

POSTED  
7-9-76  
[Signature]

# ACTION

DATE

COMMITTEE

Deny 19  
8-28-76

M.A.P.C.

B.C.C./B. CO. C. Return to MAPC 9-7-76

MAPC

Approved subject to 11-24-76  
conditions

BCC

12-21-76

Deferred

BCC

12-28-76

motion to approve  
reverted in 2-2-1 note

Case determined to be  
denied and closed

Closed

22-23 - MARINE LANE  
AMENDED CUP - FILE NO - southwest  
corner of 21st St. North and  
Anidson

WICHITA SEDGWICK COUNTY

DATE

July 6, 1976

METROPOLITAN AREA PLANNING DEPARTMENT

Dick Lieb, City Engineer

Paul Graves, Traffic Engineer

TO ✓ H.S. Mitchell, Assistant Superintendent, Maintenance-Flood Control

FROM Mike Meek, Senior Planner

SUBJECT DE-23 Amendment to Marina Lakes Community Unit Plan  
(File Number 8)

Attached is another proposed revision to the Marina Lakes Community Unit Plan. I think you will find the proposed revisions identical to those which were denied by the City Commission on August 1, 1975 (File #6). Would appreciate you again reviewing this C.U.P. and advising of any problems you see regarding drainage, access control, street right-of-way, etc.

We would appreciate your comments by next Monday, July 12, 1976.

*Mike Meek*

Michael Meek  
Senior Planner

MM:cl  
Att.

7-7-76

No Flood Control Comment

*on*

7-7-76



Received

JUL 7 1976

*Copy obtain  
Peter...  
Meeting after 4:00 pm.*

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING

*2-16-Map  
2-17 amend  
2-18 CUP*

*2-19 2 map  
20 CUP*

CASE NO. Z-1832 and 18-28

CONSIDERED BY MAPC: 8-19-76  
CONSIDERED BY BCC: 9-7-76 Ref back  
CONSIDERED BY MAPC: 11-24-76

REQUEST FOR: "B" to "BB" and "B"

*21 amend  
22-24 Shote*

REASON FOR REQUEST WAS PROVIDED BY APPLICANT:

"Property to the north is light commercial (Hanson's Marina Lake Shopping Center), and the property east of Amidon (Ritchie's Twin Lakes Center and office park) is light commercial and office type zoning. The original use for apartment development is not feasible because the subsequent high cost of pump-up sand fill of the property makes the present "B" zoning too expensive for apartment development. There is a greater need for small quality shops to complete the trade area."

GENERAL LOCATION: West side of Amidon north of Arkansas River.

LEGAL DESCRIPTION:

See attached excerpt from Planning Commission minutes of August 19, 1976 and November 24, 1976

APPLICANT: Marina Lakes Drive, Inc., 6572 East Central 67206

COUNSEL FOR APPLICANT: Everett J. Fettis, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: J. C. Chitwood, 2400 Columbia, spoke in opposition, as did C. Bickley Foster, on behalf of CPO Council "M", and Oliver Anderson, on behalf of Two Rivers Neighborhood Association

SURROUNDING ZONING:

To the north is "AA" and "LC"; east is "BB" and "LC"; south is "AA"; west is "B"

LAND USE: Subject property is undeveloped; north is Marina Lake Shopping Center; east is offices; south is Arkansas River (single-family south of river); west is multiple family

CPO RECOMMENDATION:

CPO Council "M" voted unanimously to recommend denial of the zone change request and amendments to the CUP.

PLANNING COMMISSION RECOMMENDATION:

That "LC" be approved for Parcel #6, and that "BB" be approved for Parcel #9, and that the "BB" Office zoning requested for Parcel #8 not be approved; further that the CUP amendment be approved subject to the following conditions: (See attached excerpt of Planning Commission minutes of November 24, 1976, for conditions.) Hennessy moved, Greider seconded and it carried by a vote of 8 in favor (Hennessy, Greider, Bayouth, Goebel, Gragg, Kamen, Savina, and Taylor), and 2 opposed (Porter and Barrier).

*8-2*

*Carole/Dorrell  
off time 10:15  
OK Pauline  
1:50 hrs  
Wong  
Shanahan*

*Refer 1/24/77*

- ACTION 1. Approve the zone change and CUP as recommended by the Metropolitan Area Planning Commission, subject to the recommended conditions, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
2. Take such action as the City Commission deems appropriate.

2-1832

W. L. KORBER      R. G. WAYMIRE  
**BAUGHMAN CO.**  
SURVEYORS

PHONE 316/262-7271

330 LAURA

WICHITA, KANSAS 67211

"B" to L C ZONING

A tract in Government Lot 1 in the N.W.¼ of Sec. 7, Twp. 27-S, R-1-E described as commencing at the N.E. Corner of said Lot 1; thence south 0°-04'-05" west along the east line of said Lot 1, 1120.32 feet for a place of beginning; thence north 88°-12'-55" west, 130 feet; thence north 0°-04'-05" east 15 feet; thence south 89°-56'-09" west, 455.06 feet; thence north 54°-26'-07" west 194.13 feet; thence south 16°-00" west to the left (north) bank of the Arkansas River; thence south easterly along said left bank to the east line of said Lot 1; thence north 0°-04'-05" east, 885 feet more or less to the place of beginning.

*OK for legal*

2021  
Amidon

Building B		
1 <sup>st</sup> Floor		23,600.25
2 <sup>nd</sup>		1564.91
		<hr/>
		25164.66

shops D	D 2257	12/11/74	1 2 25,100
C	D 2258	"	

Bldg. D 26 403 sq ft

One day film C 66151  
C 61630 118,820 sq ft (?)

17,433 sq ft Bldg. (3) Add to Funds

Bldg D 25,100 1<sup>st</sup> floor

Parcel A = 19656  
Parcel 1 203,026

60-  
Quadr  
Tring

60  
46  

---

2060  
2500  

---

2960

440  
215

155

2-1832

W. L. KORBER R. G. WAYMIRE  
**BAUGHMAN CO.**  
SURVEYORS

PHONE 316/262-7271

330 LAURA

WICHITA, KANSAS 67211

"B" to B B ZONING

A tract in Government Lot 1 in the NW $\frac{1}{4}$  of Sec. 7, Twp. 27-S, R-1-E commencing at the N.E. Corner of said Lot 1; thence south 0 $^{\circ}$ -04'-05" west along the east line of said Lot 1, 1120.32 feet for a place of beginning; thence north 88 $^{\circ}$ -12'-55" west 130 feet; thence north 0 $^{\circ}$ 04'-05" east 15 feet; thence south 89 $^{\circ}$ -56'-09", west 455.06 feet; thence north 54 $^{\circ}$ -26'-07" west 251.68 feet; thence north 70 $^{\circ}$ -56'-58" west 959.77 feet; thence south 12 $^{\circ}$ -11'-35" west, 282.9 feet more or less to the left (north) bank of the Arkansas River; thence south easterly along said left bank to the east line of said Lot 1; thence north 0 $^{\circ}$ -04'-05" east 885 feet more or less to the place of beginning, except therefrom a tract described as commencing at the N.E. Corner of said Lot 1; thence south 0 $^{\circ}$ -04'-05" west along the east line of said Lot 1, 1120.32 feet for a place of beginning; thence north 88 $^{\circ}$ -12'-55" west, 130 feet; thence north 0 $^{\circ}$ -04'-05" east 15 feet; thence south 89 $^{\circ}$ -56'-09" west 455.06 feet; thence north 54 $^{\circ}$ -26'-07" west 194.13 feet; thence south 16 $^{\circ}$ -00" west to the left (north) bank of the Arkansas River; thence south easterly along said left bank to the east line of said Lot 1; thence north 0 $^{\circ}$ -04'-05" east, 885 feet more or less to the place of beginning.

*OK for legal*

21<sup>st</sup> and Arden Commercial Square Footage

Gardners Riverview

Parcel #1	159,885
#2	6,138
total	<u>166,023</u>

Twin Lakes

LC	Parcel #1	330,000 #
	Parcel #3	<u>31,687 (30% of lot area)</u>
		361,687 #
BB	Parcel #2	19,937 (30% of lot area)

Sweetbriar (Proposed)

Parcel 1	237,750
" 2	1,400
" 3	5,460
" 4	6,500
" 5	14,000
	<u>265,110 #</u>

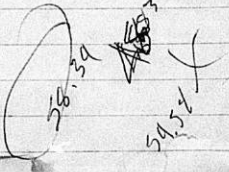
Total

166,023
<del>30,000</del>
<del>361,687</del>
265,110 (39.4%)
496,438 (38.5%)
<del>1,289,258</del>
1,257,571
87,705 (85.49%)
14,937
<u>102,642</u>

Marina Lakes (Proposed)

Parcel 1	227,835
2	6,750
3	7,200
4	98,900
5	43,875
6	111,878
BB Office	87,705
<del>BB</del>	<del>1,289,258</del>
BB	<u>391,865</u>

496,438



54,500

City Commission View

Comparable amount of LC with Twin Lakes

Protector

Large Amount of Commercial already approved yet not developed to potential

Protector

9 empty business locations in Main Lakes

Amount of developable sq. footage on other corners?

Shanahan

LC inappropriate adjacent to the river

Donnel

Setbacks adjacent to river so it may be enjoyed by all?

Fettis

① traffic

② need for LC

③ commercial adjacent to river

④ amount of LC as compared to Twin Lakes  
undersupply

Casado - could only support increase of 50,000 sq' in order to provide more parking area.

Fettis - would take 50,000 sq' of LC if balance is "BB"

## Two Rivers Neighborhood Association

### Need For Change (Applicant)

Round out shopping facilities at this location

Roadway on river with beautification + approval of landscape

- Reasons for setback
- ① Transfer of title does not constitute a termination of a plan or of any portion thereof, the development of the property shall proceed in accordance with the develop plan.
  - ② Inadequate showing of any need or justification for add. LC to serve the area, add. LC will impact road and bridge system + first time in 20-40 yrs to have LC granted on riverbank.
  - ③ Apart. heights not to be waived for parcel 8.

Fellis Not 500,000 square feet but approx 379,290  
195,000 Woolco - lease only permits 175,000  
6,750 SS - 2,500 developed  
7,200 5,500  
59,390 pop. along 21<sup>st</sup> - 20,000 so utilized

Maurice Martin - Former Director of Kan. State Highway Dept  
peak hour periods for apartments generate more congestion than commercial areas.

John Friedman - 99 yr. lease on most of center Hanson Development Company. Problem in leasing is not lack of demand but because of parking and traffic congestion. Consultants have studied and offer 3 recs.  
① parking in front of bldg D be adjusted and lease Bld C

Two Rivers

H.D. Chitwood 2500 Columbine  
Charles Ely 2212 Bella Vista  
Edith Leffer 2520 North Richmond  
Dan Phelan 2243 Cardinal  
Tom Nijeh 2109 Bullinger  
Joan Scheurer 2433 Benjamin Drive  
Dean Ritchie  
Mary Bellino 2245 Bullinger  
Joel McGuire 8930 Suncrest - former tenant of Shopping  
Center and  
Oliver Anderson 2219 Bullinger

space to low traffic generators & create add. parking behind bldg. D which is part of the application area. However, such parking must have commercial development to back in order to attract parkers. (?)

Need for <sup>main</sup> entrance to line up with Twin Lakes.

Fetts - Lots of commercial development along river (South of Grease) but they are proposing a road adjacent to river with landscaping

Rubin - Decision not to line up with Twin Lakes Ent. was based on engineering studies which show that such would ~~not~~ interfere with the 21<sup>st</sup> & Amidon intersection.

Agreement between applicant and Hanson Development Company to provide free traffic flow from north & south & mutual parking on area requested for LC

Parcel	Approved CUP	
1	227,835	
2	6,750	
3	7,200	
4	98,900	
5	43,875	
	<u>384,560</u>	commercial
6 "B"	60,255	(18 DU/1/acre)
7 "B"	391,865	(18 DU/1/acre)

Proposed CUP	
227,835	
6,750	
7,200	
98,900	
43,875	
<u>111,878</u>	LC
<u>496,438</u>	LC
#7 "B"	391,865
#8 "B"	87,705

Land Area

1	650,958	
2	22,500	
"LC" 3	24,000	
4	197,800	
5	97,500	
<del>6</del>	992,758	22.79 acres
	(49% land area)	2,106,322 sq ft
		<del>2,106,322 sq ft</del>
"B" 6	133,900	48.35 acres
"B" 7	979,664	22.56
	<u>1,113,564</u>	
	(53% of total area)	

650,958	
22,500	
24,000	
197,800	
97,500	
<u>992,758</u>	
+ 319,650	#6
<u>1,312,408</u>	
#7	979,664
#8	250,585
<u>1,230,249</u>	

#6	#8	#7
7.33	7.33	
12.98	5.75	
5.75	22.49	
<u>26.06</u>	<u>35.57</u>	
		3.07
		22.49
		<u>26.56</u>
		7.33
		5.75
		<u>13.08</u>



WICHITA-SEDGWICK COUNTY

DATE

July 6, 1976

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** → Dick Linn, City Engineer  
Paul Graves, Traffic Engineer  
M.S. Mitchell, Assistant Superintendent, Maintenance-Flood Control

**FROM** Mike Meek, Senior Planner

**SUBJECT** DP-23 Amendment to Marina Lakes Community Unit Plan  
(File Number 8)

Attached is another proposed revision to the Marina Lakes Community Unit Plan. I think you will find the proposed revisions identical to those which were denied by the City Commission on August 1, 1975 (File #6). Would appreciate you again reviewing this C.U.P. and advising of any problems you see regarding drainage, access control, street right-of-way, etc.

We would appreciate your comments by next Monday, July 12, 1976.



*Mike Meek*  
Michael Meek  
Senior Planner

MM:el  
Att.



*0. His previous comments of June  
consider reworking to AA  
entire side of start over  
with Env. Impact Statement,  
CPO, etc.*

( Assoc. Z-1832)

Map No. 5349  
Sec. 8  
Twp. 27S  
Range 1E

DATA SHEET  
COMMUNITY UNIT PLAN

DP-23 - File #8  
Z-  
Filed 6-29-76

APPLICATION REQUEST: Approval of proposed planned development.

1. Applicant Marina Lake  
Address 6572 E. Central, Wichita, 67206 Phone 685-3813
2. Agent Everett C. Pettis  
Address 120 S. Market, Suite 504, 67202 Phone 267-7251
3. General Location southwest corner of 21st St. North and Amidon  
Address \_\_\_\_\_
4. Proposed Use \_\_\_\_\_

AREA DATA

1. Acres 13.1 ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Existing Zoning AA, BSLC Proposed Zoning \_\_\_\_\_
3. Area (is) (is not) platted. \_\_\_\_\_ Addition \_\_\_\_\_
4. Existing R/W \_\_\_\_\_ ft. \_\_\_\_\_ ft. \_\_\_\_\_ ft.  
St. \_\_\_\_\_ St. \_\_\_\_\_ St. \_\_\_\_\_  
Proposed R/W \_\_\_\_\_ ft. \_\_\_\_\_ ft. \_\_\_\_\_ ft.  
St. \_\_\_\_\_ St. \_\_\_\_\_ St. \_\_\_\_\_

HISTORY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROCEDURE DATA

1. MAPC Meeting:

Date	Action
<u>8-5-76</u>	<u>Denied</u>
<u>11-24-76</u>	<u>Approved under the conditions</u>

2. Governing Body Bcc

Date	Action
<u>9-7-76</u>	
<u>12-21-76</u>	

(Assoc. Z-1832)

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

DATA SHEET

DP- 23 - File #8

Filed 6-29-76

APPLICATION DATA:

1. Applicant: Marina Lake  
Address 6572 E. Central, Wichita 67206 Phone 685-3813
2. Agent: Everett C. Pettis  
Address 120 S. Market, Suite 504, 67202 Phone 267-7251
3. General Location: southwest corner of 21st St. North and Amidon  
Address \_\_\_\_\_
4. Proposed Use: \_\_\_\_\_

AREA DATA:

1. Acres: 13.1 ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Existing Zoning: "AA", "B" & "TC"
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 \_\_\_\_\_

PICTURE SHEET

WICHITA-SEDGWICK COUNTY


DATE  
December 28, 1976

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO THE FILES  
FROM Jack H. Galbraith, Chief Planner  
SUBJECT Z-1832 - "B" to "BB" and "LC"; and  
✓ DP-23 - Marina Lake

On this date, in consideration of the above captioned cases, a motion was made to approve the zone change and C.U.P. as recommended by the MAPC, subject to the recommended conditions and, in addition, to reduce the sq. ft. of gross floor area on parcel 6 to 50,000 sq. ft. and adjust the land coverage accordingly and to increase the landscaping along the river to 20' with the major portion to be placed on the applicant's property and not public right-of-way. Casado moved, Donnell seconded, and the result was 2-2-1 (Cory abstained) vote. The case was declared "denied and closed".

Donnell then moved, Casado seconded, that the City Commission will not look with favor on further light commercial or heavier zoning classification within the 4 corner area of Amidon on 21st Street. Carried 4-0, Cory abstained.

  
Jack H. Galbraith  
Chief Planner

JHG:el

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
COMMISSION

CITY HALL - TENTH FLOOR  
458 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4581

November 30, 1976

Mr. Everett Fettis, Attorney  
One Twenty Building  
120 South Market  
Wichita, Kansas 67202

Re: Z-1832 - "B" to "BB" and  
"LC", and Amendment to  
DP-23 - West side of  
Amidon north of Arkansas  
River

Dear Mr. Fettis:

At the regular meeting of the Metropolitan Area Planning Commission on November 24, 1976, the above-captioned cases were reconsidered as amended. The action of the Commission was to recommend approval of the "LC" zoning for Parcel #6 and "BB" zoning for Parcel #9, and that the "BB" office zoning requested for Parcel #8 not be approved. The Planning Commission also recommended that the CUP be approved subject to the following conditions:

- a. The platting of Parcels 6, 8, and 9 within one year of the date of approval by the Board of City Commissioners.
- b. Deletion of professional offices under proposed uses for Parcel 8.
- c. Add a general provision #8 as follows:

"There is a right of access to and across each of Parcels 6, 8, and 9 in favor of each said parcels. Internal vehicular circulation shall be arranged and made available to each parcel in such a manner as to facilitate ease of circulation on site and shall not be removed, altered or changed without the agreement and consent of all owners of all the parcels cited above and the Board of City Commissioners. Such access rights and circulation privileges shall be binding on all owners, heirs, successors or assigns."

- d. The 70-foot building setback line on the east edge of Parcel #6 shall be clearly delineated.

WICHITA—SEDGWICK COUNTY

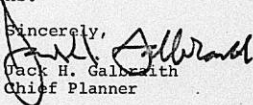
Page 2 - Mr. Everett Fettis, Attorney  
November 30, 1976

- e. The uses proposed for Parcel #6 shall be amended to read:  
"Shopping center retail uses (excluding service stations; tire, batteries and accessory stores; fast food restaurants; and banks/savings and loans with drive-in facilities); offices.
- f. The maximum number of buildings proposed for Parcel #6 shall be reduced to two (2) to conform to statements made by the applicant's representative to the Board of City Commissioners on September 7, 1976.
- g. The transfer of title of any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.
- h. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- i. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

It is necessary that these corrections be made on the CUP and that ten corrected copies be submitted to our office by 5:00 p.m., on December 10, so that these cases can be scheduled for consideration by the City Commission on December 21, 1976, the meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main. We would call to your attention that planning items are considered by the City Commission following all other matters of business.

Please call if you have any questions.

Sincerely,

  
Jack H. Galbraith  
Chief Planner

JHG:ber  
Enclosure

cc: Marina Lakes Drive, Inc., 6572 East Central 67206  
H. D. Chitwood, 2500 Columbine 67204  
C. Bickley Foster, 2818 North Edwards 67204  
Oliver Anderson, 2219 Bullinger 67204  
City Manager's Office

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE November 19, 1976



TO Jack Galbraith, Chief Planner, Current Plans, MAPD

FROM David Furnas, Citizen Participation Coordinator

SUBJECT DP-23, Z-1832

At their meeting on November 17, 1976, CPO Neighborhood Council Area "M" considered case Z-1832 and DP-23, a request for a change from "B" to "BB" and "LC" and an amendment to the Marina Lakes CUP, at the southwest corner of the 21st and Amidon intersection.

In discussing the impact of the proposed changes on traffic in the Marina Lakes area, Council members considered the following estimates (supplied by the Traffic Engineer as averages of counts taken at Wichita shopping centers): Each 1,000 square feet (gross floor area) of commercial development generates approximately fifty (50) trips per day; and each 1,000 square feet (gross floor area) of office development draws approximately twenty (20) trips per day. Citing these figures, Council members were apprehensive that the additional 139,685 square feet of office district and light commercial zoning requested under the CUP could compound existing, serious traffic problems in the area by attracting an additional 5,504 trips per day to Marina Lakes.

Council "M" unanimously voted at their November 17th meeting to reaffirm the policy established at their August 4th meeting: "Council "M" recommends that no more light commercial zoning be added in the area of 21st and Amidon except that which would improve upon traffic or design features in the area." (The area in question is defined by the Council as bordered by the Little Arkansas River on the east, Marigold Street on the west, the Big Arkansas River on the south, and the northern portion of Sweetbriar on the north.)

Council "M" asks that the Metropolitan Area Planning Commission respect this policy recommendation, and accordingly, recommend to the City Commission denial of the request for an amendment and an additional 90,360 square feet of light commercial and 49,325 square feet of office zoning under the Marina Lakes Community Unit Plan.

Some representatives on Council "M" also discussed their concern about the history of this particular development. Council members feel that the many amendments requested on this CUP violate the concept of a community unit plan, which should effect integrated, planned unit development, incorporating amenities that benefit the entire community.

*David Furnas M.P.*

David Furnas  
Citizen Participation Coordinator

DF:MP:rh

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

DATE: November 24, 1976

Case No. Z-1832 and DP-23 - "B" to "BB" and "IC"

Referred back to the Metropolitan Area Planning  
Commission for reconsideration

Location

West side of Amidon, north of the Arkansas River.

Case History

MAPC - 8-19-76 - Planning Commission Recommendation:  
That neither the zoning case (Z-1832) nor the amendments  
to the CUP (DP-23) be approved. Porter moved, Barrier  
seconded and it carried by a vote of 6 in favor (Porter,  
Barrier, Greider, Kamen, Goebel, and Taylor), and 2  
opposed (Hennessy and Bayouth). Gragg and Savina were  
absent.

ECC - 9-7-76 - Referred back to the MAPC for reconsideration.

City Commission Minutes of September 7, 1976 are attached.

COMMISSIONERS PROCEEDINGS

3607

September 7, 1976

Z-1832 & DP-23  
ZONE CHANGE ON  
AMIDON

Z-1832 and DP-23 - Zone Change from multiple family to office district and light commercial on the west side of Amidon north of Arkansas River appeared on the agenda.

Planning Commission recommended that the zone case application and the amendments to the CUP not be approved.

Dir. of Planning

Director of Planning briefly reviewed this application and the CUP with the Commission.

Everett Fettis

Everett Fettis, representing applicant, requested the application be returned to Metropolitan Area Planning Commission for further amendments and refinements to the CUP, proposing the elimination of the lower triangle of land in Parcel 6, along Amidon, from "LC" zoning; landscaping along the riverbank; "LC" only for the north portion of the east tract, limited to 100,000 square feet, limit it to 2 buildings and eliminate fast food operations; and the lower portion be limited to "BP" zoning.

Motion--

Donell moved that the application be returned to Metropolitan Area Planning Commission for its reconsideration, considering Mr. Fettis' recommendations to his clients about new zoning and face concentrations for their consideration. Motion carried 3 to 2. Peters, Shandhan, "NO".

--carried

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 11-24-76

Case No. Z-1832 DP-23	Request: "B" to "BB" and "LC" Amendment to Commercial & Residential CUP
--------------------------	---

Location: West side of Amidon north of Arkansas River.

Reason: "Property to the north is Light Commercial (Hanson's Marina Lakes Shopping Center) and the property east of Amidon (Ritchie's Twin Lakes Center and office park) is Light Commercial and office type zoning. The original use for apartment development is not feasible because of the subsequent high cost of pumpup sand fill on the property makes the present "B" zoning too expensive for apartment development. There is a greater need for small quality shops to complete the trade area."

Acres CUP - 60.87 Z-1832 (as amended) "BB" - 7.72 acres "LC" - 5.92 acres	Size: Irregular
---	-----------------

	Land Use	Zoning
Existing	Undeveloped	"B"
North	Marina Lakes Shopping Center & Lake	"AA" & "LC"
East	Twin Lakes Shopping Center & Offices	"BB" & "LC"
South	Arkansas River (single family south of river)	"AA"
West	Multiple Family	"B"

Comments:

1. Z-0824 and DP-23 were two zone and Community Unit Plan applications for the entire 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 and the Planning Commission recommended denial of both applications. However, the Board of City Commissioners approved approximately 8 acres of "LC" and 22 acres of "B".

From the time of the original CUP and zone change approval in 1967, this is the seventh request for an amendment to the CUP and seventh zone change request filed on the Marina

Lakes property. Although we have in the past included with the staff report, copies of the Planning Commission and Board of City Commission minutes regarding previous applications on subject property the minutes package is now in excess of 500 pages and we have not included that material. Any Commissioner desiring the whole package should contact our office and they will be supplied. The entire package of the thirty-six previous hearings before the Planning and City Commissions regarding zone change and CUP amendments on Marina Lakes are on file in the MAPD office and available for public inspection.

2. On August 19, 1976, the Metropolitan Area Planning Commission considered a request for amendment to DP-23, the Marina Lakes CUP and Z-1832, a zone change request for "B" Multiple Family to the "BE" Office and "LC" Light Commercial Districts. Although the Planning Commission recommended denial of both applications, it was the action of the Board of City Commissioners to return the case to the MAPC for reconsideration after the applicant's representative promised further amendments and refinements to the CUP, such as the elimination of the southern triangle of land from the request for "LC"; the provision for landscaping along the riverbank; "LC" only for the north portion of the east tract; limiting the maximum amount of additional commercial gross square footages to 100,000 square feet and the elimination of fast food operations as a permitted use as well as limiting the additional "LC" parcel to two buildings (see attached minutes of BCC meeting).
3. The applicant has now submitted an amended plan which differs from the approved CUP and the previous amendments as follows: (each minor text change is not included):

	Present CUP	August 19, 1976 Request	November 24, 1976 Request
Number and types of Parcels	Parcel #6- "B" Zoning 3.07 Acres; Parcel #7 "B" Zoning 22.49 acres	Parcel #6- "LC" 7.72 ac- res; Parcel # 7-"B" 12.12 acres; Par- cel #8-"BB" 5.32 acres	Parcel #5- "LC" - 5.92 ac- res; Parcel #7 "B", 12.12 acres Parcel #8-"BB"- 5.32 acres; Par- cel #9-"BB" - 1.79 acres

<u>Additional square footages of maximum gross floor area. (Both "BB" and "LC")</u>	N/A	LC-117,734 sq. ft. Office-27,500 sq. ft.	LC-90,360 sq. ft. Office 49,325 sq. ft.
<u>Maximum number of buildings (commercial and office parcels</u>	N/A	No limit proposed	Parcel #6-3 Bldgs. Parcel #9-1 Bldg. Parcels #7 & #8-not applicable.
<u>Proposed uses by parcel</u>	Parcel #6-medical offices Garden Apts. Townhouses Parcel #7-Garden Apts. Townhouses	Parcel #6-LC uses; offices  Parcel #7-Garden Apts. Townhouses Parcel #8-Offices Townhouses Garden Apts.	Parcel #6-Shopping Center retail uses; offices  Parcel #7-Garden Apts. Townhouses  Parcel #8-Offices Townhouses, Garden Apts. Parcel #9-Offices
<u>Landscaping adjacent to river</u>	None	None	10 feet on public right-of-way
<u>Commercial adjacent to river</u>	None	Approximately 1,000 ft. frontage	Approximately 420 ft. frontage

As may be seen from the above table, the applicant has attempted to remedy some of the objections to the previous plan by:

- (a) Limiting the size of additional LC to 5.92 acres with an additional maximum gross commercial square footage of 90,360.
- (b) Provision of a 10 foot landscaping strip adjacent to the river (primarily on public right-of-way) and addition of a general provision, #7 with provisions governing the landscaping.

- (c) Proposing the southwest triangle of land adjacent to the river to be developed as offices with a maximum of one structure permitted on the parcel. The amount of LC adjacent to the river has been reduced from approximately 1,000 feet of frontage to an approximate 420 foot of frontage.
  - (d) The commercial parcel has restricted the uses to shopping center retail uses and the total number of buildings permitted on the parcel has been limited to three.
4. Although the plan as now submitted has been modified to meet some of the staff, neighborhood and Commission objections, several major areas of concern remain:
- (a) Increased Traffic - The Traffic Engineer has supplied data gathered at Wichita Shopping Centers which indicates that commercial development generates approximately 50 trips/day/1,000 square feet of gross floor area and office development at 20 trips/day/1,000 square feet of gross floor area. These figures represent actual counts at Wichita Shopping Centers ranging from a low of 44 trips/1,000 square feet at the "Mall" to a high of 107 trips/1,000 square feet at the K-15 TS&Y (Twin Lakes was counted at 50 trips/1,000 square feet). Using these figures, it is estimated that the proposed amendments and zone changes could generate an additional 5504 trips/day into the area. Although the applicant's representative has taken issue with these figures by comparing intersection traffic counts at 21st and Amidon prior to and after the Woolco Store opened, it should be noted that intersection counts do not necessarily reflect all the increased traffic generated by new development because as intersections become congested shoppers will devise new routes to avoid the intersection and such counts alone do not reflect other land use changes that occur in the area such as the closing of the Atlantic Department Store.

It should be noted that the projected increase in traffic of 5504 trips per day is based on actual traffic counts at Wichita shopping centers and as such could reasonably be expected to reflect future traffic patterns at the proposed development.

- (b) Recent Planning and City Commission action on other zone change applications in the vicinity of 21st and Amidon: On July 22, 1976, the Planning Commission considered a request to amend the Sweetbriar Gardens CUP (DP-7) with a net increase of 13,760 square feet of additional commercial gross floor area. During that meeting, discussion centered on the cumulative effect of the large amount of existing light commercial zoning in the vicinity of 21st and Amidon and the Planning Commission unanimously recommended denial of that application with a denial of the request by the Board of City Commissioners on August 17, 1976.

On November 9, 1976, the Board of City Commissioners again denied a request for additional "LC" Light Commercial zoning in the area of 21st Street North and Amidon by not approving the expansion of "LC" zoning to accommodate expansion of Twin Lakes State Bank. Both of these requests were for much less commercial expansion that is represented in this application.

- (c) The requested allowance of three buildings in the "LC" parcel (#6) does not lend credence to the use designation of "Shopping Center retail uses" and offices. A shopping center's general definition and use is an integrated series of uses usually in a single structure. The strip "shopping center uses" along west 21st would seem to be the more likely outcome of the applicant's suggested "use list." In order to reduce confusion in administering the CUP, should the applicants request be approved, the language should be changed to exclude sometime Shopping Center retail uses such as fast food restaurants, service stations, Tire, Battery, and Accessory Stores, banks and savings and loan with drive-in facilities, etc.

- (d) The interior parcel requested for the "BB" Office District. The existing parcel 7 would permit development of apartments/town-houses at a density of 18 dwelling units/ acres. The applicant now proposes to create a new parcel 8 out of a portion of the existing parcel 7, rezone it "BB" Office at 18 DU's/acre while at the same time permitting 81,205 square feet of office development. All access to the office development on the parcel would be through the proposed commercial parcel and the 24' fire lane proposed for parcel 8 does not line up with either the access drive to the east (on proposed parcel 6) or to the west (parcel 7). In addition, this parcel does not have direct access to a major street and the parcel as proposed could create access problems between parcels similar to those encountered on the recent Cobblestone Alley CUP amendments.
- (e) Adequacy of proposed landscaping and commercial requested adjacent to the river. The issues of landscaping adjacent to the river and the appropriateness of "LC" Light Commercial development adjacent to the river have long been issues in previous public hearings regarding zone change requests on Marina Lakes. The applicant has proposed that a 10 foot landscaped strip be placed on public right-of-way to the south of subject property. It should be noted that the Maintenance-Flood Control Office would maintain this area in a grass or sod cover in any event and the only actual gain in terms of landscaping would be in the addition of a few trees or shrubs. There is also some debate as to whether 10 feet of landscaping would sufficiently protect the river and the neighborhood to the south from the large area of commercial and office development requested by the applicant. In addition, although the applicant has modified the size of the "LC" adjacent to the river, it is still requested to establish a sizeable commercial parcel with frontage on the river.
5. Should the Planning Commission recommend approval of the zone change request and the amendments to the CUP, the following conditions would be consistent with the other approved CUP's:

- a. The platting of parcels 6, 8, and 9 within one year of the date of approval by the Board of City Commissioners.
- b. The deletion of parcel 8 from the request for "BB" Office or the addition of the following statements:
  1. Add to statement #7 under parcel #8 a provision that should both offices and apartments be developed on the parcel, such apartment development would be to a maximum density of 9 DU's/ acres or a maximum total of 52 dwelling units in conjunction with the office development.
  2. Add a general provision #8 as follows:

"There is a right of access to and across each of Parcels 6, 8, and 9 in favor of each said parcels. Internal vehicular circulation shall be arranged and made available to each parcel in such a manner as to facilitate ease of circulation on site and shall not be removed, altered or changed without the agreement and consent of all owners of all the parcels cited above and the Board of City Commissioners. Such access rights and circulation privileges shall be binding on all owners, heirs, successors or assigns."
- c. General Provision #2 shall be amended to add the following statement:

"Should parcel #8 be developed for office use the 5' to 8' wall indicated between parcels six (6) and eight (8) shall instead be constructed on the west parcel line of parcel eight (8)."
- d. The 70' foot building setback line on the east edge of parcel #6 shall be clearly delineated.
- e. The uses proposed for parcel #6 shall be amended to read:

Shopping center retail uses (excluding service stations; tire, batteries, and accessory stores; fast food restaurants; and banks/savings and loan with drive-in facilities); offices.
- f. The maximum number of buildings proposed for parcel #6 shall be reduced to two (2) to conform to statements made by the applicant's representative to the Board of City Commissioners on September 7, 1976.

- g. The transfer of title or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.
  
  - h. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  
  - i. Any major changes in this development plan being re-submitted to the Planning Commission and City Commission for their consideration.
-

DP-23 - 257 "Notice to Adjoining Property Owners" mailed 11/11/76 for  
the MAPC meeting for 11-24-76

(This total amount includes the names of applicants,  
agent, and abstract list on associated zone case Z-1832)

1 to CPO Office

          
258 TOTAL

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

November 11, 1976

NOTICE TO ADJOINING PROPERTY OWNERS

NOTICE IS HEREBY GIVEN that at a meeting beginning at 1:00 p.m. on Wednesday, November 24, 1976, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for an amendment to the MARINA LAKE COMMUNITY UNIT PLAN for property legally described as follows:

DP-23 - All of Government Lot One (1), in the Northwest Quarter of Section 7, Township 27 South, Range 1 East, Sedgwick County, Kansas, 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 & 2 in Marina Lake Addition; Lot 1, Marina Lake Third Addition; Lots 1, 2 & 3 Marina Lake Fourth Addition; Lot 1, Marina Lake Sixth Addition. Generally located at the southwest corner of 21st St. North and Amidon.

The Development Plan of this area, originally approved in April 1967, and as amended in January 1969, March 1971, and December 1975, has been resubmitted as required under the Community Unit Plan Provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

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

1. Increasing the size of Parcel six from approximately 3 acres to 5.9 acres and increasing the amount of light commercial zoning by approximately 5.9 acres with the maximum number of buildings being three.
2. Creation of a new Parcel 8 with a maximum density of 18 units per acre on approximately 5.3 acres and a change to the "BB" Office District for the parcel with professional offices, townhouses, and garden apartments listed as the proposed uses.
3. The reduction in size of Parcel 7 from 22.49 acres to approximately 12.48 acres.
4. Creation of a new Parcel 9 adjacent to the river containing approximately 1.8 acres and a change to the "BB" Office District with offices listed as the proposed use with the maximum number of buildings being one.
5. Addition of a General Provision #7 providing for planting screens on Flood Control right-of-way adjacent to Parcels 6-8-9 and providing for the submission of a landscape plan.

Page Two  
DP-23 - Marina Lake  
November 11, 1976

6. Location of the proposed structures on the new Parcel 8 and relocation of the 24 foot fire lane easement.
7. Provision of an access drive and utility easement to serve Parcel 8 across Parcels 6 and 9.

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

NOTE: You are also informed that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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, City Hall, Tenth Floor, 455 North Main Street, 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

September 8, 1976

Everett Fettis, Attorney  
One Twenty Building  
120 South Market  
Wichita, Kansas 67202

Re: Z-1832 - "B" to "BB" and  
"LC" - West side of Amidon  
north of Arkansas River  
and DP-23 Amendment to  
Marina Lakes CUP

Dear Mr. Fettis:

The Board of City Commission at its regular meeting of September 9, 1976, considered the above captioned cases. At your request, the action of the City Commission was to return these applications to the Planning Commission for reconsideration of your proposed amendments to the CUP. It would be my suggestion that you resubmit the CUP as proposed by your client so that we will have an opportunity to review the plan prior to rescheduling these cases for public hearing.

If you have any questions on procedures, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el

cc: Marina Lakes Drive, Inc., 6572 E. Central 67206  
H. D. Chitwood, 2500 Columbine 67204

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

CASE NO. Z-1832 and DP-23 CONSIDERED BY MAPC: 8-19-76

REQUEST FOR: Change from :B" to "BB" and "LC"

## REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"Property to the north is light commercial (Hanson's Marina Lake Shopping Center), and the property east of Amidon (Ritchie's Twin Lakes Center and office park), is light commercial and office type zoning. The original use for apartment development is not feasible because the subsequent high cost of pump-up sand fill on the property makes the present "B" zoning too expensive for apartment development. There is a greater need for small quality shops to complete the trade area."

GENERAL LOCATION: West side of Amidon north of Arkansas River.

## LEGAL DESCRIPTION:

See attached excerpt from Planning Commission minutes of August 19, 1976.

APPLICANT: Marina Lakes Drive, Inc., 6572 E. Central 67206

COUNSEL FOR APPLICANT: Everett C. Fettis, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: D. C. Chitwood, 2400 Columbine, spoke in opposition

SURROUNDING ZONING: To the north is "AA" and "LC"; east is "BB" and "LC"; south is "AA"; west is "B"

LAND USE: Subject property is undeveloped; north is Marina Lake Shopping Center and offices; south is Arkansas River (single-family south of river); west is multiple family

## CPO RECOMMENDATION:

CPO Council "M" voted unanimously to recommend denial of the zone change request and amendments to the CUP.

## PLANNING COMMISSION RECOMMENDATION:

That neither the zoning case (Z-1832) or the amendments to the CUP (DP-23) be approved. Porter moved, Barrier seconded and it carried by a vote of 6 in favor (Porter, Barrier, Greider, Kamen, Goebel, and Taylor), and 2 opposed (Hennessy and Bayouth). Gragg and Savina were absent.

- 
- ACTION
1. Deny the zone change and CUP as recommended by the Metropolitan Area Planning Commission; or
  2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 19, 1976:

- 18a. Case No. Z-1832 - Marina Lakes Drive, Inc. requests change from "B" to "BB" for:

A tract in Government Lot 1 in the NW 1/4 of Sec. 7, Twp. 27-S, R-1-E commencing at the N.E. Corner of said Lot 1; thence south 0°04'05" west along the east line of said Lot 1, 1,120.32 feet for a place of beginning; thence north 88°12'55" west 130 feet; thence north 0°04'05" east 15 feet; thence south 89°56'09", west 455.06 feet; thence north 54°26'07" west 251.69 feet; thence north 70°56'58" west 959.77 feet; thence south 12°11'35" west, 282.9 feet more or less to the left (north) bank of the Arkansas River; thence southeasterly along said left bank to the east line of said Lot 1, thence north 0°04'05" east 885 feet more or less to the place of beginning, except therefrom a tract described as commencing at the N.E. Corner of said Lot 1; thence south 0°04'05" west along the east line of said Lot 1, 1,120.32 feet for a place of beginning; thence north 88°12'55" west, 130 feet; thence north 0°04'05" east 15 feet; thence south 89°56'09" west 455.06 feet; thence north 54°26'07" west 194.13 feet; thence south 16°00" west to the left (north) bank of the Arkansas River; thence southeasterly along said left bank to the east line of said Lot 1; thence north 0°04'05" east, 885 feet more or less to the place of beginning,

and change from "B" to "LC" for:

A tract in Government Lot 1 in the N.W. 1/4 of Sec. 7, Twp. 27-S, R-1-E, described as commencing at the N. E. Corner of said Lot 1; thence south 0°04'05" west along the east line of said Lot 1, 1,120.32 feet for a place of beginning; thence north 88°12'55" west, 130 feet; thence north 0°04'05" east 15 feet, thence south 89°56'09" west, 455.06 feet; thence north 54°26'07" west 194.13 feet; thence south 16°00" west to the left (north) bank of the Arkansas River; thence southeasterly along said left bank to the east line of said Lot 1; thence north 0°04'05" east 885 feet more or less to the place of beginning. All generally located on the west side of Amidon, north of the Arkansas River.

- 18b. Case No. DP-23 - Marina Lake Drive, Inc. requests approval of an amendment to Marina Lake CUP, legally described as All of Government Lot 1, in the NW 1/4 of Section 7, Twp. 27S, R1E, except that portion 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 showed slides of subject site and the surrounding areas and reviewed the following staff report:

Comments

1. 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" were approved.

Since the original CUP and zone change approval in 1967, this is the seventh request for an amendment to the CUP and seventh zone change request filed on the Marina Lakes property. Although in the past we have included copies of the Planning Commission and Board of City Commission minutes regarding previous applications on subject property, with the staff report to the Planning Commission, the minutes package is now in excess of 500 pages and we have not included all that material. Attached you will find the past Planning and City Commission

minutes and histories regarding amendment #6, which was essentially the same request that is now before you and was denied by the Board of City Commissioners in July, 1975; minutes of requests previous to that, as well as the minutes regarding amendment #7 (which amended Parcel 5 on 21st Street North), are on file in our office and available for public review.

2. The applicant has now submitted an amended CUP and zone change application which proposes the following changes.
  - a. Increasing the size of Parcel 6 from 3.07 acres to 7.72 acres and increasing the amount of light commercial zoning approximately 7.72 acres.
  - b. Creation of a new Parcel 8 with a maximum density of 18 units per acre on approximately 5.32 acres and a change to the "BB" Office District on 5.32 acres with professional offices, townhouses, and garden apartments listed as the proposed uses.
  - c. The reduction in size of Parcel 7 from 22.49 acres to approximately 12.12 acres.
  - d. Increasing the total gross floor area of commercial development permitted on this CUP by 117,734 square feet and office gross floor area by 87,705 square feet.

On July 22, 1976, the Planning Commission considered a request to amend the Sweetbriar Gardens Community Unit Plan (DP-7), with a net increase of 13,760 square feet of additional commercial gross floor area. During that meeting, discussion centered on the cumulative effect of the large amount of existing light commercial zoning on the major street intersection of 21st Street North and Amidon, and it was the unanimous action of the Planning Commission to recommend denial of that application. It should be noted that the present application proposes an additional 117,734 square feet of commercial gross floor area (a 30% increase over the 384,560 square feet currently permitted on the present Marina Lakes CUP), and 81,205 square feet of gross floor area for office development. The Traffic Engineer has estimated that, in general, this type of center would generate approximately 50 trips per day per 1,000 feet of commercial gross floor area and 20 trips per day per 1,000 feet of office gross floor area. Traffic on Amidon generated by the approval of this application would be an additional 7,510 trips per day. Such development would severely impact traffic flow on both the Amidon bridge to the south of subject property and the 21st Street North and Amidon intersection.

4. After reviewing the proposed amendment to the CUP and requested zone change, the staff transmitted a letter to the applicant's attorney on July 16, 1976 (copy attached to Planning Commissioners), setting forth areas of major concern, which it was felt needed to be given serious consideration prior to the applications being considered by the Planning Commission and City Commission. The plan as now submitted and the requested zone change have not taken into consideration the suggestions of the staff to not extend the "LC" zoning to the river, number of buildings on Parcel 6, reducing the maximum gross floor area, and provisions for submitting landscaping plans and guarantees for areas adjacent to the lake and river.
5. Should the Planning Commission recommend the approval of the zone change request and the amendments to the CUP, the following conditions would be consistent with other approved CUP's:
  - a. The platting of Parcels 6 and 8 within one year from the date of approval by the Board of City Commissioners or the zone case be considered denied and closed.

- b. Under General Provisions change Parcels 1 thru 7 to Parcels 1 thru 8.
- c. Add the following to General Provision #2: A landscape plan for Parcels 1, 4, 6, and 8, indicating the location, type and specifications of planting materials shall be submitted for approval of the Planning Department and the Board of City Commissioners prior to the issuance of any building permits on these parcels. Failure to maintain such landscaping in the approved manner shall constitute a violation of the CUP.
- d. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- e. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
- f. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns unless amended.

GALBRAITH passed to the Commissioners a memo from CPO Council "M" which indicated a unanimous vote to recommend denial of this zone change request and Community Unit Plan amendments.

GALBRAITH pointed out the principal concerns brought out by the City Commission about a year ago when a similar request was considered for the same property, such as a question as to the need for additional "IC" in this general area and a comparison of the amount of light commercial as compared to Twin Lakes and the need for landscape buffering adjacent to the river and lake. He said that on several occasions the lack of landscaping at Marina Lakes has been discussed. He considered these concerns valid, and he had also asked in the staff report and in a letter to the attorney, that attempts be made to limit the number of buildings to one and to consider limiting the gross square footage of floor area increase.

It was pointed out that a combination of the shopping centers at this major intersection amounts to about 1,200,000 approved square feet of gross leaseable area. The access to the shopping facilities at this intersection is limited because of the rivers and the fact that all traffic must approach the centers, for the most part, on 21st or Amidon. GALBRAITH commented that apparently the applicant was unable to agree to all of the issues raised by the staff, because they have not been addressed on the amended CUP submitted, in that it does not limit uses or number of buildings and there is no evidence of efforts to beautify the river or lake.

GALBRAITH said the staff was still of the opinion that south of the applicant's lake (Parcel 8 as proposed), is appropriate for apartments, which they have limited to not exceed 18 units per acre and that offices should not be permitted. The staff has urged that consideration be given to a minimum amount of additional "IC". GALBRAITH concurred that parking is a problem at Marina Lake, probably because of the design of the buildings and types of uses. He stated also that subject property could be used for parking to relieve that situation.

Based on the CUP as submitted, the staff recommended that neither the zone change or the amendments to the CUP be approved.

EVERETT FETTIS, attorney for the applicant, said the points raised in the letter from Mr. Galbraith have not been ignored, but have been addressed as much as possible. He pointed out that a number of factors were raised (12 or 13), and most they would attempt to comply with; however, there are others which they cannot comply with because the applicant is not the owner of the land involved in those points. FETTIS said they have ordered a landscape plan from Oblinger-Smith Corporation and the staff will be consulted in this matter.

The Park Board Director has suggested different language with respect to use of the riverbank in that he wants the language to provide for the possibility of recreational areas and bicycle paths, and that is satisfactory to the applicant, and the wording will be changed.

Another point raised was the desire of the staff that there be a showing of the exact uses proposed. This cannot be done, FETTIS stated, because it is not known; it is an economic factor and at this time uses are not known. As far as the need for additional "LC", FETTIS said they have had a considerable number of contacts from leasing agents and others discussing the need, and there is a definite need as evidenced by the numerous inquiries. He pointed out that at one time in the past two or three years, letters were furnished from several real estate agencies supporting the need.

FETTIS brought up the fact that the Planning Commission and City Commission have recently approved additional "LC" along 21st Street, which is a part of the original Marina Lakes CUP, at which time no mention was made of the traffic or the need for additional "LC", nor was there any comparison made with the amount of "LC" allotted to Twin Lakes.

Referring further to traffic, FETTIS felt that misleading figures had been quoted by the staff. Traffic at Amidon and 21st is shown as 13,200 vehicles per day in 1968; 14,904 in 1972, and in a letter dated June 3, 1975, the traffic from the four different directions averages from 13,000 to 17,000, which is after the construction of the Woolco building, which added 175,000 square feet in Marina Lakes. The Planning staff has indicated that with the addition of the 117,000 now being requested, it would generate an additional 7,500 vehicles per day.

FETTIS stated that, based on the above formula, the 240,000 square feet presently built in Marina Lake and 330,000 square feet in Twin Lakes (nothing from Sweetbriar, the northeast corner, the apartments or office buildings), would generate 35,000 vehicles per day. FETTIS said that nowhere have any figures even approximating that amount been given, and it is ridiculous to think that the addition of 117,000 square feet of light commercial would lead to 7,500 vehicles per day. He did not know how the conclusions were reached, but it is the situation that is brought up on Marina Lakes every time rezoning or an amendment is discussed. FETTIS stated that many of the traffic figures that have been submitted over the years as an argument are "poppycock" and that there is no way to justify the figures.

Going back to some history of the area, FETTIS said that his client does not own all of Marina Lakes CUP, but does own the property which is the subject of this request. He mentioned that, as stated in the staff report, a year ago people from out of town testified as to the need for additional parking south of the Woolco development, and the staff has agreed that it is a problem and something should be done. However, the staff wants to limit development to one building, yet there is quite an investment in the property, and property on 21st Street recently sold for \$3.80 per square foot, which would break down the argument that there is no demonstrated need for further "LC" in this area of the City.

FETTIS continued to bring out that his client paid for the third lane on Amidon south to the end of his property (dedicated and paid the cost of paving); Twin Lakes was not required to do this; the applicant paid for a storm sewer along the east side of Marina Lake

property to the river for drainage purposes. Twin Lakes was asked to contribute to the cost, but choose to handle all drainage from their area on their side of the street; however, they have not constructed such a sewer and water still flows across the street to the sewer constructed for Marina Lake. He continued that they paid for a commercial street (third lane), yet have been denied the use of their property for commercial.

FETTIS said he was pointing these facts out because Marina Lake is constantly being compared with Twin Lakes. Further, density at Twin Lakes is much more than at Marina Lakes. FETTIS said his client was required to build a sidewalk before a building permit would be issued; the same requirement was made of Twin Lakes, but the sidewalk has not been constructed. Marina Lake development was required to observe a 75-foot setback on Amidon whereas Twin Lakes development (theater), has only a 35-foot setback.

FETTIS felt that all these matters needed to be considered, and he maintained that the land is unsuitable for any use other than commercial. People are free to say it should be developed for apartments, but it is the owner who must determine what economic use can be made, and his clients have a large amount invested and are paying taxes and interest. He further stated that only last week the newspaper carried an article indicating that apartment development in Wichita had reached the saturation point.

In summary, FETTIS stated they have the land and it needs to be developed; they will provide proper screening along the river and allow sufficient setback, but they could not accept being limited to only one building. He felt he had answered the concerns expressed by the City Commission on the previous application, in that the increase in traffic suggested by the addition of the proposed light commercial area, will not occur, based on the application of the formula to the existing light commercial in Marina Lake and Twin Lakes; the need for more light commercial has previously been demonstrated by reason of the demand; the amount of "LC" proposed as compared with Twin Lakes is not valid as Marina Lake is less; and landscaping adjacent to the river will be provided. He commented further that there has been a general increase in traffic by reason of the 21st Street bridge to the west and further development to the north and northeast.

Of the many points brought out by the staff, FETTIS pointed out those over which they have no control inasmuch as it relates to property which the applicant does not own; he also indicated those they could and would comply with; and apparently the ones they are not agreeable to is that development be limited to one building and that proposed uses be indicated.

D. C. CHITWOOD, 2400 Columbine, spoke in opposition on behalf of himself and others in the area, as well as the CPO Committee. He called attention to a memo from the Traffic Engineering Division where they analyzed a study done in 1973 as to the capacity of the intersection and various other streets in the area. The results of that analysis points out that readings taken last February and projected to December of 1976 indicate that the intersection would be approximately 10% over service level F.

BAYOUTH said he lives in this area, and with the construction of Towne West it is possible that traffic at subject intersection would be alleviated 30%. LAKIN suggested that if such is true, then it will eliminate 30% of the need for commercial in subject area.

PORTER said she wanted to make a motion and have it seconded and then have discussion by the Commissioners.

LAKIN said Mr. Fettis has raised a number of issues, including what he termed "poppycock" traffic information. LAKIN suggested that if this is going to be a matter of serious debate and difference of opinions, then he would like to have the Traffic Engineer given a chance to provide more detailed analysis. He said the staff

has not submitted to the Commissioners at this time the volume of material which has accumulated with respect to zoning in the Marina Lake CUP, but if the arguments are going to be opened up for full review, then the City staff responsible for the reports should have an opportunity to present a response, or provide more to the City Commission. LAKIN stated further that the complete story on street costs, access control and drainage has not been heard. For example, the drainage was already constructed, but because Marina Lake wanted more "LC" and to fill in more of the land area, the drainage facility had to be extended. If all the old history is to be "dredged out," LAKIN said he would like a chance to respond.

HENNESSY agreed that the Commission does not have all the information at this time. PORTER said she would still like to make a motion.

MOTION: That the Planning Commission recommend to the City Commission that neither the zoning case (Z-1832) or the amendments to the CUP (DP-23), be approved. Porter moved.

PORTER reminded the Commissioners that only a few weeks ago, the Commission had recommended against additional light commercial on the Sweetbriar CUP and if there is to be any consistency, subject request should also be denied. BAYOUTH pointed out that the area in Sweetbriar was adjacent to residential whereas this request is not. PORTER said at that time, there was the feeling that there was no need for further "LC" in the general area. BAYOUTH stated again that he felt with the development of Towne West that all traffic problems in this area would be solved.

Barrier seconded the above motion.

SUBSTITUTE MOTION: That the Commission defer a decision on Z-1832 and DP-23 for two weeks, for submission of additional material and information by the City staffs. Hennessy moved.

BARRIER felt that the Commission has already been provided a good deal of material and should be prepared to vote. HENNESSY disagreed, pointing out that Lakin has raised some valid points which is what prompted his substitute motion for deferral.

Bayouth seconded the substitute motion.

KAMEN asked what advantage there would be in deferring, and Hennessy did not think a complex matter such as this could be resolved after only 45 minutes of presentations and discussion, and the Commission had not received enough input from the staff, in that Galbraith's presentation was only for about 10 minutes, and the staff has not had an opportunity to answer the charges. BAYOUTH felt the Traffic Engineer should be heard from to answer charges made by Mr. Fettis on traffic. PORTER said she could not believe this was the same group that voted on the Inner Loop in 30 seconds a week or so ago.

PORTER stated that she and Bayouth had been on the Commission and considered subject area before, and it was hard for her to see why it should be deferred; she could not remember the Chairman ever before requesting deferral for more information.

HENNESSY felt that some type of development should be permitted on the property - it cannot continue to be vacant. PORTER said that the request is for an enormous increase in "LC" space and that is what was argued on July 22, 1976 when the application for more "LC" in Sweetbriar CUP was heard, and at that time it was a unanimous vote of all of the Commissioners present at that meeting that more not be permitted.

KAMEN recalled that about three years ago the Commission considered this same area and the zoning was changed to what it is now. GALBRAITH said the change three years ago was recommended

by the Planning Commission, but was denied by the City Commission, and the parcel zoned "B" has been that since the beginning.

In discussing some of the present uses, it was reported that a furniture store now occupies the space vacated by the grocery store several months ago, and that there is a vacant space to the south of Furr's Cafeteria.

KAMEN recalled that three years ago the Planning Commission had indicated they would favor apartments but nothing less restrictive; there was opposition at that time from people who felt apartments might generate as much or more traffic than light commercial.

TAYLOR said it did not seem to her that delaying a decision would serve any purpose; that one can look at the neighborhood and see that it isn't logical to use the riverfront for further light commercial, and she did not think reviewing traffic counts in great detail would be an advantage to any of the Commissioners in making a decision, and additional "LC" would not alleviate parking problems on the site.

HENNESSY asked Taylor then what she considered a solution in this case, and TAYLOR answered that it could be developed as presently zoned, and that residential units on the river could be made quite nice and could take advantage of the river setting.

VOTE ON SUBSTITUTE MOTION: Motion lost by a vote of 2 in favor (Hennessy and Bayouth), and 6 opposed (Barrier, Greider, Goebel, Kamen, Taylor and Porter). Gragg and Savina were absent.

VOTE ON ORIGINAL MOTION TO DENY: Motion carried by a vote of 6 in favor (Porter, Barrier, Greider, Kamen, Goebel and Taylor), and 2 opposed (Hennessy and Bayouth). Gragg and Savina were absent.

HENNESSY felt that the applicant had not had a full and fair hearing.

KAMEN commented that while Mr. Hennessy may think it has not been a full hearing, the matter of zoning in Marina Lakes has been before the Commission time after time and he felt everybody knows the case history.

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July 15, 1975

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@m  
no 1/2 part

Mr. H. D. Bledsoe, President  
Resthaven Gardens of Memory  
Highway 54 and Clearwater Road  
Wichita, Kansas 67209

Re: Marina Lakes Shopping Center

Dear Mr. Bledsoe:

At the City Commission hearing of July 1, 1975, you presented to the City Commission traffic volumes which had been supplied by this Division. I would like to clarify the counts we gave you since you seemed to indicate they conflicted with our written report.

First of all, the traffic counts we gave you were 24-hour counts taken for just one day out of the year. The accuracy of these counts is in the vicinity of 20%, + or -. These counts are highly susceptible to variations by month and by day of the week.

Normally when counts such as these are taken, they are factored to obtain an average daily count. This factor takes into consideration the peaking characteristics by month and by the day of the week. In other words, a traffic count taken on a high shopping center day would be factored down to represent an average daily traffic count which could be expected. In order to obtain proper factors, it is necessary to compare each 24-hour count with a continuous count station. The spot 24-hour count must have similar characteristics to the continuous count station to which it is being compared.

In an attempt to provide more accurate continuous count stations, the City of Wichita has entered into a contract with the Kansas Highway Commission to provide 15 permanent count stations throughout the city. This program in its entirety was just completed effective July 1, 1975. One of the earlier permanent count stations installed was on Amidon, south of the Big Arkansas River Bridge. Looking at the traffic counts recorded by this count station for an average day of the week by month, it can be determined they vary from a low of 15,516 in January to a high of 21,113 in December. Average Saturday counts range from a low of 17,826 in July to a high of 25,168 in December. The highest day counted during 1974 ranged from a low of 19,759 to a high of 27,563. This last count occurred on December 23, a Monday. Obviously, this count would be associated with the last minute Christmas shoppers.

At the request of Hanson Development Company, we conducted a traffic study of the Marina Lakes Shopping Center entrance on Amidon. A 24-hour tube count taken on October 26, 1974 indicated 11,397 vehicles southbound, 10,574 vehicles northbound, for a total of 21,971 vehicles on Amidon in front of the Straw Hat Pizza Palace. This 24-hour count compares very favorably with the continuous count station. Based upon that traffic count, the Traffic Engineering Division informed the developer signalization was warranted at this time; it was suggested the developer negotiate a contract with an outside firm to install the signal.

Getting back to the traffic counts we submitted to you, there is a difference between our 1972 flow map and our 1974 traffic flow map. In 1972, we attempted to factor all 24-hour tube counts based upon a three-year continuous count station located on 13th Street in the eastern part of Wichita. The accuracy of applying this factor to all counts throughout the city of Wichita would be somewhat in error. Due to the inaccuracy of applying 13th Street continuous count station factors to all of Wichita, we decided that the 1974 traffic flow map would report only 24-hour tube counts as recorded by the counter. In other words, the 1974 volumes were not factored to obtain average daily traffic. In fact, the legend on the 1974 map reads, "1974 Traffic Volume Flow Map" while the 1972 flow map is entitled, "1972 Traffic Volume Flow Map, Average Annual Daily Traffic".

At the request of the Planning Department, we reviewed your proposed center for its traffic impact upon the existing street system. For background information, we used information gathered over the last several years with regard to trip generation rates based upon gross leaseable area. A summary of the traffic volume study is contained within a report entitled, "Study of Traffic Characteristics for Discount Stores and Community Shopping Centers"; this report is enclosed. Under Table I of that report, "Comparative Data for Discount Shopping Centers", the daily trip generation rate for Friday varied from a low of 40 to a high of 89 trips per thousand square feet of gross leaseable area. The average on Friday was 63. Trip generation rates for Saturday (usually the peak shopping center day) recorded a low of 48 to a high of 108 with an average of 81 trips per thousand square feet of gross leaseable area. The peak hour percentage related to traffic volume counts recorded a low of approximately 10% to a high of 12% with an average of approximately 10.5%.

In an attempt to analyze peaking characteristics associated with discount shopping centers, separate traffic counts were conducted at both Woolco stores during their grand openings in September 1973. Trip generation rates associated with these grand openings recorded a low of 102 to a high of 119 for an average of 100 trips on a Friday. The peak hour rate for Friday was approximately 13% of the average daily trips. The trip generation rate for Saturday varied from a low of 130 to a high of 149 for an average of 139 trips per thousand square feet of gross leaseable area. The peak hour percentage for a Saturday was 11.8.

Hr. H. D. Bledsoe

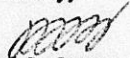
Page 3

July 15, 1975

If one were to assume that the area south of the Straw Hat Picca Palace was to develop a similar commercial usage as occurred in the Woolco Shopping Center complex, we could anticipate on an average Saturday approximately 81 trips per thousand square feet of gross leaseable area. Based upon this average generation rate and the proposed retail space addition of 111,000 square feet, the proposed Parcel 6 would generate approximately an additional 9,000 cars on an average Saturday. A corresponding figure based upon average generation rates for a Friday (63) would indicate approximately 7,000 vehicles. This figure could swell to approximately 15,000 during peak shopping center days such as before Christmas, Easter, back-to-school sales, etc. In short, your proposed development could generate between 7,000 and 15,000 additional trips to the general vicinity of 21st and Amidon.

Hopefully this information will help clarify the questions you had regarding this matter. If you have any further questions, please feel free to contact me.

Sincerely,



Paul B. Graves, P. E.  
City Traffic Engineer

PBG/mgl  
enc.

cc:R. W. Bruggeman, Director of Public Works

June 3, 1975

Mr. Harry D. Bledson  
Resthaven Gardens of Memory -  
11800 West Highway 54  
Wichita, Kansas 67209

Dear Map:

You requested the following information relative to traffic volume counts at the intersection of 21st and Amidon and on US 54 just west of West Street, just east of I-235 and just west of I-235. Those volume counts are as indicated. South of 21st Street on Amidon - 15,271, north of 21st on Amidon - 15,734, east of Amidon on 21st - 17,227, west of Amidon on 21st - 13,952, US 54 just west of West Street - 29,403, US 54 just east of I-235 - 31,451 and US 54 just west of I-235 - 37,577.

Office buildings normally generate 17 trips per 1000 square feet per day. If you need further information, please advise.

Sincerely,

Paul C. Graves, P. E.  
City Traffic Engineer

PBG:dv

cc: R. W. Bruggeman  
Ralph Ruiz  
Bill McKinley

## Average Daily Traffic (ADT)

	Amidon N. of 21 <sup>st</sup> St.	Amidon S. of 21 <sup>st</sup> St.	21 <sup>st</sup> St. E. of Amidon	21 <sup>st</sup> St. W. of Amidon
1966	11,850	11,470	10,830	7,620
1968	14,443	13,831	8,616	7,269
1970	16,069	14,673	13,659	8,832
1972	16,065	14,904	17,278	12,141
1974	15,794	15,271	17,207	13,052
1974		21,971		

1974	Average Day of Week	Average Saturday	Highest day
Jan	15516	19478	19759
Feb	16350	20062	20479
March	16222	19907	21062
April	18059	20281	21268
May	19141	22019	24078
June	19163	21169	22355
July	17521	17826	20891
Aug	19031	20945	22052
Sept	18525	22039	23263
Oct	18775	22429	22962
Nov	18769	22013	22963
Dec	21113	25168	27563

1973			
Sept.	17660	20,751	23072
Oct.	18119	21,709	22079
Nov.	18159	21,582	22663
Dec.	19060	23,564	25103

Sept. 26.

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE August 19, 1976



TO Metropolitan Area Planning Commission  
FROM David Furnas, Citizen Participation Coordinator

SUBJECT "B" to "BB" and "LC" and Amendment  
to Marina Lakes CUP, On the West  
Side of Amidon, North of Arkansas  
River

At their August 18, 1976, meeting, CPO Area "M" considered case Z-1832 and DP-23 a request for a change from "B" to "BB" and "LC" and an amendment to Marina Lakes CUP, at the southwest corner of the 21st and Amidon intersection.


Over the past several months the Council has discussed the traffic capacity of this intersection and the amount of land approved for commercial development in the area. These issues were discussed at the Planning Commission's July 22, 1976, meeting during the consideration of an amendment to District 7, the Sweetbriar Shopping Center Community Unit Plan.

During that discussion, a representative of Area "M" CPO presented traffic counts which projected that the intersection would be operating at level of service D and that additional commercial development and traffic from the new K-96 Meridian interchange would compound the problem. The representative also reviewed the amount of "LC" zoning approved at this intersection, which is similar to the total amount approved -- but not yet built -- at Towne East.

On this basis, the Council established the following policy during their August 4, 1976, meeting:

"No more light commercial zoning be added in the area of 21st and Amidon except that which would improve upon traffic or design features." The Council defined the area as the Little Arkansas River on the east, Marigold Street on the west, the Big Arkansas River on the south, and the northern portion of Sweetbriar on the north.

In view of this policy, the Council voted 5-0 to recommend denial of this request for an additional 117,734 square feet of Light Commercial and 81,705 square feet of office zoning in the Marina Lakes Community Unit Plan.

  
David Furnas  
Citizen Participation Coordinator

DF:LN:rh

21st AND AMIDON

TRAFFIC VOLUMES

	1968	1970	1972	1975*	Projection 1976
Amidon, North of 21st	15,530	16,069	16,065	19,293	
Amidon, South of 21st	11,474	14,673	14,904	17,035	
21st, East of Amidon	13,200	13,659	17,276	17,725	
21st, West of Amidon	8,260	8,832	12,141	13,696	
Intersection				33,975	36,939
Level of Service				"C"	"D"

\*This count taken in February, a low traffic volume month.

TRAFFIC GENERATED BY DISCOUNT SHOPPING CENTERS

GENERATION PER 1,000 SQ. FT.

Friday	40 to 60 - Average 54
Saturday	48 to 100 - Average 61

ZONING FOR COMMERCIAL DEVELOPMENT

CENTER	SQ. FT. APPROVED
Gardens Riverbend (TOWN)	170,000 sq. ft.
Twin Lakes	361,000 sq. ft.
Sweetbrier	259,110 sq. ft.
Marina Lakes	391,500 sq. ft.
	1,181,610 sq. ft.

This compares to 1.2 million approved and 800,000 sq. ft. built at Towne East.

This does not include Riverbend and other commercial developments not in one of the four major CUPs.

August 20, 1976

Mr. Everett Fettis, Attorney  
One Twenty Building  
120 South Market  
Wichita, Kansas 67202

Re: Z-1832 - "B" to "BB" and  
"LC" - West side of Amidon  
north of Arkansas River  
and DP-23 Amendment to  
Marina Lakes CUP

Dear Mr. Fettis:

At the regular meeting of the Metropolitan Area Planning Commission on August 19, 1976, the above-captioned applications were considered. The action of the Commission was to recommend that subject cases not be approved.

Consideration of these cases will be scheduled before the Board of City Commissioners at their regular meeting of September 7, 1976, the meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main. We would call to your attention that planning items will be heard by the City Commission following all other matters of business.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Marina Lakes Drive, Inc., 6572 East Central 67206  
H. D. Chitwood, 2500 Columbine 67204  
City Manager's Office

July 16, 1976

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

Re: Amendment to DP-8  
Marina Lakes Community Unit Plan

2-1832 Marina Lake Drive, Inc.,  
requests zone change from "B"  
to "BB" and "LC"

Dear Mr. Fettis:

We have reviewed the proposed amendments to the existing 60 acre (approximate) Community Unit Plan located at the southwest corner of 21st Street North and Amidon, and the following are our comments as well as those of other City Departments.

This plan as submitted is essentially the same request which was denied by the Board of City Commissioners a year ago involving a change from "B" to "LC" on approximately 7.33 acres and from "B" to "BB" on approximately 5.75 acres. Also, you are proposing an additional 118,878 square feet of potential light commercial development or an approximate 30% increase over existing potential "LC" on the Marina Lakes Community Unit Plan.

As I have indicated to you in our previous conversations regarding this matter, these requests parallel those which the City Commission denied a year ago. After reviewing this plan, we do not see any significant changes which would appear to suggest a different decision than that which was rendered a year ago.

The City Commission in approving "LC" Light Commercial for Parcel 5 of Marina Lakes on December 9, 1975, was quite specific in their desire to see a limitation of uses, number of buildings, maximum gross floor area and provision of landscaping. It is my opinion that the applications should be amended to reflect your actual needs and proposals. We recognize that your clients do have existing problems which can best be alleviated through modification of the C.U.P., but when the Board of City Commissioners has indicated policy guidelines in their past actions and comments on other requests in the area, I would urge that your proposals reflect such policy decisions.

Mr. Everett C. Fettis  
July 16, 1976  
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In reviewing the past history on these cases, I have identified five areas, which the Board of City Commissioners and adjacent property owners have questioned:

- (1) traffic
- (2) need for additional Light Commercial in the area
- (3) concern over Light Commercial adjacent to the river
- (4) the amount of "LC" Light Commercial proposed for this location as opposed to Twin Lakes
- (5) landscaping adjacent to the river and the lake on subject property

I would like to discuss each of these items and my opinions on them.

(1) Traffic - Certainly the 30% increase in potential "LC" gross floor area as well as an additional 87,705 square feet of "BB" office zoning could severely impact the traffic patterns, the major intersection, and flow over the Amidon bridge if such increases are approved and developed as proposed. On the other hand, if your clients are willing to modify some of the requests to provide some limitation of uses, number of buildings, and amend the C.U.P. in light of their actual plans, I believe the affect on area traffic patterns and the 21st Street/Amidon intersection could be held to a minimum. However, as the Plan is now proposed, the Traffic Engineer and other City staff would be compelled to once again question the traffic impacts anticipated with approval of the application.

(2) Need for additional "LC" in the area - this was a concern specified by the City Commission when they returned your case to the Planning Commission a year ago, as well as a point brought up by neighborhood protestors on numerous occasions. Regarding a question as to vacancies a year ago, John Frieden of Hanson Development Corporation countered this question very well at the last series of hearings by explaining that the existing vacancies were due to a parking problem, which could be alleviated through approval of this application, rather than a lack of demand for the space. Mr. Frieden also stated that according to a study made for his firm that additional parking is needed for Building D which could be located on the application area, but some additional commercial development would be needed to support the parking. In addition, the consultants recommended that building "C" be leased to low traffic generators with a readjustment of parking in front of building "D". The recent location of the furniture store as a low traffic generator in the former grocery store site does appear to help, but again, the parking problems caused by Furr's still exist and have even been compounded by the location of Pogo's in building D.

In my opinion, the approval of some additional "LC" to the south of building D is appropriate to help solve your client's parking problems and I can see the need for perhaps a small commercial building

Mr. Everett C. Fettis  
July 16, 1976  
Page 3

to help support the additional parking, but there is little justification to extend the "LC" Light Commercial District all the way to the river nor is parcel 8 an appropriate location for the "BB" Office District. I can understand your desire to limit the protest area on these requests, but it would be far better to accomplish such by limiting the size of the "LC" request rather than by requesting the "BB" Office District on an interior parcel with very limited access.

At the last series of hearings before the Planning Commission on this request, you stated that staff was in error in quoting the large square footages on this C.U.P. because the Woolco lease limited the gross floor area below that approved for the parcel and that the commercial development on 21st Street North did not even approach the inflated square footages on the C.U.P. I agree with you on this point and suggest that you reduce the potential floor area permitted on the other parcels to what is existing or proposed for each parcel and that you lower the square footage proposed for parcel #6; if the need is for more parking and some supportive light commercial than the 118,878 square feet on parcel #6 could easily be reduced to a point which, combined with square footage reductions on the other parcels, would involve little if any actual increase in commercial gross floor area for the total Community Unit Plan. No overall increase in commercial gross floor area would certainly strengthen your request.

(3) Light commercial adjacent to the river - Again, I believe that your parking problems and space needs can be resolved without extending the "LC" Light Commercial zoning to the river. I suggest that you submit modified plans which depict the amount of "LC" Light Commercial which your clients actually need and leave the balance of Parcel #6 adjacent to the river in the "B" Multiple Family District. The "B" District does permit off-street parking and that type of buffer combined with adequate landscaping along the river would result in an improved application.

(4) The amount of "LC" proposed for this location as opposed to Twin Lakes -- I have never felt that zoning should be granted on the basis of parity among neighbors in terms of commercial, but area protestors and some members of the City Commission have questioned your need to exceed the Twin Lakes total square footage. In reviewing existing and proposed "LC" Light Commercial potential on all four corners of 21st and Amidon the following square footages are approved or proposed:

<u>C U P</u>	<u>Maximum Commercial Gross Floor Area</u>
Gardners Riverlawn	166,023
Twin Lakes	330,000
Sweetbriar	265,110
Marina Lakes	496,438 (39.4% of LC Total)

Of course, these figures do not even consider the "BB" Office District square footages of which your client's proposals would re-

Mr. Everett C. Fettis  
July 16, 1976  
Page 4

present some 85.44% of the total office footage on all four corners. It is my opinion that this "parity" issue can best be answered by your client's amending their proposals to that they actually intend to develop and presenting the Planning and City Commissions with a well integrated proposal which can stand on its own merits by offering protection to the area through use limitations, reduced square footages, and riverbank protection.

(5) Landscaping - This application could be greatly improved with submission of a landscape plan for the river and lake with landscaping guarantees to provide the aesthetics and screening which the neighbors to the south and west have previously requested. The provision of landscaping will certainly be one of our recommendations.

In addition to the aforementioned, the following are suggested text changes to improve the Community Unit Plan:

- (1) The uses on parcel #6 shall be limited to what is actually proposed, rather than the open ended "light commercial" phrasing.
- (2) A maximum of one building shall be proposed for parcel #6.
- (3) Amend general provision #2 to read as follows:  
"Sign control - Signs as permitted by the zoning district."
- (4) Delete Comment #7 on Parcel #7 as this will be controlled by amended general provision #1.
- (5) The net area for the lake should be included in one of the adjacent parcels or described as a separate parcel.
- (6) Add a general provision #7 to read as follows:  
"Fire lane easements shall be provided in accordance with Section 15.01.055 of the Code of the City of Wichita."
- (7) Amend the area requested for "LC" in parcel #6 to provide for appropriate protection and buffering of the river.
- (8) Provide a landscape plan and guarantees for landscaping adjacent to the river and the lake.
- (9) Amend the curb cuts depicted on 21st Street North to depict the six existing and/or proposed curb cut for a total not to exceed seven.
- (10) Depict the setbacks referred to in statement #5 of Parcel #8 as none are shown on the plan.
- (11) Please be advised that screening (a wall) shall be required on the west edge of parcel #3 if such is developed for office use. Screening walls shall be depicted on the C.U.P. in a manner which is clearly legible.

Mr. Everett C. Fettis  
July 16, 1976  
Page 5

(12) Incorporate in the wording of General Provision #2 that a landscape plan for Parcels 1, 4, 6, and 8, indicating the location, type, and specifications of planting materials shall be submitted for approval of the Planning Department and Board of City Commissioners, prior to the issuance of any building permits on these parcels.

(13) Statement #4 on Parcel #1 should be changed to read:

"Maximum building height 65'"

NOTE: This other wording appears to be needless and we would even recommend that the proposed height be reduced to 35' if possible.

These are most of the comments we have at this time. We are asking that the "BB" Office District requested on parcel 8 be eliminated and that the "LC" request on parcel 6 be substantially reduced to accommodate one new building with the balance of the parcel being used for parking with substantial landscaping as a buffer along the river.

We are available to meet with you and your client to discuss our comments, if desired. We have tentatively scheduled these cases before the Planning Commission on August 19, 1976, and it is necessary that we receive 15 amended copies of the C.U.P. by Monday, August 2, 1976, in order to meet that date.

If you have questions regarding this matter, please do not hesitate to call.

Sincerely yours,

Jack Galbraith  
Chief Planner

JHG:MM:bh

cc: H. D. Bledsoe  
1200 South 119th Street, West, 67209

William Korber  
Baughman Company, 330 Laura, 67211

July 15, 1975

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②m  
w/pt

Mr. H. D. Bledsoe, President  
Resthaven Gardens of Memory  
Highway 54 and Clearwater Road  
Wichita, Kansas 67209

Re: Marina Lakes Shopping Center

Dear Mr. Bledsoe:

At the City Commission hearing of July 1, 1975, you presented to the City Commission traffic volumes which had been supplied by this Division. I would like to clarify the counts we gave you since you seemed to indicate they conflicted with our written report.

First of all, the traffic counts we gave you were 24-hour counts taken for just one day out of the year. The accuracy of these counts is in the vicinity of 20%, + or -. These counts are highly susceptible to variations by month and by day of the week.

Normally when counts such as these are taken, they are factored to obtain an average daily count. This factor takes into consideration the peaking characteristics by month and by the day of the week. In other words, a traffic count taken on a high shopping center day would be factored down to represent an average daily traffic count which could be expected. In order to obtain proper factors, it is necessary to compare each 24-hour count with a continuous count station. The spot 24-hour count must have similar characteristics to the continuous count station to which it is being compared.

In an attempt to provide more accurate continuous count stations, the City of Wichita has entered into a contract with the Kansas Highway Commission to provide 15 permanent count stations throughout the city. This program in its entirety was just completed effective July 1, 1975. One of the earlier permanent count stations installed was on Amidon, south of the Big Arkansas River Bridge. Looking at the traffic counts recorded by this count station for an average day of the week by month, it can be determined they vary from a low of 15,516 in January to a high of 21,113 in December. Average Saturday counts range from a low of 17,826 in July to a high of 25,168 in December. The highest day counted during 1974 ranged from a low of 19,759 to a high of 27,563. This last count occurred on December 23, a Monday. Obviously, this count would be associated with the last minute Christmas shoppers.

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At the request of Hanson Development Company, we conducted a traffic study of the Marina Lakes Shopping Center entrance on Amidon. A 24-hour tube count taken on October 26, 1974 indicated 11,397 vehicles southbound, 10,574 vehicles northbound, for a total of 21,971 vehicles on Amidon in front of the Straw Hat Pizza Palace. This 24-hour count compares very favorably with the continuous count station. Based upon that traffic count, the Traffic Engineering Division informed the developer signalization was warranted at this time; it was suggested the developer negotiate a contract with an outside firm to install the signal.

Getting back to the traffic counts we submitted to you, there is a difference between our 1972 flow map and our 1974 traffic flow map. In 1972, we attempted to factor all 24-hour tube counts based upon a three-year continuous count station located on 13th Street in the eastern part of Wichita. The accuracy of applying this factor to all counts throughout the city of Wichita would be somewhat in error. Due to the inaccuracy of applying 13th Street continuous count station factors to all of Wichita, we decided that the 1974 traffic flow map would report only 24-hour tube counts as recorded by the counter. In other words, the 1974 volumes were not factored to obtain average daily traffic. In fact, the legend on the 1974 map reads, "1974 Traffic Volume Flow Map" while the 1972 flow map is entitled, "1972 Traffic Volume Flow Map, Average Annual Daily Traffic".

At the request of the Planning Department, we reviewed your proposed center for its traffic impact upon the existing street system. For background information, we used information gathered over the last several years with regard to trip generation rates based upon gross leaseable area. A summary of the traffic volume study is contained within a report entitled, "Study of Traffic Characteristics for Discount Stores and Community Shopping Centers"; this report is enclosed. Under Table I of that report, "Comparative Data for Discount Shopping Centers", the daily trip generation rate for Friday varied from a low of 40 to a high of 89 trips per thousand square feet of gross leaseable area. The average on Friday was 63. Trip generation rates for Saturday (usually the peak shopping center day) recorded a low of 43 to a high of 103 with an average of 81 trips per thousand square feet of gross leaseable area. The peak hour percentage related to traffic volume counts recorded a low of approximately 10% to a high of 12% with an average of approximately 10.5%.

In an attempt to analyze peaking characteristics associated with discount shopping centers, separate traffic counts were conducted at both Woolco stores during their grand openings in September 1973. Trip generation rates associated with these grand openings recorded a low of 102 to a high of 119 for an average of 100 trips on a Friday. The peak hour rate for Friday was approximately 13% of the average daily trips. The trip generation rate for Saturday varied from a low of 130 to a high of 149 for an average of 139 trips per thousand square feet of gross leaseable area. The peak hour percentage for a Saturday was 11.8.

Mr. H. D. Eledsoe

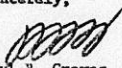
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If one were to assume that the area south of the Straw Hat Picca Palace was to develop a similar commercial usage as occurred in the Woolco Shopping Center complex, we could anticipate on an average Saturday approximately 81 trips per thousand square feet of gross leaseable area. Based upon this average generation rate and the proposed retail space addition of 111,000 square feet, the proposed Parcel 6 would generate approximately an additional 9,000 cars on an average Saturday. A corresponding figure based upon average generation rates for a Friday (63) would indicate approximately 7,000 vehicles. This figure could swell to approximately 15,000 during peak shopping center days such as before Christmas, Easter, back-to-school sales, etc. In short, your proposed development could generate between 7,000 and 15,000 additional trips to the general vicinity of 21st and Amidon.

Hopefully this information will help clarify the questions you had regarding this matter. If you have any further questions, please feel free to contact me.

Sincerely,

  
Paul B. Graves, P. E.  
City Traffic Engineer

PBG/mgl  
enc.

cc:R. W. Bruggeman, Director of Public Works



Case No. Z-1832

DP-23

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Since the original CUP and zone change approval in 1967, this is the seventh request for an amendment to the CUP and seventh zone change request filed on the Marina Lakes property. Although in the past we have included copies of the Planning Commission and Board of City Commission minutes regarding previous applications of subject property with the staff report to the Planning Commission, the minutes package is now in excess of 500 pages and we have not included all that material. Attached, you will find the past Planning and City Commission minutes and histories regarding amendment #6 which was essentially the same request that is now before you and was denied by the Board of City Commissioners in July, 1975; minutes of requests previous to that as well as the minutes regarding amendment #7 (which amended parcel #5 on 21st Street North) are on file in our office and available for public review.

2. The applicant has now submitted an amended CUP and zone change application which proposes the following changes:
  - a. Increasing the size of parcel six from 3.07 acres to 7.72 acres and increasing the amount of light commercial zoning approximately 7.72 acres.
  - b. Creation of a new parcel 8 with a maximum density of 18 units per acre on approximately 5.32 acres and a change to the "BB" Office District on 5.32 acres with professional offices, townhouses, and garden apartments listed as the proposed uses.
  - c. The reduction in size of parcel 7 from 22.49 acres to approximately 12.12 acres.
  - d. Increasing the total gross floor area of commercial development permitted on this CUP by 117,734 square feet and office gross floor area by 87,705 square feet.
3. On July 22, 1976, the Planning Commission considered a request to amend the Sweetbriar Gardens Community Unit Plan (DP-7) with a net increase of 13,760 square feet of additional commercial gross floor area. During that meeting, discussion centered on the cumulative effect of the large amount of existing light commercial zoning on the major street intersection of 21st Street North and Amidon, and it was the unanimous action of the Planning Commission

to recommend denial of that application. It should be noted that the present application proposes an additional 117,734 square feet of commercial gross floor area (a 30% increase over the 384,560 square feet currently permitted on the present Marina Lakes CUP) and 81,205 square feet of gross floor area for office development. The traffic Engineer has estimated that, in general, this type of center would generate approximately 50 trips per day per 1,000 feet of commercial gross floor area and 20 trips per day per 1,000 feet of office gross floor area. Traffic on Amidon generated by the approval of this application would be an additional 7,510 trips per day. Such development would severely impact traffic flow on both the Amidon bridge to the south of subject property and the 21st Street North and Amidon intersection.

4. After reviewing the proposed amendment to the CUP and requested zone change, the staff transmitted a letter to the applicant's attorney on July 16, 1976, (copy attached to Planning Commissioners) setting forth areas of major concern which it was felt needed to be given serious consideration prior to the applications being considered by the Planning Commission and City Commission. The plan as now submitted and the requested zone change have not been taken into consideration the suggestions of the staff to not extend the "IC" zoning to the river, number of buildings on parcel #6 being limited to one, indicating more specific uses for parcel #6, reducing the maximum gross floor area, and provisions for submitting landscaping plans and guarantees for areas adjacent to the lake and river.
5. Should the Planning Commission recommend the approval of the zone change request and the amendments to the CUP, the following conditions would be consistent with other approved CUP's:
  - a. The platting of parcels 6 and 8 within one year from the date of approval by the Board of City Commissioners or the zone case be considered denied and closed.
  - b. Under General Provisions change Parcels #1 thru #7 to Parcels #1 thru #8.
  - c. Add the following to General Provision #2: A landscape plan for Parcels 1,4,6 and 8, indicating the location, type and specifications of planting materials shall be submitted for approval of the Planning Department and the Board of City Commissioners prior to the issuance of any building permits on these parcels. Failure to maintain such landscaping in the approved manner shall constitute a violation of the CUP.

- d. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - e. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
  - f. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns unless amended.
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EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 13, 1975:

- 20a. Case No. Z-1683 - Marina Lake Drive, Inc. requests change from "B" to "LC" for:  
A tract in Government Lot 1 in the nw 1/4 of Section 7, Twp. 27-S, R-1-E, described as commencing at the NE corner of said Lot 1; thence south 0°04'05" west along the east line of said Lot 1, 1120.32 feet for a place of beginning; thence north 88°12'55" west, 130 feet; thence north 0°04'05" east 15 feet; thence south 89°56'09" west, 455.06 feet; thence north 54°26'07" west 194.13 feet; thence south 16°00" west to the left (north) bank of the Arkansas River; thence south easterly along said left bank to the east line of said Lot 1; thence north 0°04'05" east 885 feet more or less to the place of beginning. Generally located on the west side of Amidon in an area north of the Arkansas River.
- 20b. Case No. DP-23 (Amendment) - Marina Lake Drive, Inc. requests approval of an amendment to the Community Unit Plan as it relates to the following legally described property: All of Government Lot 1, in the NW 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 and 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.

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

HISTORY

1. 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 on 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 minutes of November 14, 1968 and December 12, 1968 - Attachments 1 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.)

2. The applicant is now requesting a change of zoning from "B" Multiple-family to "LC" Light Commercial for a tract of land containing approximately 7.33 acres.

The CUP request proposes the following:

Increase in the size of Parcel 6 from 3.07 acres to approximately 7.33 acres.

Creating a new Parcel 8 approximately 5.75 acres in size with a maximum building height of 65 feet with proposed uses to include high rise apartments, townhouses, and garden apartments at a density not to exceed 18 dwelling units per acre.

Decreasing the size of Parcel 7 from 22.49 acres to 12.79 acres and a decrease in the proposed number of dwelling units from 335 to 219.

Increasing the permitted square feet of retail space by 159,825 for a total of 544,385.

It should be pointed out that the plan as submitted in 1973 proposed a floor area ratio for Parcel 6 of .35 or a total of 111,878 square feet. The proposed floor area has now been substantially increased to .50 for a total of 159,825 square feet.

3. The past history reflects intensive discussion relative to this shopping center location and related traffic projections. Traffic volumes on 21st Street and through the 21st-Amidon intersection have continued to increase as is evidenced by the following traffic counts.

	Actual ADT 1970	Actual ADT 1972
Amidon north of 21st Street	16,069	16,065
Amidon south of 21st Street	14,673	14,904
21st Street east of Amidon	13,659	17,278
21st Street west of Amidon	8,832	12,141

The increase in these traffic counts on 21st street in 1972, in part, must be attributed to the improvement of the street and the new bridge across the Arkansas River.

The Traffic Engineering Division advises that their latest 24-hour traffic count on Amidon in the vicinity of the Marina Lakes Shopping Center entrance were taken on Saturday, October 26, 1974. At that time traffic volumes on Amidon recorded 11,397 vehicles southbound and 10,574 vehicles northbound for a total Amidon count of 21,971.

They also advise that in checking their continuous traffic count station located just south of the Big Arkansas River bridge on Amidon, average day of the week traffic counts ranged from a low of 15,516 in January to a high of 21,113. Average Saturday counts ranged from a low of 17,826 in July to a high of 25,168 in December. The highest day counts ranged from a low of 19,759 to a high of 27,563 in December.

They also advised that they had completed a study in early November which indicated the warrants for signalization of Marina Lakes entrance to Amidon and have advised the developer that he should consider a private contractor for installing this signal in the near future.

4. Arguments have been made in the past that regardless of increased traffic, the west side of Amidon deserved a comparable amount of "LC" zoning as granted to Twin Lakes to the east. The square footage of retail space now proposed for the west (544,385) now compares with the 330,000 previously approved for Twin Lakes.
5. As the existing "LC" is generally the same on both sides of Amidon, any consideration of extending "LC" zoning should be based on the submission of justification for additional need of services. Some office zoning and development exists to the east, the most compatible uses would be for Parcel 6 to be developed for professional offices.
6. Although the area now designated as Parcel 8 was originally proposed for townhouses and garden apartments, the proposed uses now include high rise apartments with a maximum height of 65 feet. Taking into consideration the newly constructed townhouses to the west, the high quality single-family homes across the River and the shallowness of the Parcel, it would appear questionable as to the feasibility or compatibility of high rise apartment construction on this parcel.
7. Visual qualities and the view of the rear of the existing buildings on Marina Lakes from the residential area south of the River were discussed by the City Commission in 1973. They suggested that proper coordination and beautification of Marina Lakes be considered to meet the needs of the property owners in the area. The plan now states that "A landscape plan for Parcels 6 and 8, indicating the location, type, and specifications of planting materials, shall be submitted to the Planning Department for approval prior to the issuance of any building permits on these parcels."
8. Should the Planning Commission recommend the approval of the zone change request and the amendments to the CUP, the following conditions would be consistent with other approved CUP's:

- a. The platting of Parcels 6 and 8 within one year from the date of approval by the Board of City Commissioners, or the zone case be considered denied and closed.
- b. Amend General Provision #1 to read as follows: "Sign Control: Signs as permitted by the zoning district."
- c. Delete comment #7 under Parcel 7 as this will be controlled by amended G.P. #1 above.
- d. 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.
- e. Under Parcel 8 add the following: "8. A Homes Association Agreement providing for the maintenance of non-public common areas, parking areas, private drives, community facilities, lake, fence, etc., shall be submitted with the final plat for Parcel 8 provided the dwelling units are to be owner occupied.
- f. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- g. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
- h. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

EVERETT FETTIS, attorney for the applicants, spoke in support of the requests, and said that two years ago in connection with rezoning in the Marina Lakes area, a petition was signed by about 400 residents in the general area, expressing approval of the change to "LC". Further, a half dozen letters were submitted from real estate people and developers recommending the need for additional commercial in the Marina Lake area, and approval of this requested zone change would round out the Marina Lake area for development.

FETTIS related that his client has never had an interest in the apartment area west of the lake (Parcel #7), and is only seeking the "LC" requested (Parcel #6), and an amendment for Parcel #8 as included in the CUP, to provide for highrise apartments.

It was the opinion of FETTIS that the claim of traffic increase is not valid particularly, because there will be free flow of traffic throughout the entire CUP area, and a private roadway will be located along the south line next to the River from Amidon and extending west to Meridian and north to exit on 21st Street.

As for open space, FETTIS said there will be 80% open space in the entire CUP, and that landscaping will be provided according to the specifications previously submitted to the City Commission and Planning Commission.

FETTIS next referred to the comparison of square footage as shown in the staff report, and suggested that when comparing amounts of light commercial, other areas of the City should be

Rock Road and Kellogg, 1,000,000 square feet of floor space has been approved, while Marina Lake and Twin Lakes combined amounts to only slightly over 500,000. Also, approval of this request would total 69 acres of "LC" at this intersection, while at Kellogg and Rock Road there are 184 acres of "LC".

As for increased traffic, FETTIS maintained that the addition of additional businesses in this location will not necessarily affect the traffic in proportion to the increase, because by development of subject area, it will round out the shopping services and make additional services available to people who already shop in the centers at 21st and Amidon. He did not consider it valid to suggest that this will generate additional traffic in connection with total development, but really will only provide additional facilities for shoppers already doing business at the centers.

FETTIS brought out the fact that this Commission has voted three times on this issue, recommending approval twice by a unanimous vote and the third time with only one dissenting vote.

In further discussion, it was pointed out that the major entrance to subject tract is opposite the entrance into the office and parking lot on the east side of Amidon, and that open space must be 70% of the "LC" because under a CUP, ground coverage by structures is limited to 30%. GRAGERT did not consider the 70% as open space when it could be used for parking. He asked if the group interested in riverfront development had responded in any way to this development plan, and GALBRAITH said they had not to his knowledge.

H. D. CHITWOOD, 2500 Columbine, spoke as Chairman of the recently organized Two Rivers Neighborhood Association, and 8 people stood to indicate their opposition to the request. CHITWOOD said they are compelled to go the organization route because of the persistence of developers in petitioning for zoning and amendments to the CUP. He said two of the Committee Chairmen of the organization would speak with respect to concerns on traffic and land use.

CHARLES EBY, 2212 Bella Vista (south of the River), said his principal concern was related to the quality of the development and the increased traffic which can be expected. He thought the developer was entitled to receive a reasonable return on his investment, but since the area is already zoned for apartments, and the apartments in Twin Lakes seem to be doing well, was in favor of similar development on the application property. He said the residents are proud of the Twin Lakes development and glad to have it as a part of the neighborhood, but were not particularly proud of the Marina Lake development.

Eby next referred to traffic, and stated that while the applicant is entitled to a return on his investment, questioned who would pay for a solution to additional traffic problems which would be created by additional light commercial development.

Eby next related the fact that there are 200,000 square feet of floor area occupied and 30,000 square feet already zoned, and if the present request is approved, this would result in 550,000 square feet, which would almost triple the amount of square feet that is already developed on Marina Lake alone.

He commented that maybe additional "LC" will not generate traffic in direct proportion to the increase, it is bound to generate at least some more. He said that after opening of the Woolco Store, traffic on McLean from the south increased from 14,000 vehicles per day to 21,000, which he considered very substantial.

As a resident of the area, Eby referred to the investment which he and others in the area have in their homes, and yet they must have Marina Lake, a rather unattractive center where the upkeep and maintenance is not good.

If there is a need for more "LC" zoning, EBY suggested the applicant make use of the 180,000 potential square feet in the center not now developed. He maintained that there are 10 different areas in the center which could be occupied by various shops, and also, he has been told by the Manager of the store, that the grocery store will be leaving the Center.

EBY also referred to the availability of space in the Sweetbriar Center and the Atlantic Thrift Building on the northwest and northeast corners of this intersection, and stressed the fact that there is actually a tremendous amount of vacant light commercial space at this intersection. He also referred to the fact that other centers are suffering from lack of tenants, Eastgate, as an example.

In closing remarks, EBY hoped the area would be developed with attractive apartments which would be lucrative to the applicant as well as desirable to the residential neighborhood.

When questioned by one of the Commissioners, EBY said the riverbank has not been beautified.

EDITH LEFLER, 2520 North Richmond, pointed out that the Level of Service for traffic movement at this major intersection now is E, where one must wait through four or more cycles. She said it was her understanding that if this is granted, an additional signal will be installed at the entrance to Amidon, which would impede traffic even more, because it would make three traffic lights on Amidon between the north end of the bridge and 21st Street.

DAN PHELAN, 2243 Cardinal, felt there has been no change in this area to justify a change in zoning since the last consideration when the governing body denied a similar request. In fact, he claimed, more and more of the presently zoned commercial space is becoming available daily or weekly, and the developer cannot justify this additional request for light commercial zoning on the basis of need. Nor can it be justified by comparing the area to the light commercial in Twin Lakes, since it is already more than that zoned in Twin Lakes, which has been the regular plea over the past several years.

In consideration of the many residents of the general area, PHELAN asked that the request be denied, and when asked if he would approve the zoning if the additional "LC" could be justified by need, PHELAN said he would not - that apartment development would be more beneficial. He referred also to the increase in vehicles which could be anticipated if this is approved.

H. D. BLEDSOE, representing the applicants, pointed out the free flow of traffic through the CUP by tracing on the plan the several private roads in the CUP, and the fact that it would be freeflowing from Amidon to 21st Street through the Center. He maintained this was much better and a different situation than at Twin Lakes, where there are only two ways of exiting from the Center.

BLEDSOE next referred to the petition submitted in connection with the previous request, which petition contained between 400 and 500 names of people in the area, who had indicated their opposition to more apartment development, and a preference for light commercial.

As for who is going to pay for possible street improvement as a result of increased traffic, BLEDSOE pointed out that property owners of the Marina Lake area have dedicated and paid for improvement of the right turn lane from 21st Street onto Amidon, while in a similar situation on 13th Street, the City at large absorbed the cost. BLEDSOE also pointed out that when subject property was owned by Dolese Brothers, the west half of Amidon right-of-way had never been paid for by them, so it was paid for by the then owners of the area to the extent of \$18,000, although the Twin Lakes Center has never paid for its portion. Further, instead of putting

an entrance from Marina Lake opposite the one from Twin Lakes onto Amidon, the City required that it be moved down to the south end, yet in less than a year a new traffic signal was installed at the Twin Lakes outlet. In the development of Marina Lake, a private roadway will be provided by the Marina Lake development the full length of their development on the west side of Amidon from 21st Street to the bridge. In summary of this particular point of streets, BLEDSOE said three lanes have been provided, all at the expense of the property owner.

BLEDSOE next spoke with respect to the beauty of the development of the Marina Lake Center, and displayed an architect's drawing of the original proposal, which was very attractive. At the time of initial plans and request for zoning, however, only a small portion was approved for light commercial, and the developer had no alternative but strip development. And any future approvals of rezoning have been piecemeal, so that it has been difficult to actually develop an overall beautiful center.

BLEDSOE referred to the amendment of the Towne East CUP and a recent article by the Traffic Engineer in which it was stated that 60,000 vehicles per day would be added to the traffic at Rock Road and Kellogg if the 20 acres more of "LC" were granted, which would be twice the volume at 21st and Amidon.

On October 26, 1974, traffic was 21,971; and if capacity is 17,000 then the street is running about 125% of capacity right now.

BLEDSOE pointed out further that Seneca and Pawnee is running 141% of capacity and yet the City Commission has indicated it would look with favor on additional "LC" from Pawnee south to I-235.

GRAGERT asked if the free flow traffic would also apply to the highrise area, and Bledsoe said that it would.

BLEDSOE said they are not asking for a change in zoning on Parcel #8, but only to add highrise units to be permitted, and for only 18 units per acre. He pointed out that where the lake bank comes in, they would have the choice of either filling in that area and building on a low scale, or going highrise, and develop marine docks and beautification.

RISING said he would like to hear an appraisal of the traffic situation from the Traffic Engineer, and his recommendation.

PAUL GRAVES, Traffic Engineer, said a count taken in October of 1974, indicated 11,397 vehicles southbound on Amidon and 10,574 northbound, or a total of 21,900, the count being taken at the south entrance (Straw Hat Pizza). Traffic on the driveway itself, ranged from 4,500 to 5,000 at that same time, which would give around 26,000 cars in that location. Based upon the total development, Marina Lake would be something over 544,000 square feet, and if this development does take place, it would surpass Twin Lakes, which is about 330,000 square feet.

GRAVES said they have made many traffic studies in this area as well as for other areas in the City, and that this intersection operates from Level of Service A (which is excellent), during off hours, down to Level of Service D during heavy traffic times where one must wait through three or four signal cycles to clear the intersection.

The entrance at Twin Lakes on Amidon was planned for signalization initially as traffic warranted, and the Center paid for the installation and equipment, but it is owned and maintained by the City. He continued that there is also an agreement to make such an installation across the street when traffic warrants it, and it has now reached that figure, and due to the work load, he has suggested to the Marina Lake Center authorities that they seek outside contract for the installation, which would be the same type of operation as at the Twin Lakes entrance.

GRAVES continued that if development occurs as envisioned, it will add about 5,000 more cars per day on Amidon, but about half will come from other places in the area by shoppers going to more than one store. It was his opinion that during special days (Christmas), the intersection would be overloaded.

When asked what would be necessary to alleviate the traffic situation, GRAVES said several years ago a detailed study was made of this area, and it was concluded that 21st Street would have to be reImproved to six through lanes (three in each direction), plus a double left turn for westbound traffic on 21st Street, plus the existing right turns on all but one corner. It would also necessitate reconstruction of Amidon to a six lane facility, plus necessary turn bays and accel-decel lanes.

SAVINA asked if the 25th Street Thruway would relieve the traffic somewhat, and GRAVES said if it is developed as a limited expressway, it would relieve the load on 21st Street considerably, and the Canal Route would probably intercept some of the K-96 traffic, but doubted that it would have a significant affect.

TOM NAIFEN, 2109 Bullinger, commented that while this intersection has been compared trafficwise to Kellogg and Rock Road, and Pawnee and Broadway intersections, he wanted the Commissioners to realize that traffic congests in this area because of the Rivers and the lack of the usual mile line major streets.

BLEDSOE spoke again, and said that 21st Street was rebuilt only two or three years ago, and that Amidon is only eight years old, and questioned if Amidon was so underbuilt by the City that a property owner cannot use it. He reasoned that too much emphasis is being given to the possibility of approximately 850,000 square feet being developed at this intersection, and yet there is over 1,000,000 square feet approved for "IC" at Kellogg and Rock Road. He stressed again the fact that the Marina Lake developers built the third lane all the distance from 21st Street South to the bridge, as well as the fact that with approval of this request there will be only 69 acres of "IC" on all four corners as compared to 184 at Kellogg and Rock Road.

RISING expressed concern for the "nibbling" or piecemealing of zoning and development in this area, and a desire to make a decision once and for all so that it would not be coming back for consideration from time to time.

BLEDSOE repeated the fact that they previously submitted a landscape plan which had been accepted by the City, and which he would expect to carry out. BLEDSOE contended that as requested is the most logical zoning of all because it is adjacent to light commercial, or a main thoroughfare, has free flow of traffic through the center, and further, he guaranteed that he would never ask for any additional light commercial in the center part (Parcel #8).

GARDENHIRE was confused that there should be a petition signed by over 400 residents of the general area in favor of the change, and yet the Neighborhood Association appears to be opposed.

JOAN SHEARER, 2433 Benjamin Drive, said she had been involved in this matter since 1967, and she understood that when the petition was submitted to residents, it was on the basis of "would you rather have commercial or low cost housing type development" and naturally the residents favored commercial.

BLEDSOE said the petition was obtained in 1973 and he read from the petition wherein it was stated a desire for approval of "IC" so construction could start immediately to provide more shopping facilities.

DAYOUTH wondered if there could be a compromise to result in apartments along the River, so that residents on the south side of the River would not have to look into commercial development.

BLEENOR pointed out that a roadway is planned along the bank, and that the landscape plan calls for beautification.

PHELAN spoke again and inquired why the applicant does not develop the 190,000 square foot potential already zoned. As for the third traffic lane provided from the Marina Lake area, PHELAN considered it a death lane because of the difficulty in using it getting into the Marina Lake area. As for comparisons with other intersections, PHELAN maintained that they are not concerned with what traffic is elsewhere, but in this case, in order to get out of the area, one must usually go through the intersection of 21st and Amidon. As for the River being a buffer, it offers no visual screening, and sound from the shopping center carries much more readily across water.

TAYLOR asked why the floor area had been increased on Parcel #6 from that indicated in 1973. GALBRAITH responded that he could not answer why the applicant had increased the percentage.

GRAGERT indicated that in spite of all the discussion and arguments in favor, he could not accept the theory that "because Joe got it, why can't I", and in defense of the traffic situation, apparently the applicant feels that he is entitled to all the problems of traffic beyond street capacity the same as some other intersections, as well as any benefits, if there are any.

**MOTION:** That the Planning Commission recommend to the City Commission that these two cases be denied. Gragert moved.

TAYLOR commented that if the initial plan for development of the Marina Lake area had been accepted years ago, it would not have been forced to develop piecemeal and the Commission would not be in its present predicament. She had hoped it was being submitted on the same basis as before, but the increase in floor ratio is of concern to her, and she asked if there might be a possibility it could be adjusted downward.

Gardenhire seconded the above motion.

FETTIS said if the Commission desired that the floor area be reduced back to what it was before, his client would agree to it, which would be 111,878 square feet.

SAVINA considered this a natural commercial center and suggested that development of apartments in the present zoning would actually generate as much traffic as commercial development, and apartment type traffic would go on all night long, while commercial would not.

**VOTE ON ABOVE MOTION:** Motion lost by a vote of 3 in favor (Gragert, Gardenhire and Bayouth) and 6 opposed (Goebel, Kamen, Rising, Hopper, Taylor and Savina). (Hennessy absent.)

**MOTION:** That the Planning Commission recommend to the City Commission that Z-1603 be approved, and that the associated Community Unit Plan (CP-23 amendment) be approved, subject to the following conditions:

- a. The platting of Parcels 6 and 8 within one year from the date of approval by the Board of City Commissioners; or the zone case be considered denied and closed.
- b. Amend General Provision #1 to read as follows: "Sign Control: Signs as permitted by the zoning district."
- c. Delete comment #7 under Parcel 7 as this will be controlled by amended G.P. #1 above.
- d. Add a General Provision #7 to read as follows: "Fire lane pavement shall be..."

COMMISSIONERS PROCEEDINGS

March 11, 1975

17

ZONE CHANGE REQUEST  
Z-1603 & DP-23

Report from the Metropolitan Area Planning Commission (Case Number Z-1603 and DP-23) in regard to zone change from multiple family dwelling district to light commercial on the west side of Anidon in an area north of the Arkansas River, presented.

Planning Commission recommended that the zone change and Community Unit Plan be approved subject to the conditions reflected in the transmittal documents provided to the Commissioners by the Planning Department.

Note: 24.25% of the property within 200 feet is represented by valid protest petitions which have been filed as provided by law. Therefore, a 4/5ths vote on the part of the City Commission will be required in order to approve the zone change.

Everett Pettis

Everett Pettis, Attorney for the applicant, requested that the zone change be returned to MAPC for revision.

Tom Kalfeh

Tom Kalfeh, homeowner in the area, objected to the zone change. He stated that the residents were not within the 200' eligibility for a protest petition and the business establishments on the east side of Anidon argued the petition as a favor to the neighborhood area.

Dean Ritchie

Dean Ritchie stated that his main objection was the traffic problem and what the zoning would add.

Joan Shearer

Joan Shearer, representing the Two Rivers Neighborhood Association, presented a group of petitions against the rezoning.

Motion --  
carried

Stevens moved to receive and file the petitions. Motion carried 4 to 0.

She further stated there are nine (9) empty business locations in Marine Lakes at this time plus other empty stores in the area. The association was also objecting to the increase in traffic that the zone change would cause.

Motion --

\*DONNELL PRESENT  
Donnell moved that the application be returned to MAPC for reconsideration. The City Commission states the following reasons for its action.

1. With the suggested wording that a transfer of title does not constitute a termination of a plan or any portion thereof, the development of the property shall proceed in accordance with the development plan, any substantial deviation as determined could constitute a violation of the building permit.

2. There has been an inadequate showing of any need or justification for additional IC to serve the area and that the additional IC would impose a totally unreasonable demand on the street and bridge system in the area and if this was granted it would be the first occasion in 20 - 40 years that IC has been granted on a river bank.

3. The Commission suggested that the apartment heights not be waived for partial B.

-- carried

Motion carried 4 to 1. Stevens "no".

- e. Under Parcel 8 add the following: "8. A Homeowners Association Agreement provided for the maintenance of non-public common areas, parking areas, private drives, community facilities, lake, fence, etc., shall be submitted with the final plat for Parcel 8, provided the dwelling units are to be owner occupied.
- f. Amending the floor area ratio under Parcel 6 to not exceed 35%, or a total of 111,878 square feet.
- g. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- h. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
- i. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and binding upon the present owners, their successors and assigns, unless amended.

Savina moved, Hopper seconded and it carried by a vote of 6 in favor (Savina, Hopper, Taylor, Goebel, Rising and Kamen) and 3 opposed (Gregert, Gardenhire and Bayouth). (Hennessy absent.)

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 10, 1975:

- 8a. Case No. 7-1683 - Marina Lake Drive, Inc. requests change from "B" to "BB" for:

A tract in Government Lot 1 in the NW 1/4 of Sec. 7, Twp. 27-S, R-1-E commencing at the NE corner of said Lot 1; thence south 0°04'05" west along the east line of said Lot 1, 1120.32 ft. for a place of beginning; thence north 88°12'55" west 130 ft. thence north 0°04'05" east 15 ft.; thence south 89°56'09" west 455.06 ft.; thence north 54°26'07" west 251.35 ft.; thence north 70°56'58" west 959.77 ft.; thence south 12°11'35" west, 282.9 ft. more or less to the left (north) bank of the Arkansas River; thence southeasterly along said left bank to the east line of said Lot 1; thence north 0°04'05" east 895 ft. more or less to the place of beginning, except therefrom a tract described as commencing at the NE corner of said Lot 1; thence south 0°04'05" west along the east line of said Lot 1, 1120.32 ft. for a place of beginning; thence north 88°12'55" west, 130 ft.; thence north 0°05'05" east 15 feet; thence south 89°56'09" west 455.06 feet; thence north 54°26'07" west 194.13 feet; thence south 16°00" west to the left (north) bank of the Arkansas River; thence southeasterly along said left bank to the east line of said Lot 1; thence north 0°04'05" east, 885 feet more or less to the place of beginning; and change from "B" to "BB" for:

A tract in Government Lot 1 in the NW 1/4 of Sec. 7, Twp. 27-S, R-1-E, described as commencing at the NE corner of said Lot 1; thence south 0°04'05" west along the east line of said Lot 1, 1120.32 ft. for a place of beginning; thence north 88°12'55" west, 130 feet; thence north 0°04'05" east 15 feet; thence south 89°57'09" west, 455.06 feet; thence north 54°26'07" west 194.13 feet; thence south 16°00" west to the left (north) bank of the Arkansas River; thence southeasterly along said left bank to the east line of said Lot 1; thence

north 0°04'05" east 885 feet more or less to the place of beginning. All generally located on the west side of Amidon in an area north of the Arkansas River.

8b. Case No. DP-23 - Marina Lake Drive, Inc. requests approval of an amendment to CUP for the following tract:

All of Government Lot 1, in the NW 1/4 of Section 7, Twp. 27-S, R1E, 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 and 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.

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

Comments

1. The applicant is now requesting a change of zoning from "B" Multiple-family to "LC" Light Commercial for a tract of land containing approximately 7.33 acres, and to "BB" Office, for a tract of land containing approximately 5.75 acres.

The CUP request proposes the following:

Increase in the size of Parcel 6 from 3.07 acres to approximately 7.33 acres.

Creating a new Parcel 8 proposed for "BB" Office zoning, approximately 5.75 acres in size with a maximum building height of 35 feet with proposed uses to include professional offices, townhouses, garden apartments at a density not to exceed 18 dwelling units per acre. The proposed square feet of office space is 125,293 at a ratio of 50%.

Decreasing the size of Parcel 7 from 22.49 acres to 12.79 acres and a decrease in the proposed number of dwelling units from 335 to 219.

Increasing the permitted square feet of retail space by 111,878 for a total of 496,438.

2. Should the Planning Commission recommend the approval of the zone change request and the amendments to the CUP, the following conditions would be consistent with other approved CUP's:
  - a. The platting of Parcels 6 and 8 within one year from the date of approval by the Board of City Commissioners, or the zone case be considered denied and closed.
  - b. Decrease the floor area ratio on Parcel 8 to 35% for office development.
  - c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - d. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
  - e. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be

BAYOUTH said he would abstain from voting on this case because he is a landowner in the immediate area.

EVERETT FETTIS, attorney for the applicant, said the request has been amended and he was hopeful that this would be the last time zoning in the Marina Lake area would have to be considered. FETTIS said that after re-examination of the matter, and he thought in fairness to the Commission, it was decided that the particular property involved in the amendment should be considered for "BB" zoning. He said they have no immediate plans for it, but thought it should be considered for "BB" Office zoning at this time.

FETTIS said that while several comments were made at the City Commission hearing concerning a surplus of area already zoned light commercial, they have found from knowledgeable people in the field of development and investments, that there is no excess light commercial property, and he referred to a quotation recently in the newspaper where the manager of the Twin Lakes Center indicated that they had been fortunate at that center because the demand for space exceeds the supply. He maintained that this particular property is most logically suited to further "LC" and "BB" development when one considers the natural barrier of the river and other factors.

When questioned as to whether or not efforts had been made to compromise with those who had appeared in opposition, FETTIS said they have made no effort as there is no real basis on which an agreement can be reached. He said the opposition is entitled to their opinions and he recognized their right to appear and make known their objections; however, he did not feel the results of approval of this request would be as serious as the residents in the area think.

MARY PHELAN, 2243 Cardinal, speaking for the Twin Rivers Neighborhood Association, said there had been no contacts made with any of the residents to meet with the applicant or the attorney. She reported that the association has 73 paid membership families in the area between the Big and Little Rivers, 15th and 25th Streets North, and that a protest petition containing 426 signatures has been filed with the City Commission asking that this request be denied. Reasons given for their opposition were the serious traffic volume increase which would occur; the fact that there are presently vacant buildings in the Marina Lake area; the applicant in the past has pleaded for as much "LC" zoning as at Twin Lakes, and now the present zoning in the Marina Lake area is in excess of the "LC" at Twin Lakes, and yet the applicant is requesting 111,000 square feet more of potential floor area. PHELAN also indicated a desire for protection of the riverbank as a natural resource. Further, the quality of the present buildings in the Marina Lake Center have not been an asset to the neighborhood.

PHELAN pointed out, too, that while the applicant assured the Commission at the previous meeting that there would be no further requests for zoning than that requested at that time, the request has now been amended to request more, even before the original application was considered by the City Commission.

MARY BELLUMO, 2245 Bullinger, said they in the area are in favor of growth, but that it should be orderly, and they feel an investor is entitled to a reasonable rate of return on his investment, but in this case, such has already been reached, and she considered this request unreasonable which, if approved, would result in an unreasonable rate of return on the investment at the expense of the neighborhood, and she did not consider that such an action would be fair. BELLUMO stated they were in favor of apartments as long as they are not more than 35 feet in height. She said they felt that an office building would generate more traffic than apartments, and apartments are needed much more than commercial and office buildings.

**MOTION:** That the Planning Commission recommend to the City Commission that 2-1683 be approved for "LC" and "BB" as requested, and that the amended DP-23 be approved, subject to the following conditions:

- a. The platting of Parcels 6 and 8 within one year from the date of approval by the Board of City Commissioners; or the zone case be considered denied and closed.
- b. Decrease the floor area ratio on Parcel 8 to 35% for office development.
- c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- d. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- e. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

Savina moved.

HENNESSY asked what else the property could be useable for if not as requested, and KAMEN assumed that it could be used as now zoned.

Taylor seconded the above motion for the sake of discussion.

Hopper arrived.

GALBRAITH brought out the fact that the staff report had suggested a reduction of the gross square footage of floor area for the "BB" parcel and the fact that the attorney for the applicant had not spoken concerning this fact. FETTIS said he would agree to such reduction if the staff felt it should be done.

GOEBEL asked how the acreage of light commercial at this corner compared with that at the other three corners. GALBRAITH said he had not checked specifically, but recalled that at Twin Lakes there is approximately 330,000 square feet of approved floor area and if this request is approved it would result in approximately 496,000 square feet of floor area in the Marina Lake Center.

CHAIRMAN KAMEN brought out the fact that apartments could possibly create more traffic than "LC" inasmuch as there could be more traffic day and night whereas commercial traffic would be more or less limited to daylight hours.

VOTE ON ABOVE MOTION: Carried by a vote of 6 in favor (Savina, Taylor, Hopper, Goebel, Kamen, and Hennessy) and 1 opposed (Gardenhire). Bayouth abstained and Gragert and Rising were absent.

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COMMISSIONERS PROCEEDINGS

1925

April 29, 1975

<p>ZONE CHANGE REQUEST Z-1683 &amp; DP-23</p>	<p>Report from Metropolitan Area Planning Commission (Case Number Z-1683 &amp; DP-23) in regard to zone change from "B" to "DB" and "LC" and approval of amendment to DP-23 an area generally located on the west side of Amidon in an area north of the Arkansas River, presented.</p>
<p>Recommendation</p>	<p>Planning Commission recommended approval subject to the conditions as outlined in the/MAPC minutes provided to the City Commissioners. NOTE: Valid protest petitions of 13.16% have been submitted. The percentage is not sufficient to require a 4/5ths vote on the part of the City Commission in order to approve the zone change.</p>
<p>Chief Planner</p>	<p>Chief Planner reviewed the application and stated that the matter was readvertised and reheard and amendments made. He reviewed the proposed development and density involved and the changes to the development plan. He pointed out that previously the percentage of protests exceeded 20%, however, the applicant area has now been enlarged and has reduced that percentage.</p>
<p>Motion --</p>	<p>Shanahan moved that the application be returned to the Metropolitan Area Planning Commission for its reconsideration. The following reasons being that "LC" is determined to be inappropriate land use policy for this area adjacent to the river and the Planning Commission should take this into consideration for any future zoning applications, including this application.</p>
<p>Comm. Donnell</p>	<p>Commissioner Donnell expressed the opinion that if the river is part of the City boundary then the City Commission or some body should have jurisdiction or a vote when land comes up for zoning along the river to represent the public. He requested that the Planning Commission submit a policy determining if the amount of frontage represented on this petition is appropriate for the kind of setbacks along the river in its entirety, what would be ideal setbacks along the river and how to protect the river from development so it can be used by the public at large.</p>
<p>Amendment to motion carried</p>	<p>Peters moved an amendment to the motion that no further amendments be accepted on this application and this application be completed and any additional amendments or desires on the applicants part should be filed as a new application. Amendment carried 4 to 0.</p>
<p>-- carried -</p>	<p>Main motion as amended carried 4 to 0.</p>

EXCERPT FROM PLANNING COMMISSION MINUTES OF June 12, 1975:

- 10a. Case No. Z-1683 - Marina Lake Drive, Inc. requests change from "B" to "BB" for: (See excerpt of minutes of April 10, 1974 for legal description.) And change from "B" to "LC" for: (See excerpt of minutes of April 10, 1974 for legal description). Generally located on the west side of Amidon in an area north of the Arkansas River.
- 10b. Case No. DP-23 (Amendment) - Marina Lake Drive, Inc. requests approval of an amendment to the Community Unit Plan as it relates to the following described property: (See excerpt of minutes of April 10, 1974 for legal description). Generally located in an area on the west side of Amidon in an area north of the Arkansas River.

GALBRAITH pointed out that the Commission has considered these two applications twice before (in February and April of this year). (See minutes of those two meetings for original discussion and action. He pointed out the area being considered, noting specifically that the request for "LC" would be an additional 111,000 square feet of gross leasable area, and that the request for "BB" is to accommodate development of townhouses, garden apartments and offices to a maximum height of 35 feet.

GALBRAITH recalled that on the two previous hearings, the Planning Commission had recommended approval, subject to several conditions, but that the City Commission has again referred the cases back for reconsideration as they felt that "LC" might not be appropriate adjacent to the River.

The question was raised as to ownership of the riverbank and how far back from the River it extends. GALBRAITH reported that the River is in public ownership (Federal Government) and that the riverbank location varies, depending on the low bank line, high bank line, and that such is indicated as platting along the river occurs and at that time a dedication is granted for purposes of river beautification, flood control, maintenance, etc.

In further discussion of the reason for return of this matter by the City Commission, it was brought out that one of the City Commissioners was interested in the Planning Commission submitting a policy determination as to the amount of frontage represented on this petition and how much is appropriate for setbacks along the river in its entirety, so that the river would be protected from development and thus could be used by the public at large. GALBRAITH said the staff is presently reviewing this matter and would have a policy statement later, but at this time would have no recommendation aside from the present policy of acquiring necessary dedications and establishing a minimum setback at the time of platting. The Chairman agreed that there is not sufficient information available at this time for the Planning Commission to make such a recommendation.

In the discussion, it was brought out that at the time of platting, a determination is made by the Flood Control Office as to how much easement is needed for maintenance and that it could vary from 30 to 50 feet, and in some instances in the city along a drainage channel as much as 100 feet and more has been required (Central and Rock Road).

BERETT FETTIS, attorney for the applicant, said that every time a zone change in the Marina Lake Center has been considered, new questions have been raised as to the appropriateness of the request. In view of the policy statement just read by the Chairman, FETTIS said he would go into details with his presentation since this would be the only way it would be available to the City Commission, since the applicant cannot make presentations there unless denied the opportunity at the Planning Commission hearing.

FETTIS said it appears four points have been brought up at this time - traffic, feasibility as to the need for more "LC"; whether or not there should be commercial adjacent to the River; and concerns

FETTIS questioned the previous statement on a part of the staff that with approval of the light commercial requested by the above application there would be something like 500,000 square feet of gross leasable area. He related that since the last meeting, he had investigated and determined that there is a total of approximately 379,290 square feet. He pointed out that while the CUP indicates 195,000 square feet for the Woolco Store, the lease permitted only 175,000 square feet; the service station at the corner under the CUP was allowed 6,750 square feet, while only 2,500 is so utilized; another business in the center utilizes only 5,500 square feet although 7,200 was allowed. The property along 21st is permitted 59,340 square feet, yet only 20,000 is so utilized, but there is more area behind the 21st Street frontage which is available for commercial development.

As for traffic, FETTIS brought up that the neighbors in this area have appeared and presented protests both to this Commission and the City Commission; likewise, on behalf of the applicant, petitions containing 400 or 500 names of people in the area have been presented in favor of the request. Some of the residents of the general area, however, do feel that any more light commercial zoning will add considerably to traffic in the area. He said the neighbors have every right to protect their neighborhood and speak in that behalf, but one must consider beyond what someone feels and judge which is the overriding consideration in making a determination of this nature. FETTIS felt that it is recognized by all that people should be permitted to make the best economic use of their property so long as it does not infringe upon the rights of the public.

FETTIS explained that initially, the owners of the Twin Lakes Center did not file a protest to the above applications, and they were the only ones eligible to file a legal protest; however, they did appear in opposition at the first hearing before the City Commission, indicating that their appearance was at the request of the neighborhood residents. At that time, one of the City Commissioners pointed out that they had appeared in opposition to earlier requests for rezoning in Marina Lakes because of the traffic congestion matter. FETTIS continued that it was his understanding that Ritchies (owner of Twin Lakes) also have an interest in Towne East at Rock Road and Kellogg, at which intersection the traffic is considerably more than at Amidon and 21st, and yet apparently there was no concern for traffic related to Towne East Center.

FETTIS said that the City Traffic Engineer has taken a position in opposition to the above applications, and figures obtained from his office indicate that the average daily traffic in 1970 on Amidon was 14,600; in 1972, 14,900 and in 1975, 15,127. These figures, he felt, did not indicate a significant increase from 1970 to 1975. During the period of time the bridge was opened on 21st Street west of Amidon, there has been considerable development, which has increased traffic on that street considerably. In addition, the Woolco Store was developed in Marina Lakes during this period of time, and all of these developments contribute substantially to additional traffic problems.

FETTIS said he had obtained traffic count figures from the City Traffic Engineer's office, which figures are relied on by the public in making their own projects. He reported that the latest counts provided by the office with respect to 21st and Amidon are as follows: Amidon, south of 21st, 15,271; north of 21st, 15,794; 21st, east of Amidon, 17,207; and west of Amidon, 13,052. For sake of comparison, he reported that the count on U. S. 54 west of West Street was 18,463, and east of West Street was 30,451; west of I-235 it was 37,577. He pointed out that there are other intersections in the City which, according to the traffic count figures, show more capacity than at 21st and Amidon. He said that in 1972 the volume at 21st and Amidon was only 85% of the design capacity of the intersection; while at West Street and Central it was 131% of design capacity; at Seneca and Pawnee considerably more than design capacity, and at Douglas and Broadway it indicated 152% of the design capacity, and yet the Fourth Financial Center was allowed to be built without apparently any question or consideration of the traffic volume.

FETTIS asked the Commission to keep in mind also that subject request is not at the principal intersection. He pointed out also that since the compilation of the figures within the last year, right turns are permitted on red signals which he estimated increased traffic flow by 15 to 255 and has considerable impact on the movement of traffic.

FETTIS introduced Maurice Martin from Topeka, who was Director of the Kansas State Highway Department for four years and head of the Federal Housing Administration in Kansas for five years, and asked him to speak concerning traffic generated by apartments as compared to that generated by light commercial development.

MAURICE MARTIN said that his past experience has given him an insight into some of the traffic problems that are created by new developments, such as being proposed at subject location. He related an incident in Topeka when he was associated with the Highway Commission, on 25th Street, where the average daily trips amount to about 15,000 to 16,000 and although the staff of the Commission recommended that access be limited so that there could be no further development along the street, the Highway Commission overruled the recommendation and allowed access, and since that time there have been two major shopping centers developed along the route and lots of other business.

As an illustration of the vast difference of ideas in various parts of the country, MARTIN said that in San Francisco, a six lane highway has just been completed with limited access that carries 128,000 vehicles per day.

MARTIN stated also that he has been involved in building large apartment complexes over the State of Kansas, and they have found that during peak traffic periods, apartment complexes generate more congestion than many commercial areas in that commercial area traffic is usually spread over the entire day. He agreed with the previous statement that the right to make right turns on a red light has alleviated traffic movement somewhat. He suggested that accel/decel lanes in areas such as being considered are very helpful in handling traffic also.

FETTIS commented that it has been suggested several times that there is no need for additional "IC" because of the vacancies in the present light commercial development. He reminded the Commission that they have been furnished about six letters from various realtors in the City attesting to the fact that there is need for additional commercial development in this particular area. While it is true there are vacancies, FETTIS said he had asked John Frieden, representing Hanson Development Company which has a 99 year lease on a major part of the Marina Lake Center, to offer his comments.

JOHN FRIEDEN of Topeka, representing Hanson Development Company, displayed a survey showing their portion of the Center and existing buildings. He pointed out that Building A is the location of the Woolco Store; Building B is the location of the former supermarket (vacant at this time); and that they are negotiating with a furniture store for this space; Building C has five spaces with two occupied; Building D has 10 spaces with two occupied. FRIEDEN related that the problem in leasing is not because of lack of demand, but because of the traffic and parking congestion at this particular point in the Center, and the demise of the food market was contributed specifically to the very serious problem of parking and traffic congestion. He pointed out that the affect on the Center is very serious and it is regrettable because this is an outstanding location and millions of dollars have been invested.

In their efforts to reach a solution, FRIEDEN said they have hired experts within the last six months to analyze the situation and make recommendations so far as parking and traffic, or whatever can be done to improve the Center and lead to the leasing of their spaces. The experts have made three recommendations.

FRIEDEN said it has been suggested that parking in front of Building D be adjusted and possibly to lease Building C space to low traffic generation tenants, and create additional parking behind Building D, which would be on a part of the application area.

FRIEDEN said that with the approval of this application, parking could be provided behind Building D; that they have contemplated trying it, but without some commercial development to the back, it would be extremely difficult to attract parkers there. He said for this reason they are in favor of the application and have entered into an agreement with the applicant whereby they are permitted a free flow of traffic between the properties as well as reciprocal parking privileges. He felt that what has happened in the Center is a tragedy, but that he believed it could be remedied as outlined above. He stated that he represents Hanson Development Company in about 35 centers west of the Mississippi River and that while there are difficulties, none are as serious as this one. He felt that if this application is approved, they could have all their space leased within 60 days, as it is an excellent location, and the approval of this request would greatly benefit the Hanson Company as well as the area.

RISING asked Frieden how he knew that the applicant would not develop his property in such a way that the anticipated parking arrangement would not be beneficial to the Hanson Development Company. FRIEDEN said their agreement is in writing, and he would assume the owner of the application area would develop his property in a reasonable and feasible manner, otherwise he would have the same problem as being experienced by Hanson Development Company now. He said he does have some idea of what is planned by the developer and it is satisfactory with his company. In further discussion, and in looking back, FRIEDEN felt that the entire area could have been better, if planned and developed as a unit which was prior to his representation of the Hanson Development Company. He related that the first application for zoning he understood, was with access to Amidon in line with the Twin Lakes opening, which was felt to be the most appropriate location; however, the owners of Twin Lakes offered objection and the entrance was moved farther south toward the present D Building, which eliminated a great deal of parking right in front of the building. He felt, however, that with the adjustment of the parking and additional parking provided on subject area, most of the problems so far as leasing space would be eliminated.

When asked if access to the Center at the central point (across from Twin Lakes), would really make a great deal of difference. FRIEDEN said that according to the traffic experts his company has employed, it would.

JACK MCGUIRE, 8930 Suncrest, related his experience in operating a liquor store in this center. He said he opened the middle of December in 1973, which was three months before the opening of the supermarket and 5 months prior to Furrs Cafeteria. His business was growing and he had high hopes; however, with the coming of the cafeteria and in view of the business and related parking generated by the cafeteria, the supermarket failed and his business was reduced to the point that it became uneconomical to operate and he closed it in February of this year. During his time of operation of his store, MCGUIRE noted that the entrance to the center should have been in the center opposite the entrance to Twin Lakes. He considered this a must for any center, and in subject center, he pointed out that it was impossible for customers of the supermarket to park anywhere close to the store because of the parking generated by the cafeteria.

FETTIS spoke again, pointing out the discussion by the City Commission and its concern for commercial development along the River. He pointed out the numbers of commercial activities along the River particularly in the downtown area (i.e., Southwest Grease, etc.). Also, the fact that in subject request, it is planned to provide a private street along the south side of this property (along the north side of the River). In addition, landscaping of the area will be provided, and it was his opinion that there is no legitimate reason for

complaint so far as purification of the River. He continued that the first mistake was made when zoning was not granted as first requested, when the requested CUP and zoning embraced the total Marina Lake area. At that time, there was opposition from others in the area, and the result was a strip of "LC" along 21st Street and since, additional zoning has been granted as a result of several applications. He maintained that if the development and zoning had been approved as originally requested, then the subsequent problems so far as zoning, development and the predicament of Hansons and McGuire would not have occurred. He considered it only reasonable to finish up the zoning by approval of this request.

TAYLOR was skeptical about this applicant being willing to solve the problem for Hanson so far as parking, when it conceivably could make their own parking facilities questionable.

FETTIS answered that Mr. Frieden has reviewed the number of vacancies which his company has and the applicant and Hanson favor additional light commercial and have agreed on a method of alleviating the parking and traffic situation which they feel will in the end result in leasing of the vacant spaces. He said his client has agreed that there will be free flow of traffic through the area and such agreement will be in writing, and will provide for mutual parking on the others property. When questioned further, FETTIS pointed out that his client is limited to 30% coverage of land and that there will be 70% of the area left for parking; further, it is possible that the total allowable floor area, if this is approved, of 11,000 square feet, may not actually be built, and any structures erected will be based on a use for that structure. FETTIS said his client will be responsible for the entire development of subject property, and so far as an agreement for parking, FETTIS pointed out that it was done in the development of Cobblestone Alley at Rock Road and Central.

HENNESSY pointed out some difficulty experienced by the supermarket at the Mall on East Harry so far as adequate or convenient parking, and that a change in access to Harry had improved the condition, and the supermarket at that location now is apparently successful.

LAKIN said that the Assistant Traffic Engineer for the city is present to discuss how traffic and the intersection were handled. He continued that in the past there have been numerous hearings before this Commission and other Commissions or Committees concerning the traffic in this area and the original granting and subsequent expansion of light commercial zoning. An engineering report was submitted on behalf of the applicant, and also one submitted by the City Traffic Engineer. Essentially, an entrance was not placed in line with the Twin Lakes entrance on Amidon, based on the Traffic Engineer's recommendation that the two access points to Amidon be offset to avoid as much as possible, the backing up of traffic to interfere with the movements taking place at 21st and Amidon, which was based on extensive engineering and written reports. LAKIN said he did not mean to infer that such could not be changed, and there are pros and cons, but since the original action so far as planning for this area, additional zoning has been granted which naturally has resulted in more traffic. As for the claim that if the entire area could have been approved for zoning originally, it could have been developed as a unit, he pointed out that at the time policy decisions were made based on information available at that time - right or wrong, and with every piece of development that has occurred since, the problem has been aggravated.

LAKIN said if the Commission is to become involved in a complete re-examination of this area, then perhaps the Traffic Commission should have an opportunity to consider the situation.

OLIVER ANDERSON, 2219 Bullinger, representing the Twin Rivers Neighborhood Association (between the Little and Big Arkansas Rivers, 15th and 25th Streets), spoke in opposition. He related that pre-

viously a protest petition containing 426 names of property owners in the area (not within 200 feet, however), which would be affected, had been filed, and he again presented reasons for opposition. First, light commercial has not been granted along the Riverbank in recent years in accordance with efforts to preserve and protect the natural beauty of the River; traffic is a big concern and he related the difficulties encountered in moving in or out of the general area and the fact that most of the residential area is hemmed in by the two Rivers, the Flood Control Project and I-235, and the street pattern being such as it is, necessitates that in most cases a motorist must pass through the 21st Street/Amidon intersection. A third concern is related to the land use, and he pointed out that this Center already has more square feet of leaseable floor area than Twin Lakes and if this request is approved, they would have about 495,000 square feet as compared to 330,000 square feet in Twin Lakes. He maintained that on the basis of need, it is impossible to justify more commercial zoning, especially when one considers the fact that there is still empty light commercial area in Sweetbriar Center and the fact that the Atlantic Thrift Store has recently closed at the northeast corner of 21st and Amidon.

ANDERSON said it was the feeling of his group that townhouses and garden apartments would be more compatible with this area than additional light commercial and he asked that the request not be approved. It was his opinion that the developer should be controlled so far as the providing of adequate landscaping and screening to protect other areas and the development in this center has not taken advantage of the River itself.

ANDERSON said residents of the area have appeared at various meetings since 1967 to oppose light commercial zoning in Marina Lake and it was their report that the application be denied and thus end the necessity for frequent appearances.

GOEBEL did not like the statement that they opposed any light commercial zoning in the Marina Lake Center, and questioned why they would pick on just this one spot and this one developer, and not any other area within the jurisdiction of the neighborhood group.

GALBRAITH reported that in checking again the square footage, the staff report for the April 10, 1975 meeting is in error, that this request for amendment of the square feet of retail space would increase the potential total to 452,563 rather than 496,438 square feet. He further commented that the original figure included the area for Parcel 5 which proposed medical offices rather than retail sales.

McKINLEY said that the traffic flow indicated above is correct as shown on their maps. He said they were collected over a 3 year period, however, they were compiled after the gathering of counts for the latter part of 1973, all of 1974 and the first part of 1975. Some counts are for one or two days at a time, and the accuracy is about 20%.

BILL McKINLEY, Assistant Traffic Engineer, said they had submitted a report to the developer with regard to the continuous counter station located on Amidon just south of the bridge, and the count runs as high as 27,563 (Monday before Christmas), and in April 1975 on a Friday and Saturday, there were several counts of 20,100, 20,500 and the average was 22,000, so it is substantially more than the 15,000 figure quoted earlier in this meeting. He reported that traffic on 21st Street since the opening of the bridge, has also increased considerably.

**MOTION:** That the Planning Commission again recommend the approval of the zone change request, and the approval of the amendment to the CUP, subject to the following conditions:

- a. The platting of Parcels 6 and 8 within one year from the date of approval by the Board of City Commissioners; or, the zone case be considered denied and closed.
- b. Decrease the floor area ratio of Parcel 8 to 35% for office development.
- c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- d. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- e. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

Hennesy moved and Savina seconded.

TAYLOR did not feel the Commission had considered all the questions raised by the City Commission and felt the motion might be premature if this Commission does not consider the possibility of lessening the initial request in order that something might be accomplished.

CHAIRMAN KAMEN said it was pretty evident as many times as the application has been before the Commission that they do not desire to ask for any less than the original request. FERTIS said they do not propose to make any amendments to the request.

TAYLOR said that while she has in the past voted for this application, she now has mixed emotions, particularly with respect to the relationship of the parking between subject area and the Hanson Development Company property adjoining and the hope that parking and congestion of traffic will be solved by approval of this amendment to the CUP and zoning. She thought it just might make matters more complicated by approval of the requests.

GOEBEL said he did think additional parking on subject property would make a difference so far as leasing other space in the present structures, but even if the zoning is approved now, the Commission would have a chance to consider the actual design of the development when it is platted.

LAKIN pointed out that the CUP being considered at this time is as far as this Commission will be able to see the actual development, and that location of buildings is not purported to be exact at this time. He said the plan does provide for a private drive and not a public street along the river, and that this access will be considered at the time of platting.

LAKIN further stated that the Department of Law has recently ruled for the City Commission that as long as a subdivision conforms to the text and does not violate the City Code, the City Commission is honor bound to approve it, and he assumed such a decision was based on statutory authority.

SAVINA asked if the drive along the riverbank would be a part of the provisions of the CUP, and LAKIN said it is provided in the CUP which provides access through the site and it will be at the top of the bank within a very few feet of the top of the berm.

As to the width of the drive, LAKIN said he assumed it would be 18 to 24 feet, depending on the parking layout, and that such would be determined at the time of platting. He did not think it wise to try to "pin down" the developer now as to the driveway, and that such can be adequately controlled at the time of platting, and issuance of building permits so far as structures are concerned. He said the parking layout has to be approved by the Traffic Engineer before a permit can be issued.

SAVINA asked Fettis if he would be adverse to having a driveway width specified along the river road. FETTIS agreed that such would be done at the time of platting anyway.

VOTE ON MOTION: Carried by a vote of 5 in favor (Hennessy, Savina, Goebel, Hopper and Kamen) and 3 opposed (Taylor, Rising and Gragg). Gardenhire and Bayouth were absent.

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COMMISSIONERS PROCEEDINGS

2170

July 1, 1975

ZONE CHANGE  
west side Amidon  
Z-1683 & DP-23

Z-1683 and DP-23 - zone change from multiple family dwelling district to office and light commercial on the west side of Amidon in an area north of the Arkansas River presented.

Planning Commission recommends that the zone change request be approved and the amendment to the CUP be approved subject to platting of parcels 6 and 8 within one year, a decrease in the floor area ratio for office development in parcel 8 and other standard platting conditions, and more specifically set out in the Planning Commissions minutes of June 12, 1975.

It is noted that this is the third consideration of this request by the City Commission.

Jack Galbraith

Jack Galbraith, Chief Planner, reviewed the zone change request and outlined the proposed CUP amendment in detail which would allow for additional "LC" adjacent to Amidon between the present commercial area and the river and "BB" office district to the west. He pointed out that in March this application was considered and a 24% protest petition was filed by the property owners directly to the east. When it was returned to the Planning Commission the plan was amended and "BB" zoning was requested for the one tract. Protest petitions were again filed and were calculated to be 13.16% which does not require a 4/5 vote to approve this change.

Discussion

Discussion was had regarding the necessity for additional parking.

Everett Fettis

Everett Fettis, attorney for the applicant, stated in answer to the Commission that agreement had been reached between the applicant and Hanson Development Company regarding the free flow of traffic between the area to the north and the south and throughout the Marina Lakes Center. and further, that mutual parking will be allowed on the "LC" area being requested and the area to the north. He also stated that Hanson Development Company representative had previously indicated that if the area to the south was developed for apartments as presently zoned there would be no chance in the future to solving the traffic flow problem nor their additional parking needs.

Jack Galbraith

Mr. Galbraith pointed out that the request, if approved, will allow for 111,000 square feet of additional retail floor area which will also require parking space. He pointed out that an access and utility easement along the west side of Amidon north from the southern access point will provide for traffic flow into the area. He also stated that control can be made for parking there at the time of platting and location of the building.

Everett Fettis

Mr. Fettis stated that they would be agreeable to a 100 foot setback from the north line of the requested "LC" area.

Shanahan's motion

Shanahan move that the application be denied.

Stevens' motion

Stevens moved a substitute motion that the zone change and CUP be approved as recommended by the MAPC subject to the recommended conditions and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Commission showing a 100 foot setback south from the north line of the requested "LC" area.

Comm. Casado

Commissioner Casado stated that he could only support 50,000 square feet of retail floor area in order to provide more parking area.

COMMISSIONERS PROCEEDINGS

2171

July 1, 1975

Mr. Fettis in ans. to Comm. Stevens  
In answer to inquiry by Comm. Stevens, Mr. Fettis stated that 50,000 square feet for retail area would be acceptable if the balance would be allowed for office construction. Mr. Fettis also stated that the triangle on the south of the access road could be zoned "BB" rather than "LC".

Casado's motion  
Casado moved an amendment to the substitute motion that the light commercial be limited to 50,000 square feet in Parcel 6 and "BB" office space be granted for the balance.

H. D. Bledsoe  
H. D. Bledsoe stated that they would landscape the area as required by the Planning Commission or they would use their own landscape design. He stated that 50,000 square feet of retail area would be satisfactory as well as deleting the "LC" on the triangle portion.

Joan Shearer  
Joan Shearer, 2433 Benjamin Drive, recommended that the Commission deny the request at this time and the Commission establish a policy for development along the river before further zoning is granted.

Comm. Donnell  
Commissioner Donnell stated that he could not vote to approve the "BB" zoning along the river as he would like to see a total area development plan without much increase in light commercial zone.

Paul Graves  
In discussing the traffic generation, Paul Graves, Traffic Manager, stated in answer to inquiry by the Commission that "BB" office district would generate about 20 trips a day while apartment development would generate 8.

Casado's motion--  
--failed  
Commissioner Casado's amendment failed 2 to 3. Donnell, Shanahan, Peters, "NO".

Discussion  
Discussion was had regarding maintenance of the river bank area.

Motion--  
--carried  
Shanahan moved a substitute motion that the question be called on the substitute motion. Motion carried 5 to 0.

Stevens' motion--  
--failed  
Commissioner Stevens' substitute motion failed 1 to 4. Casado, Donnell, Shanahan, Peters, "NO".

Motion--  
--carried  
Commissioner Shanahan's original motion to deny the application carried 4 to 1. Stevens "NO".

July 16, 1976

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

Re: Amendment to DP-8  
Marina Lakes Community Unit Plan

Z-1832 Marina Lake Drive, Inc.,  
requests zone change from "B"  
to "BB" and "LC"

Dear Mr. Fettis:

We have reviewed the proposed amendments to the existing 60 acre (approximate) Community Unit Plan located at the southwest corner of 21st Street North and Amidon, and the following are our comments as well as those of other City Departments.

This plan as submitted is essentially the same request which was denied by the Board of City Commissioners a year ago involving a change from "B" to "LC" on approximately 7.33 acres and from "B" to "BB" on approximately 5.75 acres. Also, you are proposing an additional 119,878 square feet of potential light commercial development or an approximate 30% increase over existing potential "LC" on the Marina Lakes Community Unit Plan.

As I have indicated to you in our previous conversations regarding this matter, these requests parallel those which the City Commission denied a year ago. After reviewing this plan, we do not see any significant changes which would appear to suggest a different decision than that which was rendered a year ago.

The City Commission in approving "LC" Light Commercial for Parcel 5 of Marina Lakes on December 9, 1975, was quite specific in their desire to see a limitation of uses, number of buildings, maximum gross floor area and provision of landscaping. It is my opinion that the applications should be amended to reflect your actual needs and proposals. We recognize that your clients do have existing problems which can best be alleviated through modification of the C.U.P., but when the Board of City Commissioners has indicated policy guidelines in their past actions and comments on other requests in the area, I would urge that your proposals reflect such policy decisions.

Mr. Everett C. Fettis  
July 16, 1976  
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In reviewing the past history on these cases, I have identified five areas, which the Board of City Commissioners and adjacent property owners have questioned:

- (1) traffic
- (2) need for additional Light Commercial in the area
- (3) concern over Light Commercial adjacent to the river
- (4) the amount of "LC" Light Commercial proposed for this location as opposed to Twin Lakes
- (5) landscaping adjacent to the river and the lake on subject property

I would like to discuss each of these items and my opinions on them.

(1) Traffic - Certainly the 30% increase in potential "LC" gross floor area as well as an additional 87,705 square feet of "BB" office zoning could severely impact the traffic patterns, the major intersection, and flow over the Amidon bridge if such increases are approved and developed as proposed. On the other hand, if your clients are willing to modify some of the requests to provide some limitation of uses, number of buildings, and amend the C.U.P. in light of their actual plans, I believe the affect on area traffic patterns and the 21st Street/Amidon intersection could be held to a minimum. However, as the Plan is now proposed, the Traffic Engineer and other City staff would be compelled to once again question the traffic impacts anticipated with approval of the application.

(2) Need for additional "LC" in the area - this was a concern specified by the City Commission when they returned your case to the Planning Commission a year ago, as well as a point brought up by neighborhood protestors on numerous occasions. Regarding a question as to vacancies a year ago, John Frieden of Hanson Development Corporation countered this question very well at the last series of hearings by explaining that the existing vacancies were due to a parking problem, which could be alleviated through approval of this application, rather than a lack of demand for the space. Mr. Frieden also stated that according to a study made for his firm that additional parking is needed for Building D which could be located on the application area, but some additional commercial development would be needed to support the parking. In addition, the consultants recommended that building "C" be leased to low traffic generators with a readjustment of parking in front of building "D". The recent location of the furniture store as a low traffic generator in the former grocery store site does appear to help, but again, the parking problems caused by Furr's still exist and have even been compounded by the location of Pogo's in building D.

In my opinion, the approval of some additional "LC" to the south of building D is appropriate to help solve your client's parking problems and I can see the need for perhaps a small commercial building

Mr. Everett C. Fettis  
July 16, 1976  
Page 3

to help support the additional parking, but there is little justification to extend the "LC" Light Commercial District all the way to the river nor is parcel 8 an appropriate location for the "BB" Office District. I can understand your desire to limit the protest area on these requests, but it would be far better to accomplish such by limiting the size of the "LC" request rather than by requesting the "BB" Office District on an interior parcel with very limited access.

At the last series of hearings before the Planning Commission on this request, you stated that staff was in error in quoting the large square footages on this C.U.P. because the Woolco lease limited the gross floor area below that approved for the parcel and that the commercial development on 21st Street North did not even approach the inflated square footages on the C.U.P. I agree with you on this point and suggest that you reduce the potential floor area permitted on the other parcels to what is existing or proposed for each parcel and that you lower the square footage proposed for parcel #6; if the need is for more parking and some supportive light commercial than the 118,878 square feet on parcel #6 could easily be reduced to a point which, combined with square footage reductions on the other parcels, would involve little if any actual increase in commercial gross floor area for the total Community Unit Plan. No overall increase in commercial gross floor area would certainly strengthen your request.

(3) Light commercial adjacent to the river - Again, I believe that your parking problems and space needs can be resolved without extending the "LC" Light Commercial zoning to the river. I suggest that you submit modified plans which depict the amount of "LC" Light Commercial which your clients actually need and leave the balance of Parcel #6 adjacent to the river in the "B" Multiple Family District. The "B" District does permit off-street parking and that type of buffer combined with adequate landscaping along the river would result in an improved application.

(4) The amount of "LC" proposed for this location as opposed to Twin Lakes -- I have never felt that zoning should be granted on the basis of parity among neighbors in terms of commercial, but area protestors and some members of the City Commission have questioned your need to exceed the Twin Lakes total square footage. In reviewing existing and proposed "LC" Light Commercial potential on all four corners of 21st and Amidon the following square footages are approved or proposed:

<u>C U P</u>	<u>Maximum Commercial Gross Floor Area</u>
Gardners Riverlawn	166,023
Twin Lakes	330,000
Sweetbriar	265,110
Marina Lakes	496,438 (39.4% of LC Total)

Of course, these figures do not even consider the "BB" Office District square footages of which your client's proposals would re-

Mr. Everett C. Fetta  
July 16, 1976  
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present some 85.44% of the total office footage on all four corners. It is my opinion that this "parity" issue can best be answered by your client's amending their proposals to that they actually intend to develop and presenting the Planning and City Commissions with a well integrated proposal which can stand on its own merits by offering protection to the area through use limitations, reduced square footages, and riverbank protection.

(5) Landscaping - This application could be greatly improved with submission of a landscape plan for the river and lake with landscaping guarantees to provide the aesthetics and screening which the neighbors to the south and west have previously requested. The provision of landscaping will certainly be one of our recommendations.

In addition to the aforementioned, the following are suggested text changes to improve the Community Unit Plan:

- (1) The uses on parcel #6 shall be limited to what is actually proposed, rather than the open ended "light commercial" phrasing.
- (2) A maximum of one building shall be proposed for parcel #6.
- (3) Amend general provision #2 to read as follows:  
"Sign control - Signs as permitted by the zoning district."
- (4) Delete Comment #7 on Parcel #7 as this will be controlled by amended general provision #1.
- (5) The net area for the lake should be included in one of the adjacent parcels or described as a separate parcel.
- (6) Add a general provision #7 to read as follows:  
"Fire lane easements shall be provided in accordance with Section 15.01.055 of the Code of the City of Wichita."
- (7) Amend the area requested for "LC" in parcel #6 to provide for appropriate protection and buffering of the river.
- (8) Provide a landscape plan and guarantees for landscaping adjacent to the river and the lake.
- (9) Amend the curb cuts depicted on 21st Street North to depict the six existing and/or proposed curb cut for a total not to exceed seven.
- (10) Depict the setbacks referred to in statement #5 of Parcel #8 as none are shown on the plan.
- (11) Please be advised that screening (a wall) shall be required on the west edge of parcel #3 if such is developed for office use. Screening walls shall be depicted on the C.U.P. in a manner which is clearly legible.

Mr. Everett C. Fettis  
July 16, 1976  
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(12) Incorporate in the wording of General Provision #2 that a landscape plan for Parcels 1, 4, 6, and 8, indicating the location, type, and specifications of planting materials shall be submitted for approval of the Planning Department and Board of City Commissioners, prior to the issuance of any building permits on these parcels.

(13) Statement #4 on Parcel #1 should be changed to read:

"Maximum building height 65'"

NOTE: This other wording appears to be needless and we would even recommend that the proposed height be reduced to 35' if possible.

These are most of the comments we have at this time. We are asking that the "BB" Office District requested on parcel 8 be eliminated and that the "LC" request on parcel 6 be substantially reduced to accommodate one new building with the balance of the parcel being used for parking with substantial landscaping as a buffer along the river.

We are available to meet with you and your client to discuss our comments, if desired. We have tentatively scheduled these cases before the Planning Commission on August 19, 1976, and it is necessary that we receive 15 amended copies of the C.U.P. by Monday, August 2, 1976, in order to meet that date.

If you have questions regarding this matter, please do not hesitate to call.

Sincerely yours,

Jack Galbraith  
Chief Planner

JHG:MM:bh

cc: H. D. Bledsoe  
1200 South 119th Street, West, 67209

William Korber  
Baughman Company, 330 Laura, 67211

Z-1832 )  
√DP-23 ) 25~~9~~ Notices to adjoining property owners mailed 8/5/76 for the  
MAPC meeting for 8/19/76

1 (including map) to CPO office

          
26~~0~~ TOTAL

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

August 5, 1976

NOTICE TO ADJOINING PROPERTY OWNERS

NOTICE IS HEREBY GIVEN that on Thursday, August 19, 1976, at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for an amendment to the MARINA LAKE COMMUNITY UNIT PLAN for property described as follows:

DP-23 - All of Government Lot 1, in the NW $\frac{1}{4}$  of Section 7, Twp. 27S, R1E, except that portion 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, March 1971, and December 1975, has been resubmitted as required under the Community Unit Plan provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department Office, Tenth (10) Floor, City Hall, 455 North 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 size of Parcel Six from 3.07 acres to 7.33 acres and increasing the amount of light commercial zoning approximately 7.33 acres.
2. Creation of a new Parcel 3 with a maximum density of 18 units per acre on approximately 5.75 acres and a change to the "BB" Office District on 5.75 acres with professional offices, townhouses, and garden apartments listed as the proposed uses.
3. The reduction in size of Parcel 7 from 22.49 acres to approximately 12.48 acres.

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

**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, City Hall, Tenth Floor, 455 North Main Street, 7 days prior to the meeting. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin, Secretary

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

NOTICE TO ADJOINING PROPERTY OWNERS

AUG 5 1976

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in the City Commission Chambers, City Hall, 1st floor, 455 North Main Street, Wichita, Kansas, at its meeting at 1:30 p.m. on August 9, 1976, at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. Z-1832

Zone Change from the "B" Multiple Family Dwelling District  
to the "RB" Office District

AND

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

See legal description attached hereto

**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, City Hall, Tenth Floor, 455 North Main Street, 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.

T9-215

Robert A. Lakin  
Secretary

SUMMARY DESCRIPTION OF CITY OF WICHITA ZONING DISTRICTS

- "AA" One-Family Dwelling District  
Permits one-family dwellings, parks, schools, libraries, golf courses, nurseries, churches and home occupations.
- "A" Two-Family Dwelling District  
Permits two-family dwellings and uses permitted in "AA".
- "RB" Four-Family Dwelling District  
Permits three and four-family dwellings, and uses permitted in "AA" and "A".
- "R-5" General Residence District  
Permits Multiple-family dwellings at a density of 12.4 dwelling units per acre, off-street parking areas and uses permitted in "A".
- "R-6" General Residence District  
Permits Multiple-family dwellings at a density of 29 dwelling units per acre, and uses permitted in "R-5".
- "B" Multiple-Family Dwelling District  
Permits multiple dwellings, off-street parking areas, apartments, boarding houses, cemeteries, medical offices and uses permitted in "AA", "A" and "RB".
- "BB" Office District  
Permits apothecaries, clinics, hospitals; medical, business and professional offices; hotels and motels under certain conditions; and all residential uses.
- "LC" Light Commercial District  
Permits all purely retail businesses conducted within enclosed building; service stations, all residential and office uses.
- "C" Commercial District  
Permits all commercial uses and residential and office uses and some fabrication uses.
- "D" Central Business District  
Permits all commercial, office, wholesale, manufacturing and residential uses. Prohibits those which constitute a hazard or nuisance from smoke, dust, odor or fire danger.
- "E" Light Industrial District  
Permits all manufacturing activities which do not constitute a hazard or a nuisance; and all office and commercial uses. Residential uses are prohibited.
- "F" Heavy Industrial District  
Permits all office, commercial and manufacturing uses. Most objectionable manufacturing uses are subject to conditional approval. Residential uses are prohibited.
- "G" Mobile Home District  
Permits mobile home parks and associated uses.
- "U" University District  
Permits Universities, Colleges, Seminaries and other institutions of learning and related uses.

CASE NO. Z-1832

Zone Change from the "B" Multiple Family Dwelling District  
to the "BE" Office District

A tract in Government Lot 1 in the NW $\frac{1}{4}$  of Sec. 7, Twp. 27-S, R-1-E commencing at the N.E. Corner of said Lot 1; thence south 0 $^{\circ}$ -04'-05" west along the east line of said Lot 1, 1120.32 feet for a place of beginning; thence north 88 $^{\circ}$ -12'-55" west 130 feet; thence north 0 $^{\circ}$ -04'-05" east 15 feet; thence south 89 $^{\circ}$ -56'-09" west 455.06 feet; thence north 54 $^{\circ}$ -26'-07" west 251.69 feet; thence north 70 $^{\circ}$ -56'-50" west 959.77 feet; thence south 12 $^{\circ}$ -11'-35" west, 282.9 feet more or less to the left (north) bank of the Arkansas River; thence south easterly along said left bank to the east line of said Lot 1; thence north 0 $^{\circ}$ -04'-05" east 885 feet more or less to the place of beginning, except therefrom a tract described as commencing at the N.E. Corner of said Lot 1; thence south 0 $^{\circ}$ -04'-05" west along the east line of said Lot 1, 1120.32 feet for a place of beginning; thence north 88 $^{\circ}$ -12'-55" west, 130 feet; thence north 0 $^{\circ}$ -04'-05" east 15 feet; thence south 89 $^{\circ}$ -56'-09" west 455.06 feet; thence north 54 $^{\circ}$ -26'-07" west 194.13 feet; thence south 16 $^{\circ}$ -00" west to the left (north) bank of the Arkansas River; thence south easterly along said left bank to the east line of said Lot 1; thence north 0 $^{\circ}$ -04'-05" east, 885 feet more or less to the place of beginning.

AND

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

A tract in Government Lot 1 in the N.W. $\frac{1}{4}$  of Sec. 7, Twp. 27-S, R-1-E described as commencing at the N.E. Corner of said Lot 1; thence south 0 $^{\circ}$ -04'-05" west along the east line of said Lot 1, 1120.32 feet for a place of beginning; thence north 88 $^{\circ}$ -12'-55" west, 130 feet; thence north 0 $^{\circ}$ -04'-05" east 15 feet, thence south 89 $^{\circ}$ -56'-09" west, 455.06 feet; thence north 54 $^{\circ}$ -26'-07" west 194.13 feet; thence south 16 $^{\circ}$ -00" west to the left (north) bank of the Arkansas River; thence south easterly along said left bank to the east line of said Lot 1; thence north 0 $^{\circ}$ -04'-05" east 885 feet more or less to the place of beginning. All Generally located on the west side of Amidon, north of the Arkansas River.

July 16, 1976

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

Re: Amendment to DP-8  
Marina Lakes Community Unit Plan

Z-1832 Marina Lake Drive, Inc.,  
requests zone change from "B"  
to "BB" and "LC"

Dear Mr. Fettis:

We have reviewed the proposed amendments to the existing 60 acre (approximate) Community Unit Plan located at the southwest corner of 21st Street North and Amidon, and the following are our comments as well as those of other City Departments.

This plan as submitted is essentially the same request which was denied by the Board of City Commissioners a year ago involving a change from "B" to "LC" on approximately 7.33 acres and from "B" to "BB" on approximately 5.75 acres. Also, you are proposing an additional 118,878 square feet of potential light commercial development or an approximate 30% increase over existing potential "LC" on the Marina Lakes Community Unit Plan.

As I have indicated to you in our previous conversations regarding this matter, these requests parallel those which the City Commission denied a year ago. After reviewing this plan, we do not see any significant changes which would appear to suggest a different decision than that which was rendered a year ago.

The City Commission in approving "LC" Light Commercial for Parcel 5 of Marina Lakes on December 9, 1975, was quite specific in their desire to see a limitation of uses, number of buildings, maximum gross floor area and provision of landscaping. It is my opinion that the applications should be amended to reflect your actual needs and proposals. We recognize that your clients do have existing problems which can best be alleviated through modification of the C.U.P., but when the Board of City Commissioners has indicated policy guidelines in their past actions and comments on other requests in the area, I would urge that your proposals reflect such policy decisions.

Mr. Everett C. Fettis  
July 16, 1976  
Page 2

In reviewing the past history on these cases, I have identified five areas, which the Board of City Commissioners and adjacent property owners have questioned:

- (1) traffic
- (2) need for additional Light Commercial in the area
- (3) concern over Light Commercial adjacent to the river
- (4) the amount of "LC" Light Commercial proposed for this location as opposed to Twin Lakes
- (5) landscaping adjacent to the river and the lake on subject property

I would like to discuss each of these items and my opinions on them.

(1) Traffic - Certainly the 30% increase in potential "LC" gross floor area as well as an additional 87,705 square feet of "BB" office zoning could severely impact the traffic patterns, the major intersection, and flow over the Amidon bridge if such increases are approved and developed as proposed. On the other hand, if your clients are willing to modify some of the requests to provide some limitation of uses, number of buildings, and amend the C.U.P. in light of their actual plans, I believe the affect on area traffic patterns and the 21st Street/Amidon intersection could be held to a minimum. However, as the Plan is now proposed, the Traffic Engineer and other City staff would be compelled to once again question the traffic impacts anticipated with approval of the application.

(2) Need for additional "LC" in the area - this was a concern specified by the City Commission when they returned your case to the Planning Commission a year ago, as well as a point brought up by neighborhood protestors on numerous occasions. Regarding a question as to vacancies a year ago, John Frieden of Hanson Development Corporation countered this question very well at the last series of hearings by explaining that the existing vacancies were due to a parking problem, which could be alleviated through approval of this application, rather than a lack of demand for the space. Mr. Frieden also stated that according to a study made for his firm that additional parking is needed for Building D which could be located on the application area, but some additional commercial development would be needed to support the parking. In addition, the consultants recommended that building "C" be leased to low traffic generators with a readjustment of parking in front of building "D". The recent location of the furniture store as a low traffic generator in the former grocery store site does appear to help, but again, the parking problems caused by Furr's still exist and have even been compounded by the location of Pogo's in building D.

In my opinion, the approval of some additional "LC" to the south of building D is appropriate to help solve your client's parking problems and I can see the need for perhaps a small commercial building

Mr. Everett C. Fettis  
July 16, 1976  
Page 3

to help support the additional parking, but there is little justification to extend the "LC" Light Commercial District all the way to the river nor is parcel 8 an appropriate location for the "BB" Office District. I can understand your desire to limit the protest area on these requests, but it would be far better to accomplish such by limiting the size of the "LC" request rather than by requesting the "BB" Office District on an interior parcel with very limited access.

At the last series of hearings before the Planning Commission on this request, you stated that staff was in error in quoting the large square footages on this C.U.P. because the Wooloo lease limited the gross floor area below that approved for the parcel and that the commercial development on 21st Street North did not even approach the inflated square footages on the C.U.P. I agree with you on this point and suggest that you reduce the potential floor area permitted on the other parcels to what is existing or proposed for each parcel and that you lower the square footage proposed for parcel #6; if the need is for more parking and some supportive light commercial than the 118,878 square feet on parcel #6 could easily be reduced to a point which, combined with square footage reductions on the other parcels, would involve little if any actual increase in commercial gross floor area for the total Community Unit Plan. No overall increase in commercial gross floor area would certainly strengthen your request.

(3) Light commercial adjacent to the river - Again, I believe that your parking problems and space needs can be resolved without extending the "LC" Light Commercial zoning to the river. I suggest that you submit modified plans which depict the amount of "LC" Light Commercial which your clients actually need and leave the balance of Parcel #6 adjacent to the river in the "B" Multiple Family District. The "B" District does permit off-street parking and that type of buffer combined with adequate landscaping along the river would result in an improved application.

(4) The amount of "LC" proposed for this location as opposed to Twin Lakes -- I have never felt that zoning should be granted on the basis of parity among neighbors in terms of commercial, but area protestors and some members of the City Commission have questioned your need to exceed the Twin Lakes total square footage. In reviewing existing and proposed "LC" Light Commercial potential on all four corners of 21st and Amidon the following square footages are approved or proposed:

<u>C U P</u>	<u>Maximum Commercial Gross Floor Area</u>
Gardners Riverlawn	166,023
Twin Lakes	330,000
Sweetbriar	265,110
Marina Lakes	496,438 (39.4% of LC Total)

Of course, these figures do not even consider the "BB" Office District square footages of which your client's proposals would re-

Mr. Everett C. Fettis  
July 16, 1976  
Page 4

present some 85.44% of the total office footage on all four corners. It is my opinion that this "parity" issue can best be answered by your client's amending their proposals to that they actually intend to develop and presenting the Planning and City Commissions with a well integrated proposal which can stand on its own merits by offering protection to the area through use limitations, reduced square footages, and riverbank protection.

(5) Landscaping - This application could be greatly improved with submission of a landscape plan for the river and lake with landscaping guarantees to provide the aesthetics and screening which the neighbors to the south and west have previously requested. The provision of landscaping will certainly be one of our recommendations.

In addition to the aforementioned, the following are suggested text changes to improve the Community Unit Plan:

- (1) The uses on parcel #6 shall be limited to what is actually proposed, rather than the open ended "light commercial" phrasing.
- (2) A maximum of one building shall be proposed for parcel #6.
- (3) Amend general provision #2 to read as follows:  
"Sign control - Signs as permitted by the zoning district."
- (4) Delete Comment #7 on Parcel #7 as this will be controlled by amended general provision #1.
- (5) The net area for the lake should be included in one of the adjacent parcels or described as a separate parcel.
- (6) Add a general provision #7 to read as follows:  
"Fire lane easements shall be provided in accordance with Section 15.01.055 of the Code of the City of Wichita."
- (7) Amend the area requested for "LC" in parcel #6 to provide for appropriate protection and buffering of the river.
- (8) Provide a landscape plan and guarantees for landscaping adjacent to the river and the lake.
- (9) Amend the curb cuts depicted on 21st Street North to depict the six existing and/or proposed curb cut for a total n exceed seven.
- (10) Depict the setbacks referred to in statement #5 of P<sub>2</sub> as none are shown on the plan.
- (11) Please be advised that screening (a wall) shall be the west edge of parcel #8 if such is developed for Screening walls shall be depicted on the C.U.P. if which is clearly legible.

Mr. Everett C. Fettis  
July 16, 1976  
Page 5

- (12) Incorporate in the wording of General Provision #2 that a landscape plan for parcels 1, 4, 6, and 8, indicating the location, type, and specifications of planting materials shall be submitted for approval of the Planning Department and Board of City Commissioners, prior to the issuance of any building permits on these parcels.
- (13) Statement #4 on Parcel #1 should be changed to read:

"Maximum building height 65'"

NOTE: This other wording appears to be needless and we would even recommend that the proposed height be reduced to 35' if possible.

These are most of the comments we have at this time. We are asking that the "BB" Office District requested on parcel 8 be eliminated and that the "LC" request on parcel 6 be substantially reduced to accommodate one new building with the balance of the parcel being used for parking with substantial landscaping as a buffer along the river.

We are available to meet with you and your client to discuss our comments, if desired. We have tentatively scheduled these cases before the Planning Commission on August 19, 1976, and it is necessary that we receive 15 amended copies of the C.U.P. by Monday, August 2, 1976, in order to meet that date.

If you have questions regarding this matter, please do not hesitate to call.

Sincerely yours,

Jack Galbraith  
Chief Planner

JHG:MM:bh

cc: H. D. Bledsoe  
1200 South 119th Street, West, 67209

William Korber  
Baughman Company, 330 Laura, 67211

July 6, 1976

Dick Linn, City Engineer  
Paul Graves, Traffic Engineer  
M.S.Mitchell, Assistant Superintendent, Maintenance-Flood Control  
Mike Meek, Senior Planner

DP-23 Amendment to Marina Lakes Community Unit Plan  
(File Number 8)

Attached is another proposed revision to the Marina Lakes Community Unit Plan. I think you will find the proposed revisions identical to those which were denied by the City Commission on August 1, 1975 (File #6). Would appreciate you again reviewing this C.U.P. and advising of any problems you see regarding drainage, access control, street right-of-way, etc.

We would appreciate your comments by next Monday, July 12, 1976.

Michael Meek  
Senior Planner

MM:el  
Att.

May 25, 1976

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

Dear Mr. Fettis:

We are in receipt of two applications, one for a zone change request and the other for an amendment to the C.U.P., both of which are associated with the area known as Marina Lake. Inasmuch as the legal description for the C.U.P., all of Government Lot One, now has several recorded plats thereon, I believe such legal should be updated to reflect those plats. Also, inasmuch as the applications were not accompanied by the plans amending the C.U.P., the two applications are enclosed.

We have just received current C.U.P. plans for the latest amendment to the Marina Lake C.U.P. that recently occurred on Parcel 5. As the C.U.P. had been amended several times, one of the requirements was that it be retyped so that the context of the C.U.P. text was legible. Although I am not certain who has the original, this latest update was redrawn by Howard Phillips, Robson, Kuhnel and Spangenberg, whose phone number is 685-4234.

Five copies of the C.U.P. showing your client's proposed amendment, should be submitted to our office for our initial review. If you have any questions on the plans to be submitted or the legal description for the C.U.P., please advise.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el  
Enc.

map 5349  
7  
275  
1E

DP 23  
amendment  
file # 8  
Case 2-1832

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  MARINA LAKE DRIVE, INC.

Address 6572 East Central, Wichita, Kansas Phone 685-3813  
67206

Agent  Everett C. Fettis

Address 120 S. Market, Suite 504 Phone 267-7251  
Wichita, Kansas 67202

b. Applicant \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Agent \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

c. Applicant \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Agent \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

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

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

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

*also for legal*

All of Government Lot One (1), in the Northwest Quarter of Section 7, Township 27 South, Range 1 East, Sedgwick County, Kansas, 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 & 2 in Marine Lake Addition;  
Lot 1, Marina Lake Third Addition;  
Lots 1, 2 & 3, Marine Lake Fourth Addition;  
Lot 1, Marina Lake Sixth Addition, (continued on attached sheet)

II.B There are 13.1 acres (round to nearest tenth) in the above described property.

T9-330-3

E-BAGLE  
S-AA  
W-AA+B  
N-AA-A+LLC

(legal description continued)

generally located at the Southwest Corner of 21st  
Street North and Amidon, Sedgwick County, Kansas.

III. This property is located at (address) None.

The general location is (use appropriate section)

- a. at the Southwest corner of Amidon Avenue  
and 21st Street; or
- b. on the ~~West~~ side of ~~Amidon~~ (Ave.,  
Street) between 21st (Ave., Street) and  
~~The Arkansas River~~ (Ave., Street).

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

MARINA LAKE DRIVE, INC.

By *Everett C. Pettis* By \_\_\_\_\_  
Authorized Agent (if any) Authorized Agent (if any)  
EVERETT C. PETTIS

By \_\_\_\_\_ By \_\_\_\_\_  
Authorized Agent (if any) Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at  
8:30 (AM) PM on June 29, 1976 (Day, Month,  
Year). It has been checked and found to be complete and accom-  
panied by required documents and the appropriate fee of  
\$ 400<sup>00</sup>.

*G. Lynn Shirley* Name  
*Jr. Planner* Title



STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 SEDGWICK COUNTY )


The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

All the owners within 1000 feet of the following described property viz:

All of Government Lot 1, in the NW $\frac{1}{4}$  of Section 7, Township 27 South Range 1 East, EXCEPT so much 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. Said platted property is included within said Government Lot 1 and is included within this certificate.

  
 Title  
 Insurance  
 Inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

TRACT	OWNER	ADDRESS
All Government Lot 1, lying North of Arkansas River, except Marina Lake Addition & Marina Lake 4th Addition and Except Marina Lake 6th Addition and except that part of Government Lot One (1), in the Northwest Quarter of Section 7, Township 27 South, Range 1 East described as beginning at a point on the East line of said Government Lot One (1), 1120.32 feet South of the Northeast Corner thereof; thence North 83 degrees 12' 55" West a distance of 130 feet, thence North 00 degrees 04' 05" East 15 feet; thence South 89 degrees 56' 09" West a distance of 455.06 feet; thence North 54 degrees 26' 07" West a distance of 251.68 feet; thence North 70 degrees 56' 58" West a distance of 959.77 feet to a point 695 feet South and 770 feet East of the Northwest Corner of said Government Lot One (1), thence South 12 degrees 11' 35" West 262.9 feet more or less to the North bank of the Arkansas River; thence Southeasterly along the North bank of said river to the East line of said	✓ CEDAR LAKES INC.	6572 East Central Wichita, Kansas 67206



<u>TRACT</u>	<u>OWNER</u>	<u>ADDRESS</u>
Government Lot One (1); thence North along the East line of said Government Lot One (1), 885 feet more or less to the point of beginning, except therefrom that part dedicated to the public for access drainage, river bank maintanance, flood control and river beautification.		



LOT	ADDITION	OWNER	ADDRESS
1	MARINA LAKE 6TH	X Hanson Development Company	Address Unknown <i>none found</i>
1	MARINA LAKE 3RD	✓ Riverbend Assoc. Inc.	200 West Douglas Suite 430 Wichita, Kansas 67202
1	MARINA LAKE	✓ Texaco, Inc.	8301 East Pawnee Wichita, Kansas 67201
2	MARINA LAKE	✓ Kiser Inc.	1446 Willow Road Wichita, Kansas 67208

Part of Lot 1, Marina Lake, Hanson Development  
4th Addition, described as ) Company  
Lot 1, Marina Lake Fourth  
Addition, Wichita, Kansas,  
except beginning at the  
Northwest corner of said  
Lot 1; thence South along  
the West line of said  
Lot 1, 175 feet; thence East  
339.74 feet to the South-  
west corner of lot 2, Marina Lake,  
Wichita, Sedgwick County,  
Kansas; thence North along  
the line common to said Lot  
2, Marina Lake and Lot 1,  
Marina Lake Fourth Addition,  
165 feet to the North line  
of said Lot 1; thence West  
along the North line of said  
Lot 1 to beginning, together  
with ingress, egress and utility  
easement over and across the  
East 30 feet of the West 179.5  
feet of the North 175 feet of said  
Lot 1

Fidelity  Title  
COMPANY, INC.

<u>TRACT</u>	<u>OWNER</u>	<u>ADDRESS</u>
<p>Lot 1, Marina Lake 4th Addition, except beginning at the Northwest corner of said Lot 1; thence South along the West line of said Lot 1, 175 feet; thence East 339.74 feet to the Southwest corner of Lot 2, Marina Lake, Wichita, Sedgwick County, Kansas; thence North along the Line common to said Lot 2, Marina Lake and Lot 1, Marina Lake Fourth Addition, 165 feet to the North of said Lot 1; thence West along the North line of said Lot 1 to beginning, together with ingress, egress and utility easement over and across the east 30 feet of the West 179.5 feet of the North 175 feet of said Lot 1.</p>	<p>✓ Clear Lakes Inc.</p>	<p>6572 East Central Wichita, Kansas 67206</p>



LOT	ADDITION	OWNER	ADDRESS
2	MARINA LAKE 4TH	Clear Lakes, Inc.	6572 East Central Wichita, Kansas 67206
	<p>Lot 3, Marina Lake 4th Addition and a tract in Government Lot 1, Sedgwick County, Kansas, described as beginning at a point 75 feet South and 225 feet West of the Northeast corner of Government Lot 1 in the Northwest Quarter of Section 7, Township 27 South, Range 1 East of the 6th P.M., thence West 125 feet; thence North 25 feet; thence West 30 feet; thence South 175 feet; thence East 155 feet; thence North 150 feet to the point of beginning; and that part of the following described tract in Government Lot 1 in the Northwest Quarter of Section 7, Township 27, Range 1 East, beginning at a point on the East line of said Government Lot 1, South 00° 04' 05" West, 1120.32 feet from the Northeast corner thereof; thence North 88° 12' 55" West, parallel to the North line of said</p>	<p>Marina Lake Drive Inc.</p>	<p>6572 East Central Wichita, Kansas 67206</p>


**Fidelity Title**  
 COMPANY, INC.

TRACT                      OWNER                      ADDRESS

Government Lot 1, a distance of 1.0 feet; thence North 00° 04' 05" East 15 feet; thence South 89° 56' 09" West, 455.06 feet; thence North 54° 26' 07" West 251.68 feet; thence North 70° 56' 58" West, 959.77 feet to a point 695 feet South and 770 feet East of the Northwest corner of said Government Lot 1; thence South 12° 11' 35" West, 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 Government 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.



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
1	FRIESEN	✓ Billie D. & Wanda M. Lane 1946 North Meridian, Wichita, Kansas 67203
Reserve A	FRIESEN	X John A. Friesen <i>Address Unknown</i> <i>none found</i>
2	FRIESEN	✓ Robert L. & Viola A. Clough 1950 N. Meridian Wichita, Kansas 67203
3 & 4	FRIESEN	✓ Donald & Magie L. King 1941 N. St. Clair Wichita, Kansas 67203

<u>TRACT</u>	<u>OWNER</u>	<u>ADDRESS</u>
Beginning 957' North of the Southwest corner of Government Lot 4, Section 7, Township 27, Range 1 East; thence East 330 feet; North 99 feet; West 330 feet; thence South to beginning.	✓ Wren & Winifred F. Delaney	1942 N. Meridian Wichita, Kansas 67203

✓ *net - recent 11/15/76*  
 ✓ Beginning 858' North of the Southwest corner of  
 Carl E. & Katherine I. Jones  
 1929 N. Sedgewick, 67203  
 358 Clayton  
 Wichita, Kansas 67203



TRACT	OWNER	ADDRESS
Government Lot 4; East 330 feet; North 99 feet; West 330 feet; South to beginning, Section 7, Township 27, Range 1 East,	✓✓ Homer W. Sloan 1720 N. Edwards	1720 North Edwards Wichita, Kansas 67203



(W 165') Beginning 759' North of the Southwest corner of Government Lot 4; thence East 165'; North 99'; West 165'; South to beginning, Section 7, Township 27, Range 1 East.	✓ D. W. Harrison <i>Try - 110 S. Baltimore Derby, 67037</i> <i>returned 8/9/76 - no other address found</i>	-Address Unknown
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Beginning 660' North of the Southwest corner of Government Lot 4; thence East 330'; North 99'; West 330'; South to beginning, Section 7, Township 27, Range 1 East.	✓ Parklane Savings & Loan Assn.	P.O. Box 1007 Wichita, Kansas 67201
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Beginning 720' North of the Southeast corner of Government Lot 4; thence West 330'; North 110'; East 330'; South to beginning, Section 12, Township 27, Range 1 West.	✓ <i>ret + rec'd 11/15/76</i> Ward D. & Vickie A. Patrick	1925 N. MERIDIAN, 67203 <del>321 South Holyoke</del> Wichita, Kansas 67218
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Beginning 830' North of the Southeast corner of Government Lot 4; West 207.44'; thence Northeasterly 111' M L to a point 188.88' West of the East line of Government Lot 4; thence East 188.88 feet to the East line of Government Lot 4; thence South 110' to the place of beginning, except the East 30' for street, Section 12, Township 27 South, Range 1 West	✓ <i>ret + rec'd 11/15/76</i> Merian & Nellie M. Wolf	1951 N. SHERIDAN 67203 <del>1460 N. Broadway</del> Wichita, Kansas 67214
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**Fidelity Title**  
 COMPANY, INC.

TRACT

OWNER & ADDRESS

West Half of South 100 feet of beginning 940' North of SE corner of Government Lot 4, thence West 330 feet North to South bank of Arkansas River; thence Easterly along the bank of river to Meridian line; thence South to beginning, Section 12, Township 27, Range 1 West

✓ James W. & Linda Lee Sloan  
✓ 1920 North Richmond Avenue  
Wichita, Kansas 67203

East Half of South 100' of beginning 940 feet North of SE corner of Government Lot 4; thence West 330'; North to South bank of Arkansas River; thence Easterly along the bank of river to Meridian line; thence South to beginning, Section 14, Township 27, Range 1 West

✓ George R. & Marlene K. Delaney  
✓ 1941 North Meridian Avenue  
Wichita, Kansas 67203



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
1	CINDY	✓ Fred I. & Juanita F. Bowers 1912 North Richmond Wichita, Kansas 67203
1	LESTER TURLEY	✓ Leonard C. & Peggy L. Cumley 4409 Edminister Wichita, Kansas 67212
2	LESTER TURLEY	✓ H. F. & Blanche Johnston <i>ret. 8/11/76</i> <del>226 East Circle Drive</del> 1938 N. Richmond Canon City, Colorado <i>Wichita 67203</i>
3	LESTER TURLEY	✓ Allan M. & Margaret J. Cress 1945 North Meridian Wichita, Kansas 67203
4	LESTER TURLEY	✓ Bruce M. & Nancy A. Trapp <del>1648 North Holyoke</del> 1945 N. MERIDIAN Wichita, Kansas 67208 <i>67203</i>
Block 1	MEADOWVALE	✓ Milford C. & Agnes C. Yetter 1985 McLean Blvd. Wichita, Kansas 67203
Block 2	MEADOWVALE	✓ Howard L. & Doris M. McGregor 1932 N. Edwards Wichita, Kansas 67203
Block 3	MEADOWVALE	✓ John D. & Glenda M. Craycraft <del>1926 North Edwards</del> Wichita, Kansas 67203
Block 4	MEADOWVALE	<i>ret 11/15/76. no other address found</i> ✓ Hermann V. & Twila Mae Stoessel 2047 Euclid Wichita, Kansas 67213



LOT	BLOCK	ADDITION	OWNER & ADDRESS
9	3	MEADOWVALE	✓ William A. & Cheryl Rule 1915 N. Richmond Wichita, Kansas 67203
10	3	MEADOWVALE	✓ Robert M. & Eleanor R. Weber 1921 North Richmond Wichita, Kansas 67203
11	3	MEADOWVALE	✓ Donald L. & Jacqueline R. Day 1927 North Richmond Wichita, Kansas 67203
12	3	MEADOWVALE	✓ Darrel R. & Shirley E. Duncan 1933 N. Richmond Wichita, Kansas 67203
13	3	MEADOWVALE	✓ Norman E. & Alta Swanson 1975 McLean Blvd. Wichita, Kansas 67203
13	2	MEADOWVALE	X Clinton & Edith E. Schoonover Address Unknown <i>none found</i>
14	2	MEADOWVALE	✓ Joseph L. Stemas 1991 McLean Blvd. Wichita, Kansas 67203
1, 2, 3, 4, 5, 6 & 7	1	RIVER PARK	✓ Vabac Inc. 1901 West 13th Street Wichita, Kansas 67214
12	4	RIVER PARK	✓ Bobby R. & Elizabeth C. Swinson Address Unknown <i>2117 Bullinger 67203</i>
7	4	RIVER PARK	✓ Peter J. Banks & Rita Banks 2001 Bullinger Wichita, Kansas 67204
8	4	RIVER PARK	✓ Ronald B. & Nancy L. Kraft 2009 Bullinger Wichita, Kansas 67204
9	4	RIVER PARK	✓ Robert J. & Barbara J. Phye 2425 Gentry Drive Wichita, Kansas 67220
10	4	RIVER PARK	✓ Robert Greg & Carol Jean Clark 2101 Bullinger Wichita, Kansas 67204
11	4	RIVER PARK	✓ Joseph T. & J. Andrea Naifeh 2109 Bullinger Wichita, Kansas 67204
1	5	RIVER PARK	✓ Helen E. McGuire 2625 Cornelison Wichita, Kansas 67203
2, 3, 4, 5, 6, 7, & 8	5	RIVER PARK	D Vabac Inc. 1901 West 13th Street Wichita, Kansas 67214



LOT	BLOCK	ADDITION	OWNER & ADDRESS
9	5	RIVER PARK	Richard D. & Roberta J. Tedlock 2634 West 20th Street Wichita, Kansas 67203
26	6	RIVER PARK	Michael J. & Donna C. Ferris <del>4141 South Seneca</del> 2709 River Park Drive Wichita, Kansas 67217 <i>67203</i>
27	6	RIVER PARK	Robert L. & Phyllis A. Winder 2701 River Park Drive Wichita, Kansas 67203
INDIAN HILLS 4TH			Indian Hills Deve. Co., Inc. H. Marvin Bastian, President 1905 SW Boulevard, Wichita, Ks. 67211
Beg. at intersection of E line of Lot 1, Sec. 12, Townp. 27, Range 1 W, & the established left bank of the Arkansas River; th. W along the said bank line to a pt. 855 feet measured at right angles to said E line Lot 1; thence N to a pt. 200 feet from said River bank line; thence Ely to a pt. on the E line of said Lot 1, 200 feet from said bank line; th. S along said E line said Lot 1 to pt. of beginning.			City of Wichita E.H. DENTON, CITY MANAGER <i>Book page</i>
5	3	BENJAMIN HILLS 2ND	Richard R. & Mildred M. Ayesh 2628 Benjamin Wichita, Kansas 67204
6	3	BENJAMIN HILLS 2ND	Ruby P. Millsap & Kathryn Johnson 2616 Benjamin, Wichita, Kansas 67204
7	3	BENJAMIN HILLS 2ND	Aileen Lee 2604 Benjamin, Wichita, Kansas 67204
8	3	BENJAMIN HILLS 2ND	Arthur D. & Florence Busch 2552 Benjamin, Wichita, Kansas 67204
9	3	BENJAMIN HILLS 2ND	Lewis Barrick Jr. & Kristi C. Wilson Address Unknown <i>2488 Perry 67204</i> <i>Address found for Kristi Wilson</i>
10	3	BENJAMIN HILLS 2ND	Jerry D. Forney 2534 Benjamin, Wichita, Kansas 67204
11	3	BENJAMIN HILLS 2ND	Robert D. & Carol J. Dickerson 2520 Benjamin Wichita, Kansas 67204
12	3	BENJAMIN HILLS 2ND	Raymond D. & Gail George 2512 Benjamin Wichita, Kansas 67204
13	3	BENJAMIN HILLS 2ND	Marvin M. & Barbara Somers 2506 Benjamin Wichia, Kansas 67204
14	3	BENJAMIN HILLS 2ND	Lewis Frank & Betty Jo Hoabler 2305 North Richmond Wichita, Kansas 67204



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
15	3	BENJAMIN HILLS 2ND	✓ Jon Mattson & Shirley A. Sjogren	2315 N. Richmond Wichita, Kansas 67204
16	3	BENJAMIN HILLS 2ND	✓ Don G. & Louise K. Salyer	2325 N. Richmond Wichita, Kansas 67204
17	3	BENJAMIN HILLS 2ND	✓ Melvin C. & Dorothy A. Byers	2339 North Richmond Wichita, Kansas 67204
18	3	BENJAMIN HILLS 2ND	✓ Horton E. & Benita L. Goss	2355 N. Richmond Wichita, Kansas 67204
19	3	BENJAMIN HILLS 2ND	✓ Iris L. King & Charlotte E. Crawford	2367 Benjamin Wichita, Kansas 67204
20	3	BENJAMIN HILLS 2ND	✓ Gordon L. & Joan C. Smith	2377 N. Richmond Wichita, Kansas 67204
21	3	BENJAMIN HILLS 2ND	✓ James A. Jr. & Doris T. Moore	2381 N. Richmond Wichita, Kansas 67204
8	4	BENJAMIN HILLS 2ND	✓ John W. & Kathleen Schiffler	2324 N. Richmond Wichita, Kansas 67204
9	4	BENJAMIN HILLS 2ND	✓ Herbert W. & Eva D. Hobson	2314 North Richmond Wichita, Kansas 67204
10	4	BENJAMIN HILLS 2ND	✓ Leonard R. & Kellene M. Wright	2304 North Richmond Wichita, Kansas 67204
11	4	BENJAMIN HILLS 2ND	✓ K.E. & LaRue Yates K. Z. " " "	2414 Hyacinth Lane Wichita, Kansas 67204
12	4	BENJAMIN HILLS 2ND	✓ Albert C. & Mildred H. Martin	2315 Dogwood Wichita, Kansas 67204
1	5	BENJAMIN HILLS 2ND	✓ Tom Allen Board of Park Commissioners City of Wichita	City of Wichita
2	5	BENJAMIN HILLS 2ND	✓ Board of Education School Dist. #1	City of Wichita
1	9	BENJAMIN HILLS 2ND	✓ Fred Kuhlman & Opal Kuhlman	2256 Hyacinth Wichita, Kansas 67204
2	9	BENJAMIN HILLS 2ND	✓ John D. & Eileen C. Murray	2246 Hyacinth Wichita, Kansas 67204



  
**Fidelity Title**  
 COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
3	9	BENJAMIN HILLS 2nd	✓ May O. & Jetta J. Stinson	2238 Hyacinth Wichita, Kansas 67204
4	9	BENJAMIN HILLS 2ND	✓ William Ronald & Mindia M. Brigstocke	2228 Hyacinth Wichita, Kansas 67204
5	9	BENJAMIN HILLS 2ND	✓ H. Dean & C. Nadine Jirrels	2220 Hyacinth Wichita, Kansas 67204
6	9	BENJAMIN HILLS 2nd	✓ Wilbur R. & E. Maxine Elsea	2208 Hyacinth Wichita, Kansas 67204
7	9	BENJAMIN HILLS 2ND	✓ Terry E. & Patricia Louise Dahme	1703 North Charles Wichita, Kansas 67203
8	9	BENJAMIN HILLS 2ND	✓ Oliver R. & Marjorie Anderson	2219 Bullinger Wichita, Kansas 67204
9	9	BENJAMIN HILLS 2ND	✓ Melvin E. & Shirley K. Zandler	2231 Bullinger Wichita, Kansas 67204
10	9	BENJAMIN HILLS 2nd	✓ John M. Jr. & Betty Richards	2304 North Richmond Wichita, Kansas 67204
11	9	BENJAMIN HILLS 2ND	✓ Michael A. Belluomo Mary Paula Belluomo	2245 Bullinger Wichita, Kansas 67204
12	9	BENJAMIN HILLS 2ND	✓ Walter H.Sr. & Anita Marie Deck	2701 Benjamin Wichita, Kansas - 67204
1	10	BENJAMIN HILLS 2ND	✓ David E. & Kathleen B. Childs	2519 Benjamin Wichita, Kansas 67204
2	10	BENJAMIN HILLS 2ND	✓ C. Raymond & Kathleen V. Goble	2533 Benjamin Wichita, Kansas 67204
3	10	BENJAMIN HILLS 2ND	✓ Richard & Wilma Jeanne Bills	1514 N. Sabin Wichita, Kansas 67209
4	10	BENJAMIN HILLS 2ND	✓ Russell L. & Peggy J. Brenner	2551 Benjamin Wichita, Kansas 67204
5	10	BENJAMIN HILLS 2ND	✓ Harry J. & Norma J. Frazier	2605 Benjamin Wichita, Kansas 67204
6	10	BENJAMIN HILLS 2ND	✓ Herbert & Evelyn L. Parks	2615 Benjamin Wichita, Kansas 67204



Fidelity  Title  
COMPANY, INC.

LOT	BLOCK	ADDITION	OWNER	ADDRESS
7	10	BENJAMIN HILLS 2ND	✓ Verland M. & Elaine Patterson	2627 Benjamin Wichita, Kansas 67204
8	10	BENJAMIN HILLS 2ND	✓ David E. & Rogene Weatherston	2628 Bob White Wichita, Kansas 67204
9	10	BENJAMIN HILLS 2ND	✓ Albert P. & Reva Guerra	2616 Bob White Wichita, Kansas 67204
10	10	BENJAMIN HILLS 2ND	✓ Robert I. & Susan S. Guenther	2606 Bob White Wichita, Kansas 67204
11	10	BENJAMIN HILLS 2ND	✓ Robert Emmett & Helen Wanda Wood	2552 Bob White Wichita, Kansas 67204
12	10	BENJAMIN HILLS 2ND	✓ Clifford P. & Lois M. Brawley	2542 Bob White Wichita, Kansas 67204
13	10	BENJAMIN HILLS 2ND	✓ Dean L. & Norma L. Babb	2532 Bob White Wichita, Kansas 67204
14	10	BENJAMIN HILLS 2ND	✓ J. Carson & Virginia Rockhill	2505 Benjamin Wichita, Kansas 67204
1	11	BENJAMIN HILLS 2ND	✓ Joe Guy, Jr. & Katherine Jones	2521 Bob White Wichita, Kas 67204
2	11	BENJAMIN HILLS 2ND	✓ John O & Anna B. English	2533 Bob White Wichita, Kansas 67204
3	11	BENJAMIN HILLS 2ND	✓ Fred J. & Virginia H. Soper	2541 Bob White Wichita, Kansas 67204
4	11	BENJAMIN HILLS 2ND	✓ Leon E. & Mabelle Kirkland	2551 Bob White Wichita, Kansas 67204
5	11	BENJAMIN HILLS 2ND	✓ Don L. & Marie L. Graber	2605 Bob White Wichita, Kansas 67204
6	11	BENJAMIN HILLS 2ND	✓ Eli P. & Agnes C. Ferris	2615 Bob White Wichita, Kansas 67204
7	11	BENJAMIN HILLS 2ND	✓ Lowell W. & Lorraine Schraeder	Address Unknown 2627 Bob White Rd, 67204
8	11	BENJAMIN HILLS 2ND	✓ Bill R. & Sandra L. Phillips	2208 Bullinger Wichita, Kansas 67204
9, 10, 11, 12, 13 & 14	11	BENJAMIN HILLS 2ND	✓ John E. Brewer	2101 W. 31st St. N. Wichita, Kansas 67204 not recent 11-18-76 + Wichita, KS 67202



**Fidelity**  **Title**  
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
15	11	BENJAMIN HILLS 2ND	✓ Henry Y. & Jayne L. Green	2209 Marigold Lane Wichita, Kansas 67204
16	11	BENJAMIN HILLS 2ND	✓ Edward O. & Donna M. Elpers	2419 Benjamin Wichita, Kansas 67204
17	11	BENJAMIN HILLS 2ND	✓ Robert M. & Joan B. Shearer	2433 Benjamin Wichita, Kansas 67204
1	12	BENJAMIN HILLS 2ND	✓ Alfred M. & Beulah K. Farha	2442 Benjamin Wichita, Kansas 67204
2	12	BENJAMIN HILLS 2ND	✓ Kellis H. & Lucile K. Wilkinson	2434 Benjamin Wichita, Kansas 67204
4	12	BENJAMIN HILLS 2ND	✓ Ward E. & Gloria J. Lewis	2420 Benjamin Wichita, Kansas 67204
			2420 Benjamin	
			✓ Ray C. & Dorothy J. Hopson	2426 Benjamin Wichita, Kansas 67204
5	12	BENJAMIN HILLS 2ND	✓ Adm. of Veterana Affairs	5500 E. Kellogg Wichita, Kansas 67218
6,7 & 9	12	BENJAMIN HILLS 2ND	✓ Emmet E. & Lois Hall	2308 Hyacinth Wichita, Kansas 67204
8	12	BENJAMIN HILLS 2ND	✓ William W. & Flora M. Leblond	2227 N. Richmond 67204
10	12	BENJAMIN HILLS 2ND	✓ Adm. of Veterans Affairs	5500 E. Kellogg Wichita, Kansas 67218
11	12	BENJAMIN HILLS 2ND	✓ Jerome C. & Barbara G. Beck	2253 N. Richmond Wichita, Kansas 67204
12	12	BENJAMIN HILLS 2ND	✓ Henry & Darlene M. Jesse	2261 North Richmond Wichita, Kansas 67204
1	13	BENJAMIN HILLS 2ND	✓ Walter J. & Ruth R. Broderson	2262 N. Richmond Wichita, Kansas 67204
2	13	BENJAMIN HILLS 2ND	✓ Frank R. & Jeanne M. Cobb	2254 N. Richmond Wichita, Kansas 67204
3	13	BENJAMIN HILLS 2ND	✓ George L. & Birdie M. Harris	2244 N. Richmond Wichita, Kansas 67204



LOT	BLOCK	ADDITION	OWNER	ADDRESS
4	13	BENJAMIN HILLS 2ND	✓ John M. & Virginia Lang	2236 N. Richmond Wichita, Kansas 67204
5	13	BENJAMIN HILLS 2ND	✓ Clifford R. & Ruth D. Muhlenbruch	2228 N. Richmond Wichita, Kansas 67204
6 & 12	13	BENJAMIN HILLS 2ND	D Adm. of Veterans Affairs	5500 E. Kellogg Wichita, Kansas 67218
7	13	BENJAMIN HILLS 2ND	D Emmett E. & Lois Hall	2308 Hyacin' Wichita, Kansas 67204
8	13	BENJAMIN HILLS 2ND	✓ Henry Y. & Jayne L. Geen	2209 Marigold Wichita, Kansas 67204
9	13	BENJAMIN HILLS 2ND	✓ Leeson H. & Martha S. McCloud	2219 Marigold Wichita, Kansas 67204
10	13	BENJAMIN HILLS 2ND	✓ Larry J. & Gwendolyn P. Armfield	2229 Marigold Wichita, Kansas 67204
11	13	BENJAMIN HILLS 2ND	✓ Warran E. & Sandra Lee Carpenter	2239 Marigold Wichita, Kansas 67204
13	13	BENJAMIN HILLS 2ND	✓ Orville W. & Bettian Smith	2225 Dogwood Wichita, Kansas 67204
14	13	BENJAMIN HILLS 2ND	D Adm. of Veterans Affairs	5500 E. Kellogg Wichita, Kansas 67218
15	13	BENJAMIN HILLS 2ND	✓ Charles P. & Dorothy E. Danbury	2243 Dogwood Wichita, Kansas 67204
16	13	BENJAMIN HILLS 2ND	✓ Forrest V. & Evelyn A. Jackson	2251 Dogwood Wichita, Kansas 67204
1	14	BENJAMIN HILLS 2ND	✓ Ward H. & Esther M. Blackford	2238 Marigold Wichita, Kansas 67204
2	14	BENJAMIN HILLS 2ND	✓ Mark W. & Beverly D. Dick	2222 Marigold Wichita, Kansas 67204
3	14	BENJAMIN HILLS 2nd	✓ Bernard J. & Ralpholene Stambaugh	2206 Marigold Wichita, Kansas 67204
4	14	BENJAMIN HILLS 2ND	✓ Anna McLean	2359 McLean Blvd. NW Wichita, Kansas 67203
5	14	BENJAMIN HILLS 2ND	✓ Norman E. & Dorothy Allerheilig	2225 Sweetbriar Wichita, Kansas 67204



LOT	BLOCK	ADDITION	OWNER	ADDRESS
6	14	BENJAMIN HILLS 2ND	Presbytery of Wichita Synod of Kansas	2258 Marigold Wichita, Kansas 67204
5	7	BENJAMIN HILLS 2ND	Jack E. & Elizabeth J. Green	2302 Marigold Wichita, Kansas 67204
	1	GARDNER'S RIVERLAWN	Gardner Land, Inc. <i>rd + acct 8/19/76 to 601 N. Broadway 67214</i>	<u>221</u> North Broadway Wichita, Kansas <u>67202</u>
1	2	GARDNER'S RIVERLAWN	Emmet B. & Margaret F. Park	5707 E. 19th Street Wichita, Kansas 67208
2	2	GARDNER'S RIVERLAWN	Donald R. Armstrong & Ruby Eva Elinor Armstrong	1921 W. 23rd Street Wichita, Kansas 67204
3	2	GARDNER'S RIVERLAWN	Donald A. & Lois M. Filby	1915 W. 23rd Street Wichita, Kansas 67204
4	2	GARDNER'S RIVERLAWN	Kathleen D. Garrison V. A. & Mildred B. Miller	1909 W. 23rd Street Wichita, Kansas 67204
5	2	GARDNER'S RIVERLAWN	John W. & Lulu E. Swenson	1901 W. 23rd St. Wichita, Kansas 67204
6	2	GARDNER'S RIVERLAWN	E. W. & Nell M. Schubert	1827 W. 23rd St. Wichita, Kansas 67204
7	2	GARDNER'S RIVERLAWN	George S. & Rosa L. Simpson	1821 W. 23rd St. Wichita, Kansas 67204
8	2	GARDNER'S RIVERLAWN	Stephen J. & Janet L. Betton	1815 W. 23rd St. Wichita, Kansas 67204
9	2	GARDNER'S RIVERLAWN	William Henry Holsapple & Marjorie Holsapple	1807 W. 23rd St. Wichita, Kansas 67204
10	2	GARDNER'S RIVERLAWN	Avis R. & Deloris Gutshall	1801 W. 23rd St. Wichita, Kansas 67204
11, 12, 13, 14, 15, 16, 17, 18, 19, 20,	2	GARDNER'S RIVERLAWN	Gardner Land Inc. 221 South Broadway <i>601 N. BROADWAY 67214</i>	221 South Broadway Wichita, Kansas 67202
11	3	GARDNER'S RIVERLAWN	Nicholes N. & Anna D. Sandoval	<i>Spet + acct 11/5/76 2424 Amidon ave 67204</i> 3702 N. Topeka Wichita, Kansas 67219



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
12	3	GARDNER'S RIVERLAWN	✓ Violet J. Stevens Brenda Sue Sherrill Charles David Stevens	2416 Amidon Wichita, Kansas 67204
13	3	GARDNER'S RIVERLAWN	✓ Ray & Georgia I. Shropshire	2410 Amidon Wichita, Kansas 67204
14	3	GARDNER'S RIVERLAWN	✓ Lonzo W. & Lorene Johnson	2402 Amidon Wichita, Kansas 67204
15	3	GARDNER'S RIVERLAWN	✓ Dean E. & Betty J. Norris	1918 W. 23rd St. Wichita, Kansas 67204
16	3	GARDNER'S RIVERLAWN	✓ Jack B. & Mary L. Hollowell	1552 Burns Wichita, Kansas 67203
17	3	GARDNER'S RIVERLAWN	✓ Paul W. & Katherine M. Reeves	2415 Riverlawn Wichita, Kansas 67204
18	3	GARDNER'S RIVERLAWN	✓ John Richard & Myra M. Small	2421 Riverlawn Wichita, Kansas 67204
13	4	GARDNER'S RIVERLAWN	✓ Frederick M. & Marjorie J. Knodle	2416 Riverlawn Wichita, Kansas 67204
14	4	GARDNER'S RIVERLAWN	✓ Dennis L. & Patricia L. Rice <i>Not present 11-15-76 - 2410 Riverlawn, 67204</i>	<del>5040 E. Pawnee</del> Wichita, Kansas 67218
15	4	GARDNER'S RIVERLAWN	✓ James & LaDonna J. Sanders	1214 Kevin Rd. Wichita, Kansas 67204
16	4	GARDNER'S RIVERLAWN	✓ Wendell E. & Betty M. Palin	1824 West 23rd St. Wichita, Kansas 67204
17	4	GARDNER'S RIVERLAWN	✓ David E. & Edna E. Monk	2409 Perry Wichita, Kansas 67204
16	5	GARDNER'S RIVERLAWN	✓ Marvin L. & Regina S. Niedens	1320 Reece Road Wichita, Kansas 67052
1		BRUNCH	✓ A. R. & Thelma L. Brunch	5059 Valentine Rd. Wichita, Kansas 67214
2 & 3		BRUNCH	✓ Hale Dean Ritchie, Evan Davis Ritchie, John Proctor Ritchie	1820 N. Mosley Wichita, Kansas 67214



E 2/3 Acre of 1 Acre Tract ✓ Marcus D. Gow P.O. Box 1030  
located in NW corner Lot 2, except North 50 feet Derby Refining Co. Wichita, Kansas 67201  
for Street, NE 1/4 Sec. 7-27-1E



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
		Part Block 1, Lakeview Estates, Beginning 126.7 feet West of the Northeast corner, Block 1; W 640.29 feet; South 158.71 feet; West 158.71 feet; South 368 feet; East 325 feet; NE 200 feet; East 475 feet; North 275 feet; West 129.35 feet; North to beginning.	✓ Lakeview Development Co., Inc. P.O. Box 4048 Wichita, Ks 67204	P.O. Box 2365 N. Wichita Station Wichita, Kansas 67201
		Part Block 1, Lakeview Estates; beginning NE corner Block 1; West 126.7 feet; South 125 feet; East 129.33 feet; North 125 feet to beginning.	D Lakeview Dev. Co. Inc.	P.O. Box 2365 N. Wichita Station Wichita, Kansas 67201
		Lot 1, Lakeview Estates 2nd except beginning at SW corner; thence NE 96.95 feet; South to South line; West to beginning.	D Lakeview Dev. Co. Inc.	P.O. Box 2365 N. Wichita Station Wichita, Kansas 67201
		Beginning at SW corner Lot 1; NE 96.95 feet M.L; South to South line Lot 1; West to beginning Lakeview Estates 2nd Addition	D Lakeview Dev. Co. Inc.	P.O. Box 2365 N. Wichita Station Wichita, Kansas 67201
		Lot 4, except East 298.9 feet, Lakeview Estates 2nd Addition	D Lakeview Dev. Co. Inc.	P.O. Box 2365 N. Wichita Station Wichita, Kansas 67201
		Lot 5, Lakeview Estates 2nd Addition	D LAKEVIEW Dev. Co., Inc.	P.O. Box 2365 N. Wichita Station Wichita, Kansas 67201
		Beginning 298.9 feet West of SE corner Lot 6; West 621.1 feet; NWly 386.15 feet; West 30 feet; North 3178 feet; West 10 feet; North 3178 feet; West 10 feet; North 526.29 feet; East 130 feet; North 230 feet; NEly 30 feet; East 545 feet; SEly to a point 290 feet West of NE corner Lot 6; East 290 feet; South 415 feet; West to point 280 feet West of East line of Lot 3; South 371.6 feet; West 239.12 feet; South 15 feet to beginning Lakeview Estates 2nd Addition	D Lakeview Dev. Co. Inc.	P.O. Box 2365 N. Wichita Station Wichita, Kansas 67201



**Fidelity Title**  
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
		TWIN LAKES OFFICE PARK ADDITION	D Lakeview Dev. Co. Inc.	P.O. Box 2305 N. Wichita Station Wichita, Kansas 67201
1	1	COOK'S RIVER RANCH	Yic Cheng Shen & Jacqueline Shen	1846 Lisa Lane Wichita, Kansas 67202
2	1	COOK'S RIVER RANCH	Everett C. & Delpha A. Moss	1827 W. 18th St Wichita, Kansas 67203
3	1	COOK'S RIVER RANCH	Wayne M. & Zelma Armstrong	1809 W. 18th St Wichita, Kansas 67203
4	1	COOK'S RIVER RANCH	Robert L. & Alta L. Whitesell	1805 W. 18th St Wichita, Kansas 67203
5	1	COOK'S RIVER RANCH	Donald J. & Jean C. Lampe	806 Buffum Ave. Wichita, Kansas 67203 <i>1805 Woodrow Ct. 67203</i>
6 exc. South 1 foot	1	COOK'S RIVER RANCH	Harlan B. & Phyllis J. Dixon	1845 Woodrow Ct. Wichita, Kansas 67203
7 & South 1 foot Lot 6	1	COOK'S RIVER RANCH	Robert H. & Dorothy E. Jackson	Address Unknown <i>none found</i>
8	1	COOK'S RIVER RANCH	Eugene L. & Lorraine Jones	2607 N. Chautauqua Wichita, Kansas 67215
9	1	COOK'S RIVER RANCH	Ronald L. & Jacqueline S. Clupney	417 N. Mt. Carmel Wichita, Kansas 67203 <i>1825 Woodrow Ct. 67203</i>
10	1	COOK'S RIVER RANCH	Frank L. & Leola M. Thomas	1805 Woodrow Ct. Wichita, Kansas 67203
11, exc. Nly 2 feet Lot 11	1	COOK'S RIVER RANCH	Paul J. & Dorothy C. Andree	1814 Lisa Lane Wichita, Kansas 67203
12 & Nly 2 feet Lot 11	1	COOK'S RIVER RANCH	Jeffrey V. & Martha L. Baxter	Address Unknown <i>1824 Lisa, 67203</i>
13	1	COOK'S RIVER RANCH	Homer E. & LaDonna Keith	1828 Lisa Lane Wichita, Kansas 67203



Fidelity  Title  
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
14	1	COOK'S RIVER RANCH	✓ Phillip R. & Patricia A. Purinton	Address Unknown <i>none found</i>
15	1	COOK'S RIVER RANCH	✓ Albert H. III & Patricia Ann Nelson	1835 Lisa Lane Wichita, Kansas 67203
16	1	COOK'S RIVER RANCH	✓raig M. & Anahid Hagopian	1840 Lisa Lane Wichita, Kansas 67203
2 & 3	2	COOK'S RIVER RANCH	✓ Arlene V. Root	1847 Lisa Lane Wichita, Kansas 67203
4 & 5	2	COOK'S RIVER RANCH	✓ G. W. Bragg Co. Inc.	1743 N. Broadway Wichita, Kansas 67214
6	2	COOK'S RIVER RANCH	✓ James H. & Zelma I. Lange	1833 Lisa Lane Wichita, Kansas 67203
7	2	COOK'S RIVER RANCH	✓ Christine J. Cleary	1829 Lisa Lane Wichita, Kansas 67203
8	2	COOK'S RIVER RANCH	✓ C. Eugene & Peggy A. McGinnis	1825 Lisa Lane Wichita, Kansas 67203
9	2	COOK'S RIVER RANCH	✓ Astrid Hayden	1821 Lisa Lane Wichita, Kansas 67203
10	2	COOK'S RIVER RANCH	✓ Burditt E. Zakary	Address Unknown <i>1817 Lisa, 67203</i>
11	2	COOK'S RIVER RANCH	✓ Charley Floyd Thomas & Marjorie C. Thomas	1813 Lisa Lane Wichita, Kansas 67203
12 & 13	2	COOK'S RIVER RANCH	✓ Lawrence E. & Irene Wells	1401 Garland Wichita, Kansas 67203
1,3,5 Woodrow Court		FORD & CRANE'S	✓ Mark D. & Shirley A. Opliger	1725 North St. Clair Wichita, Kansas 67203
7,9,11 Woodrow Court		FORD & CRANE'S	✓ Sam & Lutie Schwein	1848 Woodrow Court Wichita, Kansas 67203
13,15 17 Woodrow Court		FORD & CRANE'S	✓ Gerald B. & Grace N. Beat	1842 Woodrow Court Wichita, Kansas 67203



TRACT DESCRIPTION

OWNER & ADDRESS

Lots 19 thru 29 (odd) Woodrow Court, FORD & CRANE'S ADDITION

✓ Dekalb Agricultural Association of Dekalb Co., Illinois  
1831 Woodrow Court  
Wichita, Kansas 67203

Part of Lot 6, Lakeview Estates 2nd Addition; Beginning at NW corner; SW 128.81 feet; East 180' more or less; North 88.91 feet; West to beginning.

✓ Lakeview Development Co., Inc.  
P.O. Box 2365 N. Wichita Station  
Wichita, Kansas 67201

Part of Lot 6, Lakeview Estates 2nd Addition; Beginning at a point where North line Lot 6 & NW corner Lot 2 intersect; W 295' more or less; th. S 88.91'; E 365' NW to beginning.

✓ Lakeview Development Co., Inc.  
P.O. Box 2365 N. Wichita Station  
Wichita, Kansas 67201

Part Block 1, Lakeview Estates Addition, Beg. at W corner; North 422 feet; East 325 feet; SW 255.74 feet; South 230 feet; West 130 feet to beginning.

✓ Lakeview Development Co., Inc.  
P.O. Box 2365 N. Wichita Station  
Wichita, Kansas 67201

Part Lot 2, Lakeview Estates 2nd Addition; Beg. 375 feet W of NE corner Lot 2; West 143.84'; N 15'; W 260'; SW 238.27'; E 195'; N 268 feet to beginning.

✓ Lakeview Development Co. Inc.  
P.O. Box 2365 N. Wichita Station  
Wichita, Kansas 67201



Lot 1, exc. beg. at front corner common to said Lot 1 & Lot 2; th. NEly along the line common to said Lots 1 & 2, a distance of 125'; th. SWly to a point on the front line of said Lot 1, 1.5' NWly from beginning; th. SEly 1.5 feet to beginning, all in Block 1, WOMERS SIXTH ADDITION, to Wichita, Kansas

✓ Albert L. & Virginia C. Edwards  
1915 North Edwards  
Wichita, Kansas 67203

South 2 feet of Lot 2, all of Lot 3, Block 1, WOMERS SIXTH ADDITION

✓ Charles A. & Margaret R. Beattie  
1530 West 33rd Street North  
Wichita, Kansas 67204

Lot 2, except the South 2 feet, Block 1, WOMER'S SIXTH ADDITION to Wichita, Sedgwick County, Kansas, and part of Lot 1, described as beginning at the front corner common to said Lots 1 and 2; thence Northeasterly along the line common to said Lots 1 and 2, a distance of 125 feet; thence Southwesterly to a point on the front line of said Lot 1, 1.5 feet northwesterly from beginning; thence Southeasterly 1.5 feet to beginning, all in Block 1, WOMER'S SIXTH ADDITION to Wichita, Kansas

✓ Donald L. & Johnita D. Miller  
Address Unknown

*None found  
(There are several listings in Directory for Don L. & Donald L. but not Johnita D. associated with it)*

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
All Lot 4, & North 25 feet of Lot 5, B 1	WOMER 6TH	✓	Thomas O. & Ruth Ann Beard	2733 Meadowvale St. Wichita, Kansas 67203
S 50 feet Lot 5 & N 50 feet Lot 6, Block 1	WOMER 6TH	✓	Ralph G. & Wilmar Twyman	1920 N. Sedgwick Ave. Wichita, Kansas 67203
S 25 feet of Lot 6 & Lot 7 exc. South 4 feet Block 1	WOMER 6TH	✓	Cecil M. & Frances L. Gleason	1912 N. Sedgwick Ave. Wichita, Kansas 67203
South 4 feet of Lot 7, Block 1	WOMER 6TH	✓	Robert J. & Beverly J. Kernohan	1902 N. Sedgwick Ave. Wichita, Kansas 67203
S 10 feet of Lot 16 & all Lot 15, Block 1	WOMER 6TH	✓	Lovel G. & Billie F. Swan	1901 N. St. Clair Wichita, Kansas 67203
South 65 feet of North 68 feet of Lot 16, Block 1	WOMER 6TH	✓	Ellen C. Hiatt	1911 N. St. Clair Wichita, Kansas 67203
North 3 feet of Lot 16 & Lot 17 exc. beg. NE corner West 130 feet to NW corner, South 1 foot Ely to beginning Block 1	WOMER 6TH	✓	Donald E. & Hazel Claire Winkler	1921 N. St. Clair Wichita, Kansas 67203
Beg. NE corner Lot 17, West 130 feet to NW corner, South 1 foot, Ely to point of beg. Block 1	WOMER 6TH	✓	Harold & Alice Belt	1931 N. St. Clair Wichita, Kansas 67203
Lot 18, exc. beg. front corner common to Lot 19, NW 162 feet, South 6 feet SE to beginning. Block 1	WOMER 6TH	✓	Harold & Alice Belt	1931 N. St. Clair Wichita, Kansas 67203



<u>LOT &amp; BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
Lot 19, exc. beg. front 1 corner to Lot 19 & 20, West 10 feet NW 186.3 feet, N 32.45 feet SE 210 feet to beg. & part Lot 18 beg. corner common to Lot 19, NW, 162 feet South 6 feet, SE to beginning, Block 1	WOMER 6TH	Donald & Mazie L. King	1941 N. St. Clair Wichita, Kansas 67203
Lot 20, except Ely 10 feet & part Lot 19 beg. front corner common to Lots 19 & 20 Wly 10 feet, NW 186.3 feet, N 32.45 feet, SE 210 feet to beginning, Block 1	WOMER 6TH	S. H. & Esther J. Womer	434 Ohio Wichita, Kansas 67214
Ely 10 feet Lot 20 & Lot 21, except part E of line 15 feet W SE corner ext. to pt. 20 feet Wly of NE corner, Block 1	WOMER 6TH	Fred L. & Patricia L. Coslett	2242 Bella Vista Wichita, Kansas 67203
22 & part of Lot 21, beg. SE corner, West 15 feet, North to rear line Ely 20 feet to NE corner South to beginning, Block 1	WOMER 6TH	Charles R. & Lucille Culbertson	2232 Bella Vista Wichita, Ks. 67203
23 & Wly 15 feet of Lot 24, Block 1	WOMER 6TH	Gale D. & Sara L. Black	2224 Bella Vista Wichita, Kansas 67203
24 except Wly 15 feet, Block 1	WOMER 6TH	Charles K. & Jean C. Eby	2212 Bella Vista Wichita, Kansas 67203
25 except Wly 50 feet, Block 1	WOMER 6TH	John W. & Rebecca L. Long	2200 Bella Vista Wichita, Kansas 67203
Wly 50 feet, Lot 25, Block 1	WOMER 6TH	Charles K. & Jean C. Eby	2212 Bella Vista Wichita, Kansas 67203
26 except East 10 feet, Block 1	WOMER 6TH	John W. & Rebecca L. Long	2200 Bella Vista Wichita, Kansas 67203




  
**Fidelity Title**  
 COMPANY, INC.

<u>LOT &amp; BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
27 & E 10 feet Lot 26, Block 1	WOMER 6TH ✓	Hubert M. & Shirley E. Snell	2186 Bella Vista Wichita, Kansas 67203
28 Block 1	WOMER 6TH ✓	William A. & Kathleen S. James	2108 Bella Vista Wichita, Kansas 67203
29 except beg. SE corner, NW along front 65 feet, NE to rear line SE 72 feet to NE corner SW 160 feet to beginning, Block 1	WOMER 6TH D	William M. & Kathleen S. James	2108 Bella Vista Wichita, Kansas 67203
30 & part of Lot 29 beg. SE corner NW 65 feet, NE to rear of Lot SE 72 feet SW 160 feet to beginning, Block 1	WOMER 6TH ✓	Puckney R. & Leona F. Wheeler	2168 Bella Vista Wichita, Kansas 67203
31, Block 1	WOMER 6TH ✓	H. P. Jr. & Ruth S. Lent	2162 Bella Vista Wichita, Kansas 67203
32 & beginning SW corner Lot 33, SE 41 feet NE to rear, Lot 33, NW 48 feet to NW corner SW to beginning, Block 1	WOMER 6TH ✓	Gilbert D. & Jacqueline M. Tatman	2154 Bella Vista Wichita, Kansas 67203
33 except beg. SW corner SE along front 41 feet NE to rear Lot 33, NW 48 feet to NW corner SW to beginning, Block 1	WOMER 6TH ✓	Ralph A. & Doris J. Klose	2142 Bella Vista Wichita, Kansas 67203
34 except beginning SW corner Lot 34, SE 51 feet NE to rear, Lot 34 NW 61.2 feet to NW corner SW to beginning, Block 1	WOMER 6TH ✓	J. Warren & Beatrice L. Bond <i>8/11/76 retro; 2134 Bella Vista 67203</i>	<del>6226 Jacqueline Wichita, Kansas 67208</del>



<u>LOT &amp; BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
Beg. SW corner Lot 34 SE along front 51 feet NE 134 feet to rear of Lot NW 61.2 feet to NW corner SW 142 feet to beginning, Block 1	WOMER 6TH	Ralph R. & Doris J. Klose	2142 Bella Vista Wichita, Kansas 67203
Lot 35, except that part described as beginning at the front corner common to said Lots 34 & 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 NWly 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 beg., and all of Lot 36, all in Block 1, WOMER'S 6TH ADDITION to Wichita, Ks.		James R. & Patricia P. Decker <i>ret + present 8/9/76 to 2124 Bella Vista 67203</i>	4227 Westport Lane Wichita, Kansas 67212
Part Lot 35, beginning front corner common to Lot 34 & 35, SE along front Lot 35; 61 feet NE to rear lot 35 NW 72 feet rear corner common with Lot 34 SW to beginning, Block 1		J. Warren & Jacqueline L. Bond	6226 Jacqueline Wichita, Ks. 67208
37 Block 1	WOMER 6TH	Clarence J. & Renita J. Katz	Address Unknown <i>none found</i>
38 1	WOMER 6TH	Luther & Jane S. Morrissey Fewin	2108 Bella Vista Wichita, Kansas 67203
West 150 feet Lot 39	WOMER 6TH	Walter Kay & Blanche M. Jabara	2104 Bella Vista Wichita, Kansas 67202
That part of Lot 39, lying E of the following line, beginning 150 feet E of the SW corner Lot 39, thence running N 129.31 feet to N line of Lot 39 Block 1	WOMER 6TH	Clayton Elmer & Marian B. Carpenter	2010 W. 17th St. Wichita, Kansas 67203



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
1	2	WOMER 6TH ✓	James L. & Karen J. Pinkerton	1902 N. St. Clair Wichita, Kansas 67203
2	2	WOMER 6TH ✓	Verne F. & Bessie E. Thornton	2236 W. 18th St. Wichita, Kansas 67203
West 10 feet Lot 3	2	WOMER 6TH ✓	Verne F. & Bessie E. Thornton	2236 W. 18th St. Wichita, Kansas 67203
3 exc. West 10 feet	2	WOMER 6TH ✓	Larry K. & Marilyn K. Kuhlman	2547 West 31st St. South Wichita, Kansas 67216
4	2	WOMER 6TH ✓	William L. & Mildred E. Edwards	2216 W. 18th St. Wichita, Kansas 67203
5	2	WOMER 6TH ✓	Wright E. & Barbara J. Glenn	2208 W. 18th St. Wichita, Kansas 67203
6	2	WOMER 6TH ✓	Donald L. & Harriet E. Ratzlaff	1815 Joann Wichita, Kansas 67203
7	2	WOMER 6TH ✓	Sam E. & Delia May Laham	2182 W. 18th Wichita, Kansas 67203



All of Lot 8 & part Lot 9, described as beg. at the front corner common to Lots 8 & 9, th. SELy along the front line of Lot 9, 37 feet; th. NELy parallel to the line common to Lots 8 & 9, to the rear line of Lot 9; thence NWly along the rear line of Lot 9 to the rear corner common to said Lots 8 & 9; th. SWly along the line common to said Lots 8 & 9 to the pt. of beginning, Block 2, in WOMER'S 6TH ADDITION to Wichita, Sedg. County, Kansas.

✓ Gerald L. & Delores 8719 University Ave.  
I. Waters Wichita, Kansas 67209  
✓ Ret + Resent 8/9/76 to 2172 W. 18 St, 67203



LOT	BLOCK	ADDITION	OWNER	ADDRESS
Lot 10, exc. that part desc. at the front corner common to lots 10 & 11; th. NELY 137 feet to the rear corner common to Lots 10 & 11, th. NWly along the rear line of said Lot 10, 1 foot; th. SWly to a point on the front line of said Lot 10, 1 foot NWly of beginning; Th. SWly 1 foot to beginning; and part of Lot 9, desc. as beg., at the front corner common to Lots 9 & 10; th. NWly 38 feet; th. NELY along a line parallel to the lot line common to Lots 9 & 10 to a point on the back line of Lot 9, 38 feet NELY from the back corner common to Lots 9 & 10; Th. SELY 38 feet to back corner common to Lots 9 & 10; thence SWly 134 feet to point of beginning; all in Block 2, WOMER'S 6TH ADDITION to Wichita, Kansas.			Lincoln E. & Marjorie J. Siler	2152 W. 18th St. Wichita, Kansas 672



11 & SE 1 foot Lot 10 Block 2	WOMER 6TH	✓ Carl G. & Ina M. Kraus	2142 W. 18th St. Wichita, Kansas 67203
12 2	WOMER 6TH	✓ Willis J. & Beth F. Elliott	2132 W. 18th St. Wichita, Kansas 67203
13 2	WOMER 6TH	✓ Mathew J. & Martha M. Horsch	2122 W. 18th St. Wichita, Kansas 67203
14 2	WOMER 6TH	✓ James L. & Julia Thomas	452 Winterset Lane Wichita, Kansas 67209
15 2	WOMER 6TH	✓ Morene T. Garver	2141 Bella Vista Wichita, Kansas 67203
16 & Ely 13ft. of Lot 17 2	WOMER 6TH	✓ George G. & Lucille V. Kessler	2147 Bella Vista Wichita, Kansas 67203
17 exc. Ely 13 ft, Block 2	WOMER 6TH	✓ William B. & Rhoda A. E. McConachie	2155 Bella Vista Wichita, Kansas 67203
18 2	WOMER 6TH	✓ Walter R. & Mildred A. Zittel	2163 Bella Vista Wichita, Kansas 67203

Fidelity Title  
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>	<u>ADDRESS</u>
19	2	WOMER 6TH	✓ Harold Q. & Genevieve E. Sharpe	2171 Bella Vista Wichita, Kansas 67203
20 & SWly 1 foot Lot 19 Block 2		WOMER 6TH	✓ Walter L. & Edna L. Groves	2177 Bella Vista Wichita, Kansas 67203
21	2	WOMER 6TH	✓ Larry L. & Linda Dehrot	2185 Bella Vista Wichita, Kansas 67203
22	2	WOMER 6TH	✓ Kenneth W. & S. Harlene Shreve	2193 Bella Vista Wichita, Kansas 67203
23	2	WOMER 6TH	✓ Phillip C. & Constance L. Rader	2201 Bella Vista Wichita, Kansas 67203
24	2	WOMER 6TH	✓ C. Dean & Reta A. Pressnall	2211 Bella Vista Wichita, Kansas 67203
25	2	WOMER 6TH	✓ Clifford W. & Betty B. Larson	2221 Bella Vista Wichita, Kansas 67203
26	2	WOMER 6TH	✓ Loring B. & Anna B. Smith	2233 Bella Vista Wichita, Kansas 67203
27	2	WOMER 6TH	✓ Jerome M. & Karen G. Laham	2243 Bella Vista Wichita, Kansas 67203
14	3	WOMER 6TH	✓ James L. & Geraldine Woolridge	2112 W. 17th St. Wichita, Kansas 67203
15	3	WOMER 6TH	✓ Kenneth & Lorraine N. Kallail	2102 W. 17th St. Wichita, Kansas 67203
16	3	WOMER 6TH	✓ Darold B. & Marcilla F. Spurgeon	2109 Bella Vista Wichita, Kansas 67203
17	3	WOMER 6TH	✓ Kay Louise Mills % Wichita Federal	340 South Broadway Wichita, Kansas 67202
18	3	WOMER 6TH	✓ Thomas W. & Lucille E. Phillips	2121 W. 18th St. Wichita, Kansas 67203
19	3	WOMER 6TH	✓ George W. & Martha E. Bantz	2131 W. 18th St. Wichita, Kansas 67203



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<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
20	3	WOMER 6TH	✓ Orvey B. & Audree M. Eklund 2141 West 18th Street Wichita, Kansas 67203

Dated at Wichita, Kansas, this 10th day of June, 1976, at  
7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By *Anita Gray*  
Asst. Sec. ag



Tracer No. 34103

Fidelity  Title  
COMPANY, INC.

1258

Form 25-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT

\_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Type \_\_\_\_\_ Due Date \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

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Date \_\_\_\_\_ By \_\_\_\_\_

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

Roll # 1

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