

ZONING:

4. Case No. DP-128 Amendment #1 - Brush Creek Communities c/o William L. Korber (property owner/applicant); Bossier Crossroads, Inc. c/o Thomas Wilson (contract purchaser/applicant); Terry Smythe, Baughman Co. (Agent) request amendment to Parcels 1 and 3 of the Brush Creek Commercial and Residential Community Plan on property described as:

Lots 1, 2 and 3, Block 1, Brushcreek Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 37th Street North and Woodlawn.

RUSS EWY, Senior Planner, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

The applicant requests an amendment to Parcels 1, 2, and 3 of the Brush Creek Commercial and Residential Community Plan, located at the southeast corner of 37th Street North and Woodlawn. The proposed amendment would increase the number of commercial out-parcels along the arterial frontages, and permit apartments in Parcels 2, 3 and 12.

Currently, the C.U.P. permits 175 apartment units within Parcel 3, and up to 205,662 square feet of commercial development within Parcels 1 and 2. As proposed, the C.U.P. would be reconfigured to show an enlarged Parcel 1 and five new pad sites (Parcels 8 through 12) created from the reduction in land area for Parcel 2. Parcel 2 will retain the following original permitted uses: shopping center facilities, retail sales, theater, liquor store, financial institutions, restaurants, offices, private club, bowling alley, and skating rink, while Parcels 1 and 8 through 12 retain the following original permitted uses: service station, retail sales, liquor store, financial institutions, offices, and private club.

As an option, the C.U.P. would allow 218 apartment units in Parcel 2, and 30 apartment units in Parcel 12, in addition to the 177 apartment units proposed in Parcel 3. The C.U.P. contains provisions that allow the site to develop with apartments, or as a commercial center in a similar manner to what is permitted currently. The applicants have also added signage limitations to the C.U.P. in addition to the standard landscape requirements, lighting restrictions, architectural controls, and screening requirements. Parcels 4 through 7 will remain unchanged.

The subject property has 5 permitted access openings onto 37th Street and 6 openings onto Woodlawn. As proposed, the C.U.P. would retain the 5 openings onto 37th Street and eliminate one opening onto Woodlawn. The applicants have also asked to revise the building setback lines running between Parcels 2 and 3 and the commercial out-parcels (Parcels 8 through 12) to show a zero setback within Parcels 2 and 3, while increasing the setbacks to 30 feet along Parcels 8 through 12.

The site is bordered to the south by a single-family residence also used as a photography studio on property zoned "NR" Neighborhood Retail and "MF-29" Multi-Family Residential. There is a single-family residential subdivision located to the southwest (zoned "SF-6" Single-Family Residential) and the undeveloped 11.7 acre Whispering Brook Commercial C.U.P. (DP-203, zoned "LC" Limited Commercial) to the west across Woodlawn. At the northwest corner of the intersection is a bank (within Bel Aire's city limits) and at the northeast corner is a convenience store and dry cleaner (zoned "LC"). The Chisholm Creek Condominiums and additional undeveloped property adjacent to the east are located to the north of the site, across 37th Street, on property zoned "MF-18" Multi-Family Residential and "SF-6" Single-Family residential, respectively. Separating the application area from the remainder of DP-128 is Chisholm Creek and related floodway reserves.

CASE HISTORY: The Brush Creek C.U.P. was approved by the Board of City Commissioners on May 3, 1983. The site was platted as Lots 1 through 3 of the Brush Creek Addition, recorded on January 26, 1984.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" & "MF-18" Convenience Store, Condominiums; Undeveloped
 SOUTH: "NR" & "MF-29" Single-family residence/photography studio
 EAST: "SF-6" Multi-family & Single-family developments (DP-128 Parcels 4 through 7)
 WEST: "LC" & "SF-6" Undeveloped Commercial (DP-203), Single-family subdivision

PUBLIC SERVICES: Municipal water and sewer service is available to serve this site. The property has access to both 37th Street, a 4-lane arterial, with existing traffic volume of approximately 8,297 average daily trips (ADT) 1/2 mile east of Woodlawn, and to Woodlawn, a 4-lane arterial, with existing traffic volume of approximately 12,052 average daily trips (ADT) between 37th Street and K-96. The 2020 Transportation Plan projects traffic along 37th Street to decrease to approximately 6,888 ADT and traffic along Woodlawn to increase to approximately 18,015.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for

commercial and high-density residential uses.

The commercial locational guidelines of the Comprehensive Plan indicates that commercial development should have required site design features which limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas.

The plan would classify a development of this size, if developed with apartments as proposed, as "high-density" residential. This category includes densities in excess of 10 units per acre, such as garden apartments, condominiums and special residential accommodations for the elderly (congregate care and nursing homes).

The plan also states the following locational guidelines for these uses, which are: (1) Medium-and-high-density residential areas should be located within walking distance of neighborhood commercial centers, parks, schools and public transportation routes and be in proximity to employment concentrations, major thoroughfares and utility trunk lines, (2) Medium-to-high-density residential should be directly accessible to arterial or collector streets so that their traffic does not pass through less intensive land uses, and (3) Medium-to-high-density residential areas should be sited where they will not overload or create congestion in existing and planned facilities and utilities.

RECOMMENDATION: In reviewing the original C.U.P., it was apparent that there was an effort to maintain a cap on the overall residential density of DP-128. Currently, the C.U.P. limits development to a total of 10.5 dwelling units per acre. In calculating the number of units already established in the eastern portion of the C.U.P. and the proposed number of apartment units requested in this application, staff is recommending that Parcels 2, 3 and 12 be limited to a maximum of 390 units or 16.0 du/acre (a total reduction of 35 units) in order to maintain a total C.U.P. density of 10.5 du/acre.

The applicant's site plan shows the development of approximately 330 apartment units within Parcels 2 and 3, and assuming Parcel 12 is developed with an additional 30 apartment units, a maximum of 390 units should be reasonable to accommodate current development plans as well as provide for some expansion if needed. Therefore, based upon information available prior to the public hearings, planning staff recommends the following:

- A. APPROVE the Community Unit Plan amendment (DP-128#1), subject to the following conditions:
 1. Access Control as follows:
 - A. Parcel 3 shall be limited to one opening, with the opening built to major opening standards.
 - B. Parcel 2 shall be limited to one opening along 37th Street, with the opening built to major opening standards. If developed for commercial uses, Parcel 2 shall also share the joint opening between Parcels 8 and 9, with the opening built to major opening standards.
 - C. Parcels 8 and 9 shall share one joint opening.
 - D. Either Parcels 1 and 10 share one joint opening, or Parcel 10 is limited to the one joint opening with Parcel 11, as shown.
 - E. Either Parcels 1 and 9 share one joint opening, or Parcel 9 is limited to the one joint opening with Parcel 8, as shown.
 2. Description for Parcel 2 shall be revised to show the maximum number of buildings at 2, if developed with commercial uses.
 3. The C.U.P. shall be revised to show the alternate building setback between Parcels 2 and 3 and Parcels 8 through 12.
 4. The development of multi-family uses in Parcels 2 and 3 shall proceed in substantial accordance with the submitted site plan and elevation drawings, as recommended for approval by the Planning Commission and/or approved by the Governing Body.
 5. Delete "private club" from permitted use list for Parcels 1 through 3 and 8 through 12.
 6. 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 Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 7. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 8. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and

be binding upon the present owners, their successors and assigns, unless amended.

9. All property included within this C.U.P. amendment shall be replatted within one year after approval of this C.U.P. amendment, or the cases shall be considered denied and closed.
10. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 30 days after approval of this amendment by the Governing Body, or the request shall be considered denied and closed.

Please note that traffic improvements will be determined at the time the subject property is replatted. However, Planning and Engineering staff have discussed the need for the developer to provide at minimum the following off-site road improvements: extended left-turn lanes to serve the entrances to the apartment development, acceleration/deceleration lanes, and provide adequate stacking distance for the gated entrances to the apartment development.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is characterized by small commercial uses at the northwest and northeast corners, and larger undeveloped commercial uses at the southwest and southeast corners, of the 37th Street/Woodlawn intersection. There are larger single- and multi-family developments beyond.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is currently zoned "LC" Limited Commercial and "MF-29" Multi-Family Residential, and permits substantial retail commercial and apartment development. The fact that the property has not developed for 14 years indicates that a multi-family use is perhaps a more suitable use of the subject property.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The development of this 30 acre site, as well as other undeveloped commercial property in the immediate area, will affect nearby property. With the development of an expanded apartment complex, most of the negative impacts that a large-scale retail development may have on other uses in the area should actually be slightly lessened.
4. Length of time subject property has remained vacant as zoned: The property has remained vacant since it was platted as part of the Brush Creek Addition on January 26, 1984.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested amendment conforms with the plan's locational guidelines and goals for both commercial and medium- and high-density residential uses.
6. Impact of the proposed development on community facilities: The recommended off-site road improvements should minimize the impact this development will have on both 37th Street and Woodlawn. With the development of multi-family uses on Parcels 2 and 12 would result in a reduced traffic impact compared to the commercial uses already permitted. If developed with a greater number of dwelling units, there may be some additional impact on public school facilities. This request should not have an impact on other municipal services.

EWY "Monday night, CPO Council 2 met to discuss this issue. After discussion, they voted 7-1-1 to recommend approval of the request, subject to staff recommendations. Are there any questions of staff?"

HAGGAR "While you have this picture here, what is it you don't agree with the applicants on on access?"

EWY "The number of access points. Currently there are 5 access points permitted by the plat and by the CUP today. There are 6 access openings platted and shown on the CUP today along Woodlawn. I might want to go back to another slide that shows the parcel layouts. Again, for the apartment development, there are proposed gated access points at this location as well as this location. The applicants are proposing that as a point of access as well as access points for each one of these 3 parcels fronting Woodlawn.

In the same fashion, these 4 pad sites, as well as the apartment complex are proposed for a series of access openings and joint-access openings, totaling 5 openings. Planning staff is simply wanting to allow the apartment complex one opening here, (indicating), a joint opening, a joint opening, and/or one opening to Parcel 1 or a joint opening between Parcels 1 and 10. The same situation here. We are asking for these to join opening here, here and then one opening here."

HAGGAR "And your reasoning would be what?"

EWY "Standard practice. Trying to minimize the number of curb cuts along arterials for commercial development. It is standard practice. We typically, in these situations, do ask for the joint-openings."

CONSOLVER "When you talk about those joint openings, isn't that an increase size, or are they pretty much double?"

EWY "I'm not sure what the geometrics of those drive entrances are."

CONSOLVER "They are larger than a single cut on these parcels, is that right?"

EWY "They can be. Some have one lane in and out, some have two out, one in type of configuration."

CONSOLVER "I guess what I was thinking about is whether it is a loss to the property or not with regard to the curb cut, if there is adequate access for two cars."

KROUT "In terms of loss to the property, the more curb cuts you have, the less parking places you have potentially."

CONSOLVER "I understand, but I am talking about getting in and out. Do you create problems when you do that?"

KROUT "You focus the traffic down to fewer locations, and it may be more difficult to someone to get in or out, but you are also reducing the number of conflicts that you have out on the street."

EWY "And as far as total linear feet of openings, if you have 5 openings at a narrower distance and you reduce that down to 3 large openings, they are probably going to be somewhat equal in the total length of access openings."

LOPEZ "Any other questions of staff? Thank you, Russ. Applicant or agent."

TERRY SMYTHE "Good afternoon. I am here on behalf of the applicant. Let me kind of go over what we have available briefly on the CUP. For the Limited Commercial use, which is really Parcel 2 on some of those out parcels, we have the ability to build 205,000 square feet of Limited Commercial uses. We have the ability, on that same piece of property to put 6 individual buildings. Currently, the plat in the CUP allows us 5 access points to 37th Street, 6 access points to Woodlawn. The access points right on the corner are the old standard access points that are within 40 foot of the actual intersection. We know that that standard has been increased over the years.

The building height on the CUP is 35 feet. Currently, Parcel 3 allows 177 apartment units by virtue of the CUP. Parcel 4, which is just across the creek up there along Rushwood is a multi-family area. The area to the north, up here, Chisholm Creek is zoned 'MF-18'. The overall density for this CUP, when it was originally put together in 1983, gave an overall limit of 10.5 units per acre. If we were to build 390 apartments in this area, we would be at that limit, 10.5 units per acre, established back in 1983. The site plan that we are going to comply with, if this is approved, we intend only to build 330 units, is what our request is, so we are below the overall density that that CUP established a long time ago.

The issue we need to address here quickly is the access points. Currently we have 5 access openings along 37th Street. Right in this location there is, by private easement, a Southwestern Bell underground burial vault for equipment. They have a drive-way that provides them access to that. I haven't had time to research whether we could use that as an opening for a shopping center or not. That is a current drive-way that is out there today. So when I am asking for 5 access points, I am considering that to be one access point because that drive-way is already in. So we are asking for an access point to the apartments here (indicating), a dual one there, there, and the one right here. By virtue of the replat, the access point that is right on the corner within 40 feet, we will replat that and move that access point 100 foot off the corners, which is standard nowadays.

Along Woodlawn, there are 6 access points by virtue of the plat that is of record today. What we are asking for is only 4, so we are giving up 2 access points. The apartment complex, I think, one for each site as well as the one we are going to move off of the corner here, so that kind of explains what we are saying. We have a slight disagreement with staff in terms of how many access points we would like. Again, we are reducing 2 access points in here, we are keeping all of the access points here, mainly because I am losing one to the Southwestern Bell utility easement.

We had a meeting at CPO on Monday night, and I know you will find this hard to believe, and it is because it is the message, not the messenger, but they voted in favor of this. Again, I will not take any credit for it. It is the message that I presented. Issues that were brought up that night were a number of things. A number of people, I think, were concerned about traffic. A number of people were concerned that apartments could be on this site. Again, this Parcel 3, which is across the street from Whispering Brook is currently permitted to have apartments today.

Parcels 2 and 3, altogether down in this area, this is a floodway, so we are encumbered by approximately 80 acres of floodway on both our parcels. Obviously, we can't build on there, nor do we want to, so we are having to put the apartment complexes off the floodway. We want to provide a lake for amenity, and we have met the state on there, and they don't want us to put the lake in the low part of the creek. They want us to try to pull it off the creek and build a little higher up on the hill here, so we are encumbering part of our site with the retention pond. We want to use it for some aesthetics, as well. So, we are

prevented from really putting the pond in the lower area, which everybody would think it should go.

What the contract purchaser is trying to do with the apartment complex, it is a \$16 million to \$18 million complex that will have garages, 1 and 2 bedroom units, it is going to have garages and carports and some just regular apartment complex type of parking. It will have gated access points, one on 37th Street and one on Woodlawn. We are doing that from a safety standpoint. There will be an office, and people can come in and look at the models and if they want to go in they will have a garage door opener, they will hit the button, the gate will come up. The people that live there will be able to go in there, and if you are visiting there, you can go up to the gate and push the button and call the person and they will be able to monitor who is at the gate. If you are willing to come in, they will hit the button, the gate will come open and you can come in. What we are trying to do here is to have the access points here and there will be gated, from a security standpoint.

There are a lot of trees. One of the slides that was shown shows a lot of trees in terms of the ability to not be able to see across the creek. Chisholm Creek to the north has landscaping up here; the evergreens that you saw earlier. We have probably 24 trees on our side as well as 16 currently on the right-of-way along Woodlawn. Really, only 2 houses in Whispering Brook backs up to the apartment complex, which would be those right there. The main entrance is going to line up with our main entrance.

Basically, we agree with staff comments, with the exception to the access points, and we would like your consideration on that. The applicant is here, the contract purchaser is here from Shreveport, if you have any questions for them specifically on the photographs I sent out to you. We have a video if you would care to look at it that shows the apartment complex they recently constructed down in Bossier City, which is adjacent to Shreveport. We will have to queue it up if you want to see it."

MCKAY "We want to see the video."

SMYTHE "Okay. While he is queuing it up, one real quick thing. The density over here in the apartment complex is 17.3 units per acre. That really, if you think about it from a straight zoning standpoint is 'MF-18'. That is what is approved over here (indicating). I don't believe that 17.3 units per acre is really high density garden apartments. 'B' multi-family allows you to go up to 75 units per acre. 'MF-18' really to me, is the first medium density apartment density that you could have."

At this point, the video was shown.

LOPEZ "Are there any questions?"

HAGGAR "I would like to know if these are going to be rentals, owner purchases, rent to buy, or what, and the kind of pricing they will be. The word 'apartment' is being used, and I think it is a little more than apartments here. Can you shed any light on that?"

SMYTHE "We are talking about today's rental units with garages, carports and parking. The overall rental range is from \$600 to \$800 per month."

KROUT "Could you clarify the number of units that you are asking for? There was discussion about 330 today and from the CPO as drafted. We are not objecting to it, but it says 390 which is an increase of 60 on the big parcel and 30 on the small parcel as an option. Could you describe what you agreed to at the CPO meeting, and what you are asking for today?"

SMYTHE "The site plan shows 330 units, with an option to go into Parcel 12. The reason why we have the option to go into Parcel 12 where we want that option is that we are still trying to figure out exactly the limits of this pond and how close the State is going to let us get down to the creek area. So we are trying to preserve the fact that we may have to take that pond further on up into developable ground and extend our units into that one.

Our site plan shows 330 units. The overall maximum density that the CUP today allows us is 390 units. We would like to keep 390 units, but for the sake of being somewhat reasonable, our site plan shows 330, I think if we want to throw out a number 360 is fine."

KROUT "Three hundred ninety is fine with us, but it may not be with everybody else, so I just wanted to clarify what you are asking for us."

SMYTHE "Three hundred ninety is even better. We would like the 390."

OSBORNE-HOWES "Did you say that you had not talked with Southwestern Bell, or that you had talked with them and they just weren't sure whether you could have it?"

SMYTHE "We have traded phone calls. Let me give you a little discussion. Southwestern Bell has, in the past, gone out and purchased, they have put a lot of these fiber optics boxes on private property because they don't want them in the street right-of-

way because they don't want to move them. Those things are normally negotiated with landowners because Southwestern Bell does not want to park their trucks in a drive-in lane. They will try to get an easement that gets them to their site. No, we have not officially gotten a response from them."

OSBORNE-HOWES "I hear your request based on the fact that one of those counts, so you wanted an additional one, but if you say you could use it."

SMYTHE "But I put a little credence on the fact that the property is platted today. We have the ability to put 6 buildings on that site today, and along 37th Street it was determined that 5 was appropriate. I try to be reasonable."

OSBORNE-HOWES "But you are also here today asking for quite a few additional apartments."

LOPEZ "Are there any other questions of Mr. Smythe? Thank you. Is there anybody else in the audience wishing to speak in favor or this zoning application? Is there anybody in the audience wishing to speak in opposition to this zoning application?"

LARRY ROSS "Good afternoon, ladies and gentlemen. I reside at 346 North Bluff. I am appearing before you here today as the chair of the Southwind Group of the Sierra Club. I am not, and I repeat, I am not appearing before you as a member of the CPO Council 2, of which I am an elected member. My term expires the first Tuesday of the year 2001.

The CPO Council 2 summary, I think you have all been furnished with, from our meeting this past Monday. I would like to share with you copies of the Panel 15 of 40 for the City of Wichita FEMA Floodway flood boundary and floodway map, dated May 15, 1986 as the effective date. If you will notice, toward the center, the outlined area in the center of the reproduced page corresponds to the cross hatched area on the cover sheet of your agenda item No. 4, DP 128 Amendment #1. One of our community's major drainage corridors, the east fork of the Jesse Chisholm Creek occupies the majority of this proposed amendment parcel area. The darkest area represents the floodway fringe, which by local ordinance, is buildable; however, I contend that this premier drainage corridor should remain open to the general public and not be fenced off by an 8 foot chain link fence. This is clearly not the highest and best use for the floodway, the darkened area.

I might mention that the Great Plain Nature Center, one of the premier nature centers in the Midwest is just downstream, immediately adjacent to the south and east. The creek is named for Jesse Chisholm, who, in the eyes of many, is the father of Wichita. He located his first trading post in the vicinity of 18th Street and the current drainage canal. There was a second location in the general area of Twin Lakes. There is no recorded history of any trading post in the immediate area, but I think the name and the historic connection are very important. The Brush Creek Communities, a name which is on the staff report is really a marketing misnomer. It might as well be Cripple Creek, which is in Colorado, and the last time I checked, the nearest Brush Creek, to my knowledge, is in the Kansas City area. I checked this with Bill Ellington, who was the City Historian for many years, and also checked with Jim Webber with Sedgwick County Engineering. There is no listed Brush Creek in Sedgwick County on any map that anybody has been able to find. It is an alien name and does not reflect being native to this place. I have a book by Wes Jackson called 'Becoming Native to This Area', and he refers to trying to keep areas native to this area historically correct.

I will move on to my next point, which is the gated community. This is a gated, multi-family community. Multi-family is great in some instances, I have no problem with that; however, the fact that it is gated, whether it was single-family residential or multi-family, I find to be a very negative point, both socially and for our community."

LOPEZ "Are there any questions of Mr. Ross? Thank you. Is there anybody else who wishes to speak in opposition to this zoning request? The applicant or agent has 2 minutes for rebuttal."

SMYTHE "This request that we have before you today is a known quantity. We have site plans, building elevations, floor plans, and photographs of previous projects. This is one of the few times I can stand up in front of you and say that this is not future zoning. This is a reality. They want to build, and they are ready to go today. I think this is in agreement with the old CUP. It was drafted in 1983, and 15 years later, a lot of things have changed out there in terms of other single-family. This is one of the corners in which commercial is starting to catch up. I think this is a very, very good project."

MCKAY "Terry, you have to go through platting yet, and if we would work out these openings and stuff during the platting process and go ahead and approve the balance of it, would you be opposed to that?"

SMYTHE "No. We would be glad to wait until the platting process."

MINER "I wanted to talk to you about the accesses, but if you are willing to wait until platting, I won't bring it up now."

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood): The area

is characterized by small commercial uses at the northwest and northeast corners, and larger undeveloped commercial uses at the southwest and southeast corners, of the 37th Street/Woodlawn intersection. There are larger single- and multi-family developments beyond. The suitability of the subject property for the uses to which it has been restricted: The subject property is currently zoned "LC" Limited Commercial and "MF-29" Multi-Family Residential, and permits substantial retail commercial and apartment development. The fact that the property has not developed for 14 years indicates that a multi-family use is perhaps a more suitable use of the subject property. Extent to which removal of the restrictions will detrimentally affect nearby property: The development of this 30 acre site, as well as other undeveloped commercial property in the immediate area, will affect nearby property. With the development of an expanded apartment complex, most of the negative impacts that a large-scale retail development may have on other uses in the area should actually be slightly lessened. Length of time subject property has remained vacant as zoned: The property has remained vacant since it was platted as part of the Brush Creek Addition on January 26, 1984. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested amendment conforms with the plan's locational guidelines and goals for both commercial and medium- and high-density residential uses. Impact of the proposed development on community facilities: The recommended off-site road improvements should minimize the impact this development will have on both 37th Street and Woodlawn. With the development of multi-family uses on Parcels 2 and 12 would result in a reduced traffic impact compared to the commercial uses already permitted. If developed with a greater number of dwelling units, there may be some additional impact on public school facilities. This request should not have an impact on other municipal services.) I move that we recommend to the governing body that the request be approved, subject to the following conditions,

1. Description for Parcel 2 shall be revised to show the maximum number of buildings at 2, if developed with commercial uses.
2. The C.U.P. shall be revised to show the alternate building setback between Parcels 2 and 3 and Parcels 8 through 12.
3. The development of multi-family uses in Parcels 2 and 3 shall proceed in substantial accordance with the submitted site plan and elevation drawings, as recommended for approval by the Planning Commission and/or approved by the Governing Body.
4. Delete "private club" from permitted use list for Parcels 1 through 3 and 8 through 12.
5. 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 Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. 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.
8. All property included within this C.U.P. amendment shall be replatted within one year after approval of this C.U.P. amendment, or the cases shall be considered denied and closed.
9. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 30 days after approval of this amendment by the Governing Body, or the request shall be considered denied and closed.

MCKAY moved, GOEBEL seconded the motion, and it carried unanimously with 12 votes in favor.
Haggard and Garofalo were not present.

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5. CU-467 - The Board of County Commissioners, Sedgwick County, Robert Lamkey, Sedgwick County Central Motor Pool request a conditional use to allow government service on 3.015 acres of property, generally located east of Seneca Street south, north of Stilwell.