

ACTION

DATE

COMMITTEE

M.A.P.C. *Report 2 weeks.* 7/8/76  
*Sub Committee* 7/15/76  
B.C.C./B. CO. C. APPROVED 8-24-76  
NAPC *Approved sub* 7-22-76  
*to conditions*

B

located at the northeast corner  
of 21st and Oliver, by William  
P. Higgins





Map No. 5850  
Sec. 1  
Twp. 27S  
Range 1E

DATA SHEET

DP- 84

Filed 4-14-76

APPLICATION DATA:

1. Applicant: The Oliver Corporation  
Address 5900 E. Central, Suite 201, 67208 Phone 683-7511
2. Agent: William P. Higgins  
Address First Nat'l. Bank Bldg., 67202 Phone 263-6148
3. General Location: northeast corner of 21st and Oliver  
Address \_\_\_\_\_
4. Proposed Use: \_\_\_\_\_

AREA DATA:

1. Acres: 18.0 ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Existing Zoning: AA, B & LC
3. Land Use: East "LC" & "AA" South "AA" & "LC"  
West "AA" North "AA"
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: \_\_\_\_\_
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

*Bob Howard, attorney for opposition,  
picked up copy of referral sheet and  
minutes.*

*8/20/76*

*JHS*

Gen Con item #9 -

- Change & add para 1 + revise language  
to provide intalake
- No splits beyond forest

Single combined lldg for parcels 8-10-11 (Remain)  
by Dir of Land

accrual pts

21st 6 to 4  
oliver 2.?

Shanahan, as amended  
3-D

12, 8, 9, 10, 11

Old plot - look at street design  
regarding str, channel factors

- subj:
- 1) CUP to provide open prairie - 1, 2, 8, 9, 10, 11  
flow retention & among parcel  
access + parking  
DPL  
DJP
  - 2) CUP - w/dg 8-10-11 single lldg  
DPL  
DJP
  - 3) No further lot splits rec by CC
  - 4) CUP prairie & guarantee of drainage  
" Small Deal"
  - 5) Accrual pts -

21st - 5  
1 to 1  
1 to 2  
2 to 11  
1 to 8+9

oliver 6 - 1 to 4, 5, 6, 7

1 to 3  
1 to 8 located in or near the deal  
lane.

11 = 1  
1 = 2  
2 = 1  
8 = 1  
9 = 1  
10 = 2  
11 = 2  
6) CUP, DPL + DJP - show parcel

PORTER commented that the developers say they are willing to leave this corner as it is now, and she was interested in seeing that they are required to do as they say. After more brief discussion,

PORTER added to the above motion that it applied to only 190 feet adjacent to Oliver. Greider approved the amendment.

SAVINA asked if any other developer had been required to leave trees in connection with a CUP. GALBRAITH recalled two, on Towne West around the Christ the King church the shelter belt was to be kept, and at Towne East, approximately 50 feet of the shelter belt was retained on the south side of Douglas and to be supplemented with additional plantings.

VOTE ON AMENDED MOTION: The vote was moot - 4 in favor (Porter, Greider, Kamen and Taylor) and 4 opposed (Hennessy, Bayouth, Goebel and Savina). Barrier and Gragg were absent.

GOEBEL thought the trees should be left, but there could also be some parking, and he said he would like to have an offer by the applicant that he would use a portion for parking, but also reserve all the large trees on the corner. GOEBEL felt this could be done.

DENNIS ESTIE (K-Mart), said their intent was to try to leave the corner where it is zoned "AA" in trees, and while they are not the applicant, they have worked to compromise with the community as a whole. He said he had suggested before that if the Planning Commission could eliminate the wall, it would be possible to leave the trees. He suggested this recommendation could be made to the City Commission and possibly clear up this issue.

ESTIE said that they could build the center now under the present CUP and tear down all the trees. He stated further that if the vote is negative that is probably what would happen because they would not have to go to the City Commission, but could withdraw the request for amendments. He said they have compromised with the staff and people in the area and that they want to make a nice shopping center.

Reference was made to the primary motion made sometime back in the discussion, and LAKIN advised that as the vote stands now, the prime motion to be voted on would recommend approval of the request as submitted, with the only change being that the number of curb cuts or access points to Oliver and 21st Street would be determined by the Subdivision Committee at the time of platting.

TAYLOR stated that the motion is to approve an action taken 7 years ago and, while it may have been valid at that time, there is no reason why the Planning Commission or governing body should disregard changes that have taken place. TAYLOR said she was intensely interested in renewing downtown Wichita and that such will be difficult to do if outlying shopping centers are continually approved.

BAYOUTH suggested that since Taylor is an employee of Wichita State University, she would have a conflict of interest in this matter. TAYLOR indicated that this matter has already been clarified by the Kansas Committee on Ethics and that she can vote on this matter.

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

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RAL

BZA 12-80 was recently considered and approved which eliminated a previous condition that parking on the "AA" area could not be used as "required parking". This was applicable to the "AA" area owned by Pillon and did not include all of the area along Olive to 21st.

We understood that they want to expand the Pillon store west to about the west line of Parcel F. This requires the elimination of a setback on the west side of Parcel F. They also want to increase the building sq ft from the approved amount of 28,350 sq ft to 38,622.

I discussed this with Jim Deaver and a Mr. Kelley on Dec 13, 79 and Korber and Deaver <sup>again</sup> on Feb 6, 80.

Have advised that they need a CUP amendment that the elimination of the setback and an increase in 10,000 sq ft was a substantial deviation of the plan and could not be adjusted administratively.

JHO

OVER

Art advised that someone was in  
last week and are asking questions on  
Parcel 9. Not yet certain ~~yet~~ what  
they want but they too were  
advised that they would have to  
seek BZA approval to have required  
parking in the AA area and  
amend Parcel 9 if they want more  
flexibility.

October 5, 1979

Ms. Joan Dunn, Research Associate  
Poindexter Associates, Consultants  
Suite 509, Century Plaza Building  
111 West Douglas  
Wichita, Kansas 67202

Re: Parcel #2, University Gardens  
Community Unit Plan. Request for  
interpretation of permitted uses.


Dear Ms. Dunn:

We have reviewed your request for an interpretation of whether theaters are permitted on Parcel #2 of DP-8, University Gardens C.U.P., and this is to advise you that in our opinion, indoor theaters are permitted on Parcel #2. The C.U.P. states that shopping center uses are permitted, and in the past on other C.U.P.'s the determination has been made that indoor theaters are a shopping center use.

We also noted from our review that the C.U.P. states that there shall be only one building permitted on Parcel #2, and there is already an existing building on this parcel. Therefore, the existing building could be remodeled and expanded to accommodate the proposed use, but no additional buildings could be constructed on Parcel #2 without formally amending the C.U.P.

If you have any additional questions, or if we can be of further assistance to you concerning this matter, please call.

Sincerely,

  
Robert A. Lakin  
Director of Planning

RAL:CLN:e1



**POINDEXTER ASSOCIATES, CONSULTANTS**  
SPECIALISTS IN MANAGEMENT SERVICES TO SMALL BUSINESS

**RECEIVED**

OCT 4 1979

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

October 3, 1979

City Hall - 10th Floor  
455 N. Main  
Wichita, Kansas 67202

Attention: Mr. Robert A. Lakin

Dear Mr. Lakin:

Poindexter Associates is assisting a client with a prospective twin movie theater. As such we request an Administrative interpretation to determine if theaters are permitted in parcel #2, Community unit plan 8, University Gardens Community unit Plan. (CUP).

Thank you for your assistance.

Sincerely,

Joan Dunn  
Research Associate

THE CITY OF WICHITA

*cert  
Filing  
DP-8*



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

RECEIVED

AUG 8 1979

METROPOLITAN PLANNING

ROUTE  1  
 \_\_\_\_\_

August 7, 1979

Mr. James W. Sargent  
One Main Place, Suite 1000  
Wichita, Kansas 67202

Dear Mr. Sargent:

Re: DP-8 - University Gardens CUP

This is to advise that we have again reviewed the current landscape plan covering the west portion of subject CUP located at the northeast corner of 21st and Oliver, along with the revisions and amendments to date, and find the following deficiencies:

- 3 Tamarac Juniper - dead
- 3 Scotch Pine - stolen
- 2 Austrian Pine - stolen
- 4 Pyracantha - stolen
- 2 Unknown Trees - dead

It is the opinion of this department that since the landscaping as required by the Sargent (Dillons) bond was installed as agreed and exists in well maintained condition west of the Dillon store, the bond guaranteeing same should be returned herewith.

It should be noted also that the city has let contracts to install the

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

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

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


## THE CITY OF WICHITA

August 7, 1979  
James W. Sargent  
Re: DP-8 - University Gardens CUP  
Page 2

sidewalks on both 21st Street and Oliver adjoining this CUP, thus allowing the completion of the sprinkler system in the area of the University State Bank.

No further permits will be issued on any part of subject CUP without a full maintenance inspection and compliance with the CUP regulations.

Sincerely,

  
Sam L. Mobley  
Building Code Administrator

SJM:mmml

cc: E. H. Denton, City Manager  
✓ Jack Galbraith, Chief Planner  
Tom Jacobs, Architect  
Michael Lagsden, University State Bank  
Lindy Andeel, 5900 East Central

# THE CITY OF WICHITA

*Handwritten initials/signature*



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

April 12, 1979



Tom Jacobs, Architect  
5920 East Central  
Wichita, Kansas 67208

Re: DP-8-University Gardens CUP

This is to advise that we have reviewed the current landscape plan covering the west portion of subject CUP located at the northeast corner of 21st and Oliver along with the revisions and amendments to date and find the following deficiencies:

- 10 - Pyrocantha short and missing
- 1 - Fruitless Mulberry dead
- 2 - Fruitless Mulberry are missing
- 4 - Radiant Crab short
- 5 - Pampas Grass short
- 1 - Thornless Locust short
- 3 - Scotch Pines short
- 1 - Hopa crab short
- 1 - Concrete slab is broken out of the screen fence near the corner and must be replaced.

The ivy plant material has been installed as agreed and is in good condition at this time.

The underground watering system is in, per agreement; but was not field tested this date.

When the foregoing items have been accomplished, please call this office for an immediate inspection as we are aware the area is subject to "mid-night requisitions", at that point, we can release the bond and close this

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

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

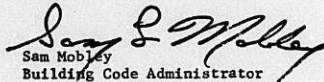
BUILDING & CONSTRUCTION ..... 268-4461  
PLUMBING & MECHANICAL ..... 268-4476  
ELECTRICAL & ELEVATOR ..... 268-4471

**THE CITY OF WICHITA**

April 12, 1979  
Tom Jacobs, Architect  
5920 East Central  
Wichita, Kansas 67208  
Page 2

portion of the project except for maintenance as required by the approved CUP.

Sincerely,

  
Sam Mobley  
Building Code Administrator

SM:bg

Approval:

  
Robert B. Feldner  
Superintendent of Central Inspection

cc: E. H. Denton, City Manager  
Jack Galbraith, Chief Planner  
James W. Sargent, Vickers KsB&T Bldg.

WICHITA-SEDGWICK COUNTY

DATE

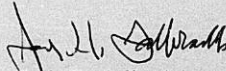
METROPOLITAN AREA PLANNING DEPARTMENT

July 5, 1979

TO TO THE FILE  
FROM Jack H. Galbraith, Chief Planner  
SUBJECT DP-8 - University Gardens, C.U.P.

On this date, Joe Brady of Brady's Nursery called and requested that he be permitted to substitute sweetgums and a sugar maple for several radiant crabs and a thornless locust that have died. His explanation was that the crabs often have a fungus which defoliates the tree in the summer, and I agreed that the substitutions were better or just as good as those trees on the approved plan.

Therefore, I authorized the substitutions to be made on the approved plan dated July 27, 1977.

  
Jack H. Galbraith  
Chief Planner

JHG:el

cc: Sam Mobley, Building Codes Administrator

THE CITY OF WICHITA  
OFFICE OF CITIZENS PARTICIPATION

DATE December 6, 1978



TO E. H. Denton, City Manager  
FROM Gail Williams, CPO Administrative Aide

SUBJECT Temporary Waiver of Screening  
Requirements in University Gardens

On December 5, CPO Council "I" discussed Alfred Caro's request for extension of a temporary waiver for screening of a commercial structure at the northeast corner of University Gardens, and voted 6-0 to recommend that the request be granted.

Tom Jacobs, representing Mr. Caro, explained that a letter of credit has been submitted to guarantee the work, and that pending construction of Pinecrest immediately east of the subject property would seriously damage any landscaping installed at this time. He also explained that landscaping on other portions of University Gardens has been delayed by the default of masonry and nursery contractors, rather than by unwillingness on the part of the developers to comply with the CUP requirements.

Therefore, Council "I" voted unanimously to recommend that the Board of City Commissioners grant an extension of the waiver to April 30, 1979, on the bases of: Mr. Caro's performance and efforts in providing existing landscaping on the subject property and the remainder of the development; the fact that the adjacent residentially zoned property is undeveloped; the submittal of a letter of credit; and the difficulties presented by the Pinecrest construction activity.

Please inform the Commission of the Council's recommendation when they next consider this request.

*Gail Williams*

Gail Williams  
CPO Administrative Aide

cc Board of City Commissioners  
\*Robert Lakin, MAPD

Noted: *[Signature]*  
David Furnas  
Citizen Participation Coordinator

BCC 12-12-78  
*cf formal waiver to 4/30/79*

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE: November 15, 1978

TO: E. H. Denton, City Manager

FROM: Gail Williams, CIO Administrative Aide

SUBJECT: Community Unit Plan (CUP)  
Study

At its meeting of November 7, CIO Council "I" discussed the recent formation of a committee to study Community Unit Plan enforcement. The Council was highly supportive of this development, due largely to their experience and disappointment with the CUP for University Gardens shopping Center at 21st and Oliver.

Council members remarked that the University Gardens lawn consists of weeds; that several trees and evergreens have died; and that the sprinkling system appears to be inadequate to the point of being ineffectual. Furthermore, it was observed, all of the above conditions are of long standing; corrective action could have been taken months ago. It therefore appears to Council "I" members that the developer has little intention of voluntarily complying with the CUP, and that steps should be taken by the appropriate City agent as soon as possible to enforce the plan.

Therefore, Council "I" voted 6-0 to express their concern at the lack of compliance exhibited by University Gardens and to ask that it be considered, along with Eastgate and Pawnee Plaza, as an example of the need for strict CUP enforcement provisions in the study now underway.

*Gail Williams*

Gail Williams  
CIO Administrative Aide

CW:ml

cc: Ray Bruggeman, Public Works  
John Dekker, Law Department  
Robert Lukin, MAPD

NOTED:

*David Burns*  
David Burns  
Citizen Participation Coordinator



September 5, 1978

Robert Feldner, Superintendent of Central Inspection  
Louise Olivarez, Junior Planner

Lot split (L/S-0386) University Gardens Community Unit  
Plan (DP-8)

General provision number 11 of the University Gardens C.U.P. states that "any application for a lot split shall require the approval of the Board of City Commissioners." On August 29, 1978, the City Commission authorized the split of Parcel 10 which is the same as Lot 3 in University Gardens 2nd Addition. We forwarded to you on September 1, 1978, a certified copy of this lot split (L/S-0386). All copies of the C.U.P. which you have in your file should be marked with a notation that this parcel (lot) has been split.

Sincerely,

\_\_\_\_\_  
Louise Olivarez  
Junior Planner

LO:bh

July 5, 1978

Robert Feldner, Superintendent of Central Inspection  
Robert A. Lakin, Director of Planning

DP-8 - University Gardens Community Unit Plan,  
Request for Administrative Adjustment.

Attached you will find several items of correspondence relating to a request that landscaping be permitted on the four foot screening wall adjacent to the northeast corner of 21st and Oliver in lieu of placing brick on the pilasters. As you are aware, a brick covering of the pilasters was approved in conjunction with the approval of the landscape plan submitted in compliance with the requirements of the Board of Zoning Appeals' approval of off-street parking on that portion of the site zoned the "AA" Single Family District (and required by subsequent amendment of the C.U.P.).

The superintendent of Landscape and Forestry, City of Wichita has recommended that if the plant materials are to be planted immediately (July, 1978), then Halls japanese honeysuckle (*Lonicera japonica halliana*) is a good material to be planted at four foot intervals. However, if fall plantings are planned, then a combination *Euonymus Creeper*, Boston Ivy, and Virginia Creeper would probably provide better coverage of the wall and pilasters.

In view of the approval of the requested substitution by the Area "I" CPO Council, a neighborhood homeowners association, and no objection by the Board of City Commissioners, I am in agreement that landscaping instead of brick covering the pilasters of the required wall does not constitute a "substantial deviation" from the "spirit and intent" of the approved Community Unit Plan.

Said interpretation is made subject to:

1. That the proposed substitute plant materials (Boston Ivy, Virginia Creeper, Halls japanese honeysuckle, *Euonymus Creeper*) shall be maintained in good condition as determined by the Director of Planning and Superintendent of Central Inspection, and

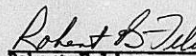
Page Two  
Robert Feldner, Superintendent of Central Inspection  
July 5, 1978

2. Should the suggested plant materials prove insufficient to adequately cover the pilasters as determined by the Director of Planning and the Superintendent of Central Inspection, the brick facade shall be required to be installed or substitute plant materials provided which adequately cover the wall.

Your signature below shall indicate that you concur in the administrative interpretation and conditions attached thereto.

  
Robert A. Lakin  
Director of Planning

APPROVED BY:

  
Robert Feldner  
Superintendent of  
Central Inspection

RAL:MM:el  
Attachment

cc: E.H. Denton, City Manager  
Thomas D. Jacob, Architect; 5920 E. Central, 67208  
Sam Mobley, Central Inspection

THE CITY OF WICHITA

OFFICE OF LANDSCAPE & FORESTRY

DATE June 29, 1978

96



TO Jack Galbraith, Chief Planner MAPD

FROM John Firsching, Supt. Landscape & Forestry

SUBJECT Vines: University Gardens

A request was made for a recommendation in regard to the type of vine suitable for planting along the wall at the University Gardens development , northeast corner of 21st and Oliver.

We recommend Hall's japanese honeysuckle (*Lonicera japonica halliana*) to be planted at 4 foot spacing along the wall.

*John G. Firsching*  
John G. Firsching, Supt.  
Landscape and Forestry

JGF:mkh  
cc: Gene Schecher, Big River Nursery

**THE CITY OF WICHITA**

**OFFICE OF**

**CITY MANAGER**

**DATE** June 28, 1978

**TO** Robert A. Lakin, Director of Planning  
Robert B. Feldner, Superintendent of Central Inspection


**FROM** E. H. Denton, City Manager

**SUBJECT** Substitute of Greenery for Brick  
Pilaster Screening in Connection  
With the University Gardens C.U.P.  
Development at 21st and Oliver

Please reference the June 26, 1978, memorandum on the captioned subject of which each of you received a carbon copy.

On June 27, 1978, the City Commission received and filed, with no discussion, the report on this matter. The action of the Commission is sufficient to indicate that they have no objection to proceeding with administrative approval of the proposed substitution.

Accordingly, you are requested to expedite administrative processing in this matter.

  
E. H. Denton  
City Manager

EHD/tsw  
Attachments

cc: Thomas D. Jacob, Architect, 5920 East Central, 67208



**THE CITY OF WICHITA**

OFFICE OF

CITY MANAGER

DATE June 26, 1978

TO The Honorable Board of City Commissioners

FROM E. H. Denton, City Manager

**SUBJECT** Substitute of Greenery for Brick  
Pilaster Screening in Connection  
With the University Gardens C.U.P.  
Development at 21st and Oliver

The architect for the University Gardens C.U.P. development at 21st and Oliver has been in contact with the administrative staff concerning a proposal to substitute Virginia Creeper Ivy in lieu of brick pilasters along the screening fence which runs from the northeast corner of 21st and Oliver to screen the shopping center. The Director of Planning and the Superintendent of Central Inspection are empowered to administratively accept the substitute of the greenery for the brick pilasters as a condition of approval of issuance of any building permits.

Prior to administrative action to approve the substitution, the architect was requested to secure the written approval of the Crestview Lakes Association and CPO Council "L" as an indication that the proposed substitution would meet with area approval. Written assurances from both the Association and CPO have been received.

Accordingly, this is to advise the Commission that administrative approval of the substitution of greenery in place of the brick pilasters will be granted, subject to the proper planting of the greenery per the recommendations of the Superintendent of Landscape and Forestry and the maintenance of the greenery upon completion of planting.

Copies of the correspondence on this matter are attached.

  
E. H. Denton  
City Manager

Attachment

EHD/tsw

cc: Robert A. Lakin, Director of Planning  
Ray W. Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Thomas D. Jacob, Architect, 5920 E. Central, 67208  
Colleen Johnston, CPO Council "I", 4710 East 26th North  
Gerald E. O'Shaughnessy, 301 South Market, 67202  
Mike Logsdon, President, University State Bank



REFERENCE FROM 478-1000  
AGENDA FOR: JUN 27 1978

Circle of the City Manager	
<input type="checkbox"/> END	<input type="checkbox"/> HP
<input type="checkbox"/> RGF	<input type="checkbox"/> MS
<input type="checkbox"/> RT	<input type="checkbox"/> SH
JUN 19 1978	
<input type="checkbox"/> Copies To	_____
<input type="checkbox"/> Sent To	_____
<input type="checkbox"/> File	_____

23 JUNE 1978

CITY MANAGER'S OFFICE  
 CITY BUILDING  
 ATTN: RAY TRAIL  
 455 N. MAIN  
 WICHITA, KANSAS 67202

RE: 21ST & OLIVER  
 FENCING

DEAR SIR:

IN REFERENCE TO THE CITY MANAGER'S LETTER OF 30 MAY 1978 PLEASE FIND ATTACHED LETTERS FROM THE CRESTVIEW LAKES ASSOCIATION AND FROM COLLEEN JOHNSTON CPD COUNCIL " I " CONCERNING THE SUBSTITUTION OF GREENERY ON THE FENCE FOR THE ABOVE REFERENCED CORNER. HOPEFULLY THESE LETTERS WILL SUFFICE FOR THE INFORMATION THAT YOU REQUESTED TO BE PROVIDED. UPON HEARING FROM YOU, BIG RIVER NURSERY IS CONTRACTED TO INSTALL THE GREENERY IN ACCORDANCE WITH THE CITY FORESTER'S RECOMMENDATIONS. THE INSTALLATION CAN BE COMPLETED WITHIN A MATTER OF FIVE DAYS UPON RECEIPT OF YOUR OFFICIAL NOTIFICATION. IT IS OF UTMOST IMPORTANCE THAT THIS MATTER BE TAKEN CARE OF AS SOON AS POSSIBLE SINCE THERE ARE PERSONAL BONDS THAT ARE COMING DUE JULY 1 IN REFERENCE TO RECEIVING OCCUPANCY PERMITS FOR THE K-MART AND DILLON'S STORES.

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT ME.

RESPECTFULLY,

*Thomas D. Jacob*  
 THOMAS D. JACOB, A.I.A.

TDJ:KB

CC: MIKE LOGSDON  
 BOB MILLS  
 JIM SARGENT  
 LEE KELLY  
 THE OLIVER PARTNERSHIP

THOMAS D. JACOB, A. I. A. ARCHITECT 5920 E. CENTRAL WICHITA, KANSAS 67208 316 684-5268

C. Kelly Johnston  
City Manager  
Wichita, Kansas 67202

June 22, 1978

Gene Denton, City Manager  
Wichita Administrative Center  
Wichita, Kansas 67202

Dear Mr. Denton;

CPO "Area I" Council has authorized me to approve the replacement of the brick pilasters called for in the landscaping plans for University Gardens.

I was contacted yesterday by Mike Logsdon of University State Bank concerning this matter and he informed me the plans were to replace the brick with Virginia Creeper Ivy. Mr. Logsdon was contacting me on behalf of the committee of businesses located at the shopping center.

Since the only condition put upon our acceptance of the replacement was that the request was to be made by the business owners and managers and not only Lindy Andeel, I am writing to notify you that our CPO council will have no objection to replacing the brick with ivy.

Sincerely,



Colleen Kelly Johnston  
for CPO Area "I"

cc. Bob Lakin  
CPO Council "I" members

GERALD E. O'SHAUGHNESSY  
301 S. MARBLE STREET  
WICHITA, KANSAS 67202

Office Of The City Manager	
<input type="checkbox"/> EHD	<input type="checkbox"/> HP
<input type="checkbox"/> RGF	<input type="checkbox"/> MS
<input type="checkbox"/> RT	<input type="checkbox"/> SH
JUN 26 1978	
<input type="checkbox"/> Copies To	_____
<input type="checkbox"/> Send To	_____
<input type="checkbox"/> File	_____

June 26, 1978

Mr. Michael Logsdon  
University State Bank  
1714 No. Hillside  
Wichita, Kansas 67214

Dear Mike:

I refer you to my letter of May 12, 1978.

In that letter, I was speaking as an individual. The purpose of this letter is to inform you that our Crestview Lakes Association had previously met and delegated to me the authority to speak for the group. The remarks in my letter can therefore be construed as representative of the corporate view of Crestview Lakes Association.

Yours very truly,

*Gerald E. O'Shaughnessy*

GEO'S:pc

cc - Dr. John L. Kiser  
Mr. Wm. J. Walsh, Jr.

GERALD E. O'SHAUGHNESSY  
301 S. MARKET STREET  
WICHITA, KANSAS 67202

May 12, 1978

Mr. Michael Logsden  
University State Bank  
1714 No. Hillside  
Wichita, Kansas 67214

Dear Mike:

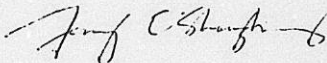
The purpose of this letter is to confirm the understanding which you and I reached last week over the telephone concerning the landscaping of the north-east corner of 21st and Oliver.

You agreed to replace all the dead trees, to seed the area with grass, to keep the area maintained by the use of a sprinkling system to be installed, and by keeping the area free of debris. In turn, I agreed that as a resident of Crestview Lakes it is acceptable to me that University State Bank plant ivy sufficient to cover the fence on its property instead of using brick pilasters on the fence posts as was required by the Planning Commission when the shopping center project was approved.

As a resident of Crestview Lakes, I want to commend you and the University State Bank for showing a desire to accommodate the esthetic desires of the residents in the Crestview Lakes Addition. We in Crestview Lakes hope that the shopping center owners and commercial users in the area will follow your example.

Yours very truly,

GEO'S:pc  
cc - Dr. John Kiser  
Bill Walsh



CD

689-5268 office

~~6/16~~  
6/16

May 30, 1978

Mr. Thomas D. Jacob  
Architect  
5920 East Central  
Wichita, Kansas 67208

Dear Mr. Jacob:

This will acknowledge your letter of May 15, 1978, concerning your proposal to substitute greenery for brick pilasters to complete the landscaping for the development on the northeast corner of 21st and Oliver.

This office is agreeable to scheduling this matter before the City Commission at an early date provided the comments of all parties that have previously appeared before the City Commission are received to indicate neighborhood agreement with the substitution of ivy for brick pilasters. A review of the City Commission meeting minutes indicates that Dr. John Kiser, President of the Crestview Lakes Association, #12 Crestview Lakes, 67208, and Ms. Colleen Johnston, CPO Council "I", 4710 East 26th North, were the principal neighborhood representatives. It is noted that you provided copies of correspondence to Dr. Kiser, but not directly from him.

To proceed further, you should plan to contact the two above named individuals to secure their written approval and submit the same to this office. Upon receipt, we will place the matter on the City Commission meeting agenda.

Sincerely,

E. H. Denton  
City Manager

EHD/hsw

cc: Robert A. Lakin, Director of Planning  
Ray W. Bruggeman, Director of Public Works  
Robert Felgner, Superintendent of Central Inspection  
Colleen Johnston, CPO Council "I"  
Dr. John Kiser, President of Crestview Lakes Association



CITY HALL — 11TH FLOOR  
WICHITA, KANSAS 67202

Alfred F. Angulo, President  
Joanne E. Howard  
Barbara F. Nelson  
Michael D. Gragert  
Barbara Moser Schable

455 NORTH MAIN  
316 - 268-4638

Thomas P. Allen, Jr.  
Director

March 15, 1978

Mr. Stephen M. Perry, Landscape Architect  
Landscape/Graphics  
1037 Coolidge  
Wichita, Kansas 67203

Dear Stephen:


In answer to your letter of March 13, 1978, please be advised that I have my doubts as to whether or not Boston Ivy and/or Virginia Creeper can grow satisfactorily on the screen fence along a western and southern exposure.

My suggestion would be to gamble with Boston Ivy and Virginia Creeper but interspace a more hardy plant for these exposures; namely, a *Euonymus* Creeper.

I hope this gives you the information you desire. If you have any questions, please feel free to telephone me at 266-4373.

Very truly yours,

BOARD OF PARK COMMISSIONERS

  
John G. Firsching, Supt.  
Landscape and Forestry

JGF:mkh

# THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER  
CITY HALL - THIRTEENTH FLOOR  
433 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4331

May 30, 1978

Mr. Thomas D. Jacob  
Architect  
5920 East Central  
Wichita, Kansas 67208

Dear Mr. Jacob:

This will acknowledge your letter of May 15, 1978, concerning your proposal to substitute greenery for brick pilasters to complete the landscaping for the development on the northeast corner of 21st and Oliver.

This office is agreeable to scheduling this matter before the City Commission at an early date provided the comments of all parties that have previously appeared before the City Commission are received to indicate neighborhood agreement with the substitution of ivy for brick pilasters. A review of the City Commission meeting minutes indicates that Dr. John Kiser, President of the Crestview Lakes Association, #12 Crestview Lakes, 67208, and Ms. Colleen Johnston, CPO Council "I", 4710 East 26th North, were the principal neighborhood representatives. It is noted that you provided copies of correspondence to Dr. Kiser, but not directly from him.

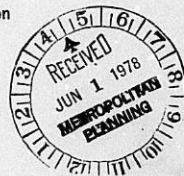
To proceed further, you should plan to contact the two above named individuals to secure their written approval and submit the same to this office. Upon receipt, we will place the matter on the City Commission meeting agenda.

Sincerely,

E. A. Denton  
City Manager

EHD/hsw

cc: Robert A. Lakin, Director of Planning  
Ray W. Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Colleen Johnston, CPO Council "I"  
Dr. John Kiser, President of Crestview Lakes Association



# LANDSCAPE / GRAPHICS

Stephen M. Perry

13 Mar 78

John Firsching  
Park Department-Landscape & Forestry  
City Hall 455 N. Main  
Wichita, Kansas 67202

Re: Landscape Plan for 21st & Oliver

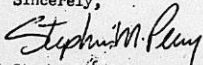
Dear John:

In an effort to resolve the problems surrounding the above project, I have been requested to seek your recommendation regarding the planting of vines on the screen fence which has been constructed on the west and south sides of the University Gardens C.U.P. property. The purpose of this planting is to improve the appearance of the concrete panel fence in as short a time as possible.

My recommendation is to go with either Boston Ivy or Virginia Creeper, with the latter being the most desirable. In your opinion would one of these vines be acceptable for this purpose; or if not, what would be your recommendation? Also, with rate of coverage and cost in mind, what would be an acceptable spacing and size of installed material?

We all would like to see this project resolved in as short a time as possible and with your advise we will attempt to do just that.

Sincerely,



Stephen M. Perry, Landscape Architect  
Landscape/Graphics

SMP/np

cc.

Jack Galbraith, Chief Planner, MAFC  
Tom Jacob, Architect, 5920 E. Central, Wichita



1037 Coolidge

1958 Woodbine St., Wichita, Kansas 67203

(316) 263-0833

February 28, 1978

Mr. Steve Perry  
Landscape/Graphics  
1037 Coolidge  
Wichita, Kansas 67203

Re: Landscape Plan - Parcel 2 University Gardens CUP (PD-8)

Dear Mr. Perry:

We are in receipt of and have reviewed your landscape plan for the ten foot planting strip along the east side of Parcel No. 2 of the University Gardens Community Unit Plan. We have conferred with the office of the Superintendent of Landscaping and Forestry concerning the materials proposed for the planting strip and their suggested locations. On the basis of our joint review, your landscape plan is approved subject to the following conditions:

1. Access to Pinecrest shall be limited to one opening .
2. Some form of underground watering system shall be installed in the planting strip to provide for the maintenance of the proposed plant materials.
3. The plant materials and watering system shall be installed prior to the issuance of an occupancy permit on the structure. If the plantings and watering system cannot be accomplished prior to the time an occupancy permit is desired, a financial guarantee for the installation of the same may be posted with the office of the Superintendent of Central Inspection.

Although it is not a condition of approval of your landscape plan, you may wish to consider a substitute for the proposed Oregon Grape Mahonia. There are some doubts on the part of Forestry and Planning Department staffs as to the suitability of this species in an exposed unshaded location.

We will, by copy of this letter, advise the office of the Superintendent of Central Inspection of the conditional approval of your landscape plan. If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:RLY:et

cc:

Robert Feldner, Superintendent of Central Inspection  
Tom Jacobs, Architect, 5920 East Central, Wichita, Kansas 67208  
William F. Higgins, Attorney at Law, Penthouse/Sutton Place,  
Wichita, Kansas 67202  
Lindy Andeel, 5900 East Central, Wichita, Kansas 67208

February 22, 1978

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Wall Requirements/University Gardens - DP-8 and BZA 2-70

I am in receipt of a copy of Tom Jacob's letter to you concerning the wall requirements associated with the above-captioned cases. As you know, both of us met with Mr. Jacob on August 25, 1977 and agreed that his proposal to use pre-cast concrete panels placed horizontally between concrete columns satisfactorily met the wall requirements for this project. However, part of his proposal included brick piers, erected at 24 foot centers, covering every fourth concrete column with a brick that would be compatible in color to the brick used in the Dillon's Store. I believe you have already approved the brick to be used.

The description of the wall, as stated above, has been relayed to interested citizens as well as to the City Commission in response to inquiries and complaints about the type of wall being erected. I am not certain how you view his request but I am hesitant about being a party to an administrative decision that would alter the wall from that originally agreed to. As much discussion that has taken place on this matter (wall and landscaping), I would suggest that if Jacob's now wants to alter the material in the wall and propose a vine to cover the wall that his request should properly be directed to the City Commission for a determination. He may want to request, through the Manager, a place on the agenda.

If I can be of assistance in this matter, please advise.

---

Jack H. Galbraith  
Chief Planner

JHG:et

ROBERT FELDNER  
SUPERINTENDANT OF CENTRAL INSPECTION  
CITY BUILDING  
455 N. MAIN  
WICHITA, KANSAS 67202

RE: 21ST & OLIVER  
FENCE

DEAR SIR:

AFTER CONSIDERABLE DELIBERATION ON THE VALUE OF PLACING BRICK ON THE PILASTERS ON THE ABOVE REFERENCED FENCE, IT HAS BECOME INCREASINGLY APPARENT THAT THIS BRICK WOULD NOT ADD ANY AESTHETIC VALUE TO THE FENCE, BY SUBSTITUTING LANDSCAPING, SUCH AS THE PLANTING OF VIRGINIA CREEPER OR HONEYSUCKLE ALONG THE ENTIRE EXPANSE OF THE FENCE IN ORDER THAT IT WOULD COVER THE CONCRETE FENCE AND THEREFORE, PROVIDE A LANDSCAPE BARRIER THAT WOULD BE MORE AESTHETICALLY PLEASING TO THE CORNER. THIS WOULD BE OF MORE APPARENT AESTHETIC VALUE THAN THE MASONRY WORK. I WOULD LIKE FOR YOU TO GIVE THIS REQUEST YOUR ATTENTION IN ORDER THAT AS SOON AS WEATHER BREAKS THIS PROJECT MAY BE COMPLETED.

RESPECTFULLY,

*Thomas D. Jacob*  
THOMAS D. JACOB A.I.A.

TDJ:KB

CC: JACK GALBRAITH  
THE OLIVER PARTNERSHIP



# THE CITY OF WICHITA

*Boban  
File*



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

January 18, 1978

Thomas D. Jacob, AIA  
5920 E. Central  
Wichita, Kansas 67208

Dear Mr. Jacob:

Re: DP-8 University Gardens CUP  
Fence Brick

This letter shall serve as an approval of the brick sample submitted for color and texture on the screen fence pilasters at subject project. The sample submitted is described as K/S, DT-0119-77 Shade B1.121 by Acme Brick Company.

Even though this brick does not match the "Dillon" store, its color blends with same and is available.

If there are any question, please call the undersigned.

Sincerely,

*Sam L. Mobley*  
Sam L. Mobley  
Building Code Administrator

SIM/mc

cc: Jack Galbraith, Planning Department



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

HOUSING — 268-4481  
ZONING — 268-4478  
SIGNS — 268-4475

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

**THE CITY OF WICHITA**

**OFFICE OF** Administrative Division  
Department of Public Works

**DATE** January 11, 1978

**TO** Don Cisick, City Clerk

**FROM** Robert G. Vinson, Public Works Administrator

**SUBJECT** Performance Bond  
James W. Sargent  
Landscaping Work - DP-8  
University Gardens and BZA 2-70

Request the attached Performance Bond be received and file by  
your office. Do not release until notified by this office.

*Robert G. Vinson*  
Robert G. Vinson  
Public Works Administrator

/ml

Att.

cc: Robert B. Feldner, Superintendent of Central Inspection  
Jack H. Galbraith, Chief Planner-Current Plans ✓



PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we, The Dillon Real Estate Co., Inc., and University State Bank of Wichita, Kansas, as Principal, and Insurance company of North America, as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick, State of Kansas, in the sum of Six Thousand and no/100- - - - - Dollars (\$6,000.00), lawful money of the United States, for payment of which will and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT;

WHEREAS, said Principal or their authorized representatives will make the following improvements. All improvements and other work as set forth to be done and performed in accordance with the plans and specifications and provisions as determined by the City of Wichita for the development pursuant to the Landscape Plan DP-8, University Gardens and BZA 2-70, and all amendments and contracts connected therewith.

NOW, THEREFORE, the said Principal or their authorized representatives shall perform the following obligations and conditions:

THE PRINCIPAL AGREES TO PERFORM OR CAUSE TO BE PERFORMED THE COMPLETION OF THE LANDSCAPING ABOVE REFERRED TO IN THIS PERFORMANCE BOND, THE COMPLETION AND INSTALLATION OF THE BRICK PILASTERS, AND THE COMPLETION AND INSTALLATION OF THE SPRINKLING SYSTEM FOR THE LAWN PURSUANT TO THE AFOREMENTIONED CONTRACTS AND ANY AMENDMENTS OR CHANGES TO SUCH CONTRACTS IN EFFECT AS OF THE DATE OF THE EXECUTION OF THIS AGREEMENT,

which obligations and each of them shall be performed on or before June 30, 1978, and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform all the work specified to be done and performed within the time prescribed, and in accordance with the plans and specifications and provisions therefor, to which reference is here made; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the Surety for any or all claims hereunder, shall in no event exceed the penal amount of this obligation, as herein stated. It is expressly understood that the City may declare said bond forfeited if the conditions herein have not been fully complied with in every respect and further, that the City may install said projects and pay for same out of said forfeited bond funds.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications therefor, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 27th day of December, 1977.

THE DILLON REAL ESTATE CO., INC.

UNIVERSITY STATE BANK

By James W. Sargent  
James W. Sargent  
Attorney-In-Fact

By James W. Sargent  
Principal James W. Sargent, Attorney-In-Fact

INSURANCE COMPANY OF NORTH AMERICA

By John B. Burns  
John B. Burns, Attorney-In-Fact  
Surety

04  
John B. Burns  
Attorney at Law

The  
**Wichita Eagle**  
and **Wichita Beacon**

86

FOUNDED 1872

WICHITA, KANSAS 67201

825 EAST DOUGLAS

AREA CODE 316 266-8000

December 13, 1977

Dear Bob,

I was dismayed to see the final version of the story on the shopping center at 21st and Oliver that ran under my name in Sunday's paper.

While most of the words there were ones I had written, a good deal of material was taken out of the story as I had originally put it together.

In one instance -- regarding amendments to the CUP -- an error of fact was edited into the story.

In the other instances, information that I thought helped balance the story by indicating the MAPD's and MAPC's interest in the neighborhood concerns was taken out.

I have expressed my displeasure with the way the story was treated after it left my typewriter to my editors.

The tone was one-sided in favor of the homeowners and against the MAPD. The original story was, in my opinion, far more balanced.

I would offer an apology, except it really wouldn't do much good.

Sincerely,



Gordon Atcheson



# THE CITY OF WICHITA



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

December 9, 1977



*JK JB*  
*BCC*  
*12-13-77*  
*3-1 Auth*  
*Occupancy*  
*Permit Subj to*  
*Board.*

Dillon Real Estate Company, Inc.  
P. O. Box 1608  
Hutchinson, Kansas 67501

The Oliver Partnership  
5900 East Central, Suite 201  
Wichita, Kansas

Mr. Alfred A. Caro  
Alcon, Inc.  
356 North Rock Road  
Wichita, Kansas 67206

E. N. Maisel & Associates  
P. O. Box 35425 Seven Oaks Station  
Detroit, Michigan 48235

Mr. Wayne Wong  
6636 East Mardock  
Wichita, Kansas 67206

Gentlemen:

Re: DP-8 University Gardens CUF - Northeast Corner of 21st and Oliver and  
Final Inspection of Dillon Store

The Board of City Commissioners of the City of Wichita, Kansas, as of  
November 22, 1977, directed that no further Certificates of Occupancy be  
issued nor the occupancy of any additional premise be allowed on the above

Boettcher & Lieurance  
322 Laura  
Wichita, Kansas 67211

Malan Construction Company  
1736 Northland Park Court  
Detroit, Michigan 48075

William P. Higgins, P.A.  
Penthouse/Sutton Place  
Wichita, Kansas 67202

Thomas D. Jacob, A.I.A.  
5920 East Central  
Wichita, Kansas 67208

James W. Sargent  
Vickers-KSB&T Building  
120 North Market  
Wichita, Kansas 67202

SUPERINTENDENT OF CENTRAL INSPECTION ... 208-4460  
BUILDING CODE ENGINEER ... 208-4468  
PLAN EXAMINATION ... 208-4477

HOUSING ... 208-4481  
ZONING ... 208-4479  
SIGNS ... 208-4475

BUILDING & CONSTRUCTION ... 208-4461  
PLUMBING & MECHANICAL ... 208-4476  
ELECTRICAL & ELEVATOR ... 208-4471

THE CITY OF WICHITA

December 9, 1977

Re: DP-8 University Gardens CUP

Page 2

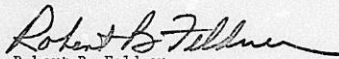
referenced project until all city requirements are complete. These requirements include items as follows:

In addition to all building and off-street parking requirements, all planting must be properly installed (excepting grass seeding), the screening wall properly installed and complete, and the water sprinkler system complete and operational in accordance with the revised planting plan, dated July 27, 1977, and in accordance with the provisions of the University Gardens CUP (DP-8) and the approved resolution of case No. BZA 2-70.

A final inspection was made of the Dillon Store, 4910 East 21st, on December 8, 1977, by the Central Inspection Division. This inspection revealed no code violations within the specific building; thus, a Certificate of Occupancy could be issued if the CUP requirements listed above are satisfactorily completed.

It is our understanding that several of the trees are not in stock locally and will not be installed as required; and due to weather conditions, the sprinkler system may be incomplete. A Certificate of Occupancy will be withheld by this department until all requirements are completed.

Sincerely,



Robert B. Feldner  
Superintendent of Central Inspection

RBF:mml

cc: E. H. Denton, City Manager  
R. W. Bruggeman, Director of Public Works  
John Dekker, Director of Law  
Robert Lakin, Director of Planning  
Jack Galbraith, Planning Department

BCC 12-13-77

Jim Sargent

- Landscaping - Tree finished except  
Smilax Tree - Big next Monday or Tuesday
- Bricks will be provided on columns
- Sprinkler System will be completed after  
the sidewalks are installed
- Sidewalks ?
- Sprinkler System being placed in parking  
area (Senior Street Driveway ?)
- Dollars and Community Board will get  
up performance bond

Steve Johnston

- Landscaping Plan required because trees  
were removed (next time - required by BZA)
- Comments from CPO that K. Smart not to be  
permitted to open never got out of the P.P.  
(next time as we never got received anything  
from CPO) That had been the recommendation  
of P.D. Staff, however, we later concurred  
with Fielder to accept bond.

over

Shawhan moved Canals should  
that Dillon be authorized to occupy and  
that the administrative staff follow up with  
the completion of the well, gelatinizing,  
sprinkler and provided a performance bond  
be submitted.

3-1 Peter  
Donnell obtain.

JLS

THE CITY OF WICHITA



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

December 9, 1977



Dillon Real Estate Company, Inc.  
P. O. Box 1603  
Hutchinson, Kansas 67501

The Oliver Partnership  
5900 East Central, Suite 201  
Wichita, Kansas

Mr. Alfred A. Caro  
Alcon, Inc.  
356 North Rock Road  
Wichita, Kansas 67206

E. N. Maisel & Associates  
P. O. Box 35425 Seven Oaks Station  
Detroit, Michigan 48235

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6636 East Murdock  
Wichita, Kansas 67206

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

HOUSING ..... 268-4481  
ZONING ..... 268-4479  
SIGNS ..... 268-4476

BUILDING & CONSTRUCTION ..... 268-4451  
PLUMBING & MECHANICAL ..... 268-4470  
ELECTRICAL & ELEVATOR ..... 268-4471

THE CITY OF WICHITA

December 9, 1977

Re: DP-8 University Gardens CUP

Page 2


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Sincerely,



Robert B. Feldner  
Superintendent of Central Inspection

RBF:mm1

cc: E. H. Denton, City Manager  
R. W. Bruggeman, Director of Public Works  
John Dekker, Director of Law  
Robert Lakin, Director of Planning  
Jack Galbraith, Planning Department

# LANDSCAPE / GRAPHICS

Stephen M. Perry



December 8, 1977

Dillon's  
21st and Oliver  
Wichita, Kansas 67220

Re: Landscape Plantings for C.U.P.

To Dillon's Owners and Management:

In regard to the eight Fruitless Mulberry Trees which are not yet available for planting, the following is a list of options which are open to you for substitution. All of the trees listed are of equal or larger size than the Mulberry.

1. For the 8 Fruitless Mulberry, substitute 4 Scotch Pine, on the north and 4 Sycamore on the south.
2. For the 8 Fruitless Mulberry, substitute 4 Scotch Pine on the north and 4 Green Ash on the south.
3. For the 8 Fruitless Mulberry, Substitute 4 Green Ash on the north and 4 Sweetgum on the south.
4. For the 8 Fruitless Mulberry, substitute 8 Scotch Pine.
5. For the 8 Fruitless Mulberry, substitute 4 Sweetgum on the north and 4 Sycamore on the south.
6. Wait for the Mulberries due in on the 15th of this month.

If I, as the Landscape Architect, were to suggest an option to follow, it would be number 6. My reasons would be the same as why the Fruitless Mulberries were placed on the plan in the first place. They are a hardy, fast growing tree with a coarse texture that blends well with the adjacent trees on the plan. A change at this point will also cause the landscape contractor additional expense in having a surplus of eight large Mulberries to carry through the winter.

Those are your options and my recommendation. Let me know what your decision is and I will see that the plan is completed.

Sincerely,

*Stephen M. Perry*  
Stephen M. Perry  
Landscape Architect

SMP/np Copies to: Jack Galbraith, Tom Jacob  
New address: 1037 Coolidge, Wichita, Ks. 67203

1958 W. 13th. St., Wichita, Kansas 67203

(316) 263-0833

LANDSCAPE / GRAPHICS

Stephen M. Perry

December 6, 1977

Gene Schecher  
Big River Nursery  
5511 E. 61 st. N.  
Wichita, Kansas

Dear Gene:

As we discussed in our phone conversation of Dec. 6, 1977, you may substitute Japanese Black Pine of equal size or larger and of equal quality for Austrian Pine as indicated on the Revised Planting Plan for University Gardens B.Z.A. Landscaping Requirements dated 7/20/77.

Sincerely,

*Stephen M. Perry*  
Stephen M. Perry, L.A.  
LANDSCAPE/GRAPHICS

SMP/np  
Copies to:  
Jack Galbraith  
Tom Jacob



1958 W. 13 th. St., Wichita, Kansas 67203

(316) 263-0833

**THE CITY OF WICHITA**

OFFICE OF Administrative Division  
Department of Public Works

DATE November 21, 1977

TO Don Gisick, City Clerk

FROM Robert G. Vinson, Public Works Administrator

SUBJECT Performance Bond  
James N. Sargent  
Landscape Plan 19P-S,  
University Gardens and BZA 2-70

Request the attached Performance Bond be received and filed  
by your office. Do not release until notified by this office.

*Robert C. Vinson*

Robert C. Vinson  
Public Works Administrator

/ml

att.

cc: Robert B. Feldner, Superintendent of Central Inspection  
Jack H. Callraith, Chief Planner-Current Plans / (Woa)



PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we, James W. Sargent, as Principal, and Seaboard Surety Company, as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and State of Kansas, in the sum of EIGHT THOUSAND ONE HUNDRED SIXTY-FIVE and no/100 DOLLARS (\$8,165.00), lawful money of the United States, for payment of which will and truly to be made, we find ourselves, our heirs, executors, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal or his authorized representative will make the following improvements. All improvements and other work as set forth to be done and performed in accordance with the plans, specifications and provisions as determined by the City of Wichita for the development pursuant to the Landscape Plan DP-8, University Gardens and BZA 2-70, and all amendments and contracts connected therewith.

NOW, THEREFORE, the said Principal or his authorized representative shall perform the following obligations and conditions:

THE PRINCIPAL AGREES TO PERFORM OR CAUSE TO BE PERFORMED THE LANDSCAPING ABOVE REFERRED TO IN THIS PERFORMANCE BOND PURSUANT TO THE AFOREMENTIONED CONTRACTS AND ANY AMENDMENTS OR CHANGES TO SUCH CONTRACTS IN EFFECT AS OF THE DATE OF THE EXECUTION OF THIS AGREEMENT BY THE PRINCIPAL,

which obligations and each of them shall be performed on or before June 30, 1978 and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform all the work specified to be done and performed within the time prescribed, and in accordance with the plans and specifications and provisions, therefore, to which reference is here made; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the Surety for any or all claims hereunder, shall in no event exceed the penal amount of this obligation, as herein stated. It is expressly understood that the City may declare said bond forfeited if the conditions herein have not been fully complied with in every respect and further, that the City may install said projects and pay for same out of said forfeited bond funds.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications therefore, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 17th day of November, 1977.



James W. Sargent Principal  
James W. Sargent

Seaboard Surety Company  
By John B. Burns Surety  
John B. Burns, Attorney-in-Fact

STATE OF KANSAS, SEDGWICK COUNTY, ss:

The foregoing instrument was acknowledged before me this 17th day of November, 1977, by James W. Sargent, as Principal, and John B. Burns for Seaboard Surety Company, on behalf of the corporation, as Surety.



Freda R. Robinson  
Notary Public

My Commission/Appointment expires:

May 10, 1980

APPROVED

John DeKler  
John DeKler, Director of Law



Certified Copy

SEABOARD SURETY COMPANY

Home Office

No. 7988

New York, New York

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That SEABOARD SURETY COMPANY, a corporation of the State of New York, has made, constituted and appointed and by these presents does make, constitute and appoint John B. Burns or Ken W. Johnson or Richard Amend or J. Stephen Spines

of Wichita, Kansas its true and lawful Attorney-in-Fact, to make, execute and deliver on its behalf insurance policies, surety bonds, undertakings and other instruments of similar nature as follows: Without Limitations.

Such insurance policies, surety bonds, undertakings and instruments for said purposes, when duly executed by the aforesaid Attorney-in-Fact, shall be binding upon the said Company as fully and to the same extent as if signed by the duly authorized officers of the Company and sealed with its corporate seal; and all the acts of said Attorney-in-Fact, pursuant to the authority hereby given, are hereby ratified and confirmed.

This appointment is made pursuant to the following By-Laws which were duly adopted by the Board of Directors of the said Company on December 8th, 1927, and are still in full force and effect:

ARTICLE VIII, SECTION 1: "Policies, bonds, recognizances, stipulations, consents of surety, underwriting undertakings and instruments relating thereto, insurance policies, bonds, recognizances, stipulations, consents of surety and underwriting undertakings of the Company, and the names and on behalf of the Company

(a) by the Chairman of the Board, the President, a Vice President or a Resident Vice President, it and by the Secretary, an Assistant Secretary, a Resident Secretary or a Resident Assistant Secretary; or (b) by an Attorney-in-Fact for the Company appointed and authorized by the Chairman of the Board, the President or a Vice President to make such signature; or (c) by such other officers or representatives as the Board may from time to time determine.

The seal of the Company shall if appropriate be affixed thereto by any such officer, Attorney-in-Fact or representative."

IN WITNESS WHEREOF, SEABOARD SURETY COMPANY has caused these presents to be signed by one of its Vice-Presidents, and its corporate seal to be hereunto affixed and duly attested by one of its Assistant Secretaries, this 14th day of October, 1927.

Attest:

SEABOARD SURETY COMPANY,

(Seal) Karen Hayes Assistant Secretary

By R. T. Gundersen Vice-President

STATE OF NEW YORK COUNTY OF NEW YORK ss.:

On this 14th day of October, 1927

R. T. Gundersen, a Vice-President of SEABOARD SURETY COMPANY, with whom I am personally acquainted, who, being by me duly sworn, said that he resides in the State of New York; that he is a Vice-President of SEABOARD SURETY COMPANY, the corporation described in and which executed the foregoing instrument; that he knows the corporate seal of the said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto as Vice-President of said Company by like authority.

State of New York No. 41-7493475 Qualified in Queens County Cert. filed in New York County (Seal) Commission Expires March 30, 1978

Anita J. Leonard Notary Public

CERTIFICATE

I, the undersigned Assistant Secretary of SEABOARD SURETY COMPANY do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this Certificate and I do further certify that the Vice President who executed the said Power of Attorney was one of the Officers authorized by the Board of Directors to appoint an attorney-in-fact as provided in Article VIII, Section 1, of the By-Laws of SEABOARD SURETY COMPANY.

This Certificate may be signed and sealed by facsimile under and by authority of the following resolution of the Board of Directors of SEABOARD SURETY COMPANY at a meeting duly called and held on the 25th day of March 1927.

"RESOLVED: (2) That the use of a printed facsimile of the corporate seal of the company and of the signature of an Assistant Secretary on any certification of the correctness of a copy of an instrument executed by the President or a Vice-President pursuant to Article VIII, Section 1, of the By-Laws appointing and authorizing an attorney-in-fact to sign in the name and on behalf of the company surety bonds, underwriting undertakings or other instruments described in said Article VIII, Section 1, with like effect as if such seal and such signature had been manually affixed and made, hereby is authorized and approved."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Company to these presents this 17th day of November, 1927



Anita J. Leonard Assistant Secretary

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 25, 1977


TO Files

FROM Jack H. Galbraith, Secretary - Board of Zoning Appeals  
and Chief Planner

SUBJECT Wall associated with BZA 2-70 and DP-8

On this date, Bob Feldner and I met with Tom Jacobs, architect, who is responsible for designing the required four foot wall associated with the above-captioned cases. His latest proposal consisted of two inch thick concrete pre-cast panels that were approximately eight inches wide and eight foot long. It is proposed that these would be placed horizontally between concrete vertical posts and that every fourth post would be covered with brick. Jacobs stated that the brick would be comparable in color to that used in the Dillon Store and that the concrete panels would be painted a light beige color that would match the brick.

Bob Feldner and I agreed that the panels would be satisfactory and we emphasized that the minimum height was to be not less than four feet. We cautioned Jacobs that the contractor must obtain a permit prior to installing the fence.

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary,  
Board of Zoning Appeals and  
Chief Planner

JHG:bh

WICHITA-SEDGWICK COUNTY

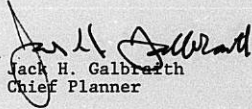
DATE  
July 29, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Metropolitan Area Planning Commission  
FROM Jack H. Galbraith, Chief Planner  
SUBJECT Additional Material Re: DP-8 - University Gardens

Attached is a copy of my letter to Bill Higgins approving the revised landscape plan for University Gardens Shopping Center. Also attached is a copy of a memorandum from Tom Powell explaining the Legal Department's position regarding the removal of trees.

This is provided for your information and if you have questions, please call.

  
Jack H. Galbraith  
Chief Planner

JHG:el

Attachments

WICHITA SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

July 28, 1977

William P. Higgins  
Attorney at Law  
Penthouse/Sutton Place  
Wichita, Kansas 67202

Re: Amended Landscape Plan  
DP-8 - University Gardens  
and BZA 2-70.

Dear Mr. Higgins:

This is to advise that we have received and reviewed the current landscape plan covering a portion of University Gardens community unit plan located at the northeast corner of 21st Street and Oliver. We understand that this plan has been submitted as a substitute for a landscape plan previously approved at the 21st and Oliver location which was modified by the removal of a number of trees originally existing on the property.

On the basis of our review, we find that the types, numbers and suggested locations of the landscape materials proposed on the landscape plan to be acceptable. We did notice, however, that a proposed 5 to 8 foot masonry wall which was shown on the previously approved landscape plan is not shown on the current landscape plan. The wall is required as a condition of approval (Condition No. 2) of the previous Board of Zoning Appeals Case Number BZA 2-70 and is to be located along the north line of the property involved in the BZA case.

In our earlier discussions, we had indicated a need for upkeep and maintenance on the materials planted and in particular, that adequate provisions be made for watering. The project Landscape Architect has advised that you and your clients together with representatives of adjoining properties, including K-Mart and Dillon's, are jointly considering the installation of an underground lawn sprinkler system. Such a system would be a very acceptable alternative to the "street washer" (recessed lawn hydrant) watering system previously discussed.

WICHITA—SEDGWICK COUNTY

William P. Higgins  
July 28, 1977  
Page 2

It is our understanding that plans for the required wall are nearly complete, that bids for the construction of the wall will be let in the next few weeks and that it is expected that construction on the wall will begin soon after, so that the 35 foot required planting area can be prepared for planting in the latter part of September and October. We would recommend that engineering be started on the sprinkler system so that it also can be installed prior to planting.

Based on our review of the plan and our understanding of the intent to construct the wall and sprinkler system prior to planting, the revised landscape plan dated July 20, 1977 is hereby approved subject to the following conditions:

1. The construction of the 5 to 8 foot masonry wall along the north line and the construction of the 4 foot wall along the east side of the 35 foot required landscape area adjacent to Oliver and along the north side of the required landscape area adjacent to 21st Street all as required in BZA Case 2-70 shall be completed prior to planting.
2. A system of either "street washers" on 200 foot centers or an underground lawn sprinkler shall be installed to provide an adequate water supply for maintenance of the proposed plantings.
3. That in accordance with the letter issued from the Office of Central Inspection dated July 12, 1977, no occupancy certificates shall be issued until such time as the walls, plantings and watering system are completed and the property is in compliance with the screening requirements of the approved Community Unit Plan and BZA 2-70.
4. The approval of this landscape plan is not to be construed as approving the other conditions of approval of either the BZA case or the Community Unit Plan.

As I understand, several of the proposed plant materials may have to be ordered from out of state because of their size. We would encourage that you enter into a contract for planting as soon as possible, emphasizing the desire to plant as large of plantings as possible so that your contractor can locate the materials and have them available for fall planting. If we can later be of assistance in review of the completed landscaping project to determine whether it meets the screening requirements, please advise.

WICHITA - SEDGWICK COUNTY

William P. Higgins  
July 28, 1977  
Page 3

After you and those receiving copies of these comments and conditions of approval, including a copy of the approved landscape plan, have an opportunity to review them, if there are any questions or disagreements, please submit in writing to me by August 12, 1977. We appreciate all of your attention to this matter in submitting the revised plan.

Sincerely,



Jack H. Galbraith  
Chief Planner

JHG:RLY:rme

cc: Lindy Andeel, 5900 E. Central, 67208  
Jim Kelley, Dillon, P. O. Box 1608, Hutchinson, Ks. 67501  
James W. Sargent, Vickers KSB&T Building, 67202  
Steve Perry, 1037 Coolidge, 67203  
E. H. Denton, City Manager, City Hall  
Tom Powell, Department of Law, City Hall  
Robert Feldner, Supt. of Central Inspection, City Hall  
John Firsching, Supt., Landscaping & Forestry, City Hall



July 27, 1977

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

RE: Shadow Lake Apartments, 2330 No. Oliver

Dear Mr. Beck:

Reference is made to our correspondence regarding the revision of a sanitary sewer easement to eliminate the infringement by Building No. 4.

I see no particular problem in changing the easement as proposed in Baughman Company's sketch, however, I think you need to take the initiative and file a vacation request and new easement with the Planning Department as I am told this is the way it must be handled.

I would like to call your attention to our meeting which resulted in my letter of February 11, 1976. During that meeting you promised to take care of a couple of drainage problems which were affecting your neighbors. I understand that this has not yet been done. I also recall discussing the problem of carports constructed on sewer and/or utility easements. At that time you advised me you were working that problem out with Central Inspection, but I have not heard that it has been worked out. I am at a loss to understand the need to take care of the problem with Building No. 4 without also taking care of the other problems, so I suspect you may run into a problem when you apply for vacation of the one easement.

Yours truly,

G. H. Wilton,  
Superintendent of Public Works Maintenance

GEW/glm

cc: Curtis Newby, Sr. Planner, MAPD  
R. W. Bruggeman, Dir. of Public Works  
John Wynkoop, Dir. of Water  
M. S. Mitchell, Ass't. Supt. of Public Works Maint.

July 28, 1977

William P. Higgins  
Attorney at Law  
Penthouse/Sutton Place  
Wichita, Kansas 67202

Re: Amended Landscape Plan  
DP-8 - University Gardens  
and BZA 2-70

Dear Mr. Higgins:

This is to advise that we have received and reviewed the current landscape plan covering a portion of University Gardens community unit plan located at the northeast corner of 21st Street and Oliver. We understand that this plan has been submitted as a substitute for a landscape plan previously approved at the 21st and Oliver location which was modified by the removal of a number of trees originally existing on the property.

On the basis of our review, we find that the types, numbers and suggested locations of the landscape materials proposed on the landscape plan to be acceptable. We did notice, however, that a proposed 5 to 8 foot masonry wall which was shown on the previously approved landscape plan is not shown on the current landscape plan. The wall is required as a condition of approval (Condition No. 2) of the previous Board of Zoning Appeals Case Number BZA 2-70 and is to be located along the north line of the property involved in the BZA case.

In our earlier discussions, we had indicated a need for upkeep and maintenance on the materials planted and in particular, that adequate provisions be made for watering. The project Landscape Architect has advised that you and your clients together with representatives of adjoining properties, including K-Mart and Dillon's, are jointly considering the installation of an underground lawn sprinkler system. Such a system would be a very acceptable alternative to the "street washer" (recessed lawn hydrant) watering system previously discussed.

William P. Higgins  
July 28, 1977  
Page 2

It is our understanding that plans for the required wall are nearly complete, that bids for the construction of the wall will be let in the next few weeks and that it is expected that construction on the wall will begin soon after, so that the 35 foot required planting area can be prepared for planting in the latter part of September and October. We would recommend that engineering be started on the sprinkler system so that it also can be installed prior to planting.

Based on our review of the plan and our understanding of the intent to construct the wall and sprinkler system prior to planting, the revised landscape plan dated July 20, 1977 is hereby approved subject to the following conditions:

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3. That in accordance with the letter issued from the Office of Central Inspection dated July 12, 1977, no occupancy certificates shall be issued until such time as the walls, plantings and watering system are completed and the property is in compliance with the screening requirements of the approved Community Unit Plan and BZA 2-70.
4. The approval of this landscape plan is not to be construed as approving the other conditions of approval of either the BZA case or the Community Unit Plan.

As I understand, several of the proposed plant materials may have to be ordered from out of state because of their size. We would encourage that you enter into a contract for planting as soon as possible, emphasizing the desire to plant as large of plantings as possible so that your contractor can locate the materials and have them available for fall planting. If we can later be of assistance in review of the completed landscaping project to determine whether it meets the screening requirements, please advise.

William P. Higgins  
July 28, 1977  
Page 3

After you and those receiving copies of these comments and conditions of approval, including a copy of the approved landscape plan, have an opportunity to review them, if there are any questions or disagreements, please submit in writing to me by August 12, 1977. We appreciate all of your attention to this matter in submitting the revised plan.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:RLY:rme

cc: Lindy Andeel, 5900 E. Central, 67208  
Jim Kelley, Dillon, P. O. Box 1608, Hutchinson, Ks. 67501  
James W. Sargent, Vickers KSB&T Building, 67202  
Steve Perry, 1037 Coolidge, 67203  
E. H. Denton, City Manager, City Hall  
Tom Powell, Department of Law, City Hall  
Robert Feldner, Supt. of Central Inspection, City Hall  
John Firsching, Supt., Landscaping & Forestry, City Hall

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE July 22, 1977



TO Jack Galbraith, Chief Planner  
FROM Thomas R. Powell, Assistant City Attorney  
SUBJECT University Gardens CUP  
Violation

Mr. C. Robert Bell, in a telephone conversation I had with him, asked that I furnish the members of the Metropolitan Area Planning Commission a written explanation as to why the Department of Law is recommending that no criminal action be taken in regard to the removal of trees from the area of the above-listed property, wherein the Board of Zoning Appeals granted an exception for off-street parking. Therefore, in this memorandum I will attempt to explain the Law Department's position as to prosecution for removal of the trees.

The recommendation to not prosecute is based on the fact that the requirement that the existing trees be left is somewhat vague. Under criminal law, there must be a reasonable certainty as to what is intended to be prohibited. In the case at hand, this means that there has to be a reasonable certainty that it was intended that the trees were to remain. To make the determination as to whether or not reasonable certainty exists, it is first necessary to look at the Board of Zoning Appeals' resolution that pertains to the granting of the exception for off-street parking.

This resolution, at paragraph 5, makes reference to existing trees. Paragraph 5, in part, provides that "a detailed landscape plan for set-back areas on 21st and Oliver Streets showing the required wall's on the west and north, existing trees and those to be retained . . . shall be submitted to the Secretary of the Board for approval . . .". (emphasis supplied)

I think it is clear that the statement in paragraph 5 that relates to the retention of the trees is clear and reasonably certain. It is reasonably certain that it is required that a landscape plan be submitted that shows the existing trees and those proposed to be retained.

Therefore, it is necessary to review the landscape plan to determine whether or not it provides reasonable certainty as to those trees that are to be retained.

Jack Galbraith, Chief Planner  
page 2  
July 22, 1977

The landscape plan, by symbol, designates the existing trees. However, the plan does not make mention or identify any existing trees that are to be retained. This lack of reference to trees to be retained creates an uncertainty that, in my opinion, would make prosecution of a criminal nature virtually impossible.

The CUP does not contain any direct reference to retention of trees and, therefore, does not clear up any uncertainties.

If you or any member of the MAPC have any further questions concerning the above or need any further clarification as to what is stated above, please contact me.

*Thomas R. Powell*

Thomas R. Powell  
Assistant City Attorney

TRP:cr

cc: Robert B. Feldner, Superintendent of Central Inspection  
Allen Inlow, Administrative Assistant

**THE CITY OF WICHITA**

OFFICE OF Central Inspection

DATE July 20, 1977



TO Robert Lakin, Director of Planning Department

FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT University Gardens CUP - Northeast  
Corner of 21st and Oliver

This correspondence is provided for your information, and is intended to provide a summary of Central Inspection Division's file on the above titled project. Hopefully this information will be of assistance in the formulation of written and oral reports to the Metropolitan Area Planning Commission, etc., as the files have grown to voluminous proportions. Rather than laboriously reiterate the entire file from July 7, 1965, forward, the information will be listed chronologically beginning May 31, 1977, as follows:

May 31, 1977 - Received memo from Jack Galbraith to Mary Pitman, CPO Office, advising Superintendent of Central Inspection of removal of trees, violation of screening provisions.

June 1 and June 2, 1977 - Site inspection conducted, contact initiated with The Oliver Partnership and the project attorney, Mr. William Higgins. Arrangements made for a meeting with the Superintendent of Central Inspection.

June 2, 1977 - Received memo from Galbraith to Feldner, dated June 1, 1977, providing further information and recommending immediate replacement of screening.

June 8, 1977 - Mr. Higgins office advised that he had been hospitalized, thus the meeting date changed to June 21, 1977.

June 16, 1977 - Received memo's from Lakin to Feldner and Lakin to E. H. Denton, dated June 14, 1977, advising of motion by M.A.P.C. that requests expeditious follow-up by C.I.D., City Commission communication by the Manager and recommended that the Superintendent of Central Inspection "cause construction to cease . . .".

June 21, 1977 - Galbraith met with Feldner to determine reasonable requirements for transmittal to Mr. Higgins in afternoon meeting. It was decided that submission of a new planting plan, including the screening wall and wall section details was in order. In the scheduled meetings Feldner, Allen Inlow and Ed Azim were present for the city with Higgins and Thomas Jacob, Architect, representing the developers. Higgins and Jacob readily agreed to the requirements, stated their intent to comply in a timely manner and supplied prior correspondence from Kenneth H. Bengston (of VanDoren-Hazard-Stallings) to Lindy Andeel and Thomas D. Jacob to Lindy Andeel as evidence of their good intentions.

July 20, 1977

Page 2

Subject: University Gardens CUP - Northeast Corner  
of 21st and Oliver

June 22, 1977 - Feldner forwarded report on project and June 21 meeting to Denton, Lakin, Galbraith, Dekker, Linn, Pitman, and Firsching of City Staff, including attachment of letters provided by Higgins.

June 24, 1977 - Received letter from Higgins to Feldner, Galbraith, Denton and City Commission, dated June 22, 1977, which expressed discontent with off-agenda consideration of this matter by the M.A.P.C.

July 1, 1977 - Received copy of memo from Evelyn Pitman, CPO, to Galbraith, dated June 30, 1977, reporting possible violations of the CUP in the construction of buildings.

July 7, 1977 - Received memo from Galbraith to Pitman, dated July 5, 1977, answering that the reported violations to the CUP in the construction of buildings was without merit, the structures were compliant. C.I.D. concurred.

July 8, 1977 - Received hand transmitted memo from Lakin to Feldner, dated July 8, 1977, which contained a motion from M.A.P.C. that this matter be referred to the Law Department for court action. The memo also carried the recommendation that no additional building permits be issued until this matter is resolved.

Acting on advice from Mr. Powell, Assistant City Attorney, and with the concurrence of the Director of Public Works; Inlow acting in the Superintendent of C.I.D.'s behalf, drafted and transmitted a memo to all affected, stopping permit issuance for all parcels of the CUP.

July 11, 1977 - Powell conducted a meeting with Feldner, Inlow, Lakin and Dobson in attendance. The motion of MAPC and all prior materials and events were discussed. Powell decided that alternatives other than court were the best course of action at this time and that building permits should be issued; however, it would be at the applicants risk as occupancy would be denied until the Superintendent was in agreement that all requirements had been satisfied. It was the consensus that all owners of record should be notified of this provision. Powell stated he would continue to monitor the project for any further action if necessary.

A memo was drafted and transmitted to all affected, recinding the restrictions on building permits.

July 12, 1977 - Letter forwarded from the Superintendent of C.I.D. to the University Gardens owners of record and their known agents, advising them that screening and all CUP requirements must be compliant prior to any occupancy.

July 13, 1977 - Received memo from Galbraith to Feldner, dated July 12, 1977, advising that a revised landscape plan has been submitted, including screening wall details. Galbraith stated plan is in review process.

July 20, 1977

Page 3

Subject: University Gardens CUP - Northeast Corner  
of 21st and Oliver

July 15, 1977 - Received copy of letter from Galbraith to Higgins, dated July 14, 1977, and suggesting that certain modifications be made to the plan prior to approval.

July 18, 1977 - Galbraith conducted meeting with Powell, Feldner, and Inlow where decision was made to maintain prior requirements, including occupancy, with no further action; subject to the continued efforts of the developer.

As previously stated, Central Inspection will continue to monitor this project with the intent of insuring that all applicable city requirements will be satisfied.



Robert B. Feldner  
Superintendent of Central Inspection

RBF/imc

cc: R. W. Bruggeman, Director of Public Works  
Jack Galbraith, Planning Department  
Tom Powell, Assistant City Attorney

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE July 20, 1977



TO Jack Galbraith, Chief Planner  
FROM Thomas R. Powell, Assistant City Attorney  
SUBJECT University Gardens

After reviewing the facts concerning the removal of the trees at the University Gardens Shopping Center site, and after discussing the matter with you and Bob Feldner, it would be my recommendation that no criminal proceedings be brought at this time.

First, it appears that an attempt is being made at this time by the landowners to bring the property into compliance with the CUP. It is my further understanding that you have met with representatives of the landowners, and that a landscape plan has been submitted. It is also my understanding that you are to meet with the landowners on Wednesday the 20th and at that time further discussion will occur concerning the landscaping of the area.

Secondly, Bob Feldner has written a letter to the various landowners informing them that no occupancy certificate will be issued until satisfactory resolution of the screening requirement is met. This requirement should assure that proper screening will be provided.

Lastly, I am somewhat hesitant to recommend to Central Inspection that someone from that division sign a complaint at this time for the reason that, from a criminal prosecution standpoint, the provision of the Board of Zoning Appeals' exception that provides that the trees remain is somewhat vague.

*Thomas R. Powell*

Thomas R. Powell  
Assistant City Attorney

TRP:cr

*Furnished to PC on  
7/21/77  
Copies in both Files*

# THE CITY OF WICHITA

*Dobson*



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



November 22, 1977

The Oliver Partnership  
5900 E. Central, Suite 201  
Wichita, Kansas 67208

Boettcher & Lleurance  
322 Laura  
Wichita, Kansas 67211

Dillon Real Estate Company, Inc.  
P. O. Box 1608  
Hutchinson, Kansas 67501

Malan Construction Company  
1736 Northland Park Court  
Detroit, Michigan 48075

Alcon Inc.  
Mr. Alfred A. Caro  
356 N. Rock Road  
Wichita, Kansas 67206

William P. Higgins, P.A.  
Penthouse/Sutton Place  
Wichita, Kansas 67202

E. N. Maisel & Associates  
P. O. Box 35425 Seven Oaks Station  
Detroit, Michigan 48235

Thomas D. Jacob, A.I.A.  
5920 E. Central  
Wichita, Kansas 67208

Mr. Wayne Wong  
6636 E. Murdock  
Wichita, Kansas 67206

James W. Sargent  
Vickers-RSB & T Building  
120 N. Market  
Wichita, Kansas 67202

Gentlemen:

Re: DP-8 University Gardens CUP: Northeast Corner of 21st and Oliver

The Board of City Commissioners of the City of Wichita, Kansas, has this date directed that no further Occupancy Certificates be issued, nor the occupancy of any additional premise be allowed on the above referenced project until all city requirements are complete. These requirements include items as follows:

In addition to all building and off-street parking requirements, all planting

SUPERINTENDENT OF CENTRAL INSPECTION ..... 269-4460  
BUILDING CODE ENGINEER ..... 269-4468  
PLAN EXAMINATION ..... 269-4477

HOUSING ..... 269-4481  
ZONING ..... 269-4479  
SIGNS ..... 269-4475

BUILDING & CONSTRUCTION ..... 269-4471  
PLUMBING & MECHANICAL ..... 269-4470  
ELECTRICAL & ELEVATOR ..... 269-4471

## THE CITY OF WICHITA

November 22, 1977

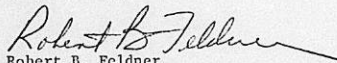
Re: DP-8 University Gardens CUP: Northeast Corner of 21st and Oliver  
Page 2

must be properly installed (excepting grass seeding), the screening wall properly installed and complete, and the water sprinkler system complete and operational in accordance with the revised planting plan, dated July 27, 1977, and in accordance with the provisions of the University Gardens CUP (DP-8) and the approved resolution of case no. BZA 2-70.

Based upon satisfactory completion of the above, occupancy may be allowed prior to grass seeding due to the weather constraints, however, seeding should transpire at the earliest possible date and must be completed prior to June 30, 1977.

Your immediate attention to this matter will be appreciated. If further information is desired, please feel free to contact this office at any time.

Respectfully,



Robert B. Feldner  
Superintendent of Central Inspection

RBF/imc

cc: E. H. Denton, City Manager  
R. W. Bruggeman, Director of Public Works  
John Dekker, Director of Law Department  
Robert Lakin, Director of Planning  
Jack Galbraith, Planning Department

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE July 20, 1977



TO Jack Galbraith, Chief Planner  
FROM Thomas R. Powell, Assistant City Attorney  
SUBJECT University Gardens

After reviewing the facts concerning the removal of the trees at the University Gardens Shopping Center site, and after discussing the matter with you and Bob Feldner, it would be my recommendation that no criminal proceedings be brought at this time.

First, it appears that an attempt is being made at this time by the landowners to bring the property into compliance with the CUP. It is my further understanding that you have met with representatives of the landowners, and that a landscape plan has been submitted. It is also my understanding that you are to meet with the landowners on Wednesday the 20th and at that time further discussion will occur concerning the landscaping of the area.

Secondly, Bob Feldner has written a letter to the various landowners informing them that no occupancy certificate will be issued until satisfactory resolution of the screening requirement is met. This requirement should assure that proper screening will be provided.

Lastly, I am somewhat hesitant to recommend to Central Inspection that someone from that division sign a complaint at this time for the reason that, from a criminal prosecution standpoint, the provision of the Board of Zoning Appeals' exception that provides that the trees remain is somewhat vague.

*Thomas R. Powell*

Thomas R. Powell  
Assistant City Attorney

TRP:cr

July 14, 1977

William F. Higgins  
Penthouse/Sutton Place  
Wichita, Kansas 67202

Re: Amended Landscape Plan  
DP-8 - University Gardens  
and BZA 2-70

Dear Mr. Higgins:

This is to acknowledge the July 12, 1977 receipt of an amended landscape plan covering the 35 foot planting strip associated with the University Gardens Community Unit Plan (DP-8) and the City Board of Zoning Appeals Case No. BZA 2-70.

The preliminary landscape plan has been reviewed by the staff of the Planning Department and the City's Superintendent of Landscape and Forestry. On the basis of this review, it is suggested that, prior to approval, the preliminary plans be modified to accommodate the following concerns:

1. The Sugar Maples indicated on the face of the plan are known to be susceptible to wind damage and are shallow rooted. The shallow root system may cause buckling of the adjacent masonry wall and disruptive infiltration of any nearby sewer lines. The substitution of a stronger, fast growing, deeper rooted variety such as a fruitless Mulberry, would be desirable.
2. The thornless Honey Locust trees prefer a light, well drained soil. The soils in the 21st and Oliver vicinity are generally heavy clay soils. The planting specifications should, therefore, emphasize backfilling the planting pit with a good light soil.
3. It was noted that two thornless Honey Locust trees were proposed at the north end of the planting strip in place of a previously proposed vehicle access point. A massing of 4 to 5 Sweet Gum or fruitless Mulberry trees would provide a more desirable screening effect at this location.

Page Two  
William P. Higgins  
July 14, 1977

4. In our initial discussion with you on July 12, 1977, it was noted that there appeared to be a reduction in proposed plant materials on the current landscape plan from what was proposed on the landscape plan originally approved on October 2, 1975. It was particularly noted that almost all of the shrubbery along the outside of the 4 foot masonry wall bordering Parcel #8 on the west and south side is no longer proposed to be planted. This reduction is in addition to the absence of the 22 trees in the 35 foot planting strip shown to be existing on the original landscape plan. By actual count, we have now determined that on Parcel 8, the current landscape plan proposes the planting of 30 trees in place of the 22 existing and 20 proposed on the prior plan, 2 shrubs proposed in place of the 48 shrubs proposed for planting on the prior plan, and no specialized ground cover whereas, the previously approved landscape plan proposed 125 sprigs of Purple Leaf Honeysuckle. It is strongly recommended that massings of shrubbery be reintroduced at selected points along the masonry wall. These massings should be informally spaced to break the monotony of the continuous wall. Zable Honeysuckle, Pyracantha, and Euonymus are among the varieties suitable for western and southern partially shaded exposure that will eventually exist when masonry wall is constructed and the proposed trees mature.
5. Successful execution of the landscape plan proposals to accomplish the desired effect will require regular attentive maintenance of the landscape materials. Of primary importance in any maintenance program in our south central Kansas climate is an adequate watering system. In our earlier discussion you indicated the possibility of using metered street washers to provide water for the landscape strip. On the basis of the maintenance experiences of the City Superintendent of Landscape and Forestry, it is suggested that street washers be spaced not more than 200 feet apart and that these proposed locations be indicated on the landscape plan.
6. As you have indicated a desire to proceed as quickly as possible to execute the requirements of the approved Community Unit Plan, it is suggested that early contact be made with the nurseryman of your choice to secure and reserve the larger

Page Three  
William P. Higgins  
July 14, 1977

planting stock for installation during the coming fall  
planting season.

As we discussed when you submitted the plans, I will follow up  
and contact Steve Perry and we will review in detail our recom-  
mendations on revising the landscape plan. If you have any  
questions concerning the above comments, please contact our  
office.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:RLY:el

cc: Lindy Andeel, 5900 E. Central, 67208  
Jim Kelley, Dillon, P.O. Box 1608, Hutchinson, Ks. 67501  
Steve Perry, 1037 Coolidge, 67203  
E. H. Denton, City Manager, City Hall  
Tom Powell, Dep't. of Law, City Hall  
Robert Feldner, Sup't. of Central Inspection, City Hall  
John Firsching, Sup't. Landscaping & Forestry, City Hall

July 12, 1977

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

Required Landscaping Plan in University Garden  
Shopping Center - /DP-8 and BZA 2-70

On this date, Bill Higgins and Steve Perry submitted the attached revised landscape plan for the areas adjacent to Oliver and 21st Street. Wanted you to be aware that this plan has been submitted and that I am in the process of reviewing the plan with John Firsching, City Forester. Higgins also asked that I forward to you a transmittal and wall detail for the required 4 foot wall adjacent to Oliver and 21st Street, as indicated on the attached landscape plan.

I expect that the landscape plan will have to be revised and at such time as an approved copy is available, I will forward one to you for your files.

Jack H. Galbraith  
Chief Planner

JHG:el

Enclosures

July 12, 1977

Thomas Powell, Assistant City Attorney

Larry Dobson, Jr. Planner

University Gardens C.U.P./DP 8 and BZA 2-70;  
Northeast corner 21st and Oliver

As discussed at our July 11, 1977 meeting on possible litigation over violations of subject C.U.P., I am enclosing the following information from our files:

COPY of MAPC Minutes of May 22, 1969;  
COPY of BZA Minutes of February 24, 1970;  
EXCERPTS from MAPC meetings of July 8, 1976  
and July 22, 1976;  
COPY of City Commission Proceedings of  
August 24, 1976;  
COPY of Approved C.U.P.;  
COPY of Approved landscape plan.

If you need additional information, please advise.

  
\_\_\_\_\_  
Larry Dobson  
Jr. Planner

LD:bh  
Encl.

# MAPC studies legal action over destruction of trees

By Steve Frazier  
Wichita Beacon staff

The Metropolitan Planning Area Commission (MAPC) Thursday directed two city departments to determine whether legal action can be taken against the developer of a K-Mart store at 21st and Oliver.

The city's central inspection and law departments are to determine whether the developer can be charged for violating the requirements of a Community Unit Plan (CUP) - a misdemeanor. The MAPC passed the measure 7-2. Members John Hennessey and David Beyouth were opposed.

MAPC members said they wanted to know why trees were torn out at the building site in apparent violation of CUP requirements.

William Higgins, attorney for the developer, a company called Oliver Partnership, said Thursday night the MAPC's desire to pursue misdemeanor charges was "totally ridiculous."

Higgins said the plan required the developers to have a 35-foot "planting strip," which he said his clients had always intended to comply with.

Area residents have opposed the project from the beginning, listing the possible loss of large trees on the northeast corner of 21st and Oliver as a major reason for their opposition.

The MAPC says its approval of the project included requirements that some of the trees be left.

But in early June, the construction contractor

tore out about 20 of the trees. In late June, the city had another contractor remove the remaining trees to provide room for acceleration and deceleration traffic lanes.

Area residents protested the removal of the trees, thinking that the K-Mart construction contractor, working for Oliver Partnership, had destroyed all the trees.

The MAPC voted June 9 that it was the "sense of the commission that this activity is absolutely intolerable" and that central inspection, which is responsible for enforcing the CUP, should remedy the situation. The MAPC also told Robert Lakin, planning director, to advise the city commission of the MAPC's concern, but the city commission took no action.

During his report to the city commission June 28, Lakin said the developer had been asked to supply new landscape plans for the site, but Oliver Partnership had not complied with the request.

MAPC member C. Robert Bell, who made the motion to see whether the developer could be charged with a misdemeanor, said he agreed with those who said the developer had been "tried in the press" and he wanted to "give them a chance to tell the judge what happened."

Higgins said his client had become a "whipping boy" in the incident, and the city "bungled" the situation.

He said a letter he sent last week to Lakin and the city commission explained that the developer would comply with the CUP after construction was

further along.

Higgins said the letter asked that he and his client be allowed to explain their position before the MAPC, but he was not notified that the matter would be discussed at Thursday's meeting.

The developer has not had a chance to show its new landscape plans to city planners, Higgins said, but he said the plans would be shown to them today or next week.

In other action, the MAPC adopted a zoning policy to serve as a guide for future zoning changes along Hillside. The city commission had requested a study on future Hillside zoning to restrict traffic increases and light commercial zoning.

The new policy says the MAPC will favor requests that zoning north of 21st be changed to medium-density residential, zoning from 21st south to Lincoln be changed to "BB" office district and zoning from Wassell south to 31st Street. South be changed to light commercial.

The policy advises that zoning along the rest of Hillside be retained.

Current zoning along Hillside is mixed. North of 21st is mostly single-family residential with some light commercial; from 17th south to Lincoln is single and multiple-family residential, commercial and light commercial and office; from Wassell south to 31st is mostly light commercial with some single-family.

The areas along Hillside that the new policy advises should retain existing zoning are zoned either university (from 17th to 21st) or mostly single-family residential (from Lincoln to Wassell.).

Western Beacon July 8, 1977

July 8, 1977

Robert B. Feldner, Superintendent of Central Inspection  
Robert A. Lakin, Director of Planning

DP-6 and BZA 2-70  
Zoning Violation, 21st Street North and Oliver

The Planning Commission, at its meeting of July 7, brought up off agenda the matter of the zoning violation at 21st and Oliver. We reported to them the action taken to date. The Planning Commission feels that more vigorous action should be taken and passed the following motion:

**MOTION:** That the Planning Commission resolves that Central Inspection is exhorted by this body to take the matter of the alleged violations at 21st Street North and Oliver up with the Law Department and assure that appropriate action against the developers is taken as quickly as possible so that the matter can be presented to a court of law and be disposed of. Bell moved, Greider seconded. Motion carried by a vote of 6 in favor (Barrier, Bell, Greider, Goebel, Kamen, May and Savina) and 2 opposed (Bayouth and Hennessy). Taylor was absent.

So that there is no misunderstanding as to the intent of the motion, it is the wish of the Planning Commission that the appropriate action be taken to file a complaint in the appropriate court alleging violation of the zoning ordinance, i.e. the C.U.P. which required the planting materials to be left as per the planting plan required in BZA 2-70. It was their feeling that at that point all issues relative to violations could be properly presented and debated under rules of evidence and through the due process of the court system. Attached for your information are the draft minutes of this discussion. Please advise of your action and the date and type of complaint filed. We will then inform the Planning Commission of your action.

I understand further that there are plans for additional buildings on this C.U.P. site in your office for review. Inasmuch as we have had no response from the applicant or his agents relative to

Memorandum to Robert B. Feldner  
Re: DP-8 and BZA 2-70

July 8, 1977  
Page 2

submission of this revised planting plan, I would recommend that no additional permits be issued until this matter is resolved.

Robert A. Lakin, Director of Planning

Attachment:  
Excerpt draft minutes of  
Planning Commission Mtg 7-7-77

cc: w/attachment  
E. H. Denton, City Manager  
R. W. Bruggeman, Director of Public Works  
John Dekker, Director of Law  
Tom Powell, Law Department  
Members of the Wichita-Sedgwick County  
Metropolitan Area Planning Commission  
Members of the Board of Zoning Appeals  
RAL:ew

July 8, 1977

Wichita-Sedgwick County Metropolitan  
Area Planning Commission

Robert A. Lakin, Director of Planning

DP-8 and EZA 2-70  
Zoning Violation, 21st Street North and Oliver

Attached is the correspondence we have concerning the possible violations at 21st and Oliver. This is for your information and files.

Robert A. Lakin, Director of Planning

Attachments:

Memo 5-20-77 Galbraith fr Mary Pitman, CPO  
Memo 5-25-77 Galbraith to Mary Pitman  
Memo 6-1-77 Robert Feldner fr Galbraith  
Memo 6-14-77 Denton from Lakin  
Memo 6-14-77 Robert Feldner fr Lakin  
Memo 6-20-77 Lakin fr John Firsching  
Memo 6-22-77 Denton fr Feldner  
Ltr 6-16-77 Lindy Andeel fr Kenneth H. Bengtson  
Ltr 6-13-77 Lindy Andeel fr Thomas D. Jacob  
Ltr 6-22-77 Feldner, Galbraith, Denton &  
City Commissioners fr William P. Higgins  
Ltr 7-7-77 Hugh Gibson fr Lakin  
Excerpt fr City Commission minutes 6-28-77  
RAL:ew

July 7, 1977

Hugh W. Gibson  
2535 Fenner Place  
Wichita, Kansas 67220

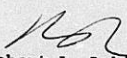
Dear Hugh:

I have passed your letter on to the Planning Commission. They were, of course, aware of the problem and have taken formal action to pursue the replacement of trees that were required to have been kept under terms of the approval of the shopping center and its associated parking. We will attempt to work with developer to get as mature and substantial planting stock as is possible.

The Commission to date has not involved itself with the architectural detailing of shopping centers and its design nor internal landscaping requirements such as might be considered on large parking lot expansive areas. To date we have been primarily concerned with the perimeter screening and/or landscaping. It may be as people within the community have become more sensitive to the treatment of large projects with plantings, etc. and as people show their consumer preference for those that have them vs. those that don't, there may be a change within the community both from a marketing standpoint and perhaps even from a regulatory standpoint.

I appreciate your concern. I know that the Commission also agrees with your concern about the unfortunate incident at 21st and Oliver.

Best regards,

  
Robert A. Lakin  
Director of Planning

RAL:ew

MAPD

WICHITA-SEDGWICK COUNTY

DATE July 1, 1977

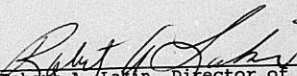
**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Wichita-Sedgwick County  
Metropolitan Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT 21st and Oliver

Attached is a letter received from Mr. Gibson. I have answered his letter. This is for your information and files.

  
Robert A. Lakin, Director of Planning

Attachment  
Ltr 6-5-77 fr Hugh W. Gibson  
RAL:ew

HUGH W. GIBSON  
2535 Fenner Place  
Wichita, Kansas 67220



June 16, 1977

Wichita-Sedgwick County Metropolitan Area Planning Commission  
City Building, 10th floor  
455 N. Main  
Wichita, Kansas 67202

Dear friends:

The newspaper article has come to my attention which mentions your recent action with regard to the development of the northeast corner of the intersection of 21st and Oliver. The whole chain of events with regard to this unneeded complex has been a very frustrating and depressing experience for a lot of citizens, and the callous removal of the trees seemed like just about the last straw. I did not know, as I watched the trees disappear, that there was a stipulation made against this, and I appreciate the sensitivity of the Commission in making such a provision.

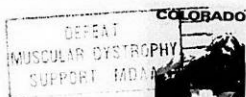
Unfortunately, it seems to me that it will be many years before any replacement of the trees can even approach the condition that existed prior to the destruction. And if the construction is halted, there certainly would be no relief from the problem. My suggestion is that, in replacement for the trees and other natural features taken from the community, the developer be required to create an aesthetically positive environment on the corner. The parking area could be "broken up" with some areas of grass and trees, the buildings could reflect some exterior architectural originality, and signs could be discreet and of reasonable size. (I'm aware that asphalt is already being applied, but if spaces of vegetation are not already being provided for, this is important enough to do some backtracking.)

My comments here are submitted without knowledge on my part about just what is planned architecturally, etc., but the construction of large unbroken expanses of blacktop and big, harsh-appearing buildings has been an all-too-common experience in the community. It is the hope of a lot of us that some steps can be taken that will prevent this in the future, not only in this case but in all other future development as well.

Sincerely,

  
Hugh W. Gibson

HUGH W. GIBSON  
2535 Fenner Place  
Wichita, Kansas 67220



Metropolitan Area Planning Commission  
City Building, 10th Floor  
455 N. Main  
Wichita, Kansas 67202

July 5, 1977

Evelyn Pittman, CPO Administrative Aide

Jack H. Galbraith, Chief Planner

DP-8 - University Gardens C.U.P.

Regarding the above captioned CUP and your memo of June 30, 1977 inquiring as to whether or not there is a violation in buildings not being joined together. Specifically, the CUP provides one building constructed on three parcels, 8, 10 and 11, except that Parcel 10 was permitted a second structure. The provision of the CUP reads as follows:

- (K) The buildings on Parcels 8, 10 and 11 shall be designed and constructed as an integrated shopping center structure. Each building shall be attached to the other by means of a common wall or walls resulting in a single contiguous structure with the exception of the second building permitted on Parcel #10 within the north 70 feet of the south 145 feet thereof.

In reviewing the plans in the Office of Central Inspection, K-Mart and the Dillons Store are being constructed on Parcels 11 and 8 and there are plans being reviewed at present to construct the connecting building to the two on parcel 10. There is nothing in violation in doing this as that was the developer's expression all along. The developer, I believe, made it clear that he had commitments for a K-Mart and a Dillons Store and was undecided as to what would go in between.

In reviewing plans and issuing permits, Central Inspection should make sure that provision (K) is complied with. Whether or not the phrase "designed and constructed as an integrated shopping center structure" means that all the uses will be in attached structures constructed of similar materials, is not spelled out on the CUP. I would not interpret that the exterior must be of the same material, although I would prefer that they be compatible with each other.

Page Two  
Evelyn Pittman, CPO Administrative Aide  
July 5, 1977

Central Inspection advised today that the Dillons Store is brick, the K-Mart Store is some other type of masonry, the building in between has a glass front and there is a canopy theme of the same material being carried out on portions of all three buildings. Of course, all the three buildings are attached as condition (K) requires.

If you or others have additional questions on the proposed materials, I would suggest that you contact the Plans Review Section of the Office of Central Inspection.

Jack H. Galbraith  
Chief Planner

JHG:el

cc: E. H. Denton, City Manager  
Robert Feldner, Superintendent of Central Inspection

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE June 30, 1977



TO Jack Galbraith, Chief Planner, Current Plans  
FROM Evelyn Pittman, CPO Administrative Aide

SUBJECT Possible Violation of University  
Gardens Community Unit Plan (21st  
and Oliver)

At a recent meeting, CPO Council "I" identified another possible violation of the University Gardens CUP and asked that it be called to your attention.

The possible infraction involves the construction of the buildings. It is the Council's understanding that the amended CUP requires several of the buildings to be joined as one building, constructed of similar materials and, therefore, homogeneous in appearance. Observations by the Council conclude that such is not the case. Specifically, construction of the K-Mart and Dillions store, two of the buildings expected to be connected, seem to violate this provision.

As representative of the community, the Council felt obligated to point out any possible violations. The Council asked that the situation be investigated, appropriate actions taken and to be informed of the outcome.

If additional information is needed, please advise.

*Evelyn Pittman*  
Evelyn Pittman  
CPO Administrative Aide

EP:rh

cc: E. H. Denton, City Manager  
Robert Feldner, Superintendent of Central Inspection

THE CITY OF WICHITA  
OFFICE OF Central Inspection

DATE June 22, 1977



TO E. H. Denton, City Manager  
FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT DP-8 University Gardens

In response to the telephone request of your office June 21, 1977 and the assemblage of materials forwarded by the Metropolitan Area Planning Department, the following report on the CUP titled above and located on the northeast corner of 21st and Oliver is hereby provided.

Central Inspection Division routinely monitors all building activity in the city to insure compliance with the Building Code, Zoning and Sub-division Regulations, CUP's, BZA's, etc. This particular project was (and is) no exception. Due to the volume of building activity and numbers of staff involved, enforcement must of necessity involve "spot checks" in recurrent trips to the site. The tree and planting removal transpired in-between these inspections.

On May 31, 1977, the Division received a copy of a memorandum from Jack Calbraith, Chief Planner, Metropolitan Area Planning Department to Mary Pitman of the C. P. O. Office, concerning the tree removal. A copy of this memo was forwarded to the Manager's office. An inspection of the site was immediately conducted which affirmed that the trees had indeed been removed. The project developer, Mr. Andeel, and his attorney, Mr. Higgins, were then expeditiously contacted by telephone. Some confusion ensued as Mr. Andeel expressed no knowledge of the tree removal. A meeting was set June 8, 1977 for further discussion in the office of the Superintendent of Central Inspection. Prior to the meeting, Mr. Higgins office contacted Central Inspection and requested that the meeting be rescheduled as Mr. Higgins had been hospitalized. The meeting was rescheduled for Tuesday, June 21, 1977.

Subsequent to these actions, further information became available. The City Engineer had scheduled 21 of the existing trees for removal, to facilitate construction of accel-decel lanes.

Apparently Mr. Andeel's representatives and others involved in the project held a meeting concerning screening, site grading and elevation problems. Correspondence pertaining to these meetings, and the resultant decision to remove all planting, has been supplied by Mr. Higgins and is attached.

The scheduled meeting was conducted at 3:00 P. M. June 21, 1977, with Mr. Andeel's representatives, Mr. Higgins, attorney, and Mr. Jacob, architect, in attendance.

Mr. Higgins began the meeting by stating that all parties concerned were in agreement that the trees and planting were gone and as it was their intent to

June 22, 1977  
Page 2  
Subject: DP-8 University Gardens

comply fully with the CUP and screening provisions, any discussion as to cause would be futile and irrelevant. The Superintendent then stated that Central Inspection and the Metropolitan Area Planning Department were in agreement that the best course of action would be the submission for Planning's approval of a new planting plan, including the screening wall and wall section details. An anticipated date of completion (prior to occupancy) of the improvements was also requested.

Mr. Higgins agreed to this course of action, and stated that the new plan would be submitted immediately, as quickly as it could be drawn.

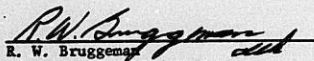
Central Inspection Division believes that Mr. Andeel and his associates will comply with the requests contained herein in a timely manner. Follow-up procedures will be continued to insure compliance, hopefully eliminating this unfortunate situation.

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



Robert B. Feldner  
Superintendent of Central Inspection

Approved:



R. W. Bruggeman  
Director of Public Works

RBF/imc

cc: Robert Lakin, Director of Metropolitan Area Planning Department ✓  
Jack Galbraith, Chief Planner  
John Dekker, Director of Law Department  
Dick Linn, City Engineer  
Mary Pitman, Citizens Participation Organization  
John Firsching, Superintendent of Landscape and Forestry



ARCHITECTS - ENGINEERS - PLANNERS  
**VAN DOREN - HAZARD - STALLINGS**  
250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206  
TELEPHONE 316 686-7303

June 16, 1977

Lindy Andeel  
5900 East Central  
Wichita, Kansas 67208

Re: University Gardens Second Addition  
Parcel 1 Trees

Dear Lindy:

At a meeting which took place on the site of the above referenced project the general condition and location of the trees on the corner were examined. A majority of the trees were found to lie in the path of the accel-decel lane, sidewalk and proposed screen wall which were requirements of the plat.

The developers then chose to remove the few remaining trees (less than ten) and replace them with the required planting strip and include mature trees.

Very truly yours,

Kenneth H. Bengtson

KHB/js

cc: Jim Rogers

13 JUNE 1977

LINDY ANDEEL  
5900 E. CENTRAL  
WICHITA, KANSAS 67208

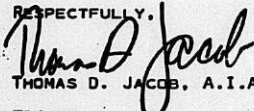
RE: 21ST & OLIVER

DEAR LINDY:

AS PER YOUR REQUEST, THIS LETTER IS TO FURTHER CLARIFY MY LETTER OF 3 MAY 1977 ON THE ABOVE REFERENCED ITEM. AT THE TIME OF THAT MEETING ATTENDING WERE BILL ALLEN, MOON MULLEN OF DILLON'S, JIM ROGERS AND AL KNAPP OF MALAN CONSTRUCTION, KEN BENGSTON, AND MYSELF. AT THAT TIME WE REVIEWED THE GRADING OF THE CORNER IN RELATIONSHIP TO THE DILLON'S PARKING LOT AND THE REQUIRED CITY STREET WIDENING AND TURN LANES. IT WAS THEN THAT THE REALIZATION WAS EVIDENT THAT TO CONTOUR THE GRADES DOWN TO THE NORTH TO THE DILLON'S PARKING LOT IT WOULD BE NECESSARY TO REMOVE SEVERAL TREES OF WHICH MANY HAD QUESTIONABLE LIFE EXPECTANCY. THEN IN REALTIONSHIP TO THE CORNER, WHEN THE DECELERATION LANE, THE TURN LANE AND THE SIDEWALKS ARE INSTALLED TO CITY REQUIREMENTS AS FAR AS GRADES, AN APPROXIMATE 30" DIFFERENCE IN ELEVATION BETWEEN THE TOP OF THE SIDEWALK AND EXISTING GRADE WOULD OCCUR. THIS WOULD OF REQUIRED A RETAINING WALL TO BE INSTALLED ALL AROUND THE CORNER WHICH WOULD OF BECOME A VISIBLE BEARER AT THE CORNER FOR TRAFFIC OR THE GRADES WOULD OF HAD TO BE SLOPED FROM THE SIDEWALK TO A CREST IN THE REMAINING LAND OF THE CORNER. THE REMOVAL OF TREES BECAME A REQUIREMENT. IT WAS AT THIS POINT THAT IT IS DECIDED TO REMOVE THE TREES BECAUSE THE REQUIRED PLANTING. SCREEN AT THE CORNER WOULD REPLACE THESE TREES.

I TRUST THIS ANSWERS YOUR QUESTIONS AT THIS TIME, AND IF I CAN BE OF ANY FURTHER SERVICE PLEASE DO NOT HESITATE TO CONTACT ME.

RESPECTFULLY,

  
THOMAS D. JACOB, A.I.A.

TDJ:KB

THOMAS D. JACOB, A. I. A. ARCHITECT 5920 E. CENTRAL WICHITA, KANSAS 67208 316 684-5268

LAW OFFICES  
OF  
WILLIAM P. HIGGINS, P.A.

June 22, 1977

PENTHOUSE/BUTTON PLACE  
WICHITA, KANSAS 67202  
316/263-6148

Mr. Bob Feldner  
Central Inspection  
City Hall  
455 North Main Street  
Wichita, Kansas 67202

Mr. Jack Galbraith  
Wichita-Sedgwick County Metropolitan  
Area Planning Department  
City Hall  
455 North Main Street  
Wichita, Kansas 67202

Mr. Gene Denton  
City Manager  
City Hall  
455 North Main Street  
Wichita, Kansas 67202

Mr. Tony F. Casado  
City Commissioner  
City Hall  
455 North Main Street  
Wichita, Kansas 67202

Mr. Glenn Shanahan  
City Commissioner  
City Hall  
455 North Main Street  
Wichita, Kansas 67202

Dr. Garry Porter  
City Commissioner  
City Hall  
455 North Main Street  
Wichita, Kansas

Ms. Connie Peters  
City Commissioner  
City Hall  
455 North Main Street  
Wichita, Kansas 67202

Dr. James M. Donnell  
City Commissioner  
City Hall  
455 North Main Street  
Wichita, Kansas 67202

Re: 21st and Oliver

Gentlemen:

A meeting was had with Mr. Feldner on Tuesday, June 21, 1977, at which time I was present with Mr. Thomas D. Jacob, architect, relative to solving the problem of the removal of the trees and the new plantings at the corner of 21st and Oliver. At that meeting I presented a letter from Mr. Jacob explaining the situation, as well as a letter from Mr. Kenneth H. Bengston of the firm of Van Doren-Hazard-Stallings, which letters are self-explanatory.



June 22, 1977

Page Two

At said meeting we advised that we will submit a new planting plan to Mr. Galbraith in an effort to satisfy the parties; if said satisfaction can be reasonably attained. A cross-section of the retaining wall will also be provided, showing the type of construction, etc. which will be the same as is being constructed by Dillons along Oliver.

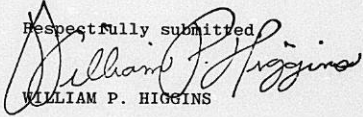
It must be pointed out that developers and owners of this tract have been made the "whipping boy" for the City in this particular situation in an attempt to satisfy the surrounding neighbors. Logic would dictate that the City requirement for additional land and construction of accel-decel lanes, sidewalks, and then an additional requirement of a screening wall would necessitate removing a majority of the trees on the corner of 21st and Oliver and along Oliver Street. There were less than ten trees which would not have been directly affected, the remaining trees would have been approximately 30 inches above grade, which would have meant exposure of roots and other problems that would have given them very little chance of survival. A retaining wall approximately three feet high would have been required to have held the soil around these trees and it was determined the retaining wall would have obstructed the view of traffic.

It is a fact that leaving all the trees would have saved the developer considerable funds as it would have eliminated the necessity of removal of old trees, planting a 35-foot deep planting strip and constructing a screening wall. Nature, the requirements of the City, and the necessity of considering the traffic situation made this impossible.

The only advice we have had of any meeting with the Planning Commission relative to this corner, of late, has been through newspaper articles and we respectfully request that we be allowed to protect against adverse publicity by presenting our side of the story at any future hearings. We are prepared to appear before the City Commission, if so requested, with our experts, and present graphically the truth of this situation.

All owners of this property are intent upon doing everything to make the project well-constructed and well-planned and an asset to the City and the neighborhood. The problem with the trees is a problem which was not brought about by the City or the developer with the intent to harm, injure or infuriate the neighbors in any manner.

Respectfully submitted,

  
WILLIAM P. HIGGINS

WPH/jsp

**THE CITY OF WICHITA**

OFFICE OF LANDSCAPE & FORESTRY

DATE June 20, 1977



TO Robert A. Lakin, Director of Planning

FROM John G. Firsching, Supt. Landscape & Forestry

SUBJECT Removal of Trees - Northeast Corner  
21st & Oliver

This memorandum confirms our discussion in the Planning office on the morning of June 17.

In regard to the removal of trees on the northeast corner of 21st and Oliver, apparently in preparation for the construction of a K-Mart, I have the following to submit.

About 18 to 24 months ago I met with Jack Galbraith and other members of your staff along with Archie King, Forestry Supervisor, and individuals involved in the development of this new facility. We spent quite a bit of time in going over each individual tree, recommending that most of them remain except for those that were severely damaged or dead. We made it a point that these trees be allowed to remain since they contribute to the embellishment and provide screening for the residences in the vicinity. In regard to the removal of trees on public property we advised the developers that we should be informed if in their opinion some of the trees need to be removed and not to remove them unless they did receive a permit from the Landscape and Forestry office.

We further advised the developers to retain certain specimen trees that were located on private property that would enhance the development of the facility and provide mature trees which would take many years to attain from new plantings.

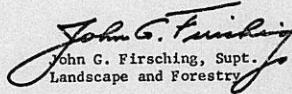
Subsequently, the Landscape and Forestry office received a telephone call that certain trees in the parking at the site were dead and requested that they be removed. I dispatched Carl Holmes of my office to look into the situation and he could find no reason to give permission whatsoever to remove any of the trees and that there were a great number of trees remaining at that time.

Robert A. Lakin  
June 20, 1977  
Page 2

Two memorandums dated May 11, 1977 from R. W. Linn, City Engineer, Subject "Tree Removal" advised our office that seven large trees and two small trees along 21st Street and six large trees and six small trees along Oliver were necessary to remove in connection with the paving of the streets. Our office was convinced that this was necessary in the construction activity and that the plans could not be feasibly revised to circumvent the trees. However, these trees were only a very small number of remaining trees at the site.

On the afternoon of June 16, as a result of your telephone message made to my office earlier in the day, I examined the site and to my amazement was utterly surprised that the entire site was layed completely waste of any trees whatsoever. I do not have any idea as to how this came about. When checking with responsible personnel in the Landscape and Forestry Division, no one had given permission or issued a permit for the removal of these trees.

We will continue to investigate the situation and would like to work with Mr. Jack Galbraith of your staff to determine what was actually removed without appropriate authority. It may be necessary for us to demand replacement of a suitable number of trees in accordance with specific plans and specifications to re-embellish the site and screen it from the residences in the vicinity.

  
John G. Firsching, Supt.  
Landscape and Forestry

JGF:mkh  
cc: Thomas P. Allen, Jr.  
Carl M. Holmes  
Archie R. King

June 14, 1977

E. H. Denton, City Manager  
Robert A. Lakin, Director of Planning

DP-8 University Gardens

Attached is a memorandum addressed to the Office of Central Inspection relative to a zoning violation at 21st and Oliver. By separate request the Planning Commission asked that the City Commission be requested to back the MAPC in seeking an immediate correction of the zoning violation. You may wish to place this on the Commission agenda. However, I think at this stage until we have a response from Central Inspection as to the possible remedies and action taken by them, that you may wish to provide this to the City Commission for information purposes. Please advise if you need additional information.

Robert A. Lakin, Director of Planning

Attachment  
as noted

cc: Robert Feldner, Superintendent of Central Inspection  
RAL:ew

June 14, 1977

Robert Feldner, Superintendent of Central Inspection  
Robert A. Lakin, Director of Planning

DP-8 University Gardens

As an off-agenda item on the Planning Commission agenda of June 9, a Planning Commissioner inquired about the removal of trees on the CUP site at the northeast corner of 21st and Oliver. We have already corresponded with you on this subject and we advised the Planning Commission that we had initiated an inquiry on what appears to be an obvious violation of the BZA case for parking and the related CUP.

The Planning Commission, however, wished to provide greater emphasis than administrative staff follow-up on this issue and did, by motion, resolve and request that their concerns be conveyed to Central Inspection and that it be the sense of the Planning Commission that the activity involving the removal of the trees was and is absolutely intolerable. The Commission further requests that Central Inspection proceed with the utmost dispatch and vigor which is at their command and to use every legal means to enforce a remedy of this situation and, if it is possible as a remedy to the city, to cause construction to cease until the violations have been remedied. The motion was made by Bell, Barrier and Greider seconded the motion, and it carried unanimously, one Planning Commissioner absent (Kamen).

Robert A. Lakin, Director of Planning

cc: E. H. Denton, City Manager  
Ray Bruggeman, Director of Public Works  
John Dekker, Director of Law  
RAL:ew

June 1, 1977

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-8/- University Gardens CUP - North east corner of 21st & Oliver;  
and BZA Case No. 2-70

By copy of my memorandum of May 25, 1977, to Mary Pitman of the CPO Office, you were made aware of the problem that has developed regarding the landscaping provisions associated with BZA Case No. 2-70 and by the University Gardens Community Unit Plan, DP-8.

All trees that were existing in the designated 35 foot landscape strip adjacent to 21st and Oliver Streets have been removed. This action clearly violates condition #5 of BZA Case 2-70 and the associated landscape plan which, in my opinion, also causes General Provision #3 of the University Gardens C.U.P. to be violated. The approved landscape plan denotes 15 to 20 existing trees which were intended to provide mature landscaping, complimented by new plantings near the intersection of 21st and Oliver. It now appears that the only way for the developer to comply with these conditions is to replace the removed trees with other older nursery stock. The only trees that were left after site grading are those on public property, most of which will have to be removed when street improvements are made at this intersection. The approved plans for the Dillon's store denotes the landscaping strip adjacent to their property (Parcel #8), however, no plans have been received for the corner property (Parcel #9).

Inasmuch as the landscape plan has been violated by the removal of all existing trees, it is my opinion that the installation of the 35 foot landscape strip and 4 foot high wall should be accomplished immediately and that mature stock be used to replace the mature trees which were removed. Failure to proceed in this manner will leave virtually no screening or buffer of this development from the west and southwest.

I am available to meet with you and your staff further on this matter if necessary. Please call if I can be of assistance.

Jack H. Galbraith  
Chief Planner

JHG:LD:el

cc: Robert A. Lakin, Director of Planning  
Joe Donnelly, Housing and Zoning Administrator  
Mary Pitman, CPO Administrative Aide

WICHITA-SEDGWICK COUNTY

DATE

May 25, 1977

METROPOLITAN AREA PLANNING DEPARTMENT

TO Mary Pitman, CPO Office  
FROM Jack H. Galbraith, Chief Planner  
SUBJECT University Gardens - Northeast corner of 21st and Oliver

Reference your letter of May 20, 1977, concerning possible violations of landscaping conditions associated with subject property.

In compliance with Condition #5 of BZA Case 2-70, a landscape plan was submitted for the 35 foot setback area on the east side of Oliver and the north side of 21st Street. This plan reflects the standard 75 foot of half street right-of-way at the intersection, tapering to a 60 foot right of way. Existing trees are denoted in the 35 foot landscaped setback area along with proposed new plantings. The approval of this plan constituted compliance with the Board's condition, and therefore, the Resolution reflecting the approval of the applicant's request for an exception to install an off-street parking lot was forwarded to the Superintendent of Central Inspection. Condition #13 of this Resolution states that: "All improvements as outlined above shall be installed prior to the occupancy of the site for an off-street parking lot." It is the responsibility of the Superintendent of Central Inspection to assure that conditions have been met prior to the occupancy or utilization of said parking lot.

In response to your comments about the removal of many trees from the site, one of our staff inspected the site this week. His visual inspection of the property revealed that virtually all the existing trees have been removed from subject property. The only trees and shrubs observed to be remaining are located in the street right-of-way. This removal of existing trees violates the applicant's stated intentions on their approved landscape plan. This, in turn, may also violate General Provision #3 of the approved Community Unit Plan which states that "A planting strip no less than 35 feet in width as indicated adjacent to Oliver and 21st Street and approved October 2, 1975 (BZA Case No. 2-70 to meet condition #5). Failure to properly maintain the planting strips 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, that the planting strips are not properly maintained."

Inasmuch as the trees have been removed, we are by copy of this memorandum, advising the Superintendent of Central Inspection of the violation and requesting that he inform the CPO Council of

Mary Pitman, CPO Office  
May 25, 1977  
Page 2

what action his office will be taking to bring this condition into compliance with the approved plans.

Sincerely,

*Jack H. Galbraith*  
~~Jack H. Galbraith~~ *JH*  
Chief Planner

JHG:LD:bh

cc: E. H. Denton, City Manager  
Robert Lakin, Director of Planning  
Robert Feldner, Superintendent of Central Inspection

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

DATE May 20, 1977



**TO** Jack Galbraith, Chief Planner, Current Plans, MAPD

**FROM** Mary Pitman, CPO Administrative Aide

**SUBJECT** Possible Violations of the  
University Gardens CUP (21st and Oliver)

At their meeting on May 17, 1977, CPO Neighborhood Council Area "I" discussed possible violations of landscaping requirements on the University Gardens Community Unit Plan (CUP) at 21st and Oliver.

The Council is asking that the Planning Department investigate the site as soon as possible, for infractions of the CUP. Apparently many trees have already been gutted and construction is proceeding at a quick pace. If infractions are observed, the Council asks that the MAPD refer the matter to the appropriate City staff for interpretation and enforcement of the CUP and initiation of action to end the violations.

I am aware of the fact that retention of the trees on Oliver was included only in the "General Notes" (5) of the University Gardens CUP. However, I also note that the BZA minutes of February 24, 1970, place upon the developer the following condition:

5. A detailed landscape plan for the setback areas on 21st and Oliver Streets showing the required walls on the west and north, existing trees and those proposed to be retained, proposed location and type of new trees and shrubs prepared by a registered landscape architect shall be submitted to the Secretary of the Board for approval prior to the resolution being forwarded to the Office of Central Inspection. In the event the Secretary is unable to approve the plan, the applicant has the right of appeal to the Board.

Does mere submittal of a landscaping plan constitute compliance with this condition or is the plan in any sense considered to be binding upon the developer?

CPO Neighborhood Council "I" will be considering this matter again on June 7, 1977. It would be very much appreciated if any staff comments or report on this matter could be received in the CPO office by May 31, 1977. Please advise me at 4519 if you have any questions or anticipate any problems with this time frame.

*Mary Pitman*  
Mary Pitman  
CPO Administrative Aide

MP:sm

cc: E. H. Denton, City Manager  
Robert A. Lakin, Director of Planning, MAPD

Noted:

*David Furnas*  
David Furnas  
CPO Coordinator

WICHITA-SEDGWICK COUNTY *Stan 7*  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE  
May 16, 1977

*1-27 CUP  
30 plat  
31- Close up  
03-08 L5 plat*

TO Board of City Commissioners  
FROM Jack H. Galbraith, Chief Planner

SUBJECT Request for lot split approval of Lot 3, University Gardens 2nd Addition. Generally located at the NE corner of Oliver and 21st.

We have received a request for approval of a split of Lot 3, University Gardens 2nd Addition. Item 11 of the General Provisions of the University Gardens Community Unit Plan requires any lot split application to be approved by the Board of City Commissioners.

Lot 3 corresponds to Parcel 10 of the C.U.P. Parcel 10 was approved for a maximum of two buildings. The building on the front portion of the lot must be constructed within the north 70 feet of the south 145 feet thereof. The ground floor of that building shall be no larger than 3,000 square feet and the building may be used for any light commercial business except the following: new or used auto agencies, recreational vehicle and mobile home sales agencies, service stations, and those businesses normally referred to as fast food, carry-out restaurants. The building on the rear or north portion of the lot shall be part of an integrated shopping center structure with a setback of 300 feet from 21st Street North.

Review of this lot split reveals that no new easements or guarantees for improvements are needed. Access to the north portion of Lot 3 is provided by a 30-foot drive easement from 21st Street as well as a right-of-access agreement in favor of all parcels. It is our recommendation that this lot split be approved.

Consideration of this lot split request will be on the Planning Agenda of your regular meeting on May 24, 1977. Attached is a sketch of University Gardens 2nd Addition showing the location of Lot 3. Also attached is a copy of the lot split drawing.

APPROVED BY:

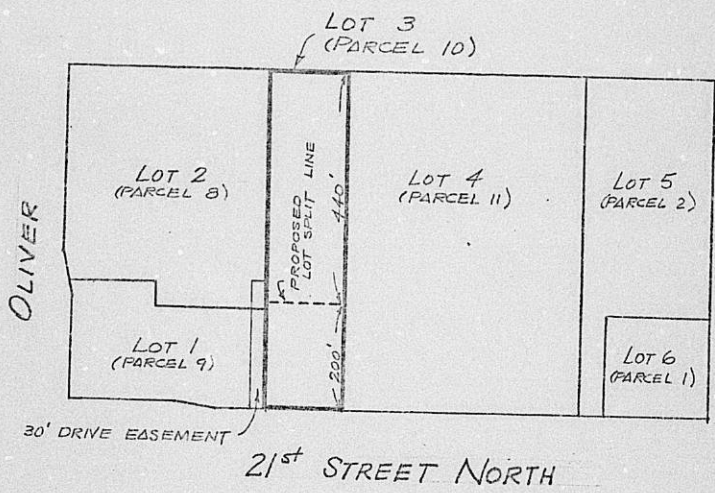
*Jack H. Galbraith*  
Jack H. Galbraith  
Chief Planner

JHG:LO:smc  
Attachments:  
cc: E. H. Denton, City Manager

*Issue of plantings:  
BZA for setback area +  
landscape plan -  
Permit usual - field inspector  
to enforce. + New Office w/ check.*

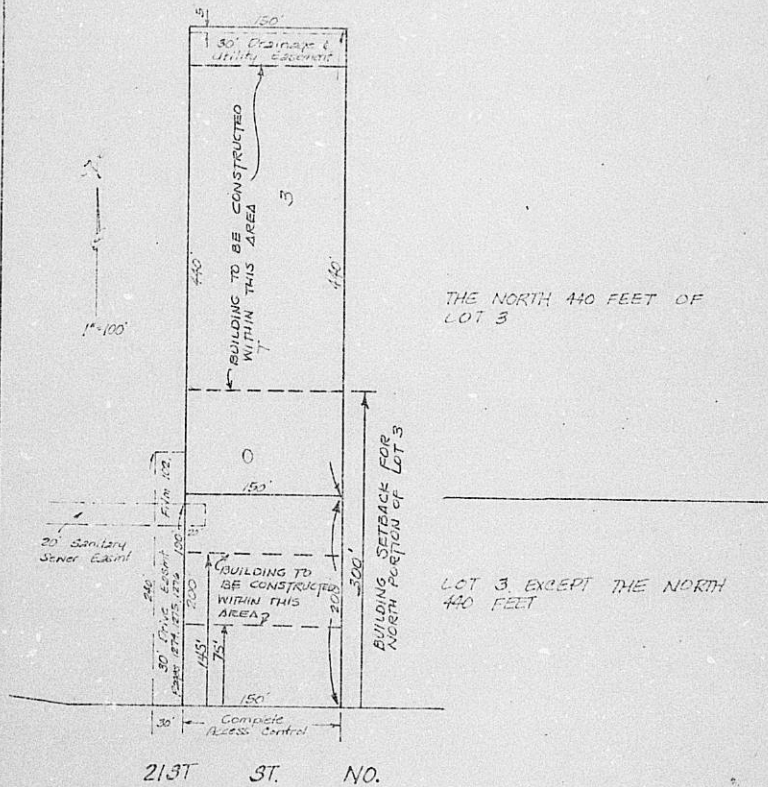
*Doney*  
*See agenda item 11*  
*See letter to City Manager*

*ML*  
*22-3*  
*Shan*  
*Candler*



# LOT SPLIT

LOT 3, UNIVERSITY GARDENS  
2ND ADDITION, WICHITA,  
KANSAS



FALGHMAN COMPANY 4-13-77

THE CITY OF WICHITA

*Handwritten:* ~~Check~~  
Mud File



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

January 18, 1977

Mr. Tim Wagner  
Swiss Construction Co.  
901 S. 160th St. East  
Wichita, KS 67230

Re: Taco Tico  
University Gardens

Dear Mr. Wagner:

The University Gardens Community Unit Plan DP - 8 was revised and approved by the Board of City Commissioners on August 24, 1976.

One of the conditions of the approval required that the area be replatted prior to the issuance of building permits. There are other stipulations in the general provisions that must be met prior to the issuance of any permits.

The plot plan for the Taco Tico needs to be revised because of limited access to Parcel 1. The building plans submitted by you are being placed in "Hold" pending completion of platting, compliance with C.U.P. provisions, and revision of the plot plan.

Sincerely,

*Dolores E. Mast*

Dolores E. Mast  
Assistant Building Plans Examiner

DEM:dh

cc: ✓ Jack Galbraith, Planning Department  
Dick Linn, Engineering  
Paul Graves, Traffic Engineering



SUPERINTENDENT OF CENTRAL INSPECTION ..... 268-4460  
BUILDING CODE ENGINEER ..... 268-4469  
PLAN EXAMINATION ..... 268-4477

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

BUILDING & CONSTRUCTION ..... 268-4481  
PLUMBING & MECHANICAL ..... 268-4478  
ELECTRICAL & ELEVATOR ..... 268-4471

November 8, 1976

Mr. John L. Kiser  
#12 Crestview Lakes Estates  
Wichita, Kansas 67220

Re: Slides associated with  
DP-8 - University Gardens  
C.U.P.

Dear Mrs. Kiser:

After our discussion last Friday, I checked with our Graphics Section regarding your slides and was advised that they were given to Mr. Talaty after this case was considered by the Board of City Commissioners. I was advised that he would see that they were returned to you. If you are not able to contact Mr. Talaty or should he not have your slides, please call and I will check into the matter further.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:rme

# THE CITY OF WICHITA

*Calbraith*



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

October 5, 1976

Mr. George Stevens  
5405 East Central  
Wichita, Kansas 67208

Dear Mr. Stevens:

You asked the question as to whether a food establishment similar to the Lazy R operation would be allowable in the Community Unit Plan designated as University Gardens located at 21st Street and Oliver.

A review of the CUP indicates that this type of operation would be allowable in Parcel #1 with a maximum gross floor area of 8,000 square feet. It also would be allowable in Parcels 2 and 8, provided it is a part of the shopping center building and not occupying a separate structure. It would be allowable in Parcel #9, provided the maximum floor area does not exceed 3,000 square feet. It is allowable in Parcels #10 and #11 as a part of the shopping center building.

I hope this information will answer your question concerning this type of operation. If you have any further questions, please contact me.

Sincerely,

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

RBF:mm1

cc:  Jack Calbraith,  
Metropolitan Area Planning Department



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

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

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

September 24, 1976

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

DP-8 - Amendment to University Gardens C.U.P. -  
Northeast corner of 21st St. and Oliver

The Board of City Commissioners on August 24, 1976, considered the above captioned C.U.P. Their action was to approve the C.U.P. subject to the following conditions:

- a. Replatting of subject property into lots coinciding with the parcel boundaries within one year from the date of approval by the City Commission; or the case be considered denied and closed.
- b. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

Please note that prior to the issuance of any building permits, and in accordance with condition "a" above, the property must be platted.

Attached for your information and files are two approved copies of the C.U.P.

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

Jack H. Galbraith

JHG:GLS:el  
Attachments (2)

August 27, 1976

William P. Higgins  
Attorney at Law  
Penthouse/Sutton Place  
Wichita, Kansas 67202

Re: DP-8 - Proposed amendments  
to University Gardens CUP -  
Northeast corner of 21st  
and Oliver

Dear Mr. Higgins:

The Board of City Commissioners at its regular meeting of August 24, 1976, considered the above captioned case. After considerable discussion, the action of the City Commission was to approve the C.U.P. as recommended by the Metropolitan Area Planning Commission, subject to the recommended conditions and in addition, the following conditions:

1. General Provision #9 shall be rewritten as follows:

There is a right of access to and across each of Parcels 1, 2, 8, 9, 10 and 11 in favor of each of said parcels. Internal vehicular circulation shall be arranged and made available to each parcel in such a manner as to facilitate ease of circulation on site and shall not be removed, altered or changed without the agreement and consent of all owners of all the parcels cited above and the Board of City Commissioners. Such access rights and circulation privileges shall be binding on all owners, heirs, successors or assigns.

2. Under Parcels 8, 10 and 11, (J) shall be amended to first list the proposed use and then the following statement shall be added:

The buildings on Parcels 8, 10 and 11 shall be designed and constructed as an integrated shopping center structure. Each building shall be attached to the other by means of a common wall or walls resulting in a single contiguous structure with the exception of the second building permitted on Parcel 10 within the north 70 feet of the south 145 feet thereof.

William P. Higgins  
August 27, 1976  
Page 2

3. Add a General Provision to read as follows:

Any application for a "Lot Split" shall require the approval of the Board of City Commissioners.

4. General Provision #7 shall be reworded as follows:

No building permits shall be issued until satisfactory guarantees on Parcels 1, 2, 8, 9, 10 and 11 are submitted for the installation of accel-decel lanes adjacent to 21st and Oliver, and for the installation of drainage improvements on subject parcels.

5. General Provision #5 and the notation of access points under each parcel shall be changed to provide the following:

21st Street

- 1 access point to Parcel 1
- 1 access point to Parcel 2
- 2 access points to Parcel 11
- 1 access point to Parcels 8 and 9

Oliver

- 1 access point to Parcel 8 to be constructed to be utilized with the required accel-decel lane.
- 1 access point to Parcel 3
- 1 access point to each of Parcel 4, 5, 6, 7

6. The number of buildings on each parcel shall not exceed the following:

- 1 building on Parcel 2
- 2 buildings on Parcel 1
- 1 building on Parcel 8
- 1 building on Parcel 9
- 2 buildings on Parcel 10
- 1 building on Parcel 11

7. During the processing of the replat of Parcels 1, 2, 8, 9, 10 and 11, consideration shall be given to the intersection design of 21st and Oliver, including signalization and channelization. As well as the possible reconstruction including signalization of 21st east of Oliver to provide eastbound left turn storage into the shopping center.

William P. Higgins  
August 27, 1976  
Page 3

Based on this action, it is necessary that these additions and corrections be made on the C.U.P. and five corrected copies be submitted to our office. If you have any questions on the action of the City Commission, or the replatting of Parcels 1, 2, 8, 9, 10 and 11, please call. We would appreciate receiving the corrected copies at your earliest convenience.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:rme

cc: The Oliver Corporation, 5900 East Central, Suite 201, 67208  
Dillon Real Estate Co., Inc., 2700 E. 4th St., Hutchinson, Ks.  
67501  
Colleen Johnson, 4710 E. 26th Street North, 67220  
John L. Kiser, #12 Crestview Lakes Estates, 67220  
Barbara Knapp, 4709 Greenbriar, 67220  
Erach and Margaret Talaty, 2401 N. Oliver, 67220  
Dr. George Platt, Director of Planning, Wichita State  
University, 67208  
Dennis J. Eskie, 214 W. 6th St., Suite 301, Topeka, Ks., 66603  
Rev. Paul F. Holmes, P. O. Box 66, Offerly, Ks., 67563  
Edward Brown, 4814 Looman, 67220  
Jean Perel, 4400 East 25th Street North, 67220  
Bradford Reeves, #8 Crestview Lakes Estates, 67220  
Bill Stevens, 5717 East 20th Street, 67220  
Janet Sage, 4906 Arlene, 67220  
Ms. Charles E. Steele, 2619 N. Pershing, 67220  
William L. Korber, 330 Laura, 67211  
Bill McKinley, Assistant City Traffic Engineer  
Dave Furnas, CPO Coordinator  
City Manager's Office  
John Dekker, Director of Law  
Donald C. Gisick, City Clerk  
Robert L. Howard, Attorney, Fourth Financial Center, 67202

THE CITY OF WICHITA

GALBRAITH  
Shirley - Full  
in University  
Garden CUP



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

October 19, 1976

Mr. Don Wood  
817 Century Plaza Building  
Wichita, Kansas 67202


Dear Mr. Wood:

In accordance with our telephone conversation, a restaurant is an allowable use on Parcel 10 of the Community Unit Plan known as University Gardens provided the building is no larger than three thousand square feet.

It is my understanding that the proposed "Happy Days" restaurant is an operation similar to the "Lazy R" restaurants now located in the city and as such would not be classified as a fast food carryout restaurant.

I hope this answers your question concerning this operation.

Sincerely,

  
Robert B. Feldner  
Superintendent of Central Inspection

RBF:nml

cc: Jack Galbraith,  
Metropolitan Area Planning Department



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

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

BUILDING & CONSTRUCTION — 268-4461  
PLUMBING & MECHANICAL — 268-4478  
ELECTRICAL & ELEVATOR — 268-4471

DP-8

Rev. Paul F. Holmes  
P. O. Box 66  
Offerle, KS 67563

8-21-76

Mr. Sack H. Galbraith,  
Chief Planner,  
Metropolitan Area  
Planning Commission,  
City Hall, Tenth Floor,  
455 North Main St.,  
Wichita, Kansas 67202

Dear Mr. Galbraith -

I wish to register with you  
my change of address from

416 East 7th Street,  
Kinsley, Kans. 67547

noted  
on  
abstract  
etc.

to

Rev. Paul F. Holmes  
P. O. Box 66  
Offerle, KS 67563

Also, as an adjoining property  
owner, I wish to request a roll call  
vote of the City Commissioners  
on the petition for a shopping  
center on the 18 acres comprising  
at East 21st Street, North and Oliver.  
While it is true that 2 1/2 acres  
stands between this and my ground  
that fronts on East 21st Street, North,  
I own 10 acres north of that which  
I believe does adjoin the 18 acres.

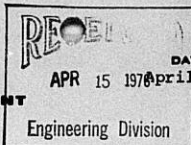
Sincerely,

Paul F. Holmes



WICHITA-SEDGWICK COUNTY

**METROPOLITAN AREA PLANNING DEPARTMENT**



✓ Dick Linn, City Engineer  
Paul Graves, Traffic Engineer  
TO M. S. Mitchell, Assistant Superintendent - Public Works Maintenance  
FROM Jack H. Galbraith, Chief Planner  
SUBJECT DP-8 - File #3 - UNIVERSITY GARDENS C.U.P. - Generally located  
at the northeast corner of 21st and Oliver

Attached is a copy of the proposed amendment to the above captioned Community Unit Plan. Please note that it is proposed to amend the south 20 acres of this C.U.P. and the original two Parcels are now indicated as Parcels 1, 2, 8, 9, 10 and 11.

There have been drainage problems associated with this site that have been required to be solved, however, the statement on the face of the C.U.P. is that "Drainage shall be handled in the manner as approved at the time of replatting." We would appreciate your review, comments and recommendations on this amendment by Friday, April 23, 1976.

*Jack H. Galbraith*  
Jack H. Galbraith  
Chief Planner

JHG:el

Enclosure

- a/ Drainage easement (Platting)
- b/ Floodway " (" )
- ~~Need immediate action on easements~~
- c/ Guarantee of drainage improvements
- Clear up easement problems on parcel
- d/ re vacation, etc. #3

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** July 7, 1976



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

**SUBJECT** Zone Case No. DP-8

At the regular meeting of Area "I" on July 6, 1976, the Council unanimously voted to reject the four proposed general amendments to the University Gardens Community Unit Plan (Case No. DP-8).

Approximately 25-30 area residents appeared at the Council meeting to voice their strong objections to the amendments. They were very much concerned about an amendment that would allow a total of eleven buildings with the possibility of nine free standing structures. Area residents also expressed their concerns about the traffic, drainage, and health problems a shopping center would create for the surrounding neighborhood.

  
David Furnas  
Citizen Participation Coordinator

DF:CB:rh



EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 8, 1976:

17. Case No. DP-8 - The Oliver Corporation and Dillon Real Estate Co., Inc. request an amendment to the University Gardens Community Unit Plan, legally described as Lots 1, 2, 3, 4, 5, 6, 7, and 8, University Gardens. Generally located at the north-east corner of 21st and Oliver.

GALBRAITH showed slides of subject property and the surrounding area, and reviewed the following staff report:

Comments

1. In June, 1969, a combination residential and commercial CUP for University Gardens was considered and approved. The applicants have now submitted a revised development plan proposing the following general amendments to the commercial part of the plan:
  - a. Division of Parcel 3 into 5 parcels and redesignated as Parcels 2, 8, 9, 10 and 11.
  - b. Reduction of building height from 80 feet to 35 feet on Parcels 8, 10, 11, and to 30 feet on Parcels 2 and 9.
  - c. Increase in number of access points to 21st Street from 5 to 6.
  - d. Increase of maximum gross floor area from 202,992 square feet to 280,150 square feet.
2. The applicant is proposing a total of 11 buildings, three of which are now proposed to be connected, for a total of 9 freestanding structures. A total of 6 buildings is proposed to be located near the 21st Street setback line, which will effectively "strip out" the 21st Street frontage. This number of buildings would appear to be incompatible with the intent section of the Commercial Community Unit Plan (Section 28.04.190.B) Regulations.

A total of 280,150 square feet of floor area is proposed for the commercial parcels, which would be similar in size to the existing Eastgate Shopping Center, except that this application proposes that this large amount of square footage be parceled out into 9 freestanding buildings with inadequate use limitations.

During the early 1960's, most major cities in the United States amended their zoning regulations to provide for Planned Unit Developments or Community Unit Plans, because it had long been recognized that large commercial and residential developments can severely impact surrounding neighborhoods unless adequate safeguards, such as use limitations, setbacks, limits on number of buildings, access control, height limitations, etc., were provided to protect adjacent property. Section 28.04.190.B, Code of the City of Wichita provides:

"The intent and purpose of this section is to provide well planned and well organized developments of commercial areas which are held in single ownership or under single control.... The character of the commercial developments should be appropriate to the neighborhood and conditions and safeguards should be provided to ensure that the development will minimize any diminution, if any, in value of surrounding residential property."

\*The parcels proposed for residential usage (Parcels 3, 4, 5, 6, and 7) are not included in the proposed amendment to the Community Unit Plan.)

It is rather difficult to support an increase in square footage of commercial development on this CUP from 202,992 to 280,150 square feet (a 38% increase), when adequate safeguards, such as parcel, building, and use limitations are not proposed with the plan.

Consideration should be given to eliminating one structure on each of Parcels 1, 9, 10 and 11, and increasing the setback line on Parcel 10 from 75 feet to 150 feet as was originally proposed by the applicant in the revised plan first submitted for review by the staff.

3. The uses proposed for the commercial parcels contain statements such as: "General retail" (Parcels 9 and 10), "Retail uses per zoning ordinance" (Parcel 1); "Other related uses" (Parcel 2).

The applicant should be prepared to list uses which are actually proposed for the parcels rather than include open-ended statements which permit any use allowed under the present zoning without lessening potential impacts on the neighborhood.

4. It should be pointed out that a serious drainage problem exists on subject property, which the Department of Public Works advises must be resolved prior to any additional development. It should also be pointed out that in the early part of 1974, an application to vacate the existing drainage easement on Lots 2 and 3 of University Gardens Addition (V-0673), was recommended for approval by the Planning Commission, subject to the approval of a new drainage dedication by the Department of Public Works; however, as of this date, the matter has not been resolved and the case remains an open file.
5. Should the Planning Commission recommend approval of this request, the following are recommended conditions of approval:
  - a. Replatting of subject property into lots coinciding with the parcel boundaries within one year from the date of approval by the City Commission; or the case be considered denied and closed.
  - b. At the time of replatting, the applicant shall guarantee the construction of accel-decel lanes on Oliver and 21st Street.
  - c. At the time of replatting, the applicant shall provide appropriate drainage and floodway easements and submit a satisfactory guarantee for construction of drainage improvements prior to issuance of any building permits.
  - d. The maximum number of buildings for Parcels 1, 2, 9, 10, and 11 shall not exceed one per parcel.
  - e. At the time of replatting, the applicant shall guarantee that one of the access points to Parcel 11 shall be constructed to major driveway standards as determined by the City Traffic Engineer.
  - f. The curb cut proposed to 21st Street North from Parcel 2 shall be eliminated and the second curb cut proposed to Parcel 1 shall become a joint opening for Parcels 1 and 2. General Provision #5 shall be amended to reflect a total of 5 access points to 21st Street, and the parcel descriptions for Parcels 1 and 2 shall be amended to reflect this change.
  - g. General Provision #3 shall be amended to add the following statement:  
"Failure to properly maintain the planting strips shall be considered a violation of the CUP after a joint determination by the Director of Planning and the Superintendent of Central Inspection that the planting strips are not properly maintained."

- h. A General Provision #8 shall be added as follows:  
"All new utilities shall be installed underground."

A general provision #9 shall be added as follows: The applicant shall guarantee the installation of accel-decel lanes on Oliver and 21st Street at the time of replatting.

- i. The wall described in General provision #4 shall be depicted on the face of the CUP.
- j. The building setback line adjacent to 21st Street North on Parcel 10 should be increased to 150 feet.
- k. Specific use limitations should be proposed for each parcel.
- l. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- m. Any major changes in this plan being resubmitted to the Planning Commission and City Commission for their consideration.

GALBRAITH reported that he was advised only this morning that the applicant is proposing several amendments to the request. He continued that the major concern of the staff is the number of freestanding buildings proposed, and that the applicant is proposing to increase the gross square feet of floor area, and he recommended that the precise amendments to the request be provided at this time by the applicant's attorney.

In response to questions about the wide setback from Oliver, GALBRAITH said that this CUP has been quite controversial and that a compromise was reached several years ago with the residents west of Oliver (who objected to a shopping center), to provide a buffer of "AA" zoning 200 feet east of Oliver. Four lots adjacent to "B" zoning farther north on the east side of Oliver were platted as single-family lots. After the CUP was approved, the Board of Zoning Appeals granted an exception to permit off-street parking in the portion of the "AA" buffer adjacent to the "LC", to accommodate parking over and above that required by ordinance at such time as it is needed.

GALBRAITH pointed out that a number of conditions were placed on the approval of the parking area by the Board of Zoning Appeals, requiring landscaping, wall, etc.

WILLIAM P. HIGGINS, attorney for the applicant, said that they have agreed to reduce the number of freestanding buildings to six. Three buildings will be connected, but they are on different parcels. He pointed out the site to be owned and operated by a Dillon Supermarket and that to be owned and operated by K-Mart Stores. He said that there will be agreements in force relative to architectural control. These two businesses prefer to own rather than lease their sites.

HIGGINS explained that the gross floor area amendment has been changed from 180,150 square feet to 220,264 square feet, because in further planning of the center it was learned that Dillons and K-Mart will not have basements. He stated also that the two separate businesses on Parcels 9 and 10 will not occupy more than 3,000 square feet of floor area each.

HIGGINS emphasized that the amendments being requested do not affect anything along Oliver that has been provided in compromise with the neighborhood west of Oliver. No change is contemplated in the setback from Oliver or zoning therefor, or the planting and wall.

A request is being made, HIGGINS stated, in the building setback for Parcels 9 and 10 to reduce them from 150 to 75 feet because of traffic control, in that they would be better located closer to the street than they would be if placed in the middle of the parking area. In summary as to buildings, HIGGINS pointed out that they are reducing the number by three; gross floor area has been reduced, and they have agreed to limit the ground coverage on Parcels 9 and 10 to 3,000 each, not including basements.

When asked about curb cuts, HIGGINS said curb cuts are required for the two leases they have on Parcel #1 to accommodate the restaurants (including drive-in type), operations and for the flow of traffic it is necessary to have two openings to serve Parcel 11, and one to Parcel 2, which at present has no tenant. He said they had no objection to paragraph e. under 5. of the staff report, which provides for one major driveway opening.

GALBRAITH asked if he was correct in the following understanding of the amendments: Parcel #11 (K-Mart), the maximum gross floor area would be reduced from 127,000 to 84,672 square feet; Parcel #8 (Dillons), would be reduced from 42,500 square feet to 28,350 square feet, and Parcels 1, 2 and 10 would not be changed, except that on Parcel 10 the freestanding building would not exceed 3,000 square feet and the building on Parcel 9 would not exceed 3,000 square feet.

HIGGINS said Galbraith's understanding was correct. HIGGINS said it was understood that if additional storage area is needed for uses on Lots 9 and 10, it would be provided by means of a basement, so that there would be no more ground coverage.

HIGGINS explained further that they have eliminated a building on each of Parcels 2, 9 and 11, and even though the rendering shows connecting lots, they will be separate in ownership, but will be one building, and there will be architectural control, so it will be no different from a one building shopping center.

HIGGINS made it clear that the landscaping plans along Oliver have been submitted and the amendments requested do not change the landscaping required in the original approval of the CUP, nor the agreement with the residents west of Oliver so far as the buffer strip and retention of trees as much as possible along Oliver.

With respect to paragraph 4. of the staff report, HIGGINS said the drainage will be handled, and that they are negotiating with the City at this time, and any approval would be subject to solving the drainage; the lake will be eliminated and water will be drained through underground pipes on subject property. He said they are working with the City Engineer and asking that this improvement be moved ahead inasmuch as Dillons is ready to start construction. HIGGINS pointed out that any approval given at this time would be subject to solution of the drainage and proper easements being given.

Reference was made to the apartments north of subject area, and HIGGINS pointed out that his client does not own the apartments and they have no control, and that portion of the CUP is not a part of the present amendments under consideration. He pointed out that the original CUP was for about 40 acres and did include the apartment area, but that no one can tell for certain how an area will develop and for that reason amendments are necessary on CUP's from time to time.

It was pointed out by HIGGINS that where possible, they have indicated the uses (if lessee is under contract), but on Parcel 9 there is no tenant as yet, but they are agreeing to hold any use to 3,000 square feet.

BARRIER asked about the accel-decel lane on 21st, and HIGGINS said it has already been dedicated.

GALBRAITH commented that drainage is an issue which can be resolved during the replatting process; that the number of access points has been increased from 5 to 6 to 21st Street, which did not

bother him too much as long as there is the accel-decel road, but as of this time, there is no guarantee by the developer that the accel-decel road would be constructed.

It was also brought out by GALBRAITH that even though the number of buildings has been reduced, five freestanding buildings in addition to the shopping center, is still of major concern to the staff. He pointed out that the intent of a CUP is to assure a coordinated shopping center and yet when almost unlimited free-standing buildings are permitted in front, it detracts from the overall intent of the CUP regulations.

GALBRAITH pointed out that the proposal is to reduce the building setback to 75 feet to accommodate two buildings near the corner of 21st and Oliver and that this same situation (number of buildings), has been a matter of concern on Cobblestone Alley and Sweetbriar CUP's. Further, in view of the recent issue of traffic circulation between the parcels of a CUP (Cobblestone Alley), it would be well to indicate on the CUP that there would be individual and overall flow of traffic throughout the CUP area. Hopefully, the applicant would be willing to include such a statement on the CUP.

GALBRAITH said that it was his understanding that the lakes in the area would be removed, and that the City Engineer has developed a plan for handling the drainage related to the apartments to the north and subject site, but that such matters will be handled during the platting process.

GALBRAITH recommended that more specific language be used in delineating the proposed uses, and he hoped that as processing of this change progresses, the applicant would know more definitely of plans for utilization of the parcels on which the use is presently unknown, so that it could be indicated on the CUP.

HIGGINS stated that as to the flow of traffic through the center, lease agreements between all tenants or owners will provide that there will be traffic flow throughout all parcels on the center. As for specifying uses, HIGGINS said they have provided the uses as far as is known at this time, but it is difficult to know just what kind of retail use might eventually desire to locate in the center. He referred also to the possibility of a tenant wishing to sublease in case he desires to cease operating his business.

HIGGINS pointed out that they are limited to not more than 30% ground coverage, parking requirements, and limited to uses permitted in "LC", and would be happy to do whatever they can to satisfy the use limitations, but that he cannot answer for his client any more specific.

SAVINA asked as to the guarantee of traffic flow and HIGGINS stated again that there will be legal agreements between the owners and lessees within the center covering this matter, and that it will also be shown on the CUP that there is such joint agreement between each parcel. At the time of platting, a traffic flow plan will be submitted.

BARRIER said she still had questions about the accel/decel lane. HIGGINS pointed out that at the time of the original CUP, there was so much special assessments involved in getting the land ready for use, the developer at that time had agreed to make the dedication, but there was no immediate use for the road improvement, plus the fact that it would require the improvement of the entire intersection, which would involve the church, the University and the home on the northwest corner, to have a completely controlled intersection. At the previous consideration of this CUP, the City Commission did not require the guarantee of the accel-decel lane improvement, and the developers of the CUP now are not interested in guaranteeing it because it is not needed.

BARRIER felt that with six access points turning into commercial development, the accel/decel lane would be needed right away. SAVINA pointed out that the city at large bears the cost of intersection improvements, but that the accel/decel lane bordering subject property should be assessed to the property because it is the flow of traffic into the development which makes the service road necessary.

HIGGINS said the reason the City Commission did not require the guarantee before was because the other three corners have not made the necessary dedications to allow a major intersection improvement. HIGGINS said they would agree to guaranteeing, subject to it not being required until the improvement of the entire intersection, in that he did not consider the extra lane essential until traffic counts at the intersection warranted complete reconstruction.

BARRIER, however, pointed out that uses on the other three corners do not generate the volume of traffic which it is anticipated will be generated by this applicant.

Several of the Commissioners felt strongly that the Subdivision Committee should consider this amendment. LAKIN pointed out that it has been submitted to the key members of the Utility Advisory Committee (Traffic Engineer, Flood Control and the City Engineer), so the staff is at least in some position to advise the Planning Commission as to specific problems one can anticipate in platting.

In this case, he said, the Traffic Engineer believes the accel-decel lane should be constructed along with development of the center, and not necessarily wait until reconstruction of the entire intersection, although, admittedly, it would be more effective to have the complete improvement. When SAVINA raised the question of action on guaranteeing the lane in 1969, GALBRAITH said it was required by the Planning Commission, and upon appeal to the City Commission, that body did not require the applicant to guarantee construction, but only to make the dedication of right-of-way.

SAVINA felt strongly that the Subdivision Committee should have a chance to consider this plan, where recommendations could be made with respect to traffic, drainage, etc.

TAYLOR said she was concerned because of the number of free-standing buildings, which she was very much opposed to, especially when definite uses are not indicated in all respects. She suggested the applicant should consider eliminating some of the free-standing structures and designate definite uses on the CUP.

HIGGINS said he had indicated the uses to the extent that they are known at this time, i.e., Taco Tico, Happy Days, liquor store, etc. He pointed out that on Parcel 1 there is a deviation from the original use, which was for a service station. TAYLOR again expressed a desire for specific uses. LAKIN said if the Commission wished, the staff could work with Mr. Higgins to develop something more restrictive than just saying "anything permitted in "LC", and in this way some of the less desirable "LC" uses could be prohibited. HIGGINS said he would be glad to confer with the staff on this item.

COLLEEN JOHNSTON, 4710 East 26th Street North, pointed out that at the previous consideration of this site several years ago, the City Commission was interested in retaining the trees on the Pauley Estate property particularly, and not necessarily the hedge row along Oliver.

JOHNSON asked that the zoning of subject property be changed from "LC" back to "AA" - it was residential originally and she saw no reason why it could not be residential again. She stated that the realtor whose sign is posted on the property has indicated

that he has had opportunities to sell the residence on the property for a residential use, even with "LC" adjacent. She spoke also in opposition to the continued practice of allowing excessive shopping centers throughout the community, which tends to be detrimental to any possibility of renewing the downtown area as a shopping area.

JOHNSON referred to the fact that neighborhood facilities are convenient, but in this case, the residents of the general area already have numerous shopping areas within reasonable distances, and she continued to enumerate the number of such services already available in the various categories of shops. JOHNSON also pointed out that the Technical Advisory Committee has been informed by experts that the 1965 Commercial Land Use Plan indicated that in 1960 there was seven times the land zoned commercial as was projected as necessary for 1985, and it was her opinion that the City is still over zoned commercially. Finally, JOHNSON asked that the amendment be disapproved and that the Commission restore the property to a residential area by assigning "AA" zoning.

JOHN KISER, president of Crestview Lakes Association, spoke in opposition, to point out that he also represents residents of Willow Lakes, Prairie Hills, Greenbriar and Crestview Lakes Estates, and that they are opposed to the amendments requested, as they felt they would be detrimental to property values in the area. Approximately 20-25 people stood in the audience to indicate their opposition. KISER pointed out that the request is an increase in square footage as well as number of buildings, and they were concerned for the number of freestanding buildings proposed as it would detract from the quality of the center, which might otherwise be achieved with complete architectural and management control. KISER pointed out that while the attorney has indicated a freezing of the square footage, such was done in 1969 in the original approval, and there is nothing to prevent him from asking for a future amendment to whatever might be approved at this time.

As for increased traffic, KISER referred to that generated by the NCR operation, Koch, the University, as well as the residential apartments to the north, and it was his opinion that the accel-decel lane previously approved should be implemented prior to any development.

Reference was made to the drainage situation by KISER, and he stated that the drainage was to have been handled in 1969, but there is still a problem, especially with the development of Prairie Hills, and Shadow Lakes complex, so that problem still needs to be dealt with, and they were skeptical about whether the proposed development would compound the problem still more.

It was reported by KISER that the CPO Council has recommended rejection of the proposed amendments. He referred also to the difficulty being experienced by the center at 13th and Oliver (Kenmar), so far as its continuing as a thriving and successful center, in view of business failures from time to time and the difficulty being experienced by businesses in surviving. He said that because of the difficulty of other centers, they feel that additional square footage and the changes requested would be inappropriate at this time. He commented also that the buffer strip certainly will be better handled if there can be a limited number of businesses established and with a very clear use list.

In conclusion, KISER said they are all very much opposed to the changes proposed from two buildings to six and the significant increase in square footage, and the fact that there will be no uniformity or overall development of a total quality center. He said they wished to maintain the 150-foot setback on 21st Street, and that what is proposed would generate traffic, trash, etc., and would be detrimental to the area. He did not believe Wichita and the northeast section could financially support any more new shopping areas, and asked the Commission to deny the request.

In discussing a comparison of what is requested and what was originally approved, GALBRAITH pointed out that the original CUP did not specify the maximum number of buildings and that it may have been assumed that it would be one building for the center proper and one for the smaller parcel. On square footage originally, it was 202,000 and it is now proposed to increase it by about 18,000 square feet.

BARBARA KNAPP, 4709 Greenbriar, said it was their understanding in 1969 that there would be three buildings and they have to go by what they are told, and it is very difficult to obtain all the information needed in order to make a true analysis. As a resident of Greenbriar, she said they were concerned mainly because of the drainage situation, which is very severe in their neighborhood, and if this center is developed, it will become even more severe. She asked who would pay for drainage improvements and how much area would be involved. She said there are drainage problems in the Chisholm Creek area and in Prairie Hills and the new apartments north of subject site. She said they were told the three lakes would remain.

KAMEN commented that the zoning and CUP are already established, but cannot be built until the drainage is resolved, and the fact that an amendment is being considered has no bearing on the drainage situation. KAMEN said he did not recall that the lakes were to remain.

When asked if he could comment on the lake matter, GALBRAITH said he could not verify whether statements were made about the lakes being removed in 1969. When asked if he thought it would create a drainage problem for the Greenbriar area, GALBRAITH said that at the time of platting there would be requirements for underground storm sewer and necessary easements would be required at that time for any drainage right-of-way needed. GALBRAITH said there is no storm sewer in the area now, but there is a project now underway to the north and to the south of 21st Street and that at the time of platting, handling of the drainage related to this CUP (both commercial and residential), will be solved to the satisfaction of the Engineering Division.

MARGARET TALATY spoke in opposition and was concerned for the additional runoff which would be created by the construction of buildings and paving of parking lots. She asked just what footage would be involved so far as drainage.

HIGGINS pointed out that there is already a drainage benefit district designated by the City, and he pointed it out on the map. MS. TALATY commented that even a one inch rain might raise Chisholm Creek, which would flow into their homes, and she felt they deserved an answer before any decision on this matter is made.

BAYOUTH assured Ms. Talaty that Mr. Mitchell of the Flood Control Office is a very qualified man and would not approve anything which would create problems, and that the matter of drainage would be resolved at the Subdivision Committee level, and the applicant cannot obtain a permit for building until the drainage is solved.

ERACH TALATAY spoke in opposition because of the drainage and pointed out that they were assured that drainage would be solved before the apartments were constructed as a part of this original CUP; however, with the completion of the apartment complex, the problem has increased and the drainage has not been resolved.

KAMEN told Ms. Talaty that since none of the Commissioners are engineers, they cannot tell her how many tons of water there might be from 900,000 square feet, and he pointed out again that the CUP is already approved as to whether it is covered with concrete or not; it is nothing the Commission has control over at this stage.

TALATY next referred to the possibility of a reversion of the zoning back to residential and, although it may not have been done before, he felt this would be a good starting point in that it is

a good neighborhood, very much integrated, and they do not want to see it spoiled.

GRAGG spoke again of referring this to the Subdivision Committee, where residents of the area could question the flood control and engineering division personnel on these points. Further, the original approval was in 1969 and circumstances could have changed since that time. He considered that it would be helpful to have the original CUP, or minutes of its consideration, at that time.

BAYOUTH commented that the zoning is already established and the problem of drainage has nothing to do with the amendments to this CUP. It was his opinion that the solution of the drainage, access points, etc., could all be handled at Subdivision Committee level in association with plat consideration.

KAMEN remarked that all subdivision concerns were approved in 1969 and the present consideration should be limited to the amendments requested - reduced setbacks, number of buildings, etc.

BARRIER said that she would not approve anything until the Subdivision Committee has considered the request, in that she wanted to know how the drainage would be handled and about the accel/decel lane and who would pay for its construction.

GRAGG and BARRIER said they would not vote on this matter until further information was available.

DR. GEORGE PLATT, Planning Director for Wichita State University, said their development plan indicates the area north of 21st Street between Hillside and Oliver should be retained as a residential area and they were concerned about anything that would be a detriment to the residential area. He asked if it was possible to see the architectural plans for the development, as it was indicated by Mr. Higgins that there would be control in this respect.

BRACH TALATY spoke in opposition and emphasized again the drainage problem and the fact that houses have been built in Prairie Hills, yet there is no solution of the drainage. He also spoke of the nuisance created by commercial uses so far as blowing trash, noise, etc. He spoke also of the hazards associated with increased traffic conditions. He could not understand why K-Mart would force themselves into an area where people are so opposed.

HIGGINS spoke again to say that unless the drainage matter is resolved they cannot build anything. As for drainage, most of the areas established by the City Engineer as being within the drainage benefit district are outside subject area; however, the applicant will be required to pay the major part of such improvement because most assessment goes to an "LC" area, and in this case, it will be something like \$250,000. He said they have already been working with the City Engineer to resolve the drainage by development of a storm water sewer system.

HIGGINS said the original CUP indicated only that ground coverage could be no more than 30% and with no reference as to number of buildings or square feet; they are not trying to hurt the neighborhood at all, but only trying to develop it in conformance with agreements made with the residents heretofore.

When asked if he was satisfied with Mr. Higgins' proposal, GALBRAITH said he was satisfied that they could work on general text changes as to more specific uses, but he was not satisfied with the number of freestanding buildings, which would detract from the shopping center, and he objected to the reduced setback on the corner to 75 feet.

MS. TALATY spoke on behalf of Rev. Holmes, owner of property in the area, to state that Rev. Holmes' grandfather was the original owner of the land which Rev. Holmes now represents, and that

the lake in the area has been there 100 years and during the worst drought in Kansas in the 1930's, the lake always remained the same. She said Rev. Holmes considered it an atrocity to destroy the lake, and in his opinion, the proper use of subject land should be for the City to purchase it for a park, as there is a shortage of park area in this section of the City.

TAYLOR stated she did not have adequate information to make a proper judgment and made the following motion:

**MOTION:** That further consideration of this case be deferred 30 days, and in the meantime the developer and Planning staff confer regarding the number of freestanding buildings, the uses, access points, etc., to see if some more realistic suggestions can be developed, and that the CUP be considered by the Subdivision Committee for recommendation to the Planning Commission on drainage and traffic controls. Taylor moved.

TAYLOR said she needed some additional figures as to floor area in order to make a judgment and, too, she did not have adequate information about the original CUP, and she asked the staff to provide the Commissioners with a copy of the original CUP.

Savina seconded the above motion.

GRAGG asked if the intent of the motion was for the Subdivision Committee to consider the total CUP. TAYLOR agreed that more concrete suggestions should be submitted by the Subdivision Committee as to drainage, accel/decel lanes, etc., as there may be different needs in this respect than were visible in 1969.

**AMENDED MOTION:** Gragg moved that during the deferral period, the matter be referred to the Subdivision Committee and that residents of the area be notified of such hearing and answers be provided them at that meeting. Savina seconded the amended motion.

HIGGINS offered mild protest in that CUP's aren't usually considered by the Subdivision Committee, and suggested the Commission go ahead and vote on the request at this time. He said it would be considered by the Subdivision Committee at the time of platting, and that now they could build as many freestanding buildings as they wanted to in that there are no restrictions on the original CUP, and they are presently working on a solution to the drainage. He suggested that the staff and Commission should not even be discussing anything but the amendments requested. He indicated in the end, however, a willingness to cooperate in whatever manner possible.

KAMEN added that some are forgetting that the CUP was approved in 1969, subject to various conditions, and that all that should really be considered now are the amendments proposed.

SAVINA said he did not know what was approved in 1969, and TAYLOR said she would never vote on an amendment until she knew all the facts.

When asked for his opinion as to sending this to the Subdivision Committee for consideration, LAKIN said that over the years the Commission has from time to time asked the Subdivision Committee to consider a CUP (Lambdale for one), when there appeared to be a serious problem related to subdivision requirements.

KAMEN said they have usually been approved subject to platting, and the technical problems are "flogged" out at the Subdivision Committee level, and in this case, theoretically, the drainage problems are being solved by the development of a drainage district outlined by Mr. Higgins.

BAYOUTH asked Higgins if he would be satisfied with only a two week deferral. HIGGINS said he would have to check with his client.

CHAIRMAN BAYOUTH declared a 5-minute recess at 6:40 p.m., after which the Commissioners reconvened with the same members and staff present.

With the consent of the second, TAYLOR amended the original motion and Gragg withdrew the amended motion.

AMENDMENT TO THE MOTION: Taylor moved that the original motion for deferral be for two weeks rather than 30 days and that other statements in the motion be the same as originally stated.

KAMEN asked Taylor if she would include in the motion that this matter be placed on the Subdivision Committee agenda for the following Thursday as an off-agenda item. In further discussion, it was decided it should be placed first on the Subdivision Committee agenda, and be heard by the Planning Commission at its next meeting (July 22, 1976), as soon after 1:30 p.m. as possible.

TAYLOR included within her amendment to the original motion that the matter be placed first on the Subdivision Committee agenda on July 15, 1976, and soon after 1:30 p.m. on the Planning Commission agenda for July 22, 1976. Kamen seconded the amended motion and it carried unanimously. Porter was absent.

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EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 22, 1976:

11. Case No. DP-8 - The Oliver Corporation and Dillon Real Estate Co., Inc. request an amendment to the University Gardens Community Unit Plan, legally described as Lots 1, 2, 3, 4, 5, 6, 7, and 8, University Gardens. Generally located at the northeast corner of 21st and Oliver.

GALBRAITH showed slides of this area and areas surrounding, and recalled that the Commission considered this proposed amendment two weeks ago. (See minutes of July 8, 1976 for complete staff report and previous discussion on this item.) GALBRAITH said at the previous meeting, the applicant's attorney had proposed certain amendments other than as advertised. There were a number of people at that meeting in opposition and questions were raised about drainage, access to Oliver and 21st, etc., and the Commission deferred a decision so that the amendments proposed by the applicant could be thoroughly considered, and also for the CUP to be submitted to the Subdivision Committee.

GALBRAITH reported that the Subdivision Committee and the Utility Advisory Committee did consider the CUP at their meeting, at which time a number of people from the area were present, and at which time the City Engineer presented the project being developed for drainage improvements in the CUP area. He stated that the applicant will provide on the CUP a statement that drainage related to subject site will be determined and guaranteed at the time of platting. GALBRAITH said further that at the previous meeting, the construction of an accel-decel lane on Oliver and 21st was also discussed, and this item also is to be resolved at the time of platting. He pointed out that at the Subdivision Committee several off-site drainage problems were brought out by people in the area, but they are not related to this CUP, and the City Engineer had urged people to contact him in his office and he would discuss their individual problems with them.

GALBRAITH reviewed the following revised staff report:

Comments

1. In June 1969, a combination residential and commercial CUP for University Gardens was considered and approved.

The applicants have now submitted a revised development plan proposing the following general amendments to the commercial portion of the plan.

1. Division of Parcel 2 into 5 parcels and redesignated as Parcels 2, 8, 9, 10 and 11.
  2. Reduction of building height from 80 feet to 35 feet on Parcels 8, 10, 11, and to 30 feet on Parcels 2 and 9.
  3. Increase in number of access points to 21st Street from 5 to 6.
  4. A reduction in the number of access points to Oliver from 8 to 7.
  5. The total maximum gross floor area on the CUP is proposed to remain at 202,992 square feet as originally approved on the CUP.
  6. An increase in the building setback line from 21st Street North on most of the parcels from 150 feet to 300 feet.
2. This request for amendment of the University Gardens Community Unit Plan was originally considered by the MAPC at their meeting of July 8, 1976. Numerous neighborhood residents attended that meeting and expressed concern about number of buildings proposed for the site, the increase in gross floor area, drainage problems in the area, and the traffic which might be generated by the proposed center. It was the action of the Commission to defer consideration of the proposed amendments for two weeks and to schedule the CUP for consideration by the Subdivision Committee on July 15, 1976 in order to secure input from the Utility Advisory Committee regarding drainage, traffic problems, and access points. These problems were considered at the Subdivision Committee meeting, and area residents were afforded an opportunity to question members of the City staff regarding past history of their problems in the area.
  3. At the previous meeting of the MAPC, the staff had raised several questions regarding the number of buildings proposed for the site, the potential for "stripping out" of 21st Street North, the large amount of square footage proposed, free flow access between parcels, the lack of specific uses proposed for the parcels, and the guarantee of the construction of accel-decel lanes.

Since that meeting, representatives of the developer have revised the proposed amendments as follows:

- a) Reduced the number of freestanding buildings from nine to six.
- b) Increased the building setback line from 21st Street North from 150 feet to 300 feet on Parcels 8, 10, and 11.
- c) Decreased the maximum gross floor area potential of the site to that which was approved on the original commercial CUP (202,992) square feet.
- d) Adjusted parcel description to provide specific use proposals and to eliminate some of the "LC" uses which are incompatible with quality shopping center development.
- e) Provided general text statements regarding screening and landscaping, guarantee of accel-decel lanes, ingress-egress, joint parking agreements between parcels, and have provided drainage statements in the text information proposed for each parcel.

4. Because of the revisions by the applicant, the potential for the strip development of 21st Street North has been lessened through increased building setback lines, improved landscaping provisions, no increase in maximum gross floor area, and a limitation on the maximum number of buildings on each parcel.
5. Should the Planning Commission recommend approval of this request, the following are recommended conditions of approval.
  - a) Replatting of subject property into lots coinciding with the parcel boundaries within one year from the date of approval by the City Commission; or the case be considered denied and closed.
  - b) General Provision #10 shall be amended to delete the words "board fence" and the phrase "to prevent the passage of debris or light constructed of brick, stone, masonry, architectural tile or other similar material (not including wood, woven wire)" shall be added in place of the deleted words. Section 28.04.190.8.a prohibits the use of board fences to provide screening on Community Unit Plans.
  - 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 residential and commercial development and be binding upon the present owners, their successors and assigns, unless amended.
  - d) The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - e) Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

GALBRAITH said the applicant has attempted to be more specific in the proposed uses; has increased the building setback line along 21st from 150 to 300 feet for the parcel where the large buildings will be, and near the Pauley Home they have reduced the setback from 150 feet to 75 feet to accommodate two buildings. When questioned, GALBRAITH said the 35-foot setback from both Pinecrest and 21st is the same as originally approved.

SAVINA asked if the setback from 21st Street included the accel-decel lane, and GALBRAITH said that it does; the original plat has dedicated all the right-of-way necessary for 21st, including accel-decel lane and the 35-foot setback is from the existing 60-foot half-street right-of-way line.

GOEBEL asked about the access points to 21st Street, and GALBRAITH indicated that the CUP does not locate them definitely.

GALBRAITH continued to point out that one access point would accommodate Parcel 2; that a major entrance and an additional opening will be provided for the K-Mart Store (Parcel 11), and the text on the CUP provides for joint use of circulation drives and curb cuts throughout the CUP.

PORTER asked why so many curb cuts were needed, and GALBRAITH suggested the applicant's attorney could probably answer the question. He said that generally the staff is not too concerned about the number of curb cuts as long as there is an accel-decel lane which allows for two moving lanes of traffic.

WILLIAM P. HIGGINS, attorney for the applicant, pointed out on a site plan rendering of what is proposed, the location of various buildings proposed and the area for parking, and the tree area, which they hope to preserve as much as possible, etc. He stated

that in order to build the wall associated with the parking approved on Oliver by the Board of Zoning Appeals, some trees would have to be removed. He said it is not planned to utilize all of Parcels 8 and 9 for parking until such time as it is needed, and that the plan displayed shows the specific plans for the Dillon Store and K-Mart.

PORTER suggested that it appeared the trees to be kept on Parcel 9 would be a temporary situation, but HIGGINS disagreed in that the approval was granted by the Board of Zoning Appeals, but the applicant is only trying to get along with the residents by not utilizing it for parking until and unless it is actually needed. HIGGINS said that Dillons own Parcel 8 and the architect has shown it as it is proposed to be used.

PORTER considered it a nice rendering, but didn't see how anyone could have confidence in what was shown.

HIGGINS said the only way they could guarantee that the area would not be used for parking would be to vacate the approval of the Board of Zoning Appeals, which they do not wish to do. He continued that they are not asking for a zoning change, but only trying to obtain amendments, and then the plat will be prepared accordingly. He stressed the fact that the full Commission will have a chance to consider the final plat and such items as accel-decel lanes, setbacks, access points, etc.

DENNIS ESTIE, representing K-Mart Stores, said they were willing to leave the southwest corner of the site as existing, with trees and landscaping. Dillons will built their store, but presently plan to leave the "AA" zoned strip undeveloped, but would like to keep the potential for development of further off-street parking if the need arises. Dillons and K-Mart officials met and decided because of the neighborhood desires, to leave the southwest corner of the site as is; they plan to leave all the mature trees, and the trees will stay if they can get permission to take down the wall which was required as a condition of the Board of Zoning Appeals off-street parking exception.

ESTIE pointed out that now there is supposed to be a 4-foot high solid wall and landscaping plans as approved would allow them to level this whole corner and remove the natural terrain, but it would be a benefit to their development to leave the natural terrain on the corner. He said they were willing to change the CUP to show that the corner will stay the same if they can take down the wall; however, if the wall is required, they would have to go back to the original plan.

HIGGINS stated that Mr. Estie is not speaking for the developer, but that the parking is not needed now and it would help the corner and the center itself. HIGGINS commented that the people want the trees left. From the legal standpoint, as it stands now, they are not giving up the trees to have the parking allowed by the Board of Zoning Appeals until parking is needed in the future, but since it is not immediately needed, the trees will be saved if it is

PORTER asked if it could be included in the CUP that the area would be left as it is right now. HIGGINS said they could not do that as they do not want to give up the right to use the area for parking at some future time when it is needed. PORTER continued that then it seems the attorney is saying it will be left as is, but is not willing to assure such in any permanent way.

BAYOUTH pointed out that the original CUP doesn't require that the trees be left. PORTER asked if the Commission would have the option to make changes on the CUP other than those requested. She remarked that apparently the commission can amend to increase the number of access points to 21st Street (the request), but cannot amend to decrease the number. BAYOUTH pointed out that under the original CUP, any number of buildings can be constructed and he considered the requested amendments a reasonable compromise.

HIGGINS reviewed again the fact that Dillons have the parking approved by the Board of Zoning Appeals to use if and when it is needed and they cannot guarantee that it will never be used for that purpose. The site plan displayed, he stated, is a rendering of the Dillon plan that will be submitted for the building.

When questioned by GRAGG as to the Commission's option so far as recommending changes other than those requested, LAKIN said it was his view that on a CUP of this nature, the Commission could recommend conditions or modify a plan either up or down, but the City Commission would have the final decision. Secondly, as to the Board of Zoning Appeals approval of the parking, neither the Planning Commission or City Commission has the authority to remove any requirement of the Board of Zoning Appeals.

BAYOUTH questioned then why this particular point was even being discussed, and LAKIN responded that it had been brought up by the developer and not the staff.

TAYLOR asked for more explanation of the various buildings and uses proposed on the various parcels, as well as setback information, and GALBRAITH reviewed this information again.

REV. PAUL HOLMES, owner of land in the area, spoke in opposition to the CUP overall. He related the fact that the land which he represents has been owned by members of his family for many years. It was his feeling that the center is not needed - the City is already overbuilt with shopping centers. He reviewed the close proximity of various uses proposed for this location and that people in this area have fought the prospects of a center at this location for years. HOLMES pointed out that the City of Wichita is actually losing population, while the County is gaining, and if such a center is needed, it should be in a suburban area where the people are rather than putting it here where the neighborhood does not want it.

REV. HOLMES was also critical of the drainage plan and questioned why it should start a mile north on somebody else's land and then be dumped into Chisholm Creek. It was his opinion that Chisholm Creek should be beautified and made a park in memory of Jesse Chisholm. He did not think the applicant was entitled to make a fortune at the expense of someone else. REV. HOLMES opposed the plan to eliminate the pond at the east end and "kill" the existing natural spring. REV. HOLMES maintained that there is a much better use for the land - it is a beautiful property and a marvelous place for individual homes, or it would be nice for a neighborhood park.

REV. HOLMES passed literature to the Commissioners and reviewed briefly the fact that he has organized a company to further the possibility of building a school of religion on some of his holdings, to be coordinated with Wichita State University. He envisioned a library, a theology seminary and related programs. He said this has been a dream of his for many years and with the formation of the company and board of trustees, a start has been made.

GRAGG pointed out that the only facts to be considered relate to the requested amendments to the CUP - the zoning is already established, so comments in that regard are not relevant to the matter being considered, and there is nothing the Commission can do about changing the zoning anyway, regardless of how much protest from the neighborhood. Along this line, LAKIN pointed out that zoning changes are initiated in three ways - at the request of the owner or by the City or Planning Commissions, and at this time zoning is not a point for discussion.

ERACH TALALTY, 2401 North Oliver, spoke in opposition to the CUP in all respects, citing particularly the citizens' concerns for traffic, drainage, lack of patronage at adjoining shopping centers, etc. He showed slides of conditions in the Shadow Lakes apartment complex to the north to illustrate the drainage problems, including a slide of a tilted transformer not properly installed on a base. When asked what his comments and slides had to do with the

matter being discussed, TALATY said he wanted to show the Commissioners what the conditions are so far as drainage problems already existing. KAMEN pointed out that it has already been stated that the drainage matters will have to be resolved, and that a benefit district is already being undertaken by the City Engineer.

TALATY continued to show various slides of adjoining residential areas as well as shopping centers to show the lack of shoppers (cars), in the parking lots, as further proof that subject center is not needed. TALATY related various situations in the general area so far as drainage, and said the neighborhood is still very much opposed to the proposal, and urged the Commission to defer acting on the amendment. If the center is forced on the neighborhood, the residents can respond in only one way and that is to avoid the center and go elsewhere to shop. He felt the neighborhood would be willing to drive farther for shopping services if it meant the preservation of the residential neighborhood. He asked the Commissioners to listen to the voices of many citizens and not just one developer.

GRAGG commented that Mr. Talaty had asked the same questions on drainage at the Subdivision Committee meeting and had been told that the contract had been let and work was expected to start at the end of July. TALATY felt that more problems should not be created when a solution of the present situation is not apparent as yet. It was his opinion that the problems should be solved prior to building the center, and he related, too, the fact that Shadow Lakes was built, although when first considered, the people in the area were told that a building permit would not be issued until the drainage was solved, and that was several years ago.

DICK LINN, City Engineer, reported that in February of this year, the City Commission approved a drainage project to serve University Gardens and adjacent areas, which included part of Prairie Hills and areas to the south of 21st Street. He pointed out on the slide the boundaries of the benefit district established at that time. He said the timing of the project was based on two things - the development of the adjacent areas and University Gardens. Lot 1, University Gardens would provide a portion of the system through the apartment project and the balance in pipes to 21st and Battin. He said the contract was let in June and it was estimated that construction would start the last week in July. This project, he said, was designed to handle the drainage problem in Prairie Hills, Shadow Lakes and on 21st and Battin.

LINN said the developer of Parcel 1 (apartments), will have to provide easements in connection with the drainage solution. LINN said they had hoped to have the drainage improvements installed in Prairie Hills prior to development, and the owner had delayed construction for a period of time, but finally insisted he could not wait any longer and proceeded to construct houses on unimproved streets because streets could not be improved until storm sewers were installed.

TALATY said that was his point - that development was allowed prior to the solving of the drainage, and he commented further that a solution to the drainage in the area will necessitate assessments to adjoining property owners.

LINN pointed out that the contributing area to the problem has been outlined on the slide and that all that drains from this quarter section would bear a part of the cost. Any land outside of the project area - east or west - drains into a different watershed.

ED BROWN, 4814 East Looman, stated that under normal conditions during a rain, water cascades down between the houses on Looman and back of the apartments, and he asked who would be responsible for taking care of the dirt that is washed down at such times.

LINN said that the runoff through the pond system on Shadow Lakes would be across an earth berm and down the street for any storm that exceeds the size of the pipes. LINN said there will be no surface flow from other than adjacent lots themselves; discharge will be taken into the pipe system and any storm that exceeds a two year flood, the water will come from the pond system.

BROWN said they were about 300 feet from the pond and did not think any overrun would affect them, but the problem was apparently not foreseen in the building of the apartments and something more should be done other than what has been stated at this meeting. In closing, BROWN said he was against what is being proposed.

BAYOUTH asked if, once the drainage is handled as outlined, it would prevent problems such as has been brought up. LINN stated that the storm sewer proposed is designed for the frequency the City uses and such will handle the runoff from the part of the proposed development within the red boundary previously indicated.

MARGARET TALATY, 2401 North Oliver, asked if it was possible to see a contour map of the area north of 25th to 29th Streets North, in that the land gets higher at a very steep rate. LINN answered that, as stated at the Subdivision Committee, they do have plans and although he had invited those attending the Subdivision Committee meeting to visit his office and view the plans for the area, no one had contacted him, and he would still be glad to review the plans with anyone interested.

JUNE PEREL, 4400 East 25th Street North, was much concerned for the drainage, in spite of the storm sewer project, and while it is supposed to alleviate the problem of runoff in the streets, they do not alleviate the total problem. She stated that Linn had assured her that what is proposed would control the runoff, but after the Subdivision Committee meeting, she was told by a man from the Flood Control Office that all of the runoff problem from the concrete connected with the shopping center would not be handled by the storm sewer because of the slope of the land and that some would flow down Oliver and whatever flows down Oliver eventually flows into Greenbriar.

LINN stated that, as stated at the Subdivision Committee meeting, the property located within the red boundary line drains into the proposed system. The west tier of lots of University Gardens and outside of the contour lines, drains west or east from that line.

BARBARA KNAPP, 4709 Greenbriar, pointed out that one reason they are so interested in preserving the trees is because it would help in controlling the runoff outside the red line down Oliver to 25th Street.

DR. BRADFORD REEVES, 8 Crestview Lakes, spoke next, and stated that, based on legal counsel, he would like to request the Planning Commission to direct the staff to downzone the area from "LC" to "AA". It is a nice residential area close to Wichita State University and new houses are being built in the area; it is a racially integrated neighborhood, one of the few, and it is ideal. REEVES continued that the proposed center will be a blight on Wichita State University and a danger to students crossing 21st Street. REEVES also cited recent newspaper stories that Wichita has too much commercial zoning and he felt that this area is not suited for such a heavy increase in usage. REEVES continued that redevelopment of the downtown area will not be augmented by this proposal and obsolescence of commercial properties that are a little bit older will be increased.

REEVES pointed out that the City Traffic Engineer recommends that an intersection similar to the one at 21st and Amidon will be necessary because of the increased traffic and the actual construction would be quite expensive, and part of the cost would be borne by the residents of the area. He considered it unfair to expect residents of the neighborhood to share in subsidizing this project for their own upheaval. Another reason for changing the zoning would be because of the drainage problems.

REEVES continued to speak in opposition to the requested amendments, noting that increased access to 21st Street would only lead to more congested traffic and potential for more accidents. He did not consider a K-Mart Store appropriate in this long established residential area near Wichita State, and felt that the location of K-Mart East and West are much more appropriate in that they are close to highways.

REEVES offered opposition to reducing the setbacks in any respect and questioned the term "quality center" being applied to what is proposed in that it does not appear to have quality businesses interested in locating here. He suggested that single-family homes would be perfect in this area and to the best interest and welfare of Wichita.

REEVES considered one of the most critical points is what is going to be located on Parcel 9 at 21st and Oliver, and he mentioned that it couldn't be a liquor store because of the proximity of the church across the street.

In closing, REEVES asked about the location of the 30-foot high sign proposed, and whether it would be freestanding and neon. He said this was of great concern because of the gigantic size proposed. He called for answers as to how long is a maintained planting strip to be in effect and what constitutes compliance in this respect. Also, is the applicant going to pay for the accel-decel lane, and what guarantee is there that there will not be other smaller buildings built around K-Mart later on. He questioned how one could guarantee joint parking agreements between the tenants on the various parcels, pointing out that this is the same developer that handled Cobblestone Alley.

REEVES continued to point out that the City Code states that commercial development should be appropriate to a neighborhood and that there should be safeguards to minimize adverse affects on surrounding property. He contended that if such wording has any meaning, shopping centers should be one building and an integrated center.

REEVES did not understand why the staff had such few objections when it is essentially like the CUP considered two weeks ago where there were so many ambiguities. He suggested also that there should be some method of eliminating a CUP when it is later realized that it is a mistake.

REEVES asked for a showing of some of the slides viewed earlier, and as they were flashed on the screen, he discussed the subject of the slides. In closing, he asked that the Commission act in the best interest of the single-family homeowners in the area who were in the area first, and also in the interest of Wichita State University, and that the Commission at all times should feel the "pulse" of the citizens of the community.

CHAIRMAN BAYOUTH declared a 10-minute recess at 3:15, after which the Commission reconvened with all being present except Barrier and Gragg.

DR. JOHN KISER, 12 Crestview Lakes Estates, pointed out that the two buildings at the southwest corner of the site appear on the rendering to be set back a much greater distance than provided in the CUP and he considered this misleading. GALBRAITH pointed out that the setback in the CUP is 75 feet, although in the rendering it does appear to be farther.

KISER felt that the division of the one parcel originally proposed into several will reduce the cohesiveness of the center, and obviously the gentleman speaking for K-Mart did not understand the control of the corner lot, and yet Higgins suggests the owners are working jointly in being responsible for the maintenance of the corner and the buffer strip along Oliver. KISER pointed out that the original CUP called for a 35-foot setback on the parcel at the east side for a service station, whereas now it is proposed for two fast food buildings, and it appeared to him that that would not be in the best interest of the community.

Speaking as to the number of buildings, KISER noted that the developer suggests that they have the legal right to build as many as 15 buildings, but he considered that a point of issue as in the May 8, 1969 notice to adjoining property owners is stated that the plan proposes on approximately 13 acres a service station and shopping center, including department store and miscellaneous shops. He suggested that there is certainly a great deal of room for dis-

discussion about whether that wording in fact allows 15 buildings. KISER said furthermore that he had a CUP dated Revised August 21, 1975, which shows Lot 2 with a single building set back to the rear of the lot, which he felt further substantiated his claim that there is room for discussion about how many buildings are legally allowed at this time.

With respect to Parcel 1 where two fast food service operations are proposed, KISER saw no reason why the Planning Commission would believe that the unanimous voice of the citizens in the area could be served by allowing this kind of operation. He admitted that there are economic interests involved; however, the site was purchased with the restrictions as established by the 1969 CUP and he did not favor allowing the owners to increase their profit by changing the CUP to be less restrictive.

In the discussion of uses, it was brought out that Parcel 1 originally was indicated as a service station and related automobile accessory activities, but now is proposed for the fast food services, although this particular change had not been pointed out in the staff report. PORTER offered objections to the change on Parcel 1 from a restricted use to a broader use.

PORTER asked if it was a correct interpretation that under the original CUP they were restricted to one freestanding building. GALBRAITH responded that the approved CUP does not have a stated maximum number of buildings, however, the CUP states "shopping center" as the permitted use and he would interpret it to include a grocery store, department store and miscellaneous shops.

KISER noted that one building is drawn on the CUP he was furnished by the applicant, and it was his recollection that in previous considerations there had not been discussions as to buildings, but it may have been lost in translation.

HIGGINS explained that at one time some of the residents of the area were in Mr. Andeel's office and were provided copies of maps, tables, etc., with respect to a plan proposed at that time, but which was never submitted. The last CUP approved, he stated, was the 1969 version and the "CUP" with one building referred to by Dr. Kiser was a proposal for a single lease; however, the lease never materialized and that plan was never submitted. HIGGINS stated that permitting residents to view private records of the developer does indicate a willingness and attempt to cooperate with the residents of the area. KISER accepted Higgins' explanation of the CUP, but did not accept his right to put a large number of buildings on the property.

HIGGINS pointed out that they already have a lot split which will permit Dillon Stores to build, and will also permit K-Mart Stores to build without any amendments to the approved CUP, but that these two companies prefer to own their own locations rather than lease from an overall owner of a center, and that is the reason for breaking up the large parcel originally approved.

BILL STEVENS, 5717 East 20th Street, spoke in opposition, and to stress the desirability of concentrating on redevelopment of the downtown area as a shopping center rather than permit proliferation of centers throughout the community. He referred to the fact that some forward thinking officials in Philadelphia had in more recent years developed Penn Center, which has been highly successful. He considered it the responsibility of the Planning Commission and City Commission to find ways to stop the type of development proposed. And he commented further that the people who own the land don't have the right to develop it in anyway they choose, and that this Commission can rescind the present zoning and find new ways to use the land.

DR. GOERGE PLATT, Director of Planning for Wichita State University, again expressed their concern and desire to have residential development as related to the campus. He urged a 150-foot setback for all the freestanding buildings and the limitation of access

to 21st Street. He felt that these two requirements are in keeping with shopping center development and would go a long way toward eliminating the need for any of the small freestanding buildings, which depend on impulse buying.

JANICE SAGE, 4906 Arlene, was concerned about Parcel 2 and asked where the reduction in square footage was eliminated. GALBRAITH explained that at the last meeting, the applicant amended the square footage from 280,000 to 220,000 and that since the last meeting has further reduced the square footage to 202,000 square feet, or the same as exists on the approved CUP.

In further explanation, GALBRAITH said the square footage for Parcel 2 is 33,361 square feet and for comparison purposes that some furniture stores probably are about that size, and that Walls Supermarket at Broadway and Pawnee is about 40,000 square feet.

ANITA JONES said, although she is not a resident of the area now, she will be in August, and was interested in knowing what kind of limitations can be established at this time, and she asked if it is possible for the applicant to ask for another amendment later. She asked what setback is being proposed for the east part, and it was stated that it is 35 feet. JONES stressed the desirability of limiting access and referred to 13th and Woodlawn where there are not as many access points as being requested in this case. She also felt that a unified architectural theme should be utilized and this point is of concern to the residents.

MS. JEAN PEREL, 4400 East 25th Street, spoke in opposition to six access points to 21st Street within the distance of 2/10 of a mile. She considered such unrealistic even with an accel-decel lane. She related the many traffic conflicts which could occur, and felt that a freestanding building does not necessarily need to have direct access, and she was not in favor of freestanding buildings.

BAYOUTH commented that with an accel-decel lane, traffic conflicts would be less dangerous. PEREL spoke again to ask that access be limited to two, and she thought K-Mart and Dillons (principal lesses), would be interested in making it safe for their potential customers.

ED BROWN spoke again to point out the nursing home to the southeast and the fact that the increased traffic will be much more hazardous for residents of the home, who at times may wander from the premises of the home.

When asked to speak on the matter of traffic, BILL MCKINLEY, Assistant Traffic Engineer, said they would request an accel-decel lane along 21st and Oliver 20 feet in width to accommodate both a 12-foot lane into the center, plus 6 feet eventually for medians down the center of the major streets similar to 21st and Amidon or at Harry and Oliver.

When asked if six access points on 21st would be dangerous with an accel-decel lane, MCKINLEY answered that any time there is another opening it is a potential hazard and that potential must be balanced between the need for access to the business area. He said they do recommend accel-decel lanes and limited number of access points, and that their recommendation in this case originally was for somewhat less than is now proposed. He suggested the three access points as proposed on Oliver would be appropriate. He suggested five access points on 21st as being appropriate, but it is possible that, depending on the land development, six openings as proposed could be accommodated.

JONES asked if there was any way that whatever is approved at this time would actually happen eventually, such as the tree area at the corner. Can the developer ask for later amendments?

KAMEN answered that further amendments to whatever is approved at this time can be made in the future.

PORTER asked McKinley if it would be safer to have only two access points on 21st, and McKINLEY indicated that two major openings designed properly could handle the traffic, major openings being necessary because there would be a lot of stoppage and likely double lanes out and maybe double lanes into the center. When asked which would be safer, two major openings or six usual openings, McKINLEY thought two major openings would be, but that it would be almost comparable, depending on size, location and land use. He estimated this center might generate about 50 trips per 1,000 square feet, or about 10,000 cars in and out.

When asked if the major openings would be signalized, McKINLEY indicated that such was a possibility, depending on design and volume of traffic. He stated that at this time it was his recommendation that the developer build a 20-foot accel-decel lane on 21st and Oliver - it would be to his own advantage to move traffic in and out of the center. When questioned about the right-of-way for accel-decel lanes, it was pointed out by staff that such has already been dedicated, including 75 feet for a major intersection improvement in the future. McKINLEY commented that many of the existing trees are within the right-of-way.

BARBARA KNAPP asked if the lay of the ground was considered in designing the accel-decel lane and intersection improvements. McKINLEY said he has talked with the developer's engineer and that there are some site distance problems and that the contours of the property is considered in all cases.

GARY TINDALL, 4905 East 24th Street North, pointed out the extremely heavy traffic and congestion which occurs at this intersection, especially during special events at the University, and he questioned the advisability of allowing a shopping center to contribute even more to the traffic hazards.

McKINLEY agreed that it is obvious that at certain times of the year there are some design criteria that cannot be met in building a road system, noting particularly that at one football game there were 20,000 people, but that traffic cleared in about 30 minutes. He did not think there was any reasonable way to design streets to accommodate traffic volumes occurring only once or twice a year, such expenditures would not be justified and he did not believe in asking the taxpayers to provide a street system for other than the normally anticipated traffic.

SAVINA commented that most of the people present apparently think the Commission is considering the rezoning of subject property; however, it is already zoned and what the Commission is considering at this time is requested amendments to the CUP, and they could make no other recommendations in this case. PORTER pointed out that she had asked previously if the Commission could consider amendments other than what was requested and she had understood that such was possible.

MOTION: That the Planning Commission recommend to the City Commission that this request be approved subject to the comments from the staff as shown in the staff report 5.a) through 5.e), which are as follows:

- a) Replatting of subject property into lots coinciding with the parcel boundaries within one year from the date of approval by the City Commission; or the case be considered denied and closed.
- b) General Provision #10 shall be amended to delete the words "board fence" and the phrase "to prevent the passage of debris or light constructed of brick, stone, masonry, architectural tile or other similar material (not including

wood, woven wire)" shall be added in place of the deleted words. Section 28.04.190.B.8.a. prohibits the use of board fences to provide screening on Community Unit Plans.

- 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 residential and commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d) The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- e) Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Hennessy moved and Kamen seconded the motion for purposes of discussion.

PORTER asked that the various amendments requested be voted on separately as some she favored and some she did not.

AMENDED MOTION: That the various amendments requested be voted on separately. Porter moved, Savina seconded and it carried by a vote of 6 in favor (Porter, Savina, Goebel, Greider, Kamen, and Taylor) and 2 opposed (Hennessy and Bayouth). Barrier and Cragg were absent.

PORTER pointed out that Parcel 1 has been changed in that it was originally approved for service station and automobile related services and now it is proposed to be drive in restaurants. GALBRAITH noted that automobile services could include muffler shops or public garages which would be more offensive to the neighborhood than the proposed restaurants.

PORTER said she would like to have Parcel 1 continue to be restricted to a service station as she considered it a much more restricted use than a restaurant.

HIGGINS pointed out that they already have two firm leases for this parcel, and that there is a misunderstanding if the thought is that only a service station is presently allowed, because it also permits tire, battery and accessory services or related uses to a service station. He did not feel that the use was being expanded, but in case the restaurants, proposed now, do not last, then they would have other uses available.

GALBRAITH reviewed the major changes requested: On Parcel 1 a change in use from service station and associated automobile services to restaurants or other retail uses. The other changes on Parcel 1 would reduce the square footage of leaseable gross floor area from 12,000 square feet on the approved plan, to 8,000 on the revised plan.

PORTER said she would withdraw her objection to the change on Parcel 1 as she did not realize that associated uses were permitted along with a service station.

HIGGINS suggested that rather than waste any more time, if the Commission doesn't like what is requested and what has been worked out with the staff, then let this matter go to the City Commission, or they could withdraw the request, and they will do whatever is permitted in the original plan.

MOTION: That the Planning Commission approve the division of Parcel 2 into five parcels, redesignated as Parcels 2, 8, 9, 10, and 11, as shown in staff comments 1.1. Savina moved, Hennessy seconded and it carried unanimously. Barrier and Gragg were absent.

MOTION: That the Planning Commission approve the reduction of building height from 80 feet to 35 feet on Parcels 8, 10, 11, and to 30 feet on Parcels 2 and 9, as shown in staff comment 1.2. Savina moved, Kamen seconded and it carried unanimously. Barrier and Gragg were absent.

MOTION: That the Planning Commission take no action on the number of access points to 21st Street from Parcels 5 and 6 (staff comment 1.3), but that the applicant and Traffic Engineer confer to provide a safe controlled accel-decel lane and number of access points for consideration by the Subdivision Committee. Savina moved.

LAKIN pointed out that both 1.3 and 1.4 relate to access points and asked if the intent was to let such be established at the time of platting and not limit them on the CUP.

AMENDED MOTION: That the number of access points on 21st and Oliver be determined in the platting process. Savina moved, Greider seconded the motion, as amended, and it carried unanimously. Barrier and Gragg were absent.

MOTION: That the Planning Commission approve the total maximum gross floor area on the CUP as originally approved (202,992 square feet), as shown in staff comment 1.5. Kamen moved, Savina seconded and it carried unanimously. Barrier and Gragg were absent.

MOTION: That the Planning Commission approve an increase in the building setback line from 21st Street as indicated on the revised plan from 150 feet to 300 feet, as shown in staff comment 1.6. Kamen moved, Savina seconded and it carried unanimously. Barrier and Gragg were absent.

PORTER pointed out that there are still the revised proposed amendments as pointed out in staff comment 3.a) through 3.e), as shown in the staff report. LAKIN suggested that if the Commission concurred in these revisions, they could be covered by one motion.

MOTION: That the Planning Commission recommend the approval of revised amendments 3.a) through 3.e) as shown in the staff report. Hennessy moved and Savina seconded.

TAYLOR did not agree with the reduction of buildings from the originally requested nine to the revised request of six in that six freestanding buildings did not make it a desirable plan in her opinion, and she thought the name "shopping center" was a misnomer, in that it is not a well thought out plan, but merely a collection of buildings and uses.

GALBRAITH pointed out that the number of buildings is unlimited in the approved CUP which exists at this time, and that what is presented is not necessarily staff recommendations, but the results of many meetings the staff has held with the developer, and the changes now being proposed by the developer do represent some

compromise from his original proposals. The staff has not presented them as something the staff views as a perfect solution, but rather a compromise situation which is an improvement over the existing approved CUP.

VOTE ON MOTION TO APPROVE AMENDMENTS 3.a) through 3.e) carried by a vote of 7 in favor (Porter, Greider, Kamen, Hennessy, Bayouth, Goebel, and Savina) and 1 opposed (Taylor). Gragg and Barrier were absent.

PORTER said although she did not approve of the number of buildings at all, six is better than unlimited. She felt that there are problems with the CUP approved in 1969, and now it seems there is no plan for what would be a good shopping center. Towne East has developed, traffic problems have increased and things have changed in the 7 years since 1969. PORTER said she also would recommend that the landscaping match that presently existing as far as can be expected. She asked how the Commission could be assured that what is presented to the community will, in fact, be carried out.

LAKIN said if the intent is that the trees and open area in Parcel 9 be left, a clause could be included in the General Provisions of the CUP that the existing trees shall not be removed and the area shall be left as green space. PORTER suggested the landscaping be 200 feet.

HENNESSY did not see how the Commission could expect a developer to let the land stay idle indefinitely in view of the price. It was pointed out again that the west 190 feet is zoned "AA", but approved by the Board of Zoning Appeals by special permit for off-street parking.

PORTER asked if she would have to make a separate motion and hope this point could be included on the CUP as related to Parcel 9. LAKIN felt that the Planning Commission could recommend to the City Commission that such a condition be imposed in any approval of this case.

HIGGINS maintained that the City Commission does not have the right, as the off-street parking exception was established by the Board of Zoning Appeals and could only be rescinded by that body.

PORTER stated she wanted to propose a separate condition of approval; that as part of the amendments to the CUP, the area zoned "AA" along Oliver be left as it is and not used for parking.

AMENDMENT TO MAIN MOTION: That the intent of the original CUP that the area along Oliver be maintained as landscaping be upheld. Porter moved.

PORTER commented that she wanted to preserve the trees as much as possible. SAVINA pointed out that the CUP states that it is the developer's desire and intent that existing trees along Oliver be retained.

LAKIN pointed out that on the original 1969 CUP there is a statement that off-street parking will be allowed along Oliver subject to Board of Zoning Appeals approval, and approval has been obtained for parking, and it was his opinion that the second amendment to the prime motion was not in order.

PORTER withdrew her amended motion, and restated it as follows: That the area with trees ("AA") be retained as landscaping to meet the landscaping as suggested by the developer's rendering. Porter moved and Greider seconded for discussion purposes.

In the discussion, it was pointed out by Galbraith that the strip along Oliver was 250 feet except where a 60-foot right-of-way has been required and there it is 190 feet. It was pointed out that the location of the trees is approximately as indicated on the applicant's rendering on display.

PORTER commented that the developers say they are willing to leave this corner as it is now, and she was interested in seeing that they are required to do as they say. After more brief discussion,

PORTER added to the above motion that it applied to only 190 feet adjacent to Oliver. Greider approved the amendment.

SAVINA asked if any other developer had been required to leave trees in connection with a CUP. GALBRAITH recalled two, on Towne West around the Christ the King church the shelter belt was to be kept, and at Towne East, approximately 50 feet of the shelter belt was retained on the south side of Douglas and to be supplemented with additional plantings.

VOTE ON AMENDED MOTION: The vote was moot - 4 in favor (Porter, Greider, Kamen and Taylor) and 4 opposed (Hennessy, Bayouth, Goebel and Savina). Barrier and Gragg were absent.

GOEBEL thought the trees should be left, but there could also be some parking, and he said he would like to have an offer by the applicant that he would use a portion for parking, but also reserve all the large trees on the corner. GOEBEL felt this could be done.

DENNIS ESTIE (K-Mart), said their intent was to try to leave the corner where it is zoned "AA" in trees, and while they are not the applicant, they have worked to compromise with the community as a whole. He said he had suggested before that if the Planning Commission could eliminate the wall, it would be possible to leave the trees. He suggested this recommendation could be made to the City Commission and possibly clear up this issue.

ESTIE said that they could build the center now under the present CUP and tear down all the trees. He stated further that if the vote is negative that is probably what would happen because they would not have to go to the City Commission, but could withdraw the request for amendments. He said they have compromised with the staff and people in the area and that they want to make a nice shopping center.

Reference was made to the primary motion made sometime back in the discussion, and LAKIN advised that as the vote stands now, the prime motion to be voted on would recommend approval of the request as submitted, with the only change being that the number of curb cuts or access points to Oliver and 21st Street would be determined by the Subdivision Committee at the time of platting.

TAYLOR stated that the motion is to approve an action taken 7 years ago and, while it may have been valid at that time, there is no reason why the Planning Commission or governing body should disregard changes that have taken place. TAYLOR said she was intensely interested in renewing downtown Wichita and that such will be difficult to do if outlying shopping centers are continually approved.

BAYOUTH suggested that since Taylor is an employee of Wichita State University, she would have a conflict of interest in this matter. TAYLOR indicated that this matter has already been clarified by the Kansas Committee on Ethics and that she can vote on this matter.

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

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July 27, 1976

Mr. William P. Higgins, Attorney  
Penthouse/Sutton Place  
Wichita, Kansas 67202

Re: DP-8 - Proposed amendments  
to University Gardens CUP -  
Northeast corner of 21st  
and Oliver

Dear Mr. Higgins:

At the regular meeting of the Metropolitan Area Planning Commission on July 22, 1976, the above-captioned CUP was considered. After several hours of discussion, the action of the Planning Commission was to recommend the approval of the CUP, as amended and revised, subject to the following conditions:

- A. Replatting of subject property into lots coinciding with the parcel boundaries within one year from the date of approval by the City Commission; or the case be considered denied and closed.
- (B) General Provision #10 shall be amended to delete the words "board fence" and the phrase "to prevent the passage of debris or light constructed of brick, stone, masonry, architectural tile of other similar material (not including wood, woven wire)" shall be added in place of the deleted words. Section 26.04.190.8.a. prohibits the use of board fences to provide screening on Community Unit Plans.
- 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 residential and commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- D. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

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July 27, 1976

- E. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
- F. The maximum number of access points to 21st Street and to Oliver adjacent to Parcels 8 and 9 shall be determined at the time of platting.

Regarding conditions B. and F. above, it is necessary that these corrections be made on the face of the CUP, and ten revised copies submitted to our office. Also, inasmuch as discussion and a motion centered around the rendering that you submitted at the beginning of the meeting, it is necessary that that rendering be returned to our office for our permanent file. Please see that the rendering and the ten revised copies are submitted to our office no later than 5:00 p.m. on August 4, 1976.

To permit us additional time to complete the minutes for both the hearings, and as you agreed, this is to advise you, and those receiving a copy of this letter, that subject case will be considered by the Board of City Commissioners on August 24, the meeting to start at 9:00 o'clock in the City Commission Meeting Room, First Floor, City Hall.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: The Oliver Corporation, 5900 East Central, Suite 201 67208  
Dillon Real Estate Co., Inc., 2700 E. 4th St., Hutchinson 67501  
Colleen Johnson, 4710 East 26th Street North 67220  
John L. Kiser, #12 Crestview Lakes Estates 67220  
Barbara Knapp, 4709 Greenbriar 67220  
Erach and Margaret Talaty, 2401 North Oliver 67220  
Dr. George Platt, Director of Planning, Wichita State University 67208  
Dennis J. Eskie, 214 W. 6th St., Suite 301, Topeka 66603  
Rev. Paul F. Holmes, ~~416 East 4th St., Kinsley, Kansas 67547~~ PO Box 66  
Edward Brown, 4814 Looman 67220  
Jean Perol, 4400 East 25th Street North 67220  
Bradford Reeves, #8 Crestview Lakes Estates 67220  
Bill Stevens, 5717 East 20th Street 67220  
Janet Sage, 4906 Arlene  
Ms. Charles E. Steele, 2619 North Pershing 67220  
67563

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July 27, 1976

cc: (Continued)

William L. Korber, 330 Laura 67211  
Bill McKinley, Assistant City Traffic Engineer  
Dave Furnas, CPO Coordinator  
City Manager's Office

*Director of Law  
at, edh*

**RE: AGENDA ITEM NO. 11**

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 7-22-76

REVISED STAFF REPORT

Case No. DP-8

Request: Approval of Amendment to  
University Gardens CUP

Location: Northeast corner of 21st Street and Oliver.

Acres: 40

Size: 1,241' x 1,275'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped, single family and multi-family	"AA", "B" and "LC"
North	Undeveloped	"AA", "LC"
East	Taverns and Undeveloped	"AA" & "LC"
South	Church, care home, office, medical and apothacary	"AA", "BB" and "LC"
West	Single family and vacant	"AA", "BB", and "LC"

Street rights-of-way  
are adequate.

Platted: Yes  
Sidewalks: Previously guaranteed

**History:**

SCZ-0057 - "R-1" to "LC" - approved by Co. Comm. 11-18-59  
 SCZ-0069 - "LC" to "R-1" - MAPC recommended denial 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 approved  
 BCC: 7-6-65 - approved.  
 Z-0665 - "LC" to "AA" MAPC recommended denial. BCC denied 7-6-65  
 DP-8 Amendment to include Commercial area, MAPC 5-22-69 approved  
 BCC 6-10-69 approved  
 BZA Case No. 2-70 - Exception for off-street parking approved by  
 Board of Zoning Appeals February 24, 1970.  
 DP-8 Amendment to University Garden, C.U.P. File # 3, MAPC 7-8-76  
 defer 2 weeks.

Comments

1. In June 1969, a combination residential and commercial CUP for University Gardens was considered and approved.

The applicants have now submitted a revised development plan proposing the following general amendments to the commercial portion of the plan.

1. Division of Parcel 2 into 5 parcels and redesignated as Parcels 2, 8, 9, 10 and 11.
  2. Reduction of building height from 80 feet to 35 feet on Parcels 8, 10, 11, and to 30 feet on Parcels 2 and 9.
  3. Increase in number of access points to 21st Street from 5 to 6.
  4. A reduction in the number of access points to Oliver from 8 to 7.
  5. The total maximum gross floor area on the CUP is proposed to remain at 202,992 square feet as originally approved on the CUP.
  6. An increase in the building setback line from 21st Street North on most of the parcels from 150 feet to 300 feet.
2. This request for amendment of the University Gardens Community Unit Plan was originally considered by the MAPC at their meeting of July 8, 1976. Numerous neighborhood residents attended that meeting and expressed concern about number of buildings proposed for the site, the increase in gross floor area, drainage problems in the area, and the traffic which might be generated by the proposed center. It was the action of the Commission to defer consideration of the proposed amendments for two weeks and to schedule the CUP for consideration by the Subdivision Committee on July 15, 1976 in order to secure input from the Utility Advisory Committee regarding drainage, traffic problems, and access points. These problems were considered at the Subdivision Committee meeting, and area residents were afforded an opportunity to question members of the City staff regarding past history of their problems in the area.
  3. At the previous meeting of the MAPC, the staff had raised several questions regarding the number of buildings proposed for the site, the potential for "stripping out" of 21st Street North, the large amount of square footage proposed, free flow access between parcels, the lack of specific uses proposed for the parcels, and the

guarantee of the construction of accel-decel lanes.

Since that meeting, representatives of the developer have revised the proposed amendments as follows:

- a) Reduced the number of freestanding buildings from nine to six.
  - b) Increased the building setback line from 21st Street North from 150 feet to 300 feet on Parcels 8, 10, and 11.
  - c) Decreased the maximum gross floor area potential of the site to that which was approved on the original commercial CUP (202,992) square feet).
  - d) Adjusted parcel descriptions to provide specific use proposals and to eliminate some of the "LC" uses which are incompatible with quality shopping center development.
  - e) Provided general text statements regarding screening and landscaping, guarantee of accel-decel lanes, ingress-egress, joint parking agreements between parcels, and have provided drainage statements in the text information proposed for each parcel.
4. Because of the revisions by the applicant, the potential for the strip development of 21st Street North has been lessened through increased building setback lines, improved landscaping provisions, no increase in maximum gross floor area, and a limitation on the maximum number of buildings on each parcel.
  5. Should the Planning Commission recommend approval of this request, the following are recommended conditions of approval.
    - a) Replatting of subject property into lots coinciding with the parcel boundaries within one year from the date of approval by the City Commission; or the case be considered denied and closed.
    - b) General Provision #10 shall be amended to delete the words "board fence" and the phrase "to prevent the passage of debris or light constructed of brick, stone, masonry, architectural tile or other similar material (not including wood, woven wire)" shall be added in place of the deleted words. Section 28.04.190.8.a prohibits the use of board fences to provide screening on Community Unit Plans.
    - 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 residential and commercial development and be binding upon the present owners, their successors and assigns, unless amended.

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July 22, 1976

- d) The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - e) Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
-

Berna - DP-8  
Johnson material

The zoning issue for Wichita should be reviewed internally to the CBD and externally for the whole City and how City-wide zoning affects the CBD. Zoning does not create market demand. Overzoning in a Downtown area of commercial and high intensity uses where the market does not exist can be a deterrent to Downtown revitalization because:

1. Existing structures may not be properly maintained and the property owner places an unrealistically high value for his property waiting for a redeveloper because he thinks it is economically feasible and marketable.
2. Structures may be prematurely acquired and demolished with no potential redeveloper at hand, although this is not necessarily bad if blight is eradicated. However, limited public resources could possibly have been placed where opportunities for redevelopment existed.

The density permitted in the "D" Central Business District zone of the Wichita ordinance unrealistically inflates land values. With a maximum height limitation of 25 stories, the "D" district would allow roughly 131 million square feet of commercial space or approximately 340, Fourth Financial Center structures in the Downtown area. Obviously, this cannot be achieved. Every property owner holds the notion that his or her property will someday be sold for a high-rise commercial structure. Hence, the owner establishes a price on the property consistent with that belief and holds it for long-term speculation.

Univ. Panel

Besides zoning in the CBD proper, City-wide zoning impacts the ability of Downtown property to be developed.

Univ. Panel

Scattered strip commercial zoning allowed in a haphazard pattern throughout the community places competitive sites for development with available Downtown sites. There are definitely natural market forces to contend with from a commercial zoning standpoint as outward residential growth continues. Neighborhood convenience centers need to locate in close proximity to the trade areas they serve.

Univ. Panel

The market trend for Doctors' offices has shifted from Downtown concentrations to suburban medical office buildings near hospitals and residential areas. Whereas these are natural market forces affecting suburban commercial development, City goals could establish zoning policies which would effectively limit outlying development and enhance the Downtown's competitive position.

150,000

6 major groceries  
3 ice cream stores  
2 self service laundries  
16 Restaurants  
3 private clubs  
1 tavern  
1 delicatessen  
1 candy store  
4 dry cleaners  
4 automotive and general merchandise stores  
9 liquor stores  
1 recreation parlor  
2 florists  
3 gift shops  
1 art gallery  
1 hobby shop  
2 drug stores  
1 prescription shop  
5 beauty shops  
2 barber shops  
1 record store  
14 automotive service stations  
2 retail shoe shops  
2 shoe repair shops  
1 jewelry store  
5 quick stop shops  
1 medical center  
3 veterinarian offices  
1 hardware store  
2 dime stores  
1 antique and home accessory store  
1 formal wear shop  
2 childrens' clothing store  
3 women's clothing stores  
2 men's wear stores  
1 general clothing store  
1 book store  
Cheese store  
2 donut shop  
4 banks  
Pool and Patio supply store  
1 music store  
1 pet grooming shop  
bridal shop  
sporting goods store  
2 bowling alleys  
real estate firms  
insurance firms  
1 Equine or horse clinic  
 full service lumber yard  
3 lawn and garden supply shops  
goodwill industries *resale shop*  
*cake decorating store*  
 *2 photo finishing shops*

*mortuaries  
crematorium  
piano tuner*

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250,000

6 major groceries  
3 ice cream stores  
2 self service laundries  
16 Restaurants  
3 private clubs  
1 tavern  
1 delicatessen  
1 candy store  
4 dry cleaners  
4 automotive and general merchandise stores  
9 liquor stores  
1 recreation parlor  
2 florists  
3 gift shops  
1 art gallery  
1 hobby shop  
2 drug stores  
1 prescription shop  
5 beauty shops  
2 barber shops  
1 record store  
14 automotive service stations  
2 retail shoe shops  
2 shoe repair shops  
1 jewelry store  
5 quick stop shops  
1 medical center  
3 veterinarian offices  
1 hardware store  
2 dime stores  
1 antique and home accessory store  
1 formal wear shop  
2 childrens' clothing store  
3 women's clothing stores  
2 men's wear stores  
1 general clothing store  
1 book store  
Cheese store  
2 donut shop  
4 banks  
Pool and Patio supply store  
1 music store  
1 pet grooming shop  
bridal shop  
sporting goods store  
2 bowling alleys  
real estate firms  
insurance firms  
1 Equine or horse clinic  
 full service lumber yard  
3 lawn and garden supply shops  
goodwill industries *resale shop*  
*cake decorating store*  
 *2 photo finishing shops*

*mortuaries  
crematorium  
piano tuner*

July 9, 1976

Mr. William P. Higgins, Attorney  
Penthouse/Sutton Place  
Wichita, Kansas 67202

Re: DP-8 - Amendment to University  
Gardens CUP - Northeast corner  
of 21st and Oliver

Dear Mr. Higgins:

At the regular meeting of the Metropolitan Area Planning Commission on July 8, 1976, the above-captioned application was considered. After considerable discussion, and after questions were raised concerning drainage, access points, construction of accel/decel lanes, and the need for more information comparing the proposed amendments with the original approved CUP, the action of the Commission was to defer further consideration of this case for two weeks, with further direction that the CUP be scheduled for consideration by the Subdivision Committee of the Planning Commission. Therefore, based on this action, this will advise you, and those receiving copies of this letter, that this CUP will be scheduled for consideration by the Subdivision Committee of the Planning Commission at their regular meeting on July 15, 1976, at 1:00 p.m., the meeting to be held in the Board Room, First Floor, City Hall, 455 North Main.

This will also advise you that subject case will be rescheduled on the next regular agenda of the Planning Commission for July 22, 1976, in the City Commission Chambers, First Floor, City Hall, 455 North Main. The Planning Commission requested that this matter be placed near the beginning of their agenda, and to be considered shortly after 1:30 p.m.

Additional notices of the time and place of these hearings will not be mailed from our office.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

Page 2 - Mr. William P. Higgins  
July 9, 1976

cc: The Oliver Corporation, 5900 East Central, Suite 201 67208  
Dillon Real Estate Co.; Inc., 2700 East 4th, Hutchinson 67501  
Colleen Johnson, 4710 East 26th Street North 67220  
John L. Kiser, #12 Crestview Lake Estates 67220  
Barbara Knapp, 4709 Greenbriar 67220  
Erach and Margaret Talaty, 2401 North Oliver 67220  
Dr. George Platt, Director of Planning, Wichita State  
University 67208  
David Furnas, CPO Coordinator  
E. N. Maisel & Associates, 214 West 6th St., Suite 301  
Topeka, Kansas 66603

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 7-8-76

Case No. DP-8 Request: Approval of Amendment to University  
Gardens CUP

Location: Northeast corner of 21st Street and Oliver.

Acres: 40 Size 1,241' x 1,275'

	Land Use	Zoning
Existing	Undeveloped, single family and Multi-family	"AA", "B" & "LC"
North	Undeveloped	"AA"
East	Taverns and Undeveloped	"AA" & "LC"
South	Church, care home, office, medical, and apothecary	"AA", "BB", & "LC"
West	Single family and vacant	"AA", "BB", & "LC"

Street rights-of-way are adequate. Platted: Yes  
Sidewalk: Previously guaranteed.

History:

SCZ-0057 - "R-1" to "LC" - approved by Co. Comm 11-18-59  
SCZ-0069 - "LC" to "R-1" - MAPC recommended denial 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 approved  
BCC: 7-6-65 - Approved  
Z-0665 - "LC" to "AA". MAPC recommended denial. BCC denied  
7-6-65  
DP-8 Amendment to include Commercial area, MAPC 5-22-69 approved  
BCC 6-10-69 approved.  
BZA Case No. 2-70 - Exception for off-street parking approved by  
Board of Zoning Appeals February 24, 1970.

COMMENTS

1. In June, 1969 a combination residential and commercial  
CUP for University Gardens was considered and approved.

The applicants have now submitted a revised development plan proposing the following general amendments to the commercial part of the plan\*:

1. Division of Parcel 2 into 5 parcels and redesignated as Parcels 2, 8, 9, 10 and 11.
  2. Reduction of building height from 80 feet to 35 feet on Parcels 8, 10, 11, and to 30 feet on Parcels 2 and 9.
  3. Increase in number of access points to 21st Street from 5 to 6.
  4. Increase of maximum gross floor area from 202,992 square feet to 280,150 square feet.
2. The applicant is proposing a total of 11 buildings, three of which are now proposed to be connected for a total of 9 free standing structures. A total of six buildings are proposed to be located near the 21st Street setback line which will effectively "strip out" the 21st street frontage. This number of buildings would appear to be incompatible with the intent section of the Commercial Community Unit Plan (Section 28.04.190.B) Regulations.

A total of 280,150 square feet of floor area is proposed for the commercial parcels which would be similar in size to the existing Eastgate Shopping Center, except that this application proposes that this large amount of square footage be parceled out into 9 free standing buildings with inadequate use limitations.

During the early 1960's, most major cities in the United States amended their zoning regulations to provide for Planned Unit Developments or Community Unit Plans because it had long been recognized that large commercial and residential developments can severely impact surrounding neighborhoods unless adequate safeguards such as use limitations, setbacks, limits on number of buildings, access control, height limitations, etc., were provided to protect adjacent property. Section 28.04.190.B code of the City of Wichita provides:

"The intent and purpose of this section is to provide well planned and well organized developments of com-

\* The parcels proposed for residential usage (parcels 3, 4, 5, 6, and 7) are not included in the proposed amendment to the Community Unit Plan).

mercial areas which are held in single ownership or under single control.----- The character of the commercial developments should be appropriate to the neighborhood and conditions and safeguards should be provided to insure that the development will minimize any diminution, if any, in value of surrounding residential property."

It is rather difficult to support an increase in square footage of commercial development on this C.U.P. from 202,992 to 280,150 square feet (a 38% increase) when adequate safeguards, such as parcel, building, and use limitations are not proposed with the plan.

Consideration should be given to eliminating one structure on each of parcels 1, 9 and 10, and 11, and increasing the setback line on Parcel 10 from 75 feet to 150 feet as was originally proposed by the applicant in the revised plan first submitted for review by the staff.

3. The uses proposed for the commercial parcels contain statements such as: "General retail" (parcels 9 and 10)  
"Retail uses per zoning ordinance" (parcel 1)  
"Other related uses" (parcel 2)

The applicant should be prepared to list uses which are actually proposed for the parcels rather than include open ended statements which permit any use allowed under the present zoning without lessening potential impacts on the neighborhood.

4. It should be pointed out that a serious drainage problem exists on subject property which the Department of Public Works advises must be resolved prior to any additional development. It should also be pointed out that in the early part of 1974, an application to vacate the existing drainage easement on Lots 2 and 3 of University Gardens Addition (V-0673) was recommended for approval by the Planning Commission subject to the approval of a new drainage dedication by the Department of Public Works, however, as of this date, the matter has not been resolved and the case remains an open file.
5. Should the Planning Commission recommend approval of this request, the following are recommended conditions of approval:
  - a. Replatting of subject property into lots coinciding with the parcel boundaries within one year from the date of approval by the City Commission; or the case be considered denied and closed.

- b. At the time of replatting, the applicant shall guarantee the construction of accel-decel lanes on Oliver and 21st Street.
- c. At the time of replatting, the applicant shall provide appropriate drainage and floodway easements and submit a satisfactory guarantee for construction of drainage improvements prior to issuance of any building permits.
- d. The maximum number of buildings for parcels 1, 2, 9, 10, and 11 shall not exceed one per parcel.
- e. At the time of replatting, the applicant shall guarantee that one of the access points to parcel 11 shall be constructed to major driveway standards as determined by the City Traffic Engineer.
- f. The curb cut proposed to 21st Street North from parcel 2 shall be eliminated and the second curb cut proposed to parcel 1 shall become a joint opening for parcels one and two. General provision #5 shall be amended to reflect a total of five access points to 21st St., North and the parcel descriptions for parcels one and two shall be amended to reflect this change.
- g. General Provision #3 shall be amended to add the following statement:  

"Failure to properly maintain the planting strips 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 that the planting strips are not properly maintained."
- h. A general provision #8 shall be added as follows:  

"8. All new utilities shall be installed underground."

A general provision #9 shall be added as follows:  

"The applicant shall guarantee the installation of accel-decel lanes on Oliver and 21st Street at the time of replatting."

- j. The wall described in general provision # 4 shall be depicted on the face of the C.U.P.
  - k. The building setback line adjacent to 21st Street North on Parcel 10 should be increased to 150 feet.
  - l. Specific use limitations should be proposed for each parcel.
  - m. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development
  - n. Any major changes in this plan being resubmitted to the Planning Commission and City Commission for their consideration.
-

DP-8 - 132 Notices to adjoining property owners mailed 6/24/76 for  
the MAPC meeting of 7/8/76

  1 David L. Furnas, CPO (no map available)

133 Total

ALSO:

  1 Curtis Terflinger, 2250 N. Roosevelt, 67220

  1 Dr. Cline D. and Betty Hensley, 4707 E. Looman, 67220

135 TOTAL

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

June 24, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Notice is hereby given that on Thursday, July 8, 1976, at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Chambers, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for an amendment to the UNIVERSITY GARDENS COMMUNITY UNIT PLAN for property legally described as follows:

DP-8 - Lots 1, 2, 3, 4, 5, 6, 7, and 8, UNIVERSITY GARDENS, Sedgwick County, Kansas. Generally located at the northeast corner of 21st and Oliver.

The Development Plan originally approved on June 10, 1969, has been resubmitted as required under the Community Unit Plan provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department Office, City Hall, Tenth Floor, 455 North Main Street, Wichita, Kansas, and is available for public information and review.

The revised Development Plan now on file proposes the following general amendments to the commercial part of the plan:

1. Division of Parcel 2 into 5 parcels and redesignated as Parcels 2, 8, 9, 10 and 11.
2. Reduction of building height from 30 feet to 35 feet on Parcels 8, 10, 11, and to 30 feet on Parcels 2 and 9.
3. Increase in number of access points to 21st Street from 5 to 6.
4. Increase of maximum gross floor area from 202,992 square feet to 343,704 square feet.

**NOTE:** It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, City Hall, Tenth Floor, 455 North Main Street, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin  
Secretary

Copy of these notes  
given to Bill Kerber  
and Bill Higgins during  
meeting of Dec 19, 1975

## DP-8 Amendment

Comments

1. Proposed "General Use" for Parcels 1, 9, 10 and 11 should be more specific.
2. Amend the note under Parcel 3 to read as follows; "This includes a private drive.....".
3. Indicate building types on face of buildings for Parcel 3.
4. Provision (G) under Parcel 3 should be deleted or reworded as follows: "Signs as permitted by the zoning district."
5. Under Parcel 3 the floor area may be increased to 0.42 and the building coverage increased to 21.27, as per an administrative adjustment adjudicated in July, 1973.
6. Complete access control shall <sup>be</sup> indicated ~~40~~ feet in either direction from the major street intersection.
7. Number of access points shall be indicated under all Parcels
8. Building setback distances need to be indicated for Parcels 4, 5, 6, 7 and 8
9. General Notes #3 should be changed to read as follows: "Signs as permitted <sup>by</sup> the zoning district."

10. Number of buildings for each parcel shall be indicated

11. Under Parcel 8 provision (c) shall be amended to read as follows: "Anticipated for off-street parking that was approved for approximately 196 cars on February 24, 1970 (OTA Ex. No. 2-70)"

12. Under General Notes 2 add the words "and maintained" after word "provided."

13. Drainage problems need to be resolved by applicant and satisfactory guarantee submitted.

14. Traffic Engineer advises that accel-decel lanes construction is imperative with number of parcels proposed. He also recommends that the applicant guarantee the construction of major opening to the commercial development off of 21<sup>st</sup> St. and Oliver in addition to the accel-decel lanes on both streets.

THE CITY OF WICHITA  
OFFICE OF CITY TRAFFIC ENGINEER

DATE December 15, 1975



ON SAFETY  
PHASE II

TO Jack H. Galbraith, Chief Planner  
FROM Bill McKinley, Assistant Traffic Engineer

SUBJECT University Gardens Community Unit Plan

I would like to make the following comments with regard to University Gardens Community Unit Plan:

1. We would recommend construction of the acceleration/decel lane along the north side of 21st Street and the east side of Oliver. The right of way for this lane has been previously guaranteed. With the number of parcels presently proposed for this CUP, it is imperative that this acceleration/decel lane be constructed.
2. We would recommend the guaranteeing of a major opening to the commercial development off of 21st Street and Oliver.
3. Complete access control should be shown 40' in either direction from the major street intersection.
4. The 75' half street right of way could be tapered at a point 250' from the intersection to a point 350' from the intersection where the right of way would be 60'.

If you have any questions, please contact me.

*Bill McKinley*

Bill McKinley  
Assistant Traffic Engineer

WGM/dw



WICHITA-SEDGWICK COUNTY

DATE Dec.2,1975

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** Dick Linn, City Engineer  
M.S.Mitchell, Ass't. Supt. Public Works Maintenance  
Paul Graves, Traffic Engineer

**FROM** Jack H. Galbraith, Chief Planner

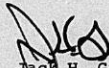
**SUBJECT** DP-8 - Amendment to University Gardens Community Unit Plan

Attached is the latest proposed amendment to the University Gardens C.U.P. at the northeast corner of 21st Street North and Oliver.

One of our major concerns in regards to this proposal is the increase in the number of parcels on 21st Street from two to four and an increase from three to five on Oliver which, no doubt, will result in requests for additional curb cuts on both of these major streets.

It should be pointed out that the applicant and/or owner has indicated that an application for a change of zoning from "AA" Single family to "RB" Four family will be submitted on Parcels No. 4,5,6 and 7 to be considered along with the amended C.U.P.

We would appreciate your review and comments on this plan by December 15th. If you have any questions concerning this matter, please call.

  
Jack H. Galbraith  
Chief Planner

JHG:el

Attachment

*Withold approval until  
Storm Drainage problem  
resolved.*



Dec.2,1975

Dick Linn, City Engineer  
M.S.Mitchell, Ass't. Supt. Public Works Maintenance  
Paul Graves, Traffic Engineer  
Jack H. Galbraith, Chief Planner

DP-8 - Amendment to University Gardens Community Unit Plan

Attached is the latest proposed amendment to the University Gardens C.U.P. at the northeast corner of 21st Street North and Oliver.

One of our major concerns in regards to this proposal is the increase in the number of parcels on 21st Street from two to four and an increase from three to five on Oliver which, no doubt, will result in requests for additional curb cuts on both of these major streets.

It should be pointed out that the applicant and/or owner has indicated that an application for a change of zoning from "AA" Single family to "RB" Four family will be submitted on Parcels No. 4,5,6 and 7 to be considered along with the amended C.U.P.

We would appreciate your review and comments on this plan by December 15th. If you have any questions concerning this matter, please call.

Jack H. Galbraith  
Chief Planner

JHG:el

Attachment

May 26, 1976

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

Subject: DP-8 - Amendment to University Gardens C.U.P. located at the Northeast corner of 21st Street North & 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, Flood Control and Traffic Engineering Divisions of the Department of Public Works and the following are their comments as well as ours.

In our 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 and construction of major driveway approaches. It is suggested that you discuss your plans with the Traffic Engineering Division to try and design a major approach to Parcel #11 from 21st Street so that adequate left turn holding lanes and other channelization improvements can be installed on 21st Street.

At a joint meeting with Dick Linn, M. S. Mitchell, your engineer and surveyor to discuss the major drainage problems associated with this C.U.P., we were advised that it is now intended to construct a storm sewer on Parcel #11 from 21st Street around the east side of a proposed K-Mart store to tie into the lake area on the south portion of Parcel #3. It is our understanding that site engineering plans are expected to be submitted to the City Engineer within the next two weeks by your engineer for review.

Page Two  
William P. Higgins  
May 26, 1976

In reviewing the plan it appears that it is proposed to have a total of 5 free standing structures on combined Parcels 8, 10 and 11. As you are aware, this type of development results in the appearance of "strip type" zoning rather than a well coordinated shopping center which is obtained by one continuous building. We are also concerned with the proposed building height of 80 feet for Parcels 8, 10 and 11. Based on the proposed maximum gross floor area and F.A.R. a height of 35 feet would appear to be more realistic.

In regards to Parcel 2, we note that one of the proposed general uses is an apartment complex. If this is to be retained on your final plan it will be necessary that location of structures and proposed parking areas be indicated. The types of apartments, patio homes, garden apartments, etc., and the maximum number of dwelling units proposed also needs to be included under the parcel information.

There are a number of corrections and additions we feel should be made on the C.U.P. prior to scheduling this matter for hearing by the Planning Commission and, therefore, we would like to arrange a meeting with either you or your surveyor to discuss these matters at your convenience.

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

Sincerely,

Jack H. Galbraith  
Chief Planner

JEG:GLS:el

cc: The Oliver Corporation  
5900 E. Central, Suite 201, Wichita 67208  
Dillion Real Estate Co., Inc.  
2700 E. 4th, Hutchinson, Kansas 67501  
Bill Korber, 330 Laura, Wichita 67211

April 23, 1976

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

Subject: DP-8 - Amendment to University  
Gardens C.U.P. 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.

As you are aware, there are major drainage problems associated with this C.U.P. which the Department of Public Works feels, and we concur, should be resolved prior to this revised plan being scheduled for public hearing by the Planning Commission. We would suggest that you contact Dick Linn in Engineering and M. S. Mitchell in Flood Control and arrange a meeting to discuss the drainage matter and how it might be resolved to everyone's satisfaction. Although there are a number of changes that need to be made on the plan as submitted, it is our feeling that it would be premature to discuss these suggested changes until after a joint meeting has been held to discuss resolving the drainage problems in the general area.

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

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:GLS:el

Page Two  
Mr. William P. Higgins  
April 23, 1976

- ✓ cc: The Oliver Corporation  
5900 E. Central, Suite 201, Wichita 67208
- ✓ Dillion Real Estate Co., Inc.  
2700 East 4th  
Hutchinson, Kansas 67501
- Van Bec Developments  
215 Paige Court  
220 West Douglas, Wichita 67202
- Ken Bengtson  
250 Rockborough Bldg., 260 N. Rock Road, Wichita 67206
- ✓ Bill Korber  
330 Laura, Wichita 67211
- M. S. Mitchell, Ass't. Sup't., Public Works Maintenance  
and Flood Control
- Dick Linn, City Engineer

~~W. W. Taylor~~

There are major  
drain problems that  
have ~~been~~ <sup>existed</sup> for  
several years that have  
not been solved. We  
have asked you to  
come. You did  
is now going to  
solve the drain to a  
great, only on his request  
P. W. request a meeting  
between all parties concerned



ARCHITECTS - ENGINEERS

**VAN DOREN - HAZARD - STALLINGS**

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206  
TELEPHONE 316 686-7303

March 19, 1976

Mr. Dick Linn, City Engineer  
City Hall  
455 North Main  
Wichita, Kansas 67202

Re: Storm Drainage  
21st & Oliver  
(University Gardens)

Dear Mr. Linn:

We are presently working on preliminary site engineering plans for part of that area known as University Gardens. Since the development planned for this area will affect both the size and location of the storm drainage system proposed by the City at this time, we would ask that this project not be let until our plans are more complete.

I have been working with Max Green and Bill Kerby on some initial proposals. Hopefully the final solution will be reached quickly.

Respectfully,

*Kenneth H. Bengtson*

Kenneth H. Bengtson

KHB/js

cc: Jim Rogers  
Max Green *[initials]*  
Bill Kerby

XC Wulton 02-3-23-76

XC Galbraith 4-15-76 ✓

Received

MAR 23 1976

April 15, 1976

Dick Linn, City Engineer  
Paul Graves, Traffic Engineer  
M. S. Mitchell, Assistant Superintendent - Public Works Maintenance  
Jack H. Galbraith, Chief Planner

DP-8 - File #3 - UNIVERSITY GARDENS C.U.P. - Generally located  
at the northeast corner of 21st and Oliver

Attached is a copy of the proposed amendment to the above  
captioned Community Unit Plan. Please note that it is pro-  
posed to amend the south 20 acres of this C.U.P. and the  
original two Parcels are now indicated as Parcels 1, 2, 8, 9,  
10 and 11.

There have been drainage problems associated with this site  
that have been required to be solved, however, the statement  
on the face of the C.U.P. is that "Drainage shall be handled  
in the manner as approved at the time of replatting." We  
would appreciate your review, comments and recommendations  
on this amendment by Friday, April 23, 1976.

Jack H. Galbraith  
Chief Planner

JHG:el

Enclosure

5850  
1  
275  
16

DP 8  
FILE #3

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 ✓ The Oliver Corporation

Address 5900 E. Central Suite 201 67208 Phone 683-7511

Agent ✓ William P. Higgins

Address First National Bank Building 67202 Phone 263-6148

b. Applicant ✓ Dillon Real Estate Co. Inc.

Address 2700 E. 4th St., Hutchinson, Ks. 67501 Phone 800-362-2175

Agent William P. Higgins

Address First National Bank Building 67202 Phone 263-6148

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

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

Agent \_\_\_\_\_

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

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

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

*WRK.*

~~1-2-8~~ 1-2-3-4-5-6, 7-8 Block(s) \_\_\_\_\_

University Gardens Addition.

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

AA-134LC

E LC-4A  
S AA4LC  
W A-R  
N AA

*Use legal from ownership list*

II.B There are 18.0 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 \_\_\_\_\_ corner of \_\_\_\_\_  
and \_\_\_\_\_; or
- b. on the north side of 21st Street (Ave.,  
Street) between Oliver (Ave., Street) and  
Pinecrest (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.

The Oliver Corp Dillon Real Estate Co, Inc.  
By William P. Higgins By William P. Higgins  
Authorized Agent (if any) Authorized Agent (if any)

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

V. OFFICE USE ONLY

This application was received at the Planning Department at  
2:45 (AM, PM) on February 14, 1976 (Day, Month,  
Year). It has been checked and found to be complete and accom-  
panied by required documents and the appropriate fee of  
\$ 400<sup>00</sup>.

L. Lynn Shirkley Name  
Jr. Planner Title

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
                          ) SS  
SEDGWICK COUNTY )

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

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

All the record owners within 1000 feet of:  
Lots 1, 2, 3, 4, 5, 6, 7, and 8, UNIVERSITY GARDENS, Sedgwick County, Kansas.

*OK for legal*



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

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
1, 2 & 8 exc. N 400' Lot 8 & exc. N 400' of West 210' of Lot 2		UNIVERSITY GARDENS	The Oliver Corporation 5900 East Central, Suite 201 Wichita, Kansas 67208
N 400' of Lot 8 & N 400' of W 210' of Lot 2		UNIVERSITY GARDENS	Dillon Real Estate Co., Inc. 2700 East 4th Hutchinson, Kansas 67501
3		UNIVERSITY GARDENS	Shadow Lake Associates LTD. 215 Page Court, 220 W. Douglas Wichita, Kansas 67202
4, 5, 6 & 7		UNIVERSITY GARDENS	G. A. Van Heusden Harold T. Beck dba Van Bec Developments 215 Page Court, 220 W. Douglas Wichita, Kansas 67202

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

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
1	2	PRAIRIE HILLS	✓ Lyle E. & Merilee R. Berry 4801 Ethel Street Wichita, Kansas 67220
2	2	PRAIRIE HILLS	✓ Walter L. & Joan E. Powers 4805 Ethel Wichita, Kansas 67220
3	2	PRAIRIE HILLS	✓ Doe H. & Seung H. Chang 4809 Ethel Wichita, Kansas 67220
4 exc. E5'	2	PRAIRIE HILLS	✓ Conrado M. & Modesta P. Agustin 4813 Ethel Wichita, Kansas 67220
5 & E5' Lot 4	2	PRAIRIE HILLS	✓ Karl H. & Klara L. Schlesier 4817 Ethel Wichita, Kansas 67220
6	2	PRAIRIE HILLS	✓ Sherman E. Sr. & Rita J. Karns 4819 Ethel Wichita, Kansas 67220
7	2	PRAIRIE HILLS	✓ Shih-How & Jane Chang P.O. Box 1007 Wichita, Kansas
8	2	PRAIRIE HILLS	✓ Robert J. & Willace L. Lezyk 4827 Ethel Wichita, Kansas 67220
15	2	PRAIRIE HILLS	✓ John E. & Elizabeth Godfrey 2613 Bleckley Wichita, Kansas 67220
16	2	PRAIRIE HILLS	✓ Donald J. & Tina J. Campbell 2509 North Bleckley Drive Wichita, Kansas 67220
17 & 18	2	PRAIRIE HILLS	✓ Ronny Eilert & Patricia Eilert 4914 East 24th Street North Wichita, Kansas 67220
19, exc. W5'	2	PRAIRIE HILLS	✓ W. G. Douglas Sharp 4910 East 24th Street North Wichita, Kansas 67220
W5' Lot 19 & Lot 20	2	PRAIRIE HILLS	✓ Donald R. & Jessie L. Reed 4906 East 24th Street North Wichita, Kansas 67220
21	2	PRAIRIE HILLS	✓ Brian D. & Gisela Mauden 4902 East 24th Street North Wichita, Kansas 67220
22	2	PRAIRIE HILLS	✓ Dick Roland & Patricia Ann Jones 4814 East 24th Street North Wichita, Kansas 67220



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
23	2	PRAIRIE HILLS	Conrado M. & Modesta R. P. Agustin 4810 East 24th Street North Wichita, Kansas 67220
24	2	PRAIRIE HILLS	Luther H. & Evelyn C. Jackson 4806 East 24th Street North Wichita, Kansas 67220
25	2	PRAIRIE HILLS	Luella Allen, single Stephen W. Allen, single 4802 East 24th Street North Wichita, Kansas 67220
1	3	PRAIRIE HILLS	Willis C. & Mildred B. Pardee 4801 East 24th Street North Wichita, Kansas 67220
2	3	PRAIRIE HILLS	Charles W. & Vera Landon Address Unknown Real Estate address 4805 East 24th Street North Wichita, Kansas 67220
3	3	PRAIRIE HILLS	Sidney Sen-Chi & Janet Yu-June Yang 4809 East 24th Street North Wichita, Kansas 67220
4	3	PRAIRIE HILLS	Eldon L. & Janet E. Boisseau 4813 East 24th Street North Wichita, Kansas 67220
5	3	PRAIRIE HILLS	Jon L. & Linda G. Baker 4801 East 24th Street North Wichita, Kansas 67220
6	3	PRAIRIE HILLS	Gary D. & Janice S. Tindall 4905 East 24th Street North Wichita, Kansas 67220
7	3	PRAIRIE HILLS	Michael James & Sandra Lee Hall 4909 East 24th Street North Wichita, Kansas 67220
8	3	PRAIRIE HILLS	Jerry L. & Joan Glancy 4913 East 24th Street North Wichita, Kansas 67220
9	3	PRAIRIE HILLS	Bradley D. & Beverly J. Olds 4917 East 24th Street North Wichita, Kansas 67220
10	3	PRAIRIE HILLS	Ernest Lynn & Karen I. Fransworth Address Unknown
11	3	PRAIRIE HILLS	Dwayne A. & Linda R. Tieszen 5002 Arlene Wichita, Kansas 67220



Fidelity  Title  
COMPANY, INC.

LOT	BLOCK	ADDITION	OWNER & ADDRESS
12	3	PRAIRIE HILLS	<i>James G. &amp; Carol A. Krisko</i> ✓ Joseph & Patricia E. Smith <del>Address Unknown</del> Real Estate address: 4918 Arlene, Wichita, Kansas 67220
13	3	PRAIRIE HILLS	✓ Philip K. & Grace K. Chiu 4914 Arlene Wichita, Kansas 67220
14	3	PRAIRIE HILLS	✓ Thomas D. & Kathleen A. Borniger 4910 Arlene Wichita, Kansas 67220
15	3	PRAIRIE HILLS	✓ Jack D. & Janet M. Sage 5525 Plaza Lane Wichita, Kansas 67208
16	3	PRAIRIE HILLS	✓ <i>Robert D. &amp; Cathy D. Resser</i> 4902 Arlene Wichita, Kansas 67220
17	3	PRAIRIE HILLS	✓ Robert G. & Jolene F. DeBose 4814 Arlene Wichita, Kansas 67220
18	3	PRAIRIE HILLS	✓ Ronald W. & Betty Jo Johnson 4810 Arlene Wichita, Kansas 67220
19	3	PRAIRIE HILLS	✓ Stephen R. & Lynn M. Buren 4806 Arlene Wichita, Kansas 67220
20	3	PRAIRIE HILLS	✓ James R. & Jacquelyn M. Bartz 4802 Arlene Wichita, Kansas 67220
1	4	PRAIRIE HILLS	✓ Stephen D. & Ruby F. Griffiths 4801 Arlene Wichita, Kansas 67220
2	4	PRAIRIE HILLS	✓ Taze D. & Dorothy E. Jessee 4805 Arlene Wichita, Kansas 67220
3	4	PRAIRIE HILLS	✓ Paul F. & Janice A. King 4809 Arlene Wichita, Kansas 67220
4	4	PRAIRIE HILLS	✓ Gene & Jane Knackstedt 7275 East Harry Wichita, Kansas 67218
5	4	PRAIRIE HILLS	✓ Thomas L. & Betty Jean Dittmer 4901 Arlene Wichita, Kansas 67220
6	4	PRAIRIE HILLS	✓ Joseph E. & Christina Settlemeier 4907 Arlene Wichita, Kansas 67220



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

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
7	4	PRAIRIE HILLS	Hal G. & Beverly A. Wachholz 4911 Arlene Wichita, Kansas 67220
8	4	PRAIRIE HILLS	Patrick G. & Susan M. Washburn 4915 Arlene Wichita, Kansas 67220
9	4	PRAIRIE HILLS	Byron J. & Dianne C. Keller 4914 Looman Wichita, Kansas 67220
10	4	PRAIRIE HILLS	Willard L. & Rosemary M. Anderson 4910 Looman Wichita, Kansas 67220
11	4	PRAIRIE HILLS	Gale D. & Patricia A. Price Address Unknown Real Estate Address: 4906 Looman, Wichita, Kansas 67220
12	4	PRAIRIE HILLS	Nicholas Motowylak Jr. 4902 Looman Wichita, Kansas 67220
13	4	PRAIRIE HILLS	Edward & Genevieve Brown 4814 Looman Wichita, Kansas 67220
14	4	PRAIRIE HILLS	Grazel I. Jr. & Taeka Kinard 1104 East 13th Street Wichita, Kansas 67214
15	4	PRAIRIE HILLS	Walter V. & Alma E. Plath Address Unknown Real Estate Address: 4806 Looman, Wichita, Kansas 67220
16	4	PRAIRIE HILLS	M & B Investment Inc. 9103 West Central Wichita, Kansas 67212
4	8	PRAIRIE HILLS	Dale E. & Mary A. Cooper 2514 North Bleckley Drive Wichita, Kansas 67220
5	8	PRAIRIE HILLS	Warren Richard & Eva Yvonne Stanton 2510 North Bleckley Drive Wichita, Kansas 67220
6	8	PRAIRIE HILLS	Ronnie M. & Elizabeth E. McCoy 1931 Roanoke Wichita, Kansas 67218
7	8	PRAIRIE HILLS	Douglas R. & Patricia M. Young 2502 North Bleckley Wichita, Kansas 67220
1, 2, 3, 4, 11, 12, 13, 14, 15, 16	1	PRAIRIE HILLS 2ND	M & B Investment Inc. 9103 West Central Wichita, Kansas 67212



LOT	BLOCK	ADDITION	OWNER & ADDRESS
5	1	PRAIRIE HILLS 2ND	Arthur W. & Linda D. Ackerman 4801 Looman Wichita, Kansas 67220
6	1	PRAIRIE HILLS 2ND	Hubert E. & Helen L. Fatherree 3102 Carman Wichita, Kansas 67214
7	1	PRAIRIE HILLS 2ND	Everett L. Jr. & Martha L. DeWhitt Address Unknown 4909 E Looman
8	1	PRAIRIE HILLS 2ND	Marvin A. & Helen N. Weaver Address Unknown 4913 E Looman
9	1	PRAIRIE HILLS 2ND	Robert A. & Twila J. Bell 6602 East Harry, Apt. 501 Wichita, Kansas 67207
10	1	PRAIRIE HILLS 2ND	Jerry R. & Tanya L. Sultz 5001 Looman Wichita, Kansas 67220
3, 6, 7, 8, 9, 10, 11, 12	2	PRAIRIE HILLS 2ND	M & B Investment Inc. 9103 West Central Wichita, Kansas 67212
	2	PRAIRIE HILLS 2ND	Lawrence J. & Carolyn J. Phillips 8406 East Harry Wichita, Kansas 67207
	2	PRAIRIE HILLS 2ND	Jerry L. & Tonya K. Courter 5002 Looman Wichita, Kansas 67220
	2	PRAIRIE HILLS 2ND	James E. & Janet Cranmer Address Unknown
	2	PRAIRIE HILLS 2ND	Loren H. & Linda A. Pelton 5708 Looman Wichita, Kansas 67220
4, 6, 7, 8, 9, 10, 11, 12, 13, 14	3	PRAIRIE HILLS 2ND	M & B Investment Inc. 9103 West Central Wichita, Kansas 67212
	3	PRAIRIE HILLS 2ND	Gerald L. & Monica L. Deutsch Address Unknown 2522 Batin
15	3	PRAIRIE HILLS 2ND	Larry D. Anderson 428 South Fountain Wichita, Kansas 67218
4, 5, 8	4	PRAIRIE HILLS 2ND	M & B Investments Inc. 9103 West Central Wichita, Kansas 67212
	4	PRAIRIE HILLS 2ND	James Marvin & M. Diane O'Neill 888 South Hydraulic, Apt. #132 Wichita, Kansas 67211



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
7	4	PRAIRIE HILLS 2ND	Robert L. & Julie A. Shaw Address Unknown <i>2507 N Batten</i>
9	4	PRAIRIE HILLS 2ND	John H. Latlock III Address Unknown
10	4	PRAIRIE HILLS 2ND	Robert Wayne & Marcia L. Shidleler 5106 Arlene Wichita, Kansas 67220
3 & 4	A	WILLOW LAKE ESTATES	John E. & Irene M. Robinson 4720 East 24th Street North Wichita, Kansas 67220
6	A	WILLOW LAKE ESTATES	Alfred & Gladyce O. Baldwin 1442 North Volutsia Wichita, Kansas 67214
7	A	WILLOW LAKE ESTATES	LaVerne Hall & Harold W. & Betty J. 2800 North Dellrose Wichita, Kansas 67220 <i>McQueen</i>
1 & 3	B	WILLOW LAKE ESTATES	Ben F. & Marie Brack 2420 North Dellrose Wichita, Kansas 67220
2	B	WILLOW LAKE ESTATES	Neva L. & Barbara K. Morgan 4722 East Looman Wichita, Kansas 67220
4	B	WILLOW LAKE ESTATES	Bernard D. & Lucille B. Grant 2400 North Dellrose Wichita, Kansas 67220
1	C	WILLOW LAKE ESTATES	Eroch R. & Margaret E. Lalaty 2401 North Oliver Wichita, Kansas 67220
2	C	WILLOW LAKE ESTATES	Cline D. Jr. & Elizabeth Cody Hensley 4707 East Looman Wichita, Kansas 67220
3	C	WILLOW LAKE ESTATES	LuBebe F. & Negla M. Farha 4703 East Looman Wichita, Kansas 67220
4	C	WILLOW LAKE ESTATES	Benton S. & Elsie Wilbor Brooks 2401 North Dellrose Wichita, Kansas 67220
5	C	WILLOW LAKE ESTATES	Leland E. & Mary F. Brack 2414 North Dellrose Wichita, Kansas 67220
6	C	WILLOW LAKE ESTATES	Vern L. & Lodeska M. Pauley 2417 North Dellrose Wichita, Kansas 67220



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
3	D	WILLOW LAKE ESTATES	Barbara Kaye Grayson 2501 North Dellrose Wichita, Kansas 67220
1, exc. N 20' together with int. in Lakes, Drives & common areas	1	CRESTVIEW LAKES	George Dick & Betty Bert Spraker #1 Crestview Lakes Wichita, Kansas 67220
N45' Lot 2 & Lot 3, exc. N22½' together with int. in Lakes Drives and common areas	1	CRESTVIEW LAKES	Stephen H. & Rita Pratt #5 Crestview Lake Estates Wichita, Kansas 67220
N22½' Lot 3 & S227½' of Lot 4, together with int. in Lakes, Drives & common areas	1	CRESTVIEW LAKES	William M. & Janet Lee Van Epps 1018 Paige Wichita, Kansas 67207
6, together with int. in Lakes, Drives & other common areas	2	CRESTVIEW LAKES	E. A. Jarvis #10 Crestview Lake Estates Wichita, Kansas 67220
7, together with int. in Lakes, Drives & common areas	2	CRESTVIEW LAKES	Bradford F. & Mary Lee Reeves #8 Crestview Lake Estates Wichita, Kansas 67220
8, together with int. in Lakes Drives & common areas	2	CRESTVIEW LAKES	Lyla Kathleena Landrum #6 Crestview Lake Estates Wichita, Kanas 67220
9, together with int. in Lakes, Drives & common areas	2	CRESTVIEW LAKES	Jerald Waldo & Diane K. Leisy 3101 East 9th Street Wichita, Kansas 67214
10, together with int. in Lakes, Drives & common areas	2	CRESTVIEW LAKES	Andy W. & Mary Luper #2 Crestview Lake Estates Wichita, Kansas 67220
11, together with int. in Lakes, Drives & common areas	2	CRESTVIEW LAKES	Charles C. & Aileen Browning Address Unknown
12, together with int. in Lakes, Drives & common areas	2	CRESTVIEW LAKES	John L. & Sharon Kiser #12 Crestview Lake Estates Wichita, Kansas 67220



*president  
of  
Crestview  
Lakes  
association*

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
13, together with int. in Lakes, Drives & common areas		CRESTVIEW LAKES	Merle D. & Barbara Jean Morgan #13 Crestview Lake Estates Wichita, Kansas 67220
14, together with int. in Lakes, Drives & common areas		CRESTVIEW LAKES	Edward S. & Mable A. Lee 2002 East L7th Wichita, Kansas 67214
15, together with int. in Lakes, Drives & common areas		CRESTVIEW LAKES	William B. & Faye A. DeVors #15 Crestview Lake Estates Wichita, Kansas 67220
16, together with int. in Lakes, Drives & common areas		CRESTVIEW LAKES	Charles F. & Gloria M. McAfee #122 Maplewood Drive Wichita, Kansas 67214 <i>Net 640x2600 N. GROVE, 67219</i>
1		TRUTH	Unity Church Inc. 2260 North Oliver Wichita, Kansas 67220
1		W. P. HIGGINS 2ND	V. E. Lygrisse 2101 Hyacinth Wichita, Kansas 67204
1		UNIVERSITY BAPTIST CHURCH	University Baptist Church 2130 North Oliver Wichita, Kansas 67220
1	A	KIMBELL	Andeel & Andeel Properties 5000 East Central Wichita, Kansas 67208
2	A	KIMBELL	Kenneth R. & Vicky J. Kimbell 202 North Rock Road, Apt. #1702 Wichita, Kansas 67206
W160' Lot 1		BLASE	Don L. & Nita S. Miller 1210 Willow Lane Wichita, Kansas 67208 <i>Percent 640x2600 N. GROVE, 67208</i>
East 330' Lot 1		BLASE	National Heritage Inc. 9200 Shebyville Road Louisville, Kentucky 40243
2, exc. East 100'		BLASE	Noble Properties Inc. % Max Noble 1401 West River Boulevard Wichita, Kansas 67203
East 100' Lot 2		BLASE	Gibraltar Investment Inc. % Ford Madison, President 304 North Belmont Wichita, Kansas 67208
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Block 1		FIRST ADDITION TO CRESTVIEW HEIGHTS	Landevco, Inc., a Texas Corporation Address Unknown



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

LOT	BLOCK	ADDITION	OWNER & ADDRESS
1, 2, 3, 4, 5, 6, 7, 8, 9	2	FIRST ADDITION TO CRESTVIEW HEIGHTS	Landevco, Inc. a Texas Corp. Address Unknown
1, 2, 3, 4, 5, 6, 7, 8, 9, 10	2	FIRST ADDITION TO CRESTVIEW HEIGHTS	Landevco, Inc., a Texas Corp. Address Unknown
1 & 2	4	FIRST ADDITION TO CRESTVIEW HEIGHTS	Estel L. & Arlene Landreth 5107 East 21st Street Wichita, Kansas 67208
1, 2, 3, 4, 5, 10, 11, 12, 13, & 14	5	FIRST ADDITION TO CRESTVIEW HEIGHTS	Center Development Company, Inc. % Norton L. Francis 5205 East 21st Street North, Suite 8 Wichita, Kansas 67208
6, 7, 8, 9 & part of vacated Pinecrest Street	5	FIRST ADDITION TO CRESTVIEW HEIGHTS	Landevco, Inc., a Texas Corp. Address Unknown
6, 7, 8, 9	6	FIRST ADDITION TO CRESTVIEW HEIGHTS	Landevco, Inc., a Texas Corp. Address Unknown
1, 2, 3, 4, 5, 10, 11, 12, 13, & 14	6	FIRST ADDITION TO CRESTVIEW HEIGHTS	Center Development Company, Inc. % Norton L. Francis, President 5205 East 21st Street North Wichita, Kansas 67208
1, 2, 3,	7	FIRST ADDITION TO CRESTVIEW HEIGHTS	Forbes Inc. % Donald G. Forbes 21st & Old Manor Wichita, Kansas 67208
4 & 5	7	FIRST ADDITION TO CRESTVIEW HEIGHTS	Keith D. Stevens 532 North Market Wichita, Kansas 67202
6	7	FIRST ADDITION TO CRESTVIEW HEIGHTS	Novine R. Hamilton 5304 East 20th Street Wichita, Kansas 67208
7	7	FIRST ADDITION TO CRESTVIEW HEIGHTS	<i>ret. 6/28/76</i> Charles R. Bonnell 2101 North Parkwood Lane Wichita, Kansas 67208
8	7	FIRST ADDITION TO CRESTVIEW HEIGHTS	Donald G. & Sadie M. Holliday 2105 North Parkwood Wichita, Kansas 67208
9	7	FIRST ADDITION TO CRESTVIEW HEIGHTS	Marcella L. Robinson 2109 North Parkwood Lane Wichita, Kansas 67208
10, 11 & 12	7	FIRST ADDITION TO CRESTVIEW HEIGHTS	Womer Construction Co. Inc. P.O. Box 394 Wichita, Kansas 67201



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
1	8	FIRST ADDITION TO CRESTVIEW HEIGHTS	Keith D. Stevens 532 North Market Wichita, Kansas 67202
North 70 feet Lot 1	9	FIRST ADDITION TO CRESTVIEW HEIGHTS	Harold L. & Gertrude Moore 2124 North Parkwood Lane Wichita, Kansas 67208
South 30 feet of Lot 1 & North 57.5 feet of Lot 2	9	FIRST ADDITION TO CRESTVIEW HEIGHTS	Harry W. & Nadine M. Oller 6074 Grace Lane Wichita, Kansas 67208
South 42.5 feet of Lot 2, & North 39.5 feet of Lot 3	9	FIRST ADDITION TO CRESTVIEW HEIGHTS	Lewis V. & Edna F. Mundy 2116 Parkwood Lane Wichita, Kansas 67208
South 60½ feet Lot 3 & North 7 feet of Lot 4	9	FIRST ADDITION TO CRESTVIEW HEIGHTS	Thomas C. & Carol M. Clarkson 2112 North Parkwood Lane Wichita, Kansas 67208
South 87.30 feet of Lot 4, of the North 94.3 feet	9	FIRST ADDITION TO CRESTVIEW HEIGHTS	J. Richard & Marie H. Glenn 2108 North Parkwood Lane Wichita, Kansas 67208
South 5.7 feet of Lot 4, and all of Lot 5, except that part des. as follows: Beg. at the SW corner of said Lot 5; thence Ely 143 feet, more or less, to the SE corner of said Lot 5; thence N along the rear line of said Lot 12.5 feet; thence Wly to pt in Front line of said Lot 25.5 feet North of SW corner of said Lot; thence S 25.5 feet to place of beginning, all in Block 9.		FIRST ADDITION TO CRESTVIEW HEIGHTS	Womer Construction Co., Inc. P.O. Box 394 Wichita, Kansas 67201



1	1 WOODGATE 2nd	Presidential Woodgate 5400 East 21st Street Wichita, Kansas 67208
NE¼ of SW¼ of Section 1, Township 27, Range 1 East		Rev. Paul F. Holmes <del>416 East 7th Street</del> Kinsley, Kansas 67547 P.O. Box 66, OFFERLE, Ks. 67563 (letter in file)
North Half of NW¼ of SE¼ of SW¼ of Section 1, Township 27, Range 1 East		Paul F. Holmes 416 East 7th Street Kinsley, Kansas 67547
S½ of NW¼ of SE¼ of SW¼ Section 1, Township 27, Range 1 East		Paul F. Holmes <del>416 East 7th Street</del> Kinsley, Kansas 67547

Fidelity  Title  
COMPANY, INC.

TRACT DESCRIPTION

OWNER & ADDRESS

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 $\frac{1}{4}$  of Section 1, Township 27,  
Range 1 East

Paul F. Holmes  
416 East 7th Street  
Kinsley, Kansas 67547

W $\frac{1}{2}$  E $\frac{1}{2}$  S $\frac{1}{2}$  W $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of  
Section 1, Township 27, Range  
1 East

Ralph M. Holmes  
P.O. Box 66  
Offerle, Kansas 67563

E $\frac{1}{2}$  W $\frac{1}{2}$  S $\frac{1}{2}$  W $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 1, Township 27, Range  
1 East

Paul F. Holmes  
416 East 7th Street  
Wichita, Kansas 67547

N $\frac{1}{2}$  E $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1,  
Township 27, Range 1 East

Alladin Petroleum Corporation  
% George H. Bruce  
4505 East Lewis  
Wichita, Kansas 67218

North 262.91 feet of West  
Half of West Half of South  
Half of West Half of SE $\frac{1}{4}$   
SW $\frac{1}{4}$  of Section 1, Township  
27, Range 1 East

Southwestern Bell Telephone Company  
154 North Broadway  
Wichita, Kansas 67202

NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11,  
Township 27, Range 1 East

Wichita Public Building Commission  
% Board of Trustees of Wichita  
State University  
1845 Fairmount,  
Wichita, Kansas 67208



Dated at Wichita, Kansas, this 1st day of December, 1975  
at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

BY *Conita Gray*  
Asst. Sec. ag

Tracer No. 30846



Form 22-1021

**PAYMENT NOTICE**

City of Wichita

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

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

DESCRIPTION	AMOUNT
<i>Curbside</i>	<i>400.00</i>

Name \_\_\_\_\_

Address \_\_\_\_\_

Type *1144-7103* Due Date *7/11/76*

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

Date *7/11/76* By *[Signature]*

\*

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

Roll # 1

\*