

DC-90 AMENDMENT #5 - TX GEN COMMERCIAL &
RESIDENTIAL L.U.P. - Lot 2, Bix C. Wy.
Gen Addition located on the south side of
Frazier between Tyler and Robin Roads.

POSTED 3-1-85 KRC

ACTION

DATE

COMMITTEE

M.A.P.C. Approved to 3-21-85
acquisition

B.C.C./B.C.C. Approved on 4-16-85
rebounded

Map No. 4947 D
Sec. _____
Twp. _____
Range _____

DATA SHEET
COMMUNITY UNIT PLAN

DP - 90
Filed 2-19-85

Associated
Case: _____

APPLICATION REQUEST: Approval of proposed AMENDMENT #5
COMMERCIAL AND RESIDENTIAL C.U.P.
(Residential)(Commercial) Community Unit Plan.

1. Applicant Ronald M. Jackson OD Chartered, et. al.
Address 7383 West Central, Wichita, KS, 67212 Phone _____
2. Agent Baughman Company, P.A. c/o William L. Korber et al
Address 330 Laura, Wichita, KS, 67211 Phone 686-7653
3. General Location: On the south side of Frazier between Tyler Road and Robin Road
4. Proposed Use: _____

AREA DATA:

1. Acres: 0.7 (_____ ft. by _____ ft.)
2. Existing Zoning _____ Proposed Zoning _____
3. Area (is) (is not) platted. _____ Addition _____

HISTORY

PROCEDURE DATA

1. MAPC Meeting:

Date
3-21-85

Action
Approved with the condition

2. Governing Body

Date
4-16-85

Action
Approved as recommended

NOTES:

CASE FILE

LOUISIANA
REGISTERED PROFESSIONAL
MEASUREMENT, SURVEYING AND
BOUNDARY SURVEYING
U.S.A.

Shirley
No. 2153C

REGISTERED PROFESSIONAL
MEASUREMENT, SURVEYING AND
BOUNDARY SURVEYING
U.S.A.

Map No. 4947 D
 Sec. _____
 Twp. _____
 Range _____

DATA SHEET
 COMMUNITY UNIT PLAN

DP - 90
 Filed 2-19-85

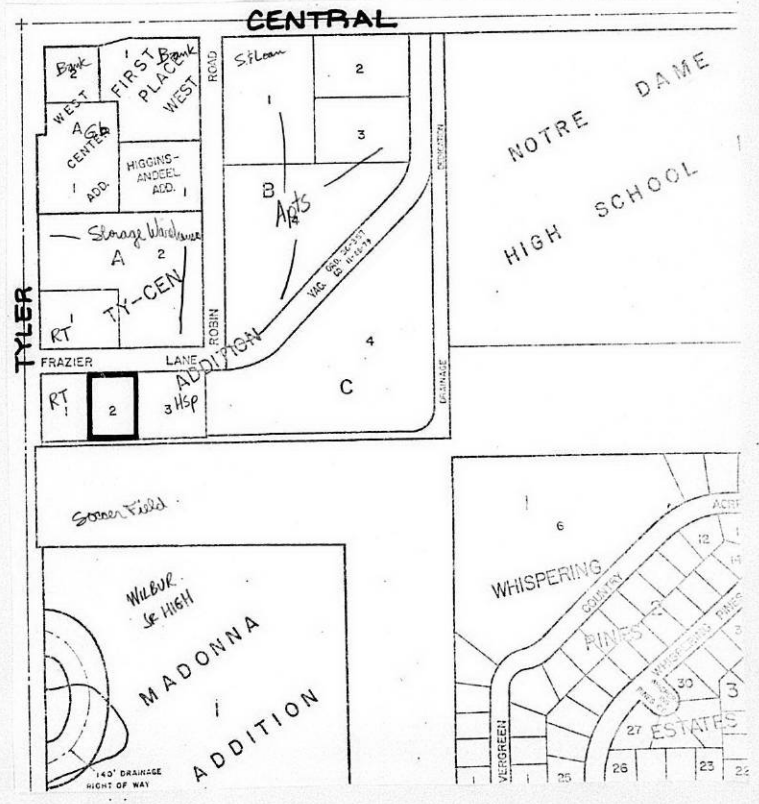
Associated Case: _____

APPLICATION REQUEST: Approval of proposed AMENDMENT #5
 COMMERCIAL AND RESIDENTIAL C.U.P.
 (Residential)(Commercial) Community Unit Plan.

- Applicant Ronald M. Jackson OD Chartered, et. al.
 Address 7383 West Central, Wichita, KS. 67212 Phone _____
- Agent Baughman Company, P.A. c/o William L. Korber et al
 Address 330 Laura, Wichita, KS. 67211 Phone 262-7271
- General Location: On the south side of Frazier between Tyler Road and Robin Road
- Proposed Use: _____

- AREA DATA:
- Acres: 0.7 (150' ft. by 213' ft.)
 - Existing Zoning: (N) "LIC" (W) "LIC"
 - Land Use: East WINDY EMERGENCY CENTER South SOCCER FIELD
 West RESTAURANT North RESTAURANT STORAGE WAREHOUSES
 - Sketch Plan Land Use is for: _____
 - Present Land Use is for: _____
 - Area (is) (is not) platted.

PHOTO DATA:
 Taken by (P) Date 3-14-85 Time 10AM



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

March 7, 1985

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, March 21, 1985, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, will consider an application for amendment to the TY-CEN COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN for property legally described as follows:

DP-90: Lot 2, Block C, Ty-Cen Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Frazier between Tyler and Robin Roads.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

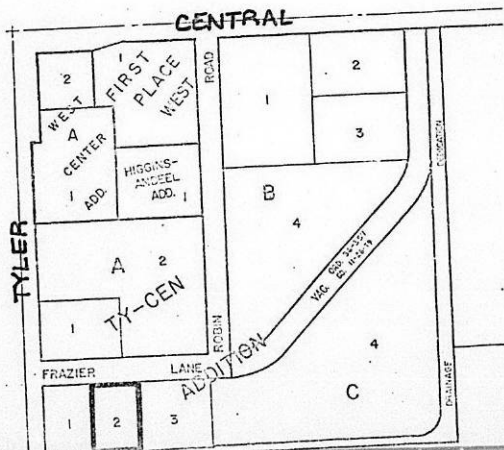
The revised Development Plan now on file proposes to create a new Parcel #9 to coincide with Lot 2, Block C of Ty-Cen Addition. This lot formerly was part of Parcels 7 and 8. Uses which would be allowed on the new parcel are offices, restaurant, car wash (subject to Board of Zoning Appeals approval), retail and service commercial, not including storage garage, tavern, hotel or motel. A car wash is the intended use.

The hearing of the proposed Development Plan is to be held and the same will there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and Board of City Commissioners. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 268-4516.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

March 7, 1985

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, March 21, 1985, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, will consider an application for amendment to the TY-CEN COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN for property legally described as follows:

DP-90: Lot 2, Block C, Ty-Cen Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Frazier between Tyler and Robin Roads.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

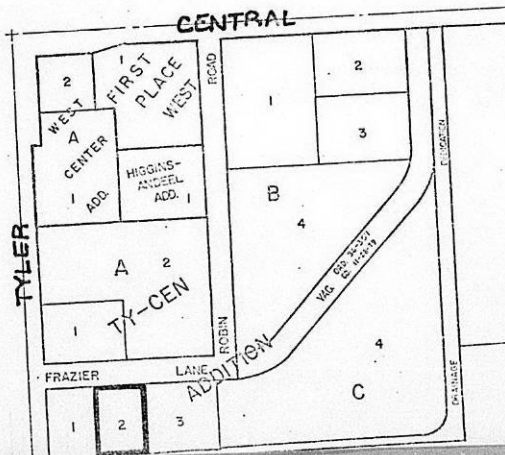
The revised Development Plan now on file proposes to create a new Parcel #9 to coincide with Lot 2, Block C of Ty-Cen Addition. This lot formerly was part of Parcels 7 and 8. Uses which would be allowed on the new parcel are offices, restaurant, car wash (subject to Board of Zoning Appeals approval), retail and service commercial, not including storage garage, tavern, hotel or motel. A car wash is the intended use.

The hearing of the proposed Development Plan is to be held and the same will there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and Board of City Commissioners. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 268-4516.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

March 7, 1985

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, March 21, 1985, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, will consider an application for amendment to the TY-CEN COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN for property legally described as follows:

DP-90: Lot 2, Block C, Ty-Cen Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Frazier between Tyler and Robin Roads.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

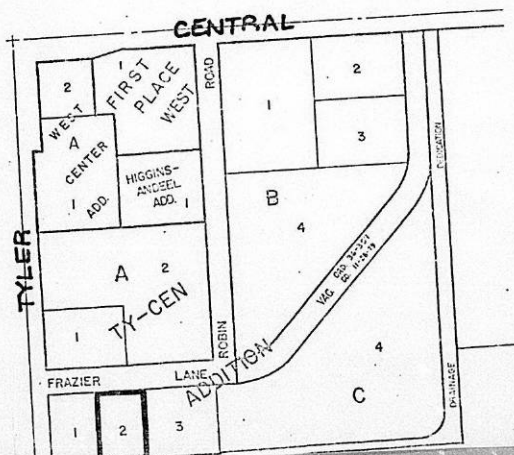
The revised Development Plan now on file proposes to create a new Parcel #9 to coincide with Lot 2, Block C of Ty-Cen Addition. This lot formerly was part of Parcels 7 and 8. Uses which would be allowed on the new parcel are offices, restaurant, car wash (subject to Board of Zoning Appeals approval), retail and service commercial, not including storage garage, tavern, hotel or motel. A car wash is the intended use.

The hearing of the proposed Development Plan is to be held and the same will there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and Board of City Commissioners. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 268-4516.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary



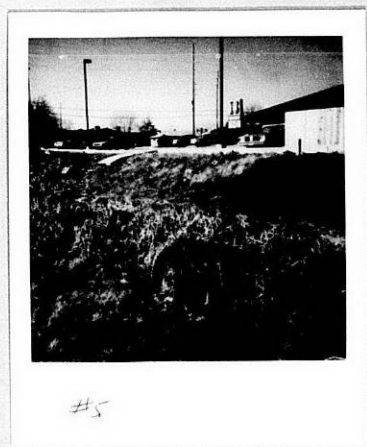
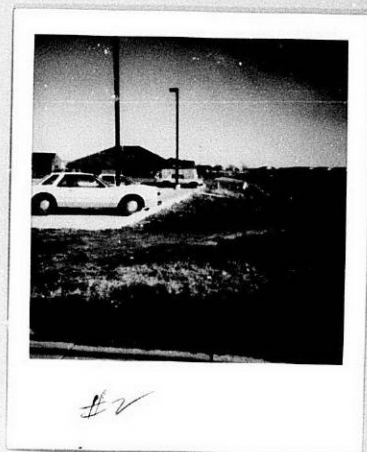
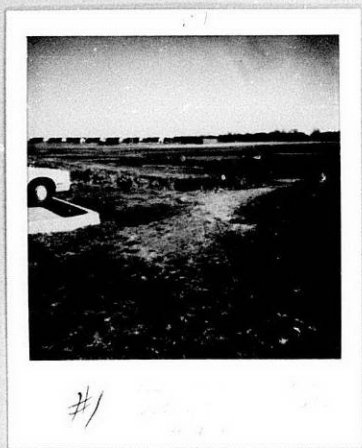
DP-90

Original proposal was simply to waive the wall
along S. side Parcels 7 and 8.
Copy of CUP sent to Eng. & Flood Control for comments
resulted in the comments from both that the
dr. access exmt should be dedicated as row
as it would be unusable with the screening in it.
(~~The CUP sent out for review must have shown~~
10-ft landscape strip in lieu of wall).
~~They both must have been aware~~
Why would they have expected screening when
C.P. 4 called for a waiver of the wall?

Staff's response letter said we would request planting
strip in lieu of wall

Original CUP submitted showed 5' for dr. row on south
15' front access exmt
220' for lot (inc. 15' access)

Plan shows 12' for dr. row on south
15' front access exmt
213' for lot (inc. 15' access)



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: October 29, 1985

TO: Monty Robson, Superintendent of Central Inspection
FROM: Louise Olivarez, Senior Planner, Current Plans
SUBJECT: DP-90 - Parcel 2: Revised landscape plan

Attached for your files are two prints of the approved, revised landscape plan for the Church's Fried Chicken site on Tyler Road. Relocation of their proposed pole sign necessitated the revised landscape plan. By copy of this memo, we are advising Church's that their sign cannot extend over the property line into public right-of-way as delineated on the plan.

The plant materials are approved as shown subject to installation of a watering system such as the freeze-proof hydrants shown on the plan or an underground sprinkler system.

If you have any questions regarding this revised landscape plan, please call.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw
Attachments

cc: Site Planning Associates, 9324 West Central, Wichita, KS. 67212
Bob Denkler, Church's Fried Chicken, Inc., 4555 McDonnell Blvd.
St. Louis, MO. 63134

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: July 15, 1985

TO: Monty Robson, Superintendent of Central Inspection

FROM: Louise Olivarez, Senior Planner

SUBJECT: DP-90 Landscape Plan for Parcel 9

Attached are two prints of the approved landscape plan for the south side of Parcel 9 which is being developed for a self-service car wash. Please note that the plantings are to be north of the 15-foot maintenance access easement. A hose bib (sill cock) for watering the plants is to be provided at the south end of the car wash structure.

Please call if you have any questions about this landscape plan.

Louise Olivarez
Senior Planner

LO/lw

Attachments

June 25, 1985

Mr. Joel Hersh
Real Estate Department
Braum Ice Cream Stores, Inc.
P. O. Box 25429
Oklahoma City, Oklahoma 73125

RE: DP-90 - Landscaping along south side of Braum's, 440 North Tyler,
Wichita, Kansas.

Dear Mr. Hersh:

We have received copies of your landscape plan, revised in June, 1985, for your Braum's store at 440 North Tyler. Planning Development Services has shown that an on-site automatic irrigation system shall be extended to water the 4-foot wide planting strip on the south side of your property. This method of watering is satisfactory. Proper installation and continued maintenance of these trees and shrubs should be sufficient to satisfy this C.U.P. requirement.

Copies of the plan have been forwarded to Bob Jennings, Flood Control Maintenance Superintendent and Monty Robson, Superintendent of Central Inspection.

Sincerely,

Jack H. Galbraith
Chief Planner

cc: Manager, Braum's Ice Cream Store, 440 North Tyler, Wichita, KS. 67212
Monty Robson, Superintendent, Central Inspection
Bob Jennings, Flood Control Maintenance Superintendent

 **BRAUM'S** 
ICE CREAM COMPANY

Box 25429 3000 N.E. 63rd / Oklahoma City, OK 73125 / 405-478-1656

PRODUCERS, PROCESSORS & RETAILERS OF FINE DAIRY PRODUCTS

June 11, 1985

Mr. Greg Waldo
Planning Development Services, Inc.
727 North Waco
Suite 125
Wichita, Kansas 67203

Re: BRAUM ICE CREAM STORE location
at 440 N. Tyler, Wichita;
Irrigation system, installation of;
Appropriate plantings, installation of;

Ref: Your letter of May 6, 1985

Dear Greg:

Thanks for your recommendations concerning the subject store and planting strip installation/irrigation.

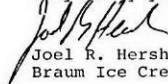
Please carry out OPTION 2, per your referenced letter----which is the option you recommend.

Unless there is a problem, would you please also arrange for the appropriate plantings to be installed.

We can arrange payment in a manner you deem appropriate; perhaps have the nursery men and subcontractors bill us directly. You know who usually provides our plantings.

Please call if I can be of help or answer questions.

Very truly yours,



Joel R. Hersh
Braum Ice Cream Stores, Inc.

RECEIVED

JUN 12 1985

PDS, INC.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

April 25, 1985

TO: Monty Robson, Superintendent of Central Inspection

FROM: Louise Olivarez, Senior Planner

SUBJECT: DP-90: Ty-Cen C.U.P. Amendment #5

The Board of City Commissioners on April 16, 1985, considered the above captioned C.U.P. Their action was to approve the C.U.P. subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
- c. The transfer of title of all or any portion of the land included with 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 and residential development and be binding upon the present owners, their successors and assigns, unless amended.

Attached for your information and files are two approved copies of the C.U.P. If you have any questions concerning this matter, please contact our office.

Louise Olivarez
Senior Planner

LO:blw
Attachments

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

Current Plans Division

Public Inquiry Slip

NAME Leonard E. Smaralle DATE 4-16-85
 PHONE 265-2555 PHONE COUNTER _____
 PROPERTY LOCATION East side of Taylor MAP # _____
Rd. North of Fragier Lane

NATURE OF REQUEST:

City Zoning _____ County Zoning _____ Conditional Use _____
 Plat Lot Split Vacation Dedication _____
 BZA _____ Street Name Change _____ Other CUP

REMARKS: Interested in a Churches Fried chicken place north of McDonalds. Steve Clark found south of the Res Storage Ware Home - Divided platting to vacate the one access control to permit them to open - although I had 4/5 0591, I didn't realize they had an approved split as I thought McDonalds was part of the split and their site was a third piece. We will process just a vacation of access control for them. Will send out notices. If approved, we will make notation on CUP. If they want a B site, then they want a split.

ROUTE TO: **OVER**
 LAKIN _____ GALBRAITH _____ YOUNG _____ LITTLE _____ OLIVAREZ _____ CHAMBERS _____
 NAGLEY _____ FLECK _____ SHIPKEY _____ RETURN TO _____

COMMENTS:

Tyler Rd

need to vacate access
control -

If they want 2
sites, they must
replat.

LS 0591

If the vacating of access control is granted, then
we will mark notes on CUP.

Planning Agenda Item Page

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF CITY COMMISSIONERS

REQUEST FOR APPROVAL OF AN AMENDMENT TO THE
TY-CEN COMMERCIAL AND RESIDENTIAL
COMMUNITY UNIT PLAN

DP-90 -APPROVAL OF AN AMENDMENT TO THE TY-CEN COMMERCIAL AND
RESIDENTIAL COMMUNITY UNIT PLAN, GENERALLY LOCATED ON THE
SOUTH SIDE OF FRAZIER BETWEEN TYLER AND ROBIN ROADS.

The MAPC recommends that the application be approved.
(see minutes for full motion)

Bayouth moved, Crockett seconded and it carried unanimously. Moore was
not present. Banzer, Chisholm and Goebel were absent.

- ACTION:
1. Approve the application as recommended by the
Metropolitan Area Planning Commission subject
to the recommended conditions of approval; or
 2. Take such action as the City Commission desires.

CPO ACTION: CPO (Council Area "A" voted 6-0 to recommend that this
request be denied.

DATA AND MINUTES

MAPC Hearing Date: 3-21-85

BCC Hearing Date: 4-16-85

AREA DATA:

Acres: 30.0 (total C.U.P.) Size: 150' x 213' (proposed Parcel 9)
2.5 (former Parcels 7 & 8)
0.7 (proposed Parcel 9)

Reason: To create a parcel for a car wash.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Vacant	"LC"
North	Restaurant, storage warehouses	"LC"
East	Minor emergency center	"LC"
South	Soccer field & Junior High School	"AA"
West	Restaurant	"LC"

History: DP-90 originally approved 1978. Amended in 1979 to allow
residential uses in Parcel 5. Amended in August 1983 to
allow residential storage warehouses in Parcel 2. Amended
in December 1983 to allow two openings to Tyler from Parcel 8.

Applicant: Ronald M. Jackson, OD, et al., 7383 West Central, Wichita 67212

Protestors: Kenneth Long, 427 North Tyler Road.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 21, 1985

LEGAL:

9. Case No. DP-90 - Ronald M. Jackson OD Chartered, et al request approval of amendment to the Ty-Cen Commercial and Residential Community Unit Plan for Lot 2, Block C, Ty-Cen Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Frazier between Tyler and Robin Roads.

OLIVAREZ pointed out land use, zoning, and showed slides of the general area. She reviewed the following staff report:

COMMENTS:

1. In accordance with Section 28.04.190 of the Code of the City of Wichita, an application has been submitted requesting approval of an amendment to the TY-Cen Commercial and Residential C.U.P. The proposed amendment would create Parcel 9 from a portion of Parcels 7 and 8 in order to permit construction of a car wash, subject to Board of Zoning Appeals approval. The new parcel would coincide with Lot 2, Block C, Ty-Cen Addition.
2. Staff was contacted about six months ago regarding the possibility of adjusting the C.U.P. to allow a car wash to be located on the vacant land on Frazier between Braum's Ice Cream Store and the Minor Emergency Center. Since the property is zoned "LC" and a car wash is not an outright permitted use in "LC", such an adjustment could not be considered. The person making the request was advised he would have to seek an amendment to the C.U.P. and then an exception for the use through the Board of Zoning Appeals.
3. If this C.U.P. amendment is approved, an exception to the use regulations will need to be obtained from the Board of Zoning Appeals before the car wash can be built. Section 28.04.183.4 of the Zoning Ordinance specifies certain conditions that must be complied with prior to operation of a car wash in the "LC" zoning district.
4. Descriptions for Parcels 7 and 8 have been revised to show the new parcel areas left after creation of Parcel 9. The proposed uses for Parcels 7 and 8 should remain as they were on the previously approved C.U.P. and should not include a car wash. Only Parcel 9 should list car wash as a potential use.
5. The original Ty-Cen C.U.P. (and all subsequent amendments) required a 10-foot planting strip along the south line of Parcels 7 and 8 (including the current Parcel 9) in lieu of a wall. Since there is a "15-foot maintenance access and underground utility easement" along the south line of these parcels, the planting strip should be located north of this easement if at all possible. The development of the minor emergency center has taken this into account. However, the Braum's parking lot is built five feet into the 15-foot access and utility easement thereby leaving the south ten feet of the lot (all easement) as the only possible location for plant materials. The car wash site (Parcel 9) should provide its required landscaping north of the 15-foot easement. It is recommended that the last part of paragraph four of General Provision #4 be revised to read: "A ten-foot planting strip shall be required on the south side of Parcels 7, 8 and 9 in lieu of the wall which is waived. The plant materials shall be kept out of the 15-foot easement as much as possible."
6. Should the Planning Commission determine that the proposed C.U.P. amendment is appropriate, the following are recommended conditions of approval:

- a. The proposed uses for Parcels 7 and 8 shall be corrected to delete car washes from the list of uses.
- b. The last part of paragraph four of General Provision #4 shall be revised to read: "A ten-foot planting strip shall be required on the south side of Parcels 7, 8 and 9 in lieu of the wall which is waived. The plant materials shall be kept out of the 15-foot easement as much as possible."
- c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, 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.
- d. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
- e. The transfer of title of all or any portion of the land included within the Community Unit Plan (CUP) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.

DISCUSSION:

OLIVAREZ stated the applicants were actually creating a new parcel. The previously approved C.U.P. had Parcels 7 and 8 and they are creating Parcel 9 in the middle of Parcels 7 and 8. They want to create that additional parcel for purposes of putting in a car wash which is not an outright permitted use in light commercial. When the applicants requested an adjustment to the C.U.P. several months ago, staff indicated that it would require an amendment because it was not an outright permitted use in light commercial. They would need to obtain a Board of Zoning Appeals exception prior to establishing a car wash in the light commercial zoning.

OLIVAREZ stated that the staff has somewhat mixed feelings whether this was an appropriate use on this site. It was never set up this way to begin with on the C.U.P. She mentioned that staff had one phone call from a resident objecting to the application. CPO Council Area "A" recommended 6-0 to deny the request.

JOHN LUNDBLADE, Baughman Company, representing the applicant, stated that this amendment does two things. One it creates a new parcel, Parcel 9. The existing parcel 7 and 8 uses do not change at all. A new Parcel 9 has exactly the same uses as the original Parcels 7 and 8 with the exception of a car wash. He said that immediately to the south of the property was a drainage ditch which runs east and west and in a soccer field, so there are no homes adjacent to the south of this property. Braums is on the corner lot, and the medical building is on the east, and Parcel 7 and 8 was platted under three lots.

KENNETH LONG, 427 North Tyler Road, stated that he lived directly across from Wilbur Junior High soccer field. As he looks out his front door, he looks at Braums and the back side of where this car wash would be. He felt that this area had been dirtied up enough as it is already. When the original developer got the zoning changed from "AA" there was to be a shopping center on what is now Frazier, a curved street, and he had some real pretty pictures that he showed the Commission of a unique shopping center, New England type buildings, and when he got the zoning, he was not sure whether business was bad at that time or what, but the developer backed out and did not develop it. Then came Braums, McDonald's, rental storage units, and on Central not too far to the north, there are banks, savings and loans where there is nothing but light commercial with real nice landscaped buildings, but on

Tyler Road where there is existing residential, they are getting light commercial. He felt that the car wash was going a little bit too far. It was his feeling that an office would be nice next to the Minor Emergency building since it was an office.

LONG said that he originally thought that there was to be some sort of landscaping in lieu of a fence along the south side of the property. As he understood it, all that was required of Braums was to put in some sort of low level landscaping that would not even cover anything up, and the City has not enforced that. Braums has been in business a year now. He felt that if a car wash was allowed on the site, there should be a fence high enough to screen it.

PETERS asked how far away was Long from the site.

LONG figured about 200 feet south on the west side. Braums was the closest to him. He asked if the car wash was open 24 hours, and if so, he was objecting to that also.

WILSON asked staff about the screening requirements. He pointed out that screening was shown on the plat.

OLIVAREZ stated that there was supposed to be landscaping on the south side of Braums and the Minor Emergency buildings. There was landscaping on the south of the Minor Emergency Center. The City has been trying ever since Braums opened to get them to put in the landscaping that they were supposed to put in on the south side of their building.

WILSON asked what were the requirements on Parcel 9 for landscaping.

OLIVAREZ stated that the applicants needed to submit a landscape plan for review. The Board of Zoning Appeals can also set conditions of approval when reviewing the request for an exception. So they could specify something more restrictive than the C.U.P. OLIVAREZ further explained that when Central Inspection issued the occupancy permit for Braums they were told that the landscape contractor was on the site installing the landscaping, which was true, however, he only installed it on the west and not on the south.

PETERS wanted to know who owned the drainage ditch.

GARDNER responded that for years the City has been taking drainage dedications and rights-of-way along with rather excessive drainage maintenance easements, and while there were groups of people who purportedly do maintenance along those drainageways for which the City collects the excessive access easements, he has yet to see anyone actually mowing or maintaining a drainageway.

PETERS said the reason he mentioned it was because he would be more concerned about the drainage than he would the screening.

WILSON pointed out that the screening would not go down into the drainage.

PETERS said he was talking about all kinds of scrap and things to look at in the drainage.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the non-residential character of the immediate neighborhood; the light commercial zoning and uses of nearby properties; and the suitability of subject property for the use proposed; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- a. The proposed uses for Parcels 7 and 8 shall be corrected to delete car washes from the list of uses.
- b. The last part of paragraph four of General Provision #4 shall be revised to read: "A ten-foot planting strip shall be required on the south side of Parcels 7, 8 and 9 in lieu of the wall which is waived. The plant materials shall be kept out of the 15-foot easement as much as possible."
- c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, 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.
- d. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
- e. The transfer of title of all or any portion of the land included within the Community Unit Plan (CUP) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.

Bayouth moved, Crockett seconded and it carried unanimously. Moore was not present. Banzer, Chisholm and Goebel were absent.

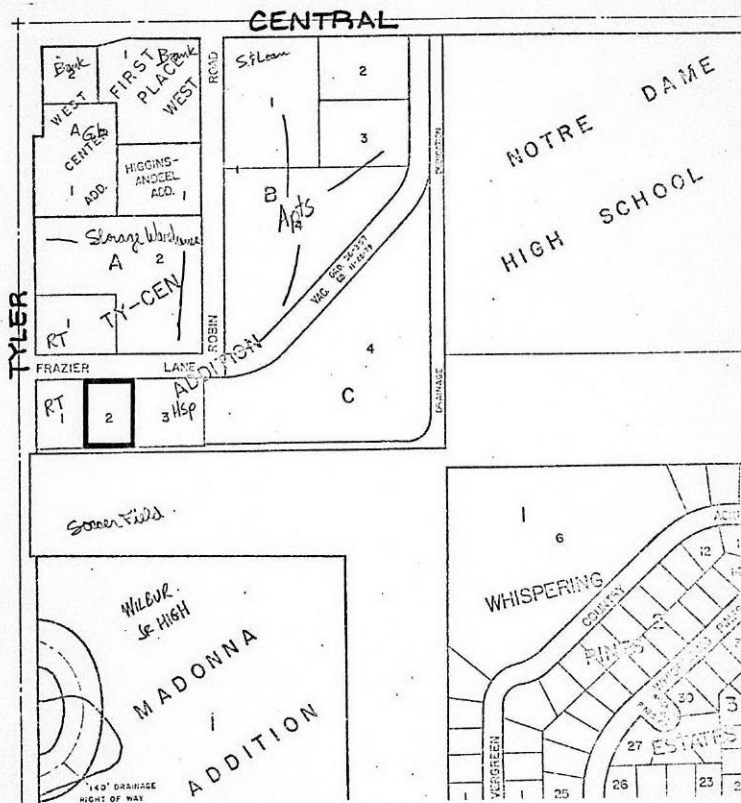
4. Proposed Use: _____

AREA DATA:

1. Acres: 0.7 (150' ft. by 213' ft.)
2. Existing Zoning: (N) "ILC" (W) "ILC"
3. Land Use: East WILDER EMERGENCY CENTER South PUTTER FIELD
West RESTAURANT North RESTAURANT FOODS WAREHOUSE
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by (P) Date 3-14-85 Time 10AM



April 12, 1985

Mr. Joel Hersh
Real Estate Department
Braum Ice Cream Stores, Inc.
P. O. Box 25429
Oklahoma City, OK 73125

RE: DP-90: Landscaping along south side of Braum's, 440 North
Tyler, Wichita, Kansas.

Dear Mr. Hersh:

We have received both of your recent letters regarding the landscaping requirements for the 440 North Tyler Road site in Wichita. The revised landscape plan enclosed with the second letter is satisfactory as a substitute for the previously approved plan, subject to a method of watering being indicated. Your previous plan called for an underground sprinkler system. You do not have to provide that type of system but, as you know, some water other than rainfall is necessary to establish plant materials and keep them alive and healthy in the Kansas climate.

The planting of only four feet rather than ten feet of width is also acceptable, and in fact preferred, due to the existence of the maintenance access easement. I do not think the slope of the ground or the unpaved trail leading to the school will present any problem to you with regard to the plant materials.

If you will let PDS know what wording to include on the plan regarding method of watering, we will ask them for four more prints. One print will be sent to Bob Jennings, Flood Control Maintenance Superintendent; two prints will be sent to the Superintendent of Central Inspection; and two prints will be retained in our file. We will keep the Planning Commission advised of the status of this landscape planting. Satisfactory installation this planting season and continued maintenance of these trees and shrubs along the south side of the 440 North Tyler Road site should be sufficient to satisfy this C.U.P. requirement.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG/LO:mlh

cc: Manager, Braum's Ice Cream Store, 440 North Tyler Road, Wichita, KS 67212
Monty Robson, Superintendent, Central Inspection

BRAUM'S
ICE CREAM COMPANY

Box 25429 / 3000 N.E. 63rd / Oklahoma City, OK 73125 / 405-478-1656

PRODUCERS, PROCESSORS & RETAILERS OF FINE DAIRY PRODUCTS

April 9, 1985

Mr. Jack Galbraith
Chief Planner
Metropolitan Area Planning Dept
City Hall - 10th Floor
Wichita, Kansas

RE: Your letter dated March 28, 1985 and my letter dated April 4th 1985.

Dear Mr. Galbraith:

My letter of April 4th I indicated that we have undertaken to resolve the subject planting strip problem. Today I received the enclosed proposed plan for the south planting strip - 440 N. Tyler Rd.

If you feel that this plan is more appropriate than the one I enclosed in my letter of April 4th, please let me know.

As many additional copies of the enclosed plan will be sent to you at our expense if you will please contact Planning Development Services at the phone number in Wichita indicated on the landscape plans.

I think there are still serious problems with the land upon which this strip should be installed, as I described in my earlier letter. For example, the public walkway which has been established to the school adjacent to our property. In this regard, I still think it is a good idea that we jointly look at this problem.

In any event, please feel free to contact me at any time.

Very truly yours,

Joel Hersh

Joel Hersh
Real Estate Dept.
Braum Ice Cream Stores, Inc.

JH/ljs

RECEIVED

APR 10 1985

METROPOLITAN PLANNING

ROUTE _____

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

April 12, 1985

TO: Metropolitan Area Planning Commission
FROM: Jack H. Galbraith, Chief Planner
SUBJECT: Landscaping for Braum's Ice Cream - TY-CEN CUP -
East side of Tyler Road, South of Central

At your meeting of March 21, 1985, in consideration of the TY-CEN CUP, you heard a complaint from a Mr. Long as to Braum's never having planted the required planting strip on their south property line. Your request was that we write them and request compliance.

Thought you would be interested in their reply.

Jack H. Galbraith

JHG:sad

Encl.

BRAUM'S
ICE CREAM COMPANY

Box 25429 3000 N.E. 63rd / Oklahoma City, OK 73125 / 405-478-1656

PRODUCERS, PROCESSORS & RETAILERS OF FINE DAIRY PRODUCTS

April 4, 1985

APR 08 1985

Mr. Jack Galbraith
Chief Planner
Metropolitan Area Planning Department
City Hall
Wichita, Kansas

RECEIVED
METROPOLITAN PLANNING
ROUTE _____

RE: Landscaping at 440 North Tyler Road in Wichita, Kansas.

REF: Your letter dated March 28 March, 1985.

Dear Mr. Galbraith:

Thank you for your letter of March 28th. You mention that our land was discussed at the meeting. We were not given notice that our property would be on the agenda. Certainly, had we known, we would have attended; as we have attended every such meeting in the past.

The problem you site has been difficult for us to resolve.

However, it is my opinion, that our engineers in Wichita, Baughman and Company (although other firms are performing engineering work for us at this time) had been requested by me to please resolve this situation. Unfortunately, this has not been a priority item.

Enclosed are five photos I took of the site a month ago. I have also enclosed a copy of the already-approved Landscaping Plan for our property. Per your request, I ask you to reexamine it and see if it is adequate.

In looking at this problem, I have just about resolved to go to the City and ask for relief regarding this planting strip on the South side of our lot. Please look at photos 1 & 2. The corner of our parking lot is, of course, ten feet East and North of the property lines. You can see that a public thoroughfare exists on that corner, leading to a foot-bridge which was built by the City and covers the tin-horn shown in photo 3. It appears that any ground cover placed in this vicinity will be destroyed in short order, because I have observed the great number of students who use this foot path at various times of the day.

Furter, you can see in photos 4 & 5 that the planting strip is burdened by severe sloping into the drainage channel; and that it appears that the City has rip-rapped the area to be landscaped.

I would say that the unsightly area is the part shown in pictures 4 & 5 with the tall weeds. This is not on our property; it is the City's.

Page -2-
Jack Galbraith
April 4, 1985

My view of this situation, regarding the South side of our lot, is that there are not only mitigating factors; but also City-created obstacles to our performing the required landscaping.

I hereby request that enforcement of this CUP requirement be tabled until a hearing can be held with the Department of Housing & Economic Development, our engineers, etc., to fully discuss this.

As you know, we are trying to make a large investment in Wichita, providing a great many new jobs and very large construction payrolls. It is clear that many of the vested competitors in Wichita are not burdened by planting strips. Needless to say, these strips amount to a governmental taking of private property without compensation. I have not checked on your state statutes in this regard. However, we wish to be good corporate citizens. The problem occurs when a small company selling 55¢-ice cream cones is expected to make its stores look like a Wichita company's headquarters that was paid for with taxpayer's IRB's, or other government subsidy.

We want to resolve this unusual landscaping situation as quickly as possible. If you agree with my request to schedule a formal hearing with Pat Miller's people and our engineers, we will be appreciative. In any event, your reference to, "finding a violation of the C.U.P." is indeed intimidating, as we do not know what the consequences of such a finding would be. Presumably, it would be a law-suit, etc.


In any event, would you please let me know when you have had time to give our request consideration.

Thank you for your continuing help and cooperation in this matter.

Please continue to correspond directly with me at the same address regarding this or other matters.

cc: Pat Miller
the Mayor of Wichita
Monty Robson

Very truly yours,


Joel R. Hersh
Real Estate Department
BRAUM ICE CREAM STORES Inc.

March 28, 1985

Mr. Joel Hersh, Attorney
Braum Ice Cream Stores, Inc.
P. O. Box 20924
Oklahoma City, Oklahoma 73156

RE: Landscaping at 440 North Tyler Road in Wichita, Kansas.

Dear Mr. Hersh:

At the March 21, 1985, meeting of the Metropolitan Area Planning Commission, during discussion of the current amendment to the Ty-Cen community unit plan, the lack of landscaping along the south side of the Braum's store at 440 North Tyler was discussed. A neighborhood resident was there to question why the landscape materials had never been installed as required. The Planning Commission instructed staff to contact you and the Superintendent of Central Inspection and make certain that adequate landscape materials are installed during this planting season.

Although some landscaping has been done on the west side of the store, it is not in accordance with the approved plan. You should proceed immediately to prepare, and submit to us for review, a revised landscape plan for all areas required to be planted by the Wichita Zoning Ordinance and the community unit plan. These areas are on the west side of the lot and the south side of the lot.

The south 15 feet of the Braum's lot is a platted "maintenance access and underground utility easement". I believe your parking lot has already been built about five feet into this easement. There is an underground electric line somewhere in the easement and perhaps other utilities such as telephone and cablevision. Any plantings within this easement must take into consideration the underground utilities and the need for drainage ditch maintenance equipment to utilize this 15-foot area.

By copy of this letter, we are notifying the Superintendent of Central Inspection that unless appropriate plant materials are installed along the south side of Lot 1, Block C, Ty-Cen Addition, during the current planting season, a violation of the

Mr. Joel Hersh
Page 2
March 28, 1985

C.U.P. will be found to exist as specified in General Provision #4
of the Ty-Cen community unit plan.

If you have any questions about this landscaping requirement,
you may call me at 268-4421.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:blw

cc: Monty Robson, Superintendent of Central Inspection
Manager, Braum's Ice Cream Store, 440 N. Tyler Road,
Wichita, Kansas 67212

March 22, 1985

John Lundblade
Baughman Company, P.A.
330 Laura
Wichita, Ks. 67211

Re: DP-90 - Amendment to the Ty-Cen
Residential C.U.P.

Dear Mr. Lundblade:

At its regular meeting on March 21, 1985, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. The proposed uses for Parcels 7 and 8 shall be corrected to delete car washes from the list of uses.
- b. The last part of paragraph four of General Provision #4 shall be revised to read: "A ten-foot planting strip shall be required on the south side of Parcels 7, 8 and 9 in lieu of the wall which is waived. The plant materials shall be kept out of the 15-foot easement as much as possible."
- c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, 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.
- d. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.

- e. The transfer of title of all or any portion of the land included within the Community Unit Plan (CUP) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.

Please submit 10 corrected copies of the C.U.P. to our office by April 3, 1985 so that subject case can be scheduled for consideration by the Board of City Commissioners at their regular meeting on April 16, 1985, this meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

If you have any questions regarding this matter, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sd

cc: Ronald M. Jackson OD Chartered, 7383 W. Central, Wichita 67212
Lawrence H. Volbrecht, 434 North Oliver, Wichita 67208
William L. Korber, Baughman Company, P.A., 330 Laura, Wichita
67211
Retail Buildings Inc., Attn. Joel Hersh, Box 25429/3000 N.E. 63rd,
Oklahoma City, Ok. 73125
Minor Emergency Center, 8615 Frazier, Wichita 67212
Kenneth Long, 427 North Tyler, Wichita 67212

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE March 15, 1985

TO Jack Galbraith, Chief Planner, Current Plans

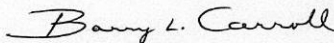
FROM Barry L. Carroll, Administrative Aide III

SUBJECT D-90: Generally located on the
 South side of Fraizer between
 Tyler and Robin Roads

On Wednesday, March 13, CPO Council Area "A" considered the above captioned case. John Lundblade, agent for the applicant, was present to discuss the plans for the building of a car wash on this property and to answer questions posed by Council members and interested citizens.

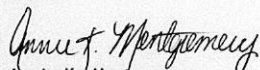
There was one vocal citizen present to speak against the proposal. After listening to the presentation and comments from the citizen, Council members voted 6-0 to recommend disapproval of this request.

Please present the Council's recommendation to the MAPC when it meets to consider the case.


Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:


Annie K. Montgomery
CRS Director

RECEIVED

MAR 15 1985
METROPOLITAN PLANNING
ROUTE _____

RE: AGENDA ITEM NO. 9

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DP-90 - Approval of an amendment to the Ty-Cen Commercial and Residential C.U.P. (Parcels 7 & 8).
Generally located on the south side of Frazier between Tyler and Robin Roads.

MAPC HEARING DATE: 3-21-85

Acres: 30.0 (total C.U.P.) Size: 150' x 213' (proposed Parcel 9)
2.5 (former Parcels 7 & 8)
0.7 (proposed Parcel 9)

Reason: To create a parcel for a car wash.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Vacant	"LC"
North	Restaurant, storage warehouses	"LC"
East	Minor emergency center	"LC"
South	Soccer field & Junior High School	"AA"
West	Restaurant	"LC"

History: DP-90 originally approved 1978. Amended in 1979 to allow residential uses in Parcel 5. Amended in August 1983 to allow residential storage warehouses in Parcel 2. Amended in December 1983 to allow two openings to Tyler from Parcel 8.

Applicant: Ronald M. Jackson, OD, et al., 7383 West Central, Wichita 67212

COMMENTS:

1. In accordance with Section 28.04.190 of the Code of the City of Wichita, an application has been submitted requesting approval of an amendment to the TY-Cen Commercial and Residential C.U.P. The proposed amendment would create Parcel 9 from a portion of Parcels 7 and 8 in order to permit construction of a car wash, subject to Board of Zoning Appeals approval. The new parcel would coincide with Lot 2, Block C, Ty-Cen Addition.
2. Staff was contacted about six months ago regarding the possibility of adjusting the C.U.P. to allow a car wash to be located on the vacant land on Frazier between Braum's Ice Cream Store and the Minor Emergency Center. Since the property is zoned "LC" and a car wash is not an outright permitted use in "LC", such an adjustment could not be considered. The person making the request was advised he would have to seek an amendment to the C.U.P. and then an exception for the use through the Board of Zoning Appeals.
3. If this C.U.P. amendment is approved, an exception to the use regulations will need to be obtained from the Board of Zoning Appeals before the car wash can be built. Section 28.04.183.4 of the Zoning Ordinance specifies certain conditions that must be complied with prior to operation of a car wash in the "LC" zoning district.
4. Descriptions for Parcels 7 and 8 have been revised to show the new parcel areas left after creation of Parcel 9. The proposed uses for Parcels 7 and 8 should remain as they were on the previously approved C.U.P. and should not include a car wash. Only Parcel 9 should list car wash as a potential use.

5. The original Ty-Cen C.U.P (and all subsequent amendments) required a 10-foot planting strip along the south line of Parcels 7 and 8 (including the current Parcel 9) in lieu of a wall. Since there is a "15-foot maintenance access and underground utility easement" along the south line of these parcels, the planting strip should be located north of this easement if at all possible. The development of the minor emergency center has taken this into account. However, the Braum's parking lot is built five feet into the 15-foot access and utility easement thereby leaving the south ten feet of the lot (all easement) as the only possible location for plant materials. The car wash site (Parcel 9) should provide its required landscaping north of the 15-foot easement. It is recommended that the last part of paragraph four of General Provision #4 be revised to read: "A ten-foot planting strip shall be required on the south side of Parcels 7, 8 and 9 in lieu of the wall which is waived. The plant materials shall be kept out of the 15-foot easement as much as possible."
 6. Should the Planning Commission determine that the proposed C.U.P. amendment is appropriate, the following are recommended conditions of approval:
 - a. The proposed uses for Parcels 7 and 8 shall be corrected to delete car washes from the list of uses.
 - b. The last part of paragraph four of General Provision #4 shall be revised to read: "A ten-foot planting strip shall be required on the south side of Parcels 7, 8 and 9 in lieu of the wall which is waived. The plant materials shall be kept out of the 15-foot easement as much as possible."
 - c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, 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.
 - d. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
 - e. The transfer of title of all or any portion of the land included within the Community Unit Plan (CUP) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.
-

CASE NO. DP-90 Amend. #5

59	"Notices to Adjoining Property Owners" mailed on 3-7-85 for MAPC meeting on 3-21-85.
5	One each to Applicants and Agent.
3	One each to Karen Crook, Don Schneider and CPO.
<hr/>	
67	TOTAL

(____) Published in the Daily Record on February 26, 1985 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, March 21, 1985, the Wichita-Sedgwick County Metropolitan Area Planning Commission, (MAPC), at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas, will consider an application for amendment to the TY-CEN COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN for property legally described as follows:

DP-90: Lot 2, Block C, Ty-Cen Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Frazier between Tyler and Robin Roads.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The revised Development Plan now on file proposes to create a new Parcel #9 to coincide with Lot 2, Block C of Ty-Cen Addition. This lot formerly was part of Parcels 7 and 8. Uses which would be allowed on the new parcel are office, restaurant, car wash (subject to Board of Zoning Appeals approval), retail and service commercial, not including storage garage, tavern, hotel or motel. A car wash is the intended use.

The hearing of the proposed Development Plan is to be held and the same will there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

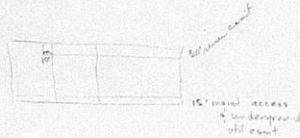
WITNESS MY HAND AND SEAL this 25th day of February, 1985.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

8
9
7

Lot 1	150 x 213	31,950 sq ft	30% = 9,585 sq ft
Lot 2	150 x 213	31,950 sq ft	30% = 9,585 sq ft
Lot 3	215 x 213	45,795 sq ft	30% = 13,738.5 sq ft



February 20, 1985

Baughman Company, P.A.
330 Laura
Wichita, Kansas 67211

RE: DP-90 Amendment to Ty-Cen C.U.P.

Gentlemen:

We have completed our staff review of your proposed C.U.P. amendment and offer the following comments:

- ✓ 1. All existing buildings, parking lots, curb cuts, etc. must be shown on the C.U.P. even though only a small portion of the overall C.U.P. may be proposed for amendment. There are buildings now on Parcels 2 and 8. We can provide you with a site plan for the west portion of Parcel 8 if that will help. Perhaps C.I.D. or the owner can provide you with a site plan of Parcel 2.
- ✓ 2. All adjustments granted since the last amendment should be shown on the C.U.P. One adjustment was granted for Parcel 2 on June 8, 1984, which allowed for an increase of the maximum building coverage from 30% to 34% for those retail and office uses which can provide sufficient on-site parking. In the text for Parcel 2, under Maximum Building Coverage, please add the following sentence in parentheses: (Admin. Adjustment 6-8-84 allows 34% if sufficient on-site parking can be provided.).
3. Since three lots were platted in Ty-Cen Addition to cover the area of only two parcels of the C.U.P. (Parcels 7 and 8), and since your amendment applies to only one of the lots, we require that a new Parcel #9 be created to coincide with Lot 2, Block C. The uses for Parcels 7 and 8 would remain as previously approved. The net area, square feet of building coverage, and gross floor area would change based on the reduced area of these parcels. ✓ Maximum number of buildings for Parcels 7, 8, and 9 would be one each. ✓ The uses permitted in the new Parcel 9 would be "offices, restaurant, car wash subject to approval by the Board of Zoning Appeals, retail and service commercial not including storage garage, tavern, hotel-motel." We would expect the maximum building coverage to be no more than 30%. ✓ Please add the Parcel 9 description below that for Parcel 8 if at all possible.

prints need opening back to original wording

Baughman Company, P.A.
Page 2
February 20, 1985

4. With the creation of a new parcel, changes in the General Provisions are required as follows:
- ✓ a. Paragraph two of G.P. 3 should refer to setbacks between "Parcels 1 and 2, between Parcels 4 and 5, between Parcels 7 and 9, or between Parcels 8 and 9."
 - ✓ b. Lines five and seven of paragraph four, G.P. 4 should refer to Parcels 7, 8, and 9.
 - ✓ c. Reference to Parcels 7 and 8 should be deleted from G.P. 9.

This C.U.P. amendment has been scheduled for MAPC review on March 21, 1985. We will need 14 prints of the corrected plan by March 1st. If you have any questions about any of these requirements, please call.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw

cc: Ronald M. Jackson, 7383 W. Central, Wichita, 67212
Lawrence H. Volbrecht, 434 N. Oliver, Wichita, 67208
Retail Buildings, Inc., c/o Joel Hersh, Box 25429 - 3000 N.E. 63rd St.,
Oklahoma City, Oklahoma 73125

Parcel 8 DP-90 #4 for Braun's Ice Cream
12/83 2 openings to Tyler instead of one

Parcel 2 DP-90 #3 for Steve Clark
8/83 to permit mini-storage warehouses
and to permit 42% coverage for warehouses only

3,5/6 DP-90 #2 for B.F.P.
10/79 1. providing residential alternative for Parcel 5
2. add G.P. #10
3. revisions to area calculations based on Ty. Co. plat

The "OMITS" were shown. General Notes 1, 2, 3 were shown.
General Notes are dated 11-12-79

DP-90 #1 for B.F.P.
12/78

When this CUP amendment
was approved in Sept by MAPC,
it was stated that, if Recca is
vacated, revised copies of CUP
should be submitted

Ty Co Addition was recorded 5-16-79

Recca Avenue was vacated V.0973 11-16-79

DP-90
Amendment #5
File

Amendment of

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, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

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

a. Applicant Ronald M. Jackson OD Chartered *see page 2 for additional applicants*

Address 7383 W. Central 67212 Phone _____

Agent Lawrence H. Volbrecht

Address 434 N. Oliver 67208 Phone 686-7653

b. Applicant _____

Address _____ Phone _____

Agent William L. Korber

Address 330 Laura 67211 Phone 262-7271

c. Applicant _____

Address _____ Phone _____

Agent _____

Address _____ Phone _____

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

2. a. The applicant hereby requests ^{*Amendment of*} Community Unit Plan approval on property

zoned LC and legally described as Lot(s) 2

_____, Block(s) C,

TY-CEN Addition.

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

page 1 of 2

2. b. There are 0.7 acres (round to nearest tenth) in the above described property.

3. The general location is (use appropriate section)

a. at the _____ corner of _____
and _____; or

b. on the south side of Frazier (Avenue,
Street) between Tyler Road (Avenue, Street) and
Robin Road (Avenue, Street).

4. 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.

By Louise A. Vallbrecht _____
Authorized Agent (if any) By _____
Authorized Agent (if any)

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

5. OFFICE USE ONLY

This application was received at the Planning Department at 10 am
(AM, PM) on 2-19-85 (Day, Month, Year). It has been
checked and found to be complete and accompanied by required documents and
the appropriate fee of \$ 200⁰⁰.

Louise Olivarez _____ Name
S. Planner _____ Title

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, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

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

- a. Applicant Ronald M. Jackson OD Chartered
Address 7383 W. Central 67212 Phone _____
Agent Lawrence H. Volbrecht
Address 434 N. Oliver 67208 Phone 686-7653
- b. Applicant Retail Buildings Inc Att: Joel Hersh 5
Address Box 25429/ 3000 N. E. 63rd 67211 Phone 405-843-7105
Oklahoma City, Ok. 73125
Agent William L. Korber
Address 330 Laura 67211 Phone 262-7271
- c. Applicant City of Wichita FO
Address 455 N. Main 67211 Phone _____
Agent _____
Address _____ Phone _____
- Handwritten notes:*
Slashed and
notified and
correspondence to:
Center
Emergency Project 6/12
Minor 9/15

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

2. a. The applicant hereby requests Community Unit Plan approval on property zoned _____ and legally described as Lot(s) 2 _____, Block(s) C _____, TY-CEN _____ Addition.

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

page 2 of 2

2. b. There are 0.7 acres (round to nearest tenth) in the above described property.

3. The general location is (use appropriate section)

- a. at the _____ corner of _____
and _____; or
- b. on the south side of Frazier (Avenue,
Street) between Tyler Road (Avenue, Street) and
Robin Road (Avenue, Street).

4. 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.

By Lourence A. Vollbrecht By _____
Authorized Agent (if any) Authorized Agent (if any)

Retail Buildings Inc.
% Braum Ice Cream Stores Inc.

By William E. Koels By _____
Authorized Agent (if any) Authorized Agent (if any)

5. OFFICE USE ONLY

This application was received at the Planning Department at _____
(AM, PM) on _____ (Day, Month, Year). It has been
checked and found to be complete and accompanied by required documents and
the appropriate fee of \$ _____.

Name

Title

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1		Higgins-Andeel Addition	Littell, Inc. 8635 W. Central Wichita, KS 67212
		The south 350 feet of the north 600 feet of the west 305 feet of the Northwest Quarter of Section 21-27-1W, now described as Lot 1, Block A, West Center Addition, except those portions platted as First Place West Addition and Higgins-Andeel Addition.	Richard J. Hatstrup 610 N. Tyler Wichita, KS 67212
Lot 2	Block A	West Center Addition	Mid Kansas Federal Savings & Loan Association 123 S. Market Wichita, KS 67202
Lot 1		First Place West Addition	First National Bank of Wichita 105 N. Main Wichita, KS 67202
Lot 1		4-H Club Addition	Board of County Commissioners Sedgwick Co., KS 455 N. Main Wichita, KS 67202
Lot 1		"	Same As Above
Lot 1		Westlink Center 2nd Addition	W. A. Michaelis, Jr. 211 N. Broadway Wichita, KS 67202
Lot 3		"	J. Ernest Talley 125 N. Market Wichita, KS 67202
Lot 1		Westlink Center 3rd Addition	Westlink Village Housing Partnership c/o Jack C. Oliver Development General Partner 6803 W. 64th Street Suite 115 Shawnee Mission, KS 66202
Lot 1		Madonna Addition	Unified School District #259 428 S. Broadway Wichita, KS 67202
Lot 1		Notre Dame High School Addition	Catholic Diocese of Wichita 424 N. Broadway Wichita, KS 67202

Tract Description	Property Owner	
<p>All that part of the SW$\frac{1}{4}$ of Section 16-27-1W, and part of Block 2, Tyler Acres First Addition, described as follows: Beg. at the SW/c of St. Francis of Assisi Park, Wichita, KS, Sedg. Co., KS; th. easterly along the south line and the south line extended of said St. Francis Assisi Park, 931.18 feet; th. southerly with a deflection angle to the right of 89°46'50", 99.8 feet; th. westerly parallel with the south line of said SW$\frac{1}{4}$ 915 feet; th. northerly with a deflection angle to the right of 90° 44.52 feet; th. northwesterly with a deflection angle to the left of 71°00'50" 34.44 feet to the SE/c of Ascension Lutheran Church Addn., Wichita, KS; th. northeasterly with a deflection angle to the right of 90°, along the easterly line of said Ascension Lutheran Church Addn., 50.38 feet to the p.o.b.</p>	<p>Catholic Diocese of Wichita 424 N. Broadway Wichita, KS 67202</p>	
<p>The Southwest Quarter of the Northwest Quarter of Section 21-27-1W, except that part platted as Madonna Addition</p>	<p>Unified School District #259 428 S. Broadway Wichita, KS 67202</p>	
<p>East Half of the Northwest Quarter of Section 21-27-1W, except portions platted as Notre Dame High School and Whispering Pines Estates</p>	<p>Catholic Diocese of Wichita 424 S. Broadway Wichita, KS 67202</p>	
<p><u>Lot</u> <u>Block</u> <u>Addition</u></p>		
<p>Lot 1</p>	<p>St. Francis of Assisi Park</p>	<p>Same As Above</p>
<p>The East 200 feet of Lot 1</p>	<p>Ascension Lutheran Church Addition</p>	<p>City of Wichita 455 N. Main Wichita, KS 67202</p>
<p>Lot 1, except the east 200 feet</p>	<p>"</p>	<p>The Kansas District of the Lutheran Church, Missouri Synod 842 N. Tyler Wichita, KS 67212</p>
<p><u>Tract Description</u></p>		
<p>Beginning 794.2 feet north of the SE/c of the NE$\frac{1}{4}$ of Section 20-27-1W; th. west 230 feet; th. north 94.7 feet; th. east 230 feet; th. south 94.7 feet to the p.o.b.</p>	<p>John Paul Moskal Albina Moskal 415 N. Tyler Wichita, KS 67212</p>	
<p>Beginning 983.6 feet north of the SE/c of the NE$\frac{1}{4}$ of Section 20-27-1W; th. west parallel with the south line 230 feet; th. north 94.7 feet; th. east 230 feet; th. south 94.7 feet to beg., the east 40 feet reserved for road.</p>	<p>Thomas J. Updegrove Barbara Roden 437 N. Tyler Wichita, KS 67212</p>	
<p>Beginning 637.5 feet north of the SE/c of the NE$\frac{1}{4}$ of Section 20-27-1W; th. west 230 feet; th. north 156.7 feet; th. east 230 feet; th. south to beginning, the east 40 feet reserved for road</p>	<p>Kenneth D. Hauschild Phyllis E. Hauschild 403 N. Tyler Road Wichita, KS 67212</p>	

Tract Description	Property Owner
Beginning 888.9 feet north of the SE/c of the NE $\frac{1}{4}$ of Section 20-27-1W; th. west 230 feet; th. north 94.7 feet; th. east 230 feet; th. south 94.7 feet to the p.o.b., the east 40 feet reserved for road.	Spencer B. Long Dora E. Long 427 N. Tyler Wichita, KS 67212
Beginning 495 feet north of the SE/c of the NE $\frac{1}{4}$ of Section 20-27-1W; th. west 230 feet; th. north 142.5 feet; th. east 230 feet; th. south 142.5 feet to beg.	John J. Appelhans, Jr. Dorothy Jean Appelhans 357 N. Tyler Wichita, KS 67212
Beginning 1173 feet north of the SE/c of the NE $\frac{1}{4}$ of Section 20-27-1W; th. west 230 feet; th. south 94.7 feet; th. east 230 feet; th. north 94.7 feet to beg., east 40 feet reserved for road.	Edward E. Boyles Wanda L. Boyles 1920 S. Estelle Wichita, KS 67212
Lot 2, Westlink Center 4th Addition, also described as the N. 200' of the E. 200' of the NE $\frac{1}{4}$ of Sec. 20-27-1W	NBW Building Corp., Inc. Address Unknown P.O. Box 516
Beginning 972.45 feet south of the NE/c of the NE $\frac{1}{4}$ of Section 20-27-1W; th. west 230 feet; th. south 94.7 feet; th. east 230 feet; th. north to the p.o.b.	Richard G. Peppard Patricia L. Peppard 8927 W. Central Wichita, KS 67212
Beginning 1067.15 feet south of the NE/c of the NE $\frac{1}{4}$ of Section 20-27-1W; th. west 230 feet; th. south 94.7 feet; th. east 230 feet; th. north to beginning, east 40 feet reserved for road.	Harry Barsamian Alice M. Barsamian 431 N. Glenn Ave. Wichita, KS 67203
Beginning 877.75 feet south of the NE/c of the NE $\frac{1}{4}$ of Section 20-27-1W; th. west 230 feet; th. south 94.7 feet; th. east 230 feet; th. north to beginning, exc. the east 40 feet.	Elgin T. Ranier Alberta Inez Ranier 541 N. Tyler Wichita, KS 67212
Beginning 783.05 feet south of the NE/c of the NE $\frac{1}{4}$ of Section 20-27-1W; th. west 230 feet; th. south 94.7 feet; th. east 230 feet; th. north to beginning, exc. the east 40 feet for road.	Gilbert F. Fox Rosann C. Fox 545 N. Tyler Wichita, KS 67212
<u>Lot</u> <u>Block</u> <u>Addition</u>	
Lot 1	Joy Addition
Beginning at the SW/c of Lot 1, Tyler Acres Sixth Addition; th. Easterly 220.30 feet to the SW/c of Lot 2; th. Northerly 480.21 feet; th. Westerly 234.59 feet to pointon West line of Lot 1; sd. point being 480 feet West of the SW/c; th. Southerly 480 feet to p.o.b.	Carroll M. Joy Marion L. Joy 549 N. Tyler Wichita, KS 67212
Lot 1, Tyler Acres Sixth Addition, except above described tract.	Affiliated Medical Services, Inc. 818 N. Emporia Wichita, KS 67214
	Sisters of the Sorrowful Mother Ministry, Inc. 929 N. St. Francis Wichita, KS 67214

Lot	Addition	Property Owner
Lots 3, 4, & 5	Tyler Acres Sixth Addition	Sisters of the Sorrowful Mother Ministry, Inc. 929 N. St. Francis Wichita, KS 67214
Lot 2	"	Edward T. Neville Rita A. Neville, Trustees for Alvin Leon Neville & for Gregory Allen Neville 9625 Maple Wichita, KS 67209
Lots 1, 2, 3, 4 & 5	Tyler Acres Fifth Addition	Edward T. Neville 9625 Maple Wichita, KS 67209 Edward T. Neville Rita A. Neville, Trustees for Gregory Alan Neville for Alvin Leon Neville 9625 Maple Wichita, KS 67209
Lot 1	Block A	Ty Cen Addition
Lot 2, exc. the South 175' of the W'ly 250'	Block A	"
South 175' of the W'ly 250' of Lot 2	Block A	"
Lot 1, together with ease- ment for drainage over the N. 20' of the S 30' of Lot 3	Block B	"
Lots 2, 3 & 4, Block B, and vacated Reca Ave. from extended east line of Robin Road to South line of Central	"	"
Lot 1	Block C	"
Lot 2	Block C	"

part of Parcel 8
part of Parcels 7 & 8

send to:
% Manager, Northwest Savings
8405 W. Central
(per instructions from attorney, Frank Evans whose address is)

Northwest Wichita Associates Ltd.
200 W. Douglas
Suite 430
Wichita, KS 67202
OK

Retail Buildings, Inc.
c/o Braum Ice Cream
Stores, Inc.
3000 NE 63rd St.
OKC, OK 73125
OK

Ronald M. Jackson OD
Chartered
7383 W. Central
Wichita, KS 67212

Lot	Block	Addition	Property Owner
<i>part of Parcel 7</i> Lot 3	Block C	Ty Cen Addition	City of Wichita 455 N. Main Wichita, KS 67202
Lot 4, Block C, together with all vacated Reca Ave. from extended ease line of Robin Road to the South line of Central Avenue.		"	Northwest Wichita Associates Ltd. 200 W. Douglas Suite 430 Wichita, KS 67202
Lot 1	Block 1	Rolling Hills Fourth Addition	Carol I. Hill Irwin B. Hill 429 N. Westlink Ave. Wichita, KS 67212
Lot 2	Block 1	Rolling Hills Fourth Addition	Donald C. Moore R. Arlene Moore 8917 Harvest Lane, Unit 402 Wichita, KS 67212
Lot 3	Block 1	"	Dale Maxwell Illena R. Holyoak 409 N. Westlink Ave. Wichita, KS 67212
Lot 4	Block 1	"	Corporation of the Residing Bishop of the Church of the Jesus Christ of Latter Day Saints 401 N. Westlink Ave. Wichita, KS 67212
Lot 5	Block 1	"	John Blake Gladfelter Leona J. Galdfelter 414 Pamela St. Wichita, KS 67212
Lot 6	Block 1	"	Dale D. Lott Geraldine B. Lott 420 Pamela St. Wichita, KS 67212
Lots 1 through 6, inclusive Block 2		"	City of Wichita 455 N. Main Wichita, KS 67202
Beginning at a point on the South line of Lot 7, 70 feet west of the SE/c of Lot 7; th. NW'ly to a point 25 feet north and 95' west of the SE/c of Lot 7, west parallel to and 25' north of the south line of Lot 7, to west line of Lot 7; th. S'ly along said west line to the SW/c of Lot 7; th. east to p.o.b.		"	Raymond C. Hemken Verda M. Hemken 354 Wood Lane Wichita, KS 67212
Lot 7, Block 2, except above described tract.		"	City of Wichita 455 N. Main Wichita, KS 67202

Lot	Block	Addition	Property Owner
Lot 8, exc. the east 70' taken by Cond. Case #C-14283	Block 2	Rolling Hills Fourth Addition	Raymond C. Hemken Verda M. Hemken 354 Wood Lane Wichita, KS 67212
Lot 1		Rolling Hills Addition	Karl K. Richardson #2 Rolling Hills Dr. Wichita, KS 67212 Martin D. Richardson 5825 Clarendon Wichita, KS 67220 Judith Ann McClard Address Unknown
Lot 2		Rolling Hills Addition	Richard S. Powelson Delma T. Powelson Address Unknown
Lot 3		"	Max C. Rankin Isabel N. Rankin #6 Rolling Hills Dr. Wichita, KS 67212
Lot 24		"	Roy R. Whetstone Florence T. Whetstone #1 Rolling Hills Dr. Wichita, KS 67212
Lot 3	Block 3	Rolling Hills Fourth Addition	Raymond P. Henderson II Kathleen E. Henderson 409 Pamela St. Wichita, KS 67212
Lot 4	Block 3	"	Dennis P. Hanson Marla K. Martin 405 Pamela Wichita, KS 67212
Lot 5	Block 3	"	Virginia Ogden Ronald G. Ogden 401 Pamela Wichita, KS 67212
Lot 6	Block 3	"	Thomas W. Sanders Ramona Sue Sanders 357 Wood Lane Wichita, KS 67212
Lots 2, 3, 4 & 5	Block 1	Whispering Pines Estates	H. Marvin Bastian 62 Norfolk Dr. Wichita, KS 67206
Lot 6	Block 1	"	BFP Construction Inc. 337 N. Waco Wichita, KS 67202
Lot 7	Block 1	"	H. Marvin Bastian 62 Norfolk Dr. Wichita, KS 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 8	Block 1	Whispering Pines Estates	58 I. Fred Munchrath 221 Rutland Rd. Wichita, KS 67206
Lot 9	Block 1	"	59 Donald L. Day Jacqueline R. Day 8931 Harvest Lane Wichita, KS 67212
Lots 2 & 3	Block 2	"	55 Bobbie J. Bastian 62 Norfolk Wichita, KS 67206
Lot 4	Block 2	"	56 Bill Suter 8507 Longlake Circle Wichita, KS 67207
Odd & Even Lots 5-11, inclu.	Block 2	"	60 Bobbie J. Bastian 62 Norfolk Wichita, KS 67206
Lot 12	Block 2	"	61 Bill Suter 8507 Longlake Circle Wichita, KS 67207
Lot 13	Block 2	"	57 Sybil I. Kowalski 130 S. Maize Rd. Apt. 8 Wichita, KS 67209
			58 James D. Hopper Dee A. Hopper 136 Summitlawn Circle Wichita, KS 67212
Lots 14, 15, Block 2 & 16	Block 2	"	59 Fidelity Development Inc. 229 S. Market Wichita, KS 67202
Lot 17	Block 2	"	60 Allen D. Lee 333 Whispering Pines Wichita, KS 67212
Lot 18	Block 2	"	61 Donald Childs Dora V. Childs 75 N. 119 West Wichita, KS 67212
Odd & Even Lots 19-24, inclu.	Block 2	"	62 Fidelity Development Inc. 229 S. Market Wichita, KS 67202
Lot 13	Block F	"	62 John W. Shively Mary Lee Shively 443 N. Westlink Wichita, KS 67212
Lot 14	Block F	"	63 Elizabeth Hayden Adams 447 N. Westlink Wichita, KS 67212

Page 8

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 1000 foot radius of:

Ty-Cen Addition, Wichita, Sedgwick
County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 8th day of February, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND
TITLE COMPANY, INC.

By

Mary Sable

Sr. Vice-President

Order No: 342688
ns

FORM 29-10

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Has Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION AMOUNT

DP-90

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

1-19-75

RL

*

This DP File
Has a Large Drawing
On 35mm Microfilm.

Roll #1

*