



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

DATA SHEET  
COMMUNITY UNIT PLAN

AMENDMENT TO  
DF- 23  
Z- (1263)  
Filed 2-8-71

APPLICATION REQUEST: Approval of proposed planned Commercial development.

1. Applicant Clear Lake, Inc., et. al.  
Address 6572 East Central 67206 Phone 685-3813
2. Agent Robert T. Feagins  
Address 6572 East Central 67206 Phone 684-6576
3. General Location On the south side of 21st between Amidon and Meridian  
Address \_\_\_\_\_
4. Proposed Use \_\_\_\_\_

AREA DATA

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

HISTORY

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

PROCEDURE DATA

1. MAPC Meeting:  
Date 3-11-71 Action Approve subj to plat
2. Governing Body Board of City Commissioners  
Date 2-30-71 Action Approve as recommended (see memo)

NOTES:

WICHITA-SEDGWICK COUNTY

Item 16

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 4, 1975

**TO** Ralph Wulz, City Manager  
**FROM** Jack H. Galbraith, Chief Planner  
**SUBJECT** DP-23 - Marina Lake CUP  
Screening Provisions

You are in receipt of a copy of Mr. Vern Miller's letter of February 21, 1975 to me, desiring to appeal the Director of Planning and the Superintendent of Central Inspection decision concerning the required outdoor screening requirement around the outdoor storage and display area on the north side of the Woolco Store at Marina Lake Shopping Center.

This problem has existed since 1973, when the Woolco Store was constructed by the Hanson Development Company and a small area on the north side of the store was provided for a garden center. The developers were advised that such outside display and sales of merchandise was not permitted in the "LC" Light Commercial District and, therefore, an application was filed requesting a spot of "C" Commercial zoning that would permit the use. In our staff report to the Planning Commission on November 8, 1973, we commented that to protect surrounding light commercial developments, spots of "C" zoning for unscreened outside storage would not appear to be appropriate. However, since there had been two such recent requests, we suggested that they might consider amending the zoning ordinance to permit such outdoor storage with more appropriate screening than the existing chainlink fence. It was the action of the Planning Commission to recommend that "C" zoning not be approved and the Staff was instructed to prepare an amendment to the Light Commercial District that would provide for limited outdoor display, subject to certain conditions.

As a result of this direction, an amendment to the zoning ordinance was prepared and considered at a public hearing, and the attorney, Mr. John Frieden, representing Hanson Development Company, advised that the proposed ordinance was satisfactory. The action of the Planning Commission was to recommend the approval of the amendment, and the City Commission concurred on February 5, 1974.

Since that time, the developers have not proceeded to see that the outdoor display area was brought into conformance with the new ordinance. The files reflect that on September 9, 1974, we requested the Superintendent of Central Inspection to review the matter. On October 9, 1974, we discussed the matter by phone and corresponded with the manager of the Woolco Store, Mr. Henry Flack. After that, Mr. Carroll E. Littlejohn of The Law Company submitted plans for review by the Director of Planning and the Superintendent of Central Inspection, providing redwood siding on the east end of the display area, with metal slats proposed to be placed in the existing chainlink fence on the north and west. In commenting

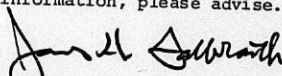
Page 2 - Ralph Wulz  
March 4, 1975

on the use of slats, our letter to Mr. Littlejohn stated that we have observed the use of slats and generally they are in a state of disrepair and often the slats are missing. We pointed out that the Board of Zoning Appeals has not considered slats in chainlink fences acceptable and the ordinance in two sections, 28.04.190.B.a and 28.04.183.5.4, specifically prohibits the woven wire fence being used when screening, walls or fences are required.

After reviewing the area, we urged the consideration of using the same redwood material on the north and west, as we felt the continuation of the redwood material was a better solution. Our letter of response to Mr. Littlejohn on December 18, 1974, also advised that they had the right of appeal to the Board of City Commissioners. Recently, Mr. Vern Miller contacted us to review the matter and as a result of our discussion and review of the appeals procedure, his letter of appeal was filed.

Attached is a copy of his letter, our letters to Mr. Littlejohn and Mr. Flack, and a copy of the ordinance. Would appreciate this matter being placed on the agenda for March 11, 1975.

If we can furnish additional information, please advise.



Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Vern Miller, 1540 North Broadway, Suite 103 67214  
Robert Feldner, Supt. of Central Inspection

**Miller, Connolly & Moore**

Attorneys At Law

1540 NORTH BROADWAY, SUITE 103  
WICHITA, KANSAS 67214

VERN MILLER  
PATRICK L. CONNOLLY  
JOHN TERRY MOORE

February 21, 1975

316-265-0817



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

Re: Screening Provisions - DP-23 Marina Lakes CUP

Dear Mr. Galbraith:

We appreciate having the opportunity to visit recently with you concerning the screening plans for the outdoor storage and display area on the north side of the Woolco Store for the above-captioned CUP which were submitted by a Carrol E. Littlejohn, Law Company, on behalf of Clear Lake, Inc., and the Hanson Development Company, and the F. W. Woolworth Company, and wish to thank you for the courtesies extended to us.

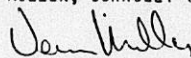
On behalf of the interested parties that we represent, we were sorry to hear that you do not agree that the plans for the outdoor storage and display area comply with Section 28.04.090.1.28.b of the city zoning ordinance and that the plan submitted is not an acceptable solution. As we expressed to you the day we visited, the interested parties do desire to have the opportunity to present their plan before the City Commission.

Please be advised that we request an appeal to the Board of City Commissioners and would appreciate having the matter set on the agenda if at all possible for the meeting of March 11, 1975. We hope the matter can be resolved to the mutual interests of both the City of Wichita and our clients.

Sincerely,

MILLER, CONNOLLY & MOORE

By

  
VERN MILLER

V:1/pm

cc: Mr. Neil Wulz, City Manager  
Mr. Robert B. Feldner, Superintendent of Central Inspection  
Mr. Robert Lakin, Board of Zoning Appeals  
Mr. John Frieden, Attorney at Law

December 18, 1974

Carrol E. Littlejohn  
Law Company, Inc.  
313 South Market  
P. O. Box 1139  
Wichita, Kansas 67201

Subject: Screening Provisions -  
DP-23 Marina Lakes CUP

Dear Mr. Littlejohn:

I have reviewed your submitted screening plans for the outdoor storage and display area on the north side of the Woolco Store for the above captioned CUP with both Bob Lakin and Robert Feldner. They both agree that the redwood siding, proposed on the east end, would comply with Section 28.04.090.1.28.b of the city zoning ordinance and would provide an acceptable environment for the surrounding area. However, the designation of retaining the existing chain link fence with metal slats inserted, they feel is not an acceptable solution. We have observed the use of slats the last few years and generally they are in a state of disrepair and often the slats are missing. Although this type of screen has been used in the past, the Board of Zoning Appeals does not consider it acceptable, and the ordinance in two sections specifically prohibits the woven wire fence being used when screening walls and fences are required.

Bob Lakin and I have both reviewed this area and discussed the possibility of you using the same redwood material on the north and west. I am not certain that for those areas the screening needs to be completely solid, however, we feel that the continuation of the redwood material is a better solution.

Carrol E. Littlejohn  
December 18, 1974  
Page Two

Regarding the use of pyracantha in the planting area on the east, you are probably familiar with the fact that this plant is quite dense with thorns and usually catches blowing papers and other trash. I would recommend that you consider using the Manhattan Euonymus or one of the other broad leaf evergreens.

Based on these comments, this is to advise you that the plans are not acceptable and we would recommend that you suggest an alternate solution in place of the metal slats. Please be advised that this section of the ordinance provides you a right to appeal to the Board of City Commissioners within 45 days.

If we can be of assistance in either reviewing alternate solutions or advising you on the procedure to appeal to the City Commission, please let us know.

Sincerely,

Jack E. Galbraith  
Chief Planner

JHG:js

cc: Robert Feldner, Superintendent of Central Inspection

October 9, 1974

Henry Flack, Manager  
Woolco Store  
401 Marina Lakes  
Wichita, Kansas 67203

Subject: Outside storage in the  
"LC" Light Commercial  
Zoning District

Dear Mr. Flack:

On November 8, 1973, the Planning Commission considered a zone change application from "LC" to "C" zoning for a small area adjacent to the north side of the Woolco Building, related to utilization of the area for storage and sale of garden items and tools. It was the action of the Commission to recommend that "C" zoning not be approved. However, the planning staff was instructed to prepare an amendment to the Light Commercial District that would permit limited outdoor display and storage of merchandise, subject to certain conditions.

The enclosed ordinance was approved and adopted by the Board of City Commissioners on February 5, 1974, and became effective on February 15, 1974. At that time a copy of the ordinance was sent to John C. Frieden, attorney representing Clear Lakes, Inc., The Hanson Development Company and F. W. Woolworth Company in the zone change application proceedings. Mr. Frieden withdrew the case and we assumed that he would proceed to see that the illegal storage area conformed to the new amendment. No steps have been taken to bring the Woolco Store into compliance with the amended Section 28:04.090.1 of the City Code and therefore, the existing outside storage and sale of garden supplies is still in violation of the City Code.

Henry Flack  
October 9, 1974  
Page Two

Your telephone inquiry today about expanding the garden center has given us the opportunity to discuss these problems with you. The expansion you propose would be a permitted use, provided the existing garden center area and the expansion area meet the conditions detailed on the enclosed ordinance.

Sub-paragraph (b) of the ordinance essentially gives you two options concerning screening of the storage area: (1) the enclosure can be screened with the same material as the main building (masonry wall); or (2) since Woolco is a part of a Community Unit Plan, you may submit a design plan to the Planning Director as outlined in the ordinance. It should be emphasized that in the event you do not proceed with the proposed expansion, you would still be required to bring the existing garden center area into compliance with the ordinance.

If we can be of further assistance, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:js

cc: Robert Feldner, Supt. of Central Inspection Division  
Joe Donnelly, Central Inspection Division

( ) Published in The Daily Record February 15, 1974  
ORDINANCE NO. 33-092

AN ORDINANCE RELATING TO OUTDOOR STORAGE OF MERCHANDISE IN THE "LC" LIGHT COMMERCIAL DISTRICT, AMENDING SECTION 28.04.090.1 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 28.04.090.1 of the Code of the City of Wichita, Kansas, shall be amended by adding the following to the list of permitted uses:

- 1.28 Storage of merchandise available for retail sales may be outside of an enclosed building subject to the following conditions:
  - a. The area used for storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise.
  - b. Such fence or wall shall be of material capable of providing screening to hide the storage from view. One opening, not exceeding ten feet in width, may be left open during business hours. When the material of the enclosure is not of the same general material as the main building, landscaping as approved by the Superintendent of Central Inspection, shall be provided and maintained outside the enclosure. For outside storage areas within a Community Unit Plan, the fence or wall screening provisions may be modified provided that: (1) a design plan is submitted to the Planning Director for review and recommendation; (2) such plan shall provide an acceptable environment for the surrounding area, based on the physical characteristics of the property, distances from adjacent properties and public streets, and the type of merchandise to be displayed or stored; and (3) such plan shall be approved by the Director of Planning and the Superintendent of Central Inspection, with the right to appeal to the Board of City Commissioners within 45 days.

- c. The enclosure around the storage area shall be attached to the main building and the area within such enclosure shall not exceed 10% of the floor area occupied by the main use within the building. Such enclosure shall comply with the same setback as is required for the main building.
- d. The area within the enclosure shall be calculated as floor area in determining the number of required offstreet parking spaces.
- e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of 28.04.090.1.2 or 28.04.183.3 unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of the ordinance.
- f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supercede any of the conditions required by the Board of Zoning Appeals under other sections of the Code.

This ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this 12th day of February, 1974.

JAMES M. DONNELL,  
Mayor

ATTEST:

Ralph C. Eberly,  
City Clerk

(SEAL)

WICHITA-SEDGWICK COUNTY

Item 16

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 4, 1975

TO Ralph Wulz, City Manager  
FROM Jack H. Galbraith, Chief Planner  
SUBJECT DP-23 - Marina Lake CUP  
Screening Provisions

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This problem has existed since 1973, when the Woolco Store was constructed by the Hanson Development Company and a small area on the north side of the store was provided for a garden center. The developers were advised that such outside display and sales of merchandise was not permitted in the "LC" Light Commercial District and, therefore, an application was filed requesting a spot of "C" Commercial zoning that would permit the use. In our staff report to the Planning Commission on November 8, 1973, we commented that to protect surrounding light commercial developments, spots of "C" zoning for unscreened outside storage would not appear to be appropriate. However, since there had been two such recent requests, we suggested that they might consider amending the zoning ordinance to permit such outdoor storage with more appropriate screening than the existing chainlink fence. It was the action of the Planning Commission to recommend that "C" zoning not be approved and the Staff was instructed to prepare an amendment to the Light Commercial District that would provide for limited outdoor display, subject to certain conditions.

As a result of this direction, an amendment to the zoning ordinance was prepared and considered at a public hearing, and the attorney, Mr. John Frieden, representing Hanson Development Company, advised that the proposed ordinance was satisfactory. The action of the Planning Commission was to recommend the approval of the amendment, and the City Commission concurred on February 5, 1974.

Since that time, the developers have not proceeded to see that the outdoor display area was brought into conformance with the new ordinance. The files reflect that on September 9, 1974, we requested the Superintendent of Central Inspection to review the matter. On October 9, 1974, we discussed the matter by phone and corresponded with the manager of the Woolco Store, Mr. Henry Flack. After that, Mr. Carroll E. Littlejohn of The Law Company submitted plans for review by the Director of Planning and the Superintendent of Central Inspection, providing redwood siding on the east end of the display area, with metal slats proposed to be placed in the existing chainlink fence on the north and west. In commenting

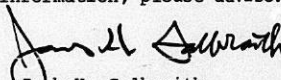
Page 2 - Ralph Wulz  
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Attached is a copy of his letter, our letters to Mr. Littlejohn and Mr. Flack, and a copy of the ordinance. Would appreciate this matter being placed on the agenda for March 11, 1975.

If we can furnish additional information, please advise.



Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Vern Miller, 1540 North Broadway, Suite 103 67214  
Robert Feldner, Supt. of Central Inspection

**Miller, Connolly & Moore**

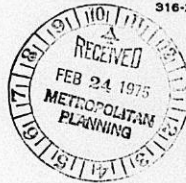
*Attorneys At Law*

1540 NORTH BROADWAY, SUITE 103  
WICHITA, KANSAS 67214

VERN MILLER  
PATRICK L. CONNOLLY  
JOHN TERRY MOORE

February 21, 1975

316-265-0817



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

Re: Screening Provisions - DP-23 Marina Lakes CUP

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Sincerely,

MILLER, CONNOLLY & MOORE

By *Vern Miller*  
VERN MILLER

VV/pm

cc: Mr. Mel Wulz, City Manager  
Mr. Robert B. Feldner, Superintendent of Central Inspection  
Mr. Robert Lakin, Board of Zoning Appeals  
Mr. John Frieden, Attorney at Law

December 18, 1974

Carrol E. Littlejohn  
Law Company, Inc.  
313 South Market  
P. O. Box 1139  
Wichita, Kansas 67201

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Chief Planner

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cc: Robert Feldner, Superintendent of Central Inspection

October 9, 1974

Henry Flack, Manager  
Woolco Store  
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Wichita, Kansas 67203

Subject: Outside storage in the  
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Henry Flack  
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Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:js

cc: Robert Feldner, Supt. of Central Inspection Division  
Joe Donnelly, Central Inspection Division

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ORDINANCE NO. 33-092

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- e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of 28.04.090.1.2 or 28.04.183.3 unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of the ordinance.
- f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supercede any of the conditions required by the Board of Zoning Appeals under other sections of the Code.

This ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this 12th day of February, 1974.

JAMES M. DONNELL,  
Mayor

ATTEST:

Ralph C. Eberly,  
City Clerk

(SEAL)

April 15, 1975

Mr. Vern Miller, Attorney  
1540 North Broadway, Suite 103  
Wichita, Kansas 67214

Subject: DP-23 - Marina Lake CUP  
Screening Provisions

Dear Mr. Miller:

On March 24, 1975 you received a copy of a memorandum from Robert Lakin, co-signed by Bob Feldner, approving the plans for screening the outdoor storage and display area on the north side of the Woolco Store at Marina Lakes Shopping Center. You were advised that your client must first obtain a building permit from the Office of Central Inspection for the construction of the fence. I was advised this morning by Joe Donnelly of the Office of Central Inspection that no contact has yet been made with their office and inasmuch as the storage area is again being utilized, he is requesting that I attempt to determine your client's intent to have the fence installed as approved.

I would appreciate you contacting your client and determining the status of the fence, when he expects to contact the Office of Central Inspection to obtain a permit, and the expected completion date. I would appreciate your assistance in this matter.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:js

cc: Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Central Inspection

March 24, 1975

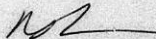
Robert Feldner, Superintendent of Central Inspection

Robert A. Lakin, Director of Planning

DP-23 - Marina Lake CUP Screening Provision

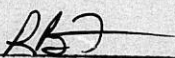
Attached is a copy of the proposed screening fence submitted by Vern Miller, attorney, which was prepared by Allied Building Contractors, Inc. and which is proposed to screen the outdoor storage and display area on the north side of the Woolco Store at Marina Lakes Shopping Center. This screening is required by Section 28.04.090.1.28 of the Zoning Ordinance. The material proposed to be used is 1x6 redwood, ten feet in height. A door is proposed on the east side and a sliding door is proposed on the west, both constructed of the same material. We were advised that additional support posts would be installed on the north side as indicated on the submitted plans. This screening material, in my opinion, is satisfactory and meets the requirements of the ordinance. Although the material is satisfactory, I have advised Mr. Miller that they must first obtain a building permit from your office for the construction of a fence this high, and at that time your department will determine whether or not the proposed supports and material will meet the building code regarding wind load resistance.

Your signature below will indicate that you concur in the acceptance of the plan as submitted.

  
Robert A. Lakin  
Director of Planning

RAL:JHG:js

cc: Vern Miller, 1540 North Broadway, 67203

APPROVED BY   
Robert Feldner, Supt. of Central Inspection

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 4, 1975

TO Ralph Wulz, City Manager  
FROM Jack H. Galbraith, Chief Planner  
SUBJECT DP-23 - Marina Lake CUP  
Screening Provisions

You are in receipt of a copy of Mr. Vern Miller's letter of February 21, 1975 to me, desiring to appeal the Director of Planning and the Superintendent of Central Inspection decision concerning the required outdoor screening requirement around the outdoor storage and display area on the north side of the Woolco Store at Marina Lake Shopping Center.

This problem has existed since 1973, when the Woolco Store was constructed by the Hanson Development Company and a small area on the north side of the store was provided for a garden center. The developers were advised that such outside display and sales of merchandise was not permitted in the "LC" Light Commercial District and, therefore, an application was filed requesting a spot of "C" Commercial zoning that would permit the use. In our staff report to the Planning Commission on November 8, 1973, we commented that to protect surrounding light commercial developments, spots of "C" zoning for unscreened outside storage would not appear to be appropriate. However, since there had been two such recent requests, we suggested that they might consider amending the zoning ordinance to permit such outdoor storage with more appropriate screening than the existing chainlink fence. It was the action of the Planning Commission to recommend that "C" zoning not be approved and the Staff was instructed to prepare an amendment to the Light Commercial District that would provide for limited outdoor display, subject to certain conditions.

As a result of this direction, an amendment to the zoning ordinance was prepared and considered at a public hearing, and the attorney, Mr. John Frieden, representing Hanson Development Company, advised that the proposed ordinance was satisfactory. The action of the Planning Commission was to recommend the approval of the amendment, and the City Commission concurred on February 5, 1974.

Since that time, the developers have not proceeded to see that the outdoor display area was brought into conformance with the new ordinance. The files reflect that on September 9, 1974, we requested the Superintendent of Central Inspection to review the matter. On October 9, 1974, we discussed the matter by phone and corresponded with the manager of the Woolco Store, Mr. Henry Flack. After that, Mr. Carroll E. Littlejohn of The Law Company submitted plans for review by the Director of Planning and the Superintendent of Central Inspection, providing redwood siding on the east end of the display area, with metal slats proposed to be placed in the existing chainlink fence on the north and west. In commenting

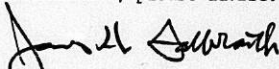
Page 2 - Ralph Wulz  
March 4, 1975

on the use of slats, our letter to Mr. Littlejohn stated that we have observed the use of slats and generally they are in a state of disrepair and often the slats are missing. We pointed out that the Board of Zoning Appeals has not considered slats in chainlink fences acceptable and the ordinance in two sections, 28.04.190.B.a and 28.04.183.5.4, specifically prohibits the woven wire fence being used when screening, walls or fences are required.

After reviewing the area, we urged the consideration of using the same redwood material on the north and west, as we felt the continuation of the redwood material was a better solution. Our letter of response to Mr. Littlejohn on December 18, 1974, also advised that they had the right of appeal to the Board of City Commissioners. Recently, Mr. Vern Miller contacted us to review the matter and as a result of our discussion and review of the appeals procedure, his letter of appeal was filed.

Attached is a copy of his letter, our letters to Mr. Littlejohn and Mr. Flack, and a copy of the ordinance. Would appreciate this matter being placed on the agenda for March 11, 1975.

If we can furnish additional information, please advise.

  
Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Vern Miller, 1540 North Broadway, Suite 103 67214  
Robert Feldner, Supt. of Central Inspection

March 12, 1975

Mr. Vern Miller, Attorney  
1540 North Broadway  
Suite 103  
Wichita, Kansas 67214

Subject: DP-23 Marina Lake CUP  
Screening Provisions

Dear Mr. Miller:

As we discussed by phone, I advised the Board of City Commissioners that you were attempting to secure estimates for construction of a screening fence associated with the Marina Lake CUP and that you had requested a deferral of this matter for two weeks. The City Commission concurred in your request and deferred this matter to their meeting of March 25, 1975, Room 201 City Building, 204 South Main, the meeting to begin at 9:00 a.m. Prior to that meeting if you resolve the matter concerning screening and desire to withdraw your appeal, please advise. If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:js

March 4, 1975

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

DP-23 - Marina Lake CUP  
Screening Provisions

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Page 2 - Ralph Wulz  
March 4, 1975

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After reviewing the area, we urged the consideration of using the same redwood material on the north and west, as we felt the continuation of the redwood material was a better solution. Our letter of response to Mr. Littlejohn on December 18, 1974, also advised that they had the right of appeal to the Board of City Commissioners. Recently, Mr. Vern Miller contacted us to review the matter and as a result of our discussion and review of the appeals procedure, his letter of appeal was filed.

Attached is a copy of his letter, our letters to Mr. Littlejohn and Mr. Flack, and a copy of the ordinance. Would appreciate this matter being placed on the agenda for March 11, 1975.

If we can furnish additional information, please advise.

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Vern Miller, 1540 North Broadway, Suite 103 67214  
Robert Feldner, Supt. of Central Inspection

**Miller, Connolly & Moore**  
Attorneys At Law

1540 NORTH BROADWAY, SUITE 103  
WICHITA, KANSAS 67214

VERN MILLER  
PATRICK L. CONNOLLY  
JOHN TERRY MOORE

February 21, 1975

316-265-0817



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

Re: Screening Provisions - DP-23 Marina Lakes CUP

Dear Mr. Galbraith:

We appreciate having the opportunity to visit recently with you concerning the screening plans for the outdoor storage and display area on the north side of the Woolco Store for the above-captioned CUP which were submitted by a Carrol E. Littlejohn, Law Company, on behalf of Clear Lake, Inc., and the Hanson Development Company, and the F. W. Woolworth Company, and wish to thank you for the courtesies extended to us.

On behalf of the interested parties that we represent, we were sorry to hear that you do not agree that the plans for the outdoor storage and display area comply with Section 28.04.090.1.28.b of the city zoning ordinance and that the plan submitted is not an acceptable solution. As we expressed to you the day we visited, the interested parties do desire to have the opportunity to present their plan before the City Commission.

Please be advised that we request an appeal to the Board of City Commissioners and would appreciate having the matter set on the agenda if at all possible for the meeting of March 11, 1975. We hope the matter can be resolved to the mutual interests of both the City of Wichita and our clients.

Sincerely,

MILLER, CONNOLLY & MOORE

By   
VERN MILLER

VM/pm

cc: Mr. Mel Mulz, City Manager  
Mr. Robert B. Feldner, Superintendent of Central Inspection  
Mr. Robert Lakin, Board of Zoning Appeals  
Mr. John Frieden, Attorney at Law

December 18, 1974

Carrol E. Littlejohn  
Law Company, Inc.  
313 South Market  
P. O. Box 1139  
Wichita, Kansas 67201

Subject: Screening Provisions -  
DP-23 Marina Lakes CUP

Dear Mr. Littlejohn:

I have reviewed your submitted screening plans for the outdoor storage and display area on the north side of the Woolco Store for the above captioned CUP with both Bob Lakin and Robert Feldner. They both agree that the redwood siding, proposed on the east end, would comply with Section 28.04.090.1.28.b of the city zoning ordinance and would provide an acceptable environment for the surrounding area. However, the designation of retaining the existing chain link fence with metal slats inserted, they feel is not an acceptable solution. We have observed the use of slats the last few years and generally they are in a state of disrepair and often the slats are missing. Although this type of screen has been used in the past, the Board of Zoning Appeals does not consider it acceptable, and the ordinance in two sections specifically prohibits the woven wire fence being used when screening walls and fences are required.

Bob Lakin and I have both reviewed this area and discussed the possibility of you using the same redwood material on the north and west. I am not certain that for those areas the screening needs to be completely solid, however, we feel that the continuation of the redwood material is a better solution.

Carrol E. Littlejohn  
December 18, 1974  
Page Two

Regarding the use of pyracantha in the planting area on the east, you are probably familiar with the fact that this plant is quite dense with thorns and usually catches blowing papers and other trash. I would recommend that you consider using the Manhattan Euonymus or one of the other broad leaf evergreens.

Based on these comments, this is to advise you that the plans are not acceptable and we would recommend that you suggest an alternate solution in place of the metal slats. Please be advised that this section of the ordinance provides you a right to appeal to the Board of City Commissioners within 45 days.

If we can be of assistance in either reviewing alternate solutions or advising you on the procedure to appeal to the City Commission, please let us know.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:js

cc: Robert Feldner, Superintendent of Central Inspection

October 9, 1974

Henry Flack, Manager  
Woolco Store  
401 Marina Lakes  
Wichita, Kansas 67203

Subject: Outside storage in the  
"LC" Light Commercial  
Zoning District

Dear Mr. Flack:

On November 8, 1973, the Planning Commission considered a zone change application from "LC" to "C" zoning for a small area adjacent to the north side of the Woolco Building, related to utilization of the area for storage and sale of garden items and tools. It was the action of the Commission to recommend that "C" zoning not be approved. However, the planning staff was instructed to prepare an amendment to the Light Commercial District that would permit limited outdoor display and storage of merchandise, subject to certain conditions.

The enclosed ordinance was approved and adopted by the Board of City Commissioners on February 5, 1974, and became effective on February 15, 1974. At that time a copy of the ordinance was sent to John C. Frieden, attorney representing Clear Lakes, Inc., The Hanson Development Company and F. W. Woolworth Company in the zone change application proceedings. Mr. Frieden withdrew the case and we assumed that he would proceed to see that the illegal storage area conformed to the new amendment. No steps have been taken to bring the Woolco Store into compliance with the amended Section 28:04.090.1 of the City Code and therefore, the existing outside storage and sale of garden supplies is still in violation of the City Code.

Henry Flack  
October 9, 1974  
Page Two

Your telephone inquiry today about expanding the garden center has given us the opportunity to discuss these problems with you. The expansion you propose would be a permitted use, provided the existing garden center area and the expansion area meet the conditions detailed on the enclosed ordinance.

Sub-paragraph (b) of the ordinance essentially gives you two options concerning screening of the storage area: (1) the enclosure can be screened with the same material as the main building (masonry wall); or (2) since Woolco is a part of a Community Unit Plan, you may submit a design plan to the Planning Director as outlined in the ordinance. It should be emphasized that in the event you do not proceed with the proposed expansion, you would still be required to bring the existing garden center area into compliance with the ordinance.

If we can be of further assistance, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:js

cc: Robert Feldner, Supt. of Central Inspection Division  
Joe Donnelly, Central Inspection Division

**Miller, Connolly & Moore**

Attorneys At Law

1540 NORTH BROADWAY, SUITE 103  
WICHITA, KANSAS 67214

VERN MILLER  
PATRICK L. CONNOLLY  
JOHN TERRY MOORE

February 21, 1975

316-265-0817

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

Re: Screening Provisions - DP-23 Marina Lakes CUP

Dear Mr. Galbraith:

We appreciate having the opportunity to visit recently with you concerning the screening plans for the outdoor storage and display area on the north side of the Woolco Store for the above-captioned CUP which were submitted by a Carrol E. Littlejohn, Law Company, on behalf of Clear Lake, Inc., and the Hanson Development Company, and the F. W. Woolworth Company, and wish to thank you for the courtesies extended to us.

On behalf of the interested parties that we represent, we were sorry to hear that you do not agree that the plans for the outdoor storage and display area comply with Section 28.04.090.1.28.b of the city zoning ordinance and that the plan submitted is not an acceptable solution. As we expressed to you the day we visited, the interested parties do desire to have the opportunity to present their plan before the City Commission.

Please be advised that we request an appeal to the Board of City Commissioners and would appreciate having the matter set on the agenda if at all possible for the meeting of March 11, 1975. We hope the matter can be resolved to the mutual interests of both the City of Wichita and our clients.

Sincerely,

MILLER, CONNOLLY & MOORE

By  
VERN MILLER

VM/pm

cc: Mr. Mel Wulz, City Manager  
Mr. Robert B. Feldner, Superintendent of Central Inspection  
Mr. Robert Lakin, Board of Zoning Appeals ✓  
Mr. John Frieden, Attorney at Law





**B.J. KINGDON, A.I.A. ARCHITECT**

(316) 265 8584 · 313 S. MARKET P.O. BOX 1139 WICHITA, KANSAS 67201

TO: Wichita Planning Department

City Annex

Wichita, Kansas 67202

PROJECT

MARINA LAKES  
Wichita, Kansas

ATTN: Mr. Jack H. Galbraith

TENANT SPACE WOOLCO

WE SEND YOU HEREWITH  UNDER SEPARATE COVER

Three (3) prints of proposed outdoor sales screen, dated December 11, 1974.

THESE ARE:

- For your review and approval. Please return ONE copies with approval or corrections noted.
- For your information.  For your files.
- Reviewed for compliance with Contract Documents.
- Reviewed and required corrections noted. Send        sepia transparencies and        ozalid prints of corrected drawings.
- Revise and resubmit per required corrections. Send        sepia transparencies        ozalid prints of corrected drawings. Send        copies of submittal data.
- Rejected.  See Contract Documents.
- \_\_\_\_\_

Remarks: \_\_\_\_\_

By

Carrol E. Littlejohn  
Carrol E. Littlejohn

Copies To:

Mr. Dudley Morris  
Mr. John Walters

- Architects Preliminary Drawings
- Architects Drawings for Pricing
- Architects Drawings for Construction
- Tenant Drawings
- Shop Drawings
- Submittal Data
- Samples
- \_\_\_\_\_

Date: December 11, 1974

**TRANSMITTAL TR**



**THE CITY OF WICHITA**  
OFFICE OF Grievance Office

DATE September 9, 1974  
File #2876



ON SAFETY  
PHASE II

TO Bob Lakin, Director of Planning  
FROM Fredrick A. Linde, Grievance Officer

SUBJECT Marina Lakes Shopping Center.

Last year, when the developers of Marina Lakes Shopping Center sought additional Light Commercial zoning to expand the facilities, assurances were given by Mr. Bledsoe of beautification of the grounds with extensive shrub and tree plantings. I believe it was also intended by Mr. Bledsoe for the plantings to serve as screenings between the shopping center expansion and residential areas across the river.

At any rate, during the hearings before the City Commissioners Mr. Bledsoe emphasized his intentions of providing plantings and other decorative vegetation. He made quite an issue of it and strenuously attempted to assure the Commission of his intentions of maintaining a first rate shopping center.

For some two to three months, we have had complaints from residents in the general vicinity of 21st Street and Amidon, citing the unkempt condition of Marina Lakes and Sweetbriar. I realize Sweetbriar is under competitive management but the complaints really should be tied together because they say grass is not mowed and the inevitable debris is not picked up and that if any action is attempted against the shopping center management the very least amount of work, and that with exceedingly ill will, is done.

I thought you might be interested in having these comments in your files in the event a future zoning request is made.

*FAL*

Fredrick A. Linde,  
Grievance Officer

FL:pc



October 11, 1971

Mr. Roger Bell/  
Security Abstract Company  
434 North Main Street  
Wichita, Kansas 67202

Subject: DP-23 - Marina Lakes CUP

Dear Roger:

I have reviewed the approved file copy of the Marina Lakes CUP with the 3 copies of the plan you forwarded to our office. We have stamped the copies with dates of approval by the Planning Commission and City Commission, and I initialed all three copies.

This amended CUP was approved by the Planning Commission and City Commission in March of this year subject to the conditions as outlined in the attached memo from John Gist of our office to Robert Feldner, Superintendent of Central Inspection. Please note that one of the conditions is the requirement of platting of the property; and at this time there is a major portion of the area that remains unplatted.

If I can be of further assistance, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ls  
Attachment

WICHITA-SEDGWICK COUNTY

DATE  
June 23, 1971

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** The Files - S/D 71-25, Marina Lakes 6th Addition  
**FROM** John D. Gist, Principal Planner *J.D. Gist*  
**SUBJECT** Board of City Commissioner's action re drainage

On Tuesday, June 22, 1971, the Board of City Commissioners considered the above captioned plat. The action of the Commission was to approve the plat as recommended by the Metropolitan Area Planning Commission, except for the condition regarding drainage and the construction of a storm water sewer extending south to the Arkansas River. Robert A. Lakin, Planning Director, advises that after considerable discussion it was the Commission's action that the Twin Lakes area east of Amidon, and the Marina Lake area west of Amidon, shall handle and resolve each of its own drainage independently. This action as it applies to Marina Lakes 6th Addition, means that the final plat tracing is not to be released for recording until clearance is given from Dick Linn, City Engineer, with respect to the following:

- 1) Adequate drainage easement(s) have been shown on the plat tracing.
- 2) That adequate guarantee(s) have been furnished by the applicant to assure the construction of a drainage system from Amidon, west to the applicant's lake.

JDG:rme

cc: Dick Linn, City Engineering  
Ray Bruggeman, Director of Public Works  
Marina Lakes C.U.P. file  
Twin Lakes C.U.P. file

COPY

**LC THE LAW COMPANY**

(316) 266 8864 312 S MARKET RD BOX 1136 WICHITA, KANSAS 67201

OFFICES OF FLOOD CONTROL  
 PLACE City of Wichita

DATE HELD 12/22/72 TIME 11:00 a.m.

PURPOSE OF MEETING Discuss bank protection

PROJECT  
 MARINA LAKES SHOPPING CENTER  
 Wichita, Kansas

TENANT SPACE \_\_\_\_\_  
 REPORTED BY Carrol E. Littlejohn  
 Carrol E. Littlejohn

IN ATTENDANCE:  
 DESIGN C. E. Littlejohn

\_\_\_\_\_

CONSTR. \_\_\_\_\_

ENGR. \_\_\_\_\_

DEVEL. \_\_\_\_\_

TENANT \_\_\_\_\_

OWNER \_\_\_\_\_

OTHER Jack Galbrith  
M. S. Mitchell

The following item was discussed:

The meeting had been scheduled to review the Community Unit Plan (CUP) in respect to its requirements for lake bank protection in Parcel 1 as shown in the (CUP) for the Marina Lakes Development. In reviewing the CUP, Mr. Galbrith and Mr. Mitchell decided that according to the CUP the city had made no stipulations for bank protection in Parcel 1. (Bank protection requirements applied only to Parcel 7, zoned for multi-family). In reviewing a sketch presented by Carrol E. Littlejohn indicating a reinforced plastic sheet anchored along the beach by a wood member, Mr. Mitchell stated that the reinforced plastic sheet would probably protect the sand beach, however, the balance of the sand bank would eventually need some sort of bank protection to prevent erosion.



COPIES TO ALL IN ATTENDANCE AND:

Mr. Dudley Morris  
 Mr. Carl A. Bell

JOB NO: 7201

PAGE 1 OF 1

DATE OF REPORT 12/28/72 **CONFERENCE REPORT CR**

December 21, 1971

Robert Feldner, Superintendent of Central Inspection

Robert A. Lakin, Director of Planning

DP-23 - Marina Lakes CUP

You are in receipt of a copy of a letter written by Robert T. Feagins requesting an administrative interpretation as to whether or not an amended CUP application is necessary to accompany a zone change application on Parcel No. 4. His particular concern is whether or not they must amend Item No. 5 of the conditions listed under Parcel No. 4, which reads as follows:

"Proposed Use: Commercial uses, offices, places of public entertainment & outdoor display of marina supplies subject to BZA approval."

After reviewing this statement, "places of public entertainment" would be rather all inclusive and if "C" zoning were granted, miniature golf courses as well as other places of public entertainment would be permitted. The statement that we are most concerned with is "commercial uses". Originally, when "LC" zoning was granted and the CUP approved, this statement meant any use permitted in "LC" zoning. If "C" zoning is granted, this would also mean any use permitted in the "C" District and this certainly was not the intent of the original approval.

If the applicant is only desirous of the miniature golf course which requires "C" zoning and will stipulate to that by letter and will agree to this letter in requesting building permits for other uses requiring "C" zoning, then I believe "places of public entertainment" would have to be interpreted as including miniature golf courses and to have an amendment to the CUP would not be necessary.

Upon your review of this memorandum, your signature of approval will indicate that you concur that this proposed use is in keeping with the intent of the statement "places of public entertainment" and therefore, only a change in zoning is necessary rather than an amended CUP application. This interpretation is subject to the owners of the property submitting a letter jointly signed by the Lessee that they agree to the condition that no use first permitted in the "C" District other than a miniature golf course will be developed on Parcel No. 4.

Page 2 - Robert Feldner  
December 21, 1971

In the event that other uses are later desired that require "C" zoning, it is understood that an amended CUP application will be necessary. Upon the receipt of the letter of agreement, we will mark the face of the CUP as permitting a miniature golf course in Parcel No. 4, subject to the approval of "C" zoning.

Approved: \_\_\_\_\_  
Robert A. Lakin, Director of Planning

Approved: \_\_\_\_\_  
Robert Feldner, Superintendent of Central Inspection

~~RAJ~~-JHG:ls

cc Clear Lakes, Inc., 6572 East Central 67206  
Robert T. Feagins, 6572 East Central 67206



F E A G I N S   *and*   K I R S C H  
A R C H I T E C T S  
N O R M A N D I E   S H O P P I N G   C E N T E R  
6 5 7 2   E A S T   C E N T R A L            M U 4 . 6 5 7 6  
W I C H I T A .   K A N S A S                    6   7   2   0   6

A  
|  
A

December 15, 1971

Mr. Robert A. Lakin  
Director of Planning  
City Building Annex  
104 S. Main Street  
Wichita, Kansas 67202

RE: Marina Lake C.U.P.  
Lot 2, 4th addition to  
Wichita, Sedgwick County, Kansas

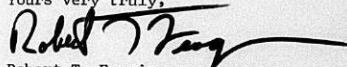
Dear Mr. Lakin:

The developers of the above referenced site wish to change the zoning classification of the south 290 feet of said lot 2 from "LC" to "C". They plan to erect a miniature golf course near the lake.

In the event said zoning change is granted by the City Commission we were wondering if it would be necessary to amend item #5 of the general conditions under Parcel #4 of the C.U.P.

Your early interpretation of this matter will be greatly appreciated.

Yours very truly,

  
Robert T. Feagins

cc: Robert Feldner, Supt.  
Central Inspection

John Gist, Senior Planner  
Metropolitan Area Planning Commission

RTF:nj



March 31, 1971

Robert Feldner, Superintendent of Central Inspection

John D. Gist, Principal Planner

DP-23 - Amendment to Marina Lakes Community Unit Plan

The Board of City Commissioners at their regular meeting on March 30, 1971, approved an amendment to the above captioned CUP which is known as Marina Lakes. The Commission's action included approval of zone case Z-1263, subject to the amended development plan and subject to platting within one year; and the amended development plan was approved in accordance with Section 28.04.190 of the zoning ordinance to promote well-planned commercial developments and subject to 6 conditions. Two of these conditions deal with the maximum gross leasible area of Parcel No. 1 being reduced from 50 to 35 percent, and relative to the required screening on the south side of Parcel No. 1, and amending the language under General Provision No. 2 in accordance therewith. The third condition deals with the handling of drainage at the time the land is platted, and the remaining three conditions are follows:

4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owner or owners, their successors and assigns unless amended.
5. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and City 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.
6. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Page 2 - Robert Feldner  
March 31, 1971  
DP-23

Attached for your information and files is a copy of the approved and amended final plan. It is still necessary that platting occur and the ordinance be published effectuating the change in zoning prior to the issuance of building permits.

If you have any questions, please call.

JDG:ls  
cc Case No. Z-1263  
Attachment

April 14, 1971

Mr. Robert T. Feagins  
Feagins and Kirsch Architects  
6572 East Central  
Wichita, Kansas 67206



Subject: Marina Lake CUP

Dear Mr. Feagins:

Reference is made to my letter of March 30, 1971, to your reply addressed to George H. Wilton of April 1, and to our conference with Mr. Satterthwaite and Mr. Wilton of this date. It was agreed that we will change our recommendation to Metropolitan Area Planning Commission to remove the words "shops and offices" from those uses for which we recommend a minimum building pad elevation of 1310.5. In order to update past correspondence to the revised recommendation, we revise the wording of item 2 of Paragraph 3 on page 2 of my letter dated March 30th to read as follows:

- 2) "We recommend a minimum building pad elevation for dwelling units of 1310.5."

Item 3 of the same Paragraph is changed to read as follows:

- 3) "We recommend that shops and offices, arcades, exhibit halls, galleries, patios and other types not be built below 1307.5. The amount of freeboard above 1307.5 should be sufficient to provide ample protection against damage to goods and facilities consistent with good engineering practices."

It will also be necessary to change the first paragraph on page 3 so that the next to the last sentence reads as follows:

"In that case, we would again recommend that a minimum of 3 feet freeboard be applied to the new maximum water surface elevation for the lake to obtain a minimum pad elevation for dwellings. Shops, offices, arcades, exhibit halls, galleries and patios, we would recommend to be not below the new elevation and would leave the amount of freeboard for them to the architect as stated in the earlier paragraph."

Robert T. Feagins

-2-

April 14, 1971

Mr. Wilton urges me to remind you that it is imperative to maintain adequate freeboard around the perimeter of the lake and that the action taken here should not be considered a precedent to lowering freeboard recommendations for dwelling units and closely associated uses.

Yours truly,

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

MSM/glm

cc: G. H. Wilton, Supt. of Public Works Maint.  
Robert Lakin, MAPC  
Marina Lake Addn. Flat File  
Arkansas River Stream File  
Don E. Satterthwaite, Pres., Clear Lake, Inc.

March 30, 1971

Mr. Robert T. Feagins  
Feagins and Kirsch Architects  
6572 E. Central  
Wichita, Kansas 67206

Subject: Marina Lake CUP

Dear Mr. Feagins:

Reference is made to your letter of November 9, 1970 and subsequent conferences in which you asked this office to recommend finish floor elevation at 1308.5 mean sea level for "non-dwelling type occupancies" in subject project. As early as 1967, you furnished this office a set of Marina Lake Development drawings in 4 sheets that showed the limits of the plat and parcels therein, an Overall Development Plan, an overall perspective from Amidon, a perspective of the Mall and a perspective and section of the Lower Level. The Lower Level shown on that plan was set at mean sea level elevation 1301 and we pointed out that this was approximately 6 1/2 feet below the design water surface elevation of the Arkansas River opposite Marina Lake, and in our opinion head loss from the river to the lake would be negligible and that for design purposes, we were assuming the maximum water surface elevation of Marina Lake would equal that in the Arkansas River. You were advised then that our dike or top of bank along the Arkansas River would be constructed to an average elevation of 1310.5, or 3 feet above the design elevation, for the following reasons:

- 1) The design elevation might be exceeded due to the inability to control all of the features which determine the conveyance capacity of the Arkansas River above and below Marina Lake.
- 2) The design elevation might be exceeded due to a greater flood than the project design flood.
- 3) The design elevation might be exceeded due to wave action.

Robert T. Feagins

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March 30, 1971

- 4) Even if the design elevation were not exceeded, a safety factor above the expected water surface level was desirable and necessary for structural reasons.

You were further advised that we would recommend to the Metropolitan Area Planning Commission that the minimum pad for dwelling units be set at 1310.5 and that a continuous perimeter around the lake be maintained at the same elevation, regardless of land use, so as to prevent water in the lake from escaping. We conceded that many uses associated with a major shopping center such as shown on the Marina Lake Development plan could be established with less freeboard than recommended for dwellings, shops, offices, etc. Following June of 1967, we noted on a copy of the preliminary plat for Marina Lake, the minimum pad elevation for dwelling units, shops and offices was recommended to be 1310.5 while the minimum elevation for arcades, exhibit halls, galleries and patios was recommended to be 1308.5.

Some time after, we were shown drawings which indicated arcades, galleries, exhibit halls, patios, etc., featured considerably more elaborate furnishings and permanent fixtures than those we saw on earlier development plans and advised that we were concerned that difference of only 1 foot between maximum water level in the lake and floor elevation of the lower level would not be sufficient to prevent severe damage and loss of property.

In our conference today, I advised you, and I am confirming by this letter, that our recommendation to the Metropolitan Area Planning Commission will be:

- 1) Design water surface elevation of the Arkansas River will be equaled by the water level in Marina Lake and this elevation is 1307.5.
- 2) We recommend a minimum building pad elevation for dwelling units, shops and offices of 1310.5.
- 3) We recommend that arcades, exhibit halls, galleries, patios and other types not be built below 1307.5. The amount of freeboard above 1307.5 should be sufficient to provide ample protection against damage to goods and facilities consistent with good engineering practices.

On November 17, 1970, you addressed to me a copy of a letter to Engineering Testing Company in which you made the following statement; "Recently Mr. Mitchell agreed to lower our minimum design elevation for non-dwelling type finished floors from 1,308.5 feet to 1,205 feet if we could provide sufficient evidence similar to studies made by you at Kings Cove and Queen Lake projects".

*Mr's Recommendation  
to the com.  
of freeboard*

Robert T. Feagins

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March 30, 1971

Again, I want to clarify in writing our position on the matter of the elevations discussed. The studies at Kings Cove and Queen's Lake which you mentioned were made to determine the amount of head loss, if any, between the design water surface elevations in the River (or Big Slough) and the level water could be expected to reach in a lake adjacent to them. In each case, the engineer making the study, which was based on in-place sampling of soils and laboratory analysis of them, reported his recommendation that water surface in the lake would be less than water in the River (or Big Slough) by specific amounts. If Engineering Testing Company, or any other qualified engineer, determines that sufficient head loss between the Arkansas River and Marina Lake can be expected, we would accept his written report and recommendation to reduce the elevation below 1307.5. In that case, we would again recommend that a minimum of 3 feet freeboard be applied to the new maximum water surface elevation for the lake to obtain a minimum pad elevation for dwellings, shops and offices, Arcades, exhibit halls, galleries and patios we would recommend to be not below the new elevation and would leave the amount of freeboard for them to the architect as stated in the earlier paragraph.

I trust this information is sufficient to answer your questions.

Yours truly,

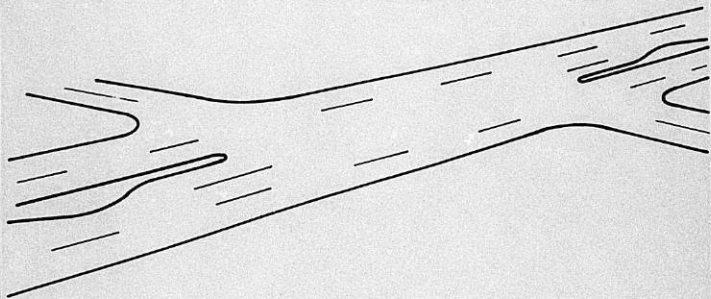
M. S. Mitchell,  
Ass't. Superintendent of  
Public Works Maintenance

MSM/glm

cc: G. H. Wilton, Supt. of Public Works Maintenance  
Robert Lakin, MAPC  
Marina Lake Addn. Plat File  
Arkansas River Stream File

*Letter File*

TRAFFIC STUDY -  
AREA of COOLIDGE, WOODROW  
and 21st STREET INTERSECTIONS



By the Wichita, Kansas  
Traffic Engineering Division  
Jan. 6, 1971

TRAFFIC ENGINEERING REPORT  
TRAFFIC STUDY -  
AREA OF COOLIDGE, WOODROW AND 21ST STREET INTERSECTIONS

PURPOSE

The purpose of this report is to analyze the existing and projected traffic flows in the area near the intersection of Woodrow with 21st Street. This study was initiated as a result of requests by citizens of the area for additional traffic control devices to meet an expected increase in traffic volume. The Twin Lakes Shopping Center expects to open new facilities in early spring which will increase the gross floor area by approximately one third.

STUDY AREA

The area under consideration for this study included: The intersection of Coolidge with 21st Street, the intersection of Woodrow with 21st Street, 21st Street from Amidon to the Little Arkansas River, Woodrow from 20th to 21st Street, and 20th Street from Garland to Woodrow. The above areas include the streets most directly affected by the planned expansion of Twin Lakes Shopping Center.

BACKGROUND

The study area is located near a large outlying commercial area of the City. Five shopping centers - Atlantic Thrift, Sweetbriar, Marina Lakes, Twin Lakes, and River Bend contribute directly to the traffic in the area, representing more than 525,000 square feet of gross floor area.

Past studies of the area in question have revealed several characteristics which can be assumed to be valid at this time. They include:

1. The peak shopper traffic hour coincides with the traffic peak hour.
2. Twin Lakes Shopping Center generates approximately 2.5 inbound and 2.5 outbound trips per 1,000 square feet of gross leasable floor area during the peak shopper hour on an average off-season weekday.
3. Twin Lakes Shopping Center trip generation is 20% from the north, 15% from the west, 35% from the south, and 30% from the east.

EXISTING CONDITIONS - VOLUMES

Turning movement traffic volumes were obtained at the intersections of Woodrow and Coolidge with 21st Street. The peak hour directional volumes are presented in figure 1. Twenty-four hour and peak hour volumes are shown in figure 2 for other locations in the study area.

The volumes in figure 2 have been adjusted for day of the week and for month of the year variations to indicate average daily traffic. Figure 3 contains the trip origin distribution for Twin Lakes Shopping Center and the location and projected increase in traffic volumes expected when the addition to the Center opens. Special attention should be given to the volumes expected to utilize the three entrances to the east of the new Sears store. Twenty percent of the trips generated by Sears is expected to use the Twentieth Street entrance, thirty percent the north Woodrow entrance, and only five percent the south entrance on Woodrow. The trips were assigned to the above entrances based on trip origins and the expected availability of parking near the points of access. The traffic volume projections were based on 2.5 trips entering and 2.5 trips leaving the Center during the peak shopping hour for each additional 1,000 square feet of gross leasable area.

#### ACCIDENT EXPERIENCE

Collision diagrams are presented in Figures 5 and 6 which contain accident statistics for the two intersections under investigation. The intersection of Woodrow and 21st Street has had 7 non-injury and 4 injury accidents in the past three years while the intersection of Coolidge and 21st Street has experienced 8 non-injury and no injury accidents.

#### DISCUSSION

To fulfill the objectives of this study a capacity analysis was conducted to determine the locations within the study area where the existing or expected Level of Service\* was lower than Level of Service C. The two intersections under consideration were found to have the limiting capacities and were therefore investigated in greater depth to determine if additional traffic control devices were warranted.

The existing volumes at the intersection of Woodrow with 21st Street were found to be below the volumes required to warrant signalization. A comparison was also made between the projected volumes and the warrant requirements. It was found that the projected volumes did meet the minimum vehicular volume warrant\*\* for signalization: 21st Street processed 600 or

\*Level of Service is a term which denotes any one of an infinite number of differing combinations of operation conditions that may occur on a given lane or roadway when it is accommodating various traffic volumes. Six levels of service have been defined and are designated A through F, from best to worst, to cover the entire range of traffic operations that may occur. Level of Service C has been adopted as a standard level for design purposes in urban areas.

\*\*The Manual on Uniform Traffic Control Devices contains six warrants for the installation of traffic signals: Minimum vehicular volumes, interruption of continuous traffic, minimum pedestrian volumes, progressive movement, accident experience, and combination of warrants. A traffic signal can be installed if any one of the above warrants is met.

more vehicles per hour on both approaches for 8 consecutive hours while the Woodrow volume on one approach was greater than 150 vehicles per hour for the same 8 hours. None of the other warrants for signalization were met. Although the accident warrant was not met, it should be pointed out that a signal at this intersection should substantially reduce the number of right angle collisions. It should also be pointed out that the number of rear-end collisions often increases after signalization; however, rear-end collisions are usually less severe than right angle accidents.

The left-turn storage capacity on Westbound 21st Street at Woodrow is limited to two vehicles due to the four lane bridge across the Little Arkansas River. This limited left-turn storage may create a problem as the volume of left-turning vehicles increases and may necessitate widening the bridge to provide a desirable amount of left-turn storage. Without adequate left-turn storage, the bay can often overflow causing a through lane to be blocked, which would reduce the capacity of the intersection to an intolerable level.

The capacity analysis conducted indicated that the single lane approach to 21st Street on Woodrow would adequately handle the existing traffic and the traffic generated by the Twin Lakes expansion if that intersection were signalized. The existing signal lane approach, when signalized, can be expected to handle 1,010 vehicles per hour of green. In other words, if Woodrow receives 1/3 of the green time, it would have a service volume at Level of Service C of 336 vehicles per hour, which is greater than the projected volume for 1985.

The intersection of Coolidge with 21st Street was analyzed in a manner similar to that used for Woodrow and 21st Street; however, Coolidge did not meet any of the warrants for signalization.

Consideration was given to joint signalization of the Coolidge and Woodrow intersections to prevent undue delay to the Coolidge traffic as a result of individually signalizing Woodrow. The analysis revealed that a dual signalization scheme would result in considerable additional delay to all motorists approaching the intersections in question. It is understood that signalizing Woodrow individually may create some additional delays for Coolidge traffic, although probably not as great as would be experienced with dual signalization.

Should the delay to Coolidge traffic become excessive following signalization of Woodrow, one traffic control measure that may become necessary would be restricting the left-turn movement from 21st Street into the Twin Lakes entrance south of Coolidge. The most practical and efficient method of achieving this would probably be the closing of the entrance. This measure would remove one conflicting movement from the intersection which would provide more opportunities for southbound Coolidge traffic to turn left.

#### RECOMMENDATIONS

As a result of analyzing the existing and projected traffic flow in the area near the intersection of Woodrow with 21st Street, the Traffic Engineering Division makes the following recommendations:

1. That the intersection of Woodrow with 21st Street be signalized, if possible, prior to the opening of the Twin Lakes addition.
  - a. That the signalization scheme provide a protected left-turn movement for westbound 21st Street traffic.
2. That Woodrow remain a two-lane facility as it now exists.
3. That the intersection of Coolidge and 21st Street remain unsignalized.

SUMMARY

A traffic engineering study was conducted for the area near the intersection of Woodrow and 21st Street. It was found that a traffic signal will be warranted at the intersection following the opening of the Twin Lakes addition. The analysis revealed that a signal was not warranted at the intersection of Coolidge with 21st Street and that a dual signalization scheme involving both intersections was not feasible. The existing two lanes on Woodrow were found to be adequate to handle the volumes expected until 1985, at which time a complete realignment of Woodrow and Coolidge would probably be the most realistic solution to the problems that will exist at that time.

# EXISTING VOLUMES 12-11-70

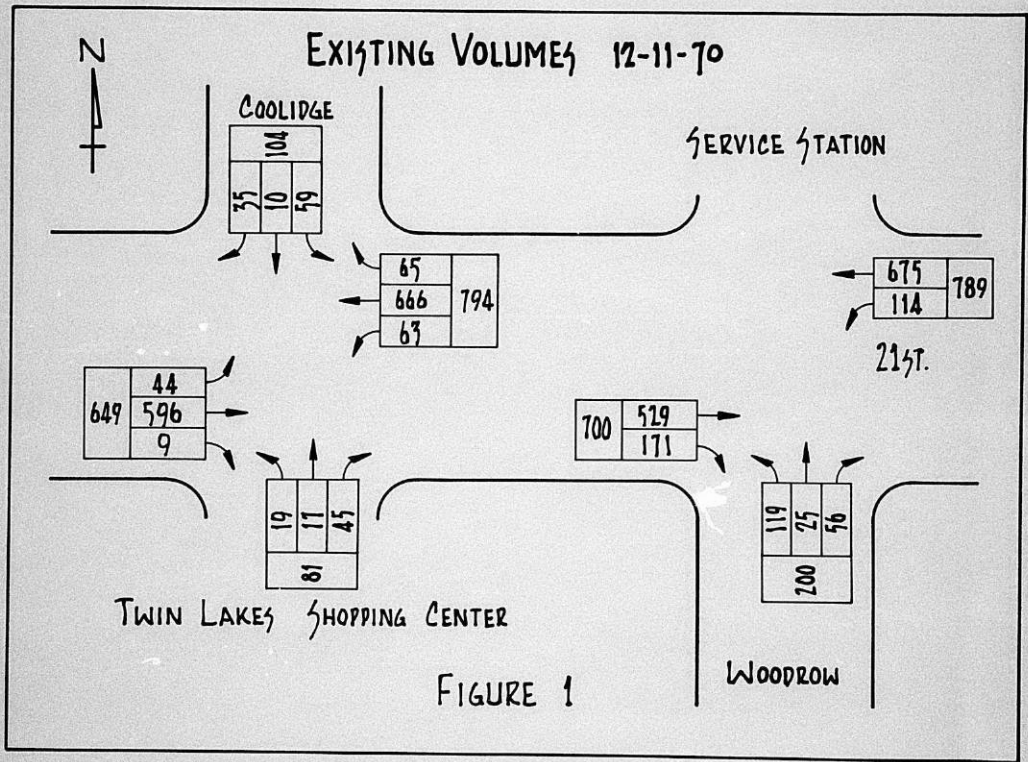
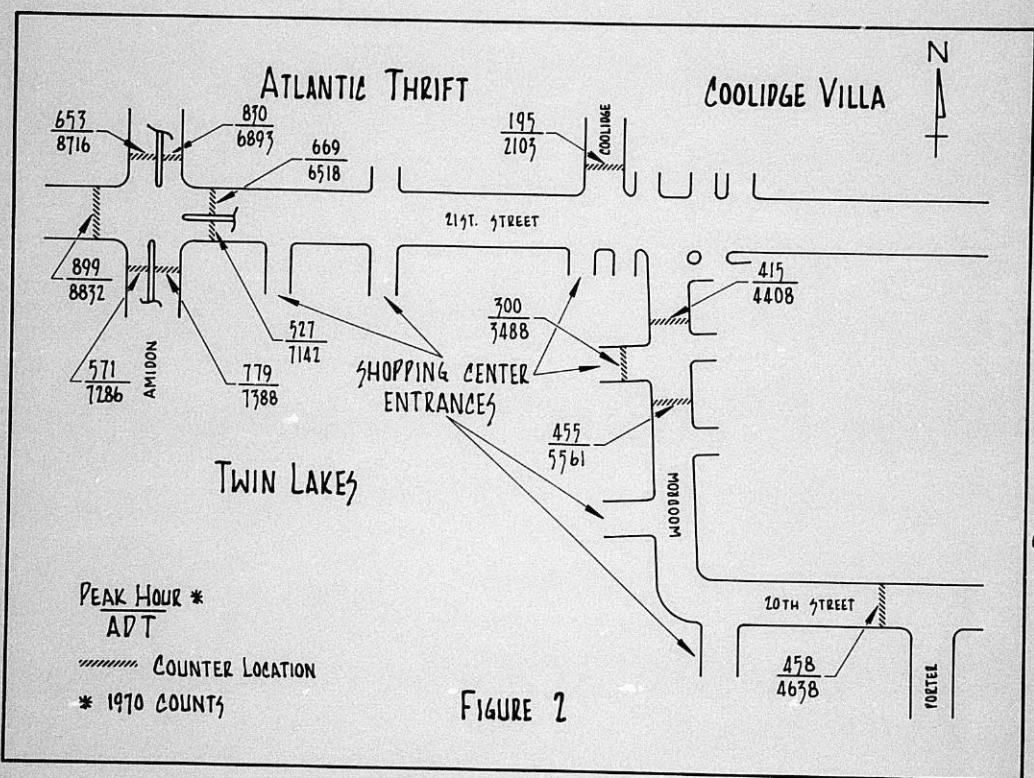


FIGURE 1



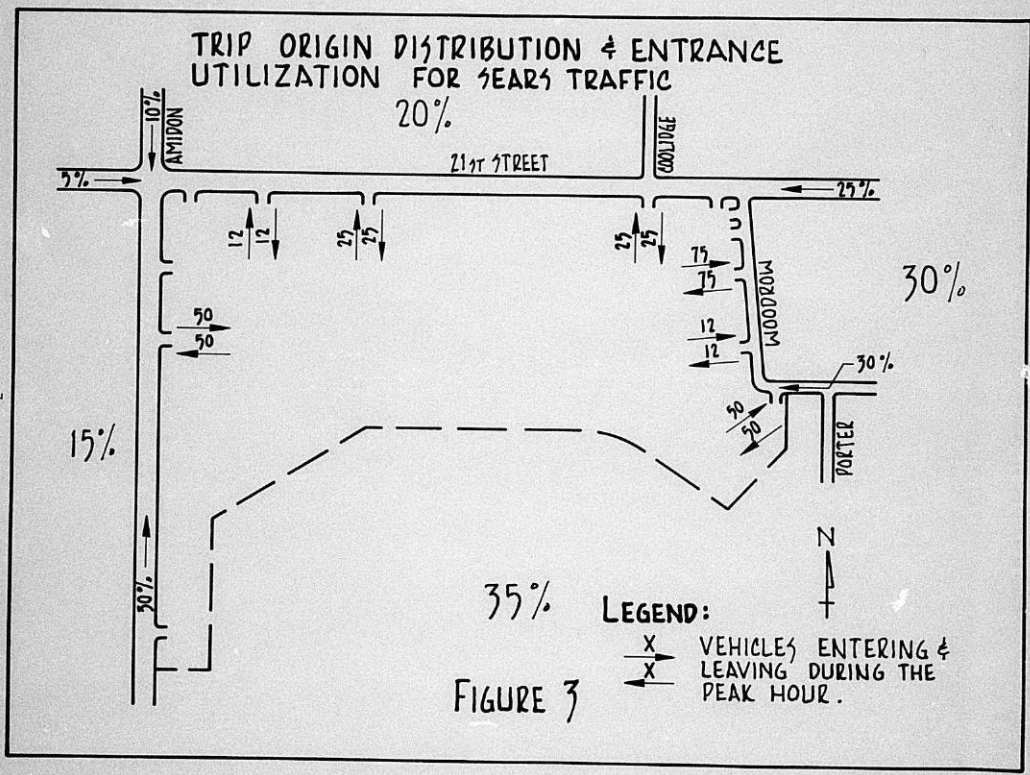
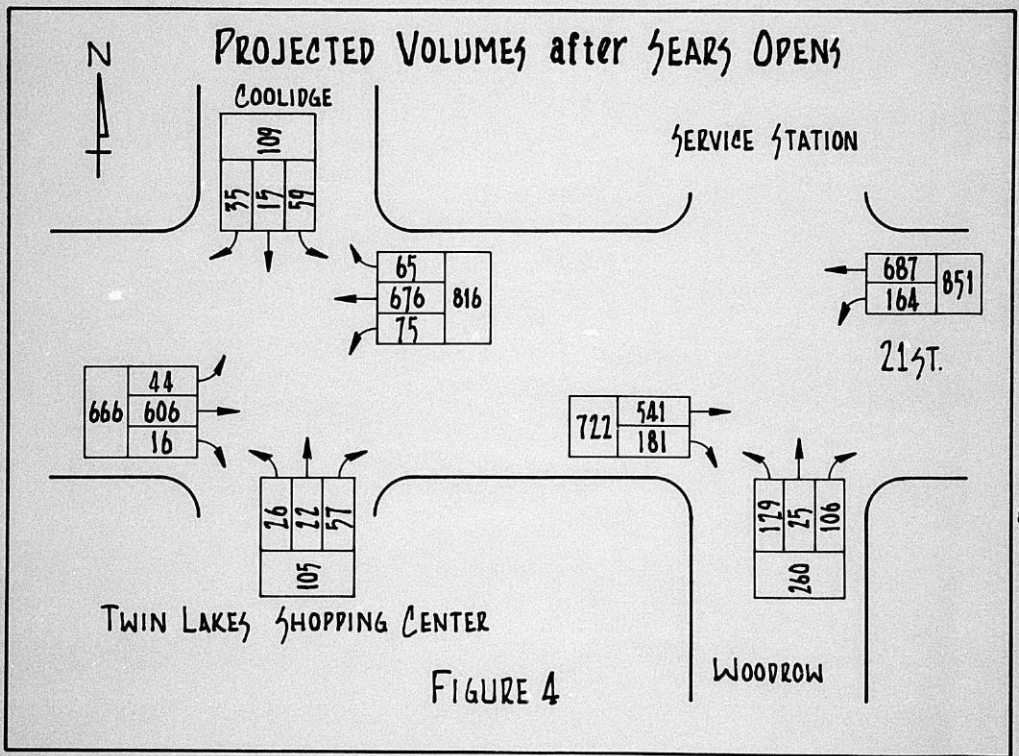


FIGURE 3



# COLLISION DIAGRAM

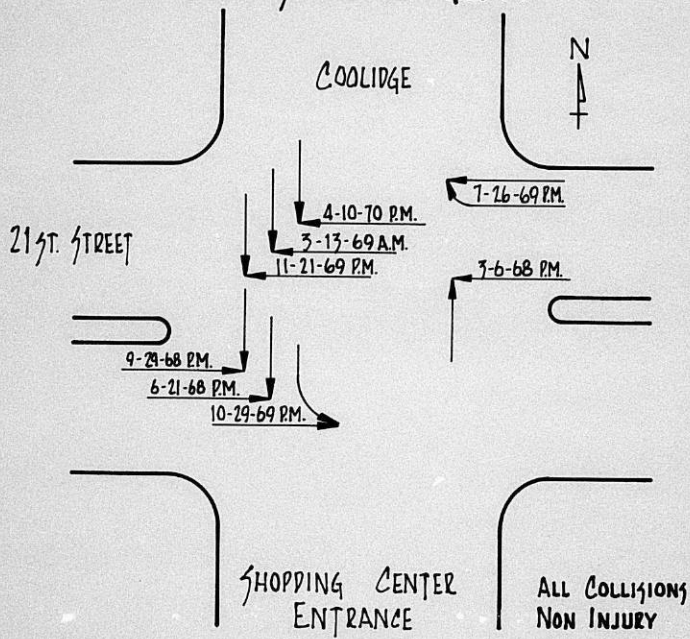
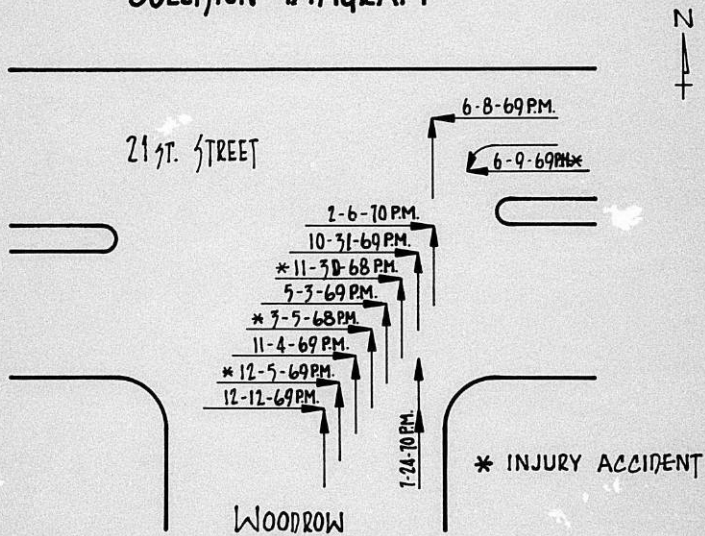


FIGURE 5

# COLLISION DIAGRAM

10



WOODROW  
FIGURE 6

\* INJURY ACCIDENT

March 30, 1971

The Files

Robert A. Lakin, Director

DP-23 - Marina Lakes CUP

The Board of City Commissioners at their regular meeting of March 30, 1971 considered and approved the above captioned case as recommended by the MAPC. There was, however, some discussion as to how the drainage was to be guaranteed; although the word guarantee will remain in Condition No. 3, at the time of platting there is to be discussion as to alternative methods of financing such as a benefit district, city at large, etc.

RAL:ls



EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 11, 1971:

- 22a. Case No. Z-1263 - The Hanson Development Company and Clear Lake, Inc. request change from "AA" to "LC" for A tract in Govt. Lot 1 in the NW 1/4 of Section 7, Township 27 South, Range 1 East of the 6th P.M., described as follows: Commencing at the NE corner of said Govt. Lot 1 in said NW 1/4; thence south 00°04'05" west along the east line of said Govt. Lot 1, 1120.32 feet; thence north 88°12'55" west, parallel with the north line of said Govt. Lot 1, a distance of 60.03 feet for a place of beginning; thence north 88°12'55" west, 69.97 feet; thence north 00°04'05" east, 15 feet; thence south 89°56'09" west, 455.06 feet; thence north 54°26'07" west, 194.04 feet; thence north 282.09 feet to the SW corner of Lot 1, Marina Lake Fourth Addition, Wichita, Kansas; thence east 674.9 feet to the SE corner of said Lot 1; thence south 390 feet to the place of beginning. Generally located on the west side of Amidon in an area south of 21st Street.
- 22b. Case No. DP-23 - The Hanson Development Company and Clear Lake, Inc. request approval of amendment to the Marina Lake Community Unit Plan for property described as: Lots 1 and 2, Marina Lake, Wichita, Sedgwick County, Kansas, Lots 1, 2, 3 and Reserve A, Marina Lake Fourth Addition, Wichita, Kansas, and part of Govt. Lot 1 in the NW 1/4 of Section 7, Township 27 South, Range 1 East, described as beginning at a point 1120.32 feet south and 50 feet west of the northeast corner of said Govt. Lot 1; thence south to the south line of said Govt. Lot 1; thence westerly along the south line of said Govt. Lot 1 to the west line of said Govt. Lot 1; thence north to a point 50 feet south of the northwest corner of said Govt. Lot 1; thence east to the northwest corner of said Lot 3, in said Marina Lake Fourth Addition; thence south 300 feet; thence east 325 feet; thence south 130 feet; thence east 460 feet; thence south 250 feet; thence east 604.9 feet; thence south 390 feet; thence east 80 feet to beginning. Generally located on the south side of 21st Street between Amidon and Meridian.

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

History:

Z-0824 and DP-23 were two zone and Community Unit Plan applications for the entire area of the former Dolese sandpit area of approximately 60 acres which the Planning Commission considered in 1967. Approximately 37 acres were requested for "LC" and "C" and 24.5 acres were requested for "B". A Community Unit Plan was submitted for both the commercial and residential parts. The Planning Commission recommended denial, without prejudice; however, after the City Commission heard the case, approximately 8 acres of "LC" and 22 acres of "B" was approved. The situation at that time hinged on the impact of traffic on the arterial system.

On December 12, 1968, the Planning Commission considered an application for an amendment to the CUP and a request for an increase of Parcel #1 from 3.57 acres to 9.13 acres of light commercial zoning (Z-1032). Action of the Planning Commission was to recommend denial of both applications. The Board of City Commissioners, however, at their meeting on January 21, 1969 approved both applications, subject to certain conditions. Again the impact of traffic on the arterial system was a prime consideration.

It is suggested that the MAPC minutes of November 14, 1968, and December 12, 1968, provide a good history of prior cases and issues discussed by all parties.

2. Requested Change

Increasing Parcel #1 at the northeast corner of the tract from 9.13 acres to 14.94 acres of light commercial zoning.

Increase the permitted gross leasable floor area on Parcel #1 from 198,837 square feet to 325,479 square feet.

3. As noted in previous case history of this area, the general question of shopping center location has been investigated in depth, including traffic analysis. Twenty-first Street which is an arterial, has been improved adjacent to subject property. The balance is scheduled for 1971, including a new bridge which is now under construction. Traffic volumes on 21st Street and through the 21st Street-Amidon intersection continue to increase. Traffic projections, by Burgwin and Martin, the applicant's previous consultant, for 1967 (ADT) are being substantially surpassed in 1968 and again in 1970.

|                       | Burgwin & Martin<br>1967 Projected<br>ADT | Actual<br>ADT<br>1968 | Actual<br>ADT<br>1970 |
|-----------------------|---|-----------------------|-----------------------|
| Amidon, North of 21st | 11,970                                    | 15,530                | 16,069                |
| Amidon, South of 21st | 11,580                                    | 14,474*               | 14,673                |
| 21st, East of Amidon  | 10,940                                    | 13,200                | 13,659                |
| 21st, West of Amidon  | 7,700                                     | 8,260                 | 8,832                 |

\*1966 only available figure

4. The critical and major problem is still the 21st Street and Amidon intersection. Because "LC" generates traffic far and above other uses, even offices and apartments, the ability to move traffic through the intersection without creating congestion and a poor level of service is, in our opinion, the key as to whether more "LC" should be approved.
- In reviewing the testimony on traffic, much dialog refers to "Level of Traffic Service." A short explanation of this phase is attached to this report (See Attachment #1) to assist in analyzing the significance of the Staff and applicant's position concerning the capacity of the Amidon-21st Street intersection.
5. After reviewing this latest amendment, the City Engineer has advised that in the event the additional "LC" zoning is granted it will be necessary to construct a storm water sewer south from the existing drainage easement from Amidon to the lake along the west side of Amidon to the River. This construction will be necessary due to the filling in of the lake area into which the drainage now flows. This may require a 10-foot easement in the building setback area and can be furnished at time of platting.
6. The files contain a complete, but quite voluminous record of the history, staff reports, testimony, etc., pertaining to this case. Minutes alone run to nearly 80 pages. The minutes of November 14, 1968 and December 12, 1968 give a fairly complete record of all the arguments pro and con. These are attached to this report (Attachments #2 and 3). Copies of all other minutes (MAPC and BCC), staff reports, engineers' reports, will be made available to the Commission on request. They have not been sent because of the bulk and somewhat repetitive material contained therein.
7. The regulations require a solid masonry wall between the "LC" and the "B" to the south. If the "LC" is approved, this should be provided for, both on the face of the CUP and in the general provision text, to be constructed at the time the apartments are constructed to the south.

### Conclusion

Inasmuch as the basic request is much the same as made in the previous two applications, there does not seem to be much which can be added at this time. Improvements are being made to 21st Street, west of the area, new construction is nearing completion in Twin Lakes and Sweetbriar (under their approved CUP limitations), new channelization and accel-decel lanes have been added on Amidon for Sweetbriar. The total amounts of "LC", however, remain the same and traffic is increasing at a rate above the 2% projections made earlier. The decision has been made twice before concerning the overall amount of "LC" to be provided in this area. There appears to be no reason to change the previous decisions of the MAPC and the City Commission when the first case was heard as modified by the 1968 proceedings.

BOB FEAGINS, architect, spoke in support of these requests on behalf of the applicants. He submitted a plan of the general area and indicated the light commercial zoning already approved on the Marina Lake site, the additional requested and the area of the lake to be filled in for development. He pointed out that light commercial in Twin Lakes on the east side of Amidon lacks only 71.61 feet of extending as far south on Amidon as that requested in subject case. FEAGINS stated that in order to have a one-level shopping center development as proposed, additional space is required in order to utilize the present access to Amidon. He offered no objection to the fencing along the south or to the drainage requirement, but suggested that drainage could take a different route other than straight south to the River.

FEAGIN submitted a letter addressed to himself from Sisson Realtors of Saint Joseph, Missouri, in which it was indicated they propose to build a shopping center of approximately 170,000 square feet, provide parking for 935 cars, estimate the material cost to be \$3,000,000 and will provide employment for in excess of 150 people.

FEAGINS also pointed out that this is an opportunity for the City to cooperate with a developer who is willing to invest in the Wichita area. FEAGINS next referred to the possibility of a traffic breakdown at the intersection, which he considered very unlikely and suggested that traffic figures discussed at past hearings of zoning in this area were irrelevant because the present plan does not involve the high square footage as previously proposed. He stated that what is proposed is an intermediate type center all on one level (no mall) and that the gross leasable square footage involved is about equal to what is already approved for Parcel No. 1. He pointed out further that 170,000 square feet represents 29% of the net "LC" site, while the Twin Lakes site is 51% of the "LC" zoning or 353,000 square feet. FEAGINS contended that they are not proposing to exceed the amount of leasable retail space that was allowed under the original request and which was approved by the City Commission on January 21, 1969.

LAKIN said the staff was not aware that actual construction proposed would be limited to basically the same amount of square feet already approved in the previous plan, and that if the applicant would be willing to amend the CUP just to cover the area desired and limit the square footage on Parcel #1 as before, there would be no objection to deepening the zoning from the staff.

FEAGINS inquired as to basic figures used in discussing the intersection previously and thought it was 450,000 square feet. LAKIN said it seemed to him it was on the basis of 30% of what would have been authorized, or around 325,000 as the total for Marina Lakes. He pointed out that the City Commission has already approved 198,000 square feet of leasable floor

space on Parcel #1 and that the plan is now for around 175,000 plus. He suggested that the existing freestanding structures on the north part should not cause any conflict, and he noted that there is a substantial difference between 200,000 and 325,000 square feet of floor area.

FEAGINS said he figured 200,000 square feet was approximately 25% of the "LC" zoning, which would be sufficient.

LAKIN stated that he felt that the intersection at some point in time, if the area continues to grow and realize the potential the owners have envisioned, will be in trouble. However, since the City Commission has already accepted the level of development being requested, and if the present plan can be carried out with 200,000 square feet of gross leasable area, he did not feel there was a significant problem. He said he was more concerned with traffic generation potential than the amount of light commercial zoning.

FEAGINS said he wanted to clarify that the area of 35% would be for only Parcel #1 as being revised and would have nothing to do with Lots 2 and 3 and the rest of the site. He asked if it would be better to plat the existing light commercial as a replat along with the present zoning application area. LAKIN said he did not consider it too important, but that the question is just how much square feet of building is built in the area which is established as Parcel #1.

FEAGINS felt there should be some variation or flexibility in case of fire or windstorm and the center is demolished and they want to rebuild. LAKIN was agreeable to some leeway. LAKIN commented that what has already been approved is 198,087 and as long as a facility is built into the new area and still stays with 200,000 square feet of gross leasable area, there should be no further argument concerning traffic potential, since the 198,000 has already been approved by the City.

FEAGINS stated again there should be some flexibility because they are planning a single level while the original plan was multiple level and they have certainly scaled down the plans.

SOULDERS asked if 200,000 square feet was satisfactory, and FEAGINS said they would rather have it set at 35% of the light commercial area.

LAKIN said that from a practical standpoint most shopping centers will not exceed 35% of their area for floor area.

CHARLES HARRIS, attorney representing the Twin Lakes Center, spoke in opposition, pointing out that zoning at this intersection has been argued a number of times in the past and that it is a simple issue of the overall traffic and not internal ground coverage. He pointed out that Twin Lakes was the first development in the area at the time when there were dirt roads, and it was this original center which resulted in further development of the area, both commercial and residential. He stated that this particular location is trapped between the Little and Big Rivers and the Interstate I-235 and is a tremendous development served only by 21st Street and Amidon. HARRIS said that commercial at this intersection is right now more than half of the retail area of downtown Wichita. He continued that his client did not appear in opposition to any of the zoning at this intersection (Atlanta Mills, Sweetbriar) until Marina Lakes, and it is not because they don't like competition or want neighboring business that they are appearing now. It is solely an overall question of traffic circulation. HARRIS pointed out that the original request on Marina Lakes was for 20 acres of light commercial, which was reduced to 8 acres, and the original request contemplated utilizing all of the lake area adjacent to Amidon.

HARRIS referred to the Twin Lakes Center, and said that while Sears is expanding their store space, zoning for such is not new; and the owners of Twin Lakes Center have built a tremend-

ous shopping center and nice apartment buildings, and that their commercial development is about 225,000 square feet of leasable area and with the expansion of Sears will be approximately 325,000 square feet. HARRIS said at an earlier hearing the Planning Staff had recommended against any more "IC" at this intersection because of the traffic problem which would be created at the intersection. He noted that the level of service at the intersection now at various times is what is called by the Traffic Engineer as "F" level, and most of the time it is "D" level, which is very bad.

HARRIS pointed out that in the original consideration of Marina Lakes zoning, the proponent engaged the services of an independent traffic engineering firm (Burgwin and Martin) in 1967, whose report was discussed at great length during the prior hearing, and as an outgrowth of that report, the City Commission asked the City's Traffic Engineering Division to conduct a study, and the two studies resulted in different conclusions. Burgwin & Martin's study indicated that if the center was built as proposed at that time, traffic would increase at a rate of 1% per year, while the City's Traffic Engineering study concluded it would increase at a rate of 2% per year and that it would be only a question of time until the level of service would be so bad that the streets and intersection would have to be completely rebuilt. HARRIS pointed out that both projections turned out to be too conservative because traffic has increased more than 2% without the development proposed by Marina Lakes developers at that time. Referring again to street construction, HARRIS pointed out that Amidon has already been rebuilt three times in the last 6 to 8 years. He recalled the fact that the City's study indicated a need for 6 lanes of traffic on Amidon in addition to the decel/accel lane and 6 lanes on 21st Street with double left turn lanes south on Amidon and possibly would include widening the bridge.

HARRIS pointed out that with the breakdown of the intersection, the only alternative is to completely rebuild which requires additional right-of-way over that which now exists.

HARRIS next referred to the cost to taxpayers involved in condemnation of necessary right-of-way for widening of the streets involved, and referred specifically to the Derby Oil Company station at the southeast corner of the intersection where any more taking of right-of-way would destroy the site for a station. He said the City had recently condemned a station not as good as the one in this case, at a cost of \$200,000.

The attorney pointed out the hardship to the Twin Lakes Center if additional right-of-way is required in that they have guaranteed a given amount of parking in leases with their tenants. He said his clients have dedicated considerable right-of-way in the past in this area and to take any more along their west boundary (east side of Amidon) would interfere with their service road on their property. He stated he represents an investment of more than \$7 million and to rebuild the street and intersection would destroy much of its economic value.

HARRIS said that the Traffic Engineer's staff has made a study of traffic associated with Coolidge, Woodrow and 21st Street, basically because of the expansion of the Sears Store.

HARRIS pointed out that to approve this request would result in over 20 acres of light commercial for the Marina Lakes area, and if the figure of 35% is applied, would result in about 325,000 square feet (gross leasable area) which is the same as building another Twin Lakes. He maintained that if another 325,000 or even 200,000 square feet is allowed in addition to what is already at this intersection, there is no physical way that the intersection could successfully operate.

HARRIS said that in discussing this matter with Paul Graves, the Traffic Engineer, Graves had indicated he would not be adverse to making another study related directly to the subject

intersection and development, if he was requested to do so. HARRIS stated that because of the magnitude of the development and problems in this area, he would ask that the Planning Commission make such a request to the Traffic Engineer. He felt that unless traffic can effectively flow through the area, it would result in damages to his client as well as other development in the area.

HARRIS pointed out that the zoning on Marina Lakes has been established 6 years and yet very little development has occurred. He referred again to the expense to the taxpayers to rebuild streets and the intersection in this area and did not consider it fair to the people of the City of Wichita.

MRS. A. F. SIMON, 2628 Bob White, spoke in opposition on behalf of herself and others in the residential area to the north and west. She pointed out that many protest petitions had been filed previously on the original hearing, but that it appeared the proponents would continue to ask for a little bit more each time.

MRS. MICHAEL BELLUOMO, 2245 Bullinger, spoke in opposition as at previous hearings. She referred to the present traffic in the area and the difficulty of entering either 21st or Amidon from Bullinger. She also referred to the environmental pollution and asked what happened to the original artist's rendering of the development originally proposed, and continued to point out that development which has occurred up to this time on the Marina Lakes area has not benefited the area, but rather, has served to detract.

HARRIS spoke again, pointing out that in the Marina Lakes area in addition to the light commercial, there is considerable area zoned for "B" Multiple Family which has not been developed.

JACKSON commented that it appeared to be a question of whether everyone has equal rights with respect to the possible breakdown of the intersection. He stated that there have been concessions from one side of the street to the other and while the developers of Twin Lakes are concerned, the first one in a new area is always at a disadvantage when adjacent areas also want to develop.

**MOTION:** JACKSON moved, KAMEN seconded and it carried by a vote of 5 in favor (Jackson, Kamen, Souders, Taylor and Burnett) and 1 opposed (Blakey) that the Planning Commission recommend to the City Commission that Case Z-1263 be approved, subject to the approval of the amended development plan (DP-23), and subject to platting within one year; and that the amended development plan be approved in accordance with Section 28.04.190 of the zoning ordinance to promote well planned commercial developments, subject to the following conditions:

1. Decrease the maximum gross leasable area on Parcel #1 from 50% to 35%.
2. Indicate on the plan the required 5'-8' wall at the south of Parcel #1, and expand the general provisions on screening by adding the following: A 5'-8' high solid or semi-solid wall constructed of brick, stone, masonry, architectural tile, or other similar material shall be constructed where shown on the plan and at such time as the property to the south develops residentially.
3. Guarantee, at the time of platting, or prior to the filling in of the lake in the area of the drainage pipe, the construction of a storm water sewer, from the existing drain age easement from Amidon to the lake south to the Arkansas

River. This construction will be necessary due to the filling in of the lake area into which the drainage now flows. This may require a 10-foot easement in the building setback area and can be furnished at time of platting.

4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owner or owners, their successors and assigns unless amended.
  5. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and City 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.
  6. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
-

3/4/71

AA+B to LC

Z-0824 MAPC 1-12-67 Defer 2 weeks

DP-23 " 1-26-67 Defer 2 weeks

" 2-9-67 Deny

BCC 2-28-67 Return to MAPC

MAPC 3-23-67 approve as amended

BCC 3-28-67 approved LC" for an

~~Z-0824~~

area not extending west of  
Sweetbriar St. or south of the  
south line of Parcel #4 (DP23) and  
approved "B" for remainder of the area

BCC 4-4-67 Approved on 2<sup>nd</sup> reading  
as amended to provide lake area to  
remain AA" zoning and remainder  
as B" and LC"

AA to LC

Z-1037 MAPC 11-14-68 defer

DP23 amendment " 12-12-68 denied

BCC 12-31-68 Return to MAPC

MAPC 1-9-69 Denied

BCC 1-21-69 approve

### Marina Lake Fourth Addition

Petitions for cul-de-sac lane on west side of Amidon and sidewalk on east side of Amidon.  
Commissary Note for \$19,243.75 also submitted to be paid in ~~annual~~ ten annual installments for access to Amidon from Reserve A.

MAPC 5-8-69 approve  
BCC 6-10-69 approve  
Recorded 9-16-69

### Marina Lake Addition

MAPC 7-13-67 approve  
BCC 8-29-67 approve  
Recorded 9-22-67

Petition submitted for cul-de-sac lane on 21<sup>st</sup> and Amidon, petitions also submitted for sidewalks on 21<sup>st</sup> and Amidon

### Marina Lake Second Addition

MAPC 12-28-67 approve  
BCC 1-23-68 approve  
Recorded 3-26-68

Petition submitted for paving of 21<sup>st</sup> St. from west line of Meridian to west line of Lot 2 Marina Lake addition, petitions also submitted for sidewalks on 21<sup>st</sup> and Amidon

March 12, 1971

Mr. Robert T. Feagins  
6572 East Central  
Wichita, Kansas 67206

Re: Case Z-1263 - "AA" to "IC",  
and Case DP-23 (amendment)  
West side of Amidon between  
21st Street and the Arkansas  
River

Dear Mr. Feagins:

At the regular meeting of the Metropolitan Area Planning Commission on March 11, 1971, the above-captioned cases were considered. It was the action of the Planning Commission to recommend that the request for the additional "LC" be approved, subject to the approval of the amended development plan (DP-23) and subject to platting within one year; and that the amended development plan be approved in accordance with Section 28.04.190 of the zoning ordinance to promote well planned commercial developments, subject to the following conditions, the last three of which are standard conditions:

1. Decrease the maximum gross leasable area on Parcel #1 from 50% to 35%.
2. Indicate on the plan the required 5'-8' wall at the south of Parcel #1, and expand the general provisions on screening by adding the following: A 5'-8' high solid or semi-solid wall constructed of brick, stone, masonry, architectural tile, or other similar material shall be constructed where shown on the plan and at such time as the property to the south develops residentially.
3. Guarantee, at the time of platting, or prior to the filling in of the lake in the area of the drainage pipe, the construction of a storm water sewer, from the existing drainage easement from Amidon to the lake south to the Arkansas River. This construction will be necessary due to the filling in of the lake area into which the drainage now flows. This may require a 10-foot easement in the building setback area and can be furnished at time of platting.

Page 2 - Mr. Robert T. Feagins  
March 12, 1971

4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owner or owners, their successors and assigns unless amended.
5. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and City 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.
6. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

It is necessary for you to revise the CUP and make the corrections as required by the Planning Commission. Please furnish us 10 corrected copies by 5:00 p.m. on March 24, 1971, so that these requests can be forwarded to the City Commission for consideration at their regular meeting of March 30, 1971. Attached for your and Mr. Korber's use are marked copies which will assist you in correcting the CUP.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Clear Lake, Inc., c/o Don Satterthwaite, 6572 E. Central 67206  
H. D. Bledsoe, 11800 West Highway 54 67209  
Bill Korber, Baughman Company, 2522 East Kellogg 67211  
Mrs. Michael A. Belluomo, 2245 Bullinger 67204  
Mrs. A. F. Simon, 2628 Benjamin 67204

3/11/71

## Marina Falls

Application 1966

|          | Area in Acres | Proposed Gross F.A. |
|----------|---------------|---------------------|
| Parcel 1 | 22.17         | 434,520             |
| " 2      | .43           | 8,438               |
| " 3      | .64           | 12,488              |
| " 4      | 3.34          | 65,475              |
| " 5      | 2.06          | 40,500              |
|          | <u>28.64</u>  | <u>556,142</u>      |
| Parcel 6 | 8.2           | 161,100             |
|          | <u>36.84</u>  | <u>722,521</u>      |

Approved 1967

|          |             |                |
|----------|-------------|----------------|
| Parcel 1 | 3.57        | 70,009         |
| " 2      | .50         | 6,750          |
| " 3      | .55         | 7,200          |
| " 4      | 3.17        | 62,100         |
|          | <u>7.79</u> | <u>146,059</u> |

Approved 1969

|          |              |                |
|----------|--------------|----------------|
| Parcel 1 | 9.13         | 198,837        |
| " 2      | .50          | 6,750          |
| " 3      | .55          | 7,200          |
| " 4      | 4.54         | 98,800         |
|          | <u>14.72</u> | <u>311,587</u> |

Application 1971

|          |              |                |
|----------|--------------|----------------|
| Parcel 1 | 14.94        | 325,479        |
| " 2      | .50          | 6,750          |
| " 3      | .55          | 7,200          |
| " 4      | 4.54         | 98,800         |
|          | <u>20.53</u> | <u>438,229</u> |

Parcel 1 } @ 35% 5.23 x 43,500 = 227,818.81¢  
 @ 30% 448 = 195,148¢

3-11-71

TWIN LAKES C.U.P.

|          | ACRES | LEASE AREA |
|----------|-------|------------|
| PARCEL 1 | 15.8  | 330,000 #  |
| PARCEL 2 | 1.1   | -          |
| PARCEL 3 | 2.4   | -          |
| TOTAL    | 19.3  |            |

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: March 11, 1971

Case No. Z-1263  
Case No. DP-23

Request: "AA" to "LC"  
Amendment to CUP

Location: West side of Amidon between 21st Street and  
the Arkansas River

1. History

Z-0824 and DP-23 were two zone and Community Unit Plan applications for the entire area of the former Dolese sandpit area of approximately 60 acres which the Planning Commission considered in 1967. Approximately 37 acres were requested for "LC" and "C" and 24.5 acres were requested for "B". A Community Unit Plan was submitted for both the commercial and residential parts. The Planning Commission recommended denial, without prejudice; however, after the City Commission heard the case, approximately 8 acres of "LC" and 22 acres of "B" was approved. The situation at that time hinged on the impact of traffic on the arterial system.

On December 12, 1968, the Planning Commission considered an application for an amendment to the CUP and a request for an increase of Parcel #1 from 3.57 acres to 9.13 acres of light commercial zoning (Z-1032). Action of the Planning Commission was to recommend denial of both applications. The Board of City Commissioners, however, at their meeting on January 21, 1969 approved both applications, subject to certain conditions. Again the impact of traffic on the arterial system was a prime consideration.

It is suggested that the MAPC minutes of November 14, 1968, and December 12, 1968, provide a good history of prior cases and issues discussed by all parties.

2. Requested Change

Increasing Parcel #1 at the northeast corner of the tract from 9.13 acres to 14.94 acres of light commercial zoning.

Increase the permitted gross leasable floor area on Parcel #1 from 198,837 square feet to 325,479 square feet.

3. As noted in previous case history of this area, the general question of shopping center location has been investigated in depth, including traffic analysis. Twenty-first Street which is an arterial, has been improved adjacent to subject property. The balance is scheduled for 1971, including a new bridge which is now under construction. Traffic volumes on 21st Street and through the 21st Street-Amidon intersection

continue to increase. Traffic projections, by Burgwin and Martin, the applicant's previous consultant, for 1967 (ADT) are being substantially surpassed in 1968 and again in 1970.

|                       | Burgwin & Martin<br>1967 Projected<br>ADT | Actual<br>ADT<br>1968 | Actual<br>ADT<br>1970 |
|-----------------------|---|-----------------------|-----------------------|
| Amidon, North of 21st | 11,970                                    | 15,530                | 16,069                |
| Amidon, South of 21st | 11,580                                    | 14,474*               | 14,673                |
| 21st, East of Amidon  | 10,940                                    | 13,200                | 13,659                |
| 21st, West of Amidon  | 7,700                                     | 8,260                 | 8,832                 |

\*1966 only available figure

4. The critical and major problem is still the 21st Street and Amidon intersection. Because "LC" generates traffic far and above other uses, even offices and apartments, the ability to move traffic through the intersection without creating congestion and a poor level of service is, in our opinion, the key as to whether more "LC" should be approved.

In reviewing the testimony on traffic, much dialog refers to "Level of Traffic Service." A short explanation of this phase is attached to this report (See Attachment #1) to assist in analyzing the significance of the Staff and applicant's position concerning the capacity of the Staff and 21st Street intersection.

5. After reviewing this latest amendment, the City Engineer has advised that in the event the additional "LC" zoning is granted it will be necessary to construct a storm water sewer south from the existing drainage easement from Amidon to the lake along the west side of Amidon to the River. This construction will be necessary due to the filling in of the lake area into which the drainage now flows. This may require a 10-foot easement in the building setback area and can be furnished at time of platting.
6. The files contain a complete, but quite voluminous record of the history, staff reports, testimony, etc., pertaining to this case. Minutes alone run to nearly 80 pages. The minutes of November 14, 1968 and December 12, 1968 give a fairly complete record of all the arguments pro and con. These are attached to this report (Attachments #2 and 3). Copies of all other minutes (IAPC and BCC), staff reports, engineers' reports, will be made available to the Commission on request. They have not been sent because of the bulk and somewhat repetitive material contained therein.
7. The regulations require a solid masonry wall between the "IC" and the "B" to the south. If the "IC" is approved, this should be provided for, both on the face of the CUP and in the general provision text, to be constructed at the time the apartments are constructed to the south.

Conclusion

Inasmuch as the basic request is much the same as made in the previous two applications, there does not seem to be much which can be added at this time. Improvements are being made to 21st Street, west of the area, new construction is nearing completion in Twin Lakes and Sweetbriar (under their approved CUP limitations), new channelization and accel-decel lanes have been added on Amidon for Sweetbriar. The total amounts of "LC", however, remain the same and traffic is increasing at a rate above the 2% projections made earlier. The decision has been made twice before concerning the overall amount of "LC" to be provided in this area. There appears to be no reason to change the previous decisions of the MAPC and the City Commission when the first case was heard as modified by the 1968 proceedings.

*Attachment #1*

APPENDIX "B"

Explanation of Level of Traffic Service

To understand level of service when speaking of at-grade intersections, the following terminology must be comprehended. The term "load factor" is defined as follows:

A green phase on an approach may be considered to be "loaded" when the following conditions apply:

1. There are vehicles ready to enter the intersection in all lanes when the signal turns green, and,
2. They continue to be available to enter in all lanes during the entire phase with no unused time for long spacings between vehicles.

The "load factor" serves as a measure of the level of service on the approach.

The "load factor" for a normal intersection may range from a value of 0.0 to a value of 1.0. A "load factor" of 0.0 represents any situation in which no cycle during the hour is loaded, and, hence, very good to excellent operating conditions exist. The load factor of 0.2 (20 per cent of the cycle is loaded) indicates a good operating condition for most cases.

The following is a brief description of the different levels of service. The explanation is better understood by referring to the attached graph showing the general concepts of relationship of Level of Service to operating speed and volume to capacity ratio.

At Level of Service "A" there are no loaded cycles (i.e., the load factor is 0.0) and few are even close to loaded. No approach phase is fully utilized by traffic and no vehicle waits longer than one red indication. Typically the approach appears quite open. Turning movements are easily made and nearly all drivers find freedom of operation, their only concern being the chance that the

light will be red or turn red when they approach.

Level of Service "B" represents stable operation with a load factor of not over 0.1: An occasional approach phase is fully utilized and a substantial number are approaching full use.

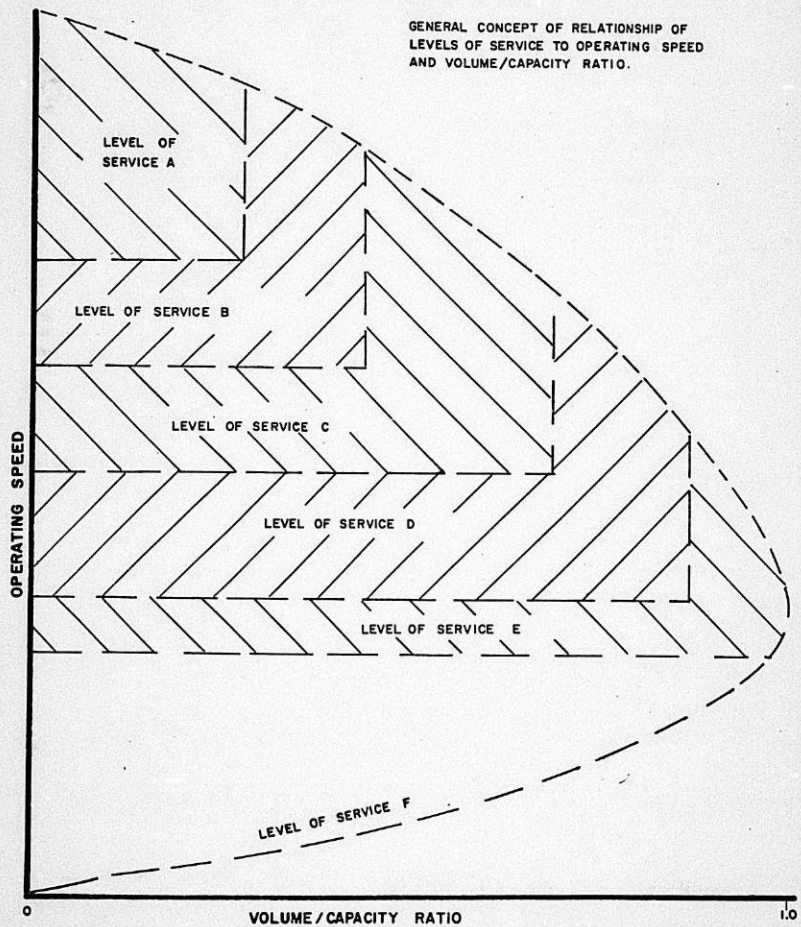
In Level of Service "C" stable operation continues. Loading is still intermittent but more frequent with the load factor ranging from 0.1 to 0.3. Occasionally drivers may have to wait through more than one red signal indication and backups may develop behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so. In the absence of local conditions dictating otherwise, this is the level typically associated with urban design practice.

Level of Service "D" encompasses a zone of increasing restriction approaching instability in the limit when the load factor reaches 0.70. Delays to approaching vehicles may be substantial during short peaks within the peak period, but enough cycles with low demand occur to permit periodic clearance of developing queues, thus preventing excessive backups.

Capacity occurs at Level of Service "E". It represents the most vehicles that any particular intersection approach can accommodate. Although theoretically a load factor of 1 would represent capacity, in practice full utilization of every cycle is seldom attained no matter how great the demand unless the street is highly friction free. A load factor range of 0.85 is more realistic.

Level of Service "F" represents jammed conditions. Backups from locations downstream or on the cross street may restrict or prevent movement of vehicles out of the approach under consideration; hence, volumes carried are not predictable. No load factor can be established because full utilization of the approach is prevented by outside conditions.

GENERAL CONCEPT OF RELATIONSHIP OF LEVELS OF SERVICE TO OPERATING SPEED AND VOLUME/CAPACITY RATIO.



(NOT TO SCALE.)

ZONING

New Cases

- 17a. Case No. Z-1037 - Clear Lakes, Inc., et al. request change from "AA" to "LC" and:
- 17b. Case No. DP-23 - for a tract beginning at a point 50 feet south of the northeast corner of Government Lot one in the Northwest Quarter of Section 7, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence south parallel to the West easement line of Amidon Avenue 330 feet; thence west 675 feet to a point 730 feet south of the center line of 21st Street; thence north at right angles, 250 feet; thence west at right angles, 460 feet to a point 480 feet south of the center line of 21st Street; thence north at right angles 130 feet; thence east at right angles 460 feet; thence south at right angles 50 feet; thence east 675 feet at right angles to the point of beginning. Generally located on the south side of 21st Street between Amidon and Meridian.

BLEDSON said he would abstain from voting and excused himself from the Commission table.

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

History

DP-23 and Z-0824 were two zone and Community Unit Plan applications for the entire area of the former Dolese sandpit area of approximately 60 acres. Approximately 37 acres were requested for "LC" and "C" and 24.5 acres were requested for "B". A Community unit plan was submitted for both the commercial and residential parts. The Planning Commission recommended denial, without prejudice; however, after the City Commission heard the case, nearly 8 acres of "LC" and 22 acres of "B" was approved. The situation at that time hinged on the impact of traffic on the arterial system.

1. Existing land use

Application area and adjoining Marina Lake CUP - vacant, restaurants, service station and ATB (auto supply, tire and battery) store. Adjacent: North - Sweetbriar CUP, service station, medical offices; West - vacant, lake and

proposed apartments; South - vacant, rural, single-family dwellings; East - Twin Lakes shopping Center and Atlantic Mills.

2. Requested Changes - Basic issues involved are:

1. Increasing Parcel #1 (at the northeast corner of the tract, from 3.57 acres to 9.13 acres of light commercial zoning.
2. Eliminating basic controls (maximum gross leasable area and maximum building height) on Parcels 1 and 4.
3. Increasing allowable sign heights from 30 feet to 45 feet.
4. Increasing the number of access points to the development from both 21st Street and Amidon.

As noted in the history above, the general question of shopping center location has been investigated in depth, including traffic analysis. The following has occurred in the area:

1. Twenty-fifth Street bridge over the Little Arkansas River now open - no perceptible difference in 21st Street or Amidon traffic volumes noted or expected.
2. Twenty-first Street west of Amidon now is designated as an arterial in the Transportation Plan. Part is now being constructed. The balance, including a new bridge over the Big Arkansas River scheduled for 1970. Full effect is unknown but increased traffic volumes on 21st Street and through the 21st Street-Amidon intersection are anticipated.
3. Amidon being reconstructed with additional channelization both north (not started) and south of 21st Street (almost complete).
4. Traffic projections by Burgwin and Martin, the applicant's previous consultant for 1967 (ADT) being substantially surpassed in 1968.

|                       | Burgwin & Martin<br>1967 Projected<br>ADT | Actual<br>ADT<br>1968 |
|-----------------------|---|-----------------------|
| Amidon, north of 21st | 11,970                                    | 15,530                |
| Amidon, south of 21st | 11,580                                    | 11,474* (1966)        |
| 21st, east of Amidon  | 10,940                                    | 13,200                |
| 21st, west of Amidon  | 7,700                                     | 8,260                 |

\*1966 - Only available figure

5. Partial strip type development has occurred on 21st (Parcel 4), additional facilities in Sweetbriar, Twin Lakes and River Bend, in accordance with CUP's approved prior to original consideration of Marina Lakes.
  6. Granting of "BB" Office zoning on south of Twin Lakes complex. Note: This replaces "B" Multiple-family which also allows offices (medical and dental).
3. General Statement on Zoning and Shopping Centers
1. Similar tracts of land should be treated similarly. However, this does not necessarily mean equal amounts. All authorities, including the Urban Land Institute, will state that shopping centers and zoning therefor is different and unique from other zoning districts and uses. A regional center on one corner does not per se create a demand for three additional regional centers. Shopping centers are located on the basis of markets. We cannot, and will not, say the center proposed is or is not economically feasible. However, the former policy (now abandoned) of the Planning Commission that market studies be made as the basis for requesting shopping center approval was, and still appears to be valid. The Urban Land Institute, whose membership is business men in the shopping center and development business, has this to say:

"A shopping center does not in itself generate new business; it distributes existing business and provides for growth. As each new center opens, its business volume comes in part from the central business district and in part from other suburban shopping areas. Until the increases in population and the readjustments in shopping habits catch up, additional

retail facilities are justified only by actual increments in population and purchasing power.

"Each new center should be justified on the basis of purchasing power available to it and by gauging the nature of its competition. Without fully taking into consideration the competition both existing and potential, a new center may find itself in competition with all existing retail facilities now serving the population, as well as with any new shopping center that might be built later to serve the same trade area. As Roy Drachman says, "Make a market study before talking seriously about building a shopping center."

"This last observation raises the issue of competition between shopping centers. It also raises a danger signal for competing centers which seemingly are justified, but are basing their supporting purchasing power on duplicate statistics.

"The fact remains that there is just so much spendable income in any municipality or locality. Whether there are too many shopping centers or whether over-development of retail facilities is taking place depends on how thinly the total available spendable income of the community may be divided. Conditions and circumstances indicate that no arbitrary answer can be offered for the arithmetic number of shopping centers that are justified. This conclusion is reached because commercial development follows purchasing power. The growth of the suburbs and the redistribution of commercial areas in urban renewal, plus the changing methods of merchandising and the great convenience of shopping by car, lie behind the phenomenon of the planned shopping center.

"Yet shopping centers can be overdone. The concept has caught on to the extent that nearly every entrepreneur wants to develop a shopping center. In some cities of the country, construction has gone ahead so fast that shopping centers represent a highly competitive business. In such places, the competition is between centers themselves, not between the centers and the established neighborhood or downtown retailers. This competition, combined with high capital costs, means that the developer is allowed to make few mistakes if he

hopes to survive. The philosophy that "if a little is good then a lot is better" does not apply when it comes to putting too many stores or shopping centers too close to each other in one area.

"In the rulebook of the Community Builders Council, caution is the first principle of procedure.

"As Paul Ambrose, Council member from Denver, observes: The economic justification for a shopping center whether it be large or small can only be reached by market analysis. This is a process of expert evaluation of the market to be served, taking into consideration existing retail facilities, future competition and the proposed center, all as related to the purchasing power of the community. It should include detailed knowledge of existing retail businesses and their volumes, estimates of the impact of future competition, the impact of the proposed center and whether or not the community can support all these facilities. It should not contemplate running the other fellow out of business. Overdevelopment of retail facilities often leads to very marginal operations for all. The new center is only justified when existing retail facilities are not adequately serving the market."

2. Compatibility and effect on adjacent uses of land. The proposed changes do not significantly affect any adjacent land uses. Commercial exists north and east. South and southwest is residential (proposed) separated by a lake. Such a buffer would appear satisfactory.
3. Zoning once established needs some overriding reason to justify a change once the governing body makes its legislative determination. In other words, are there sufficient changes in fact or conditions to consider a change. If not, the previous decision should stand.
4. Maximum gross floor areas (GFA) and a maximum height are valid controls and should be retained. All recent CUP's have had such controls. GFA has ranged, however, from .30 to .50 of parcel area. Height should be retained to control shopping centers and their appearance when located near or in residential areas. The GFA is a control on maximum development which can be accommodated (e.g., sewer, water, streets) in a given area.

If no control is to be used, then the market is the only control (cost of parking structure and business vs. returns), irrespective of effect on the community. These controls at least for planning purposes are absolutely necessary.

5. Sign control based on actions of the City Commission upon recommendation of Public Works, is not too critical. Nearly all controls established on East Kellogg to date have been waived or modified. This gives rise to an exercise of whose sign is higher than the next sign. The Planning Department believes that discretion should be used and that sign control is basic to the appearance of the community. It should be noted that all signs in this area have been able to comply with current regulations and CUP's and are 30 feet or less.

#### Traffic

Comments from both the City Engineer and Traffic Engineer have been received. Other than relatively minor adjustments and guarantees on drives and fencing, the following appear significant:

1. The access on Amidon was acquired from the original owners, the Dolese Co., by the City for the price of paying the cost of paving which would normally be assessed to the west, plus installing fencing. The release of access and provision of additional medial breaks should be on the basis of compensating the City for the cost of paving and interest on the bonds and the cost of any additional reconstruction necessitated thereby. This is in line with action taken by the Planning Commission on Sweetbriar and Twin Lakes (reconstruction costs).
2. The critical and major problem is the 21st Street and Amidon intersection. Because "LC" generates traffic far and above other uses, even offices and apartments, the ability to move traffic through the intersection without creating congestion and a poor level of service is the key as to whether more "LC" should be approved.

The Traffic Engineer advises that although not desirable, the intersection can be made to work - but at a price. For additional "LC", Amidon will have to be widened from 4 to 6 moving lanes, plus channelization at the intersection and all entrances. Double left turn lanes will

be needed on 21st east of Amidon. The extent of the Amidon treatment would need to extend from north of Sweetbriar (between there and 25th Street North) to the bridge across the Big Arkansas River. This will necessitate right-of-way of 120 feet to 132 feet, depending on location of entrances and turning lanes. Existing right-of-way is 80 feet and 125 feet.

If the zoning is approved and satisfactory arrangements or compensation for existing rights and for reconstruction, the main entrance off of Amidon to Marina Lakes should be designed around the suggestions made for Case II Treatment in the Burgwin & Martin Report, e.g., off setting (not opposite) main entrances to Twin Lakes and Marina Lakes without signalization. The proposal for direct opposite entrances to both Marina Lakes and Twin Lakes even with signalization is unsatisfactory due to the proximity to 21st and the heavy demand of south bound traffic from the east.

In discussions with City staff, funds to accomplish such an improvement (no estimate of costs have been made) are not available unless other CIP projects are set aside.

The City cannot afford to make an error with this intersection. Amidon, due to the two rivers and flood control, is the only north-south street available. It is like no other area in town. No alternates are available. The downtown has many more streets, hence more capacity with twice as much retail space where this area with half the downtown retail area must rely on only two streets. The margin for error is getting thin and if it is misjudged then not only does the City lose, but so will all the commercial ventures in the area when the street system breaks down.

#### Conclusion

Conditions have not changed significantly from known previous proposals. Those that have changed will tend to further load the intersection of 21st and Amidon. The governing body has already made the decision on the issue of additional light commercial vs. increased cost to the public for reconstruction of the 21st Street and Amidon intersection. It is recognized that the City has an obligation to provide basic arterial construction as a function of implementing the Comprehensive Plan. However, unless the applicant, as others in this area have done and have been required to do, underwrites the basic costs (land and reconstruction) of

those facilities above and beyond the normal arterial construction standards required to service additional development, it is recommended that the application not be approved.

However, in the event the Planning Commission and the governing body have in the last two years, changed their position on the public policy; and thus wish to approve the application or part thereof, then it is requested that action on the CUP be deferred two weeks and the applicant, his architect or attorney, resubmit the CUP drawings with the following adjustments:

1. Provide a maximum gross floor area figure for Parcels 1 and 4 not to exceed 40% (parking deck may be excluded).
2. Provide a maximum building height for Parcels 1 and 4.
3. For Parcel 1:
  - a. Adjust setback line between Parcels 1 and 3 on the 21st Street side. Additional stripping of 21st Street is now irrelevant due to the form development is now taking.
  - b. Extend the Amidon setback across the face of Parcel 1.
  - c. Resolve whether the maximum fill line is to remain or move to the parcel line.
  - d. Provide a service road connection from the offset entrance (which would be south of the Twin Lake entrance) to the south portion of Parcel 1.
  - e. Provide additional right-of-way and guarantee for construction of roadways and relocated drainage facilities. Grant a storm sewer easement as needed.
  - f. Move the fencing on Amidon as indicated by the City Engineer.
  - g. Add the following language to provide for a parking structure on Parcel 1:

Setbacks shall be as indicated on the Plan, but shall not refer to any floor of the parking structure. In no event shall any floor of the parking structure exceed a maximum of 8 feet above the grade of Amidon and any such

floor of the parking structure above the grade of Amidon shall maintain a minimum 100-foot setback.

4. For Parcel 4:
  - a. Adjust fill line to coincide with action taken in Parcel 1.
5. Delete medial drawings from CUP and delete detail of access opening construction. Locate by distance.
6. Add to general provisions:

The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the Plan or any portion thereof, but said Plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.
7. Add to Parcel 2:

Canopies may extend into, and gasoline pumps may be placed in the 35-foot building setback a distance not to exceed twenty (20) feet.
8. If heights are to be raised for signs, add a provision that all signs above 30 feet are to be approved by the Board of City Commissioners after recommendation by the Director of Public Works has been submitted.

VINCENT BOGART, attorney for the applicants, pointed out principally for those to whom notices were sent within 1000 feet of the original CUP, that the requested zoning and amendment to the original CUP, affects only a portion of the entire CUP area, but that under the regulations, all of those within 1000 feet of the original CUP were notified by mail current applications. He pointed out that at the intersection of 21st Street and Amidon, Sweetbriar was the first CUP, Twin Lakes (1964) and Marina Lakes (subject property) in 1967, and that all have requested several amendments to their originally approved CUP. One change on the Twin Lakes CUP represented an increase of "LC" zoning of about the same area as now being requested in Z-1037. He commented that in the original Marina Lakes CUP more "LC" was requested than was subsequently granted. His client now has the financing as well as prosed uses for development of subject area

including the amendment being proposed.

BOGART referred to the staff suggestion that a market analysis was desirable and reminded the Commission that any such requirement was determined to be unnecessary and of no value so far as whether additional "LC" was logical in an area; this policy being determined several years ago when a CUP for Rock Road Improvement Company was considered. Reference was made by BOGART to the fact that development at subject intersection has developed about as indicated in a private market analysis made in 1964. BOGART continued that the City has gone to great length to encourage new industrial development by granting industrial revenue bonds, but that his clients are prepared to develop subject property and have such construction go on the tax rolls immediately. He noted that it has been estimated that 20% of Boeing's payroll is to out-of-County employees and that one out of every 6 cars at Twin Lakes is out-of County. He considered the development as proposed would add to the non-residents shopping at the subject area in general. BOGART referred to the talk about a City sales tax and the fact that if such is passed a center such as proposed would increase the amount of revenue to be derived from such a source.

BOGART noted that if "LC" is to be granted anywhere, what better place is there than where streets are constructed with such in mind, where the demand has already been established, where financing is available, and where the developer desires to build one of the finest centers in the State. In respect to the staff's comment that there must be some overriding reason to justify a change once zoning takes place, BOGART felt that such might be true in the initial establishment of zoning but is not applicable in this case where light commercial development has already occurred. BOGART felt that shopping centers should receive equal treatment, and in this area the original Twin Lakes CUP has been amended to allow 6 acres more of light commercial zoning.

BOGART referred to the maximum gross leasable area involved, and said that this is 30% regardless of the net area, e.g., that is the most that can be used for building; then another figure represents the maximum amount of floor area that may be utilized in such a building. He said that he had examined most of the CUP's and they contain various wording in this respect -- some say maximum gross area, and Twin Lakes CUP indicates approximate gross floor area, but the figure of 45% has not been utilized until this application was made -- it has always been in square

feet. BOGART continued that the first plan of Twin Lakes called for 438,467 square feet and their actual gross floor area was 300,000 or approximately 70% could be utilized in floor area. He stated that he understands from the Planning Department that this is a figure submitted by the developer and it is a matter of judgment as to whether that figure should be approved. He pointed out that the floor area is going to already be limited because only 30% of the area can be covered by buildings and the limitation as to height of a structure. He felt that there should not be further limitation as to useable floor area, and he recommended that it be 50% in this case of the gross leasable area.

In regard to height construction, the CUP plan limits it to 65 feet in the Ordinance and has been submitted; however the ordinance limits the height to something over 80 feet in Light Commercial and they have asked for an increase of 15% in height from the original CUP. It was his feeling that this would permit better utilization of the open space and recreational area.

BOGART pointed out that they have asked approval of a sign 45 feet in height and while the staff has not necessarily accepted such a height, it has indicated that if anything above 30 feet should be approved by the City Commission upon such recommendation from the Public Works Department.

BOGART next referred to the matter of curb cuts, and pointed out that the one suggested by the staff at the southern portion of the Clear Lakes CUP area, would not be located on his client's property. It is their request that the curb cut be allowed directly across from the one into Twin Lakes since there is a break in the medial there. He referred to the fact that access was condemned at one time along the west side of Amidon and it was his opinion that the cost of condemning was a great deal less than it would be today with the present type of uses in the area, and that the development presently on the west side of Amidon and that proposed by this application would more than reimburse the City through taxes for the cost of condemnation of access and right-of-way. BOGART considered this transaction between the then owner of the property and the City a mistake on the part of the past owner who did not realize the potential for development at this location. He did consider the curb cut requested on Amidon as absolutely necessary for the full utilization of the proposed extension of Light Commercial and he considered it a logical place for such a break to occur.

BOGART pointed out that since the original curb cuts were installed and right-of-way and access was condemned that the Derby service station on the SE corner of the intersection has been given an access to Amidon and the barrier between the Twin Lakes parking lot and the Derby station has been removed so that, in affect, Twin Lakes now has another access to Amidon which is much closer to the intersection of 21st and Amidon than the one his client is requesting.

BOGART continued that if access is given on Amidon as they have requested they prefer it be 550 feet south of 21st Street and that if traffic movement at this point required a signalized intersection, then such could be installed. He pointed out that the City did establish two access points across from one another farther to the south in this area and he reasoned that if such was consistent then the same treatment would be consistent at the curb cut they are requesting. He repeated the fact that the curb cut recommended would not relate to property owned by his client and thus, would be of no value to him.

BOGART referred to the traffic factor, nothing that traffic si created by people and development in this area is drawing people to it, and the City, by reason of promoting the Civic Center and cultural facilities of the City, has attempted to bring people into the city, and if traffic did not increase then the City will not have succeeded in its venture. He pointed out that surely if Boeing increased its facilities and as a result generated additional traffic, surely the Commission would not recommend against expansion of Boeing facilities. He commented that he has heard that this is the finest planned intersection in the City and if that is true then what better place is there to put a development such as proposed. In discussing the traffic problem, BOGART asked the Commissioners to remember that despite that problem, Twin Lakes was allowed additional light commercial zoning, and that Sears Roebuck is expected to expand its facility in Twin Lakes by 70,000 square feet.

BOGART maintained that it is not merely the amount of traffic, be it 12,000 or 15,000, that determines whether or not a commercial area should be established; but it is the market area and to some degree where people want to live. He noted that the 25th Street bridge will tend to increase traffic. He pointed out that this intersection was planned based on the traffic study of 1964, which indicated that traffic would increase as it has. He suggested that what is proposed would be something the northwest area and the entire City would be proud of and would attract people from 75 to 100 miles away. He noted also that it would provide

increased revenue for the City. He admitted that there are traffic problems but considered such is caused by increased growth. He said that no one is more interested in good traffic movement than businessmen in the area and compared the present condition of this area with it 15 years ago when there was no development.

The meeting was recessed for 5 minutes, after which it reconvened in the same Room with the same Planning Commission members present.

HOWARD SCOTT, Consolidated Realty, Inc., agreed that there are traffic problems at times, but commented that there is certain to be such related to a shopping center and he did not think the Commission should consider the traffic at this time as a deterrent to granting of zoning. He continued that as pointed out previously, the land is valueless as long as it is undeveloped, and said that at this time there are tenants, both national and local, ready, willing and able to spend money to build and improve the property.

ANNA McLEAN, owner of the land at Sweetbriar Shopping Center, spoke in support of the request. She felt that it would be of benefit to all merchants in the shopping centers at this location. She inquired what would happen in New York City if development was discouraged because of traffic congestion. She noted also that Houston, Texas has no channelization of traffic or medial strips and yet it is one of the most progressive cities in the country.

CHARLES HARRIS, attorney representing Twin Lakes Shopping Center, spoke in opposition. For the benefit of Commissioners who might not be familiar with the background of subject area, he reviewed some of the previous events. He recalled that 10 or 12 years ago there was not any adequate street facility of any kind serving northwest Wichita, but through continuing efforts on the part of various City officials and departments, McLean Boulevard was extended and over the years to a relatively high standard. During that time there were numerous requests for zoning and access, but access was denied in order to maintain the road for movement of traffic. During the planning of the Boulevard, the City decided not to extend it along the river (northwest of 15th and McLean) but instead to build the bridge over the River at Amidon and north to 21st Street. At that time, subject property was owned by Dolese Brothers and the City made an arrangement with Dolese whereby the City purchased the right-of-way for Amidon and assessed no costs of paving of the street

to Dolese Brothers. As opposed to this arrangement, Twin Lakes on the east side of Amidon, not only dedicated the needed right-of-way for Amidon but were required to pay both the normal and extra assessment for wider paving, and in addition voluntarily limited access to the twin Lakes area.

HARRIS maintained that starting from the beginning there has been a difference between the two areas. He pointed out that this Commission considered the matter of zoning on the Marina Lake area two years ago at which time there was much argument and discussion, and many of the same arguments have been made at this time as were made two years ago.

HARRIS agreed with the staff that after a matter has been thoroughly aired before the Planning Commission and City Commission there could be some change in circumstances to justify a different decision, especially so where the ownership has changed as in this case.

HARRIS pointed out that as indicated in a report made by Burgwin and Martin two years ago, traffic has increased, even beyond their projections, and since that time there has been a further investment by people in the area and increased facilities provided. In the Twin Lakes area there has been the new theater, additional apartments, and he continued that as reported by the staff, this has been a planned intersection, based on certain assumptions and certain background which did not include an allowance for additional light commercial as requested. Reference was made also by HARRIS of the fact that reconstruction of the channelization is in process at this time and that Twin Lakes has agreed to move their southern entrance point slightly to the north at the request of the City. Construction is also taking place on 21st Street to result in a 4-lane divided roadway. Thus, at the expense of both the adjoining business and other adjoining property owners, there has been the expense of reconstruction of this planned intersection. Two years ago when the Burgwin and Martin report was submitted, 21st Street was not mentioned as a major arterial west of Amidon; since that time it is planned to construct a bridge on 21st over the Big River and to extend it across the Big Ditch and interstate I-235, which means there will be more traffic at subject intersection. HARRIS noted that the intersection was originally planned and reconstructed to accommodate that which is there now or that has already been granted.

HARRIS pointed out also that the original request on Marina Lake was not turned down completely, but the applicant was granted 8 acres of light commercial and other area for "B" zoning, yet at this time there is very little development on that area,

so there is still plenty of light commercial zoning at Marina Lake to permit additional retail development.

HARRIS said that while he is representing Twin Lakes in opposition, there are merchants and residents in the area who are also opposed, and it was his belief that all opposition focuses around the problem of traffic movement. HARRIS continued that this area is different from any other intersection in the City because it is "trapped" between the Big and Little Rivers and I-235 and there are only limited ways for ingress and access. He reviewed the fact that there is the Amidon Street bridge and from the west there is 21st Street or I-235 to 25th Street and then to Amidon.

HARRIS felt there would only be two possibilities for relieving this intersection -- a bridge on St. Paul or a new bridge on Garland. He pointed out that the staff report has pointed out that this general area has almost half the retail floor space as the downtown area and all traffic must pass through this one intersection whereas downtown has numerous streets in all directions serving it.

HARRIS continued that the staff has indicated that to handle traffic (if additional access is granted on 21st and Amidon and a 3/4 to 3 million dollar center is constructed as proposed by the applicant) it would necessitate 6 lanes for moving traffic on both 21st and Amidon and will require a double left turn bay. HARRIS stated that not only will there be the cost of construction and right-of-way, but also the area will be torn up and unuseable for an extended period of time. He continued that the staff suggestion that the applicant pay the cost of such improvement appears equitable, be doubted if it would ever come to pass. HARRIS quickly considered the additional right-of-way needed and cost for construction and the serious damage which would occur to both the shopping center and the service station, roughly estimated it would involve at least 1/2 million dollars. It was his suggestion that once the applicant submits detailed plans, the claim will be made that such a requirement should not be made when only a mere 6 acres of additional zoning is involved. HARRIS noted that the staff report indicates the City has no money available for such improvement -- it would mean taking something else out of the present Capital Improvement Program to do this improvement. He questioned, too, whether the City at large should be required to pay even the City's usual share to build an intersection to serve what can be called speculative ventures three times in a 5 to 6 year period.

HARRIS said he agreed with Mr. Bogart's statement that this is a good market area, and it has developed as such because the City has expended substantial sums of money to bring traffic to the area through the construction of McLean Boulevard, the Amidon Street bridge, 25th Street bridge, etcl, and further, the development of Twin Lakes has created a special "draw" to this area. He agreed that there is probably plenty of market in the area but it appeared to him and his client that to permit what is requested would tend to destroy what presently exists.

HARRIS submitted photos showing the traffic congestion at various times at this intersection and noted that certain traffic movements, particularly left turn movements, are already in excess as much as 100% of their efficiency. A brochure of the Twin Lakes area was submitted showing the development originally and later development and it was pointed out that the developers plan a garden type office building on the property recently approved for "BB" rather than a high rise building as previously planned, and that it is expected that there would be less traffic from the garden type offices than from high rise office buildings.

HARRIS referred to the fact that the applicant desires access opposite that of Twin Lakes on Amidon. He stated that this is the main entrance to Twin Lakes from Amidon and that there is a terrific traffic build up there now and to grant entrance to subject property at the same point would result in an intolerable situation. He asked that (if additional zoning is granted), the access to Amidon be in an area farther to the south, and it was his further suggestion that if access is granted to the south, then the applicant construct a service road on their own property the same as is being done on the Twin Lakes area at present.

HARRIS closed his remarks by saying that is is a very special problem area and that various factors have been threshed out in great detail before; there is no justification, no change in circumstances that would justify granting additional light commercial; it was denied previously and it is not any more feasible now than when it was previously turned down.

PAUL GRAVES, Traffic Engineer, showed aerial photographs of the area and reviewed the present street improvements under construction in the area, and referred to more improvements planned for 21st Street to the east of Amidon (Coolidge, Woodrow, etc.).

He then referred to the requested access to Amidon and it was his suggestion that it be located (if granted) about 550 feet south of the present main Twin Lakes entrance. He said that a T intersection has much less vehicular conflict points than a regular intersection such as at 21st and Amidon, and that if and when a signal becomes necessary, traffic moving north or south on Amidon can be more easily accomplished with an off-set intersection than with regular intersection. He maintained that this area is unique and that it is not comparable to Rock Road and Kellogg as someone had inferred and he surmised that there is not any street in Wichita which could handle the traffic volume at this intersection efficiently. GRAVES said it was his suggestion that Amidon be widened to 6 lanes from some point south of 25th Street through the intersection and narrowed down as it goes to the south and that 21st Street west of Amidon be 6 lanes to approximately Meridian and to the east that 21st be reconstructed to 6 lanes beginning at the Little River bridge. He said that his recommendation is based on studies conducted by his Division and the Planning Department staff.

TROUT asked what happened to traffic in going from 6 lanes down to 4, and GRAVES said the key is in the intersection signalization -- where 50% time for east-west and north-south, so need more lanes to store cars and provide more lanes for turns but farther away from the intersection 4 lanes can handle the traffic. TROUT asked if it wouldn't be reasonable to expect less traffic count on Amidon at 21st since the opening of the bridge on 25th Street and GRAVES indicated it would be somewhat higher because of the traffic from the south.

KRATZER referred to traffic on East Kellogg where there are 4 lanes and a medial and asked how it compared with the traffic at the area under discussion.

A recess was declared for changing of tape.

GRAVES stated that 4 lanes with a medial will carry more traffic than 6 lanes without a medial and he pointed out that traffic accidents have practically been eliminated in the section of Kellogg referred to because there are less traffic conflicts and traffic does move more efficiently.

JACKSON referred to the Burwin & Martin report and in the discussion of that report, GRAVES said that what is being contemplated now in number of square feet has approximately the same effect as was discussed before. JACKSON also questioned the feasibility of a T-intersection over a regular intersection.

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GRAVES reviewed the number of conflicts associated with the present access from Twin Lakes to Amidon (2 lanes from the south, 2 lanes from the north and a left turn movement from the north) and pointed out that the number of possible traffic conflicts would be increased to possibly 16 when one considers the traffic movement into and out of an area on the west side of Amidon with an entranceway directly opposite the one at Twin Lakes.

GRAVES pointed out that at present a motorist leaving Twin Lakes has difficulty gaining access to Amidon to go south. He continued that if signals can be placed as much as 550 feet apart, the entire system functions much more efficiently. He felt that to have both access points opposite would necessitate a signalized intersection which he thought would be a deterrent to movement of traffic on Amidon. He stated that if the access points are separated and they both have to be signalized it would also reduce the movement of traffic on Amidon considerably. Graves referred to the access on the west side of Amidon just north of the Little River bridge and the fact that it was placed directly opposite the one to Twin Lakes on the east. He said that it was not expected that there would be the volume of traffic at this point that could not be handled by non-signalized left turn bays.

GOEBEL referred to the need for more through north-south streets and asked if the City had any plans to develop such. He felt that the principal reason the northwest area had been slow to develop was because of the lack of streets, and now the need has developed but still no adequate street system has been provided.

GRAVES noted that 25th Street will handle some traffic to the I-235 bypass, and said there has been some thought of possibly extending Waco in a realignment to tie into Arkansas curving from north of 21st Street. GOEBEL considered it foolish not to plan on opening up other streets, particularly if a bridge should be destroyed there would be less means of ingress and egress to the northwest area. He thought that very likely some people who use 21st or Amidon now would just as soon stay away from them if there was another method of getting to their destination. He felt the Commission should recommend that serious consideration be given to providing more north-south streets as traffic carriers.

DALE KIDWELL, attorney representing Henry's Clothing Company, spoke in opposition. He said their store is directly in front of the access from Amidon and that they are much concerned with the present situation so far as approach from Amidon, and felt that if another access is permitted from the west at this same location they would suffer tremendously in the volume because of the curtailment of the flow of traffic off of Amidon to their store.

ROBERT SCHEER, representing himself and, unofficially, some of the other residents in the area, spoke in opposition. He said they were quite concerned and that he has obtained the signatures of 119 people on a protest petition. He stressed the fact that the traffic in this area is fantastic and felt that the Commissioners probably do not understand just how bad it is or how hard it is to get out

to Amidon or 21st Street from the residential area to the northwest. He said that within the last year when shopping center facilities were increased in the area, the traffic has become unbelievably worse. Mr. SCHEER pointed out that with the construction of medials on the major streets, the residents are required to drive by a grade school in order to gain access to a major street which makes a bad situation so far as safety of children is concerned. He referred to the difficulty now in attempting to get onto Amidon and then to I-235, when one has to make a left turn across four lanes of traffic. He pointed out that their residential area is hemmed in by three busy streets and the River and that their position is almost untenable. Mr. SCHEER commented that this request is by a small group of people with business interest and, while he is in favor of private enterprise, in this particular case it would be stepping on the toes of the residents, not only of those in this area but through increased taxes for everybody in Wichita because of road improvements required. He questioned whether the City should do anything which would increase taxes for the city as a whole so that a small group of people can increase their monetary gains. It was his suggestion that if the developers have money to invest it be done at some other location to provide shopping facilities in an area where needed rather than here.

GOEBEL noted that there was much opposition two years ago when Marina Lake request was first heard and asked why the opposers were not present when Twin Lakes increased their light commercial zoning. It was pointed out that they were not within the official distance to have received notices. Mr. SCHEER said they were opposed to any increase of commercial zoning in the area in general. He commented that when he moved to his home 14 years ago there was no shopping center at all and they were happy when one was built, but they do not need four.

GOEBEL said he wished one would be built in his area since they are taxed far heavier than a residential area, and thus would contribute to the tax revenue and possibly lower the mill levy for all. He continued that a city without commercial or industry is nothing, and he suggested the people in subject area might also consider that with commercial uses, their own taxes might be less.

Mr. SCHEER agreed that Mr. Goebel's statements were probably right, but he did not feel it would make any difference in his taxes whether light commercial was developed in the neighborhood or not. He continued that the number of children in the school in the area has decreased and if the subject area could be developed as apartments or private residences, the school could accept the children. He asked the Commissioners to take into account the people in the neighborhood and to carefully consider this matter from their standpoint in making a decision.

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Mrs. A. F. SIMON, a resident in the area, asked how one of the Planning Commissioners (Bledsoe - one of the applicants) could make this application after it was objected to by the residents and was denied two years ago. She asked "Why does he feel that he personally can get this approved?"

TROUT said that Mr. Bledsoe has a right to present an application for rezoning the same as any other citizen. He commented that the Commission frequently has cases on the same area when ownership has changed and that this is not a matter of who is involved so far as he is concerned.

Mrs. SIMON pointed out that Mr. Bledsoe became involved with this property after he became a member of the Commission. TROUT replied that unless one kept his rights to hold property and even seek rezoning, there might be some difficulty in finding people to serve on the Commission. Mrs. SIMON said she hoped the Commission would vote fairly and for the people and not on the basis of friendship.

GOEBEL pointed out that when Marina Lake case was considered before one of the then owners was the Chairman of the Planning Commission at that time. GOEBEL did not see that the Commission could discriminate against one property owner any more than another. GOEBEL said he did not believe Bledsoe bought the property just because he was on the Commission. GOEBEL said that he doesn't pay any attention to whether a man is on the Commission or not.

C. ROBERT BELL, representing Derby Refining Company, said they were concerned because of the possibility of requiring more right-of-way for improvement of the streets and that to require any more from their service station would practically eliminate their use altogether. He said the station has been there a long time and after Amidon was opened it has developed along with the area, it has a high gallonage and it would require a "bunch" of money to acquire it if it came to condemnation or a negotiated sale to the City.

With respect to access to Amidon from this station, Mr. BELL said that the Station was on the east 2/3 of an acre and when Amidon was opened up the City condemned the west 1/3 by ordinary condemnation proceedings (which did not include access) so that the oil company has always maintained that they had access, and through an agreement with the City Commission they do have access but have tried to operate in such a fashion not to add to the problems of the intersection. He said they are always ready to work with the City in resolving any problem that might arise related to this location. He noted that along 21st Street the right-of-way is right up against the station, and to condemn their land would be a real expensive project.

MICHAEL BOLLOMORA, 2245 Bullinger, spoke in opposition. His concern was principally because of the difficulty experienced by residents of the area north of 21st and west of Amidon in gaining access to one of the major streets. He said that they were required to drive through much of the residential area via a zigzag route in order to reach a major street. Also, he was concerned with the fact that much of this traffic must pass by the elementary school and thus is a hazard to the safety of school children.

Mr. BOLLOMORA also indicated that there were already adequate shopping and service type facilities in this area, and asked what could be developed on subject application area that could not be done on light commercial zoning already in the Marina Lakes area.

H. D. BLEDSOE, owner and applicant, spoke in support of his request. He repeated that he does not own the property where the staff has suggested access should be on the west side of Amidon and, therefore, has asked that such access be opposite the one to Twin Lakes on the east side of Amidon. He noted that the consultant's report has indicated the intersection is capable of carrying projected traffic through 1985 which is 16 years hence, and it was his opinion that within 16 years there would probably be many 6-lane major streets in the city. He pointed out that if light commercial is to be denied because of traffic, then there would be no more granted on Broadway, Seneca, Hillside, Kellogg, and other major streets or adjoining shopping centers. He pointed out also that on Rock Road 160 acres of light commercial was granted immediately across the street from a center already established and that it represents more total area than the entire 4 corners of Amidon and 21st Street.

BLEDSOE pointed out that the Burgwin & Martin report was based on a regional center whereas subject application represents only an additional six acres and when such is developed to the fullest, the most they could possibly have would be an additional 400 parking spaces. He stated that at Kellogg and Oliver the traffic count is around 23,000 and that people in that area he felt sure did not like the change. He commented that people in Westlink and Rolling Hills did not like the change when that area was annexed, but that if the City is to grow and prosper we must have changes. BLEDSOE said that at one time West Highway 54 was only two lanes of traffic but that since that time plans have been made for eventually eight lanes of divided traffic. He said that he was at Disneyland recently and that they have 160 acres of parking and about 115,000 people visiting there every day, but when that community built a civic center, it was constructed right across the street from Disneyland. Another example pointed out was the fact that in the Beech traffic analysis report prepared by the

Planning Department, the traffic problem was pointed out but no one would tell Beech they couldn't expand their facilities because of the traffic problem.

Next Mr. BLEDSOE referred to the land values in subject area which he indicated to be from \$750 to \$1,000 per front foot which is a change in values over a few years ago as it was his understanding the sandpit area originally sold for \$48,000. He pointed out that Texaco Company has paid \$80,000 for a service station site at 21st and Amidon which is the most expensive site they have purchased in the State of Kansas and yet only 175 feet away from that there is "AA" zoning. He maintained that as the zoning now exists in the Marina Lake area it is strip zoning in reverse. He maintained that subject property has too much value to remain "AA" zoning or left vacant, and while traffic is a problem it represents people and if the city continues to grow there will be more people. He felt that the traffic problem could be solved but when the day comes that there are no people in the area, then Wichita will be in bad shape.

Referring again to access, BLEDSOE stated that the consultant's suggestion that access points be split on Amidon was based on development of a regional center which is no longer the case -- talking now about only 10 acres on the west side of Amidon. He commented that the zoning had been approved for Marina Lake as originally requested, then a service road could have been built on the private property from the access to the south near the bridge, similar to the service road now being built by Ritchie to serve the Twin Lakes center. He continued that if the entire area is ever so zoned, such a road could then be developed. BLEDSOE felt that if a negative attitude is to be taken then this area or any other area will never grow, and he did not feel that it was reasonable to base approval or disapproval on the traffic situation. He pointed out that downtown traffic did not retard the construction of Wichita Plaza Building, the Garvey Building, etc., and repeated that traffic problems can be solved but if the time ever comes when we don't have people then the City is hurt badly.

CHARLES HARRIS said the fear of Twin Lakes has nothing to do with competition, but when faced with the possibility of condemnation for more street right-of-way they are concerned; it means condemnation costs and raises the question of who is going to pay for it, and it does affect the existing facilities because of right-of-way which might be required from them, (Twin Lakes), but Sweetbriar, Atlantic Mills and the Derby service station. HARRIS said that Twin Lakes does not oppose the establishment of Sweetbriar or Atlantic Mills but that they do believe the staff when they say that to approve this request would make the traffic problem untenable.

As to alternate streets, HARRIS agreed there should be some developed but asked that subject area not be garbled up until the City does build those alternate trafficways, and asked that the ability of the present facilities not be destroyed so that it cannot serve the residential and businesses in the area. HARRIS continued that the merchants of Twin Lakes agree that an entrance across from the present one to Twin Lakes will not work, just as the Traffic Engineer has indicated, and even when signalized, it would not operate efficiently.

A five minute recess as declared at 4:20 p.m.

Meeting reconvened with the same members present.

BRANSON reminded the Commission that they went through this same sort of presentation a short time ago and he failed to see what changes have occurred that would justify the Commission taking time to go through it again. He commented that the Commission has stated many times that they spend too much time in zoning and not enough on planning, and he considered subject case a good example of such.

He continued that it appeared to him the only reason the Commission is rehearing this case is because it is claimed land values have increased and he inferred that often when one man makes a dollar others become involved hoping they can make a dollar, and sometimes everybody ends up with a dime, and he suggested the possibility that the whole area could "hang itself". He commented that if this application is approved, after being denied "LC" in the original request of Marina Lakes, then property directly south will be submitted for rezoning and the Commission will have to listen to the entire presentation again. He felt that when a decision is made by the Planning Commission it should be considered binding unless changes in the area have occurred, and he considered it inconsistent of the Commission to reverse its action many times.

BRANSON referred to the staff report and wondered if Mr. Bledsoe feels that he could live with the requirements suggested. He doubted that enough thought had been given to the cost which would be involved and as to who would pay for a 6-lane road. He said he was not ready to come to a decision at this time and suggested the feasibility of this case being deferred to give time for Mr. Bledsoe to consider the matter of the staff requirements, and perhaps a cost estimate could be developed of what it will cost to change the roads, and he referred to the fact that the roads have been improved several times and businesses and residents in the area are already paying for such improvements. He said that as far as he was concerned he needed more information before he would make a decision, particularly as to cost of changing the roads, who is going to pay for it, and other details.

KRATZER pointed out that children are walking to school all over town mid traffic so he did not consider that factor anything related solely to the area being discussed. He noted that most of the objection does relate to traffic conditions and he stated that at this point he is not ready to the request without some adequate traffic control plan being developed. He doubted that medials were the answer and said he was not sure that the medial strip on Kellogg with four lanes carries more traffic than six would without a medial.

He agreed with BRANSON that perhaps it should be deferred for consideration of costs involved and who is to pay for road improvements. He agreed with the possibility of developing more north-south through streets.

GOEBEL noted that two of the Planning Commissioners are not present at this meeting and he considered it would be unfair to hear just the applicant at a later meeting unless the opposition is given an opportunity for presentation also.

TROUT said two things bother him. In talking about equity of people around the area and their problems, what we are discussing is whether it is going to aggravate the problems or not. He said the question not answered is to what degree the problem of traffic would be affected. He was not sure that this really is a total answer as suggested. Another point brought out by TROUT was whether or not the Commission had ever considered an amendment to only a portion of a previous CUP, which is the case here. He noted that some of the items and facts brought out in this discussion relate to property in the original CUP and not to this amendment related to a portion of the original CUP.

LAKIN said there have been instances where ownerships have changed but never where there was not a working relationship between the various owners involved. He said that it has been the impression of the staff that it was the intention of the Planning Commission and City Commission that there will be single control over the total CUP as approved, irrespective of ownerships or long term leases. He noted that work is being done on the CUP regulations, trying to correct some deficiencies which were brought out in the Mt. Carmel case.

TROUT noted that since a CUP is not a matter of record so far as being recorded at the County Courthouse, he wondered if the applicant was aware of the situation when he purchased subject property. TROUT said it concerned him that this might be the first of something that could occur over and over as related to CUP's.

In discussing the traffic generation with Mr. Graves, it was stated by Mr. Graves that there isn't a great deal of difference between traffic generation of the original proposed regional shopping center and a regular center now being proposed. TROUT said he was attempting to establish the degree of increased traffic if this case is approved, noting that his experience with traffic has been that in spite of every projected figure, it has always been three times as much when the projected date is reached. He commented that it is already a problem at this intersection. He asked Graves if it was

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his thought that with the present conditions and no additional traffic added, the road improvements now under construction would be good for 15 years. GRAVES agreed that that was his feeling. GRAVES said that upon completion of all shopping centers at this intersection, the intersection would probably be operating at a level of service of D within two years after the centers are completed. He noted that although they do not know the type of stores which might be developed, it has been determined by past surveys that during the peak traffic hour during the Christmas season, there were seven vehicular trips per 1,000 square feet of commercial development per peak hour. He said that studies on regional centers usually talk in terms of generation rates of from 20 to 40 vehicles per 1,000 square feet per day. He said his comparison was made with similar centers at Denver, Oklahoma City, Tulsa, DesMoines, and Topeka and that they all agreed that the peak traffic at a center coincided with the peak hour traffic on a major street.

When questioned as to the level D service, GRAVES explained in detail the various levels as related to cycling of traffic movements. TROUT asked if the level of service provided now would improve or remain about the same for the period of years discussed. GRAVES said that they are experiencing an average of about 4% increase per year in traffic around certain of the shopping centers -- some as much as 10%. With a nominal 2% increase per year on the street system, within six to ten years there would be a real serious problem, predicated on the total development of all light commercial at the shopping centers in this area. GRAVES said that with the completion of the improvements now being made, he doubted if anyone could find fault with the present operation of the intersection, except for a few minutes at the peak hour overload.

BOGART asked Mr. Graves if he was aware that he is talking about approximately 300,000 square feet, of which 90,000 would be occupied by buildings and about 150,000 square feet total area. GRAVES said that possibly there was some confusion - that he was speaking of some 500,000 square feet of floor space.

TROUT said he was interested in the degree of needed improvement of movement of traffic. Based on six lanes, he asked if it would be good for 12 to 15 years if the level of service is C? Would it be D within a very short time if everything there now is developed, and if so, how much worse? GRAVES stated that if the additional zoning is granted and development takes place and the roads remain the same, and if the T type intersection takes place, he felt the addition of lanes would be mandatory within ten years.

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BLEDSON said that the six acres requested built to maximum capacity would only have 128,000 square feet more and surely is not possible that a main street that was developed only four years ago would only handle traffic for another ten years or that 21st Street that is so underbuilt or underplanned won't carry traffic after ten years. He felt that there must be something wrong when only 400 more parking spaces and 128,000 square feet is contemplated.

The original CUP was referred to and various square footable figures discussed.

KRATZER referred to the fact that one of the opponents said he had waited 2½ minutes to get onto one of the arterial streets under discussion, and he asked GRAVES if that was an undue amount or if it compared favorably with similar delays in other areas of the City. GRAVES said he did not know at the moment of anyplace where such might occur -- he thought that possible a wait of a minute or so to get onto Kellogg from a residential street during peak hour movement.

BLEDSON referred to a report made by Mr. Graves to the Planning Commission in which it was indicated that with this additional zoning there would be no need to change the intersection until 1985 which is 16 years away and it is only talking about an additional 90,000 square feet of building.

Reference was again made to the square footage involved and BOGART related the various amendments as related to such and concluded by stating that 135,000 square feet of floor area is involved but only 90,000 square feet would be occupied by buildings.

ROBERT SCHEER pointed out that if this is approved, then subsequent requests would be made for the area to the south and it would lead to other requests and that it was hoped two years ago that the line had been drawn at that time.

MOTION: BRANSON moved and KRATZER seconded that this case be deferred until December 12, 1968, and that no testimony be heard except as requested by the Planning Commission, and the applicant be requested to determine whether he can comply with the requirements suggested by the staff; and that the staff provide a more specific date which they estimate the present street is going to reach its maximum traffic capacity; and that an estimate of costs for widening the street be prepared with a recommendation of who is to pay.

BRANSON said that when the Commission gets that information, it can come to a conclusion but that he can't vote intelligently on this now.

KRATZER, in seconding the motion, asked that Mr. Graves supply the Commission with information concerning the traffic counts. He said that he was concerned with remarks concerning congestion made by the people in the area. He felt that some of the problem has been brought about by construction on 21st but that it must be a situation that is very troublesome.

MOTION CARRIED UNANIMOUSLY.

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BRANSON WAS EXCUSED FROM THE MEETING.

- 22a. Case No. Z-1037 - Clear Lakes, Inc., et al. request change from "AA" to "LC" for a tract beginning at a point 50 feet west and 400.15 feet south of the northeast corner of Government Lot one in the Northwest Quarter of Section 7, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence south parallel to the West easement line of Amidon Avenue 330 feet; thence west 675 feet to a point 730 feet south of the center line of 21st Street; thence north at right angles, 250 feet; thence west at right angles, 460 feet to a point 480 feet south of the center line of 21st Street; thence north at right angles 130 feet; thence east at right angles 460 feet; thence south at right angles 50 feet; thence east 675 feet at right angles to the point of beginning. Generally located on the south side of 21st Street between Amidon and Meridian.
- 22b. Case No. DP-23 - Clear Lakes, Inc., et al. request approval of an amendment to Marina Lake CUP, as related to property legally described as follows: DP-23 - A tract beginning 75 feet west and 75 feet south of the northeast corner of the northwest quarter of Government Lot 1, Section 7, Township 27 South, Range 1 East of the 6th P.M.; thence south 275 feet; thence east 25 feet; thence south 1515 feet more or less; thence northwesterly and westerly along the left bank of the Arkansas River to the west line of Lot 1; thence north along the west line of said Lot 1 to a point 50 feet south of the northwest corner of said Lot 1; thence east to a point 395 feet west and 25 feet north to the point of beginning; thence south in a southeasterly direction 90 feet more or less to a point 15 feet north to the point of beginning; thence east 30 feet; thence south 15 feet; thence east 275 feet to the point of beginning. Said legal description includes Marian Lake 1st and Marina Lake 2nd Additions, and an area on the west being platted as Marina Lake 3rd Addition. Generally located on the south side of 21st Street between Amidon and Meridian.

The above two cases were continued from the public hearing of November 14, 1968.

BLEDSON said he would abstain from consideration of the above cases and by popular demand of the news media would leave the room.

The Chairman asked the Commissioners if they wanted to hear any more testimony on subject cases. TROUT said that the primary reason for deferral from a previous meeting was for a report concerning traffic and that that report has been submitted to the Commissioners. The Chairman asked if the Commissioners wished to hear any more from the applicants or from the opposition.

VINCENT BOGART, attorney for the applicant, said that while the principal factor for consideration is traffic, discussion should not be limited to the City Traffic Engineer. A traffic engineer is present to speak for the the applicant, and he considered it only fair that the Commission hear what he has to say as well as the City's professional staff.

The Chairman stated that any items on which the Commission requests information, the traffic expert for the applicants would be heard. He again asked if the Commission wanted to hear any more from the applicant or the opposition.

KRATZER suggested that the report requested from the staff be presented, but that if there is anything that was not stated before, it should be presented now.

**MOTION:** KRATZER moved, GOEBEL seconded and it carried unanimously that the Commission hear the report on traffic requested at the previous meeting and anything else that was not submitted at the previous meeting on the above two applications.

The Chairman asked if the applicant had anything more to add that the Commissioners have not heard.

VINCENT BOGART, attorney for the applicant, introduced Wm. J. Armstrong, a traffic engineer with the consulting firm of Burgwin and Martin, of Topeka, Kansas. He reviewed Mr. Armstrong's qualifications and the fact that Burgwin and Martin has done many studies for various cities and public bodies throughout Kansas as well as other states, including work for the Kansas State Highway Department, the Turnpike Authority, etc.

WM. J. ARMSTRONG recalled that they were involved in doing a study of this same area two years ago and doubted that the Commission would want to delve into the total ramifications of the study, but did proceed to point out their approach to the problem used at that time. He pointed out that two years ago the main concern was

the intersection of 21st and Amidon as related to another shopping center which was developing and how much capacity was available at the intersection. He said their approach at the time was to determine the amount of traffic the center would generate, based on 450,000 square feet, utilizing an accepted generation factor of 20 trips into the center per 1,000 square feet of floor area, and also considering the office space used and apartment usage. He said they projected the traffic that would occur at the opening of the center and studied three different situations where the points of access to the shopping centers would be varied: one was to leave the access points as they were at that time and under this situation found traffic was concentrated at the specific entrance and continued to cause a capacity problem commencing at the entrance. Another situation studied was on Amidon where the main entrance of Marina would be south of the existing entrance to Twin Lakes on the east, creating off-set entrances where anybody traveling between the two centers would have to jog. The third case looked at was to establish opposite entrances on Amidon. The latter was their recommended location for the entrance, in that the entrance to Twin Lakes proper within a few years will require signalization control and it seemed logical to them to make the entrances opposite each other and utilize the one signalization and eliminate any jog of traffic between the two centers.

MR. ARMSTRONG continued that it was their analysis that upon the opening of the Center, the intersection of Amidon and 21st Street would function at a level C., which is considered a desirable level. ARMSTRONG said that their report indicated that upon opening of the Center, there would be nearly 3400 vehicles entering the intersection. He said this was for a time prior to the opening of the 25th Street bridge which he felt would tend to provide some relief so far as traffic build-up at this intersection is concerned. He pointed out that 21st Street is now undergoing improvements that were talked about two years ago, and that improvements do come with progress of a community. ARMSTRONG said that their report two years ago indicated that this intersection could function 20 years hence, but that some special techniques were indicated in the way of improved traffic movements, such as dual left turns at the intersection, etc.

KRATZER asked Mr. Armstrong in which year he predicted the intersection would breakdown to a level F service at the present rate of growth.

ARMSTRONG said they did not make a year-by-year analysis, but that their study indicated that by 1985 the intersection would be operating at capacity, in that there would be a continual backlog of traffic and people waiting to get through even at level E, which is just a shade better than level F, although there are many factors to be considered. He stated that they predicted that by 1985 the service would be at level E generally speaking as the intersection is today, but with some improvements which they felt could be accomplished within the existing right-of-way.

JACKSON asked Armstrong if their study included any possibility of six lanes rather than four and if so, when it was felt six lanes would be required.

ARMSTRONG said that their approach to the study was whether the intersection would handle the traffic at level C upon opening of (the then proposed) Marina Lakes with four lanes as it exists now. Their analysis indicated that it could, and then they tried to determine what might happen by 1985 considering the many variables. He said their original study and conclusions were based on the original proposal of 450,000 square feet (a regional center). ARMSTRONG noted that studies of shopping center traffic indicate that evening shopping peaks for regional centers are from 8 to 9 o'clock if stores are open, where as street traffic peaks between 5 and 6 o'clock, which helps the traffic situation. He pointed out also that on some smaller centers, studies have indicated that this is not true, thus it is another variable.

In response to a question by one of the Commissioners, it was pointed out that Burgwin and Martin study used 20 trip ends to the center and 20 trips away, which corresponds to the 40 vehicles on the street utilized by the city in its analysis.

LAKIN passed out a sheet showing typical traffic generation rates and the rates used in the study for this area. Another sheet was presented showing the percent of increase of traffic on McLean-Amidon during the last four years. He also presented to the Commissioners an information sheet defining the meaning of the A, B, C, D, E and F level of traffic efficiency as related to traffic movement at intersections.

LAKIN reviewed the following staff report:

SUPPLEMENTARY INFORMATION  
REQUESTED BY MARC FOR  
CASES DP-23 & Z-1037

Amount of Commercial

The existing constructed commercial development in the area (Twin Lakes, Sweetbriar, Atlantic Mills, River Bend and Marina Lakes) is 513,289 square feet of floor area. Assuming 85% of floor area to equal "gross leasable area", this is 447,242 square feet GLA.

The existing approved commercial zoning (as opposed to actual construction) for the same area would allow an additional 415,768 square feet of floor area, or 342,458 square feet gross leasable area.

The applicant has orally revised his application to limit the amount of commercial development to an additional 135,855 square feet of gross leasable area (45% of ground area). This will be referred to as Marina Lakes - Condition II or Marina Lakes II.

Assuming the proposition stated by the applicant to be valid, e.g., conditions have changed by virtue of the increased value of land, then the area south of the applicant's proposal may also be considered as potential commercial (at least to a point south equal to the "LC" at Twin Lakes and to a depth equal to the applicant's. This, if it should occur, would produce 7.06 acres of commercial ground area; and 137,000 square feet of gross leasable area. This area will be referred to as Marina Lakes III.

Traffic Projections

A re-analysis of traffic conditions has been completed to try to answer the following questions:

- 1) When will the traffic, based on: a) existing development; b) authorized development; and c) proposed development, cause the intersection of 21st and Amidon to breakdown?
- 2) Will reconstruction of the street system (including the intersection) provide sufficient capacity for the: a) existing; b) authorized; and c) proposed development?

To do the traffic study, certain assumptions which are variables must be established. These are:

1. Amount of contributing high traffic generators - light commercial. (See preceding for amounts used in computations).
2. Traffic generation rates for light commercial. The same rates, 5 trip ends per thousand square feet of commercial floor area per peak hour off-season traffic, were used as used by both Burgwin & Martin and the Traffic Engineer in the 1967 studies; derived from traffic counts at Twin Lakes and divided by square footage existing at that time.  
  
One may expect, based on national experience, to have a rising rate as the size of the center decreases up to the point that smaller centers generate twice the traffic per 1,000 square feet of floor area as the larger ones. However, for the current computation, the low figure was used and no penalty was assigned to Sweetbriar, Atlantic Mills (discount houses have higher rates), and Marian Lakes.
3. Growth of traffic from existing conditions was computed the same as Burgwin & Martin (1967) at 1% each year. Because growth rates seem higher, a 2% growth line was also computed. Actual growth may be much higher, but should level or flatten out to an overall lower average as the area matures and developable land is used up.
4. Level C of operating efficiency is an appropriate design level and should be public policy. It is recognized that most of the heavily traveled arterial intersections do not operate at this efficiency level.
5. There is a maximum limit on street (and intersection) capacity for at grade street intersections with channelization and still maintaining the ability to serve adjacent property. The next grade of street construction (and capacity) for grade separated intersections. These usually severely limit access to adjacent commercial properties.

6. Street capacity should be, and was, measured and projected on the basis of non-peak season rates and figures, i.e., they were not figured on the ultimate load.
7. Neither signalization of the main Twin Lakes west entrance nor a provision for Marina Lakes II having an opposite entrance was figured in the traffic computations or projections. If signalization is introduced this close to 21st, the capacity of that intersection will be reduced.

The Traffic Engineer does not feel that he can support either an opposite entrance or signalization at this point. However, the Planning Department feels to provide for safety and convenience and irrespective of the effect on traffic capacity, it will be necessary to formulate policies for the signalization of private drives, such as the Twin Lakes main west entrance. This will remain true whether Marina Lakes II will or will not be granted an entrance opposite the west entrance of Twin Lakes.

8. Any reconstruction necessitated to maintain C level operation should be done in such a manner as to require the minimum rather than the standard or desired rights-of-way for such reconstruction. This is to keep the costs to a minimum. The intersection of 21st and Amidon, based on the foregoing assumptions, would not function at the C level at approximately the following years, based on the variables below.

|  | 4 Lane Existing Structure   |                             | 6 lane with 1 left turn 21st west bound |                  |
|--|-----------------------------|-----------------------------|---|------------------|
|  | 1%                          | 2%                          | 1%                                      | 2%               |
| Existing Constructed Development                               | After 1988                  | 1977                        | After 1988                              | After 1988       |
| Approved For Development                                       | Above C 1968<br>At F, 1988  | Above C, 1968<br>At F, 1977 | After 1988                              | 1978             |
| Approved Development PLUS Marina Lakes II                      | Above E, 1968<br>At F, 1969 | Above E, 1968<br>At F, 1969 | 1972                                    | 1970             |
| Approved Development PLUS Marina Lakes II AND Marina Lakes III | Above F, in 1969            | Above F, in 1969            | Above E, in 1969                        | Above E, in 1969 |

Area Involved

Construction Costs

If it is determined that reconstruction is needed at any point in time, the following figures are gross estimates to repave Amidon from the Arkansas River north to approximately Marigold Street, and to repave 21st Street from the Little Arkansas River, west to approximately Meridian Street. Most costs would be for new lanes, i.e., expansion from four to six moving lanes. No construction costs have been estimated for new or relocated sidewalks nor for relocating medials.

Right-of-way costs are also quite gross at until specific construction plans are prepared, what right-of-way is needed is unknown. Minimum right-of-way needed would range from 100 feet where there is little channelization to a standard 132 feet at the intersection. This can be reduced to 112 feet by reducing the area between the curb line and property line (parking) from a standard 15 feet to 5 feet. However, if condemnation were required for the 5 feet, it is probable that the 15 feet would be taken. Existing right-of-way ranges from 80 to 110 feet in the area.

Assuming a rule of thumb price at current dollar values of \$15 per lan per foot, construction would run \$350,000. Assuming the right-of-way would be taken off the north side of 21st Street on both sides of Amidon and assuming severence tantamount to a total taking, the right-of-way might range from \$175,000 to \$225,000 for the two service stations alone.

In recent years, the City at large has paid (without cost of interest) \$1,174,000 to improve McLean-Amidon from 13th to 25th (including the bridge) and for 21st from the Little River to Meridian. Property owners have paid \$179,300 for the paving in the same area.

In the past, the City's general position in regard to improving arterials has been to build them 4 lanes in width with some channelization. Costs have been allocated so that all property pays for what might be considered as a normal residential street. When additional width, channelization or other treatment is required, the City has attempted to place these costs on the land that would benefit from such additional work. The apportionment of additional costs, especially if dependent on the commercial as generating the traffic, should be spread back on all the commercial zoning in the area.

LAKIN stated that two items mentioned by Armstrong are not concurred in by the staff. There are the timing of peak hours traffic on the streets and at the center. Studies at this particular area show these two peaks to arrive at the same time; thus complicating traffic. Secondly an analysis of the 1967 Burgwin and Martin report indicates that for a 4 lane street, 700 or more cars per peak hour per lane would have to pass thru the intersection. An F level service would be near the 600 vehicles per peak hour per lane, indicating an error in their computation.

LAKIN referred to a graph prepared by the staff which illustrated the four different basic conditions on which the report was based (the existing constructed commercial development; the total amount of commercial development presently approved; that approved commercial development plus the proposed application referred to as Marina Lake II, and the approved development plus Marina Lakes II and plus an area to the south of the present application equal in depth the present application and extending as far south as the LC in Twin Lakes (known as Marina Lakes III); and as related to two rates of growth (1% and 2%); and related to two types of traffic facilities (4-lane and 6-lane). He pointed out that the Burgwin and Martin report assumed a 1% growth but it is apparent that the area is growing much faster, so a 2% growth factor has been projected although

for a very short period of time growth in the city in this area has been from 4% to 19%. LAKIN stated that it is recognized that many streets in the city do not operate at Level C, but that it is an appropriate level to attempt to achieve.

LAKIN referred to the illustration (chart) which showed the projections of traffic with the existing designed 4 lane roadway and based on existing constructed development, pointing out that the line at the top shows at what year the level of service would exceed C level (beyond 1985 at 1% growth and 1977 at 2%).

The next set of lines was based on the assumption that everything now approved was built. Traffic never is within the C level and based on the 2% growth, it breaks down completely (F level) about 1977. He pointed out that the third pair of lines (based on approved development plus Marina Lakes II) ~~would indicate operations would begin in F and would completely breakdown by 1972 or 1970 depending on the rate of growth.~~

LAKIN then referred to the chart displaying the same type of information related to a 6-lane street system at this intersection. This chart indicated that with a 6-lane facility on limited to existing construction the street would be capable of maintaining a "C" level of service for either rate of growth for 20 years, with approved commercial, in 1978 at a 2% growth rate, C level service would be exceeded although the street would not completely breakdown. By adding Marina Lakes II, C level would be exceeded in 1972 (at 1% growth) and in 1970 (at 2% growth). At a 2% growth the road would breakdown (at F) in 1983. LAKIN explained that given various conditions (roadway design and growth rates) the time when the intersection would breakdown ranges from immediate to beyond the planning period.

LAKIN next referred to construction costs and said that the figures shown in the staff report are most gross; that until the design of a roadway is determined and appraisal is made, it is very difficult to estimate costs. He continued that it was estimated that portions of the two service stations on the north side of 21st Street would be required (if not completely taken there would be severance damages) and he said it was projected that costs (right-of-way and construction) would be near 1/2 million dollars.

KRATZER asked LAKIN if he felt that the intersection as of today will last to 1985 before a breakdown as Mr. Armstrong thinks. LAKIN said that a 4-lane facility, without any additional development and at a slow rate of growth could maintain a level C service during the planning period.

TROUT complimented the staff for the preparation of the report and illustration, as it contains the exact information he asked for at the previous meeting and he agreed that there was plenty of room of disagreements in view of the numerous variables to be considered.

A question was raised as to a comparison of traffic volumes now and as projected by Burgwin and Martin when their report was prepared about two years ago for the original Marina Lakes CUP. PAUL GRAVES, Traffic Engineer, said that Burgwin and Martin report states 27,000 ADT on each leg of the intersection, but that was apparently an error and was meant to state 27,000 vehicles per street or 54,000 vehicles. GRAVES said there was a further difference of opinion where the report assumes that 1500 vehicles could approach per peak hour (2 moving plus twin lanes) on each leg (4) of the intersection. He felt this was the big difference in the analysis. GRAVES said he is of the opinion that at level C service the intersection capacity is approximately 450 vehicles per lane per hour.

ARMSTRONG said their recommendation was based on the 5 to 5.5 trip ends per 1000 square feet per peak hour traffic generation rate. He thought that Mr. Graves was talking about maximum level C that could get through the intersection 450 per hour. He stated that the maximum volume on a street is 2,000 per hour per lane (freeway standards with on side interference). This is reduced rapidly when considering only half the time is green time and when you add side interference. If traffic is 1135 vehicles per peak hour maximum as it approaches the intersection then through traffic was 578, the two through lanes are down to 340 per lane per hour. He felt that on a per lane basis, their report did not reflect anything really high. The statement towards the end of 1500 vehicles was based on four lanes and divided by four it doesn't come up too far from what Mr. Graves is talking about. He stated that he did not consider that he and Mr. Graves were too far apart. Their opinion with 4 lane facility indicated would have about 3400 vehicles entering the intersection at C level which is what everyone is striving for and 1985 projection was based on 1%. He pointed out again that there are many variables involved.

He said their projection of 1% growth might be more appropriate for downtown traffic but for a growing area such as this maybe they are a little low.

BOGART expressed concern because of the use of such a chart as presented by the staff and pointed out that such a study was not utilized when the Commission considered Rock Road CUP because if it had the zoning would never have been permitted. Also, if this kind of projection was made as related to Kellogg, such street would breakdown next year. BOGART further pointed out that the chart does not show existing development only plus this application which only involves an additional 136,000 square feet of leasable floor space which represents only 6800 cars per day, and if 2/3 of that traffic is related to Amidon and 1/3 to 21st and 18th Streets, the same picture as presented does not occur. He felt that if this kind of study had been applied to Twin Lakes, a breakdown in the traffic would have been shown to occur in a short time. He took exception to the fact that such a presentation is used at this time when it has not been utilized previously and it paints a rather dismal picture when taking all into consideration. He stated that most of the figures that have been given were established on the basis of 450,000 square feet of leasable area but that this application is only concerned with 136,000 square feet. He felt this property owner deserves the same treatment extended Twin Lakes and Rock Road developments and he doubted if there were many streets in the City now operating at C level under similar conditions as at this intersection. He did not think what had been presented was a true picture of the situation.

TROUT said he was responsible for the chart because of his request to the staff at the last meeting in view of the confusion in figures at the previous meeting. He said it answered his question as to at what point would the facility breakdown under various conditions and that it is exactly what he asked for.

For the record, LAKIN said that the third set of lines (Marina Lakes II) shown on the chart was based on 135,000 square feet of floor added (not 450,000 square feet) added to the existing approved commercial.

CHARLES HARRIS, attorney for Twin Lakes, questioned whether the Burgwin and Martin report made in 1967 was valid when one considers the fact that they projected a 1% growth while actual increase has been 18% per year.

LAKIN said that figures on traffic increases developed just this morning by the Traffic Engineer shows increase from 1966 to 1968 of 19% or an average of 9 1/2% per year.

HARRIS questioned the validity of a report based on 1% or even the 2% projected by the staff when some averages related to other shopping centers in the City have shown 4%. HARRIS continued that if the more logical percent of growth is utilized rather than 1% or 2%, there is no possible way this intersection could work within the planning period.

HARRIS pointed out that it would appear, when one considers the actual rate of growth in this area, that traffic would reach the F level by 1970, which he felt would be about the date that the proposed center would open. He continued that regardless of projections, everyone recognizes the fact that there is a history in this community of underestimating projections. He recalled that the projected figures relating to Kellogg for 1975 were reached the second year after it was opened, and he urged the Commission to not make the same mistake as made on East Kellogg. HARRIS agreed that if the zoning is granted as requested, a street could be built but as pointed out by the staff, the cost thereof would be prohibitive.

HARRIS reviewed the fact that this case was originally heard at great length by the Planning Commission on January 12, 1967, January 26, 1967, and February 9, 1967; by the City Commission March 23; by the Planning Commission on March 28, 1967 and again by the City Commission on April 4. At the hearing on February 9, 1967, the Burgin and Martin report was presented and at the same hearing the city staff also presented its report. At that time, Mr. Wulz, then Director of Public Works, Paul Graves, City Traffic Engineer, and Robert Lakin of the Planning Department appeared and presented the case. At that time the Planning Commission (many members were the same as now on the Commission) heard basically the same questions as raised now. At that time, it was the unanimous vote of the Commission to recommend denial without prejudice to the submission of a revised application for a lesser amount of zoning. This was done, the revised area was advertised and resulted in the granting of the light commercial as presently exists in the Marina Lake CUP. At that time, the Burgin and Martin report projected the same facts as today -- that it isn't going to be too much of a problem, although at that time, Mr. Wulz, Mr. Graves, and Mr. Lakin said that if growth continued to increase, it would compound the problem. The issues with respect to traffic

heard today were heard at the previous hearings, one of which lasted five hours. HARRIS maintained that the only thing different about the situation is the fact that the traffic is considerably higher than projected by the Burgwin and Martin report, and the new study prepared by the planning staff for subject case, indicates their own study of 1967 was too low and the problem is worse now than they thought it was going to be.

HARRIS referred to the suggestion by Mr. Armstrong that opening of other streets would help solve the problem, but it was his opinion that the shopping centers themselves generate their own traffic, and it was his thought that the improvement of one or more streets in the surrounding area will not appreciably solve the problem in that the area itself generates the problem.

HARRIS commented that with the addition of 136,000 square feet of floor area in development and assuming that which is already approved will be developed, and a reasonable traffic generation rate, the breakdown of the existing street would occur within the next two or three years.

HARRIS referred to the staff projection of costs involved in the improvement of the streets. He felt the figures were low because at the time the original zoning was made there was a dedication of right-of-way by Twin Lakes and most of the other property owners involved, the only exception being the Marina Lakes area where the owner did not make such a dedication. He pointed out that the projected costs do not include the actual construction cost of medians or right-of-way beyond the intersection or for sidewalks, so the figures have been presented by the staff on a very conservative basis.

HARRIS reminded the Commissioners that this is about the ninth hearing of this same matter, and reminded the Commission that at the previous hearing on the original Marina Lakes CUP a formal protest petition was submitted but subject area (which is a portion of the original) does not involve adjacent owners because it is under the same ownership and, therefore, there is no way in which a legal protest petition could be filed. He felt, however, that the Commissioners must know the massive protest in the neighborhood from residents and must realize the existing traffic problem. HARRIS submitted aerial photographs showing the traffic situation at this intersection at various times and called attention to one taken recently showing traffic lined up to enter the Twin Lakes area from Amidon and commented that the situation would only be more aggravated by permitting an entrance to Marina Lakes directly opposite the one into Twin Lakes.

HARRIS pointed out that the Twin Lakes center was the first commercial development in the area and that they offered no objection to the zoning for Sweetbriar, Atlantic Mills, and the only reason they are opposed now is because the then Director of Public Works, now City Manager, the Traffic Engineer, and other city staff people say that if it is allowed there will be a breakdown in traffic that would seriously damage the existing investment of many millions of dollars.

For the record, HARRIS said it was his position that the application is not fairly brought before the Commission because it is only a portion of an original CUP project; he maintained that this is a single CUP and as a compromise the previous zoning was granted in respect to the same traffic problem. He doubted that the situation should be considered piecemeal and suggested that if the CUP is to be changed in any way, it should be overall consideration of the entire CUP upon application signed by the people who own it and not just the leasee. Unless that is done, a CUP could be cut into tracts and sold off individually and not result in the goals of the original plan. HARRIS said that one of the Commissioners alluded to this possibility at the last meeting.

HARRIS repeated that there is an existing problem and he asked the Commission not to compound the situation to the detriment of the people already there and he felt that if this is permitted, it would lead to other requests along Amidon, and especially so if this case is approved on the argument that the "land" is too valuable to develop otherwise. He continued that the compromise was made in 1967 when the Commission unanimously voted to deny the entire application at that time and approved only a portion thereof and denied what is being requested at this time.

GOEBEL commented that there has been zoning granted in the area which will increase traffic since the original Marina Lakes zoning was granted. HARRIS noted that the "BB" zoning granted on the Twin Lakes area was felt would tend to reduce traffic inasmuch as the plan for a highrise office structure (permitted under "B" Multiple Family Zoning) was changed to provide for garden type offices and, therefore, with less density and less traffic generated.

FOSTER expressed concern that even the estimates presented by the staff may be too low as has always been the experience in the past and said that in the staff study every opportunity had been given to the benefit of the doubt to this applicator. If a figure was rounded off, it was always to the minimum standard applicable.

BOGART referred to a former policy of the Commission which required the applicant to furnish a traffic study on a CUP request, and said that just before Rock Road CUP was submitted the policy was changed and the decision to grant the zoning was based on land use only. BOGART continued that at one time there was a policy that CUP's could be approved within 3 miles of each other. BOGART referred to the chart presented by the staff and discussed several questions concerning traffic with Mr. Lakin. He maintained that actually it is projected that only 5,000 more cars per day related to the requested 136,000 square feet more area. He felt that if zoning was to be granted based on this type of chart, then there would be no more granted on major streets.

KRATZER said he has viewed this area several times in the last month and at various times -- before 8 a.m., from noon to 1 p.m., and from 4:30 p.m. to 6 p.m. and between 7 p.m. and 8 p.m. on several occasions. He noted that many of the residents in the area are opposed because of the wait to get onto Amidon and he noted that the shopping centers are not open when they are going to work and he felt the street construction was probably responsible for the wait. KRATZER continued to review the fact that light commercial was established at this intersection on the basis that Amidon replaces Meridian as a section line, and in keeping with their policy, the light commercial was established at 21st and Amidon. He noted that the original purpose was to provide people in the area with commercial establishments and to provide some equity to land owners involved. He noted that the Commission does have the authority to rezone this intersection back to the original 6 acres on each corner to control traffic. He referred to the fact that it seems apparent the intersection will have to be rebuilt at some time in the future. He asked LAKIN if the staff felt it would have to be rebuilt within 16 years on the basis of its report. LAKIN said that reconstruction of the intersection could occur anytime within 16 years, depending on what conditions prevail, i.e., how much more commercial is built, and at what rate of growth for those commercial area and the overall traffic. KRATZER continued that apparently it boils down to when it will be rebuilt. He felt that a bridge on Meridian over the River would provide another artery for traffic and also the possibility of extending Waco on a curve into Arkansas north of 21st Street.

BRANSON stated that another point to consider is the fact that within the last two years the Commission had made a decision on this area and pointed out that too much of the Commission's time is devoted to hearing zoning cases rather than actually doing any planning. He continued that he resented this application being submitted when there has been no change in the last two years except for the name of the applicant and he stated that he did not say that against the applicant. He pointed out that the Commission has studied the traffic situation; that it will be more square feet than downtown, and that consideration should be given to residents in the area and he did not think the Commission should change its mind after only two years.

TROUT felt that there probably have been changes in the area and that there would be more; it is a good location for centers and seems to be a growing area. He said he was not so concerned about the submission of the case so soon after the other one, but felt the job of the Commission was to consider it on the basis of whether or not it is good and proper zoning. He expressed concern for stripping a street, noting that nothing slows down the movement of traffic more than numerous access points thereof. He referred to the fact that there were residents opposing zoning along Kellogg as residents are opposing subject case. He felt it wrong for the Commission to apply traffic as the only determinant for approving zoning, but stated that it is a matter of degree.

The Chairman pointed out that petitions containing 120 signatures in opposition had been submitted.

KRATZER said he thought people who live in the area had been misled as to what they can expect to alleviate traffic congestion. He pointed out that there will always be traffic and that no one can expect to live in a metropolitan area without traffic congestion. KRATZER again asked LAKIN if it was the staff's feeling that the street would have to be rebuilt in 16 years. LAKIN stated that on a 4 lane facility anytime the traffic hits F level it would have to be rebuilt. Whether it would be 1970 or 1985 would depend on the circumstances during the future period - development, etc.

GOEBEL felt that people in the area were a little more concerned than they needed to be. He felt that if and when other means of traffic circulation are provided the congestion at this intersection will be relieved. He pointed out also that so far as taxes, a commercial development pays much more taxes than residential property and so it would not be likely the residential taxes would be increased because of development on subject property.

He referred to the difference in what is paid on the Twin Lakes property now as compared to when it was undeveloped several years ago.

**MOTION:** BRANSON moved, TROUT seconded that the Planning Commission recommend to the City Commission that Case No. DP-23 (amendment) and Z-1037 be denied. Motion carried by a vote of 5 in favor (Branson, Trout, Souders, Goebel and Mooney) and two opposed (Kratzer and Jackson).

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The Chairman declared the meeting recessed until Thursday, December 19, 1968, at 10:00 a.m. in the same meeting room. Meeting recessed at 5:30 p.m.

C. Bickley Foster  
Secretary

State of Kansas )  
Sedgwick County ) ss

I, C. Bickley Foster, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on December 12, 1968, and is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official sea, this \_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
C. Bickley Foster, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

(SEAL)

DP-23 -214 NOTICEX MAILED 2-26-71 FOR MAPC 3-11-71

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

February 25, 1971

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on March 11, 1971, at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, will consider an application for an amendment to the MARINA LAKE COMMUNITY UNIT PLAN for property legally described as follows:

DP-23 - Lots 1 and 2, Marina Lake, Wichita, Sedgwick County, Kansas, Lots 1, 2, 3 and Reserve A, Marina Lake Fourth Addition, Wichita, Kansas, and part of Govt. Lot 1 in the NW 1/4 of Section 7, Township 27 South, Range 1 East, described as beginning at a point 1120.32 feet south and 50 feet west of the northeast corner of said Govt. Lot 1; thence south to the south line of said Govt. Lot 1; thence westerly along the south line of said Govt. Lot 1 to the west line of said Govt. Lot 1; thence north to a point 50 feet south of the northwest corner of said Govt. Lot 1; thence east to the northwest corner of said Lot 3, in said Marina Lake Fourth Addition; thence south 300 feet; thence east 325 feet; thence south 130 feet; thence east 460 feet; thence south 250 feet; thence east 604.9 feet; thence south 390 feet; thence east 80 feet to beginning. Generally located on the south side of 21st Street between Amidon and Meridian.

The Development Plan of this area, originally approved in April 1967 and as amended in January 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, Room 402 City Building Annex, 104 South Main Street, Wichita, Kansas, and is available for public information and review.

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

Increasing the amount of Light Commercial zoning approximately 5.8 acres.

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

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

Robert A. Lakin  
Secretary

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 HANSON DEVELOPMENT COMPANY  
25 East Salem Street  
Address Hackensack, New Jersey 07601 Phone A.C. 201 488-5800  
Agent  Robert T. Feagins  
6572 East Central  
Address Wichita, Kansas 67206 Phone 684-6576  
b. Applicant  Clear Lake, Inc.  
c/o Don E. Satterthwaite  
6572 East Central  
Address Wichita, Kansas 67206 Phone 685-3813  
Agent  Robert T. Feagins  
6572 East Central  
Address Wichita, Kansas 67206 Phone 684-6576  
c. Applicant \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

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

- II.A The applicant hereby requests Community Unit Plan approval on property zoned \_\_\_\_\_ and legally described as Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_, Addition. \_\_\_\_\_  
(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

- II.B There are \_\_\_\_\_ 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 S. W. Corner corner of 21st Street  
and Amidon; or
- b. on the \_\_\_\_\_ side of \_\_\_\_\_ (Ave.,  
Street) between \_\_\_\_\_ (Ave., Street) and  
\_\_\_\_\_ (Ave., Street).

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

The Hanson Development Company \_\_\_\_\_  
By Robert J. Ferguson By \_\_\_\_\_  
Authorized Agent (if any) Authorized Agent (if any)

Clear Lake, Inc. \_\_\_\_\_  
By Robert J. Ferguson By \_\_\_\_\_  
Authorized Agent (if any) Authorized Agent (if any)

V. OFFICE USE ONLY

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

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

Lots 1 and 2, Marina Lake, Wichita, Sedgwick County, Kansas, Lots 1, 2, 3, and Reserve A, Marina Lake Fourth Addition, Wichita, Kansas, and part of Govt. Lot 1 in the NW<sup>1</sup>/<sub>4</sub> of Sec. 7, Twp. 27-S, R-1-E, described as beginning at a point 1120.32 feet south and 50 feet west of the N. E. Corner of said Govt. Lot 1; thence south to the south line of said Govt. Lot 1; thence westerly along the south line of said Govt. Lot 1 to the west line of said Govt. Lot 1; thence north to a point 50 feet south of the N. W. Corner of said Govt. Lot 1; thence east to the N. W. Corner of said Lot 3 in said Marina Lake Fourth Addition; thence south 300 feet; thence east 325 feet; thence south 130 feet; thence east 460 feet; thence south 250 feet; thence east 604.9 feet; thence south 390 feet; thence east 80 feet to beginning.

## 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:

Property lying within a radius of 1,000 ft of:

Lots 1 and 2, Marina Lake, Wichita, Sedgwick County, Kansas, Lots 1, 2, 3, and Reserve A, Marina Lake Fourth Addition, Wichita, Kansas, and part of Govt. Lot 1 in the NW $\frac{1}{4}$  of Sec. 7, Twp. 27-S, R-1-E, described as beginning at a point 1120.32 feet south and 50 feet west of the N. E. Corner of said Govt. Lot 1; thence south to the south line of said Govt. Lot 1; thence westerly along the south line of said Govt. Lot 1 to the west line of said Govt. Lot 1; thence north to a point 50 feet south of the N. W. Corner of said Govt. Lot 1; thence east to the N. W. Corner of said Lot 3 in said Marina Lake Fourth Addition; thence south 300 feet; thence east 325 feet; thence south 130 feet; thence east 460 feet; thence south 250 feet; thence east 604.9 feet; thence south 390 feet; thence east 80 feet to beginning.

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.)

A-8679-76

All Government Lot 1, lying North of Arkansas River, except Marina Lake Addition & Marina Lake 4th Addition, & except beginning at NW cor Lot 1: E 580'; S 470'; S Ely to a pt 695' S & 770' E of NW cor Lot 1; th SW 250' to a pt 94.0' S & 715' E of NW cor; th SW to river; th Wly along river to W line Lot 1; th N to beg. Sec 7-27-1E

Clear Lakes Inc.

A-8679-76-1

Beg at NW cor Lot 1, Sec 7-27-1E; th E 580'; S 470'; S Ely to a pt 695' S & 770' E of NW cor Lot 1; th SW 250' to a pt 94.0' S & 715' E of NW cor; th SW to river; th Wly along river to W line Lot 1; th N to beg.

Amidon Development Inc.

Lots 1 & 2, Marina Lake Addition.


Clear Lakes Inc..

Lots 1, 2, 3 & Res A, Marina Lake 4th Add.

Clear Lakes Inc.

Lots 1, 3 & 4, & Res A, Friesen Add.

J. A. & Mable Friesen, ux  
 1946 N. Meridian 67203

  
 Fidelity  
 Title  
 Company,  
 Inc.



| LOT   | BLK | ADDITION   | OWNER  |
|---|-----|--|--|
| 2   |     | <u>FRIESEN</u>   | ✓Robert L. & Viola A. Clough, ux<br>1950 N. Meridian 67203 |
| D-18466-49  |     | Beg 957' N of SW cor Gov. Lot 4,<br>Sec 7, Twp 27, R 1 E; th E 330';<br>N 99'; W 330'; th S to beg.  | ✓Oren & Winifred F. Delaney, ux<br>1942 N. Meridian 67203  |
| D-18466-50  |     | Beg 858' N of SW cor Gov. Lot 4;<br>E 330'; N 99'; W 330'; S to beg.<br>Sec 7-27-1E.   | ✓P. E. & Laura Hightower, ux<br>1932 N. Meridian 67203     |
| D-18466-51  |     | (E 165') Beg 759' N & 165' E of SW<br>cor Gov. Lot 4; th E 165'; N 99';<br>W 165'; S to beg. Sec 7-27-1E.  | ✓Womer Development Co., Inc.<br>P. O. Box 394 67201        |
| D-18466-51  |     | (W 165') Beg 759' N of SW cor Gov.<br>Lot 4; th E 165'; N 99'; W 165';<br>S to beg. Sec 7-27-1E.   | ✓Parklane Savings & Loan Assoc.<br>P. O. Box 1007 67201    |
| D-18466-48  |     | Beg 660' N of SW cor Gov Lot 4; th<br>E 330'; N 99'; W 330'; S to beg.<br>Sec 7, Twp 27, R 1 E.  | ✓Parklane Savings & Loan Assoc.<br>P. O. Box 1007 67201    |
| D-18430-35  |     | Beg 720' N of SE cor Gov. Lot 4; th<br>W 330'; N 110'; E 330'; S to beg.<br>Sec 12, Twp 27, R 1 West.  | ✓Joseph F. & Linda A. Mora, ux<br>1925 N. Meridian 67203   |
| D-18430-36  |     | Beg 830' N of SE cor Gov. Lot 4;<br>W 207.44'; th NEly 111' M/L to a pt<br>188.88' W of E line Gov Lot 4; th<br>E 188.88' to E. line Gov Lot 4; th<br>S 110' to pl of beg., exc E 30' for<br>Street. Sec 12-27-1W. | ✓Herman & Nellie M. Wolf, ux<br>1460 N. Broadway 67214     |
| D-19430-37  |     | W $\frac{1}{2}$ of S 100' of beg 940' N of SE cor<br>Gov. Lot 4, th W 330' N to S bank of<br>Arkansas River; th Ely along bank of<br>river to Meridian line; th S to beg.<br>Sec 12, Twp 27, R 1 West.             | ✓Charles W. Sloan<br>2218 St. Louis 67203                  |
| D-18430-37-A  |     | E $\frac{1}{2}$ of S 100' of beg 940' N of SE cor<br>Gov. Lot 4; th W 330'; N to S bank of<br>Arkansas River; th Ely along bank of<br>river to Meridian line; th S to beg.<br>Sec 14, Twp 27, R 1 West.            | ✓Cecil G. & Ruby I. Pierce, ux<br>945 Woodrow 67203        |
| Lot 1, Cindy Addition.  |     |  | ✓Fred I. & Juanita F. Bowers, ux<br>1912 N. Richmond 67203 |
| Lots 1, 2, 3, 4, Blk 1, Lester Turley Add.<br>& Reserve adj on North. |     |  | ✓Lester W. & Pauline W. Turley,<br>1825 Hood 67203 ux      |

| LOT                     | BLK | ADDITION                | OWNER   |
|-------------------------|-----|-------------------------|---|
| 1                       | 3   | <u>MEADOWVALE</u>       | ✓Milford Q. & Agnes C. Yetter, ux<br>1985 McLean Blvd. NW 67203                               |
| 2                       | 3   |                         | ✓Howard L. & Doris M. McGregor, ux<br>1932 N. Edwards 67203                                   |
| 3                       | 3   |                         | ✓John D. & Glenda M. Craycraft, ux<br>1926 N Edwards 67203                                    |
| 4                       | 3   |                         | ✓Hermann V. & Twila Mae Stoessel,<br>2047 Euclid 67213 ux                                     |
| 9                       | 3   |                         | Alvin F. & Ann N. Link, ux<br>No Address Available<br><i>none found</i>                       |
| 10                      | 3   |                         | ✓Robert M. & Eleanor R. Weber, ux<br>1921 N. Richmond 67203                                   |
| 11                      | 3   |                         | ✓Donald L. & Jacqueline R. Day, ux<br>1927 N. Richmond 67203                                  |
| 12                      | 3   |                         | ✓Darrel R. & Shirley E. Duncan, ux<br>1933 N. Richmond 67203                                  |
| 13                      | 3   |                         | ✓Norman E. & Alta Swanson, ux<br>1975 McLean Blvd. NW 67203                                   |
| 13                      | 2   |                         | ✓Derrell & Helen L. Pratt, ux<br>1933 N. Edwards 67203  |
| 14                      | 2   |                         | ✓Joseph L. Stemas, sgle.<br>1991 McLean Blvd. NW 67203  |
| 2, 3, 4, 5, 6, 7,       | 1   | <u>RIVER PARK</u>       | ✓Twin Rivers Investments, Inc.<br>Res. Agt: G. R. Monroe<br>425 N. Broadway 67202             |
| 7, 8, 9, 10, 11 12,     | 4   |                         | ΔTwin Rivers Investments, Inc.  |
| 1, 2, 3, 5, 6, 7, 8, 9, | 5   |                         | ΔTwin Rivers Investments, Inc.  |
| 4                       | 5   |                         | ✓James H. & Norma J. Morrison, ux<br>8132 Morningside 67207                                   |
| 26 & 27,                | 6   |                         | ✓Herbert A. Sparks<br>4007 W. 18th St. 67212  |
|                         |     | <u>INDIAN HILLS 4th</u> | ✓Indian Hills Development Co., Inc.<br>H. Marvin Bastian, Pres.<br>1905 Southwest Blvd. 67211 |

Beg at intersection of E line Lot 1, Sec 12, Twp 27, R 1 West and the established left bank of the Arkansas River; th West along sd bank line to a pt 855 ft measured at right angles to sd E line Lot 1; th N to a pt 200 ft from sd river bank line; th Ely to a pt on the E line sd Lot 1, 200 ft from sd bank line; th S along sd East line sd Lot 1 to pt of beg.

X City of Wichita

| LOT | BLK | ADDITION                   | OWNER   |
|-----|-----|----------------------------|---|
| 5   | 3   | <u>BENJAMIN HILLS 2nd.</u> | ✓Richard E. & Mildred H. Ayesh,<br>2628 Benjamin 67204 ux |
| 6   | 3   |                            | ✓A. N. & Ruby Millsap, ux<br>2616 Benjamin 67204          |

| LOT | BLK | ADDITION            | OWNER   |
|-----|-----|---------------------|---|
| 7   | 3   | BENJAMIN HILLS 2nd. | ✓ W. Dean & Aileen Lee, ux<br>3315 Arkansas 67204             |
| 8   | 3   |                     | ✓ Arthur D. & Florence Busch, ux<br>2552 Benjamin 67204       |
| 9   | 3   |                     | ✓ Obed T. & Evelyn A. Wells, ux<br>2542 Benjamin 67204        |
| 10  | 3   |                     | ✓ Virginia D. Spencer<br>2534 Benjamin 67204                  |
| 11  | 3   |                     | ✓ Everest E. & Gladys L. Wible,<br>2520 Benjamin 67204 ux     |
| 12  | 3   |                     | ✓ Raymond D. & Gail George, ux<br>2512 Benjamin 67204         |
| 13  | 3   |                     | ✓ Marvin M. & Barbara Somers, ux<br>2506 Benjamin 67204       |
| 14  | 3   |                     | ✓ Elizabeth H. Heinsohn<br>2305 N. Richmond 67204             |
| 15  | 3   |                     | ✓ Carl L. & Lucille Bessier, ux<br>2315 N. Richmond 67204     |
| 16  | 3   |                     | ✓ Don G. & Kouise K. Salyer, ux<br>2325 N. Richmond 67204     |
| 17  | 3   |                     | ✓ Carl A. & Marie Warne, ux<br>2339 N. Richmond 67204         |
| 18  | 3   |                     | ✓ Horton E. & Benita L. Goss, ux<br>2355 N. Richmond 67204    |
| 19  | 3   |                     | ✓ T. J. & Vivian L. Harder, ux<br>157 N. Byron 67212          |
| 20  | 3   |                     | ✓ Gordon L. & Joan C. Smith, ux<br>2377 N. Richmond 67204     |
| 21  | 3   |                     | ✓ James A., Jr. & Doris T. Moore<br>2381 N. Richmond 67204 ux |
| 8   | 4   |                     | ✓ John W. & Kathleen Schiffler,<br>2324 N. Richmond 67204 ux  |
| 9   | 4   |                     | ✓ Herbert W. & Eva D. Hobson, ux<br>2314 N. Richmond 67204    |
| 10  | 4   |                     | ✓ Leonard R. & Kellene M. Wright<br>2304 N. Richmond 67204 ux |
| 11  | 4   |                     | ✓ James A. & Barbara Farmer, ux<br>2305 Dogwood 67204         |
| 12  | 4   |                     | ✓ Albert C. & Mildred H. Martin,<br>2315 Dogwood 67204 ux     |
| 1   | 5   |                     | ✓ Board of Park Commissioners<br>City of Wichita              |
| 2   | 5   |                     | ✓ Board of Education of City of<br>Wichita, School Dist. # 1  |

| LOT | BLK | ADDITION            | OWNER   |
|-----|-----|---------------------|---|
| 1   | 9   | BENJAMIN HILLS 2nd. | Charles C., Jr. & Goldie Ford,<br>2256 Hyacinth 67204 ux                      |
| 2   | 9   |                     | ✓John D. & Eileen C. Murray, ux<br>2246 Hyacinth 67204                        |
| 3   | 9   |                     | ✓Ray O. & Jetta J. Stinson, ux<br>2238 Hyacinth 67204                         |
| 4   | 9   |                     | ✓William Ronald Brigstocke<br>Mindia M. Brigstocke, ux<br>2228 Hyacinth 67204 |
| 5   | 9   |                     | ✓H. Dean & C. Nadine Jirrels, ux<br>2220 Hyacinth 67204                       |
| 6   | 9   |                     | ✓Wilbur R. & E. Maxine Elsea, ux<br>2208 Hyacinth 67204                       |
| 7   | 9   |                     | ✓Anna McLean<br>2359 McLean Blvd NW 67203                                     |
| 8   | 9   |                     | ✓Oliver R. & Marjorie Anderson,<br>2219 Bullinger 67204 ux                    |
| 9   | 9   |                     | ✓James H. & Susan L. House, ux<br>2233 Bullinger 67204                        |
| 10  | 9   |                     | ✓John M., Jr. & Betty Richards,<br>2304 N. Richmond 67204 ux                  |
| 11  | 9   |                     | ✓Michael A. Belluomo<br>Mary Paula Belluomo, ux<br>2245 Bullinger 67204       |
| 12  | 9   |                     | ✓James J. & Norvell B. McKee, ux<br>2701 Benjamin 67204                       |
| 1   | 10  |                     | ✓June E. Miller<br>2519 Benjamin 67204  |
| 2   | 10  |                     | ✓C. Raymond & Kathleen V. Goble,<br>2533 Benjamin 67204 ux                    |
| 3   | 10  |                     | ✓Richard & Wilma Jeanne Bills, ux<br>1514 N. Sabin 67209                      |
| 4   | 10  |                     | ✓Richard Dale & Alice M. Gass, ux<br>2551 Benjamin 67204                      |
| 5   | 10  |                     | ✓Harry J. & Norma J. Frazier, ux<br>2605 Benjamin 67204                       |
| 6   | 10  |                     | ✓Byron R. & Bertha M. Waggoner,<br>2615 Benjamin 67204 ux                     |
| 7   | 10  |                     | ✓Verland M. & Elaine Patterson, ux<br>2627 Benjamin 67204                     |
| 8   | 10  |                     | ✓A. F. & Betty C. Simon, ux<br>2628 Bob White 67204                           |
| 9   | 10  |                     | ✓Albert P. & Reva Guerra, ux<br>2616 Bob White 67204                          |

| LOT                        | BLK | ADDITION                   | OWNER   |
|----------------------------|-----|----------------------------|---|
| 10                         | 10  | <u>BENJAMIN HILLS 2nd.</u> | ✓ W, Richard & Pauline S. Louv, ux<br>2606 Bob White 67204                          |
| 11                         | 10  |                            | ✓ William D. & Wilma E. McLean, ux<br>2552 Bob White 67204                          |
| 12                         | 10  |                            | ✓ John J. & Marguerite K. Yungmeyer<br>2542 Bob White 67204 ux                      |
| 13                         | 10  |                            | ✓ Dean L. & Norma L. Babb, ux<br>2532 Bob White 67204                               |
| 14                         | 10  |                            | ✓ J. Carson & Virginia Rockhill, ux<br>2505 Benjamin 67204                          |
| 1                          | 11  |                            | ✓ Joe Guy, Jr. & Katherine Jones,<br>2521 Bob White 67204 ux                        |
| 2                          | 11  |                            | ✓ Evelyn J. Caldwell, sgle<br>John O. & Anna B. English, ux<br>2533 Bob White 67204 |
| 3                          | 11  |                            | ✓ Fred J. & Virginia H. Soper, ux<br>2541 Bob White 67204                           |
| 4                          | 11  |                            | ✓ William D. & Mona Beth Dopps, ux<br>2551 Bob White 67204                          |
| 5                          | 11  |                            | ✓ Don L. & Marie L. Graber, ux<br>2605 Bob White 67204                              |
| 6                          | 11  |                            | ✓ Eli P. & Agnes C. Ferris, ux<br>2615 Bob White 67204                              |
| 7                          | 11  |                            | Lowell W. & Lorraine Schraeder, ux<br>No Address Available<br><i>none found</i>     |
| 8                          | 11  |                            | ✓ Anna McLean<br>2220 Cardinal 67204  |
| 9, 10, 11, 12,<br>13 & 14, | 11  |                            | ✓ John E. Brewer<br>2101 W. 31st St. N. 67204                                       |
| 15                         | 11  |                            | ✓ Anna McLean<br>2359 McLean Blvd. NW 67204   |
| 16                         | 11  |                            | ✓ Edward O. & Donna M. Elpers, ux<br>2419 Benjamin 67204                            |
| 17                         | 11  |                            | ✓ Robert M. & Joan E. Shearer, ux<br>2433 Benjamin 67204                            |
| 1                          | 12  |                            | ✓ Donald E. & Onita Faye Wilson, ux<br>2442 Benjamin 67204                          |
| 2                          | 12  |                            | ✓ Yellis H. & Lucile K. Wilkinson,<br>2434 Benjamin 67204 ux                        |
| 4                          | 12  |                            | ✓ Ward E. & Gloria J. Lewis, ux<br>2420 Benjamin 67204                              |
| 3                          | 12  |                            | ✓ Ray C. & Dorothy J. Hopson, ux<br>2426 Benjamin 67204                             |
| 5                          | 12  |                            | ✓ Adm. of Veterans Affairs,<br>5500 E. Kellogg 67218                                |
| 6 & 7. & 9.                | 12  |                            | ✓ Emmet E. & Lois Hall, ux<br>2308 Hyacinth 67204                                   |
| 8                          | 12  |                            | ✓ William W. & Flora M. Leblond, ux<br>2227 N. Richmond 67204                       |

| LOT    | BLK | ADDITION                   | OWNER  |
|--------|-----|----------------------------|--|
|        |     | <u>BENJAMIN HILLS 2nd.</u> |  |
| 10     | 12  |                            | D Adm. of Veterans Affairs<br>5500 E. Kellogg 67218  |
| 11     | 12  |                            | ✓ Jerome C. & Barbara G. Beck, ux<br>2253 N. Richmond 67204  |
| 12     | 12  |                            | ✓ Henry & Darlene M. Jesse, ux<br>2261 N. Richmond 67204   |
| 1      | 13  |                            | ✓ Walter J. & Ruth R. Broderson, ux<br>2262 N. Richmond 67204  |
| 2      | 13  |                            | ✓ Mildred Kirkpatrick,<br>Thomas Lee Kirkpatrick<br>Sherry Ann Larkin, jt.<br>2254 N. Richmond 67204 |
| 3      | 13  |                            | ✓ George L. & Birdie M. Harris, ux<br>2244 N. Richmond 67204   |
| 4      | 13  |                            | ✓ John M. & Virginia Lang, ux<br>2236 N. Richmond 67204  |
| 5      | 13  |                            | ✓ Merle D. & Bonnie Lee Speer, ux<br>2228 N. Richmond 67204  |
| 6 & 12 | 13  |                            | D Adm. of Veterans Affairs<br>5500 E. Kellogg 67218  |
| 7      | 13  |                            | ✓ Elzy V. & Dorothy D. Hale, ux<br>2208 N. Richmond 67204  |
| 8      | 13  |                            | ✓ Joe E. & Virginia R. Walton, ux<br>Belle Plains, Ks. 67013   |
| 9      | 13  |                            | ✓ Leeson H. & Martha S. McCloud, ux<br>2219 Marigold 67204   |
| 10     | 13  |                            | ✓ Larry J. & Gwendolyn P. Armfield,<br>2229 Marigold 67204 ux  |
| 11     | 13  |                            | ✓ Paul W. & Mildred L. Robben, ux<br>1535 N. Charles 67203   |
| 13     | 13  |                            | ✓ Orville W. & Bettian Smith, ux<br>2225 Dogwood 67204   |
| 14     | 13  |                            | D Adm of Veterans Affairs<br>5500 E. Kellogg 67218   |
| 15     | 13  |                            | ✓ Charles P. & Dorothy E. Danbury, ux<br>2243 Dogwood 67204  |
| 16     | 13  |                            | ✓ Forrest V. & Evelyn A. Jackson, ux<br>2251 Dogwood 67204   |
| 1      | 14  |                            | ✓ Ward H. & Esther M. Blackford, ux<br>2238 Marigold 67204   |
| 2      | 14  |                            | ✓ Ray M. & Constance Christianson,<br>2222 Marigold 67204 ux   |
| 3      | 14  |                            | ✓ Bernard J. & Ralpholene Stambaugh,<br>2206 Marigold 67204 ux                                       |
| 4      | 14  |                            | ✓ Southwest Fed. S & L. Assoc.<br>130 N. Market 67202  |
| 5      | 14  |                            | ✓ Norman E. & Dorothy Allerheiligen,<br>2225 Sweetbriar 67204 ux                                     |

| LOT  | BLK | ADDITION                   | OWNER   |
|--|-----|----------------------------|---|
| 6  | 14  | <u>BENJAMIN HILLS 2nd,</u> | ✓Presbytery of Wichita, Synod<br>of Kansas<br>2258 Marigold 67204               |
| 5  | 7   |                            | ✓Jack E. & Elizabeth J. Greene,<br>2302 Marigold 67204 ux                       |
|  | 1   | <u>GARDNER'S RIVERLAWN</u> | ✓Gardner Land, Inc.<br>221 N. Broadway 67202                                    |
| 1  | 2   |                            | Emmet B. & Margaret F. Park, ux<br>5707 E. 19th St. 67208                       |
| 2  | 2   |                            | ✓Donald R. Armstrong<br>Ruby Eva Elinor Armstrong, ux<br>1921 W. 23rd St. 67204 |
| 3  | 2   |                            | ✓Donald A. & Lois M. Filby, ux<br>1915 W 23rd St. 67204                         |
| 4  | 2   |                            | ✓V. A. & Mildred B. Miller, ux<br>1909 W. 23rd N. 67204                         |
| 5  | 2   |                            | ✓Maybell Donovan<br>1901 W. 23rd St. 67204                                      |
| 6  | 2   |                            | ✓E. W. & Nell M. Schubert, ux<br>1827 W. 23rd St. 67204                         |
| 7  | 2   |                            | ✓Werner H. & Loretta M. Peper,<br>1821 W. 23rd St. 67204 ux                     |
| 8  | 2   |                            | ✓Stephen J. & Janet L. Betton,<br>1815 W 23rd St. 67204 ux                      |
| 9  | 2   |                            | ✓William Henry Holsapple<br>Marjorie Holsapple, ux<br>1807 W. 23rd St. 67204    |
| 10   | 2   |                            | ✓Avis R. & Deloris Gutshall, ux<br>1801 W 23rd St. 67204                        |
| 11, 12, 13, 14, 15,<br>16, 17, 18, 19, 20, | 2   |                            | ✓Gardner Land Inc.<br>221 S. Broadway 67202                                     |
| 11   | 3   |                            | ✓Bobby R. & Nancy L. Daniel, ux<br>2424 Amidon 67204                            |
| 12   | 3   |                            | ✓A. David & Violet J. Steven,<br>2416 Amidon 67204 ux                           |
| 13   | 3   |                            | ✓Ray & Georgia I. Shropshire, ux<br>2410 Amidon 67204                           |
| 14   | 3   |                            | ✓David L. & Margaret M. Adams,<br>2402 Amidon 67204 ux                          |
| 15   | 3   |                            | ✓Dean E. & Betty J. Norris, ux<br>1918 W 23rd St. 67204                         |
| 16   | 3   |                            | ✓Henry D. & Dorothy J. Bogardus<br>2401 Riverlawn 67204 ux                      |
| 17   | 3   |                            | ✓Paul W. & Katherine M. Reeves,<br>2415 Riverlawn 67204 ux                      |
| 18   | 3   |                            | ✓John Richard & Myra M. Small,<br>2421 Riverlawn 67204 ux                       |

| LOT       | BLK | ADDITION   | OWNER   |
|-----------|-----|--|---|
| 13        | 4   | <u>GARDNER'S RIVERLAWN</u>   | ✓ Frederick M. Knodle<br>Marjorie J. Knodle, ux<br>2416 Riverlawn 67204                   |
| 14        | 4   |  | ✓ M. E. & Leona D. Lay, ux<br>1805 Highland, Augusta, Ks.<br>67010                        |
| 15        | 4   |  | ✓ James & LaDonna J. Sanders, ux<br>1214 Kevin Rd. 67204                                  |
| 16        | 4   |  | ✓ Wendell E. & Betty M. Palin, ux<br>1824 W 23rd St. 67204                                |
| 17        | 4   |  | ✓ David E & Edna E. Monk, ux<br>2409 Perry 67204  |
| 16        | 5   |  | ✓ Robert Milton & Donna Noll, ux<br>2402 Perry 67204                                      |
| 1         |     | <u>BRUNCH</u>  | ✓ A. R. & Thelma L. Brunch, ux<br>5059 Valentine Rd. 67219                                |
| 2 & 3,    |     |  | ✓ Hale Dean Ritchie, Evan Davis<br>Ritchie & John Proctor Ritchie<br>1820 N. Mosley 67214 |
| A-8679-79 |     | E 2/3 Acre of 1 Acre Tract located<br>in NW cor Lot 2, exc N 50' for St.,<br>NE 1/4 Sec 7-27-1E.   | ✓ Marcus D. Gow<br>% Derby Refining Co.,<br>P. O. Box 1030 67201                          |
| A-15183   |     | Prt Blk 1, Lakeview Estates; Beg<br>126.7' W of NE cor Blk 1; W 640.29';<br>S 158.71'; W 158.71'; S 368'; E 325';<br>NE 200'; E 475'; N 275'; W 129.33';<br>N to beg.  | ✓ Lakeview Development Co., Inc.<br>P. O. Box 2365 N. Wichita Sta.                        |
| A-15183-1 |     | Prt Blk 1, Lakeview Estates; beg NE<br>cor Blk 1; W 126.7'; S 125'; E 129.33';<br>N 125' to beg.   | ✓ Lakeview Development Co., Inc.  |
| A-15261   |     | Lot 1, Lakeview Estates 2nd Add, exc<br>beg at SW cor; th NE 96.95'; S to S<br>line; W to beg.   | ✓ Lakeview Development Co., Inc.  |
| A-15261-1 |     | Beg at SW cor Lot 1; NE 96.95' M/L;<br>S to S line Lot 1; W to beg. Lakeview<br>Estates 2nd Add.   | ✓ Lakeview Development Co., Inc.  |
| A-15262-1 |     | Prt Lot 2, Lakeview Estates 2nd. Add;<br>Beg at NW cor Lot 2; E 324.63'; S 88.91';<br>W 260'; NW to beg.   | ✓ Lakeview Development Co., Inc.  |
| A-15264   |     | Lot 4, exc E 298.9'. Lakeview Estates 2nd.   | ✓ Lakeview Development Co., Inc.  |
| A-15265   |     | Lot 5, Lakeview Estates 2nd Add.   | ✓ Lakeview Development Co., Inc.  |
| A-15266   |     | Beg 298.9' W of SE cor Lot 6; W 621.1';<br>NWly 386.15'; W 30'; N 3178'; W 10'; N<br>31.78'; W 10'; N 526.29'; E 130'; N 230';<br>NEly 30'; E 545'; SEly to a pt 290' W of<br>NE cor Lot 6; E 290'; S 415'; W to a pt<br>280' W of E line Lot 3; S 371.6'; W 239.12';<br>S 15' to beg. Lakeview Estates 2nd Add. | ✓ Lakeview Development Co., Inc.  |

| LOT                   | BLK | ADDITION                  | OWNER   |
|-----------------------|-----|---------------------------|---|
| 1                     | 1   | <u>COOK'S RIVER RANCH</u> | ✓ Reginald V. & Judith A. Boothe,<br>1846 Lisa Lane 67203 ux  |
| 2                     | 1   |                           | ✓ Everett C. & Delpha A. Moss, ux<br>1827 W. 18th St. 67203   |
| 3                     | 1   |                           | ✓ Wayne M. & Zelma Armstrong, ux<br>1809 W. 18th St. 67203  |
| 4                     | 1   |                           | ✓ Melvin John Dechant<br>Mary Lou Dechant, ux<br>1805 W. 18th St. 67203   |
| 5                     | 1   |                           | ✓ Perry W. & Evelyn M. Latham, ux<br>1855 Woodrow Crt. 67203  |
| 6, exc S 1'           | 1   |                           | ✓ Harlan E. & Phyllis J. Dixon,<br>1845 Woodrow Crt. 67203 ux   |
| 7 & S 1' Lot 6,       | 1   |                           | Robert H. & Dorothy E. Jackson<br>No Address Available ux<br><i>rose found</i>                                    |
| 8                     | 1   |                           | ✓ Eugene L. & Lorraine Jones, ux<br>2607 N. Chautauqua 67219  |
| 9                     | 1   |                           | ✓ Chester H. & Aletha E. Wilson,<br>1815 Woodrow Crt. 67203 ux  |
| 10                    | 1   |                           | ✓ Frank L. & Leola M. Thomas, ux<br>1805 Woodrow Crt. 67203   |
| 11, exc Nly 2'        | 1   |                           | ✓ Paul J. & Dorothy C. Andree, ux<br>1814 Lisa Lane 67203   |
| 12 & Nly 2' Lot 11, 1 |     |                           | ✓ Jeffrey V. & Martha L. Baxter,<br>No Address Available ux<br><i>1824 Lisa Lane 67203</i>                        |
| 13                    | 1   |                           | ✓ Homer E. & LaDonna Keith, ux<br>1828 Lisa Lane 67203  |
| 14                    | 1   |                           | ✓ Larry Elliott Hiebert<br>Kathryn Hayes Hiebert, ux<br>No Address Available<br><i>1430 N. St. Paul - Apt 104</i> |
| 15                    | 1   |                           | ✓ Albert H. Nelson III<br>Patricia Ann Nelson, ux<br>1836 Lisa Lane 67203   |
| 16                    | 1   |                           | ✓ Lloyd & Doris Mae Van Stone, ux<br>1840 Lisa Lane 67203   |
| 1                     | 2   |                           | D Lakeview Development Co., Inc.  |
| 2 & 3                 | 2   |                           | ✓ Arlene V. Root<br>1847 Lisa Lane 67203  |
| 4 & 5                 | 2   |                           | ✓ C. W. Bragg Company, Inc.<br>1743 N. Broadway 67214   |
| 6                     | 2   |                           | ✓ John L. & Anne Orlena Cook, ux<br>1833 Lisa Lane 67203  |
| 7                     | 2   |                           | ✓ Christine J. Cleary<br>1829 Lisa Lane 67203   |
| 8                     | 2   |                           | ✓ C. Eugene & Peggy A. McGinnis,<br>1825 Lisa Lane 67203 ux   |
| 9                     | 2   |                           | ✓ Astrid Hayden<br>1821 Lisa Lane 67203   |

| LOT              | BLK  | ADDITION                  | OWNER  |
|------------------|--|---------------------------|--|
| 10               | 2  | <u>COOK'S RIVER RANCH</u> | ✓ Victor & Nancy G. Zavarella, ux<br>1817 Lisa Lane 67203                              |
| 11               | 2  |                           | ✓ Charley Floyd Thomas, ux<br>Marjorie C. Thomas, ux<br>1813 Lisa Lane 67203           |
| 12 & 13          | 2  |                           | ✓ Lawrence E. & Irene Wells, ux<br>1401 Garland 67203                                  |
| 1, 3, 5,         | Woodrow Crt,   | <u>FORD &amp; CRANE'S</u> | ✓ M. H. & Evelyn A. Owens, ux<br>1733 W. 18th St. 67203                                |
| 7, 9, 11,        | " "  |                           | ✓ Sam & Lutie Schwein, ux<br>1848 Woodrow Crt. 67203                                   |
| 13, 15, 17,      | " "  |                           | ✓ Gerald B. & Grace N. Best, ux<br>1842 Woodrow Crt. 67203                             |
| 19 thru 29 (Odd) | " "  |                           | ✓ Dekalb Agricultural Association<br>of Dekalb County, Ill.<br>1831 Woodrow Crt. 67203 |
| A-15266-1        | Prt Lot 6, Lakeview Estates 2nd Add:<br>Beg at NW cor; SW 128.81'; E 180'<br>M/L; N 88.91'; W to beg.  |                           | ✓ Lakeview Development Co., Inc.   |
| A-15266-2        | Prt Lot 6, Lakeview Estates 2nd Add:<br>Beg at a pt where N line Lot 6 & NW<br>cor Lot 2 intersect; W 295' M/L; th<br>S 88.91'; E 365'; NW to beg. |                           | ✓ Lakeview Development Co., Inc.   |
| A-15183-2        | Prt Blk 1, Lakeview Estates Add.<br>Beg at SW cor; N 422'; E 325';<br>SW 255.74'; S 230'; W 130' to beg.   |                           | ✓ Lakeview Development Co., Inc.   |
| A-15262-2        | Prt Lot 2, Lakeview Estates 2nd.<br>Add; Beg 375' W of NE cor Lot 2;<br>W 143.84'; N 15'; W 260'; SW 238.27';<br>E 195'; N 268' to beg.            |                           | ✓ Lakeview Development Co., Inc.   |

| LOT   | BLOCK | ADDITION         | OWNER  |
|---|-------|------------------|--|
| 1   | 1     | <u>WOMER 6TH</u> | Womer Development Co. Inc.<br>434 Ohio 67214                           |
| 2   | 1     |                  | Womer Development Co. Inc.<br>434 Ohio 67214                           |
| 3   | 1     |                  | Womer Development Co. Inc.<br>434 Ohio 67214                           |
| 4   | 1     |                  | Womer Development Co. Inc.<br>434 Ohio 67214                           |
| 5   | 1     |                  | Womer Development Co. Inc.<br>434 Ohio 67214                           |
| 6   | 1     |                  | Womer Development Co. Inc.<br>434 Ohio 67214                           |
| 7   | 1     |                  | Womer Development Co. Inc.<br>434 Ohio 67214                           |
| 16 exc N 65 ft.   | 1     |                  | Womer Development Co. Inc.<br>434 Ohio 67214                           |
| N 65 ft Lot 16.   | 1     |                  | Ellen C. Hiatt<br>1911 N. St. Clair 67203                              |
| 17 exc beg NE/c<br>W 130 ft to<br>NW/c S 1 ft<br>Ely to beg.  | 1     |                  | R. W. & Joyce H. Womer, ux<br>434 Ohio 67214                           |
| Beg NE/c Lot 17<br>W 130 ft to<br>NW/c S 1 ft<br>Ely to point<br>of beg.  | 1     |                  | Harold & Alice Belt, ux<br>1931 N. St. Clair 67203                     |
| 18 exc beg front<br>corner common to<br>Lot 19 NW 162 ft<br>S 6 ft SE to beg.   | 1     |                  | Harold & Alice Belt, ux<br>1931 N. St. Clair 67203                     |
| 19 exc beg front<br>corner common to<br>Lot 19 & 20 W 10<br>ft NW 186.3 ft N<br>32.45 ft SE 210 ft<br>to beg. & pt lot 18<br>beg corner common<br>to Lot 19 NW, 162 ft<br>S 6 ft SE to beg. | 1     |                  | Donald & Mazie L. King, ux<br>1941 N. St. Clair 67203                  |
| 20 exc Ely 10 ft & part<br>Lot 19 beg front cor-<br>ner common to Lots 19<br>& 20 Wly 10 ft NW 186.3<br>ft N 32.45 ft SE 210 ft<br>to beg.  | 1     |                  | S. H. & Esther J. Womer, ux<br>434 Ohio 67214                          |
| Ely 10 ft Lot 20 & Lot<br>21 exc part E of line<br>15 ft W SE/c extended<br>to pt 20 ft Wly of<br>NE/c.   | 1     |                  | Fred L. Coslett & Patricia<br>L. Coslett, ux<br>2242 Bella Vista 67203 |

| LOT   | BLOCK | ADDITION         | OWNER  |
|---|-------|------------------|--|
| 22 & part Lot 21<br>beg SE/c W 15 ft N<br>to rear line Ely 20<br>ft to NE/c S to<br>beg.        | 1     | <u>WOMER 6TH</u> | ✓ Charles R. & Lucille Culbertson<br>ux<br>115 S. Seneca 67213                           |
| 23 & Wly 15 ft of<br>Lot 24.  | 1     |                  | ✓ Gale D. & Sara L. Black, ux<br>2224 Bella Vista 67203                                  |
| 24 exc Wly 15 ft.   | 1     |                  | ✓ Charles K. & Jean C. Eby, ux<br>% Wichita Fed. - 340 S. Bdwy.<br>Wichita, Kansas 67202 |
| 25 exc Wly 50 ft.   | 1     |                  | Womer Development Co. Inc.<br>434 Ohio 67214   |
| Wly 50 ft Lot 25.   | 1     |                  | Charles K. & Jean C. Eby, ux<br>% Wichita Fed. - 340 S. Bdwy.<br>Wichita, Kansas 67202   |
| 26 exc E 10 ft.   | 1     |                  | Womer Development Co. Inc.<br>434 Ohio 67214   |
| 27 & E 10 ft Lot<br>26.   | 1     |                  | ✓ Hubert M. & Shirley E. Snell,<br>ux<br>2186 Bella Vista 67203                          |
| 28  | 1     |                  | ✓ William A. & Kathleen S.<br>James, ux<br>2108 Bella Vista 67203                        |
| 29 exc beg SE/c<br>NW alg front 65<br>ft NE to rear Li<br>SE 72 ft to NE/c<br>SW 160 ft to beg. | 1     |                  | William M. & Kathleen S.<br>James, ux<br>2108 Bella Vista 67203                          |
| 30 & part Lot 29<br>beg SE/c NW 65 ft<br>NE to rear of Lot<br>SE 72 ft SW 160 ft<br>to beg.     | 1     |                  | R. W. & S. H. Womer<br>434 Ohio 67214  |
| 31  | 1     |                  | ✓ H.P., Jr. & Ruth S. Lent, ux<br>2162 Bella Vista 67203                                 |
| 32 & beg SW/c Lot<br>33 SE 41 ft NE to<br>rear Lot 33 NW 48 ft<br>to NW/c SW to beg.            | 1     |                  | ✓ G. Guyle & Eula Jean Stephens,<br>ux<br>2154 Bella Vista 67203                         |
| 33 exc beg SW/c<br>SE along front 41<br>ft NE to rear Lot 33<br>NW 48 ft to NW/c SW<br>to beg.  | 1     |                  | ✓ Ralph A. & Doris J. Klose, ux<br>2142 Bella Vista 67203                                |
| 34 exc beg SW/c<br>Lot 34 SE 51 ft NE<br>to rear Lot 34 NW<br>61.2 ft to NW/c SW<br>to beg.     | 1     |                  | ✓ Wm. R. & Patricia L. Holmes, ux<br>2134 Bella Vista 67203                              |

-14-

| LOT  | BLOCK | ADDITION         | OWNER  |
|--|-------|------------------|--|
| Beg SW/c Lot 34 SE<br>along front 51 ft NE<br>134 ft to rear of Lot<br>NW 61.2 ft to NW/c SW<br>142 ft to beg.   | 1     | <u>WOMER 6TH</u> | ✓ Ralph A. & Doris J. Klose, ux<br>2142 Bella Vista 67203                |
| 35 exc that part N of<br>a line 61 ft S of front<br>corner common with Lot<br>34 & 72 ft S of rear<br>corner common with Lot<br>34.                                  | 1     |                  | ✓ Womer Development Co. Inc.<br>434 Ohio 67214                           |
| Part Lot 35 beg front<br>corner common to Lot<br>34 & 35 SE along front<br>Lot 35; 61 ft NE to<br>rear Lot 35 NW 72 ft<br>rear cor. common with<br>Lot 34 SW to beg. | 1     |                  | ✓ Wm. R. & Patricia L. Holmes,<br>ux<br>2134 Bella Vista 67203           |
| 36   | 1     |                  | ✓ Womer Development Co. Inc.<br>434 Ohio 67214                           |
| 37   | 1     |                  | ✓ Womer Development Co. Inc.<br>434 Ohio 67214                           |
| 38   | 1     |                  | ✓ Womer Development Co. Inc.<br>434 Ohio 67214                           |
| West 150 ft Lot 39.  | 1     |                  | ✓ Walter Kay & Blanche M.<br>Jabara, ux<br>2104 Bella Vista 67203        |
| That pt of Lot 39<br>lying E of the follow-<br>ing Li. Beg. 150 ft E<br>of SW/c Lot 39 then<br>running N 129.31 ft to<br>N Li of Lot 39.                             | 1     |                  | ✓ Clayton Elmer & Marian B.<br>Carpenter, ux<br>2010 W 17th St. 67203    |
| 1  | 2     | <u>WOMER 6TH</u> | ✓ Robert L. & Elizabeth D.<br>Willey, ux<br>1902 N. St. Clair 67203      |
| 2  | 2     |                  | ✓ Verne F. & Bessie E. Thornton,<br>ux<br>2236 W. 18th St. 67203         |
| West 10 ft Lot 3.  | 2     |                  | ✓ Verne F. & Bessie E. Thornton,<br>ux<br>2236 W. 18th St. 67203         |
| 3 exc West 10 ft.  | 2     |                  | ✓ Larry K. & Marilyn K. Kuhlman,<br>ux<br>2547 West 31st St. South 67217 |
| 4  | 2     |                  | ✓ William L. & Mildred E.<br>Edwards, ux<br>2216 W. 18th St. 67203       |
| 5  | 2     |                  | ✓ Dwight E. & Barbara J. Glenn,<br>ux<br>2208 West 18th St. 67203        |

-15-

| LOT                       | BLOCK | ADDITION         | OWNER  |
|---------------------------|-------|------------------|--|
| 6                         | 2     | <u>WOMER 6th</u> | ✓ Donald L. & Harriet E.<br>Ratzlaff, ux<br>1815 Joann 67203         |
| 7                         | 2     |                  | ∩ Womer Development Co. Inc.<br>434 Ohio 67214                       |
| 8                         | 2     |                  | ∩ Womer Development Co. Inc.<br>434 Ohio 67214                       |
| 9                         | 2     |                  | ∩ Womer Development Co. Inc.<br>434 Ohio 67214                       |
| 10 exc SE 1 ft.           | 2     |                  | ∩ Womer Development Co. Inc.<br>434 Ohio 67214                       |
| 11 & SE 1 ft Lot 10.      | 2     |                  | ✓ Carl G. & Ina M. Kraus, ux<br>2142 W. 18th St. 67203               |
| 12                        | 2     |                  | ✓ Richard L. & Virginia L.<br>Bridgman, ux<br>2132 W. 18th St. 67203 |
| 13                        | 2     |                  | ✓ Mathew J. & Martha M. Horsch,<br>ux<br>2122 W. 18th St. 67203      |
| 14                        | 2     |                  | ✓ Charles L. & Patty A. Brandt,<br>ux<br>2133 Bella Vista 67203      |
| 15                        | 2     |                  | ✓ Norene T. Garver<br>2141 Bella Vista 67203                         |
| 16 & Ely 13 ft<br>Lot 17. | 2     |                  | ✓ George G. & Lucille V.<br>Kessler, ux<br>2147 Bella Vista 67203    |
| 17 exc Ely 13 ft.         | 2     |                  | ∩ Womer Development Co. Inc.<br>434 Ohio 67214                       |
| 18                        | 2     |                  | Walter R. & Mildred A.<br>Zittel, ux<br>2163 Bella Vista 67203       |
| 19                        | 2     |                  | ∩ Womer Development Co. Inc.<br>434 Ohio 67214                       |
| 20                        | 2     |                  | ∩ Womer Development Co. Inc.<br>434 Ohio 67214                       |
| 21                        | 2     |                  | ✓ Larry L. & Linda Debrot, ux<br>2185 Bella Vista 67203              |
| 22                        | 2     |                  | ✓ Kenneth W. & S. Harlene<br>Shreve, ux<br>2193 Bella Vista 67203    |
| 23                        | 2     |                  | ✓ Phillip C. & Constance L.<br>Rader, ux<br>2201 Bella Vista 67203   |
| 24                        | 2     |                  | ✓ George W. & Darleen S.<br>Qualls, ux<br>3522 S. Vine 67217         |

| LOT | BLOCK | ADDITION         | OWNER  |
|-----|-------|------------------|--|
| 25  | 2     | <u>WOMER 6TH</u> | ✓ Clifford W. & Betty R. Larson,<br>ux<br>2221 Bella Vista 67203               |
| 26  | 2     |                  | ✓ Loring B. & Anna B. Smith, ux<br>2233 Bella Vista 67203                      |
| 27  | 2     |                  | ✓ Jerome M. & Karen G. Laham, ux<br>2243 Bella Vista 67203                     |
| 14  | 3     | <u>WOMER 6TH</u> | ✓ James L. & Geraldine<br>Woolridge, ux<br>2112 W. 17th. St. 67203             |
| 15  | 3     |                  | ✓ Kenneth & Lorraine N.<br>Kallail, ux<br>2102 W. 17th. St. 67203              |
| 16  | 3     |                  | ✓ Darold B. & Marcilla F.<br>Spurgeon, ux<br>2109 Bella Vista 67203            |
| 17  | 3     |                  | ✓ Wayne L. & Carol L. Chesney, ux<br>% Wichita Federal - 340 S. Bdwy.<br>67202 |
| 18  | 3     |                  | ✓ Thomas W. Phillips & Lucille E.<br>Phillips, ux<br>2121 W. 18th St. 67203    |
| 19  | 3     |                  | ⌋ Womer Development Co. Inc.<br>434 Ohio 67214                                 |
| 20  | 3     |                  | ⌋ Womer Development Co. Inc.<br>434 Ohio 67214                                 |

Dated at Wichita, Kansas this 3rd day of  
February, 1971 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Chie M. Jancek Sec. O.E.M.B.

Tracer # 8955

Form 273-021

**PAYMENT NOTICE**

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

| DESCRIPTION | AMOUNT |
|-------------|--------|
|             |        |

Name

Address

Type

Due Date

Comments:

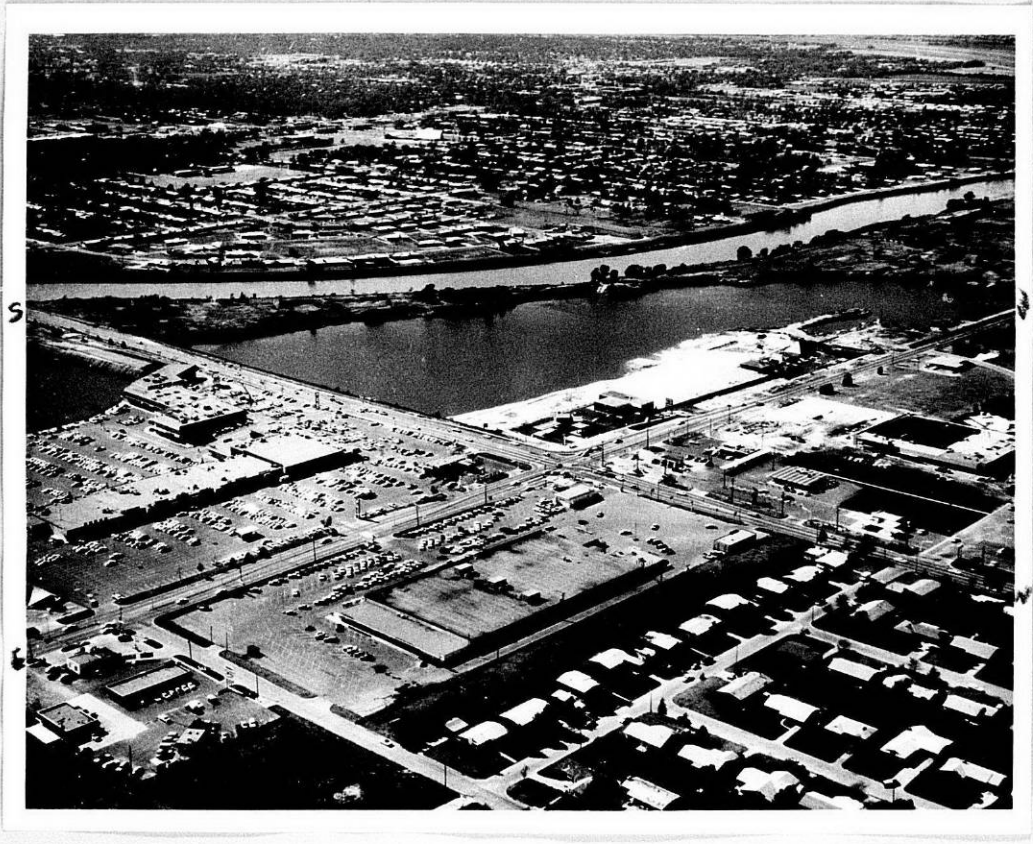
Date

By

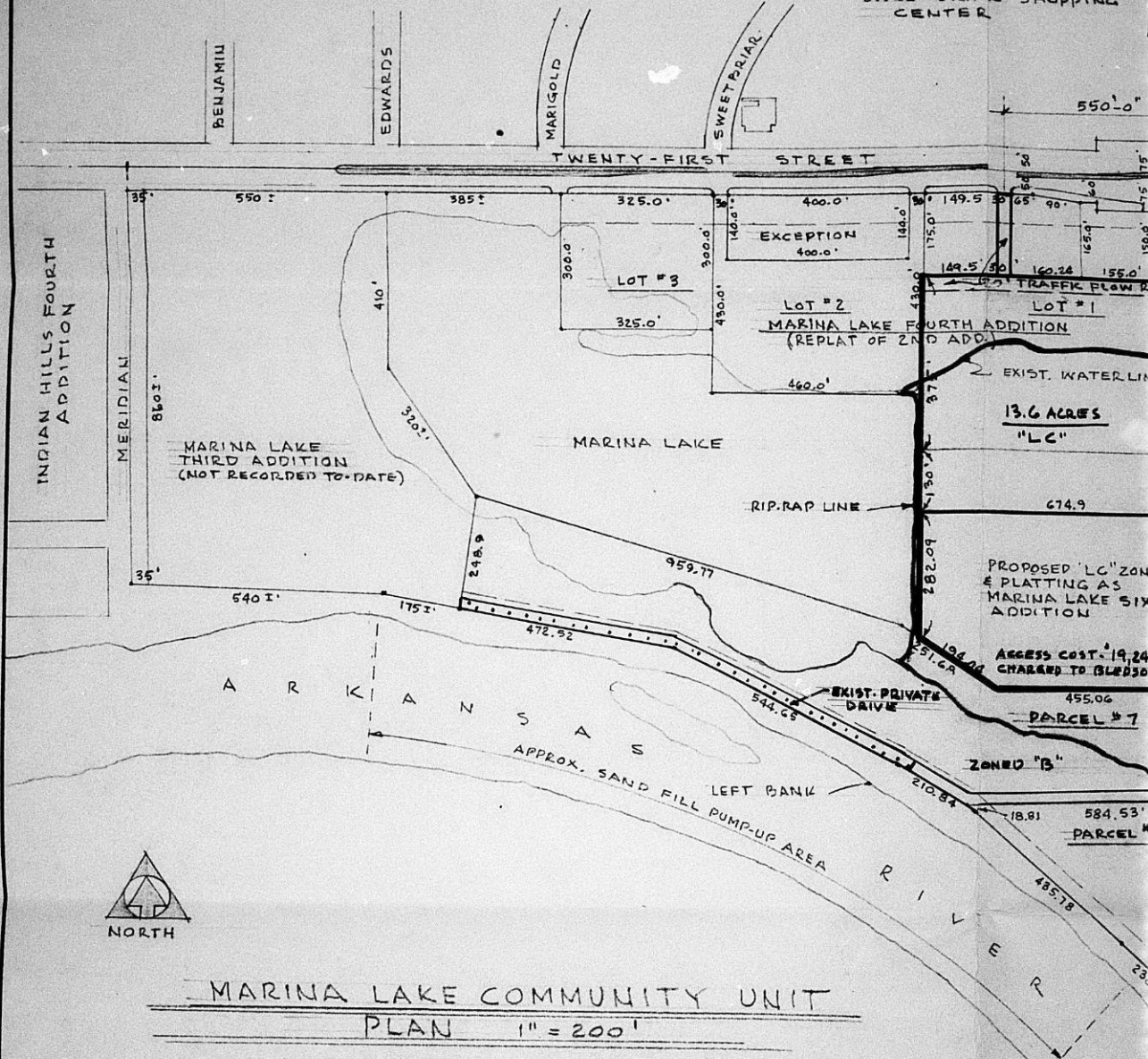








SWEETBRIAR SHOPPING CENTER



**MARINA LAKE COMMUNITY UNIT**  
**PLAN 1" = 200'**

REF. DRAWING NO. 66-1405, DATED 10-10-66, REVISED NOV. 24, 1970,  
 ADDED HERETO AS A PART HEREOF, AS PREPARED BY  
 FEAGINS & KIRSCH, ARCHITECTS.

**EXHIBIT "A"**

- RED LINE CIRCUMSCRIBES THE SUB-LEASED PREMISES OF THE HANSON DEVELOPMENT COMPANY SHOPPING CENTER.
- HEAVY BLACK LINE CIRCUMSCRIBES THE APPROXIMATE AREA TO BE SAND FILLED FROM THE ARKANSAS RIVER TO A MINIMUM ELEVATION OF 1305 MEAN SEA LEVEL INCLUDING THE INTERSECTION OF ADJACENT SHORE LINES NORTH OF THE RIVER.
- GREEN LINE CIRCUMSCRIBES THE LEASED PREMISES TO BE SAND FILLED TO A MINIMUM ELEVATION OF 1305 MEAN SEA LEVEL INCLUDING THE INTERSECTION OF ADJACENT SHORE LINES NORTH OF THE RIVER. THIS AREA IS TO BE SAND FILLED BY THE HANSON DEVELOPMENT COMPANY UNDER THE SUPERVISION OF A LICENSED SURVEYOR AND CONTRACTOR FOR THE AREA CIRCUMSCRIBED BY THE BLACK LINE.

SWEETBRIAR SHOPPING CENTER



NE COR. NW 1/4 SEC. 7-27-1E

21ST STREET

A I A

FEAGINS and KIRSCH ARCHITECTS 8416 S. CENTRAL AVE. WICHITA, KS. MU 4-8878

LAKE FOURTH ADDITION OF 2ND ADD.

LOT #1

EXIST. WATERLINE

13.6 ACRES "LC"

674.9

PROPOSED "LC" ZONING & PLATTING AS MARINA LAKE SIXTH ADDITION

ACCESS COST - 19,248.75 CHARGED TO BLEDSOE

PARCEL #7

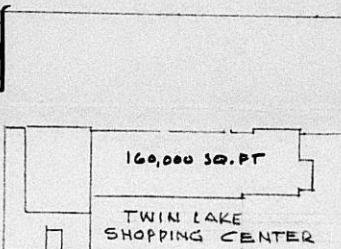
ZONED "B"

PARCEL #6

ARKANSAS RIVER

S. AMIDON AVENUE

ZONED "BB"



160,000 SQ. FT.

TWIN LAKE SHOPPING CENTER

SEARS PROP. ADDITION

15.8 ACRES "LC"

68,000 SQ. FT.

18" DRAIN CONDUIT

ADDITION (UNDER CONSTR.) 125,000 SQ. FT.

TWIN LAKE

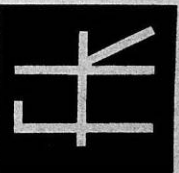
BRIDGE

TWIN LAKES - GROSS LEASEABLE AREA - 353,000 SQ. FT. = 51% NET AREA OF "LC" SITE

MARINA LAKE (HANSON SITE) - GROSS LEASEABLE AREA = 170,000 SQ. FT. = 29% NET AREA OF "LC" SITE w/ 5:1 PARKING RATIO

DESCRIBES THE SUB-LEASED PREMISES DEVELOPMENT COMPANY SHOPPING CENTER SITE. DESCRIBES THE APPROXIMATE LAKE FILLED FROM THE ARKANSAS RIVER TO A LEVEL OF 1305 MEAN SEA LEVEL INCLUDING ADJACENT SHORE LINES NORTH AND SOUTH. DESCRIBES THE LEASED PREMISES SUBJECT TO ZONING APPROVAL AND COMPLETION OF HANSON DEVELOPMENT COMPANY'S PROJECT. THE AREA CIRCUMSCRIBED BY HEAVY

Submitted in March 1971 File # 3



|            |          |
|------------|----------|
| REVISED    | 1-28-71  |
| DRAWN BY   |          |
| CHECKED BY |          |
| DATE       | 12-14-70 |
| JOB NO.    | 70-1785  |

SHEET NO. 1

\*

This DP File  
Has a Large Drawing  
On 35mm Microfilm.  
Roll # 1

\*