

De-50 - CARRIAGE HOUSE C 718
(Amended) Northeast corner
McCormick and Tyler Road File #2

Ratio
12.2.74

ACTION

COMMITTEE	DATE
M.A.C.	Approved subject L-9.74 to conditions
B.C.C. B.C.C.	Return to L-29.75 MARC
MaPe	Approved subject 4.10.75 to conditions
B.C.C.	Approved as reworded 4.29.75

Map No. 4946
Sec. 28
Twp. 27S
Range 1W

FRAZIER

CONSTRUCTION CO.

HARRY J. FRAZIER, JR.
President

PHONE 838-3323
2982 N. ARKANSAS
WICHITA, KANSAS 67204

DP 50
Z-
Filed 11-26-74

APPLICATION REQUEST

Commercial

1. Applicant Bill E. Mesker, et.al. *6515 Irving*
Address Mid-Continent Airport Phone 942-1468
2. Agent Roger Sherwood
Address 516 Century Plaza Bldg. Phone 267-2819
3. General Location Northeast corner McCormick & Tyler Road
Address _____
4. Proposed Use _____

AREA DATA

1. Acres _____ (_____ ft. by _____ ft.)
2. Existing Zoning _____ 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>1-9-75</u>	<u>Approved subject to conditions</u>
<u>4-10-75</u>	<u>Approved subject to conditions</u>

2. Governing Body BCC

Date	Action
<u>1-28-75</u>	<u>Return to MAPC</u>
<u>4-29-75</u>	<u>Approved as amended</u>



Kansas Federal
Credit Union

Tuck Glasse

(316) 722-3921
Residence - 722-5358

8404 West Highway 54
Wichita, Kansas 67209

REGISTERED MAIL
NO. 24832C
LAWSON, OH - BIRMINGHAM, TX U.S.A.

Shirley
No. 24832C

Carr

Nov 74

- Carrying Home CUP
cc of the Inter-Standard
Plan approved

- City Blue -

Marion Wanner
8100 W Kellogg. 67209

Carriage House Square.

Approved CUP

^{zoning}
Proposed Amendment Plan

Carriage House Square CUP - Approved in 1975

- October 4, 1977, Mrs. Walker appears before the BCC requesting that Ferguson have be rezoned.

BCC requested that staff work with Douglas and Residence to see if a satisfactory solution can be reached.

- Sewer discussion and a resolution to acquire easements heard that same day also brought direction to sewer that also.
- Developer during that discussion mentioned sewer, advised that he had plans proposed to alter the CUP
- Benefit district for sewer - who pays -
- Hurdles - need rails for being kept as street right-of-way.
- Future drainage plans for the area.
- Landscaping and finishing the lake.
- Clearing out the ditches to the lake.

5/24/78

2

Mr. Jack Halbritz
City Planning
455 N. Main
Wichita, Ks.



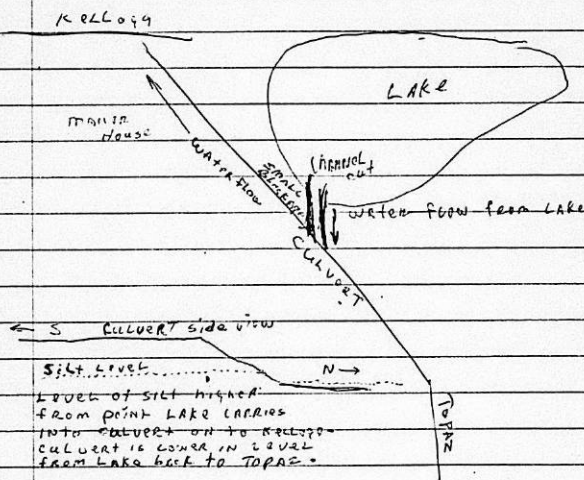
Dear Jack,

I certainly am sorry to have to
harp again about the Bailey addition....
but here I am again.... Last fall,
when we all met in your conference area
we felt all in all a lot was accomplished.
Even if it some of it was just a chance
for some to get things off their chest....
The opportunity was appreciated Jack.

We still have the lake situation,
not conforming and uninspected, also no
planting, etc. One thing that concerns
us is the drainage culvert from south
of topog running to frontog Rd. at
Kellogg. We discussed having it cleaned
out at your earliest convenience. They have
been out and cleaned out the ditches
along the roads, however, that particular
culvert is the main water carrier —
there is also an unusual situation with
next page please

PP 2

Channel cut in the lake bank, see
try and draw a picture below to illustrate



As you can see the angle of the channel
is cut so the water from the lake actually
runs back towards the residential area.

The silt level from the cut to Kellogg
is approx 1 1/2 to 2 feet higher than it is
back to Topaz, therefore the water has
a difficult time draining to Kellogg - there
is kind of an impasse when the lake

pp.

channel cut and the culverts meet.... there is just a see-saw action. It is fairly dry now, could you possibly please send a crew out to alleviate our situation, before it gets to wet again or before some of the well known may-june-july cloud-bursts hit. I (we) would really appreciate it just.... Maybe as a bonus, we could get you to ask Meeker what happened to the lake planting?? It's not to late. The lake is a mess....!

By the way, are they going to finish the deepening of the ditch along Woodbuck between Keeloy and Maple-? They were coming right along, got all the way to University & Woodbuck about a month ago, then stopped.... They started in Jan. They only have about 1/2 blocks to go and we could have the standing, stagnant water problem in front of Mary Benton school eliminated. Well, thanks for listening. Just, anything will be appreciated, you know that. I realize there are people all over the city, waiting turns.

next page

pp 4.

Thank you for your consideration.

Best regards

Dick Mitchell

515 Turquoise Ln.
Winchita, Ks.

Bailey Addition

722-3220 Hom

264-1363 Bus

- Turgeon - Cul-de-sac
necessary to be done or not.
- Sewers - Benefits of district
- Amundson to the CUP
- Deering the zoning - setbacks - screening -
- Drainage and future improvements -
- Who pays for Hendry zoning?

Mrs. Walker wants ~~with~~ cul-de-sac good.

Jim - Sanitary Sewer -

July 5, 1979

Mike Farmer
Commercial Sales Manager
Harter & Associates
401 East Douglas, Suite 401
Wichita, Kansas 67202

Re: DP-50 - Carriage House C.U.P.

Dear Mr. Farmer:

We have reviewed the letters you submitted from Bendix and Garnett Auto Supply, as well as Mr. Feldner's letter of May 18, 1979 advising your Company of his opinion that "service oriented retail business" is one that does not offer merchandise, wares, chattels or goods for sale, and primarily limits service activities to intangibles. At that time he advised that neither use was permitted in Parcel 1.

Parcel 1 on the above captioned C.U.P. lists under proposed uses the following:

Financial and other service oriented retail businesses that do not include carry-out food service as the principal business.

It is my opinion that if the intent had been to permit general retail type uses, some other type of wording would have been proposed by the applicant. After reviewing our files, we found that the original C.U.P. considered by the Planning Commission proposed the following for Parcel 1:

All uses provided in "LC" zoning areas except drive-in restaurants, public garages, storage garages, printing shops, and mortuaries.

This wording was much too general and, in fact, the City Commission in returning the case to the Planning Commission specifically listed as one of the reasons for returning, "proposed uses are not specific". Based on that statement,


Page Two
Mike Farmer
July 5, 1979

the C.U.P. was resubmitted with the wording that is now in question.

At my request you furnished additional letters from Bendix and Garnett Auto Supply. Mr. Feldner's staff has reviewed the present Bendix operation and are now of the opinion that such use would be considered a "service business" and could be located on Parcel 1. Garnett, on the other hand, if primarily dealing in retail sales, would not be permitted based on the opinion of Mr. Feldner with which I concur. Uses that would provide a service are like a barber and beauty shops, business and commercial schools; laundry and dry cleaning establishments, printing shops, all of which are limited to five employees; shoe repair shops, tailors and other similar uses not involved in direct retail sales as the principal use.

I hope this satisfactorily answers the question you raised. If I can provide additional assistance, please advise.

Sincerely,


Robert A. Lakin
Director of Planning

RAL:JHG:el

cc: Bud White, 210 Pattie, 67211
Robert B. Feldner, Superintendent of Central Inspection

& ASSOCIATES

401 EAST DOUGLAS
SUITE 401
WICHITA, KANSAS 67202
(316) 263 6244

MIKE FARMER
COMMERCIAL SALES MANAGER

June 5, 1979

Mr. Jack Galbraith
Metropolitan Area Planning Department
455 North Main
Wichita, Kansas 67202

Re: Location of Garnett Auto Supply in building to be
constructed on Parcel 1 of the CUP-DP-50.

Dear Mr. Galbraith:

Due to the new Airport Road, we are currently negotiating
to relocate our Store No. 5 from it's present location at
7725 W. Kellogg to the above referenced site.

The majority of our business consists of retail sales inside
a building via "walk-in" customers. We presently have a
number of our stores located on "LC" zoned property through-
out the City.

If you have any other questions about our business, please
contact Mike Farmer at Harter & Associates, Inc., 263-6244;
or you may call me at 267-4393.

Sincerely,

GARNETT AUTO SUPPLY, INC.

Eugene J. Koenigs
Eugene J. Koenigs

EJK;cs



**Flight Systems
Division**

Teterboro, N J 07608
Tel (201) 288-2000
The Bendix Corporation

6730 West Kellogg
Wichita, Kansas 67209
June 13, 1979

Mr. Jack Galbraith
Metropolitan Area Planning Department
455 North Main
Wichita, Kansas 67202

Re: Location of Bendix Corporation Flight Systems
Division in building to be constructed on Parcel 1
of the CUP-DP-50.


Dear Mr. Galbraith:

We are currently considering a relocation of our business from our present location at Land-O-West Shopping Center, 6730 West Kellogg, Wichita, Kansas, to the above referenced property. We have been located at 6730 West Kellogg since March 1, 1974, and this property is zoned "LC" Light Commercial.

Our business consists strictly of retail sales and/or service inside a building. A large part of our business consists of "walk-in" customers and we do absolutely no wholesaling.

If you have any questions about our business, please contact Mike Farmer at Harter & Associates, Inc. 263-6244; or you may call me at 943-9308.

Sincerely,

David Ambriz 
David Ambriz
Manager, Wichita Support Facility

DA/dr

cc: Mike Farmer

THE CITY OF WICHITA



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

May 18, 1979

Mr. Gary Nelson
Homes by Harter, Realtors
7310 West Central
Wichita, Kansas 67212

Dear Mr. Nelson:


Re: Your letter requesting an interpretation regarding use of Parcel 1
of CUP - DP-50 by Garnetts Auto Supply, Bendix Corporation, and
Household Finance

The proposed uses on the approved plan referenced above for Parcel 1 are
stated as follows: "Financial and other service oriented retail businesses
that do not include carry out food service as the principal business."

Central Inspection Division has historically interpreted "service oriented
retail businesses" as an establishment that does not offer merchandise,
wares, chattels or goods for sale, and primarily limits service activities
to intangibles. Thus, Garnetts Auto Supply's sale of automotive parts and
Bendix Corporation's repair and calibration of aircraft instruments are not
allowable uses in Parcel 1. Household Finance is an allowable use.

If further information or clarification is desired, it will be expeditiously
supplied upon request.

Sincerely,


Robert B. Feldner
Superintendent of Central Inspection

RBF:mm1

SUPERINTENDENT OF CENTRAL INSPECTION
BUILDING CODE ENGINEER
PLAN EXAMINATION

268 4460
268 4468
268 4477

HOUSING
ZONING
SIGNS

268 4481
268 4479
268 4475

BUILDING & CONSTRUCTION
PLUMBING & MECHANICAL
ELECTRICAL & ELEVATOR

268 4461
268 4476
268 4471

November 7, 1978

Mr. A. D. Daniel
Hill-Daniel Nursery
9200 Maple
Wichita, Kansas 67209

Re: Landscape plan amendment for
Carriage House C.U.P. (DP-50)

Dear Mr. Daniel:

This is to advise that we are in receipt of and have reviewed your intended amendments to the landscape plan for the Carriage House Community Unit Plan. We find your proposed substitution of plant materials to be generally acceptable. We do, however, suggest that you consider placing five or six Bald Cypress trees around the periphery of the proposed lake as an alternate to the American Elms indicated on your plan. We have also noted that your proposed plan does not indicate the means of providing water to the materials proposed for planting. An adequate water supply is very important in assuring the survival of new materials in the generally hot-dry climate of south central Kansas. This is particularly true for the Junipers you suggest along the north and northwest side of the proposed lake. Junipers are also susceptible to bagworm infestations and will require regular maintenance to avoid these problems.

On the basis of these concerns, we are hereby approving your amended landscape plan on the condition that you furnish a letter to the Planning Department specifying the manner by which water will be provided to the planted materials and indicating who will be responsible for the continued maintenance of the materials after they are planted.

We will advise the Superintendent of Central Inspection, by copy of this letter, of the conditional approval of your landscape plan amendments.

1-9-75 MAPC
TPS-
4-10-75 TP8 F

Page Two
Mr. A. D. Daniel
November 7, 1978

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:RLY:e1

cc: Robert B. Feldner, Superintendent of Central Inspection
Roger Sherwood, 516 Century Plaza Bldg., 67202
Bud White, 210 Pattie, 67211

from _____ date: _____

admin. adv. plans cur. plans social graphics

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| <input type="checkbox"/> henderson | <input type="checkbox"/> carlman | <input type="checkbox"/> debsan | <input type="checkbox"/> kohl t. | <input type="checkbox"/> commer |
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10/25/98
JWH

remarks: Have not been
contacted since 7/98
let Feldner know
Monday.

Young

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE October 10, 1978

TO Robert L. Young, Principal Planner

FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT DP-50 Carriage House CUP

In a conversation with Hill Danial Nursery on October 9, it was confirmed that they have a revised Landscape Plan to submit to your office for approval. If approved, they are prepared to start the installation immediately.

They have been told that any change in the approved Landscape Plan will open up for review other requirements such as a bond and sprinkler system.

Robert B. Feldner
Robert B. Feldner
Superintendent of Central Inspection

RBF:mm1



October 5, 1978

Robert B. Feldner, Superintendent of Central Inspection
Robert L. Young, Principal Planner

DP-50 - Carriage House C.U.P. - at the northeast
corner of McCormick & Tyler Road.

We have received a note dated October 2, 1978, from Mr. Dick Mitchell, 515 Turquoise Lane, inquiring as to the reasons for the delays in accomplishing the required screening and landscaping on the Carriage House Square C.U.P.

The latest correspondence from Mr. Sam Mobley of your office dated August 24, 1978, indicates that "upon any break in the weather pattern, work will start or legal action initiated."

Would you please advise us on the present status of this project so we may respond to Mr. Mitchell's inquiry.

Robert L. Young
Principal Planner

RLY:el

From the desk of - ●
DICK MITCHELL

date 10-2-78

Dear Jack,

We still are waiting....
Very patiently, I might add.

For the life of me I can
not understand why this
project cannot be accomplished.

Sincerely

Dick Mitchell
515 Turquoise Ln.
City

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE

May 31, 1978

TO Robert B. Feldner, Superintendent of Central Inspection
FROM Jack H. Galbraith, Chief Planner
SUBJECT DP-50 - CARRIAGE HOUSE C.U.P. at the northeast corner of McCormick and Tyler Road



Attached is a copy of a letter from a resident of the neighborhood located to the north of the Carriage House C.U.P. voicing some concerns over drainage conditions in the area, as well as problems of non compliance with the approved C.U.P. regarding required landscaping around the lake.

The amended C.U.P. was approved by the Board of City Commissioners on April 29, 1975 and general provision number six provides in part:

"A landscape plan shall be prepared by a landscape architect for the planting screens and all of Parcel 3, indicating the location, type, and specifications of planting materials, shall be submitted to the Planning Department for their review and approval prior to issuance of building permits.

The planting in the areas designated shall be done in the first planting season after the recording of the plat."

On April 29, 1976, a landscape plan was approved for the required planting strips and for Parcel 3 (the lake parcel). After complaints from area residents about non provision of required landscaping, the Planning staff checked the site and noted that landscaping had only been provided adjacent to the west and north sides of that portion of Parcel 2 which is developed with a TG&Y store. Although certain other portions of the landscaping are not required until such time as additional development occurs on the C.U.P., a letter from the City Manager to neighborhood residents on June 10, 1977 proposed that the lake be completed as soon as possible including the required plantings (on Parcel 3). After numerous other complaints were voiced by area residents, the Board of City Commissioners requested that the city staff, area residents, and the developer of the C.U.P. meet and discuss the problems. On December 2, 1977, a meeting was held and various problems were discussed, including the non provision of landscaping. At that meeting,

Page Two
Robert B. Feldner
Superintendent of Central Inspection
May 31, 1978

the developer stated that he would provide the required landscaping in the first planting season.

When the problems of the C.U.P. were discussed at the December 20, 1977 regular meeting of the Board of City Commissioners, the City Manager advised the Commission that the staff would monitor the progress of completing the required landscaping by the spring of 1978 planting season.

Spring 1978 is almost past and again the required landscaping has not been provided on Parcel 3 (the lake). By separate memo, I am requesting that Mr. Wilton look into problems with the drainage channel as noted in the attached letter. Would you please look into the landscaping question and determine when compliance will occur and advise me of the status so that we can advise Mr. Mitchell.

Should you have questions, please call.

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:MM:el
Attachment

cc: Robert G. Finch, Deputy City Manager
Ray Bruggeman, Director of Public Works
Sam Mobley, Central Inspection
Fred Linde, Grievance Officer
✓ Dick Mitchell, 515 Turquoise Lane, Wichita, 67209

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
408 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4551

June 28, 1978

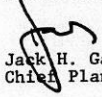
Mr. Dick Mitchell
515 Turquoise Lane
Wichita, Kansas 67209

Re: DP-50 - Carriage House C.U.P. -
at the northeast corner of
McCormick and Tyler Road.

Dear Mr. Mitchell:

As stated in my letter to you yesterday that I would keep you advised of any additional information I receive, I am enclosing a copy of the latest letter received today for your information files.

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:el

Enclosure

THE CITY OF WICHITA

Jo



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

June 26, 1978

Mr. Bud White
210 Pattie
Wichita, KS 67211

Dear Sir:

Re: Carriage House CUP #50

It has now been several weeks since this office contacted you regarding the screening requirements on subject Community Unit Plan. You stated at that time that a nursery had been ordered to install the planting per the approved layout. To date no work has been done and we are well into the planting season for some species, and may be out of planting season for others.

This letter shall serve as notice that unless work is in progress on the required planting or a suitable bond posted assuring same, within 10 days of the date hereon, this office has no alternative other than filing a complaint in Municipal Court.

The enforcement authority granted to the Central Inspection Division by the City Commission is not limited to "please letters", we can under certain conditions prevent the further development of subject CUP along with the fines and assessment that the court may impose.

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

Sincerely,

Sam L. Mobley

Sam L. Mobley
Building Code Administrator

cc: Ray Trail, Executive Secretary
John Dekker, Director of Law
Robert Lakin, Director of Planning

Robert D. Feidner, Superintendent of Central Inspection

SUPERINTENDENT OF CENTRAL INSPECTION 268-4450
BUILDING CODE ENGINEER 268-4408
PLAN EXAMINATION 268-4477

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

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



*meel
F.U.*

THE CITY OF WICHITA

OFFICE OF Central Inspection Division **DATE** August 24, 1978

TO Jack Galbraith, Chief Planner

FROM Sam L. Mobley, Building Code Administrator

SUBJECT Status Report CUP #50
"Carriage House"

As of this date no actual work has been done on this portion of CUP #50 (Parcel #3 lake screening).

On July 13, 1978, I received a letter (copy enclosed) referring to "our specifications" not the "approved plan", this point has been rectified. Any changes in the "approved plan" must be cleared thru Planning.

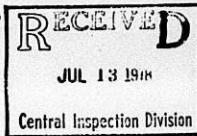
This division will continue to monitor this area and upon any break in the weather pattern, work will start or legal action initiated.

Sam L. Mobley
Sam L. Mobley
Building Code Administrator

SJM/mc



Hill - Daniel Nursery
9200 Maple
Wichita, Kansas



Sam Mobley
Central Inspection Division
City Building
455 North Main Street
Wichita, Kansas 67202

Re: Parcel #3, Carriage House Plaza
Second Addition - CUP

Dear Mr. Mobley:

Per our telephone conversation July 11, 1978, please be advised, Bud White and I have a verbal agreement to landscape the above referenced.

As soon as planting conditions are such that it is reasonable to assume that plants can survive, we shall proceed with the planting per our specifications.

Yours truly,

HILL-DANIEL NURSERY

A. D. Daniel
A. D. Daniel

August 24, 1978

Mr. Bud White
210 Pattie
Wichita, KS 67211

Dear Sir:

Re: Carriage House CUP #50

I have been informed by Mr. A. D. Daniel (Hill-Daniel Nursery), that he has verbal agreement with you (owner of Carriage House CUP #50) to landscape the east portion (lake area) per his specifications.

Two things bother me about the above, (1) A signed contract would be the only acceptable instrument for granting any extension of time on the landscaping requirement, in fact we are now requiring a cash bond to assure the installation of the screening ordinance. (2) Mr. Daniel's reference to his specifications is not in order as it must be installed per the "approved plans" as submitted and stamped. Any changes that he may wish to make would require resubmission to the Planning Department for their concurrence.

This division will continue to monitor this project and upon any break in the weather pattern, we will expect work to begin.

Since the City Commission is vitally interested in this project due to many neighborhood complaints, and the City Manager's requests for weekly reports on progress, it would be appreciated if you would keep me informed of any developments.

Sincerely,

Sam L. Mobley
Building Code Administrator

August 30, 1978

Mr. Marion M. Wimmer
8100 West Kellogg
Wichita, Kansas 67209

Re: Carriage House CUP

Dear Marion:

Have enclosed several xerox sheets for your information. First, the area west of your site is platted as Lot 1, Block 4, Carriage House Plaza Second Addition. A copy of the entire plat can be ordered from any blueprint company who can obtain the original from the Register of Deeds. Also, attached is a copy of a portion of the CUP known as Parcel 3 and the associated CUP text that applies. Please note that the proposed use of this parcel is for "open area and drainage easement until such time as the plan is amended".

There is also an approved landscape plan in our files, however, it is a large sheet and difficult to xerox. The landscaping has not been planted and that is one of several violations that is presently under review by the Office of Central Inspection. If you would like to review the files in detail, please give me a call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el
Enclosures

June 30, 1978

Mr. Jack Galbraith, Chief Planner
Metropolitan Area Planning Dept.
City Hall - Tenth Floor
455 N. Main
Wichita, Kansas 67202



Mr. Galbraith:

Item #1 Thank you . . . your help is and has been greatly appreciated, Mr. Galbraith. The wheels turn slowly; but without you to keep a finger on it for us, we wouldn't be this far

I really hoped it wouldn't have to go as far as it has with Mr. White--the possibility of Municipal Court action and/or permit retentions. However, he made his bed, I guess you gave him ample opportunity to handle it I certainly hope that regarding the lateness of the planting that he still will be required to replace anything that dies . . . otherwise it will be for naught.

Item #2 I'm sorry about the possible misunderstanding in reference to the culvert, Mr. Galbraith. I probably led you in the wrong direction by bringing the lake openings into it. I guess the bottom line is silt, weeds and various accumulations of debris in the culvert. I concur with you in regard to the elevation situation, I have seen the map on the area and that's the way it is all right. Also, I realize we are stuck with the frontage road elevation pool for the present. Again I apologize, I really (or we) intended to imply we would like the culvert scraped out, smoothed out, or whatever to take the "humps" out between the Topaz and frontage road points--"high spots" if you will. The water is moving out fairly well, considering. High water runs very well. But . . . when it gets down to say 6-8 or 10 inches, it stops; because of the silt build ups in the culvert. However, if all that can be done, has been done and you feel that a scraping or cleaning will not help, so be it.

We are pleased that you have stuck with us, Mr. Galbraith, at least we know we can trust you. That means quite a bit to us. Again, many thanks for following through on our plight.

Incidentally, Mrs. Walker sold her house 2 or 3 months ago, in pretty good time and for pretty much what she wanted. A doctor bought it. His reason, the cul-de-sac . . . ! How about that.

Best regards,

Dick Mitchell

Dick Mitchell
515 Turquoise Lane
Wichita, Kansas 67209

P.S. I have Xeroxed and distributed copies of your's and my letters to other residents--to keep them posted.

June 28, 1978

Mr. Dick Mitchell
515 Turquoise Lane
Wichita, Kansas 67209

Re: DP-50 - Carriage House C.U.P. -
at the northeast corner of
McCormick and Tyler Road.

Dear Mr. Mitchell:

As stated in my letter to you yesterday that I would keep you advised of any additional information I receive, I am enclosing a copy of the latest letter received today for your information files.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el

Enclosure

THE CITY OF WICHITA

JB



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

June 26, 1978

Mr. Bud White
210 Pattie
Wichita, KS 67211

Dear Sir:

Re: Carriage House CUP #50

It has now been several weeks since this office contacted you regarding the screening requirements on subject Community Unit Plan. You stated at that time that a nursery had been ordered to install the planting per the approved layout. To date no work has been done and we are well into the planting season for some species, and may be out of planting season for others.

This letter shall serve as notice that unless work is in progress on the required planting or a suitable bond posted assuring same, within 10 days of the date hereon, this office has no alternative other than filing a complaint in Municipal Court.

The enforcement authority granted to the Central Inspection Division by the City Commission is not limited to "please letters", we can under certain conditions prevent the further development of subject CUP along with the fines and assessment that the court may impose.

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

Sincerely,

Sam L. Mobley

Sam L. Mobley
Building Code Administrator

cc: Ray Trail, Executive Secretary
John Dekker, Director of Law
Robert Lakin, Director of Planning

Robert B. Feldner, Superintendent of Central Inspection

SUPERINTENDENT OF CENTRAL INSPECTION	268-4460	HOUSING	268-4481	BUILDING & CONSTRUCTION	268-4461
BUILDING CODE ENGINEER	268-4468	ZONING	268-4479	PLUMBING & MECHANICAL	268-4476
PLAN EXAMINATION	268-4467	SIGNS	268-4475	ELECTRICAL & ELEVATOR	268-4471



June 27, 1978

Mr. Dick Mitchell
515 Turquoise Lane
Wichita, Kansas 67209

Dear Mr. Mitchell:

Re: DP-50 - Carriage House C.U.P. -
at the northeast corner of
McCormick and Tyler Road.

Regarding your inquiry as to the maintenance of the ditches associated with the above case, I copied you in on my letter to George Wilton dated May 31, 1978. Thought you would be interested in a copy of his memorandum in response.

I still have not had any reply from Feldner with regard to the landscaping, however, I'll keep you advised when I hear something.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el

Enclosure

THE CITY OF WICHITA

OFFICE OF Superintendent of Public
Works Maintenance

DATE June 22, 1978

TO Jack H. Galbraith, Chief Planner, MAPD

FROM G. H. Wilton

SUBJECT DP-50 Carriage House C.U.P.
NE Corner McCormick and Tyler

The flow line elevation of the culvert under Topaz Lane is 136.6. The flow line elevation of the culverts under the Kellogg Service Road is 136.4. The ditch connecting the two locations is at a slightly lower elevation.

The normal pool elevation was established as 136.0, approximately the elevation of its outlet, the culvert under the service road. A recent check shows the pool elevation at 134.8.

There is an inflow ditch at the northeast corner of the lake at elevation 134.9 and an outflow ditch at the southwest corner of the lake at elevation 137.0. We will lower the latter, but it won't change a thing. The key to the problem is the culvert elevation at the service road and the roadside ditch into which it drains. You must realize that this area does not have an outlet for its drainage and until it gets one nothing of any great benefit can be done.

G. H. Wilton,
Superintendent
Public Works Maintenance

gc



May 31, 1978

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

DP-50 - CARRIAGE HOUSE C.U.P. at the northeast
corner of McCormick and Tyler Road

Attached is a copy of a letter from a resident of the neighborhood located to the north of the Carriage House C.U.P. voicing some concerns over drainage conditions in the area, as well as problems of non compliance with the approved C.U.P. regarding required landscaping around the lake.

The amended C.U.P. was approved by the Board of City Commissioners on April 29, 1975 and general provision number six provides in part:

"A landscape plan shall be prepared by a landscape architect for the planting screens and all of Parcel 3, indicating the location, type, and specifications of planting materials, shall be submitted to the Planning Department for their review and approval prior to issuance of building permits.

The planting in the areas designated shall be done in the first planting season after the recording of the plat."

On April 29, 1976, a landscape plan was approved for the required planting strips and for Parcel 3 (the lake parcel). After complaints from area residents about non provision of required landscaping, the Planning staff checked the site and noted that landscaping had only been provided adjacent to the west and north sides of that portion of Parcel 2 which is developed with a TG&Y store. Although certain other portions of the landscaping are not required until such time as additional development occurs on the C.U.P., a letter from the City Manager to neighborhood residents on June 10, 1977 proposed that the lake be completed as soon as possible including the required plantings (on Parcel 3). After numerous other complaints were voiced by area residents, the Board of City Commissioners requested that the city staff, area residents, and the developer of the C.U.P. meet and discuss the problems. On December 2, 1977, a meeting was held and various problems were discussed, including the non provision of landscaping. At that meeting,

Page Two
Robert B. Feldner
Superintendent of Central Inspection
May 31, 1978

the developer stated that he would provide the required landscaping in the first planting season.

When the problems of the C.U.P. were discussed at the December 20, 1977 regular meeting of the Board of City Commissioners, the City Manager advised the Commission that the staff would monitor the progress of completing the required landscaping by the spring of 1978 planting season.

Spring 1978 is almost past and again the required landscaping has not been provided on Parcel 3 (the lake). By separate memo, I am requesting that Mr. Wilton look into problems with the drainage channel as noted in the attached letter. Would you please look into the landscaping question and determine when compliance will occur and advise me of the status so that we can advise Mr. Mitchell.

Should you have questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:MM:el
Attachment

cc: Robert G. Finch, Deputy City Manager
Ray Bruggeman, Director of Public Works
Sam Mobley, Central Inspection
Fred Linde, Grievance Officer
Dick Mitchell, 515 Turquoise Lane, Wichita, 67209

May 31, 1978

George Wilton, Superintendent of Public Works Maintenance
Jack H. Galbraith, Chief Planner

DP-50 - CARRIAGE HOUSE C.U.P., at the northeast
corner of McCormick and Tyler Road.

Attached is a copy of a letter from a resident of the neighborhood located to the north of the Carriage House C.U.P. voicing some concern over drainage conditions in the area and the need to clean out some ditches/culverts.

This has been a matter of great concern to neighborhood residents since the amended C.U.P. was first approved in 1975. On December 2, 1977, a meeting was held with city staff (engineering, planning, traffic engineering, Fred Linde), the developer, and eighteen area residents to discuss problems associated with the C.U.P. During this meeting area residents expressed several complaints regarding the lake and drainage conditions in the area. Max Green of Flood Control Maintenance was also in attendance and assured area residents that the ditches would be cleaned and maintained. Although it appears that some cleaning was done, the job was never completed and there are still problems.

By separate memo, I am requesting that Bob Feldner of Central Inspection look into the non provision of landscaping required by the C.U.P. Would you please look into the drainage situation and determine if some improvements could be made.

Should you have questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:MM:el

cc: Robert G. Finch, Deputy City Manager
Ray Bruggeman, Director of Public Works
Max Green, Flood Control Maintenance
Fred Linde, Grievance Office
Dick Mitchell, 515 Turquoise Lane, Wichita 67209

(Attachment)

5/24/78



Mr. Jack Halliwell
City Planning
455 N. Main
Winkita, KS.

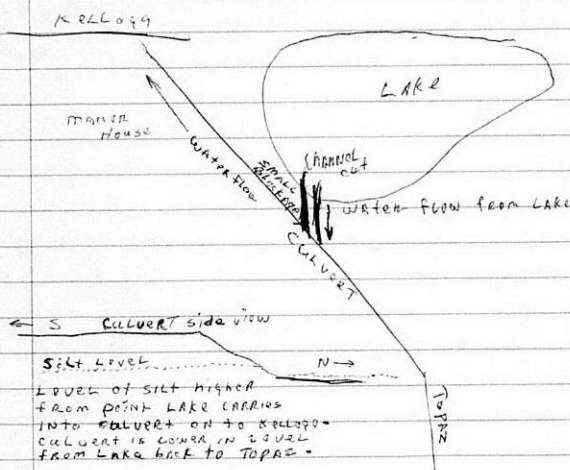
Dear Jack,

I certainly am sorry to have to
harp again about the Bailey addition....
but here I am again.... Last fall,
when we all met in your conference area,
we felt all in all a lot was accomplished.
Even if it some of it was just a chance
for some to get things off their chest....
The opportunity was appreciated Jack.

We still have the lake situation,
not conforming and uninspected, also no
planting, etc. One thing that concerns
us is the drainage culvert from south
of topog running to frontage Rd. at
Kellogg. We discussed having it cleaned
out at your earliest convenience. They have
been out and cleaned out the ditches
along the roads, however, that particular
culvert is the main water carrier —
there is also an unusual situation with
next page please

pp 2

Channel cut in the lake bank, see
try and draw a picture below to illustrate



As you can see the angle of the channel
is cut so the water from the lake actually
runs back towards the residential area.

The silt level from the cut to Kellogg
is approx 1 1/2 to 2 feet higher than it is
back to Topaz, therefore the water has
a difficult time draining to Kellogg - there
is kind of an impasse where the lake

pp.

channel cut and the culvert meet.... there is just a see-saw action. It is fairly dry now, could you possibly please send a crew out to alleviate our situation, before it gets to wet again or before some of the well known may-june-july cloud-bursts hit. I (we) would really appreciate it just Maybe as a bonus, we could get you to ask Meeker what happened to the lake planting ??? It's not to late. The lake is a mess!

By the way, are they going to finish the deepening of the ditch along Woodchuck between Keely and Maple - ? They were coming right along, got all the way to University & Woodchuck about a month ago, then stopped.... They started in Jan. They only have about 1/2 blocks to go and we could have the standing, stagnant water problem in front of Mary Benton school eliminated. Well, thanks for listening. Just, anything will be appreciated, you know that. I realize there are projects all over the city, waiting turns.
new post

pp 4.

Thank you for your consideration.

Best regards

Dick Mitchell

515 Turquoise Rd.
Wichita, Ks.

Bailey Addition

722-3220 Home

264-1303 Bus.

McCormick-Armstrong, P. O. Box 1377, Wichita, Kansas 67201



MCA

Mr. Jack Halbritter
City Planning Dept.
City Hall
455 N. Main
Wichita, K.S.

December 28, 1977

Mr. Bill Mesker
6515 Irving
Wichita, Kansas 67215

Re: DP-50 - Carriage House CUP

Dear Bill:

The Board of City Commission at its regular meeting of December 20, 1977, considered the related problems of sewer extension and the Turquoise cul-de-sac associated with the above captioned CUP. Their action was that Turquoise Lane remain closed and the staff was authorized to work with Mrs. Walker to extend the existing posts to protect her property. The City Engineer was also authorized to proceed with sanitary sewer extension as planned.

With regard to the landscaping of the lake, although no action was taken, the Manager advised the Commission that the staff would monitor the progress of completing the landscaping by the spring of 1978 planting season. I would recommend that you select a nurseryman immediately so that plant materials can be ordered, if necessary, so that planting of the lake in conformance with your previously submitted and approved landscaping plan can be completed.

One additional item that needs your attention is to eliminate the possibility of any vehicles entering the rear of the shopping center from Evergreen. This could be accomplished on your part by either extending the required wall or working with the Department of Public Works to see that a substantial barricade is placed in the right-of-way of Evergreen to prohibit traffic from driving through the field that you still farm.

If you have any questions on any of these items, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el
cc: Bud White, 210 Pattie, 67211
Robert G. Finch, Deputy City Manager
Ray Bruggeman, Director of Public Works
Robert B. Feldner, Superintendent of Central Inspection

WICHITA-SEDGWICK COUNTY

DATE


December 21, 1977

METROPOLITAN AREA PLANNING DEPARTMENT

TO "THE FILES"
FROM Jack H. Galbraith, Chief Planner
SUBJECT DP-50 - CARRIAGE HOUSE C.U.P.

The Board of City Commission at its regular meeting of December 20, 1977, considered the above captioned C.U.P. and the items listed in the attached memorandum. Their action was that Turquoise Lane remain closed and the staff was authorized to work with Mrs. Walker to extend the existing post to protect her property. The City Engineer was also authorized to proceed with the sanitary sewer extension as planned.

Although no action was taken, the Manager advised the Commission that the staff would monitor the progress of landscaping the lake.


Jack H. Galbraith
Chief Planner

JHG:el
Attachment

WICHITA-SEDGWICK COUNTY

DATE
December 12, 1977

METROPOLITAN AREA PLANNING DEPARTMENT

TO Robert G. Finch, Deputy City Manager

FROM Jack H. Galbraith, Chief Planner

SUBJECT DP-50 - Carriage House C.U.P. and Related problems.

Office Of The City Manager	
<input type="checkbox"/> EHD	<input type="checkbox"/> HP
<input type="checkbox"/> RGF	<input type="checkbox"/> MS
<input type="checkbox"/> RT	<input type="checkbox"/> SH
DEC 12 1977	
<input type="checkbox"/> Copies To	_____
<input type="checkbox"/> Send To	_____
<input type="checkbox"/> File	_____

On October 4, 1977, the Board of City Commissioners considered a request from Mrs. William B. Walker to have Turquoise Lane re-opened where it cul-de-sacs at Hendryx (said cul-de-sac, a requirement of Community Unit Plan DP-50) and, later in the meeting, considered a resolution to initiate acquisition of easements in connection with a proposed sanitary sewer to serve an area east of Tyler Road and north of U.S. 54. It was the action of the City Commission to instruct the administrative staff to review the C.U.P. requirements and work with the developer and neighborhood residents in an attempt to resolve problems in the area.

Pursuant to your memo of October 5, 1977, the MAPD staff organized an informal meeting at 1:30 p.m. on Friday, December 2, 1977. In attendance were the developer, approximately eighteen neighborhood residents, and representatives of the planning staff, flood control/maintenance, traffic engineering, engineering, and the City Grievance Officer. The discussion centered on the following items:

1. Reopening of Turquoise Lane - The cul-de-sac at Hendryx and Turquoise Lane was a requirement of the approval of DP-50 Carriage House C.U.P. in order that the commercial traffic from the center on Hendryx Street would be oriented to Woodchuck Lane and U.S. 54 rather than permitted to filter through the neighborhood on the residential streets (most of which are unpaved). Although the staff believed that the installation of the cul-de-sac would occur at the time Hendryx Street was opened, the cul-de-sac was installed prior to that time at the request of neighborhood residents. Mrs. Walker and one or two other neighborhood residents were in support of the removal of the cul-de-sac and the problems it was causing her, however, the majority of the neighborhood residents wished to retain the cul-de-sac, citing decreased traffic in the neighborhood and lower speeds since the cul-de-sac installation. Some options such as redesign of the cul-de-sac and increased fencing to keep traffic off Mrs. Walkers property were discussed, but Mrs. Walker indicated that such would not be satisfactory and only the removal of the cul-de-sac would solve her problems. A suggestion that the cul-de-sac be temporarily removed until such time as Hendryx is installed, was opposed by a majority of residents as a waste of tax dollars as

Page Two
Robert G. Finch, Deputy City Manager
December 12, 1977

well as causing more neighborhood traffic in the interim. In short - no compromise on the cul-de-sac could be reached and the Board of City Commissioners will need to make a decision as to whether the cul-de-sac should be removed or retained. We have rescheduled consideration of this item for the December 20, 1977 meeting of the Board of City Commissioners. Both Mrs. Walker and neighborhood opponents of cul-de-sac removal have indicated they will be in attendance on this item.

Hendryx should remain

2. The installation of sanitary sewer (Lateral 25, Main 4, Southwest Interceptor Sewer). - The developer is opposing the installation of sewer in the Hendryx alignment as a needless cost to him which will primarily benefit others. It was his feeling that some C.U.P. redesign would permit his property to be served by the existing sanitary sewer between Floyd and Topaz, which a portion of the developer's property was previously assessed to install. However, the City Engineer noted that the bulk of the developer's property had not been previously assessed for sanitary sewer and would be served by the proposed lateral 25 and be included in a benefit district. If the present alignment of Hendryx is to remain, the most logical location of the sewer would be in the Hendryx alignment. Both the planning staff and traffic engineering division strongly support the retention of Hendryx as necessary to handle the traffic associated with the commercial development (existing and proposed) and neighborhood residents noted that such configuration was worked out as a compromise situation during the numerous public hearings associated with previous C.U.P. approval. The developer has stated that the proposed sewer is not necessary for his plans and is a useless expenditure. The City Engineer stated that the lateral was necessary for other development at this time and that this developer's property would need additional sewer at some future date and would need to be in a benefit district. Again, the Board of City Commissioners will have to determine whether or not the sewer is to be extended as no compromise of the situation would be made. The revised developers plans made no provision for removal of Hendryx and as such were not pertinent to the resolution of the sewer problem.

3. Problems with the lake - landscaping, drainage, etc. Considerable discussion was heard regarding problems with the existing lake. Staff of the flood control/maintenance division of the Department of Public Works explained the concept of the lake and noted that it was never intended to solve all the drainage problems in the area. Area residents noted that the drainage ditch which carried the overflow from the lake was clogged with trash and other debris and wasn't adequate to handle the drainage. Other complaints were heard regarding the construction of the lake and the developer's failure to landscape the lake as required

Jordan

by the C.U.P. Staff advised that Public Works/Maintenance would have the ditch cleaned out and maintained and the developer promised to landscape during the next planting season after some reconstruction of the lake occurred.

10 to 12 years

4. Proposed Revisions to the C.U.P. - The developer showed some proposed C.U.P. modifications by eliminating the platted residential lots that back into Block D of Floyd Bailey 3rd Addition, extending "LC" zoning into that area, and thus vacating a portion of Topaz Lane by terminating it in a cul-de-sac. Several residents expressed opposition to the proposed modifications and noted that these changes were what had been originally proposed prior to the compromises worked out with the neighborhood during the series of public hearings associated with C.U.P. approval in 1975. In further discussion, the developer noted that he had no immediate plans for further commercial development over the next ten to twelve years, that such development was blocked by restrictive covenants on the land for a few years, and that he had merely proposed the C.U.P. modifications in response to the request by the City Commission to develop alternate plans for the sewer. The City Engineer again stated that the proposed changes to the C.U.P. would not, in his opinion, change the sanitary sewer alignment nor the need for the developer's property to be included in a benefit district. The neighborhood residents again voiced their opposition to the proposed C.U.P. amendments and could see no benefit to the neighborhood by what was proposed.

Building Permits

In summation, both the cul-de-sac on Turquoise Lane and the sanitary sewer issue need to be scheduled for reconsideration by the Board of City Commissioners on December 20, 1977. No acceptable compromises have been achieved on either issue. The proposed C.U.P. amendments are in abatement until such time as they are actually filed and public hearings are held. The flood control/maintenance division of the Department of Public Works will provide inspection of the lake and maintenance of the drainage ditch. No further building permits should be issued on DP-50 until the landscaping of the lake is provided.

The major accomplishment of the informal meeting was to bring staff, developer, and residents together and make each aware of the others position on the various issues. No further action is contemplated until the City Commission meeting of December 20, 1977. Please advise if further information is required.

Sincerely,
Jack H. Galbraith
Jack H. Galbraith
Chief Planner

APPROVED:
Robert A. Lakin
Robert A. Lakin, Director of Planning
JHG:MM:el
cc: continued on Page Four

Page Four
Robert G. Finch, Deputy City Manager
December 12, 1977

cc: Ray Bruggeman, Director of Public Works
Dick Linn, City Engineer
George Wilton, Superintendent of Public Works-Maintenance
M. S. Mitchell, Assistant Superintendent Maintenance -
Flood Control
Bill McKinley, Assistant Traffic Engineer
Fred Linde, Grievance Officer

(20)

NAME	ADDRESS
Tricillia Hill (for Bud White)	210 Lathie 67211
✓ Everett C. G. ^{GLASS} 1922	513 Floyd ⁶⁷²⁰⁹ & Kansas Federal C. Bldg
✓ M. A. Anderson	506. Floyd ⁶⁷²⁰⁹ - 8404 W. Hwy 54, 67209
✓ Naomi Lindsey ^{T. T. 11/13}	506 Floyd - 67209
✓ Dean Tolson	550 Turquoise Lane 67209
✓ E. J. Tucker	516 Topaz. 67209
✓ John Robert Taylor	512 Floyd 67209
✓ Don Alton ^{DAK BLOICK}	520 So. EVERGREEN 67209
DON P. DOBBINS ✓ Don P. Dobbins	530 Floyd 67209
✓ Constance W. Walker	580 Turquoise Lane 67209
✓ Rod C. Huse	534 So. Floyd 67209
✓ Richard Mitchell	515 Turquoise Lane 67209
✓ E. Swenson ^{SVENRAM}	532 ⁵³² Turquoise Lane 67209
see below * John J. Loguen ^{ROTHMER}	Topaz Lane V.A.
✓ Hans Kettner	542 Turquoise Lane 67209
✓ Wm Bennett	570 Turquoise Lane 67209
✓ Don Bunn	560 Turquoise Lane 67209
✓ Paul Behrent	439 Topaz Lane 67209
✓ Wayne Stewart	501 Topaz 67209

(Memo dated Dec 12, 1977 and Notice dated Dec. 13, 1977 were mailed 12-13-77 to all persons on this page which are marked K.O. Taylor - 1542 So. St. Francis 67211 with a ✓)

✓ Bill Meeker - 6515 Irving, 67209

Pat Cogan
Dick Jones
Bill McKinley

* (did not send copy)
There is a John A. Loguen listed in City Directory at 255 So. Florence Ave. 67209

WICHITA - SEDGWICK COUNTY



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

December 13, 1977

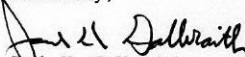
TO WHOM IT MAY CONCERN:

Re: DP-50 - Carriage House C.U.P.
and Related Problems

This letter is being sent to those of you who attended an informal discussion on the above captioned property. This is to remind you that the City Commission will discuss these related matters at their meeting on December 20, 1977, which begins at 9:00 a.m., in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street.

Attached for your information is a copy of my memorandum to the Deputy City Manager reporting on that meeting. If you have any questions, please call.

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:e1

Attachment

December 12, 1977

Robert G. Finch, Deputy City Manager

Jack H. Galbraith, Chief Planner

DP-50 - Carriage House C.U.P. and Related problems.

On October 4, 1977, the Board of City Commissioners considered a request from Mrs. William B. Walker to have Turquoise Lane reopened where it cul-de-sacs at Hendryx (said cul-de-sac, a requirement of Community Unit Plan DP-50) and, later in the meeting, considered a resolution to initiate acquisition of easements in connection with a proposed sanitary sewer to serve an area east of Tyler Road and north of U.S. 54. It was the action of the City Commission to instruct the administrative staff to review the C.U.P. requirements and work with the developer and neighborhood residents in an attempt to resolve problems in the area.

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Page Two
Robert G. Finch, Deputy City Manager
December 12, 1977

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3. Problems with the lake - landscaping, drainage, etc. Considerable discussion was heard regarding problems with the existing lake. Staff of the flood control/maintenance division of the Department of Public Works explained the concept of the lake and noted that it was never intended to solve all the drainage problems in the area. Area residents noted that the drainage ditch which carried the overflow from the lake was clogged with trash and other debris and wasn't adequate to handle the drainage. Other complaints were heard regarding the construction of the lake and the developer's failure to landscape the lake as required

Page Three
Robert G. Finch, Deputy City Manager
December 12, 1977

by the C.U.P. Staff advised that Public Works/Maintenance would have the ditch cleaned out and maintained and the developer promised to landscape during the next planting season after some reconstruction of the lake occurred.

4. Proposed Revisions to the C.U.P. - The developer showed some proposed C.U.P. modifications by eliminating the platted residential lots that back into Block D of Floyd Bailey 3rd Addition, extending "LC" zoning into that area, and thus vacating a portion of Topaz Lane by terminating it in a cul-de-sac. Several residents expressed opposition to the proposed modifications and noted that these changes were what had been originally proposed prior to the compromises worked out with the neighborhood during the series of public hearings associated with C.U.P. approval in 1975. In further discussion, the developer noted that he had no immediate plans for further commercial development over the next ten to twelve years, that such development was blocked by restrictive covenants on the land for a few years, and that he had merely proposed the C.U.P. modifications in response to the request by the City Commission to develop alternate plans for the sewer. The City Engineer again stated that the proposed changes to the C.U.P. would not, in his opinion, change the sanitary sewer alignment nor the need for the developer's property to be included in a benefit district. The neighborhood residents again voiced their opposition to the proposed C.U.P. amendments and could see no benefit to the neighborhood by what was proposed.

In summation, both the cul-de-sac on Turquoise Lane and the sanitary sewer issue need to be scheduled for reconsideration by the Board of City Commissioners on December 20, 1977. No acceptable compromises have been achieved on either issue. The proposed C.U.P. amendments are in abatement until such time as they are actually filed and public hearings are held. The flood control/maintenance division of the Department of Public Works will provide inspection of the lake and maintenance of the drainage ditch. No further building permits should be issued on DF-50 until the landscaping of the lake is provided.

The major accomplishment of the informal meeting was to bring staff, developer, and residents together and make each aware of the others position on the various issues. No further action is contemplated until the City Commission meeting of December 20, 1977. Please advise if further information is required.

Sincerely,

Jack H. Galbraith
Chief Planner

APPROVED:

Robert A. Lakin, Director of Planning

JHG:MM:e1
cc: continued on Page Four

Page Four
Robert G. Finch, Deputy City Manager
December 12, 1977

cc: Ray Bruggeman, Director of Public Works
Dick Linn, City Engineer
George Wilton, Superintendent of Public Works-Maintenance
M. S. Mitchell, Assistant Superintendent Maintenance - Flood Control
Bill McKinley, Assistant Traffic Engineer
Fred Linde, Grievance Officer

WICHITA-SEDGWICK COUNTY

DATE
November 23, 1977

METROPOLITAN AREA PLANNING DEPARTMENT

TO Robert G. Finch, Deputy City Manager
FROM Jack Galbraith, Chief Planner

Office Of The City Manager			
<input type="checkbox"/> EHD	<input type="checkbox"/> HP	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> RCF	<input checked="" type="checkbox"/> MS	<input type="checkbox"/>	<input type="checkbox"/>
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NOV 28 1977			
<input checked="" type="checkbox"/> Copies To	<i>J. Galbraith</i>		
<input type="checkbox"/> Send To			
<input type="checkbox"/> File			

SUBJECT DP-50 - Carriage House C.U.P. and related problems

Pursuant to your memo of October 5, 1977, I have arranged an informal meeting between City Staff, neighborhood residents, and the developer to be held in the Metropolitan Area Planning Department Conference Room at 1:30 p.m., Friday, December 2, 1977. It is hoped that acceptable solutions can be developed regarding the problems in the area.

It is therefore requested that your November 22, 1977 deadline be extended to December 9, 1977, in order that we may include the results of the meeting of interested parties.

Please advise if this is acceptable.

Sincerely,

Jack H. Galbraith
Jack H. Galbraith
Chief Planner

JHG:el

cc: Robert A. Lakin, Director of Planning

11-28-77

Extension OK to 12-9-77

Brown



WICHITA-SEDGWICK COUNTY

DATE
November 23, 1977

METROPOLITAN AREA PLANNING DEPARTMENT

TO Robert G. Finch, Deputy City Manager
FROM Jack Galbraith, Chief Planner
SUBJECT DP-50 - Carriage House C.U.P. and related problems

Office Of The City Manager			
<input type="checkbox"/> EHD	<input type="checkbox"/> HP		
<input type="checkbox"/> RCF	<input type="checkbox"/> MS		
<input type="checkbox"/> RT	<input type="checkbox"/> SH		
NOV 28 1977			
<input checked="" type="checkbox"/> Copies	J. Galbraith		
<input type="checkbox"/> Send To			
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It is therefore requested that your November 22, 1977 deadline be extended to December 9, 1977, in order that we may include the results of the meeting of interested parties.

Please advise if this is acceptable.

Sincerely,

Jack H. Galbraith
Jack H. Galbraith
Chief Planner

JHG:el

cc: Robert A. Lakin, Director of Planning

11-28-77

Extension OK to 12-9-77

Bird



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE
November 23, 1977

TO Robert G. Finch, Deputy City Manager
FROM Jack Galbraith, Chief Planner
SUBJECT DP-50 - Carriage House C.U.P. and related problems

Office of the City Manager	
<input type="checkbox"/> EMD	<input type="checkbox"/> HP
<input type="checkbox"/> RGS	<input type="checkbox"/> MS
<input type="checkbox"/> RT	<input type="checkbox"/> SH
NOV 28 1977	
<input checked="" type="checkbox"/> Copies	<i>J. Galbraith</i>
<input type="checkbox"/> Send T	
<input type="checkbox"/> File	

Pursuant to your memo of October 5, 1977, I have arranged an informal meeting between City Staff, neighborhood residents, and the developer to be held in the Metropolitan Area Planning Department Conference Room at 1:30 p.m., Friday, December 2, 1977. It is hoped that acceptable solutions can be developed regarding the problems in the area. *12/4*

It is therefore requested that your November 22, 1977 deadline be extended to December 9, 1977, in order that we may include the results of the meeting of interested parties.

Please advise if this is acceptable.

Sincerely,

Jack H. Galbraith
Jack H. Galbraith
Chief Planner

JHG:el

cc: Robert A. Lakin, Director of Planning

11-28-77

EXTENSION OK TO 12-9-77

Bill

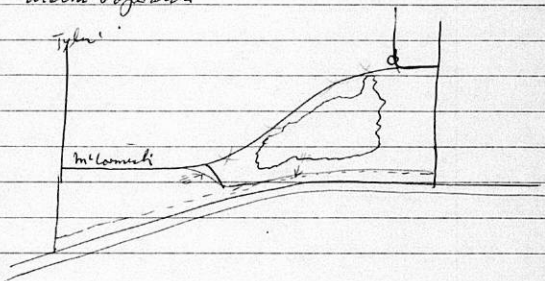


Report due by November 20, 1977

1. Write Mosher & ask him to submit his proposals for reflat, give him 2 wks.
2. Confer w/ WES/ Lenn et al + State Re long range needs for Collateral Rd.

① Alt Hendryx as in

② Alt McComick back South to Soc Rd w/ 2 way width & operation



3. Convene a meeting notifying people on Turquoise plus those who spoke at OCC, mark on DP-50

Name proposed alternatives

" available Lenn & others

?

• Could we SID come for permit.

? Determine whether opening Turquoise requires a CR amendment?

ON NOVEMBER 23, 1977 -
DP-50 - THE FOLLOWING HAVE RECEIVED NOTICE OF INFORMAL MEETING TO BE
HELD 12/2/77 IN THE MAPD CONFERENCE ROOM AT 1:30 P.M.

Robert W. Feldner, Central Inspection
Fred Linde, Grievance Officer
Max Green, Flood Control
Bill McKinley, Traffic Engineer
Dick Linn, City Engineer
Ray Bruggeman, Director of Public Works

Richard L. Mitchell, 515 Turquoise Lane, 67209
John R. Taylor, 512 Floyd, 67209
- Albert W. Shiflet, 424 Floyd, 67209
Dennis Main, 516 Floyd, 67209
Mr. A. E. Suenram, 532 Turquoise, 67209
Everitt Glasse, 513 Floyd, 67209
Bud White, 210 Pattie, 67211
K. O. Taylor, 1542 S. St. Francis, 67211
Marion Wimmer, 4027 Countryside Plaza, 67218
Bill Mesker, 6515 Irving, 67215
Lewis K. Beard, 520 S. Evergreen, 67209
Rodney C. Huse, 534 Floyd, 67209
Don P. Dobbins, 530 S. Floyd, 67209
- Norman R. Gaphardt, 524 Floyd, 67209
Benton W. Wakema, 520 S. Floyd, 67209
Marvin H. Lindsay, 506 Floyd, 67209
Floyd C. Bowers, 501 Turquoise Lane, 67209
John W. Stewart, 501 Topaz Lane, 67209
Mrs. William B. Walker, 580 Turquoise Lane, 67209

25 - TOTAL

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

November 23, 1977

NOTICE TO INTERESTED PARTIES:

Re: DP-50 Carriage House C.U.P.

On April 29, 1975, the Board of City Commissioners approved a Community Unit Plan, DP-50 Carriage House Plaza, generally located at the northeast corner of McCormick and Tyler Road. The approved plan proposed a three parcel commercial development generally separated from the residential lots to the north by Topaz Lane, the termination of Turquoise Lane in a cul-de-sac (without access to Hendryx), and parcel number 3 to be developed with a lake to act as a relief for some of the drainage problems of the Floyd Bailey Additions to the north.

Over the past few months various parties have expressed concern with various portions of the approved plan and the developer has expressed an interest in amending the plan. Some of the issues that need to be discussed are:


1. Turquoise Lane has been terminated in a cul-de-sac with barricades erected to deny access to Hendryx Street. On October 4, 1977, a neighborhood resident appeared before the Board of City Commissioners and requested that Turquoise Lane be reopened with access to Hendryx.
2. The extension of Hendryx Street. At present, Hendryx Street terminates at Turquoise Lane, however, the guarantee of the street extension through to McCormick was required with the plat of Carriage House Plaza 2nd Addition. Is Hendryx necessary, and should it be extended at this time.
3. The developer has expressed an interest in redesigning the northern portion of his C.U.P. by eliminating the platted residential lots that back into lots in Block D of Floyd Bailey 3rd Addition and thus vacating a portion of Topaz Lane by terminating it as a cul-de-sac.
4. Extension of sanitary sewer in Hendryx Street to serve existing development on the south side of McCormick.

Because of the recent questions raised concerning a possible redesign of the C.U.P., and questions concerning both the extension of sewer and the termination of Turquoise as a cul-de-sac, it is proposed to hold an informal meeting to permit those interested to examine the proposals and express their opinions.

Page Two
NOTICE TO INTERESTED PARTIES
Re: DP-50 Carriage House C.U.P.
November 23, 1977

Therefore, this is to advise you that an informal meeting will be held on Friday, December 2, 1977, in the Planning Department Conference Room, 10th Floor, City Hall, 455 North Main, at 1:30 p.m. If you have an interest, it is hoped that you will attend so that there can be an expression in these issues prior to any formal amendments being proposed.

Should you have any questions, please contact the Metropolitan Area Planning Department Staff at 268-4421.


Jack H. Galbraith
Assistant Secretary

67209

Lewis K Beard
520 S Evergreen

Rodney C Huse
534 Floyd

Don P Doherty
530 S Floyd

Norman R Gephardt
524 Floyd

Brenton W Wakema
520 S Floyd

Pennis Main
516 Floyd

~~John R. [unclear]~~
~~524 Floyd~~

Mrs. William B Walker
580 Turquoise Ln.
67209

Martin H Lindsay
506 Floyd

Floyd C Bowers
501 Turquoise Lane

~~Richard A. Mitchell~~
~~515 Turquoise Lane~~

John W Stewart
501 Turquoise Lane

D Bill E Meacher
6515 Irving Rd
Wichita, Kansas 67215
401 N Crestway Avenue

NO 33 Rolling Hills
67209

Bud White
210 Pattie
67211

X Richard L. Mitchell
515 Turquoise Lane
Bailey Addition
Wichita Ks 67209

X K.O. Taylor
1542 S. St Francis
67211

X John R. Taylor
512 Floyd
Wichita Ks 67209

X Ray Bruggeman
X Dick Run
X Bill McKinley
Max Green
Fred Lunde
Robert W Feldner

X¹⁰⁰ Albert W Shifflet
424 Floyd

X¹² Glenda Johnson
423 Tower
67209

Robert Hall
P.O. Box 1034
67209

X^{on duplicate} Dennis Mayn
516 Floyd
67209

X Marion Wimmer
Anne Marie Wimmer
4027 Countryside Plaza
67218

X^{SUENRAM} Mrs A.E. Suenram
532 Turquoise
67209

X Everett Glasse
513 Floyd
67209

might be same guy?

Tuck Glasse
8404 W Highway 54
67209

November 23, 1977

Robert G. Finch, Deputy City Manager
Jack Galbraith, Chief Planner

DP-50 - Carriage House C.U.P. and related problems.

Pursuant to your memo of October 5, 1977, I have arranged an informal meeting between City Staff, neighborhood residents, and the developer to be held in the Metropolitan Area Planning Department Conference Room at 1:30 p.m., Friday, December 2, 1977. It is hoped that acceptable solutions can be developed regarding the problems in the area.

It is therefore requested that your November 22, 1977 deadline be extended to December 9, 1977, in order that we may include the results of the meeting of interested parties.

Please advise if this is acceptable.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el

cc: Robert A. Lakin, Director of Planning

October 20, 1977

Bill E. Mesker
6515 Irving
Wichita, Kansas 67215

Re: DP-50 - Carriage House CUP

Dear Mr. Mesker:

As you are aware, the Board of City Commission at its meeting of October 4, 1977, considered as a public agenda item the possible reopening of the cul-de-sac at Turquoise Lane. Later in that same agenda the Commission considered a resolution to initiate acquisition of easements in connection with a proposed sanitary sewer to serve the area east of Tyler and north of U. S. 54.

As we discussed and based on the City Commission action to instruct us to work with the developer and the neighborhood residences to attempt to arrive at acceptable solutions to the various problems existing in the area, we would like for you to submit your proposals as to how you would like to see this CUP redesigned. Specific issues seem to be, is it necessary to still extend Hendryx to McCormick; the termination of Turquoise Lane by a cul-de-sac; the fronting of residential lots on Topaz which face the back of future commercial uses; drainage and sewer extension. You mentioned that you did not like the design of the CUP, and there was some agreement expressed, however, much of the design was a result of reaching a compromise with the neighborhood.

We would appreciate your providing us a sketch of the CUP as to how you believe it should be redesigned and after having an opportunity to review it with you, we would then like to have an informal meeting with other interested property owners in the neighborhood.

We would certainly like to discuss a general sketch with you on Monday, October 24, 1977, and would appreciate a call that day if you and your engineer can have something ready.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:e1

Tyler + McCormick

7/19

M²

June 10, 1977

Richard L. Mitchell
515 Turquoise Lane
Bailey Addition
Wichita, Kansas 67209



Dear Mr. Mitchell:

In response to your letter of May 5, 1977 to Commissioner Porter, I have asked the Planning Department to review the conditions imposed upon the developer, by the approved Carriage House Community Unit Plan, to determine if your stated concerns are a result of failure to comply with those conditions. Our findings are as follows:

The Carriage House Community Unit Plan is comprised of three parcels, but development has occurred on only the west half of parcel 2. Parcel 3 is the site of the lake and will remain as an open area and drainage easement until such time as the C.U.P. is amended. The balance of the site is in wheat.

With reference to your point 1 about a planting screen from Evergreen to Manor House Furniture at first planting season, the C.U.P. denotes the planting strip along the west line of parcels 1 and 2 and the north line of parcels 2 and 3, with the planting to be done in the first planting season after the recording of the associated plat. (The plat was recorded on February 25, 1976.) The only planting that has been accomplished to date is adjacent to the west and north sides of that portion of parcel 2 which is developed with a T.G.&Y. Store. These plantings are for the most part in good condition and planted as per the approved landscape plan, with the exception that a few of the plant materials have died and should be replaced. The remainder of the designated planting area has not been planted.

With regard to the unplanted areas, these areas are next to undeveloped land that is planted in wheat and adjacent to street right-of-way for Topaz Lane and Hendryx Street which have yet to be constructed. Engineering advises that storm sewers and sanitary sewers have not yet been constructed here. A water line has been installed in the south right-of-way line of Hendryx Street but has not been put in the right-of-way

Richard L. Mitchell
June 10, 1977

Page 2

of Topaz Lane as of this date. The condition as stated on the C.U.P., for landscaping to be planted in the first planting season after the recording of the plat, could undoubtedly be enforced, although from a practical viewpoint it does not seem advisable with respect to the construction activity not yet accomplished near these landscape areas and the fact that the property is still used as agriculture. At such time as building permits are issued for additional development, then additional plantings will be required as conditions of the building permits.

You also raised the question about a 5-1/2 to 8 foot decorative fence from Evergreen Street to Manor House Furniture. General provision #8 of the C.U.P. states that "a solid or semi-solid wall to prevent the passage of debris or light constructed of brick, stone, masonry or similar material at least 5 feet high but not more than 8 feet high shall be constructed at the locations indicated on the plan at the time of issuance of a building permit on portion of the parcel included in the building permit. The wall or walls shall not be constructed on any utility easement." The plan indicates a wall in the location as you described, but such wall would not be required until building permits are issued on parcel 3 and the east half of parcel 2. The wall has been constructed for that portion of the site already developed.

Pertaining to the lake on parcel 3, the Flood Control Office advises that the existing lake is functioning as a relief for some of the drainage problems of the Bailey Addition to the north, but that it was never intended to handle run-off from that part of the site already developed with the T.G.&Y. development, which drains south and west. The lake is full of water, so the depth of the lake could not be determined by our inspection, however, the Flood Control Office believes the lake is not completed and would like to inspect the lake after completion.

Regarding your concern about the platted cul-de-sac at Turquoise and Hendryx, which has not been installed, you mentioned that the cul-de-sac is needed to stop transit traffic through the neighborhood to get to the T.G.&Y. store. Turquoise Lane is a sanded street as are most of the other streets in this area. Although paving petitions for several streets were approved with the platting of Carriage House Plaza 2nd Addition, Turquoise Lane was not one of those approved. However, right-of-way was acquired for the construction of a cul-de-sac at the south end of Turquoise where it meets Hendryx Street. This cul-de-sac could now be constructed and sanded, although the City Engineer questions the need to do so until such time as Hendryx Street is opened from this point west to McCormick.

Access to the T.G.&Y. site from Evergreen Street does exist via a construction road which goes around the east end of the existing masonry wall. The road is not maintained but is obviously used. Complete access control is shown on this portion of the site,

Richard L. Mitchell
June 10, 1977

therefore, this situation could quickly be eliminated by having the developer erect a barrier designed to prohibit traffic flow.

In summary, it is our opinion that the developer has been negligent in not completing the lake, including the landscaping around the lake. We will contact the developer and request that the lake be completed as quickly as possible, including plantings that will not occupy those areas where it is expected that future utilities will be placed. The developer will also be required to request an inspection of the lake by the Flood Control Office at such time as the lake is complete. It is our opinion that the remainder of the landscaping and the construction of additional walls is not required until further development is proposed.

As to the construction of the cul-de-sac on Turquoise, I am asking by a copy of this letter that the Department of Public Works proceed with this installation of this sanded cul-de-sac. I am also directing that the Office of Central Inspection contact the developer and enforce the required access control near the south end of Evergreen; and also see that any dead plant materials are replaced.

I appreciate your bringing your concerns to our attention.

Sincerely yours,

E. H. Denton
City Manager

cc: Commissioner Garry L. Porter
Robert A. Lakin, Director of Planning
Ray Bruggeman, Director of Public Works (w/a)
M. S. Mitchell, Maintenance-Flood Control
Richard Linn, City Engineer
Robert Feldner, Superintendent of Central Inspection
EHD:JB:ew

THE CITY OF WICHITA

OFFICE OF CITY MANAGER

DATE May 23, 1977



TO Robert A. Lakin, Director of Planning


FROM E. H. Denton, City Manager

SUBJECT Platting and Zoning Conditions -
Tyler and McCormick

Attached is a copy of a letter to me from Commissioner Porter along with a letter from Mr. Richard L. Mitchell. Mr. Mitchell has expressed his concern to Commissioner Porter concerning platting commitments in the area around Tyler and McCormick.

Please review the case and provide a response for my signature to Mr. Mitchell. Note particularly the two specific areas which Commissioner Porter points out in his letter relative to commitments and enforcement.

Your expeditious response to this inquiry will be appreciated.


E. H. Denton
City Manager

EHD/hsw
Attachments

THE CITY OF WICHITA



BOARD OF CITY COMMISSIONERS
CITY HALL — FIRST FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 258-4331

May 16, 1977

Mr. E. H. Denton
City Manager

Dear Mr. Denton:

I received a letter from a Mr. Mitchell which is attached. In it is detailed some of the problems that he and his neighbors are having in what allegedly is a developer of the property around Tyler & McCormick not carrying out the commitments agreed to in the platting and the condition of the zoning.

I would appreciate any comments you might have from either your office or Mr. Lakin's office and I would particularly like to zero in on (a) whether or not commitments that were agreed to have been carried out; and (b) if not, what sort of enforcement measures do we have generally, and more specifically, what sort of relief can we provide to the neighborhood in this case.

I would appreciate at least being copied in on any response that might be made to Mr. Mitchell.

Thank you for your earliest attention to this matter.

Sincerely,

Garry L. Porter
City Commissioner

GLP/st

Attachment

OFFICE OF CITY MANAGER	
<input type="checkbox"/> END	<input checked="" type="checkbox"/> SLL
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MAY 1 8 1977	
<input type="checkbox"/> COPIES TO: _____	
<input type="checkbox"/> FILE _____	

May 5, 1977

The Honorable Garry Porter
City Commissioner
City Building
455 N. Main
Wichita, Kansas 67201

Dear Commissioner Porter:

Congratulations on your victory in April. My neighbors and I were very happy to see you win. Your stands for the citizen and homeowner surely were strong points, apparently forgotten by some in the election two years ago. In addition to congratulations, I have, of course, another reason for writing.

When you were commissioner before, my neighbors and I, in the Bailey addition, were fighting a developer, Bill Mesker. We came before zoning and the commission several times. We remember your support of our needs at the time and feel your strong comments were responsible for us reaching a compromise with the developer at the time.

However, two plus years have passed. Mr. Mesker has his T.G. & Y. at Tyler and McCormick, which was his main interest, and we have been left still holding the bag, so to speak! After spending nearly a thousand dollars for a lawyer and a couple of hundred man hours to be assured that his part of the bargain became part of the ledgion so it would be enforced if he did not follow through. We are still waiting! This was the C.U.P. DP-50 plan originally and was a disguised strip zone deal.

We ask for the following, and it was duly written at the bottom of the plat.

1. A planting screen from Evergreen (approximate location) to Manor House Furniture (approximate location) at first planting season. We are now upon the 4th planting season and no action! We could have a pretty good start on trees, etc. in two years!

2. A decorative masonry fence covering same area, 5-1/2' to 8', as a retaining wall for debris, etc. (we have none as yet). Prevailing winds being S.W., we still receive trash from T.G. & Y. and Bestyet supermarket periodically.

The Honorable Garry Porter
Page 2
May 5, 1977

3. A 6-foot deep lake to catch additional water runoff from development to help alleviate our drainage problem. The lake is still not finished and was supposed to be before the stores opened for business. One end is finished partially; the other end is approximately 12-14 feet deep and is now full of water and a danger to children. Flagstone and grass was to be put around the lake. It, of course, has not been done. In fact, true drainage to the lake has not been completed!

4. A cul-de-sac at Turquoise and Hendryx to stop transit traffic through our neighborhood to get to T.C.E.Y. (see still do not have it). Turquoise has become a main thoroughfare for traffic to that location! This is probably, at this point, the most concern and problem at this time.

Also, there was to be no access from the Bailey addition to the shopping complex.

The streets of Evergreen and Robin have been extended by construction equipment, delivery trucks and some local traffic, so they are now virtually road beds to the complex. This does, of course, eliminate some of the traffic down Turquoise, so if they barricaded that before they put in the cul-de-sac at Turquoise and Hendryx our traffic problem would be worse than it is.

So, as you can see, Mr. Mesker got what he wanted, as seems to be per usual with developers, and we're still waiting for ours!

We would have fought him harder and longer and been less compromising if we knew then what we know now. As a representative of the Bailey Addition Association, I was wondering if a few choice words from you in the right city departments would finally get us some action?

We have written Mr. Linde, the city grievance officer. He checked into it with whoever is responsible to follow up, but, so far, no action. We feel like we've been had and prostituted by this developer long enough. In past dealings with him on his word alone he has let us down, too.

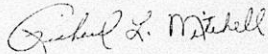
This is why we wanted it in the ledger of the platting this time. Please help us if you can. It's this type of treatment and broken or unenforced agreements that is turning the people off on developers!

The Honorable Garry Porter
Page 3
May 5, 1977

I believe two years is ample time for Mr. Nesker. We would appreciate anything you can do for us on the above matter, Commissioner Porter.

Thank you very much for your time and consideration.

Respectfully,



Richard L. Mitchell
515 Turquoise Lane
Bailey Addition
Wichita, Kansas 67209

June 7, 1977

E. H. Denton, City Manager

Robert A. Lakin, Director of Planning

Review of CUP and Platting conditions on DP-50 -
Carriage House CUP - Tyler and McCormick

We have reviewed the CUP conditions of approval and the plat conditions and find that the developers have not completed the required lake, although it apparently is functioning properly. M.S. Mitchell would like to see a cross section of the finished lake so that capacity can be checked. Upon the completion of the grading around the lake, it should be planted with trees, grass and shrubs in compliance with the approved landscape plan.

Central Inspection should be directed to contact the developers and see that a satisfactory barricade is placed at the south end of Evergreen and that ingress and egress to the shopping center not occur from the residential area to the north. They should also see that any dead plant materials are replaced in the existing planting area north of the T.G. & Y. building and along Tyler Road. The Department of Public Works should be directed to proceed with the construction of the sand cul-de-sac at the south end of Turquoise.

I believe that the construction of the wall and plantings are in compliance and that when additional land is developed, the wall and landscaping will be extended.

Attached is a draft reply to Richard L. Mitchell's letter requesting that the conditions of approval be reviewed.

Robert A. Lakin
Director of Planning

RAL:JHG:el

Attachment

DRAFT JHG:ew 6/6/77

Richard L. Mitchell
515 Turquoise Lane
Bailey Addition
Wichita, Kansas 67209

Dear Mr. Mitchell:

In response to your letter of May 5, 1977 to Commissioner Porter, I have asked the Planning Department to review the conditions imposed upon the developer, by the approved Carriage House Community Unit Plan, to determine if your stated concerns are a result of failure to comply with those conditions. Our findings are as follows:

The Carriage House Community Unit Plan is comprised of three parcels, but development has occurred on only the west half of parcel 2. Parcel 3 is the site of the lake and will remain as an open area and drainage easement until such time as the C.U.P. is amended. The balance of the site is in wheat.

With reference to your point 1 about a platting screen from Evergreen to Manor House Furniture at first planting season, the C.U.P. denotes the planting strip along the west line of parcels 1 and 2 and the north line of parcels 2 and 3, with the planting to be done in the first planting season after the recording of the associated plat. (The plat was recorded on February 25, 1976.) The only planting that has been accomplished to date is adjacent to the west and north sides of that portion of parcel 2 which is developed with a T.G.&Y. Store. These plantings are for the most part in good condition and planted as per the

Draft EHD to Mitchell 6/6/77 (2)

approved landscape plan, with the exception that a few of the plant materials have died and should be replaced. The remainder of the designated planting area has not been planted.

With regard to the unplanted areas, these areas are next to undeveloped land that is planted in wheat and adjacent to street right-of-way for Topaz Lane and Hendryx Street which have yet to be constructed. Engineering advises that storm sewers and sanitary sewers have not yet been constructed here. A water line has been installed in the south right-of-way line of Hendryx Street but has not been put in the right-of-way of Topaz Lane as of this date. The condition as stated on the C.U.P., for landscaping to be planted in the first planting season after the recording of the plat, could undoubtedly be enforced, although from a practical viewpoint it does not seem advisable with respect to the construction activity not yet accomplished near these landscape areas and the fact that the property is still used as agriculture. At such time as building permits are issued for additional development, then additional plantings will be required as conditions of the building permits.

You also raised the question about a 5-1/2 to 8 foot decorative fence from Evergreen Street to Manor House Furniture. General provision #8 of the C.U.P. states that "a solid or semi-solid wall to prevent the passage of debris or light constructed of brick, stone, masonry or similar material at least 5 feet high

DRAFT EHD to Mitchell 6/6/77 (3)

but not more than 8 feet high shall be constructed at the locations indicated on the plan at the time of issuance of a building permit on portion of the parcel included in the building permit. The wall or walls shall not be constructed on any utility easement." The plan indicates a wall in the location as you described, but such wall would not be required until building permits are issued on parcel 3 and the east half of parcel 2. The wall has been constructed for that portion of the site already developed.

Pertaining to the lake on parcel 3, the Flood Control Office advises that the existing lake is functioning as a relief for some of the drainage problems of the Bailey Addition to the north, but that it was never intended to handle run-off from that part of the site already developed with the T.G.&Y. development, which drains south and west. The lake is full of water, so the depth of the lake could not be determined by our inspection, however, the Flood Control Office believes the lake is not completed and would like to inspect the lake after completion.

Regarding your concern about the platted cul-de-sac at Turquoise and Hendryx, which has not been installed, you mentioned that the cul-de-sac is needed to stop transit traffic through the neighborhood to get to the T.G.&Y. store. Turquoise Lane is a sanded street as are most of the other streets in this area. Although paving petitions for several streets were approved with the platting of Carriage House Plaza 2nd Addition, Turquoise Lane was not one of those approved. However, right-of-way was

DRAFT EHD to Mitchell 6/6/77 (4)

acquired for the construction of a cul-de-sac at the south end of Turquoise where it meets Hendryx Street. This cul-de-sac could now be constructed and sanded, although the City Engineer questions the need to do so until such time as Hendryx Street is opened from this point west to McCormick.

Access to the T.G.&Y. site from Evergreen Street does exist via a construction road which goes around the east end of the existing masonry wall. The road is not maintained but is obviously used. Complete access control is shown on this portion of the site, therefore, this situation could quickly be eliminated by having the developer erect a barrier designed to prohibit traffic flow.

In summary, it is our opinion that the developer has been negligent in not completing the lake, including the landscaping around the lake. We will contact the developer and request that the lake be completed as quickly as possible, including plantings that will not occupy those areas where it is expected that future utilities will be placed. The developer will also be required to request an inspection of the lake by the Flood Control Office at such time as the lake is complete. It is our opinion that the remainder of the landscaping and the construction of additional walls is not required until further development is proposed.

As to the construction of the cul-de-sac on Turquoise, I will ask that the Department of Public Works proceed with this installation of this sanded cul-de-sac. I will also direct that the Office of Central Inspection contact the developer and enforce the required access control

DRAFT EHD to Mitchell 6/6/77 (5)

near the south end of Evergreen; and also see that any dead plant materials are replaced.

I appreciate your bringing your concerns to our attention.

Sincerely yours,

E. H. Denton
City Manager

cc: Commissioner Garry Porter
Robert A. Lakin, Director of Planning
Ray Bruggeman, Director of Public Works

1st Floor - City Hall
455 North Main
Wichita, KS 67202

Telephone: 268-4547

October 5, 1976
File #5906

Mr. R. L. Mitchell
515 Turquoise
Wichita, Kansas 67209

Dear Mr. Mitchell:

I thank you for your letter of September 21 and I assure you everything possible will be done to obtain complete compliance with the Community Unit Plan, DP50, of April, 1975.

The enforcement of the conditions of the Plan is vested in the Central Inspection Division of the Public Works Department. The individual immediately in charge of the enforcement is Mr. Sam Mobley and I have already conferred with Mr. Mobley on ways to secure complete compliance. I have Mr. Mobley's assurance of immediate and complete enforcement of the agreement.

At this time, it is impossible to guess as to how rapidly the work will be done or any of the other details but I can assure you the necessary compliance steps are being taken. Another point which cannot be controlled is the quality of plants in the required 10 foot planting screen. Unfortunately, some developers do as little as possible while others do a very fine job. Again, we can only wait to see what will be done with this particular item.



Mr. R. L. Mitchel
October 5, 1976
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I hope you will keep in touch with me and if anything new occurs,
please give me a phone call.

Sincerely,

Jack

Fredrick A. Linde,
Grievance Officer

FL:pc

cc: Mr. Jack Galbraith, Planning Department
Mr. Robert Feldner, Central Inspection
Mr. Sam Mobley, Central Inspection

April 29, 1976

Robert Feldner, Superintendent Central Inspection

Jack H. Galbraith, Chief Planner

DP-50 - Carriage House C.U.P. - generally located at the north-east corner of McCormick and Tyler Road

The Board of City Commissioners on April 29, 1975, considered the above captioned C.U.P. Their action was to approve the C.U.P. subject to the following conditions:

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

Please note that condition "a" above has been complied with and the associated plat recorded with the Register of Deeds.

Attached for your files is an approved copy of the C.U.P.

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

Jack H. Galbraith
Chief, Planner

JHG:GLS:el
Attachment

April 29

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

Required Landscape Plan for Carriage House C.U.P. (DP-50)

We have received from Mr. Harry Frazier, a proposed landscape plan for the Carriage House C.U.P. This plan has been submitted to meet the conditions of General Provision No. 6 of the approved Community Unit Plan which are as follows:

- "6. Planting screens as indicated on the plan shall be provided and maintained and shall consist of low shrubbery and trees not less than ten (10) feet in width, and shall be of such a type, and maintained in such a manner as to not constitute a traffic hazard.

A landscape plan shall be prepared by a landscape architect for the planting screens and all of Parcel 3, indicating the location, type and specifications of planting materials, shall be submitted to the Planning Department for their review and approval prior to issuance of any building permits.

The planting in the areas designated shall be done in the first planting season after the recording of the plat."

In reviewing the planting plans, we find the selection and size of materials acceptable. We do caution against what appears to be the very close location of large variety trees in relation to the screening wall indicated on the plan.

Regarding the screening wall, we would anticipate that only the portion of the wall associated with the construction of building and parking on the west portion of Parcel 2 would be required at this time. In our opinion the construction of the screening walls along the remainder of Parcel 2 could occur in association with future development on the eastern portion of Parcel 2.

In regards to Parcel 3, we do not believe the intent was that the construction of the screening wall along the northern boundary of this parcel is required until this parcel is later developed for commercial purposes. As is indicated on the face of the C.U.P., Parcel 3 has been approved for open area and drainage uses. An amendment to the C.U.P. would, therefore, be required prior to this parcel being permitted to develop as commercial.

As Parcel 3 is presently approved, the intent is that a lake be constructed to help solve drainage problems in the area. In our

Robert Feldner, Superintendent of Central Inspection
April 29, 1976
Page 2

opinion, the lake is to be completed along with the development of any part of Parcel 2. Once the excavation activities for this lake have been completed, landscaping is required around the lake area.

Subject to these comments, we have approved the submitted landscape plans and have attached two approved copies for your files. We would anticipate that the completion of the lake and the first phase of commercial development in time for the 1976 fall planting season.

If additional information is needed on the approval of these landscape plans, please advise.

Jack H. Galbraith, Chief Planner

JHG:bh
Attach:
cc: Harry J. Frazier, Jr.
Bill E. Mesker

April 27, 1976

Mr. Harry J. Frazier, Jr.
Frazier Construction Company
2952 N. Arkansas
Wichita, Kansas 67204

Dear Mr. Frazier:

This is to advise that we have reviewed your proposed landscape for the area east of Tyler Road and north of U.S. Highway 54. In carrying out our review, we have compared your proposed landscape plan with the previous conditions of approval of the "Carriage House Community Unit Plan" (DP-50). The conditions of approval that apply most directly to your landscape plan are as follows:

- "6. Planting screens as indicated on the plan shall be provided and maintained and shall consist of low shrubbery and trees not less than ten (10) feet in width and shall be of such a type, and maintained in such a manner as to not constitute a traffic hazard.

A landscape plan shall be prepared by a landscape architect for the planting screens and all of parcel 3, indicating the location, type and specifications of planting materials, shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permits.

The planting in the areas designated shall be done in the first planting season after the recording of the plat."

Page Two
Harry J. Frazier, Jr.
April 27, 1976

In addition, the following condition would appear to influence the placement and location various plant materials.

"8. A solid or semi-solid wall to prevent the passage of debris or light constructed of brick, stone, masonry or similar material at least 5 feet high but not more than 8 feet high shall be constructed at the locations indicated on the plan at the time of issuance of a building permit on portion of the parcel included in the building permit.

The wall or walls shall not be constructed on any utility easement."

The approved community unit plan indicates the referred to wall located along the northern portions of parcel 2 and parcel 3 in those areas where these parcels adjoin residential zoning districts. The walls are located immediately adjacent to the 10 foot planting strips also indicated on the approved community unit plan. It is suggested that the wall be indicated on your proposed landscape plan and that the proposed location of several of the larger variety trees along the north portions of parcel 2 be reviewed as they appear to be placed very close to where the wall should be located.

It is also noted that your proposed landscape plan covers only a portion (the 10 foot plant strip) of parcel no. 3. The second paragraph of approval condition number "6" above specifies that a landscape plan is to be prepared for all of parcel 3. As parcel 3 is to be used primarily for the construction of a proposed lake for drainage purposes, it is anticipated that the proposed landscape plan would contain an indication of the original and final contours and thereby the extent of entire excavation together with the surrounding landscape materials proposed once excavation is completed. In developing a complete landscape plan for parcel 3, care should be taken to avoid the location of

Page Three
Harry J. Frazier, Jr.
April 27, 1976

materials or structures in the 20 foot drainage easement designated on the recorded plat. This easement runs north and south and is located 220 feet west of the east property line of parcel 3. On the basis of these comments, could you please provide us a revised landscape plan that complies with the above specified conditions of approval of the community unit plan.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:RLY:el

cc: Robert Feldner, Superintendent of Central Inspection
Bill E. Mesker, International Flying Farmers Bldg.
Mid-Continent Airport, 67215
Roger Sherwood, 516 Century Plaza Building
Wichita, 67202

PROPOSED REVISIONS C U P DF-50

1. Traffic pattern designed to prevent all traffic flow from commercial area through residential area (no access from light commercial area to Bailey Addition), including but not limited to:
 - a. Topaz to terminate with a cul-de-sac and AA family dwellings north of Hendryx.
 - b. Turquoise Lane to terminate with cul-de-sac north of Hendryx.
 - c. Hendryx to continue southwesterly to intersect McCormick thence west to Tyler Road.
2. An eight foot (8 ft.) masonry fence with appropriate landscaping and planting used to buffer area between light commercial and residential area. It will also serve as a trash retainer and a noise barrier. Fence shall be constructed in a way that will not prevent proper drainage of area.
3. Use Hendryx-McCormick Avenue as the thoroughfare to carry 2-way traffic from Woodchuck to Tyler Road to connect with 2-way on Bellview west of Tyler Road.
4. Landscaped open spaces, as the City Commissioners suggested to help eliminate the Strip Zoning effect and add to the aesthetic value of the area.
5. Design CUP to be compatible with highway development and Tyler Road interchange.
6. The developer to request the City to expand the culvert under Woodchuck from a 2-foot drain to a 4-foot drain to keep the water from bottleneaking in the field.
7. Design proposed commercial area south of Hendryx (Tourmaline) and west of Evergreen so that 75% to 80% of the drainage from said 300,000 sq. ft. area drains to the west.
8. There shall be a maximum of four (4) buildings on CUP with a total of four (4) entrances.
9. Drainage of surface water from the area should be provided without the impounding of water.
10. Provide entire cost of relocating driveway from Hendryx to Tourquoise on Walker residence.

April 24, 1975

John R. Taylor
512 Floyd
Wichita, Kansas 67209

Subject: DP-50 Carriage House
CUP

Dear Mr. Taylor:

Our letter to Mr. Sherwood dated April 11, 1975, of which you received a copy, advised that the above captioned case had been approved by the Planning Commission subject to several conditions. That letter also advised that subject case would be forwarded to the Board of City Commissioners for consideration at their regular meeting on April 29, 1975. This week we received the final plat which is scheduled for consideration by the Subdivision Committee next Thursday, May 1, 1975, the meeting to begin at 1:00 p.m. in the City Annex Building, 104 South Main. In reviewing the final plat we notice a change in the geometrics for Hendryx east of Tyler Road. Originally this street had not been proposed to terminate in a cul-de-sac. The applicant now feels this is a better solution and therefore has made the adjustment on the C.U.P. It is my opinion that this is a minor change, however, I would appreciate you reviewing this matter and advising whether or not you agree with this slight adjustment. It would seem that the termination of this street now labeled as Tyler Court would not have any effect on those lots that you have primary interest in. We would recommend that neither residential lot that fronts on Robin Road have access to the cul-de-sac as marked on the enclosed plan. I would appreciate you calling me on this matter at your earliest convenience.

*John Taylor called about to me
on 4/29/75 that he had no objection
and de-sac change 4/29/75
JHG*

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

cc: Roger Sherwood, Century Plaza Bldg., 67202

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE August 31, 1977

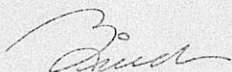


TO Ray W. Bruggeman, Director of Public Works
FROM Robert G. Finch, Deputy City Manager

SUBJECT Sanitary Sewer to Serve
Carriage House Plaza CUP

On August 30, 1977, the City Commission directed that the installation of a sanitary sewer to serve the Carriage House Plaza CUP be delayed until such time as required by the CUP.

Please flag this matter to assure that the initiation of this is returned to the City Commission at the appropriate time.


Robert G. Finch
Deputy City Manager

RGF/pd
cc: Dick Linn, City Engineer
Robert A. Lakin, Director of Planning

EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 9, 1975:

20a. Case No. Z-1471 - Bill E. Mesker and Bud White request change from "AA" to "LC" for:

Beginning at a point 2070.96 ft. south and 56 ft. east of the NW corner of the NW 1/4 of Sec. 28, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, said point being on the south line of Tourmaline Lane as platted in Floyd Bailey Fourth Add., Wichita, Sedgwick County, Kansas; thence east along the south line of Tourmaline Lane, now Hendryx St., 710 ft.; thence northeasterly 461.02 ft.+, to a point 1205 ft. east and 735 ft. north of the SW corner of said NW 1/4; thence easterly 366.87 ft.+, to a point 1570 ft. east and 698 ft. north of the SW corner of said NW 1/4; thence southeasterly to a point 70 ft. north of the NW corner of Lot 9, Block 1, Carriage House Plaza, Wichita, Sedgwick County, Kansas; thence southeasterly to the NE corner of Lot 1, Block 1 in said Carriage House Plaza; thence west 220 ft. on the north line of Lots 8 and 9 in said Block 1, in said Carriage House Plaza; thence south on the west line of said Block 1 in said Carriage House Plaza, 427.87 ft. to the south line of said NW 1/4; thence west on said south line of said NW 1/4 to a point 65 feet east of the SW corner of said NW 1/4; thence north 568.8 ft.+, to the point of beginning; and change from "A" to "LC" for Lots 8 and 9, Block 1, Carriage House Plaza, Wichita, Sedgwick County, Kansas. All generally located at the northeast corner of McCormick and Tyler Road.

20b. DP-50 - Bill E. Mesker and Bud White request approval of a CUP for the following described property:

Part of the NW 1/4 of Sec. 28, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of said NW 1/4, 65 ft. east of the SW corner of said NW 1/4; thence north parallel to the west line of said NW 1/4, 568 ft. more or less to the south line of Hendryx Street; thence east on said south line of said Hendryx Street to the east line of Lot 5, Block 1, Floyd Bailey Fifth Addition, Wichita, Sedgwick County, Kansas, extended south; thence north to the NE corner of said Lot 5 in said Block 1, in said Floyd Bailey Fifth Addition; thence east to the NE corner of Lot 1, Block 3, Carriage House Plaza, Wichita, Sedgwick County, Kansas; thence southwesterly to a point 762 feet north and 1145 feet west of the SE corner of said NW 1/4 thence southeasterly to a point 725 feet north and 1015 feet west of said SE corner of said NW 1/4; thence southeasterly to a point 570 feet north and 755 feet west of said SE corner of said NW 1/4; thence southeasterly to a point 515 feet north and 625 feet west of said SE corner of said NW 1/4; thence southeasterly to a point on the east line of Lot 2, Block 2, said point being 10 feet north of the SE corner of said Lot 2, Block 2 in said Carriage House Plaza; thence south to the SE corner of Lot 1, Block 1, in said Carriage House Plaza; thence westerly on the south line of said Lot 1, Block 1 to the SW corner of said Lot 1, Block 1; thence south 10 feet to the south line of said NW 1/4; thence west to the point of beginning. Generally located at the northeast corner of McCormick and Tyler Road.

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

Comments

1. The applicants presently have 0.6 acres of "LC" zoning and are requesting a zone change from the "AA" Single-family District and the "A" Two Family District to the "LC" Light Commercial District. Parcel 4 as shown in the CUP is not included in the zone change request and will remain "AA" Single-family. The requested zone change will result in an additional 26.9 acres of light commercial zoning.

2. As required by the CUP provisions of the zoning ordinance and where a tract of land contains more than 6 acres proposed for commercial development and is under single control, a development plan has been submitted for review and approval by the Planning Commission.
3. The Plan as submitted proposes a four parcel development with Parcels 1, 2 and 3 allowing all uses provided in the "LC" District, except drive-in restaurants, public garages, storage garages, printing shops and mortuaries; Parcel 4 is proposed for open space, planting area, utility and drainage easements. The applicant has been encouraged to be more specific in listing proposed uses, especially on Parcel 2 where a maximum of 6 separate buildings is proposed. The Plan indicates the required information on total area, maximum building heights, maximum land coverage by buildings, proposed general uses, maximum curb cuts, sign controls, lighting controls, building setback lines, and screening controls.
4. The applicants have been made aware of the serious drainage problem in the area. This quarter section is extremely flat and should development take place prior to resolving the drainage problem for all the area, then ponding will occur in the Floyd Bailey Additions. The applicants have included a provision in the text that specific drainage solutions will be determined at time of platting and they have suggested the development of a temporary pond on the east side of Parcel 2.
5. The zoning maps proposed in conjunction with the proposed new zoning ordinance project subject property to be in the "B-2" Community Retail District, which would allow the range of uses suggested. The maximum building coverage and floor area ratio as proposed is also consistent with the requirements of the "B-2" District.
6. The development plan as originally submitted proposed a 165-foot building setback line on Parcel 2 adjacent to Tyler Road, however, the applicants now propose a 35-foot building setback in that area. The Planning Commission should determine whether a 35-foot building setback is sufficient for this type of development along Tyler Road.
7. In reviewing the plan it was noted that up to 8 separate buildings are proposed for the three parcels. This would appear to be an excessive number of freestanding structures and should be reduced to negate the appearance of a "strip type" development. Consideration should be given to requiring the applicant to reduce the number of proposed buildings (6) on Parcel 2.
8. The Plan as submitted proposes seven access points to Hendryx Street from Parcel 2 and appears to be an excessive number of curb cuts to service the area of the development adjacent to a single-family area. Consideration should also be given to reducing this number.
9. Upon the determination as to the appropriateness of the zone change request and the proposed development plan, approval should be subject to consideration of the following recommended conditions:
 - a. Platting of subject property, including the vacation of McCormick Street on the south, within one year from the date of approval by the Board of County Commissioners; or the applications be considered denied and closed.
 - b. The 35-foot building setback adjacent to Tyler Road in Parcel 2 shall be restored to the 165-foot setback as originally submitted.
 - c. The maximum number of curb cuts to Hendryx and the maximum number of buildings for Parcel 2 should be determined by the Planning Commission.

- d. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.
- e. 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.
- f. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

HILL declared a conflict of interest and left the meeting. He said he has in the past represented the person who is proposing the CUP and also represented the family that originally owned the property.

In response to questions from several of the Commissioners, GALBRAITH said that building coverage on any CUP cannot exceed 30%, and that the number of buildings on any specific tract can be limited by the Commission as it has done in the past, and at this time, nothing has been submitted as to the proposed types of uses, as the plans suggest any uses permitted in "IC", except for a few specific uses. As for ground coverage by buildings, GALBRAITH said that most plans are submitted providing for the maximum, but that not many have actually been developed to that extent.

ROGER SHERWOOD, attorney for the applicant, said that with respect to the setback on Parcel 3, they have agreed with the attorney for the furniture store owner adjacent on the east to make that setback 65 feet rather than the 35-foot setback as shown on the plan.

As for drainage, SHERWOOD said it has been a problem in this area for many years. At this time, Professional Engineering Consultants, in connection with their work for the State Highway Department, has plans for an 8-foot boxed culvert to handle some of the drainage which will eventually lead to the Cowskin south and west of the highway. SHERWOOD said that during the interim pending development and construction of the plan as developed by PEC, a retention lake is proposed somewhere in the east portion of subject area, and while not a complete solution, would tend to alleviate the problem so far as drainage of Floyd Bailey Additions. SHERWOOD pointed out that there has been a pond more or less in this area for sometime, at least in wet seasons.

SHERWOOD said at present, the only development being proposed is for the west 780 feet where a 100,000 square foot building with several tenants is under consideration, but not finalized as yet. He said the plans have already been drawn for this building, and it is doubtful that there will be any development of the east portion until the drainage problem has been completely resolved and the pond removed. He emphasized that they don't know that will actually be the case, but at this time, it is felt the east portion will remain undeveloped until drainage is taken care of.

With respect to the 100,000 square foot building, SHERWOOD said the initial plans provide that the building observe a 165-foot setback from Tyler Road and they are willing to provide that setback in the plan, but feel it is not reasonable to require a 165-foot setback for the entire west frontage because in the future, it would be reasonable to have a post office sub-station or photo drop-off structure within the 165-foot setback area.

SHERWOOD pointed out that it was not intended by the drawing to indicate specifically the location of the pond, but it was the suggestion of the Flood Control Office that it would help resolve the drainage problem pending State Highway plans and a solution at that time. He stated also that the developer of the west 780 feet will use fill from the pond area to fill the west portion of the area, and to channel drainage to the west. He said that the existing furniture store location on U. S. 54 was filled about four feet prior to construction.

SHERWOOD said that so far as the number of buildings shown for Parcel 2, there is no magic reason that 7 buildings were indicated, and while it is not intended to develop the east portion at this time, it was considered desirable to indicate a maximum figure of some kind.

As for vacation of McCormick, SHERWOOD said the 30 feet for the south half was dedicated many years ago and is not being used, and will not be used as long as it is insufficient in right-of-way width. In the event it is vacated, it would have to be purchased by the State when the final highway plan is known for this area.

MARLO GOERING, attorney representing various residents of Bailey Addition, spoke in opposition. He said at a meeting of the residents recently 66 were present, and he had suggested they come today in case they had additional comments to submit after his presentation.

GOERING said the main concern is the drainage, and while a future solution of the problem has been discussed, a City solution has not been before this Commission at this time.

Another item the residents are concerned with is the development of commercial so close to a residential area, where they would be subjected to increased commercial traffic, noise, smoke, hazards associated with increased traffic, trash and unsightly clutter scattered throughout the area. Admittedly, there is a statement in the plan for a wall, but they are concerned about the line of demarcation between the commercial and residential.

GOERING said his clients realize that commercial development along the highway is inevitable, but doubted that such a large area is needed, and particularly so close to their homes. This last statement applies particularly to the lots on the south side of Floyd which will back up to a re-aligned Hendryx and Parcel 4. GOERING pointed out that the plan proposes to utilize lots platted for single-family development on the present Hendryx Street right-of-way, (which lots are owned by the applicant). It was the feeling of the property owners on Floyd that the area adjacent to their homes (but south of re-aligned Hendryx), should not be zoned commercial. GOERING pointed out also that the lots were platted in 1957 as a part of Floyd Bailey 3rd Addition and that restrictive covenants were filed at that time restricting development to residential purposes, and it was his opinion that to utilize such lots for commercial development would be in direct violation of the covenants.

GOERING next referred to the fact that they desired more information as to the type of buildings and business proposed, and why seven entrances are necessary to Hendryx, and whether or not commercial buildings will face Hendryx or the highway to the south.

When questioned about the affect of the private covenants on the use of what was originally platted as single-family lots for street purposes (Hendryx), LAKIN said he would have to seek a legal opinion, but it was his feeling that when the owner of such lots dedicates them to the public, the public could make use of the area for street purposes; however, the parties to the covenants might bring action to enforce the covenants.

LAKIN said the State is progressing on some acquisition programmed for the next three years, and Hendryx, in this area, will be used as what is designated as a collateral road to provide traffic circulation in the area. LAKIN said in discussing this plan with the applicant, he had suggested that a better layout would be to provide Hendryx as presently shown, with residential lots backing up to the commercial type street, rather than to have them face such a street as would have been the case under the original platting.

When questioned about the authority of the Commission to zone in opposition to private covenants, LAKIN said that zoning can be established in spite of such covenants, as they are private and the City has no legal obligation to be governed by them.

HENNESSY suggested the possibility of just considering the west 780 feet which is proposed for development at this time, and leave the balance for later consideration when possibly the drainage problem would have been solved. It was pointed out that Hendryx, as presently platted with single-family lots on the north side, and if highway plans are completed and Hendryx becomes a collateral type street, then it would mean commercial type traffic would have access to the residential area to the north, while the efforts heretofore have been to close off residential lots and cul-de-sac streets to prevent commercial traffic going north through the residential area.

ROBERT HALL, attorney for the property owner adjacent on the east (furniture store), said their objection related to the overall situation. They had concerns about the 35-foot setback provided on Parcel 3 which is adjacent to his client's property, on which they have observed a 65-foot setback in the construction of the furniture store.

HALL also questioned the area shown for a planting screen and the fact that the west portion is shown on the south side of Hendryx and the east portion is on the north side adjacent to the rear of the residential lots. He also pointed out that change of ownership of property often results in neglect of the maintenance of such screening.

HALL said his client is interested in the type of development proposed and had concerns as to the need for the number of structures indicated for Parcel 2. He said he could envision the collection of trash and debris at the fence or screening indicated on Parcel 4, and thought there should be a definite guarantee for protection of adjacent properties.

The possibility that Hendryx remaining on a straight alignment could handle commercial type traffic better than as a curved street was also suggested by HALL, and yet the development along the north side of the present Hendryx alignment as single-family or multi-family housing would constitute a bigger traffic hazard than curving the street.

The fact that it is proposed to cul-de-sac Topaz and Turquoise Streets (which now have access to Hendryx and then to Woodchuck), means traffic originating in the Bailey Additions must go to the west to Tyler Road, except for one street farther to the north that provides access to Woodchuck.

HALL pointed out also that the re-alignment of Hendryx has resulted in a 10-foot jog where it leads into Hendryx Street as now platted adjacent to his client's lot, and while they have no immediate plans for rezoning their lots facing Hendryx, if it ever is, there will be the 10-foot jog which might be dangerous.

HALL said the biggest objection was to the location of the lake as shown. He pointed out that the area on which the 100,000 square foot building is proposed drops approximately 4 feet as the land extends to the east and at this time after a hard rain

there is standing surface water. He said at the time the furniture store building was under construction, a heavy rain raised the slab 1 1/2" and it was feared that standing water in the lake as proposed, could have a damaging affect on their building. Further, with the paving of a considerable amount of the area, there would be even greater possibility of damage, and could create a hazard not only for their structure, but as a collection pit for debris, papers, and a possible health hazard.

ALBERT W. SHIFLET, a resident to the north of subject area, spoke in opposition, principally because of the drainage situation. He stated that ponding extends almost over the entire area at the time of a big rain and each time seems to come closer to his home. He asked the Commission to do nothing toward permitting development until the drainage problem is solved. He was opposed to anything which would tend to further restrict storage of water in the open, and it was his feeling that the pond proposed would be full of water constantly. SHIFLET pointed out that since his residence in the area, any new development has required filling in of the lot, and he stressed again his desire for no changes until the drainage is solved.

CHAIRMAN KAMEN pointed out that any development permitted would require a solution of the drainage problem at the time of platting. It was pointed out that during the platting process, representatives from the Flood Control Office would make certain requirements which would have to be complied with before approval of the plat can be obtained. HENNESSY said that unless some development is permitted and a compromise of the parties concerned arrived at so far as drainage, there can be no development, and he pointed out that no governmental unit will take care of the drainage entirely, that it will have to be a developer that will build something compatible to the neighborhood and share in the expense of the improvement.

JOHN R. TAYLOR, 512 Floyd, spoke in opposition to the plan to use dirt from the east portion of the area to build up the west portion for development. He felt this would result in a ponding area and harbor for rats, etc.

CHAIRMAN KAMEN said the Health Department would not allow a stagnant pond, although it may be there now to some degree because there is no development.

TAYLOR referred to what he termed an imbalance of commercial property as opposed to residential property, and reviewed the present shopping center facilities along U. S. 54 or to the north on Central. He felt there were already sufficient facilities and that any community can only support so many such centers. He was opposed to having to face the development proposed and suggested that more definite plans are needed from the developer as to just what would be constructed.

It was Taylor's feeling that the residents were entitled to know the type of development expected, and he said that while he is not opposed to reasonable commercial development, he would be opposed to anything which would cause devaluation of his property and that of his neighbors.

TAYLOR felt that the use of McCormick as access to the property (once full right-of-way is acquired), would be more logical than Hendryx Street adjacent to a residential area. TAYLOR said when he purchased his property in February of last year, he was assured that there would be three rows of houses between his property and any commercial. TAYLOR also related that he had checked with the Planning Department staff at the time of his purchase and was advised that there was nothing pending in the area so far as a change of zoning or development, yet now it appears the application was originally filed in 1972.

TAYLOR felt that the flow of commercial traffic on the proposed realignment of Hendryx would be adverse to the residential areas to the north.

GARDENHIRE asked Taylor if he was opposed to the request in general or to what he considered a lack of concrete information as to what is planned for the area.

TAYLOR said he was opposed to any change from residential, except along U. S. 54, and particularly opposed to the realignment of Hendryx. He pointed out the possibility of development fronting on the new Hendryx Street, and was opposed to the request for such a large amount of commercial and the fact that it was not limited more to the frontage on U. S. 54. TAYLOR pointed out the difficulty in marketing residential properties in the adjacent area if this application is approved, and felt that there should be residential development on the present Hendryx alignment. In discussing the street pattern to the north, it was brought out that Paula presently is the only street that has access to Hendryx.

HENNESSY suggested the possibility of a compromise between the applicant and those in opposition, pointing out that it is not likely the drainage will be resolved until subject tract is developed.

SHERWOOD stated that two years ago when this matter was first submitted, a meeting was held and at that time it was considered impossible to reach a compromise inasmuch as some of the residents wanted Hendryx closed off to commercial traffic entirely and some wanted it left open; some wanted McCormick left and some didn't; and there is a difference among the residents so far as handling drainage. For these reasons, he did not see how everyone could possibly be satisfied.

GRAGERT said he was in favor of the zoning, but concerned about the drainage, and that he would be more comfortable with the plan if an engineer's report was submitted with respect to handling the drainage.

SHERWOOD reminded the Commission that the Flood Control people will have to be satisfied at the time of platting, and said they were following suggestions made by various staff people of the City of Wichita so far as the possible handling of drainage until a major solution is undertaken along with the State Highway Department. SHERWOOD said that during the platting process, there will be requirements imposed on the developer to assure that flooding or drainage conditions are improved.

GLENDA JOHNSON, 423 Topaz, commented in opposition, noting that the applicants were aware of the residential zoning when they purchased the property and she also felt they should have contacted other owners in the area and obtained their reaction prior to submitting a plan to the Planning Commission. She said they all are concerned with their own personal values.

DENNIS MAIN, 516 Floyd, pointed out that this is in the approach path of the Mid-Continent Airport and that high intensity lighting of a shopping center can be disturbing to a pilot, although it is not in violation of FAA regulations. He said he was in agreement with prior comments in opposition, and felt there should be a balance of residential and commercial in any area. He was pleased with the Manor House Furniture Store building and said the present wheat field serves very adequately as a buffer. MAIN also suggested what is planned would possibly have adverse affects on the church nearby because of lighting and traffic congestion.

BILL MESKER, one of the applicants, said they have complied with suggestions made by the Planning Department staff by providing the cul-de-sac, curving of Hendryx, etc., and the only thing done without specific approval of the Department staff is the 165-foot setback from Tyler Road. He said they have offered to build the lake at their expense and realize they have to keep it maintained. He stated that it is impossible to do everything the residents in the area want done - they want a sophisticated drainage system which will cost millions of dollars and would

provide drainage for a much greater area than subject property, and are not willing to wait for the installation of such a system at the time the highway is improved. He said it was not their idea to eliminate McCormick - it was suggested to them. He repeated that they have worked and complied with suggestions made by various City, County and State departments or agencies.

When Hennessy suggested residential on both sides of the present Hendryx Street alignment, MESKER pointed out that Mr. Taylor who had just spoken, did not want a shopping center behind his property. HENNESSY referred to a center at 13th and Woodlawn where there are very nice homes backed up to a shopping center area, and commented further that the residents of the area should be protected, but on the other hand, the applicants need something for their investment also.

MESKER said that apparently the staff feels that the residents to the north have been protected under this plan. If houses were developed on the south side of the present Hendryx it would only mean a different group of people objecting to having their residential property backed into a commercial development.

When asked why Turquoise was shut off from Hendryx, MESKER stated again that it was not their idea, but was suggested to them. He also pointed out that improvement of the proposed Hendryx would be paid for without cost to the area in general, and that it is 70 feet wide as required by the State Highway Department, since it would be used as an access road, which accounts for the extra 10 feet in width.

GALBRAITH said it was the position of the staff that for the protection of the residential neighborhood, Topaz and Turquoise should terminate in cul-de-sacs, so that commercial type traffic would not be filtering through their residential area. It was also felt that the realignment of Hendryx would be better to permit commercial traffic at the rear of residences rather than having residential lots face the access road and into the back of commercial development.

GALBRAITH said there is no question but that the drainage problems are serious and must be resolved. He stated that Mitchell of the Flood Control Office has advised that the pond might be a method to consider handling drainage on an interim basis.

In the discussion, it was brought out that the buffer area between subject property and any residential will be the 10-foot planting area, the 70-foot street (Hendryx) and a 35-foot setback for buildings. When questioned, MESKER said it is not planned to have any structures on Parcel 4 - only shrubbery and landscaping.

MS. A. D. SUERNRAM, 532 Turquoise, pointed out that it will be a long time before a planting screen will be big enough to provide any protection to the residents, and apparently the development will be exposed to them for 10 to 15 years.

GARDENHIRE said she had concluded that many of those in opposition recognize that at least some commercial zoning is warranted, and their apprehension is with the specifics of the plan.

TAYLOR said she had reached the same conclusion, and asked about the possibility of lessening the depth of the "LC" and approving "BB" or "LC" to serve as a buffer on the south side of the present alignment of Hendryx. MESKER said they would accept zoning for parking for the area proposed for parking as it would mean less taxes for them, but they are primarily interested in having zoning to proceed with the 100,000 square foot building planned for the west portion of the plan.

GRACERT said he favored the plan, but with some conditions. He thought the setback on the west should be 165 feet and he felt this would not be a problem inasmuch as it is already proposed to observe that setback for the large building, and since this one building will cover the 30% coverage allowed, it is not likely

that there would be another structure proposed on the west portion which might call for a lesser setback. He said he would favor Hendryx as proposed in the plan and the cul-de-sacs to limit the access to residential streets to the north. He was concerned about the number of buildings proposed for other than the west portion, noting that there would be a limited amount of land left for development by the time the drainage problem is considered. He felt the total number of buildings on Parcel 2 should be limited to four. When asked about openings to Hendryx, GRAGERT suggested that be left to the Subdivision Committee to consider at the time of platting.

MOTION: That the Planning Commission recommend to the City Commission that Z-1471 be approved, and that DP-50 Community Unit Plan be approved, subject to the following conditions:

- A. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.
- B. Increase the building setback on Parcel 3 from the frontage road to 65 feet.
- C. Increase the 35-foot setback on Parcel 2 adjacent to Tyler Road to 165 feet.
- D. Amend the second sentence under General Provision #1 to read as follows: "The maximum number of curb cuts on the south side of Hendryx Street shall be determined at the time of platting."
- E. Adding a General Provision to provide that all structures on Parcels 2 and 3 shall face to the south.
- F. Reduce the proposed number of buildings on Parcel 2 to 4.
- G. 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.
- 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.

Gragert moved.

HENNESSY said he was not in favor of granting so much "LC", and was still concerned that the residents be protected. He felt that if the west portion is approved for the 100,000 square foot building, the applicant would have had a return on his investment. He remarked that apparently there is nothing planned at this time for the east portion and that seemed to be the "hang up" because of the drainage situation and the homes to the north.

GOEBEL said he would not want to vote for the motion in its present form, but would not want to "kill" it completely. He suggested the applicant might construct some nice duplexes or furplexes on Hendryx as presently platted, similar to the multi-family structures on Tyler Road to the west, and it seemed to him there should be no difficulty in keeping them rented facing Hendryx as a commercial street in connection with the shopping cen-

ter as he is keeping those on Tyler Road rented, and apparently those are doing very well. GOEBEL said he definitely felt that there should be some "LC" granted.

RISING said he would support Goebel's comments, but recalled too the fact that "LC" had been granted to a greater depth in several cases in the eastern part of Wichita. He favored a buffer zone and also the need to avoid channeling commercial traffic through the residential area, and suggested the need for more work on the overall plan.

SHERWOOD said it was doubtful that residents in the area would agree to a multi-family zoning along the north side of Hendryx, and as for the fact that it is too much "LC" acreage, SHERWOOD pointed out that the regulations provide that all of an applicant's ownership which is contiguous be included in a CUP; however, if the Commission desired, the east portion could be eliminated from the request.

GRAGERT said he would not favor severing the tract because a solution of the drainage problem could not occur unless there is platting. As for multi-family development on the north, GRAGERT felt it would be creating even a worse problem because it would mean residents would front and have to look into the back of commercial development, whereas with Hendryx curved as shown on the plan, residences would be backed into the street. Also, the present alignment eliminates a conflict of residential and commercial traffic to a greater degree.

The matter of buffering was raised again, and it was pointed out that there would be a 115-foot buffer (planting area of 10 feet, street right-of-way of 70 feet, and a 35-foot setback).

GALBRAITH said that 9.a. as suggested in the staff report should be eliminated, and the possible vacation of McCormick be determined at the time of platting.

HOPPER seconded the motion.

HOPPER said he actually felt the street as planned would provide more protection to the residents than townhouses or other type of multiple-family development.

VOTE ON MOTION: Carried by a vote of 5 in favor (Gragert, Hopper, Bayouth, Gardenhire, and Kamen) and 4 opposed (Hennessy, Rising, Taylor and Goebel). (Hill absent.)

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 10, 1975:

- 7a. Case No. Z-1471 - Bill E. Mesker and Bud White request change from "AA", "A" and "LC" to "LC" for:

A tract in the NW 1/4 of Sec. 28, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of said NW 1/4, 65 feet east of the SW corner of said NW 1/4; thence north 598.8 feet, more or less, to the center line of Hendryx Street; thence east parallel to the north line of said NW 1/4; 1420 ft. thence southerly 320 feet to a point 1120 feet west of the east line of said NW 1/4; thence northeasterly to a point 427.87 feet north and 910 feet west of the east line of said NW 1/4; thence east 410 feet to the NW corner of Lot 7, Block 1, Carriage House Plaza; thence south 404.70 feet to the SW corner of Lot 2, Block 1 in said Carriage House Plaza; thence westerly on the south line of Lot 1, Block 1 in said Carriage House Plaza to the SW corner of said Lot 1, Block 1, thence south 10 feet to the south line of said NW 1/4; thence west on the south line of said NW 1/4 to the point of beginning. Generally located on the northeast corner of McCormick and Tyler Road.

7b. Case No. DP-50 - (Amendment) - Bill E. Mesker and Bud White request amendment to a CUP for the following tract:

A tract in the NW 1/4 of Sec. 28, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of said NW 1/4, 65 feet east of the SW corner of said NW 1/4; thence north 598.8 feet, more or less, to the center line of Hendryx Street; thence east parallel to the north line of said NW 1/4; 1420 feet; thence southerly 320 feet to a point 1120 feet west of the east line of said NW 1/4; thence northeasterly to a point 427.87 feet north and 910 feet west of the east line of said NW 1/4; thence east 410 feet to the NW corner of Lot 7, Block 1, Carriage House Plaza; thence south 404.70 feet to the SW corner of Lot 2, Block 1, in said Carriage House Plaza; thence westerly on the south line of Lot 1, Block 1 in said Carriage House Plaza to the SW corner of said Lot 1, Block 1 thence south 10 feet to the south line of said NW 1/4; thence west on the south line of said NW 1/4 to the point of beginning. Generally located on the northeast corner of McCormick and Tyler Road.

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

Comments

1. On January 9, 1974, the Planning Commission considered and recommended approval of these two applications. At that time, considerable concern was expressed by residents in the area in regard to the proposed realignment of Hendryx Street to the north, and drainage of subject property and the general area to the north. The City Commission at their regular meeting of January 28, 1975, moved to return the two applications to the Planning Commission for reconsideration and instructed the Planning Commission to consider the area in relation to the new U. S. 54 Highway and Tyler Road interchange, and resolve the drainage in the area.
2. The applicants have now submitted a revised CUP which provides for Hendryx Street to be realigned so as to tie in with McCormick along the south line of subject property and extended to Tyler Road. The plan also provides that no access will be permitted to the residential streets to the north.
3. In regard to drainage, the Flood control Division of the Department of Public Works advises that it is their recommendation that the existing pond area be expanded to accept the surface runoff during rain storms and then allowed to drain out at a slower rate as a temporary solution. They also advise that the ultimate solution to the drainage problem for this area would be the construction of a storm water drain at the appropriate time that an outlet for the water is available.
4. The applicants presently have 0.6 acres of "LC" zoning and are requesting a change of zoning for additional "LC", making a total of approximately 25.6 acres of light commercial zoning.
5. As required by the CUP provisions of the zoning ordinance and where a tract of land contains more than 6 acres proposed for commercial development and is under single control, a development plan has been submitted for review and approval by the Planning Commission.
6. The plan indicates the required information on total area, maximum building heights, maximum land coverage by buildings, proposed general uses, maximum curb cuts, sign controls, lighting controls, building setback lines, maximum floor area ratio and screening provisions and is in general agreement with the comments made by the staff in their review of the plan with the applicant.

7. The zoning maps proposed in conjunction with the proposed new zoning ordinance project subject property to be in the "B-2" Community Retail District, which would allow the range of uses suggested. It should be pointed out that the applicants' engineer advises that there will only be one building on Parcel #1.
8. Upon the determination as to the appropriateness of the zone change request and the proposed development plan, approval should be subject to consideration of the following recommended conditions.
 - a. Recording of the associated plat "Carriage House Second Addition", within one year from the date of approval by the City Commission; or the applications be considered denied and closed.
 - b. Add a comment #7 under Parcel #1 as follows: Maximum number of buildings - 1.
 - c. The maximum floor area under Parcel #1 shall be corrected to read "12,950 square feet."
 - d. The maximum floor area under Parcel #2 shall be corrected to read "242,197 square feet".
 - 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.
 - f. 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.
 - g. Any major changes in this development plan being re-submitted to the Planning Commission and City Commission for their consideration.

ROGER SHERWOOD, attorney for the applicants, said they have met several times with those adjacent owners who had appeared in protest at previous hearings on this case, and most of the changes outlined in the staff report have been made at the suggestion or request of the adjacent owners.

SHERWOOD said the development of the pond to assist in handling the drainage has been reviewed and has tentatively been approved by Mr. Mitchell of the Flood Control Office. It is planned to have storage of water at all times, during heavy rains possibly as much as 2 1/2 feet, and every effort would be made to avoid having weeds or trash in the pond area. Further, the pond area will be landscaped.

The question of whether or not such a pond should be fenced was raised, it being pointed out that borrow or sand pits are required to be fenced in a certain manner. GALBRAITH said this is not considered a sandpit and in his opinion would not require fencing and therefore the owner would be responsible. As to whether or not there is a city ordinance which would be applicable to fencing of the pond area in this case, LAKIN said he was not too familiar with the ordinance, however, it reads or is applied, the City Attorney will require that the regulations be observed.

JOHN TAYLOR, 512 Floyd, speaking on behalf of the residential group which had previously opposed a plan for development of subject property, said that at a meeting last Tuesday, it was the unanimous decision of the group present that this plan is acceptable, that it does not have everything they would have desired in all respects, but they did consider it a good plan.

No one appeared in opposition.

MOTION: That the Planning Commission recommend to the City Commission that the request for "LC" be approved, subject to the platting of the property, and the approval of the associated CUP, subject to the following conditions:

- a. Recording of the associated plat "Carriage House Second Addition," within one year from the date of approval by the City Commission; or the applications be considered denied and closed.
- b. Add a comment #7 under Parcel #1 as follows: Maximum number of buildings - 1.
- c. The maximum floor area under Parcel #1 shall be corrected to read "12,950 square feet."
- d. The maximum floor area under Parcel #2 shall be corrected to read "242,197 square feet."
- 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.
- f. 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.
- g. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Hennessy moved, Bayouth seconded and it carried unanimously. (Taylor, Hopper, Gargert and Rising absent.)

April 11, 1975

Mr. Roger Sherwood, Attorney
516 Century Plaza Building
Wichita, Kansas 67202

Re: Z-1471 - "AA", "A" and "LC"
to "LC"; and DP-50 (as amended)
Generally located on the north-
east corner of McCormick and
Tyler Road

Dear Mr. Sherwood;

At the regular meeting of the Metropolitan Area Planning Commission on April 10, 1975, the above captioned cases were reconsidered as amended. The action of the Commission was to recommend the approval of the request for "LC", subject to the platting of the property, and the approval of the associated CUP, subject to the following conditions:

- a. Recording of the associated plat "Carriage House Second Addition," within one year from the date of approval by the City Commission; or the applications be considered denied and closed.
- b. Add a comment #7 under Parcel #1 as follows: Maximum number of buildings - 1.
- c. The maximum floor area under Parcel #1 shall be corrected to read "12,950 square feet."
- d. The maximum floor area under Parcel #2 shall be corrected to read "242,197 square feet."
- 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.

Page 2 -Mr. Roger Sherwood
April 11, 1975

- f. 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.
- g. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

It is necessary that you have your engineer make the corrections on the CUP to comply with conditions b. c. and d. and provide nine corrected copies to our office by 5:00 p.m. on April 23, 1975, so that these matters may be forwarded to the Board of City Commissioners for consideration at their regular meeting on April 29, 1975, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Bill E. Mesker, International Flying Farmers Building,
Mid-Continent Airport 67215
Bud White, 210 Pattie 67211
Marlo E. Goering, Attorney, 8724 Maple 67209
Robert Hall, P. O. Box 1034 67201
Albert W. Shiflet, 424 Floyd 67209
John R. Taylor, 512 Floyd, 67209
Ms. William R. Johnson, 423 Topaz 67209
Dennis Main, 516 Floyd 67209
Ms. A. E. Suenram, 532 Turquoise 67209
Everett Glasse, 513 Floyd 67209
K. O. Taylor, 1542 South St. Francis 67211
City Manager's Office

April 11, 1975

Mr. John Taylor
512 Floyd
Wichita, Kansas 67209

Re: Z-1471 - "AA", "A" and "LC"
to "LC"; and DP-50 (as amended)
Generally located on the north-
east corner of McCormick and
Tyler Road

Dear Mr. Taylor:

As indicated by the enclosed copy of our letter to Mr. Sherwood, the planning Commission reconsidered the above-captioned cases at its meeting of April 10, 1975. The action was to recommend approval of the two cases. Although you indicated that the neighborhood was no longer opposed, because the cases were re-advertised for public hearing, should you or others decide to submit protest petitions, it is necessary that they be filed with the City Clerk's Office by 5:00 p.m. on April 24, 1975. Attached is a protest petition form, and if more are needed, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

Enclosure

WICHITA-SEDCWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: April 10, 1975

Case No. Z-1471 (as amended)
Case No. DP-50

Request: "AA", "A" and "LC" to
"LC", and Approval of a
Commercial CUP

Location: Northeast corner of McCormick and Tyler Road

Reason: None stated.

Acres: 25.6

Size: 735 ft. by 2,080 ft.
Irregular shape

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"AA", "A" & "LC"
North	Single-family, Two-family & undeveloped	"AA", "A" & "BB"
East	Undeveloped & furniture store	"A" & "LC"
South	Single-family, offices, liquor store & service station	"LC", "C" & "E"
West	Church, single-family & undeveloped	"AA"

Necessary street right-of-way to be
acquired at time of platting.

History: A portion of subject prop-
erty was contained in Z-1244 -
"AA" to "A" & "LC". MAPC: 1-14-71
Approved; BCC: 2-2-71 Approved

Being platted as a
part of Carriage
House 2nd Addition

Comments

- On January 9, 1974, the Planning Commission considered and recommended approval of these two applications. At that time, considerable concern was expressed by residents in the area in regard to the proposed realignment of Hendryx Street to the north, and drainage of subject property and the general area to the north. The City Commission at their regular meeting of January 28, 1975, moved to return the two applications to the Planning Commission for reconsideration and instructed the Planning Commission to consider the area in relation to the new U. S. 54 Highway and Tyler Road interchange, and resolve the drainage in the area.
- The applicants have now submitted a revised CUP which provides for Hendryx Street to be realigned so as to tie in with McCormick along the south line of subject property and extended to Tyler Road. The plan also provides that no access will be permitted to the residential streets to the north.

3. In regard to drainage, the Flood control Division of the Department of Public Works advises that it is their recommendation that the existing pond area be expanded to accept the surface runoff during rain storms and then allowed to drain out at a slower rate as a temporary solution. They also advise that the ultimate solution to the drainage problem for this area would be the construction of a storm water drain at the appropriate time that an outlet for the water is available.
4. The applicants presently have 0.6 acres of "LC" zoning and are requesting a change of zoning for additional "LC", making a total of approximately 25.6 acres of light commercial zoning.
5. As required by the CUP provisions of the zoning ordinance and where a tract of land contains more than 6 acres proposed for commercial development and is under single control, a development plan has been submitted for review and approval by the Planning Commission.
6. The plan indicates the required information on total area, maximum building heights, maximum land coverage by buildings, proposed general uses, maximum curb cuts, sign controls, lighting controls, building setback lines, maximum floor area ratio and screening provisions and is in general agreement with the comments made by the staff in their review of the plan with the applicant.
7. The zoning maps proposed in conjunction with the proposed new zoning ordinance project subject property to be in the "B-2" Community Retail District, which would allow the range of uses suggested. It should be pointed out that the applicants' engineer advises that there will only be one building on Parcel #1.
8. Upon the determination as to the appropriateness of the zone change request and the proposed development plan, approval should be subject to consideration of the following recommended conditions.
 - a. Recording of the associated plat "Carriage House Second Addition", within one year from the date of approval by the City Commission; or the applications be considered denied and closed.
 - b. Add a comment #7 under Parcel #1 as follows: Maximum number of buildings - 1.
 - c. The maximum floor area under Parcel #1 shall be corrected to read "12,950 square feet."
 - d. The maximum floor area under Parcel #2 shall be corrected to read "242,197 square feet".

Page 3 - Case No. Z-1471 and Case No. DP-50
April 10, 1975

- 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.
 - f. 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.
 - g. Any major changes in this development plan being re-submitted to the Planning Commission and City Commission for their consideration.
-

COMMISSIONERS PROCEEDINGS

1599

January 28, 1975

ZONE CHANGE REQUEST
7-1471
A CUP APPROVAL

Report from Metropolitan Area Planning Commission (Case Number 7-1471) in regard to zone change from "AN" and "A" to "LC" and approval of a commercial community unit plan at the northeast corner of McCormick and Tyler Road, presented.

Planning Commission recommended approval subject to conditions A through I as set out in the Planning Commission Minutes of January 9, 1975 regarding platting, building setbacks, curb cuts, facing of structures, the plan running with the land regardless of transfer of title; development in accordance with the plan; and changes being submitted for approval by the Planning Commission and City Commission.

Chief Planner reviewed the Community Unit Plan with the Commission and stated that drainage is a concern of the area residents, as well as the proposed realignment of Hendryx Street on the north side of subject area. He stated that 27.9% valid protest petitions have been filed by adjacent property owners and it will require a 4/5 vote on the part of the Commission for approval.

Roger Sherwood, Attorney for the applicant, spoke in support of the zone change and the development plan for this area and stated that a temporary solution has been proposed by the Public Works Department to use the existing pond for accumulation of surface water to relieve the residential area in the interim until construction of 54 Highway is completed by the State. He further stated that all recommendations of the planning staff were incorporated into the CUP and that they had agreed to the realignment of Hendryx Street as they understood this to be in agreement with the residential area.

R. W. Bruggeman
M. S. Mitchell

In answer to inquiry by the Commission, R. W. Bruggeman, Director of Public Works, and M. S. Mitchell, Assistant Superintendent of Public Works Maintenance, reviewed the ultimate solution to the drainage problem for this area and stated that a storm water drain should be constructed at the appropriate time that an outlet for the water is available.

Mr. Mitchell

Mr. Mitchell stated that it was his recommendation that the existing pond area be expanded to accept the surface runoff during rain storms and then allowed to drain out at a slower rate as a temporary solution.

The following persons spoke in opposition to the proposed Community Unit Plan, as related to buffering, traffic and drainage aspects: Calvin McMillan, Attorney for area residents;

Motion --
carried

Porter moved that Mr. McMillan be granted an additional two minutes for his presentation. Motion carried 4 to 0.

Dick Pickering, 435 N. Turquoise Lane; Ben Zeigler, 501 Topaz; Helen Cleveland, residing on Floyd; Dale Bruce, Attorney for Kansas Federal Credit Union; John Taylor, 512 Floyd; Everett Classe, 513 Floyd;

Bill Mesker and M. K. Gentry spoke in favor of the CUP.

Sara Suoran, 532 Turquoise Lane, was concerned over the signaling of traffic on Turquoise Lane and Topaz if they are opened, because they are dead streets with no sidewalks and their children have to walk out in the streets.

Motion made

Porter moved that the applications be returned to Metropolitan Area Planning Commission for reconsideration. The City Commission instructed BMC to consider the area in relation to the new U.S. Highway 54 Highway and Tyler Road Interchange, the Community Unit Plan and drainage.

DP-50 - 143 Notices to Adjoining Property Owners mailed 3-27-75 for MAPC 4-10-75

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

March 27, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting beginning at 1:30 p.m. on April 10, 1975, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-50 - A tract in the NW $\frac{1}{4}$ of Sec. 28, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of said NW $\frac{1}{4}$, 65 feet east of the SW corner of said NW $\frac{1}{4}$; thence north 598.8 feet, more or less, to the center line of Hendryx Street; thence east parallel to the north line of said NW $\frac{1}{4}$; 1420 feet; thence southerly 320 feet to a point 1120 feet west of the east line of said NW $\frac{1}{4}$; thence northeasterly to a point 427.87 feet north and 910 feet west of the east line of said NW $\frac{1}{4}$; thence east 410 feet to the NW corner of Lot 7, Block 1, Carriage House Plaza, Wichita, Sedgwick County, Kansas; thence south 404.70 feet to the SW corner of Lot 2, Block 1 in said Carriage House Plaza; thence westerly on the south line of Lot 1, Block 1 in said Carriage House Plaza to the SW corner of said Lot 1, Block 1; thence south 10 feet to the south line of said NW $\frac{1}{4}$; thence west on the south line of said NW $\frac{1}{4}$ to the point of beginning. Generally located on the northeast corner of McCormick and Tyler Road.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Code of the City of Wichita. The Development Plan is on file in the Planning Department Office, Room 402 City Building Annex, 104 South Main, Wichita, Kansas and is available for public information and review.

The Development Plan on file proposes an approximate 25.6 acre commercial development which will include a shopping center, banking and/or saving and loan facilities, offices and retail service and/or sales. Included in the Development Plan is information concerning building setbacks, maximum number of structures, maximum ground coverage by structures, maximum number of curb cuts, sign and building height limitations and screening.

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

Robert A. Lakin
Secretary

March 20, 1975

Charles Freund
Professional Engineering Consultants
1440 East English
Wichita, Kansas 67211

Dear Mr. Freund:

As we discussed, enclosed is a copy of a preliminary plat for Carriage House Plaza Second Addition which indicates Hendryx Street curving to the south and intersecting with Tyler Road in the alignment with McCormick Street. This preliminary plat is being discussed at the Subdivision Committee meeting today. Also enclosed is a copy of the amended commercial community unit plan which is scheduled for public hearing at the Planning Commission meeting on April 10, 1975. If you have any questions or comments on either of these two documents we would appreciate hearing from you.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js
Encl.

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

3/10/75
REVISED DP-50

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 BILL E. MESKER
Address International Flying Farmers Bldg., Mid-Continent Airport
Wichita, Kansas 67215 Phone 942-1468
Agent ROGER SHERWOOD
Address 516 Century Plaza Building
Wichita, Kansas 67202 Phone 267-2819
- b. Applicant BUD WHITE
Address 210 Pattie
Wichita, Kansas 67211 Phone 265-4618
Agent ROGER SHERWOOD
Address 516 Century Plaza Building
Wichita, Kansas 67202 Phone 267-2819
- 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.)

(See Attached Description)

- II.B There are 25.6 acres (round to nearest tenth) in the above described property.

III. This property located at (address) South Tyler Road.

The general location is (use appropriate section)

- a. at the Northeast corner of McCormick
and Tyler Road; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

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

BILL E. MESKER
By Roger Sherwood
Authorized Agent (if any)
ROGER SHERWOOD

BUD WHITE
By Roger Sherwood
Authorized Agent (if any)
ROGER SHERWOOD

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

V. OFFICE USE ONLY

This application was received at the Planning Department at
1:15 (AM, PM) on March 10, 1975 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of

\$ already paid

S. Lynn Shirley Name
Jr. Planner Title

ATTACHMENT TO
REVISED
APPLICATION FOR ZONE CHANGE - Z-1471
and
APPLICATION FOR COMMUNITY UNIT PLAN - DP-50

Legal Description:

A tract in the NW 1/4 of Section 28, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of said NW 1/4, 65 feet east of the SW corner of said NW 1/4; thence north 598.8 feet, more or less, to the center line of Hendryx Street; thence east parallel to the north line of said NW 1/4, 1420 feet; thence southerly 320 feet to a point 1120 feet west of the east line of said NW 1/4; thence northeasterly to a point 427.87 feet north and 910 feet west of the east line of said NW 1/4; thence east 410 feet to the NW corner of Lot 7, Block 1, Carriage House Plaza, Wichita, Sedgwick County, Kansas; thence south 404.70 feet to the SW corner of Lot 2, Block 1 in said Carriage House Plaza; thence westerly on the south line of Lot 1, Block 1 in said Carriage House Plaza to the SW corner of said Lot 1, Block 1; thence south 10 feet to the south line of said NW 1/4; thence west on the south line of said NW 1/4 to the point of beginning, containing 25.6 acres, more or less.

March 10, 1975

Mr. Roger Sherwood, Attorney
516 Century Plaza Building
Wichita, Kansas 67202

Subject: Z-1471 - "AA" and "A"
to "IC" and DP-50 -
Commercial CUP - NE
corner of McCormick
and Tyler Road

Dear Mr. Sherwood:

Our letter to you of February 14, 1975 stated that the above-captioned cases would be rescheduled for consideration by the Planning Commission on March 13, 1975.

This is to advise that since we have just received an amended application which will require the matter to be readvertised for public hearing and new notices to be mailed to adjacent property owners, these cases have been rescheduled for consideration by the Planning Commission on April 10, 1975. The meeting will begin at 1:30 p.m. in Room 401, City Building Annex.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

Mr. Roger Sherwood
March 10, 1975
Page Two

cc: Bill E. Mesker, International Flying Farmers Bldg.
Mid-Continent Airport 67215
Bud White, 210 Pattie, 67211
Marlo E. Goering, Attorney, 8724 Maple, 67209
Robert Hall, P. O. Box 1034, 67201
Albert W. Shiflet, 424 Floyd, 67209
John R. Taylor, 512 Floyd, 67209
Ms. William R. Johnson, 423 Topaz, 67209
Dennis Main, 516 Floyd, 67209
Ms. A. E. Suenram, 532 Turquoise, 67209
Everett Glasse, 513 Floyd, 67209
K. O. Taylor, 1542 South St. Francis, 67211

March 7, 1975

Paul Graves, Traffic Engineer
Dick Linn, City Engineer
M. S. Mitchell, Maint/Flood Control Supervisor
Jack H. Galbraith, Chief Planner

DF-50 - Carriage House Revised C.U.P. - Generally located at
the northeast corner of McCormick and Tyler Road

Attached is a copy of the revised C.U.P. for Carriage House.
Please note that Handryx is no longer proposed to extend from
Woodchuck to Tyler Road as now platted. The proposal is to
curve it south and intersect with Tyler Road on the present
McCormick alignment.

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

Jack H. Galbraith
Chief Planner

JHG:js

1, 3, & 5 are all the same -

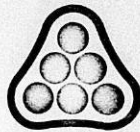
PROPOSED REVISIONS C U P DP-50

1. Traffic pattern designed to prevent all traffic flow from commercial area through residential area (no access from light commercial area to Bailey Addition), including but not limited to:
 - a. Topaz to terminate with a cul-de-sac and AA family dwellings north of Hendryx.
 - b. Turquoise Lane to terminate with cul-de-sac north of Hendryx.
 - c. Hendryx to continue southwesterly to intersect McCormack thence west to Tyler Road.
2. An eight foot (8 ft.) masonry fence with appropriate landscaping and planting used to buffer area between light commercial and residential area. It will also serve as a trash retainer and a noise barrier. Fence shall be constructed in a way that will not prevent proper drainage of area.
3. Use Hendryx-McCormick Avenue as the thoroughfare to carry 2-way traffic from Woodchuck to Tyler Road to connect with 2-way on Bellview west of Tyler Road.
4. Landscaped open spaces, as the City Commissioners suggested to help eliminate the Strip Zoning effect and add to the aesthetic value of the area. *Strengthen wording - first planting season*
5. Design CUP to be compatible with highway development and Tyler Road interchange.
6. The developer to request the City to expand the culvert under Woodchuck from a 2-foot drain to a 4-foot drain to keep the water from bottlenecking in the field. *Check culvert size under Woodchuck*
7. Design proposed commercial area south of Hendryx (Tourmaline) and west of Evergreen so that 75% to 80% of the drainage from said 300,000 sq. ft. area drains to the west. *Needs to be worked out*
8. There shall be a maximum of four (4) buildings on CUP with a total of ~~four (4) entrances~~.
9. Drainage of surface water from the area should be provided without the impounding of water.
10. Provide entire cost of relocating driveway from Hendryx to Tourquoise on Walker residence.

- Pipe under Woodchuck critical -

DIRECTORS

L. K. BAXTER, JR., P.E.
C. O. KNOP, P.E.
E. E. NYSON, P.E.
R. B. PEUGH, P.E.
C. J. FREUND, P.E.
W. H. HELTNER, P.E.
R. D. FLETCHER, P.E.
F. D. MIDDLETON, JR., P.E.
J. L. MARTIN, P.E.
K. R. HORNER, P.E.



**PROFESSIONAL
ENGINEERING
CONSULTANTS**
PROFESSIONAL ASSOCIATION



February 12, 1975

Mr. Roger Sherwood
Attorney
516 Century Plaza Building
Wichita, Kansas 67202

Re: US-54 Urban
(BC) 54-87 U-038-3(35)
PEC File No. 30-74051-011

Dear Mr. Sherwood:

This letter is in reply to questions specifically noted by items as requested in your letter dated February 4, 1975. They are respectively as follows:

1. The design as proposed in the design study report and shown as Figure 5 therein was approved by the State Highway Commission of Kansas and the Federal Highway Administration in their letter dated January 30, 1975. A copy of Figure 5 is enclosed for your review. Plans for right-of-way based on this design concept are about ready for final submission to the State Highway Commission.

On February 3, 1975, we were given notice to proceed with final design of construction plans for the entire project. During this phase we will have further design refinement than is currently reflected in the right-of-way plans. The design concept remains with a one-way westbound frontage road along the north side of US-54 from Tyler Road to Hoover Road, and no improvement of McCormick between Tyler and Reca. It is intended to have Hendryx serve as the collateral road for eastbound and westbound local traffic when development occurs. The right-of-way and most of the improvement on Hendryx are to be accomplished through the usual process by the City of Wichita, Kansas.

2. In regard to the question on favoring or being against the opening of McCormick on the south half of the dedicated right-of-way we are, of course, neutral as it relates to the affected property owners.

If you are speaking in terms of an entrance, we believe there could be either a joint entrance or a single entrance depending on actions taken by the affected property owners.

-continued-

1440 EAST ENGLISH
WICHITA, KANSAS 67211
(316) 262-2601

Mr. Roger Sherwood
February 12, 1975
Page two

If you are concerned about a public street, more right-of-way would be required for a standard 2-lane city street. In the event the affected property owners made the proper dedications and met other city standards and criteria such as drainage, etc., we assume a petition for the street improvement would be accepted by the City.

In either case we believe a design change could be made in the present plans to accommodate the entrance or street, subject, however, to concurrence by the City on the street connections.

3. The present design concept has provisions for carrying the Bailey Addition drainage in a storm sewer within the highway right-of-way; however, positive drainage of certain low-lying areas cannot be assured until improvements are extended outside the right-of-way by other parties.

A construction phasing for the project is presently being considered but has not received approval at this time. After it becomes known in which phase the storm sewer is to be constructed, programming for the construction of any phase will be subject to budgetary constraints of the over-all highway program.

We hope the questions you have posed have been answered to your satisfaction; if not, please advise us, or you are welcome to come to our office to view the design study report and the right-of-way plans.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P. A.



Charles J. Freund, P. E.
Vice-President

cc: Mr. Glenn Anschutz, P. E.
Engineer of Design, KHC
w/copy of Sherwood Ltr.

February 14, 1975

Mr. Roger Sherwood, Attorney
516 Century Plaza Building
Wichita, Kansas 67202

Subject: Z-1471 - "AA" and "A"
to "LC" and DP-50 -
Commercial CUP - NE
corner of McCormick and
Tyler Road

Dear Mr. Sherwood:

Our letter to you on January 29, 1975 stated that subject cases might possibly be reconsidered by the Planning Commission on February 27, 1975.

This is to advise that since the application has been amended subject cases will have to be readvertised for public hearing and new notices mailed to adjacent property owners. Therefore, this matter has been rescheduled for consideration by the Planning Commission at their regular meeting on March 13, 1975, the meeting to begin at 1:30 p.m. Room 401, City Building Annex.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

Mr. Roger Sherwood
February 14, 1975
Page Two

cc: Bill E. Mesker, International Flying Farmers Bldg.
Mid-Continent Airport 67215
Bud White, 210 Pattie 67211
Marlo E. Goering, Attorney, 8724 Maple 67209
Robert Hall, P. O. Box 1034 67201
Albert W. Shiflet, 424 Floyd 67209
John R. Taylor, 512 Floyd 67209
Ms. William R. Johnson, 423 Topaz 67209
Dennis Main, 516 Floyd 67209
Ms. A. E. Suenram, 532 Turquoise 67209
Everett Glasse, 513 Floyd 67209
K. O. Taylor, 1542 South St. Francis 67211

2/10/75
REVISED DP-50

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 BILL E. MESKER
Address International Flying Farmers Bldg., Mid-Continent Airport
Wichita, Kansas 67215 Phone 942-1468
Agent ROGER SHERWOOD
Address 516 Century Plaza Building
Wichita, Kansas 67202 Phone 267-2819
- b. Applicant BUD WHITE
Address 210 Pattie
Wichita, Kansas 67211 Phone 265-4618
Agent ROGER SHERWOOD
Address 516 Century Plaza Building
Wichita, Kansas 67202 Phone 267-2819
- 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.)

(See attached description)

II.B There are 25.4 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) 60 South Tyler Road.

The general location is (use appropriate section)

- a. at the Northeast corner of McCormick
and Tyler Road; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

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

BILL E. MESKER
By Roger Sherwood
Authorized Agent (if any)
ROGER SHERWOOD

BUD WHITE
By Roger Sherwood
Authorized Agent (if any)
ROGER SHERWOOD

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

V. OFFICE USE ONLY

This application was received at the Planning Department at
10:00 (AM) PM on February 12, 1975 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of

\$ already paid

B. Lynn Shirley Name
Jr. Planner Title

REVISED DP-50

ATTACHMENT TO
REVISED
APPLICATION FOR COMMUNITY UNIT PLAN

Legal Description:

That part of the NW 1/4 of Section 28, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, lying south of Hendryx Street, except the west 65 feet thereof and except that part of Carriage House Plaza, Wichita, Sedgwick County, Kansas, lying south of said Hendryx Street

also

Lots 1, 8 and 9, Block 1, Carriage House Plaza, Wichita, Sedgwick County, Kansas.

The property described above contains 25.4 acres, more or less.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

February 3, 1975

TO The Files
FROM Jack H. Galbraith, Chief Planner
SUBJECT DP-50 - CARRIAGE HOUSE CUP

On this date Roger Sherwood, Cal McMillan and K. O. Taylor came in to discuss the above captioned CUP and the conditions for reconsideration expressed by the City Commission.

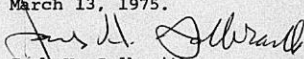
It was finally determined that they would amend their application for both the zone change and the community unit plan and that Hendryx would remain on its present alignment. It was also agreed that four parcels would be submitted, one of which would be designated for drainage purposes only with a statement that at such time as drainage improvements are completed associated with highway improvements, that the plan could be amended and a commercial use requested.

McMillan's major concern was whether or not a wall would be required along the south side of Hendryx adjacent to Parcel 2, and whether or not Turquoise would terminate in a cul-de-sac. He is to check with an adjacent property owner to see if he is agreeable to terminating Turquoise in a cul-de-sac and will check with his other clients concerning the desirability of the wall.

Parcel 2 will be changed to require either two or three buildings.

Sherwood will review plans with Charles Freund of P.E.C. and obtain a letter from him as to the status of highway plans for the interchange at Tyler Road and the one-way frontage road system.

They are to submit amended applications by February 12, 1975 for these cases to be readvertised and new notices sent for the Planning Commission meeting of March 13, 1975.


Jack H. Galbraith
Chief Planner

JHG:js

January 29, 1975

Mr. Roger Sherwood, Attorney
516 Century Plaza Building
Wichita, Kansas 67202

Re: Z-1471 - "AA" and "A" to
"LC" and DP-50 - Commercial
CUP - Northeast corner of
McCormick and Tyler Road

Dear Mr. Sherwood:

The Board of City Commissioners, on January 28, 1975, considered the above-captioned cases, and after considerable discussion regarding drainage, location of Hendryx, proposed highway plans, screening, access points to Hendryx, etc., it was the action of the City Commission to return these cases to the Planning Commission for reconsideration. Specific reasons for returning the cases are listed as follows:

1. The CUP is disguised strip zoning - too many proposed buildings.
2. Proposed uses are not specific.
3. Design of the interchange and proposed frontage road relocation are not definite at this time.
4. Resolve the drainage problems on the CUP rather than waiting to plat.
5. Establish a benefit district to distribute the cost of the drainage solution.
6. Determine whether or not the improvement of Hendryx will be the developer's cost or the State Highway Department cost.
7. Determine the number of access points proposed to Hendryx.
8. Consider more planned open space.

Page 2 - Mr. Roger Sherwood
January 29, 1975

These are the comments I wrote down during the discussion. It would be my recommendation that you consider the concerns expressed by the City Commission, as well as those expressed by adjacent property owners. It would also be my recommendation that you might want to consider redesigning the CUP, which might necessitate readvertising the zone change request for public hearing. The earliest possible time that these cases could be reconsidered would be February 27, 1975. However, in the event readvertising is necessary, they could probably not be considered until March 13, 1975.

After we have an opportunity to discuss the matter with you, we will keep those receiving copies of this letter advised as to your plans for having the cases reconsidered. After you review our comments, if you would like a meeting to discuss your proposal, please advise.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Bill E. Mesker, International Flying Farmers Bldg.
Mid-Continent Airport 67215
Bud White, 210 Pattie 67211
Marlo E. Goering, Attorney, 8724 Maple 67209
Robert Hall, P.O. Box 1034 67201
Albert W. Shiflet, 424 Floyd 67209
John R. Taylor, 512 Floyd 67209
Ms. William R. Johnson, 423 Topaz 67209
Dennis Main, 516 Floyd 67209
Ms. A. E. Suenram, 532 Turquoise 67209
Everett Glasse, 513 Floyd 67209
K. O. Taylor, 1542 South St. Francis 67211

ADAMS, JONES, ROBINSON AND MALONE

CHARTERED

ATTORNEYS AT LAW

POST OFFICE BOX 1034
WICHITA, KANSAS 67201

J. ASHFORD HANNA (911-1970)

January 27, 1975

AMERICAN SAVINGS BUILDING
201 NORTH MAIN

TELEPHONE 316/265-8591

MARR H. ADAMS
CHARLES E. JONES
WM. F. ROBINSON
WILLIAM S. RICHARDSON
CLIFFORD L. MALONE
MARK H. ADAMS II
JOHN S. SEEBER
FLOYD E. JENSEN
PHILIP L. BOWMAN
ROBERT HALL
DONALD W. BOSTWICK
BRIAN E. SULLIVAN
LAURENCE A. STANTON

Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Commission
City Annex Building
104 South Main Street
Wichita, Kansas 67202

Re: Z-1471 - "AA" and "A" to "LC"
DP-50 - Commercial CUP - North-
east corner of McCormick and
Tyler Road

Dear Mr. Galbraith:

I appeared at the regular meeting of the Metropolitan Planning Commission on January 9, 1975 representing Marion M. Wimmer and Anne Marie Wimmer the owners of Lot 2, Lot 7, and Lot 6, "Carriage House Plaza", Wichita, Sedgwick County, Kansas. At that time I presented numerous objections my clients had with respect to the approval of the CUP submitted by the applicants in the above referenced matter.

The objections that were made to the CUP were made honestly and in good faith. Subsequent to the meeting, we have discussed the area problems with the applicants and particularly those problems relating to the location and problems connected with the location of the lake. We are now satisfied that the applicants will exhibit and exercise good faith with respect to the development and would withdraw our previous objections and would not plan to appear and present any objections with respect to the application when it comes before the City Commission.

We thank you and your fine staff for your assistance and cooperation.

Very truly yours,


Robert Hall



oj

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING

REQUEST FOR COMMUNITY UNIT PLAN

CASE NO. Z-1471 & DP-50 CONSIDERED BY MAPC:1-9-75

REQUEST FOR: Change from "AA" and "A" to "LC"
 Approval of Commercial CUP

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

None stated.

GENERAL LOCATION: Northeast corner of McCormick
 and Tyler Road.

LEGAL DESCRIPTION:

See attached excerpt from Planning Commission
minutes of January 9, 1975.

APPLICANT: Bill E. Mesker, 33 Rolling Hills 67209, and
 Bud White, 210 Pattie 67211

COUNSEL FOR APPLICANT: Roger Sherwood, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: Marlo Goering, attorney, spoke in opposi-
tion on behalf of various residents in the area; Robert Hall, attorney,
spoke in opposition on behalf of the owner to the east; Albert Shiflet,
John R. Taylor, Glenda Johnson, Dennis Main, and Mrs. A.D.Suenram, spoke
in opposition.

SURROUNDING ZONING: To the north is "AA", "A" and "BB"; east is "A" and
 "LC"; south is "LC", "C" and "E"; west is "AA"

LAND USE: Subject property is undeveloped; north is single-family, two-family
and undeveloped; south is single-family, offices, liquor store and ser-
vice station; west is church, single-family and undeveloped.

PLANNING COMMISSION RECOMMENDATION:

That Case Z-1471 be approved, and that DP-50 Community Unit Plan be
approved, subject to the following conditions: (See attached excerpt
of minutes of January 9, 1975 for conditions.)

2. Return the applications to the Metropolitan Area Planning
(Gragert moved, Hopper seconded and it carried by a vote of 5 in favor
(Gragert, Hopper, Bayouth, Gardenhire and Kamen) and 4 opposed (Hennessy,
Rising, Taylor and Goebel). (Hill absent.)

ACTION 1. Approve the zone change and CUP as recommended by the Metro-
politan Area Planning Commission, subject to the recommended conditions,
and instruct the Planning Department to forward the ordinance for first
reading when the plat is forwarded to the City Commission; or

2. Return the applications to the Metropolitan Area Planning
Commission for its reconsideration. The City Commission states the
following reasons for its action:

January 10, 1975

Mr. Roger Sherwood, Attorney
516 Century Plaza Building
Wichita, Kansas 67202

Re: Z-1471 - "AA" and "A" to "LC"
DP-50 - Commercial CUP - North-
east corner of McCormick and
Tyler Road

Dear Mr. Sherwood:

At the regular meeting of the Metropolitan Area Planning Commission on January 9, 1975, the above-captioned cases were considered. After considerable discussion, the action of the Commission was to recommend the approval of the zone change request and the associated Community Unit Plan subject to the following conditions:

- A. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.
- B. Increase the building setback on Parcel 3 from the frontage road to 65 feet.
- C. Increase the 35-foot setback on Parcel 2 adjacent to Tyler Road to 165 feet.
- D. Amend the second sentence under General Provision #1 to read as follows: "The maximum number of curb cuts on the south side of Hendryx Street shall be determined at the time of platting."
- E. Adding a General Provision to provide that all structures on Parcels 2 and 3 shall face to the south.
- F. Reduce the proposed number of buildings on Parcel 2 to 4.
- G. 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.

Page 2 - Roger Sherwood
January 10, 1974

- 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.

Although the Planning Commission did not discuss General Provision #2 referring to signs, recently the sign ordinance was amended by the Board of City Commissioners, and we would recommend that that provision be amended to read as follows:

On-site signs as permitted by the zoning district, provided that no signs shall be located adjacent to Hendryx nor shall signs be placed on the north side of the proposed buildings which can be seen by residents to the north.

Consideration of these cases will be forwarded to the Board of City Commissioners for consideration at the regular meeting on January 28, 1975, provided that we receive 10 copies of the revised CUP reflecting the Planning Commission recommendation by January 22, 1975, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Bill E. Mesker, International Flying Farmers Bldg.
Mid-Continent Airport 67215
Bud White, 210 Pattie 67211
Marlo E. Coering, Attorney, 8724 Maple 67209
Robert Hall, P. O. Box 1034 67201
Albert W. Shiflet, 424 Floyd 67209
John R. Taylor, 512 Floyd 67209
Ms. William R. Johnson, 423 Topaz 67209
Dennis Main, 516 Floyd 67209
Ms. A. E. Suenram, 532 Turquoise 67209
Everett Glasse, 513 Floyd 67209
K. O. Taylor, 1542 South St. Francis 67211
City Manager's Office

January 10, 1975

Mr. Marlo E. Goering, Attorney
8724 Maple
Wichita, Kansas 67209

Re: Z-1471 - "AA" and "A" to "LC"
DP-50 - Commercial CUP - North-
east corner of McCormick and
Tyler Road

Dear Mr. Goering:

At the regular meeting of the Metropolitan Area Planning Commission on January 9, 1975, the above-captioned cases were considered. After considerable discussion, the action of the Commission was to recommend the approval of the zone change request and the associated Community Unit Plan subject to the conditions as shown by the enclosed copy of our letter to Mr. Sherwood.

It is my understanding that you obtained a number of protest petition forms from our office yesterday, but if more are needed for those within a radius of 200 feet of the zone change application area, they may be obtained from our office. Any protest petitions to be filed must be submitted to the City Clerk's office no later than 5:00 p.m. on Thursday, January 23, 1975.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Robert Hall, Attorney, P. O. Box 1034 67201
Albert W. Shiflet, 424 Floyd 67209
John R. Taylor, 512 Floyd 67209
Ms. William R. Johnson, 423 Topaz 67209
Dennis Main, 516 Floyd 67209
Ms. A. E. Suenram, 532 Turquoise 67209
Everett Glasse, 513 Floyd 67209

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: Jan. 9, 1975

Case No. Z-1471 and DP-50	Request: "AA" and "A" to "LC" Approval of a Commercial CUP
Location: Northeast corner of McCormick and Tyler Road	
Reason: None stated.	
Acres: 32.36 - DP 26.9 - Z-1471	Size: 735 ft. by 2080 ft. Irregular shape

	Land Use	Zoning
Existing	Undeveloped	
North	Single-family, two-family & undeveloped	"AA", "A" & "LC"
East	Undeveloped & furniture store	"AA", "A" & "BB"
South	Single-family, offices, liquor store & service station	"A" & "LC"
West	Church, single-family & undeveloped	"LC", "C" & "F"
		"AA"

Necessary street right-of-way to be acquired at time of platting. History: A portion of subject property (Parcel 3) was contained in Z-1244 - "AA" to "A" & "LC" MAPC: 1-14-71 Approved BCC: 2-2-71 Approved	Platted: Parcel 3 is platted as 3 lots - remainder is unplatted. Sidewalk: No
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Comments

- The applicants presently have 0.6 acres of "LC" zoning and are requesting a zone change from the "AA" Single-family District and the "A" Two Family District to the "LC" Light Commercial District. Parcel 4 as shown in the CUP is not included in the zone change request and will remain "AA" Single-family. The requested zone change will result in an additional 26.9 acres of light commercial zoning.
- As required by the CUP provisions of the zoning ordinance and where a tract of land contains more than 6 acres proposed for commercial development and is under single control, a development plan has been submitted for review and approval by the Planning Commission.
- The Plan as submitted proposes a four parcel development with Parcels 1, 2 and 3 allowing all uses provided in the "LC" District, except drive-in restaurants, public garages, storage garages, printing shops and mortuaries; Parcel 4 is proposed for open space, planting area, utility and drainage easements.

The applicant has been encouraged to be more specific in listing proposed uses, especially on Parcel 2 where a maximum of 6 separate buildings is proposed. The Plan indicates the required information on total area, maximum building heights, maximum land coverage by buildings, proposed general uses, maximum curb cuts, sign controls, lighting controls, building setback lines, and screening controls.

4. The applicants have been made aware of the serious drainage problem in the area. This quarter section is extremely flat and should development take place prior to resolving the drainage problem for all the area, then ponding will occur in the Floyd Bailey Additions. The applicants have included a provision in the text that specific drainage solutions will be determined at time of platting and they have suggested the development of a temporary pond on the east side of Parcel 2.
5. The zoning maps proposed in conjunction with the proposed new zoning ordinance project subject property to be in the "R-2" Community Retail District, which would allow the range of uses suggested. The maximum building coverage and floor area ratio as proposed is also consistent with the requirements of the "B-2" District.
6. The development plan as originally submitted proposed a 165-foot building setback line on Parcel 2 adjacent to Tyler Road, however, the applicants now propose a 35-foot building setback in that area. The Planning Commission should determine whether a 35-foot building setback is sufficient for this type of development along Tyler Road.
7. In reviewing the plan it was noted that up to 8 separate buildings are proposed for the three parcels. This would appear to be an excessive number of freestanding structures and should be reduced to negate the appearance of a "strip type" development. Consideration should be given to requiring the applicant to reduce the number of proposed buildings (6) on Parcel 2.
8. The Plan as submitted proposes seven access points to Hendryx Street from Parcel 2 and appears to be an excessive number of curb cuts to service the area of the development adjacent to a single-family area. Consideration should also be given to reducing this number.
9. Upon the determination as to the appropriateness of the zone change request and the proposed development plan, approval should be subject to consideration of the following recommended conditions:
 - a. Platting of subject property, including the vacation of McCormick Street on the south, within one year from the date of approval by the Board of County Commissioners; or the applications be considered denied and closed.

- b. The 35-foot building setback adjacent to Tyler Road in Parcel 2 shall be restored to the 165-foot setback as originally submitted.
 - c. The maximum number of curb cuts to Hendryx and the maximum number of buildings for Parcel 2 should be determined by the Planning Commission.
 - d. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.
 - e. 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.
 - f. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
-

DP-50 - 146 NOTICES TO ADJOINING PROPERTY OWNERS MAILED 12-27-74 for MAPC 1-9-75

LAW OFFICES
KAPLAN AND MCMILLAN
ROBERT W. KAPLAN
CALVIN MCMILLAN
RICHARD M. KLINGE

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
316-282-5175

January 23, 1975

REFERENCE: ITEM 9
AGENDA FOR: JAN 28 1975

Ralph Wulz, City Manager
Third Floor, 204 South Main
Wichita, Kansas 67202

RE: Case Z1471 - "AA" and "A" to "LC"
DP-50 - Commercial CUP - Northeast
corner of McCormick and Tyler
Our File 5855

Dear Sir:

Please be advised that this office represents the protesting petitioners and property owners in Wichita, Sedgwick County, Kansas, protesting the proposed change of zoning for property described as case Z-1471 requesting a zone change from "AA" to "LC".

The property is legally described as being in the general area located at the northeast corner of McCormick and Tyler Road consisting of approximately 26.9 acres.

The purpose of this letter is to request permission to make oral argument on behalf of my clients at the City Commission Meeting scheduled January 28, 1975.

Very truly yours,

KAPLAN AND MCMILLAN

BY: *Calvin McMillan*
Calvin McMillan *lyemk*

CM/pn

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

December 26, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

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

DP-50 - Part of the NW $\frac{1}{4}$ of Sec. 28, T27S, R1W of the 6th P.M. Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of said NW $\frac{1}{4}$, 65 ft. east of the SW corner of said NW $\frac{1}{4}$; thence north parallel to the west line of said NW $\frac{1}{4}$, 568 ft. more or less to the south line of Hendryx Street; thence east on said south line of said Hendryx Street to the east line of Lot 5, Block 1, Floyd Bailey Fifth Addition, Wichita, Sedgwick County, Kansas, extended south; thence north to the NE corner of said Lot 5 in said Block 1, in said Floyd Bailey Fifth Addition; thence east to the NE corner of Lot 1, Block 3, Carriage House Plaza, Wichita, Sedgwick County, Kansas; thence southwesterly to a point 762 feet north and 1145 feet west of the SE corner of said NW $\frac{1}{4}$; thence southeasterly to a point 725 feet north and 1015 feet west of said SE corner of said NW $\frac{1}{4}$; thence southeasterly to a point 570 feet north and 755 feet west of said SE corner of said NW $\frac{1}{4}$; thence southeasterly to a point 515 feet north and 625 feet west of said SE corner of said NW $\frac{1}{4}$; thence southeasterly to a point on the east line of Lot 2, Block 2, said point being 10 feet north of the SE corner of said Lot 2, Block 2 in said Carriage House Plaza; thence, south to the SE corner of Lot 1, Block 1, in said Carriage House Plaza; thence westerly on the south line of said Lot 1, Block 1 to the SW corner of said Lot 1, Block 1; thence south 10 feet to the south line of said NW $\frac{1}{4}$; thence west to the point of beginning. Generally located at the northeast corner McCormick and Tyler Road.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Code of the City of Wichita. The Development Plan is on file in the Planning Department Office, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, and is available for public information and review.

Notice to Adjoining Property Owners

DP-50

Page Two

The Development Plan on file proposes an approximate 27.7 acre commercial development which will include a shopping center, banking and/or saving and loan facilities, offices and retail service and/or sales. Included in the Development Plan is information concerning building setbacks, maximum number of structures, maximum ground coverage by structures, maximum number of curb cuts, sign and building height limitations and screening. 25.6

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

Robert A. Lakin
Secretary

December 17, 1974

Mr. Roger Sherwood, Attorney
200 West Douglas 516 Century Plaza Bldg.
Wichita, Kansas 67202

Subject: Z-1471 - "AA" & "A" to
"IC" and DP-50 - Carriage
House CUP - NE corner of
Tyler Road & McCormick

Dear Mr. Sherwood:

We have reviewed the above captioned preliminary development plan with representatives of the Department of Public Works and the following are their comments as well as ours.

First, and as your clients are aware, the Flood Control Division points out the seriousness of the drainage problems in the area. This quarter section is extremely flat and should development take place on subject property, without resolving the drainage problems for all the area, then it can be expected that ponding will occur in the Floyd Bailey Additions. The Flood Control Division advises that in their discussions with the developers and their engineer they agreed that it is possible to develop Parcel 1 and the western portion of Parcel 2 without adversely affecting the balance of the platted lots in the various Floyd Bailey Additions. It is their feeling, however, as well as ours, that it is incumbent of those parties to develop storm water storage facilities that will clearly benefit those areas in the Floyd Bailey Plats which are distressed by periods of long standing surface water. The Flood Control Office also advises that they can see no evidence that storm water drainage has been considered or provided for on the plan and, therefore, perhaps it would be to your interest to continue in your efforts to provide solutions for solving the drainage problems by contacting the Flood Control office and arrange additional meetings to discuss this matter.

Mr. Roger Sherwood
December 17, 1974
Page Two

In reviewing the plan we note that up to eight buildings are proposed for Parcel 2. This is, in our opinion, an excessive number of free standing structures and should be reduced to negate a "strip type" development. Based on the uses suggested, there would seem to be no need in excess of three buildings. Also we note that General Provision #7 makes no provision for a wall adjacent to Parcel #4 nor on the east property line adjacent to the existing "A" zoning.

Although you indicate two curb cuts to Hendryx on the face of the plan, this is not specified under General Provision #1 and should be corrected. You should also indicate the number of openings proposed to the service road.

In order to provide the fire lanes specified in General Provision #5 it will be necessary to indicate a 30-foot building setback adjacent to the east line of Parcel #3 and a 30-foot setback between Parcels 2 and 3.

In addition to these comments, the following additions or changes should be indicated on the plan:

- ok
1. A parcel number (s) shall be indicated on the plan and the following format be used for all parcel(s) information:
Parcel No. _____
 1. Net Area: _____ acres or _____ square feet.
 2. Maximum building coverage: 30% of _____ square feet.
 3. Maximum building height: _____ feet.
 4. Maximum floor area: _____ square feet.
 5. Floor area ratio: _____.
 6. Proposed uses:
 7. Maximum number of structures: _____

Inasmuch as the foregoing should be used, General Provision #2 may be deleted and the remaining provisions renumbered accordingly.

- ok
2. Add a General Provision to read as follows: "Minimum building setbacks shall be as indicated on the plan."
 3. Add a General Provision to read as follows: "Off-street parking and loading spaces shall be provided as required by ordinance."

Mr. Roger Sherwood
December 17, 1974
Page Three

4. Amend General Provision #6 to read as follows: "Planting screens as indicated on the plan shall be provided and maintained and shall consist of low shrubbery and trees not less than ten (10) feet in width and shall be of such a type, and maintained in such a manner, as to not constitute a traffic hazard.

A landscape plan shall be prepared by a landscape architect for the planting screens and all of Parcel #4, indicating the location, type, and specification of planting materials shall be submitted to the Planning Department for their review and approval prior to issuance of any building permits.

5. Add a General Provision to read as follows: "All lights shall be directed so as not to shine directly toward the residential properties to the north, west and east."
6. Add a General Provision to read as follows: "At the time of platting the applicant shall guarantee the installation of an accel-decel lane along Tyler Road."
7. General Provision #7 should be expanded to provide for the required wall adjacent to Lot 7 on the east and as follows:

A wall shall be provided along the west and north sides of Parcel #4 and along the north side of Hendryx Street where the storage area, service area, or rear of the buildings face directly onto Hendryx. The wall shall not be constructed on any utility easement.

In addition to these recommended changes, it will be necessary that subject property be platted within one year from the date of approval by the Board of City Commissioners or both the CUP and associated zone change request considered denied and closed.

The Traffic Engineering office advises that a major opening to Tyler Road at a medial break is satisfactory, however, it will require the developer to guarantee an accel/decel lane and redesign the medial to provide for adequate left turn storage for southbound traffic on Tyler turning into the proposed center.

Mr. Roger Sherwood
December 17, 1974
Page Four

Inasmuch as subject property lies north of the Mid-Continent Airport, it will be necessary at the time of platting, that the applicant prepare and submit to the Planning Department an avigational easement covering all of subject parcel as it is located within the flight approach cone for the Mid-Continent Airport. The applicant shall also submit to the Planning Department a covenant which assures that adequate construction methods will be utilized so as to minimize the affects of noise pollution within all structures proposed to be developed on subject property.

These are most of the comments we have at this time. Although many of the comments are concerning changes that can be made on the CUP, the serious problem which is unresolved pertains to drainage.

Prior to our final review for the Planning Commission, it is necessary that you provide the additional information on the face of the plan and submit 14 revised copies to our office by December 27, 1974. If you have any questions concerning these recommended conditions, please contact me and I'll be happy to set a time, at your convenience, that we can discuss this matter. Enclosed is the marked copy of the plan which should be reviewed with your client and his engineer.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js
Encl.

cc: Bill E. Mesker and Bud White, 8181 West Kellogg 67209
K. O. Taylor, 1542 South St. Francis 67211

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

REVISED DP-50

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 BILL E. MESKER 8181 W Kellogg
International Flying Farmers Bldg., Mid-Continent Airport
Address Wichita, Kansas 67215 Phone 942-1468
- Agent ROGER SHERWOOD
516 Century Plaza Building
Address Wichita, Kansas 67202 Phone 267-2819
- b. Applicant BUD WHITE
210 Pattie
Address Wichita, Kansas 67211 Phone 265-4618
- Agent ROGER SHERWOOD
516 Century Plaza Building
Address Wichita, Kansas 67202 Phone 267-2819
- 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.)

(See attached description.)

II.B There are 32.36 acres (round to nearest tenth) in the above described property.

SUPERSEDED

III. This property is located at (address) 600 South Tyler Road.

The general location is (use appropriate section)

- a. at the Northeast corner of McCormick
and Tyler Road; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

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

BILL E. MESKER BUD WHITE
By Roger Sherwood By Roger Sherwood
Authorized Agent (if any) Authorized Agent (if any)
ROGER SHERWOOD ROGER SHERWOOD

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

V. OFFICE USE ONLY

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

Name

Title

ATTACHMENT TO
REVISED
APPLICATION FOR COMMUNITY UNIT PLAN

Legal Description:

Part of the NW 1/4 of Section 28, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of said NW 1/4, 65 feet east of the SW corner of said NW 1/4; thence north parallel to the west line of said NW 1/4, 568 feet, more or less, to the south line of Hendryx Street; thence east on said south line of said Hendryx Street to the east line of Lot 5, Block 1, Floyd Bailey Fifth Addition, Wichita, Sedgwick County, Kansas, extended south; thence north to the NE corner of said Lot 5 in said Block 1, in said Floyd Bailey Fifth Addition; thence east to the NE corner of Lot 1, Block 3, Carriage House Plaza, Wichita, Sedgwick County, Kansas; thence southwesterly to a point 762 feet north and 1145 feet west of the SE corner of said NW 1/4; thence southeasterly to a point 725 feet north and 1015 feet west of said SE corner of said NW 1/4; thence southeasterly to a point 570 feet north and 755 feet west of said SE corner of said NW 1/4; thence southeasterly to a point 515 feet north and 615 feet west of said SE corner of said NW 1/4; thence southeasterly to a point on the east line of Lot 2, Block 2, said point being 10 feet north of the SE corner of said Lot 2, Block 2 in said Carriage House Plaza; thence south to the SE corner of Lot 1, Block 1, in said Carriage House Plaza; thence westerly on the south line of said Lot 1, Block 1 to the SW corner of said Lot 1, Block 1; thence south 10 feet to the south line of said NW 1/4; thence west to the point of beginning, containing _____ more or less.

SUPERSEDED

SUPERSEDED

OK for legal

SUPERSEDED

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, Ownership List of property lying within a radius of 1000 feet of: Part of the NW $\frac{1}{4}$ of Section 28, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the South line of said NW $\frac{1}{4}$, 65 feet east of the SW corner of said NW $\frac{1}{4}$; thence North parallel to the west line of said NW $\frac{1}{4}$, 568 feet, more or less, to the south line of Hendryx Street; thence east on said south line of said Hendryx Street to the east line of Lot 5, Block 1, Floyd Bailey Fifth Addition, Wichita, Sedgwick County, Kansas, extended South; thence North to the NE corner of said Lot 5 in said Block 1, in said Floyd Bailey Fifth Addition; thence east to the NE corner of Lot 1, Block 3, Carriage House Plaza, Wichita, Sedgwick County, Kansas; thence southwesterly to a point 762 feet north and 1145 feet west of the SE corner of said NW $\frac{1}{4}$; thence southeasterly to a point 725 feet north and 1015 feet west of said SE corner of said NW $\frac{1}{4}$; thence southeasterly to a point 570 feet north and 755 feet west of said SE corner of said NW $\frac{1}{4}$; thence southeasterly to a point 515 feet north and 625 feet west of said SE corner of said NW $\frac{1}{4}$; thence southeasterly to a point on the east line of Lot 2, Block 2, said point being 10 feet north of the SE corner of said Lot 2, Block 2 in said Carriage House Plaza; thence South to the SE corner of Lot 1, Block 1, in said Carriage House Plaza; thence westerly on the south line of said Lot 1, Block 1 to the SW corner of said Lot 1, Block 1; thence south 10 feet to the south line of said NW $\frac{1}{4}$; thence west to the point of beginning, containing 32.36 acres, more or less.

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.)

LOT	BLOCK	ADDITION	OWNER & ADDRESS
X		Caption property	<input checked="" type="checkbox"/> Bud & Joyce White 210 Pattie Wichita, Kansas 67211 <input checked="" type="checkbox"/> Bill E. & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212 <input checked="" type="checkbox"/> Ruth E. Bailey 8227 West Maple Street Wichita, Kansas 67209
X	3, 4 & 5	1 CARRIAGE HOUSE PLAZA	<input checked="" type="checkbox"/> Bud & Joyce White See Address Above <input checked="" type="checkbox"/> Bill E. & Doris Jean Mesker See Address above <input checked="" type="checkbox"/> Ruth E. Bailey See Address Above



Fidelity Title
 COMPANY, INC.

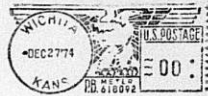
LOT	BLOCK	ADDITION	OWNER & ADDRESS
X 2,6 & 7	1	CARRIAGE HOUSE PLAZA	✓ Marion M. & Anna Marie Wimmier 4027 Countryside Wichita, Kansas 67218
1 & 2 except caption property	2	CARRIAGE HOUSE PLAZA	◊ Bud White & Joyce White 210 Pattie Wichita, Kansas 67211 ◊ Bill Mesker & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212 ◊ Ruth E. Bailey 8227 West Maple Street Wichita, Kansas 67209
X 1,2,3 & 4		RIDGE PLAZA 2ND	✓ Daniel M. Carney & J. A. Mull Jr. (½ interest) 6572 East Central Wichita, Kansas 67208 X Terra Plaza LTD (½ interest) Address Unknown
X 5		RIDGE PLAZA 2ND	X Jen Rentals Inc. Address Unknown
X 1,2,3,4, 5,6,7,8, 9,10,11, 12,13,14 & 15	1	RIDGE PLAZA 4TH	◊ Daniel M. Carney & J. A. Mull Jr. 6572 East Central Wichita, Kansas 67208
X 1 & 2		WILBUR E. WALKER 2ND	✓ Wilbur E. & Bernice H. Walker 16 Douglas Avenue Wichita, Kansas 67207 <i>returned 12-31-74</i>
X	1	TRACT NO. 3 SANTA FE INDUSTRIAL SUB-DIVISION	✓ Associated Grocers Company of St. Louis 7761 West Kellogg Wichita, Kansas 67209
4	B	FLOYD BAILEY 2ND	✓ Theodore E. & Theresa A. Wingett 450 South Westview Derby, Kansas 67236
1	C	FLOYD BAILEY 2ND	✓ Donald F. & Dorothy J. Van Tries 601 West 27th Street South Wichita, Kansas 67217 <i>returned 3-31-75</i>



WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION
CITY BUILDING ANNEX
104 E. MAIN ST.
WICHITA, KANSAS 67202

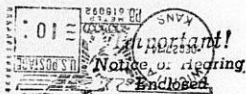


DP-50



FIRST CLASS MAIL NOT DELIVERABLE AS ADDRESSED
FORWARDING ORDER ON FILE
MURGER

Wilbur E. & Bernice H. Walker
16 Douglas Avenue
Wichita, Kansas 67207



WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202



NOT DELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE
CHISHOLM

DP-50



Donald F. & Dorothy Ann Miles
601 West 27th Street South
Wichita, Kansas 67217

Important! Notice of Hearing Enclosed

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
2	C	FLOYD BAILEY 2ND	✓ Paul O. & Elizabeth E. Mometeler 440 Turquoise Lane Wichita, Kansas 67209
3	C	FLOYD BAILEY 2ND	✓ Charles F. King 446 Turquoise Lane Wichita, Kansas 67209
4	C	FLOYD BAILEY 2ND	✓ Donald & Barbara S. Price 450 Turquoise Lane Wichita, Kansas 67209
5	C	FLOYD BAILEY 2ND	✓ John R. & Velma D. Thomas 437 Floyd Wichita, Kansas 67209
6	C	FLOYD BAILEY 2ND	✓ H. Doyle & Barbara A. Fisk 425 Floyd Wichita, Kansas 67209
10	C	FLOYD BAILEY 2ND	✓ Joseph C. & Vesta A. Breaker 416 Socora Drive Wichita, Kansas 67209
1	D	FLOYD BAILEY 2ND	✓ Gilbert & Julianna M. Landevhr 450 Floyd Wichita, Kansas 67209
2	D	FLOYD BAILEY 2ND	✓ Stanley A. & Patricia L. Buraszedi 164 North Wood Lane Wichita, Kansas 67212
3	D	FLOYD BAILEY 2ND	✓ Larry A. & Janice L. Olick 512 Turquoise Lane Wichita, Kansas 67209
4	D	FLOYD BAILEY 2ND	✓ Paul A. & Jan L. Behrent 439 Lopez Wichita, Kansas 67209
5	D	FLOYD BAILEY 2ND	✓ Raymond W. & Catherine I. Schecker 431 Topaz Wichita, Kansas 67209
6	D	FLOYD BAILEY 2ND	✓ William R. & Glendora S. Johnson 423 Topaz Wichita, Kansas 67209
7	D	FLOYD BAILEY 2ND	✓ Gerald D. & Suzanne P. Goodwin 401 Topaz Wichita, Kansas 67209



Fidelity  **Title**
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
8	D	FLOYD BAILEY 2ND	George W. & Deena N. Cougher 400 Floyd Wichita, Kansas 67209
9	D	FLOYD BAILEY 2ND	Albert W. & Ida Lucile Shiflet 424 Floyd Wichita, Kansas 67209
10	D	FLOYD BAILEY 2ND	Joseph E. & Trudy K. Miller 436 Floyd Wichita, Kansas 67209
1	E	FLOYD BAILEY 2ND	Norman C. & Rita S. Martin 400 Topaz Wichita, Kansas 67209
2	E	FLOYD BAILEY 2ND	Michael E. & Susan P. Chieppo 420 Topaz Wichita, Kansas 67209
3	E	FLOYD BAILEY 2ND	Steven L. Overstreet 432 Topaz Wichita, Kansas 67209
4	E	FLOYD BAILEY 2ND	Jon Lee Rueschhof 436 Topaz Wichita, Kansas 67209
5	E	FLOYD BAILEY 2ND	Allen E. & Sarah S. Suenram 3332 All Hallows Wichita, Kansas 67217
6	E	FLOYD BAILEY 2ND	H. F. & Carol Rettner 542 Turquoise Lane Wichita, Kansas 67209
7	E	FLOYD BAILEY 2ND	Keith F. & Dorcas B. Titcomb 550 Turquoise Lane Wichita, Kansas 67209
8	E	FLOYD BAILEY 2ND	Donald M. & Opal M. Burns 560 Turquoise Lane Wichita, Kansas 67209
9	E	FLOYD BAILEY 2ND	William D. & Chlorene Y. Bennett 570 Turquoise Lane Wichita, Kansas 67209
10	E	FLOYD BAILEY 2ND	William B. Walker & K. Constance Walker 580 Turquoise Lane Wichita, Kansas 67209

*returned - no
other address*



Fidelity  **Title**
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
11	E	FLOYD BAILEY 2ND	✓ Seb & Anna Helmerman 8020 Hendryx Wichita, Kansas 67209
12	E	FLOYD BAILEY 2ND	✓ Theodore C. & Sadie E. Juengling ✓ 563 Woodchuck Lane Wichita, Kansas 67209
13	E	FLOYD BAILEY 2ND	✓ A.A. & Martha A. Reddy ✓ 555 Woodchuck Lane Wichita, Kansas 67209
14	E	FLOYD BAILEY 2ND	✓ Jerold W. & M. Christine Vogt ✓ 547 S. Woodchuck Wichita, Kansas 67209
15	E	FLOYD BAILEY 2ND	✓ William & Patsy Y. Weyman ✓ 539 Woodchuck Wichita, Kansas 67209
16	E	FLOYD BAILEY 2ND	✓ Rex I. & Gladys I. Graham ✓ 533 Woodchuck Wichita, Kansas 67209
17	E	FLOYD BAILEY 2ND	✓ David K. & Janet R. Bobst ✓ 525 South Woodchuck Wichita, Kansas 67209
18	E	FLOYD BAILEY 2ND	✓ Floyd W. & Ruth E. Bailey ✓ 8227 West Maple Wichita, Kansas 67209 ✓ Gilbert W. & Rachel Bailey 820 West Maple Wichita, Kansas 67209
1	B	FLOYD BAILEY 3RD	✓ Bernard T. Keegan 450 Evergreen Lane Wichita, Kansas 67209
2	B	FLOYD BAILEY 3RD	✓ Marvin L. & Jerrie J. Small 434 South Evergreen Lane Wichita, Kansas 67209
3	B	FLOYD BAILEY 3RD	✓ Duane G. & Mary A. Nation Houdek 401 Evergreen Wichita, Kansas 67209
4	B	FLOYD BAILEY 3RD	✓ Linzey T. & Virginia M. Farker 415 Evergreen Lane Wichita, Kansas 67209



Fidelity  Title
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER AND ADDRESS</u>
5	B	FLOYD BAILEY 3RD	X George A. & Pauline Sproule Address Unknown
6	B	FLOYD BAILEY 3RD	X Robert A. & Mary Ellen Griffin Address Unknown
7	B	FLOYD BAILEY 3RD	X James M. & Carolyn R. Eck Address Unknown
8	B	FLOYD BAILEY 3RD	✓ Fred C. & Nancy G. Caldwell 3503 Chitwood Wichita, Kansas 67217
9	B	FLOYD BAILEY 3RD	✓ Thelma L. Price 466 Evergreen Lane Wichita, Kansas 67209
1	C	FLOYD BAILEY 3RD	✓ Gerald W. & Kathleen C. Carpenter 500 South Evergreen Wichita, Kansas 67209
2	C	FLOYD BAILEY 3RD	✓ Fai Choi & Sharon L. Wu 456 South Socora Wichita, Kansas 67209
3	C	FLOYD BAILEY 3RD	✓ Charles H. Zirbel 450 South Socora Wichita, Kansas 67209
4	C	FLOYD BAILEY 3RD	✓ Freddie Jr. & Norma J. Ware 789 Illinois Wichita, Kansas 67209
5	C	FLOYD BAILEY 3RD	✓ Dennis J. & Cavdida Spanish 438 South Socora Wichita, Kansas 67209
6	C	FLOYD BAILEY 3RD	✓ Kathryn C. Pickering 435 South Socora Wichita, Kansas 67209
7	C	FLOYD BAILEY 3RD	✓ Robert L. & Margaret Wilson 445 Turquoise Lane Wichita, Kansas 67209
8	C	FLOYD BAILEY 3RD	✓ James R. & Francis Irene Woods 501 Floyd Wichita, Kansas 67209
9	C	FLOYD BAILEY 3RD	✓ Willis H. & Queenlee S. Cook 509 Floyd Wichita, Kansas 67209



Fidelity  Title
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
10	C	FLOYD BAILEY 3RD	✓ Everett C. & Nancy J. Glasse 513 Floyd Wichita, Kansas 67209
11 & 12	C	FLOYD BAILEY 3RD	✓ Clifford L. & Wanda L. Kennedy 1542 Garland Wichita, Kansas 67203
13	C	FLOYD BAILEY 3RD	◇ Bille & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212
14	C	FLOYD BAILEY 3RD	✓ Ed Cody Construction Inc. Address Unknown 510 So Evergreen
1	D	FLOYD BAILEY 3RD	✓ Daniel L. & Jane M. Blick 520 South Evergreen Wichita, Kansas 67209
2	D	FLOYD BAILEY 3RD	✓ Rodney C. & Paula K. Huse 1711 S. Volutsia Wichita, Kansas 67211
3	D	FLOYD BAILEY 3RD	✓ Ed Cody Construction Inc. Address Unknown
4	D	FLOYD BAILEY 3RD	✓ Norman R. & Janet L. Gephardt 524 Floyd Wichita, Kansas 67209
5	D	FLOYD BAILEY 3RD	✓ Michael J. & Helen A. Cleveland 9600 Hartner Wichita, Kansas 67212
6	D	FLOYD BAILEY 3RD	✓ Dennis A. & Penny K. Main 516 Floyd Wichita, Kansas 67209
7	D	FLOYD BAILEY 3RD	✓ John Robert & Betty Jean Taylor 530 North Hoover Wichita, Kansas 67212
8	D	FLOYD BAILEY 3RD	✓ Marvin Herbert & Naomi Lindsay Address Unknown
9	D	FLOYD BAILEY 3RD	✓ Floyd C. & Barbara R. Bowers 501 Turquoise Lane Wichita, Kansas 67209
10	D	FLOYD BAILEY 3RD	✓ Richard L. & Lorraine K. Mitchell 515 Turquoise Lane Wichita, Kansas 67209



X returned - no other address

Fidelity Title
COMPANY, INC.



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
11	D	FLOYD BAILEY 3RD	✓ Benjamin F. & Edith F. Zigler 501 Topaz Wichita, Kansas 67209
12,13, 14, & 15, except part of caption property	D	FLOYD BAILEY 3RD	Ⓟ Bill Mesker & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212 Ⓟ Bud & Joyce White 210 Pattie Wichita, Kansas 67211
3 & 4	E	FLOYD BAILEY 3RD	Ⓟ Bill E. & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212 Ⓟ Bud & Joyce White 210 Pattie Wichita, Kansas 67211
5	E	FLOYD BAILEY 3RD	✓ Edwin T. & Elizabeth Jane Tucker 516 Topaz Wichita, Kansas 67209
1,2,3, 4, & 5	1	FLOYD BAILEY 5TH	Ⓟ Bud & Joyce White 210 Pattie Wichita, Kansas 67211 Ⓟ Bill E. & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212
1,2,3, 4,5,6, 7,8,9, 10,11, & 12	2	FLOYD BAILEY 5TH	Ⓟ Bud & Joyce White 210 Pattie Wichita, Kansas 67211 Ⓟ Bill E. & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212
1,2,3, 4,5,6, 7,8,9, 10 & 11	2	FLOYD BAILEY 4TH	✗ W. M. Development #2 a Limited Partnership Address Unknown
12	2	FLOYD BAILEY 4TH	Ⓟ Bill E. & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212 Ⓟ Bud & Joyce White 210 Pattie, Wichita, Ks. 67211





Fidelity Title
 COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
2,3,4,5, 6,7,8,9, 10,11,12, 13,14, & 15	3	FLOYD BAILEY 4TH	<input type="checkbox"/> Bud & Joyce White 210 Pattie Wichita, Kansas 67211 <input type="checkbox"/> Bill E. & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212 <input checked="" type="checkbox"/> Robert J. Moore Address Unknown <input checked="" type="checkbox"/> James Duane Schroeder Address Unknown <input checked="" type="checkbox"/> James A. Loeffler 400 North Woodlawn Wichita, Kansas 67206
19,20,21,22 23,24,25,26, 27,28,29	3	FLOYD BAILEY 4TH	<input checked="" type="checkbox"/> Robert L. Kasha 1442 North Oliver Wichita, Kansas 67208 <input type="checkbox"/> Bud & Joyce White 210 Pattie Wichita, Kansas 67211 <input type="checkbox"/> Bill E. & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212
19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29	4	FLOYD BAILEY 4TH	<input type="checkbox"/> Bud & Joyce White 210 Pattie Wichita, Kansas 67211 <input type="checkbox"/> Bill E. & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212
1		SANTA FE INDUSTRIAL SUBDIVISION TRACT #4	<input checked="" type="checkbox"/> Simpson Building Supply Co. Address Unknown <i>911 E. Indianapolis</i>
2		SANTA FE INDUSTRIAL SUBDIVISION TRACT #4	<input checked="" type="checkbox"/> Wagon Sales Inc. Address Unknown
1	A	SANTA FE MIDLAND INDUSTRIES	<input checked="" type="checkbox"/> City of Wichita City Building Annex Wichita, Kansas 67202
1	A	SANTA FE MIDLAND INDUSTRIES 2ND	<input checked="" type="checkbox"/> City of Wichita City Building Annex Wichita, Kansas 67202



Fidelity  **Title**
 COMPANY, INC.


<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
X 1		BARBER SECOND	✓ Jesse Graham ✓ 1403 Harding ✓ Wichita, Kansas 67208 ✓ Luis A. Casado ✓ 302 North Main ✓ Wichita, Kansas 67202
X 2 & 3		BARBER SECOND	✓ I. D. Barber ✓ 2105 South Chautauqua ✓ Wichita, Kansas 67211 ✓ V. E. Lygrisse ✓ 1945 Porter Avenue, Apt. 57A ✓ Wichita, Kansas 67214
6	C	WESTPORT	✓ Claude E. & Marie M. Hacker ✓ 1239 South Byron Road ✓ Wichita, Kansas 67209
7	C	WESTPORT	✓ Thomas J. & Ruble Kelley ✓ 1229 South Byron Road ✓ Wichita, Kansas 67209
8	C	WESTPORT	✓ Dean D. & Betty J. Wilson ✓ 9029 Belview Street ✓ Wichita, Kansas 67209
½ of Lot 9 & 10	C	WESTPORT	✓ Manuel C. & Sabina T. Samores ✓ 1207 South Byron Road ✓ Wichita, Kansas 67209
1	D	WESTPORT	✓ James H. Jr. & Marcia E. Maybrier ✓ 1200 South Byron Road ✓ Wichita, Kansas 67209
2	D	WESTPORT	✓ Harry B. & Mary Ann Garlen ✓ 8929 Belview Street ✓ Wichita, Kansas 67209
X 3 & 4	D	WESTPORT	✓ Earl Gronniger & ✓ Dale Allen Gronniger ✓ Richard Gronniger ✓ 1238 South Byron Road ✓ Wichita, Kansas 67209
5	D	WESTPORT	✓ Harvey E. & Mattie J. Waller ✓ 1720 McCormick ✓ Wichita, Kansas 67213
-6	D	WESTPORT	✓ Earl J. Gronniger ✓ 1238 South Byron Road ✓ Wichita, Ks. 67209



Fidelity Title



COMPANY, INC.

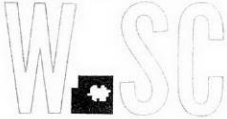
<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
7	D	WESTPORT	✓ Jack M. & Beatrice J. Custer 1226 South Byron Road Wichita, Kansas 67209
X 1,2,&3	L	WESTPORT	✓ Lawson E. & Gloria J. Clevenger 1336 Lark Lane Wichita, Kansas 67209
X 4	L	WESTPORT	✓ Warren A. & Faye H. Giles 1301 Arrowhead Wichita, Kansas 67203
X 1	M	WESTPORT	George Stevens X Eugenie Stevens & Meredith Stevens Address Unknown
? 1 & 15		FAIRLAWN ACRES	✓ State Hiway As condemned in A-38302
 Part of Lot 13 & 14, Beginning on the South line of Hyway 54 & 267.85 feet NE from West line of Lot 14, thence South 200 feet; NE 101.05 feet; N 200 feet; SW to beginning		FAIRLAWN ACRES	✓ Ralph W. Kirk 8221 West Kellogg Wichita, Kansas 67209
X Part of Lots 13 & 14, Beginning 28 feet South & 67.9 feet SW of the NE corner of Lot 14, South to South line of Lot 13, West to point 315.75 feet, more or less, East of West line of Lot 13 North to South line of Hyway, NE to beginning FAIRLAWN ACRES			✓ Wichita Kirby Co. Inc. 2510 East Central Wichita, Kansas 67208
Beginning on the South line of Hyway 54 & West line of Lot 2, NE 32.8 feet, South 200 feet, SW 100.7 feet, North to South line of Hyway, to beginning, part of Lots 2, 3 13 & 14, FAIRLAWN ACRES			✓ Jesse L. Graham 1403 Harding Wichita, Kansas 67208
Beginning on South line of Hyway 54 & 300 feet West of East line of Lot 2, thence South 200'; SW 200.6'; N 200'; NE to beg. Part of Lots 2 & 3 FAIRLAWN ACRES			✓ Luis A. Casado 302 North Main Wichita, Kansas 67202
			✓ Jesse L. Graham 1403 Harding Luis A. Casado 302 North Main Wichita, Kansas 67202

Fidelity Title
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
East 100.3 feet of the West 132.9 feet more or less, South of Hyway, Part of Lot 2,		FAIRLAWN ACRES	Luis A. Casado 302 North Main Wichita, Kansas 67202
Beginning on the South line of Hyway 54 and 200 feet West of Inter East line Lot 2, South 200 feet, West 100 feet, North 200 feet, East to beginning, Part of Lots 2 and 3,		FAIRLAWN ACRES	Joe W. & Wilma M. Hammond 743 Valleyview Wichita, Kansas 67213 <i>returned 3-31-75</i>
Beginning on South line of Hyway 54 & 100 feet West of Inter South line Hyway & East line of Lot 2, South 200 feet, West 100 feet, North 200 feet, East to beginning, Part of Lots 2 and 3,		FAIRLAWN ACRES	Rowley Leasing Inc. 1501 East First Street Wichita, Kansas 67214
Beginning Inter South line of Hyway 54 & East line of Lot 2, South 200 feet, West 100 feet, North 200 feet, East to beginning, Part of Lots 2 and 3,		FAIRLAWN ACRES	Rowley Leasing Inc. 1501 East First Street Wichita, Kansas 67214
Beginning 166.8 feet NE of SW corner Lot 13, NE 202 feet, South to South line of Lot 13, West to point South of beginning, North to beginning, except Hyway		FAIRLAWN ACRES	Jesse L. Graham 1403 Harding Wichita, Kansas 67208 Luis A. Casado 302 North Main Wichita, Kansas 67202
Lots 3 & 4, Except North 50 feet, East 500.6 feet Lot 3, & Except East 300 feet Lots 3 & 4 & Except West 132.8 feet Lots 3 & 4,		FAIRLAWN ACRES	Jesse L. Graham 1403 Harding Wichita, Kansas 67208 Luis A. Casado 302 North Main Wichita, Kansas 67202
East 100.3 feet & West 132.8 feet of Lot 3,		FAIRLAWN ACRES	Luis A. Casado 302 North Main Wichita, Kansas 67202 & Jesse L. Graham 1403 Harding Wichita, Kansas 67208



WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202



RETURNED TO SENDER
MOVED, LEFT NO ADDRESS
L. L. LANO



Joe W. Wilma M. Hammond
743 Valleyview
Wichita, Kansas 67213

DP-50

Important! Notice of Hearing Enclosed

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
South 100 feet of the East 100 feet of Lot 3,		FAIRLAWN ACRES	✓ Gordon W. Morris % Rowley Leasing 1501 East First Street Wichita, Kansas 67214
East 100 feet of Lot 4		FAIRLAWN ACRES	✓ Rowley Leasing Inc. 1501 East First Street Wichita, Kansas 67214
Lot 12, except West 166.8 feet & Except East 267.9 feet		FAIRLAWN ACRES	✓ Jesse L. Graham 1403 Harding Wichita, Kansas 67208
			✓ Luis A. Casado 302 North Main Wichita, Kansas 67202
East 100.3 feet of the West 132.8 feet of Lot 4		FAIRLAWN ACRES	✓ Jesse L. Graham 1403 Harding Wichita, Kansas 67208
			✓ Luis A. Casado 302 North Main Wichita, Kansas 67202
West 100 feet of East 300 feet of Lots 3 & 4, Except North 50 feet more or less, Lot 3		FAIRLAWN ACRES	✓ Leo A. Rausch 8026 West Irving Wichita, Kansas 67209
Beginning 50 feet South & 100 feet West of NE corner of Lot 3, thence South 250 feet, West 100 feet, North 250 feet, East to beginning, part of Lots 3 & 4		FAIRLAWN ACRES	✓ Louis W. Appel 8016 Irving Avenue Wichita, Kansas 67209
West 100 feet of East 267.9 feet of Lot 12		FAIRLAWN ACRES	✓ Jeanne M. Knoblauch 544 North Kessler Wichita, Kansas 67203 <i>returned 12-30-74</i>
West 100 feet of East 167.9 feet of Lot 12		FAIRLAWN ACRES	✓ L. J. Parker 8200 West Irving Wichita, Kansas 67209
Beginning 200 feet South of South line of Hyway 54, & 32.8 feet NE of W line of Lot 3, South 250 feet more or less, West 100 feet, North to point of beginning, NE to beginning being part of Lots 3, 4, 12 & 13		FAIRLAWN ACRES	✓ L. J. Parker 8200 West Irving Wichita, Kansas 67209



Fidelity  Title
COMPANY, INC.

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202



DP-50

FIRST CLASS MAIL

Jeanne M. Knoblauch
542 North Keasler
Wichita, Kansas 67203



Important!
Notice of Hearing
Enclosed

NOT DELIVERED
NO RETURN ADDRESS
RETURN TO SENDER
OR FILE
IN WICHITA HILLS

- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
X 1		KANSAS FEDERAL CREDIT UNION	✓ Kansas Federal Credit Union 8404 West Highway 54 Wichita, Kansas 67209
		West 241.7 feet of Lots 16 & 17, lying North of Highway 54,	✓ FAIRLAWN ACRES League Services Corp. 8410 West Highway 54 Wichita, Kansas 67209
		East 150 feet of Lot 16, Except St Highway, Condemnation Case A-38302,	✓ FAIRLAWN ACRES General Enterprises Inc. P.O. Box 11145 Wichita, Kansas 67202
		Lot 18, except NW $\frac{1}{2}$ St. Highway Condemnation Case A-38302 & Except West 135 feet, lying South of Highway Lot 19, Except West 135 feet	✓ FAIRLAWN ACRES S.B. Millwright % Joe Callatin 8401 West Kellogg Wichita, Kansas 67209
		West 135 feet of Lot 18 lying South of Highway & West 135 feet of Lot 19	✓ FAIRLAWN ACRES Wesley G. Ward 300 Callahan Wichita, Kansas 67209
		Beginning 504.8 feet East of NW corner of Lot 27, East 126.2 feet, South 345 feet, West 126.2 feet, North to Beginning, Except North St. Highway, Condemnation Case A-38302	✓ FAIRLAWN ACRES Edward H. Zenner 8131 East Indianapolis Wichita, Kansas 67207
		Lot 20	✓ FAIRLAWN ACRES Frey-Garvco Inc. 300 West Douglas Wichita, Kansas 67202
		Lot 21	✓ FAIRLAWN ACRES Frey-Garvco Inc. 300 West Douglas Wichita, Kansas 67202
		West $\frac{1}{2}$ of North 138 feet of Lot 25	✓ FAIRLAWN ACRES Frey-Garvco Inc. 300 West Douglas Wichita, Kansas 67202
		East $\frac{1}{2}$ of North 138 feet of Lot 25	✓ FAIRLAWN ACRES Joseph Brady 1428 South Tyler Wichita, Kansas 67209
		N $\frac{1}{2}$ of Lot 26, Except East 306 feet & Except .46 Acres of-St. Highway	✓ FAIRLAWN ACRES Frey-Garvco Inc. 300 West Douglas Wichita, Kansas 67202



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
East 225 feet of North $\frac{1}{2}$ of Lot 26		FAIRLAWN ACRES	☐ Frey-Garvco Inc. 300 West Douglas Wichita, Kansas 67202
West 81 feet of East 306 feet of N $\frac{1}{2}$ of Lot 26,		FAIRLAWN ACRES	☐ Frey-Garvco Inc. 300 West Douglas Wichita, Kansas 67202
S $\frac{1}{2}$ of Lot 26		FAIRLAWN ACRES	☐ Frey-Garvco Inc. 300 West Douglas Wichita, Kansas 67202
West 378.6 feet of Lot 27, Except SE $\frac{1}{4}$ of St. Highway		FAIRLAWN ACRES	✓ Security Oil Company P.O. Box 18183 Wichita, Kansas 67218
Beginning 378.6 feet E of NW corner of Lot 27, East 126.2 feet, South 345 feet, West 126.2 feet, North to beginning, Except St. Highway		FAIRLAWN ACRES	☐ Security Oil Company P.O. Box 18183 Wichita, Kansas 67218
West 450 feet of Lot 28		FAIRLAWN ACRES	☐ Security Oil Company P.O. Box 18183 Wichita, Kansas 67218
Lots 5 & 6		FAIRLAWN ACRES	X Santa Fe Land Improvement Co. Address Unknown
X Lot 1		GARMAN	X Annie Hume Millwright Address Unknown
Beginning 690 feet South and 550.63 feet West of NE corner of SW $\frac{1}{4}$, thence South to North line AT&SF Railroad, Northeasterly 120.6 feet, North 627 feet, West 119.33 feet to beginning, Except West 40 feet to City, Section 28, Township 27, Range 1 West			✓ Midland Industries Inc. P.O. Box 24 Wichita, Kansas 67201
Beginning 1273 feet North of Right-of-way, North 184 feet, West 330 feet, South 184 feet, East to beginning, SE $\frac{1}{4}$ of Section 29, Township 27, Range 1 West			✓ Alma Zandler 1207 South Tyler Road Wichita, Kansas 67209



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
		Beginning 1089 feet North of Right-of-way, North 184 feet, West 330 feet, South 184 feet, East to beginning, SE $\frac{1}{4}$ of Section 29, Township 27, Range 1 West	✓ J. H. Zandler ✓ 1247 South Tyler Road Wichita, Kansas 67209

		Beginning 287 feet North intersection, East line SE $\frac{1}{4}$ & North line RR, North 508.99 feet, SW 361.3 feet South 367.4 feet, East 330 feet to beginning, Section 29, Township 27, Range 1 West	✓ Luis A. Casado 302 North Main Wichita, Kansas 67202
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		That part of Described tract North of Highway 54, described as Beginning at point 10 rods North of Right-of-way & East line of SE $\frac{1}{4}$, North 924 feet, West 330 feet, South to Right-of-Way, Northeasterly 202.9 feet, North 192.8 feet, East 132 feet to beginning, Section 29, Township 27, Range 1 West	✓ Richard E. Maus 1255 South Tyler Road Wichita, Kansas 67209
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1	Block P	CALLAHAN	✓ Eugene F. & Helen G. Keady 540 South Westfield Wichita, Kansas 67209
2	P	CALLAHAN	✓ James W. & Sharon K. Unger 550 South Westfield Wichita, Kansas 67209
11	P	CALLAHAN	✓ Grace I. Gerstner 621 Tippecanoe Wichita, Kansas 67209
12	P	CALLAHAN	✓ Lawrence A. & Carmen C. Suter 1251 Reece Road, Route #1 Goddard, Kansas 67052
13	P	CALLAHAN	✓ J. D. & Margaret Andrews 601 Tippecanoe Wichita, Kansas 67209
1	R	CALLAHAN	✓ William H. & Sylvia A. Harden 600 Tippecanoe Wichita, Kansas 67209
2	R	CALLAHAN	✓ Howard V. & Betty L. Sieler 610 Tippecanoe Wichita, Kansas 67209

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
3	R	CALLAHAN	✓ Clay Lacy ✓ 20648 Keswick Canaga Park, California 91306
4	R	CALLAHAN	✓✓ M. L. & Donna Williams 630 Tippecance Wichita, Kansas 67209
5	R	CALLAHAN	✓✓ Fay Halper 640 Tippecance Wichita, Kansas 67209
6	R	CALLAHAN	✓✓ D. Wayne & Dorothy L. Shippo Wichita, Kansas 67209 <i>650 Tippecance</i>
7	R	CALLAHAN	✓✓ Meredith Happer 631 South Byron Wichita, Kansas 67209
8	R	CALLAHAN	✓✓ Craig K. & Connie J. Archer 621 South Byron Road Wichita, Kansas 67209
9	R	CALLAHAN	✗ Bill A. & Helen C. Thornton Address Unknown
10	R	CALLAHAN	✓✓ Larry G. & Barbara J. Koehn 609 South Byron Road Wichita, Kansas 67209
11	R	CALLAHAN	✓✓ William Duane & Virginia Lee Rosenbaum 601 South Byron Road Wichita, Kansas 67209
1	S	CALLAHAN	✓ Clay Lacy 20648 Keswick Canaga Park, California 91306
2	S	CALLAHAN	✗ Linda S. Price Address Unknown
3	S	CALLAHAN	✓✓ Raymond D. & Emelie J. Callender 620 South Byron Road Wichita, Kansas 67209
4	S	CALLAHAN	✓✓ Max A. & Marjorie Van Leeuwen 988 North Robin Wichita, Kansas 67212
5	S	CALLAHAN	✓✓ Walter A. & Margaret M. Cart- wright 8900 Belview Wichita, Kansas 67209



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
6	S	CALLAHAN	✓ R. H. & Florence Adams 651 Tippecanoe Wichita, Kansas 67209
1,2,3,4, 5,8,9,10,11 & 12	T	CALLAHAN	✓ Tyler Road Southern Baptist 571 So. Tyler Road Church Wichita, Kansas 67209
6	T	CALLAHAN	✓ William Robert & Elizabeth 8820 Belview Graham Wichita, Kansas 67209
7	T	CALLAHAN	✓ Elmer R. & Marguerite H. Rhodes 655 South Tyler Road Wichita, Kansas 67209
1 & 2	U	CALLAHAN	X Superior Investments Company Address Unknown
3,4,6, 7, & 8	U	CALLAHAN	✓ Clay Lacy 20648 Keswick Canaga Park, California 91306
5	U	CALLAHAN	✓ Edward Ray & Margie E. Overlie 550 Callahan Drive Wichita, Kansas 67209
9	U	CALLAHAN	✓ Elmer R. & Marguerite H. Rhodes 655 South Tyler Road Wichita, Kansas 67209
1, 10, 11 & 12	V	CALLAHAN	✓ Clay Lacy 20648 Keswick Canaga Park, California 91306
2	V	CALLAHAN	✓ A. Teddy & Wilma M. Razook 420 South Westfield Street Wichita, Kansas 67209
3	V	CALLAHAN	✓ Stanley L. & Marilyn K. Schmidt 430 South Westfield Street Wichita, Kansas 67209
4	V	CALLAHAN	X Van R. & Lanora B. Hall Address Unknown
5	V	CALLAHAN	✓ Edward C. & Luella Hawk 448 South Westfield Wichita, Kansas 67209
6	V	CALLAHAN	X May Morris Address Unknown



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
7	V	CALLAHAN	William Leo & Marie E. Gray 528 Callahan Drive Wichita, Kansas 67209
8 & 9	V	CALLAHAN	Jere A. & Bennie D. Keckler 551 Tippecanoe Wichita, Kansas 67209
13	V	CALLAHAN	Ronald L. & Kathleen Joyce Reed 521 South Tyler Road Wichita, Kansas 67209
9	1	FLOYD BAILEY 4TH	Bud & Joyce B. White 210 Pattie Wichita, Kansas 67211
			Bill E. & Doris Jean Mesker 33 Rolling Hills Wichita, Kansas 67212
3	B	FLOYD BAILEY 2ND	Theodore E. & Theresa A. Wingett Address Unknown 450 S Westman, Derby
9	C	FLOYD BAILEY 2ND	Eugene E. & Ruth E. Dechant 408 South Socora Drive Wichita, Kansas 67209
7	C	FLOYD BAILEY 2ND	James L. & Eugene L. Weldon 401 Floyd Wichita, Kansas 67209
			L. F. & Mildred M. Holland 8331 University Wichita, Kansas 67209



Beginning on the South line of Highway 54 and 800 feet West of the East line of the West Half of the SE $\frac{1}{4}$ of the South 200 feet, West 100 feet, North 200 feet East to beginning, all in Section 28, Township 27, Range 1 West.

Dated at Wichita, Kansas, this 11th day of November, 1974, at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Orita Gray*
Asst. Sec. ag

Tracer No. 26312



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT November 27, 1974

TO Paul Graves, Traffic Engineer
Dick Linn, City Engineer
M. S. Mitchell, Maintenance/Flood Control Supervisor

FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT DP-50 Carriage House Community Unit Plan

Attached is a copy of the amended commercial community unit plan DP-50 known as Carriage House. This plan is in the general vicinity north of U.S. 54 and east of Tyler Road.

We would appreciate your recommendation and any comments you might have by December 9, 1974, so that this community unit plan can be advertised for public hearing.

JHG:js

Attachment

RECEIVED

NOV 27 1974

Engineering Division

THE CITY OF WICHITA

OFFICE OF CITY TRAFFIC ENGINEER

DATE December 9, 1974



TO Jack Galbraith, Chief Planner

FROM William G. McKinley, Assistant Traffic Engineer

SUBJECT Carriage House CUP

We understand the developer has been advised that he will not have direct access to U.S. 54. The only access along U.S. 54 will be by way of a one-way frontage road running parallel to U.S. 54 westbound; therefore, the proposed entrance will connect only with the one-way frontage road.

On Tyler Road we would recommend a major entrance be constructed at the point shown as a medial break. This will require the developer to guarantee an accel/decel lane and redesign the medial to provide for adequate left turn storage for southbound traffic on Tyler turning into the proposed center.

William G. McKinley
Assistant Traffic Engineer

WGM:cg

cc: R. W. Bruggeman

Sullivan

ROGER SHERWOOD
ATTORNEY
816 CENTURY PLAZA BUILDING
WICHITA, KANSAS 67202
AREA 316 267-2819

November 27, 1974

Mr. Glen Anschutz
State Highway Commission
State Office Building
Topeka, Kansas 66612

Re: (BC) 54-87 U038-3(35)

Dear Mr. Anschutz:

I represent the developers of a tract of land generally located north of 54 Highway and east of Tyler Road in Wichita, Kansas. Charles Freund of Professional Engineering Consultants has suggested that I write to you concerning the community unit plan which has been filed with the Wichita Metropolitan Area Planning Commission.

I am enclosing a copy of the plot plan on the proposed C.U.P. There are two points on the C.U.P. which may be affected by the decision of the State Highway Commission in their design of the highway.

One-quarter mile east of Tyler Road and one-quarter mile west of Woodhuck, as shown on the drawing, is a proposed entrance drive to the property from the service road that is included in your present design. It is our understanding that the service road will be one-way west. We would request that your design include an access point which would permit the developers to construct the drive as shown on the drawing.

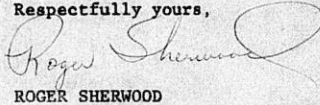
You will also note that an entrance is proposed to the property from Tyler Road. It is our understanding that the Highway Commission presently intends to construct some type of median strip on Tyler Road. We would request that such median strip have a break to permit ingress and egress for southbound traffic.



Mr. Glen Anschutz
November 27, 1974
Page Two

I would appreciate it if you would advise me if these two requests could be included in your design at that location.

Respectfully yours,



ROGER SHERWOOD

RS/ct

Enc.

cc: Mr. Charles Freund
Professional Engineering Consultants
1440 East English
Wichita, Kansas 67211

Mr. Jack Galbraith
Planning Department
104 South Main
Wichita, Kansas 67202

December 4, 1974

(BC) 54-87 U-038-3 (35)
Sedgwick County

Mr. Roger Sherwood, Attorney
516 Century Plaza Building
Wichita, Kansas 67202

Dear Sir:

We have the following comments in response to your letter of November 27th:

1. We have no objection to the entrance to the one-way frontage road as requested in the third paragraph of your letter. We will include this in our design.

We should point out that a direct connection to US-54 will not be allowed at this location.

2. We feel that the entrance requested from your property to Tyler Road between Bellview and Hendryx would be located beyond the jurisdiction of the Highway Commission. If this entrance is approved by the City of Wichita, we will include it in our design.

Please contact us if there are any questions.

Very truly yours,

GLENN ANSCHUTZ, P.E.
ENGINEER OF DESIGN

BY:
DALE L. MCGREGOR, P.E.
SQUAD LEADER
CONSULTING SERVICES SECTION

DLMc:lld

cc: City of Wichita, Att: Mr. Galbraith(Planning Dept.) ✓
Professional Engineering Consultants
J. O. Adams, Assistant State Highway Engineer



THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public
Works Maint.

DATE Dec. 5, 1974



ON SAFETY
PHASE II

TO Jack Galbraith, Chief Planner, MAPD

FROM M. S. Mitchell

SUBJECT - DP-50 Carriage House Community Unit
Plan

Recall that most of subject area is now designated as drainage easement in Floyd Bailey 4th Addition. In our discussions with the engineers and developers we agreed that it is possible to develop Parcel 1 and the western portion of Parcel 2 without adversely affecting the balance of the platted lots in the various Floyd Bailey Additions. I think however, that it is incumbent of those parties to develop storm water storage facilities that will clearly benefit those areas in the Floyd Bailey Plats which are distressed by periods of long standing surface water. I see no evidence that storm water drainage has been considered or provided for.

If further discussion is desired, please advise.

M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton
Dick Linn
Carriage House CU Plat File



November 27, 1974

Paul Graves, Traffic Engineer
Dick Linn, City Engineer
M. S. Mitchell, Maintenance/Flood Control Supervisor
Jack H. Galbraith, Chief Planner

DP-50 Carriage House Community Unit Plan

Attached is a copy of the amended commercial community unit plan DP-50 known as Carriage House. This plan is in the general vicinity north of U.S. 54 and east of Tyler Road.

We would appreciate your recommendation and any comments you might have by December 9, 1974, so that this community unit plan can be advertised for public hearing.

JEG:js

Attachment

AMENDED

Z-1471
DP-50

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 BILL E. MESKER
International Flying Farmers Bldg., Mid-Continent Airport
Address Wichita, Kansas 67215 Phone 942-1468
- Agent ROGER SHERWOOD
516 Century Plaza Building
Address Wichita, Kansas 67202 Phone 267-2819
- b. Applicant BUD WHITE
210 Pattie
Address Wichita, Kansas Phone 265-4618
- Agent ROGER SHERWOOD
516 Century Plaza Building
Address Wichita, Kansas 67202 Phone 267-2819
- 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.)

(See attached description)

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

SUPERSEDED

III. This property is located at (address) 600 South Tyler Road.

The general location is (use appropriate section)

- a. at the Northeast corner of McCormick
and Tyler Road; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

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

BILL E. MESKER

BUD WHITE

By _____
Authorized Agent (if any)
Roger Sherwood

By _____
Authorized Agent (if any)
Roger Sherwood

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
4:25 (AM, PM) on November 26, 1974 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$ None required

G. Lynn Shisley Name
Jr. Planner Title

SUPERSEDED

ATTACHMENT TO
AMENDED
APPLICATION FOR COMMUNITY UNIT PLAN

Legal Description:

"AA" to "LC"

Beginning at a point 2070.96 feet south and 65 feet east of the NW corner of the NW 1/4 of Section 28, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, said point being on the south line of Tourmaline Lane as platted in Floyd Bailey Fourth Addition, Wichita, Sedgwick County, Kansas; thence east along the south line of Tourmaline Lane, now Hendryx Street, 710 feet; thence northeasterly 461.02 feet, more or less, to a point 1205 feet east and 735 feet north of the SW corner of said NW 1/4; thence easterly 366.87 feet, more or less, to a point 1570 feet east and 698 feet north of the SW corner of said NW 1/4; thence southeasterly to a point 70 feet north of the NW corner of Lot 9, Block 1, Carriage House Plaza, Wichita, Sedgwick County, Kansas; thence southeasterly to the NE corner of Lqt 8, Block 1 in said Carriage House Plaza; thence west 220 feet on the north line of Lots 8 and 9 in said Block 1, in said Carriage House Plaza; thence south on the west line of said Block 1 in said Carriage House Plaza, 427.87 feet to the south line of said NW 1/4; thence west on said south line of said NW 1/4 to a point 65 feet east of the SW corner of said NW 1/4; thence north 568.8 feet, more or less, to the point of beginning.

Also,

"A" to "LC" Lots 8 and 9, Block 1, Carriage House Plaza, Wichita, Sedgwick County, Kansas.

SUPERSEDED

*

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

Roll # 1

*