

NOTE :

MISSING FILE

*

DP-166 , DP-167

and DP-168

were missing when

microfilmed.

ACTION

COMMITTEE	DATE
M.A.P.C.	
M.A.P.C. <i>Refered 2 weeks</i>	<i>4-16-87</i>
M.A.P.C. <i>Approved subject to conditions</i>	<i>4-30-87</i>
B.C.C./B.C.C. <i>Refered Level</i>	<i>5-26-87</i>
BCC <i>One report</i>	
BCC <i>Refered subject</i>	<i>6-2-87</i>
BCC <i>Refered subject ^{individuality}</i>	<i>6-9-87</i>
BCC <i>Approved subject to conditions as modified</i>	<i>7-7-87</i>

DBIED 4-1-87 KCC

ACTION

COMMITTEE	DATE
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M.A.P.C.	Deferred 2 weeks	4-16-87
M.A.P.C.	Approved sub to conditions as amended	4-30-87
B.C.C./B.C.C.	Deferred 1 week	5-26-87
BCC	Deferred indefinitely <i>One week</i>	6-2-87
BCC	Deferred indefinitely <i>2 weeks</i>	6-9-87
BCC	Approved sub to conditions as modified	7-7-87

DATA SHEET

Z- _____
 SCZ- _____
 CU- _____
 DR- _____
 DP- 169
 Amend _____
 Case Filed: 3-3-87
 Associated Case: Z-2842

APPLICATION DATA: Map No. 5744 A

1. General Location: At the southwest corner of Pawnee and Oliver
2. From _____ to _____
3. Proposed Use: _____
4. DP Name: SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN
5. Applicant: Karl Solomon
 Address 625 North Carriage Parkway, Wichita, KS. 67208 Phone 684-9611
6. Agent: Poe and Associates of Kansas, Inc.
 Address 434 North Oliver, Wichita, KS. 67208 Phone 685-4114
4. DP Name: _____

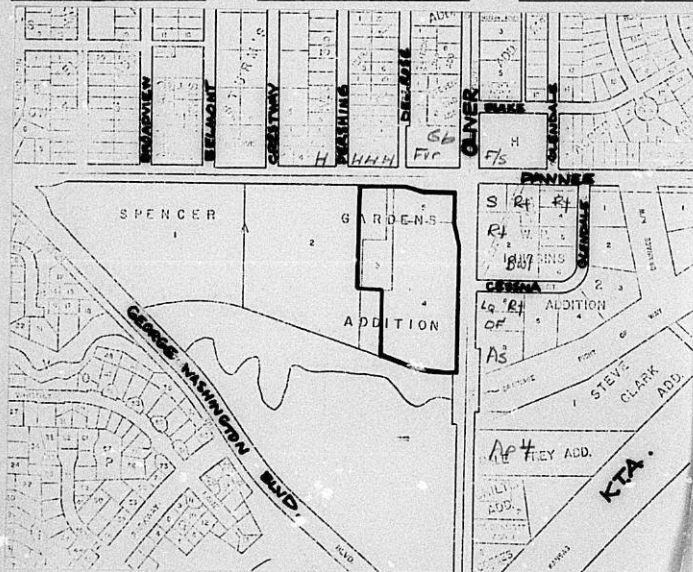
AREA DATA:

1. Acres: 9.4 (_____ ft. by _____ ft.)
2. Adjoining Zoning: N "LC,A,5AA" S "R-6"6"AA" E "LC" W "R-6"
3. Land Use: North _____ East _____
 South _____ West _____

PICTURE SHEET

PHOTO DATA:

Taken by (P) Date 4-10-87 Time _____



NOTES:

T9-214-2

Survey 4
 No. 2153C
 WASHINGTON, MO
 LOS ANGELES, CHICAGO, LOUISIANA
 MEMPHIS, TULSA, GAITHERSBURG, GA
 U.S.A.

April 12, 1988

Mr. Kenny E. Hill, P.E.
Poe and Associates of Kansas, Inc.
434 North Oliver, Suite 110
Wichita, Kansas 67208

RE: Administrative Adjustment to DP-169 - Spencer Gardens Commercial C.U.P.
Generally located on the southeast corner of Pawnee and Oliver.

Dear Mr. Hill:

We have received and reviewed your request for an administrative adjustment to the above-referenced commercial community unit plan. We understand that you desire to locate an entryway immediately south of the common line between Parcels No. 2 and 5 to provide better circulation to the site. To accommodate this proposal, you are requesting that an additional access point be granted on Parcel No. 5 in exchange for the reduction of one access point on Parcel No. 2 and a portion of Parcel No. 3 as now provided for on the approved C.U.P. We have discussed your request with the City Traffic Engineer and he has found it to be acceptable.

On the basis of our review, we feel that adjusting the number of access points between Parcels No. 2 and 5 while retaining the total number of access points along Oliver as previously approved, will not have an adverse effect on the C.U.P. or adjacent properties, nor will it be a substantial deviation from the original plan.

Our signatures below indicate that an administrative adjustment has been granted to reduce the number of access points on Parcel No. 2 and the southern portion of Parcel No. 3 by one and increase the number of access points on Parcel No. 5 by one. We will make a notation of these changes on our file copies of the C.U.P. drawing for future reference.

Sincerely,

Marvin S. Krout
Director of Planning

Monty H. Robson, Superintendent
of Central Inspection

MSK/MHR/RLY:blw

cc: Karl Solomon, 625 North Carriage Parkway, Wichita, Kansas 67208
Jeff Krehbiel, 1300 East Lewis, Wichita, Kansas 67211

FILE COPY

N: 00112

METROPOLITAN AREA PLANNING DEPARTMENT

Description ADMINISTRATIVE ADJUSTMENT FOR DP 169
Name IRE ASSOCIATES (LENNY HILL)
Address 424 N. OLIVER SUITE 110 WICHITA KS. 67208
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)
Amount \$100⁰⁰
Date 4/1/88 Due Date 4/7/88 By RJY

Form 00-000



POE & ASSOCIATES OF KANSAS INC.
CONSULTING ENGINEERS
434 N. Oliver, Suite 110 • Wichita, KS 67208 • 316/685-4114

4-7-88

BOB YOUNG

APPLICATION FEE - CHANGE OF
ACCESS - SPENCER GARDENS 2ND ADDN.

Kenny Hill

POE & ASSOCIATES OF KANSAS INC.
CONSULTING ENGINEERS
434 N. Oliver, Suite 110 • Wichita, KS 67208 • 316/685-4114

March 17, 1988

Mr. Marvin Krout
Director of Planning
City Hall
455 North Main
Wichita, Kansas 67202

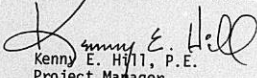
Re: Spencer Gardens Commercial C.U.P.

Dear Marvin:

Karl Solomon has advised me that he hopes to proceed with plans to develop this area as shown on the enclosed site plan. The major entrance on this plan has been located south of the common line between Lots 2 and 5. The total number of openings to Oliver remain as provided for on the plat of this area, however, three of the openings will be from Lot 5 on this plan instead of two which is allowed for on the plat. I have talked to Bill McKinley who said he could see no problem with this proposal, however, he has not seen this plan. Can this type of change be administratively approved by your department and if so do you have any objections to this proposal.

Yours truly,

POE & ASSOCIATES OF KANSAS, INC.


Kenny E. Hill, P.E.
Project Manager
Encl.
KEH:crb

cc: Karl Solomon
Jeff Krebbiel

3
THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE October 27, 1987

File
EP-169

TO Louise Olivarez, Principal Planner, MAPD
FROM Ed L. Randels, Assistant City Attorney

SUBJECT BZA - Jurisdiction to Grant
Variance or Use Exception to
Allow Storage and Display of
Automobiles, Motorcycles,
Lawn Mowers, and Bicycles

BACKGROUND

Robert Kaplan, attorney for Elliott Werbin has indicated that Mr. Werbin is seeking to establish a pawn shop within a "LC" zoning district and in a Commercial C.U.P. located near Pawnee and Oliver. In the course of operation of the pawn shop, Mr. Werbin would like to store for display and sale purposes automobiles, motorcycles, lawn mowers, and bicycles in front of his business facing Oliver. The items would not be duplicated within the sales building.

ISSUES

- I. Does the Board of Zoning Appeals (BZA) have the authority to grant a variance which would allow in a "LC" zoning district the outside storage and display items for sale which are not duplicated within the building?
- II. Does the BZA have authority to grant a special use exception in a "LC" zoning district to allow the outside storage and display of automobiles, motorcycles, lawn mowers, bicycles and/or other items held for sale which are not duplicated within the building?

OPINION

- I. The BZA does not have authority to grant a variance to allow the outside storage and display of items for sale that are not duplicated within the building in a "LC" zoning district.

Section 28.04.090(a)(1.2) of the Code of the City of Wichita, prohibits the outside storage of all articles for sale, rent, display or hire by a retail business in a district zoned light commercial. However, this section does provide for an exception which allows retail businesses to display items within ten feet of the building provided those items are duplicated for sale within the building.

Louise Olivarez
October 27, 1987
Page 2

THE BZA would have jurisdiction to consider a variance of the ten feet limitation expressed in the Code. For example, the BZA could authorize a variance to fifteen feet for display purposes. However, the BZA does not have the authority to permit by variance an unauthorized use. (K.S.A. 12715(a)) In the present situation, any variance extending the distance limitations for display purposes, would not constitute authority for outside display of items for sale where such items are not duplicated for sale within the building.

- II. The BZA does not have authority to grant a special use exception in a "LC" zone for the outside storage and display of lawn mowers, bicycles, and/or most other items held for sale which are not duplicated within the building. The BZA does have authority to grant a special use exception for the outside display of automobiles and motorcycles which are for sale.

K.S.A. 12-715(b) gives the BZA authority to grant exceptions to the use restrictions only where City ordinances grant specific authority to do so.

Section 28.04.183 of the Code of the City of Wichita, lists specific exceptions to "LC" districts zoning uses. These exceptions include among other things, new and used car sales; new and used boat sales; new and used truck sales; recreational vehicle sales; and nursery and garden center merchandise sales (excluding equipment). Since lawn mowers (which may be considered garden center equipment) and bicycles are not listed in Section 28.04.138 as an excepted use when those items are for sale, the BZA could not authorize their display for sale purposes in an outside storage - display area. Consistent with the exception, however, would be the authority for approval of automobile sales. Motorcycles may be considered to be of similar character to some recreational vehicles to also be included within that class of items.

CONCLUSIONS

The BZA does not have authority to grant the variance suggested by Mr. Werbin. The BZA can authorize automobile and motorcycle sales where items could be stored outside for display purposes. However, there is no legal basis for the BZA to authorize, as an excepted use, within a "LC" zone, the outside display for sale purposes of bicycles and lawn mowers. (It should be noted, however, that if the retail business notifies the Superintendent of Central Inspection, he may conduct some outdoor sales for not more than 48 hours in one two-day period every four weeks. (Section 24.04.183[3] of the Code of the City of Wichita, Kansas.)

Louise Olivarez
October 27, 1987
Page 3

Should Mr. Werbin decide that he wants to pursue the development of his business at the identified location, and should he desire the ability to permanently have outside storage - display - sales areas for the items he has identified, he will need to seek to have the location rezoned as Class "C", commercial.


If you have any other questions, please do not hesitate to contact me.

Ed L. Randels

Ed L. Randels
Assistant City Attorney

ELR:dks

cc: Robert W. Kaplan

To	Ed Reske Law Dept.	From Louise Olivarez M.A.P.D.
Subject	Date	
Bob Kaplan's request for interpretation	10-15-87	
Message		
<p>Would you please give me your opinion as to whether the BTA has jurisdiction over such a request as stated in the attached letter of if "C" zoning must be requested. The site in question is within the Spencer Garden Commercial C.U.P. at SW corner Lawrence/Oliver. Zoned "LC". CUP permits just about all "retail sales." Please call me at 4494 if you have questions. Thanks</p>		
	SIGNED	Louise Olivarez
Reply	DATE	
<p>_____ _____ _____</p>		
<p> National Brand 47-223 Made in USA</p>		
SIGNED _____		
SENDER RETAIN THIS COPY		

Jack -
Thanks.
How do you &
Louise feel abt
the proposed use
itself? MK
Would be inappropriate

Oct 14, 1987

Sale of Used Automobile ~~zoning~~ requires
an exception to the Zone "C"

28.04.090 A²D.

With: 10' of bldg -

220 way to provide for the display of used furniture,
appliances, plumbing, hardware, building materials

Seems clear to me - Exception for sale of
automobiles.

"C" zoning for outdoor display and sale
if you can't comply with 1.2

All other means would deal in granting
a "use variance" which is not legal.

I would agree w/ you ^{heard from} law office yet?
I think
his argument
is that the 10 foot limitation
should be treated like a setback variance. ^{but it sounds}
My guess is ^{my guess} BZA won't grant it if ^{open} he does
get law office to agree.

like the extent of
his request is in effect
a different use.

Tell me how this case is different from
13th/Grove in terms of appropriateness
of the zoning. MK

LAW OFFICES

KAPLAN, McMILLAN AND HARRIS

ROBERT W. KAPLAN
CALVIN McMILLAN
CHARLES F. HARRIS
GERARD C. SCOTT

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
316-262-5175

October 13, 1987

Ms. Louise Olivarez, Principal Planner
Metropolitan Area Planning Department
City Hall - Tenth Floor
455 North Main Street
Wichita, Kansas 67202-1688

RE: Elliott Werbin

Dear Louise:

You asked that I furnish you with a more definitive description of the nature of the operation that Elliott Werbin would contemplate in the Spencer Gardens Addition, in order that you get a determination from the law department as to whether they believe the board of zoning appeals would have variance jurisdiction.

Although I do not have final specifics on the location, Mr. Werbin would take down under a sublease a parcel fronting approximately 200 feet on Oliver just east of the proposed major entrance as shown on the copy of the community unit plan which I have, which, however, I do not believe to be the last amended C.U.P. The print that I am looking at would have Mr. Werbin's sublease commence with the east line of the major entrance and extend 200 feet to the north by approximately 400 feet of depth. This is not final, and since the matter is contingent upon either B2A or rezoning to "C" commercial, there have been no further negotiations at this time.

Mr. Werbin contemplates an approximate 10,000 to 11,000 square foot building with a probable 75-foot building setback. The building would house a pawnshop, and I conceive of no problem with the present community unit plan permitted uses as far as the pawn shop operation is concerned.

The questions that I pose to you are as a result of Mr. Werbin's comments to me that he would intend to display to the east, or in front of the building, certain merchandise which would require a variance from the terms of the existing ordinance, in that merchandise would be displayed which may not be duplicated within the building and would not be displayed within ten feet of the building. This merchandise could consist of items such as automobiles, motorcycles, lawn mowers, and bicycles. It would not be

Ms. Louise Olivarez
October 12, 1987
Page Two

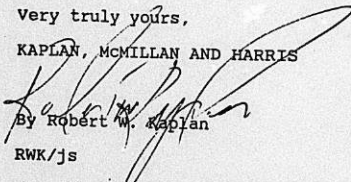
contemplated that it would be moved within the building at night but would be permanently displayed until sold. This is not, however, to convey the thought that this constitutes any type of salvage operation or that the merchandise would not be operational and immediately ready for sale. Nothing would be displayed which was not operational and not presentable. No inoperative vehicles or cycles or inoperative equipment would be stored for later use or removal, and the only merchandise that would be displayed is merchandise that would be immediately for sale. In this regard, I do not see it as different from many retail stores in town which display merchandise at the front of the store and who likewise do not comply with the ten-foot distance requirement. I rather doubt in the case of major items, such as gazebos and other large structures that I have seen displayed at some discount stores, that they are moved in the building at night.

In any event, this is Mr. Werbin's intent, and I would leave it to the board of zoning appeals to make the determination, but if they are going to be advised by the law department that they do not have jurisdiction, then I might as well devote my client's money and my time to a "C" commercial zoning application.

Please get back with me as soon as you can, so that I can advise Mr. Werbin.

Very truly yours,

KAPLAN, McMILLAN AND HARRIS


By Robert W. Kaplan

RWK/js

cc: Mr. Elliott Werbin

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

August 7, 1987

TO: Monty Robson, Superintendent of Central Inspection

FROM: Barbara Harris, Senior Planner, Current Plans

SUBJECT: DP-169 and Z-2842 - Spencer Gardens Commercial Community Unit Plan and zone change request from "R-6" to "LC". Located at the southwest corner of Oliver and Pawnee.

The members of the City Council on July 7, 1987, considered the above-captioned C.U.P. and associated zone change request. Their action was to approve the zone change and C.U.P. subject to the following conditions:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The property included in this C.U.P. shall be platted within one year from the date of approval by the City Council members or the provisions of this C.U.P. shall become null and void for the portions which remain unplatted. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

By copy of this memo, the applicant is advised that the plat for the property being rezoned should be recorded with the Register of Deeds by July 7, 1988, or the zone case file will be marked denied and closed. We understand that a plat has already been submitted. This will be the only notification of the platting deadline.

Attached for your information and files are two approved C.U.P. copies. If you have any questions concerning this matter, please call me at 268-4421.

Barbara Harris
Senior Planner

Bh:blw
Attachments

cc: Karl Solomon, 625 North Carriage Parkway, Wichita, KS. 67208
Kenny Hill, Poe & Associates, 434 North Oliver, Wichita, KS. 67208

PL/3015/4

July 7, 1987

Karl Solomon
625 North Carriage Parkway
Wichita, Kansas 67208

RE: Z-2842 - "R-6" to "LC" and DP-169 - Spencer Gardens Commercial
Community Unit Plan. Located at the southwest corner of Oliver and
Pawnee.

Dear Mr. Solomon:

At its regular meeting on July 7, 1987, the Wichita City Council considered the above-captioned cases. The action of the Council was to approve the zone change application subject to replatting and approve the C.U.P. subject to the recommended conditions as amended:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The property included in this C.U.P. and zone case shall be replatted within one year from the date of approval by the City Council and prior to the issuance of any building permits or the provisions of this C.U.P. shall become null and void for the portions which remain unplatted and the ordinance establishing the zone change shall not be published until the replat has been recorded with the Register of Deeds.

The following wording as approved by the City Council shall be added to the General Provisions:

- ✕ "At the time of replatting, the applicant shall guarantee one-half the cost of construction of a left turn lane in Oliver, to be installed with

Karl Solomon
July 7, 1987
Page 2

the first phase of development to serve his major entrance off that street. Final design to be determined at the time of platting."

- X "At the time of replatting, the applicant shall guarantee the construction of a decel lane - free right turn from eastbound Pawnee to southbound Oliver, to be installed at the time that the city is prepared to install left turn lanes on Oliver at the intersection with Pawnee, or at the time that there is preparation to develop Parcel 5 with land uses and floor area that would exceed 3,000 average daily trip ends on that parcel, based on standard ITE trip generation rates as determined by the city's traffic engineer."
- X "At the time of replatting, the applicant shall guarantee the cost of reconstruction of the medial in Pawnee, to be installed with the first phase of development, providing for a minimum of 180 feet of storage in the eastbound left turn lane of Pawnee, and a raised medial providing protected left turn storage from westbound Pawnee into an entrance and left turns from the site into westbound Pawnee. The centerline of this entrance shall be approximately 45 feet east of the centerline of Dellrose."
- X General Provision #13 shall be rewritten as follows:

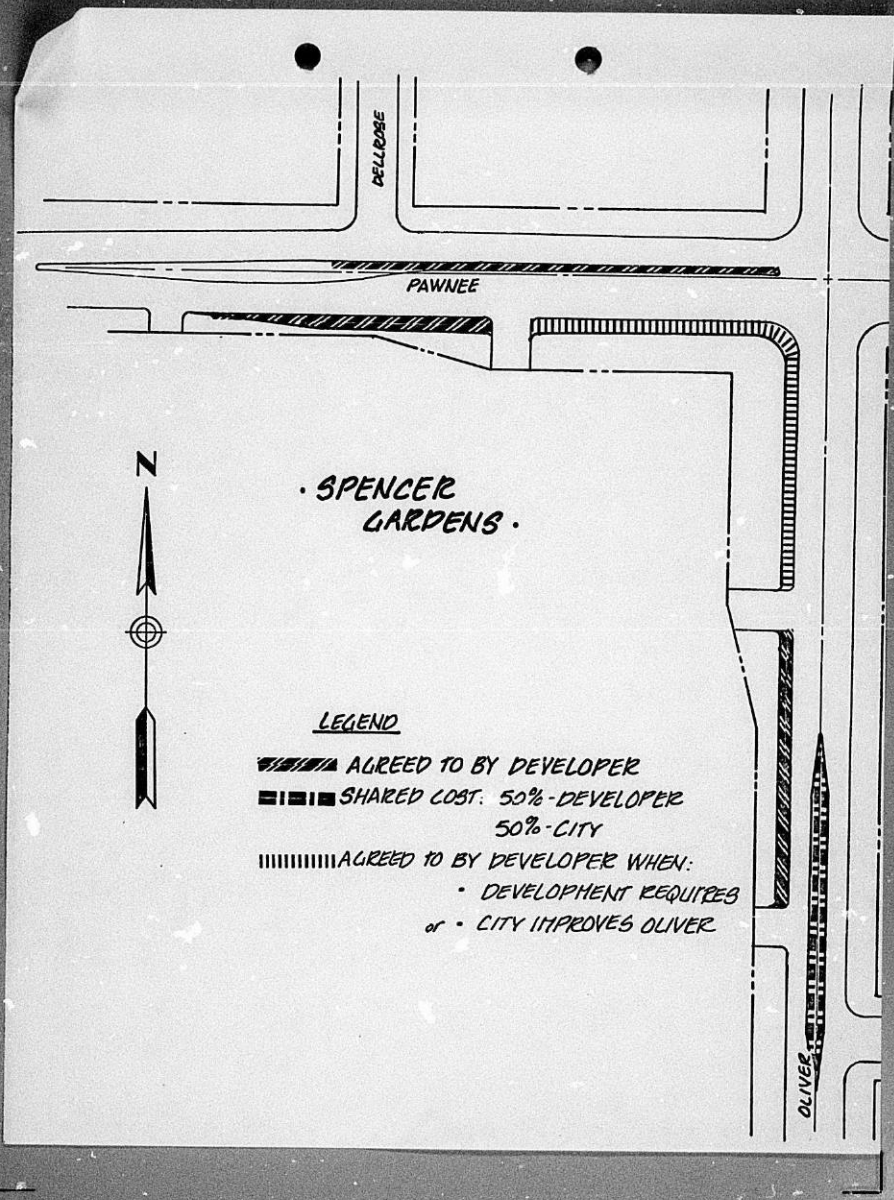
"A solid, or semi-solid, wall at least five (5) feet, but not more than eight (8) feet high constructed of brick, stone, masonry, architectural tile, or other similar material (excluding wood or woven wire) shall be installed along the west property line of Parcels 1, 4 and 5. The wall will be constructed when residential development begins to develop to the west adjacent to the proposed wall. A letter of credit shall be posted with the Metropolitan Area Planning Department at the time of platting guaranteeing the present cost of wall construction and including an escalator clause. Said guarantee shall be released should the property to the west be approved for a nonresidential zoning classification. The Wichita City Council may order the construction of the wall prior to the development of the property adjacent to the C.U.P. on the west if, in their estimation, a litter problem is occurring as a result of commercial development on this C.U.P."
- X Amend the access control on Parcel 3 to reflect 150 feet of Complete Access Control both on Oliver south of Pawnee and on Pawnee west of Oliver.

Please submit four (4) corrected folded copies of the C.U.P. to the Planning Department indicating the above-listed items.

Sincerely,




Jack H. Galbraith
Chief Planner

JHG/BRH/lw
cc: Kenny Hill, Poe and Associates, Inc., 434 N. Oliver, Wichita, KS 67208
Mike Lindebak, City Engineer
Bill McKinley, Traffic Engineer



• SPENCER GARDENS •

LEGEND

-  AGREED TO BY DEVELOPER
-  SHARED COST. 50% - DEVELOPER
50% - CITY
-  AGREED TO BY DEVELOPER WHEN:
 - DEVELOPMENT REQUIRES
 - or • CITY IMPROVES OLIVER

PERRIS

DELEBOSE

Submitted to WCC
7-7-87

OLIVER

#1: EXISTING MEDIAL

PAWNEE

250' Storage

#2: MARC RECOMMENDED PLAN

Raised Median Optional

175' Storage

#3: STAFF'S PREFERRED PLAN

200' Storage

#4: STAFF'S COMPROMISE

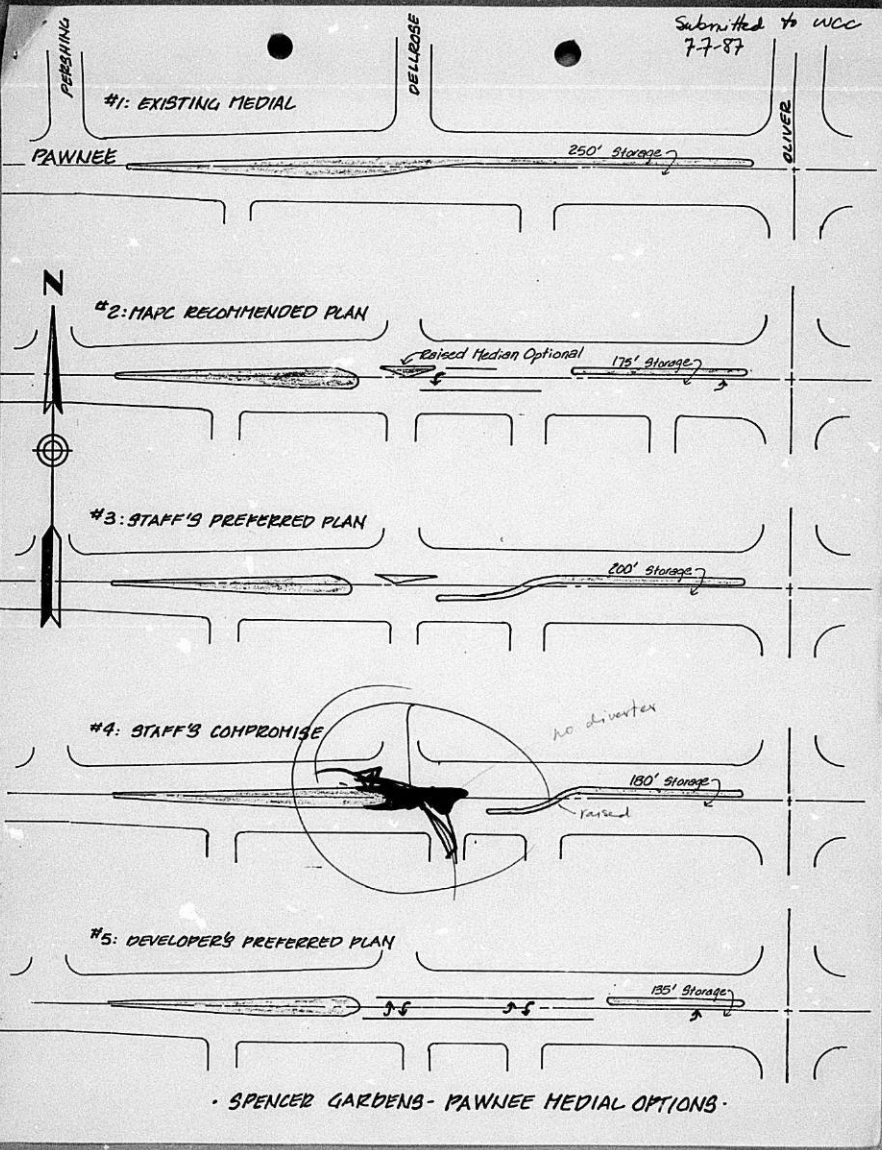
no divertex

180' Storage

#5: DEVELOPER'S PREFERRED PLAN

135' Storage

SPENCER GARDENS - PAWNEE MEDIAL OPTIONS



COUNCIL PROCEEDINGS

JOURNAL 140

JULY 7, 1987

PAGE 476

RECEIVED
JUL 10 1987
METROPOLITAN PLANNING
ROUTE _____

Wichita, Kansas, July 7, 1987
Tuesday, 9:00 a.m.

MINUTES OF THE MEETING OF THE CITY COUNCIL

The City Council met in regular session with Mayor Knight in the Chair. Council Members Dewey, Kamen, Winkler; present. Council Member Ferris, absent.

Chris Cherches, City Manager; Tom Powell, Acting Director of Law; Twila M. Nelson, Deputy City Clerk; present.

The invocation was given by Reverend Jack Vaughn, Executive Director, National Conference of Christians and Jews.

The pledges of allegiance to the flag was participated in by the Council Members, staff and guests.

Minutes-- approved The minutes of the regular meeting of June 30, 1987, were approved 4 to 0. (Ferris absent)

OFF-AGENDA

Motion -- Knight moved that the rules be set aside and an Item, for the purpose of approving a proclamation, be taken up off the Agenda. Motion carried 4 to 0. (Ferris Absent)

Motion -- Knight moved that a Proclamation for WICHITA COMMUNITY THEATER DAY be approved. Motion carried 4 to 0. (Ferris absent)

AWARDS AND PRESENTATIONS

NEW SMALL BUSINESS AWARD Mayor Knight presented the New Small Business Award to Janet Craghead and Shirley Harrold of Craghead and Harrold, Advertising Design, 3426 East Central.

PROCLAMATION Mayor Knight presented the Proclamation that was previously approved.

CITY MANAGER'S AGENDA (UNFINISHED BUSINESS)

*Council Member Ferris present during next item.

DP-169 and 2-2842 SPENCER GARDENS DP-169 - Spencer Gardens Commercial Unit Plan and 2-2842 - Zone Change from "R-3" General Residence to "LC" Light Commercial (Southwest Corner of Oliver and Pawnee).

Continued from June 2, 1987, at the request of the applicant.

Agenda Report No. 87-310 (Supplement A)

Chris Cherches City Manager reviewed the Item for the City Council.

Marvin Krout Director of Planning showed slides and reviewed the Item for the City Council. Mr. Krout stated that on May 26, 1987, the Council directed that attention be given to the following issues:

1. Construction of a left-turn lane on Oliver to the major entrance.

At the time of replatting, the applicant shall guarantee one-half the cost of construction of a left-turn lane in Oliver, to be installed with the first phase of development to serve his major entrance off that street. Final design to be determined at the time of platting.

COUNCIL PROCEEDINGS

JOURNAL 140

JULY 7, 1987

PAGE 477

2. Construction of a deceleration right-turn lane from eastbound Pawnee to southbound Oliver.

At the time of replatting, the applicant shall guarantee the construction of a decel lane - free right turn from eastbound Pawnee to southbound Oliver, to be installed at the time that the City is prepared to install left turn lanes on Oliver at the intersection with Pawnee, or at the time that he is prepared to develop Parcel 5 with lane uses and floor area that would exceed 3,000 average daily trip ends on that parcel, based on standard ITE trip generation rates.

3. Reconstruction of the medial in Pawnee west of Oliver.

Staff and Applicant met and developed two alternatives. The first alternative separates the left turn movements at the intersection from eastbound Pawnee to northbound Oliver from the left turn movement from westbound Pawnee into the site. The Council had previously indicated this as desirable. The Applicant's concern was that this provided left turn access to far removed from the Oliver intersection.

The second alternative provided by Staff shortens the S curve and provides less storage for the left turn movement from Pawnee into Oliver, and moves the major entrance that would provide left turn access from Pawnee into the site closer to Oliver by about 45 feet. The Applicant agreed that if the Council approved this scheme he would have no access between the major entrance and the intersection of Oliver.

4. Timing of the construction of the wall along the west property line.

The Applicant asked that the Council defer the construction of the wall until the residential development actually occurs on the parcel immediately to the west. A guarantee by Letter of Credit or Performance Bond for the construction of the wall when the residential development occurs on the adjacent tract could be required, and the City would have as a part of its easement along that wall, the right of entry if the City had to collect on the Letter of Credit or Bond.

Discussion

Considerable discussion was had concerning the time requirement for construction of the wall.

Tom Powell

Acting Director of Law stated that he thought a time certain was needed for when the wall would be constructed in any event. In the interim the Council was saying that in lieu of requiring the wall today, the City Council, at any time by a vote of three, could require it in the future.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard on Subitem Number 4 or any other Subitem of concern.

Tom Jacob

Architect for the Developer, Mr. Solomon, spoke in opposition to the construction of the wall at the present time without a deferment.

Discussion

Discussion was had.

Discussion

Mr. Jacob spoke on Subitem Number 3, and requested that Council approve a solution similar to the one at the Harry/Rock intersection.

Kenny Hill

Discussion was had.

Kenny Hill, Poe and Associates, Engineer, representing Developer, spoke regarding medial strip compromises. Mr. Hill stated that they would have no problem if there was no direct flow of traffic into Dellrose.

Discussion

Considerable discussion was had.

Irene Cortez

Irene Cortez, 2341 S. Dellrose, spoke concerning the medial strip.

Motion --

Winkler moved that at the considered time the deceleration right-turn lane from eastbound Pawnee to southbound Oliver would be instituted. Motion carried 5 to 0.

-- carried

Motion --

Winkler moved that the construction of the left-turn lane to the major entrance would be a 50/50 split between the Applicant and the City. Motion carried 5 to 0.

-- carried

Motion --

Winkler moved that the construction of the wall along the west line of the property would be at the appropriate time of further development with the City Council being able to bring it back if it becomes a public nuisance; the Developer to provide guarantee by Letter of Credit or some instrument. Motion carried 5 to 0.

-- carried

COUNCIL PROCEEDINGS

JOURNAL 140

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- Motion -- Winkler moved that the medial would be Staff's compromise of Number 4. (At the time of replatting, the applicant shall guarantee the cost of reconstruction of the medial in Pawnee, to be installed with the first phase of development, providing for a minimum of 180 feet of storage in the eastbound left-turn lane of Pawnee, and a raised medial providing protected left turn storage from westbound Pawnee into an entrance and left turns from the site into westbound Pawnee. The centerline of this entrance shall be approximately 45 feet east of the centerline of Dellrose.)
- Amendment -- Kamen moved an amendment to the motion to have the island included to prohibit traffic into Dellrose. Amendment died for lack of second.
-- died
- Discussion Discussion was had.
- Carl Solomon Carl Solomon, Developer, Spencer Garden proposed CUP, stated that he could agree with compromise Number 4.
- Subst. Motion -- Kamen moved a substitute motion that the medial would be Staff's compromise of Number 4 with the addition of an island to prevent additional traffic from going north into Dellrose. Substitute motion died for lack of second.
-- died
-- carried Winkler's motion carried 5 to 0.
- Motion -- Winkler moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC in connection with Zone Case No. Z-2842 and DP-169, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 5 to 0.
-- carried
- STREET ASSESSMENT POLICY** Street Assessment Policy.
The City Council requested that advisory boards provide comments relative to the City's Arterial Street Assessment Policy. A report has been provided.
- Mayor Knight Mayor Knight announced that this Item would be a work session in the Board Room with no action taken today.
Later in the meeting the Council returned to this Item.
- Motion -- Knight moved that the rules be set aside to allow an Item to be taken up off the Agenda. Motion carried 5 to 0.
-- carried
- Motion -- Knight moved that any appropriate remarks on Street Assessment Policy by the public be heard at this time. Motion carried 5 to 0.
-- carried
- The following persons spoke favoring an Arterial Street Assessment Policy which places less burden on the home owner.
- C.A. Lambrechtse, 110 S. Evergreen, member of the Maple Street Home Owners Association
George Bayouth, 156 S. Socora
Harley Fry, 8101 Maple
Andy Bogner, 111 N. Socora
- Motion -- Knight moved that the Council recess to Executive Session for consultation with the City Attorney, which is privileged in the attorney/client relationship, and pertaining to employer/employee relations, and the Regular Meeting be resumed at 11:00 a.m. in the City Council Room. Motion carried 5 to 0.
-- carried
- RECESS Council recessed at 10:30 a.m. and reconvened in Regular Session at 11:08 a.m.
- Mayor Knight Mayor Knight announced that no action was required as a result of the Executive Session.

Agenda item # _____

City of Wichita
City Commission Meeting
July 7, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Spencer Gardens Zone Change (Z-2842) and C.U.P. (DP-169)

INITIATED BY: Metropolitan Area Planning Department *Mrout*

AGENDA ACTION: City Manager

The City Council on May 26, 1987 considered requests for a zone change to "LC" and approval of a commercial C.U.P. on a 9.62 acre tract at the southwest corner of Pawnee and Oliver. The Council voted on that date to defer the cases for one week, and directed that attention be given to several issues:

1. construction of a left turn lane on Oliver to the major entrance.
2. construction of a deceleration-right turn lane from eastbound Pawnee to southbound Oliver.
3. reconstruction of the medial in Pawnee west of Oliver.
4. timing of the construction of the wall along the west property line.

On the following week, the Council voted at the applicant's request to defer the cases for an indefinite period, to give him additional time to study the issues and contract with a traffic consultant. The applicant contacted staff this week to urge that the cases be rescheduled for your July 7 agenda, even though his traffic studies are not completed, because his prospective tenants need to make immediate business decisions. We have met with the applicant and succeeded in narrowing the issues for Tuesday's meeting. Courtesy notices were also sent this week to nearby homeowners who attended the MAPC hearing and expressed interest in these cases.

In regard to the four issues:

1. The applicant has agreed to amending the MAPC recommendation on the C.U.P. to accept responsibility for partial (50%) funding of a left turn lane in Oliver south of Pawnee into his proposed major entrance on that street. Staff concurs that the construction of this left turn lane will provide a broader benefit than to just the applicant, by providing protected left turns for vehicles traveling southbound on Oliver and turning left (east) into Cessna Street and properties fronting Oliver on the east side, justifying that the city share in the cost of this improvement. The City Engineer has estimated the total cost of the left turn lane at \$28,000. The proposed wording to be added to the C.U.P. would read:

PL/1297/2

"At the time of replatting, the applicant shall guarantee one-half the cost of construction of a left turn lane in Oliver, to be installed with his first phase of development to serve his major entrance off that street. Final design to be determined at the time of platting."

2. The applicant has also agreed to a new condition that would provide for the eventual construction of a free right turn at the southwest corner, at his expense. Staff is in agreement that the development contemplated on Parcels 1, 2 and 3 does not generate the need for the free right turn, and even some level of development on Parcel 5 can be accommodated before a right turn lane is needed. However, the applicant should fund that improvement after a certain threshold of traffic is generated on Parcel 5. Also, in the event that the city is prepared to construct left turn lanes on Oliver at the intersection with Pawnee (this project is not in the current or proposed CIP) before that threshold of development on Parcel 5 is reached, it makes sense to build the right turn lane with the left turn improvement. The applicant has agreed to the following proposed wording:

"At the time of replatting, the applicant shall guarantee the construction of a decel lane - free right turn from eastbound Pawnee to southbound Oliver, to be installed at the time that the city is prepared to install left turn lanes on Oliver at the intersection with Pawnee, or at the time that he is prepared to develop Parcel 5 with land uses and floor area that would exceed 3000 average daily trip ends on that parcel, based on standard ITE trip generation rates."

The present-day cost of this improvement is estimated at \$33,000.

3. The applicant is not in agreement with staff's preferred designs for reconstructing the medial on Pawnee. The staff proposals would maintain separation of left turn movements by retaining the raised curb, but relocating the S-curve to retain adequate storage for eastbound vehicles on Pawnee turning left (north) onto Oliver. A "compromise" proposal developed by staff would locate the left turn into the development as close as possible to Oliver, while still providing minimum storage for left turns at Oliver. This proposal also discourages any additional traffic being attracted onto Dellrose, the residential street north of Pawnee. Estimated cost of this alteration is \$7,000. Proposed wording for this staff plan is:

"At the time of replatting, the applicant shall guarantee the cost of reconstruction of the medial in Pawnee, to be installed with the first phase of development, providing for a minimum of 180 feet of storage in the eastbound left turn lane of Pawnee, and a raised medial providing protected left turn storage from westbound Pawnee into an entrance and left turns from the site into westbound Pawnee. The centerline of this entrance shall be approximately 45 feet east of the centerline of Dellrose."

The applicant maintains that he cannot market this property for retail use without left turn access closer to Oliver, and requests that Council approve a solution similar to the one at the Harry-Rock intersection, with a raised medial extending 175 feet from the centerline of Oliver (about 135 feet of storage) and a two-way left turn lane for left turns beyond that point, and with complete access control up to a major entrance on Pawnee that is 150 feet west of his east property line. This is similar to the MAPC's recommendation, except that MAPC had recommended one access point in that 150 feet, which the applicant had requested at the time,

and the raised medial had extended an additional 40 feet at the recommendation of the City Engineer. The applicant also does not feel it is necessary to construct a raised island in Pawnee to prevent traffic from using Dellrose.

Staff now agrees that if the Council approves the two-way left turn lane solution, the length of the raised medial should be reduced to provide for more left-turn storage into the subject property. However, a solution that separates competing left turn movements at intersections is still considered more desirable, and cases like Harry and Rock were designed to maintain access to businesses that were on the street before the improvement was planned.

4. The applicant requests to retain the MAPC recommendation on the construction of the wall along the west property line. Staff had suggested that the wall be constructed when commercial development occurs whether or not the adjoining tract to the west is developed for residential use or not. This is in accordance with the standard requirement in the zoning ordinance on screening; and was thought to be desirable to protect the view of residents across Pawnee and people traveling down Pawnee from unsightly service areas, to contain litter, etc. The MAPC, however, agreed with the applicant that there was no need to provide screening until the time "when residential development occurs to the west."

- Actions:
1. Concur with the findings of the MAPC as amended, to provide for partial funding of a left turn lane in Oliver and for the right turn lane, and approve the zone change and C.U.P. subject to the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
 2. Take appropriate action and modify conditions of approval.
 3. Return the applications to the MAPC for reconsideration stating reasons.

Please feel free to call me before the meeting if you have any further questions about this case.

MSK:rme

July 1, 1987

Ygnacio Cortez
2341 S. Dellrose
Wichita, Kansas 67218

RE: Z-2842 - "R-6" to "LC"; and DP-163 Spencer Gardens C.U.P. At the southwest corner of Oliver and Pawnee.

Dear Mr. Cortez:

This is to advise you that the above-captioned cases, which were considered by the City Council on May 26, 1987 and deferred, are now scheduled to be considered again.

These cases will be considered next Tuesday, July 7, 1987 in the City Council meeting room, first floor of City Hall, 455 North Main, Wichita, Kansas beginning at 9:00 a.m. We expect that these items will be near the beginning of the agenda.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG/lw

cc: Richard Cummings, 17 Cypress, Wichita, KS 67218
Robert Westlake, 2331 S. Dellrose, Wichita, KS 67218
Jim Fisher, 201 S. St. Francis, Wichita, KS 67202

D R A F T

Amendments to Spencer Gardens C.U.P.

1. At the time of replatting, the applicant shall guarantee one-half the cost of construction of a left turn lane in Oliver, to be installed with his first phase of development to serve his major entrance off that street.
2. At the time of replatting, the applicant shall guarantee the cost of reconstruction of the medial in Pawnee, to be installed with the first phase of development, providing for a minimum of 180 feet of storage in the eastbound left turn lane of Pawnee, and a raised medial providing protected left turn storage from westbound Pawnee into an entrance and left turns from the site into westbound Pawnee. The centerline of this entrance shall be approximately 45 feet east of the centerline of Dellrose.
3. At the time of replatting, the applicant shall guarantee the construction of a decel lane - free right turn from eastbound Pawnee to southbound Oliver, to be installed at the time that the city is prepared to install left turn lanes on Oliver at the intersection with Pawnee, or at the time that he is prepared to develop Parcel 5 with land uses and floor area that would exceed 3000 average daily trip ends on that parcel, based on standard ITE trip generation rates.
4. At the time of replatting, the applicant shall guarantee the construction of a solid or semi-solid wall at least 5 and not more than 8 feet high, constructed of brick, stone, masonry, architectural tile or other similar material (excluding wood or woven wire), along the west property line.

PL/1270/2

May 27, 1987

Kenny Hill
Poe and Associates of Kansas, Inc.
434 North Oliver
Wichita, Kansas 67208

RE: Z-2842 - "R-6" to "LC"; and DP-163 Spencer Gardens C.U.P. At the southwest corner of Oliver and Pawnee.

Dear Mr. Hill:

The Wichita City Council considered the above cases at their meeting on May 26, 1987. After considerable discussion on several issues, their action was to defer these cases for one week with instructions that attention be given to the following areas of concern:

1. Submit a redesign of the medial on Pawnee to separate the left turn areas by the use of an S curve medial. They indicated a desire to not have left turn movements into Dellrose, but did not express opposition to a left turn movement out of the site for westbound traffic on Pawnee. This required redesign would only permit left turns into one of your proposed driveways.
2. Submit a design for the construction of the decel -- right turn lane from Pawnee onto Oliver to the proposed major entrance on Oliver.
3. Submit a design for a left turn lane to serve the major entrance on Oliver for northbound traffic.
4. The City Council asked that they be provided an estimate of costs to accomplish the above three conditions and that the guarantee for construction be at the time of platting.
5. Guarantee the construction of the required 6-8 foot wall on the west sides of Parcels 1, 4 and 5 when commercial building permits are requested.

PL/0168/1

Kenny Hill

2

May 27, 1987

Regarding the required designs and cost estimates, would you try to submit those to us either Friday or early on Monday so that we can make slides for presentation to the Council. If you have questions on these conditions of approval, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG/lw

cc: Karl Solomon, 625 N. Carriage Parkway, Wichita, KS 67208
Ygnacio Cortez, 2341 S. Dellrose, Wichita, KS 67218
Richard Cummings, 17 Cypress, Wichita, KS 67218
Robert Westlake, 2331 S. Dellrose, Wichita, KS 67218
Chris Cherches, City Manager
Mike Lindebak, City Engineer
Bill McKinley, Traffic Engineer

→ Also: Jim Fisher, 201 S. St. Francis, 67202

PL/0168/1

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE May 22, 1987

TO City Council Members through Chris Cherches, City Manager
FROM CPO Office *BLC*

SUBJECT DP-169 & Z-2842: Southwest
 corner of Pawnee and Oliver

On Thursday, May 21, 1987, CPO Council 3B considered the above captioned case, a request for approval of the SPENCER GARDENS COMMERCIAL C.U.P. and an associated zone change request from the "R-6" General Residence District to the "LC" Light Commercial District. Council members were provided with the notice to adjoining property owners, a map of the area and MAPD comments. After extensive discussion, the Council 7-0 to recommend approval of the request, subject to the following condition:

- 1) that motorists be prohibited from making left turns either in or out of the development during peak traffic hours.

The agent, Kenny Hill, who initially appeared before the Council in mid-April, was invited, but declined to appear.

Council members expressed serious concerns about the potential for 1) increased traffic congestion, 2) the proposed entrance/exist locations and 3) the potential for high-speed auto accidents as a result of this development. However, the members agreed that the property should be developed.

Please provide this information to the City Council when cases DP-169 and Z-2842 are considered.

BLC:dm

cc: Jack Galbraith, Chief Planner-Current Plans

RECEIVED

MAY 22 1987

METROPOLITAN PLANNING
ROUTE _____

Planning Agenda Item # _____

City of Wichita
City Council Meeting
May 26, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DP-169 - REQUEST FOR APPROVAL OF SPENCER GARDENS
COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-2842 - REQUEST FOR ZONE CHANGE FROM "R-6" GENERAL
RESIDENCE DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT,
LOCATED AT THE SOUTHWEST CORNER OF OLIVER AND PAWNEE.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (6-0)

Staff Recommendation: Approve

Background: On April 30, 1987, the MAPC held a public hearing to consider a request for approval of a commercial C.U.P. and a zone change from "R-6" to "LC". The subject property, containing 9.62 acres, is located at the southwest corner of Oliver and Pawnee. All of this commercial C.U.P., except for a portion on the northeast corner of the site, is within the 30-acre residential C.U.P. (DP-93 - Spencer Gardens) which extends on to the west. The residential C.U.P. will need to be administratively adjusted to accommodate the new boundaries should the commercial C.U.P. be approved. An associated zone change request has been filed for the "LC" Light Commercial District from the "R-6" General Residence District to accommodate the proposed retail uses. No one spoke in opposition to the commercial development although several area residents were concerned about the proposed changes in the Pawnee medial. The MAPC unanimously recommended approval subject to platting and other conditions (see minutes).

CPO Council "F" voted 6-0 on April 13 to recommend disapproval of the request subject to an additional traffic study. CPO reconsidered this request on May 21, 1987 since changes were made in the medial plan for Pawnee. Their action will be presented at the City Council meeting.

Analysis: Properties to the north of Parcel 1 are developed with single family houses, and there are also single-family houses northwest of this property. The three other corners of the intersection of Oliver and Pawnee have light commercial uses -- a furniture store and two service stations. Across Oliver to the east of this proposed commercial C.U.P. is a restaurant, a bowling alley, a club and a car sales business. South of the drainage dedication that is directly south of the site is commercial development. The residential C.U.P., located to the west, contains approximately 21 acres and is undeveloped.

The property within the commercial community unit plan proposal is divided into 5 parcels, including a parcel for the existing KG&E substation. A total of nine (9) buildings is the maximum number of buildings proposed on the four other parcels. The proposed uses on the four parcels are light commercial with all residential uses prohibited.

The MAPC recommended that a long break in the Pawnee medial west of Parcel 3 be permitted and that this site be allowed up to four driveways on Pawnee. A plan for the reconstruction of the Pawnee medial has been approved by the City Engineer and the Director of Planning. The MAPC did not require left turn storage into the site for northbound Oliver traffic as had been recommended by the City Engineer. The MAPC also did not require a wall to be constructed separating this commercial development from the residential zoning to the west until such time as that residential land develops. Staff had recommended that the wall be constructed at the time of commercial development in order to provide visual protection for those single-family houses north of Pawnee. Agreement was reached as to the acceptable uses on the various parcels and these uses are stated in the CUP parcel descriptions.

The Planning Commission determined that the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff justified the approval of the zone change and the development plan.

~~is amended to provide *~~

Actions: 1. Concur with the findings of the MAPC and approve the zone change and C.U.P. subject to the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or

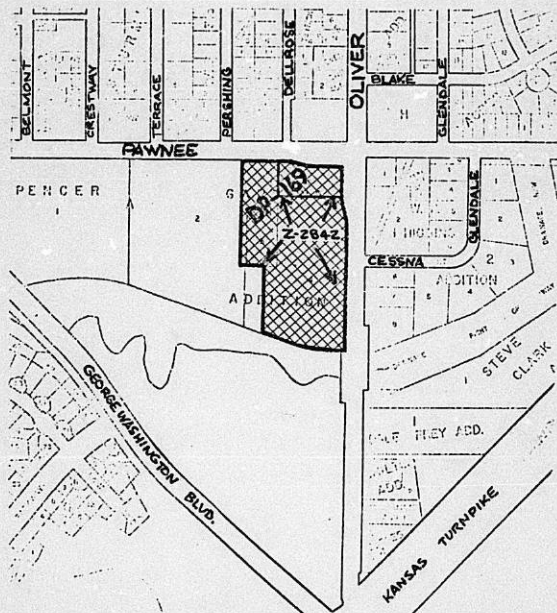
2. Return the applications to the MAPC for reconsideration stating reasons.

* for partial funding
of a left-turn lane
in Olive and for
the right turn lane

Attachments: Area Map
4/30/87 MAPC Minutes
CPO Memorandum of April 13th Meeting

~~Take such action and modify
conditions of approval as Council
deems appropriate~~

PL/6695/5



DP-169 - REQUEST FOR APPROVAL OF SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-2842 - REQUEST FOR ZONE CHANGE FROM "R-6" GENERAL RESIDENCE DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF OLIVER AND PAWNEE.

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 30, 1987

LEGAL:

- 4a. Case No. DP-169 - Karl Solomon requests approval of Spencer Gardens Commercial Community Unit Plan for part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, all of Lot 5, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3. Generally located at the southwest corner of Pawnee and Oliver.
- 4b. Case No. Z-2842 - Karl Solomon requests zone change from "R-6" to "LC" for part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3. Generally located at the southwest corner of Pawnee and Oliver.

GALBRAITH pointed out land use, zoning and showed slides of the general area. He reviewed the following staff report:

Background: The subject property, containing 9.62 acres, is located at the southwest corner of Oliver and Pawnee. All of this commercial C.U.P., except for a portion on the northeast corner of the site, is within the 30-acre residential C.U.P. (DP-93 - Spencer Gardens) which extends on to the west. The residential C.U.P. will need to be administratively adjusted to accommodate the new boundaries should the commercial C.U.P. be approved. An associated zoned change request has been filed for the "LC" Light Commercial District from the "R-6" General Residence District to accommodate the proposed retail uses.

Analysis: Properties to the north of Parcel 1 are developed with single family houses, and there are also single-family houses northwest of this property. The three other corners of the intersection of Oliver and Pawnee have light commercial uses -- a furniture store and two service stations. Across Oliver to the east of this proposed commercial C.U.P. is a restaurant, a bowling alley, a club and a car sales business. South of the drainage dedication that is directly south of the site is commercial development. The residential C.U.P., located to the west, contains approximately 21 acres and is undeveloped.

The property within the commercial community unit plan proposal is divided into 5 parcels, including a parcel for the existing KG&E substation. A total of nine (9) buildings is the maximum number of buildings proposed on the four other parcels. The proposed uses on the four parcels are light commercial with all residential uses prohibited. Since this new commercial C.U.P. proposes to amend portions of parcels on the previously approved residential C.U.P. (DP-93) the applicant shall submit the necessary calculations, acreage, number

of dwelling units and layout so that the affected parcels on the residential C.U.P. can be administratively adjusted.

An accel/decel lane is required to be guaranteed for a commercial development of this size on a major street intersection. The average daily traffic count (1985 data-most recent information available) for Oliver, south of Pawnee, was 13,000 cars per day and for Pawnee, west of Oliver, 10,500 cars per day. This large periodic flow of traffic or "heavy peaking", as it is termed, is due, on Pawnee to the nearby Cessna Plant and on Oliver to the Boeing Plant. The Traffic Engineer has advised that the accel/decel lane along the east line of Parcel 5 does not have to be a requirement of this C.U.P. if a major entrance to Oliver is built between Parcels 2 and 5.

It is noted that Parcel 1 is across the street from single-family houses on the north side of Pawnee. As a requirement of approval of this C.U.P., the wording under proposed Uses for Parcel 1 should exclude all restaurants and clubs. Also, the residents from this residential area have expressed their concern about the proposed break in the medial in Pawnee. The applicant has advised staff of the intent to have two westbound moving lanes on Pawnee and to locate a break in the medial to line up with Dellrose to the north to accommodate a left turn storage lane and turning movements into and out of the commercial C.U.P. At the time of the writing of this staff report, staff had not received a drawing from the applicant indicating the exact location of the proposed break in the medial nor the design of the left turn storage area.

A wall is required along the west property line where this commercial C.U.P. would directly abut the platted residential area. However, the wall should be built when commercial development occurs and not when residential development is completed, as the C.U.P. proposal states in General Provision #13. The placement of the wall along the west lines of Parcels 1 and 4 encroaches into the platted 30-foot north-south drainage easement, and therefore, the reduction of the drainage easement will be determined at the time of platting.

If the Planning Commission determines that this commercial C.U.P. is appropriate, the following are recommended conditions of approval:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

- d. The property shall be platted within one year after approval of this C.U.P. by the City Council or the case shall be considered denied and closed.
- e. The wording for "Proposed Uses" on Parcel No. 1 under Parcel Descriptions shall be changed to exclude all restaurants and clubs.
- f. The last sentence in General Provision #13 shall be changed to read, "The wall will be constructed when commercial development occurs."
- g. The following wording shall be added to General Provision #8: "An accel/decel lane is not needed along Parcel 5 as long as a major entrance is built between Parcels 2 and 5."
- h. General Provision #25 shall be omitted and, instead, "drainage easement" shall be added to G.P. #10.

Prior to subject C.U.P. being forwarded on to the City Council, the applicant shall provide the following:

- i. The required information for DP-93 Spencer Gardens Residential C.U.P. to be amended, so that the affected parcels can be administratively adjusted; i.e., the necessary calculations, acreage, number of dwelling units and layout.
- j. The applicant shall furnish plans for the reconstruction of the medial on Pawnee to accommodate left turn storage for access to subject property which shall be approved by the Traffic Engineer.
- k. The applicant shall submit a letter from KG&E agreeing to the elimination of the existing access to the KG&E substation.

DISCUSSION:

GALBRAITH pointed out that all of the Spencer Gardens Residential C.U.P. has remained undeveloped since it was approved by the Planning Commission and the City Commission in 1978 and 1979. He said that the applicant is now asking to amend part of the original residential C.U.P. and has submitted figures where an administrative adjustment can be made to those parcels of the residential C.U.P. should the Planning Commission and the City Council approve this amendment. GALBRAITH said that when staff was first approached about this C.U.P., they cautioned about the unusual peaking of traffic at this major street intersection because of Cessna and Boeing being nearby, and the applicants acknowledged that they were interested in a left turn movement for westbound traffic on Pawnee turning into their site someplace in the vicinity of Parcel 1 or 2, separating those two. GALBRAITH recalled that when Bill McKinley, Traffic Engineer, first began discussion with the applicant, that he suggested that staff would support a left turn in that medial someplace that provided them left turn movements into their site as long as sufficient length was maintained for left turn storage for northbound left turns onto Oliver. GALBRAITH stated that prior to the last meeting two

weeks ago, staff had asked for a plan showing that medial reconstruction, and that was the reason for the deferral two weeks ago.

GALBRAITH stated that one other issue has been the assurance that the KG&E substation still had access because they were proposing development across their driveway that now serves them, and that has been resolved in the last two weeks.

GALBRAITH said that staff had questioned the appropriate use on Parcel 1. Parcel 1 lies directly across the street from three single family homes, and staff had suggested that private clubs and restaurants should be discouraged from that site, but was not objecting to those uses on the other parcels.

GALBRAITH stated that staff was in support of the requests. He said that there were a number of items, however, that the applicant, staff and Traffic Engineering are not in concurrence with.

GALBRAITH stated that staff had just advised the applicant this morning that it was important to have left turn storage for northbound traffic on Oliver. Engineering said that it was not necessary to design it on up to serve Pawnee.

GALBRAITH also mentioned the wall on the west. He said that staff believed that the wall was critical and should be required when commercial development begins to occur and not wait until the development of the residential Spencer Gardens occurs to the west.

GARDNER commented that in the last year or two major revisions had been made to the intersection of Rock Road and Harry and a significant different set of control devices in the way of medians were used which deviated from the past practice the City had of everything being done with raised medials. He said that it has been discovered that major arterials, with significantly greater traffic flows than what there is on Pawnee, handle traffic more effectively with mountable medials and chicken stripping and a design pattern. At least in the Harry/Rock Road vicinity, this accommodates a very significant number of driveways and their accel-decel lanes in conjunction with it. The potential for conflicting traffic movements and the loading that occurs out there, GARDNER felt was a great deal more than what they encounter here with the exception of Oliver Street during those specific time periods where they have the Boeing traffic. He said that he has a great deal of difficulty with staff's response thus far on how to deal with Pawnee in terms of prevention of left turn movements. He said that he did not understand what the traffic generation problem is with left turns going north on Dellrose. If it was in an area such as Bonnie Brae and Beech where there were people ducking a left turn during an exiting or entrance movement to the plant, then it would be different.

GALBRAITH stated that staff did not consider the intersection of Harry and Rock Road a parallel issue with this one because it was designed when commercial development existed on both sides, and the chicken lane was probably appropriate to create. GALBRAITH said that here, rather than having a

chicken lane, staff believes that the left turn movements into their major entrance onto Pawnee can be reasonably accommodated and still leave the left turn lane to accommodate northbound traffic on Oliver unencumbered by head-on traffic coming in the same lane. He saw no reason why they could not be easily designed without having a 300-foot chicken lane that has conflicting movements.

GARDNER stated that there is heavier traffic loading with more conflicting turns and more traffic being safely handled with a different design and a different intersection, and for that reason, he believed they should have flexibility to deviate from the raised design.

PARSONS stated that as he sees the plan submitted by the developer, his primary concern is bringing traffic into his site that is westbound from the north lane. The one arrow on the plan that is going north towards Dellrose is really not coming out of his site.

MIKE LINDEBAK, City Engineer, stated that Engineering's concern was what happens to Oliver itself. He said that the comparable situation to that would be the Carriage Park development on Central. With regard to access up to Dellrose, LINDEBAK said that they did not see that as being a major traffic problem for the area.

KROUT stated that Traffic Engineering is requesting that the raised medial be carried back 200 feet to protect the storage which still leaves Dellrose open.

LINDEBAK said that a little bit of the medial is already beyond the 150 feet of proposed access control.

KENNY HILL, Poe & Associates, representing the applicant, stated that the applicant owns the property south of the application area where Boeing, Revco and Whitlock are currently leasing the old Giant building. The applicant plans to relocate Revco and Whitlock auto parts on this proposed development to accommodate Boeing's requirements to lease all of the old Giant store building. All other uses for this corner are somewhat speculative at this time, but might include fast food type restaurants on at least two sites. HILL said that the applicant requested that he ask for some deviations from the recommended conditions of approval as follows: 1) that use of a restaurant be retained on Parcel 1; 2) that the wall be deferred until residential development actually occurs to the west, and that the construction of the wall could be guaranteed by letter of credit; 3) that these items be resolved today so that they could be forwarded on to the City Council for their approval; 4) that they are requesting approval of the perimeter street plan as it was submitted to Traffic Engineering by the applicant. The plan indicates points of access on Pawnee and Oliver with accel/decel lanes for those entrances. The proposed reconstruction of the existing medial on Pawnee indicates the removal of part of the existing raised median, and formation of the turn lane which would allow westbound traffic to turn into this area and would allow turns from the proposed development onto Pawnee westbound. The developer thinks that it is critical to get those turns into this area on the eastern most drive located

between Parcels 2 and 3, and that in part is the reason for the length of the median that is proposed. The dimensions of the proposed median are exactly the same as the median located on the west leg of Harry at Rock Road which allows the same turns into Cherry Creek shopping center that are being proposed for this development. The Cherry Creek shopping center is on the southwest corner of the Harry and Rock Road intersection and is exactly the same size as what is proposed here. The driveways are located at approximately the same location as what is proposed on this plan, including the major entrance.

MOTION: That Mr. Hill be allowed an additional three minutes to finish his presentation. Gardner moved, Parsons seconded and it carried unanimously. Banzer, Conlee, Crockett and Wilson were absent.

HILL continued that it has been pointed out that there was a heavy peak of traffic on Pawnee due to the Cessna plant employees. He said that this concentration of traffic probably occurs when employees are going to work in the morning and leaving the plant in the afternoon. If this occurs before 9 to 10 o'clock in the morning, it would probably happen before most retail stores are even open in this proposed shopping center.

HILL summarized that the applicant was requesting six items:

1. The restaurant would be permitted on Parcel 1.
2. That the construction of the wall be guaranteed and deferred until residential development occurs.
3. That the required accel/decel lanes, major street entrance and medial design be approved as submitted to the Traffic Engineering Department.
4. That item "i" and "k" be approved today so that this case can be forwarded to the City Council.
5. That the text on parcel descriptions on Parcels 1, 2, 3, and 5 be amended to permit auto parts sales and service.
6. The developer also had some interest expressed to him about the possibility of an auto sales lot which he is requesting to be shown as a proposed use on Parcel 2, 3 and 5 adjacent to Oliver.

HILL said that they concurred with the access control being 150 feet on the intersection at Pawnee and Oliver which is a little bit different than was shown on the plan submitted. He said that on the C.U.P. which the Commission has, those access controls matched what was actually platted in this area previously. They are agreeable to changing that if they are not required to put in the turning lane.

HILL said that probably some of the residents will express concerns about turns onto Dellrose. He wanted to point out that if the people would turn on to Dellrose to avoid the traffic coming on to Oliver, they would have to travel one-quarter mile north before they could go back to Oliver, and for that reason it might be unlikely there would be too many people doing that.

RICHARD CUMMINGS, 4720 East Pawnee, owner of The Bedroom, stated that he was not opposed to any of the development. The only concern he has is the left turn in and out on the north side of Pawnee. He felt that it would be a real traffic problem here. He mentioned that as far as making the left turn on to Dellrose from Pawnee going east would probably be of more benefit to his business than anyone else, and he could not see how that would help the auto parts store or any development on the south side of Pawnee if people can turn left and go north on Dellrose. He said that he would rather see the left turn alleviate the problem on the east or westbound Pawnee traffic and to avoid the left turn into Dellrose.

YGNACIO CORTEZ, 2341 South Dellrose, stated that they were not against the rezoning; in fact they welcome the business and would do anything they could to help them. He said that their major concern is the breaking of the Pawnee medial. The medial was put in there for a purpose several years ago at the neighbors expense. The medial served well although it was an inconvenience to them, but they found other routes that were equally safe. CORTEZ said that their concern now is if the medial is taken out they will have an acceleration lane facing north, the two regular lanes of traffic plus the holding lane for left turns, and then two more lanes that are westbound. He said that it would be a terrible thing to cross and try to beat all of that traffic and get across to Dellrose. CORTEZ said that perhaps he has a moral obligation. He served about 40 years with the government as a safety program manager; part of it was in traffic. He said that his contention was that if the median was opened up where they would have a straight shot from the complex north on Dellrose, they would be opening up a very dangerous potential for people crossing it.

MRS. CORTEZ, 2341 South Dellrose, pointed out that Dellrose serves as a cutoff street from Kinkaid to the north.

ROBERT WESTLAKE, 2331 South Dellrose, asked if anyone had considered that the block between Dellrose and Oliver is very short to change lanes.

LINDEBAK commented that staff had talked about resolving the Dellrose problem by designing a Vassar-type solution where they would be able to make turns in and out of the site, but traffic would not be able to go north on Dellrose. They also looked at extending the medial further back to provide for reserving as much left turn storage as possible. They have looked at the possibility of uses needing a point of ingress about 200 feet west of Oliver as well as a point of egress at least 40 feet back from the intersection. That way they have protected as much of the left turn capacity onto Oliver, they have provided the access in and have also protected the neighborhood to the north on Dellrose.

GARDNER asked Lindebak if the strip could be brought back to 200 feet and then go with the format like they have on Harry and Rock Road with a raised medial and chicken stripping.

LINDEBAK said that they did not have a problem with handling it that way.

GARDNER commented that what makes a major part of the intersection at Rock Road and Harry work is the fact that they do not have a bunch of raised concrete and are not trying to second guess what people are going to do in the way of turning movements. As soon as they try and put raised concrete back into the middle area, you end up with a need to create stacking lanes and sufficient storage.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that that the zone change request and the C.U.P. be approved subject to the following conditions:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The property included within this commercial C.U.P. shall be replatted within one year after approval of this C.U.P. and zone case by the City Council or the cases shall be considered null and void for those portions which have not been replatted and the ordinance establishing the zone change shall not be published until the replat has been recorded with the Register of Deeds.
- e. The wording for "Proposed Uses" on Parcel No. 1 under Parcel Descriptions shall be changed to exclude private clubs.
- f. The first sentence of General Provision #13 should be changed to read, "When residential development occurs to the west..." Also, this additional sentence should be added to the provision: "The construction of the wall shall be guaranteed at the time of platting."

- g. The following wording shall be added to General Provision #8: "An accel/decel lane is not needed along Parcel 5 as long as a major entrance is built between Parcels 2 and 5."
- h. General Provision #25 shall be omitted and, instead, "drainage easement" shall be added to G.P. #10.
- i. Amend the access control on Parcel 3 to reflect 150 feet of Complete Access Control on Oliver south of Pawnee. The access control on Pawnee shall remain as submitted on the C.U.P.
- j. The required information for DP-93 Spencer Gardens Residential C.U.P. to be amended, shall be submitted to this office so that the affected parcels can be administratively adjusted; i.e., the necessary calculations, acreage, number of dwelling units and layout. (This condition has been satisfied.)
- k. Plans for the reconstruction of the medial on Pawnee shall be submitted for approval by the Director of Planning and the City Engineer. Upon approval, ten (10) copies of the plan shall be submitted.
- l. The applicant shall submit a letter from KG&E agreeing to the elimination of the existing access to the KG&E Substation. (This condition has been satisfied)
- m. Add "Auto Parts Sales and Service" to Parcels 1, 2, 3 and 5 under "Proposed Uses" in the Parcel Descriptions.
- n. Add "Automotive sales subject to Board of Zoning Appeals approval adjacent to Oliver only" to Parcels 2 and 3 under "Proposed Uses" in the Parcel Descriptions.
- o. Add "Automotive sales subject to Board of Zoning Appeals approval" to Parcel 5.

GALBRAITH inquired as to the Commission's recommendation on left turn storage for northbound Oliver traffic and was informed by Parsons that it was not part of his motion to require this applicant to provide for such vehicular storage.

Parsons moved, Peters seconded and it carried unanimously. Banzer, Conlee, Crockett and Wilson were absent.

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE April 15, 1987

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT DP-169 & Z-2842: SW
corner of Pawnee & Oliver

On Monday, April 13, CPO Council Area "F" considered the above captioned cases, a request for approval of the SPENCER GARDENS COMMERCIAL C.U.P. and an associated zone change request from the "R-6" General Residence District to the "LC" Light Commercial District. Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After extensive discussion, the Council voted 6-0 to recommend disapproval of the requests, subject to an additional traffic study.

The agent, Kenny Hill, was present to describe the requests and respond to questions from the Council.

The five area residents present expressed concern about increased traffic accidents and congestion if the proposed break in the Pawnee Street medial strip is approved.

Council members agreed with the residents' assessment.

Please provide the Council's recommendation to the MAPC and the City Council when cases DP-169 & Z-2842 are considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie L. Montgomery
Annie L. Montgomery
CRS Director

RECEIVED
APR 15 1987
METROPOLITAN PLANNING
ROUTE _____

FORM 021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION \$ 50.00 AMOUNT

Deposal fee for
Spencer Gardens

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

May 1, 1987

Kenny Hill
Poe and Associates of Kansas, Inc.
434 North Oliver
Wichita, Kansas 67208

Re: Z-2842 - "R-6" to "LC"; and DP-169 - Spencer Gardens C.U.P. At
the southwest corner of Oliver and Pawnee.

Dear Mr. Hill:

At its regular meeting on April 30, 1987 the Metropolitan Area Planning Commission considered the above-captioned requests. The action of the Planning Commission was to recommend that the zone change request and the C.U.P. be approved subject to the following conditions:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The property included within this commercial C.U.P. shall be replatted within one year after approval of this C.U.P. and zone case by the City Council or the cases shall be considered null and void for those portions which have not been replatted and the ordinance establishing the zone change shall not be published until the replat has been recorded with the Register of Deeds.

PL/0140/1

- e. The wording for "Proposed Uses" on Parcel No. 1 under Parcel Descriptions shall be changed to exclude private clubs.
- f. The first sentence of General Provision #13 should be changed to read, "When residential development occurs to the west..." Also, this additional sentence should be added to the provision: "The construction of the wall shall be guaranteed at the time of platting."
- g. The following wording shall be added to General Provision #8: "An accel/decel lane is not needed along Parcel 5 as long as a major entrance is built between Parcels 2 and 5."
- h. General Provision #25 shall be omitted and, instead, "drainage easement" shall be added to G.P. #10.
- i. Amend the access control on Parcel 3 to reflect 150 feet of Complete Access Control on Oliver south of Pawnee. The access control on Pawnee shall remain as submitted on the C.U.P.
- (4) *access pts??*
j. The required information for DP-93 Spencer Gardens Residential C.U.P. to be amended, shall be submitted to this office so that the affected parcels can be administratively adjusted; i.e., the necessary calculations, acreage, number of dwelling units and layout. (This condition has been satisfied.) *See DP-93 file for 9-29-87 memo.*
- k. Plans for the reconstruction of the median on Pawnee shall be submitted for approval by the Director of Planning and the City Engineer. Upon approval, ten (10) copies of the plan shall be submitted.
- l. The applicant shall submit a letter from KG&E agreeing to the elimination of the existing access to the KG&E Substation. (This condition has been satisfied)
- m. Add "Auto Parts Sales and Service" to Parcels 1, 2, 3 and 5 under "Proposed Uses" in the Parcel Descriptions.
- n. Add "Automotive sales subject to Board of Zoning Appeals approval adjacent to Oliver only" to Parcels 2 and 3 under "Proposed Uses" in the Parcel Descriptions.
- o. Add "Automotive sales subject to Board of Zoning Appeals approval" to Parcel 5.

The Planning Commission recommended that a left turn lane to serve the major entrance on Oliver not be required. Enclosed is a "marked" copy of the C.U.P. for your use.

Please submit ten (10) corrected folded copies of the C.U.P. and ten (10) folded copies of the approved median plans to this office no later than May

Z-2842 and DP-169
Page 3

13, 1987 in order for these cases to be forwarded to the City Council for consideration at their regular meeting on May 26, 1987. This meeting will be held in the City Council Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG/lw

cc: Karl Solomon, 625 N. Carriage Parkway, Wichita, KS 67208
Ygnacio Cortez, 2341 S. Dellrose, Wichita, KS 67218
Richard Cummings, 17 Cypress, Wichita, KS 67218
Robert Westlake, 2331 S. Dellrose, Wichita, KS 67218
Mike Lindebak, City Engineer

Bill M. Kelly T.E.

City Manager

PL/0140/1

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE April 15, 1987

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT DP-169 & Z-2842: SW
corner of Pawnee & Oliver

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The agent, Kenny Hill, was present to describe the requests and respond to questions from the Council.

The five area residents present expressed concern about increased traffic accidents and congestion if the proposed break in the Pawnee Street medial strip is approved.

Council members agreed with the residents' assessment.

Please provide the Council's recommendation to the MAPC and the City Council when cases DP-169 & Z-2842 are considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

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ROUTE _____

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE April 15, 1987

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT DP-169 & Z-2P42: SW
corner of Pawnee & Oliver

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Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie W. Montgomery
Annie W. Montgomery
CRS Director

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE April 15, 1987

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

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corner of Pawnee & Oliver

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Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

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APR 15 1987
METROPOLITAN PLANNING
ROUTE



KANSAS GAS AND ELECTRIC COMPANY
An Equal Opportunity Employer M/F/H/C/VET

April 29, 1987

Mr. Kenny Hill, P.E.
Poe and Associates of Kansas, Inc.
434 North Oliver, Suite 110
Wichita, KS 67208

Dear Kenny,

We have reviewed the Site Development Plan for Spencer Gardens, revised 4-23-87. We agree to the planned site access to our Oliver Substation and look forward to working out the details with you as appropriate at a later date.

Sincerely,

James E. Stoltz, P.E.
Supervisor-Transmission Engineering

JES:slw

cc: Mr. Don Elliott

POE & ASSOCIATES OF KANSAS INC.
CONSULTING ENGINEERS
434 N. Oliver, Suite 110 • Wichita, KS 67208 • 316/685-4114

April 23, 1987

RECEIVED

APR 24 1987

METROPOLITAN PLANNING

RCUTE _____

Mr. Jack Galbraith
Chief Planner
MAPD
City of Wichita
455 North Main
Wichita, Kansas 67202

Re: DP-169 and Z-2842 Spencer Gardens

Dear Mr. Galbraith:

The Planning Department has requested that we provide information for the administrative amendment of the Spencer Gardens Residential C.U.P. The enclosed print of that Community Unit Plan shows the boundary of the proposed commercial development DP-169. The Residential CUP should be amended to reflect that the part of Parcels 2,3 and 4 lying within the proposed Commercial C.U.P. will now be governed by the proposed document.

Parcel 2 should be amended to include the remaining part of Parcel 4. The parcel descriptions should be amended to read as follows:

PARCEL TWO

PROPOSED USE - GARDEN APARTMENTS OR TOWNHOUSES AND COMMUNITY FACILITIES ASSOCIATED WITH THE ABOVE.

GROSS AREA - 11.7 AC.+
NET AREA - 11.0 AC.+
DENSITY - 22 D.U.'s/NET ACRE OR 242 D.U.'s
(10 D.U.'s/NET ACRE FOR TOWNHOUSES OR 110 D.U.'s)
MAXIMUM BUILDING HEIGHT - 35 FEET
PARKING RATIO - 1.5/D.U. (2.0 IF OWNER OCCUPIED)

PARCEL THREE

SEE SPENCER GARDENS COMMERCIAL C.U.P.

See
memo
in
DP-93
dated
9-29-87
BH

Mr. Jack Galbraith

-2-

April 23, 1987

PARCEL FOUR

SEE SPENCER GARDENS COMMERCIAL C.U.P. FOR ALL EXCEPT THE WEST 100' OF SAID PARCEL.

SEE PARCEL TWO FOR THE W. 100' OF SAID PARCEL 4.

Please advise us if additional information regarding this amendment will be required before forwarding this case to the city council.

Yours truly,

POE & ASSOCIATES OF KANSAS, INC.

Kenny E. Hill
Kenny E. Hill, P.E.
Project Manager

KEH:crb

Encl.

cc: Karl Solomon
w/encl.

New figures:

Total gross area : 24.8 ac.

Total net area: 21.7 ac.

4-30-07 Traffic proposal.

DP-169

Jack
marvin
mike-Eng
Bill } Traffic
Bob }
Barb

Proposals of
Solomon: laid down medial

Bill: undeveloped
for adequate storage

left turn only at Dellrose
w/ storage.

didn't know then that neighbors opposed

Then asked Solomon for left turn

Bob: left turn is biggest prob.

Mike: ^{ex:} 21^m + Rock
no driveways though

right turn

Marvin: ^{Peak} 180/cars/hr — left turn to Oliver
↓ peaking?

Bill: heavy peaking here!
problem at that time
left turn storage is filled up.

OPTION:

at least need

→ 200' from intersection

either chicken lane or raised medial

ex Central + Vassar

but if have neighborhood opposition
alternative

Kike: no left turn storage on Oliver

left turn lane at intersection

ex. Carriage Pk.
Central + Tyler

CPO wanted further traffic studies.

Maxin: ok w/ us to

lay down after 200' of storage

5th lane for left turn ~~int~~ from Oliver

ex.
Central +
Edgemore

rt. turn
no "wrap" if have 150' of CAC.

controversial points to discuss:

- 1) intersection + left turn into site from Oliver
- 2) wall
- 3) restaurant/bar

~~wall shall be constructed~~

4-23-87

Median Cut Proposal Turns Controversial

By Teresa Gaines
Staff Writer

A controversy over a planned median cut on East Pawnee has put residents and the developer of a proposed southeast Wichita shopping center on opposite sides of the fence.

During a recent neighborhood meeting, the residents objected to plans announced by the developer's representative for a break in the Pawnee median at Dellrose.

"In the first place, I don't like to see people killed," Ygnacio Cortez said at the Citizen Participation Organization Council F meeting. "We have a moral right to tell you ladies and gentlemen to park your ambulances there."

Kenny Hill, Poe and Associates civil engineer and agent for Karl Solomon, spoke to the southeast Wichita council about the shopping center. Solomon wants to build at the southwest corner of Pawnee and Oliver.

The project, situated in a largely commercial area, will require a

zoning change from general residence to light commercial and a community unit plan. CPO councils are asked to review and comment on proposed zone changes.

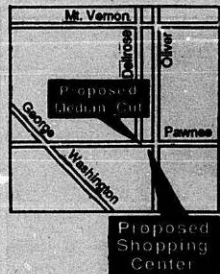
Members of CPO-F recommended that the zone change and community unit plan be denied until a better traffic study is made.

The Metropolitan Area Planning Commission last week deferred any action on Solomon's requests until April 30. Once the MAPC acts, the request will go on to the Wichita City Council, probably in May.

Possible businesses mentioned for the proposed center include McDonald's and Braum's restaurants, a drugstore and an auto parts store.

The five neighborhood residents and business owners who attended the meeting were less concerned with the zone change than with the median break's effect on traffic.

Cortez, who lives in the 2300 block of South Dellrose, said he is



James Deak/Staff Artist

not opposed to the development. But in an interview last week, he said, "If they remove that median, there will be people that... try to cross six lanes of traffic. It was put in there to keep people from making a left turn too close to the intersection."

Neva Barnes, who lives in the 4600 block of East Pawnee, agreed.

"It would be very unsafe," she said.

Solomon, developer of the center, said he is willing to consider other alternatives.

WICHITA-SEDCWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

April 22, 1987

NOTICE TO PROPERTY OWNERS:

On Thursday, April 30, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN (DP-169) and the associated zone change request (Z-2842 - "R-6 General Residence District to "LC" Light Commercial District) which were deferred at the April 16, 1987, M.A.P.C. meeting. The C.U.P. proposal and the zone change request are located on the southwest corner of Oliver and Pawnee.

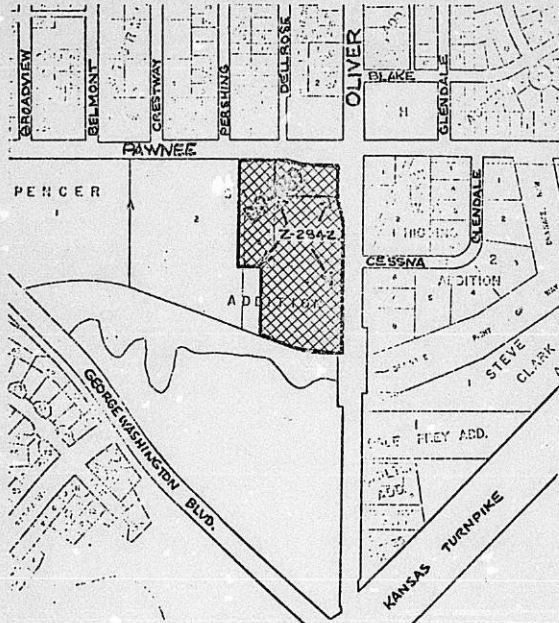
The meeting will begin at 1:30 p.m. in the City Council Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

If you have any questions about these matters or wish additional information, please call the Planning Department at 268-4421.

Jack H. Galbraith
Assistant Secretary

APRIL 16, 1987
APRIL 30, 1987

STAFF REPORT



DP-169 - REQUEST FOR APPROVAL OF SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-2842 - REQUEST FOR ZONE CHANGE FROM "R-6" GENERAL RESIDENCE DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF OLIVER AND PAWNEE.

Applicant: Karl Solomon, 625 North Carriage Parkway, Wichita, KS 67208

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Undeveloped & KG&E substation	"R-6"	9.62 acres
North	Furniture store & single-family houses	"AA" & "A" & "LC"	
South	Drainage ditch & commercial development	"AA" & "R-6" & "LC"	
East	Service station, bowling alley, club, restaurant, car sales business	"LC"	
West	Undeveloped	"R-6"	

History: DP-93 Spencer Gardens Residential CUP 12/21/78 MARC approved
& Z-1927 1/16/79 BCC approved

Background: The subject property, containing 9.62 acres, is located at the southwest corner of Oliver and Pawnee. All of this commercial C.U.P., except for a portion on the northwest corner of the site, is within the 30-acre residential C.U.P. (DP-93 - Spencer Gardens) which extends on to the west. The residential C.U.P. will need to be administratively adjusted to accommodate the new boundaries should the commercial C.U.P. be approved. An associated zoned change request has been filed for the "LC" Light Commercial District from the "R-6" General Residence District to accommodate the proposed retail uses.

Analysis: Properties to the north of Parcel 1 are developed with single family houses, and there are also single-family houses northwest of this property. The

three other corners of the intersection of Oliver and Pawnee have light commercial uses -- a furniture store and two service stations. Across Oliver to the east of this proposed commercial C.U.P. is a restaurant, a bowling alley, a club and a car sales business. South of the drainage dedication, that is directly south of the site, is commercial development. The residential C.U.P., located to the west, contains approximately 21 acres and is undeveloped.

The property within the commercial community unit plan proposal is divided into 5 parcels, including a parcel for the existing KC&E substation. A total of nine (9) buildings is the maximum number of buildings proposed on the four other parcels. The proposed uses on the four parcels are light commercial with all residential uses prohibited. Since this new commercial C.U.P. proposes to amend portions of parcels on the previously approved residential C.U.P. (DP-93) the applicant the necessary calculations, acreage, number of dwelling units and layout so that the affected parcels on the residential C.U.P. can be administratively adjusted.

An accel/decel lane is required to be guaranteed for a commercial development of this size on a major street intersection. The average daily traffic count (1985 data--most recent information available) for Oliver, south of Pawnee, was 13,000 cars per day and for Pawnee, west of Oliver, 10,500 cars per day. This large periodic flow of traffic or "heavy peaking", as it is termed, is due, on Pawnee to the nearby Cessna Plant and on Oliver to the Boeing Plant. The Traffic Engineer has advised that the accel/decel lane along the east line of Parcel 5 does not have to be a requirement of this C.U.P. if a major entrance to Oliver is built between Parcels 2 and 5.

It is noted that Parcel 1 is across the street from single-family houses on the north side of Pawnee. As a requirement of approval of this C.U.P., the wording under proposed Uses for Parcel 1 should exclude all restaurants and clubs. Also, the residents from this residential area have expressed their concern about the proposed break in the medial in Pawnee. The applicant has advised staff of the intent to have two westbound moving lanes on Pawnee and to locate a break in the medial to line up with Dellrose to the north to accommodate a left turn storage lane and turning movements into and out of the commercial C.U.P. At the time of the writing of this staff report, staff had not received a drawing from the applicant indicating the exact location of the proposed break in the medial nor the design of the left turn storage area.

A wall is required along the west property line where this commercial C.U.P. would directly abut the platted residential area. However, the wall should be built when commercial development occurs and not when residential development is completed, as the C.U.P. proposal states in General Provision #13. The placement of the wall along the west lines of Parcels 1 and 4 encroaches into the platted 30-foot north-south drainage easement, and therefore, the reduction of the drainage easement will be determined at the time of platting.

If the Planning Commission determines that this commercial C.U.P. is appropriate, the following are recommended conditions of approval:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The property shall be platted within one year after approval of this C.U.P. by the City Council or the case shall be considered denied and closed.
- e. The wording for "Proposed Uses" on Parcel No. 1 under Parcel Descriptions shall be changed to exclude all restaurants and clubs.
- f. The last sentence in General Provision #13 shall be changed to read, "The wall will be constructed when commercial development occurs."

- g. The following wording shall be added to General Provision #8: "An accel/decel lane is not needed along Parcel 5 as long as a major entrance is built between Parcels 2 and 5."
- h. General Provision #25 shall be omitted and, instead, "drainage easement" shall be added to C.P. #10.

Prior to subject C.U.P. being forwarded on to the City Council, the applicant shall provide the following:

- i. The required information for DP-93 Spencer Gardens Residential C.U.P. to be amended, so that the affected parcels can be administratively adjusted; i.e., the necessary calculations, acreage, number of dwelling units and layout.
- j. The applicant shall furnish plans for the reconstruction of the medial on Pawnee to accommodate left turn storage for access to subject property which shall be approved by the Traffic Engineer.
- k. The applicant shall submit a letter from KG&E agreeing to the elimination of the existing access to the KG&E substation.

CASE NO. DP-169 and Z-2842

Notice of Deferral

46	Notices to adjoining property owners mailed on 4-22-87 for MAPC meeting on 4-30-87.
2	One each to Applicant and Agent.
3	One each to CPO, Carl Gipson and Karen Crook.
3	One each to Louise, Barbara and Glen.
54	TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

April 22, 1987

NOTICE TO PROPERTY OWNERS:

On Thursday, April 30, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN (DP-169) and the associated zone change request (Z-2842 - "R-6 General Residence District to "LC" Light Commercial District) which were deferred at the April 16, 1987, M.A.P.C. meeting. The C.U.P. proposal and the zone change request are located on the southwest corner of Oliver and Pawnee.

The meeting will begin at 1:30 p.m. in the City Council Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

If you have any questions about these matters or wish additional information, please call the Planning Department at 268-4421.

Jack H. Galbraith
Assistant Secretary

PL/0260/4

April 17, 1987

Kenney Hill
Poe and Associates of Kansas, Inc.
434 North Oliver
Wichita, Kansas 67208

Re: DP-169 SPENCER GARDENS C.U.P.; and Z-2842 - "R-6 to "LC" at the southwest corner of Pawnee and Oliver.

Dear Mr. Hill:

At its regular meeting on April 16, 1987, the Metropolitan Area Planning Commission considered the above-captioned requests. The action of the Planning Commission, at your request, was to recommend that these applications be deferred for two weeks.

This matter will be reconsidered by the Planning Commission at their regular meeting on April 30, 1987. This meeting will be held in the City Council Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, beginning at 1:30 p.m.

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

Sincerely yours,

Jack H. Galbraith
Chief Planner

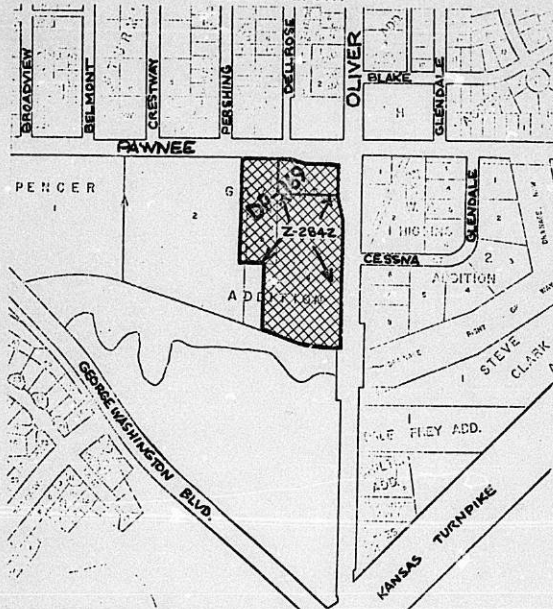
JHG/lw

cc: Karl Solomon, 625 N. Carriage Parkway, Wichita, KS 67208

PL/0121/1

APRIL 16, 1987

STAFF REPORT



DP-169 - REQUEST FOR APPROVAL OF SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-2842 - REQUEST FOR ZONE CHANGE FROM "R-6" GENERAL RESIDENCE DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF OLIVER AND PAWNEE.

Applicant: Karl Solomon, 625 North Carriage Parkway, Wichita, KS 67208

	Land Use	Zoning	Size
Application Area	Undeveloped & KC&E substation	"R-6"	9.62 acres
North	Furniture store & single-family houses	"AA" & "A" & "LC"	
South	Drainage ditch & commercial development	"AA" & "R-6" & "LC"	
East	Service station, bowling alley, club, restaurant, car sales business	"LC"	
West	Undeveloped	"R-6"	

History: DP-93 Spencer Gardens Residential CUP 12/21/78 MAPC approved
& Z-1927 1/16/79 BCC approved

Background: The subject property, containing 9.62 acres, is located at the southwest corner of Oliver and Pawnee. All of this commercial C.U.P., except for a portion on the northwest corner of the site, is within the 30-acre residential C.U.P. (DP-93 - Spencer Gardens) which extends on to the west. The residential C.U.P. will need to be administratively adjusted to accommodate the new boundaries should the commercial C.U.P. be approved. An associated zoned change request has been filed for the "LC" Light Commercial District from the "R-6" General Residence District to accommodate the proposed retail uses.

Analysis: Properties to the north of Parcel 1 are developed with single family houses, and there are also single-family houses northwest of this property. The

three other corners of the intersection of Oliver and Pawnee have light commercial uses -- a furniture store and two service stations. Across Oliver to the east of this proposed commercial C.U.P. is a restaurant, a bowling alley, a club and a car sales business. South of the drainage dedication, that is directly south of the site, is commercial development. The residential C.U.P., located to the west, contains approximately 21 acres and is undeveloped.

The property within the commercial community unit plan proposal is divided into 5 parcels, including a parcel for the existing KG&E substation. A total of nine (9) buildings is the maximum number of buildings proposed on the four other parcels. The proposed uses on the four parcels are light commercial with all residential uses prohibited. Since this new commercial C.U.P. proposes to amend portions of parcels on the previously approved residential C.U.P. (DP-93) the applicant the necessary calculations, acreage, number of dwelling units and layout so that the affected parcels on the residential C.U.P. can be administratively adjusted.

An accel/decel lane is required to be guaranteed for a commercial development of this size on a major street intersection. The average daily traffic count (1985 data--most recent information available) for Oliver, south of Pawnee, was 13,000 cars per day and for Pawnee, west of Oliver, 10,500 cars per day. This large periodic flow of traffic or "heavy peaking", as it is termed, is due, on Pawnee to the nearby Cessna Plant and on Oliver to the Boeing Plant. The Traffic Engineer has advised that the accel/decel lane along the east line of Parcel 5 does not have to be a requirement of this C.U.P. if a major entrance to Oliver is built between Parcels 2 and 5.

It is noted that Parcel 1 is across the street from single-family houses on the north side of Pawnee. As a requirement of approval of this C.U.P., the wording under proposed Uses for Parcel 1 should exclude all restaurants and clubs. Also, the residents from this residential area have expressed their concern about the proposed break in the medial in Pawnee. The applicant has advised staff of the intent to have two westbound moving lanes on Pawnee and to locate a break in the medial to line up with Dellrose to the north to accommodate a left turn storage lane and turning movements into and out of the commercial C.U.P. At the time of the writing of this staff report, staff had not received a drawing from the applicant indicating the exact location of the proposed break in the medial nor the design of the left turn storage area.

A wall is required along the west property line where this commercial C.U.P. would directly abut the platted residential area. However, the wall should be built when commercial development occurs and not when residential development is completed, as the C.U.P. proposal states in General Provision #13. The placement of the wall along the west lines of Parcels 1 and 4 encroaches into the platted 30-foot north-south drainage easement, and therefore, the reduction of the drainage easement will be determined at the time of platting.

If the Planning Commission determines that this commercial C.U.P. is appropriate, the following are recommended conditions of approval:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The property shall be platted within one year after approval of this C.U.P. by the City Council or the case shall be considered denied and closed.
- e. The wording for "Proposed Uses" on Parcel No. 1 under Parcel Descriptions shall be changed to exclude all restaurants and clubs.
- f. The last sentence in General Provision #13 shall be changed to read, "The wall will be constructed when commercial development occurs."

- g. The following wording shall be added to General Provision #8: "An accel/decel lane is not needed along Parcel 5 as long as a major entrance is built between Parcels 2 and 5."
- h. General Provision #25 shall be omitted and, instead, "drainage easement" shall be added to G.P. #10.

Prior to subject C.U.P. being forwarded on to the City Council, the applicant shall provide the following:

- i. The required information for DP-93 Spencer Gardens Residential C.U.P. to be amended, so that the affected parcels can be administratively adjusted; i.e., the necessary calculations, acreage, number of dwelling units and layout.
- j. The applicant shall furnish plans for the reconstruction of the medial on Pawnee to accommodate left turn storage for access to subject property which shall be approved by the Traffic Engineer.
- k. The applicant shall submit a letter from KG&E agreeing to the elimination of the existing access to the KG&E substation.

CASE NO. DP-169 and Z-2842

46	Notices to adjoining property owners mailed on 4-2-87 for MAPC meeting on 4-16-87.
2	One each to Applicant and Agent.
3	One each to CPO, Carl Gipson and Karen Crook.
3	One each to Louise, Barbara and Glen.

54	TOTAL
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3

WICHITA-SEDCWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

April 2, 1987

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, April 16, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC), at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas, will consider an application for approval of the SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN and an associated zone change from the "R-6" General Residence District to the "LC" Light Commercial District for property legally described as follows:

DP-169: Part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, all of Lot 5, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3.
Generally located at the southwest corner of Pawnee and Oliver.

In association with this Community Unit Plan (Development Plan), rezoning has been requested as follows:

Z-2842: Part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3.
Generally located at the southwest corner of Pawnee and Oliver.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The proposed Development Plan now on file contains 9.62 acres and is within a portion of the residential C.U.P. known as DP-93, Spencer Gardens, which was approved in 1979 and is still undeveloped. The commercial C.U.P. is divided into five (5) parcels with a total of 9 proposed buildings, and an associated zone case has been submitted with this development plan for the proposed light commercial uses. A medial break is planned on Pawnee to line up with Dellrose to the north in order to accommodate left turn movements into and out of the commercial C.U.P. The development plan shows information regarding building setbacks, access, screening, number of buildings per parcel, etc.

The hearing of the proposed Development Plan and rezoning request is to be held and the same will then and there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

Additional information concerning this development plan and associated zone change request may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

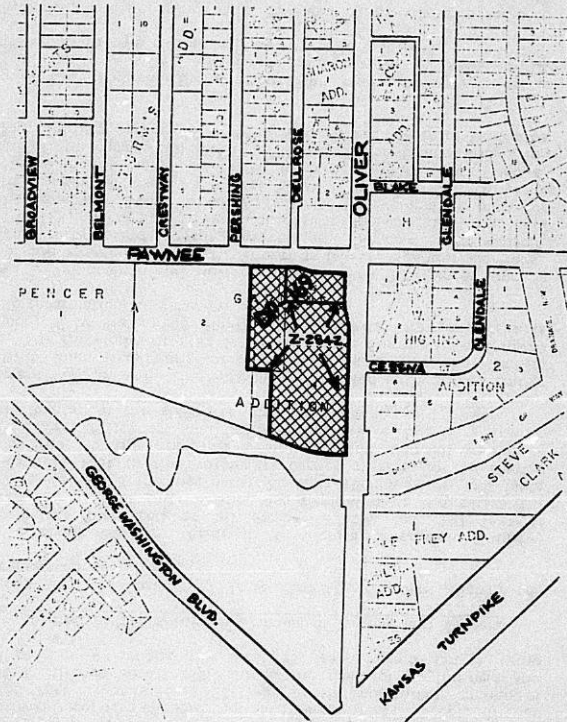
NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "F" will consider this case at their meeting to be held on Monday, April 13, 1987, at 7 p.m., at Mt. Vernon Presbyterian Church, 3700 East Mt. Vernon. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

SEE REVERSE SIDE

PL/0181/4



APPLICATION
AREA



OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, April 16, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC), at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas, will consider an application for approval of the SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN and an associated zone change from the "R-6" General Residence District to the "LC" Light Commercial District for property legally described as follows:

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Generally located at the southwest corner of Pawnee and Oliver.

In association with this Community Unit Plan (Development Plan), rezoning has been requested as follows:

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Generally located at the southwest corner of Pawnee and Oliver.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The proposed Development Plan now on file contains 9.62 acres and is within a portion of the residential C.U.P. known as DP-93, Spencer Gardens, which was approved in 1979 and is still undeveloped. The property is divided into five (5) parcels and an associated zone case has been submitted with this development plan proposal for the proposed light commercial uses. The development plan shows information regarding building setbacks, access, screening, number of buildings per parcel, etc.

The hearing of the proposed Development Plan and rezoning request is to be held and the same will then and there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

WITNESS MY HAND this 24th day of March, 1987.

Marvin S. Krout, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

CASE NO. DP-169

SPENCER GARDENS COMMERCIAL
COMMUNITY UNIT PLAN

Part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, all of Lot 5, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3. Generally located at the southwest corner of Pawnee and Oliver.

PL/0162/4

March 18, 1987

Kenny Hill
Poe and Associates of Kansas, Inc.
434 North Oliver
Wichita, Kansas 67208

RE: Development Plan proposal for Spencer Gardens Commercial Community Unit Plan, generally located on the southwest corner of Pawnee and Oliver.

Dear Mr. Hill:

We have received the development plan which you have submitted for the above-referenced C.U.P. proposal. Your new development plan proposes light commercial uses and therefore you have also submitted an associated zone change request for "LC" Light Commercial from the "R-6" General Residence District. The property is within a portion of the residential C.U.P. known as DP-93 Spencer Gardens which was approved in 1979. The new commercial C.U.P. will be known as "Spencer Gardens Commercial C.U.P." and a new development plan number will be assigned.

As this new C.U.P. proposes to amend portions of parcels on the previously approved residential C.U.P., it is necessary that you provide the exact location of the commercial portion on the C.U.P., and the necessary calculations, acreage, number of dwelling units so that those parcels can be administratively adjusted.

After reviewing the development plan with various other city departments, there are several additional comments that should be included in the text of the general provisions and on the drawing.

- ok 1. The C.U.P. drawing should reflect what is presently existing - i.e., medians, dimensioned street right-of-way, (75 foot and 60 foot of half-street right-of-way) driveways, etc. The location of proposed buildings and parking spaces are not a requirement on C.U.P.'s and should be removed. Also, if there are existing curb cuts, then a general provision should be added stating that existing curb cut removal shall be guaranteed at the time of platting. This would particularly apply to the one driveway approach that now serves the K G & E facility. ok

PL/0074/1

Kenny Hill
March 18, 1987
Page 2

Inasmuch as you propose to eliminate the driveway from Pawnee that serves the K G & E Substation, it is necessary that K G & E approve the new access being proposed to serve their property. The new access should be identified on the plan and this department should receive a letter from them in agreement. *need prior to use*

2. The light commercial uses proposed for this corner will require a continuous accel/decel lane along the entire perimeter of the site to Pawnee and to Oliver. The Traffic Engineer has advised that the major opening to Pawnee should be positioned more to the west to line up with Dellrose to the north. A left turn lane should also be designed for eastbound and westbound traffic on Pawnee at the major entrance break in the median. The design for this medial break should be on a separate sheet. Appropriate wording regarding the accel/decel lanes, major entrances and street right-of-way are as follows:
 - not on Pawnee's site Traffic Eng* a. "Accel/decel lane: An accel/decel lane along the north and east lines of the C.U.P. shall be guaranteed at the time of platting."
 - ok* b. "Those portions of the major entrances to Pawnee and to Oliver on public right-of-way, will be guaranteed at the time of replatting. Those portions of the major entrances on private property will be a requirement at the time any major building permit is requested on the affected parcel."
 - ok* c. "Final determination of street right-of-way and pavement widths of public streets shall be determined at the time of replatting."
3. Staff is concerned about the minimal 35-foot building setbacks and the large number of buildings in this proposal. Inasmuch as there are nine buildings proposed on five parcels, a general provision should be added regarding a site plan. The following wording is suggested:
 - ok* The C.U.P. document is general in character and will require the submission of an overall site development plan for each phase of the proposed development. The overall site plan shall indicate what is proposed in the first phase of building construction and shall be updated to reflect how each subsequent phase of development is compatible with the overall site plan. This site plan will require administrative approval at the plan review stage prior to issuance of a building permit. The plan shall show land use relationships, access points and/or control, setbacks, interior circulation, parking, screening and other similar design considerations which may affect adjacent property or the general health and welfare of the public. The plan shall be submitted to the director of planning for review and approval.

Kenny Hill
March 18, 1987
Page 3

4. The proposed wall required along the west lines of Parcels 1, 4 and 5 where light commercial zoning and the K. G. & E. substation abuts residential zoning should be clearly delineated on the face of the drawing. A general provision should be added to the text regarding the required wall needed in that location and the landscaping needed in the 10 foot planting strip along Pawnee. Suggested wording is as follows:
- a. "A landscape plan prepared by a landscape architect for the planting strip, indicating the type, location, and specifications of plant materials and method of providing water to the plant materials, shall be submitted to the Planning Department for their review and approval prior to the issuance of building permits."
 - b. "A solid or semisolid wall at least five (5) feet, but not more than eight (8) feet high, constructed of brick, stone masonry, architectural tile or other similar material (excluding wood or woven wire) shall be installed along the west property line as indicated on the plan."
 - c. "Trash receptacles shall be appropriately screened to reasonably hide them from ground view."
 - d. "Failure to properly maintain the wall and the planting strip shall be considered a violation of the C.U.P. after a joint determination by the Director of Planning and the Superintendent of Central Inspection. A financial guarantee for the watering system and the plant materials approved in the landscape plan shall be required prior to the issuance of any occupancy permit if the plant materials have not been planted."
 - e. "No wall shall be constructed in any easement and a building permit shall be obtained prior to construction of any wall."

The platted 30-foot drainage easement centered on the west line of Parcel 1 needs to be vacated and relocated in order for the required wall to be placed at that location. A note should be added to the C.U.P. that states that the platted drainage easement shall be vacated and relocated when the replat occurs for this property.

5. The following comments are standard general provisions that should be included on the C.U.P.:

DRAINAGE

"Drainage: At the time of replatting, the applicant shall submit a revised drainage plan for the entire development and guarantee drainage improvements as may be required. "

PL/0074/1

•† SIGNS

"Signs: Advertising signs shall be in accordance with Section 28.04.139 of the Code of the City of Wichita. No off-site or portable signs shall be permitted."

•† UTILITIES

General Provision #4 should read as follows: "All utilities except for those lines presently serving the substation, shall be installed underground."

•† LIGHTS

"All lights shall be shielded to reflect or direct light away from the residential structures adjacent to the subject property."

•† FIRELANE EASEMENTS

"A fire lane, hard surfaced and 24 feet minimum in width shall be provided around all main structures constructed within the parcels. Said fire lane shall be constructed with a minimum of 3½ inch asphalt base and 1½ inch asphalt surface or the equivalent thereof. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading."

"Prior to final approval of the parking plan, the fire chief or his designated representative, shall approve the plan as to location and design of the fire lane(s)."

•† PIPELINE

"All paving over the existing 20 foot K G & E easement in Parcel 5 shall be at the approval of the electric company, and any change in elevation or relocation of the transmission lines shall be without cost to the City of Wichita."

"The building setback lines from the pipeline ^{or K.G.&E. S} easement shall be established at the time of platting. Any change or relocation of the pipeline shall be at no cost to the City of Wichita."

•† TRANSFER OF TITLE

"The transfer of title of all or any portion of the land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns unless amended."

Kenny Hill
March 18, 1987
Page 5

We would be happy to talk about any comments or questions you might have regarding these recommendations. This C.U.P. can be scheduled for public hearing by the MAPC on April 18, 1987 if changes are made by March 23, 1987 and 14 folded copies of the revised development plan are submitted. If you have any questions, please call.

Sincerely,

Barbara Harris

BH/lw

cc: Karl Solomon, 625 N. Carriage Parkway, Wichita, KS 67208

PL/0074/1

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

March 6, 1987

TO: *none* Marvin Krout, Director of Planning
OK Walt Campbell, Deputy Chief of Operations, Wichita Fire Dept.
drainage Bill McKinley, Traffic Engineer
to S Mike Lindebak, City Engineer
hold Monty Robson, Superintendent of Central Inspection

FROM: Barbara Harris, Senior Planner, Current Plans Division

SUBJECT: Spencer Gardens Second Commercial Community Unit Plan Proposal. Generally located on the southwest corner of Pawnee and Oliver.

Attached for your review and comments is a copy of the proposed development plan for the above-referenced property. An associated zone case, requesting "R-6" General Residence District to "LC" Light Commercial District has been filed for an 8.3 acre portion of the 9.4 acre C.U.P. The property is divided up into five parcels - four parcels proposing light commercial uses and one parcel to be used for the existing K. G. & E. substation. The maximum gross floor area for commercial use within the C.U.P. is proposed as 111,800 square feet and nine buildings (maximum) are proposed on Parcels 1, 2, 3 and 5.

Staff has several questions/comments about the development plan, such as:

- (1) How will peak traffic be handled on Oliver adjacent to the site?
- (2) Should the setbacks be increased to Pawnee and/or Oliver?
- (3) The number of buildings on the parcels appears quite large. The proposed buildings and parking should not be indicated on the plan at all.
- (4) The plan should indicate existing improvements to the adjacent streets.

We will discuss this C.U.P. proposal at the Development Review Meeting on Friday, March 13, 1987; it is not scheduled yet for MAPC. I would appreciate any comments you have, and if you have any questions, please call me at 268-4421. Thank you.

BH:blw
Attachment

PL/0140/4

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

DP-169

This is an application for a Community Unit Plan - Planned Development. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

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

- a. Applicant Karl Solomon
Address 625 N. Carriage Parkway, Wichita, Ks. 67208 Phone 316-684-9611
Agent Poe & Associates of Kansas, Inc.
Address 434 N. Oliver, Wichita, Ks. 67208 Phone 316-685-4114
- b. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____
- c. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____

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

2. a. The applicant hereby requests Community Unit Plan approval on property zoned R-6 and legally described as Lot(s) _____
(L.C. Zoning Requested)
_____, Block(s) _____
_____ Addition.

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

ok
Legal
for
CUP

Part of Spencer Gardens Addition being described as all of Lot 3, all of Lot 5, the East 130 feet of the North 280 feet of Lot 2 and also all of Lot 4 except the West 95 feet of said Lot 4 lying South of Lot 3.

2. b. There are 9.4 acres (round to nearest tenth) in the above described property.

T9-330-3

3B" 4-23-87
CPO "F" 3-30-87
BL.
CPO "F" Monday 4-13-87

Revised 8/80

3. The general location is (use appropriate section)

a. at the Southwest corner of Pawnee
and Oliver; or

b. on the _____ side of _____ (Avenue,
Street) between _____ (Avenue, Street) and
_____ (Avenue, Street).

4. 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.

By Kare Solomon
Authorized Agent (if any)

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

5. OFFICE USE ONLY

This application was received at the Planning Department at 4⁰⁰
(AM, PM) on 2-3-87 (Day, Month, Year). It has been
checked and found to be complete and accompanied by required documents and
the appropriate fee of \$ 207.

Paul Harris Name
Sr. Planner Title

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

CHICAGO TITLE INSURANCE COMPANY

By:

Charles J. Mallick
President.

ATTEST:

Thomas J. Adams
Secretary.

Issued by:
THE SECURITY ABSTRACT &
TITLE COMPANY, INC.
434 North Main Street
Wichita, Kansas 67202
(316) 267-8371

John Perry
Authorized Signatory



CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusion from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

SCHEDULE A

Number
374568

Effective Date
February 4, 1987 at 7:00 A.M.

1. Owners Policy to be issued: ALTA Form B - 1970 Amount: To Be Agreed Upon
(Amended 10-17-70)
Proposed Insured: (Rev. 10-17-84)

Metropolitan Area Planning Department

Loan Policy to be issued: ALTA Form 1970 Amount:
(Amended 10-17-70)
Proposed Insured:

2. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple and title thereto is at the effective date hereof vested in:

See Exhibit "A" attached

3. The land referred to in this Commitment is described as follows:

The east 120 feet of the north 280 feet of Lot 2, and all of Lots 3, 4, and 5, in Block A, in Spencer Gardens Addition to Wichita, Sedgwick County, Kansas.

If you have any questions
concerning this commitment,
please call:

John Pyron
267-8371

nf

ADDED PAGE

CI 374568

(Schedule A continued)

FORM 3147R-4-67

Policy Number _____
Owners

Policy Number _____
Loan

EXHIBIT "A"

Mabel N. Wilson, an undivided 1/4 interest;
Olive M. Hupp, formerly Olive M. Wilson, an undivided 1/4 interest;
Ruth J. Love, an undivided 1/4 interest;
Joe L. Guyot, an undivided 1/12 interest;
Mabel L. Taylor, a undivided 1/12 interest;
Margaret L. Wilson, an undivided 1/12 interest

SCHEDULE B

Upon payment of the full consideration to, or for the account of, the grantors or mortgagors, and recording of the deeds and/or mortgages, the form and execution of which is satisfactory to the Company, the policy or policies will be issued containing exceptions in Schedule B thereof to the following matters (unless the same are disposed of to the satisfaction of the Company):

1. If an owner's policy is to be issued, the mortgage encumbrance, if any, created as part of the purchase transaction.
2. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
3. Rights or claims of parties in possession not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
5. Easements or claims of easements not shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs):
 - Lot 2 - Taxes for year 1986 - \$1,398.73 paid. (Key #C-40749)
 - Lot 3 - Taxes for year 1986 - \$128.83 paid. (Key #C-40750)
 - Lot 4 - Taxes for year 1986 - \$849.23 paid. (Key #C-40751)
 - Lot 5 - Taxes for year 1986 - \$139.35 paid. (Key #C-40752)
9. Easements, setback lines and access controls as established by and as shown on the recorded plat of Spencer Gardens Addition.
10. Building setback lines established on the recorded plat of said subdivision by the unrecorded Associate Community Unit Plan. (DP-93)

NOTE: The precise location of the building setback lines may be obtained from the Wichita-Sedgwick County Metropolitan Area Planning Department.
11. Easement granted to Kansas Gas and Electric Company over a portion of subject property in Book Misc. 579, Page 94.
12. Drainage easement established in Case #C-18026 over a portion of subject property.
13. Easement for Drainage of Surface Water established on Film 372, Page 224, over Lots 2 and 4, for the benefit of Lot 3.
14. Temporary drainage easement over and across the east 30 feet of the south 400 feet of Lot 4, on Film 835, Page 1354.
15. Tenancy rights, either as month to month, or by virtue of written leases of persons now in possession of any part of the premises in question.

(See Added Page)

CI 374568

(Schedule B continued)

Policy Number _____
Owners _____Policy Number _____
Loan _____

16. Terms and provisions of the lease between Ruth J. Love, Executrix of the Estate of Lillie Mae Love, deceased, and Mildred M. Guyot, Mabel N. Wilson and Olive M. Hupp, lessors, to Giant Investments, Inc., lessee, notice of which is given by instrument denominated Lease Agreement, filed December 9, 1959, in Book Misc. 453, Page 515, and last assigned to Karl Solomon, by instruments filed in Book Misc. 578, Page 324; Book Misc. 601, Page 446; Film 127, Page 1240; Film 127, Page 1245; and Film 845, Page 943, demising and leasing for a term of 99 years commencing December 8, 1959, and ending December 8, 2058.
17. Kansas Leasehold Mortgage dated November 13, 1986 executed by Karl Solomon and Barbara Solomon, husband and wife, to Industrial State Bank, a Kansas banking corporation, filed November 13, 1986, on Film 845, Page 947, which states that it secures a debt in the principal sum of \$1,300,000.00. (Covers additional property.)
18. Assignment of Leases and Rents executed by Karl Solomon and Barbara Solomon, husband and wife, to Industrial State Bank, filed November 13, 1986, on Film 845, Page 950, to further secure the payment of the note secured by the aforesaid mortgage.
19. Financing Statement executed by Karl Solomon and Barbara Solomon, to Industrial State Bank, filed November 13, 1986, on Film 845, Page 1138, under No. 15562, affecting the items therein described, which have become or may become affixed to the premises in question.
20. It is noted for informational purposes only, and not as an exception to title which will appear in our policy, that subject property may become subject to special assessments for improvements as shown by Certificates and Resolutions filed on Film 371, Page 834; Film 372, Page 218; Film 372, Page 424; and Film 372, Page 425.
21. The actual value of the estate or interest to be insured must be disclosed to the Company, and subject to approval by the Company, entered as the amount of the policy to be issued. It is agreed that, as between the Company, the applicant for this commitment, and every person relying on this commitment, the amount of the requested policy will be assumed to be \$2,500.00, and the total liability of the Company on account of this commitment shall not exceed that amount, until such time as the actual amount of the policy to be issued shall have been agreed upon and entered as aforesaid, and the Company's applicable insurance premium charges for same shall have been paid.

WICHITA - SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

PRESORTED
FIRST CLASS



CHA 18 230315N1 04/03/87
WCO 18 230315N1 04/03/87
RETURN TO SENDER
NO FORWARDING ORDER ON F
UNABLE TO FORWARD

RETURNED
TO SENDER
ATTEMPTED NOT KNOWN
NUMBER SIA

RECEIVED

APR 06 1987

METROPOLITAN
ROUTE

DR-169 & Z-284

*1832
WCO*

c/o Robert D. and Betty J. Wood
4618 East Pawnee
Wichita, Kansas 67218

Important! Notice of Meeting Enclosed

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

April 2, 1987

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, April 16, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC), at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas, will consider an application for approval of the SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN and an associated zone change from the "R-6" General Residence District to the "LC" Light Commercial District for property legally described as follows:

DP-169: Part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, all of Lot 5, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3.
Generally located at the southwest corner of Pawnee and Oliver.

In association with this Community Unit Plan (Development Plan), rezoning has been requested as follows:

Z-2842: Part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3.
Generally located at the southwest corner of Pawnee and Oliver.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The proposed Development Plan now on file contains 9.62 acres and is within a portion of the residential C.U.P. known as DP-93, Spencer Gardens, which was approved in 1979 and is still undeveloped. The commercial C.U.P. is divided into five (5) parcels with a total of 9 proposed buildings, and an associated zone case has been submitted with this development plan for the proposed light commercial uses. A medial break is planned on Pawnee to line up with Dellrose to the north in order to accommodate left turn movements into and out of the commercial C.U.P. The development plan shows information regarding building setbacks, access, screening, number of buildings per parcel, etc.

The hearing of the proposed Development Plan and rezoning request is to be held and the same will then and there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

Additional information concerning this development plan and associated zone change request may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "F" will consider this case at their meeting to be held on Monday, April 13, 1987, at 7 p.m., at Mt. Vernon Presbyterian Church, 3700 East Mt. Vernon. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

SEE REVERSE SIDE

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

April 22, 1987

NOTICE TO PROPERTY OWNERS:

On Thursday, April 30, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN (DP-169) and the associated zone change request (Z-2842 - "R-6" General Residence District to "LC" Light Commercial District) which were deferred at the April 16, 1987, M.A.P.C. meeting. The C.U.P. proposal and the zone change request are located on the southwest corner of Oliver and Pawnee.

The meeting will begin at 1:30 p.m. in the City Council Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

If you have any questions about these matters or wish additional information, please call the Planning Department at 268-4421.

Jack H. Galbraith
Assistant Secretary

PL/0260/4

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

PRESORTED
FIRST-CLASS



UNKNOWN
1823
JS

RECEIVED

APR 30 1987

METROPOLITAN PLANNING
ROUTE 100

A. W. Chandler
c/o Robert D. and Betty J. Wood
4618 East Pawnee
Wichita, Kansas 67218

NOT AT THIS ADDRESS

NAME Star Investments
 FOR Def. fee for Spencer Gardens

28011

2:32 PM
 2:32 PM
 75540710003 FUND
 50.00 TR 1
 7477 7 3 05/11/87 CASH 50.00 TOTL
 50.00 TOTL 50.00 CHEK

50⁰⁰

CITY OF WICHITA
 CASH REGISTER RECEIPT

37900

FORM 29-021 PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
# 50.00	
Deferral fee for Spencer Gardens	

NAME Star Investments
 ADDRESS 5900 E. Central, Suite 101
 FUND 755-40710-003 DUE DATE 5-11-87
 COMMENTS
 DATE 5-11-87 BY BH

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lots 2, 3, 4 & 5	Block A	Spencer Gardens Addition	Mable N. Wilson Olive M. Hupp f/k/a Olive M. Wilson Ruth J. Love Joe L. Guyot Mabel L. Taylor Margaret L. Wilson c/o Spencer of Jackson, Inc. 450 Summer St. Boston, MA 02210
Lot 1	Block 1	W. P. Higgins Addition	Kerr-McGee Refining Corp. c/o Tax Director P.O. Box 25861 Oklahoma City, OK 73125
The East 30 feet of the North 220 feet of Lot 2 & all of Lot 3	Block 1	"	Stanton L. Bradley Kay Bradley 4875 E. Pawnee Wichita, KS 67218
The South 280 feet of Lot 2 and the West 135 feet of Lots 5 & 6	Block 1	"	Resident Arthur Rankin (Dec'd) 953 S. Greenwich Rd. Wichita, KS 67207
The North 70 feet of the South 350 feet of Lot 2, except the East 100 feet	Block 1	"	Ning Sue Mar Ping Wong Mar 1139 Apache Wichita, KS 67207
Lot 4	Block 1	"	Robert J. Keys Louise Keys 9021 E. 71st South Derby, KS 67037
Lot 5	Block 2	"	Teamsters Union Local #795 4921 Cessna Wichita, KS 67210
Lot 6 & the North 10 feet of Lot 7	Block 2	"	Homer Morgan 602 S. Bluff Wichita, KS 67218
The South 90 feet of Lot 7	Block 2	"	Vernon L. Warren Eva Louise Warren 1832 McKnight Dr. Wichita, KS 67211

7-16-82

I called 687-1022
Mr. Fisher 945 1874
of Bedroom 244
Furniture to
say case closed.

7-16-87

Also
please add:

① Jim Fisher
201 S. St. Francis
67202
② The Bedroom 67218
4720 E. Pawnee

Lot	Block	Addition	Property Owner
Lot 8	Block 2	W. P. Higgins Addition	X Leonard W. Anderson Eleanor A. Anderson 2603 Capri Wichita, KS 67210
Lot 1		Mary Lou Addition	X Family Realty, a partnership 358 N. Rock Road Wichita, KS 67206
Lot 1		Steve Clark Addition	X Sugar Creek Association, a Kansas Partnership c/o Amrecorp Realty P.O. Box 98309 Atlanta, GA 30359
The North 65 feet of Lot 1		Replat of Lots 11 & 12 Stevens Addition	X Larry J. Klaus Virginia Klaus 650 Lancaster Wichita, KS 67230
The South 23.33 feet of Lot 1 & the North 41.67 feet of Lot 2		"	X Frank Abernathy Sarah Alice Abernathy 2332 S. Dellrose Wichita, KS 67218
The South 46.66 feet of Lot 2 & the North 18.34 feet of Lot 3		"	X James A. Watts Twila June Watts 2338 S. Dellrose Wichita, KS 67218
The South 70 feet of Lot 3		"	X John Lee McReynolds Lenelle A. McReynolds 2342 S. Dellrose Wichita, KS 67218
Lots 1 & 2		Stevens Second Addition	X Deane C. Stevens 1080 N. Ocean Blvd. Palm Beach, FL
Lot 2		Stevens Addition	X John D. Shirley Nikki Shirley 2326 S. Pershing Wichita, KS 67218
Lot 3		"	X Terry Sutherland Jennifer A. Sutherland 2330 S. Pershing Wichita, KS 67218
Lot 4		"	X J. C. Haywood Patricia R. Haywood 2336 S. Pershing Wichita, KS 67218
Lot 5		"	X Dwight William Rix 6411 E. 9th Wichita, KS 67206

4-16-87

I called Cortez
to say case
was deferred.

Page 3

Lot	Block	Addition	Property Owner
Lot 6		Stevens	BH Ricardo Cortez Irene Cortez 2341 S. Dellrose Wichita, KS 67218 X
Lot 7		"	Kathryn M. Austin Real Estates Limited Partnership 7425 Rockwood Rd. Wichita, KS 67208 X
Lot 8		"	Robert Randall Westlake Vera D. Westlake 2331 S. Dellrose Wichita, KS 67218 X
Lot 9		"	Polo Earl Quintero Eunice S. Quintero 2327 S. Dellrose Wichita, KS 67218 X
Lot 1		Jester Addition	Donald A. Nichols Brenda J. Nichols 2256 McAdam Dr. Wichita, KS 67218 X
Lot 2		"	Lynford L. Barnes Neva A. Barnes 4600 E. Pawnee Wichita, KS 67218 X
The East 69 feet of Lot 3		"	Almeta May Case 4219 Dover Street Wichita, KS 67216 X
The West 66 feet of Lot 3		"	Robert B. Wood Betty Jo Wood Address Unknown in care of A.W. Chandler X
The East 25 feet of Lot 4		"	9618 E. Pawnee 67218 Lynford L. Barnes Neva Alberta Barnes 4600 E. Pawnee Wichita, KS 67218 JAP
Lot 5		"	Jack T. Hays Ethel M. Hays 2348 S. Pershing Wichita, KS 67218 X
Lot 1		Harpers Addition	Lawrence V. Crow Lois M. Crow 2350 S. Terrace Wichita, KS 67218 X
Lot 2		"	Howard H. McCoy Betty Jean McCoy 2356 S. Terrace Wichita, KS 67218 X
Lot 3		"	Daland D. King Betty M. King 7613 Geronimo N. Little Rock, AR 72116 X

4-16-87
I called
Barnes to
say case
was deferred

A.W.
Chandler

JAP

Lot	Block	Addition	Property Owner
Lot 4		Harpers Addition	Robert W. Hixon Tamera M. Hixon 2016 Danbury Ct. Manhattan, KS 66502
Lot 5		"	Earl Furnace Loise E. Furnace 2371 S. Pershing Wichita, KS 67218
Lot 6		"	Menno L. Fink Verna Fink 2365 S. Pershing Wichita, KS 67218
Lot 7		"	Clifford G. Burd Juanita Burd c/o G. J. Heggen 2359 S. Pershing Wichita, KS 67218
Lot 8		"	Raymond L. Mouser Jerreta D. Mouser 2353 S. Pershing Wichita, KS 67218
The South 26.91 feet of Lot 13 & the North 27.9 feet of Lot 14		"	Donald D. Norby Lorraine H. Norby 888 Denmark Wichita, KS 67212
The South 40 feet of Lot 14 & Lot 15 except the South 54.6 feet		"	Marion C. Brown Dorothy C. Brown 2341 S. Pershing Wichita, KS 67218
The South 54.6 feet of Lot 15		"	John B. Dixon Eula S. Dixon 2349 S. Pershing Wichita, KS 67218
Lot 15 except the North 130 feet		Sturms Addition	Everett A. Anderson Dorothy N. Anderson 2340 S. Terrace Wichita, KS 67218
The South 62 feet of the North 130 feet of Lot 15		"	James H. Mack Dorbel M. Mack 105 W. Irvington Pl. Denver, CO 80223
Block H		McAdam Acres	Aurbach Inc. c/o Frederick Aurbach 413 Courtleigh Dr. Wichita, KS 67218

Tract Description

Property Owner

Beginning at the SE/c of the SE $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East; th. North 133 feet; th. West 330 feet; th. South 133 feet; th. East 330 feet to beginning, except CCA-43699 for Olive and except 50 feet for Pawnee.

X Richard E. Cummings
17 Cypress
Wichita, KS 67206

Beginning 133 feet North of the SE/c of Section 35, Township 27 South, Range 1 West; th. West 330 feet; th. North 132 feet; th. East 330 feet; th. South 132 feet to the p.o.b. except the West 10 feet and the East 50 feet for street.

X Maurice O. Knepp
2337 S. Oliver
Wichita, KS 67218

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 500 foot radius of:

The East 120 feet of the North 280 feet of Lot 2, Block A and Lots 3, 4 and 5, Block A, Spencer Gardens Addition to Wichita, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 10th day of February, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By

Sr. Vice-President

Order No.: 374538
nj

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 30, 1987

LEGAL:

- 4a. Case No. DP-169 - Karl Solomon requests approval of Spencer Gardens Commercial Community Unit Plan for part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, all of Lot 5, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3. Generally located at the southwest corner of Pawnee and Oliver.
- 4b. Case No. Z-2842 - Karl Solomon requests zone change from "R-6" to "LC" for part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3. Generally located at the southwest corner of Pawnee and Oliver.

GALBRAITH pointed out land use, zoning and showed slides of the general area. He reviewed the following staff report:

Background: The subject property, containing 9.62 acres, is located at the southwest corner of Oliver and Pawnee. All of this commercial C.U.P., except for a portion on the northeast corner of the site, is within the 30-acre residential C.U.P. (DP-93 - Spencer Gardens) which extends on to the west. The residential C.U.P. will need to be administratively adjusted to accommodate the new boundaries should the commercial C.U.P. be approved. An associated zoned change request has been filed for the "LC" Light Commercial District from the "R-6" General Residence District to accommodate the proposed retail uses.

Analysis: Properties to the north of Parcel 1 are developed with single family houses, and there are also single-family houses northwest of this property. The three other corners of the intersection of Oliver and Pawnee have light commercial uses -- a furniture store and two service stations. Across Oliver to the east of this proposed commercial C.U.P. is a restaurant, a bowling alley, a club and a car sales business. South of the drainage dedication that is directly south of the site is commercial development. The residential C.U.P., located to the west, contains approximately 21 acres and is undeveloped.

The property within the commercial community unit plan proposal is divided into 5 parcels, including a parcel for the existing KG&E substation. A total of nine (9) buildings is the maximum number of buildings proposed on the four other parcels. The proposed uses on the four parcels are light commercial with all residential uses prohibited. Since this new commercial C.U.P. proposes to amend portions of parcels on the previously approved residential C.U.P. (DP-93) the applicant shall submit the necessary calculations, acreage, number

of dwelling units and layout so that the affected parcels on the residential C.U.P. can be administratively adjusted.

An accel/decel lane is required to be guaranteed for a commercial development of this size on a major street intersection. The average daily traffic count (1985 data--most recent information available) for Oliver, south of Pawnee, was 13,000 cars per day and for Pawnee, west of Oliver, 10,500 cars per day. This large periodic flow of traffic or "heavy peaking", as it is termed, is due, on Pawnee to the nearby Cessna Plant and on Oliver to the Boeing Plant. The Traffic Engineer has advised that the accel/decel lane along the east line of Parcel 5 does not have to be a requirement of this C.U.P. if a major entrance to Oliver is built between Parcels 2 and 5.

It is noted that Parcel 1 is across the street from single-family houses on the north side of Pawnee. As a requirement of approval of this C.U.P., the wording under proposed Uses for Parcel 1 should exclude all restaurants and clubs. Also, the residents from this residential area have expressed their concern about the proposed break in the medial in Pawnee. The applicant has advised staff of the intent to have two westbound moving lanes on Pawnee and to locate a break in the medial to line up with Dellrose to the north to accommodate a left turn storage lane and turning movements into and out of the commercial C.U.P. At the time of the writing of this staff report, staff had not received a drawing from the applicant indicating the exact location of the proposed break in the medial nor the design of the left turn storage area.

A wall is required along the west property line where this commercial C.U.P. would directly abut the platted residential area. However, the wall should be built when commercial development occurs and not when residential development is completed, as the C.U.P. proposal states in General Provision #13. The placement of the wall along the west lines of Parcels 1 and 4 encroaches into the platted 30-foot north-south drainage easement, and therefore, the reduction of the drainage easement will be determined at the time of platting.

If the Planning Commission determines that this commercial C.U.P. is appropriate, the following are recommended conditions of approval:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

- d. The property shall be platted within one year after approval of this C.U.P. by the City Council or the case shall be considered denied and closed.
- e. The wording for "Proposed Uses" on Parcel No. 1 under Parcel Descriptions shall be changed to exclude all restaurants and clubs.
- f. The last sentence in General Provision #13 shall be changed to read, "The wall will be constructed when commercial development occurs."
- g. The following wording shall be added to General Provision #8: "An accel/decel lane is not needed along Parcel 5 as long as a major entrance is built between Parcels 2 and 5."
- h. General Provision #25 shall be omitted and, instead, "drainage easement" shall be added to G.P. #10.

Prior to subject C.U.P. being forwarded on to the City Council, the applicant shall provide the following:

- i. The required information for DP-93 Spencer Gardens Residential C.U.P. to be amended, so that the affected parcels can be administratively adjusted; i.e., the necessary calculations, acreage, number of dwelling units and layout.
- j. The applicant shall furnish plans for the reconstruction of the medial on Pawnee to accommodate left turn storage for access to subject property which shall be approved by the Traffic Engineer.
- k. The applicant shall submit a letter from KG&E agreeing to the elimination of the existing access to the KG&E substation.

DISCUSSION:

GALBRAITH pointed out that all of the Spencer Gardens Residential C.U.P. has remained undeveloped since it was approved by the Planning Commission and the City Commission in 1978 and 1979. He said that the applicant is now asking to amend part of the original residential C.U.P. and has submitted figures where an administrative adjustment can be made to those parcels of the residential C.U.P. should the Planning Commission and the City Council approve this amendment. GALBRAITH said that when staff was first approached about this C.U.P., they cautioned about the unusual peaking of traffic at this major street intersection because of Cessna and Boeing being nearby, and the applicants acknowledged that they were interested in a left turn movement for westbound traffic on Pawnee turning into their site someplace in the vicinity of Parcel 1 or 2, separating those two. GALBRAITH recalled that when Bill McKinley, Traffic Engineer, first began discussion with the applicant, that he suggested that staff would support a left turn in that medial someplace that provided them left turn movements into their site as long as sufficient length was maintained for left turn storage for northbound left turns onto Oliver. GALBRAITH stated that prior to the last meeting two

weeks ago, staff had asked for a plan showing that medial reconstruction, and that was the reason for the deferral two weeks ago.

GALBRAITH stated that one other issue has been the assurance that the KC&E substation still had access because they were proposing development across their driveway that now serves them, and that has been resolved in the last two weeks.

GALBRAITH said that staff had questioned the appropriate use on Parcel 1. Parcel 1 lies directly across the street from three single family homes, and staff had suggested that private clubs and restaurants should be discouraged from that site, but was not objecting to those uses on the other parcels.

GALBRAITH stated that staff was in support of the requests. He said that there were a number of items, however, that the applicant, staff and Traffic Engineering are not in concurrence with.

GALBRAITH stated that staff had just advised the applicant this morning that it was important to have left turn storage for northbound traffic on Oliver. Engineering said that it was not necessary to design it on up to serve Pawnee.

GALBRAITH also mentioned the wall on the west. He said that staff believed that the wall was critical and should be required when commercial development begins to occur and not wait until the development of the residential Spencer Gardens occurs to the west.

GARDNER commented that in the last year or two major revisions had been made to the intersection of Rock Road and Harry and a significant different set of control devices in the way of medians were used which deviated from the past practice the City had of everything being done with raised medials. He said that it has been discovered that major arterials, with significantly greater traffic flows than what there is on Pawnee, handle traffic more effectively with mountable medials and chicken stripping and a design pattern. At least in the Harry/Rock Road vicinity, this accommodates a very significant number of driveways and their accel-decel lanes in conjunction with it. The potential for conflicting traffic movements and the loading that occurs out there, GARDNER felt was a great deal more than what they encounter here with the exception of Oliver Street during those specific time periods where they have the Boeing traffic. He said that he has a great deal of difficulty with staff's response thus far on how to deal with Pawnee in terms of prevention of left turn movements. He said that he did not understand what the traffic generation problem is with left turns going north on Dellrose. If it was in an area such as Bonnie Brae and Beech where there were people ducking a left turn during an exiting or entrance movement to the plant, then it would be different.

GALBRAITH stated that staff did not consider the intersection of Harry and Rock Road a parallel issue with this one because it was designed when commercial development existed on both sides, and the chicken lane was probably appropriate to create. GALBRAITH said that here, rather than having a

chicken lane, staff believes that the left turn movements into their major entrance onto Pawnee can be reasonably accommodated and still leave the left turn lane to accommodate northbound traffic on Oliver unencumbered by head-on traffic coming in the same lane. He saw no reason why they could not be easily designed without having a 300-foot chicken lane that has conflicting movements.

GARDNER stated that there is heavier traffic loading with more conflicting turns and more traffic being safely handled with a different design and a different intersection, and for that reason, he believed they should have flexibility to deviate from the raised design.

PARSONS stated that as he sees the plan submitted by the developer, his primary concern is bringing traffic into his site that is westbound from the north lane. The one arrow on the plan that is going north towards Dellrose is really not coming out of his site.

MIKE LINDEBAK, City Engineer, stated that Engineering's concern was what happens to Oliver itself. He said that the comparable situation to that would be the Carriage Park development on Central. With regard to access up to Dellrose, LINDEBAK said that they did not see that as being a major traffic problem for the area.

KROUT stated that Traffic Engineering is requesting that the raised medial be carried back 200 feet to protect the storage which still leaves Dellrose open.

LINDEBAK said that a little bit of the medial is already beyond the 150 feet of proposed access control.

KENNY HILL, Poe & Associates, representing the applicant, stated that the applicant owns the property south of the application area where Boeing, Revco and Whitlock are currently leasing the old Giant building. The applicant plans to relocate Revco and Whitlock auto parts on this proposed development to accommodate Boeing's requirements to lease all of the old Giant store building. All other uses for this corner are somewhat speculative at this time, but might include fast food type restaurants on at least two sites. HILL said that the applicant requested that he ask for some deviations from the recommended conditions of approval as follows: 1) that use of a restaurant be retained on Parcel 1; 2) that the wall be deferred until residential development actually occurs to the west, and that the construction of the wall could be guaranteed by letter of credit; 3) that these items be resolved today so that they could be forwarded on to the City Council for their approval; 4) that they are requesting approval of the perimeter street plan as it was submitted to Traffic Engineering by the applicant. The plan indicates points of access on Pawnee and Oliver with accel/decel lanes for those entrances. The proposed reconstruction of the existing medial on Pawnee indicates the removal of part of the existing raised median, and formation of the turn lane which would allow westbound traffic to turn into this area and would allow turns from the proposed development onto Pawnee westbound. The developer thinks that it is critical to get those turns into this area on the eastern most drive located

between Parcels 2 and 3, and that in part is the reason for the length of the median that is proposed. The dimensions of the proposed median are exactly the same as the median located on the west leg of Harry at Rock Road which allows the same turns into Cherry Creek shopping center that are being proposed for this development. The Cherry Creek shopping center is on the southwest corner of the Harry and Rock Road intersection and is exactly the same size as what is proposed here. The driveways are located at approximately the same location as what is proposed on this plan, including the major entrance.

MOTION: That Mr. Hill be allowed an additional three minutes to finish his presentation. Gardner moved, Parsons seconded and it carried unanimously. Banzer, Conlee, Crockett and Wilson were absent.

HILL continued that it has been pointed out that there was a heavy peak of traffic on Pawnee due to the Cessna plant employees. He said that this concentration of traffic probably occurs when employees are going to work in the morning and leaving the plant in the afternoon. If this occurs before 9 to 10 o'clock in the morning, it would probably happen before most retail stores are even open in this proposed shopping center.

HILL summarized that the applicant was requesting six items:

1. The restaurant would be permitted on Parcel 1.
2. That the construction of the wall be guaranteed and deferred until residential development occurs.
3. That the required accel/decel lanes, major street entrance and medial design be approved as submitted to the Traffic Engineering Department.
4. That item "i" and "k" be approved today so that this case can be forwarded to the City Council.
5. That the text on parcel descriptions on Parcels 1, 2, 3, and 5 be amended to permit auto parts sales and service.
6. The developer also had some interest expressed to him about the possibility of an auto sales lot which he is requesting to be shown as a proposed use on Parcel 2, 3 and 5 adjacent to Oliver.

HILL said that they concurred with the access control being 150 feet on the intersection at Pawnee and Oliver which is a little bit different than was shown on the plan submitted. He said that on the C.U.P. which the Commission has, those access controls matched what was actually platted in this area previously. They are agreeable to changing that if they are not required to put in the turning lane.

HILL said that probably some of the residents will express concerns about turns onto Dellrose. He wanted to point out that if the people would turn on to Dellrose to avoid the traffic coming on to Oliver, they would have to travel one-quarter mile north before they could go back to Oliver, and for that reason it might be unlikely there would be too many people doing that.

RICHARD CUMMINGS, 4720 East Pawnee, owner of The Bedroom, stated that he was not opposed to any of the development. The only concern he has is the left turn in and out on the north side of Pawnee. He felt that it would be a real traffic problem here. He mentioned that as far as making the left turn on to Dellrose from Pawnee going east would probably be of more benefit to his business than anyone else, and he could not see how that would help the auto parts store or any development on the south side of Pawnee if people can turn left and go north on Dellrose. He said that he would rather see the left turn alleviate the problem on the east or westbound Pawnee traffic and to avoid the left turn into Dellrose.

YGNACIO CORTEZ, 2341 South Dellrose, stated that they were not against the rezoning; in fact they welcome the business and would do anything they could to help them. He said that their major concern is the breaking of the Pawnee medial. The medial was put in there for a purpose several years ago at the neighbors expense. The medial served well although it was an inconvenience to them, but they found other routes that were equally safe. CORTEZ said that their concern now is if the medial is taken out they will have an acceleration lane facing north, the two regular lanes of traffic plus the holding lane for left turns, and then two more lanes that are westbound. He said that it would be a terrible thing to cross and try to beat all of that traffic and get across to Dellrose. CORTEZ said that perhaps he has a moral obligation. He served about 40 years with the government as a safety program manager; part of it was in traffic. He said that his contention was that if the median was opened up where they would have a straight shot from the complex north on Dellrose, they would be opening up a very dangerous potential for people crossing it.

MRS. CORTEZ, 2341 South Dellrose, pointed out that Dellrose serves as a cutoff street from Kinkaid to the north.

ROBERT WESTLAKE, 2331 South Dellrose, asked if anyone had considered that the block between Dellrose and Oliver is very short to change lanes.

LINDEBAK commented that staff had talked about resolving the Dellrose problem by designing a Vassar-type solution where they would be able to make turns in and out of the site, but traffic would not be able to go north on Dellrose. They also looked at extending the medial further back to provide for reserving as much left turn storage as possible. They have looked at the possibility of uses needing a point of ingress about 200 feet west of Oliver as well as a point of egress at least 40 feet back from the intersection. That way they have protected as much of the left turn capacity onto Oliver, they have provided the access in and have also protected the neighborhood to the north on Dellrose.

GARDNER asked Lindebak if the strip could be brought back to 200 feet and then go with the format like they have on Harry and Rock Road with a raised medial and chicken stripping.

LINDEBAK said that they did not have a problem with handling it that way.

GARDNER commented that what makes a major part of the intersection at Rock Road and Harry work is the fact that they do not have a bunch of raised concrete and are not trying to second guess what people are going to do in the way of turning movements. As soon as they try and put raised concrete back into the middle area, you end up with a need to create stacking lanes and sufficient storage.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that that the zone change request and the C.U.P. be approved subject to the following conditions:

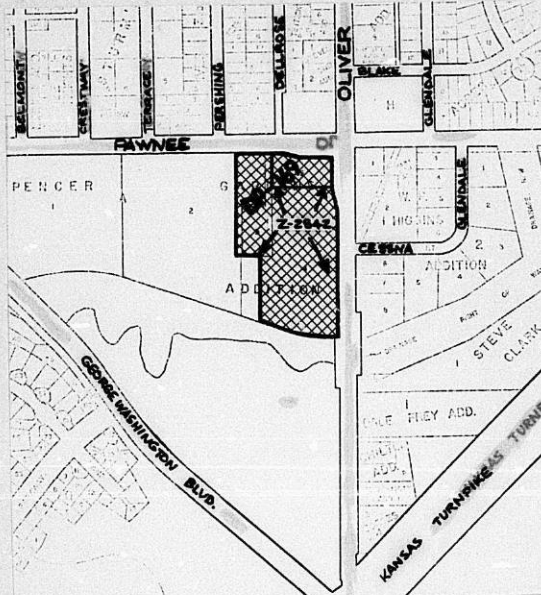
- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The property included within this commercial C.U.P. shall be replatted within one year after approval of this C.U.P. and zone case by the City Council or the cases shall be considered null and void for those portions which have not been replatted and the ordinance establishing the zone change shall not be published until the replat has been recorded with the Register of Deeds.
- e. The wording for "Proposed Uses" on Parcel No. 1 under Parcel Descriptions shall be changed to exclude private clubs.
- f. The first sentence of General Provision #13 should be changed to read, "When residential development occurs to the west..." Also, this additional sentence should be added to the provision: "The construction of the wall shall be guaranteed at the time of platting."

- g. The following wording shall be added to General Provision #8: "An accel/decel lane is not needed along Parcel 5 as long as a major entrance is built between Parcels 2 and 5."
- h. General Provision #25 shall be omitted and, instead, "drainage easement" shall be added to G.P. #10.
- i. Amend the access control on Parcel 3 to reflect 150 feet of Complete Access Control on Oliver south of Pawnee. The access control on Pawnee shall remain as submitted on the C.U.P.
- j. The required information for DP-93 Spencer Gardens Residential C.U.P. to be amended, shall be submitted to this office so that the affected parcels can be administratively adjusted; i.e., the necessary calculations, acreage, number of dwelling units and layout. (This condition has been satisfied.)
- k. Plans for the reconstruction of the medial on Pawnee shall be submitted for approval by the Director of Planning and the City Engineer. Upon approval, ten (10) copies of the plan shall be submitted.
- l. The applicant shall submit a letter from KG&E agreeing to the elimination of the existing access to the KG&E Substation. (This condition has been satisfied)
- m. Add "Auto Parts Sales and Service" to Parcels 1, 2, 3 and 5 under "Proposed Uses" in the Parcel Descriptions.
- n. Add "Automotive sales subject to Board of Zoning Appeals approval adjacent to Oliver only" to Parcels 2 and 3 under "Proposed Uses" in the Parcel Descriptions.
- o. Add "Automotive sales subject to Board of Zoning Appeals approval" to Parcel 5.

GALBRAITH inquired as to the Commission's recommendation on left turn storage for northbound Oliver traffic and was informed by Parsons that it was not part of his motion to require this applicant to provide for such vehicular storage.

Parsons moved, Peters seconded and it carried unanimously. Banzer, Conlee, Crockett and Wilson were absent.

STAFF REPORT



DP-169 - REQUEST FOR APPROVAL OF SPENCER GARDENS COMMERCIAL
COMMUNITY UNIT PLAN; AND

Z-2842 - REQUEST FOR ZONE CHANGE FROM "R-6" GENERAL RESIDENCE
DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED AT THE
SOUTHWEST CORNER OF OLIVER AND PAWNEE.

Applicant: Karl Solomon, 625 North Carriage Parkway, Wichita, KS 67208

	Land Use	Zoning	Size
Application Area	Undeveloped & KG&E substation	"R-6"	9.62 acres
North	Furniture store & single-family houses	"AA" & "A" & "LC"	
South	Drainage ditch & commercial development	"AA" & "R-6" & "LC"	
East	Service station, bowling alley, club, restaurant, car sales business	"LC"	
West	Undeveloped	"R-6"	

History: DP-93 Spencer Gardens Residential CUP 12/21/78 MAPC approved
& Z-1927 1/16/79 BCC approved

Background: The subject property, containing 9.62 acres, is located at the southwest corner of Oliver and Pawnee. All of this commercial C.U.P., except for a portion on the northwest corner of the site, is within the 30-acre residential C.U.P. (DP-93 - Spencer Gardens) which extends on to the west. The residential C.U.P. will need to be administratively adjusted to accommodate the new boundaries should the commercial C.U.P. be approved. An associated zoned change request has been filed for the "LC" Light Commercial District from the "R-6" General Residence District to accommodate the proposed retail uses.

Analysis: Properties to the north of Parcel 1 are developed with single family houses, and there are also single-family houses northwest of this property. The

three other corners of the intersection of Oliver and Pawnee have light commercial uses -- a furniture store and two service stations. Across Oliver to the east of this proposed commercial C.U.P. is a restaurant, a bowling alley, a club and a car sales business. South of the drainage dedication, that is directly south of the site, is commercial development. The residential C.U.P., located to the west, contains approximately 21 acres and is undeveloped.

The property within the commercial community unit plan proposal is divided into 5 parcels, including a parcel for the existing KG&E substation. A total of nine (9) buildings is the maximum number of buildings proposed on the four other parcels. The proposed uses on the four parcels are light commercial with all residential uses prohibited. Since this new commercial C.U.P. proposes to amend portions of parcels on the previously approved residential C.U.P. (DP-93) the applicant the necessary calculations, acreage, number of dwelling units and layout so that the affected parcels on the residential C.U.P. can be administratively adjusted.

An accel/decel lane is required to be guaranteed for a commercial development of this size on a major street intersection. The average daily traffic count (1985 data-most recent information available) for Oliver, south of Pawnee, was 13,000 cars per day and for Pawnee, west of Oliver, 10,500 cars per day. This large periodic flow of traffic or "heavy peaking", as it is termed, is due, on Pawnee to the nearby Cessna Plant and on Oliver to the Boeing Plant. The Traffic Engineer has advised that the accel/decel lane along the east line of Parcel 5 does not have to be a requirement of this C.U.P. if a major entrance to Oliver is built between Parcels 2 and 5.

It is noted that Parcel 1 is across the street from single-family houses on the north side of Pawnee. As a requirement of approval of this C.U.P., the wording under proposed Uses for Parcel 1 should exclude all restaurants and clubs. Also, the residents from this residential area have expressed their concern about the proposed break in the medial in Pawnee. The applicant has advised staff of the intent to have two westbound moving lanes on Pawnee and to locate a break in the medial to line up with Delrose to the north to accommodate a left turn storage lane and turning movements into and out of the commercial C.U.P. At the time of the writing of this staff report, staff had not received a drawing from the applicant indicating the exact location of the proposed break in the medial nor the design of the left turn storage area.

A wall is required along the west property line where this commercial C.U.P. would directly abut the platted residential area. However, the wall should be built when commercial development occurs and not when residential development is completed, as the C.U.P. proposal states in General Provision #13. The placement of the wall along the west lines of Parcels 1 and 4 encroaches into the platted 30-foot north-south drainage easement, and therefore, the reduction of the drainage easement will be determined at the time of platting.

If the Planning Commission determines that this commercial C.U.P. is appropriate, the following are recommended conditions of approval:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The property shall be platted within one year after approval of this C.U.P. by the City Council or the case shall be considered denied and closed.
- e. The wording for "Proposed Uses" on Parcel No. 1 under Parcel Descriptions shall be changed to exclude all restaurants and clubs.
- f. The last sentence in General Provision #13 shall be changed to read, "The wall will be constructed when commercial development occurs."

- g. The following wording shall be added to General Provision #8: "An accel/decel lane is not needed along Parcel 5 as long as a major entrance is built between Parcels 2 and 5."
- h. General Provision #25 shall be omitted and, instead, "drainage easement" shall be added to G.P. #10.

Prior to subject C.U.P. being forwarded on to the City Council, the applicant shall provide the following:

- i. The required information for DP-93 Spencer Gardens Residential C.U.P. to be amended, so that the affected parcels can be administratively adjusted; i.e., the necessary calculations, acreage, number of dwelling units and layout.
- j. The applicant shall furnish plans for the reconstruction of the medial on Pawnee to accommodate left turn storage for access to subject property which shall be approved by the Traffic Engineer.
- k. The applicant shall submit a letter from KG&E agreeing to the elimination of the existing access to the KG&E substation.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

April 2, 1987

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, April 16, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC), at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas, will consider an application for approval of the SPENCER GARDENS COMMERCIAL COMMUNITY UNIT PLAN and an associated zone change from the "R-6" General Residence District to the "LC" Light Commercial District for property legally described as follows:

DP-169: Part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, all of Lot 5, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3.
Generally located at the southwest corner of Pawnee and Oliver.

In association with this Community Unit Plan (Development Plan), rezoning has been requested as follows:

Z-2842: Part of Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, being described as all of Lot 3, the east 142 feet of the north 280 feet of Lot 2, and also beginning at the southwest corner of said Lot 3; thence west 22 feet; thence north 250 feet; thence east 22 feet to the northwest corner of said Lot 3; thence south 250 feet to the point of beginning; and also all of Lot 4 except the west 95 feet of said Lot 4 lying south of Lot 3.
Generally located at the southwest corner of Pawnee and Oliver.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The proposed Development Plan now on file contains 9.62 acres and is within a portion of the residential C.U.P. known as DP-93, Spencer Gardens, which was approved in 1979 and is still undeveloped. The commercial C.U.P. is divided into five (5) parcels with a total of 9 proposed buildings, and an associated zone case has been submitted with this development plan for the proposed light commercial uses. A medial break is planned on Pawnee to line up with Dellrose to the north in order to accommodate left turn movements into and out of the commercial C.U.P. The development plan shows information regarding building setbacks, access, screening, number of buildings per parcel, etc.

The hearing of the proposed Development Plan and rezoning request is to be held and the same will then and there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

Additional information concerning this development plan and associated zone change request may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "F" will consider this case at their meeting to be held on Monday, April 13, 1987, at 7 p.m., at Mt. Vernon Presbyterian Church, 3700 East Mt. Vernon. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

SEE REVERSE SIDE

PL/0181/4



NORTH

APPLICATION
AREA

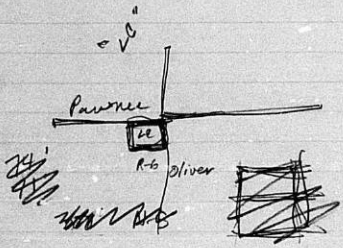


"LC" 305' x 155'

Lawrence
W. 15' sm. t

S - R-6
25'

Parking - shared
"R-6"

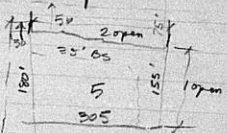


3-20-87 Spencer Gardens

Tom Just
Medial breakfast for just the corner

(3) exception

Just a few parking sp - BTA
how much?
encroachment
CILD - permit
after MAPD



Tom Just 3/19/87
parking
reduction

we'll call back later

- (1) not 1D on CUP - would
- (2) withdraw CUP
- (4) Look at plans
adm. adj for sm. amt of pk

(3) We'd need to see site plan
rezone area instead + adm. adj.

Spencer Gardens

Comm Encr Oliver

Kenny
Hill

Adm Adj. on balance of land
OK w/ Jack

12 ac. Comm. CUP

500' notification

can't do anything on res CUP
until amendment filed
or
Kenny's gets us info

How does the KG+E Substation Parcel (#4)
propose to have access to Lawrence or Oliver?

How ex. & proposed.

All util, ^{except for those lines} other than
serving the Substation shall be installed under

75'

site plan - yes
~~states~~
concern

minimal 35'

of bldg - strip comm effect

→ in so much that # of bldg.
necessary

1) The acceleration / deceleration lanes shall be guaranteed at the time of platting where it may be determined necessary along Pawnee Drive.

2) ^{ok} Indicate the proposed screening wall on the west line of Parcel 1+2.

3) A Firelane, hard surfaced and 24' ^{minimum} in width shall be provided around all main structures constructed within the parcels. Said fire lane shall be constructed with a ^{minimum of} 3 1/2" asphalt base & 1/2" asphalt surface or the equivalent thereof. No parking

^{ok} Don't show bldgs or pkg.

asphalt surface or the equivalent thereof. No parking

Access to Pawnee from K&T E csm't
Update (remainder) residential CUP to reflect parcel calculation adm. adj.

? Site plan approval

^{ok}? any ex. cur cuts - if so, need comment to be removed shall be guaranteed at the time of platting.

^{ok} In the event that more than one parcel is developed under the same ownership, then the setbacks between parcels will not be required.

Trees? ^{ok}

^{ok} Bill: Break at Deltrose Decal lane Pawnee & Drive

Boeing Signals
3 N ↓ 1 S

McKinley - This size anything needed
left turn / access lane

* Dimensions

bldgs

* Parcel 4 - access? to Pawnee

Parcel 5

S.S.
park-traffic-chuck

* Take bldgs + parking off

* wall next to res. - w line
coordinate w/ res. CUP - adj. setbacks

ok
access pts / major entrance?

? major entrance on S.S. esmt?

or
fill soil

greater b.s than 35'?

reflect correct medial

2'
12,400
14,000

27,500

13,400

56,000

~~154,300~~

13,400

27,500

14,900

56,000

111,800

IMPORTANT MESSAGE

FOR Barb
 DATE 3/5 TIME 3:52 A.M.
 P.M.

WHILE YOU WERE AWAY

Bill McKinley
 OF _____
 PHONE No. 4393

TELEPHONED	<input checked="" type="checkbox"/> PLEASE CALL
CALLED TO SEE YOU	<input type="checkbox"/> WILL CALL AGAIN
WANTS TO SEE YOU	<input type="checkbox"/> RETURNED YOUR CALL

MESSAGE re: Spencer
Gardens 2nd Addition

SIGNED _____

FORM 000-017

Don Elliott, Pres. KG+E
 send copy + that

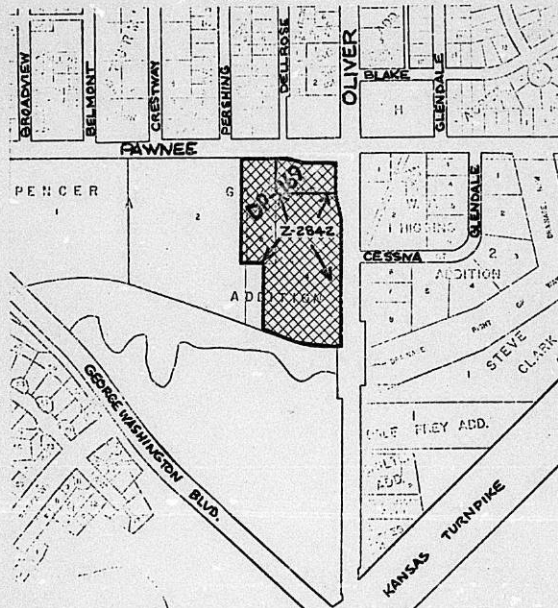
Cond. of appr:

- 1) Change entrance
- 2) indicate what is existing

Send to
 Tracy eng
 for appr.

APRIL 16, 1987

STAFF REPORT



DP-169 - REQUEST FOR APPROVAL OF SPENCER GARDENS COMMERCIAL
COMMUNITY UNIT PLAN; AND

Z-2842 - REQUEST FOR ZONE CHANGE FROM "R-6" GENERAL RESIDENCE
DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED AT THE
SOUTHWEST CORNER OF OLIVER AND PAWNEE.

Applicant: Karl Solomon, 625 North Carriage Parkway, Wichita, KS 67208

	Land Use	Zoning	Size
Application Area North	Undeveloped & KG&E substation Furniture store & single-family houses	"R-6" "AA" & "A" & "LC"	9.62 acres
South	Drainage ditch & commercial development	"AA" & "R-6" & "LC"	
East	Service station, bowling alley, club, restaurant, car sales business	"LC"	
West	Undeveloped	"R-6"	

History: DP-93 Spencer Gardens Residential CUP 12/21/78 MAPC approved
& Z-1927 1/16/79 BCC approved

Background: The subject property, containing 9.62 acres, is located at the southwest corner of Oliver and Pawnee. All of this commercial C.U.P., except for a portion on the northwest corner of the site, is within the 30-acre residential C.U.P. (DP-93 - Spencer Gardens) which extends on to the west. The residential C.U.P. will need to be administratively adjusted to accommodate the new boundaries should the commercial C.U.P. be approved. An associated zoned change request has been filed for the "LC" Light Commercial District from the "R-6" General Residence District to accommodate the proposed retail uses.

Analysis: Properties to the north of Parcel 1 are developed with single family houses, and there are also single-family houses northwest of this property. The

three other corners of the intersection of Oliver and Pawnee have light commercial uses -- a furniture store and two service stations. Across Oliver to the east of this proposed commercial C.U.P. is a restaurant, a bowling alley, a club and a car sales business. South of the drainage dedication, that is directly south of the site, is commercial development. The residential C.U.P., located to the west, contains approximately 21 acres and is undeveloped.

The property within the commercial community unit plan proposal is divided into 5 parcels, including a parcel for the existing KG&E substation. A total of nine (9) buildings is the maximum number of buildings proposed on the four other parcels. The proposed uses on the four parcels are light commercial with all residential uses prohibited. Since this new commercial C.U.P. proposes to amend portions of parcels on the previously approved residential C.U.P. (DP-93) the applicant the necessary calculations, acreage, number of dwelling units and layout so that the affected parcels on the residential C.U.P. can be administratively adjusted.

An accel/decel lane is required to be guaranteed for a commercial development of this size on a major street intersection. The average daily traffic count (1985 data--most recent information available) for Oliver, south of Pawnee, was 13,000 cars per day and for Pawnee, west of Oliver, 10,500 cars per day. This large periodic flow of traffic or "heavy peaking", as it is termed, is due, on Pawnee to the nearby Cessna Plant and on Oliver to the Boeing Plant. The Traffic Engineer has advised that the accel/decel lane along the east line of Parcel 5 does not have to be a requirement of this C.U.P. if a major entrance to Oliver is built between Parcels 2 and 5.

It is noted that Parcel 1 is across the street from single-family houses on the north side of Pawnee. As a requirement of approval of this C.U.P., the wording under proposed Uses for Parcel 1 should exclude all restaurants and clubs. Also, the residents from this residential area have expressed their concern about the proposed break in the medial in Pawnee. The applicant has advised staff of the intent to have two westbound moving lanes on Pawnee and to locate a break in the medial to line up with Dellrose to the north to accommodate a left turn storage lane and turning movements into and out of the commercial C.U.P. At the time of the writing of this staff report, staff had not received a drawing from the applicant indicating the exact location of the proposed break in the medial nor the design of the left turn storage area.

A wall is required along the west property line where this commercial C.U.P. would directly abut the platted residential area. However, the wall should be built when commercial development occurs and not when residential development is completed, as the C.U.P. proposal states in General Provision #13. The placement of the wall along the west lines of Parcels 1 and 4 encroaches into the platted 30-foot north-south drainage easement, and therefore, the reduction of the drainage easement will be determined at the time of platting.

If the Planning Commission determines that this commercial C.U.P. is appropriate, the following are recommended conditions of approval:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The property shall be platted within one year after approval of this C.U.P. by the City Council or the case shall be considered denied and closed.
- e. The wording for "Proposed Uses" on Parcel No. 1 under Parcel Descriptions shall be changed to exclude all restaurants and clubs.
- f. The last sentence in General Provision #13 shall be changed to read, "The wall will be constructed when commercial development occurs."

g. The following wording shall be added to General Provision #8: "An accel/decel lane is not needed along Parcel 5 as long as a major entrance is built between Parcels 2 and 5."

h. General Provision #25 shall be omitted and, instead, "drainage easement" shall be added to G.P. #10.

Prior to subject C.U.P. being forwarded on to the City Council, the applicant shall provide the following:

i. The required information for DP-93 Spencer Gardens Residential C.U.P. to be amended, so that the affected parcels can be administratively adjusted; i.e., the necessary calculations, acreage, number of dwelling units and layout.

j. The applicant shall furnish plans for the reconstruction of the medial on Pawnee to accommodate left turn storage for access to subject property which shall be approved by the Traffic Engineer.

k. The applicant shall submit a letter from KG&E agreeing to the elimination of the existing access to the KG&E substation.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4551

May 27, 1987

Kenny Hill
Poe and Associates of Kansas, Inc.
434 North Oliver
Wichita, Kansas 67208

RE: Z-2842 - "R-6" to "LC"; and DP-163 Spencer Gardens C.U.P. At the southwest corner of Oliver and Pawnee.

Dear Mr. Hill:

The Wichita City Council considered the above cases at their meeting on May 26, 1987. After considerable discussion on several issues, their action was to defer these cases for one week with instructions that attention be given to the following areas of concern:

1. Submit a redesign of the medial on Pawnee to separate the left turn areas by the use of an S curve medial. They indicated a desire to not have left turn movements into Dellrose, but did not express opposition to a left turn movement out of the site for westbound traffic on Pawnee. This required redesign would only permit left turns into one of your proposed driveways.
2. Submit a design for the construction of the decel -- right turn lane from Pawnee onto Oliver to the proposed major entrance on Oliver.
3. Submit a design for a left turn lane to serve the major entrance on Oliver for northbound traffic.
4. The City Council asked that they be provided an estimate of costs to accomplish the above three conditions and that the guarantee for construction be at the time of platting.
5. Guarantee the construction of the required 6-8 foot wall on the west sides of Parcels 1, 4 and 5 when commercial building permits are requested.

PL/0168/1

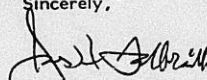
Kenny Hill

2

May 27, 1987

Regarding the required designs and cost estimates, would you try to submit those to us either Friday or early on Monday so that we can make slides for presentation to the Council. If you have questions on these conditions of approval, please call.

Sincerely,



Jack H. Galbraith
Chief Planner

JHG/lw

cc: Karl Solomon, 625 N. Carriage Parkway, Wichita, KS 67208
Ygnacio Cortez, 2341 S. Dellrose, Wichita, KS 67218
Richard Cummings, 17 Cypress, Wichita, KS 67218
Robert Westlake, 2331 S. Dellrose, Wichita, KS 67218
Chris Cherches, City Manager
Mike Lindebak, City Engineer
Bill McKinley, Traffic Engineer

PL/0168/1



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

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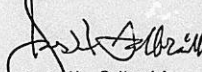
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Mike Lindebak, City Engineer
Bill McKinley, Traffic Engineer

FORM 2-21

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
<i>Insurance Cost for</i>	
<i>Spencer Building</i>	
NAME	<i>See Transcripts</i>
ADDRESS	<i>See Transcripts</i>
FUND	DUE DATE
<i>700-4-1-12</i>	<i>1-1-54</i>
COMMENTS	
DATE	BY
<i>7-2-54</i>	<i>SH</i>

*

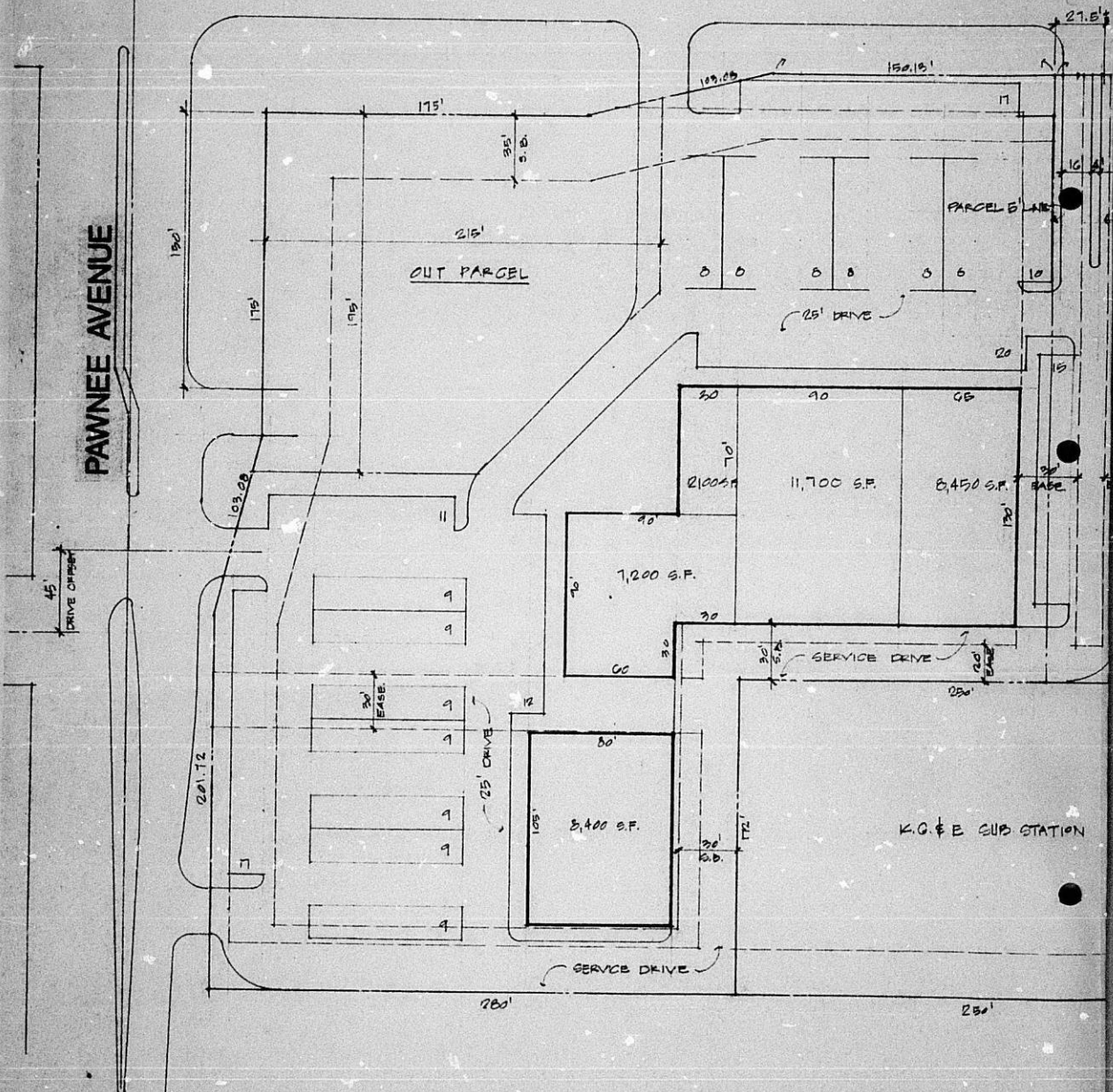
This DP File
Has a Large Drawing
On 35mm Microfilm.

Roll # 1

*

OLIVER ST

PAWNEE AVENUE



SITE DEVELOPMENT

SCALE 1" = 50'

prints issued

revisions

date drawn

X 3-17-88



JEFF KREHBIEL ASSOCIATES, aka architecture planning

1300 east lewis wichita, kansas 67211 (316) 267-8233



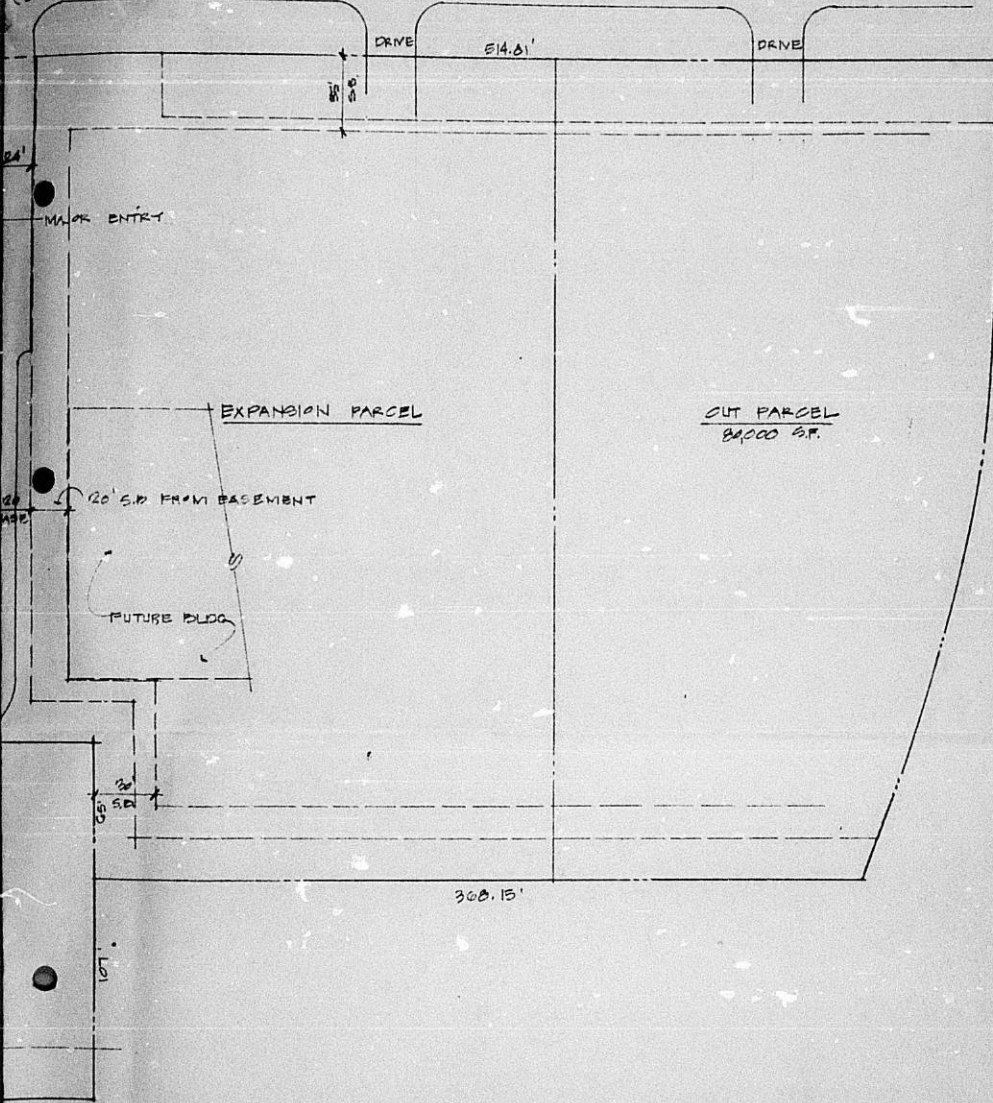
SPENCER GARDENS
2nd ADDITION
WICHITA, KANSAS

sheet title

sheet
of sheets

HEET

(E OF MAJOR DRIVE OFFSET FROM E.)



MENT PLAN