

DP-7 - SWEETBRIAR GARDENS SHOPPING
CENTER, at the northwest corner of
Amidon and 21st St. North File #1

Per 100 C-3
9-11-65

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Myer & Mink</i>	<i>5-20-65</i>
<i>Mape</i>	<i>6-3-65</i>
<i>Mape</i> 6-17-65 <i>Oppenheimer</i>	<i>6-17-65</i>

LAW OFFICES OF
BELL & TIMMERMAN
SUITE THREE - MID KANSAS BUILDING
230 SOUTH MARKET
WICHITA, KANSAS 67202
AMHERST 2-1847

CARL A. BELL, JR.
LEWIN E. TIMMERMAN
JOHN L. KRATZER, JR.

January 11, 1968



Mr. Ray Bruggeman
Director of Public Works
City Building Annex
Wichita, Kansas 67202

Re: Sweetbriar C.U.P. Amendment
(Champlin Petroleum Company)

Dear Ray:

I wish to express, on behalf of Mr. J. L. Rune, Executive Vice President of Champlin Petroleum Company, Mr. Bill F. Bogle, General Attorney for Champlin, Mr. Cliff Malone and myself, local counsel in the above matter, our sincere appreciation for what we all felt was a very fruitful and productive meeting yesterday on the above matter.

Both Mr. Rune and Mr. Bogle commented on the courteous and concerned attitude which was manifested by you, Mr. Graves, Mr. Lakin, Mr. Linn and Mr. Smith toward the problems encountered by their company in this matter. Mr. Rune stated that he had met many times with city officials throughout the country on problems involving Champlin, but that he had never had a more reasonable reception than during our meeting. He was also impressed with the quality of the attention and planning being devoted to a solution of traffic problems, such as the design for re-channelization of major streets.

I have had occasion to observe, over the past few years, that dedicated city employees seldom receive the credit due them in the performance of their work and wanted to take this opportunity to pass this "bouquet" to you, coming as it does from some out-of-town visitors and major investors.

Champlin has directed Mr. Malone and I, as local counsel, to cooperate fully with the city on this matter and to assist in every way in getting the full cooperation of the developers.

Sincerely,

A handwritten signature in cursive script that reads "Carl A. Bell, Jr.".

CARL A. BELL, JR.

CAB:cp

*File in Sweetbriar
C.A.P.*

June 5, 1967

Mr. Wayne Personne
2314 Marigold
Wichita, Kansas 67204

Dear Mr. Personne

This is in response to your letter of June 1, 1967 pointing out the objectionable lights on the adjacent parking lot at the Sweetbriar Shopping Center.

You were correct in that the Board of Zoning Appeals granted an exception for off-street parking (BZA Case 11-65). One of the conditions of approval was that, in the event lighting facilities were provided, that they shall be so arranged as to deflect or direct light away from any adjacent dwelling district.

As our office does not enforce the Zoning Ordinance or conditions of approval established by the Board of Zoning Appeals, we are forwarding your letter to Mr. Glen Lytle, Superintendent of Central Inspection, so that one of his inspectors may make an investigation concerning this problem.

Thank you for bringing this problem to our attention.

Sincerely yours,

Jack H. Galbraith
Senior Planner

JHG: jmm

cc: Glen Lytle, Superintendent
of Central Inspection



May 1, 1967

Mr. Glen Lytle
Central Inspection Department
104 South Main
Wichita, Kansas

Dear Mr. Lytle:

Our company is contemplating building a structure on Parcel 3 of the Final Development Plan of Sweetbriar Addition to Wichita, Kansas. The structure we propose to build will conform in all respects to the requirements of the Final Development Plan except that we need 3900 square feet of building area instead of the 2000 square feet shown on the Development Plan. Please note that the area of the building we need is less than 30 percent of the total area of the 120' x 130' of Parcel 3, which would allow a building area of 4680 square feet.

We hope that you can permit this variance and thereby eliminate the delay and expense of revising the existing final development plan.

Very truly yours,

CHAMPLIN PETROLEUM COMPANY

A handwritten signature in cursive script, appearing to read 'C. A. Hutton'.

C. A. Hutton
Special Representative
Kansas City Region

CAH:km



June 21, 1965

Mr. Howard Scott
742 North Waco
Wichita, Kansas

Subject: DP-7 - Sweetbriar Gardens Shopping
Center Community Unit Plan - Northwest
corner of 21st Street and Amidon

Dear Mr. Scott:

At its regular meeting on June 17, 1965, the Metropolitan Area Planning Commission considered the above-captioned Community Unit Plan for the development of Sweetbriar Gardens Shopping Center. The action of the Planning Commission was to approve the Development Plan subject to the following conditions:

1. Waiver of the required solid wall between the "LC" zoning and the "AA" zoning to the north.
NOTE: In view of the fact that the area to the north and northwest is under the same ownership, although zoned "AA", the applicant intends to utilize this area (approximately 3.4 acres) for off-street parking. As a condition of approval for off-street parking (BZA 11-65) it was required that a solid or semi-solid wall be erected to the north and northwest in order to prevent the passage of debris and light. Since this condition was required in BZA 11-65, the Planning Commission waives the normal wall requirement between the "LC" and "AA" districts and also waives the 35-foot building setback requirement from the "AA" district.
2. Waiver of the required building setback from the zoning district line separating the "LC" and "AA" zoning to the north. In view of the fact that the area to the north is to be used for off-street parking, the building setback from the "AA" district to the north is not necessary.

June 21, 1965

3. Provide a 5'-8' solid wall (Condition No. 8.a.CUP) on the west property line separating the "LC" zoning from the "B" zoning to the west. (This requirement is indicated on the enclosed plan.)
- ✓ 4. Under General Provisions, there shall be a statement indicating that "Canopies may extend and gasoline pumps may be placed in the required 35-foot setback a distance not to exceed 20 feet."
5. Under General Provisions, there shall be the following statement: "One additional service station shall be constructed, either on Parcels 3 or 4, until the service station located at the northwest corner of 21st Street and Amidon is removed."
6. Under General Provisions, the following statement shall be included: "Parcels 2, 3 and 4 may be moved along the right of way line of Amidon or 21st Street as long as the proposed uses and area requirements remain the same and minimum setback requirements are complied with."
7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
8. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

Enclosed herewith is a marked copy of the Development Plan. It will now be necessary that three revised copies of the Plan (showing all the conditions of approval) be submitted to this office for our files. One copy of the revised Development Plan will be filed with the Superintendent of Central Inspection so that he will be aware of the conditions of approval at the time a building permit is requested.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bs
Enclosure

WICHITA-SEDGWICK COUNTY 3

June 21, 1965

cc: Jack R. Hunt
7464 South Broadway

K. O. Taylor
307½ Laura, Room 203

George Stallwitz
First National Bank Bldg.

Lawrence Wells
2314 East Central

Anna McLean
2539 McLean Boulevard

WICHITA-SEDERWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: May 20, 1965

Case No. DP-7 | Request: Approval of the proposed Sweetbriar Garden Shopping Center under the Community Unit Plan provisions of the Zoning Ordinance

Location: Generally located on the northwest corner of 21st Street North and Amidon

Acres: 15.3

Platted: S/D 63-14 - Sweetbriar Addition
Approved by MAPC 5-6-65

	Land Use	Zoning
Existing	Vacant	"LC"
North	Vacant and single family	"AA"
East	Shopping Center-Single family	"AA", "B" & "LC"
South	Borrow pit	"AA"
West	Swimming pool, office	"AA", "B" & "LC"

Comments

1. As a requirement under the CUP provisions, a preliminary development plan has been submitted for review. The development plan indicates the required information pertaining to gross area, maximum coverage, maximum height, proposed general uses, maximum curb cuts, building setbacks and general sign information. One requirement which has been omitted is the maximum gross floor area proposed.
2. In view of the fact that the area to the north and northwest is under the same ownership, although zoned "AA", the applicant desires to utilize this area (approximately 3.4 acres) for off-street parking.

As a condition of approval for off-street parking (BZA Case 11-65), it was required that a solid or semi-solid wall shall be erected along the north and northwest property lines in order to prevent the passage of debris or light. The wall shall be constructed of either brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire), at least 5 feet, but not more than 8 feet in height. Such wall shall be reduced to 3 feet in height in any required front yard setback.

Low shrubbery and grass was also required as a condition of approval for an area not less than 25 feet in width provided along and parallel with the right of way lines of Amidon and Halstead Streets, except for those points of ingress and egress. Also, in the event this property is rezoned to an "LC" classification, this planting area shall not be reduced to a width of less than 10 feet.

3. Since these conditions were required in BZA Case 11-65, the applicant requests that the wall requirements separating the "LC" zoning district from the "AA" zoning district to the north be waived and also the building setback requirement from the "AA" district be waived.
4. The applicant also requests that the existing solid fence be accepted instead of the required wall separating the "LC" from the "B" district to the west. This fence is a chainlink fence with a bamboo screen which is deteriorated and it is the recommendation of the Planning Department that the required solid wall be constructed along the line separating the "B" district from the "LC" district.

Recommendation

The Planning Department recommends that the development plan be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control, and is in accordance with the intent of Section 28.04.190 of the ordinance to promote well-planned and well-organized shopping centers. It is further recommended that approval of the plan be given subject to the following conditions:

1. Designating on the plan the proposed maximum gross floor area.
2. Waive the required solid wall between the "LC" zoning and the "AA" zoning to the north due to the condition requiring the solid wall north of the proposed parking. (BZA Case 11-65).
3. Waive the required building setback from the zoning district line separating the "LC" and "AA" zoning to the north, due to the fact that area to the north has been approved for off-street parking, (BZA Case 11-65).
4. Provide a 5' - 8' solid wall (Condition 8.a. CUP), on the west property line separating the "LC" zoning from the "B" zoning.

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May 20, 1965

5. The development of this property shall proceed 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.
6. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

June 3, 1965

NOTE: At the regular meeting of the Planning Commission on May 20, 1965, the Planning Commission deferred this matter for two weeks so that the applicant could redesign the development plan to show 100 foot setbacks for the principal shopping center use. It was also recommended that the plan have designated areas for proposed drive-in type uses, to be located not closer than 35 feet from Amidon and 21st Street.

The applicant, Bonanza, Inc., has resubmitted the development plan, which has divided the development into four parcels and has provided for a building setback of 100 feet for Parcel 1 and 35 foot setbacks for Parcels 2, 3, and 4.

Recommendation

The Planning Department recommends that the revised development plan be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control, and is in accordance with the intent of Section 28.04.190 of the ordinance to promote well-planned and well-organized shopping centers. It is further recommended that approval of the plan be given subject to the following conditions:

1. Waive the required solid wall between the "LC" zoning and the "AA" zoning to the north due to the condition requiring the solid wall north of the proposed parking. (BZA Case 11-65.)

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June 3, 1965

2. Waive the required building setback from the zoning district line separating the "IC" and "AA" zoning to the north, due to the fact that area to the north has been approved for off-street parking. (BZA Case 11-65.)
3. Provide a 5' - 8' solid wall (Condition 8,a,CUP) on the west property line separating the "LC" zoning from the "B" zoning.
4. It is recommended that, under General Provisions, there be a statement indicating "that canopies may extend and gasoline pumps may be placed in the required 35 foot setback a distance not to exceed ~~3~~₂₀ feet.
5. Also under General Provisions, it is recommended that only one additional service station be constructed, either on Parcels 3 or 4 until the service station located at the northwest corner of the intersection of 21st Street and Amidon is removed.
6. It is recommended that Parcels 2, 3, and 4 may be moved along the right of way line of Amidon on 21st Street as long as the proposed uses and area requirements remain the same and minimum setback requirements are complied with.
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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: May 20, 1965

Case No. DP-7

Request: Approval of the proposed Sweetbriar Garden Shopping Center under the Community Unit Plan provisions of the Zoning Ordinance

Location: Generally located on the northwest corner of 21st Street North and Amidon

Acres: 15.3

Platted: S/D 63-14 - Sweetbriar Addition
Approved by MAPC 5-6-65

	<u>Land Use</u>	<u>Zoning</u>
Existing	Vacant	"LC"
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2. In view of the fact that the area to the north and northwest is under the same ownership, although zoned "AA", the applicant desires to utilize this area (approximately 3.4 acres) for off-street parking.

As a condition of approval for off-street parking (BZA Case 11-65), it was required that a solid or semi-solid wall shall be erected along the north and northwest property lines in order to prevent the passage of debris or light. The wall shall be constructed of either brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire), at least 5 feet, but not more than 8 feet in height. Such wall shall be reduced to 3 feet in height in any required front yard setback.

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3. Since these conditions were required in BZA Case 11-65, the applicant requests that the wall requirements separating the "LC" zoning district from the "AA" zoning district to the north be waived and also the building setback requirement from the "AA" district be waived.
4. The applicant also requests that the existing solid fence be accepted instead of the required wall separating the "LC" from the "B" district to the west. This fence is a chainlink fence with a bamboo screen which is deteriorated and it is the recommendation of the Planning Department that the required solid wall be constructed along the line separating the "B" district from the "LC" district.

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The applicant, Bonanza, Inc., has resubmitted the development plan, which has divided the development into four parcels and has provided for a building setback of 100 feet for Parcel 1 and 35 foot setbacks for Parcels 2, 3, and 4.

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The Planning Department recommends that the revised development plan be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control, and is in accordance with the intent of Section 28.04.190 of the ordinance to promote well-planned and well-organized shopping centers. It is further recommended that approval of the plan be given subject to the following conditions:

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2. Waive the required building setback from the zoning district line separating the "LC" and "AA" zoning to the north, due to the fact that area to the north has been approved for off-street parking. (BZA Case 11-65.)
3. Provide a 5' - 8' solid wall (Condition 8.a.CUP) on the west property line separating the "LC" zoning from the "B" zoning.
4. It is recommended that, under General Provisions, there be a statement indicating "that canopies may extend and gasoline pumps may be placed in the required 35 foot setback a distance not to exceed ~~35~~ ²⁰ feet.
5. Also under General Provisions, it is recommended that only one additional service station be constructed, either on Parcels 3 or 4 until the service station located at the northwest corner of the intersection of 21st Street and Amidon is removed.
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Plan provisions of the Zoning Ordinance

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2. In view of the fact that the area to the north and northwest is under the same ownership, although zoned "AA", the applicant desires to utilize this area (approximately 3.4 acres) for off-street parking.

As a condition of approval for off-street parking (BZA Case 11-65), it was required that a solid or semi-solid wall shall be erected along the north and northwest property lines in order to prevent the passage of debris or light. The wall shall be constructed of either brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire), at least 5 feet, but not more than 8 feet in height. Such wall shall be reduced to 3 feet in height in any required front yard setback.

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3. Since these conditions were required in BZA Case 11-65, the applicant requests that the wall requirements separating the "LC" zoning district from the "AA" zoning district to the north be waived and also the building setback requirement from the "AA" district be waived.
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**WICHITA-SEDGWICK COUNTY
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May 20, 1965

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3. Waive the required building setback from the zoning district line separating the "LC" and "AA" zoning to the north, due to the fact that ~~there is no~~ off-street parking, (BZA Case 11-65).
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6. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

June 3, 1965

NOTE: At the regular meeting of the Planning Commission on May 20, 1965, the Planning Commission deferred this matter for two weeks so that the applicant could redesign the development plan to show 100 foot setbacks for the principal shopping center use. It was also recommended that the plan have designated areas for proposed drive-in type uses, to be located not closer than 35 feet from Amidon and 21st Street.

The applicant, Bonanza, Inc., has resubmitted the development plan, which has divided the development into four parcels and has provided for a building setback of 100 feet for Parcel 1 and 35 foot setbacks for Parcels 2, 3, and 4.

Recommendation

The Planning Department recommends that the revised development plan be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control, and is in accordance with the intent of Section 28.04.190 of the ordinance to promote well-planned and well-organized shopping centers. It is further recommended that approval of the plan be given subject to the following conditions:

1. Waive the required solid wall between the "LC" zoning and the "AA" zoning to the north due to the condition requiring the solid wall north of the proposed parking. (BZA Case 11-65.)

Page 4 - Case No. DP-7
June 3, 1965

2. Waive the required building setback from the zoning district line separating the "LC" and "AA" zoning to the north, due to the fact that area to the north has been approved for off-street parking. (BKA Case 11-65.)
3. Provide a 5' - 8' solid wall (Condition 8.a.CUP) on the west property line separating the "LC" zoning from the "B" zoning.
4. It is recommended that, under General Provisions, there be a statement indicating "that canopies may extend and gasoline pumps may be placed in the required 35 foot setback a distance not to exceed 35 feet.
5. Also under General Provisions, it is recommended that only one additional service station be constructed, either on Parcels 3 or 4 until the service station located at the northwest corner of the intersection of 21st Street and Amidon is removed.
6. It is recommended that Parcels 2, 3, and 4 may be moved along the right of way line of Amidon on 21st Street as long as the proposed uses and area requirements remain the same and minimum setback requirements are complied with.
7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
8. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

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

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

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

- a. Applicant Bonanza, Inc.
Address 742 N. Waco Phone AM 41321
Agent Jack R. Hunt President
Address 742 S. Broadway Phone JA 43271
- b. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____
- c. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____

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

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

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

II.B There are 18.7 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) 21st & Amidon.

The general location is (use appropriate section)

- a. at the NW corner of 21st
and Amidon; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

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

Boungie Inc Boungie Inc
By Robert Lee By Jack Thompson
Authorized Agent (if any) Authorized Agent (if any)

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

V. OFFICE USE ONLY

This application was received at the Planning Department at
_____ (AM, PM) on May 27, 1965 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$ _____.

Jada H. Dalbraith Name
Sr. Planner Title



May 25, 1965

Mr. Jack R. Hunt
7464 South Broadway
Wichita, Kansas

Subject: DP-7 - Preliminary Development
Plan for Sweetbriar Gardens Shopping
Center

Dear Mr. Hunt:

At its regular meeting on May 20, 1965, the Metropolitan Area Planning Commission considered the above-captioned Community Unit Plan for Sweetbriar Gardens Shopping Center. The action of the Planning Commission was to defer consideration of this matter for two weeks so that the applicant could redesign the proposed Development Plan under the Community Unit Plan provisions of the City Zoning Ordinance to include three parcels; one of which would be for the proposed shopping center facilities and two separate parcels which would be indicated for a service station, drive-in bank, liquor stores and other drive-in type uses. The Planning Commission also recommended that 100-foot building setback lines be established from Amidon and 21st Street, except the two parcels as designated for drive-in type uses. These parcels would indicate the minimum required 35-foot building setback, and under general provisions, would indicate that canopies could extend and gasoline pumps could be placed in the required 35-foot setback a distance not to exceed 20 feet.

Also under general provisions, it was suggested that only one of the drive-in areas could be used as a service station site until the service station located at the northwest corner of the intersection of 21st Street and Amidon is removed.

May 25, 1965

It will be necessary that this plan be completely revised to indicate at least three parcels and the required information such as proposed uses, maximum gross floor area, land area, maximum land coverage, proposed building height, and other pertinent information, for each parcel be recalculated and indicated on the Development Plan.

It will now be necessary for you to submit twelve revised copies of the Development Plan to the Planning Department no later than 1:00 p.m. on June 1, 1965, so that copies of the Plan and staff comments can be forwarded to the Planning Commission prior to the rehearing of this item at the regularly scheduled Planning Commission meeting of June 3, 1965. Enclosed is an application for a Community Unit Plan which must be filed out and submitted to the Planning Department by the above date. Please disregard the required ownership list. Also enclosed for your information is a copy of the Development Plan with suggested changes.

As the staff was not aware of the proposed location of the drive-in facilities, we submit this as only a suggestion of the location of these proposed uses.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

Enclosure

cc: K. O. Taylor
307½ Laura, Room 203

Lawrence Wells
2314 East Central

Howard Scott
742 North Waco

Anna McLean
2539 McLean Boulevard

George Stallwitz
First National Bank Bldg.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: May 20, 1965

Case No. DP-7

Request: Approval of the proposed Sweetbriar Garden Shopping Center under the Community Unit Plan provisions of the Zoning Ordinance

Location: Generally located on the northwest corner of 21st Street North and Amidon

Acres: 15.3

Platted: S/D 63-14 - Sweetbriar Addition

Approved by MAPC 5-6-65

	<u>Land Use</u>	<u>Zoning</u>
Existing	Vacant	"LC"
North	Vacant and single family	"AA"
East	Shopping Center-Single family	"AA", "B" & "LC"
South	Borrow pit	"AA"
West	Swimming pool, office	"AA", "B" & "LC"

Comments

1. As a requirement under the CUP provisions, a preliminary development plan has been submitted for review. The development plan indicates the required information pertaining to gross area, maximum coverage, maximum height, proposed general uses, maximum curb cuts, building setbacks and general sign information. One requirement which has been omitted is the maximum gross floor area proposed.
2. In view of the fact that the area to the north and northwest is under the same ownership, although zoned "AA", the applicant desires to utilize this area (approximately 3.4 acres) for off-street parking.

As a condition of approval for off-street parking (BZA Case 11-65), it was required that a solid or semi-solid wall shall be erected along the north and northwest property lines in order to prevent the passage of debris or light. The wall shall be constructed of either brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire), at least 5 feet, but not more than 8 feet in height. Such wall shall be reduced to 3 feet in height in any required front yard setback.

Low shrubbery and grass was also required as a condition of approval for an area not less than 25 feet in width provided along and parallel with the right of way lines of Amidon and Halstead Streets, except for those points of ingress and egress. Also, in the event this property is rezoned to an "LC" classification, this planting area shall not be reduced to a width of less than 10 feet.

3. Since these conditions were required in BZA Case 11-65, the applicant requests that the wall requirements separating the "LC" zoning district from the "AA" zoning district to the north be waived and also the building setback requirement from the "AA" district be waived.
4. The applicant also requests that the existing solid fence be accepted instead of the required wall separating the "LC" from the "B" district to the west. This fence is a chainlink fence with a bamboo screen which is deteriorated and it is the recommendation of the Planning Department that the required solid wall be constructed along the line separating the "B" district from the "LC" district.

Recommendation

The Planning Department recommends that the development plan be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control, and is in accordance with the intent of Section 28.04.190 of the ordinance to promote well-planned and well-organized shopping centers. It is further recommended that approval of the plan be given subject to the following conditions:

1. Designating on the plan the proposed maximum gross floor area.
2. Waive the required solid wall between the "LC" zoning and the "AA" zoning to the north due to the condition requiring the solid wall north of the proposed parking. (BZA Case 11-65).
3. Waive the required building setback from the zoning district line separating the "LC" and "AA" zoning to the north, due to the fact that area to the north has been approved for off-street parking. (BZA Case 11-65).
4. Provide a 5' - 8' solid wall (Condition 8.a. CUP), on the west property line separating the "LC" zoning from the "B" zoning.

Page 3 - Case No. DP-7
May 20, 1965

5. The development of this property shall proceed 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.
6. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

WICHITA-SERGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: May 20, 1965

Case No. DP-7 | Request: Approval of the proposed Sweetbriar Garden Shopping Center under the Community Unit Plan provisions of the Zoning Ordinance

Location: Generally located on the northwest corner of 21st Street North and Amidon

Acres: 15.3

Platted: S/D 63-14 - Sweetbriar Addition
Approved by MAPC 5-6-65

	Land Use	Zoning
Existing	Vacant	"LC"
North	Vacant and single family	"AA"
East	Shopping Center-Single family	"AA", "B" & "LC"
South	Borrow pit	"AA"
West	Swimming pool, office	"AA", "B" & "LC"

Comments

1. As a requirement under the CUP provisions, a preliminary development plan has been submitted for review. The development plan indicates the required information pertaining to gross area, maximum coverage, maximum height, proposed general uses, maximum curb cuts, building setbacks and general sign information. One requirement which has been omitted is the maximum gross floor area proposed.
2. In view of the fact that the area to the north and northwest is under the same ownership, although zoned "AA", the applicant desires to utilize this area (approximately 3.4 acres) for off-street parking.

As a condition of approval for off-street parking (BZA Case 11-65), it was required that a solid or semi-solid wall shall be erected along the north and northwest property lines in order to prevent the passage of debris or light. The wall shall be constructed of either brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire), at least 5 feet, but not more than 8 feet in height. Such wall shall be reduced to 3 feet in height in any required front yard setback.

Low shrubbery and grass was also required as a condition of approval for an area not less than 25 feet in width provided along and parallel with the right of way lines of Amidon and Halstead Streets, except for those points of ingress and egress. Also, in the event this property is rezoned to an "LC" classification, this planting area shall not be reduced to a width of less than 10 feet.

3. Since these conditions were required in BZA Case 11-65, the applicant requests that the wall requirements separating the "LC" zoning district from the "AA" zoning district to the north be waived and also the building setback requirement from the "AA" district be waived.
4. The applicant also requests that the existing solid fence be accepted instead of the required wall separating the "LC" from the "B" district to the west. This fence is a chainlink fence with a bamboo screen which is deteriorated and it is the recommendation of the Planning Department that the required solid wall be constructed along the line separating the "B" district from the "LC" district.

Recommendation

The Planning Department recommends that the development plan be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control, and is in accordance with the intent of Section 28.04.190 of the ordinance to promote well-planned and well-organized shopping centers. It is further recommended that approval of the plan be given subject to the following conditions:

1. Designating on the plan the proposed maximum gross floor area.
2. Waive the required solid wall between the "LC" zoning and the "AA" zoning to the north due to the condition requiring the solid wall north of the proposed parking. (BZA Case 11-65).
3. Waive the required building setback from the zoning district line separating the "LC" and "AA" zoning to the north, due to the fact that area to the north has been approved for off-street parking, (BZA Case 11-65).
4. Provide a 5' - 8' solid wall (Condition 8.a. CUP), on the west property line separating the "LC" zoning from the "B" zoning.

Page 3 - Case No. DF-7
May 20, 1965

5. The development of this property shall proceed 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.
6. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

- April 22, 1965

Mr. Jack R. Hunt
7464 South Broadway
Wichita, Kansas

Subject: DF-7 - Preliminary Development Plan
for Sweetbriar Gardens Shopping
Center

Dear Mr. Hunt:

As we have not received a formal request to advertise the above-captioned Community Unit Plan for a public hearing, we are concerned with who we should correspond with relative to this matter. We would appreciate the name and address of the corporation and persons involved.

We have reviewed the Development Plan submitted to this office relative to the C.U.P. development for the Sweetbriar Gardens Shopping Center. Following are some of the comments of the Planning staff relative to the various segments of the C.U.P. as indicated in the proposed Development Plan. Attached is a copy of the Plan for your files with suggested changes.

Hearing

The C.U.P. has been advertised and scheduled for the Planning Commission meeting of May 20, 1965. It will be necessary for you to submit twelve copies of the Development Plan with the suggested corrections no later than May 10, 1965, so that staff recommendations may be prepared and copies of the Plan forwarded to the Planning Commission.

April 22, 1965

Building Setback Lines

As the Planning Commission is responsible for approving under the Community Unit Plan, only land either zoned "LC" or "C", it is the Department's interpretation that there should be a building setback line for the light commercial area adjacent to the "AA" area to the north. It will be necessary for you to indicate a 35-foot building setback line from the "AA" district or submit a request for an exception. If you do request an exception by letter, please be prepared to show how the "AA" zoned area will be utilized as a part of the overall development. There should also be a 30-foot building setback line indicated on the west and north sides of the existing service station, and a 35-foot building setback line along the west side of the Development Plan.

Total Area

Unit A and Unit B are not indicated on the Development Plan. It appears that the total land area listed under Unit B includes the area zoned "AA". This figure should be reduced to correspond with that area as advertised for public hearing.

Maximum Ground Coverage

The maximum ground coverage should be indicated as not exceeding thirty percent of the total land area.

Screening

Screening provisions have not been shown on the Plan meeting the requirements of the C.U.P. Regulations. The 10-foot area indicated in green is the required 10-foot planting area (8b C.U.P.) which is required adjacent to residential districts. Also, the required 5 foot - 8 foot solid wall has not been shown, which is required when adjacent to a residential zoning district. The wall requirements are to be reduced to three feet when located within the required front building setback. If you should desire to waive the wall requirements separating the light commercial zoning from the "AA" zoning to the north, please submit such request in writing and be prepared to show how the residential properties to the north will be screened from the proposed parking lot.

Signs

In reviewing the Development Plan, we have found no provisions for sign controls. We would suggest that you indicate on the

April 22, 1965

Plan, under General Provisions, the number of signs proposed or the sign controls abutting Amidon and 21st Street. We would recommend that advertising signs be planned only along Amidon and 21st Street and prohibited adjacent to Halstead and Sweetbriar Lane. Advertising signs should be indicated as not exceeding 30 feet in height.

Curb Cuts

Actual location of curb cuts need not be shown; however, a list of the proposed number should be noted under General Provisions.

Contours

The Ordinance requires that topography be indicated at 2-foot contour intervals. Contours have not been indicated on the Plan.

These are most of the problems which we can foresee at this time as related to the various segments of the Development Plan. I hope the comments which have been made will be beneficial to you in making changes to this Plan.

If, after you have reviewed the comments which have been made, you have any questions, we would be glad to discuss these matters at your convenience.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

Attachment

cc: K. O. Taylor, 307½ Laura, Room 203
Howard Scott, 742 North Waco
Lawrence Walls, 2314 East Central F037162
Anna McLean, 2539 McLean Blvd.
George Stallwitz, First National Bank Bldg.

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on the 20th day of May, 1965, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at 2:00 P.M. will consider a Preliminary Development Plan for planned commercial development for property legally described as follows:

DP-7 - Block 15, Benjamin Hills Second Addition, Sedgwick County, Kansas. Vacated Sweetbriar Lane from the north line of Halstead Street to the west line of Amidon Avenue. Vacated Halstead Street from the east line of Sweetbriar Lane to the west line of Amidon Avenue, all as platted in Benjamin Hills Second Addition, Sedgwick County, Kansas, EXCEPT beginning at the northwest corner of Block 16, in said Benjamin Hills Second Addition; thence southeasterly along the north line of said Block 16, 141.4 feet; thence northeasterly at right angles, 30 feet; thence northwesterly at right angles, 141.4 feet; thence southwesterly at right angles 30 feet to the point of beginning. The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 27 South, Range 1 East of the 6th P.M., except the south 180 feet of the east 170 feet thereof. Generally located at the northwest corner of Amidon and 21st Street North.

This Preliminary Development Plan has been submitted as required by Section 28.04.190 of the Code of the City of Wichita, entitled Community Unit Plan Regulations. This Preliminary Development Plan is on file in the Office of the Planning Director, Room 402, City Building Annex, 104 South Main, Wichita, Kansas, and is available for public information and review. The following information is provided on the Preliminary Development Plan:

Delineation by means of setback lines of that area on which buildings may be located;

Maximum ground coverage;

Maximum gross floor area;

Maximum height;

Location of means of ingress and egress and public ways;

Drainage facilities;

Intended general use for each area of delineation.

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

WITNESS MY HAND AND SEAL this 22nd day of April
19 65.

**C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission**

(SEAL)

KENNETH O. TAYLOR
HOBERT 4-4072
WICHITA 5, KANSAS

April 27, 1908

DESCRIPTION FOR CUP in PROPOSED SWEETBRIAR ADDITION:

Block 15, Benjamin Hills Second Addition, Sedgwick County, Kansas. Vacated Sweetbriar Lane from the north line of Halstead Street to the west line of Amidon Avenue. Vacated Halstead Street from the east line of Sweetbriar Lane to the west line of Amidon Avenue, all as platted in Benjamin Hills Second Addition, Sedgwick County, Kansas except beginning at the NW corner of Block 16, in said Benjamin Hills Second Addition; thence southeasterly along the north line of said Block 16, 141.4 feet; thence northeasterly at right angles, 30 feet; thence northwesterly at right angles, 141.4 feet; thence southwesterly at right angles 30 feet to the point of beginning.

The SE $\frac{1}{4}$ of the ^{SE $\frac{1}{4}$ of the} SW $\frac{1}{4}$ of Section 6, T27S, R1E of the 6th P.M., except the south 180 feet of the east 170 feet thereof.

Kenneth O. Taylor
KENNETH O. TAYLOR, Consulting Engineer

Map No. C-3
Sec. 6
Twp. 27
Range _____

DATA SHEET
COMMUNITY UNIT PLAN

DP- 7
Z- _____
Filed 4-21-65

APPLICATION REQUEST: Approval of proposed planned Commercial
development.

1. Applicant _____
Address _____ Phone _____
2. Agent _____
Address _____ Phone _____
3. General Location Northwest corner of 21st Street and Amidon
Address _____
4. Proposed Use Shopping Center

AREA DATA

1. Acres 18.71 (_____ ft. by _____ ft.)
2. Existing Zoning "LC" Proposed Zoning "LC"
3. Area (is) (is not) platted. _____ Benjamin Hills Second Addition
4. Existing R/W _____ ft. _____ ft. _____ ft.
_____ St. _____ St. _____ St.
Proposed R/W _____ ft. _____ ft. _____ ft.
_____ St. _____ St. _____ St.

HISTORY

PROCEDURE DATA

1. MAPC Meeting:
Date _____ Action _____
5-20-65

2. Governing Body
Date _____ Action _____

NOTES:

June 3, 1965

Note: At the regular meeting of the PC on May 20, 1965, the PC deferred this matter for 2 weeks so that the applicant could redesign the development plan to show 100' setbacks for the principal design center use. ~~and~~ It ~~was~~ was also recommended that the plan have designated areas for proposed drive in type uses to be located not closer than 35' from Avenida and 21st Street.

The applicant, Bonanza Inc., has resubmitted the development plan which has divided the development into 4 parcels and has provided for a building setback of 100 feet for ~~the proposed~~ parcel 1 and 35' setbacks for parcels 2, 3, and 4.

Recommendation on revised plan

The Planning Department recommends that the development plan be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control, and is in accordance with the intent of Section 28.04.190 of the ordinance to promote well-planned and well-organized shopping centers. It is further recommended that approval of the plan be given subject to the following conditions:

1. Waive the required solid wall between the "LC" zoning and the "AA" zoning to the north due to the condition requiring the solid wall north of the proposed parking. (BZA Case 11-65).
2. Waive the required building setback from the zoning district line separating the "LC" and "AA" zoning to the north, due to the fact that area to the north has been approved for off-street parking. (BZA Case 11-65).
3. Provide a 5' - 8' solid wall (Condition 8.a. CUP), on the west property line separating the "LC" zoning from the "B" zoning.

4. It is recommended that, under General Provision, there be a statement ~~into~~ indicating "that canopies may extend and gasoline pumps may be placed in the required 35 foot setback a distance not to exceed 35 feet.
5. Also under General Provision it is recommended that only one additional service station be constructed either on parcels 3 or 4 until the service station located at the northwest corner of the intersection of 21st Street and Ansdon is removed. ~~is removed.~~
6. It is recommended that parcels 2, 3, and 4 may be moved along the right-of-way line of Ansdon or 21st Street as long as ~~the general requirements~~ proposed uses and area requirements remain the same and ~~setback~~ ^{setback} requirements are complied with.

7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

8. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

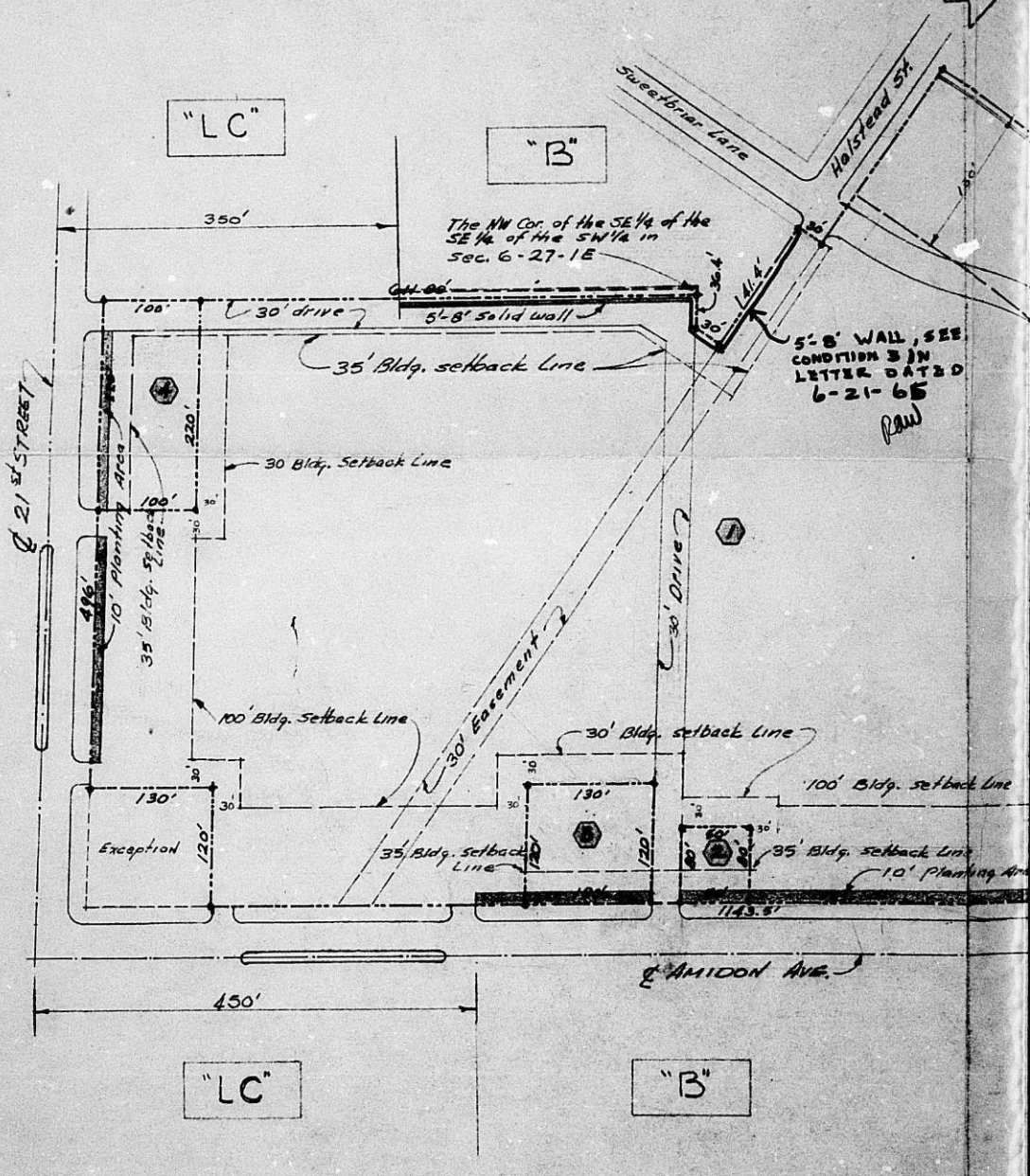
Sweetbriar Gardens Shopping Center
 Final Development Plan
 Approved by Planning
 Commission 6-17-65 J.A. D.

PRELIMINARY
DEVELOPMENT
 for

SWEETBRIAR GARDENS SHOPPING CENTER
 5763 JAS 4/29/65
 Revised 5/27/65 JKB

Wichita, K

5350
 P.C.
 S.I.



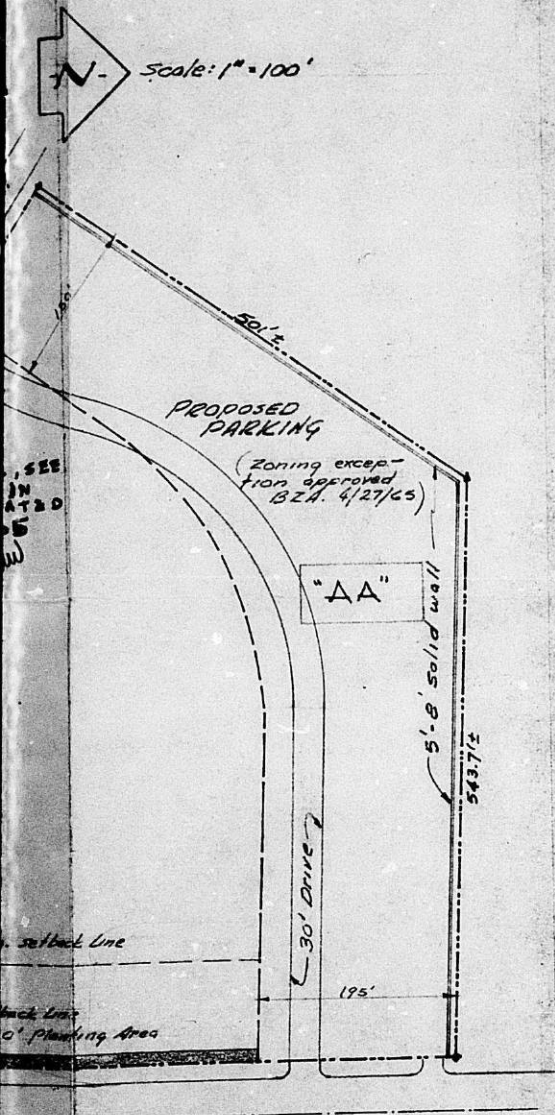
The NW Cor. of the SE 1/4 of the SE 1/4 of the SW 1/4 in Sec. 6-27-1E

5'-8" WALL, SEE
 CONDITION 3 IN
 LETTER DATED
 6-21-65
 P.W.

AMIDON AVE.

MINIARY MENT PLAN

SHOPPING CENTER ita, Kansas.



"AA"

TOTAL LAND AREA

"LC" ---	667,535 S.F.	(15.3A)
"AA" ---	149,550 S.F.	(3.4A)
	817,085 S.F.	(18.7A)

ACCESS FOR FIRE EQUIPMENT

30' drives indicated are to be kept clear of all obstructions for passage of fire fighting equipment.

GENERAL PROVISIONS

- Advertising signs on Amidon Ave. and 21st St. shall not exceed 30' in height. No signs shall be erected at intersection of Halstead and Sweetbriar Lane.
- Provide a maximum of 10 curb cuts. (Including existing)

Amidon Ave.	---	5
21st St.	---	3
Intersection Halstead & Sweetbriar	---	2
		10
- Parking ratio to be as required under "LC" zoning.

PARCEL #1

Land Area	625,935 s.f.
Max. Land Coverage	187,750 s.f.
Max. Gross Floor Area	237,750 s.f.
Drives and Parking	498,185 (LC)
	149,550 (AA)
	587,735 s.f.

Building Height Max. 2-story

BUILDING USE:

- | | |
|--------------|--------------------|
| Retail shops | Service Stores |
| Restaurants | Repair Shops |
| Offices | Commercial Schools |
- And such other uses as permitted under LC Zoning, except residences.

PARCEL #2

Land Area	4,000 s.f.
Max. Floor Area	800 s.f.
Parking	3,200 s.f.

Building Use: Retail Liquor Shop.

PARCEL #3

Land Area	15,600 s.f.
Max. Floor Area	2,000 s.f.
Parking	13,600 s.f.

Building Use: Automobile Service Station

PARCEL #4

Land Area	22,000 s.f.
Max. Floor Area	7,000 s.f.
Parking	15,000 s.f.

Building Use: Bank, Retail Shops, Service Stores, and such other uses permitted Under LC Zoning.

GENERAL PROVISIONS Conts:

- Canopies may extend and gasoline pumps may be placed in the required 35' building setback for Parcel #3, for a distance not to exceed 20 feet.
- Only one additional Service Station may be constructed, either on parcel 3 or on parcel 4, until the Service Station now located at the northwest corner of 21st St. and Amidon is removed.
- Parcels 2, 3, and 4 may be moved along the right-of-way line of Amidon or 21st St. as long as the proposed uses and area requirements remain the same, and minimum setback requirements are complied with.

Revised to: 9/27/65