

DP-92 - INDEPENDENCE COMMONS CUP -
Northeast corner of 21st St. North
and Rock Road. (Commercial CUP in
"LC" & "R-1")

POSTED
11-16-78
SH

ACTION

DATE

COMMITTEE _____

M.A.P.C. *Approved P&S to*
condition _____ *3-15-79*

B.C.C./B-EO: C. *Approved sub* *4-17-79*
to condition

Map No. 6050
Sec. 5
Twp. 27S
Range 2E

DATA SHEET

DP- 92

Filed 11-8-78

INDEPENDENCE COMMONS - COMMERCIAL CUP

APPLICATION DATA:

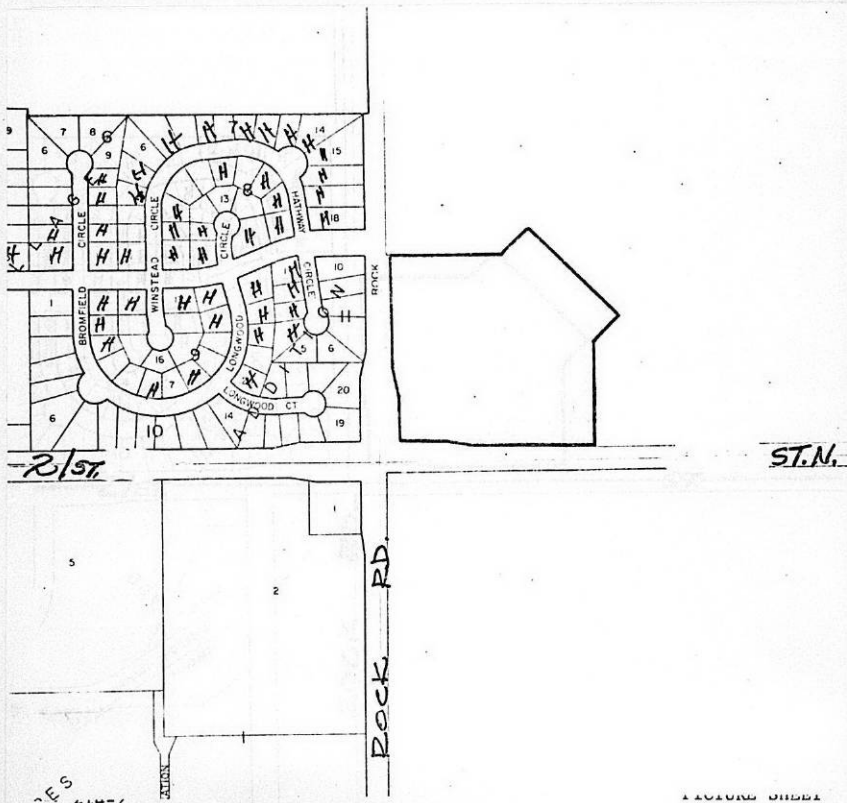
1. Applicant: Comotara Development Corporation, et al
Address 2225 Hathway Circle, Wichita 67226 Phone 686-7451
2. Agent: Bill G. Yung Design
Address 1355 N. Waco, Wichita 67203 Phone 264-0676
3. General Location: Northeast corner of 21st St. North & Rock Road.
Address _____
4. Proposed Use: _____

AREA DATA:

1. Acres: 15.5 (784 (IRREGULAR) ft. by 800 ft.)
2. Existing Zoning: "LC" & "R-1"
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 DP-92



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

March 1, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, March 15, 1979, 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 a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "INDEPENDENCE COMMONS" for property legally described as follows:

DP-92 - Tract of land located in S.W. corner of S.W. 1/4, Sec. 5, T27S, R2E of the sixth p.m. described as follows: Beginning at the point of intersection of North Right-of-Way line of 21st Street North and East Right-of-Way line of Rock Road, said point being approximately 50 feet easterly and 30 feet northerly of the Southwest corner of said Sec. 5; thence northerly along east Right-of-Way line of Rock Road bearing N1°01'02"W, 765.00 feet thence N88°58'58"E, 400.00 feet; thence N43°58'58"E, 150.00 feet; thence S46°01'02"E, 495.00 feet; thence S43°58'58"W, 150.00 feet; thence S1°01'02"E, 416.61 feet to North Right-of-Way line of 21st Street North; thence along said Right-of-Way line bearing S89°06'26"W, 750.02 feet to point of beginning. Generally located at the northeast corner of 21st Street North and Rock Road.

This property was approved for annexation to the City of Wichita by action of the Board of City Commissioners on February 6, 1979. The ordinance effectuating said annexation shall be published on April 4, 1979. Should the development plan and associated zone change be approved, the associated ordinance will be held for publication until after publication of the annexation ordinance.

The Development Plan of this area has been submitted 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 at the Planning Department Office, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, and is available for public inspection and review.

The Development Plan on file proposed a 15.05 acre office and commercial development consisting of two parcels of office/commercial activities, one parcel of general office uses, and one parcel of office and residential uses not exceeding a maximum density of 12.5 dwelling units per net acre. A total gross floor area of 59,000 square feet of office/commercial, 67,000 square feet of office, and a maximum of 44 garden apartment dwelling units is proposed. Included in the Development Plan is information concerning building setbacks, maximum height limitations, screening provisions, and proposed general land use on four designated parcels.

The hearing of 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

September 20, 1979

Robert B. Feldner, Superintendent of Central Inspection
Jack H. Galbraith, Chief Planner

DF-92 - Independence Commons Commercial C.U.P. -
Generally located at the northeast corner of
21st St. North and Rock Road. (Associated Zone Case Z-2113)

The Board of City Commissioners on April 17, 1979, considered the above captioned CUP. Their action was to approve the CUP subject to the following conditions:

- a. The recording of the associated plat of "Independence Commons" within one year from the date of zone change and CUP approval by the Board of City Commissioners; or the case 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.

Please note that prior to the issuance of any building permits, and in accordance with condition "a" above, the property must be platted. As of this date, only Parcel 1 has been platted.

Also please note that prior to the issuance of any building permits on any parcel, a landscape plan must be submitted for review and approval. As of this date, no landscape plan has been submitted. (See General Provision #16.)

Page Two
Robert B. Feldner
September 20, 1979

Attached for your information and files are two approved copies
of the CUP.

If you have any questions concerning this matter, please contact
our office.

Jack H. Galbraith
Chief Planner

JHG:AC:el

Attachments (2)

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING
AND APPROVAL OF COMMERCIAL CUP

CASE NO. Z-2113 & DP-92

CONSIDERED BY MAPC: 3-15-79

REQUEST FOR: Change from "AA" & "LC" to "LC"
Approval of Commercial Community Unit Plan

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To permit the development of the property as an office park with some light commercial uses."

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

LEGAL DESCRIPTION:

(See attached excerpt from Planning Commission minutes of March 15, 1979)

APPLICANT: Comotara Development Corp. 2225 Hathway Circle.

AGENT FOR APPLICANT: Bill G. Yung, architect, 1355 N. Waco.

PROTESTORS (LIST AGENT) IF ANY: Brad Tompkins, 2325 Lori Lane.

SURROUNDING ZONING: North and East, "R-1"; South, "R-1" & "LC"; West, "AA".

LAND USE: Existing, North, East, South and West, Undeveloped.

CPO RECOMMENDATION: CPO Council Area "I" voted 5-0 to recommend disapproval of the development plan, and denial of the zoning change.

PLANNING COMMISSION RECOMMENDATION:

That the Z-2113 be approved subject to an amended legal description being submitted which provides for no additional acreage of "LC" being established above the number of acres that presently exists; with the balance of the area being approved for the "BB" Office District; and to recommend approval of the CUP subject to conditions as shown in the attached excerpt from minutes of the Planning Commission, 3-15-79. Cole moved, May seconded and it carried unanimously. Hennessy, Jones and Taylor were absent.

ACTION: 1. Approve the zone change and CUP as recommended by the Metropolitan Area Planning Commission, 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 MARCH 15, 1979:

23a. Case No. Z-2113 - Comotara Development Corporation requests zone change from "AA" & "LC" to "LC" for a tract of land located in S.W. Corner of S.W. 1/4, Sec. 5, T27S, R2E of sixth p.m. described as follows: Beginning at a point of intersection of North right-of-way line of 21st Street North and East right-of-way line of Rock Road, said point being approximately 50 feet Easterly and 30 feet Northerly of the S.W. Corner of said Section 5; thence Northerly along East right-of-way line of Rock Road bearing N1° 01'02"W, 765.00 feet, thence N88°58'58"E, 400.00 feet; thence N43°58'58"E, 150 feet; thence S46°01'02"E, 495.00 feet; thence S43° 58'58"W, 150.00 feet; thence S1° 01'02"E, 416.61 feet to North right-of-way line of 21st Street North; thence along said right-of-way line bearing S89° 06'26"W, 750.02 feet to point of beginning. Generally located at the northeast corner of 21st Street North and Rock Road.

23b. Case No. DP-92 - Comotara Development Corporation requests approval of a Commercial Community Unit Plan for: (See legal description above for Case No. Z-2113).

GALBRAITH showed slides of the area and surrounding area and reviewed the following staff report:

COMMENTS:

1. In compliance with Section 28.04.190 of the Code of the City of Wichita which requires a C.U.P. to be submitted on commercial ownerships in excess of six acres, the applicants have submitted a development plan for review on subject property located at the northeast corner of Rock Road and 21st Street North. This property was approved for annexation to the City of Wichita by action of the Board of City Commissioners on February 6, 1979. The ordinance effectuating said annexation will be published on April 4, 1979.
2. The Development Plan on file proposes a 15.5 acre office and commercial development consisting of two parcels of office/commercial activities, one parcel of general office uses, and one parcel of office and residential uses not exceeding a maximum density of 12.5 dwelling units per net acre. A total gross floor area of 59,000 square feet of office/commercial, 67,000 square feet of office, and a maximum of 44 garden apartment dwelling units is proposed. Included in the Development Plan is information concerning building setbacks, maximum height limitations, screening provisions, and proposed general land use on four designated parcels.
3. Section 28.04.190.8.2 of the Code of the City of Wichita requires a 5 ft. to 8 ft. wall along the property line when a residential zoning district abuts the planned commercial development area and along the property line when adjacent to a residential district and separated by a public way, street, or alley if the storage area, service area, or rear of the building faces directly such residential zoning district.

The applicant has proposed in the text that said wall only be required when the storage or service areas face the residential zoning district and not for the entirety of the property line. The applicant states that the development design and materials shall be constant on all four sides of each structure so that the buildings will have a common front door appearance on all four sides. The development plan proposes landscaping along the property line where the wall would normally be required.

Section 28.04.190.9 of the City Code permits the governing body to alter the requirements of the C.U.P. ordinance in unusual situations where the objectives of the master plan

and good planning practices are furthered subject to the condition that the Commission must set forth specific reasons in writing as to the manner in which such modification meets these criteria. Should the Planning Commission and City Commission agree with the applicants wall proposals, the reasons for deviation from the ordinance requirements should be included in the approval motion.

4. The applicant has proposed a "village character" type development of architecturally compatible free standing buildings to form an office/shopping complex. Although development of this type is desirable, the history of such projects in Wichita has been the development of the center frontage with many fast food restaurants having unrelated architectural styles and circulation systems. Over the past few years, it has been common to attempt to limit the "strip" potential of major centers by imposing a limit on the number of buildings that can be developed on the various parcels. Such a solution does tend to inhibit creative architectural development as this applicant proposes. However, given the limitations of our present C.U.P. regulations, a limitation on the number of free standing buildings is one method to eliminate the strip development of the frontage adjacent to large commercial centers. The Commission may wish to consider the establishment of building limitations on each parcel of the proposed development.
5. Should the Planning Commission determine that the proposed Community Unit Plan and associated zone change are appropriate, the following are suggested conditions of approval:
 - a. The recording of the associated plat of "Independence Commons" within one year of the date of zone change and C.U.P. approval by the Board of City Commissioners or the cases be considered denied and closed.
 - b. 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.
 - c. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the Plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - d. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

GALBRAITH mentioned that there was a shelter belt existing on the south side of the site that the applicants propose to retain. He said that Mr. J. P. Fuller had called prior to the meeting stating that he was no long in opposition to the application, and asked that it be announced to the Commission as he had sent letters to them stating his opposition.

GALBRAITH stated that CPO Council Area "I" voted 5-0 to recommend disapproval of the development plan, and denial of the zoning change. They were concerned about volumes of traffic and noncompatibility of uses across from the single family homes. GALBRAITH said the staff questioned the amount of "LC" zoning and was in support of the C.U.P.

BILL YUNG, architect for the applicants, stated that the project as they envisioned it was not the standard light commercial zoning case. Its very controlled with the CUP. He said that there were a lot more restrictive provisions on this than

the average commercial CUP. They have designed the project to be residential in character, and the request for additional land was not to increase density, but primarily to allow them to develop in the fashion that they desire. He said that in most commercial districts, the parking is adjacent to the street and the structure is on the back portion of the lot. He said that they have taken the approach of the village concept where the businesses are designed to appear as townhouses with parking on the interior to be more compatible with the residential neighborhood. YUNG showed slides of the architectural style.

COLE asked why did they need light commercial to do this.

YUNG said because they had some light commercial uses in the project. They have met with some of the homeowners and reviewed the details of the project very carefully with them.

BAYOUTH said that he did not believe they were going to do anything in this area to hurt the overall project. Here was a developer that could be trusted.

BRAD TOMPKINS, 2325 Lori, presented letters to the Commission from homeowners in the area in opposition to the application. He said that they feel the granting of this zone change would set a dangerous precedent. The homeowners felt there was substantial light commercial in the area now. Traffic in the area was already at an insufferable level, and by building the buildings the developers were proposing, traffic would be intolerable. He said that the homeowners were told there would not be any commercial in the project at all, that it would be strictly multiple family, single family and a golf course.

BELL pointed out that the Commission frequently hear homeowners who come before them who assume that there was some kind of situation when they buy their home. He mentioned that the old four corner zoning was six acres on each corner, and that was the result of what was considered to be tremendous planning at that time. The tract today has always been zoned, and there is nothing to prevent a developer from changing his zoning.

MAY stated that in the past she voted to approve everything that Comotara has brought to the Commission. She said that she felt very differently about this primarily because this is the third corner and there are two very large sections of light commercial that have not been developed. She wished that this had been the first to come to the Commission, then she would not be hesitant at all. She also wished that some rearrangement could take place so that the parcels that require light commercial zoning could occur in the area already zoned light commercial.

YUNG said that they could rearrange the parcels, but their intent was not to increase the light commercial for commercial uses. They are asking for it to achieve a concept, and unfortunately it was easier to package one zoning classification than two. He said that he would gladly resubmit this into different zoning classifications that meet the specific needs of each parcel.

BELL said that there were repeated returns for changes as situations change. He said that we should retain that kind of flexibility as much as possible, and it gives the Commission a certain kind of control. He said that there were a lot of areas zoned light industrial in Wichita because you could do anything in light industrial zoning, and later on this has given problems.

LAKIN stated that it was completely proper and within the provisions of the ordinance to combine "LC" and "BB" or "LC" and "B" if off-street parking was established.

PHIL SNODGRASS, Comotara Development Corp., said that they had to respond to the market, and were trying to predict what the market would be. Things change all the time.

MOTION: That the Planning Commission take action to defer this matter for two weeks. Bayouth moved.

The motion died for lack of a second.

YUNG asked if the Commission would look with favor on this application if he worked out the boundaries with the Planning staff to not exceed the present commercial zoning that they already have, and that the balance go to a lesser use so that it could be acceptable for office development.

COLE asked that the "LC" be surrounded with "BB" Office zoning.

MOTION: That the Planning Commission recommend to the City Commission that the zone change be approved subject to an amended legal description being submitted which provides for no additional acreage of "LC" being established above the number of acres that presently exists; with the balance of the area being approved for the "BB" Office District; and to recommend approval of the CUP subject to the following conditions:

- A. The recording of the associated plat of "Independence Commons" within one year of the date of zone change and C.U.P. approval by the Board of City Commissioners or the cases be considered denied and closed.
- B. 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.
- C. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the Plan, as determined by the Superintendent of Central Inspection and the Director of Planning shall constitute a violation of the building permit authorizing construction of the proposed development.
- D. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Cole moved, May seconded and it carried unannimously. Hennessy, Jones and Taylor were absent.

March 21, 1979

Brad Tompkins
2325 Lori Lane
Wichita, Kansas 67207

Re: Z-2113 ~~DR-92~~ "AA" & "LC" to
"LC" - northeast corner of 21st
St. North and Rock Road

Dear Mr. Tompkins:

The Planning Commission at its regular meeting of March 15, 1979, considered the above-captioned zone change request, and their action was as indicated on our March 20, 1979 letter directed to Mr. Bill G. Yung, copy of which was forwarded to you under separate cover.

This is to advise you that if you and others owning property within 200 feet of the application area desire to submit legal protest petitions, they must be submitted to the Office of the City Clerk no later than 5:00 p.m., Thursday, March 29, 1979. Enclosed are six (6) copies of the protest petition form, and if you have need for more forms, they may be obtained at our office.

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

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:bbc
Encl.

cc: Mrs. Thomas B. Johnson, 4704 Oxford Lane 67220
Ms. JoAnne Penzler, 121 Lochinvar 67207
Ms. Carol A. Bibler, 2029 N. Woodlawn #920 67218
Ms. Marilyn J. Bieker, 8500 Lakeland Circle 67207
Mr. & Mrs. Chas. B. Thurman, 8325 E. Harry 67207
Mr. & Mrs. Richard Fecchia, 4234 N. Edgemoor 67220
Tom Angulo, 1152 N. Dellrose 67208
Paul J. Kunde, 2200 S. Rock Road 67207

WICHITA - SEDGWICK CO., KANSAS



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

March 20, 1979

Bill G. Yung
1355 N. Waco
Wichita, Kansas 67203

Re: Z-2113 and DP-92 "AA" & "LC"
Northeast corner of 21st St.
North and Rock Road

Dear Mr. Yung:

At its regular meeting on March 15, 1979, the Metropolitan Area Planning Commission considered the above-captioned zone change and Commercial Community Unit Plan requests. The action of the Planning Commission was to recommend the approval of the zone change request subject to an amended legal description being submitted which provides for no additional acreage of "LC" being established above the number of acres that presently exists; with the balance of the area being approved from the "BB" Office District.

The action of Planning Commission was to recommend the approval of the CUP subject to the following conditions:

- a. The recording of the associated plat of "Independence Commons" within one year of the date of zone change and C.U.P. approval by the Board of City Commissioners or the cases be considered denied and closed.
- b. 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.

WICHITA - SEDGWICK COUNTY

Bill Yung
March 20, 1979
Page Two

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

It is necessary that we receive ten (10) additional copies of the C.U.P. and amended legal description by April 2, 1979, for these cases to be scheduled for consideration by the City Commission at their meeting of April 17, 1979. Said 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,


Jack H. Galbraith
Chief Planner

JHG:gb

cc: Comotara Development Corp., 2225 Hathway Circle 67226
Brad Tompkins, 2325 Lori Lane 67207
Mrs. Thomas B. Johnson, 4704 Oxford Lane 67220
Ms. JoAnne Penzler, 121 Lochinvar 67207
Ms. Carol A. Bibler, 2029 N. Woodlawn #920 67218
Ms. Marilyn J. Bieker, 8500 Lakeland Circle 67207
Mr. & Mrs. Chas. B. Thurman, 8325 E. Harry 67207
Mr. & Mrs. Richard Fecchia, 4234 N. Edgemoor 67220
Tom Angulo, 1152 N. Dellrose 67208
Paul J. Kunde, 2200 S. Rock Road 67207

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE March 9, 1979

TO Jack Galbraith, Chief Planner
FROM Gail Williams, CPO Administrative Aide

SUBJECT Z-2113 and DP-92: Northeast
Corner of 21st and Rock Road

On March 6, 1979, CPO Council "I" considered the captioned items and voted 5-0 to recommend disapproval of the development plan and denial of the associated zoning change.

Comotara residents at the meeting expressed their concern that the proposed office-apartment park will increase traffic volumes and congestion, which were reported to be pronounced at this time. The residents also stated that sufficient commercial area is currently available in northeast Wichita so that the introduction of 126,000 square feet of additional office/commercial area into the neighborhood is unjustifiable.

Based on these objections, the Council voted unanimously to recommend disapproval of DP-92 and the requested zoning change.

Gail Williams
Gail Williams
CPO Administrative Aide

GW:al

Noted: *Evelyn Pittman*
Evelyn Pittman
Assistant CP Coordinator

March 8, 1979

Dear MAPC Member: *Edward Jones,*

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

We feel that the existing ordinances providing for 40 acres of automatic light commercial zoning at each intersection are more than adequate and that a 50% enlargement of one of these 10 acre parcels will serve as a precedent encouraging other future rezoning petitions and unnecessary commercial and retail development in our area.

We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

Johnnie Penfold

March 8, 1979

Dear MAPC Member:

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

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We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

Carol A. Bisher

March 8, 1979

Dear MAPC Member:

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

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We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

Paul J. Kunde

March 8, 1979

Dear MAPC Member:

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

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We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

Robert Bieker

March 8, 1979

Dear MAPC Member:

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

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We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

Mr. & Mrs. Chas. B. Thurmer

March 8, 1979

Dear MAPC Member:

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

We feel that the existing ordinances providing for 40 acres of automatic light commercial zoning at each intersection are more than adequate and that a 50% enlargement of one of these 10 acre parcels will serve as a precedent encouraging other future rezoning petitions and unnecessary commercial and retail development in our area.

We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

Mr. & Mrs. Richard Secchia

March 8, 1979

Dear MAPC Member:

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

We feel that the existing ordinances providing for 40 acres of automatic light commercial zoning at each intersection are more than adequate and that a 50% enlargement of one of these 10 acre parcels will serve as a precedent encouraging other future rezoning petitions and unnecessary commercial and retail development in our area.

We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

Jim Soulek

March 8, 1979

Dear MAPC Member:

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

We feel that the existing ordinances providing for 40 acres of automatic light commercial zoning at each intersection are more than adequate and that a 50% enlargement of one of these 10 acre parcels will serve as a precedent encouraging other future rezoning petitions and unnecessary commercial and retail development in our area.

We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

Tom Angulo

March 8, 1979

Dear MAPC Member:

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

We feel that the existing ordinances providing for 40 acres of automatic light commercial zoning at each intersection are more than adequate and that a 50% enlargement of one of these 10 acre parcels will serve as a precedent encouraging other future rezoning petitions and unnecessary commercial and retail development in our area.

We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

William D. Norris

March 8, 1979

Dear MAPC Member:

We are writing to call your attention to our opposition to the proposed rezoning of an additional five acres of land located just northeast of the intersection of 21st and Rock Road. We feel that the rezoning of this acreage from residential to light commercial would unnecessarily bring retail development into an area that was represented to prospective buyers as being limited to a golf course and associated residences. The additional traffic that would result on 21st and on Rock Road would further overload an already congested traffic situation. Potential traffic through Sycamore Village and Mainsgate down 22nd Street will endanger this thoroughfare for children to and from the neighborhood playground and recreational facilities.

We feel that the existing ordinances providing for 40 acres of automatic light commercial zoning at each intersection are more than adequate and that a 50% enlargement of one of these 10 acre parcels will serve as a precedent encouraging other future rezoning petitions and unnecessary commercial and retail development in our area.

We appreciate your interest in this matter of great concern to us. We strongly urge you to vote against this proposed zoning change.

Respectfully,

Mrs. Thomas B. Johnson

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 3-;5-79

Case No. Z-2113
DP-92

Request: "AA" & "LC" to "LC"
Approval of Commercial
Community Unit Plan

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

Reason: "To permit the development of the property as an
office park with some light commercial uses."

Acres: 15.5

Size: 750' x 800' (Irregular)

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R-1" & "LC" (soon to be "AA" & "LC")
North	Undeveloped	"R-1" (soon to be "AA")
East	Undeveloped	"R-1" (soon to be "AA")
South	Undeveloped	"R-1" & "LC"
West	Undeveloped	"AA" (covered by Residential C.U.P.)

Adequate street rights-of-way to be secured at time of platting.

Platted: No plat of "Independence Commons" submitted.

History: 478-10 Annexation to City of Wichita.
1-30-79 BCC approved.
2-8-79 BCC adopted.

COMMENTS:

1. In compliance with Section 28.04.190 of the Code of the City of Wichita which requires a C.U.P. to be submitted on commercial ownerships in excess of six acres, the applicants have submitted a development plan for review on subject property located at the northeast corner of Rock Road and 21st Street North. This property was approved for annexation to the City of Wichita by action

of the Board of City Commissioners on February 6, 1979. The ordinance effectuating said annexation will be published on April 4, 1979.

2. The Development Plan on file proposes a 15.5 acre office and commercial development consisting of two parcels of office/commercial activities, one parcel of general office uses, and one parcel of office and residential uses not exceeding a maximum density of 12.5 dwelling units per net acre. A total gross floor area of 59,000 square feet of office/commercial, 67,000 square feet of office, and a maximum of 44 garden apartment dwelling units is proposed. Included in the Development Plan is information concerning building setbacks, maximum height limitations, screening provisions, and proposed general land use on four designated parcels.
3. Section 23.04.190.3.2 of the Code of the City of Wichita requires a 5 ft. to 8 ft. wall along the property line when a residential zoning district abuts the planned commercial development area and along the property line when adjacent to a residential district and separated by a public way, street, or alley if the storage area, service area, or rear of the building faces directly such residential zoning district.

The applicant has proposed in the text that said wall only be required when the storage or service areas face the residential zoning district and not for the entirety of the property line. The applicant states that the development design and materials shall be constant on all four sides of each structure so that the buildings will have a common front door appearance on all four sides. The development plan proposes landscaping along the property line where the wall would normally be required.

Section 23.04.190.9 of the City Code permits the governing body to alter the requirements of the C.U.P. ordinance in unusual situations where the objectives of the master plan and good planning practices are furthered subject to the condition that the Commission must set forth specific reasons in writing as to the manner in which such modification meets these criteria. Should the Planning Commission and City Commission agree with the applicants wall proposals, the reasons for deviation from the ordinance requirements should be included in the approval motion.

4. The applicant has proposed a "village character" type development of architecturally compatible free standing buildings to form an office/shopping complex. Although

development of this type is desirable, the history of such projects in Wichita has been the development of the center frontage with many fast food restaurants having unrelated architectural styles and circulation systems. Over the past few years, it has been common to attempt to limit the "strip" potential of major centers by imposing a limit on the number of buildings that can be developed on the various parcels. Such a solution does tend to inhibit creative architectural development as this applicant proposes. However, given the limitations of our present C.U.P. regulations, a limitation on the number of free standing buildings is one method to eliminate the strip development of the frontage adjacent to large commercial centers. The Commission may wish to consider the establishment of building limitations on each parcel of the proposed development.

5. Should the Planning Commission determine that the proposed Community Unit Plan and associated zone change are appropriate, the following are suggested conditions of approval:
 - a. The recording of the associated plat of "Independence Commons" within one year of the date of zone change and C.U.P. approval by the Board of City Commissioners or the cases be considered denied and closed.
 - b. 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.
 - c. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the Plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - d. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

✓ Z-2113 & }
DP-92 } 34 "Notice to Property Owners" mailed 3/1/79 for the
MAPC meeting for 3/15/79
1 (including map) to CPO Office
—
35 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

March 1, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, March 15, 1979, 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 a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "INDEPENDENCE COMMONS" for property legally described as follows:

DP-92 - Tract of land located in S.W. corner of S.W. 1/4, Sec. 5, T27S, R2E of the sixth p.m. described as follows: Beginning at the point of intersection of North Right-of-Way line of 21st Street North and East Right-of-Way line of Rock Road, said point being approximately 50 feet easterly and 30 feet northerly of the Southwest corner of said Sec. 5; thence northerly along east Right-of-Way line of Rock Road bearing N1°01'02"W, 765.00 feet thence N88°58'58"E, 400.00 feet; thence N43°58'58"E, 150.00 feet; thence S46°01'02"E, 495.00 feet; thence S43°58'58"W, 150.00 feet; thence S1°01'02"E, 416.61 feet to North Right-of-Way line of 21st Street North; thence along said Right-of-Way line bearing S89°06'26"W, 750.02 feet to point of beginning. Generally located at the northeast corner of 21st Street North and Rock Road.

This property was approved for annexation to the City of Wichita by action of the Board of City Commissioners on February 6, 1979. The ordinance effectuating said annexation shall be published on April 4, 1979. Should the development plan and associated zone change be approved, the associated ordinance will be held for publication until after publication of the annexation ordinance.

The Development Plan of this area has been submitted 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 at the Planning Department Office, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, and is available for public inspection and review.

The Development Plan on file proposed a 15.05 acre office and commercial development consisting of two parcels of office/commercial activities, one parcel of general office uses, and one parcel of office and residential uses not exceeding a maximum density of 12.5 dwelling units per net acre. A total gross floor area of 59,000 square feet of office/commercial, 67,000 square feet of office, and a maximum of 44 garden apartment dwelling units is proposed. Included in the Development Plan is information concerning building setbacks, maximum height limitations, screening provisions, and proposed general land use on four designated parcels.

The hearing of 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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

March 1, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

This is a notice of a request for a zoning change in your area. 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 for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on Mar 15 1979, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. 7-2113

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

Tract of land located in S.W. Corner of S.W. 4, Sec. 5, T27S, R2E of sixth n.m. described as follows: Beginning at a point of intersection of North right-of-way line of 21st Street North and East right-of-way line of Rock Road, said point being approximately 50 feet Easterly and 30 feet Northerly of the S.W. Corner of said Section 5; thence Northerly along East right-of-way line of Rock Road bearing $N1^{\circ}01'02''W$, 765.00 feet; thence $N33^{\circ}58'53''E$, 490.00 feet; thence $N43^{\circ}58'53''E$, 150 feet; thence $S45^{\circ}01'02''W$, 495.00 feet; thence $S43^{\circ}58'53''W$, 150.00 feet; thence $S10^{\circ}01'02''E$, 416.61 feet to North right-of-way line of 21st Street North; thence along said right-of-way line bearing $S89^{\circ}06'26''W$, 750.02 feet to point of beginning. Generally located at the northeast corner of 21st Street North and Rock Road.

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 a 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 preceeding 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 12.4 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 building; 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.

November 14, 1978

Mr. Bill Yung
Bill Yung and Associates
1355 N. Waco
Wichita, Kansas 67203

Re: DP-92 Independence Commons
Community Unit Plan

Dear Mr. Yung:

We have reviewed the Commercial Community Unit Plan proposed for the 15.5 acre tract located at the northeast corner of Rock Road and 21st Street North. The following comments are a result of that review as well as consultation with other City Departments on the project.

Our primary comments relate to the provision of screening and landscaping on the project. Section 28.04.190.B.8.a of the Code of the City of Wichita (screening and landscaping provisions of the C.U.P. regulations) require that a 5 to 8 foot solid or semi-solid wall constructed of brick, stone, masonry, architectural tile or other similar material (but not including wood or woven wire) be constructed along the property line where adjacent to a residential zoning district and not separated by a public way, alley, or street. Such wall is also required even where separated by a street if the storage area, service area, or rear of the building(s) face directly into a residential district. In addition, a ten foot planting strip is required on the perimeter of a commercial development when adjacent to a residential district, separated by a street, and not covered by the wall requirements.

After reviewing these requirements, we feel that the 5 to 8 foot masonry wall is required along the east property lines where you have indicated a wood fence and landscaping. It should be noted that only the wall is required in that location and not the landscaping; however, ten foot landscaping is required

Page Two
Mr. Bill Yung
November 14, 1978

adjacent to Rock Road and 22nd Street North and should be noted on the plan. The Department of Public Works has suggested that said landscaping not be provided in the same space as the utility easement so the 10 foot planting strip should be provided along the perimeter, then provide the utility easement. The preservation of the existing shelter belt adjacent to 21st Street North mitigates the requirement for additional landscaping in that location. It is suggested that some sort of pattern be used to designate the 10 foot planting strips.

The Department of Public Works has requested that deceleration lanes be constructed adjacent to Rock Road and 21st Street North. They have also noted that the large paving areas might require additional drainage provisions and although general provision #10 adequately covers those possibilities, Flood Control/Maintenance suggests that your engineers meet with City Engineering on proposed drainage solutions early in your planning process.

We would suggest that the phrase "light retail commercial sales" be amended to read "retail sales" in that light commercial implies all uses in the light commercial zoning district, and such would not be compatible with your proposal. We also find the phrase "and other similar light commercial uses" objectionable. The parcel description for Parcel IV is somewhat confusing. The floor area ratios for all of the parcels are misleading. For instance, in Parcel IV the office development is really only a F.A.R. of .27 when the parking areas are included and we would rather see this figure used than the 1.5 noted on the plan for only the building area. A total dwelling unit figure should also be included in the parcel description in that we are unclear whether you are suggesting 114 total units or just development of one individual unit type at the density proposed. If residential uses are proposed, you need to provide an alternate site plan.

Regarding your suggested parking ratio, we find general provision #18 acceptable, but would like the office portion amended to provide "as required by zoning ordinance" in order to accommodate the parking requirements for medical office buildings which are based on number of employees as well as floor area, and may be greater (or less) than the 4 spaces/1000 square feet proposed.

Page Three
Mr. Bill Yung
November 14, 1978

As we discussed previously, most recent commercial C.U.P.'s have included a maximum number of buildings proposed for each parcel. This has been required in an attempt to avoid the access and circulation problems associated with development of several fast food operations and the "strip commercial effect" often resulting from small selloffs of portions of C.U.P. parcels. In this type of proposal, a listing of maximum buildings is rather difficult to provide and we have accommodated this on other plans by providing for final site plan review by MAPD staff if multiple buildings are proposed. We would suggest either a general provision providing for site plan review by staff on multiple building development or that you list a maximum number of buildings proposed for each parcel in the individual parcel descriptions.

In addition to the preceding comments, the following additions or changes should be indicated on the plan.

1. General provision #14 shall be amended to read:

NO
"A five (5) to eight (8) foot solid or semi-solid wall shall be constructed of stone, masonry, architectural tile or other similar material (not including wood and woven wire) adjacent to the east boundaries of Parcel I and IV, as indicated on the plan. Said screening shall also be required around all storage or service areas which face directly into a residential zoning district and are separated by a public way, alley, or street."

2. General provision #15 shall be amended to add the following phrase:

OK
"The shelter belt shall be maintained in good condition as determined by the Director of Planning and Superintendent of Central Inspection."

3. General provision #16 shall be amended to read:

"The planting strips adjacent to 22nd Street North and Rock Road, as indicated on the plan, except for points of ingress and egress, shall be provided and maintained of trees and shrubbery not less than ten (10) feet in

Page Four
Mr. Bill Yung
November 14, 1978

ok
width and shall be of such a type, and maintained in such a manner, that it minimizes any nuisance of the commercial area to the adjacent residential area. A landscape plan, prepared by a landscape architect, for the planting strip(s), indicating the location, type, and specifications of plant materials shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permit(s) on the parcels involved. The landscape plan shall also depict proposed methods of providing water to the required plant materials.

Failure to properly maintain the ten (10) foot planting strip shall be considered a violation of the C.U.P. after a joint determination by the Director of Planning and Superintendent of Central Inspection that the plants aren't properly maintained. A financial guarantee for the plant materials approved for the landscape plan shall be required prior to the issuance of any occupancy permit if the required landscaping has not been planted."

ok
4. General provision #5 shall be amended to read:

"Signs as permitted by zoning district"

ok
5. The phrase "light retail commercial sales" in the proposed use list for Parcel II shall be amended to read "retail sales". The phrase "and other similar light commercial uses" shall be deleted from the parcel description.

ok
6. The plan should be amended to reflect that deceleration lanes will be provided adjacent to Rock Road and 21st Street North. A new general provision shall be added as follows:

"The applicant shall guarantee at time of platting, the construction of deceleration lanes adjacent to 21st Street North and Rock Road."

ok
7. The parcel description for all parcels shall be amended to reflect the floor area ratio for the entire parcel. For Parcel IV, the total number of dwelling units proposed for the site shall also be indicated as well as an alternate site plan shall be shown.

Page Five
Mr. Bill Yung
November 14, 1978

No

8. A maximum number of buildings proposed for each parcel shall also be listed, or a general provision added providing site plan review by staff should multiple building development occur.
9. General provision #18 shall be amended to add the phrase "or as required by zoning ordinance" on the parking provision for office uses.

Inasmuch as this property is not located within the City of Wichita, we cannot proceed further on this application until annexation occurs. Since annexation requires some time to complete, we would urge that your engineer contact Bob Young of our staff immediately and begin annexation proceedings. Once the property is annexed, we can advertise the C.U.P. for public hearing. As we discussed on the phone, it will be necessary that you file a zone change request from "AA" to "LC" (\$400 filing fee); said case to be filed with the C.U.P. once annexation is completed.

Should you have questions regarding this matter, please call. We will hold the C.U.P. application and schedule it and the associated zone case for public hearing once annexation is completed.

Sincerely,

Jack H. Calbraith
Chief Planner

JHG:MM:el

cc: Comotara Development Corporation
2225 Hathway Circle, Wichita, Ks. 67226

ROUTE SLIP
 (PLEASE CIRCLE DESTINATION)

- | | | |
|----------------------|--------------------|----------------------|
| City Manager | Dir. of Adm. | Planning Dept. |
| City Clerk | Auditing | Police Dept. |
| Community Dev. | Budget | Motor Pool |
| Housing | Data Proc. | Dir. of Public Works |
| Human Res. Dev. | Industrial Dev. | Administration |
| Model Cities | Man. Coord. Center | Central Insp. |
| Community Facilities | Personnel | Project Betty |
| Credit Union | P.S. Careers | Engineering |
| Fire Department | Public Info. | Traffic Engr. |
| Health Department | Purchasing | Maintenance |
| Director of Law | Duplicating | Flood Control |
| Prosecutor's Office | Ret. & Group Ins. | Sanitation |
| Municipal Court | Treasury | Urban Renewal |
| Transit Authority | Library | Water Department |
| | Park Department | Water Pol. Control |

For: Mike Neek
 For your information Reply sending me _____ copies
 For your comments Prepare reply for my signature
 Note and return You handle. No report required.

MESSAGE:

Signed James Flood Date 11-26-78
 000-013 Control

WICHITA-SEDGWICK COUNTY

DATE
October 23, 1978

METROPOLITAN AREA PLANNING DEPARTMENT

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
TO ✓ Max Greene, Maintenance/Flood Control

FROM Mike Meek, Senior Planner

SUBJECT DP-92 - Independence Commons Community Unit Plan.

Please review the attached plan, located at the northeast corner of 21st Street North and Rock Road. Would like to have your comments by Wednesday, November 1, 1978, if possible.

Mike Meek

Mike Meek
Senior Planner

MM:el

Attachment

*Item 10 - drainage - needs to contact
the S&S Engineering about detention
storage before doing his grading
plans -*



*Advised Meek
10/25/78*

Greene.

McKinley - Need for deceleration lanes - 11/14/78

October 23, 1978

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
Max Greene, Maintenance/Flood Control

Mike Meek, Senior Planner

DP-92 - Independence Commons Community Unit Plan.

Please review the attached plan, located at the northeast corner of 21st Street North and Rock Road. Would like to have your comments by Wednesday, November 1, 1978, if possible.

Mike Meek
Senior Planner

MM:el

Attachment

Map 6050
Sec 5
T 27S
R 2E

6050
5
275
9E

APPLICATION FOR COMMUNITY UNIT PLAN
(PLANNED RESIDENTIAL OR COMMERCIAL DEVELOPMENT) DP-92
FOR PROPERTY LOCATED WITHIN THE LIMITS OF THE
CITY OF WICHITA, KANSAS (Case 2-2113)
SID 78-138

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

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

a. Applicant Comotara Development Corporation
Address 2225 Hathway Circle Wichita, KS 67226 Phone 686-7451
Agent Bill G. Yung Design
Address 1355 N. Waco Wichita, KS 67203 Phone 264-0676

b. Applicant Comotara Properties Inc.
Address 2225 Hathway Circle, Wichita, KS 67226 Phone 686-7451
Agent Bill G. Yung Design
Address 1355 N. Waco Wichita, KS 67203 Phone 264-0676

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

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

II.A The applicant hereby requests Community Unit Plan approval on property zoned LC & R1 and legally described as Lot(s) N/A, Block(s) N/A, _____
N/A Addition.

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

(See Attachment)

II.B There are 15.5 acres (round to nearest tenth) in the above described property.

Tract of land located in S.W. corner of S.W. $\frac{1}{4}$, Sec. 5,
T27S, R2E of sixth p.m. described as follows:

beginning at the point of intersection of North Right-of-Way
line of 21st Street North and East Right-of-Way line of
Rock Road, said point being approximately 50 feet easterly
and 30 feet northerly of the Southwest corner of said
Sec. 5; thence northerly along east Right-of-Way line
of Rock Road bearing N1⁰⁰01'02"W, 765.00 feet; thence
N88⁰⁵58'58"E, 400.00 feet; thence N43⁰⁵58'58"E, 150.00
feet; thence S46⁰⁰01'02"E, 495.00 feet; thence S43⁰⁵58'58"W,
150.00 feet; thence S1⁰⁰01'02"E, 416.61 feet to North
Right-of-Way line of 21st Street North; thence along
said right-of-Way line bearing S89⁰⁰06'26"W, 750.02 feet
to point of beginning. Containing 13.484 acres more or
less.

from: *Justin*

admin. adv. plans cur. plans social graphics

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<input type="checkbox"/> waller	<input type="checkbox"/> lindebak	<input type="checkbox"/> lyle	<input type="checkbox"/> hart	<input type="checkbox"/> stafford
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<input type="checkbox"/> tucker	<input type="checkbox"/> nelson. p	<input checked="" type="checkbox"/> <i>peek</i>	<input type="checkbox"/> brown	<input type="checkbox"/> pale
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<input type="checkbox"/> brothers	<input type="checkbox"/> babbit	<input type="checkbox"/> olivarez	<input type="checkbox"/> lane	<input type="checkbox"/> livesay
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	<input type="checkbox"/> schranz			
	<input type="checkbox"/> mcladden	<input type="checkbox"/> note & return	<input type="checkbox"/> signature	
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remarks: *Is this with the
Committee CUP that
format needs to be
processed?*

TR-105

IMPORTANT MESSAGE

FOR *Jack*
DATE *11-9-78* TIME *11:44* A.M.

WHILE YOU WERE AWAY

OF *Bill Young office*
PHONE No.

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RETURNED YOUR CALL

MESSAGE *brought the
attached by*

SIGNED *J*

Form 000-017

DP 92
This is duplicate
list. Used in
Z-2113 for
double mail-out

OWNERSHIP LIST

Lot	Addition	Property Owner
Lot 8, Block 7	Sycamore Village 2nd	Robert M. Adams Velda L. Adams 2252 S. Broadview 67218
Lot 9, Block 9	"	Sproul Construction Co., Inc. 2203 Hathway 67226
Lot 10, Block 7	"	E. Michael Stanford Susan M. Stanford 602 Courtleigh Dr. 67218
Lot 11, Block 7	"	Arbor Homes, Inc. 116 Arron Andover, Kansas 67002
Lot 12, Block 7	"	Sproul Construction Co., Inc. 2203 Hathway 67226
Lot 13, Block 7	"	William Barry Davis Iris LaNettie Davis 2326 Hathway 67226
Lot 14, Block 7	"	Paul E. Monson Lynda S. Monson 2243 Bramblewood 67226
Lot 15, Block 7	"	William E. Estes Mary E. Estes 2306 Hathway 67226
Lot 1, Block 8	"	Wichita Development Co. 2225 Hathway 67226
Lot 2, Block 8	"	Arbor Homes, Inc. 116 Arron Andover, Kansas 67002
Lot 3, Block 8	"	Robert P. Bieker Marilyn J. Bieker 8500 Lakeland Circle 67207
Lot 4, Block 8	"	James J. Gruff Garnet L. Gruff 2200 S. Rock Rd. 67207
Lot 5, Block 8	"	S & A Investment Co. 8726 Lockmoor Circle 67207

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Lot	Addition	Property Owner
Lot 6, Block 8	Sycamore Village 2nd	William E. Mathis Ann B. Mathis 2724 N. Pershing 67220
Lot 7, Block 8	"	Harry M. Roberts Erika A. Roberts 2235 Hathway Circle 67226
Lot 8, Block 8	"	S & A Investment Co. Lockmoor Circle 67207
Lot 9, Block 8	"	Timber Craft Homes, Inc. 4187 N. Parkwood 67220
Lot 10, Block 8	"	Quentin L. McCabe Evelyn McCabe 2308 Longwood Ct. 67208
Lot 11, Block 8	"	Walter L. Stauffer Betty Stauffer 3825 Friar Lane 67204
Lot 12, Block 8	"	Walter L. Stauffer Betty Stauffer 3825 Friar Lane 67204
Lot 13, Block 8	"	Donald R. Bratton Edith J. Bratton 6528 Clayton 67203
Lot 14, Block 8	"	Wichita Development Co. 2225 Hathway 67226
Lot 6, Block 9	"	Sidney Sen-Chi Yang Janet Yu-June Yang 2205 Longwood 67208
Lot 7, Block 9	"	Hartman Homes, Inc., 6416 E. Central 67206
Lot 8, Block 9	"	Monte L. Peterson Naomi G. Peterson 2245 Longwood 67226
Lot 9, Block 9	"	Walter L. Stauffer Betty L. Stauffer 3825 Friar Lane 67204
Lot 10, Block 9	"	David J. Draper Joan E. Draper Address unknown
Lot 11, Block 9	"	Sproul Construction Co., Inc. 2203 Hathway 67226
Lot 12, Block 9	"	Walter L. Stauffer Betty L. Stauffer 3825 Friar Lane 67204

page 3 - continued

Lot	Addition	Property Owner
Lot 13, Block 9	Sycamore Village 2nd	Wichita Development Co., Inc. 2225 Hathway 67226
Lot 9, Block 10	"	Lawrence J. McChesney Susanne L. McChesney 2204 Longwood 67226
Lot 10, Block 10	"	Donald L. Corbett JoAnne Corbett 2212 Longwood 67226
Lot 11, Block 10	"	Tim L. Carroll Diana R. Carroll 2218 Longwood 67226
Lot 12, Block 10	"	Richard J. Johnson Doris L. Johnson 2222 Longwood 67226
Lot 13, Block 10	"	Clifford L. Meredith Velda G. Meredith 126 S. Colby Valley Center 67147
Lot 14, Block 10	"	Lynn H. McCoppin Janice L. McCoppin 1828 Denver 67219
Lot 15, Block 10	"	Timber Craft Homes, Inc. 4187 N. Parkwood 67220
Lot 16, Block 10	"	S & A Investment Co. 8726 Lockmoor 67207
Lot 17, Block 10	"	Roger Dale TenNaple Sandra Lee TenNaple 2242 Longwood Ct. 67208
Lot 18, Block 10	"	George Gary Griffith Kathleen Joyce Griffith Address unknown
Lot 19, Block 10	"	Kirk A. Baker Kay M. Baker Address unknown
Lot 20, Block 10	"	Floyd Johnson Zeola Johnson Address unknown
Lot 21, Block 10	"	Shiang Yu Lee Agnes C. Lee Address unknown

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Lot	Addition	Property Owner
Lot 1, Block 11	Sycamore Village 2nd	Wichita Development Co. 2225 Hathway 67226
Lot 2, Block 11	"	Walter L. Stauffer Betty L. Stauffer 3825 Friar Lane 67204
Lot 3, Block 11	"	S & A Investment Co. 8726 Lockmoor 67207
Lot 4, Block 11	"	David R. Udit Lineth Geneva Udit 4944 E. Central 67208
Lot 5, Block 11	"	Hartman Homes, Inc. 6416 E. Central 67206
Lot 6, Block 11	"	Timber Craft Homes, Inc. 4187 N. Parkwood 67220
The N 9.73' of Lot 7, and all of Lot 8 Block 11	"	S & A Investment Co. 8726 Lockmoor 67207
Lot 7, except the N 9.73' Block 11	"	Thomas B. Schmidt Deborah L. Schmidt 2216 Hathway 67226
Lot 1 and 2, Block 1	E.E. Jabes Addition	Great Plains-Slawson Ventures P.O. Box 18387 67218
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	Sec. 6-27S-2E	Wichita Development Co. 2225 Hathway 67226
SW $\frac{1}{4}$	Sec. 5-27S-2E	Wichita Development Co. 2225 Hathway 67226
N $\frac{1}{2}$ of NW $\frac{1}{4}$	Sec. 8-27S-2E	Wilson Estates 408 Century Plaza Building & Louise W. Bradley, single - life estate, Address unknown

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 750 foot radius of the Northeast Corner of 21st Street and Rock Road South 800 feet of the West 800 feet of the Southwest Quarter of Section 5, Township 27 South, Range 2 East of the 6th P.M., as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 8th day of November, 1978 at 7:00 o'clock A.M.

The Security Abstract and Title Company, Inc.

By

Curtis O. Simmons

Vice President

order no. 270934
sk

*

This DP File
Has a Large Drawing
On 35mm Microfilm.
Roll #1

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