

ACTION

DATE

COMMITTEE

M.A.P.C. Approved 10-9-75

B.C.C./B.C.C. ^{Returned to Maps} for reconsideration 10-28-75
Maps approved sub. to Comd. 11-13-75
B.C.C. - Approved sub. to
7 conditions with
adjustment to building
conditions

B.C.C. Approved Subpage 6-29-76
Plan on Parcel 5

DP-23 Amendment to Marina Lake
C.U.P. - File #7 - for
Parcel 5 - at the Southwest cor.
of 21st St. & Amidon.

Map No. 5349
Sec. 7
Twp. 27
Range 1E

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____ (FILE #)
CU- DP-23 AMENDMENT
Filed 9-9-75

APPLICATION DATA: From _____ to _____

1. Applicant: Marina Lake Drive, Inc.
Address 7701 E. Kallogg, Suite 575, Wichita 67207 Phone 685-4300
2. Agent: Vincent L. Bogart, Chartered
Address 444 N. Market, Wichita, 67202 Phone 263-6291
3. General Location: at the southwest corner of 21st street and Amidon
Address _____
4. Proposed Use: _____

AREA DATA:

1. Acres: 2.2 (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "LC" S "AA" W "AA" N "AA" - "A"
3. Land Use: East _____ South _____
West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____

Howard R Phillips - Architect
Robson, Kaebehl, Spangenberg

685-4234

REGISTERED MAIL LOT AMENDMENT
LOCAL CH. BIRMINGHAM, TN U. S. A.

Smith
No. 74833C

Map No. 5349
Sec. 7
Twp. 27
Range 1E

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____ (File #7)
CU- DR-23 AMENDMENT
Filed 9-9-75

APPLICATION DATA: From _____ to _____

1. Applicant: Marina Lake Drive, Inc.
Address 7701 E. Kellogg, Suite 575, Wichita 67207 Phone 685-4300
2. Agent: Vincent L. Bogart, Chartered
Address 444 N. Market, Wichita 67202 Phone 263-6291
3. General Location: at the southwest corner of 21st street and Amidon.
Address _____
4. Proposed Use: _____

AREA DATA:

1. Acres: 2.2 (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "LC" S "AA" W "AA" N "AA"-"A"
3. Land Use: East _____ South _____
West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee _____ by _____, _____, _____
2. MAPC Meeting:

Date	Action
<u>10-9-75</u>	<u>Approved</u>
<u>11-13-75</u>	<u>Approved - sub to cond.</u>

3. Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution
<u>10-28-75</u>	<u>Returned to map for previous location</u>	
<u>11-9-75</u>	<u>Approved with the 7 condition</u>	<u>with adjustment to bridge condition.</u>

NOTES:

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR ZONING AND CUP AMENDMENT

CASE NO. Z-1739 & DP-23 CONSIDERED BY MAPC: 10-9-75REQUEST FOR: Change from "B" to "LC" and approval of
Community Unit Plan Amendment

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

To utilize the land in accordance with the best and most
advantageous use.GENERAL LOCATION: South side of 21st Street between
Sweetbriar and Marigold as extended
from the north

LEGAL DESCRIPTION:

Z-1739 - Lot 3, Marina Lake 4th Addition.

DP-23 - Government Lot 1, in the NW 1/4 of Sec. 7, Twp. 27S, R1E,
except that part of said Government Lot 1 which has been
dedicated for public streets.

APPLICANT: Marina Lake Drive, Inc.

COUNSEL FOR APPLICANT: Vincent Bogart, Attorney

PROTESTORS (LIST COUNSEL) IF ANY:

Oliver Anderson, 2219 Bullinger, representing the Two Rivers Neighbor-
hood Association, spoke in opposition, and Michael Belluomo, 2245 Bull-
inger, spoke in oppositionSURROUNDING ZONING: North is "AA" and "A"; east is "LC";
south and west is "AA"LAND USE: Subject property is undeveloped; north is single family and
duplex; east is convenience food store, restaurants and
parking; south and west is lake area.

PLANNING COMMISSION RECOMMENDATION:

That these applications be approved. Gragg moved, Savina seconded
and it carried by a vote of 4 in favor (Gragg, Savina, Collier
and Hennessy) and 2 opposed (Porter and Kamen). Chairman Bayouth
abstained from voting, and Taylor and Goebel were absent.

ACTION 1. Approve the zone change and CUP as recommended by the Metro-
politan Area Planning Commission, place the ordinance effectuating
the zone change on first reading; or
2. Return the applications to the Metropolitan Area Planning Com-
mission for reconsideration. The City Commission states the fol-
lowing reasons for its action:

THE CITY OF WICHITA

[Handwritten initials]
Feb



OFFICE OF THE CITY MANAGER
CITY HALL THIRTIETH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4351



March 14, 1979

Mr. Everett C. Fettis
Attorney
120 South Market - Suite 504
Wichita, Kansas 67202

Dear Mr. Fettis:

This will acknowledge your letter of March 12, 1979, concerning the Marina Lakes CUP (DP-23).

We are disappointed that in the fifty days since Mr. Mobley's January 25, 1979, letter, little or no substantive progress has been made to correct the deficiencies in this development. In our February 14, 1979, letter to you it was clearly stated that no further extensions of time would be granted by this office. Accordingly, your request for an additional thirty (30) days is not granted.

As you know, the condition of your client's property and that of the adjacent owners represent an eyesore to the neighborhood and the members of Citizen Participation Council "M" desire very much to seek an accommodation that will correct the problems. Accordingly, this office will hold action on this matter in abeyance until no later than Friday, March 23, 1979, provided you initiate immediate action to meet and confer with CPO Council "M" to review the status of the problems with them and your plans and timetable for corrective action.

CPO Council "M" is scheduled to meet at 7:00 p.m., Wednesday, March 21, 1979, in the Trinity Presbyterian Church, 2258 Marigold. You will need to contact Ms. Sarah Gilbert, 268-4516, by no later than 12:00 noon, Thursday, March 15, 1979, in order to have this matter placed as an item on the Council "M" agenda for March 21.

We will await the results of your meeting with the Council and will take further action based on the outcome of that meeting. If the Council will support you in a request for an extension of time, we will concur.

Sincerely,

E. H. Denton
City Manager

EHD/tpd

cc: Sam Mobley, Building Code Administrator
Sarah Gilbert, CPO Administrative Aide
H. R. Kuhn, Attorney
Robert A. Lakin, Director of Planning

THE CITY OF WICHITA

DP23



DEPARTMENT OF PUBLIC WORKS
CENTRAL INSPECTION DIVISION
CITY HALL — SEVENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

December 12, 1978



Clear Lakes Inc.
% Hill, Mason & Gilchrist
810 W. Douglas
Wichita, KS 67203

Re: DP-23 Marina Lake Development

Dear Sir:

On October 31, 1978, this Department requested that the Legal Department file injunctive actions against the owners of properties within subject Community Unit Plan for flagrant violations of the Codes of the City of Wichita.

You, as owners of the unplatted lake area, were included in the request due to the unauthorized fill in process at the north end of the lake. To be specific, this is a violation of the maximum fill line identified on the approved CUP and Chapter 70 of the Uniform Building Code.

Since October 31, 1978, there have been indications that you intend to bring your portion of the area into compliance. Fill work was suspended upon posting of notice to cease, and this office was contacted by your retained engineering firm for further direction in obtaining compliance with the grading and fill provisions of the code.

We are also aware that it is your desire to request amendment to the subject CUP thru the proper channels. Thus, if good faith is exhibited,

SUPERINTENDENT OF CENTRAL INSPECTION — 268-4460
BUILDING CODE ENGINEER — 268-4468
PLAN EXAMINATION — 268-4477

HOUSING — 268-4481
ZONING — 268-4479
SIGNS — 268-4475

BUILDING & CONSTRUCTION — 268-4461
PLUMBING & MECHANICAL — 268-4476
ELECTRICAL & ELEVATOR — 268-4471

THE CITY OF WICHITA

Page: 2
Re: DP-23 Marina Lake Development
December 12, 1978

and progress is made in correcting the violations, this Department would not want to be responsible for any action that would deter a possible approval of an amended CUP.

This Department is requesting the Law Department to forbear any action at this time pending the progress of the formal filing of an amendment to the CUP and submission of engineering reports on the existing fill.

If there are any questions regarding this matter, please call the undersigned.

Sincerely,


Sam L. Mobley
Building Code Administrator

SIM:kda

cc: Bob Finch, Deputy City Manager
John Dekker, Director of Law
Don Anderson, Director of Economic Development
✓ Bob Lakin, Director of Planning
Hub Kuhn, Attorney-at-Law

DP 23
June 30, 1976

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

Approval of Landscape Plan associated with Parcel 5
of Marina Lakes, C.U.P.

As you may be aware, the Board of City Commissioners on June 29, 1976, approved a landscape plan associated with Parcel No. 5 of the Marina Lakes C.U.P. (DP-23). A copy of the same is attached for your reference. This landscape plan was required prior to the issuance of building permits as a condition of approval of a previously requested amendment to the C.U.P. approved by the Board of City Commissioners on December 9, 1975. In their action on December 9, 1975, the Board of City Commissioners also took action to amend the text of the original C.U.P. as follows:

1. Under Parcel 5 proposed uses shall be changed to read as follows:

Light Commercial uses, except new or used car agencies, recreational vehicles and mobile home sales agencies, filling stations, teenage clubs, skating rinks, public garages, businesses oriented exclusively to the automobile tire, battery and accessories, and except further those businesses normally referred to as fast food franchise sales businesses.
2. Provide that the number of buildings in Parcel 5 shall not exceed one.
3. The applicant shall provide clear, legible copies of the CUP, with the text of the parcels and General Provisions information being in proper order.
4. General Provision No. 2 shall be amended to provide a waiver of the screening and landscaping requirements on the south and west lines of Parcel 5.
5. A landscape plan for the south and west boundaries and an area 10 feet in width along 21st Street for Parcel 5 shall be submitted to the Planning Department for their review and to be forwarded to the Board of City Commissioners for their approval, prior to the issuance of any building permits, and the landscaping shall be planted and maintained in accordance with the approved landscape plan.

Robert Feldner
June 30, 1976
Page 2

6. The commercial building to the east of Parcel 5 shall be depicted on the face of the Plan.
7. The maximum building height for Parcel 5 shall be reduced from 65 feet to 35 feet."

In addition to the landscape plan, specified in condition 5 above, the developer of the Marina Lakes C.U.P. has forwarded legible copies of the C.U.P. as required under condition number 3 above. These copies incorporate the above itemized amendments. An approved copy is also attached for your files.

Concerning the approved landscape plan for Parcel 5, it is our understanding that Phase I of the landscape plan will be planted at the same time or immediately following Phase I of building construction. Phase II planting of the landscape plan is to be accomplished immediately following the completion of fill operations, asphalt paving, and the construction of the retaining wall along the west property line. We understand that this is to occur prior to the issuance of permits for phase 2 and 3 of building construction.

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

Jack H. Galbraith
Chief Planner

JHG:RLY:rme
Attachments

cc: John D. Gist, Oblinger-Smith Corporation
Don Satterthwaite, 7701 E. Kellogg, 67207

VIOLATIONS - CASE NO. DP-23 - MARINA LAKE C.U.P.

1. Fill placed inside area encompassed by "maximum fill line" as depicted on the C.U.P.
2. General provision #2 of the C.U.P. requires a landscape plan to be approved by the Board of City Commissioners for landscaping the south and west lines of Parcel 5. On June 29, 1976 the Board of City Commissioners approved a landscape plan requiring landscaping on the north, south, and west lines of Parcel #5 of the C.U.P. This landscaping was to be accomplished in 2 phases:
 - a) Phase I on the northern boundary of Parcel Five was to be accomplished in the first planting season following Phase I construction as depicted on the approved landscape plan. The building depicted for Phase I construction was occupied by Color Tile about 2 years ago, however, the landscaping has never conformed to the Phase I requirement of the approved landscape plan.
 - b) Phase II landscaping (on the west and south edges of Parcel 5) was to be completed in the first planting season following completion of the fill operations on Parcel 5 (estimated date of completion September, 1977). The fill operations have now extended beyond the boundaries of Parcel 5 yet no plantings have been made on the south and west as required by the approved landscape plan.
3. Parcel description requirement #16 in the parcel description for Parcel #7 requires fencing of the north, south, and west edges of the lake with a 58 inch high fence. Said fence was to be constructed concurrent with apartment or townhouse construction on Parcel 7. The apartments on the northwest portion of Parcel 7 have been occupied for a number of years, yet no fencing has been provided.

*Furnished to H.R. Kuhn
on 12/6/78*

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE November 20, 1978

TO E. H. Denton, City Manager
FROM Sarah Gilbert, CPO Administrative Aide

SUBJECT Violations of the Marina Lakes
CUP

16
DP-23

The Area "M" CPO Council heard a report from one of its members at the November 15 meeting on the violations of the Marina Lakes Community Unit Plan. The member had learned from Mr. Mobley and Mr. Galbraith that the owner of Parcel #5 has not completed his landscaping and has been dumping illegal fill material, and that the owners of the lake have not completed their fence and have been dumping illegal fill into the lake.

The Council is aware that the Department of Law has been asked to pursue injunctive action against the property owners. The members voted 8-0 to inform you of their concerns about the illegal activities and the length of time the violations have existed. The Council asked to be kept informed of the court actions against the property owners, and offered, if you think it necessary, to bring the matter before the City Commission.

Area "M"'s next meeting is December 6 and due to the immediacy of the illegal fill, the Council would like a status report of staff activities on the CUP violations.

Sarah Gilbert
Sarah Gilbert
CPO Administrative Aide

SG:m1

cc Sam Mobley, Building Code Administrator
✓ Jack Galbraith, Chief Planner

NOTED

David L. Furnas
David Furnas
Citizen Participation Coordinator



November 2, 1978

ITEMS NEEDED FOR AMENDING MARINA LAKE C.U.P. (DP-23)

Application listing names of all owners of the entire C.U.P. area and a legal description for the entire area.

Filing Fee \$400

Abstract Ownership List of owners and mailing addresses of area within the Marina Lake C.U.P. and all owners within 1000 feet.

Five copies of the C.U.P. as proposed to be amended. Requires updating which includes location of all buildings, updated topography, existing fill line of the lake, etc.

If the intent is to create a new parcel, or extend a parcel or parcels into the lake, the C.U.P. application needs to be accompanied by a zone change application.

Zone change application -

Legal
Filing fee
Names of owner(s)
Abstract Ownership List - distance is dependent on size.

Violations that are believed to exist:

Owners of Parcel 5 have failed to install required landscaping and for two years continue to dump illegal fill material on the site without the required permit.

Owners of the unplatted lake area, zoned "AA" Single Family, have continued to fill the north end of the lake with illegal material and without the required engineering data or the required permit. The fence on the north edge of the lake has never been completed as required by the approved plan.

Owners of Parcel 7 have installed an accessory structure (metal shed) between two of the apartment buildings without a permit and in violation of the provisions of the zoning ordinance.

*Original Provided
to RAL JKS*

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE October 31, 1978

TO John Dekker, Director of Law

FROM Sam L. Mobley, Building Code Administrator

SUBJECT DP 23 Marina Lake Development

It is requested that immediate injunctive action be taken against the property owners of subject CUP for the rank violations listed below. The City Commission, in their meeting October 24, 1978, made it clear that if it took court action and that was too slow, use the injunction.

The owners of Parcel #5 have failed to install the required landscaping and have for a period of two years continued to dump illegal fill material on the site without a required permit.

Owners of the unplatted lake area have continued to fill the north end of the lake with illegal material and without the required engineering data or the required permit. The fence on the north edge of lake has never been completed as required by the approved plan. This owner has made the statement that "court action is the only way you will stop me."

The owners of Parcel #7 have installed an accessory structure (metal shed) between two of the apartment buildings without a permit and in violation of the provisions of the zoning ordinance.

Ownership of these parcels is as follows:

- Parcel # 1, 4 and the unplatted lake
Clear Lakes Inc.
%Theodore Hill
810 West Douglas
- Parcel #5 and the unplatted south bank
Marina Lake Drive Inc.
%Harry D. Bledsoe
2101 West 21st Street
- Parcel #7
Pan-Western
Tulsa, Oklahoma



If there are any questions regarding this matter, please call the undersigned.

Sam L. Mobley
Sam L. Mobley
Building Code Administrator

APPROVED:

R. W. Bruggeman
R. W. Bruggeman
Director of Public Works

SLM:mml

cc: Jack Galbraith
Metropolitan Planning Department

DP-23



October 10, 1978

Marina Lake Drive Inc.
2001 N. Amidon
Wichita, KS 67203

Dear Sir:

Due to the harsh summer weather, Central Inspection Division is in the process of inspecting all Community Unit Plan Developments within the City for the purpose of verifying the installation and maintenance of screening and landscaping as required by the approved CUP. Unfortunately, this inspection conducted October 9, 1978, revealed that CUP DP-23 (known as Marina Lakes) is in violation.

With the last approved amendment to the Marina Lakes CUP (12-9-75) the Board of City Commissioners required that they personally approve the landscape plan prior to issuance of building permits. On June 29, 1976, the Board of City Commissioners approved a two phase landscaping plan; Phase I consisted of twelve (12) trees to be planted adjacent to 21st Street North in the first planting season after the construction of the building now occupied by Color Tile, Inc. Phase II plantings consisted of substantial landscaping on the south and west parcel lines with such landscaping to be provided after a retaining wall, bank stabilization, and fill operations are completed. As of this date, only three of the twelve required Phase I trees have been planted even though the Color Tile building has been occupied through two planting seasons. In addition, the fill and bank stabilization work appears to be nearing completion which will require the Phase II plantings to be made in the spring planting season.

The missing materials must be installed and the screening/landscaping maintained.

This letter shall be considered as official notification that unless action is initiated within thirty days to provide screening and landscaping,

Page: 2
RE: Marina Lake Drive Inc.
October 10, 1978

in accordance with the approved plan, the appropriate action will be taken to insure correction of these deficiencies. Bonds guaranteeing such installations may be considered to be acceptable initial action.

It will be necessary to withhold approval for all building permits and occupancy permits associated with this CUP until such time that the deficiencies have been corrected. Your assistance and cooperation in expeditiously resolving this matter will be appreciated. We look forward to hearing from you soon.

Sincerely,

Sam L. Mobley
Building Code Administrator

SLM:AI:kja

August 9, 1977

Ronald L. Crouch, Architect
Vice-President, Design
W. M. Grace Construction, Inc.
P. O. Box 385
1900 North Belt Highway
St. Joseph, Missouri 64502

Re: Proposed Sunflower Manor Apartments - Amidon Avenue, Wichita, Kansas.

Dear Mr. Crouch:

Attached you will find a copy of a letter sent several months ago with respect to the applications necessary to locate an elderly high rise apartment structure on the Marina Lakes site. Although your proposal is somewhat different - i.e. six stories instead of twelve - the information regarding applications is generally the same.

As you may see from that letter, a Community Unit Plan (P.U.D.) amendment must be approved on the property prior to obtaining building permits. It is my feeling that a new parcel should be created for your proposed site and the permitted uses, height, density limitations, and proposed parking should be proposed as per your plans. Although the attached letter states that a Board of Zoning Appeals variance is necessary to waive the parking requirement, we are now of the opinion that the parking provision can be established with the C.U.P. amendment and that a Board of Zoning Appeals Application will not be necessary.

As the owners of Marina Lakes have filed a number of amendments to this C.U.P., I would expect that they have the original drawings as well as the original of the latest amendments. You should contact them, as they must be the applicant, and you should select either an architect, engineer or land planner to prepare the proposed amendment for submission with the application to our office.

Page Two
Ronald L. Crouch, Architect
August 9, 1977

The property is unplatted and approval of any Community Unit Plan amendment will be subject to platting. Enclosed are applications for Community Unit Plan Amendment and for processing of a plat. Should you desire to meet and discuss what is required in these applications, please call me at 316-268-4421 and set an appointment.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:MM:e1

Attachments

cc: H. R. Bledso, 1200 S. 119th St. West, Wichita, Ks. 67209



W. M. GRACE CONSTRUCTION, INC.
designers / engineers / builders

HOME OFFICE:
P. O. BOX 385
1900 NORTH BELT HIGHWAY
ST. JOSEPH, MISSOURI 64502
816-233-8218

SUITE 282
2701 ALCOTT
DENVER, COLORADO 80211
303-433-2102

4806 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85012
602-264-4593

August 5, 1977

Robert A. Lakin, Director of Planning
Tenth Floor, City Hall
455 North Main
Wichita, Kansas

Re: Proposed Sunflower Manor Apartments
Amidon Avenue
Wichita, Kansas



Dear Mr. Lakin:

Enclosed are three sets of preliminary plans for the referenced elderly housing project proposed for construction on the west side of Amidon adjacent to the existing shopping center south of 21st Street.

The Department of Housing and Urban Development has notified us that our preliminary proposal for this project has been approved subject to our being granted the necessary zoning variances from the City; hence our letter to you.

Our Mr. Keith Foudray called your office recently and was told that we should send you these plans with a description of the project, and you would advise us of the proper procedure to follow in obtaining the needed variances.

The project is designed strictly for the elderly, composed of one hundred one-bedroom resident apartments and a manager's apartment. Ten percent of the units will be designed for handicapped residents. The structure will be six stories, steel and concrete frame, central heating and air conditioning with individual room controls. All units will be carpeted and draped, and two elevators will serve the entire building. The first floor will include a large community room with patio, lounges and administrative spaces. The exterior of the building will be decorative fluted masonry units with integral color. The parking we have shown is more than adequate for an urban elderly project, which is normally designed using a rule of thumb of 40 percent.

Robert A. Lakin, Director of Planning
August 5, 1977
Page 2

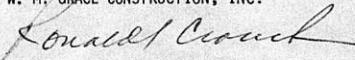
We believe this project will provide elderly housing in a location which properly serves the needs of the residents, as well as being an asset to the community at large and the overall development of this specific area.

May we hear from you soon?

Thank you.

Very truly yours,

W. M. GRACE CONSTRUCTION, INC.



Ronald L. Crouch, Architect
Vice President, Design

RLC:gw

Enclosures

W. M. GRACE CONSTRUCTION, INC.
1000 GENTLEMAN ROAD
GREENWICH, CONNECTICUT 06860

May 16, 1977

Mr. Albert L. Kamas
612 Douglas Building
Broadway and Douglas
Wichita, Kansas 67202

Re: Sunflower Manor KS40-0011-011
West side of Amidon in an area
south of 21st Street North

Dear Mr. Kamas:

At the request of H. R. Bledso, I have researched the property in question and the following information is provided:

Subject property is zoned the "B" Multiple Family District rather than "LC" Light Commercial. In examining the material supplied with the Section 8 Housing proposal, it appears that you have Xeroxed from a Community Unit Plan Amendment proposed in 1976 which would have made the property "LC" but was denied by the Board of City Commissioners; therefore, the property remains "B" Multiple Family.

Although the "B" zoning permits multiple family uses as you propose, this property is also contained within DP-23, Marina Lakes Community Unit Plan, which establishes additional controls on the site. Subject property is less than 2 acres (86,300 square feet) and 100 units are proposed for an overall density of approximately 50 units per acre. However parcel 7 of the Community Unit Plan (of which subject property is a portion) limits the density to 18 dwelling units per acre on the entire parcel. Although you can build the 100 units on your site, it will take away from the development potential on the remainder of parcel 7 because the overall density for the parcel is 18 du/acre and if you load up one portion of the parcel at 50 du/acre it lessens the potential on the remainder of the site.

In addition, the parcel description limits building height on parcel 7 to 35 feet and the uses to garden apartments or townhouses. Since a twelve story high rise for the elderly is

Mr. Albert S. Kamas
May 16, 1977 Page 2

proposed, a formal amendment of the existing Community Unit Plan will be required. The permitted uses, height limitations, and possibly the density requirements would have to be amended on parcel 7 of the existing Community Unit Plan.

The site plan submitted with the proposal depicts a total of 60 offstreet parking spaces for a hundred units which would require approval of a variance of required offstreet parking by the Board of Zoning Appeals. Subject property is also unplatted and platting will be a requirement of any C.U.P. amendment or Board of Zoning Appeals variance.

To accomplish the amendment of the C.U.P., approval of a variance by the Board of Zoning Appeals, and recording of a final plat will require a minimum of 70 to 90 days if all goes well. It is possible for all three applications to be processed simultaneously, and if you have any questions on filing the necessary applications, please call.

Sincerely,

Jack Galbraith
Chief Planner

cc: H. R. Bledso, 1200 S. 119th, West 67209
JG:MM:ew

ROUTE SLIP
(PLEASE CIRCLE DESTINATION)

City Manager	Comm. Development	Municipal Court
City Clerk	C. D. A.	Park Department
Fed. Aid Coord.	<u>C. A. A.</u>	<u>Planning Dept.</u>
Office of Human Res.	E. E. R. C.	Police Dept.
Dir. of Administration	<u>E. H. A.</u>	Motor Pool
Auditing	Manpower Coord.	Dir. of Public Works
Budget	Community Facilities	Administration
Data Processing	Community Grievance	Central Inspection
Safety Office	<u>M. H. P. C.</u>	Engineering
Community Arts	Economic Development	Flood Control
Personnel	Industrial Dev.	Maintenance
Public Information	Energy Resources	Sanitation
Purchasing	E. S. O. / A. & P. Office	Traffic Eng.
Duplicating	Fire Department	Urban Renewal
Ret. & Ins.	Health Department	Water Department
Treasury	Director of Law	Water Pol. Control
	Library	



For: RALPH J. [signature]

For your information Reply sending me _____ copies

For your comments Prepare reply for my signature

Note and return You handle. No report required.

MESSAGE: Send File some last
rearing file
10/20/77

Signed CPO Date 10/20/77

000-013

2243 Cardinal Drive
Wichita, Kansas 67204
January 20, 1977

Mayor James Donnell
City Commission Office
First Floor, City Hall
455 North Main Street
Wichita, Kansas 67202

Dear Mayor Donnell:

On behalf of Citizen Participation Organization (CPO) Neighborhood Council "M" and the residents of the area, I want to thank you for the Commission's policy decision to look with disfavor on additional light commercial zoning in the area of 21st and Amidon.

As you are doubtless aware, almost since its formation Neighborhood Council "M" has been very concerned about traffic in this area. On August 4, 1976, Council "M" voted to recommend, in general, that no more light commercial zoning be approved for the area of 21st and Amidon. Council "M"'s subsequent recommendations on individual zoning cases in the area have been made in conformance with this general policy, which we are glad to see has now become an official City policy via your decision on December 28, 1976.

As neighbors in the area, we are gratified by your decision which demonstrates that the City Commissioners are listening to citizens and are responsive to their needs.

We also appreciate the special conferences we were able to obtain with the Commissioners and the other kindness shown to us by the Commissioners and City staff. The staff was kind enough, with the approval of the Commission, to set specific times for hearing our case; and for rescheduling due to the absence of Commissioner Peters.

It is our hope that future Commissioners will respect the policy you have established for the area of 21st and Amidon.

Sincerely,

Mary Phelan
by *Mary Pitman*

Mary Phelan
Chairperson
CPO Council "M"

MP:mp/rh

cc: The Honorable Board of City Commissioners
E. H. Denton, City Manager
X Robert A. Lakin, Director of Planning

August 13, 1976

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

Z-1739 - "B" to "IC" and DP - 23 -
South side of 21st Street between
Sweethriar and Marigold as extended

On December 9, 1975, the above captioned cases were considered and approved by the Board of City Commissioners subject to certain conditions. These conditions have now been complied with and, therefore, the ordinance effectuating the zone change may now be published.

Jack H. Galbraith
Chief Planner

JHG:GLS:el

June 30, 1976

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Approval of Landscape Plan associated with Parcel 5
of Marina Lakes, C.U.P.

As you may be aware, the Board of City Commissioners on June 29, 1976, approved a landscape plan associated with Parcel No. 5 of the Marina Lakes C.U.P. (DP-23). A copy of the same is attached for your reference. This landscape plan was required prior to the issuance of building permits as a condition of approval of a previously requested amendment to the C.U.P. approved by the Board of City Commissioners on December 9, 1975. In their action on December 9, 1975, the Board of City Commissioners also took action to amend the text of the original C.U.P. as follows:

- *1. Under Parcel 5 proposed uses shall be changed to read as follows:

Light Commercial uses, except new or used car agencies, recreational vehicles and mobile home sales agencies, filling stations, teenage clubs, skating rinks, public garages, businesses oriented exclusively to the automobile tire, battery and accessories, and except further those businesses normally referred to as fast food franchise sales businesses.
2. Provide that the number of buildings in Parcel 5 shall not exceed one.
3. The applicant shall provide clear, legible copies of the CUP, with the text of the parcels and General Provisions information being in proper order.
4. General Provision No. 2 shall be amended to provide a waiver of the screening and landscaping requirements on the south and west lines of Parcel 5.
5. A landscape plan for the south and west boundaries and an area 10 feet in width along 21st Street for Parcel 5 shall be submitted to the Planning Department for their review and to be forwarded to the Board of City Commissioners for their approval, prior to the issuance of any building permits, and the landscaping shall be planted and maintained in accordance with the approved landscape plan.

Robert Feldner
June 30, 1976
Page 2

6. The commercial building to the east of Parcel 5 shall be depicted on the face of the Plan.
7. The maximum building height for Parcel 5 shall be reduced from 65 feet to 35 feet."

In addition to the landscape plan, specified in condition 5 above, the developer of the Marina Lakes C.U.P. has forwarded legible copies of the C.U.P. as required under condition number 3 above. These copies incorporate the above itemized amendments. An approved copy is also attached for your files.

Concerning the approved landscape plan for Parcel 5, it is our understanding that Phase I of the landscape plan will be planted at the same time or immediately following Phase I of building construction. Phase II planting of the landscape plan is to be accomplished immediately following the completion of fill operations, asphalt paving, and the construction of the retaining wall along the west property line. We understand that this is to occur prior to the issuance of permits for phase 2 and 3 of building construction.

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

Jack H. Galbraith
Chief Planner

JHG:RLY:rme
Attachments

cc: John D. Gist, Oblinger-Smith Corporation
Don Satterthwaite, 7701 E. Kellogg, 67207

June 14, 1976

Robert Finch, City Manager (Interim)

Jack H. Galbraith, Chief Planner, Current Plans Division

Landscape Plan for Parcel No. 5 of the Marina Lakes CUP (DP-23)

On December 9, 1975, the Board of City Commissioners approved a request to change the zoning from "B" multi-family to "LC" light commercial on parcel No. 5 of the Marina Lakes Community Unit Plan (DP-23) located on the south side of 21st Street, between extensions of Sweetbriar and Marigold Streets. In addition to approving this zoning change request, the Board of City Commissioners took action to amend the text of the originally approved Community Unit Plan. The amendments to the text included the following:

1. Under Parcel 5 proposed uses shall be changed to read as follows:
Light Commercial uses, except new or used car agencies, recreational vehicles and mobile home sales agencies, filling stations, teenage clubs, skating rinks, public garages, businesses oriented exclusively to the automobile tire, battery and accessories, and except further those businesses normally referred to as fast food franchise sales businesses.
2. Provide that the number of buildings in Parcel 5 shall not exceed one.
3. The applicant shall provide clear, legible copies of the CUP, with the text of the parcels and General Provisions information being in proper order.
4. General Provision No. 2 shall be amended to provide a waiver of the screening and landscaping requirements on the south and west lines of Parcel 5.

Robert Finch
June 14, 1976
page 2

5. A landscape plan for the south and west boundaries and an area 10 feet in width along 21st Street for Parcel 5 shall be submitted to the Planning Department for their review and to be forwarded to the Board of City Commissioners for their approval, prior to the issuance of any building permits, and the landscaping shall be planted and maintained in accordance with the approved landscape plan.
6. The commercial building to the east of Parcel 5 shall be depicted on the face of the Plan.
7. The maximum building height for Parcel 5 shall be reduced from 65 feet to 35 feet."

To satisfy condition number 4 above, General Provision No. 2 on the approved Community Unit Plan now reads as follows:

- "2. SCREENING REQUIREMENT: Screening is requested to be waived adjacent to the west boundaries of Parcel No. 1 and the south boundaries of Parcel No. 4, inasmuch as the river and water area of the lake are adequate buffer for the residential area to the south and west. The required walls adjacent to the south and west lines of Parcel No. 5 are to be waived provided that the south and west lines are landscaped and maintained in accordance with a landscape plan to be submitted for approval of the Planning Department and the Board of City Commissioners: failure to maintain such landscaping in the approved manner shall constitute a violation of the CUP. A 5-foot to 8-foot high solid or semi-solid wall constructed of brick, stone masonry, architectural tile, or other similar material shall be constructed where shown on the Plan and at such time as the property to the south develops residentially."

The underlined wording was added to the original provision.

In response to this provision and to condition number 5 associated with the previously approved zoning change request, the developer of Parcel No. 5 has submitted the attached landscape plan for approval by the Planning Department and the Board of City Commissioners.

Robert Finch
June 14, 1976
Page 3

The Plan has been reviewed by the Planning Department and the City's Superintendent of Forestry. On the basis of this review, it appears that the selection and proposed placement of plant materials are satisfactory. It is noted however, that the planting strip along the south boundary of Parcel 5 is outside of the parcel boundary. If the parcels involved are in different ownerships, this could cause difficulty in implementing the planting schedule for Phase 2 of the landscape plan. The planting schedule as reflected in General Note No. 6 on the face of the landscape plan proposes to plant Phase 2 after filling operations, paving, and a retaining wall construction activities have been completed in the fall of 1977. Phase 1 planting is to be accomplished at the same time or immediately following the completion of the first phase of building construction as indicated on the landscape plan. This proposed planting schedule is satisfactory provided the planting can be accomplished on the adjoining parcel.

In reviewing the Plan, it was also noted that four of the trees proposed along the north property line of Parcel 5 were located within the street right-of-way. Locating trees in the street right-of-way would normally require the issuance of a Street Tree Permit through the office of the Superintendent of Forestry. In this instance, the Superintendent of Forestry indicates that his review of, and the subsequent approval of this landscape plan by the Board of City Commissioners will satisfy the requirements for a street tree permit and a separate application for the same would not, therefore, be necessary.

Having completed our review, these landscape plans are considered approved by the Metropolitan Area Planning Department. It is therefore suggested that this matter be placed on the agenda for consideration by the Board of Wichita City Commissioners.

Robert Finch
June 14, 1976
Page 4

RECOMMENDATION

On the basis of the review conducted by the Planning Department and the Superintendent of Landscape and Forestry, it is recommended that the Board of Wichita City Commissioners approve the landscape plan as submitted to satisfy the requirements of General Provision No. 2 of the Marina Lakes CUP and condition number 5 associated with the approval on December 9, 1975, of a zoning change request as this provision and condition relates to Parcel No. 5.

Jack H. Galbraith, Chief Planner

APPROVED BY:

Robert A. Lakin, Director of Planning

JHG:RLY:vn
Attachment

cc: John Gist, Oblinger-Smith Corporation
Don Satterthwaite, 7701 E. Kellogg, Wichita, KS 67207
John Firsching, Superintendent of Landscaping & Forestry
City of Wichita

155-409
erroneously addressed copy was returned by
Post office on 5/12/76. Front page was
corrected as per this copy and forwarded to
the proper address with attachment.
May 5, 1976

Mr. Don E. Satterthwaite
7701 E. Kellogg
Wichita, Kansas 67207

Dear Mr. Satterthwaite:

This is to advise that we have reviewed the portion of the overall landscape plan for the Marina Lake development which covers Parcel 5 of the approved Community Unit Plan (DP-23). We are returning a copy of your sketch with some of our comments indicated thereon. In submitting your final landscape plan, we suggest that it apply more specifically to Parcel 5 and that it be drawn to scale. We notice that the 10 foot planting strip along 21st Street appears to be in the public street right-of-way. The 10 foot strip should be within Parcel 5 and not on the right-of-way. If additional trees or shrubs are intended to be placed in the right-of-way, it will be necessary for the developer to secure the appropriate Street Tree permits from the Office of the Superintendent of Landscape & Forestry for the City of Wichita.

In your final proposed landscape plan, we would also like to see an indication of the building location and possibly the existing and final contours once the fill operation has been completed. We would like to have an indication of the level of the filled area above the water on the west and south, how soon this fill level will be reached, and how soon after filling the landscape material will be installed. It would also assist in our review to have the plant materials labeled with their common names on the face of the plan as well as in the specifications schedule.

In reviewing the materials you have listed with the Superintendent of Landscape & Forestry staff, they indicated that the Ginkgo trees suggested along 21st Street may have difficulty if the underlying strata of sand is close to the surface or if the soil and sub soil are shallow, excessively sandy, and poor. There was also some question as to the suitability of the pin oaks in this area. Pin Oaks are particularly susceptible to iron chlorosis in the area which results in stunted and malformed growth and yellow foliage color. You may wish to consider

May 5, 1976

~~Mr. Don E. Satterthwaite, President~~ *No longer associated with*
Clear Lakes Incorporated, ~~837 E. 10th St.~~ *Clear Lakes -*
Union National Building *810 W Douglas*
Wichita, Kansas 67202

Dear Mr. Satterthwaite:

This is to advise that we have reviewed the portion of the overall landscape plan for the Marina Lake development which covers Parcel 5 of the approved Community Unit Plan (DP-23). We are returning a copy of your sketch with some of our comments indicated thereon. In submitting your final landscape plan, we suggest that it apply more specifically to Parcel 5 and that it be drawn to scale. We notice that the 10 foot planting strip along 21st Street appears to be in the public street right-of-way. The 10 foot strip should be within Parcel 5 and not on the right-of-way. If additional trees or shrubs are intended to be placed in the right-of-way, it will be necessary for the developer to secure the appropriate Street Tree permits from the Office of the Superintendent of Landscape & Forestry for the City of Wichita.

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Mr. Don E. Satterthwaite, President
May 5, 1976
Page 2

substituting hackberries or western soapberry trees. Bald cypress may also do very well immediately adjacent to the lake water. The other variety of trees suggested appear very suitable to the area.

We hope that you will find these comments useful in preparing your final landscape plan for parcel 5. Once we have received the same, we will proceed with our review and schedule the matter on the Board of City Commission agenda for their consideration. In forwarding this item to the City Commission, it will be necessary for us to have 10 copies of your final landscape plan for proper distribution.

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

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:RLY:gj

cc: Mr. Vincent Bogart, Attorney
444 N. Market, 67202

Marina Lake Drive, Inc. *Don Satterthwaite*
7701 E. Kellogg, Suite 575 67207

*Suggested Wording to comply with requirement 4
on letter of 12-10-75*

2. SCREENING REQUIREMENT: Screening is requested to be waived adjacent to the west boundaries of Parcel #1 and the south boundaries of Parcel #4, inasmuch as the river and water area of the lake are adequate buffer for the residential area to the south and ~~east~~^{west}. The required walls adjacent to the south and west lines of Parcel #5 are to be waived provided that the south and west lines are landscaped and maintained in accordance with a landscape plan to be submitted for approval of the Planning Department and the Board of City Commissioners; failure to maintain such landscaping in the approved manner shall constitute a violation of the C.U.P. A 5-foot to 8-foot high solid or semi-solid wall constructed of brick, stone, masonry, architectural tile, or other similar material shall be constructed where shown on the plan and at such time as the property to the south develops residentially.

December 10, 1975

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

Z-1739 - "B" to "LC" and DP-23 -
South side of 21st Street between
Sweetbriar and Marigold as extended

Attached is the follow-up correspondence to Mr. Bogart concerning the zone case and amendment to the Marina Lake CUP. Please note that there are several conditions to be complied with prior to publishing the ordinance effectuating the zone change.

We will advise you at such time as the ordinance should be published effectuating the zone change.

Jack H. Galbraith
Chief Planner

JHG:ber

December 10, 1975

Mr. Vincent Bogart, Attorney
444 North Market
Wichita, Kansas 67202

Re: Z-1739 - "B" to "LC" and
DP-23 Amendment - South side
of 21st Street between Sweet-
briar and Marigold as extended

Dear Mr. Bogart:

At the regular meeting of the Board of City Commissioners on December 9, 1975, the above-captioned cases were considered. The action of the Commission was to approve the zone change request and the amendment to the Community Unit Plan subject to the following conditions:

1. Under Parcel 5 proposed uses shall be changed to read as follows:

Light commercial uses, except new or used car agencies, recreational vehicles and mobile home sales agencies, filling stations, teen-age clubs, skating rinks, public garages, businesses oriented exclusively to the automobile tire, battery and accessories, and except further those businesses normally referred to as fast food franchise sales businesses.
2. Provide that the number of buildings in Parcel 5 shall not exceed one.
3. The applicant shall provide clear, legible copies of the CUP, with the text of the parcels and General Provisions information being in proper order.
4. General Provision #2 shall be amended to provide a waiver of the screening and landscaping requirements on the south and west lines of Parcel 5.

Page 2 - Mr. Vincent Bogart
December 10, 1975

5. A landscape plan for the south and west boundaries and an area 10 feet in width along 21st Street for Parcel 5 shall be submitted to the Planning Department for their review and to be forwarded to the Board of City Commissioners for their approval, prior to the issuance of any building permits, and the landscaping shall be planted and maintained in accordance with the approved landscape plan.
6. The commercial building to the east of Parcel 5 shall be depicted on the face of the plan.
7. The maximum building height for Parcel 5 shall be reduced from 65 feet to 35 feet.

Please note that Condition 5 above was amended by the City Commission to require the forwarding of the landscape plan to them for approval. Prior to the ordinance being published effectuating the zone change, it is necessary that we receive four copies of the corrected CUP for our files and forwarding on to the Office of Central Inspection. Particularly note Condition 3 which requires the submission of clear, legible copies of the CUP, with the text of the parcels and general provisions in proper order. If we can provide any assistance to the person you select to re-do the format of the text, please advise.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Marina Lake Drive, Inc., 7701 E. Kellogg, Suite 575 67207
Oliver Anderson, 2219 Bulliner 67204
Michael Belluomo, 2245 Bullinger 67204
Robert I. Guenther, 2606 Bob White 67204
Donald C. Gisick, City Clerk

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 9, 1975:

- 21a. Case No. Z-1739 - Marina Lake Drive, Inc. requests change from "B" to "LC" for Lot 3, Marina Lake 4th Addition. Generally located on the south side of 21st Street between Sweetbriar and Marigold as extended from the north.
- 21b. Case No. DP-23 (Amendment) - Marina Lake Drive, Inc. requests an amendment to CUP, legally described as all of Government Lot 1, in the NW 1/4 of Sec. 7, Twp. 27S, R1E, except that part of said Government Lot 1 which has been dedicated for public streets. Generally located at the southwest corner of 21st Street North and Amidon.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

HISTORY

Z-0824 and DP-23 were two zone and Community Unit Plan applications for the entire area of the former Dolese sandpit area of approximately 60 acres which the Planning Commission considered in 1967. Approximately 37 acres were requested for "LC" and "C" and 24.5 acres were requested for "B". A Community Unit Plan was submitted for both the commercial and residential parts. The Planning Commission recommended denial, without prejudice; however, after the City Commission heard the case, approximately 8 acres of "LC" and 22 acres of "B" was approved. The situation at that time hinged on the impact of traffic on the arterial system.

On December 12, 1968, the Planning Commission considered an application for an amendment to the CUP and request for an increase of Parcel 1 from 3.57 acres to 9.13 acres of light commercial zoning (Z-1032). Action of the Planning Commission was to recommend denial of both applications. The Board of City Commissioners, however, at their meeting of January 21, 1969, approved both applications, subject to certain conditions. Again, the impact of traffic on the arterial system was a prime consideration. (See attached MAPC minutes of November 14, 1968, December 12, 1968, January 9, 1969, and BCC minutes of January 21, 1969 - Attachments 1-A, 1-B, 1-C, and 2.)

On March 11, 1971, the Planning Commission considered an application for an amendment to the CUP and a request for an increase in the area on Parcel 1 from 9.13 acres to 14.94 acres of light commercial zoning. Action of the Planning Commission was to recommend approval of both requests. This recommendation was concurred in by the Board of City Commissioners on March 30, 1971. (See attached Planning Commission minutes of March 19, 1971, and City Commission minutes of March 30, 1971 - Attachments 3 and 4.)

On January 25, 1973, the Planning Commission considered an application for an amendment to the CUP and a request for an additional amount of light commercial zoning - approximately 7.33 acres and an approximate 5.75 acres of "BB" Office zoning. Action of the Planning Commission was to recommend approval of both requests; however, both applications were denied by the City Commission on March 20, 1973. (See attached Planning Commission minutes of January 25, 1973 and March 8, 1973, and City Commission minutes of February 27, 1973 and March 20, 1973 - Attachments 5, 6, 7 and 8.)

On September 4, 1973, as an off-agenda item, the Board of City Commissioners considered the matter of litigation and zoning relative to Marina Lakes, Inc. The action of the City Commission was to permit the applicant to refile the application without cost, conditioned upon the litigation being ended by dismissal of the suit and payment of the court costs by Marina Lake Drive, Inc.

Based on this action, the zone case and CUP were advertised for hearing and notices mailed without cost to the applicant. Specifically, the applicant requested approximately 7.33 acres of "LC" zoning and an additional 5.75 acres for "BB" Office zoning. On October 11, 1973, the Planning Commission considered and unani-

mously recommended approval of both requests, however, the City Commission referred the cases back to the Planning Commission for reconsideration. The Planning Commission reconsidered the cases on November 26, 1973 and recommended by a vote of 5 in favor and 1 opposed, the approval of both requests. The action of the City Commission was to deny both applications on December 11, 1973. (See attached Planning Commission minutes of October 11, 1973 and November 26, 1973, and City Commission minutes of October 30, 1973 and December 11, 1973 - Attachments 9, 10, 11 and 12.)

On February 13, 1975, the MAPC considered and recommended approval of a request to amend the CUP and change the zoning on Parcel 6 (adjacent to Amidon), to the "LC" Light Commercial District (Z-1683), however, the Board of City Commissioners returned the case to the MAPC for reconsideration. An amended request was considered twice more by the MAPC, which recommended approval of the application; however, on July 1, 1975, the Board of City Commissioners denied the request for additional "LC" Light Commercial zoning. (See attached MAPC minutes of February 13, 1975; April 10, 1975; June 12, 1975; and City Commission minutes of March 11, 1975; April 29, 1975; July 1, 1975 - Attachments 13-17.)

Staff Comments

1. The applicant is now requesting a zone change from the "B" Multiple Family District to the "LC" Light Commercial District on a 2.2 acre tract listed as Parcel 5 on the CUP, and the CUP amendment as submitted proposes increasing the maximum building height on Parcel 5 from 35 feet to 65 feet, with a change in the proposed uses for Parcel 5 from "medical offices" to "light commercial per ordinance, except public garages, body or fender shops, public parking or storage lots will not be permitted." The proposed gross floor area is 43,075 square feet.

Since the filing of the applications, the applicant's attorney has advised by letter that they are agreeable to the 35-foot height limitation and are changing the proposed uses to reflect "light commercial per ordinance."

2. The primary issue relating to this application is the further "strip zoning" of 21st Street North. At present, the "LC" District extends to Sweetbriar Street on the north side of 21st Street and to the east side of subject property on the south side of 21st. From that point west until the southwest corner of 21st and McComas, there is no additional commercial zoning and quality single family and two family residences are located directly across from subject property on the north side of 21st. The granting of this request could reasonably be expected to trigger the pattern which has occurred in other parts of the City, such as South Seneca, whereby the street ultimately becomes stripped out and non-compatible uses are introduced adjacent to single family homes.
3. Although there is some merit to the argument that the lake to the west of subject property provides an excellent buffer, the unrestricted spread of commercial uses to subject property will ultimately lead to other applications on the north side of 21st as has occurred elsewhere in the City. The original intent of the Community Unit Plan concept was to provide for well planned and well organized development, and was not to promote strip zoning on a larger scale. To accomplish the intent, it is necessary to provide specific use limitations, landscaping, intensity controls and other amenities in order to lessen the impact of large scale developments. The uses permitted in the "LC" District range from those, such as drive-in restaurants whose external effects are incompatible with residential neighborhoods, to other uses, such as financial institutions, offices or studios which can be a buffer or transition area between residential and more intensive uses.

If the number of buildings was limited to one and if specific use limitations were proposed by the applicant in the text of the CUP, the potential for strip zoning represented by this application could be substantially reduced. The applicant, however, has proposed that the full range of light commercial uses be permitted on subject property.

4. The impact of this request on traffic flows in the area could either be negligible or major, depending on the uses permitted, but the "strip zoning" of 21st Street to the west will further overload and impact the major intersection of 21st and Amidon. All of the arguments on traffic generations and congestion have been substantially presented in the past and are found in previous minutes.
5. Inasmuch as there have been a number of additions and amendments to the Code of the City of Wichita since this CUP was last approved in March, 1971, the following additions or changes should be made on the plan:
 - a) Amend general provision #1 to read as follows: "Sign control - Signs as permitted by the zoning district."
 - b) Delete comment #6 under Parcel #7 as this will be controlled by amended G.P. #1 above.
 - c) Add a general provision #7 to read as follows: "Firelane easements shall be provided in accordance with Section 15.01.055 Code of the City of Wichita."

The applicant's attorney has advised in his letter that he isn't certain as to whether they can alter provisions other than those specific conditions relating to Parcel #5 contained in this application, as these changes would affect other parcels not owned by his client.

6. This is the sixth amendment proposed for the Marina Lake CUP since 1968 and as a result of deletions, additions and amendments, the texts for individual parcels are out of order, notations are in the margins, and in some instances the text is difficult to read. The intent of any plans is to provide accurate, concise information in a legible form and the applicant should be required to have the CUP redrawn in order to provide clear, legible copies.
7. If the Planning Commission determines that the request for "IC" zoning is proper, consideration should be given to requiring a specific use list so as not to continue the effect of strip type of commercial uses. The following conditions should be considered:
 - a) Amend the text of Parcel #5 to specifically limit the uses permitted, such as office buildings, medical clinics, financial institutions, laboratories, and studios.
 - b) Provide that the number of buildings shall not exceed one.
 - c) The applicant shall provide clear legible copies of the CUP, with the text of the parcels being in order.
 - d) General Provision #2 shall be amended to provide a waiver of the screening and landscaping requirement on the south and west lines of Parcel #5.

GALBRAITH submitted a letter received in opposition from Robert I. Guenther, 2606 Bob White. He also reported that when he first observed the vacant office building on the north side of 21st Street, there was evidence of vandalism; however, when the Zoning Committee visited the site, windows had been replaced.

GALBRAITH emphasized the concern of continuous strip zoning and said the staff would recommend that the request not be approved. He pointed out that if the Commission felt the amendment was appropriate, then the four suggested conditions of approval as shown in the staff report should be considered. In addition to these conditions, GALBRAITH pointed out that the required 10-foot planting screen required along 21st for subject parcel when across the street from a residential zoning district was not indicated and also that the Town and Country market directly to the east of subject parcel should be shown on the CUP. He referred to the fact that there are presently vacant commercial spaces in the Marina Lake Center and the Atlantic Mills Center to the east.

CHAIRMAN BAYOUTH said he would abstain from voting on this case, but would continue to chair the meeting.

VINCENT BOGART, attorney representing the applicant, said this parcel is a 2 1/5-acre tract, bounded on the south and west by the lake; on the east by "LC" and on the north by 21st Street, which is 100 feet in width, and to which subject tract has been granted one point of access. BOGART agreed that there has been a great amount of history associated with the Marina Lake CUP; however, this is the first time this particular tract has been involved in any change since the original approval in 1967. The property has been dormant since that time, and the owner has paid taxes thereon without requesting any change; it is "hemmed in" with difficult access, and they have not been able to do anything so far as development. BOGART submitted snapshots to show the property being discussed.

(Kamen and Hennessy were called from the meeting at this time, resulting in the absence of a quorum. CHAIRMAN BAYOUTH declared a 10-minute recess, after which the Commission reconvened with the same members and staff present.)

BOGART continued with his presentation, stating that the pictures also represent adjacent properties. He pointed out that the zoning was originally approved for "B" when the original CUP was established, but that there has been no demand for such use, which is substantiated by the fact that the medical office on the north side of 21st Street at this point, has been abandoned. He submitted an aerial photo to better show the adjacent properties. As for the possibility of stripping out 21st Street with light commercial zoning and development, he noted that this is the last parcel, in that adjacent on the west is the lake and the area already developed with apartment structures, but perhaps the staff is referring to stripping the north side of 21st Street.

Generally speaking on past considerations of zoning for Marina Lake, BOGART pointed out that traffic has been a major consideration, but what is proposed is not a big development. However, the Oblinger-Smith Corporation has prepared a traffic analysis, which indicates that there would be very minimum impact as far as traffic is concerned. First, only one entrance is permitted under the CUP and that is a right turn only from 21st Street, so any traffic would be entering from the west. A break in the medial is not being requested. The analysis indicates that there will be certain additional vehicles that would use the commercial premises (estimated to be 30%) but most would be those already in the shopping area complex, the 30% figure representing about 355 vehicles per day. The analysis concludes that these additional vehicles can be very adequately accommodated on existing street facilities and no improvements will be needed.

BOGART felt that when 1/2 of 1% is the anticipated traffic which would be added to the existing traffic, is compared to the 30,000 vehicles per day that travel the street, it does not represent an overloading impact on the intersection of Amidon and 21st Street. He brought out the fact that the analysis made by the consultant was based on total development of all available areas, and he hoped that figures submitted by the consultant would allay some of the concerns of the Commissioners so far as traffic.

In summarizing his comments, BOGART noted again that any "striping" of 21st Street, at least on the south side, would have to stop with this property in view of adjacent lake and development on the west; this is obviously not spot zoning because it is in a commercial area with light commercial development and uses on the east; the owners have invested time and money and paid taxes, including specials for the medial on Amidon, and they are entitled to the right to develop their property. As for vacant store spaces in the general area, BOGART felt that the owners of subject property should not be required to buy someone else's property in order to develop, if it can possible be done on their own ownership. Referring to the staff report, BOGART pointed out that the site is buffered; that they have agreed to certain changes suggested in the staff report, such as reducing the proposed height from 65 to 35 feet, and as for re-drawing the CUP showing these changes, he pointed out that such costs a great deal of money and they agreed to make the changes after the CUP was acted upon. He stressed the fact that this is a completely different application and should not be confused with some of the past applications or problems associated with the balance of the area included in the original CUP and located at the southwest corner of 21st and Amidon.

When asked if there were immediate plans for development, BOGART answered that Mr. Chuzy has told him that if the zoning can be changed to "LC", it would be purchased and developed. He pointed out again the fact that only a nominal amount of additional traffic is anticipated.

OLIVER ANDERSON, 2219 Bullinger, representing the Two Rivers Neighborhood Association, spoke in opposition, stating that area residents have opposed all changes for additional "LC" for several years beginning in 1967, and because of the continual opposition which has been submitted from time to time, he would make his comments brief at this time.

He appealed to the good judgment of the Commissioners not to continue light commercial zoning just to satisfy a few people interested in making a profit on their property, and said they were concerned about several factors pointed out in the past - traffic, the fact that the residential area is hemmed in between the two rivers, the flood control project and I-235, traffic has increased each time new "LC" has been approved and developed; the intersection of 21st and Amidon has been rebuilt several times; 21st Street has been widened; traffic signals are still causing an unreasonable delay in traffic movement, and there is no reason for additional "LC"; that the "LC" already approved in the general area is sufficient to provide all the goods and services that residents of the area need. He pointed out that residents have purchased homes in a residential area, and additional "LC" would create a problem and be detrimental to the homeowners. He felt that multiple-family dwellings would be the most appropriate use for the property.

MICHAEL BELLUOMO, 2245 Bullinger, spoke in opposition, and took exception to Mr. Bogart's claim that there was no need for medical offices in the area. He pointed out that in the original approval of the CUP, the developers wanted the "B" zoning for a medical office, and if Mr. Bogart's client has owned the property for as long as he says, there has been time for development as a medical clinic, inasmuch as since that time one has been very successful in the Twin Lakes office building. BELLUOMO pointed out also that a change of zoning will add considerable value to the property and apparently the owner has a buyer who wants to use it for a light commercial activity, and the purchase is contingent upon approval of light commercial. BELLUOMO expressed a desire for halting the spread of light commercial, fearful that such would be gradually extended, and there are expensive homes under construction to the west of the apartments on the south side of 21st.

BOGART spoke again to point out that some changes have been agreed to be included in the printed section of the CUP, such as a reduction from 65 feet to 35 feet, deletion of the original wording with respect to "LC" uses. As for the required wall along the lake, he said it was not required on the original CUP and he asked that it be waived.

GRAGG stated that he felt "LC" was the highest and best use for the property.

MOTION: That the Planning Commission recommend to the City Commission that these applications be approved. Gragg moved, Savina seconded and it carried by a vote of 4 in favor (Gragg, Savina, Collier and Hennessy) and 2 opposed (Porter and Kamen). Chairman Bayouth abstained from voting and Taylor and Goebel were absent.

GALBRAITH questioned whether or not the intent of the motion included any of the conditions suggested for consideration, such as being more specific as to proposed uses, limiting the number of buildings, waiving the required wall on the south and west, and the showing of the building on the east, and the required landscape strip along the north. GALBRAITH commented that he felt the applicant was agreeable to some of these conditions but not all.

GRAGG said he would amend the motion to include approval as per the staff comments.

BOGART stated that they have no way of knowing just what they will want to develop and prefer no limitation so far as the specific uses, but if limited to only one building that is what they will have to comply with. He had hoped for latitude to build whatever they could, and felt that uses should be left open.

It was also pointed out by BOGART that one of the conditions suggested by the staff limits the uses permitted to those mostly allowed in a "BB" zoning district, thus eliminating the possibility of light commercial uses, and he was not agreeable to that condition.

GALBRAITH again suggested that a condition be added regarding the screening and that the plan indicate the commercial structure on the property directly to the east, which is not now shown and that the number of buildings be limited to one to avoid continuation of more strip type uses. Regarding the required screening, he suggested that condition "e" be added as follows:

"e" A planting screen of low shrubbery, not less than 10 feet in width shall be provided adjacent to the north property line of Parcel 5 and shall be of such a type and maintained in such a manner as to not constitute a traffic hazard. A landscape plan shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permit.

GRAGG asked what he needed to do to amend his motion. GALBRAITH said a motion to reconsider was necessary and that a new motion could include any conditions the Commission felt to be appropriate.

PORTER said she would like to see any recommendation made include the conditions as suggested by the staff, including "e" which is not shown in the staff report.

MOTION: That the motion be amended to include the staff recommended conditions of approval, including "e" not shown on the written report, but presented by staff at this meeting. Porter moved, Collier seconded. Vote on the motion resulted in a tie, 3 in favor (Porter, Collier and Kamen) and 3 opposed (Gragg, Savina and Hennessy). Bayouth abstained and Taylor and Goebel were absent.

The Chairman pointed out that since this amended motion resulted in a moot vote, the original motion reflects the recommendation of the Planning Commission.

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 13, 1975:

- 20a. Case No. Z-1739 - Marina Lake Drive, Inc. requests change from "B" to "LC" for Lot 3, Marina Lake 4th Addition. Generally located on the south side of 21st Street between Sweetbriar and Marigold as extended from the north.
- 20b. Case No. DP-23 (Amendment) - Marina Lake Drive, Inc. requests an amendment to CUP, legally described as all of Government lot 1, in the NW 1/4 of Sec. 7, Twp. 27S, R1E, except that part of said Government Lot 1 which has been dedicated for public streets. Generally located at the southwest corner of 21st Street North and Amidon.

GALBRAITH pointed out the area on the map and reported that the City Commission has returned the application for reconsideration of the need for limiting development to only one building; that adequate architectural and screening barriers be placed in the CUP; and some limitations be established on building usage. GALBRAITH said the staff has met with the applicant's attorney to discuss specific uses, and he submitted a letter from the attorney agreeing that the CUP, as it relates to subject plot, be amended as follows:

Light commercial usage except new or used car agencies, recreational vehicles and mobile home sales agencies, filling stations, teen-age clubs, skating rinks, public garages, businesses oriented exclusively toward automobile tire, battery and accessories, and except further those businesses commonly referred to as fast-food franchise sales.

Further, that no building permit be issued until landscaping plans on the north, south and west boundaries, drawn by a landscape architect, are submitted to and approved by the Metropolitan Area Planning Department.

GALBRAITH said that by limiting the maximum number of buildings to one, this would minimize the stripping that has been a major concern of the staff. While the City Commission did not completely clarify the meaning of adequate architectural screening, the above wording has been suggested by the applicant's attorney for submission to the governing body.

Referring to the staff report, GALBRAITH said the applicant is agreeable to reducing the height of the building from 65 to 35 feet, and the staff asked that the entire text on the CUP be retyped, and the attorney is agreeable to that if the request is approved by the City Commission.

GALBRAITH recommended that if this is approved, there be landscaping required along the west and south as well as on 21st Street. GALBRAITH said, when questioned by one of the Commissioners, that the attorney still wants to discuss the number of buildings with the Commissioners.

BAYOUTH said he would abstain from discussion or voting in this case.

VINCENT BOGART, attorney for the applicant, submitted an aerial photo of the Marina Lake area as originally proposed for development, noting also that it has been a problem area to develop since the original plan was not approved and development has occurred piecemeal. BOGART said since the meeting of the City Commission, they have met with the staff and agreed to certain conditions, and that they still prefer to have no limitation on the number of buildings, but would have to accept only one if the Commission limits development to that extent.

BOGART said that, although the City Commission's action on screening requirements was rather indefinite, he has conferred with the staff and arrived at the wording as related by Galbraith earlier in this discussion. The list of prohibited light commercial uses was also developed after consultation with the staff.

OLIVER ANDERSON, a resident of the Two Rivers Neighborhood Association area, spoke in opposition, pointing out that the organization represents several hundred families between 13th and 25th Streets, who feel that subject site should be developed with multiple family dwelling units.

MOTION: That the Planning Commission recommend to the City Commission the approval of Z-1739 and approval of the amendment to the CUP, subject to the following conditions:

1. Under Parcel 5 proposed uses shall be changed to read as follows:

Light commercial uses, except new or used car agencies, recreational vehicles and mobile home sales agencies, filling stations, teen-age clubs, skating rinks, public garages, businesses oriented exclusively to the automobile tire, battery and accessories, and except further those businesses normally referred to as fast food franchise sales businesses.

2. Provide that the number of buildings in Parcel 5 shall not exceed one.
3. The applicant shall provide clear, legible copies of the CUP, with the text of the parcels and General Provisions information being in proper order.
4. General Provision #2 shall be amended to provide a waiver of the screening and landscaping requirements on the south and west lines of Parcel 5.
5. A landscape plan for the south and west boundaries and an area 10 feet in width along 21st Street for Parcel 5 shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permits, and the landscaping shall be planted and maintained in accordance with the approved landscape plan.
6. The commercial building to the east of Parcel 5 shall be depicted on the face of the plan.
7. The maximum building height for Parcel 5 shall be reduced from 65 feet to 35 feet.

Collier moved, Savina seconded and it carried unanimously. Bayouth abstained.

November 14, 1975

Mr. Vincent Bogart, Attorney
444 North Market
Wichita, Kansas 67202

Re: Z-1739 - "B" to "LC" and DP-23
(Amendment) - South side of 21st
Street between Sweetbriar and
Marigold as extended

Dear Mr. Bogart:

At the regular meeting of the Metropolitan Area Planning Commission on November 13, 1975, the above-captioned cases were reconsidered. The action of the Commission was to recommend the approval of the zone change request and the amendment to the CUP, subject to the following conditions:

1. Under Parcel 5 proposed uses shall be changed to read as follows:

Light commercial uses, except new or used car agencies, recreational vehicles and mobile home sales agencies, filling stations, teen age groups, skating rink, public garages, businesses oriented exclusive to the automobile tire, battery and accessories, and except further those businesses normally referred to as fast food franchise sales businesses.
2. Provide that the number of buildings in Parcel 5 shall not exceed one.
3. The applicant shall provide clear legible copies of the CUP, with the text of the parcels and General Provisions information being in proper order.
4. General Provision #2 shall be amended to provide a waiver of the screening and landscaping requirements on the south and west lines of Parcel 5.
5. A landscape plan for the south and west boundaries and an area 10 feet in width along 21st Street for Parcel 5 shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permits and the landscaping shall be planted and maintained in accordance with the approved landscape plan.

Page 2 - Mr. Vincent Bogart
November 14, 1975

6. The commercial building to the east of Parcel 5 shall be depicted on the face of the plan.
7. The maximum building height for Parcel 5 shall be reduced from 65 feet to 35 feet.

The above two cases will be forwarded to the City Commission for reconsideration on December 9, 1975, the meeting to start at 9:00 a.m. in the City Commission Chambers, First Floor, City Hall, 455 North Main.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Marina Lake Drive, Inc., 7701 East Kellogg, Suite 575 67207
Oliver Anderson, 2219 Bullinger 67204
Michael Belluomo, 2245 Bullinger 67204
Robert I. Guenther, 2606 Bob White 67104
City Manager's Office

Vincent L. Bogart, Chartered

*Attorneys at Law
444 North Market
Wichita, Kansas 67202
(316) 263-6291*

*Vincent L. Bogart
Larry H. Witt*

12 November 1975

Mr. Jack Galbraith
Metropolitan Area Planning Dept.
City Annex Building
Wichita, Kansas 67202

Re: Z 1739
DP 23

Dear Jack:

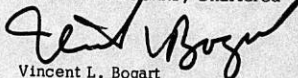
In addition to the items heretofore agreed upon, my clients will agree to the following language appearing on the CUP as applicable to Parcel #5:

Light commercial usage except new or used car agencies, recreational vehicles and mobile home sales agencies, filling stations, teen-age clubs, skating rinks, public garages, businesses oriented exclusively toward automobile tire, battery and accessories, and except further those businesses commonly referred to as fast-food franchise sales.

No building permit to be issued until landscaping plans of the north, south and west boundaries, drawn by a landscaping architect, are submitted to and approved by the Metropolitan Area Planning Department of the City of Wichita, said approval to not be unreasonably or unfairly withheld.

Very truly yours,

VINCENT L. BOGART, Chartered



Vincent L. Bogart

VLB/cp

November 5, 1975

Mr. Vincent L. Bogart
444 North Market
Wichita, Kansas 67202

Re: Marina Lake

Dear Vince:

I understood that you and Galbraith had a discussion concerning the formatting and readability of the existing CUP. It was Galbraith's impression that you had reached agreement that we would not require any redrafting of this CUP until we knew what final changes were to be approved by the City Commission. It appears that in that conversation that you asked this same question of Galbraith that you write of in your letter. He was under the impression that you understood his comments and had agreed with the observation that the CUP could stand some clean-up from a drafting/typing standpoint.

My comments to the City Commission, of course, were primarily from the record. I did look at the CUP myself, however, and although it can be deciphered with reasonable attention to the printing, it is not easily readable, particularly in the General Provisions of Parcels 1 to 7. This is because things have been added from time to time and they now exist tucked in wherever existing space was left on the original CUP. The same goes for add-ins on Parcel 1. Additionally, there are now several different styles of printing, with several spots on the printing in which a normal blackline print appears either fuzzy and dark in one area and light in the other. It would appear to me that it is reasonable that as we finish this particular set of proceedings, there be a general retyping of these conditions, with splicing of this new material in a tabular and orderly form onto the original drawings and creating a new master which will produce new and clear prints. I don't think it is an unreasonable request. I am sure that in looking at a print of the CUP, you would probably agree that it would be helpful to have such redrafting. It's obviously not critical, but as we move forward through time on this project, it is appropriate, it seems to me, to make this adjustment.

Page 2 - Mr. Vincent L. Bogart
November 5, 1975

I would hope that during the time left to us between now and November 13, when we have rescheduled the Marina Lake case, that we might hear from you or your clients on any proposals that you care to make concerning the motion made by the City Commission on the Marina Lake amendments. Apparently the one building on the site is not a problem with you. It does leave, however, some need to address the issue of the number of uses to be considered as allowable. You have characterized our statements as allowing only that which is permitted in "BB". I am not sure that I am fully tied up on that. As I have indicated, we think that there are some "LC" uses that are certainly permissible and appropriate. As an example, a financial institution activity could be a permitted "LC" use and one which is not allowed in "BB", but which we think would be an appropriate development on this site. We have had inquiries relative to radio and television studios in this area. Again, we think this would be an appropriate "LC" use, which is a low traffic generator, usually producing a building compatible with what I think is needed for the area. Savings and loan operations and operations such as business machines sales and offices, are appropriate uses. Retail sales for clothing, flowers, and other types of services, may also be appropriate. I would think those uses which may not be appropriate is the continued use of eating establishments, quick service food stores and/or restaurant establishments, automobile-oriented activities, including TBA's, service stations, and light commercial uses which could, with Board of Zoning Appeals approval, have outside storage and uses, etc. Surely there is a range of uses that would provide you adequate marketing opportunities that could be suggested to the Planning Commission and City Commission.

As to providing architectural and landscape screening on this site, I am not quite sure what the City Commission expects. By waiving the wall requirement on the south and the west, and complying with the landscaping in the 10-feet on the north, it would seem to me that what we are probably looking at is some type of architectural treatment along the south and west walls of the building. It would also seem reasonable to provide some landscape treatment to the bank on the south and west. I simply don't know how to address this without a specific use in mind and a specific architectural plan to view. It would seem to me that it might be appropriate, if this is what the City Commission wants, to submit the elevations and selection of building materials either to certain staff persons, such as Central Inspection and myself, for approval; or submit the same to the City Commission before the actual building permit is issued. May I have your thoughts on this matter?

Sincerely,

Robert A. Lakin
Director of Planning

RAL:ber

Vincent L. Bogart, Chartered

*Attorneys at Law
444 North Market
Wichita, Kansas 67202
(316) 263-6291*

*Vincent L. Bogart
Larry H. Witt*

30 October 1975

Mr. Robert Lakin, Director
Metropolitan Area Planning Commission
City Building Annex
Wichita, Kansas 67202

Re: Marina Lake

Dear Bob:

On the occasions of our presentation to the Planning Commission and to the City Commission remarks were made by the Staff that they required and wished us to provide additional plans which were readable since your's are not. We have provided at least 12 plans in this zoning case, all of which appear to me to be readable. Will you please send me by letter what it is that you cannot read so that I can better explain to the company preparing the "CUP" what it is they are required to do.

Very truly yours,

VINCENT L. BOGART, Chartered

By *Vincent L. Bogart*

VLB:db



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: November 7, 1975

Case No. Z-1739 - "B" to "LC"; and DP-23 Amendment

Referred back to the Metropolitan Area Planning Commission for reconsideration.

Location:

South side of 21st Street between Sweetbriar and Marigold as extended from the north.

Case History

MAPC - 10-9-75 - Planning Commission Recommendation:
That these applications be approved. Gragg moved, Savina seconded and it carried by a vote of 4 in favor (Gragg, Savina, Collier and Hennessy) and 2 opposed (Porter and Kamen). Chairman Bayouth abstained from voting, and Taylor and Goebel were absent.

BCC - 10-28-75 - Referred back to the Metropolitan Area Planning Commission for reconsideration.

City Commission Minutes of October 28, 1975 are attached.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MPC HEARING DATE: Oct. 9, 1975

Case No. Z-1739 and
DP-23

Request: "B" to "LC" and Amendment
to Marine Lake CUP

Location: South side of 21st Street between Sweetbriar
and Marigold as extended

Reason: "This parcel is a 2.2 acre tract bordered by a lake on the south and west, LC property on the east and controlled access on the north. It cannot be economically developed for any use other than LC. The property has been idle and unused for several years under B zoning classification which is unrealistic in terms of location and characteristics of the subject property. The property meets LC zoning criteria and is located in an approved CUP for which an appropriate modification is being made in conjunction with this application. The owner feels it should be permitted to utilize its land in accordance with its best and most advantageous use."

Acres: 2.2

Size: 300 ft. by 325 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"B"
North	Single-family & duplex	"AA" & "A"
East	Convenience food, store, restaurants & parking	"LC"
South	Lake	"AA"
West	Lake	"AA"

Street rights-of-way are adequate.
History: History detailed in staff
report.

Platted: Yes
Sidewalk: Guaranteed by
petition

HISTORY

Z-0824 and DP-23 were two zone and Community Unit Plan applications for the entire area of the former Dolese sandpit area of approximately 60 acres which the Planning Commission considered in 1967. Approximately 37 acres were requested for "LC" and "C" and 24.5 acres were requested for "B". A Community Unit Plan was submitted for both the commercial and residential parts. The Planning Commission recommended denial, without prejudice; however, after the City Commission heard the case, approximately 8 acres of "LC" and 22 acres of "B" was approved. The situation at that time hinged on the impact of traffic on the arterial system.

Page 2 - Case No. 2-1739 and
Case No. DP-23
October 9, 1975

On December 12, 1968, the Planning Commission considered an application for an amendment to the CUP and request for an increase of Parcel 1 from 3.57 acres to 9.13 acres of light commercial zoning (Z-1032). Action of the Planning Commission was to recommend denial of both applications. The Board of City Commissioners, however, at their meeting of January 21, 1969, approved both applications, subject to certain conditions. Again, the impact of traffic on the arterial system was a prime consideration. (See attached MAPC minutes of November 14, 1968, December 12, 1968, January 9, 1969, and BCC minutes of January 21, 1969 - Attachments 1-A, 1-B, 1-C, and 2.)

On March 11, 1971, the Planning Commission considered an application for an amendment to the CUP and a request for an increase in the area on Parcel 1 from 9.13 acres to 14.94 acres of light commercial zoning. Action of the Planning Commission was to recommend approval of both requests. This recommendation was concurred in by the Board of City Commissioners on March 30, 1971. (See attached Planning Commission minutes of March 19, 1971, and City Commission minutes of March 30, 1971 - Attachments 3 and 4.)

On January 25, 1973, the Planning Commission considered an application for an amendment to the CUP and a request for an additional amount of light commercial zoning - approximately 7.33 acres and an approximate 5.75 acres of "BB" Office zoning. Action of the Planning Commission was to recommend approval of both requests; however, both applications were denied by the City Commission on March 20, 1973. (See attached Planning Commission minutes of January 25, 1973 and March 8, 1973, and City Commission minutes of February 27, 1973 and March 20, 1973 - Attachments 5, 6, 7 and 8.)

On September 4, 1973, as an off-agenda item, the Board of City Commissioners considered the matter of litigation and zoning relative to Marina Lakes, Inc. The action of the City Commission was to permit the applicant to refile the application without cost, conditioned upon the litigation being ended by dismissal of the suit and payment of the court costs by Marina Lake Drive, Inc.

Based on this action, the zone case and CUP were advertised for hearing and notices mailed without cost to the applicant. Specifically, the applicant requested approximately 7.33 acres of "LC" zoning and an additional 5.75 acres for "BB" Office zoning. On October 11, 1973, the Planning Commission considered and unanimously recommended approval of both requests, however, the City Commission referred the cases back to the Planning Commission for reconsideration. The Planning Commission reconsidered the cases on November 26, 1973 and recommended by a vote of 5 in favor and 1 opposed, the approval of both requests. The action of the City Commission was to deny both applications on December 11, 1973. (See attached Planning Commission minutes of October 11, 1973 and November 26, 1973, and City Commission minutes of October 30, 1973 and December 11, 1973 - Attachments 9, 10, 11 and 12.)

On February 13, 1975, the MAPC considered and recommended approval of a request to amend the CUP and change the zoning on Parcel 6 (adjacent to Amidon), to the "LC" Light Commercial District (Z-1683); however, the Board of City Commissioners returned the case to the MAPC for reconsideration. An amended request was considered twice more by the MAPC, which recommended approval of the application; however, on July 1, 1975, the Board of City Commissioners denied the request for additional "LC" Light Commercial zoning. (See attached MAPC minutes of February 13, 1975; April 10, 1975; June 12, 1975; and City Commission minutes of March 11, 1975; April 29, 1975; July 1, 1975 - Attachments 13-17.)

Staff Comments

1. The applicant is now requesting a zone change from the "B" Multiple Family District to the "LC" Light Commercial District on a 2.2 acre tract listed as Parcel 5 on the CUP, and the CUP amendment as submitted proposes increasing the maximum building height on Parcel 5 from 35 feet to 65 feet, with a change in the proposed uses for Parcel 5 from "medical offices" to "light commercial per ordinance, except public garages, body or fender shops, public parking or storage lots will not be permitted." The proposed gross floor area is 43,875 square feet.

Since the filing of the applications, the applicant's attorney has advised by letter that they are agreeable to the 35-foot height limitation and are changing the proposed uses to reflect "light commercial per ordinance."
2. The primary issue relating to this application is the further "strip zoning" of 21st Street North. At present, the "LC" District extends to Sweetbriar Street on the north side of 21st Street and to the east side of subject property on the south side of 21st. From that point west until the southwest corner of 21st and McComas, there is no additional commercial zoning and quality single family and two family residences are located directly across from subject property on the north side of 21st. The granting of this request could reasonably be expected to trigger the pattern which has occurred in other parts of the City, such as South Seneca, whereby the street ultimately becomes stripped out and non-compatible uses are introduced adjacent to single family homes.
3. Although there is some merit to the argument that the lake to the west of subject property provides an excellent buffer, the unrestricted spread of commercial uses to subject property will ultimately lead to other applications on the north side of 21st as has occurred elsewhere in the City. The original intent of the Community Unit Plan concept was to provide for well planned and well organized development, and was not to promote strip zoning on a larger scale. To accomplish the intent, it is necessary to provide specific use limitations, landscaping, intensity controls and other amenities in order to lessen the impact of

large scale developments. The uses permitted in the "LC" District range from those, such as drive-in restaurants whose external effects are incompatible with residential neighborhoods, to other uses, such as financial institutions, offices or studios, which can be a buffer or transition area between residential and more intensive uses.

If the number of buildings was limited to one and if specific use limitations were proposed by the applicant in the text of the CUP, the potential for strip zoning represented by this application could be substantially reduced. The applicant, however, has proposed that the full range of light commercial uses be permitted on subject property.

4. The impact of this request on traffic flows in the area could either be negligible or major, depending on the uses permitted, but the "strip zoning" of 21st Street to the west will further overload and impact the major intersection of 21st and Amidon. All of the arguments on traffic generations and congestion have been substantially presented in the past and are found in previous minutes.
5. Inasmuch as there have been a number of additions and amendments to the Code of the City of Wichita since this CUP was last approved in March, 1971, the following additions or changes should be made on the plan:
 - a) Amend general provision #1 to read as follows: "Sign control - Signs as permitted by the zoning district."
 - b) Delete comment #6 under Parcel #7 as this will be controlled by amended G.P. #1 above.
 - c) Add a general provision #7 to read as follows: "Firelane easements shall be provided in accordance with Section 15.01.055 Code of the City of Wichita."

The applicant's attorney has advised in his letter that he isn't certain as to whether they can alter provisions other than those specific conditions relating to Parcel #5 contained in this application, as these changes would affect other parcels not owned by his client.

6. This is the sixth amendment proposed for the Marina Lake CUP since 1968 and as a result of deletions, additions and amendments, the texts for individual parcels are out of order, notations are in the margins, and in some instances the text is difficult to read. The intent of any plans is to provide accurate, concise information in a legible form and the applicant should be required to have the CUP redrawn in order to provide clear, legible copies.
7. If the Planning Commission determines that the request for "LC" zoning is proper, consideration should be given to requiring a specific use list so as not to continue the effect of strip type of commercial uses. The following conditions should be considered:

Page 5 - Case No. Z-1739 and
Case No. DP-23
October 9, 1975

- a) Amend the text of Parcel #5 to specifically limit the uses permitted, such as office buildings, medical clinics, financial institutions, laboratories, and studios.
 - b) Provide that the number of buildings shall not exceed one.
 - c) The applicant shall provide clear legible copies of the CUP, with the text of the parcels being in order.
 - d) General Provision #2 shall be amended to provide a waiver of the screening and landscaping requirement on the south and west lines of Parcel #5.
-

COMMISSIONERS PROCEEDINGS

2619

October 28, 1975

Z-1739 & DP-23 -
ZONE CHANGE & CUP
AMENDMENT - south
side of 21st St.
between Sweetbriar
& Marigold

Z-1739 and DP-23 Zone Change from Multiple Family to Light Commercial (from "B" to "LC") and approval of Community Unit Plan Amendment on the south side of 21st Street between Sweetbriar and Marigold as extended from the north, presented.

Recommendation

Planning Commission recommended approval. NOTE: At the request of the applicant's attorney, Mr. Vince Bogart, the Commission is also provided with a copy of a traffic analysis report prepared by Oblinger-Smith.

Bob Lakin

Bob Lakin, Director of Planning, reviewed this matter with the Commission and explained that this was a 2.24 acre tract included in the revised Marina Lakes Community Unit Plan as Parcel 5. He stated that there was some confusion in revising the CUP in regard to this item. He further stated that he, his staff, and Vince Bogart, Attorney representing the applicant, had agreed on the following changes:

- (1) Change the height of a building allowable on Parcel 5 from 65' to 35'.
- (2) Delete the wording "body and fender shop" since it is not permitted in "LC" zoning anyway.
- (3) Waive the requirement for screening on the south and west.

The MAPC's vote on these three items was moot 3 to 3, but did not appear in the minutes to the City Commission.

Vince Bogart

Vince Bogart, Attorney for the applicant, stated that they did not feel that screening was necessary on the south and west because the parcel was bordered by a lake and that the closest structures were 300 to 400 feet away. He then answered questions of the Commission in regard to the CUP.

Motion--
--carried

Donnell moved to allow Mr. Bogart an additional 5 minutes for his presentation. Motion carried 5 to 0.

COMMISSIONERS PROCEEDINGS

2619

October 28, 1975

Jan LaFever
John M. Kellison

Jan LaFever and John M. Kellison, residents of the area, spoke against adding new "LC" zoning.

Motion--

Stevens moved that the zone change and CUP be approved as recommended by the Metropolitan Area Planning Commission, and include the following agreements: (1) Change the height of a building allowable on Parcel 5 from 65' to 35' (2) Delete the wording "body and fender shop" since it is not permitted in "LC" zoning anyway, and (3) Waive the requirement for screening on the south and west, limit the development to one structure and place the ordinance effectuating the zone change on first reading.

Comms. Shanahan

Commissioner Shanahan stated that Marina Lakes is a classic example of strip zoning and is against the motion for that purpose.

--failed

Motion failed 2 to 3. Donnell, Shanahan, Peters, "NO".

Motion--

Donnell moved that the application be returned to the Metropolitan Area Planning Commission for reconsideration for the following reasons: (1) The need for consideration of one building (2) That adequate architectural and screening barriers be placed in the CUP, and (3) Some limitations on building usage.

Discussion

Discussion was had in regard to appropriate usage of a building.

Comm. Peters

Commissioner Peters stated that MAPC should carefully consider the comments of the staff in determining usage of the building.

--carried

Motion carried 5 to 0.

✓ DP23 & Z-1739 - 249 Notices mailed to adjacent property owners 10-31-75
for the MAPC meeting of 11-13-75.

Included on the mailing list were the following:

Oliver Anderson, 2219 Bullinger, 67204
Michael Belluomo, 2245 Bullinger, 67204
Robert I. Guenther, 2606 Bob White, 67204

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas 67202

October 31, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

At their regular meeting on October 28, 1975, the Board of City Commissioners considered the following described Community Unit Plan and change of zoning.

DP-23 - All of Government Lot 1, in the NW $\frac{1}{4}$ of Section 7, Township 27 South, Range 1 East, except that part of said Government Lot 1 which has been dedicated for public streets. A portion of the above described property has been platted into: Lots 1 and 2 in Marina Lake Addition, Lot 1, Marina Lake Third Addition, Lots 1, 2 & 3 in Marina Lake Fourth Addition, and Lot 1 in Marina Lake Sixth Addition. Generally located at the southwest corner of 21st Street North and Amidon.

CASE NO. 2-1739

Zone Change from the "B" Multiple-Family Dwelling District to the "IC" Light Commercial District

Lot 3, Marina Lake 4th Addition, Sedgwick County, Kansas. Generally located on the south side of 21st St. between Sweetbriar and Mariqold as extended from the north.

The City Commission's action was to return the cases to the Metropolitan Area Planning Commission for reconsideration stating that the number of buildings should be limited to one, adequate architectural and screening provisions should be required, and a limitation on building uses provided for. Therefore, the Planning Commission will reconsider the above items at their regular meeting on Thursday, November 13, 1975, the meeting to begin at 1:30 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you desire.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin, Secretary

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 22, 1975

TO Ralph Wulz, City Manager
FROM Jack H. Galbraith, Chief Planner
SUBJECT DP-23 - Amendment - Marina Lake
Development Plan

In the consideration of the above-captioned amendment to the Marina Lake CUP, Vince Bogart, the attorney representing the applicant, submitted a traffic analysis report prepared by the firm of Oblinger-Smith. At Mr. Bogart's request, attached are sufficient copies of that report to be forwarded to the City Commissioners for their information and review associated with subject case.


Jack H. Galbraith
Chief Planner

JHG:ber

APPROVED:


Robert A. Lakin
Director of Planning

TRAFFIC ANALYSIS REPORT
PREPARED FOR
SATTERTHWAITE DEVELOPMENT CORPORATION

October 9, 1975

Introduction - This report is to analyze the impact of traffic which may be generated by a proposed development located on the south side of 21st Street between Sweetbriar and Marigold as extended from the south. This parcel of land is currently zoned "B" and a request has been made to change this zoning to "LC."

The parcel of land measures 300 feet by 325 feet for an area of 2.24 acres. The CUP (Community Unit Plan) allows for a maximum building coverage of 30 percent or 29,250 square feet and a maximum floor area of 45 percent or 43,875 square feet. No multiple-story construction is anticipated, therefore the maximum gross floor area will be 29,250 square feet. The maximum gross leasable floor area for commercial business purposes will be somewhat less than the 29,250 square feet.

Existing Street System and Traffic Volumes - The proposed development is fronted on the north by 21st Street. 21st Street is a four-lane (48-foot) street with a median which extends from Amidon past the proposed development site to almost Richmond, some 250 feet beyond the site.

Two medial openings now exist; one at Sweetbriar and one approximately 550 feet west of Amidon which serves the commercial areas on both sides of 21st Street. Both medial openings contain adequate left-turn storage lanes (exception: no left-turn storage lane for westbound traffic is provided at Sweetbriar). No additional median openings are requested as a result of this zoning change request.

The traffic volumes on 21st Street in the area of the site are given in the table shown below. The traffic volume on 21st Street west of Amidon is approximately 13,000 vehicles per day.

Location	Date of Count	Direction of Traffic	Duration of Count	Traffic Count
21st - west of Amidon	2-13-75	Westbound	24 hours	6,980
21st - west of Amidon	2-12-75	Eastbound	24 hours	6,626
21st - west of Amidon	2-13-75	Westbound	1 hour(1)	750
21st - west of Amidon	2-12-75	Eastbound	1 hour(2)	600
21st - east of West	6-18-75	Both	24 hours	13,437
21st - east of West	6-18-75	Both	1 hour(3)	1,107
21st - east of Amidon	1974	Both	24 hours	17,207
Amidon - south of 21st	1974	Both	24 hours	15,271

(1) 5:00 to 6:00 p.m.

(2) 6:45 to 7:45 p.m.

(3) 5:15 to 6:15 p.m.

Counts taken by Traffic Engineering, City of Wichita.

Trip Generation - A commercial development as is proposed for the site under consideration must attract a certain number of customers if it is to survive economically. Our current technology dictates that most of these customers will arrive at this site via the private automobile.

It is expected that a commercial development that contains a general mix of businesses as is anticipated here will generate approximately 90 trips per day per 1,000 square feet of gross leasable floor space. A trip is defined as a one-way movement of a vehicle from point of origin to point of destination.

In this situation, the gross leasable floor area is estimated to be 90 percent of the maximum building coverage, or 26,325 square feet. The 10-percent building coverage not leasable is for mechanical equipment and storage for owners' maintenance equipment and supplies.

Using the 90 trips per day per 1,000 square feet of gross leasable floor area and the 26,325 square feet of leasable floor area, the site will generate approximately 2,370 vehicle trips per day (one-way trips). This would mean approximately 1,185 vehicles would be attracted to the site each day.

Trip Distribution - it is estimated that the proposed development will attract some new trips to the area. However, most of the trips will be trips that are already in the area. These trips will be extensions or diversions of trips already in the area. It is estimated that initially only 30 percent of the trips generated by the development are new trips to the area. In this case, 355 trips (two-way) or vehicles would be attracted. The other 70 percent or 830 trips would already exist in the area and be diverted or extended to the new proposed development.

Impact of Proposed Development - The fact that the proposed development will have a traffic impact cannot be denied. The extent and nature of the impact will be discussed here.

As stated above, the proposed development will attract approximately 355 additional vehicle trips to the area. These could possibly increase traffic volumes on 21st Street 5 to 6 percent. The street has ample capacity to carry the additional traffic.

While the intersection of Amidon and 21st Street currently serves approximately 30,000 vehicles per day, the intersection serves these vehicles efficiently and the added traffic anticipated will not have an overloading impact on the intersection, causing undue congestion at the intersection.

Even if our estimate of new trips to the area is low, the additional vehicles can be accommodated by existing facilities without any substantial difficulty.

The CUP allows for one additional exit or entrance to 21st Street to be located at the west end of the site discussed here. Since there is no median opening at this location, only westbound traffic will be permitted to enter and all exiting traffic will be required to proceed eastbound. Thus the problem of left-turning vehicles does not exist at this location.

This new exit and entrance, plus the access available from the adjoining property, should provide ample access to the site.

Conclusion - The change from zone "B" to zone "LC" will attract additional vehicle trips into the area. Since the development is relatively small and these additional vehicles can be very adequately accommodated on existing roadway facilities, no improvements will be required.

Prepared by:
Monroe L. Funk, P.E.
Oblinger - Smith Corporation

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR ZONING AND CUP AMENDMENT

CASE NO. Z-1739 & DP-23

CONSIDERED BY MAPC: 10-9-75

REQUEST FOR: Change from "B" to "LC" and approval of
Community Unit Plan Amendment

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

To utilize the land in accordance with the best and most
advantageous use.

GENERAL LOCATION: South side of 21st Street between
Sweetbriar and Marigold as extended
from the north

LEGAL DESCRIPTION:

Z-1739 - Lot 3, Marina Lake 4th Addition.

DP-23 - Government Lot 1, in the N. 1/4 of Sec. 7, Twp. 27S, R1E,
except that part of said Government Lot 1 which has been
dedicated for public streets.

APPLICANT: Marina Lake Drive, Inc.

COUNSEL FOR APPLICANT: Vincent Bogart, Attorney

PROTESTORS (LIST COUNSEL) IF ANY:

Oliver Anderson, 2219 Bullinger, representing the Two Rivers Neighbor-
hood Association, spoke in opposition, and Michael Belluomo, 2245 Bull-
inger, spoke in opposition

SURROUNDING ZONING: North is "AA" and "A"; east is "LC";
south and west is "AA"LAND USE: Subject property is undeveloped; north is single family and
duplex; east is convenience food store, restaurants and
parking; south and west is lake area.

PLANNING COMMISSION RECOMMENDATION:

That these applications be approved. Gragg moved, Savina seconded
and it carried by a vote of 4 in favor (Gragg, Savina, Collier
and Hennessy) and 2 opposed (Porter and Kamen). Chairman Bayouth
abstained from voting, and Taylor and Goebel were absent.

ACTION 1. Approve the zone change and CUP as recommended by the Metro-
politan Area Planning Commission, place the ordinance effectuating
the zone change on first reading; or
2. Return the applications to the Metropolitan Area Planning Com-
mission for reconsideration. The City Commission states the fol-
lowing reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 9, 1975:

- 21a. Case No. E-1739 - Marina Lake Drive, Inc. requests change from "B" to "LC" for Lot 3, Marina Lake 4th Addition. Generally located on the south side of 21st Street between Sweetbriar and Marigold as extended from the north.
- 21b. Case No. DP-23 (Amendment) - Marina Lake Drive, Inc. requests an amendment to CUP, legally described as all of Government Lot 1, in the NW 1/4 of Sec. 7, Twp. 27S, R1E, except that part of said Government Lot 1 which has been dedicated for public streets. Generally located at the southwest corner of 21st Street North and Amidon.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

HISTORY

Z-0824 and DP-23 were two zone and Community Unit Plan applications for the entire area of the former Dolese sandpit area of approximately 60 acres which the Planning Commission considered in 1967. Approximately 37 acres were requested for "LC" and "C" and 24.5 acres were requested for "B". A Community Unit Plan was submitted for both the commercial and residential parts. The Planning Commission recommended denial, without prejudice; however, after the City Commission heard the case, approximately 8 acres of "LC" and 22 acres of "B" was approved. The situation at that time hinged on the impact of traffic on the arterial system.

On December 12, 1968, the Planning Commission considered an application for an amendment to the CUP and request for an increase of Parcel 1 from 3.57 acres to 9.13 acres of light commercial zoning (Z-1032). Action of the Planning Commission was to recommend denial of both applications. The Board of City Commissioners, however, at their meeting of January 21, 1969, approved both applications, subject to certain conditions. Again, the impact of traffic on the arterial system was a prime consideration. (See attached MAPC minutes of November 14, 1968, December 12, 1968, January 9, 1969, and BCC minutes of January 21, 1969 - Attachments 1-A, 1-B, 1-C, and 2.)

On March 11, 1971, the Planning Commission considered an application for an amendment to the CUP and a request for an increase in the area on Parcel 1 from 9.13 acres to 14.94 acres of light commercial zoning. Action of the Planning Commission was to recommend approval of both requests. This recommendation was concurred in by the Board of City Commissioners on March 30, 1971. (See attached Planning Commission minutes of March 19, 1971, and City Commission minutes of March 30, 1971 - Attachments 3 and 4.)

On January 25, 1973, the Planning Commission considered an application for an amendment to the CUP and a request for an additional amount of light commercial zoning - approximately 7.33 acres and an approximate 5.75 acres of "BB" Office zoning. Action of the Planning Commission was to recommend approval of both requests; however, both applications were denied by the City Commission on March 20, 1973. (See attached Planning Commission minutes of January 25, 1973 and March 8, 1973, and City Commission minutes of February 27, 1973 and March 20, 1973 - Attachments 5, 6, 7 and 8.)

On September 4, 1973, as an off-agenda item, the Board of City Commissioners considered the matter of litigation and zoning relative to Marina Lakes, Inc. The action of the City Commission was to permit the applicant to refile the application without cost, conditioned upon the litigation being ended by dismissal of the suit and payment of the court costs by Marina Lake Drive, Inc.

Based on this action, the zone case and CUP were advertised for hearing and notices mailed without cost to the applicant. Specifically, the applicant requested approximately 7.33 acres of "LC" zoning and an additional 5.75 acres for "BB" Office zoning. On October 11, 1973, the Planning Commission considered and unani-

mously recommended approval of both requests, however, the City Commission referred the cases back to the Planning Commission for reconsideration. The Planning Commission reconsidered the cases on November 26, 1973 and recommended by a vote of 5 in favor and 1 opposed, the approval of both requests. The action of the City Commission was to deny both applications on December 11, 1973. (See attached Planning Commission minutes of October 11, 1973 and November 26, 1973, and City Commission minutes of October 30, 1973 and December 11, 1973 - Attachments 9, 10, 11 and 12.)

On February 13, 1975, the MAPC considered and recommended approval of a request to amend the CUP and change the zoning on Parcel 6 (adjacent to Amidon), to the "LC" Light Commercial District (Z-1683), however, the Board of City Commissioners returned the case to the MAPC for reconsideration. An amended request was considered twice more by the MAPC, which recommended approval of the application; however, on July 1, 1975, the Board of City Commissioners denied the request for additional "LC" Light Commercial zoning. (See attached MAPC minutes of February 13, 1975; April 10, 1975; June 12, 1975; and City Commission minutes of March 11, 1975; April 29, 1975; July 1, 1975 - Attachments 13-17.)

Staff Comments

1. The applicant is now requesting a zone change from the "B" Multiple Family District to the "LC" Light Commercial District on a 2.2 acre tract listed as Parcel 5 on the CUP, and the CUP amendment as submitted proposes increasing the maximum building height on Parcel 5 from 35 feet to 65 feet, with a change in the proposed uses for Parcel 5 from "medical offices" to "light commercial per ordinance, except public garages, body or fender shops, public parking or storage lots will not be permitted." The proposed gross floor area is 43,075 square feet.

Since the filing of the applications, the applicant's attorney has advised by letter that they are agreeable to the 35-foot height limitation and are changing the proposed uses to reflect "light commercial per ordinance."

2. The primary issue relating to this application is the further "strip zoning" of 21st Street North. At present, the "LC" District extends to Sweetbriar Street on the north side of 21st Street and to the east side of subject property on the south side of 21st. From that point west until the southwest corner of 21st and McComas, there is no additional commercial zoning and quality single family and two family residences are located directly across from subject property on the north side of 21st. The granting of this request could reasonably be expected to trigger the pattern which has occurred in other parts of the City, such as South Seneca, whereby the street ultimately becomes stripped out and non-compatible uses are introduced adjacent to single family homes.
3. Although there is some merit to the argument that the lake to the west of subject property provides an excellent buffer, the unrestricted spread of commercial uses to subject property will ultimately lead to other applications on the north side of 21st as has occurred elsewhere in the City. The original intent of the Community Unit Plan concept was to provide for well planned and well organized development, and was not to promote strip zoning on a larger scale. To accomplish the intent, it is necessary to provide specific use limitations, landscaping, intensity controls and other amenities in order to lessen the impact of large scale developments. The uses permitted in the "LC" District range from those, such as drive-in restaurants whose external effects are incompatible with residential neighborhoods, to other uses, such as financial institutions, offices or studios, which can be a buffer or transition area between residential and more intensive uses.

If the number of buildings was limited to one and if specific use limitations were proposed by the applicant in the text of the CUP, the potential for strip zoning represented by this application could be substantially reduced. The applicant, however, has proposed that the full range of light commercial uses be permitted on subject property.

4. The impact of this request on traffic flows in the area could either be negligible or major, depending on the uses permitted, but the "strip zoning" of 21st Street to the west will further overload and impact the major intersection of 21st and Amidon. All of the arguments on traffic generations and congestion have been substantially presented in the past and are found in previous minutes.
5. Inasmuch as there have been a number of additions and amendments to the Code of the City of Wichita since this CUP was last approved in March, 1971, the following additions or changes should be made on the plan:
 - a) Amend general provision #1 to read as follows: "Sign control - Signs as permitted by the zoning district."
 - b) Delete comment #6 under Parcel #7 as this will be controlled by amended G.P. #1 above.
 - c) Add a general provision #7 to read as follows: "Firelane easements shall be provided in accordance with Section 15.01.055 Code of the City of Wichita."

The applicant's attorney has advised in his letter that he isn't certain as to whether they can alter provisions other than those specific conditions relating to Parcel #5 contained in this application, as these changes would affect other parcels not owned by his client.

6. This is the sixth amendment proposed for the Marina Lake CUP since 1968 and as a result of deletions, additions and amendments, the texts for individual parcels are out of order, notations are in the margins, and in some instances the text is difficult to read. The intent of any plans is to provide accurate, concise information in a legible form and the applicant should be required to have the CUP redrawn in order to provide clear, legible copies.
7. If the Planning Commission determines that the request for "LC" zoning is proper, consideration should be given to requiring a specific use list so as not to continue the effect of strip type of commercial uses. The following conditions should be considered:
 - a) Amend the text of Parcel #5 to specifically limit the uses permitted, such as office buildings, medical clinics, financial institutions, laboratories, and studios.
 - b) Provide that the number of buildings shall not exceed one.
 - c) The applicant shall provide clear legible copies of the CUP, with the text of the parcels being in order.
 - d) General Provision #2 shall be amended to provide a waiver of the screening and landscaping requirement on the south and west lines of Parcel #5.

GALBRAITH submitted a letter received in opposition from Robert I. Guenther, 2606 Bob White. He also reported that when he first observed the vacant office building on the north side of 21st Street, there was evidence of vandalism; however, when the Zoning Committee visited the site, windows had been replaced.

GALBRAITH emphasized the concern of continuous strip zoning and said the staff would recommend that the request not be approved. He pointed out that if the Commission felt the amendment was appropriate, then the four suggested conditions of approval as shown in the staff report should be considered. In addition to these conditions, GALBRAITH pointed out that the required 10-foot planting screen required along 21st for subject parcel when across the street from a residential zoning district was not indicated and also that the Town and Country market directly to the east of subject parcel should be shown on the CUP. He referred to the fact that there are presently vacant commercial spaces in the Marina Lake Center and the Atlantic Mills Center to the east.

CHAIRMAN BAYOUTH said he would abstain from voting on this case, but would continue to chair the meeting.

VINCENT BOGART, attorney representing the applicant, said this parcel is a 2 1/5-acre tract, bounded on the south and west by the lake; on the east by "LC" and on the north by 21st Street, which is 100 feet in width, and to which subject tract has been granted one point of access. BOGART agreed that there has been a great amount of history associated with the Marina Lake CUP; however, this is the first time this particular tract has been involved in any change since the original approval in 1967. The property has been dormant since that time, and the owner has paid taxes thereon without requesting any change; it is "hemmed in" with difficult access, and they have not been able to do anything so far as development. BOGART submitted snapshots to show the property being discussed.

(Kamen and Hennessy were called from the meeting at this time, resulting in the absence of a quorum. CHAIRMAN BAYOUTH declared a 10-minute recess, after which the Commission reconvened with the same members and staff present.)

BOGART continued with his presentation, stating that the pictures also represent adjacent properties. He pointed out that the zoning was originally approved for "B" when the original CUP was established, but that there has been no demand for such use, which is substantiated by the fact that the medical office on the north side of 21st Street at this point, has been abandoned. He submitted an aerial photo to better show the adjacent properties. As for the possibility of stripping out 21st Street with light commercial zoning and development, he noted that this is the last parcel, in that adjacent on the west is the lake and the area already developed with apartment structures, but perhaps the staff is referring to stripping the north side of 21st Street.

Generally speaking on past considerations of zoning for Marina Lake, BOGART pointed out that traffic has been a major consideration, but what is proposed is not a big development. However, the Oblinger-Smith Corporation has prepared a traffic analysis, which indicates that there would be very minimum impact as far as traffic is concerned. First, only one entrance is permitted under the CUP and that is a right turn only from 21st Street, so any traffic would be entering from the west. A break in the medial is not being requested. The analysis indicates that there will be certain additional vehicles that would use the commercial premises (estimated to be 30%) but most would be those already in the shopping area complex, the 30% figure representing about 355 vehicles per day. The analysis concludes that these additional vehicles can be very adequately accommodated on existing street facilities and no improvements will be needed.

BOGART felt that when 1/2 of 1% is the anticipated traffic which would be added to the existing traffic, is compared to the 30,000 vehicles per day that travel the street, it does not represent an overloading impact on the intersection of Amidon and 21st Street. He brought out the fact that the analysis made by the consultant was based on total development of all available areas, and he hoped that figures submitted by the consultant would allay some of the concerns of the Commissioners so far as traffic.

In summarizing his comments, BOGART noted again that any "striping" of 21st Street, at least on the south side, would have to stop with this property in view of adjacent lake and development on the west; this is obviously not spot zoning because it is in a commercial area with light commercial development and uses on the east; the owners have invested time and money and paid taxes, including specials for the medical on Amidon, and they are entitled to the right to develop their property. As for vacant store spaces in the general area, BOGART felt that the owners of subject property should not be required to buy someone else's property in order to develop, if it can possible be done on their own ownership. Referring to the staff report, BOGART pointed out that the site is buffered; that they have agreed to certain changes suggested in the staff report, such as reducing the proposed height from 65 to 35 feet, and as for re-drawing the CUP showing these changes, he pointed out that such costs a great deal of money and they agreed to make the changes after the CUP was acted upon. He stressed the fact that this is a completely different application and should not be confused with some of the past applications or problems associated with the balance of the area included in the original CUP and located at the southwest corner of 21st and Amidon.

When asked if there were immediate plans for development, BOGART answered that Mr. Chuzy has told him that if the zoning can be changed to "LC", it would be purchased and developed. He pointed out again the fact that only a nominal amount of additional traffic is anticipated.

OLIVER ANDERSON, 2219 Bullinger, representing the Two Rivers Neighborhood Association, spoke in opposition, stating that area residents have opposed all changes for additional "LC" for several years beginning in 1967, and because of the continual opposition which has been submitted from time to time, he would make his comments brief at this time.

He appealed to the good judgment of the Commissioners not to continue light commercial zoning just to satisfy a few people interested in making a profit on their property, and said they were concerned about several factors pointed out in the past - traffic, the fact that the residential area is hemmed in between the two rivers, the flood control project and I-235, traffic has increased each time new "LC" has been approved and developed; the intersection of 21st and Amidon has been rebuilt several times; 21st Street has been widened; traffic signals are still causing an unreasonable delay in traffic movement, and there is no reason for additional "LC"; that the "LC" already approved in the general area is sufficient to provide all the goods and services that residents of the area need. He pointed out that residents have purchased homes in a residential area, and additional "LC" would create a problem and be detrimental to the homeowners. He felt that multiple-family dwellings would be the most appropriate use for the property.

MICHAEL BELLUOMO, 2245 Bullinger, spoke in opposition, and took exception to Mr. Bogart's claim that there was no need for medical offices in the area. He pointed out that in the original approval of the CUP, the developers wanted the "B" zoning for a medical office, and if Mr. Bogart's client has owned the property for as long as he says, there has been time for development as a medical clinic, inasmuch as since that time one has been very successful in the Twin Lakes office building. BELLUOMO pointed out also that a change of zoning will add considerable value to the property and apparently the owner has a buyer who wants to use it for a light commercial activity, and the purchase is contingent upon approval of light commercial. BELLUOMO expressed a desire for halting the spread of light commercial, fearful that such would be gradually extended, and there are expensive homes under construction to the west of the apartments on the south side of 21st.

BOGART spoke again to point out that some changes have been agreed to be included in the printed section of the CUP, such as a reduction from 65 feet to 35 feet, deletion of the original wording with respect to "LC" uses. As for the required wall along the lake, he said it was not required on the original CUP and he asked that it be waived.

GRAGG stated that he felt "LC" was the highest and best use for the property.

MOTION: That the Planning Commission recommend to the City Commission that these applications be approved. Gragg moved, Savina seconded and it carried by a vote of 4 in favor (Gragg, Savina, Collier and Hennessy) and 2 opposed (Porter and Kamen). Chairman Bayouth abstained from voting and Taylor and Goebel were absent.

GALBRAITH questioned whether or not the intent of the motion included any of the conditions suggested for consideration, such as being more specific as to proposed uses, limiting the number of buildings, waiving the required wall on the south and west, and the showing of the building on the east, and the required landscape strip along the north. GALBRAITH commented that he felt the applicant was agreeable to some of these conditions but not all.

GRAGG said he would amend the motion to include approval as per the staff comments.

BOGART stated that they have no way of knowing just what they will want to develop and prefer no limitation so far as the specific uses, but if limited to only one building that is what they will have to comply with. He had hoped for latitude to build whatever they could, and felt that uses should be left open.

It was also pointed out by BOGART that one of the conditions suggested by the staff limits the uses permitted to those mostly allowed in a "BB" zoning district, thus eliminating the possibility of light commercial uses, and he was not agreeable to that condition.

GALBRAITH again suggested that a condition be added regarding the screening and that the plan indicate the commercial structure on the property directly to the east, which is not now shown and that the number of buildings be limited to one to avoid continuation of more strip type uses. Regarding the required screening, he suggested that condition "e" be added as follows:

"e" A planting screen of low shrubbery, not less than 10 feet in width shall be provided adjacent to the north property line of Parcel 5 and shall be of such a type and maintained in such a manner as to not constitute a traffic hazard. A landscape plan shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permit.

GRAGG asked what he needed to do to amend his motion. GALBRAITH said a motion to reconsider was necessary and that a new motion could include any conditions the Commission felt to be appropriate.

PORTER said she would like to see any recommendation made include the conditions as suggested by the staff, including "e" which is not shown in the staff report.

MOTION: That the motion be amended to include the staff recommended conditions of approval, including "e" not shown on the written report, but presented by staff at this meeting. Porter moved, Collier seconded. Vote on the motion resulted in a tie, 3 in favor (Porter, Collier and Kamen) and 3 opposed (Gragg, Savina and Hennessy). Bayouth abstained and Taylor and Goebel were absent.

The Chairman pointed out that since this amended motion resulted in a moot vote, the original motion reflects the recommendation of the Planning Commission.

October 10, 1975

Mr. Vincent Bogart, Attorney
444 North Market
Wichita, Kansas 67202

Re: 3-1739 - "B" to "IC" and
DP-23 (Amendment) - South side
of 21st Street between Sweet-
briar and Marigold as extended

Dear Mr. Bogart:

At the regular meeting of the Metropolitan Area Planning Commission on October 9, 1975, the above-captioned cases were considered. The action of the Commission was to recommend the approval of the zone change request and the amendment to the associated CUP without any conditions of approval. It is necessary that we receive eight copies of the Community Unit Plan by 5:00 p.m. on October 22, 1975, so that subject case may be forwarded on to the Board of City Commissioners for consideration at their regular meeting of October 28, 1975, such meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

If you have any questions on the action of the Planning Commission, or the requested copies of the plan, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Marina Lake Drive, Inc., 7701 East Kellogg, Suite 575 67207
Oliver Anderson, 2219 Bullinger 67204
Michael Belluomo, 2245 Bullinger 67204
Robert I. Guenther, 2606 Bob White 67204
City Manager's Office

October 10, 1975

Mr. Oliver Anderson
2219 Bullinger
Wichita, Kansas 67204

Re: Z-1739 - "B" to "LC" and
DP-23 (Amendment) - South side
of 21st Street between Sweet-
briar and Marigold as extended

Dear Mr. Anderson:

At the regular meeting of the Metropolitan Area Planning Commission on October 9, 1975, the above-captioned cases were considered. The action of the Commission was to recommend the approval of the zone change request and the amendment to the associated CUP without any conditions of approval.

If you wish to submit protest petitions on behalf of those property owners within a radius of 200 feet of the area included in the zone change request, they should be filed in the Office of the City Clerk not later than 5:00 p.m. on October 23, 1975. A protest petition form is enclosed, and additional copies may be obtained from our office.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: Michael Belluomo, 2245 Bullinger 67204
Robert I. Guenther, 2606 Bob White 67204

2606 Bob White
Wichita, Kansas 67204

October 8, 1975

Wichita - Sedgwick County
Metropolitan Area Planning Commission
104 South Main
Wichita, Kansas 67202

Re: Case No. Z-1739 - Zone Change from "B" Multiple-Family Dwelling District to "LC" Light Commercial District, Lot 3, Marina Lake 4th Addition, Sedgwick County, Kansas.

and

DP-23 - All of Government Lot 1, in the NW/4 of Sec. 7, Twp. 27S, R1E, except that part of said Government Lot 1 which has been dedicated for public streets.

Gentlemen:

Surely the time has come when enough is enough. It can hardly be said that the manner in which the southwest corner of 21st Street North and Amidon has been developed has enhanced the area. From early proposals for the development of the area and architectural sketches of a proposed development which took advantage of the natural beauty and development potential of the sandpit in the area, this development has deteriorated to the type of cheap commercial development normally found adjoining and only appropriate to a major commercial highway. While this type of commercial development may arguably be appropriate to the immediate area of a major intersection such as 21st and Amidon, it should not be allowed to extend farther away from the intersection into established residential areas.

As the development of the area now exists, Sweetbriar Street is the western boundary of the commercial development at the corner of 21st and Amidon. To the west of Sweetbriar on the north side of 21st Street are some very nice single-family



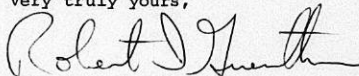
MAPC
Page Two
October 8, 1975

dwellings with a few very nice two-family dwellings. The farther west you go from Sweetbriar, the nicer and more expensive the homes become. The above proposal that Lot 3 be rezoned to light commercial would allow the same type of cheap commercial development to be placed on the south side of 21st Street immediately across from some rather nice homes.

My additional fear is that once an initial step is made by the Planning Commission to allow commercial development to escape west from its present confines it will each time be easier for the developer to argue that 21st Street should be zoned completely commercial on both sides. This would have an extremely deleterious effect on the neighborhood to the north of 21st Street because, although 21st Street is admittedly a busy thoroughfare, there is a substantial amount of quality residential development on both sides of 21st which should not be done away with in favor of commercial development.

Although I do not believe that very many of my neighbors have actually taken the trouble to write you, I am aware from discussions I have had with a number of them that they share my views and we all urge you to deny these two requested changes.

Very truly yours,



Robert I. Guenthner

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MPC HEARING DATE: Oct. 9, 1975

Case No. Z-1739 and DP-23	Request: "B" to "LC" and Amendment to Marine Lake CUP
---------------------------	---

Location: South side of 21st Street between Sweetbriar and Marigold as extended

Reason: "This parcel is a 2.2 acre tract bordered by a lake on the south and west, LC property on the east and controlled access on the north. It cannot be economically developed for any use other than LC. The property has been idle and unused for several years under B zoning classification which is unrealistic in terms of location and characteristics of the subject property. The property meets LC zoning criteria and is located in an approved CUP for which an appropriate modification is being made in conjunction with this application. The owner feels it should be permitted to utilize its land in accordance with its best and most advantageous use."

Acres: 2.2	Size: 300 ft. by 325 ft.
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	Land Use	Zoning
Existing	Undeveloped	"B"
North	Single-family & duplex	"AA" & "A"
East	Convenience food, store, restaurants & parking	"LC"
South	Lake	"AA"
West	Lake	"AA"

Street rights-of-way are adequate. History: History detailed in staff report.	Platted: Yes Sidewalk: Guaranteed by petition
--	--

HISTORY

Z-0824 and DP-23 were two zone and Community Unit Plan applications for the entire area of the former Dolese sandpit area of approximately 60 acres which the Planning Commission considered in 1967. Approximately 37 acres were requested for "LC" and "C" and 24.5 acres were requested for "B". A Community Unit Plan was submitted for both the commercial and residential parts. The Planning Commission recommended denial, without prejudice; however, after the City Commission heard the case, approximately 8 acres of "LC" and 22 acres of "B" was approved. The situation at that time hinged on the impact of traffic on the arterial system.

Page 2 - Case No. Z-1739 and
Case No. DP-23
October 9, 1975

On December 12, 1968, the Planning Commission considered an application for an amendment to the CUP and request for an increase of Parcel 1 from 3.57 acres to 9.13 acres of light commercial zoning (Z-1032). Action of the Planning Commission was to recommend denial of both applications. The Board of City Commissioners, however, at their meeting of January 21, 1969, approved both applications, subject to certain conditions. Again, the impact of traffic on the arterial system was a prime consideration. (See attached MAPC minutes of November 14, 1968, December 12, 1968, January 9, 1969, and BCC minutes of January 21, 1969 - Attachments 1-A, 1-B, 1-C, and 2.)

On March 11, 1971, the Planning Commission considered an application for an amendment to the CUP and a request for an increase in the area on Parcel 1 from 9.13 acres to 14.94 acres of light commercial zoning. Action of the Planning Commission was to recommend approval of both requests. This recommendation was concurred in by the Board of City Commissioners on March 30, 1971. (See attached Planning Commission minutes of March 19, 1971, and City Commission minutes of March 30, 1971 - Attachments 3 and 4.)

On January 25, 1973, the Planning Commission considered an application for an amendment to the CUP and a request for an additional amount of light commercial zoning - approximately 7.33 acres and an approximate 5.75 acres of "BB" Office zoning. Action of the Planning Commission was to recommend approval of both requests; however, both applications were denied by the City Commission on March 20, 1973. (See attached Planning Commission minutes of January 25, 1973 and March 8, 1973, and City Commission minutes of February 27, 1973 and March 20, 1973 - Attachments 5, 6, 7 and 8.)

On September 4, 1973, as an off-agenda item, the Board of City Commissioners considered the matter of litigation and zoning relative to Marina Lakes, Inc. The action of the City Commission was to permit the applicant to refile the application without cost, conditioned upon the litigation being ended by dismissal of the suit and payment of the court costs by Marina Lake Drive, Inc.

Based on this action, the zone case and CUP were advertised for hearing and notices mailed without cost to the applicant. Specifically, the applicant requested approximately 7.33 acres of "LC" zoning and an additional 5.75 acres for "BB" Office zoning. On October 11, 1973, the Planning Commission considered and unanimously recommended approval of both requests, however, the City Commission referred the cases back to the Planning Commission for reconsideration. The Planning Commission reconsidered the cases on November 26, 1973 and recommended by a vote of 5 in favor and 1 opposed, the approval of both requests. The action of the City Commission was to deny both applications on December 11, 1973. (See attached Planning Commission minutes of October 11, 1973 and November 26, 1973, and City Commission minutes of October 30, 1973 and December 11, 1973 - Attachments 9, 10, 11 and 12.)

On February 13, 1975, the MAPC considered and recommended approval of a request to amend the CUP and change the zoning on Parcel 6 (adjacent to Amidon), to the "LC" Light Commercial District (Z-1683); however, the Board of City Commissioners returned the case to the MAPC for reconsideration. An amended request was considered twice more by the MAPC, which recommended approval of the application; however, on July 1, 1975, the Board of City Commissioners denied the request for additional "LC" Light Commercial zoning. (See attached MAPC minutes of February 13, 1975; April 10, 1975; June 12, 1975; and City Commission minutes of March 11, 1975; April 29, 1975; July 1, 1975 - Attachments 13-17.)

Staff Comments

1. The applicant is now requesting a zone change from the "B" Multiple Family District to the "LC" Light Commercial District on a 2.2 acre tract listed as Parcel 5 on the CUP, and the CUP amendment as submitted proposes increasing the maximum building height on Parcel 5 from 35 feet to 65 feet, with a change in the proposed uses for Parcel 5 from "medical offices" to "light commercial per ordinance, except public garages, body or fender shops, public parking or storage lots will not be permitted." The proposed gross floor area is 43,875 square feet.

Since the filing of the applications, the applicant's attorney has advised by letter that they are agreeable to the 35-foot height limitation and are changing the proposed uses to reflect "light commercial per ordinance."

2. The primary issue relating to this application is the further "strip zoning" of 21st Street North. At present, the "LC" District extends to Sweetbriar Street on the north side of 21st Street and to the east side of subject property on the south side of 21st. From that point west until the southwest corner of 21st and McComas, there is no additional commercial zoning and quality single family and two family residences are located directly across from subject property on the north side of 21st. The granting of this request could reasonably be expected to trigger the pattern which has occurred in other parts of the City, such as South Seneca, whereby the street ultimately becomes stripped out and non-compatible uses are introduced adjacent to single family homes.
3. Although there is some merit to the argument that the lake to the west of subject property provides an excellent buffer, the unrestricted spread of commercial uses to subject property will ultimately lead to other applications on the north side of 21st as has occurred elsewhere in the City. The original intent of the Community Unit Plan concept was to provide for well planned and well organized development, and was not to promote strip zoning on a larger scale. To accomplish the intent, it is necessary to provide specific use limitations, landscaping, intensity controls and other amenities in order to lessen the impact of

large scale developments. The uses permitted in the "LC" District range from those, such as drive-in restaurants whose external effects are incompatible with residential neighborhoods, to other uses, such as financial institutions, offices or studios, which can be a buffer or transition area between residential and more intensive uses.

If the number of buildings was limited to one and if specific use limitations were proposed by the applicant in the text of the CUP, the potential for strip zoning represented by this application could be substantially reduced. The applicant, however, has proposed that the full range of light commercial uses be permitted on subject property.

4. The impact of this request on traffic flows in the area could either be negligible or major, depending on the uses permitted, but the "strip zoning" of 21st Street to the west will further overload and impact the major intersection of 21st and Amidon. All of the arguments on traffic generations and congestion have been substantially presented in the past and are found in previous minutes.
5. Inasmuch as there have been a number of additions and amendments to the Code of the City of Wichita since this CUP was last approved in March, 1971, the following additions or changes should be made on the plan:
 - a) Amend general provision #1 to read as follows: "Sign control - Signs as permitted by the zoning district."
 - b) Delete comment #6 under Parcel #7 as this will be controlled by amended G.P. #1 above.
 - c) Add a general provision #7 to read as follows: "Firelane easements shall be provided in accordance with Section 15.01.055 Code of the City of Wichita."

The applicant's attorney has advised in his letter that he isn't certain as to whether they can alter provisions other than those specific conditions relating to Parcel #5 contained in this application, as these changes would affect other parcels not owned by his client.

6. This is the sixth amendment proposed for the Marina Lake CUP since 1968 and as a result of deletions, additions and amendments, the texts for individual parcels are out of order, notations are in the margins, and in some instances the text is difficult to read. The intent of any plans is to provide accurate, concise information in a legible form and the applicant should be required to have the CUP redrawn in order to provide clear, legible copies.
7. If the Planning Commission determines that the request for "LC" zoning is proper, consideration should be given to requiring a specific use list so as not to continue the effect of strip type of commercial uses. The following conditions should be considered:

Page 5 - Case No. Z-1739 and
Case No. DP-23
October 9, 1975

- a) Amend the text of Parcel #5 to specifically limit the uses permitted, such as office buildings, medical clinics, financial institutions, laboratories, and studios.
 - b) Provide that the number of buildings shall not exceed one.
 - c) The applicant shall provide clear legible copies of the CUP, with the text of the parcels being in order.
 - d) General Provision #2 shall be amended to provide a waiver of the screening and landscaping requirement on the south and west lines of Parcel #5.
-

Vincent L. Bogart, Chartered

*Attorneys at Law
444 North Market
Wichita, Kansas 67202
(316) 263-6291*

*Vincent L. Bogart
Larry H. Witt*

1 October 1975

Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Department
City Annex Building - Fourth Floor
Wichita, Kansas 67202



Re: Z-1739 "B" to "LC" and
DP-23 - Amendment to the
Marina Lake C.U.P.

Dear Mr. Galbraith:

As you know, I responded to your letter of September 25th by discussing the matter with you on the telephone on a couple of occasions.

Attempting to comply with your requirements and without incurring any additional expense in the drafting of further plans and after discussing the matter with my clients, I make the following requests and suggestions:

A. It is my understanding that we both agree it would be impossible for us to agree to amendments of the C. U. P. which would alter or affect property owned entirely by others and we are therefore not making any suggestions or additions to the provisions of the C. U. P. except as it would affect Parcel #5.

B. In the proposed amendment respecting Parcel #5, we would agree to the reduction of the maximum building height from 65 feet to 35 feet in Item #4 and

Mr. Galbraith
1 October 1975
Page 2

would request the deletion in Item #7 of Parcel #5 of all language after the word "ordinance" so that Item #7 reads: "Proposed use: Light Commercial per ordinance."

C. We cannot be any more specific in regard to the proposed Light Commercial use as my clients do not as yet have anything under contract. We, therefore, must leave the description open to those uses possible under Light Commercial.

D. We appreciate your suggestion regarding the screening and would request that the proposal include language either in general provisions number 2 or in Parcel #5 as a new numbered 8, "Screening is requested to be waived adjacent to the south and west boundaries of Parcel #5 inasmuch as the river and water area of the lake are an adequate buffer for residential areas to the south and west."

I believe this covers the areas about which we talked and if there is anything further I can do, please do not hesitate to let me know.

Very truly yours,

VINCENT L. BOGART, Chartered



Vincent L. Bogart

VLB/cp

CC: Marina Lake Drive, Inc.
7701 East Kellogg, Suite 575
Wichita, Kansas 67207

Mr. Keith Parker
1021 East Waterman
Wichita, Kansas 67211

September 25, 1975

Vincent L. Bogart, Chartered
444 North Market
Wichita, Kansas 67202

Re: Z-1739 "B" to "LC" and
✓DP-23 - Amendment to the
Marina Lake C.U.P.

Dear Mr. Bogart:

We have forwarded copies of the submitted amended C.U.P. for Marina Lakes to representatives of the Department of Public Works for their comments. In our review of these two applications, it appears that the only amendment to the C.U.P. is the area on the south side of 21st Street designated as Parcel 5. Specifically the plan proposes the following general amendments:

Increasing the amount of "LC" zoning approximately 2.2 acres.

Increasing the maximum building height on Parcel 5 from 35 feet to 65 feet.

Changing the "proposed use" for Parcel 5 from "medical offices" to "Light Commercial per ordinance, except - public garages, body or fender shops, public parking or storage lots will not be permitted."

As you are aware, this C.U.P. has been amended several times and each time there have been notes, corrections and additions made on the plan to where it is now quite difficult to read. We would recommend that the entire text be carefully reviewed by the applicant and retyped in an orderly manner where it is legible to all.

Page 2 - Vincent L. Bogart, Chartered
Z-1739 & DP-23 Amendment
September 25, 1975

Our major concern with this latest amendment is the proposed extension of "LC" further west on 21st Street. We believe the major issue is whether or not "LC" should be extended across the street from "AA" Single Family and "A" Two Family zoning, or should the existing "B" zone remain as a buffer.

Inasmuch as there have been a number of additions and amendments to the Code of the City of Wichita since this C.U.P. was last approved in March 1971, by the City Commission, the following additions or changes should be made on the plan:

1. Amend General Provision #1 to read as follows:
"Sign Control - Signs as permitted by the zoning district."
2. Delete comment #6 under Parcel 7 as this will be controlled by amended G.P. #1 above.
3. Add a General Provision #7 to read as follows:
"Fire lane easements shall be provided in accordance with Section 15.01.055 Code of the City of Wichita."

In addition to the foregoing it is suggested that the uses proposed for Parcel 5 be more specific and that reference to body and fender shops be deleted as that use is not permitted under any circumstances in the "LC" zoning district.

It is also suggested that the maximum building height on Parcel 5 be changed from 65 feet to 35 feet as was approved for this parcel by the City Commission in 1971.

Should your client desire to include a waiver of the required screening adjacent to the south and west lines of Parcel 5, this should be amended into General Provision #2.

Page 3 - Vincent L. Bogart, Chartered
Z-1739 & DP-23 Amendment
September 25, 1975

These are most of the comments we have at this time as related to the submitted amended C.U.P. We have advertised these two cases for a public hearing for the Planning Commission meeting of October 9, 1975. We would appreciate your reviewing our comments and making the appropriate corrections and returning 12 revised copies to our office by 5:00 p.m. on October 1, 1975.

If you have any questions concerning these cases, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el
Encl.

cc: Marina Lake Drive, Inc., 7701 E.Kellogg, Suite 575, 67207
Keith Parker, 1021 East Waterman, 67211

DP-23 - ²⁴³~~243~~ notices mailed out to adjacent property owners 9-25-75 for
MAPC meeting 10-9-75

(the above notice and also notices for Case No. Z-1739 were mailed in
the same envelope.)

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
WICHITA, KANSAS 67202

September 25, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m. on October 9, 1975, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-23 - All of Government Lot 1, in the NW $\frac{1}{4}$ of Sec. 7, Twp. 27S, R1E, except that part of said Government Lot 1 which has been dedicated for public streets. Generally located at the southwest corner of 21st Street North and Amidon.

The Development Plan of this area, originally approved in April 1967 and as amended in January 1969, and March, 1971, has been resubmitted as required under the Community Unit Plan provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department Office, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, and is available for public information and review.

The revised Development Plan on file proposes the following general amendments:

1. Increasing the amount of "LC" Light Commercial Zoning approximately 2.2 acres by changing from "B" Multiple family to "LC" Light Commercial the zoning on Parcel 5 located on 21st Street between Sweetbriar and Marigold as extended from the north.
2. Changing the proposed use for Parcel 5 from medical offices to light commercial uses excepting public garages and public parking and storage garages.
3. Increase maximum building height on Parcel 5 from 35 feet to 65 feet.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for a deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin, Secretary

Sept. 10, 1975

Paul Graves, Traffic Engineering
Dick Linn, City Engineering
M.S. Mitchell, Asst. Supt., Public Works Maintenance

Jack H. Galbraith, Chief Planner

Amendment to DP-23 - Marina Lakes Community Unit Plan and
Z-1739 - Zoning change from "B" to "LC"

Attached is the latest revised copy for the Marina Lakes
Community Use Plan. The only change that is requested is
for light commercial zoning on Parcel 5. In addition to the
change of zoning, the building height for Parcel 5 has been
increased from 35 feet to 65 feet.

These cases have been scheduled for consideration by the
Planning Commission at their meeting of October 9, 1975, and
we would appreciate any comments you may have, as soon as
possible.

Jack H. Galbraith
Chief Planner

JHG:el

Attached

Sept 20, 1975
talked to Dean Sellers and M.S. Mitchell
but they had no comments on the proposed amendment
- Bill McKinley's comments will be incorporated
into letter to applicant

Mike Meek

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 Don MARINA LAKE DRIVE, INC. Don E. Satterthwaite
Address 7701 E. Kellogg, Suite 575, Wichita 67207 Phone 685-4300
Agent g Vincent L. Bogart, Chartered
Address 444 N. Market, Wichita 67202 Phone 263-6291
- 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 ^{Amended} Community Unit Plan approval for that portion of Parcel 5 _____ and legally described as Lot(s)

Three (3), Block(s) _____
MARINA LAKE FOURTH Addition.

~~Appropriate notes and bounds description may be provided in the space below or on an attached sheet.~~

for which a zoning change has been requested from B to LC. The entire CUP may be generally described as Govt. Lot One (1) in the Northwest Quarter (NW/4) of Section 7-27-1E, except that part of said Govt. Lot One (1) which has been dedicated for public streets.

See legal from ownership list

II.B There are 60.87 net acres (round to nearest tenth) in the entire

CUP; however, the only change requested in the CUP is as to the 2.2 acres described above.

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
5	3	Benjamin Hills Second Add.	✓ Richard R. Ayesh & Mildred M. 2628 Benjamin Drive 67204
6	3	Same	✓ ✓ Kathryn Johnson & Ruby Millsap 2616 Benjamin Drive 67204
7	3	Same	✓ ✓ Aileen Lee - 2494 Coolidge Ave. Address-Unknown 67204 <i>found in phone book - Edie</i>
8	3	Same	✓ Arthur D. Busch & Florence C. 2552 Benjamin Drive 67204
9	3	Same	✓ Obed T. Wells & Evelyn A. Wells 2542 Benjamin Drive 67204
10	3	Same	✓ Jerry D. Forney, Trustee for Jerry Forney Trust 2534 Benjamin Drive 67204
11	3	Same	✓ Robert D. Dickerson & Carol J. 2520 Benjamin 67204
12	3	Same	✓ Raymond D. George & Gail 2512 Benjamin Drive 67204
13	3	Same	✓ Marvin W. Somers & Barbara H. 2506 Benjamin Drive 67204
14	3	Same	✓ Lewis Frank Hoobler & Betty Jo Address Unknown 2305 RICHMOND 67204
15	3	Same	✓ Jon Mattson Sjogren & Shirley A. 2315 N. Richmond 67204
16	3	Same	✓ Don G. Salyer & Louise K. 2325 N. Richmond 67204
17	3	Same	✓ Melvin C. Byers & Dorothy A. 2339 N. Richmond 67204
18	3	Same	✓ Horton E. Goss and Benita L. 2355 N. Richmond 67204
19	3	Same	✓ Iris L. King & Charlotte E. Crawford, 2367 N. Richmond 67204
20	3	Same	✓ Gordon L. Smith & Joan C. Smith 2377 N. Richmond 67204
1	5	Same	✓ Board of Park Commissioners 104 S. Main 67202 104 Buck slip

Lot	Block	Addition	Property Owner
2	5	Benjamin Hills Second Add.	✓ Board of Education 428 S. Broadway 67202
5	7	Same	✓ Jack E. Greene & Elizabeth J. 2302 Marigold 67204
4	9	Same	✓ William Ronald Brigstocke and Mindia M. Brigstocke 2228 Hyacinth 67204
5	9	Same	✓ H. Deane Jirrels & Nadine 2220 Hyacinth 67204
6	9	Same	✓ Wilbur R. Elsea & E. Maxine 2208 Hyacinth 67204
7	9	Same	✓ Anna McLean 2359 McLean Blvd. NW 67204
8	9	Same	✓ Oliver R. Anderson & Marjorie L. 2219 Bullinger 67204
9	9	Same	✓ Melvin E. Zandler & Shirley L. 2231 Bullinger 67204
10	9	Same	✓ John M. Richards Jr. & Betty L. 2237 Bullinger 67204
11	9	Same	✓ Michael A. Belluomo & Mary Paula 2245 Bullinger 67204
1	10	Same	✓ David E. Childs & Kathleen B. 2519 Benjamin 67204
2	10	Same	✓ C. Raymond Goble & Kathleen V. 2533 Benjamin 67204
3	10	Same	✓ Richard Bills & Wilma Jeanne 2514 Sabin 67212
4	10	Same	✓ Russell L. Brenner & Peggy J. 2551 Benjamin Drive 67204
5	10	Same	✓ Harry J. Frazier & Norma Joan 2605 Benjamin Drive 67204
6	10	Same	✓ Herbert Parks & Evelyn L. 2615 Benjamin Drive 67204
7	10	Same	✓ Verland M. Patterson & Elaine 2627 Benjamin Drive 67204
8	10	Same	✓ Frederick E. Dorey & Lillian E. Wynne, Ks. - 67110

✓ ~~Wynne, Ks. - 67110~~
 net. 9-26-75 no address found for
 Frederick E. Dorey
 c/o Elizabeth Development, Inc.
 1709 Southwest Blvd., 67213 281

Lot	Block	Addition	Property Owner
9	10	Benjamin Hills Second Add.	✓ Albert P. Guerra & Reva 2616 Bob White 67204
10	10	Same	✓ Robert G. Guenther & Susan 2606 Bob White 67204
11	10	Same	✓ Robert Emmett Wood & Helen Wanda 2552 Bob White 67204
12	10	Same	✓ Clifford P. Brawley & Lois M. 2542 Bob White 67204
13	10	Same	✓ Dean L. Babb & Norma L. Babb 2534 Bob White 67204
14	10	Same	✓ J. Carson Rockhill & Virginia J. 2505 Benjamin Drive 67204
1	11	Same	✓ Joe Guy Jones Jr. & Katherine C. 2521 Bob White 67204
2	11	Same	✓ John O. English & Rosella C. 2533 Bob White 67204
3	11	Same	✓ Fred J. Soper & Virginia H. 2541 Bob White 67204
4	11	Same	✓ Leon Kirkland & Mabelle 2551 Bob White 67204
5	11	Same	✓ Don L. Graber & Marie L. Graber 2605 Bob White 67204
6	11	Same	✓ Eli T. Ferris & Agnes C. 2615 Bob White 67204
7	11	Same	✓ Lowell W. Schroeder & Lorraine 2627 Bob White 67204
8	11	Same	✓ Bill R. Phillips & Sandra L. 2208 Bullinger 67204
9	11	Same	✓ John E. Brewer 515 Union Center 67202
10	11	Same	∩ Same
11	11	Same	∩ Same
12	11	Same	∩ Same
13	11	Same	∩ Same
14	11	Same	∩ Same

25% OFF
EXCELEBASE

Lot	Block	Addition	Property Owner
15	11	Benjamin Hills 2nd Add.	DD Henry Y. Geen & Jayne L. Geen 2209 Marigold 67204
16	11	Same	✓ Edward O. Elpers & Donna M. 2419 Benjamin Drive 67204
17	11	Same	✓ Robert M. Shearer & Joan B. 2433 Benjamin Drive 67204
1	12	Same	✓ Alfred M. Farha & Beulah K. 2442 Benjamin Drive 67204
2	12	Same	✓ Lucille K. Wilkinson 2434 Benjamin Drive 67204
3	12	Same	✓ Kay C. Hopson & Dorothy J. 2426 Benjamin Drive 67204
4	12	Same	✓ Ward E. Lewis & Gloria J. Lewis 2420 Benjamin Drive 67204
5	12	Same	✓ Administrator of Vet. Affairs 5500 East Kellogg 67218
6	12	Same	DD Emmet E. Hall and Lois 3007 Columbine 67204
7	12	Same	DD Same
9	12	Same	DD Same
8	12	Same	✓ William L. Leblon & Flora M. 2227 N. Richmond 67204
10	12	Same	DD Administrator of Vet. Affairs 5500 East Kellogg 67218
12	12	Same	✓ Henry Klaus Jesse & Darlene M. 2261 N. Richmond 67204
11	12	Same	✓ Jerome Charles Beck & Barbara 2253 N. Richmond 67204
1	13	Same	✓ Walter J. Broderson & Ruth B. 2262 N. Richmond 67204
2	13	Same	✓ Frank R. Cobb & Jeannine M. Cobb 2254 N. Richmond 67204
3	13	Same	✓ George L. Harris & Birdie M. 2244 N. Richmond 67204
4	13	Same	✓ John M. Lang & Virginia 2236 N. Richmond 67204

Lot	Block	Addition	Property Owner
5	13	Benjamin Hills Second Add.	✓ Clifford R. Muhlenbruch & Ruth 2228 N. Richmond 67204
6	13	Same	DD Administrator of Vet. Affairs 5500 E. Kellogg 67218
7	13	Same	DD Emmet E. Hall & Lois Hall 3007 Columbine 67204
8	13	Same	DD Henry Y. Geen & Jayne G. Geen 2209 Marigold 67204
9	13	Same	DD Leason H. McCloyd & Martha S. 2219 Marigold 67204
10	13	Same	DD Larry J. Armfield & Gwendolyn F. 2229 Marigold 67204
11	13	Same	✓ Warren E. Carpenter & Sandra Lee 2239 Marigold 67204
12	13	Same	DD Administrator of Vet. Affairs 5500 East Kellogg 67218
13	13	Same	✓ Orville W. Smith & Bettiann 2225 Dogwood Lane 67204
14	13	Same	DD Administrator of Vet. Affairs 5500 E. Kellogg 67218
15	13	Same	✓ Charles F. Danbury & Dorothy E. 2243 Dogwood Lane 67204
16	13	Same	✓ Forrest V. Jackson & Evelyn A. 2251 Dogwood Lane 67204
1	14	Same	DD Ward H. Blackford & Esther M. 2238 Marigold 67204
2	14	Same	DD Mark W. Dick & Beverly D. Dick 2222 Marigold 67204
3	14	Same	DD Bernard J. Stambaugh & Ralpholen 2206 Marigold 67204
4	14	Same	DD Southwest Federal Savings & Loan 130 N. Market 67202
5	14	Same	DD Norman E. Allerheiligen and Dorothy W. Allerheiligen 2225 Sweetbriar 67204
6	14	Same	DD Presbytery of Wichita Synod of Kansas 2258 Marigold 67204

Lot	Block	Addition	Property Owner
		Part of Block 16, Benjamin Hills Second Add. and part of Lot 3, Block A, Sweetbriar Addition and Replat of Part of Benjamin Hills Second Addition to Wichita, described as follows: Beginning at the Southwest corner of said Block 16; thence East along the South line of said Block 16; 150 feet; thence North at right angles 184 feet; thence West parallel with the South line of said Block 16 to the West line of said Lot 3; thence Southwesterly along the West line of said Lot 3 and said Block 16 to beginning.	American Health & Life Ins. Co. 200 East First Street 67202

All of Block 16, in Benjamin Hills Second Addition, except beginning at the Southeast corner of said Block 16, thence North 300 feet; thence West parallel with the South line of said Block 16 to a point in the West line of said Block 16; thence Southwesterly to the Southwest corner of said Block 16; thence East on South line to the place of beginning	Twin River Club 2248 Sweetbriar 67204 <i>had 7-26-75 marked "no more receipts" on checking with phone Co. their phone was disconnected & no more testing available. Ede.</i>
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That part of Lot 3, Block A, in Sweetbriar Addition and Replat of Part of Benjamin Hills Second Addition described as: Beg. at the NW corner of said Lot 3, Block A, thence East along the North line of said Lot 3, Block A 346.76 feet to the Northeast corner of said Lot 3, Block A, thence South along the East line of said Lot 3, Block A, 300 feet to the Southeast corner of lot 3, thence West along the South line said Lot 3, 325.2 feet to the Southwest corner of said lot, thence North to a point which is 116 feet South of the North line of Lot 3, Block A, thence West to the East line of Sweetbriar Lane, thence Northeasterly along the East line of Sweetbriar Lane to the pob.	Don S. Peters & Walter W. Jones 285 S. Dellrose 67218
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The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 6, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that portion described as: Beg. at a pt. 661.65 ft North and 40 ft West of the SE corner of SW $\frac{1}{4}$ section 6-27-1E being on W ln dedicated row for Amidon Avenue, thence West along the South line of the dedicated North Half of Halstead Street 130 feet, thence South 130 feet, thence East 130 feet, thence North 130 feet to pob., subject to ground lease to Sinclair Oil Company and easements and restrictions of record	Sweetbriar Gardens, Inc. 2359 McLean Blvd. N.W. 67204
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Lot	Block	Addition	Property Owner
1	A	Sweetbriar Addition and Replat of Part of Benjamin Hills 2nd Addition	✓ E. A. McLean 2359 McLean Blvd. N.W. 67204
2	A	Same	Ⓟ Same
Block 1 & vac 22nd st adj.		Gardner's Riverlawn Addition	✓ Gardner Land Inc. 3902 East 13th 67208
1	2	Same	✓ Emmet B. Park & Margaret F. Park 2330 Amidon 67204
2	2	Same	✓ Donald R. Armstrong & Ruby Eva 1921 W. 23rd North 67204
3	2	Same	✓ Donald A. Filby & Lois M. 1915 W. 23rd North 67204
4	2	Same	✓ V. A. Miller & Mildred B. Kathleen D. Garrison 1909 W. 23rd St. North 67204
5	2	Same	✓ John W. Swenson & Lulu E. 1901 W. 23rd St. North 67204
6	2	Same	✓ E. W. Schubert & Nell M. 1827 W. 23rd St. North 67204
7	2	Same	✓ George S. Simpson & Rosa L. 1821 W. 23rd St. North 67204
8	2	Same	✓ Stephen J. Betton & Janet L. 1815 W. 23rd North 67204
9	2	Same	✓ William Henry Holsapple and Marjorie Holsapple 1807 W. 23rd North 67204
12	2	Same	Ⓟ Gardner Land Inc. 3902 East 13th St. 67208
13	2	Same	Ⓟ Same
14	2	Same	Ⓟ Same
15	2	Same	Ⓟ Same
16	2	Same	Ⓟ Same
17	2	Same	Ⓟ Same
18	2	Same	Ⓟ Same
19	2	Same	Ⓟ Same
20	2	Same	Ⓟ Same
vacated 22nd St. adj.		lots 11 thru 20	

Lot	Block	Addition	Property Owner
12	3	Gardners Riverlawn Addition	✓ Violet J. Steven, Brenda Sue Sherrill, Charles David Steven 2416 Amidon 67204
13	3	Same	✓ Ray Shropshire & Georgia I. 2410 Amidon 67204
14	3	Same	✓ Alonzo W. Johnson & I. Lorene 2402 Amidon 67204
15	3	Same	✓ Dean E. Norris & Betty L. 1918 W. 23rd St. North 67204
16	3	Same	✓ Robert R. Bowell & Norma Jane 3801 W. 13th St. 67203
17	3	Same	✓ Paul W. Reeves & Katherine M. 2415 Riverlawn 67204
14	4	Same	✓ Patricia L. Rice & Dennis L. 5040 E. Pawnee 67218
15	4	Same	✓ James Sanders & La Donna J. 1214 Kevin Road 67208
16	4	Same	✓ Wendell E. Polin & Betty M. 1824 W. 23rd North 67204
1	1	Lakeview Estates	✓ Lakeview Development Co., Inc. 1900 Amidon 67203
1	A	Lakeview Estates 2nd Add.	✓ Same
2	A	Same	✓ Same
6	A	Same	✓ Same
4	A	Same	✓ Same
1	Twin Lakes Office Park		✓ Same
2	Same		✓ Same
1	Woodrow Court	Ford & Crane's Addition	✓ M. H. Owens & Evelyn A. Owens 1733 W. 18th St. 67203
3	Same	Same	✓ Same
5	Same	Same	✓ Same
7	Same	Same	✓ Sam Schwien & Lutie Schwien 1848 Woodrow Court 67203
9	Same	Same	✓ Same
11	Same	Same	✓ Same

Lot	Block	Addition	Property Owner
13	Woodrow Court	Ford & Crane's Addition	✓ Gerold B. Beat & Grace M. 1842 Woodrow Court 67203
15	Same	Same	D ✓ Same
17	Same	Same	D ✓ Same
19	Same	Same	✓ Dekalb Agricultural Association 1801 Woodrow Court Inc. 67203
21	Same	Same	D ✓ Same
23	Same	Same	D ✓ Same
25	Same	Same	D ✓ Same
27	Same	Same	D ✓ Same
29	Same	Same	D ✓ Same
31	Same	Same	D ✓ Same
33	Same	Same	D ✓ Same
1	1	Cook's River Ranch Addition	✓ Vic Cheq-I Shen and Jacqueline Shen 1846 Lisa Lane 67203
2	1	Same	✓ Everett C. Moss & Delpa A. 1827 W. 18th St. 67203
3	1	Same	✓ Wayne M. Armstrong & Zelma D. 1809 W. 18th St. 67203
4	1	Same	✓ Robert L. Whitesell & Alta L. 1805 W. 18th St. 67203
5	1	Same	✓ Donald J. Lampe & Jean C. 1855 Woodrow Court 67203
6 exc 1 S 1'		Same	✓ Phyllis J. Dixon 1845 Woodrow Court 67203
S1' 6	1	Same	✓ Robert H. Jackson & Dorothy E. 1835 Woodrow Court 67203
7	1	Same	D ✓ Same
8	1	Same	✓ Eugene L. Jones & Lorraine C. 1825 Woodrow Court 67203
9	1	Same	✓ William C. Anderson & O. Aileen 1242 Coolidge 67203
10	1	Same	✓ Frank L. Thomas & LeOla M. 1805 Woodrow Court 67203

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EXCEL

Lot	Block	Addition	Property Owner
NWly 1 2' lot 1		Cook's River Ranch Addition	✓ Jeffrey V. Baxter & Martha L. 1824 Lisa Lane 67203
12	1	Same	D ✓ Same
11 exc NWly 2' 1		Same	✓ Paul J. Andree & Dorothy C. 1814 Lisa Lane 67203
13	1	Same	✓ Homer E. Keith & LaDonna Keith 1828 Lisa Lane 67203
14	1	Same	✓ Phillip R. Purinton & Patricia 3801 W. 13th Apt. 1010 67203
15	1	Same	✓ Albert H. Nelson III and Patricia Ann Nelson 1836 Lisa Lane 67203
16	1	Same	✓ Haig Hagopian & Anahid 1840 Lisa Lane 67203
2	2	Same	✓ Arlene V. Root 1847 Lisa Lane 67203
3	2	Same	D ✓ Same
4	2	Same	D ✓ C. W. Bragg Co, Inc.
5	2	Same	✓ C. W. Bragg Co., Inc. 1741 N. Broadway 67214
6	2	Same	✓ James H. Lange & Zelma I. 1833 Lisa Lane 67203
7	2	Same	✓ Christine J. Cleary 1829 Lisa Lane 67203
8	2	Same	✓ G. Eugene McGinnis & Peggy A. 1825 Lisa Lane 67203
9	2	Same	✓ Astrid Hayden 1821 Lisa Lane 67203
10	2	Same	✓ Burditt E. Zachary 1817 Lisa Lane 67203
11	2	Same	✓ Charley Floyd Thomas Marjorie C. Thomas 1813 Lisa Lane 67203
12	2	Same	✓ Lawrence E. Wells & Irene 1401 Garland 67203
13	2	Same	D ✓ Same
14	2	Same	D ✓ Same

EXCELLENCE
BY
TAXPAYER

Lot	Block	Addition	Property Owner
6		Gardner's 17th Street Add.	✓ Riverside Homes Inc. 3902 East 13th St. 67208
7		Same	D ✓ Same
1		Marina Lake Addition	✓ Texaco Inc. 8301 East Pawnee 67207
2		Same	✓ Kiser Inc. 1446 Willow Road 67208
1		Marina Lake Third Addition	✓ Riverbend Associates, Ltd. c/o Ferd Evans 200 W. Douglas 67202
1		Marina Lake 4th Addition	D ✓ Clear Lakes Inc. c/o Mearle Mason 810 W. Douglas 67203
2		Same	D ✓ Same
3		Same	D ✓ Marina Lake Drive Inc. c/o Vincent L. Bogart 444 N. Market 67202
1		Marina Lake 6th Addition	D ✓ Clear Lake Inc. c/o Mearle Mason 810 W. Douglas 67203

That part of Govt. Lot 1 in the NW $\frac{1}{4}$ of Section 7, Township 27 South, Range 1 East of the 6th P.M., Described as: Beg. at a point on the East line of said Govt. Lot 1, S00°04'05" W 1120.32 feet from the Northeast corner thereof; thence N 88°12'55" W, parallel to the north line of said Govt. Lot 1, a distance of 130 feet; thence N00°04'05" E 15 ft; thence S 89°56'09" W, 455.06 feet; thence N 54°26'07" W, 251.68 feet; thence N 70°56'58" W, 959.77 feet to a point 695 feet South and 770 feet East of the Northwest corner of said Govt. Lot 1; thence S 12°11'35" W, 282.9 feet more or less to the left (North) bank of the Arkansas River; thence Southeasterly along the left (North) bank of said river to the east line of said Govt Lot 1; thence North 885 feet more or less to beginning, except therefrom that part dedicated to the public for access, drainage, river-bank maintenance, flood control and river beautification purposes, subject to easements and restrictions of record.

Govt. Lot 1, in the NW $\frac{1}{4}$ of Sec. 7-27-1E except above described tract and except those portions platted as Marina Lake Add., Marina Lake 3rd Add, Marina Lake 4th Add., and Marina Lake 6th Addition

D ✓ Clear Lakes Inc.
c/o Mearle Mason
810 W. Douglas 67203

Tract

Property Owner

The East 2/3 of a square acre of ground, located in the Northwest corner of the following tract of land: Beg. at the Northwest corner of Lot 2, Section 7, Twp. 27 S, R1E of the 6th P.M., thence East on section line 1004 feet to center of 50 foot County Road, thence with an angle to the right of 84°15' on the center of said County Road 731.3 feet; thence with an angle to the left of 86°20' on said County Road and center of 20th Street and Motor Addition extended West 266 feet to the East line of said Lot 2, thence with an angle to the right of 90°20' of the East line of said Lot 2, 1320 feet to the center of line of 18th Street in Motor Addition extended West, thence with an angle to the right of 89°40' on the extended center line of 18th street, 1319.6 feet to the West line of said Lot 2, thence with an angle to the right of 90°20' on the West line of said Lot 2, 2086.5 feet to beginning

✓ Marcus D. Gow
6601 West 13th Street
67212

Lot	Block	Addition	Property Owner
1		Womer's 4th Addition	✓ Richard H. Rumsey & Lorie J. 1730 N. Clarence 67203
8	1	Womer's 5th Addition	✓ Fred S. Lillibridge & Betty L. 1711 N. Charles 67203
9	1	Same	✓ Doris O. Carter 1719 N. Charles 67203
1	2	Same	✓ Leonard F. Dickeson & Marjorie 1422 N. Edwards 67203 ✓ <i>Rep. 10-1-75 1722 N. CHARLES. 67203</i>
2	2	Same	✓ Charlie L. Edwards & Wilda J. 1712 N. Edwards 67203 ✓ <i>Rep. 9-30-75 1712 N. CHARLES. 67203</i>
3	2	Same	✓ L. Winston Rogers & Joy M. 1702 N. Charles 67203

Part of Lot 1, described as beg. at the front corner common to said Lots 1 and 2; thence NEly along the line common to said Lots 1 and 2, a distance of 125 feet; thence SWly to a point on the front line of said Lot 1, 1.5 feet NWly from beg.; thence SEly 1.5 feet to beginning all in Block 1, Womers 6th Add.

✓ Donald L. Miller & Johnita D.
2301 W. Richmond av
67204

Lot 1, Block 1, Womers 6th Addition
exc. above tract

✓ Hubert L. Edwards & Virginia C.
1915 N. Edwards 67203

Lot	Block	Addition	Property Owner
S2'	1	Womers Sixth Addition	✓ Charles A. Beattie & Margaret R. 1940 N. Sedgwick 67203
lot 2			
3	1	Same	D ✓ Same
4	1	Same	✓ Thomas D. Beard & Ruth Ann 2733 Meadowvale 67203
N25'			
lot 5	1	Same	D ✓ Same
S50'			
5	1	Same	✓ Ralph G. Twyman & Wilma R. 1920 N. Sedgwick 67203
N50'			
6	1	Same	D ✓ Same
S25'			
6	1	Same	✓ Cecil M. Gleason & Frances L. 1912 N. Sedgwick 67203
7 exc			
S 4'	1	Same	D ✓ Same
S4'			
7	1	Same	✓ Robert J. Kernohan & Beverly J. 1902 N. Sedgwick 67203
16 exc 1			
N 3' &			
exc S 10'		Same	✓ Ellen C. Hiatt 1911 N. St. Clair 67203

Lot 17, except beg. at the Northeast corner thence West to the Northwest corner of said Lot; thence South along the rear line of said lot, 1 foot; thence East to beginning; and the North 3 feet of lot 16, all in Block 1, Womers Sixth Addition

✓ Donald E. Winkler & Hazel Clair
1921 N. St. Clair 67203

S10'			
16	1	Womers Sixth Addition	✓ Lovel G. Swan & Billie 1901 N. St. Clair 67203

Part of Lots 17 and 18, Block 1, Womers Sixth Addition described as: Beg. at the front corner common to said Lots 17 and 18; thence NEly along the front line of Lot 18, 75.7 feet to the NE corner of said Lot 18; the NWly 159 feet more or less to a point on the rear line said Lot 18, said point being 6 ft South of the NW corner said Lot 18; thence South along the rear line of said Lots 18 and 17, 130 feet to a point 1 foot South of the NW corner of said lot 17; thence East 130 feet to the place of beg.

✓ Harold Belt and Alice Belt
1931 N. St. Clair 67203

Lot	Block	Addition	Property Owner
Lot 19,	Block 1,	Womers Sixth Addition,	✓ Donald King and Mazie L. King 1941 N. St. Clair 67203
except beg. at the front corner common to Lots 19 and 20; thence Wly along the front line of Lot 19, 10 feet; thence NWly along a line radial to the front line of Lot 19, 186.3 feet to the intersection of the Southerly extension of the westernmost line of Lot 20; thence North along said line 32.45 feet to the line between Lots 19 and 20; thence SEly 210 feet to the place of beginning, together with part of Lot 18, described as beg. at the front corner common to said Lots 18 and 19; thence NWly 162 feet more or less to the rear corner common to said Lots 18 and 19; thence South along the rear line of Lot 18, 6 feet; thence SEly 159 feet more or less to beginning			
Part of Lot 19, described as beginning at the front corner common to Lots 19 and 20, thence westerly along the front line of Lot 19, 10 feet, thence NWly along a line radial to the front line of Lot 19, 186.3 feet to the intersection of the southerly extension of the westernmost line of Lot 20; thence North along said line 32.45 feet to the line between lots 19 and 20; thence SEly 210 feet to the place of beginning, and Lot 20 except that part described as beginning at the front corner common to said Lots 20 and 21; thence Westerly along the front line of said Lot 20, 10 feet; thence NWly on a line radial to the front line of said Lot 20, 218.1 feet to the rear line of said Lot 20; thence Easterly to the rear corner common to said Lots 20 and 21; thence Southeasterly 208 feet more or less to the place of beginning, all in Block 1, Womers Sixth Addition to Wichita, Kansas			✓ S. H. Womer & Esther J. Womer 2252 Bella Vista 67203
All of Lot 22 and part of Lot 21 described as beginning at the front corner common to said Lots 21 and 22; thence Westerly along the front line of said Lot 21, 15 feet; thence Nly on a line radial to the front line of said Lot 21, 167 feet more or less to the rear line of said Lot; thence Southeasterly 20 feet more or less to the rear corner common to said Lots 21 and 22; thence Southerly 166 feet more or less to the place of beginning, all in Block 1, Womers Sixth Addition			✓ Charles R. Culbertson Lucille Culbertson 2232 Bella Vista 67203
Lot 21 except above described tract; and part of Lot 20 described as beg. at the front corner common to said Lots 20 and 21; thence Wly along the front line of said Lot 20, 10 feet; thence NWly on a line radial to the front line of said Lot 20, 218.1 feet to the rear line of said Lot 20; thence Easterly to the rear corner common to said Lots 20 and 21; thence Southeasterly 208 feet more or less to the pob.			✓ Fred L. Coslett Patricia L. Coslett 2242 Bella Vista 67203

Lot

✓ Property Owner

All of Lot 23 and that part of Lot 24, described as beg. at the front corner common to said Lots 23 and 24; thence Easterly along the front line of said Lot 24, 15 feet; thence Northerly on a line radial to the front line of said Lot 24, 136.4 feet more or less to the rear line of said Lot 24; thence NWly to the rear corner common to said Lots 23 and 24; thence Southerly 139 feet more or less to beginning, all in Block 1, Womers Sixth Addition

✓ Gale D. Black and Sara L. Black
2224 Bella Vista 67203

Lot 24 except that portion described above, and part of Lot 25, described as beginning at the Southwesterly corner; thence Easterly along the front line of said Lot, 50 feet; thence Northerly on a line radial to the front line of said Lot, 125.0 feet more or less to the rear line of said Lot; thence NWly to the NWly corner of said Lot; thence Southerly 126 feet to beg. all in Block 1, Womers Sixth Addition

✓ Charles K. Eby and Jean C. Eby
2212 Bella Vista 67203

Lot 25 except above described portion, and all of Lot 26, except the East 10 feet thereof, all in Block 1, Womers Sixth Addition

✓ John W. Long and Rebecca L. Long
2200 Bella Vista 67203

The East 10 feet of Lot 26, all of Lot 27, Block 1, Womers Sixth Addition

✓ Hubert M. Snell & Shirley E.
2186 Bella Vista 67203

Lot 28 and part of Lot 29, described as: beg. at the front corner common to said Lots 28 and 29; thence SEly along the front line of Lot 25 feet; thence NEly on a line radial to the front line of Lot 29, 147 feet more or less to a point on the rear line of said Lot 29; thence Westerly 28 feet more or less to the rear corner common to said Lots 28 and 29; thence Southwesterly 144 feet more or less to beginning, all in Block 1, Womers Sixth Addition

✓ William A. James & Kathleen S.
2180 Bella Vista 67203

Lot 30 and part of Lot 29 described as beg. at front corner common to said Lots 29 and 30; thence Wly along the front line of Lot 29, 65 feet; thence NEly of a line radial to the front line of Lot 29, to a point on the rear line said Lot 29; thence Ely 72 ft to rear corner common to said Lots 29 & 30; thence SWly 160 ft to beg, all in Block 1, Womers Sixth Addition

✓ Pinckney R. Wheeler and
Leona F. Wheeler
2168 Bella Vista 67203

Lot 31, Block 1, Womers Sixth Addition

✓ H. P. Lent Jr. and Ruth S. Lent
2162 Bella Vista 67203

Lot 32, Block 1, Womers Sixth Addition

✓ Gilbert D. Tatman and
Jacqueline M. Tatman
2154 Bella Vista 67203

Lot Block Addition

Property Owner

Part of Lot 33, described as beginning at the front corner common to said Lots 32 and 33, thence SEly along the front line of said Lot 33, 41 feet; thence NEly on a line radial to the front line of said Lot 33 134.2 feet more or less to the rear line of said Lot 33, thence NWly along the rear line of said Lot 33, 48 feet more or less to the rear corner common to said Lots 32 and 33, thence Southwesterly 130 feet more or less to beginning, all in Block 1, Womers Sixth Addition to Wichita

D Gilbert D. Tatman and
Jacqueline M. Tatman
2154 Bella Vista
67203

Lot 33 except that portion described above and part of Lot 34 described as beginning at the front corner common to said Lots 33 and 34; thence SEly along the front line of said Lot 34, 51 feet; thence NEly on a line radial to the front line of said Lot 34, 134 feet more or less to the rear line of said Lot 34; thence NWly along the rear line of said Lot 34, 61.2 feet more or less to the rear corner common to said Lots 33 and 34; thence SWly 142 feet to the place of beginning, all in Block 1, Womers Sixth Addition to Wichita

✓ Ralph A. Klose and Doris J.
2142 Bella Vista
67203

Lot 34 except above described portion and part of Lot 35 described as beginning at the front corner common to said Lots 34 and 35; thence SEly along the front line of said Lot 35, 61 feet, thence NEly on a line radial to the front line of said Lot 35, 130.5 feet, more or less to the rear line of said Lot 35; thence Northwesterly along the rear line of said Lot 35, 72 feet, more or less to the rear corner common to said Lots 34 and 35, thence SWly 129 feet, more or less to beginning, all in Block 1, Womers Sixth Addition

✓ J. Warren Bond & Beatrice L.
2134 Bella Vista
67203

Lot 35 except above described portion and all of Lot 36, Block 1, Womer's Sixth Addition

✓ James R. Decker and Patricia P.
2124 Bella Vista 67203

Lot 37, Block 1, Womers Sixth Addition

✓ Clarence J. Katz & Renita J.
2116 Bella Vista 67203

Lot 38, Block 1, Womers Sixth Addition

✓ Luther Fewin and Jane S.
Morrison Fewin
2108 Bella Vista 67203

Lot

Property Owner

That part of Lot 39, Block 1, Womers Sixth Addition, beginning at the Southwest corner of said lot, thence East 150 feet, North 129.31 feet to North line said Lot 39, thence West 150.5 feet, thence South to beginning ✓ Walter Kay Jabara
Blanche M. Jabara
2104 Bella Vista
67203

That portion of Lot 39, Block 1, Womers Sixth Addition, lying East of above described portion ✓ Clayton Elmer Carpenter
Marion B. Carpenter
2010 West 17th 67203

Lot	Block	Addition	Property Owner
1	2	Womers Sixth Addition	✓ Robert L. Wildey and Elizabeth D. Wildey 715 West 27th St. South 67217
2	2	Same	✓ Verne F. Thornton & Bessie E. 2236 West 18th St. 67203
W10' 3	2	Same	✓ Same
3exc W10'	2	Same	✓ Larry K. Kuhlman & Marilyn K. 2226 West 18th 67203
4	2	Same	✓ William L. Edwards & Mildred E. 2216 West 18th St. 67203
5	2	Same	✓ Dwight E. Glenn & Barbara J. 2208 West 18th 67203
6	2	Same	✓ Donald L. Ratzlaff & Harriet E. 2202 West 18th St. 67203
7	2	Same	✓ Sam E. Laham & Delia May Laham 2182 W. 18th St. 67203
8	2	Same	✓ Gerald L. Waters & Delores I. 2172 West 18th St. 67203

Part of Lot 9, described as beg. at the front corner common to Lots 8 and 9, thence SEly along the front line of Lot 9, 37 feet; thence NEly // to the line common to Lots 8 & 9 to the rear line of Lot 9; thence NWly along the rear line of Lot 9 the rear corner common to said Lots 8 and 9; thence SWly along the line common to said Lots 8 and 9 to the point of beginning, Block 2, Womers Sixth Addition ✓ Same

Lot

Property Owner

Lot 10, except that part described as beg. ✓
at the front corner common to Lots 10 & 11,
thence NEly 137 feet to the rear corner
common to Lots 10 and 11, thence NWly along the
rear line of said Lot 10, 1 foot; thence SWly to
a point on the front line of said Lot 10, 1 foot
NWly of beginning; thence SWly 1 ft. to beg.;
and part of Lot 9, described as beg. at the
front corner common to lots 9 and 10; thence
NWly 38 feet; thence NEly along a line parallel
to the lot line common to lots 9 and 10 to a
point on the back line of Lot 9, 38 feet NEly from
the back corner common to Lots 9 and 10; thence
SEly 38 feet to back corner common to Lots 9 and
10; thence SWly 134 feet to point of beginning,
all in Block 2, Womer's Sixth Addition

Lincoln E. Siler & Marjorie J.
2152 West 18th St. 67203

All of Lot 11 and part of Lot 10, described as ✓
beginning at the front corner common to said
Lots 10 and 11; thence NEly 137 feet to the
rear corner common to said Lots 10 and 11; thence
NWly along the rear line of said Lot 10, 1 foot,
thence SWly to a point on the front line of said
Lot 10, 1 foot NWly of beginning; thence SEly
1 foot to beginning, all in Block 2, Womers
Sixth Addition

Carl G. Kraus and Tina M.
2142 West 18th Street
67203

12 2 Womers Sixth Addition

✓ Willis J. Elliott & Beth E.
2132 West 18th St. 67203

13 2 Same

✓ Mathew J. Horsch & Martha M.
2122 West 18th 67203

14 2 Same

✓ Charles L. Brandt & Patty A.
2133 Bella Vista 67203

15 2 Same

✓ Norene T. Garver
2141 Bella Vista 67203

All of Lot 16 and part of Lot 17 described
as beginning at the front corner common to
said Lots 16 and 17; thence NWly along the
front line of said Lot 17, 13 feet; thence
SWly 142 feet more or less to a point on the
rear line of said Lot 17, said point being 13 ft
Wly from the rear corner common to said Lots 16
and 17; thence Ely 13 feet to the rear corner
common to said Lots 16 and 17; thence NEly 141
feet more or less to beginning, all in Block 2,
Womers Sixth Addition to Wichita, Kansas

✓ George G. Kessler and
Lucille V. Kessler
2147 Bella Vista 67203

Lot 17, except above described portion,
Block 2, Womers Sixth Addition

✓ William B. McConachie
Rhoda E. McConachie
2155 Bella Vista 67203

Lot	Block	Addition	Property Owner
18	2	Womers Sixth Addition	✓ Walter R. Zittel & Mildred A. 2163 Bella Vista 67203
20	2	Same	✓ Walter L. Groves & Edna L. 2177 Bella Vista 67203
Part of Lot 19 described as beg. at the front corner common to said Lots 19 and 20; thence SWly 140 feet to the rear corner common to said Lots 19 and 20; thence SEly along the rear line of said Lot 19, 1 foot; thence NWly 140 feet more or less to beg. All in Block 2, Womers Sixth Addition			✓ Same
Lot 19, Block 2, except above described portion, Womers Sixth Addition			✓ Harold Q. Sharpe and Genevieve E. Sharpe 2171 Bella Vista 67203
21	2	Womers Sixth Addition	✓ Larry L. De Brot & Linda 2185 Bella Vista 67203
22	2	Same	✓ Kenneth W. Shreve & S. Horlene 2193 Bella Vista 67203
23	2	Same	✓ Phillip C. Rader & Constance L. 2201 Bella Vista 67203
24	2	Same	✓ C. Dean Pressnall & Rita A. 2211 Bella Vista 67203
25	2	Same	✓ Clifford W. Larson & Betty R. 2221 Bella Vista 67203
26	2	Same	✓ Loring B. Smith & Anna 2233 Bella Vista 67203
27	2	Same	✓ Jerome M. Laham & Karen G. 2243 Bella Vista 67203
15	3	Same	✓ Kenneth Kallail & Lorraine N. 2102 West 17th St. 67203
16	3	Same	✓ Darold B. Spurgeon & Marcella F. 2109 Bella Vista 67203
17	3	Same	✓ Kay Louise Mills 2111 West 18th St. 67203
18	3	Same	✓ Thomas W. Phillips & Lucille E. 2121 West 18th St. 67203

Lot	Block	Addition	Property Owner
1		Carl E. Jones Addition	✓ Carl E. Jones & Katherine I. 358 Clayton 67203
1		R. L. Sloan Addition	✓ Ronald L. Sloan & Kathie J. 1921 N. Sedgwick 67203
1		Friesen Addition	✓ Billie D. Love & Wanda M. 1946 N. Meridian 67203
2		Same	✓ Robert L. Clough & Viola A. 1950 N. Meridian 67203
3		Same	✓ Donald King & Mazie L. 1941 N. St. Clair 67203
4		Same	D Same
1		Lester Turley Addition	X X George W. Carnady & Lucille Address Unknown <i>Phone Book, City Dir. + Paul, Gordon, etc. find no address. C.S.C.</i>
2		Same	✓ H. F. Johnston & Blanche 1938 N. Richmond 67203
3		Same	✓ Dan A. Lehl & Adenia A. Lehl 1945 N. Meridian 67203
4		Same	✓ Bruce M. Trapp & Nancy A. 1648 N. Holyoke 67208
1		Cindy Addition	✓ Fred F. Bowers & Jaunita F. 1912 N. Richmond 67203
1	A	Garrison Acres	✓ Dorothy M. Doty 1945 Porter Apt. 246 67203
		exc E 186' & Exc S 30'	
1	A	Same	✓ Gerald F. Tetro & Letha I. 1903 N. Meridian 67203
		Beginning 957 feet North of the Southwest corner of Government Lot 4, Section 7, Township 27 South, Range 1 East of the 6th P.M., thence East 330 feet, thence North parallel to Meridian line for a distance of 99 feet, thence West 330 feet, thence South to beginning	✓ Oren Delaney and Winifred F. 1942 N. Meridian 67203
		Beginning 660 feet North of the Southwest corner of Government Lot 4, Section 7-27-1E thence East 330 feet, thence North parallel to the Meridian line, for a distance of 99 feet, thence West 330 feet, thence South to beginning	✓ Parklane Savings & Loan Assoc. 3832 East Harry 67218

Tract

Property Owner

Beginning 759 feet North of the Southwest corner Government Lot 4, thence East 165 feet, North 99 feet, West 165 feet, South to beginning, all in Section 7-27-1E

✓ D. W. Harrison
Address Unknown

X *1105. Baltimore*
Neby 67037
Net: 9-26-75 no further address found

Beginning 858 feet north of the Southwest corner of Government Lot 4, Section 7, Township 27 South, Range 1 East of the 6th P.M., thence East 165 feet, thence north parallel to Meridian Line for a distance of 99 feet, thence West 165 feet, thence South to point of beginning, except the West 30 ft. for road

✓ Jose Jesus Saavedra and
✓ Dolores D. Saavedra
2008½ Park Place
67203

The East Half of a tract described as beginning 940 feet North of the Southeast corner of Government Lot 4, Section 12, Township 27 South, Range 1 West of the 6th P.M., thence West 330 feet, thence North 100 feet, thence East 330 feet, thence South 100 feet, more or less to the point of beg.

✓ George R. Delaney and
Marlene K. Delaney
1941 N. Meridian
67203

The West Half of the South 100 feet of a tract beginning 940 feet North of the Southeast corner of Government Lot 4, thence West 330 feet, North to the South bank of the Arkansas River, thence Easterly along said South bank to Meridian Line, thence South to point of beginning, all in the Northeast Quarter of Section 12-27-1W

✓ James W. Sloan and Linda Lee
1920 N. Richmond
67203

The South 110 feet of the following tract: Beg. 720 feet North of the Southeast corner of Government Lot 4 in the NE¼ of Section 12-27-1W, thence West 330 feet; thence North 220 feet; thence East 330 feet; thence South 220 feet to point of beginning; except beg. 720 ft. North and 330 feet West of the SE corner said Govt. Lot 4, thence North 110 ft; thence East 122.56 feet to center line of easement; thence SWly along the centerline of said easement to a point 218 feet West of the East line of said NE¼, thence West to beg.

✓ Ward D. Patrick & Vicki A.
321 S. Holyoke 67218

The South 110 feet of a tract of land beg. at a point on the meridian line 720 feet North of the Southeast corner of Govt. Lot 4 in the NE¼ of Section 12-27-1W, thence West 330 feet; thence North 220 feet; thence East 330 feet; thence South 220 feet to the place of beginning

✓ Betsy A. Ring, now Betsy A. Stone
E. Duane Stone
1906 N. Richmond 67203

Lot	Block	Addition	Property Owner
12	2	Meadowvale Addition	✓ Victor W. Badway Sr. & Ruth A. 1927 N. Edwards 67203
13	2	Same	X ✓ Clinton Schoonover & Edith E. Address Unknown <i>Phone Book City Dir. & sub-urban Dir. show no address</i>
14	2	Same	✓ Joseph L. Stemas 1991 McLean Blvd. N.W. 67203
1	3	Same	✓ Milford Q. Yetter & Agnes C. 1985 McLean Blvd. N.W. 67203
2	3	Same	✓ Howard L. McGregor & Doris M. 1932 N. Edwards 67203
3	3	Same	X John David Craycraft and <i>headlines</i> Glenda Moore Craycraft <i>Consolidated Capital</i> Address Unknown <i>Edith</i> <i>W.L. Craycraft</i> <i>2839</i>
4	3	Same	✓ Hermann V. Stoessel & Twila Mae 1920 N. Edwards 67203 <i>Net. 11-6-75 - No address 67204 Paul</i>
5	3	Same	✓ Paul W. Williams and Carolyn S. Williams 1914 N. Edwards 67203
8	3	Same	✓ James A. Boergen and Phyllis Arlene Boergen 1903 N. Richmond 67203
9	3	Same	✓ William A. Rule & Cheryl 1915 N. Richmond 67203
10	3	Same	✓ Robert M. Weber & Eleanor R. 1921 N. Richmond 67203
11	3	Same	✓ Donald L. Day & Jacqueline R. 1927 N. Richmond 67203
12	3	Same	✓ Darrel R. Duncan & Shirley E. 1933 N. Richmond 67203
13	3	Same	✓ Norman E. Swanson & Alta 1975 McLean Blvd. N.W. 67203
Lot 1		Indian Hills 4th Addition	✓ Indian Hills Development Co., Inc. 1905 SW Blvd. 67213

Lot	Block	Addition	Property Owner
2	1	River Park Addition	✓ Vabac, Inc. 1901 West 13th 67203
3	1	Same	✓ Same
4	1	Same	✓ Same
5	1	Same	✓ Same
6	1	Same	✓ Same
7	1	Same	✓ Same
7	4	Same	✓ Peter J. Banks & Rita 2001 Bullinger 67203
8	4	Same	✓ Ronald G. Kraft & Nancy L. Kraft 2009 Bullinger 67203
9	4	Same	✓ Robert J. Phye & Barbara J. 2017 Bullinger 67203
10	4	Same	✓ Robert Greg Clark & Carol Jean 2101 Bullinger 67203
11	4	Same	✓ Joseph T. Naifeh and J. Andrea 2109 Bullinger 67203
12	4	Same	✓ Sparkling Homes Inc. 4007 West 18th 67212
1	5	Same	✓ Vabac Inc. 1901 West 13th St. 67203
2	5	Same	✓ Same
3	5	Same	✓ Same
4	5	Same	✓ Same
5	5	Same	✓ Same
6	5	Same	✓ Same
7	5	Same	✓ Same
8	5	Same	✓ Same
9	5	Same	✓ Same
26	6	Same	✓ Herbert A. Sparks 4007 West 18th St. 67212
27	6	Same	✓ Sparkling Homes Inc. 4007 West 18th 67212

Tract

Property Owner

Beginning at the intersection of the East line of Lot 1, Section 12, Township 27 South, Range 1 West of the 6th P.M., and the established left bank line of the Arkansas River; thence West along said established bank line to a point 855 feet measured at right angles to the East line of said Lot 1; thence North parallel to the East line of said Lot 1 to a point which is 200 feet from said established bank line measured at right angles to said established bank line; thence Easterly parallel to, and equi-distant from the said established bank line to a point on the East line of said Lot 1 200 feet from said established bank line measured at right angles thereto; thence South along said East line of said Lot 1 to the point of beginning.

City of Wichita
X 204 S. Main 67202

ENCLOSURE

The Security Abstract & Title Company, Inc.,
hereby certifies the foregoing to be a true and correct list
of property owners of:

*use for
legal*

A 1000 foot radius of: [All of Government
Lot 1, in the Northwest Quarter of Section
7, Township 27 South, Range 1 East, except
that part of said Government Lot 1 which
has been dedicated for public streets.]

as shown by the records on file in the Office of the Register
of Deeds of Sedgwick County, Kansas, on the 2nd day of
September, 1975 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC

By

Mary Gable

Vice President

Order No. 228885
wh

*

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

Roll # 1

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