

M.A.P.C. *Agreed to* 5-22-69
condition

B.C.C. ~~1~~ *Agreed to* 6-10-69
Recommended

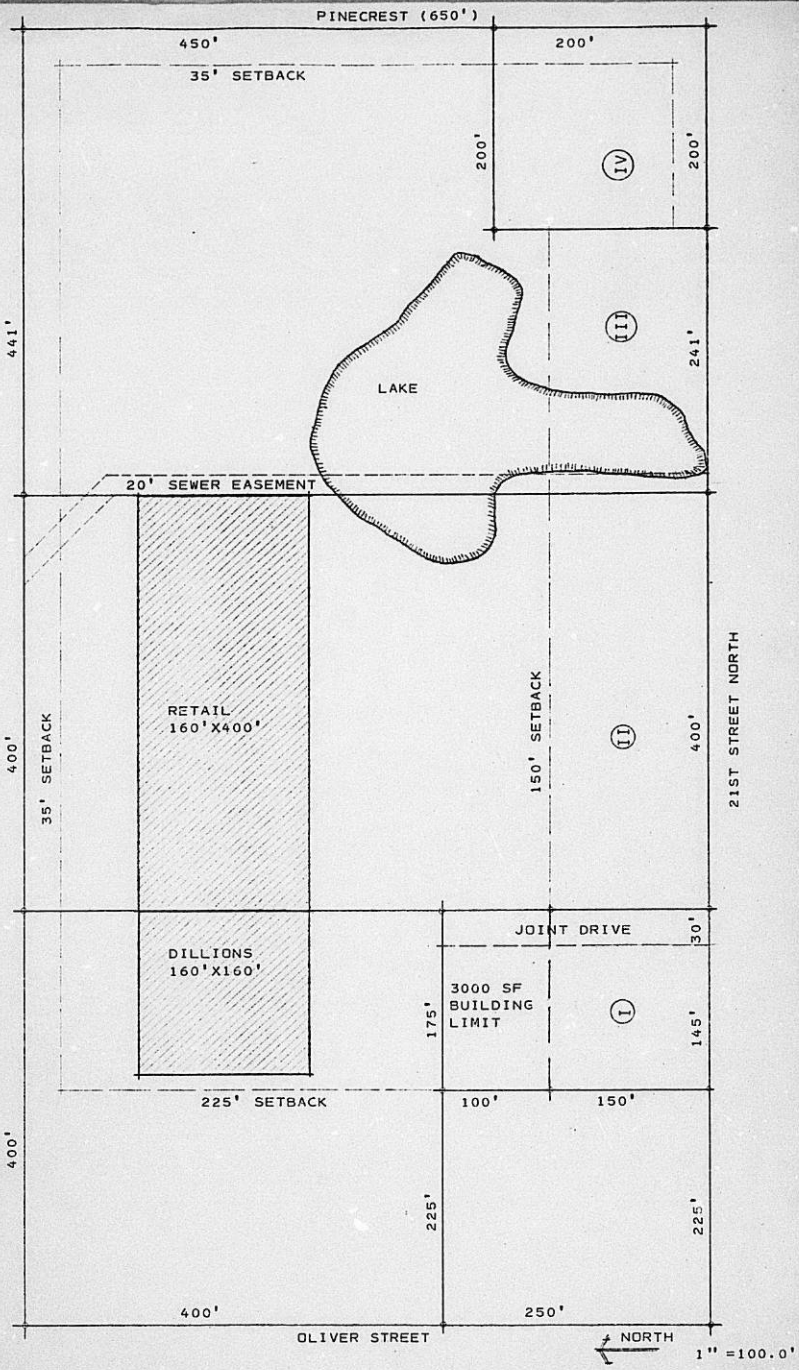
DP-8 - AMENDMENT to UNIVERSITY
GARDENS Residential CUP - located
on the northeast corner of Oliver
and 21st Street. *File # 2*

POSTED
4-11-69
✓

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Approve and to conditions</i>	<i>5-22-69</i>
B.C.C. / B.C.C. <i>Approve and Recommended</i>	<i>6-10-69</i>

DP-8 - AMENDMENT to UNIVERSITY
GARDENS Residential CUP - located
on the northeast corner of Oliver
and 21st Street. File # 2



THOMAS D. JACOB ARCHITECT-PLANNER BOX 633 WICHITA, KANSAS 67201 316 684-5288

ANDEEL & CO. 316 683-7511

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 5, 1975

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

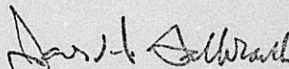
FROM Jack H. Galbraith, Chief Planner

SUBJECT L/S-0229 - Appeal of Lot Split Denial
by Dillon Real Estate Company

Dillon Real Estate Company is requesting a lot split approval of portions of Lots 2 and 8, University Gardens, generally located on the east side of Oliver in an area north of 21st Street North.

The above-referred to lot split application was submitted for approval, and after review of the application, the applicant was advised that inasmuch as the area designated on the lot split is for a portion of two parcels and lots previously approved on the original two applications (University Gardens Addition and DP-8 University Gardens CUP), and inasmuch as there appeared to be no relationship with this sell-off and the balance of the tract, we were not in a position to administratively approve the lot split request. The applicant was advised that a replat was in order and issues which needed to be considered were traffic circulation, access control, setbacks from side and rear yards and the creation of new parcels in a different manner than on the approved CUP.

The applicant has requested that this matter be forwarded to the Planning Commission for consideration and, therefore, this matter has been placed on the agenda for the August 14, 1975, Planning Commission meeting. Attached is a copy of the lot split and a copy of the letter from William Higgins, the applicant's attorney.


Jack H. Galbraith
Chief Planner

JHG:ber

cc: William P. Higgins, Attorney
313 1st Nat'l Bank Bldg. 67202

J. Lee Kelly, Dillon Real Estate Co., Inc.
2700 East 4th Street, Hutchinson, Kansas 67501

LAW OFFICES
OF
WILLIAM P. HIGGINS

SUITE 313
FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202
316/263-6146

July 21, 1975

Mr. Jack Galbraith
Chief Planner
Metropolitan Area Planning Department
City of Wichita
104 South Main
Wichita, Kansas

Re: L/S 0229 Dillon Real Estate Company
Request split of lots 2 and 8
University Gardens Addition, generally
located on the East Side of Oliver in an
area North of 21st Street North



Dear Jack:

I have just received the authorization I need to request that the lot split above referred to be placed on the Planning Commission agenda for hearing as we had discussed.

Also, enclosed please find a copy of a letter I received from Lee Kelly, the attorney for Dillon Real Estate Company, Inc., giving me the authorizations which you requested I have relative to the amendment of the CUP and future platting, which my clients agree have to be immediately started. As you will recall, we are requesting this go through the Planning Commission on a lot split basis so we can move faster on behalf of Dillon so that they can proceed with obtaining a building permit to construct their building.

You will recall that we chose this path rather than have Dillons transfer the title back to my clients, in that we get the building permit and have the building built, and then subsequently transfer the building to Dillon. As you and I both agree, this would suffice under the law and we could proceed in that fashion, but I don't believe that the Planning Commission is so constituted that it won't feel that standing up and openly dealing with them in a truthful manner by asking for the lot split would not be a better

Page 2
Mr. Jack Galbraith
July 21, 1975

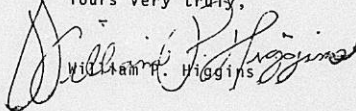
approach for this particular problem that we created by reason of the method of transfer of title from the original owner to my present clients and Dillons.

I, therefore, feel, and I think you will agree, that the honest approach is the best approach at this point and that by reason of our approach and the enclosed letter of authority from Dillon Real Estate Company, Inc., the City is well protected insofar as future required replatting and required amendments to that CUP.

It would be appreciated if you would get this matter on the agenda as soon as is possible. I would be happy to meet with you on any matters you deem necessary prior to this being presented to the Planning Commission in an effort to clarify any other points you feel should be clarified from the standpoint of the staff being fully advised and, further, from the standpoint of obtaining possible staff recommendation to this item. As was pointed out on the occasion of our last meeting approximately two weeks ago, this matter is one of urgency insofar as Dillons is concerned and I wish to further state that any delay has been caused not by your office or my client but by the necessity of getting the Board of Directors of Dillons to give the authority contained in the enclosed letter so that we would be in a posture of compliance with your request on the occasion of my meeting with you.

I wish to thank you for your attention to this matter and appreciate any help you can give us.

Yours very truly,


William P. Higgins

WPH:c1

cc: Lee Kelly
Lindy Andeel

DILLON REAL ESTATE CO., INC.

2700 East 4th St., Hutchinson, Kansas 67501

Area Code 316
665-5511

J. LEE KELLY
Real Estate Manager

July 17, 1975

Mr. William P. Higgins
Attorney
Suite 313
First National Bank Building
Wichita, KS 67202

Dear Mr. Higgins:

This letter is your authorization to represent Dillon Real Estate Co., Inc., on our portion of University Gardens and file an appeal with the Wichita Sedgwick County Metropolitan Area Planning Commission on lot split request L/S-0229. As you are aware, this request was denied by administrative action of the planning department.

We ask that you make the necessary statements to the members of the planning commission to set their minds at ease in an effort to obtain this lot split. In the event this lot split is approved, which would pave the way for us to obtain our building permit, we would agree to join with Lindy Andeel in the amendment of the CUP of University Gardens and replatting if necessary.

Please keep me posted on the hearing date of this request. We appreciate your efforts on our behalf.

Sincerely,


J. Lee Kelly

jlk:sw



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

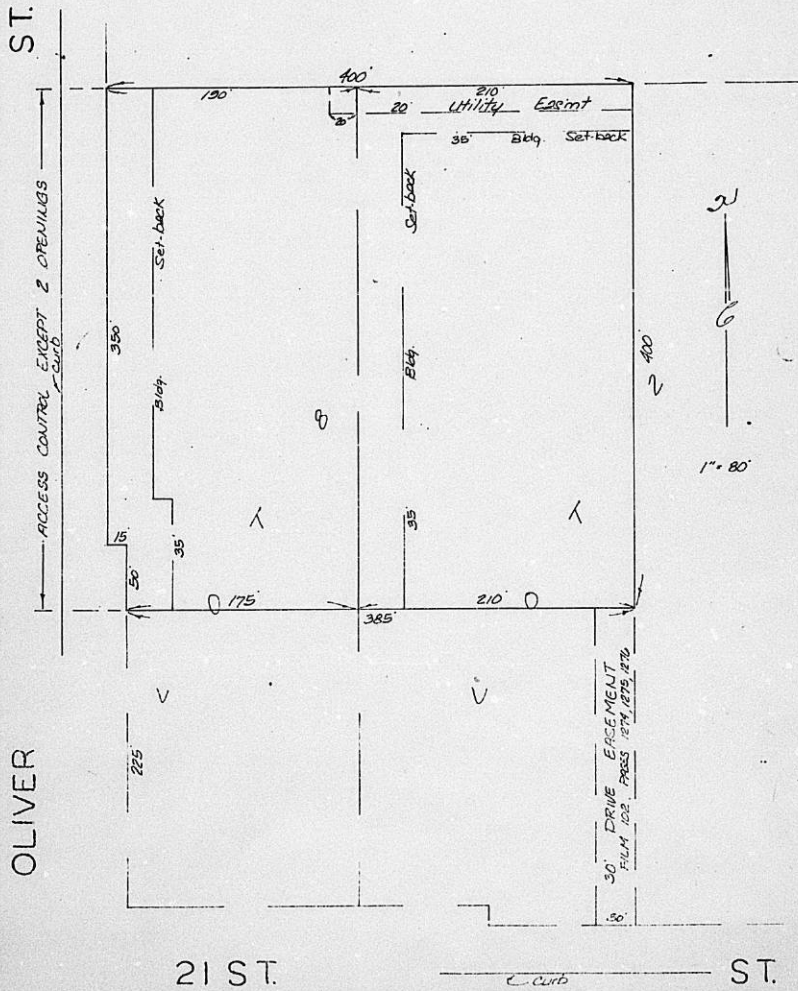
PHONE 316/262-7271

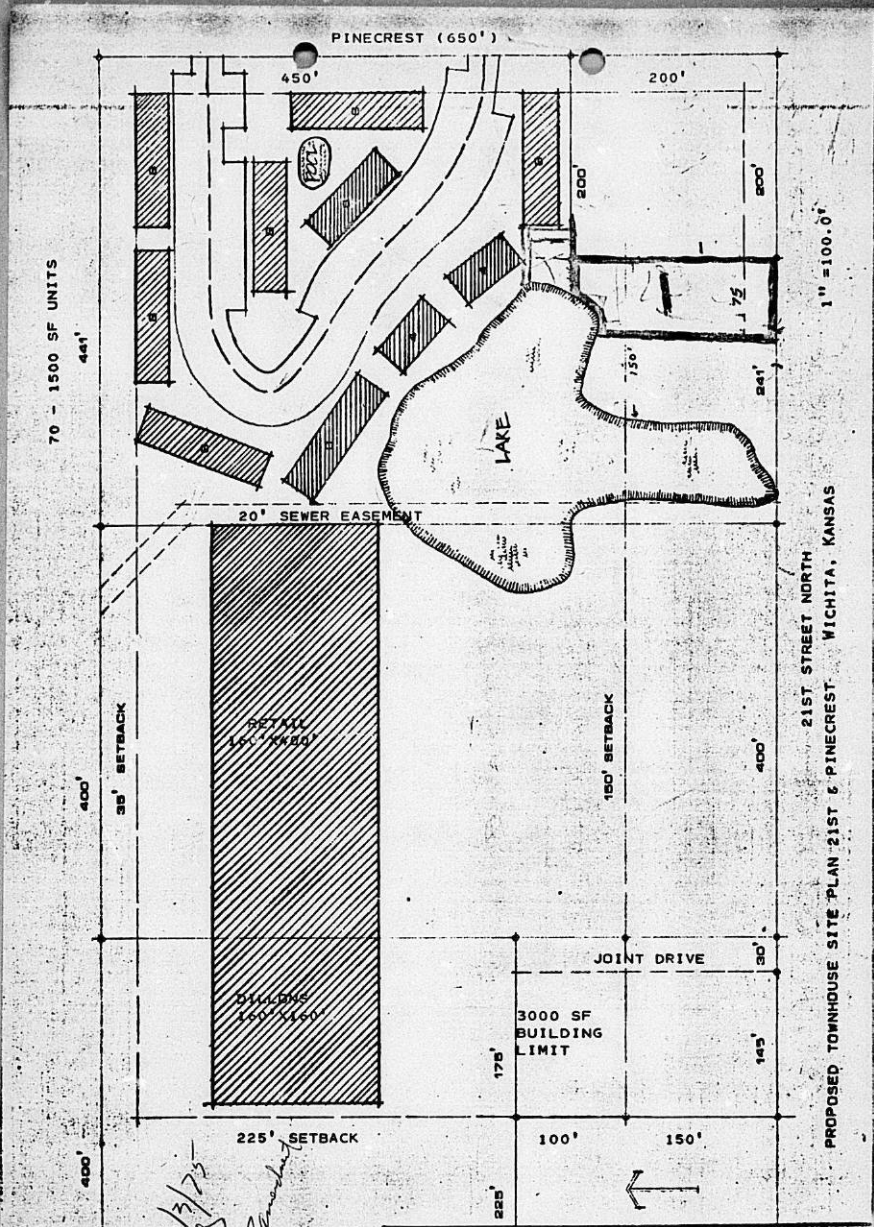
330 LAURA

WICHITA, KANSAS 67211

LOT SPLIT

THE NORTH 400' OF LOT 8 AND
 THE NORTH 400' OF THE WEST 210'
 OF LOT 2, UNIVERSITY GARDENS,
 WICHITA, SEDGWICK COUNTY,
 KANSAS.





70 - 1500 SF UNITS
441'

PINECREST (650')

21ST STREET NORTH
PROPOSED TOWNHOUSE SITE PLAN 21ST & PINECREST WICHITA, KANSAS
1" = 100.0'

*Received on 6/3/75
Advised of all conditions
was necessary*

ANDEEL & CO.
 6800 E. CENTRAL WICHITA, KANSAS
 TELEPHONE (316) 683-7511

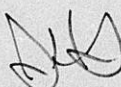
WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

June 13, 1975

TO The Files
FROM Jack H. Galbraith, Chief Planner



SUBJECT Case No. BZA 2-70 Request for Exception for Off-Street Parking Lot and DP-8 - University Gardens CUP - On the east side of Oliver in an area between 21st St. and Looman.

On this date Bill Higgins and Lindy Andeel came into the office to discuss potential plans for amending the University Gardens C.U.P. Their immediate concern is the construction of a Dillon's Store and the necessity for having to replat and amend the C.U.P. to accomplish that use. Andeel mentioned a desire to amend the service station parcel to permit any use permitted in Light Commercial, as well as establishing a new parcel to the west for an office building overlooking the lake. That parcel would necessitate amending the building setback from 21st Street to approximately 75 feet.

Andeel also mentioned the potential of apartments north of the lake with access to Pinecrest and a new parcel in the southwest corner of Parcel 2 for a financial institution. In discussing the immediate need of the Dillon Store we pulled the above BZA case and found that those resolutions had never been forwarded to the applicant pending the submission of the required landscape plan. I advised that in my opinion Dillons Store should not be issued a building permit until their portion of this BZA case satisfied all the conditions of approval. They advised that they would look into the matter and proceed with amendments to the C.U.P., replatting, and satisfying the provisions of BZA approval.

Jack H. Galbraith
Chief Planner

JHG:js

*see Kelly came in this date 6/24/75-
and we went over the comments listed above.* JHG

December 7, 1973

Mr. Harold T. Beck
Van Bec Developments, Inc.
215 Page Court
220 West Douglas
Wichita, Kansas 67202

Dear Mr. Beck:

In reply to your inquiry regarding Lot 3, University Gardens Addition, this is to advise you that the official zoning maps in our office reflect that subject property is zoned the "B" Multiple Family classification. Lot 3 is also a part of a Community Unit Plan (DP-8) which was recommended for approval by the Metropolitan Area Planning Commission on May 22, 1969, and approved by the Board of City Commissioners on June 10, 1969. Specific conditions of approval are outlined on the official copy of the plan which is in our office.

If you are desirous of additional information concerning this property, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rw

8-9-72

JACK

Here is a copy for your file
of a letter from Van Bick, in
Re. to An emergency entrance
from Pinecrest.

RR Inc

Wichita Fire Dept.

**VANBEC
DEVELOPMENTS**

August 2, 1973

L. D. Carney, City Fire Chief
400 North Water
Wichita, Kansas 67202

Re: Shadow Lake Apartments
Community Unit Plan;
Lot 3, University
Gardens Addition

Dear Chief Carney:

Today I discussed with C. R. Pellett of your Department the above Community Unit Plan and your fire requirements in connection therewith. He indicated that everything was satisfactory except that you desire an entry on the east side of the property when Pinecrest is passable to your vehicles.

Please be advised that we will install some manner of break-away fence or gate comparable in appearance to that which will be installed around the entire project, through which you may make emergency entry.

A means will be agreed upon at the time of construction whereby the Fire Department can enter this space in a fire emergency which will not be accessible to tenants or the public.

Very truly yours,



Douglas D. Webster

DDW:en



C. A. VAN HEUSDEN
JOHN F. BECK

Post Office Box 1304 • Melbourne, Florida 32901 • 305/724-1801
Sales: 214 Page Court • Fort Worth, Douglas, W. 76102 Kansas 67202

HAROLD T. BECK
ATTORNEY AT LAW
(316) 263-6265

SUITE 215, PAGE COURT
220 WEST DOUGLAS
WICHITA, KANSAS 67202

July 19, 1973

Mr. Robert Lakin
Metropolitan Area Planning Commission
City of Wichita
Wichita, Kansas 67202

Re: Shadow Lake Apartments

Dear Mr. Lakin:

Mr. Jack Galbraith called me today relative to the fact that the floor area ratio of the above project somewhat exceeds the original Community Unit Plan, and further questioned the percentage of structural coverage shown, of .16.

According to the C.U.P., the floor area ratio is .40, and we show .478. This figure includes everything within the property, including area under party and partition walls and balconies. In the determination, if the partitions were not included, this would be reduced to .453 and if the balconies were deleted (which I understand are not counted in many instances), it would be near .40.

At the time our plans were under discussion with members of the City staff, the original layout of Burke & Associates submitted and approved by the City exceeded the allowable floor area ratio by some 31,000 square feet. The Planning Department was not able to answer how this project was approved, however, the present project is based on the same floor area ratio which was originally approved for this site.

We, therefore, believe that if some of the items which we have generously included in our floor area ratio were not counted, which I understand are sometimes not, we would be near or within the .40 ratio. In addition, the plan as now submitted is almost identical as to floor area



Mr. Robert Lakin
July 19, 1973
Page 2

ratio as was originally submitted by Burke & Associates for the previous owner and approved by the Planning Commission.

Regarding the percentage of structural coverage, the figure of .16 which you have does not include carports. The correct figure for the entire project including apartments, carports, clubhouse and all other structures is .212, while the present C.U.P. is .20. We would prefer not to disturb the number of carports set up, however, if the .20 ratio would be insisted upon, we could eliminate a few carports to satisfy this requirement.

We would like very much, however, to proceed in accordance with the plans and layout as submitted, and we hereby request a favorable administrative interpretation of the present C.U.P. as previously approved and as now submitted without your requiring an amendment to the C.U.P.

Your consideration will be very much appreciated.

Very truly yours,


Harold T. Beck

HTB:en

cc: Mr. Robert Feldner
City of Wichita

RESTRICTIVE COVENANTS

These restrictions and covenants made this 20-day of
November, 1970, by UNIVERSITY MALL, INC., hereinafter
called Owner.

WITNESSETH:

THAT, WHEREAS, University Mall, Inc., is the owner of the
real property described as:

A tract in the Southwest Quarter (SW1/4) of the Southwest
Quarter (SW1/4) of Section 1, Township 27 South, Range 1
East of the 6th P. M., Sedgwick County, Kansas, beginning
at a point 60 feet East and 951.08 feet North of the Southwest
(SW) corner of said Section 1, thence East 190 feet, thence
South 251.38 feet, thence East 1048.44 feet, thence North
626.95 feet, thence West 1047.5 feet, thence South 308 feet,
thence West 190 feet, thence South 66 feet to the point of
beginning;

which tract is being platted as:

Lot 3, University Gardens, Wichita, Kansas; and

WHEREAS, said property (Lot 3, University Gardens) is designated
as a multi-family development included in a total Community Unit Plan (DP-8)
covering the entire plat of University Gardens and as such is designated to be
developed into garden apartments including common open areas for driveway,
parking, grass and landscaping with a community building and other appropriate
recreational facilities as part of said development; and

WHEREAS, the Board of Commissioners of the City of Wichita has
approved said Community Unit Plan and is desirous of protecting against
problems which might arise with the care and maintenance of said common
areas and recreational facilities which are to be provided for the apartment
complex;

NOW, THEREFORE, the owner declares that the real property
described above is and shall be held, transferred, sold and conveyed subject
to the covenants, restrictions and charges hereinafter set forth.

1. Owner shall not dispose of any portion of Lot 3 in a manner which would develop diverse ownerships in said lot without petitioning to replat Lot 3, University Gardens Addition to provide for said diverse ownerships. It is further understood that the owner shall not dispose of the common properties and/or facilities in any way which would diminish the degree and extent of such facilities to any diverse ownership than is proposed by the approved Community Unit Plan, unless the sale thereof shall include all properties, living units, interests and other facilities in said Lot 3, University Gardens, as an integrated and common ownership.

2. In the event Owner should comply with the terms of the "Apartment Ownership Act," K.S.A. 58-3101, et seq., as amended, Owner may apply to the Board of Commissioners of the City of Wichita for amendment or dissolution of these Restrictive Covenants.

3. The Owner shall be responsible for the maintenance in a good and usable condition, of the common facilities as shown on the Community Unit Plan approved by the Board of City Commissioners of Wichita, Kansas. Maintenance shall include, but not be limited to, providing a safe surface for pedestrians and vehicular circulation and access, the mowing of grass and elimination of debris and unsanitary conditions.

4. Upon the failure of the Owner, his successors or assigns, to maintain the facilities as provided in the above paragraph, the City of Wichita shall cause notice to be served on the Owner, his successors or assigns, of his failure to perform, setting out the manner in which he has failed to perform, and granting him ten (10) days within which to perform all of the items listed in the notice so delivered. After said ten (10) days the City may proceed upon the property to perform the work listed in the notice of deficiency, above referred to, and costs of such work performed by the City may be assessed against the property in the same manner as provided by law for such assessment and said assessment may be established as a lien upon the land. Should the Owner, his successors or assigns, upon receipt of said notice, feel that the deficiencies listed on said notice are not proper for any reason, he may within the ten (10)

day period provided in notice, apply for a hearing before the Board of City Commissioners to appeal said notice and any further proceedings under the notice shall be delayed pending the outcome of any proceedings on appeal of said notice.

5. Duration. The covenants and restrictions of this Declaration shall run with and bind the land and be binding upon the present Owner, his successors or assigns, and shall inure to the benefit of and be enforceable by the City of Wichita for 30 years, or unless sooner terminated as provided herein. During said period, these restrictive covenants may be changed only by a recorded instrument filed by the then owner and the chief elected executive of the City of Wichita, Kansas.

6. Enforcement. Enforcement of these covenants and restrictions shall be by any proceedings at law or in equity against any person or persons violating or attempting to violate any covenant or restriction either to restrain violation or to recover damages and against the land to enforce any lien created by these covenants, and failure by the interested party to enforce these restrictive covenants shall in no event be deemed a waiver of the right to do so thereafter. Nothing in this paragraph shall negate the requirements for notice and right to a hearing as provided in article (5) hereof.

7. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise effect any other provision which shall remain in full force and effect.

UNIVERSITY MALL, INC.

BY *William A. Seeb*
President

ATTEST:

Stanley C. Silvers
Secretary

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this 20th day of November,
1970, before me, a Notary Public in and for said County and State, came
Millard R. Seltine, President, and Stanley C.

Silverman, Secretary of University Mall, Inc., to me personally
known to be the same person who executed the foregoing instrument and duly
acknowledged the execution of the same for and on behalf, and as the act and
deed of said University Mall, Inc.

IN WITNESS WHEREOF, I have hereunto subscribed my name and
affixed my official seal the day and year last above written.



Marvin Chamberlin
Notary Public

My Commission Expires:

April 13, 1972

July 23, 1973

Mr. Harold T. Beck
Attorney at Law
Suite 215, Page Court
220 West Douglas
Wichita, Kansas 67202

Re: DP-8 University Gardens
Community Unit Plan,
Parcel #5

Dear Mr. Beck:

We are in receipt of your letter of July 19, 1973, requesting an administrative interpretation on the C.U.P. titled DP-8 University Gardens. Jack Galbraith advises that the Office of Central Inspection, in reviewing your submitted building plans for Shadow Lake, questioned the listed Floor Area Ratio of 0.478 as it exceeds the .40 as approved on the C.U.P. Also questioned was the listed ground coverage of 16.5% and whether or not it included the car ports. Your letter indicates that it does not.

In viewing your letter, you state that, if the area under partitions and balconies were not counted as floor area, you would be near a F.A.R. of .40. The Office of Central Inspection advises that the area under partitions is counted, however, that the area for balconies is not counted. Based on your architect making these adjustments, and assuming that the F.A.R. will not exceed 0.42 we authorize this adjustment on the C.U.P.

Regarding the maximum building coverage, again the balconies are not counted, however, the carports should be included on the plan as coverage. Assuming that the figure in your letter of .212 is correct and inclusive of all proposed structural coverage, we also authorize this adjustment.

Mr. Harold T. Beck
July 23, 1973
Page Two

Therefore, this is to authorize an administrative adjustment on Parcel #5 for (F) and (H) to read as follows:

(F) Floor Area Ratio shall not exceed 0.42.

(H) Buildings and Structures shall not cover in excess of 21.2% of Total Area.

Based upon this interpretation, we have marked copies of the official C.U.P. with these corrections.

Please contact us if you have any questions.

APPROVED:

Signed on 7/30/73 J.A.S.

Robert A. Lakin
Director of Planning

APPROVED:

Signed on 8/1/73 J.A.S.

Robert S. Feliner
by Leland R. Johnson
Building Code Engineer

RAL:JHG:js

HAROLD T. BECK
ATTORNEY AT LAW
(316) 263-6288

SUITE 215, PACE COURT
220 WEST DOUGLAS
WICHITA, KANSAS 67202

July 19, 1973

Mr. Robert Lakin
Metropolitan Area Planning Commission
City of Wichita
Wichita, Kansas 67202

Re: Shadow Lake Apartments

Dear Mr. Lakin:

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Mr. Robert Lakin
July 19, 1973
Page 2

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Your consideration will be very much appreciated.

Very truly yours,


Harold T. Beck

HTB:en

cc: Mr. Robert Feldner
City of Wichita

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 18, 1973

TO Jack H. Galbraith, Chief Planner
FROM Curtis L. Newby, Junior Planner *Newby*
SUBJECT DP-8 - University Gardens C.U.P. and Shadow
Lake site development plan.

As per your request, I have reviewed the above referred to C.U.P. as it relates to the site development plan for Shadow Lake. It would appear that the only area of conflict between the requirements of the C.U.P. (Parcel #5) and the site plan is the floor area ratio. The C.U.P. permits a maximum floor area ratio of .40 while the site plan propose a ratio of .478. Both the C.U.P. and the site plan indicate a maximum land coverage of 20% of the site. It should also be noted that the C.U.P. indicates the property is to be developed with 1 and 2 bedroom apartments while the site plan indicates 1, 2, and 3 bedroom apartments.

I trust this will provide the information you need and if you have any questions, contact me.

CLN:rme

July 20, 1973

L. D. Carney, City Fire Chief
400 North Water
Wichita, Kansas 67202

Re: Proposed development on University
Gardens Addition and Community Unit
Plan DP-8, generally located on
the east side of Oliver north of
21st Street.

Dear Chief Carney:

On December 4, 1969, the Subdivision Committee of the Metropolitan Area Planning Commission considered the preliminary plat of University Gardens Addition located at the northeast corner of 21st Street and Oliver. Action of the Committee was to approve the plat subject to certain conditions, one of which was the applicant contacting F. E. Hobbs of your department and making satisfactory arrangements for fire lane easements which first appeared on an associated Community Unit Plan (DP-8 University Gardens). Attached is a letter received by Mr. Hobbs from Millard R. Seldin, one of the owners of the property at that time, indicating that adequate fire lane easements would be provided and, most important, that an access point would be provided to Pinecrest from Parcel #5. As I remember, the access point to Pinecrest was proposed for emergency vehicles only and even breakable locks were discussed in the event the property was fenced from Pinecrest.

We wish to point out that the northern portion of the property contained in the Community Unit Plan, known as Parcel #5, has changed ownership and building plans have been submitted to the Central Inspection Division by the developer, Harold Beck, proposing a series of multiple-family structures. However, the revised plan as submitted does not provide for an access point to Pinecrest as was originally agreed; also, the interior circulation pattern has been substantially changed.

L. D. Carney, City Fire Chief
July 20, 1973
Page Two

I am of the opinion, and believe it was the original position of your department, that inasmuch as the Community Unit Plan and plat of subject property provides for only one access point to Oliver from Parcel #5, the need for a firelane providing access to Pinecrest is vital in order to provide adequate fire protection for the proposed development. Should you still concur in this position, I would recommend that your representatives review the plans in the Office of Central Inspection for Shadow Lake by Vanber Development.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:js

Attachment

cc: Robert Feldner, Superintendent of Central Inspection
Harold Beck, Suite 215 Page Court, 220 W. Douglas, 67202
Richard R. McClintock, Wichita Fire Dept. 400 N. Water, 67202

June 11, 1969

Bob Feldner, Superintendent of Central Inspection
Jack H. Galbraith, Senior Planner

Amendment to the University Gardens Residential CUP; and
Commercial CUP

The City Commission at its regular meeting of June 10, 1969, considered the above captioned case. The action of the City Commission was to approve the Community Unit Plan subject to the following conditions:

- a. Indicating under "General Notes" on the face of the community plan the following: "It is the developers desire and the intent of the plan that the existing row of trees along Oliver be retained except for future points of ingress and egress."
- b. Add to General Note #2, "No billboards shall be permitted."
- c. Platting within one year and the plat recorded with the Register of Deeds prior to the publishing of the ordinance effectuating the zone change.
- d. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- e. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

Page 2

To: Bob Feldner
From: Jack Galbraith
Date: June 11, 1969

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

Attached for your information is a copy of the approved Community Unit Plan. If you have any questions concerning this matter, please contact our office.

JHG:vjp

Attachment

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

CASE NO. Z-1099 & DP-8

CONSIDERED BY MAPC: 5-22-69

REQUEST FOR: Z-1099 - Change from "B" to "LC"
DP-8 - Amendment to Residential CUP

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

Z-1099 - "It is necessary for the highest and best use of the property both
in the area of development and economics".

GENERAL LOCATION: Northeast corner of Oliver and 21st Street

LEGAL DESCRIPTION:

Z-1099 - An area beginning 250' E and 600' north of the SW Corner of the SW $\frac{1}{4}$ of Sec. 1, Township 27, Range 1 E, th N 100'; th E 1043.7' more or less to a point on the EL of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 1, th S 100'; th W to point of beginning.DP-8 - SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, Township 27 South, Range 1 East

APPLICANT: University Mall, Inc., 313 1st National Bank Bldg.

COUNSEL FOR APPLICANT: William P. Higgins, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: Robert Souders, Mrs. Barbara Morgan,
Mrs. Betty Hensley, and Chas. McAfee, property owners in the area,
spoke in opposition.SURROUNDING ZONING: To the north and west is "AA"; east is "AA" and "LC";
south is "AA", "BB" and "LC"LAND USE: Subject property is single-family, stables & vacant; north is
vacant; east is private club & vacant; south is church, care home, office,
medical clinic and apothecary; west is single-family and vacant.

PLANNING COMMISSION RECOMMENDATION:

BLEDSOE moved and WILKINSON seconded that the Planning Commission recommend
to the City Commission that Case Z-1099 be approved.BLEDSOE moved and WILKINSON seconded that the Planning Commission recommend
to the City Commission that the amendment to DP-8 be approved, subject to
the following conditions:

(See excerpt from Minutes attached)

VOTE OF PLANNING COMMISSION: Unanimous

ACTION: 1. Approve the recommendation of the Metropolitan Area Planning
Commission, subject to the conditions of platting, and instruct the Planning
Department to forward the ordinance for first reading when the plat is for-
warded to the City Commission; or
2. Return the applications to the Metropolitan Area Planning Com-
mission for its reconsideration. The City Commission states the following
reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 22, 1969:

- "20.a. Case No. Z-1099 - University Mall, Inc. requests change from "B" to "LC" for an area beginning 250 feet east and 600 feet north of the southwest corner of the Southwest Quarter of Section 1, Township 27, Range 1 East, thence north 100 feet, thence east 1043.7 feet more or less to a point on the east line of the southwest quarter of Southwest quarter of Section 1, thence south 100 feet, thence west to point of beginning. Generally located on the east side of Oliver in an area north of 21st Street.
- 20.b. Case No. DP-8 - University Mall, Inc. requests approval of an amendment to DP-8 on property described as the Southwest quarter of Southwest quarter of Section 1, Township 27 South, Range 1 East. Generally located on the north-east corner of Oliver and 21st Street.

WILKINSON said that Hennessy and Jackson (when the Zoning Committee viewed subject property) had expressed a desire to be present when this application was considered (they are not at this meeting) and he suggested a deferral of this application.

WM. P. HIGGINS, attorney for the applicant, on behalf of his client, was opposed. WILKINSON indicated he had no opposition to hearing the case.

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

Comments

1. The applicant presently has 9.8 acres of "LC" zoning and is requesting additional "LC" in order to have an adequate site for a shopping center complex and service station. The existing "LC" to the south was established by the City Commission subsequent to annexation by the City in 1960.
2. It would appear that, inasmuch as there is existing "LC" at this location bounded on the north by "B" zoning, all of which is under the same ownership, this would be a logical extension of the existing "LC" zoning if it can be justified on a desirable CUP.
3. The original University Gardens Development Plan which was comprised of 20 acres of land has not been developed. The applicants have now submitted an amended CUP which includes an additional 20 acres.
4. This amendment and addition to the University Gardens Development Plan has been submitted as a requirement under the CUP provisions of the zoning ordinance and is in general agreement with the comments made by the staff in the original review with the applicant.
5. The amendment to the residential part of the plan is generally as follows:
 - a. A decrease in the area proposed for development of apartments from approximately 17 acres to 15 acres.
 - b. Reduction of the proposed density from 563 units to 300 units.

- c. Reduction in maximum heights from 10 stories to 7 stories.
- d. Proposed uses include garden apartments, high-rise and associated club house.
6. The Commercial Development Plan is proposed on approximately 13 acres and proposes a service station and shopping center, including a department store, grocery and miscellaneous shops. The Development Plan also includes information on maximum gross floor area, building setbacks, parking ratio, building heights, maximum building coverage, and location of required wall and planting screen.
7. If the Planning Commission determines that the request for additional "LC" is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's:
 - a. Add to General Note #2, "No billboards shall be permitted".
 - b. Platting within one year and the plat recorded with the Register of Deeds prior to the publishing of the ordinance effectuating the zone change.
 - c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plat, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - d. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
 - e. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

WM. P. HIGGINS submitted a rendering of the proposed development and in his presentation pointed out that the southern portion of the 200-foot "AA" buffer strip along the east side of Oliver north of 21st Street will remain as a buffer and that they are requesting no change of zoning; however, he indicated that if the CUP is approved, it is possible that at some future time they may apply to the Board of Zoning Appeals for an exception to permit parking in that area. MR. HIGGINS said that in submitting the requested amendment to the CUP, they have reviewed the plan with all City Departments to determine any objections and have tried to comply with all suggestions made. MR. HIGGINS said that while the ordinance requires an 5-8 foot wall to separate residentially zoned property (the 200-foot buffer strip) from commercial development, they are requesting a waiver of the wall unless the buffer strip is developed residentially, as they envision that at some future time it may be used for parking in connection with adjacent development, such parking to be approved by the Board of Zoning Appeals. He indicated that they do not intend to build single-family houses on this south portion of the buffer and to require a wall along the east line of the buffer strip would leave it as a "no man's land". He indicated that the northern portion of the buffer strip will be platted and developed for single-family. MR. HIGGINS said that if they are permitted to

utilize the southern portion of the buffer strip for parking, it will be developed to harmonize with the other development in the area.

ROBERT SOUDERS objected to violation of the requirement of having a wall separating the buffer zone from the light commercial development.

MRS. BARBARA MORGAN, 4722 E. Looman, was opposed to the use of the southern portion of the 200-foot buffer strip for parking as she felt it would not beautify the parcel and would tend to downgrade the area and that if it is so used, it was her hope evergreens or some other shrubbery that would be suitable the year around would be planted. MRS. MORGAN also voiced opposition to the construction of another service station in the area.

The Chairman pointed out that this hearing is not for consideration of a change of zoning or use of the southern portion of the 200-foot buffer strip and that any use of this area for off-street parking would have to be considered by the Board of Zoning Appeals. It was his feeling that if that Board did grant an exception for such use that it would be properly screened.

GALBRAITH said that the Board has granted such parking exceptions and have generally required a 5 to 8 foot wood fence as well as shrubbery, but the ordinance actually states the Board can require any screening they deem necessary to protect adjacent residential areas.

MRS. MORGAN felt that there should be more than the one opening onto Oliver from the proposed Residential portion of the CUP, pointing out that Oliver is a very busy street. She also suggested the possibility of the developers utilizing the additional "IC" area which they are requesting for parking and thus not locating it on the buffer strip. MRS. MORGAN said she was opposed to the zoning request also, altho she was in favor of the reduction of density on the apartments and of maintaining the lakes in the area as they are now.

MRS. BETTY HENSLEY, 4707 Looman, asked if the "IC" request is granted, could it be applied later to another location in this development. GALBRAITH pointed out the additional area requested and said that if it is approved, that it would be only for the legal area for which the request is made.

MRS. HENSLEY inquired why the residents were not notified of the request for additional zoning as they were on the CUP amendment. GALBRAITH explained that the requested zoning area was not within 200 feet of any property owner other than the applicant's. MRS. HENSLEY felt there should be another access point to the Residential CUP area and pointed out that vacation of 23rd Street was denied at one time because the Fire Department felt there should be more than one access point into the Crestview Lakes area. She wondered how Mr. Higgins could feel that Parcel #6 could not possibly be developed for single-family and yet he indicates that Parcels #3 and #4 will be (these three parcels being the buffer strip east of Oliver). She resented the fact that they were not notified of the possibility of a change in the buffer zone.

MR. HIGGINS pointed out that they are not asking for any change of zoning for any part of the buffer strip; that he has indicated the upper portion of the buffer strip will be platted for single-family development. On Parcel #6, however, they do not contemplate homes on that busy corner and noted that in platting, 75 feet will be required for street right of way. He pointed out that the only thing

they are requesting now, so far as the buffer strip is concerned, is the waiving of the requirement for a wall between the residential and commercial areas until such time as residential development might take place. He said that they are not attempting and have agreed not to do anything that would affect the aesthetic value of the property to the west.

CHARLES F. MC AFEE, 3122 Maplewood, spoke of the desirability of retaining the trees along Oliver and also voiced opposition to the one opening onto Oliver and the fact that the Fire Department does have two means of getting in and out of the Crestview Lakes area and should have two in this proposed development. MR. MC AFEE spoke generally in terms of retaining as many trees throughout the city as possible for their aesthetic value and suggested that if it is not possible to require that trees be maintained under the zoning ordinance, then the ordinance should be amended.

General agreement was expressed by the Commissioners so far as the desirability of retaining as many trees as was possible.

BLEDSOE did some computing related to leaseable floor area in the various parcels and it was generally agreed that the request in this respect is reasonable and actually does not represent too dense a development.

Further discussion with regard to the trees brought out the fact that they are probably located on what will be public right of way when proper dedications are made for Oliver Street. MR. HIGGINS said it would be his desire and that of the developer to retain them if possible. GALBRAITH suggested that proper wording could be added to the CUP to provide that the existing hedge row shall be retained.

WILKINSON said that while Hennessy and Jackson had expressed a desire to be present when this application was heard, their concern was related to Parcel #6 and the suggestion that it was desired to utilize it for parking. It was Mr. Wilkinson's feeling that since the actual use of this property is not before this Commission (since it will be a matter for the Board of Zoning Appeals at some future time), he did not think Hennessy and Jackson would have any objections.

BLEDSOE pointed out that the original CUP proposed for Parcel #5 has been reduced in density from 560 units to 300 which lessens the density tremendously and the additional "LC" requested only represents about 50,000 more square feet of building.

MOTION: BLEDSOE moved, WILKINSON seconded and it carried unanimously that the Planning Commission recommend to the City Commission that Case Z-1099 be approved.

BLEDSOE commented that the requested density is not high for the CUP; however, in regard to the one entrance to Oliver in Parcel #5, he noted that there would be 300 units in the CUP and he felt that when the Subdivision Committee considers the plat some revision will be required as to an additional entrance to satisfy the Traffic Division and the Fire Department.

MOTION: BLEDSOE moved, WILKINSON seconded and it carried unanimously that the Planning Commission recommend to the City Commission that the amendment to DP-8 be approved, subject to the following conditions:

- a. Indicating under "General Notes" on the face of the community plan the following: "It is the developers desire and the intent of the plan that the existing row of trees along Oliver be retained except for future points of ingress and egress."
 - b. Add to General Note #2, "No billboards shall be permitted."
 - c. Platting within one year and the plat recorded with the Register of Deeds prior to the publishing of the ordinance effectuating the zone change.
 - d. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - e. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
 - f. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended,"
-

May 26, 1969

Mr. William P. Higgins
313 1st National Bank Building
Wichita, Kansas 67202

Subject: DP-8 - Amendment to University
Gardens Residential CUP and Commercial
CUP and E-1099 - zone change request
from "B" to "LC" for northeast corner
of Oliver and 31st

Dear Mr. Higgins:

At its regular meeting on May 22, 1969, the Metropolitan Area Planning Commission considered the above captioned cases. The action of the Planning Commission was to recommend that the zone application be approved and that the community unit plan be approved, subject to the following conditions:

- a. Indicating under "general notes" on the face of the community plan the following; "It is the developers desire and the intent of the plan that the existing row of trees along Oliver be retained except for future points of ingress and egress."
- b. Add to General Note #2, "no billboards shall be permitted."
- c. Platting within one year and the plat recorded with the Register of Deeds prior to the publishing of the ordinance effectuating the zone change.
- d. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of

May 26, 1969
Mr. William P. Higgins
Page 2

Central Inspection and the Director of Planning, shall constitute of violation of the building permit authorizing construction of the proposed development.

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

Attached for your information is a marked copy of the CUP with the corrections that need to be made and upon your review, this should be given to Mr. Burke to assist him in making the necessary corrections. It is necessary that 10 corrected copies be returned to our office by 5 p.m., June 4, 1969, so that this matter may be forwarded to the Board of City Commissioners for their consideration at their regular meeting of June 10, 1969, at 9 a.m., Room 201 of the City Building at 204 South Main.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:sm

cc: University Mall, Inc., 313 1st National Bank Bldg., Wichita, Ks.
Richard D. Burke, 5635 E. Harry, Wichita, Kansas 67218
Mr. Robert Souder, Schweiter Building, Wichita, Ks. 67202
Mrs. Barbara Morgan, 4722 East Looman, Wichita, Ks. 67220
Mrs. Betty Hensley, 4707 East Looman, Wichita, Ks. 67220
Mr. Charles F. McAfee, 3123 Maplewood Drive, Wichita, Ks. 67214
Mrs. Edward S. Lee, 2002 East 17 Street, Wichita, Ks. 67214

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

DATE: May 22, 1969

Case No. Z-1099	Request: "B" to "LC"
Case No. DP-8	Amendment to CUP
Location: Northeast corner of 21st Street and Oliver	
Acres: 40.0 CUP	Size: 1241 ft. by 1275 ft.
2.3 Zoning	100 ft. by 1043.7 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing North	Single-family residence, stables & vacant	"AA" "B" & "LC"
East	Vacant	"AA"
South	Private club & vacant	"AA" & "LC"
West	Church, care home, office, medical clinic and apothecary	"AA" "BB" & "LC"
	Single-family & vacant	"AA"

Unplatted X

Existing R/W - 21st Street (half) 30 ft.
 Proposed R/W - 21st Street (half) 50 & 75 ft.
 Existing R/W - Oliver (half) 30 ft.
 Proposed R/W - Oliver (half) 50 ft.
 Existing R/W - Pinecrest (half) 0 ft.
 Proposed R/W - Pinecrest (half) 30 ft.

History:

SCZ-0057 - "R-1" to "LC" - Approved by Co. Comm. 11-18-59
 SCZ-0069 - "LC" to "R-1" - MAPC recommended approval 11-5-59
 (Case closed)
 SCZ-0074 - West 300 ft. "LC" to "R-1" MAPC recommended approval
 12-17-59. Case closed as property annexed to City
 Z-0244 - "AA" to "LC". MAPC recommended approval except West
 250 ft. from section line. BCC approved 6-28-60
 Z-0632 - "AA" to "B". DP-8 Residential CUP
 MAPC 5-20-65 - Not approve
 BCC: 7-6-65 - Approved
 Z-0665 - "LC" to "AA". MAPC recommended denial. BCC denied
 7-6-65

Comments

1. The applicant presently has 9.8 acres of "LC" zoning and is requesting additional "LC" in order to have an adequate site for a shopping center complex and service station. The existing "LC" to the south was established by the City Commission subsequent to annexation by the City in 1960.
2. It would appear that, inasmuch as there is existing "LC" at this location bounded on the north by "B" zoning all of which is under

the same ownership, this would be a logical extension of the existing "LC" zoning if it can be justified on a desirable CUP.

3. The original University Gardens Development Plan which was comprised of 20 acres of land has not been developed. The applicants have now submitted an amended CUP which includes an additional 20 acres.
4. This amendment and addition to the University Gardens Development Plan has been submitted as a requirement under the CUP provisions of the zoning ordinance and is in general agreement with the comments made by the staff in the original review with the applicant.
5. The amendment to the residential part of the plan is generally as follows:
 - a. A decrease in the area proposed for development of apartments from approximately 17 acres to 15 acres.
 - b. Reduction of the proposed density from 563 units to 300 units.
 - c. Reduction in maximum heights from 10 stories to 7 stories.
 - d. Proposed uses include garden apartments, high-rise and associated club house.
6. The Commercial Development Plan is proposed on approximately 13 acres and proposes a service station and shopping center, including a department store, grocery and miscellaneous shops. The Development Plan also includes information on maximum gross floor area, building setbacks, parking ratio, building heights, maximum building coverage, and location of required wall and planting screen.
7. If the Planning Commission determines that the request for additional "LC" is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's:
 - a. Add to General Note #2, "no billboards shall be permitted".
 - b. Platting within one year and the plat recorded with the Register of Deeds prior to the publishing of the ordinance effectuating the zone change.
 - c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as deter-

Page 3 - Cases No. Z-1099 and DP-8 Amendment
May 22, 1969

mined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

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

DP-8 - 51 NOTICES TO ADJACENT PROPERTY OWNERS MAILED 5-8-69 for MAPC 5-22-69.

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

May 8, 1969

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:45 p.m. on May 22, 1969, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-8 Southwest quarter of southwest quarter of Section 1, Township 27 South, Range 1 East. Generally located on the northeast corner of Oliver and 21st Street.

This amendment and the addition to the UNIVERSITY GARDENS Development Plan has been submitted as required under the Community Unit Plan provisions of the City Zoning Ordinance, Section 28.04.190.A. and B. of the Code of the City of Wichita. The amendment to the residential part of the plan is generally as follows:

A decrease in the area proposed for development of apartments from approximately 17 acres to 15 acres.

Reduction of the proposed density from 563 units to 300 units.

Reduction in maximum heights from ten stories to seven stories.

Proposed uses include garden apartments, High-Rise, and associated club house.

The Commercial Development Plan is proposed on approximately 13 acres and proposes a service station and shopping center, including department store, grocery and miscellaneous shops. The Development Plan also includes information on maximum gross floor area, building setbacks, parking ratio, building heights, maximum building coverage, and location of required wall and planting screen.

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

C. BICKLEY FOSTER, Secretary

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

May 8, 1969

NOTICE TO ADJOINING PROPERTY OWNERS:

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

C. BICKLEY FOSTER, Secretary

() Published in The Daily Record on April 29, 1969.

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on May 22, 1969, at 1:45 p.m. the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider an application for amending a previously approved Residential Community Unit Plan, and including a Commercial Community Unit Plan, for property legally described as follows:

DP-8 Southwest quarter of southwest quarter of Section 1, Township 27 South, Range 1 East. Generally located on the northeast corner of Oliver and 21st Street.

This amendment and the addition to the UNIVERSITY GARDENS Development Plan has been submitted as required under the Community Unit Plan provisions of the City Zoning Ordinance, Section 28.04.190.A. and B. of the Code of the City of Wichita. The amendment to the residential part of the plan is generally as follows:

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

WITNESS MY HAND AND SEAL this 25th day of April, 1969.

C. BICKLEY FOSTER, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

(SEAL)

April 17, 1969

Mr. William P. Higgins
313 First National Bank Bldg.
Wichita, Kansas 67202

Subject: DP-8 - Amendment to University
Gardens Residential and Commercial CUP
located at the northeast corner of 21st
Street North and Oliver.

Dear Mr. Higgins:

We have reviewed copies of the preliminary development plan which was submitted relative to the area at the northeast corner of 21st Street North and Oliver. We have forwarded copies of the plan to the Engineering Division, Flood Control Division and Traffic Engineering Division of the Department of Public Works. Although we have not received comments from all of the divisions, we feel that the plan as submitted generally meets the intent of the CUP provisions of the ordinance, and therefore, recommend that the plan be revised with our minor suggested changes and be submitted to our office so that it can be advertised for the Planning Commission meeting of May 22, 1969.

The enclosed marked copy of the plan, as you can see, only suggests minor changes. For clarification for the benefit of those persons later enforcing this community unit plan, we would recommend that under the Wall and Planing Screen Provisions that the section of the ordinance making the requirement should be noted. Since a service station is proposed on Parcel #1, we would suggest that the following statement be made under General Notes.

"Canopies may extend into, and gasoline pumps may be placed in the 35-foot setback on Parcel #1 a distance not to exceed twenty feet."

To be consistent with other approved community unit plans and their regulations of signs, we would also suggest that under General Notes the following statement be provided regarding signs:

Mr. William P. Higgins
April 17, 1969
Page 2

"Sign Control - Signs along 21st Street North in Parcel #1 and #2 shall not exceed 30 ft. in height, and shall be placed so as not to project over any public right-of-way."

The following statements regarding the planting strip and 5-8 ft. high required wall should also be listed under General Notes.

"A planting strip no less than 10 ft. in width, consisting of low shrubbery shall be provided as indicated adjacent to Pinecrest.

A 5-8 ft. high solid or semi-solid wall of brick, stone, masonry, architectural stone or similar material, shall be constructed along the north line of Parcel #2 which may serve as a support for the carport to the north; such wall to be reduced to 3 ft. in height within 20 ft. adjacent to Pinecrest. A 5-8 ft. wall of the same material shall be constructed along the west line of Parcel #2 only if additional residential uses are developed on Parcel #6."

Although we have not had an opportunity to discuss the proposed plan with the Fire Department, as we had earlier suggested it might be necessary to tie the fire lane easements into Pinecrest or into Parcel #2. This is of no concern at this time and can be pointed out later at the Planning Commission meeting.

In our brief discussion of this plan with the Traffic Engineering Division, it was pointed out that other similar community unit plans had been required to guarantee certain medials, accel/decel lanes, adjacent to new shopping centers. Although 21st Street has recently been improved, no thought at that time was given to the development of a shopping center in this location. It is suggested that you discuss your plans with the Traffic Engineering Division to try and design a major approach to Parcel #2 from 21st Street so that adequate left turn holding lanes and other channelization improvements can be installed on 21st Street. We assume, based on past actions by the governing body in approving CUP's, that the applicant will be required to make certain guarantees if reconstruction of 21st Street is required.

Mr. William P. Higgins
April 17, 1969
Page 3

These are most of the comments that we have at this time. It is now necessary that the plan be revised and twelve new copies be submitted to our office by April 25, 1969 for this matter to be heard by the Planning Commission on May 22, 1969. If, after reviewing these comments, you have any questions we will be glad to discuss this matter with you at your convenience.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:js

cc: Richard Burke, Architect
5635 East Harry
Wichita, Kansas 67218

Paul Graves,
Traffic Engineer

April 14, 1969

Dick Linn, Design Chief Engineer; M.S. Mitchell,
Asst. Supt., Public Works Maint. & Flood Control
Supv.; James D. Smith, Asst. Traffic Engineer
Jack H. Galbraith, Senior Planner

DP-8 - Amendment to University Gardens Community Unit
Plan and Z-1099 - Zone change from "B" to "LC"

As you may recall, the Board of City Commissioners approved a residential community unit plan in 1965 on the north twenty acres of the Southwest Quarter of the Southwest Quarter of Section 1, Township 27 South, Range 1 East, and an application for "B" Multiple Family zoning.

We have just received applications for additional light commercial zoning and an amendment to the residential community unit plan, as well as a commercial community unit plan. These applications were assigned the above captioned case numbers and are tentatively scheduled for the Planning Commission meeting of May 22, 1969.

Attached for your information and review is their submitted amendments to the CUP on the residential portion to the north, as well as including the commercial CUP. Their zoning application requests an additional 100 feet of "LC" zoning into the "B" multiple family area. We would appreciate your review and comments on this plan. If you have any questions, concerning this matter, please call.

JHG:js

Attachment

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

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

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

a. Applicant University Mall, Inc.

Address 313 1st National Bank Building Phone FO 3-6148

Agent William P. Higgins

Address 313 1st National Bank Building Phone FO 3-6148

b. Applicant _____

Address _____ Phone _____

Agent _____

Address _____ Phone _____

c. Applicant _____

Address _____ Phone _____

Agent _____

Address _____ Phone _____

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

II.A The applicant hereby requests Community Unit Plan approval on

property zoned AA, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z and legally described as Lot(s)

_____, Block(s) _____,

_____ Addition.

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

Southwest quarter of southwest quarter of Section 1,
township 27s, range 1E

II.B There are 40 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) _____.

The general location is (use appropriate section)

- a. at the NE corner of twenty-first Street
and Oliver; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

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

University Mall, Inc.

By

William P. Higgins
Authorized Agent (if any)
William P. Higgins

By

Authorized Agent (if any)

By

Authorized Agent (if any)

By

Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at

1:45 (AM, PM) on 4-9-69 (Day, Month,

Year). It has been checked and found to be complete and accom-

panied by required documents and the appropriate fee of

\$ 400.00.

Lynn Shirley Name

Planner # Title

OWNERSHIP LIST

Lot	Block	Addition	Property owner
2 & 3	A	Willow Lakes Estates	✓ George J. Ablah 8028 Cork Wichita, Kansas 67206
4	"	"	✓ Wayne A. Nomer & Lois C. Nomer Address unknown 4720 E. 24th 67220
6	"	"	✓ Hauserman, Inc. 1321 S. Hydraulic Wichita, Kansas 67214
7	"	"	✓ N. D. Clark & Mary Clark Address unknown 242 Courtleigh 67218
1	B	"	✓ Ben F. Brack & Marie Brack 2420 N. Dellrose Wichita, Kansas 67220
2	"	"	* ✓ Nova L. Morgan & Barbara K. Morgan 4722 E. Looman Wichita, Kansas 67220
3	"	"	x Ben F. Brack & Marie Brack 2420 N. Dellrose Wichita, Kansas 67220
4	"	"	✓ Bernard D. Grant & Lucille B. Grant 2400 N. Dellrose Wichita, Kansas 67220
1	C	"	✓ Francis H. McKown & Ruth A. McKown 2401 N. Dellrose Wichita, Kansas 67220
2	"	"	* ✓ Dr. Cline D. Hensley, Jr. & Elizabeth Cady Hensley 4707 E. Looman Wichita, Kansas 67220
3	"	"	✓ La Bebe F. Farha & Negla M. Farha 4703 E. Looman Wichita, Kansas 67220
4	"	"	✓ Benton S. Brooks, Jr & Elise Wilbor Brooks 2401 N. Dellrose Wichita, Kansas 67220

Lot	Block	Addition	Property owner
2	D	Willow Lakes Estates	George J. Ablah 8028 Cork Wichita, Kansas 67206
3	"	"	Sooner Pipe & Supply Corp. 1723 Wichita Plaza Bldg. Wichita, Kansas 67202
1, except the north 20 ft	1	Crestview Lakes	Alfred A. Ensminger & Dorothy F. Ensminger 1 Crestview Lake Estates Wichita, Kansas 67220
North 20 ft of Lot 1	"	"	Glenn L. Milburn 3 Crestview Lake Estates Wichita, Kansas 67220
6	2	"	Guy Spangler & Marion Emiley Spangler Address unknown <i>10 Crestview Lakes 67220</i>
7	"	"	<i>Returned 5-12-69</i> Elverta L. Guimares Address unknown <i>8 Crestview Lakes 67220</i>
8	"	"	Llyla Kathleen Landrum & John G. Landrum 6 Crestview Lake Estates Wichita, Kansas 67220
9	"	"	N. C. Sevin & Esterre M. Sevin 4 Crestview Lake Estates Wichita, Kansas 67220
10	"	"	Andy W. Luper & Mary Luper 2 Crestview Lake Estates Wichita, Kansas 67220
11	"	"	Charles C. Browning, Jr & Aileen J. Browning 11 Crestview Lake Estates Wichita, Kansas 67220
12	"	"	Doy C. Deem & Lillian M. Deem 8215 Morningside Dr. Wichita, Kansas 67207
13	"	"	Merle D. Morgan & Barbara Jane Morgan 13 Crestview Lake Estates Wichita, Kansas 67220
14	"	"	Edward S. Lee, Jr. & Mable A. Lee 2002 E. 17th St. Wichita, Kansas 67214

Lot	Block	Addition	Property owner
15	2	Crestview Lakes	✓ Fred Ablah Address unknown <i>15 Crestview Lakes</i>
16	"	"	* ✓ Charles F. McAfee & Gloria M. McAfee 3122 Maplewood Dr. Wichita, Kansas 67214
1, 2, 3, 4 & 5	2	Prairie Hills	✓ Robert S. Lightner, Gwendolyn H. Lightner, Ralph S. Lightner, Paula R. Lightner 219 N. Market Wichita, Kansas 67202
6	"	"	* Ralco, Inc. Address unknown
7 & 8	"	"	D Robert S. Lightner, Gwendolyn H. Lightner, Ralph S. Lightner, Paula R. Lightner 219 N. Market Wichita, Kansas 67202
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, & 25	"	"	Same
1, 2, 3, 4, 5, 6, 7 & 8	3	"	Same
9	"	"	□ Ralco, Inc Address unknown
10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20	"	"	□ Robert S. Lightner, Gwendolyn H. Lightner, Ralph S. Lightner, Paula R. Lightner 219 N. Market Wichita, Kansas 67202
1, 2, 3, 4, 5, 6 & 7	4	"	Same
8 & 9	"	"	□ Ralco, Inc. Address unknown
10, 11, 12, 13, 14, 15, 16	"	"	□ Robert S. Lightner, Gwendolyn H. Lightner, Ralph S. Lightner, Paula R. Lightner 219 N. Market Wichita, Kansas 67202
1, 2, 3, 4, 5, 6, 7 & 8	5	"	Same
1, 2, 3, 4, 5 & 6	6	"	Same

Lot	Block	Addition	Property owner
1, 2, 3, 4 & 5	7	Prairie Hills	▷ Ralph S. Lightner, Paula R. Lightner, Robert S. Lightner, Gwendolyn H. Lightner 219 N. Market Wichita, Kansas 67202
6	7	"	▷ Ralco, Inc. Address unknown
7 & 8	"	"	▷ Robert S. Lightner, Gwendolyn H. Lightner, Ralph S. Lightner, Paula R. Lightner 219 N. Market Wichita, Kansas 67202
9	"	"	▷ Ralco, Inc. Address unknown
10, 11, 12, 13, 14, 15, 16, 17 & 18	"	"	▷ Robert S. Lightner, Gwendolyn H. Lightner, Ralph S. Lightner, Paula R. Lightner 219 N. Market Wichita, Kansas 67202
19	"	"	▷ Ralco, Inc. Address unknown
4, 5, & 6	8	"	▷ Robert S. Lightner, Gwendolyn H. Lightner, Ralph S. Lightner, Paula R. Lightner 219 N. Market Wichita, Kansas 67202
7	"	"	▷ Ralco, Inc. Address unknown
8, 9, 10, 11, 12, & 13	"	"	▷ Robert S. Lightner, Gwendolyn H. Lightner, Ralph S. Lightner, Paula R. Lightner, 219 N. Market Wichita, Kansas 67202
4, 5 & 6	9	"	Same
1		W. P. Higgins Second Addition	✓ Kansas Developers, Inc. 4727 E. Central Wichita, Kansas 67208
West 160 ft of Lot 1		Blase Addition	Don L. Miller Address unknown
East 330 ft of Lot 1		"	✓ Northeast Nursing Center, Inc. Address unknown 5005 E. 21st 67208
2		"	✓ Don L. Miller & Nita S. Miller 1210 Willow Lane Wichita, Kansas 67208

Lot		Addition	Property owner
1		Truth	✓ Trustees of Wichita Unity Center 2160 N. Oliver Wichita, Kansas 67220
1		University Baptist Church Addition	✓ University Baptist Church of Wichita 2130 N. Oliver Wichita, Kansas 67220
1		Kimbell ADDITION	✓ Stanley J. Bushman & Lindy Andeel 204 N. Pinecrest Wichita, Kansas 67208
2		"	✓ Kenneth E. C. Kimbell Address unknown <i>204 N. Oliver 67208</i>
1, 2, 3, 4, 5, 6 & 7	Block 1	First Addition to Crestview Heights	✗ Pinecrest Land Co. Inc. Address unknown
8, 9 & 10	1	"	✗ The Estate of Paul J. Richenberg, Deceased Address unknown
1, 2, 3, 4, 5, 6, 7, 8, & 9	2	"	✗ Pinecrest Land Co., Inc Address unknown
14, 15, 16, 17, 18 & 19	"	"	Same
1, 2, 3, 4, 5, 6, 7, 8, 9 & 10	3	"	Same
1 & 2	4	"	✓ Womer Construction Co., Inc 434 Ohio Wichita, Kansas 67214
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14	5	"	✗ Center Development Co., Inc. Address unknown
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14	6	"	Same
1, 2 & 3	7	"	D Womer Construction Co., Inc 434 Ohio Wichita, Kansas 67214
4 & 5	"	"	✓ R. W. Womer 120 Lynwood Blvd. Wichita, Kansas 67218
6	"	"	✓ Norine R. Hamilton 945 N. Battin Wichita, Kansas 67208

Lot	Block	Addition	Property owner
7	7	First Addition to Crestview Heights	✓ Charles R. Bonnell & Juanita Bonnell 2101 N. Parkwood Lane Wichita, Kansas 67208
8	"	"	✓ Donald G. Halliday & Sadie M. Halliday 2105 Parkwood Lane Wichita, Kansas 67208
9	"	"	✓ L. Curtise Wood & Rose Ellen Wood 2109 N. Parkwood Lane Wichita, Kansas 67208
10, 11 & 12	"	"	◻ Womer Construction Co., Inc. 434 Ohio Wichita, Kansas 67214
1	8	"	◻ R. W. Womer 120 Lynwood Blvd. Wichita, Kansas 67214
10, except beg at front corner common to Lots 9 & 10; thence SWly along lot line between Lots 9 & 10 to rear corner common to said Lots 9 & 10, thence NWly along rear line of Lot 10, 7 ft; th NEly to a point on front line of Lot 10, which is 6.5 ft NWly from front corner common to said Lots 9 & 10, th SEly to point of beg	"	"	✓ Charles A. McDonald & Virginia A. McDonald 2017 N. Parkwood Lane Wichita, Kansas 67208
North 70 ft of Lot 1	9	"	✗ Thomas J. Griffin & Cecelia Griffin Address unknown
South 30 ft of Lot 1 and North 57.5 ft of Lot 2	"	"	✓ Harry W. Oller & Nadine M. Oller 2120 N. Parkwood Lane Wichita, Kansas 67208
South 60½ ft of Lot 3 and North 7 ft of Lot 4	"	"	✓ Michael J. Silver & Jane A. Silver <i>2112 N. Parkwood Lane, 67208</i>
Beg 165 ft North of SW corner of NW¼ of Sec. 12-27S-1E, th North 165 ft; th East 660 ft; th South 165 ft; th West 660 ft to beg			✓ Ahavath Achim Hebrew Congregation 1850 N. Woodlawn Wichita, Kansas 67208
NE¼ of NE¼ of Sec. 11-27-1E			✓ Board of Trustees of Wichita State University 1845 Fairmount Wichita, Kansas 67208

	Property owner		
E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{2}$ Sec. 1-27-1E	<input checked="" type="checkbox"/>	George H. Bruce 4505 E. Lewis Wichita, Kansas 67218	
N 262.91 ft of W $\frac{1}{2}$ of W $\frac{1}{2}$ of S $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{2}$ Sec. 1-27-1E	<input checked="" type="checkbox"/>	Southwestern Bell Telephone Co. 154 N. Broadway Wichita, Kansas 67202	
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{2}$ of Sec. 1-27-1E		Paul Fuller Holmes Address unknown	
E $\frac{1}{2}$ of E $\frac{1}{2}$ of S $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{2}$ Sec. 1-27-1E		Same	
S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{2}$ Sec. 1-27-1E	<input checked="" type="checkbox"/>	Paul F. Holmes Address unknown	
E $\frac{1}{2}$ of W $\frac{1}{2}$ of S $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{2}$ of Sec. 1-27-1E		Same	
W $\frac{1}{2}$ of E $\frac{1}{2}$ of S $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{2}$ Sec. 1-27-1E	<input checked="" type="checkbox"/>	Carl S. Fuller 5308 E. 21st St. 67208	
NE $\frac{1}{4}$ of SW $\frac{1}{2}$ Sec. 1-27-1E		Paul F. Holmes Address unknown	
Lot	Block	Addition	
S 42.5 ft of Lot 2 and N 39.5 ft of Lot 3	9	First Addition to Crestview Heights	<input type="checkbox"/> Womer Construction Co., Inc. 434 Ohio Wichita, Kansas 67214
S 87.3 ft of N 94.3 ft of Lot 4	"	"	<input checked="" type="checkbox"/> J. Richard Glenn & Marie G. Glenn 2108 N. Parkwood Lane Wichita, Kansas 67208
S 5.7 ft of Lot 4 & Lot 5, exc part beg at SW cor Lot 5, th Ely 143 ft m-o-l to SE cor, th N along rear line 12.5 ft, th Wly to pt in front line 25.5 ft N of SW cor, th S 25.5 ft to beg	"	"	<input type="checkbox"/> Womer Construction Co. Inc. 434 Ohio Wichita, Kansas 67214
Pt of Lot 5 des as beg at front cor common to Lots 5 & 6, th N along front line of Lot 5, 25.5 ft, th E to a point on rear line of Lot 5, 12.5 ft N of SE cor Lot 5, th S on rear line Lots 5 & 6, 57.5 ft, th SWly to pt on front line Lot 6, 80 ft SEly from point of beg, th NWly along front line Lot 6, 80 ft to beg	"	"	<input checked="" type="checkbox"/> E. E. Jabes Address unknown BFO 1 Derby, Ks. 67037

The Security Abstract and Title Company, Inc. , hereby certifies the foregoing to be a true and correct list of property owners within a 1000 Ft. radius of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 1-27-1E, as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 4th day of April, 1969 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucile Schroeder

Vice President

Order No. 161908

Form 27-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Inap.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		610.50

DESCRIPTION AMOUNT

*Zone change application
& community unit plan*

Name *William Higgins*

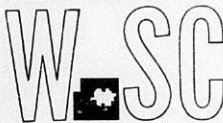
Address *817 1st Nat'l Bank*

Type *R710* Due Date

Comments:

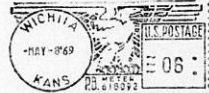
Date *4-9-69* By *Joyce Smith*

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

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



Guy Spangler and
Marion Emiley Spangler
10 Crestview Lakes
Wichita, Kansas 67220

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

*2001
83*

DP-8



Important! Notice of Hearing Enclosed

*

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

Roll # 1

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