. Lambe (Owner)
Address Pauline Park home 1313 Union Hill Bldg Phone _____
DP-58 + 1576
Agent Robert H. Nelson

Address 200 W. Douglas, Suite 630, Phone 262-3777
Wichita, Kansas 67202

b. Applicant Deal Development Company (Contract Purchaser)
DP-58 + 1576
Address Dallas, Texas Phone _____
Agent Robert H. Nelson

Address 200 W. Douglas, Suite 630 Phone 262-3777
Wichita, Kansas 67202

c. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____

(Use separate sheet if necessary for names of additional applicants)

II.A The applicant hereby requests Community Unit Plan approval on property zoned "LC" and legally described as Lot(s)

_____, Block(s) _____
_____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

OK legal

Property lying within a radius of 750 ft of:
that part of Block 1, Fourth Addition to Lambsdale, Wichita, Kansas described as: Beginning at the NW cor sd Blk 1: th South 583 ft M/L to the North Line of 12th Street; th E along N line sd 12th St extend East, 800 ft; th N parl with W line Blk 1, 503.7 ft. M/L to N line sd Blk 1; th W along N line sd Blk 1 to NW cor sd Blk and place of beginning.

III. This property is located at (address) the Southeast corner of Oliver and 13th Street.

The general location is (use appropriate section)

- a. at the _____ corner of _____
and _____; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

IV. I (we), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (we) realize that this application cannot be processed unless it is completely filled in and accompanied by a current abstractor's certificate as required in the instruction sheet.

Claude R. Lambe John D. C.
By Robert H. Nelson Robert H. Nelson
Authorized Agent (if any) Authorized Agent (if any)

By _____ By _____
Authorized Agent (if any) Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
10:40 (AM, ~~PM~~) on Sept 13, 73 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of

\$ No fee required.

John A. Salbreath Name
City Planner Title

STATEMENT OF OWNERSHIP

*Ownership list p
"20" cut*


y.l.

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 750 ft of: that part of Block 1, Fourth Addition to Lambsdale, Wichita, Kansas described as: Beginning at the NW cor sd Blk 1: th South 583 ft M/L to the North Line of 12th Street; th E along N line sd 12th St extend East, 800 ft; th N parl with W line Blk 1, 583.7 ft, M/L to N line sd Blk 1; th W along N line sd Blk 1 to NW cor sd Blk and place of beginning.


Fidelity
Title
Company,
Inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOT	BLK	ADDITION	OWNER
1,		4th to LAMBSDALE	Claude R. Lambe Pauline Parks Lambe, ux 1313 Union Natl Bldg. 67202
1 & NE 20' Lot 2, 6,		3rd to LAMBSDALE	Bernard T. Schmitz Margaret Schmitz, ux 1181 N. Pinecrest 67208
2, exc NE 20' & NE 35' Lot 3,		"	Harold J. Froning Dorothy S. Froning, ux 1175 N. Pinecrest 67208
3, exc NE 35' & NE 48' Lot 4,		"	Edward L. Wolfe Kathryn F. Wolfe, ux 1167 N. Pinecrest 67208
SW 32' M/L Lot 4, 6, & NE 55' M/L Lot 5,		"	Harold A. Schowalter Marjorie D. Schowalter, ux 1159 N. Pinecrest 67208
-SW 25' Lot 5 & Lot 6, 6, exc S 5',		"	Nathan Misenhimer, Jr. Wanda Misenhimer, ux 1151 N. Pinecrest 67208



LOT	BLK.	ADDITION	OWNER
1 & N 15' Lot 2,	1,	<u>GLENAIRE</u>	✓ John F. & Mary Ellen Sheaks, ux 1355 St. Andrews
S 35' Lot 2 & N 30' Lot 3,	1,		✓ Gene E. & Evaline R. Hill, ux 961 N. Pershing 67208
S 20' Lot 3 & N 45' Lot 4,	1,		✓ Gary R. & Carole E. Jones, ux 1219 N. Glendale 67208
S 5' Lot 4, all Lot 5,	1,		✓ James E. & Sharon K. Webster, 1713 N. Glendale 67208 ux
6,	1,		✓ Earl L. & Lois J. Huette, ux 1207 N. Glendale 67208
7,	1,		✓ Wesley L. & Loretta D. Evans, 1201 N. Glendale 67208 ux
1,	2,		58+31 1367 ✓ Warren J. Cortner G. Beth Cortner, ux 1231 N. Harding 67208
2,	2,	"	✓ Floyd W. Berends Bernice R. Berends, ux 1227 N. Harding 67208
3,	2,	"	✓ Jack L. Stucky Darlene C. Stucky, ux 1223 N. Harding 67208
4,	2,	"	✓ Norris L. Boise Dorothy M. Boise, ux 1219 N. Harding 67208
5,	2,	"	✓ Marjorie Lee Van Dusen 1213 N. Harding 67208
6,	2,	N/A Returned 11.15.73	✓ Irene L. Schmitt 1207 N. Harding 67208
7,	2,	"	✓ Jeanne M. Parish, sgle. Less M. Parish, sgle. 1201 N. Harding 67208
8,	2,	"	✓ Fred C. Scarlett Karen J. Scarlett, ux 1202 N. Glendale 67208
9,	2,	"	✓ Robert W. Basler Anna Basler, ux 1208 N. Glendale 67208
10,	2,	"	✓ Harold L. & Dorothy Wise, ux 1212 N. Glendale 67208
11 & S 15' Lot 12,	2,	58+31 1367	✓ Dorothy Bircher Potucek, sgle. 1220 N. Glendale 67208
N 35' Lot 12 & S 30' Lot 13,	2,	"	✓ Hermen C. Newcomb, Jr. Willa Mae Newcomb, ux 1228 N. Glendale 67208
N 20' Lot 13, all Lot 14,	2,	"	✓ Ronald D. Burk Barbara L. Burk, ux 1238 N. Glendale 67208

LOT	BLK	ADDITION	OWNER
1,	1,	<u>GLENAIRE 2nd.</u>	✓ C. Dale & Erlene Barber, ux 1261 N. Glendale 67208
2,	1,		✓ Calvin L. & V. Marian Ervin, ux 1255 N. Glendale 67208
3,	1,		✓ Clifford James Vickery ✓ Patricia A. Vickery, ux No Address Available 1302 N. Terrace 67208
4,	1,		✓ Oyal H. Grimes, sgls. 1243 N. Glendale 67208
1,	2,	2-1587 DP-58	✓ William E. & Vivian C. Horn, ux 1261 N. Harding 67208
2,	2,	"	✓ Donald F. McArthur ✓ Ora Esther McArthur, ux 1255 N. Harding 67208
3,	2,	"	✓ Ryman L. Lehman ✓ Patricia Ann Lehman, ux 1249 N. Harding 67208
4,	2,	"	✓ Lawrence E. Sperry ✓ Alice Sperry, ux 1243 N. Harding 67208
5,	2,	"	✓ Cedric A. Johnson ✓ Frances E. Johnson, ux 1244 N. Glendale 67208
6,	2,	"	✓ Russell & Faye E. Martin, ux 1250 N. Glendale 67208
7,	2,	"	✓ F. K. & Erma M. Swonger, ux 1256 N. Glendale 67208
8,	2,		✓ Otwin Alvin Runge ✓ Norma L. Runge, ux No Address Available
1,		<u>MATHIS</u>	✓ Marjorie June Friedman % Wichita Fed. 340 S. Brdway, 67202
2,			✓ Ronald M. Hilfinger % Wichita Fed. 340 S. Brdwy 67202
C-11111-T:		W 180' of N 16 rds SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, exc S 125' & exc N 2.95' Sec 13, Twp 27, R 1 East.	✓ Richard D. & Janet M. Myers, ux % Wichita Fed. 340 S. Broadway 67202
C-11111-U-1:		E 150' of W 180' of S 4 rds of N 60' rds NW $\frac{1}{4}$ Sec 13-27-1E.	✓ Floyd & Ruth L. Guggisberg, ux 1236 N. Oliver 67214
C-11111-U-2:		E 150' of W 180' of S 4 rds of N 64 rds. NW $\frac{1}{4}$ Sec 13-27-1E.	✓ Jesse H. Scott 1228 N. Oliver 67214
C-11111-U:		E 150' of W 180' of S 8 rds of N 72 rds NW $\frac{1}{4}$ Sec 13-27-1E.	✓ Elmer E. & Myrtle Flowers, ux % Norma Peirson, 1537 S. Parkwood 67218
C-11111-V:		E 150' of W 180' of S 8 rds of N 80 rds of NW $\frac{1}{4}$ Sec 13-27-1E., exc S 30' for St.	✓ Ralph Brown 1204 N. Oliver 67214
C-11111-W:		Beg 80 rds S of NW cor NW $\frac{1}{4}$; th S 16 rds; E 40 rds; N 16 rds; W 40 rds to beg. Sec 13-27-1E.	✓ First Bible Baptist Church 1156 N. Oliver 67214

LOT	BLK	ADDITION	OWNER
1 & 2,	8,	COUNTRY CLUB HEIGHTS	✓ Donald Elliott ✓ Rosemary Haywood, jt. 1259 N. Oliver 67208
3 & 4,	8,		✓ Alice Wade Glass ✓ Dennis Alan Glass, jt. 1045 Porter, Apt # 242 67203
5 & 6,	8,		✓ Corb S. Bedell ✓ 400 N. Woodlawn, Suite 19, 67208
7 & 8,	8,		✓ Marvin W. & Marleen Dawdy, ✓ 1243 N. Oliver 67208 ux
9 & 10,	8,		✓ Jerry L. & Judy M. Meslin, ✓ 1239 N. Oliver 67208 ux
11 & 12,	8,		✓ Edward L. & Matilda Stamm, ✓ 1233 N. Oliver 67208ux
13 & 14,	8,		✗ W. Baldwin, Jr. ✗ Address Available
15 & 16,	8,		✓ Ernest A. & Marie Warden, ✓ 1223 N. Oliver 67208 ux
17 & 18,	8,		✓ Charles J. Bausch ✓ Sue Ella Bausch, ux ✓ 1217 N. Oliver 67208
19 & 20,	8,		✓ Leo H. Vogelsberg ✓ Reta Rae Vogelsberg, ux ✓ 1211 N. Oliver 67208
21 & 22,	8,		✓ Lionel L. Smith ✗ Earlene J. Smith, ux No Address Available
23 & 24,	8,		o/c ✓ Clarence H. Stanaland ✓ Delpha M. Stanaland, ux ✓ 100 S. Tyler Rd. 67209
25 & 26,	8,		o/c ✓ Clarence O. Simpson ✓ Ramona L. Simpson, ux ✓ 1202 N. Dellrose 67208
27 & 28,	8,		o/c ✓ T. R. & Alene M. Finley, ux ✓ 1208 N. Dellrose 67208
29 & 30,	8,		o/c ✓ Jimmy D. & Della R. Jones, ✓ 1212 N. Dellrose 67208 ux
31 & 32,	8,		o/c ✓ Lila M. Manuel, sgls. ✓ 1216 N. Dellrose 67208
33 & 34,	8,		o/c ✓ Clyde B. Crandall, Jr. ✓ Janice R. Crandall, ux ✓ 533 N. Oliver 67208
35 & 36,	8,		o/c ✓ Abraham J. Bekker ✓ Grace O. Bekker, ux ✓ 1228 N. Dellrose 67208
37 & 38,	8,		o/c ✓ Leola I. Lindahl, sgls. ✓ 3927 E. Kellogg, Apt # 4, 67218
39 & 40,	8,		o/c ✓ James F. McConnell ✓ Dorothy R. McConnell, ux ✓ 1238 N. Dellrose 67208

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LOT	BLK	ADDITION	OWNER
41 & 42,	8,	COUNTRY CLUB HEIGHTS <i>OK</i>	<i>OK</i> Opal M. Carle 1242 N. Dellrose 67208
43 & 44,	8,		<i>OK</i> G. M. Crow 1248 N. Dellrose 67208
45 & 46,	8,		<i>OK</i> Luther McDonald Betty Ruth McDonald, ux 1252 N. Dellrose 67208
47 & 48,	8,		<i>OK</i> Roy E. & Orleva M. Wood, 1258 N. Dellrose 67208 ux
1 & 2,	9,		<i>OK</i> Fred C. Kettler Blanche D. Kettler, ux 1157 N. Oliver 67208
47 & 48,	9,		<i>OK</i> Gale E. Pennock 1158 N. Dellrose 67208
1 & 2,	7,		<i>OK</i> Viola M. Allen 1259 N. Dellrose 67208
3 & 4,	7,		<i>OK</i> Clyde C. Coulson Habel K. Coulson, ux 1253 N. Dellrose 67208
5 & 6,	7,		<i>OK</i> Rodney G. Polson Emma H. Polson, ux 1249 N. Dellrose 67208
7 & 8,	7,		<i>OK</i> Calvin J. Baker Eloise J. Baker, ux 1243 N. Dellrose 67208
9 & 10,	7,		<i>OK</i> Archie E. Best Marguerite D. Best, ux 1239 N. Dellrose 67208
11 & 12,	7,		<i>OK</i> Radelia M. Frerking 1233 N. Dellrose 67208
13 & 14,	7,		<i>OK</i> Earl F. Need Bulah Grace Need, ux 1229 N. Dellrose 67208
15 & 16,	7,		<i>OK</i> Doyce Hadley Cooke Audrey L. Cooke, ux 1223 N. Dellrose 67208
17 & 18,	7,		<i>OK</i> David W. Taylor Betty G. Taylor, ux 1217 N. Dellrose 67208
19 & 20,	7,		<i>OK</i> Fred C. Haffamier Dovellia :. Haffamier, ux 1211 N. Clifton 67208
21 & 22,	7,		<i>OK</i> Billy Joe Keith Zola May Keith, ux 1207 N. Dellrose 67208
23 & 24,	7,		<i>OK</i> Robert L. Blackmon Betty M. Blackmon, ux 1201 N. Dellrose 67208

LOT	BLK.	ADDITION	OWNER
29 & 30,	7,	COUNTRY CLUB HEIGHTS	William A. Bick 1242 N. Pershing 67208
31 & 32,	7,		Robert S. Wellman Freda J. Wellman, ux 1013 Wicker Lane 67207
33 & 34,	7,		Robert A. Brenner Jo Ann Brenner, ux 1222 N. Pershing 67208
35 & 36,	7,		Helen Hunter 1228 N. Pershing 67208
37 & 38,	7,		Dennis J. & Juanita Miller, ux 1232 N. Pershing 67208
39 & 40,	7,		Alberta T. Shaw, sgle. 1238 N. Pershing 67208
41 & 42,	7,		Morgan & Pearl M. Wollner, ux 1242 N. Pershing 67208
43 & 44,	7,		Raymond F. & Marian Burke, ux 1248 N. Pershing 67208
45 & 46,	7,		Wesley A. & Margaret Rhoden, ux 1252 N. Pershing 67208
47 & 48,	7,		Marion W. & Ruth H. Thorp, ux 1258 N. Pershing 67208
1, 2, 3, 4,	1,		Palmwic Realty Co., Inc. % Socony Mobil Oil Co., 925 Grand Ave., K. C., Mo.
5, 6, 7, 8, 9, 10, 11, Blk 1,			Richard Ayesh 3628 Benjamin 67204
12, 13, 14,	1,		Jessie D. Every Harold A. Every, Jr. jt. 1429 N. Oliver 67208
15 & 16,	1,		William R. Eckels, Jr. Jazel A. Eckels, ux 1632 N. Lorraine 67214
17 & 18,	1,		Lydia Pond 1319 N. Oliver 67208
19 & 20,	1,		Peter G. & Tabea L. Janzen, ux 1315 N. Oliver 67208
21 & 22,	1,		Earl G. & Annie M. Brittain, ux 1307 N. Oliver 67208
23 & 24,	1,		Paul Leroy & Carol C. Boris, ux 1121 Deaver 67219
25 & 26,	1,		Lyle G. & Eunice Knierim, ux 1308 N. Dellrose 67208
27 & 28,	1,		Webster T. & Elsie R. Bourn, ux 1308 N. Dellrose 67208
29 & 30,	1,		Harry W. & Virginia McAdam, ux 224 N. Greenwich Rd. 67206

LOT	BLK	ADDITION	OWNER
31 & 32,	1,	COUNTRY CLUB HEIGHTS ^{AK}	Ray J. & Delores M. Waldo, ux 1316 N. Dellrose 67208
33 & 34,	1,		Amy B. Rains 1322 N. Dellrose 67208
35 & 36,	1,		Clarence P. Keil Delores Ellen Keil, ux 1328 N. Dellrose 67208
37 & 38,	1,		Virgil Howard Goodson Bethie J. Goodson, ux 1332 N. Dellrose 67208
39 & 40,	1,		Robert R. & Dorothy Stevens, 1338 N. Dellrose 67208 ux
41, 42, 43, 44,	1,		Richard Ayesh 1328 Benjamin 67204
W 123' Lots 45, 46, 47 & 48,	Blk 1,		The Dillon Investment Co. 307 N. Washington, Hutchinson, Ks.
E 13½ ft Lots 45, 46, 47 & 48,	" 1,		D Palmic Realty Co., Inc. % Socony Mobil Oil Co., 925 Grand Ave., K. C., Mo.
1, 2, 3, 4,	" 2,		Bradford & Kelsey Brown Hall % American Petrofina Co., ux Box 2159, Dallas, Tex. 75221
5 & 6, 7 & 8,	" 2,		Hugh S. Stevens Charles T. Schoenhofer 1345 N. Dellrose 67208
9 & 10,	" 2,		Emery A. & Eleanor Plunkett, 601 S. Rutan 67218 ux
11 & 12,	" 2,		Adm. of Veterans Affairs, 5500 E. Kellogg 67218
13 & 14,	" 2,		Paul A. & L. Marie Haun, ux 1329 N. Dellrose 67208
15 & 16,	" 2,		Dean R. & Norma Ruth Wheeler, 1323 N. Dellrose 67208 ux
17 & 18,	" 2,		Curtis Newman, Jr. Mary B. Newman, ux 1417 N. Dellrose 67208
19 & 20,	" 2,		Ray L. & Betty Anderson, ux 1411 N. Dellrose 67208
21 & 22,	" 2,		Etta M. Bradley Faye E. Jordan, jt. 1307 N. Dellrose 67208
23 & 24,	" 2,		Ernest R. & Myrtle Stevens, 728 S. Yale 67218 ux
25 & 26,	" 2,		Fred W. & Helen M. Winters, 1302 N. Pershing 67208 ux
27 & 28,	" 2,		Donald E. Burrus 1308 N. Pershing 67208

LOT	BLK	ADDITION	OWNER
29 & 30,	2,	COUNTRY CLUB HEIGHTS	Shirley B. Wentworth 1312 N. Pershing 67208
31 & 32,	2,		Richard & Jean Reeves, ux 1316 N. Pershing 67208
33 & 34,	2,		Robert L. Wright, Jr. Christi Lu Wright, ux 1322 N. Pershing 67208
35 & 36, 37 & 38,	2,		Harris C. & Imogene Olson, ux 1332 N. Pershing 67208
39 & 40,	2,		Elvin L. & Donna Tharp, ux 1338 N. Pershing 67208
41 & 42,	2,		E. H. & Birdie Cullison, ux 428 E. Pearl St., Mulvane, Ks.
43, 44, 45, 46, 47 & 48,	2,		Markoski-Totten-Ashley, 501 Clara, Peoria, Ill. 61614
24, 25, 26, 27, & 28,	10,	UNIVERSITY HEIGHTS	Charles A. Doolittle, Sr. 1404 N. Pinecrest 67208
29 & 30,	10,	"	Richard E. & Mary Botkin, ux 1416 N. Pinecrest 67208
31 & 32,	10,	"	Fred R. & LaTrelle I. King, ux 1420 N. Pinecrest 67208
33 & 34,	10,	"	Clarence R. & Fern C. Barnes, 1426 N. Pinecrest 67208 ux
3 & 4,	11,	"	Joseph A. & Adeline Stroh, ux 1455 N. Pinecrest 67208
5 & 6,	11,	"	Charles R. & Myrtle Yates, ux 1847 N. Richmond 67203
7 & 8,	11,	"	William E. Randle Texanita L. Randle, ux 1406 N. Bluff 67208
9 & 10,	11,		Cora B. Freeman 1436 Stratford Lane 67206
11 & 12,	11,		Lawrence E. & Alice Sperry, ux 1243 N. Harding 67208
13 & 14,	11,		Charles A., Sr. & Ida Doolittle 1404 N. Pinecrest 67208 ux
15 & 16,	11,		Carl C. & Flora Mae Richey, ux 1419 N. Pinecrest 67208
17 & 18,	11,		Francis & Vada T. Slack, ux 1415 N. Pinecrest 67208
19 & 20,	11,	"	Herman W. & Betty Jane Smith, 31 Via Roma 67230 ux
21 & 22,	11,	"	Willard R. & Jackie Meyer, ux 1407 N. Pinecrest 67208
23,	11,	"	Harry & Carolyn Anderson, ux No Address Available 1403 N. Pinecrest 67208

OR
↓

DP-58

2-1567 19 Beech Rd.
67206
DP-58

DP-58 + 2-1567

OK 2-1567

LOT	BLK	ADDITION	OWNER
24 & 25,	11,	UNIVERSITY HEIGHTS	Arthur J. Casado 302 N. Main 67202
26, 27 & S 5' of 28, 11,			James W. & Linda Jean Maddox, ux 1408 N. Pinecrest 67208
N 20' Lot 28, all 29, 11, & S 10' Lot 30,			Alpha S. & Millie M. Hull, ux 1414 N. Pinecrest 67208
N 15' Lot 30, all Lot Blk 11, 31 & S 15' Lot 32,			Leonard F. Saunders ux Carolyn M. Saunders, ux 1420 N. Pinecrest 67208
N 10' Lot 32, 33, & S 20' 11, Lot 34,			Ralph E. & Irene Mallery, ux 7822 E. Douglas, Apt #202, 67206
N 5' Lot 34, all 35 & 36, 11,			Gregory Paul & Laura Hardy, ux 1432 N. Pinecrest 67208
37 & 38,	11,		Robert L. & Marilyn J. Baker, ux 1438 N. Pinecrest 67208
39 & 40,	11,		L. L. & Sheila K. Frye, ux 1444 N. Battin 67208
41 & 42,	11,		Lawrence H. & Iva Thimm, ux 1450 N. Battin 67208
43 & 44,	11,		Norval W. & Mary E. Simpson, ux 1456 N. Battin 67208
45 & 46,	11,		Charles A. Knox No Address Available
1, exc S 70',	12,		Howard K. & Alice B. Gire, ux 1445 N. Harding 67208
N 60' of S 70' Lot 1,	12,		University Christian Church 1401 E. 17th St. 67208
S 10' Lot 1, all 2 & 3,	12,		R. R. & Velma Rush, ux 1909 E. 30th St., Hutchinson, Ks
4 & 5 & N 10' Lot 6,	12,		John C., Jr. & Anna M. Enslow, 1427 N. Harding 67208 ux
S 15' Lot 6, all 7 & N 20' 12, Lot 8,			Hubert M. & Betty Mae King, ux % Peoples Bank, 111 W 75th St., Kansas City, Mo. 64114
S 5' Lot 8, all 9 & 10 & N 5' Lot 11,	12,		Mary E. Albright 1415 N. Harding 67208
S 20' Lot 11, Lot 12 & N 15' Lot 13,	12,		Jesse L. & Ina L. Graham, ux 1403 N. Harding 67208
S 10' Lot 13, all 14 & 15, 12,			Jesse L. & Ina L. Graham, ux 1403 N. Harding 67208
16 & 17 & S 10' Lot 18,	12,		Kenneth R. & Lola P. Danel, ux 1408 N. Glendale 67208
N 15' Lot 18, all 19 & S 20' Lot 20,	12,		Ernest C & Cora McGuire, ux 1408 N. Glendale 67208
N 5' Lot 20, all 21 & 22 & 12, S 5' Lot 23,			Adele A. DeThample 711 N. Topeka 67214

ADDITION DP-58/67

DP-58
2-13-67

Returned
day before
yesterday

DP-58
3-3-67

D

LOT	BLK	ADDITION	OWNER
N 20' Lot 23, all 24 & S 15' Lot 25,	12,	UNIVERSITY HEIGHTS	W. W. & Frances Campbell, ux 1420 N. Glendale 67208
N 10' Lot 25, all 26 12 & 27,		"	Erwin & Ethel Rose, ux 1426 N. Glendale 67208
28, 29 & S 10' of 30, 12,		"	Keith J. & Betty Unruh, ux 1432 N. Glendale 67208
30, exc S 10',	12,	"	Dorothy Lundsted Walter Palmer, jt. 1208 N. Jackson 67203
Odd & Even Lots 1-24, 13,		"	Mary Veronica Schneider & Safeway Stores, Inc., P. O. Box 461, K. C., Mo.
Block 14,			
Beg at a pt on front line 6.5' SWly of Sly line of Lot 16; th NELY along front line Lots 17, 16, 15, 14 to a pt 12' N of S line; th NWly to a pt on rear line Lot 13, 0.6' NELY of Sly line Lot 13; th SWly along rear line Lots 13, 14, 15, 16, 55.6' to a pt 0.2' NELY of Sly line Lot 16; th to pt of beg.		"	Chas. O. Whitacre & Katherine A. Whitacre, ux 1561 Northeast Parkway 67208
Beg at intersection front line Lot 19; th NELY on front line Lots 19, 18 & 17, 68.5'; th NW to a pt on rear line Lot 16, 0.2' NELY of Sly line Lot 16; th SWly along rear line Lots 16, 17, 18, 19, 56' to intersection of rear line with Sly line Lot 19; th SEly to pt of beg.		"	Robert A. Schreffler & Virginia R. Schreffler, ux 1555 Northeast Parkway 67208
Lots 20, 21 & 22,	Block 14,	"	Maud Beech & Constance Beech Adams 19500 Oakmont Dr. Sun City, Ariz. 85351
23, 24 & 25, exc strip 1.53' at rear & 8.5' at front adj Lot 26, Blk 14,		"	Clara M. Barksdale 1739 Northeast Parkway 67208
A strip 1.53' at rear & 2.5' at front adj Lot 2 off Lot 25; all Lots 26, 27 & 28, exc a strip 3.36' at rear & 5' at front adj Lot 29, Blk 14,		"	Ethel Van Zandt 1533 Northeast Parkway 67208
A strip 3.36' at rear & 5' at front off Lot 28 adj Lot 29, all Lots 29 & 30 & Lot 31, exc a strip 5.39' at rear & 7.5' at front adj Lot 32, Block 14,		"	Bert A. Crowder & Marian R. Crowder, ux 9012 E 29th St. South, Tulsa, Okla. 74129
A strip adj Lot 32, 5.39' at rear & 7.5' at front Lot 31, all Lots 32, 33, Lot 34, exc strip 7.6' at rear & 10' at front adj Lot 35, Block 14.		"	Oliver C. Thurow & Lucille A. Thurow, ux 1521 Northeast Parkway 67208
A strip off Lot 34, 7.68' at rear & 10' at front; all Lots 35 & 36 and adj 1/2 Lot 37, Block 14.		"	Yera M. Evans & Nedra Evans Fleegeer, jt. 1515 Northeast Parkway 67208
Beg at SW cor Lot 39, Blk 14, th Ely along front line Lots 39, 38 & 37, 62.5' to a pt at middle of Lot 37; th Nly to a pt on rear line at middle Lot 37; th Wly along rear line Lots 37, 38, 39, 50.55' to NW cor Lot 39; Sly to beg.		"	George D. Shike & Luena Mae Shike, ux 1509 Northeast Parkway 67208
Lots 40, 41 & 42, Blk 14, University Heights.		"	M. Mollohan & H. M. Beech, jt. 1734 N. Hillside 67208
Lots 43, 44 & W 5' Lot 45, Blk 14, University Heights.		"	Marguerite Mollohan 1734 N. Hillside 67208

DP-58
Received
10/16/73

North East

LOT	BLK	ADDITION	OWNER
Lot 45, exc W 5', all 46 & 47, exc E 10' of Lot 47,	14,	UNIVERSITY HEIGHTS	Albert R. Parker Wattie G. Parker, ux 1508 Floberta 67208
E 10' Lot 47, all 48 & 49,	14,	"	William T. Buser Candace L. Buser, ux 1514 Floberta 67208
50 & 51 & adj 1/2 Lot 52,	14,	"	Richard D. Rust Marilyn J. Rust, ux 1520 Floberta 67208
53 & 54 & adj 1/2 of Lot 52,	14,	"	Richard L. Eaton 1526 Floberta 67208
1, exc W 65',	3,	UNIVERSITY HEIGHTS 2nd.	Ernest L. Schaffer Esther Schaffer, ux 1455 N. Battin 67208
W 65' Lots 1 & 2,	3,		J. L. & Reta F. Campbell, ux 5021 E. 14th St. 67208
2, exc W 65',	3,		Elva M. Mullen 1449 N. Battin 67208
3,	3,		John F. Jonas Margaret L. Jonas, ux 1443 N. Battin 67208
4,	3,		Floyd D. & Roberta Keith, 1437 N. Battin 67208 ux
5,	3,		Gale W. Greenwood Margaret E. Greenwood, ux 1431 N. Battin 67208
6,	3,		Irene D. Johnson 1425 N. Battin 67208
7,	3,		Max & Helen M. Walton, ux 1419 N. Battin 67208
8,	3,		Leonard F. Saunders Cayolyn M. Saunders, ux 1420 N. Battin 67208
9,	3,		Robert Bruce Beaudette Barbara K. Beaudette, ux 1418 N. Battin 67208
10,	3,		Eva L. Murray 1401 N. Battin 67208
11,	3,		Faye Kiser Albert 1402 N. Harding 67208
12,	3,		Lorris O. Oglesby 1408 N. Harding 67208
13,	3,		John W. & Virlea Smith, ux 1414 N. Harding 67208
14,	3,		Joseph E. Pecchioni Loretta F. Pecchioni, ux 1420 N. Harding 67208
15,	3,		Dale V. & Helen R. Sharp, 1426 N. Harding 67208 ux

DP-58

DP-58
x 2-1367

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D

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1407 N. Battin 67208

LOT	BLK.	ADDITION	OWNER
16,	3,	UNIVERSITY HEIGHTS 2nd	Kenny E. & Judy L. Hill, ux 1432 N. Harding 67208
17,	3,		Jesse E. O'Rourke Vera E. O'Rourke, ux 1438 N. Harding 67208
18,	3,		Donald L. Howland Ardis M. Howland, ux 1444 N. Harding 67208
19, exc E 70',	3,		Roger D. Pendergraft Louise Pendergraft, ux 1450 N. Harding 67208
E 70' Lots 19 & 20,	3,		Irene L. Workman 5007 E. 15th St. 67208
20, exc E 70',	3,		Morris S. & Ruby Flory, ux 1129 N. Dellrose 67208
Reserve C, KEN-MAR ADDITION,			OK Ken-Mar Development, Inc., Walter M. Keeler, Pres. 826 E. Lincoln 67211

*N/A
Returned
10-16-73*

C-11111-S: - - - - - D Claude R. Lambe
1313 Union Natl Bldg. 67202

A tract in the NW 1/4 of Sec. 13, Twp. 27-S, R-1-E, described as beginning 20 feet north of the N.W. Corner of Lot 1, Block 11, Second Addition to Lamsdale, Wichita, Kansas; thence south 350 feet to the S.W. Corner of Lot 4, in said Block 11; thence southwesterly 174.9 feet to the S.W. Corner of Lot 6, in said Block 11; thence southwesterly along the westerly line of said Block 11, and the westerly line of Block 6, Third Addition to Lamsdale, Wichita, Kansas, a distance of 1102.45 feet; thence south along the west line of said Block 6, 538.57 feet more or less to the south line of the NE 1/4 of the SW 1/4 of the NW 1/4 of said Sec. 13; thence west 510 feet, more or less to the S.W. Corner of said NE 1/4 of the SW 1/4 of the NW 1/4 of said Sec. 13; thence north along the east line of the W 1/2 of the W 1/2 of said NW 1/4, 799.78 feet to a point 1190 feet south of the north line of said NW 1/4; thence east parallel with the north line of said NW 1/4 and along the south line of said Fourth Addition to Lamsdale, 319 feet more or less to a point 310 feet northwesterly from and measured at right angles to the westerly line of said Block 6, Third Addition to Lamsdale; thence northeasterly along the easterly line of said Fourth Addition to Lamsdale, 895 feet, more or less; thence northeasterly along the east line of said Addition, 194.97 feet, more or less; thence north along the east line of said Addition 240 feet to a point 310 feet west of beginning; thence east 310 feet to the place of beginning,

Dated at Wichita, Kansas this 31st day of August, 1973 at 7:00 A. M.

FIDELITY TITLE COMOANY, INC.

By *Carita Mason*
Asst. Sec. OEM

Tracer # 21115

10-25-73

Map No. 5R4B
Sec. 13
Twp. 27S
Range 1E

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
~~DP-57~~
Filed 9-13-73

APPLICATION DATA: From _____ to _____

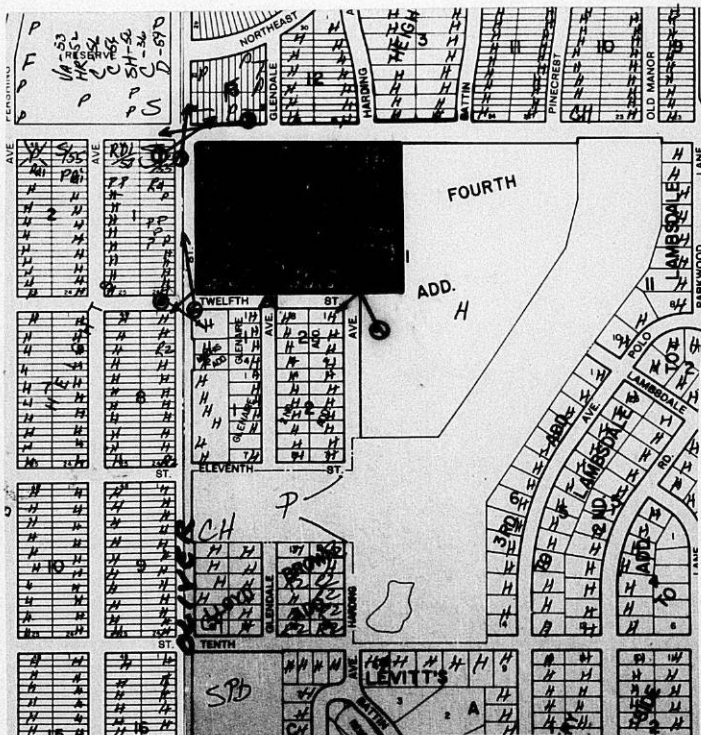
- Applicant: Claude R. Lambe
Address 5101 East 13th Street Phone _____
- Agent: Robert H. Nelson
Address Suite 630 - 200 West Douglas 67202 Phone 262-3777
- General Location: At the Southeast corner of 13th and Oliver
Address _____
- Proposed Use: _____

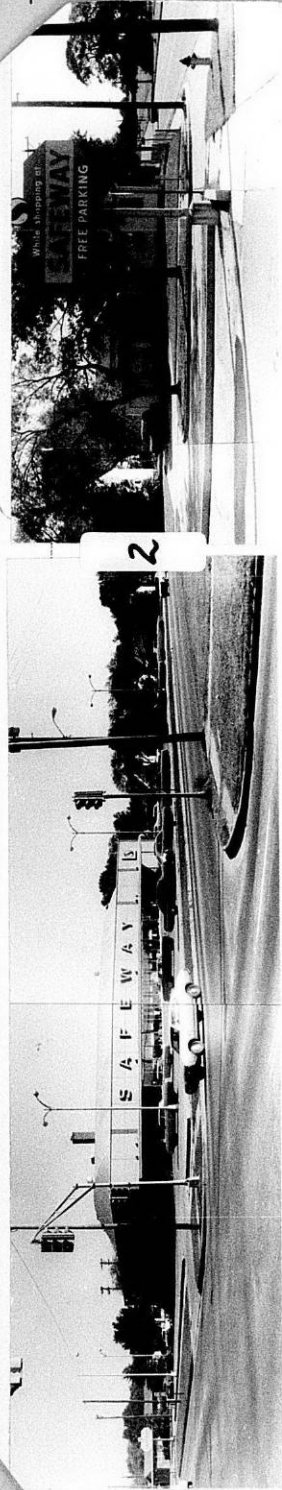
AREA DATA:

- Acres: 10.7 (574' ft. by 790' ft.)
- Adjoining Zoning: E AA-2 LC S AA-2 A W ALBBLCN AA-2 A-1 C
- Land Use: East SINGLE FAM. UNDEVELOPED North SINGLE FAMILY
West SINGLE FAM. & SUBSTATION South SINGLE FAM. FOOD MKT.
- Sketch Plan Land Use is for: _____
- Present Land Use is for: _____
- Area (is) (is not) platted. _____

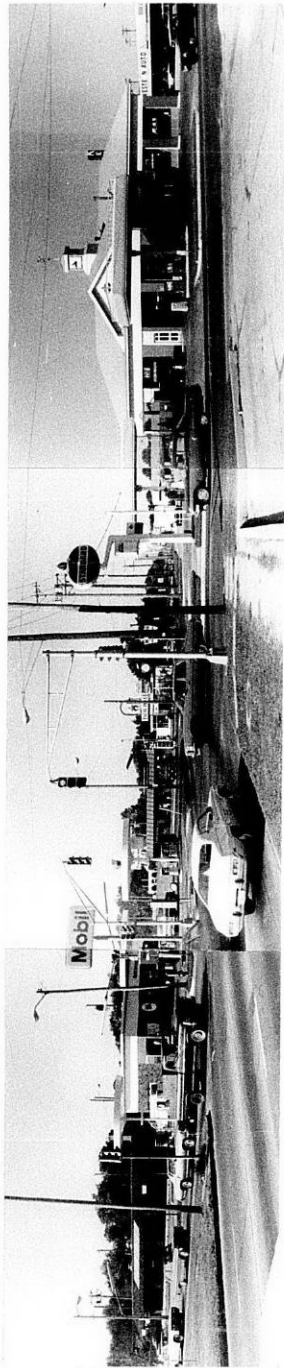
PHOTO DATA:

Taken by GT by J. Date 10-16-73 Time 10:30

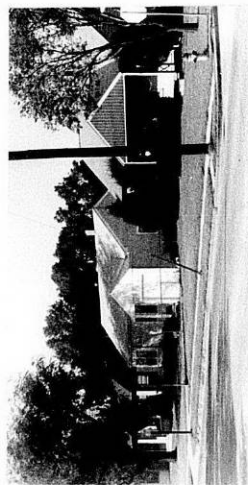




2



3



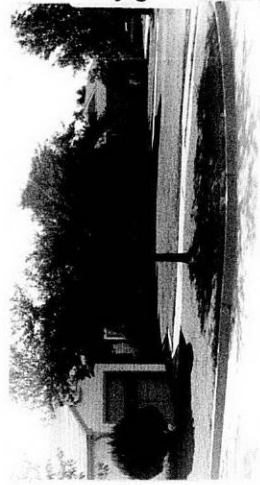
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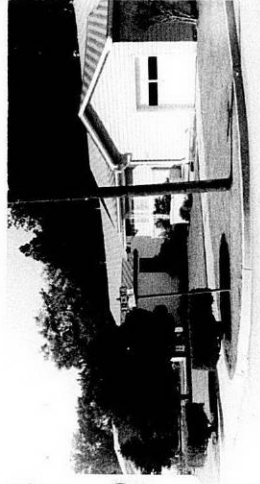
5



6



7



8

