

20-97 - TALLGRASS COMMERCIAL CUP
ANNEXED FILE #1 - E-theast corner
of 21st St. North and Rock Road.

POSTED
10-13-81

ACTION

DATE

COMMITTEE

M.A.P.C. ~~Approved to~~ *Refer to 11-19-81* 11-5-81

B.C.C./B-60, C. *Approved to* 12-15-81
Recommend

MAPC *approve subj to condition 11-19-81*

Map No. 6050C
Sec. _____
Twp. _____
Range _____

DATA SHEET
COMMUNITY UNIT PLAN

AMENDED FILE #1
DP - 92
Filed 9-23-81

Associated
Case: Z-2395

APPLICATION REQUEST: Approval of proposed Amendment to
TALLGRASS
(Residential)(Commercial) Community Unit Plan.

1. Applicant Tallgrass Company
Address 1900 Amidon, 67203 Phone 838-9301
2. Agent Bill G. Yung Design
Address 8225 E. 35th St. North, 67226 Phone 683-5567
3. General Location: Northeast corner of 21st St. North and Rock Road
Address _____
4. Proposed Use: _____

AREA DATA:

- (IRREGULAR)
1. Acres: 13.4 (575 ft. by 850 ft.)
 2. Existing Zoning "AA" "BB" & "LC" Proposed Zoning "BB" & "LC"
 3. Area (is) (is not) platted. _____ Addition

HISTORY

PROCEDURE DATA

1. MAPC Meeting:

Date	Action
<u>11-5-81</u>	<u>Approved with conditions effective 11-19-81</u>
<u>11-19-81</u>	<u>Approved subject to conditions</u>

2. Governing Body

Date	Action
<u>12-15-81</u>	<u>Approved to record</u>

NOTES:

CASE FILE

U.S. PATENT OFFICE
REGISTERED TRADEMARK
McGRAW-HILL BOOK COMPANY
NEW YORK, N.Y. 10020
U.S.A.

S
No. 2153C

Map No. 6050C
Sec. _____
Twp. _____
Range _____

DATA SHEET
COMMUNITY UNIT PLAN

AMENDED FILE #1
DP - 92
Filed 9-23-81

Associated
Case: Z-2395

APPLICATION REQUEST: Approval of proposed Amendment to
TALLGRASS

(Residential)(Commercial) Community Unit Plan.

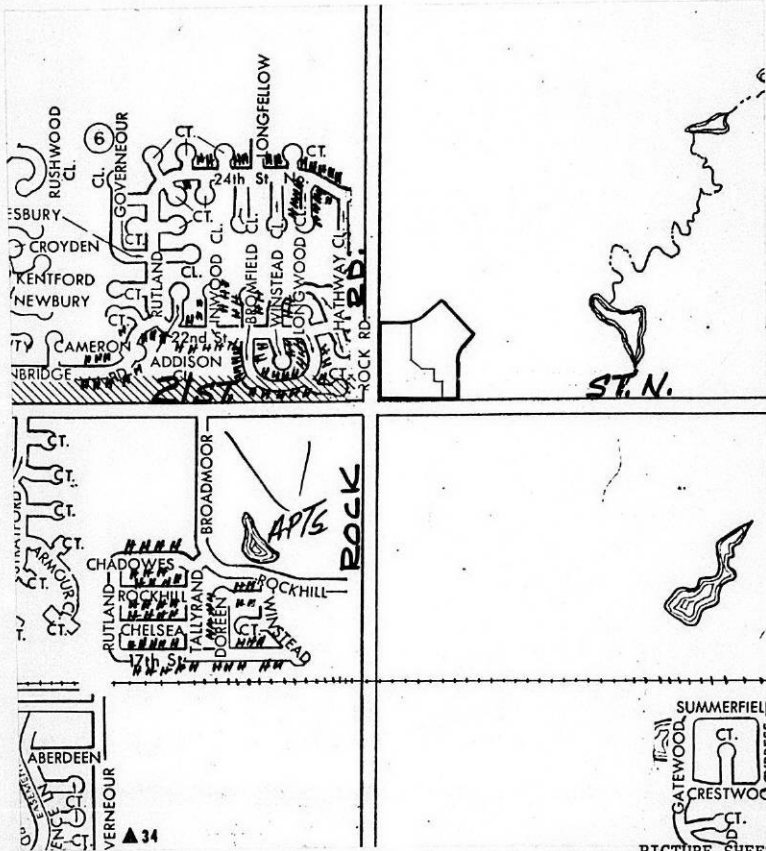
1. Applicant Tallgrass Company
Address 1900 Amidon, 67203 Phone 838-9301
2. Agent Bill G. Yung Design
Address 8225 E. 35th St. North, 67226 Phone 683-5567
3. General Location: Northeast corner of 21st St. North and Rock Road.
Address _____
4. Proposed Use: _____

AREA DATA:

1. Acres: 13.4 (575 ft. by 850 ft.)
2. Existing Zoning: "AA", "BB" & "LC" "BB" & "LC"
3. Land Use: East UNDEVELOPED South UNDEVELOPED
West SINGLE FAM North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



December 16, 1981

Robert B. Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-92 Tallgrass (formerly Independence Commons) Commercial C.U.P. Generally located at the northeast corner of 21st Street North and Rock Road.

The Board of City Commissioners on December 15, 1981, considered the above captioned C.U.P. Their action was to approve the C.U.P. 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. 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.
- c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.
- d. 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.

Please note that prior to the issuance of any building permits, and in accordance with condition "a" above, the property must be platted.

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.

Jack H. Galbraith
Chief Planner

JHG:ADC:el
Attachments

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING
AND APPROVAL OF AMENDMENT TO THE
COMMERCIAL COMMUNITY UNIT PLAN

CASE NO. Z-2395 & DP-92

CONSIDERED BY MAPC: 11-19-81

REQUEST FOR: "AA" & "BB" to "BB" and "AA" & "LC" to "LC"; and approval of amendment to the Tallgrass Commercial Community Unit Plan
REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

None stated.

GENERAL LOCATION: Northeast corner of 21st Street North and Rock Road.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of
November 19, 1981)

APPLICANT: Independence Commons Company, et al, 1900 Amidon.

AGENT FOR APPLICANT: Bill G. Yung, Land Planner, 8225 E. 35th St. No.

PROTESTORS (LIST AGENT) IF ANY: None

SURROUNDING ZONING: North, East and West, "AA"; South, "LC".

LAND USE: Existing, North, East and South, Undeveloped; West, Single-family.

CPO RECOMMENDATION: CPO Council Area "I" recommended approval of the applications by a vote of 6-0.

PLANNING COMMISSION RECOMMENDATION:

That the zone change request be approved subject to the property being platted within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds; and that the Community Unit Plan be approved subject to the conditions as shown in excerpt from Planning Commission minutes of November 19, 1981. Martens moved, Hansen seconded and it carried unanimously. Chisholm was absent.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and CMP subject to the recommended conditions, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 19, 1981

- 10a. Case No. Z-2395 - Independence Commons Company, et al Request zone change from "AA" & "BB" to "BB" and from "AA" & "LC" to "LC" for a tract of land in the southwest quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M., a portion of which has been platted as Independence Commons, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows: Beginning at a point on the north right of way line of 21st Street North, 175 feet Westerly from the southeast corner of Lot 1, Independence Commons, an addition to Wkchita, Sedgwick County, Kansas; thence northerly N 1° 01'02" W, 225.00 feet; thence S 88°58'58" W, 55.00 feet; thence N 1°01'02" W, 97.50 feet; thence S 88°58'58" W, 120.00 feet; thence N 46°01'02" W, 92.01 feet; thence N 1°01'02" W, 368.36 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 38°29'38", a length of 162.59 feet and a chord bearing N 63° 13'47" E, a distance of 159.55 feet; thence N 43°58'58" E, 38.79 feet; thence S 46°01'02" E, 503.44 feet; thence S 43°58'58" W, 58.24 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 45°00'00", a length of 190.07 feet and a chord bearing S 21°28'56" W, a distance of 185.22 feet; thence S 1°01'02" E, 284.76 feet; thence S 89°06'26" W, 175.00 feet to the point of begining; AND, A tract of land in the southwest quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M., a portion of which has been platted as Independence Commons, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows: Beginning at a point on the east right of way line of Rock Road, 50 feet easterly and 50 feet northerly from the southwest corner of Section 5, Township 27 South, Range 2 East of the 6th P.M.; thence north along said east line bearing N 1°01'02" W, 753.11 feet; thence N 88°58'58" E, 307.52 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 6°30'22", a length of 27.48 feet and a chord bearing N 85° 43'47" E, a distance of 27.47 feet; thence S 1°01'02" E, 368.36 feet; thence S 46°01'02" E, 92.01 feet; thence N 88°58'58" E, 120.00 feet; thence S 1°01'02" E, 97.50 feet; thence N 88°58'58" E, 55.00 feet; thence S 1°01'02"E, 255.00 feet; thence S 89°06' 26" W, 575.00 feet to the point of beginning. All generally located at the northeast corner of 21st Street North and Rock Road.
- 10b. Case No. DP-92 - Independence Commons Company, et al Request approval of amendment to Commercial Community Unit Plan for a tract of land in the southwest quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M. a portion of which has been platted as Independence Commons, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows: Beginning at the intersection of the east line of Rock Road and the north line of Twenty-First Street North, said point being 50 feet easterly and 40 feet northerly of the southwest corner of Section 5; thence north along said east line bearing N 1°01' 02" W, 753.11 feet; thence N 88°58'58" E, 307.52 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 45°00'00", a length of 190.07 feet and a chord bearing N 66°28'58" E, a distance of 185.22 feet; thence N 43°58'58" E, 38.79 feet; thence S 46°01'02" E, 503.44 feet; thence S 43°58'58" W, 58.24 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 45°00'00", a length of 190.07 feet and a chord bearing S 21°28'56" W, a distance of 185.22 feet; thence S 1°01'02" E,

284.76 feet to the north line of Twenty-First Street North; thence west along said north line bearing S 89°06'26" W, 750.00 feet to the point of beginning. Generally located at the northeast corner of 21st Street North and Rock Road.

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

COMMENTS:

1. The Planning Commission should consider the following in making findings of fact:

In compliance with Section 28.04.190 of the Code of the City of Wichita, an amendment to the approved Independence Commons Commercial C.U.P., located at the northeast corner of 21st Street and Rock Road, has been submitted. The amended C.U.P. proposes to change the name to Tallgrass Commercial C.U.P. The previously approved C.U.P. permitted office and light commercial uses in several, small clustered buildings, while the amendment proposes to allow offices and light commercial uses in eight buildings. Another change is the dedication of a public street through the C.U.P. area. Parcel boundaries have been relocated to conform to the proposed zoning requested by associated zone case Z-2395.
2. Staff is generally supportive of the proposed changes and feels that the change from several small specialty shops to a more general retail shopping area is appropriate. This C.U.P. would permit a maximum floor area of 91,000 square feet to be developed for general office uses. A maximum floor area of 94,000 square feet could be developed with general light commercial uses such as retail sales, grocery store, filling station, private clubs, etc.
3. A recommendation of approval of the zone change by the Planning Commission should be subject to the property being platted within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds.
4. Should the Planning Commission determine that the proposed amendments are appropriate 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. 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.
 - c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

- d. 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.

CHAMBERS pointed out that one of the changes of the C.U.P. was a name change from Independence Commons C.U.P. to the Tallgrass Commercial C.U.P. The original C.U.P. had several small buildings clustered while this amendment proposes approximately eight buildings. One other change is that they are proposing to dedicate a public street through the project. He said that this would be more of a general retail shopping area than originally proposed. CHAMBERS said that the staff was generally supportive of the proposed changes and feels that the proposed uses are acceptable. CPO Council Area "I" recommended approval by a vote of 6-0.

There was no one present in opposition to the applications.

BILL G. YUNG, Land Planner, representing the applicant, was present.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the undeveloped character of the general area; the residential uses proposed in C.U.P.'s to the north, east and west; the light commercial zoning to the south; the suitability of the subject site for development with office and light commercial uses; the recommendation of approval by CPO Council Area "I", and the recommendation of approval by staff; I move that we recommend to the governing body that the zone change request be approved subject to the property being platted within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds; and that the C.U.P. be approved subject to the following conditions:

- a. Platting of subject property within one year from this date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. 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.
- c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.
- d. 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.

Martens moved, Hansen seconded and it carried unanimously. Chisholm was absent.

November 20, 1961

Bill G. Yung Design
8225 East 35th Street North
Wichita, Kansas 67226

Re: DP-92 - Approval of Amendment to the
Tallgrass (Formerly Independence
Commons) Commercial C.U.F.
Z-2395 - "AA" & "BB" to "BB" and
"AA" & "LC" to "LC" both located on
the northeast corner of 21st Street
North and Rock Road

Dear Mr. Yung:

At its regular meeting on November 19, 1961, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend approval of the zone change request subject to the property being platted within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds. The Planning Commission also recommended approval of the C.U.F. 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. 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.

- c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- d. 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.

It is necessary that we receive 10 copies of the C.U.P. by December 4 so that subject cases can be scheduled for consideration by the Board of City Commission on December 19, 1961. 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 concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:ssd

cc: Independence Commons Company, 1900 Amidon, Wichita 67203
Wichita Development Company, 2471 Hathway Circle, Wichita 67226
Landmark Communities, 2471 Hathway Circle, Wichita 67226

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE November 19, 1981



TO Jack Galbraith, Chief Planner, Current Plans

FROM Dean Kruthof, Administrative Aide III

SUBJECT DP-92 and Z-2395, Northeast
Corner of 21st Street North
and Rock Road

During its meeting of November 17th, CPO Neighborhood Council Area "I" considered the captioned application to amend the Independence Commons Commercial Community Unit Plan. David Ritchie and Bill Yung were present representing the applicant. No area residents attended the meeting concerning the case.

The Council voted unanimously, 6-0, to recommend approval of the CUP amendments and the associated zone change subject to MAPC staff conditions.

Please provide copies of this memoranda to the members of the MAPC and City Commission when this case is considered by them. Thank you.

Dean Kruthof
Dean Kruthof
Administrative Aide III

DK:dm

Noted:

Sarah Gilbert
Sarah Gilbert
CP Coordinator

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 11-19-81

Case No. DP-92 Request: Approval of Amendment to the
Tailgrass (Formerly Independence
Commons) Commercial C.U.P.
Z-2395 "AA"&"BB" to "BB" & "AA"&"LC"
to "LC"

Location: Northeast corner of 21st Street North and Rock Road.

Acres: 13.4 Size: 575' x 850'
Maximum floor area - "BB" 91,000 square feet
Maximum floor area - "LC" 94,000 square feet

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	'AA', "BB" & "LC"
North	Undeveloped	"AA" (C.U.P.)
East	Undeveloped	"AA" (C.U.P.)
South	Undeveloped	"LC"
West	Single-family	"AA" (C.U.P.)

Adequate Street right-of-way will be obtained at the time of platting.

Platted: A portion has been platted

History:

Z-2113	"AA" & "LC" to "LC"	3-15-79	MAPC	Approve "BB"&"LC"
		4-17-79	BCC	Approve "BB"&"LC"
DP-92		3-15-79	MAPC	Approve
		4-17-79	BCC	Approve

COMMENTS:

1. The Planning Commission should consider the following in making findings of fact:

In compliance with Section 28.04.190 of the Code of the City of Wichita, an amendment to the approved Independence Commons Commercial C.U.P., located at the northeast corner of 21st Street and Rock Road, has been submitted. The amended C.U.P. proposes to change the name to Tailgrass Commercial C.U.P. The previously approved C.U.P. permitted office and light commercial uses in several, small clustered buildings, while the amendment proposes to allow offices and light commercial uses in eight buildings. Another change is the dedication of a public street through the C.U.P. area. Parcel boundaries have been relocated to conform to the proposed zoning requested by ~~assisted zone~~ ~~base~~ Z-2395.

2. Staff is generally supportive of the proposed changes and feels that the change from several small specialty shops to a more general retail shopping area is appropriate. This C.U.P. would permit a maximum floor area of 91,000 square feet to be developed for general office uses. A maximum floor area of 94,000 square feet could be developed with general light commercial uses such as retail sales, grocery store, filling station, private clubs, etc.
3. A recommendation of approval of the zone change by the Planning Commission should be subject to the property being platted within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case

be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds.

4. Should the Planning Commission determine that the proposed amendments are appropriate 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. 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.
 - c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
 - d. 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.

✓ Z-2395)
 &)
 DP-92) 34 "Notice to Adjoining Property Owners" (doublestuffed) mailed
 11-5-81 for the MAPC meeting for 11-19-81

1 of each - including maps - to CPO Office
 1 " " " " "NEIGHBORS"
 1 of zone case to Don Schneider, Sanitary Chief Engineer

—
 37 TOTAL

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

NOV 5 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

This is a notice of a request for a zoning change in your area and on property legally described below. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request. If you have no interest or objection to the requested change, you have no obligation to appear or comment. If you desire to appear at the MAPC meeting, you are invited to do so, either in person or by agent or attorney.

The MAPC will consider the following case at its meeting in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, beginning at 1:30 p.m., on November 19 1981

CASE NO. Z-2395

Zone Change from the "AA" One Family Dwelling District
and the "BB" Office District
to the "BB" Office District

AND

Zone Change from the "AA" One Family Dwelling District
and the "LC" Light Commercial District
to the "LC" Light Commercial District

SEE LEGAL DESCRIPTION ATTACHED HERETO

The following is a sequence of events in the processing of a request for zone change: Notification of adjoining property owners (this notice); then Neighborhood Citizen Participation Organization (CPO) meeting; then Metropolitan Area Planning Commission (MAPC) meeting (scheduled above); and then Board of City Commission (BCC) meeting to concur with MAPC action, defer, or refer back to MAPC. On return of the case to the BCC, they may approve or deny or modify the change requested.

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 BCC. 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.

It should be noted that the MAPC meeting constitutes the "Public Hearing" on this matter, and therefore the City Commission has adopted the following policy with regard to consideration of zoning change requests:

"All applications for change of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's Agenda (by 5:00 p.m., on the Wednesday preceding the scheduled Tuesday BCC hearing). In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

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

Robert A. Lakin
Secretary

SUMMARY DESCRIPTION OF CITY OF WICHITA ZONING DISTRICTS

- "AA" One-Family Dwelling District
Permits one-family dwellings, parks, schools, libraries, golf courses, nurseries, churches and home occupations.
- "A" Two-Family Dwelling District
Permits two-family dwellings and uses permitted in "AA".
- "RB" Four-Family Dwelling District
Permits three and four-family dwellings, and uses permitted in "AA" and "A".
- "R-5" General Residence District
Permits multiple-family dwellings at a density of 17.4 dwelling units per acre, off-street parking areas and uses permitted in "A".
- "R-6" General Residence District
Permits multiple-family dwellings at a density of 29 dwelling units per acre, and uses permitted in "R-5".
- "B" Multiple-Family Dwelling District
Permits multiple dwellings, off-street parking areas, apartments, boarding houses, cemeteries, medical offices and uses permitted in "AA", "A" and "RB".
- "BB" Office District
Permits apothecaries, clinics, hospitals; medical, business and professional offices; hotels and motels under certain conditions; and all residential uses.
- "LC" Light Commercial District
Permits all purely retail businesses conducted within enclosed buildings; service stations; all residential and office uses.
- "C" Commercial District
Permits all commercial uses and residential and office uses and some fabrication uses.
- "D" Central Business District
Permits all commercial, office, wholesale, manufacturing and residential uses. Prohibits those which constitute a hazard or nuisance from smoke, dust, odor or fire danger.
- "E" Light Industrial District
Permits all manufacturing activities which do not constitute a hazard or a nuisance; and all office and commercial uses. Residential uses are prohibited.
- "F" Heavy Industrial District
Permits all office, commercial and manufacturing uses. Most objectionable manufacturing uses are subject to conditional approval. Residential uses are prohibited.
- "G" Mobile Home District
Permits mobile home parks and associated uses.
- "U" University District
Permits Universities, Colleges, Seminaries and other institutions of learning and related uses.

CASE NO. 2 2395

Zone Change from the "AA" One Family Dwelling District
and the "BB" Office District
to the "BB" Office District

A tract of land in the southwest quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M., a portion of which has been platted as Independence Commons, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Beginning at a point on the north right of way line of 21st Street North, 175 feet westerly from the southeast corner of Lot 1, Independence Commons, an addition to Wichita, Sedgwick County, Kansas; thence northerly N 1°01'02" W, 225.00 feet; thence S 33°58'53" W, 55.00 feet; thence N 1°01'02" W, 97.50 feet; thence S 33°58'53" W, 120.00 feet; thence N 46°01'02" W, 92.01 feet; thence N 1°01'02" W, 363.36 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 33°29'35", a length of 162.59 feet and a chord bearing N 63°13'47" E, a distance of 159.55 feet; thence N 43°53'53" E, 33.79 feet; thence S 46°01'02" E, 303.44 feet; thence S 43°53'53" W, 58.24 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 45°00'00", a length of 190.07 feet and a chord bearing S 21°28'56" W, a distance of 135.22 feet; thence S 1°01'02" E, 284.76 feet; thence S 09°06'26" W, 175.00 feet to the point of beginning; AND

Zone Change from the "AA" One Family Dwelling District
and the "LC" Light Commercial District
to the "LC" Light Commercial District

A tract of land in the southwest quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M., a portion of which has been platted as Independence Commons, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Beginning at a point on the east right of way line of Rock Road, 50 feet easterly and 50 feet northerly from the southwest corner of Section 5, Township 27 South, Range 2 East of the 6th P.M., thence north along said east line bearing N 1°01'02" W, 753.11 feet; thence N 33°53'53" E, 307.52 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 6°30'22", a length of 27.48 feet and a chord bearing N 55°43'47" E, a distance of 27.47 feet; thence S 1°01'02" E, 363.36 feet; thence S 46°01'02" E, 92.01 feet; thence N 33°53'53" E, 120.00 feet; thence S 1°01'02" E, 97.50 feet; thence N 33°53'53" E, 55.00 feet; thence S 1°01'02" E, 255.00 feet; thence S 09°06'26" W, 575.00 feet to the point of beginning. All generally located at the northeast corner of 21st Street North and Rock Road.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 672021686

NOV 5 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, November 19 1981, said meeting beginning at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for amendment to the INDEPENDENCE COMMONS COMMERCIAL COMMUNITY UNIT PLAN, for property legally described as follows:

CASE NO. DP-92

A tract of land in the southwest quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M. a portion of which has been platted as Independence Commons, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Beginning at the intersection of the east line of Rock Road and the north line of Twenty-First Street North, said point being 50 feet easterly and 40 feet northerly of the southwest corner of Section 5; thence north along said east line bearing N 1°01'02" W, 753.11 feet; thence N 68°58'58" E, 307.52 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 45°00'00", a length of 190.07 feet and a chord bearing N 66°28'58" E, a distance of 185.22 feet; thence N 43°58'58" E, 38.79 feet; thence S 46°01'02" E, 503.44 feet; thence S 43°58'58" W, 58.24 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 45°00'00", a length of 190.07 feet and a chord bearing S 21°28'56" W, a distance of 185.22 feet; thence S 1°01'02" E, 284.76 feet to the north line of Twenty-First Street North; thence west along said north line bearing S 89°06'26" W, 750.00 feet to the point of beginning. Generally located at the northeast corner of 21st Street North and Rock Road.

The Development Plan of this area, originally approved on April 17, 1979, has been resubmitted as required under the Community Unit Plan provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. 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 Development Plan now on file proposes the following:

1. A name change to Tallgrass Commercial.
2. A change in the concept of several clusters of small buildings to approximately ten larger buildings. The proposed uses of offices and retail sales have not been changed. Associated zone case Z-2395 is requesting the establishment of "BB" office and "LC" light commercial to accommodate the proposed uses.
3. Access control, building setbacks, landscaping, floor area and other information relating to future development is shown on the plan.

Page Two
Case No. DP-92

The hearing of the proposed amendments to this Development Plan, as provided in Section 28.04.190 of the City Zoning Ordinance of the City of Wichita, is to be held and the same will there be discussed and considered by said Wichita-Sedgwick County Metropolitan Area Planning Commission. 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 BCC. 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

FORM 29-C

PAIDMENT NOTICE
City of Wichita

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

DESCRIPTION AMOUNT

NAME

ADDRESS

FUND DUE DATE

COMMENTS

DATE BY



PO. Box 8236 • Wichita, KS 67208 • (316) 681-2112

October 29, 1981

Mr. Bob Lakin
Director of Planning
Metropolitan Planning Commission
City Hall - 10th Floor
455 North Main
Wichita, Kansas 67202

Dear Mr. Lakin:

Regarding the Tallgrass Commercial CUP, we respectfully request that the hearing with the MAPC be deferred until the 19th of November, due to our inability to attend the November 5th meeting. Enclosed is the deferral fee of \$50 as required.

Sincerely,

Dave Ritchie
Dave Ritchie

DR:lb
Enclosure (1)

RECEIVED

NOV 2 1981

METROPOLITAN PLANNING
ROUTE _____

October 20, 1981

Bill Yung
8225 East 35th Street North
Wichita, Kansas 67226

Re: DP-92 - Tallgrass (formerly Independence Commons) Commercial C.U.P.
Generally located at the northeast corner of 21st St. No. & Rock Road.

Dear Bill:

We have reviewed the above referenced C.U.P. and are supportive of the proposed amended plan. Most of our comments deal with minor corrections to the text of the plan and are shown on the attached "marked copy" of the text. In regard to General Provision No. 5, you may also wish to prohibit billboards. We feel that the "pavers" should be deleted from General Provision No. 16 since pavers are not appropriate for uses other than fire lane easements or excess parking.

We feel that the changes you proposed in our telephone conversation on Friday, October 16, are acceptable. The plan will have to be revised to show the reduced acreage as well as the increased coverage and floor area. If a public street is dedicated through the C.U.P., a 35 foot building setback line will have to be shown on both sides of the street in accordance with the zoning ordinance. In the event that you or your clients wish to reduce the 35 foot setback, a general provision is needed that sets out the criteria or area where the setback would be reduced.

These are all of our comments at this time. We have scheduled the case for the November 5, 1981 MAPC meeting and it is necessary that we receive fourteen revised copies by Thursday, October 22, 1981. If you have any questions, please call.

Sincerely,

ADC
Arthur D. Chambers
Senior Planner

ADC:el
Attachment
cc: Tallgrass Company, 1900 Amidon, Wichita 67203

September 29, 1981

Robert Feldner, Superintendent of Central Inspection
Paul Graves, City Engineer
Mike Lindebak, Program Development Engineer
Arthur D. Chambers, Senior Planner, Current Plans Division

DP 92 - Tallgrass (formerly Independence Commons)
Commercial CUP. Generally located at the
northeast corner of 21st Street North and
Rock Road.

An amendment to the existing commercial CUP at the above
referenced location has been submitted for review. The
amendment proposes to change the concept of the CUP from
several small buildings on each parcel to two or three
larger buildings on each parcel. The applicant is also
proposing some minor boundary shifts between the parcels.
Other changes are shown on the Plan.

We would appreciate receiving any comments you might have
by Tuesday, October 6, 1981. If you have any questions,
please call.

Arthur D. Chambers, Senior Planner

ADC:vn
Attachment

3. The general location is (use appropriate section)

a. at the Northeast corner of 21st Street North
and Rock Road; or

b. on the NA side of NA (Avenue,
Street) between NA (Avenue, Street) and
NA (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 [Signature]
Authorized Agent (if any)
Bill G. Jung

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 4:00
(AM, PM) on Sept 23, 1981 (Day, Month, Year). It has been
checked and found to be complete and accompanied by required documents and
the appropriate fee of \$ 500.

[Signature] Name
S. Plummer Title



Van Doren
Hazard
Stallings

Architects - Engineers - Planners

250 Rockborough Building
260 North Rock Road
Wichita, Kansas 67206
316/686-7303

DATE 9-22-81 JOB NO.

PROJECT Independence Commons

Tallgrass Commercial
C.O.P. COPIES TO:

TO Bill Yung

FROM Michael D. Harding

REFERENCE

A tract of land in the southwest quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M. a portion of which has been platted as Independence Commons, an addition to Wichita, Sedgwick County, Kansas more particularly described as follows:

Beginning at the intersection of the east line of Rock Road and the north line of Twenty-First Street North, said point being 50 feet easterly and 40 feet northerly of the southwest corner of Section 5; thence north along said east line bearing $N 1^{\circ} 01' 02'' W$, 753.11 feet; thence $N 88^{\circ} 58' 58'' E$, 307.52 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of $45^{\circ} 00' 00''$, a length of 190.07 feet and a chord bearing $N 66^{\circ} 28' 58'' E$, a distance of 185.22 feet; thence $N 43^{\circ} 58' 58'' E$, 38.79 feet; thence $S 46^{\circ} 01' 02'' E$, 503.44 feet; thence $S 43^{\circ} 58' 58'' W$, 58.24 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of $45^{\circ} 00' 00''$, a length of 190.07 feet and a chord bearing $S 21^{\circ} 28' 56'' W$, a distance of 185.22 feet; thence $S 1^{\circ} 01' 02'' E$, 284.76 feet to the north line of Twenty-First Street North; thence west along said north line bearing $S 89^{\circ} 06' 26'' W$, 750.00 feet to the point of beginning. Containing ~~13.411~~ acres, more or less.

OWNERSHIP LIST

DP-92

Tallgrass Commercial

Tract DescriptionProperty Owner

A tract in the SW $\frac{1}{4}$ of Section 5, Township 27 South, Range 2 East of the 6th P.M., described as: beginning at the intersection of the east right of way line of Rock Road and the north right of way line of Twenty-first Street North, said point being 40 feet north and 50 feet east of the southwest corner of said section; thence northerly along the east right of way line of Rock Road bearing North 01°01'02" West, 444.93 feet; thence North 88°58'58" East, 190.58 feet; thence South 46°01'02" East, 108 feet; thence North 88°58'58" East, 133 feet to the northwest corner of Lot 1, Independence Commons, an addition to Wichita, thence South 01°01'02" East, 266.42 feet; thence South 88°58'58" West, 7 feet; thence South 01°01'02" East, 103 feet; thence South 89°06'26" West, 392.95 feet to the point of beginning.

Independence Commons
Company
✓ P. O. Box 4048
67204

A tract in the SW $\frac{1}{4}$ of Section 5, Township 27 South, Range 2 East of the 6th P.M., beginning at the SW corner of said Section, thence Northerly along the west line of said section bearing North 1°01'02" West, 794.89 feet; thence North 88°58'58" East, 50 feet to the point of beginning, said point being on the east right of way line of Rock Road; thence North 88°58'58" East, 340 feet; thence South 1°01'02" East, 42 feet; thence South 88°58'58" West, 45 feet; thence South 1°01'02" East, 72 feet; thence South 46°01'02" East, 158 feet; thence South 1°01'02" East, 160.71 feet; thence South 88°58'58" West, 139.77 feet; thence North 46°01'02" West, 108 feet; thence South 88°58'58" West, 190.58 feet to the east right of way line of Rock Road; thence Northerly along said right of way line bearing North 1°01'02" West 310.07 feet to the point of beginning.

Same as above

Tract Description

A tract beginning at the SW corner of Section 5, Township 27 South, Range 2 East of the 6th P.M. thence Northerly along the west line of said Sec. 5, bearing North 1°01'02" West, 794.89 feet; thence North 88°55'01" East, 450 feet; thence North 43°58'58" East, 150 feet; thence South 46°01'02" East, 495 feet; thence South 43°58'58" West, 150 feet; thence South 1°01'02" East 11.61 feet; thence North 88°58'58" East 21.72 feet; thence South 66°32'50" East, 33 feet; thence along a curve to the left with a central angle of 24°28'12" a radius of 209 feet, a length of 89.26 feet and a chord 88.58 feet long bearing South 11°13'04" West; thence South 1°01'02" East, 334.83 feet to the south line of said sec. thence westerly along said south line bearing South 89°06'26" West, 833 feet to the point of beginning; except the two previously described tracts on the preceding page, and except Independence Commons Addition.

Lot 1

Independence
Commons
Addition

Independence Commons
Company
P.O. Box 4048
67204

The Southwest Quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M., except the three unplatted tracts previously described, and except areas platted as Independence Commons and Tallgrass Clubhouse and excepts a portion of lots 23 and 24, Block 1 Pebble Green Addition, now replatted as BlueStem Village.

Tallgrass Company
P.O. Box 8236
67208

The Northwest Quarter of Section 8 Township 27 South, Range 2 East of the 6th P.M.

Wilson Estates
Century Plaza Building
67202
and Louise W. Bradley
(life estate)
Address unknown *none found*

Property Owner

Wichita Development
Co.
✓ 2471 Hathway 67226

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	1	E. E. Jabes Addition	Great Plains Slawson Ventures ✓ 453 S. Webb Road 67207
Lot 2	1	"	Same as above
Lot 12	7	Sycamore Village Second Addition	✓ Dana K. Bibler Carol A. Bibler 2334 Hathway 67226
Lot 13	7	"	William Barry Davis Iris LaNettie Davis ✓ 2326 Hathway 67226
Lot 14	7	<i>Returned " - Unknown</i>	✓ Paul E. Monson Lynda S. Monson 2318 Hathway 67226
Lot 15	7	"	William E. Estes Mary E. Estes ✓ 2306 Hathway 67226
Lot 8	8	"	✓ J. Lynn Bock Ann Bock 2315 Hathway Circle 67226
Lot 9	8	"	✓ Terrel Edwin Martin Kathryn J. Martin 2307 Hathway 67226
Lot 10	8	"	✓ Oscar Kirk Dahlberg Joanne C. Dahlberg 2308 Longwood Circle 67226
Lot 10	10	"	✓ Donald L. Corbett JoAnne Corbett 2212 Longwood Circle 67226
Lot 11	10	"	✓ Tim L. Carroll Diana R. Carroll 2218 Longwood Court 67226

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 12	10	"	Richard J. Johnson Doris L. Johnson ✓ 2222 Longwood Court 67226
Lot 13	10	"	Clifford L. Meredith Velda G. Meredith ✓ 2226 Longwood Court 67226
Lot 14	10	"	Lynn H. McCoppin Janice L. McCoppin ✓ 2230 Longwood Court 67226
Lot 15	10	"	Joseph B. Hoover Donna L. Hoover ✓ 2234 Longwood Court 67226
Lot 16	10	"	Terry R. Wright ✓ Catherine R. Wright 2236 Longwood Court 67226
Lot 17	10	"	Roger Dale Ten Napel ✓ Sandra Lee Ten Napel 2242 Longwood Court 67226
Lot 18	10	"	Dennis Fleming ✓ Mary Linda Fleming 2246 Longwood Court 67226
Lot 19	10	"	Kirk A. Baker ✓ Kay M. Baker 2254 Longwood Court 67226
Lot 20	10	"	Floyd Johnson ✓ Zeola Johnson 2258 Longwood Circle 67226
Lot 21	10	"	✓ Shiang Yu Lee Agnes C. Lee 2262 Longwood Circle 67226

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	11	Sycamore Village Second Addition	Capital Construction Company, Inc. ✓ 229 S. Market 67202
Lot 2	11	"	C. Robert Borresen Thelma J. Borresen ✓ 2215 Hathway 67226
Lot 3	11	✓ <i>Resub. 2209 Hathway Cir.</i> 67226	Owen B. Pierce Helen J. Pierce ✓ 1101 Marton Road 67216
Lot 4	11	"	David R. Lineth Geneva Udit ✓ 2203 Hathway Circle 67226
Lot 6	11	"	Randy D. Stephens Jane U. Stephens ✓ 2208 Hathway 67226
North 9.73 feet of Lot 7, and all of Lot 8	11	"	William T. Hick, Jr. Joan E. Hick ✓ 2226 Hathway 67226
Lot 7, except the North 9.73 feet	11	"	Greg R. Perkins Karen L. Perkins ✓ 1001 Blackwill 67207
Lot 5	11	"	John C. Byers Anna Catherine Byers ✓ 2204 Hathway Circle 67226

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 500 foot radius of:

A tract of land in the southwest quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M., a portion of which has been platted as Independence Commons, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:
Beginning at a point on the east right of way line of Rock Road, 50 feet easterly and 50 feet northerly from the southwest corner of Section 5, Township 27 South, Range 2 East of the 6th P.M. thence North along said east line bearing North 1°01'02" West, 753.11 feet; thence North 88°58'58" East, 307.52 feet; thence along a curve to the left having a radius of 242.00 feet, a central angle of 45° a length of 190.07 feet and a chord bearing North 66°28'58" East, a distance of 185.22 feet; thence North 43°58'58" East, 38.79 feet; thence South 46°01'02" East, 503.44 feet; thence South 43°58'58" West, 58.24 feet; thence along a curve to the left having a radius of 242 feet, a central angle of 45° a length of 190.07 feet and a chord bearing South 21°28'56" West, a distance of 185.22 feet; thence South 1°01'02" East, 284.76 feet; thence South 89°06'26" West, 750 feet to the point of beginning

as shown by the last deeds of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 6th day of October, 1981, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Vice-President

Order No. 303495
AP

Tallgrass Commercial

FORM 021

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION		AMOUNT
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	

*

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

Roll # 1

*