

DP-41 - Chrysler Realty Corp. -
COMMERCIAL CUP at Southwest
corner of Rock Road and Central

POSTED
3-10-71

ACTION

DATE

COMMITTEE

M.A.P.C. Relief 4-8-71
Masc App. Inc. SW 100' 4-22-71
B.C.C. / ~~Capital~~ as 5-11-71
recomm

Map No. 5947
Sec. 19
Twp. 27 S
Range 2 E

DATA SHEET
COMMUNITY UNIT PLAN

DP- 41
Z- 1269
Filed 3-4-71

APPLICATION REQUEST: Approval of proposed planned COMMERCIAL development.

1. Applicant Chrysler Realty Corp, et. al.
Address 5700 Crooks Road, Troy Michigan 48084 Phone 313-879-9400
2. Agent Charles D. Anderson
Address 1020 Union National Building 67202 Phone 267-4316
3. General Location At the southwest corner of Rock Road and Central
Address _____
4. Proposed Use Mixed uses of offices and light commercial

AREA DATA

1. Acres 10.52 16.4 (16.4 ft. by _____ ft.)
2. Existing Zoning "B" & "BB" & "LC" 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 _____ Action _____

2. Governing Body Board of City Commissioners
Date _____ Action _____

NOTES: SEE PREVIOUS ZONE CASES: 2-0906
2-0349
2-0933



Roger L. Brown, AIA
Manager of Design

LAW/KINGDON, INC.
Architects
Engineers • Planners

345 Riverview / P.O. Box 1094
Wichita, KS 67201-1094
Phone 316-268-0230

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

March 22, 1971

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, April 8, 1971, at 1:30 p.m., the Wichita - Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, will consider an application for a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "The Market", for property legally described as follows:

DP-41 - Lots 1, 2 & 3, Rockwood Eighth Addition; Block 1, Rockwood Ninth Addition; and Lots 2 & 3, Rockwood Tenth Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Rock Road and Central.

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

The Development Plan on file proposes an approximate 16.6 acre commercial development which will include a shopping plaza and office buildings. In addition, the Development Plan indicates information on the maximum gross floor area, floor area ratio, proposed setbacks for structures, means of ingress and egress, and maximum height limitations.

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

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

October 1, 1986

Brent Wooten
Baughman Company, P.A.
315 Ellis
Wichita, Kansas 67211

RE: DP-41 - Proposed development plan for amendment to the Rockwood Center Community Unit Plan. Generally located at the southwest corner of Central and Rock Road.

Dear Brent:

We have reviewed the amended development plan and the preliminary site plan for the above-referenced amendment with other departments and the following are our comments for your consideration:

1. The development plan should indicate complete access control adjacent to this property for 40-feet west along Central and 40-feet south along Rock Road from the intersection of Central and Rock Road. Access control should also be reflected for the west 150 feet on Central and the south 60 feet on Rock Road.
2. The Traffic Engineer has advised us that the major entrances into this parcel should be designed to major entrance standards. These standards are available in the Traffic Engineering Office.
3. General Provision #4 should be altered to read: "No off-site or portable signs shall be permitted. Any building sign that is permitted by the Zoning Ordinance shall not be illuminated if located within 350-feet of the drainage right-of-way along the west and south property lines".
4. The General Provision which pertains to the "Planting Screen" (#6), should be incorporated within General Provision #7 since it directly relates to the Screening and Landscaping Provision and does not need to be a separate provision. Instead, suggested wording for the first sentence of the Screening and Landscaping Provision is:
"In lieu of the required 5 - 8 foot semi-solid masonry wall and the planting screen along the westerly property line"
5. The wording about permitted wall materials, listed in General Provision #7, should specifically exclude wood and woven wire.

Brent Wooten
October 1, 1986
Page 2

6. ✓ The third paragraph of G.P. #7 should say that the wall and / or landscaping will be reduced to three (3) feet in height....
7. ✓ The fifth paragraph of G.P. #7 should refer to "street trees" and "plant materials" as "landscaping materials".
8. ✓ The screening and landscaping provision should include the following wording as an additional paragraph: "No wall shall be constructed in any utility easement, and a building permit shall be obtained prior to construction of any wall".
9. ✓ An additional general provision should be included in regards to guaranteeing the construction of acceleration/deceleration lanes at the time of platting where it may be determined to be necessary along Central and Rock.
10. ✓ The following comment should be included as a General Provision since a pipeline easement exists on this property - "Building setback lines from all existing pipeline easements shall be established at the time of platting and all paving over the easement shall be with the approval of the affected pipeline company. Any change or relocation of the pipelines shall be without cost to the City of Wichita".
11. ✓ The proposed uses for the C.U.P. parcel are too general in nature. We would like to see a range of intended uses; perhaps that could be accomplished by expanding shopping center and office buildings to specific proposed uses, such as financial institutions, general office use, restaurants (that do not include carryout food services as their principal business), retail shops, etc.

We would be happy to talk about any comments or questions you might have regarding these recommendations. Please feel free to contact us about this matter at 268-4421.

Sincerely,

Barbara Harris
Senior Planner

BH:blw

cc: Roger Brown, Law-Kingdom, Inc., 345 Riverview, Wichita, KS. 67203
W. W. Taylor, Rockwood Center, 333 N. Rock Rd., Wichita, KS. 67206

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

September 25, 1986

TO: Walt Campbell, Deputy Chief of Operations
Bill McKinley, Traffic Engineer
x Mike Lindebak, City Engineer

Barbara
McKinley

9-26

Memorandum to

Re: Proposed development
Request for your information
regarding zoning and parking

- 1) Access Control within
Min "x" feet of major inter-
sections.
40' Should request
2) If appropriate at this time
all drainage to Drainage R/W.
No drainage (or limited) to
arterial streets.

Request for your review of
development proposal by
this date for review.

Cal

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

September 25, 1986

TO: Walt Campbell, Deputy Chief of Operations
Bill McKinley, Traffic Engineer
x Mike Lindebak, City Engineer

FROM: Barbara R. Harris, Senior Planner

RE: DP-41 - Rockwood Center Community Plan - Amendment to
"The Market" C.U.P.

Attached for your review and comments is a copy of the proposed development plan for the above-referenced property. Also attached for your information is the preliminary site development plan showing the building and parking layout.

I would appreciate your comments regarding this development proposal by October 1, 1986, so that it can be scheduled for MAPC review.

Barbara R. Harris
Barbara R. Harris
Senior Planner

BRH:dik

Attachments



oked - 1
Proposed
WB 2/11/9

Screening and Landscaping.

a. In lieu of the required 5-8 foot Semi-solid masonry wall separating the light-commercial district and the residential district, and prior to the issuance of building permits for those buildings within 200-feet of the west property line, site and landscape plans shall be submitted to the Director of Planning for review and approval which provide for appropriate physical screening of the loading dock and trash receptacle areas, ^{at the rear or service part of the buildings} as well as for the screening and beautification of the employee and customer parking lots adjacent to the west property line.

The screening and beautification shall be accomplished through a combination of landscaping (including groupings of ~~significant~~ ^{grass & groundcover} conifers and deciduous trees) walls (8-foot high constructed of brick, stone, masonry, architectural tile or other similar material) ~~as indicated~~ ^{as indicated} on the plans when the service area, storage area, or rear of a commercial structure faces a residential district.

b Said wall and/or landscaping shall be installed prior to or at the time of construction of the loading dock or any other alterations to the west side of the building which add to the rear or service nature of the building.

c Said wall and/or landscaping will be reduced to (2) three-foot in height, for site distance, at those locations indicated on the plan.

d. The landscape plan, prepared by a registered landscape architect indicating the type, location, and specifications of plant material & method of providing water and maintenance to the plant materials, and a site plan indicating the location of the wall(s) and showing construction details shall be submitted to the Planning Department for their review and approval prior to the issuance of building permits.

? should
not include?

e. A FINANCIAL GUARANTEE FOR THE ^{landscaping} ~~STREET TREES OR THE PLANT MATERIALS~~ APPROVED IN THE LANDSCAPE PLAN SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT IF THE ~~TREES OR PLANT MATERIALS~~ HAVE NOT BEEN PLANTED.

f. FAILURE TO PROPERLY MAINTAIN THE WALL AND STREET TREES OR THE ^{landscaping} ~~PLANTING STRIPS~~ SHALL BE CONSIDERED A VIOLATION OF THE C.U.P. AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND THE SUPERINTENDENT OF CENTRAL INSPECTION.

CONFERENCE REPORT



LAW/KINGDON, INC.

Date Held: August 12, 1986

Date of Report: August 12, 1986

major amendment

Bill The Market
8-27-86 10⁴⁰ am

trash pick-up in BB ?

? Agreements on record LC for entire site

MS. - ^{vocate} drainage way

? 4/5 instead of wall - need plan to be significant - not too low

Back of Bldg - does it really look bad? Statement on CUP - same roof alignment + materials as front.

the Metropolitan Area
ew of the proposed site
ng as items to be considered

is to be used for servicing
ve to be completely off the
t is a different zoning.

he west property line would
asement and she believes that
required on the property and

ng the west end of Central.

require:
l and Rock Roads.
n lanes to be extended to

the best method to accomplish
Community Unit Plan (CUP).

w entrance on the south end of

CONFERENCE REPORT



LAW/KINGDON, INC.
Architects
Engineers-Planners

345 Riverview/PO. Box 1094
Wichita, KS 67201-1094
Phone 316-268-0230

Date Held: August 12, 1986
Date of Report: August 12, 1986
Subject: Shopping Center - North Rock Road and Central
for W. W. Taylor Development
Wichita, Kansas
In Attendance: Ms. Louise Olivarez City of Wichita
Ms. Barbara Bonanni City of Wichita
Mr. B. J. Kingdon Law/Kingdon, Inc.
Mr. Roger Brown Law/Kingdon, Inc.

This was a preliminary meeting to give the Metropolitan Area Planning Commission (MAPC) an early view of the proposed site plan. Ms. Olivarez stated the following as items to be considered for planning purposes:

1. If the west side of the property is to be used for servicing the buildings, any dock would have to be completely off the 100' building set-back because it is a different zoning.
2. The screen wall required along the west property line would not be able to be built on the easement and she believes that the 10' planting screen will be required on the property and west of the screen wall.
3. Note the 10' planting screen along the west end of Central.
4. The site traffic would probably require:
 - a. Major entrances along Central and Rock Roads.
 - b. Acceleration and deceleration lanes to be extended to serve new major entries.

Ms. Olivarez suggested that probably the best method to accomplish the desired changes is to amend the Community Unit Plan (CUP).

The following changes were discussed:

1. Amend the CUP to allow for a new entrance on the south end of Rock Road.

Bill

The Market

8-27-86

10⁴⁰ am

trash pick-up in BB ?

?

Agreements on record

↓
L/S for entire site

MS. - vacate
drainage way

? L/S instead of wall - need
plan to be significant - not
too low

Back of Bldg - does it really
look bad? Statement on
CUP - same roof alignment
+ materials as front.

clock
Tower - 50' ?
on corner 80' bad

now:

required - Wall - on line
+ 20' or
of landscaping

ask Glenn
+
Glenn
LOADING DOCKS - in BB

→ landscaping / wall
→ Back of bldg to look good

REPLAT

- 70' B.S
- accel decel
- vacate util. esmt
- access controls

Bill - contact neighbors / w. Taylor
what's in bldgs.?
plading?
should be
w/ neighborhood

Could:

- labeled B / BB
- used for cust. + employee parking + loading dock
- ~~stated~~ permitted in CUP.

Phone conversation w/ Bill Korber

100' strip just for circulation

park on lot
unload on lot

outside of wall

appr. 15.

Combination of
• 45 + wall

b/c have rear
end of bldg's

↳ to spring neighborhoods

↳ setbacks adjusted

uses - covered

wording - write it

9-17-86 2⁰⁰

Roger Brown

Bill Korber

Rockwood Center CUP

"BB" area

Reduction in b. stick.

from 100' → 70'

b/c back of bldgs look like
masonry walls -

back along SW line

3' plus landscaping

Screen w/ wall

right next to service
court

Breaks in bldg's -
marketable

3 cuts to each

Shopping center uses

will be

replanted in 2 lots

app. by town plan.

See plans before bldg.

use ~~needs~~ Wall plans: permit

② 100' stick line

② screening:

② site
relaxations

② wording

In lieu of the reg. 4
wall, 145' ^{plan} ^{could}

61 West way
16 Sene Sq.
* Westwood Hills

97

CONFERENCE REPORT
August 12, 1986
page 2

2. Amend the CUP to bring the Mobil site into the CUP. Amend the set backs, and vacate the easements.
3. Amend the CUP to change the set backs along a portion of Central.

Ms. Olivarez suggested some possible items that would make this amendment to the CUP more favorable to the City of Wichita.

1. Permanently close off the four existing entrances into the Mobil parcel.
2. Amend the height restrictions to lower building heights.
3. Amend the total square footage allowed.

Ms. Olivarez asked if the entire property was under one Owner's complete control. She stated that this would probably be necessary before any new building permit could be issued. If one ownership cannot be substantiated then a new plat to separate the parcels would be required.

Mr. Kingdon asked Ms. Olivarez for a tentative schedule for City approvals. Ms. Olivarez provided a schedule and brief discussion followed as to a possible scenario.

1. W. W. Taylor to submit formal application for CUP amendment, pay filing fee, provide six (6) prints for staff review, and provide proof of ownership of all parcels and list of property owners within a 750' radius of said site. This would take approximately fourteen (14) days for staff review.
ownership list can come later
2. Submit ^{pld by} on September 12, 1986, to subdivision committee of MAPC. *for 9-25 mtg.*
3. Submit ^{by} on September 17, 1986 to MAPC. *for 10-16-86 mtg.*
4. First review on September 25, 1986, by subdivision committee of MAPC.
5. Submit on September 26, 1986, to subdivision committee of MAPC for final plat.
6. Second review on October 9, 1986 by subdivision committee of MAPC.
7. MAPC public hearing on October 16, 1986.

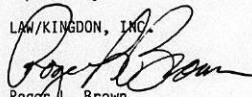
CONFERENCE REPORT
August 12, 1986
page 3

8. Approximately twenty-six (26) days later the City Commission would hear the request on November 11, 1986.

Reported by:

CVP

LAW/KINGDON, INC.


Roger L. Brown
Manager of Design

RLB/vjj

Enclosures

cc: Mr. Gene Moffitt
Mr. W. W. Taylor

DUISE —

2-19-86

KEN FRASHER, ARCH. FR. OAKLAND
PARK, was in on DP-41 - Cont. & Rock Rd. -

Was asking about -

1. Incl. parcel at corner and elim. or changing the setbacks at that location.
2. Possible change in the access control at the south end adj. to Rock Rd.

In reviewing his prelim. layout I advised him that the loading docks or areas for trucks was not appropriate in the "B" and "BB" districts. He will probably want to consider reducing the area of "B" and "BB" even though the building setback line would remain the same.

Advised him to get in touch with you when he gets ready to proceed on any of these changes.

[Signature]

The extension of zoning
to the E of the drainage
is not consistent with
what happened on the
east side of Rock Rd.

L.M.

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

Current Plans Division

Public Inquiry Slip

NAME M.S. Mitchell DATE 4-23-85
PHONE _____ PHONE COUNTER
PROPERTY LOCATION S.W. Central of Rock MAP # 5747A

NATURE OF REQUEST:

City Zoning _____ County Zoning _____ Conditional Use _____
Plat _____ Lot Split _____ Vacation Dedication _____
BZA _____ Street Name Change _____ Other

REMARKS: wants to be able to use the drainage row for parking. Discussed reversionary rights, zoning, CUP Amendment, etc. Since the dr. row was dedicated prior to any platting, perhaps it reverts $\frac{1}{2}$ and $\frac{1}{2}$. It was all included in the Rockwood 7 $\frac{1}{2}$ x 8 $\frac{1}{2}$ plats, but ^{to the east} showed the previous dedication info. I felt that zoning would go to the center from each side after vacation regardless of reversionary rights. Thus the W's would get AA zoning, the E's B & BB zoning. The CUP should be expanded to include whatever area reverts to the east. ~~They had requested permission to use the balance of the row~~

4-24-85 M.S. came back with more info. Found that in 1975 (?) the City had granted the property owner to the east the right to use the east 30' of the dr. ded. for parking. In 1978 (?) Phil ~~Frick had requested permission to use the balance of the row~~ →

ROUTE TO:

LAKIN GALBRAITH _____ YOUNG _____ ~~FLECK~~ OLIVAREZ _____ CHAMBERS _____
N ~~FLECK~~ FLECK _____ SHIRKEY _____ RETURN TO Louise

COMMENTS: DP-41

for parking but nothing was ever done with the request. I asked M.S. if the request to use the e. 30' was associated with any other request, such as re-zoning. He said to his knowledge they just asked Flood Control, then got BCC approval. (There is an easement document filed of record, granting the use of the E 30', signed by BCC.) ~~If they don't have a BCC application, they can't use the easement adjacent to the B road anyway.~~

M.S. asked what we thought about getting ~~an~~ pursuing the request for an easement from the BCC so they wouldn't have to have a public hearing. I said the BCC would be nice to notify adjacent properties of such a request and that Planning would recommend vacation and CUP amendment.

M.S. first talked about using the drainage area only for parking then he started asking about reducing the building setback line which is now 100' east of the Dr. r.o.w. He knows he will have neighborhood opposition. He wondered if the City could even grant a use easement for buildings rather than just parking. Again I recommended acquiring title to the property. He said three 10x10 boxes would be required to be able to ~~use~~ ^{build over} the Dr. area.

He said he may be back to discuss this some more.

R. 6th Dr. seat *LO*
Misc Bk 532 pg 195

M.S. met with JHG and LO 1-15-86. We discussed reversionary rights, vacation of the Dr. ROW by separate application (would probably require all abutting signatures), CUP amendment. M.S. said Wm Taylor now tells him that his original purchase of this land included all the Dr. ROW. If this is the case, he has all reversionary rights. He could re-zone, amend CUP, and replat, vacating the ROW by the plat. M.S. to have title company. Verify who has reversionary rights. If Taylor doesn't then M.S. will ask Dickson if all courses to the S & W have to assign the vacation application.

IMPORTANT MESSAGE

FOR _____
 DATE 2/15/84 TIME 8:20 A.M.
P.M.

WHILE YOU WERE AWAY

OF _____
 PHONE No. _____

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RETURNED YOUR CALL

MESSAGE Woody Taylor
said they to then
the little away
They do not intend to get
in fast food restaurant

SIGNED _____

FORM 000-017

BP 41

Jorgensen

said that
 he told
 S. Taylor
 that adjust
 was

Talked to Woody Taylor
 1:55 2/14/84
 told him to have Scott
 call

Taylor Construction Company
2220 So. Pinecrest
Wichita, Kansas 67218

7 February, 1984

Mr. Robert Lakin
Planning Dept..
County Courthouse
Wichita, Kansas 67203

Dear Mr. Lakin:

In regard to the property at the southwest corner of Rock Road and Central I need to know if a fast food restaurant is permissible on the frontage of either Rock Road or Central?

I understand that this property falls under CUP and needs to be reviewed before certain businesses can be approved.

I would appreciate an answer ASAP..

Sincerely,

Scott Taylor
Scott Taylor

RECEIVED

FEB 10 1984

METROPOLITAN PLANNING

ROUTE _____

SCOTT TAYLOR
2220 S. PINECREST
WICHITA, KANSAS 67218



*City of
Wichita*

Mr. Robert Lakin
Planning Department
County Courthouse
525 N. Main
Wichita, Kansas 67203

August 19, 1982

Bill G. Yung
8225 East 35th Street North
Wichita, Kansas 67226

Re: DP-41 - The Market Commercial C.U.P.
Request for adjustment regarding
landscape plan.

Dear Bill:

We have reviewed your letter dated August 9, 1982 and the case file of the above referenced C.U.P. As mentioned in our conversation about this matter, I do not feel that waiving the planting requirement to a later date would be appropriate in this situation. There was a substantial amount of discussion between the developer, area residents and MAPC when the C.U.P. was considered in 1971. At that time, the developer agreed to the plantings in order to reduce the opposition of those property owners on the west side of the drainage ditch. I would not feel comfortable allowing any buildings to be constructed without at least part of the landscape area being planted.


Based on the location of the buildings, I would support planting only the south 1,000 feet at this time subject to constructing no more than the one building along Rock Road as shown on the site plan dated July 23, 1982. The balance of the landscape area should then be planted prior to the issuance of an occupancy permit for any additional buildings.

Your client should be encouraged to begin planting the south 1,000 feet of the landscape area this fall so that the plant materials have an opportunity to begin to be established before additional permits are requested. If the materials cannot be planted this fall, and are not planted prior to the occupancy of the first building, then a financial guarantee will be required by the Office of Central Inspection. Such guarantee shall provide for the completion of the planting in the 1,000 foot strip in next spring's (1983) planting season.

Page Two
Bill G. Yung
August 19, 1982


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

Sincerely,



Robert A. Lakin
Director of Planning

APPROVED:



Robert B. Feldner, Superintendent
of Central Inspection

RAL:ADC:el

cc: Robert B. Feldner, Superintendent of Central Inspection
Woody Taylor, 505 N. Rock Road, 67206

August 9, 1982

Mr. Jack Galbraith, Chief Planner
Metropolitan Area Planning Department
City Hall - 10th Floor
405 N. Main
Wichita, KS 67202

RE: Rockwood Place Planting Plan (The Market C.U.P., Feb. 1971)

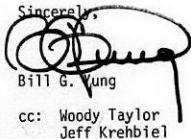
Dear Jack:

As per our telephone conversation last week regarding the planting buffer for the above referenced project, we are submitting the following information.

1. We would like for the plantings along the drainage way to be deferred since our first phase (consisting of 18 office units) is along Rock Road and is not near the drainage way. (See site plan previously submitted under separate cover.)
2. The general use for the property has changed since the C.U.P. was prepared. The owner originally contemplated a shopping center development. We are now constructing a condominium office park whereby all four surfaces of the structure are designed as finished surfaces with no apparent back door. The rear of the structures will have landscaped courtyards since the office suites face directly into these spaces.
3. With the new layout for office uses, it appears that we should re-evaluate the landscape requirements along the drainage way. This review may dictate a revision of the existing buffer planting plan. We agree that this work would be completed and a decision reached satisfactory to both the city and the adjacent property owners prior to any request for additional building permits beyond the 18 office units illustrated on the site plan.

With this information in mind, we respectfully request that the issuance of the building permit be approved.

Sincerely,



Bill G. Yung

cc: Woody Taylor
Jeff Krehbiel



May 21, 1982

Keith E. Parker
Keith Parker Associates
239 Pattie, Suite 2
Wichita, Kansas 67211

Re: DP-41 - The Market C.U.P.
Request for Administrative Adjust-
ment to reduce the 120-foot setback
along Rock Road to 100-feet.

Dear Keith:

We have reviewed your request to adjust the setback along Rock Road from 120-feet to 100-feet for a proposed building on the above captioned C.U.P. The overall site plan that you submitted suggests that, for the balance of the buildings, they might still be able to maintain the 120-foot setback. Based on the dimensioned site plan, we concur in the adjustment to 100-feet for the one building with the understanding that it is for an office/commercial structure and is not for a single use commercial building, such as a restaurant or other retail use structure.

Our joint approval of this request is subject to your submission of four copies of the overall site plan to us by May 28, 1982, and also with the understanding that we prefer not to grant other adjustment requests, but would rather that you amend the C.U.P. as you have advised you would.

After reviewing the setback on the C.U.P. to the east, we believe that this request is not a substantial deviation of the plan and our joint approval is granted.

Page Two
Keith E. Parker
May 21, 1982

If you have any questions, please call.

APPROVED:

RAJ Lakin
Robert A. Lakin, Director of Planning

APPROVED:

RBZ
Robert B. Feldner
Superintendent of Central Inspection

RAL:JHG:el

cc: Robert B. Feldner, Superintendent of Central Inspection



May 10, 1982

Mr. Robert A. Lakin
Director of Planning
Metropolitan Area Planning Department
455 North Main, City Hall
Wichita, Kansas 67202

Re: Proposed Rockwood Place
Southwest Corner of Central and Rock Road

Dear Mr. Lakin:

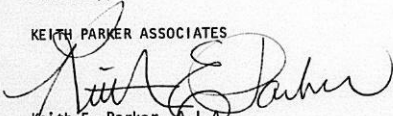
Per our conversation of May 7, 1982, this is our formal request for your consideration of administrative adjustment to the existing CUP for Rockwood Eleventh Addition. As we discussed, we are preparing the construction documents for an office park to be located on this corner. The office park will consist of one and two story buildings with parking adjacent and traffic circulation throughout this entire tract. Because of this less dense use than was originally considered for the corner and the open park like concept that is being created, it becomes necessary to have adequate parking and circulation space between buildings. We feel that the adjustment from 120 foot setback along Rock Road and Central to 100 feet will allow for sufficient parking and circulation and not anyway be detrimental to this tract or the surrounding properties.

I am enclosing for your review and files a copy of the site plan indicating the proposed structures.

Thank you for your consideration.

Sincerely,

KEITH PARKER ASSOCIATES


Keith E. Parker, A.I.A.

KEP:ep

Enclosure

cc: Mr. W. W. Taylor

Map No. 5947
 Sac. 19
 Twp. 27 S
 Range 2 E

DATA SHEET
 COMMUNITY UNIT PLAN

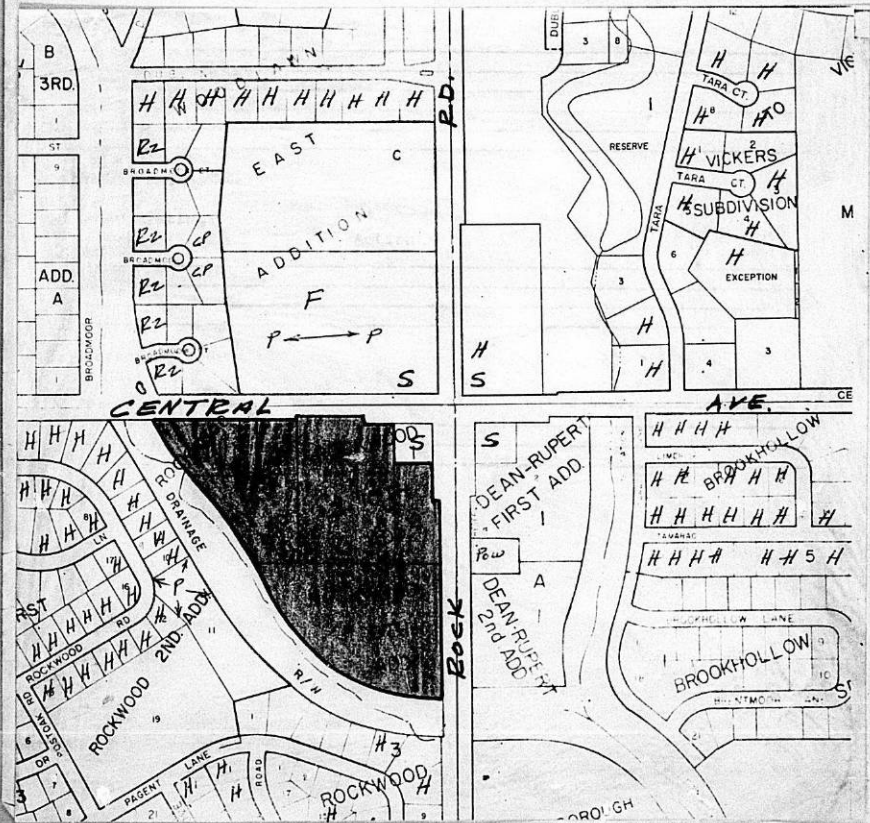
DF- 41
 Z- 1269
 Filed 3-4-71

APPLICATION REQUEST: Approval of proposed planned commercial development.

- Applicant Chrysler Realty Corp, et. al.
 Address 5700 Crooks Road, Troy, Michigan 48084 Phone 313-879-9400
- Agent Charles D. Anderson
 Address 1020 Union National Building 67202 Phone 267-4316
- General Location At the southwest corner of Rock Road and Central
 Address _____
- Proposed Use Mixed uses of offices and light commercial

AREA DATA

- IRREGULAR*
- Acres ~~10.52~~ 16.4 (_____ ft. by _____ ft.)
 - Existing Zoning "B" & "BB" & "LC" Proposed Zoning "LC"
 - Area (is) (is not) platted. _____ Addition _____
 - Existing R/W _____ ft. _____ ft. _____ ft.
 _____ St. _____ St. _____ St.
 Proposed R/W _____ ft. _____ ft. _____ ft.
 _____ St. _____ St. _____ St.



August 4, 1972

Bob Feldner, Superintendent of Central Inspection Division

Jack H. Galbraith, Chief Planner

DP-41 - The Market Community Unit Plan

The City Commission at its regular meeting of May 11, 1971, considered the above captioned CUP. In addition to platting and the conditions of development indicated both on the face of the plan and under the "General Provisions", the Commission approved the CUP subject to the following conditions:

1. 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.
2. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
3. 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.

The land has now been platted as Rockwood Eleventh Addition and recorded with the Register of Deeds on August 2, 1972. The ordinance effectuating the zone change will soon be published and your copy of the official zoning map will be updated.

Bob Feldner
Page 2

The attached "approved plan" is for your information
and files. If you have any questions, please call.

JHG:rw

attachment

May 27, 1971

Mr. Charles D. Anderson
Attorney at Law
1020 Union National Building
Wichita, Kansas 67202

Re: Private Covenants Associated
with Cases Z-1269 and DP-41

Dear Mr. Anderson:

We are in receipt of copies of the three private covenants which you forwarded to our office on May 24, 1971. Inasmuch as your letter infers that by receipt of these covenants all requirements concerning the applications of the above-captioned cases will be fulfilled, please be advised that prior to our being able to publish the ordinance effectuating the zone change, or post the Community Unit Plan to the official zoning maps, that in accordance with action taken by both the Planning Commission and City Commission, a plat must be submitted, approved, and recorded with the Register of Deeds. The platting must be accomplished within one year from the date of approval by the Board of City Commissioners (5-11-71) or both cases are to be marked "denied and closed."

I feel sure that you are aware of the platting requirement, however, based on your letter, I thought perhaps this had been overlooked. We will be looking forward in the near future to receiving the application for replatting so that all of these cases can be completed.

If you have any questions, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: W. W. Taylor
7826 East Douglas 67206

May 25, 1971

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

Z-1269 - "B" and "BB" to "LC" and
DP-41 - Commercial CUP

At today's Board of City Commissioners meeting, several questions were raised by Commissioners Stevens and Porter during the discussion of Ruffin Third Addition concerning the 100-foot dedication required recently at Central and Rock Road. Further discussion finally brought out that the referred to 100 feet was a zoning buffer and a building setback line in part which prohibited light commercial uses from being constructed within said 100 feet. Commissioner Stevens emphasized that this was required by the Planning Commission.

Upon my return to the office, the attached three covenants were on my desk, having been forwarded by Charles Anderson, the attorney representing the contract purchaser, W. W. Taylor. The covenants clearly emphasize that the developer was in agreement to amending his application to exclude subject 100 feet, and such covenants were all made in benefit of adjacent property owners who were in opposition and not made in favor of the City of Wichita or the Planning Commission. The minutes reflect that the Planning Commission deferred consideration of this case at their first hearing to give the applicant and the opposition sufficient time to meet and discuss the development plans for the area.

Since the Commissioners raised these questions this morning, I thought that perhaps you would want to furnish them copies of the attached covenants. If I can furnish you any additional information, please advise.

JHG:ber

Attachments

ANDERSON, CLARK AND APPLING

ATTORNEYS AT LAW
1020 UNION NATIONAL BUILDING
BROADWAY AND DOUGLAS
WICHITA, KANSAS 67202

CHARLES D. ANDERSON
DONALD E. CLARK
MARVIN R. APPLING

May 24, 1971

AREA CODE 316
287-4316

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

Re: Z-1269 - "B" and "BB" to "LC"
DP-41 - Commercial Community
Development Plan

Dear Mr. Galbraith:

The receipt of these covenants by you should fulfill all requirements concerning the application of Woody Taylor for a Community Unit Plan and zoning of Rockwood 8th, 9th and 10th Addition to the City of Wichita, Sedgwick County, Kansas.

Very truly yours,

ANDERSON, CLARK AND APPLING

By: 
Charles D. Anderson

CDA;ba



PROTECTIVE COVENANTS

MISC BOOK 689 PAGE 70-

This agreement entered and agreed to this 27th day of April, 1971, by and between

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
11:28

MAY 18 1971
9223

NO. JOHN HALE
REGISTER OF DEEDS
Bevel Miller
Secretary

CHRYSLER REALTY CORPORATION, a corporation incorporated under the laws of the state of Michigan, fee title owner to all of Rockwood 8th Addition, Rockwood 9th Addition, and Rockwood 10th addition to the City of Wichita, Sedgwick County, Kansas, except Block 1 thereof, and

W. W. TAYLOR, an individual contract purchaser of said above-described property and attorney-in-fact for said Chrysler Realty Corporation

hereinafter referred to as Developers, and the following named individuals:

PAUL A. and ROXY SLICKER, husband and wife, owners of Lot 5, Block 1, Rockwood 2d Addition, to the City of Wichita, Sedgwick County, Kansas,

WILLIAM M. and CAROLIE HOUGHLAND, husband and wife, owners of Lot 6, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas,

RONALD DAVID and BETTY JO ANN NEAL, husband and wife, owners of Lot 7, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas,

JAMES NOVOTNY and RAE CAROLINE GUNDERS^{ON}, husband and wife, owners of Lot 8, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas,

EDWIN L. and EDWANA COLLINS, husband and wife, owners of Lot 9, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas,

WILLIAM DALE RICKETTS
owner of Lot 10, Block 1, Rockwood 2d Addition, to the City of Wichita, Sedgwick County, Kansas, and

ROCKWOOD HOMES ASSOCIATION, INC., a corporation incorporated under the laws of the state of Kansas, owner of Lot 11, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas, and

INVESTORS RESOURCES, INC., a corporation incorporated under the laws of the state of Kansas, owner of Lots 1-7, inclusive, Block 3, Rockwood 6th Addition to the City of Wichita, Sedgwick County, Kansas

all hereinafter referred to as Adjacent Property Owners and Association.

Charles Anderson
1020 Union National Bldg

Original Compared
with Record

11 02

3. The Developers agree that they will amend their application from "Light Commercial" zoning to "B" zoning on Lot 3, Rockwood 8th Addition to the City of Wichita, Sedgwick County, Kansas, inasmuch ^{from} of Lot 3 which lies within that portion thereof which is bounded by ^{BB} the west line of Lot 3 and a line parallel to and 100 feet east ^{of} ^{100' SEE 5} the west line of Lot 3, and that they will not, within said 100 feet ^{of} ^{100' SEE 5} construct any building whatsoever. In addition thereto, said ^{100' SEE 5} Developers will provide a planting screen and the care thereof during the term of this agreement in such a manner as to adequately provide a reasonable screening from the Adjacent Property Owners and Association and in compliance with the Community Unit Plan. ^{100' SEE 5}

4. The Developers agree that they will amend their application from "Light Commercial" zoning to "B" zoning on Rockwood 9th Addition to the City of Wichita, Sedgwick County, Kansas, inasmuch of said Addition which lies within that portion thereof which is bounded by the westerly and southerly line of said Rockwood 9th Addition and a line parallel to and 100 feet easterly and northerly of the westerly and southerly line of said Addition, and that they will not, within said 100 feet, construct any building whatsoever. In addition thereto, said Developers will provide a planting screen and the care thereof during the term of this agreement in such a manner as to adequately provide a reasonable screening from the Adjacent Property Owners and Association and in compliance with the Community Unit Plan.

5. The Developers agree that if, in the event, they shall use flood lighting on said premises, they will direct said flood lighting away from said adjoining Adjacent Property Owners and any land that may be owned by said Association.

6. The Developers further agree not to apply for further zoning changes within that area to be zoned in the proposed application as "B" and "BB" without the expressed permission of a majority of the adjacent land owners.

7. It is further agreed and understood by the parties hereto that these covenants shall run with the land for a period of 25 years and shall bind the heirs, assigns and successors of all parties herein named.

CHRYSLER REALTY CORPORATION

By W. W. Taylor
W. W. Taylor, Attorney-In-Fact

W. W. Taylor
W. W. TAYLOR

"Developers"

Paul A. Slicker
PAUL A. SLICKER

Roxy Slicker
ROXY SLICKER

William M. Houghland
WILLIAM M. HOUGHLAND

Carole Houghland
CAROLIE HOUGHLAND

Ronald David Neal
RONALD DAVID NEAL

Betty Jo Ann Neal
BETTY JO ANN NEAL

James Novotny Gunderson
JAMES NOVOTNY GUNDERSON

Rae Caroline Gunderson
RAE CAROLINE GUNDERSON

Edwin L. Collins
EDWIN L. COLLINS

Edwana Collins
EDWANA COLLINS



William Dale Rickette
WILLIAM DALE RICKETTE

ROCKWOOD-HOMES ASSOCIATION, INC.

By Robert L. McCroskey
Robert L. McCroskey, President



Robert L. McCroskey
, Secretary

INVESTORS RESOURCES, INC.

By Charles W. Harris
Charles W. Harris, President



ATTEST:
Earl P. Winsor
Earl P. Winsor, Secretary

"Adjacent Property Owners and Association"

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 11th day of May, 1971, personally appeared before me, the undersigned, notary public within and for said county and state, W. W. TAYLOR of W. W. Taylor Devel. Company and the attorney-in-fact for Chrysler Realty Corporation, who is personally known to me to be the same person who executed the above Protective Covenant and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



My Commission expires: 6-18-74

Sharon Conaway
Notary Public
Sharon Conaway

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 10th day of May,
1971, personally appeared before me the undersigned notary public
within and for the county and state, PAUL A. and ROXY SLICKER,
husband and wife, who are personally known to me to be the same
persons who executed the above Protective Covenant, and such persons
duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.



Sharon Conway
Notary Public
Sharon Conway

My Commission expires:

6-18-74

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

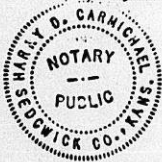
BE IT REMEMBERED, that on this 11th day of May,
1971, personally appeared before me the undersigned notary public
within and for the county and state, WILLIAM M. and CAROLIE HOUGHLAND,
husband and wife, who are personally known to me to be the same
persons who executed the above Protective Covenant, and such persons
duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.

Harry D. Carmichael
Notary Public
Harry D. Carmichael

My Commission expires:

March 6, 1973



MISC 689 PAGE 75
BOOK

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

MISC 689 PAGE 76
BOOK

BE IT REMEMBERED, that on this 10th day of May,
1971, personally appeared before me the undersigned notary public
within and for the county and state, RONALD DAVID and BETTY JO ANN NEAL,
husband and wife, who are personally known to me to be the same
persons who executed the above Protective Covenant, and such persons
duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
day and year last above written.



My Commission expires:

6-18-74

Sharon Conway
Notary Public
Sharon Conway

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 10th day of May,
1971, personally appeared before me the undersigned notary public
within and for the county and state, JAMES NOVOTNY and RAE CAROLINE
GUNDERS^ESON, husband and wife, who are personally known to me to be
the same persons who executed the above Protective Covenant, and
such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.

My Commission expires:

6-18-74



Sharon Conway
Notary Public
Sharon Conway

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 10th day of May, 1971, personally appeared before me the undersigned notary public within and for the county and state, EDWIN L. and EDWANA COLLINS, husband and wife, who are personally known to me to be the same persons who executed the above Protective Covenant, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Sharon Conway
Notary Public
Sharon Conway

Commission expires: 6-18-74

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 10 day of May, 1971, personally appeared before me the undersigned notary public within and for the county and state, WILLIAM DALE RICKETTS _____, who is personally known to me to be the same person_ who executed the above Protective Covenant, and such person_ duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Sharon Conway
Notary Public
Sharon Conway

Commission expires: 6-18-74

MISC BOOK 689 PAGE 77

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED that on this 27th day of April, 1971, before me a notary public in and for said county and state came ROBERT L. McCROSKEY, President of Rockwood Homes Association, Inc, to me personally known to be the same person who executed the within and foregoing Protective Covenant, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said corporation.



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

Sharon Conaway
Notary Public
Sharon Conaway

My Commission expires:

June 18, 1974

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED that on this 27th day of April, 1971, before me a notary public in and for said county and state came CHARLES W. HARRIS, President of Investors Resources, Inc., to me personally known to be the same person who executed the within and foregoing Protective Covenant, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said corporation.



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

Sharon Conaway
Notary Public
Sharon Conaway

My Commission expires:

June 18, 1974

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT }
11:31 A.M. }
G.M.

MAY 18 1971
9224

JOHN HALE
REGISTERED PROFESSIONAL
SURVEYOR

Real Estate

PROTECTIVE COVENANTS

This agreement entered and agreed to this 27th day of April, 1971 by and between

CHRYSLER REALTY CORPORATION, a corporation incorporated under the laws of the state of Michigan, fee title owner to all of Rockwood 8th Addition, Rockwood 9th Addition, and Rockwood 10th Addition to the City of Wichita, Sedgwick County, Kansas, except Block 1 thereof, and

W. W. TAYLOR, an individual contract purchaser of said above-described property and attorney-in-fact for said Chrysler Realty Corporation

hereinafter referred to as Developers, and the following named corporation:

INVESTORS RESOURCES, INC., a corporation incorporated under the laws of the state of Kansas, owner of Lots 1-7 inclusive, Block 3, Rockwood 6th Addition to the City of Wichita, Sedgwick County, Kansas

hereinafter referred to as Adjacent Property Owner.

WITNESSETH THAT:

WHEREAS, the Developers are in the process of applying for a Community Unit Plan, zoning change and re-plating of the following described real estate:

Rockwood 8th Addition, Rockwood 9th Addition, and Rockwood 10th Addition to the City of Wichita, Sedgwick County, Kansas

and

WHEREAS, said Adjacent Property Owner has expressed its opposition to the said Community Unit Plan, zoning change and re-plating until certain conditions are met, and

WHEREAS, said Developers, in forbearance of said opposition and in consideration thereof, COVENANT AND AGREE with said Adjacent Property Owner,

NOW, THEREFORE, in consideration of the mutual covenants herein and other good and valuable consideration, the Developers and Adjacent Property Owner agree as follows:

*Original Compared
With Record*

6.02 Charles Anderson
1026 Union Natl Bldg

MISE 689 PAGE 79
BOOK

1. The Adjacent Property Owner agrees that it will forebear all further and future opposition to said application for Community Unit Plan, zoning change and re-plating by Developers except future amendments to the Community Unit Plan and future zoning changes.

2. The Developers agree that they will amend their application from "Light Commercial" zoning to "B" zoning in the portion of Rockwood 9th Addition commencing at a point 100 feet east of the northwest corner of said addition, thence southerly parallel to the westerly and southerly line of said Rockwood 9th Addition to a point on the east line of said addition 100 feet north of the south line of said addition, and that they will not, in that portion of Rockwood 9th Addition lying northerly and easterly of the said 100-foot line to be zoned "Light Commercial" construct any building of a height of more than 50 feet, and in addition thereto, said Developers will provide a planting screen and the care thereof during the term of this agreement in such a manner as to adequately provide a reasonable screening from the Adjacent Property Owner and approval of the plan by said Adjacent Property Owner, and in compliance with the Community Unit Plan.

3. It is further agreed and understood by the parties hereto that these covenants shall run with the land for a period of 25 years and shall bind the heirs, assigns and successors of all parties herein named.

CHRYSLER REALTY CORPORATION

By W. W. Taylor
W. W. Taylor, Attorney-in-Fact

W. W. Taylor
W. W. TAYLOR

"Developers"

INVESTORS RESOURCES, INC.

By Charles W. Harris
Charles W. Harris, President



APPEARED:

Earl P. Winsor
Earl P. Winsor, Secretary

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 27th day of April, 1971, personally appeared before me, the undersigned, notary public within and for said county and state, W. W. TAYLOR of W. W. Taylor Devel. Company and the attorney-in-fact for Chrysler Realty Corporation, who is personally known to me to be the same person who executed the above Protective Covenant and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal ~~the~~ day and year last above written.



Sharon Cornaway
Notary Public
Sharon Cornaway

My Commission expires:
June 18, 1974

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

MISC BOOK 689 PAGE 82

BE IT REMEMBERED that on this 27th day of April,
1971, before me a notary public in and for said county and state
came CHARLES W. HARRIS, President of Investors Resources, Inc.,
to me personally known to be the same person who executed the
within and foregoing Protective Covenant, and duly acknowledged
the execution of the same, for and on behalf, and as the act
and deed of said corporation.

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

Sharon Conaway
Notary Public
Sharon Conaway

My Commission expires:

June 18, 1974



STATE OF KANSAS
SEDCWICK COUNTY
FILED FOR RECORD AT
11:25 A.M.

MAY 18 1971

9225

NO. JOHN HALE
REGISTER OF DEEDS

PROTECTIVE COVENANTS

*Read with
Registry*

This agreement entered and agreed to this 27th day of

April, 1971, by and between

CHRYSLER REALTY CORPORATION, a corporation incorporated under the laws of the state of Michigan, fee title owner to all of Rockwood 8th Addition, Rockwood 9th Addition, and Rockwood 10th Addition to the City of Wichita, Sedgwick County, Kansas, except Block 1 thereof, and

W. W. TAYLOR, an individual contract purchaser of said above-described property and attorney-in-fact for said Chrysler Realty Corporation

hereinafter referred to as Developers, and the following named individuals:

WILLIAM M. and CAROLIE HOUGHLAND, husband and wife, owners of Lot 6, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas

hereinafter referred to as Adjacent Property Owner.

WITNESSETH THAT:

WHEREAS, the Developers are in the process of applying for a Community Unit Plan, zoning change and re-plating of the following described real estate:

Rockwood 8th Addition, Rockwood 9th Addition, and Rockwood 10th Addition to the City of Wichita, Sedgwick County, Kansas

and

WHEREAS, said Adjacent Property Owners have expressed their opposition to the said Community Unit Plan, zoning change and re-plating until certain conditions are met, and

WHEREAS, said Developers, in forebearance of said opposition and in consideration thereof, COVENANT AND AGREE with said Adjacent Property Owners,

NOW, THEREFORE, in consideration of the mutual covenants herein and other good and valuable consideration, the Developers and Adjacent Property Owners agree as follows:

MISC BOOK 689 PAGE 83

*500 Charles Anderson
1020 Union Natl Bldg*

Ofc

*Original Compared
With Record*

1. The Adjacent Property Owners agree that they will forebear all further and future opposition to said application for Community Unit Plan, zoning change and re-plating by Developers except future amendments to the Community Unit Plan and future zoning changes.

2. The Developers agree that they will amend their application from "Light Commercial" zoning to "BB" zoning on Lot 1, Rockwood 8th Addition to the City of Wichita, Sedgwick County, Kansas, inasmuch of Lot 1 which lies within that portion thereof which is bounded by the west line of Lot 1 and a line parallel to and 100 feet east of the west line of Lot 1. Developers agree that, in the event, any building is constructed on said Lot 1 of Rockwood 8th Addition east of the above described "BB" zoning, the most westerly point of said building shall not be constructed closer than 168 feet measured from the northwest corner of said Lot 1. In addition thereto, said Developers will provide a planting screen and the care thereof during the term of this agreement in such a manner as to adequately provide a reasonable screening from the Adjacent Property Owners and in compliance with the Community Unit Plan.

not
C.H.
W.D.

3. It is further agreed and understood by the parties hereto that these covenants shall run with the land for a period of 25 years and shall bind the heirs, assigns and successors of the parties herein named.

CHRYSLER REALTY CORPORATION

By W. W. Taylor
W. W. Taylor, Attorney-in-Fact

W. W. Taylor
W. W. TAYLOR

"Developers"

William M. Houglan
WILLIAM M. HOUGLAND

Carlie J. Houglan
CAROLIE HOUGLAND

"Adjacent Property Owners"

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 27th day of April, 1971, personally appeared before me, the undersigned, notary public within and for said county and state, W. W. TAYLOR of W. W. Taylor Devel. Company and the attorney-in-fact for Chrysler Realty Corporation, who is personally known to me to be the same person who executed the above Protective Covenant and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Sharon Conaway
Notary Public
Sharon Conaway

My Commission expires:

June 18-1974.

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 10th day of May, 1971, personally appeared before me the undersigned notary public within and for the county and state aforesaid, WILLIAM M. and CAROLIE HOUGHLAND, husband and wife, who are personally known to me to be the same persons who executed the above Protective Covenant, and such persons acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Pauline Gordon
Notary Public
Pauline Gordon

My Commission expires:

December 24, 1971

May 17, 1971

Mr. Charles D. Anderson
1020 Union National Building
Wichita, Kansas 67202

Subject: Landscape Plan required as
condition of approval of DP-41

Dear Mr. Anderson:

Enclosed is a copy of the submitted landscape plan which was required as a condition of approval of the above captioned CUP. This Plan, as required, has been approved by the City Forester, the Maintenance Division of the Department of Public Works and the Planning Department. The only notation on the Plan, calls to the attention of the applicant, that Austrian Pines must be planted a minimum of 20 feet from the drainage right-of-way line.

This is submitted for your client's information and files. If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls
Enclosure

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING

CASE NO. Z-1269 and DP-41 CONSIDERED BY MAPC: 4-8-71 Deferred
RECONSIDERED BY MAPC: 4-22-71

REQUEST FOR: Change from "B" and "BB" to "LC"
and approval of Commercial Development Plan
REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

Z-1269 - "Proposed filing of Community Unit Plan for development
as mixed uses of offices and light commercial."

GENERAL LOCATION: Southwest corner of Rock Road and Central

LEGAL DESCRIPTION:

Z-1269 - Lots 1, 2 and 3, Rockwood Eighth Addition; and Block 1, Rockwood Ninth Addition, Wichita, Sedgwick County, Kansas.

DP-41 - Lots 1, 2 and 3, Rockwood Eighth Addition; Block 1, Rockwood Ninth Addition; and Lots 2 and 3, Rockwood Tenth Addition, Wichita, Sedgwick County, Kansas.

APPLICANT: Chrysler Realty Corporation, 5700 Crooks Road, Troy, Michigan
and W. W. Taylor, 7826 East Douglas

COUNSEL FOR APPLICANT: Charles D. Anderson, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: Charles Harris, Attorney, and Everett Fettis, attorney, spoke in opposition on behalf of property owners in the area; also W. M. Houghland, 7514 Plaza Lane, and Robert Frenley, 7333 Rockwood, spoke in opposition.

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

LAND USE: Subject property is undeveloped; north is two family and food market; east is undeveloped and electric substation; south is drainage R/W, single-family and undeveloped; west is drainage R/W, single-family (and swim club).

PLANNING COMMISSION RECOMMENDATION:

KAMEN moved and TAYLOR seconded that the Planning Commission recommend to the City Commission that Case No. Z-1269 be approved for "LC" zoning, except for the west and south 100-foot area parallel to the existing drainage right-of-way, which is to remain as "B" and "BB" zoning, subject to platting within one year from the date of approval by the City Commission; or the application be denied; and that the ordinance effectuating the change not be published until the plat has been recorded with the Register of Deeds; and the approval of DP-41, subject to the following conditions: (See attached excerpt from Planning Commission minutes for conditions.)

VOTE OF PLANNING COMMISSION: Motion carried by a vote of 6 in favor (Kamen, Taylor, Rising, Burnett, Jackson and Souders) and 1 opposed (Blakey). HENNESSY abstained from voting.

- ACTION: 1. Approve the zone change and CUP as recommended by the Metropolitan Area Planning Commission, subject to the conditions of platting, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action.

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 8, 1971:

- 12a. Case No. Z-1269 - Chrysler Realty Corp. and W. W. Taylor request change from "B" and "BB" to "LC" for Lots 1, 2 and 3, Rockwood Eighth Addition; and Block 1, Rockwood Ninth Addition. Generally located at the southwest corner of Rock Road and Central.
- 12b. Case DP-41 - Chrysler Realty Corporation and W. W. Taylor request approval of Commercial Development Plan for Lots 1, 2 and 3, Rockwood Eighth Addition; Block 1, Rockwood Ninth Addition; and Lots 2 and 3, Rockwood Tenth Addition. Generally located at the southwest corner of Rock Road and Central.

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

Comments

1. The applicant presently has approximately 5.7 acres of "LC" zoning and is requesting additional "LC" to build a shopping plaza and office buildings. The "LC" that exists was established by the Board of County Commissioners in 1958 as a part of the original County Zoning Resolution and was re-established by the Board of City Commissioners in 1961 when the land was annexed to the City. The grant of the additional "LC" zoning would make a total of 16.26 net acres under one ownership and control.
2. As a requirement under the CUP provisions of the zoning ordinance, a preliminary development plan has been submitted for review. The development plan indicates the required information pertaining to net area, maximum gross floor area, floor area ratio, building setback lines, maximum building coverage, proposed uses, maximum curb cuts, sign controls and maximum building heights.
3. The maximum building height indicated on the plat under Parcel "A" provides for a maximum building height of 80 feet. However, it further provides that an additional 2 feet may be added for each 1 foot that the building or portion thereof is set back from the required yard lines. As an example, if a building was constructed 100 feet back from the setback lines indicated on the plan, a building 280 feet in height would be permitted. This is a basic provision of the "LC" district.
4. General provision #8 regarding advertising signs uses the word "should" instead of "shall" and, therefore, is not mandatory.
5. General Provision #9 uses the word "inch" instead of "foot" in regard to the height of the solid wall.
6. The Engineering Division of the Department of Public Works has indicated that a north-south sanitary sewer easement is necessary to provide service to the existing service station, and has requested that a 20-foot utility easement be indicated on the west side of the existing pipeline easement which lies along Rock Road.
7. The floor area ratio (FAR) is 0.40. This has ranged from .35 to .50 in recently approved CUP's. The approved CUP to the north has a FAR of 0.28.
8. Other approved shopping centers and CUP's of comparable size and gross leasable area have been required to provide accel-decel lanes adjacent to their property. This plan provides 60 feet of half-street right-of-way for both Central and Rock Road to accommodate such improvements.

9. If the Planning Commission determines that the request for additional "IC" is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's:
- a. Platting within one year from the date of approval by the City Commission; or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
 - b. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - c. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
 - d. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

LAKIN said the Staff felt the drainage to the west and south serves as a good buffer separation between the residential and non-residential.

HENNESSY said he lives in this area and that the drainage has always been grass and he referred to the large investment in this area. He said he would abstain from voting on these two cases if the Chairman felt he should.

CHARLES D. ANDERSON, attorney, spoke in support on behalf of the applicants. He stated they have been involved with this project for sometime and held numerous meetings with the Planning Department Staff and have complied with suggestions of the Staff and with what he considered good planning and zoning principles. ANDERSON said they are being asked to dedicate extra right-of-way for the ultimate widening of Rock Road and Central for decel and accel lanes, which he felt would be beneficial to the development proposed; but he continued to point out that the development to the north of Central was not asked to dedicate the additional 10 feet to accommodate a medial for that development. He realized that nothing could be done about it now except for the city to condemn whatever is needed when construction or improvement of the street occurs.

W. M. HOUGHLAND, 7514 Plaza Lane, spoke in opposition on behalf of owners on the west of the drainage canal and for the Rockwood Homes Association. He submitted a letter signed by W. W. Taylor in 1968 when a request for a change of zoning for the north portion of subject property was considered, in which a compromise was reached between Mr. Taylor and the property owners to the west with respect to height of structures placed on the north portion of subject property, and in exchange, they agreed to withdraw their opposition to the zoning request.

HOUGHLAND said this was an effort to protect their homes at that time, and it was his feeling that there is adequate light commercial zoning in the general area to provide services for the residents. He did not consider the drainage channel sufficient buffering if this application is to be approved for "IC" zoning. It was his feeling that the development proposed would

mean additional traffic and congestion. HOUGHLAND said the homeowners had checked zoning prior to purchasing their homes and he asked that this application be denied.

ROBERT FRENSELY, 7333 Rockwood, also spoke in opposition and indicated the property should be developed under the present zoning. He pointed out that conditions in the area have not changed since the last consideration of zoning for subject property.

ANDERSON displayed a plot plan of the development proposed in an effort to resolve some of the questions raised by the opposition. He pointed out that the development proposed is a business park or sometimes called cluster development wherein the structure is located near the center of a site and in this case while the opposition is concerned about a proper setback, there is no cause to be concerned as there will be considerable buffer area besides the drainage channel. He said the plans provide that there will actually not be a rear exposure to the buildings because service areas will be recessed into the building structure and screened from outside view. It was Anderson's opinion that what is proposed at this time would be much less detrimental to the area than if developed as proposed in 1968 for apartments. He stated that the building proposed now will house offices and exclusive type shops.

ANDERSON pointed out also that under the CUP regulations, requirements are very strict and guarantees and safeguards for protection of public and private rights are established which in this case he felt would provide better protection for the homeowners west of the drainage channel than under a "B" and "BB" development.

The letter from W. W. Taylor was discussed briefly again and the protestors indicated it was given at their instigation in exchange for withdrawal of their opposition.

LAKIN referred to the right-of-way proposed to be acquired in this case and explained the widths of right-of-way needed for various paving widths and suggested that if it is to be changed the Traffic Engineer should be consulted.

KAMEN commented that it would be desirable to defer this case and give the applicant an opportunity to confer with the Rockwood Association, and Anderson agreed.

Reference was made to the airport zoning ordinance and the possibility of construction being too high, but ANDERSON indicated there would be no chance of that being a problem because the development cannot exceed that permitted by the zoning or airport ordinances.

As for the fact that development has not proceeded under the "B" and "BB" in line with Mr. Taylor's indication in 1968, ANDERSON suggested that changing times and economic situation may have entered into failure to develop under the present zoning districts.

One of the protestors asked just what uses would be permitted if this application is approved and GALBRAITH read from the CUP what is proposed and suggested that if any specific uses are to be excepted they should be listed on the CUP. It was stated that based on uses stated on the CUP, a service station could not be established.

ANDERSON felt that what is proposed would be much better and generate less problems than an apartment complex because there would be less traffic and no 24-hour a day traffic and he felt it would be a better use of the property.

MOTION: KAMEN moved, JACKSON seconded and it carried unanimously as to those voting that

9-27-82

Called M.S. Mitchell and
he remembers that it was
W.W. Taylor who wanted to
plant on the slope and
so that his parking could
be extended into the
drainage ROW. M.S.
says they were willing
for this to happen and
would have to have
granted Taylor an easement
to use their drainage
ROW. He saw no
problem with the
plantings now being
planted on the top 20'
as long as maintenance
can get them there.

the Planning Commission defer this application for two weeks to give additional time for the applicant and those in opposition to confer and review the plans for development. HENNESSY abstained from voting.

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 22, 1971:

- 22a. Case No. Z-1269 - Chrysler Realty Corp. and W. W. Taylor request change from "B" and "BB" to "LC" for Lots 1, 2 and 3, Rockwood Eighth Addition; and Block 1, Rockwood Ninth Addition. Generally located at the southwest corner of Rock Road and Central.
- 22b. Case DP-41 - Chrysler Realty Corporation and W. W. Taylor request approval of Commercial Development Plan for Lots 1, 2 and 3, Rockwood Eighth Addition; Block 1, Rockwood Ninth Addition; and Lots 2 and 3, Rockwood Tenth Addition. Generally located at the southwest corner of Rock Road and Central.

GALBRAITH stated that these two cases were deferred on April 8, 1971 until this time. CHARLES D. ANDERSON, attorney for the applicants, pointed out to the Commission that it was the Staff recommendation to approve the zoning and CUP (subject to certain conditions). (See Planning Commission Minutes of April 8, 1971 for full Staff report.)

ANDERSON said he and his clients met with the Rockwood Homeowners Association representatives and reached certain understandings. He said that Everett Fettis, attorney for the Homeowners Association to the west, was present and that it was agreed to establish a 100-foot buffer from the "lip" of the drainage channel along this area, and the applicants have also agreed to extend such buffer adjacent to the channel on the south portion of subject area all the way to Rock Road. This would provide not only the natural drainage buffer but an additional area. ANDERSON said they have also agreed to install landscape screening along the "lip" of the channel and have permission to place such screening on a portion of the channel right-of-way. In exchange for the buffering and other points agreed to, the Homeowners Association has agreed not to oppose the request for "LC" zoning.

ANDERSON pointed out that in view of the 100-foot buffer, the 35-foot setback along Central should be extended east 100 feet to accommodate the proposed structure in this area. ANDERSON said they have also agreed with the homeowners that another application for rezoning will not be filed on the property for a specified period of time which has not been determined at this time.

ANDERSON said that the same agreement has been reached with Charles Harris, attorney representing the owner of the property adjacent on the south of the drainage channel with respect to setback, landscaping and covenants.

There was considerable discussion concerning the exact location of the "lip" of the drainage channel and finally it was agreed that the west 100 feet of subject property would be the most logical method of establishing the setback, this 100 feet to be left in its existing zoning ("B" and "BB").

LAKIN commented that a statement could be included in the CUP limiting construction on the 100 feet of buffer area and he assumed the screening would be a contractual matter between the parties involved.

EVERETT FETTIS, on behalf of the Rockwood Homeowners Association, and individual homeowners opposite Lot 1, agreed with Anderson's statements and added that it was agreed that no structure more than one story would be placed on the 100 feet of

buffer area adjacent to Lot 1 and that with respect to Lot 3, there would be no structure erected in the 100 feet of "B" zoning. FETTIS stated further that it was his understanding that screening would be indicated on the CUP, and he asked further that it show that flood lights would be directed toward the inside of the development.

LAKIN asked if the City is to be a party to enforcing of the covenants as to landscaping and screening, and FETTIS said that point had not been resolved, but he anticipated no difficulty. ANDERSON said it was suggested that landscaping be partially of quick growth plant materials with some conifers for continued screening. He suggested this be covered on the CUP. LAKIN pointed out that the usual screening in a CUP is solid fencing or masonry fence rather than plantings. LAKIN suggested that all concerned recognize the fact that there would be no guarantee on a planting screen as to how it would look or the effectiveness of the screening.

CHARLES HARRIS, attorney, appeared on behalf of the owner of the residential lots adjacent to the channel and opposite Block 1 of Rockwood 9th Addition (south portion of application area). He said it is proposed to erect \$60,000 homes (one has already started) and he is not appearing in opposition, but did want to discuss other matters. He agreed the 100-foot buffer was fine, but asked that a height limit be established for the south portion so that if what is planned now does not materialize, a high rise apartment building could not be constructed. He thought such would be damaging to the single family homes proposed for the area he represents.

HARRIS suggested that such limit be 36 feet. HARRIS said it was his understanding that Oblinger & Smith will do the landscaping for this project and he asked that such plan be made a part of the CUP and he asked that a statement concerning light direction be included in the CUP. HARRIS expressed approval of the plan generally, but did desire that the points he mentioned be required.

ANDERSON said they were agreeable on the landscaping, but the CUP has limited the height as related to floor space and parking requirements and they would like some latitude so far as height is concerned. He pointed out that the maximum allowed is 80 feet and for every foot of additional setback, a building can be 2 feet higher, and stated that they would not like to be held to 36 feet if it can be avoided.

HARRIS indicated that if he could be assured at this time that what is proposed now will actually be built, he would not be so concerned, but he has had experience in developing projects of this nature and is aware of problems such as financing, etc. which can block a development. He was fearful of what might be established on the area if this plan was not completed.

FETTIS asked that any approval of these cases be made subject to an acceptable covenant being drawn between the interested parties along the lines discussed. ANDERSON was agreeable to this, pointing out that they haven't reached an agreement as to height limitation and would continue discussion of that point.

Later in the meeting, HARRIS and ANDERSON indicated they had resolved the matter of height limitation.

MOTION: KAMEN moved, TAYLOR seconded and it carried by a vote of 6 in favor (Kamen, Taylor, Rising, Burnett, Jackson and Souders) and 1 opposed (Blakey) that the Planning Commission recommend to the City Commission that Case No. Z-1269 be approved for "LC" zoning, except for the west and south 100-foot area parallel to the existing drainage right-of-way, which is to remain as "B" and "BB" zoning, subject to platting within one year from the date of approval by the City Commission; or the application be denied; and that the

ordinance effectuating the change not be published until the plat has been recorded with the Register of Deeds; and the approval of DP-41, subject to the following conditions:

1. No building shall exceed the height of one story in the "BB" area adjacent to Central between the setback line and the "LC" zoning line.
2. Removal of the 35-foot setback line in the "B" and south "BB" zoned area and label the west and south "LC" line as the 100-foot building setback line.
3. Extend the 35-foot setback line from Central to the east 100 feet.
4. Submission of a landscape plan prepared by a licensed landscape architect, adjacent to the west property line and as indicated on Central, to the Planning Department for joint approval by the Maintenance Division of the Department of Public Works, the City Forester and the Planning Department prior to the releasing of the plat tracing for recording. Subject plan shall include coniferous trees and a variety of fast growing deciduous trees which are acceptable to the City Forester.
5. All lights shall be directed so as not to shine directly toward the properties to the west and south.
6. Submission of a copy of the recorded private covenants and letters of agreement from attorneys representing the opposition. (Charles Harris and Everett Pettis).
7. Under "General Provision #8" the words "should" shall be changed to "shall."
8. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
9. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
10. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

Regarding the submission of the landscape plan, it was stressed that such plan shall be of sufficient width and planted with the type of coniferous and deciduous plant material which will effectively screen the development from the properties to the west and south. Such plan should include not only the type and spacing of plant materials but also their specifications as to size.

Hennesy abstained from voting.

*Draft
Received
4/27/71*

PROTECTIVE COVENANTS

This agreement entered and agreed to this ____ day of _____, 1971, by and between

CHRYSLER REALTY CORPORATION, a corporation incorporated under the laws of the state of Michigan, fee title owner to all of Rockwood 8th Addition, Rockwood 9th Addition, and Rockwood 10th addition to the City of Wichita, Sedgwick County, Kansas, except Block 1 thereof, and

W. W. TAYLOR, an individual contract purchaser of said above-described property and attorney-in-fact for said Chrysler Realty Corporation

hereinafter referred to as Developers, and the following named individuals:

PAUL A. and ROXY SLICKER, husband and wife, owners of Lot 5, Block 1, Rockwood 2d Addition, to the City of Wichita, Sedgwick County, Kansas,

WILLIAM M. and CAROLIE HOUGHLAND, husband and wife, owners of Lot 6, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas,

RONALD DAVID and BETTY JO ANN NEAL, husband and wife, owners of Lot 7, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas,

JAMES NOVOTNY and RAE CAROLINE GUNDERSON, husband and wife, owners of Lot 8, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas,

EDWIN L. and EDWANA COLLINS, husband and wife, owners of Lot 9, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas,

WILLIAM DALE RICKETTS
owner of Lot 10, Block 1, Rockwood 2d Addition, to the City of Wichita, Sedgwick County, Kansas, and

ROCKWOOD HOMES ASSOCIATION, INC., a corporation incorporated under the laws of the state of Kansas, owner of Lot 11, Block 1, Rockwood 2d Addition to the City of Wichita, Sedgwick County, Kansas, and

INVESTORS RESOURCES, INC., a corporation incorporated under the laws of the state of Kansas, owner of Lots 1-7, inclusive, Block 3, Rockwood 6th Addition to the City of Wichita, Sedgwick County, Kansas

all hereinafter referred to as Adjacent Property Owners and Association.

WITNESSETH THAT:

WHEREAS, the Developers are in the process of applying for a Community Unit Plan, zoning change and re-plating of the following described real estate:

Rockwood 8th Addition, Rockwood 9th Addition,
and Rockwood 10th Addition to the City of
Wichita, Sedgwick County, Kansas

and

WHEREAS, said Adjacent Property Owners and the Association have expressed opposition to the said Community Unit Plan, zoning change and re-plating until certain conditions are met, and

WHEREAS, said Developers, in forbearance of said opposition and in consideration thereof, COVENANT AND AGREE with said Adjacent Property Owners and Association,

NOW, THEREFORE, in consideration of the mutual covenants herein and other good and valuable consideration the Developers and Adjacent Property Owners and the Association agree as follows:

1. The Adjacent Property Owners and the Association agree that they will forebear all further and future opposition to said application for Community Unit Plan, zoning change and re-plating by Developers.
2. The Developers agree that they will amend their application on Block 1, Rockwood 8th Addition from "Light Commercial" zoning to "BB" zoning as provided in the Code of the City of Wichita, Kansas, in the portion of Block 1 lying west of a line 100 feet from the west line of said Block 1, and that they will not, within said 100 feet, construct any building more than one (1) story high. In addition thereto, said Developers will provide a planting screen and the care thereof during the term of this agreement in such a manner as to adequately provide a reasonable screening from the Adjacent Property Owners and Association and in compliance with the Community Unit Plan.
3. The Developers agree that they will amend their application from "Light Commercial" zoning to "B" zoning on Block 3,

Rockwood 8th Addition, to the City of Wichita, Sedgwick County, Kansas, in the portion of Block 3 lying west of a line 100 feet from the west line of said Block 3, and that they will not, within said 100 feet, construct any building whatsoever.

In addition thereto, said Developers will provide a planting screen and the care thereof during the term of this agreement in such a manner as to adequately provide a reasonable screening from the Adjacent Property Owners and Association and in compliance with the Community Unit Plan.

4. The Developers agree that they will amend their application from "Light Commercial" zoning to "B" zoning on Rockwood 9th Addition to the City of Wichita, Sedgwick County, Kansas, in the portion of Rockwood 9th Addition lying west of a line 100 feet from the westerly and southerly line of said Rockwood 9th Addition, and that they will not, within said 100 feet, construct any building whatsoever. In addition thereto, said Developers will provide a planting screen and the care thereof during the term of this agreement in such a manner as to adequately provide a reasonable screening from the Adjacent Property Owners and Association and in compliance with the Community Unit Plan.

5. The Developers agree that if, in the event, they shall use flood lighting on said premises, they will direct said flood lighting away from said adjoining Adjacent Property Owners and any land that may be owned by said Association.

6. The Developers further agree not to apply for further zoning changes within that area to be zoned in the proposed application as "B" and "BB" without the expressed permission of a majority of the adjacent land owners.

7. It is further agreed and understood by the parties hereto that these covenants shall run with the land for a period of 25 years and shall bind the heirs, assigns and successors of all parties herein named.

FOUR STAR
SUNSHINE
LEASING CORPORATION
CHRYSLER REALTY CORPORATION

By W. W. Taylor, Attorney-in-Fact

W. W. TAYLOR

"Developers"

PAUL A. SLICKER

ROXY SLICKER

WILLIAM M. HOUGHLAND

CAROLIE HOUGHLAND

RONALD DAVID NEAL

BETTY JO ANN NEAL

JAMES NOVOTNY GUNDERSON

RAE CAROLINE GUNDERSON

EDWIN L. COLLINS

EDWANA COLLINS

WILLIAM DALE RICKETTS

ROCKWOOD HOMES ASSOCIATION, INC.

By _____, President

ATTEST:

, Secretary

INVESTORS RESOURCES, INC.

By Charles W. Harris
Charles W. Harris, President

ATTEST:

Earl P. Winsor, Secretary

"Adjacent Property Owners and Association"

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this _____ day of _____, 1971, personally appeared before me, the undersigned, notary public within and for said county and state, W. W. TAYLOR of W. W. Taylor Realty Company and the attorney-in-fact for Chrysler Realty Corporation, who is personally known to me to be the same person who executed the above Protective Covenant and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

My Commission expires:

Notary Public

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this _____ day of _____,
1971, personally appeared before me the undersigned notary public
within and for the county and state, PAUL A. and ROXY SLICKER,
husband and wife, who are personally known to me to be the same
persons who executed the above Protective Covenant, and such persons
duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.

Notary Public

My Commission expires:

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this _____ day of _____,
1971, personally appeared before me the undersigned notary public
within and for the county and state, WILLIAM M. and CAROLIE HOUGHLAND,
husband and wife, who are personally known to me to be the same
persons who executed the above Protective Covenant, and such persons
duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.

Notary Public

My Commission expires:

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this _____ day of _____,
1971, personally appeared before me the undersigned notary public
within and for the county and state, RONALD DAVID and BETTY JO ANN NEAL,
husband and wife, who are personally known to me to be the same
persons who executed the above Protective Covenant, and such persons
duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.

Notary Public

My Commission expires:

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this _____ day of _____,
1971, personally appeared before me the undersigned notary public
within and for the county and state, JAMES NOVOTNY and RAE CAROLINE
GUNDERSON, husband and wife, who are personally known to me to be
the same persons who executed the above Protective Covenant, and
such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.

Notary Public

My Commission expires:

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this ____ day of _____,
1971, personally appeared before me the undersigned notary public
within and for the county and state, EDWIN L. and EDNAHA COLLINS,
husband and wife, who are personally known to me to be the same
persons who executed the above Protective Covenant, and such persons
duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.

Notary Public

My Commission expires:

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this ____ day of _____,
1971, personally appeared before me the undersigned notary public
within and for the county and state, WILLIAM DALE RICKETTS _____
_____, who _____ personally known to
me to be the same person_ who executed the above Protective
Covenant, and such person_ duly acknowledged the execution of
the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.

Notary Public

My Commission expires:

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED that on this ____ day of _____,
1971, before me a notary public in and for said county and state
came _____, President of Rockwood
Homes Association, Inc, to me personally known to be the same person
who executed the within and foregoing Protective Covenant, and
duly acknowledged the execution of the same, for and on behalf,
and as the act and deed of said corporation.

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

Notary Public

My Commission expires:

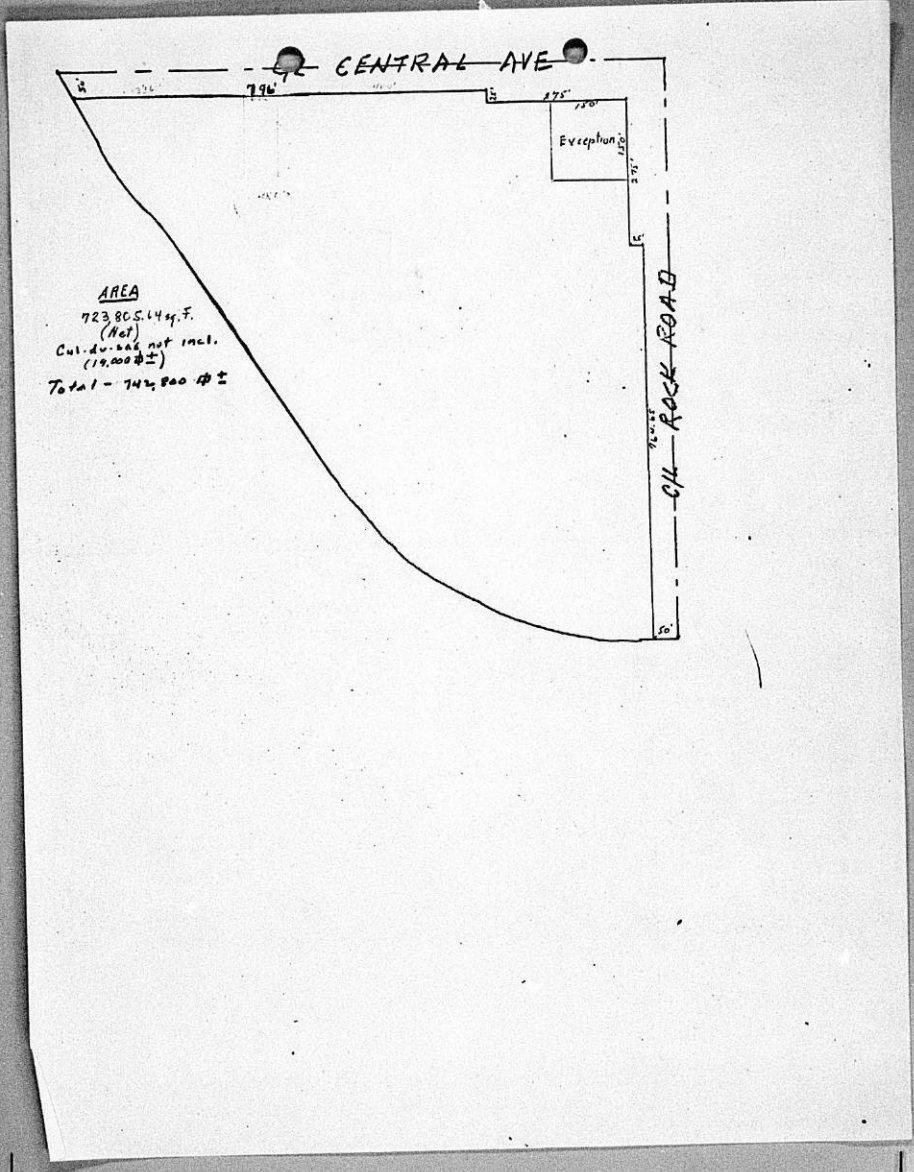
STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED that on this ____ day of _____,
1971, before me a notary public in and for said county and state
came CHARLES W. HARRIS, President of Investors Resources, Inc.,
to me personally known to be the same person who executed the
within and foregoing Protective Covenant, and duly acknowledged
the execution of the same, for and on behalf, and as the act
and deed of said corporation.

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

Notary Public

My Commission expires:



CENTRAL AVE

Exception

50' OFFSET
ROCK ROAD

AREA

723,805.14 sq. ft.
(Net)

Cal. do. not incl.
(19,000 ±)

Total - 742,800 ±

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

March 22, 1971

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, April 8, 1971, at 1:30 p.m., the Wichita - Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, will consider an application for a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "The Market", for property legally described as follows:

DP-41 - Lots 1, 2 & 3, Rockwood Eighth Addition; Block 1, Rockwood Ninth Addition; and Lots 2 & 3, Rockwood Tenth Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Rock Road and Central.

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

The Development Plan on file proposes an approximate 16.6 acre commercial development which will include a shopping plaza and office buildings. In addition, the Development Plan indicates information on the maximum gross floor area, floor area ratio, proposed setbacks for structures, means of ingress and egress, and maximum height limitations.

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

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

Earl P. Winsor
is to be contacted while
Charles Harris is out
of town.

April 26, 1971

Mr. Charles D. Anderson
Attorney at Law
1020 Union National Building
Wichita, Kansas 67202

Re: Z-1269 - "B" and "BB" to "LC"
DP-41 - Commercial Community
Development Plan

Dear Mr. Anderson:

The Planning Commission, at its regular meeting of April 22, 1971, considered the above-captioned cases. The action of the Planning Commission was to recommend the approval of the request for "LC", except for the west and south 100-foot area parallel to the existing drainage right-of-way, which is to remain as "B" and "BB" zoning, subject to platting within one year from the date of approval by the City Commission; or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds; and the approval of the accompanying CUP, subject to the following conditions:

1. No building shall exceed the height of one story in the "BB" area adjacent to Central between the setback line and the "LC" zoning line.
2. Removal of the 35-foot setback line in the "B" and south "BB" zoned area and label the west and south "LC" line as the 100-foot building setback line.
3. Extend the 35-foot setback line from Central to the east 100 feet.

ok Submission of a landscape plan prepared by a licensed landscape architect, adjacent to the west property line and as indicated on Central, to the Planning Department for joint approval by the Maintenance Division of the Department of Public Works, the City Forester and the Planning Department prior to the releasing of the plat tracing for recording. Subject plan shall include coniferous trees and a variety of fast growing deciduous trees which are acceptable to the City Forester.

Page 2 - Mr. Charles D. Anderson
April 26, 1971

5. All lights shall be directed so as not to shine directly toward the properties to the west and south.
- JK Submission of a copy of the recorded private covenants and letters of agreement from attorneys representing the opposition (Charles Harris and Everett Fettis).
7. Under "General Provision #8" the words "should" shall be changed to "shall."
8. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
9. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
10. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

Regarding the submission of the landscape plan, it was stressed that such plan shall be of sufficient width and planted with the type of coniferous and deciduous plant material which will effectively screen the development from the properties to the west and south. Such plan should include not only the type and spacing of plant materials but also their specifications as to size.

Prior to these two cases being forwarded to the Board of City Commissioners, it is necessary that the above corrections be made and 10 new copies of the plan returned to our office by 5:00 p.m. on May 5, 1971, so that these cases can be forwarded to the Board of City Commissioners for consideration at their regular meeting of May 11, 1971, which begins at 9:00 a.m. in Room 201 City Building, 204 South Main.

The marked copy of this plan with the necessary corrections is being forwarded to John Seeman. If you have any questions con-

Page 3 - Mr. Charles D. Anderson
April 26, 1971

cerning these two cases, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Chrysler Realty Corp., 5700 Crooks Road, Troy, Michigan 48084
W. W. Taylor Development Co., 7826 East Douglas 67206
William M. Houghland, 7514 Plaza Lane 67206
Robert Frensley, 7333 Rockwood 67206
Charles W. Harris, 830 1st National Bank Bldg. 67202
Everett Pettis, One Twenty Building 67202

April 9, 1971

Mr. Charles D. Anderson, Attorney
1020 Union National Building
Wichita, Kansas 67202

DP-41
Re: 7-1269 - "B" and "BB" to
"LC" - Southwest corner of
Central and Rock Road

Dear Mr. Anderson:

At the regular meeting on April 8, 1971, the Metropolitan Area Planning Commission considered the above-captioned zone change request. It was the action of the Planning Commission to defer this case for two weeks to give you additional time to meet with those in opposition and review the plans for development.

This application will be rescheduled for consideration by the Planning Commission on April 22, 1971, at 1:30 p.m. in Room 401 City Building, 104 South Main, Wichita, Kansas.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:her

cc: Chrysler Realty Corp., 5700 Crooks Road, Troy, Michigan 48064
W. M. Taylor Development Co., 7826 East Douglas 67206
William M. Houghland, 7514 Plaza Lane 67206
Robert Frenslay, 7333 Rockwood 67205

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: April 8, 1971

Case No. Z-1269 and
Case No. DP-41

Request: "B" and "BB" to "LC"
Approval of Commercial CUP

Location: Southwest corner of Central and Rock Road

Reason: To develop property with mixed uses of office and light commercial.

Acres: Z-1269 - 11.0
DP-41 - 16.62

Size: Irregular shape

	<u>Land Use</u>	<u>Vacant</u>
Existing	Undeveloped	B, BB & LC
North	Two-family & food market	A & LC
East	Undeveloped & electric substation	LC
South	Drainage right-of-way, single-family & undeveloped	AA
West	Drainage right-of-way, single-family & swim club	AA

Platted: Yes

Sidewalks: West side of Rock Road - Existing
South side of Central - Already guaranteed by petition adjacent to Rockwood 10th only.

History: Z-0349 - "AA" to "LC" - MAPC: Approved 10-19-61
BCC: Approved 11-7-61
Z-0833 - "AA" to "BB" - MAPC: Approved 12-8-66
BCC: Approved 11-7-67
Z-0906 - "AA" to "B" & "BB" - MAPC: Approved 10-26-67
BCC: Approved 1-23-68

Existing R/W - Central (half) 50 and 75 ft.
Proposed R/W - Central (half) 60 and 75 ft.
Existing R/W - Rock Road (half) 50 and 75 ft.
Proposed R/W - Rock Road (half) 60 and 75 ft.

Comments

- The applicant presently has approximately 5.7 acres of "LC" zoning and is requesting additional "LC" to build a shopping plaza and office buildings. The "LC" that exists was established by the Board of County Commissioners in 1958 as a part of the original County Zoning Resolution and was re-established by the Board of City Commissioners in 1961 when the land was annexed to the City. The grant of the additional "LC" zoning would make a total of 16.26 net acres under one ownership and control.

2. As a requirement under the CUP provisions of the zoning ordinance, a preliminary development plan has been submitted for review. The development plan indicates the required information pertaining to net area, maximum gross floor area, floor area ratio, building setback lines, maximum building coverage, proposed uses, maximum curb cuts, sign controls and maximum building heights.
3. The maximum building height indicated on the plat under Parcel "A" provides for a maximum building height of 80 feet. However, it further provides that an additional 2 feet may be added for each 1 foot that the building or portion thereof is set back from the required yard lines. As an example, if a building was constructed 100 feet back from the setback lines indicated on the plan, a building 280 feet in height would be permitted. This is a basic provision of the "LC" district.
4. General provision #8 regarding advertising signs uses the word "should" instead of "shall" and, therefore, is not mandatory.
5. General Provision #9 uses the word "inch" instead of "foot" in regard to the height of the solid wall.
6. The Engineering Division of the Department of Public Works has indicated that a north-south sanitary sewer easement is necessary to provide service to the existing service station, and has requested that a 20-foot utility easement be indicated on the west side of the existing pipeline easement which lies along Rock Road.
7. The floor area ratio (FAR) is 0.40. This has ranged from .35 to .50 in recently approved CUP's. The approved CUP to the north has a FAR of 0.28.
8. Other approved shopping centers and CUP's of comparable size and gross leasable area have been required to provide accel-decel lanes adjacent to their property. This plan provides 60 feet of half-street right-of-way for both Central and Rock Road to accommodate such improvements.
9. If the Planning Commission determines that the request for additional "LC" is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's:
 - a. Platting within one year from the date of approval by the City Commission; or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
 - b. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing

Page 3 - Case No. Z-1269
DP-41

body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

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

Case No. DP-41 - 83 NOTICES MAILED 3-26-71 FOR MAPC 4-8-71

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

March 22, 1971

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, April 8, 1971, at 1:30 p.m., the Wichita - Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, will consider an application for a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "The Market", for property legally described as follows:

DP-41 - Lots 1, 2 & 3, Rockwood Eighth Addition; Block 1, Rockwood Ninth Addition; and Lots 2 & 3, Rockwood Tenth Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Rock Road and Central.

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

The Development Plan on file proposes an approximate 16.6 acre commercial development which will include a shopping plaza and office buildings. In addition, the Development Plan indicates information on the maximum gross floor area, floor area ratio, proposed setbacks for structures, means of ingress and egress, and maximum height limitations.

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

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

Robert A. Lakin
Secretary

March 17, 1971

Mr. Charles D. Anderson
1020 Union National Building
Wichita, Kansas 67202

Subject: DP-41 - The Market
Commercial CUP at the SW corner of
Central and Rock Road

Dear Mr. Anderson:

We have reviewed the above captioned preliminary development plan with representatives of the Department of Public Works. Although the design of the plan and the information submitted appears to be in general conformance with the CUP requirements of the zoning ordinance, there are several items which need to be clarified prior to this case being considered by the Planning Commission.

In our staff review, we noted that the proposed maximum gross floor area is nearly 290,000 square feet for this 16 acre tract. This .40 floor area ratio exceeds that which has been approved for Marina Lakes (.35), Twin Lakes (.39), University Gardens (.35), the Mall (.30) and the CUP to the north for Byers which is .28. Based on the intensity of development proposed, there will be a need for additional right-of-way for both streets to accommodate deceleration lanes at the time development occurs. You are probably aware that 60 feet of half street right-of-way is now the requirement adjacent to shopping areas and has been dedicated by the Mall, Marina Lakes, University Gardens, etc. It is, therefore, our recommendation that 60 feet of half street right-of-way be indicated for Central and Rock Road and that the 10 foot planting area, easements and setbacks be adjusted accordingly.

Page 2 - Charles D. Anderson
March 17, 1971

Since the plan designates proposed points of access to Rock Road and Central, the Traffic Engineer has expressed concern that the designated points may conflict with future planned medial breaks in the proposed channelisation and reimprovements of these streets. Mr. Graves has suggested that your client and his consultant meet with him at their convenience so that the access points can be coordinated with proposed improvements and the major approach to the area to the north.

In reviewing this plan with Dick Linn of the Engineering Division, he has indicated that a north-south sanitary sewer easement is necessary to provide service to the existing service station. He has recommended that a 20 foot utility easement be located on the west side of the pipeline easement. Please contact Mr. Linn if you have any questions concerning the proposed location.

We have discussed previously that the regulations require the construction of a 5-8 foot wall separating the light commercial district and adjacent residential districts which would be required on the west adjacent to the drainage area. Subject wall is required along property lines when adjacent to residential districts and separated by a public way (drainage right-of-way) if the storage area, service area or rear of the building faces directly towards the "AA" district. Such a notation should be reflected on the plan or you should provide information that the service and storage area or the rear of the building will not face the adjacent residential areas.

In addition to these comments, the following additions or corrections should be made on the plan:

1. Under Parcel "A", the maximum building height should be indicated as 80 feet.
2. Under "General Provisions", add the following statement pertaining to signs: Advertising signs along Central Avenue and Rock Road should not exceed 30 feet in height and should be placed so as not to project over public right-of-way. No signs should be located adjacent to the drainage right-of-way.

Page 3 - Charles D. Anderson
March 17, 1971

3. Indicate 60 feet of half street right-of-way for both Central Avenue and Rock Road and adjust setbacks and planting screen accordingly.
4. Indicate on the CUP a 20 foot utility easement adjacent to the west side of the pipeline easement and adjust building setbacks accordingly; and indicate a 20 foot utility easement along the south side of the plan as indicated on the enclosed marked copy.

These are the comments we have at this time. Enclosed for your information and to John Seemen are marked copies of the CUP. It is necessary that the plan be revised and that 12 copies be submitted to our office by 5 p.m. on March 31, 1971 so that this case and your zoning case can be considered by the Planning Commission at their meeting of April 8. If you have any questions or desire to discuss our comments, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls
Enclosure

cc John Seemen, 625 First National Bank Building 67202
W. W. Taylor, 7826 East Douglas 67206

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public Works Maintenance **DATE** 3/5/71

TO Curt Newby, Planning Analyst

FROM M. S. Mitchell



SUBJECT - West Branch Gypsum Creek - adjacent to Rockwood 8th and 9th Adn.

Reference is made to your memorandum of March 2nd under subject of "The Market". Attached is a copy of a letter to Mr. W. W. Taylor confirming joint use of a strip of land along the north portion of drainage right-of-way adjacent to subject plats. In March of 1969, we corresponded with an architect working for Mr. Taylor regarding site grading and drainage for the area north of the Creek. Other than these two items, we have no comment on the proposed Community Unit Plan.

M. S. Mitchell

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

MSM/glm

cc: G. H. Wilton, Supt. of Public Works Maint.
Rockwood 8th and 9th Adn. Plat File

Attach. - 1



March 4, 1971

Mr. W. W. Taylor
W. W. Taylor Development Co.
7826 East Douglas Ave.
Wichita, Kansas 67206

Subject: West Branch Gypsum Creek
adjacent to Rockwood 8th
and 9th Addn.

Dear Woody:

Reference is made to your letter of January 20, 1971, asking that we confirm in writing our statement that you would be permitted to make limited use of a portion of the drainage right-of-way adjacent to your property. We have checked our survey information and find that a strip of land along the north bank of Gypsum varying from 10 ft. to 22 ft. in width is level and at the proper grade that it could be used for Ingress, Egress and parking, so long as our rights to use the right-of-way for drainage and access remain paramount, and that the area be available to the City at all times.

I trust this letter is sufficient for your need, if however, further information or discussion is desired, please advise.

Yours truly,

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

MSM/glm

cc: G. H. Wilton, Supt. of Public Works Maint.
Rockwood 8th and 9th Addn.
Curt Newby, MAFC

March 2, 1971

Paul Graves, Traffic Engineer

Curtis L. Newby, Planning Analyst

The Market - Commercial CUP

Attached for your information and comment is a commercial CUP for property located at the southwest corner of Central and Rock Road.

Subject property is comprised of portions of 3 plats, Rockwood 8th, 9th and 10th Additions and also contains 3 zoning classifications, "LC" Light Commercial, "BB" Office District and "B" Multiple Family District. The applicants have, however, filed a zone change application for "LC" zoning on the entire tract and have advised the Planning Department of their intent to replat the subject property. It should be noted that the applicants have also indicated, the proposed locations of the curb cuts to Central and Rock Road shown on the plan are relatively certain with respect to their proposed development.

We would appreciate your reviewing the plan in light of the curb cut locations on Central and Rock Road, and also would also like to be advised if there are any medial plans for the Central and Rock Road intersection which would affect this plan. Your comments will be appreciated at your earliest convenience.

CLN:ls
Attachment

March 2, 1971

Dick Linn, Chief Design Engineer

Curtis L. Newby, Planning Analyst

The Market - Commercial CUP

Attached for your information and comment is a copy of a commercial CUP for property located at the southwest corner of Central and Rock Road.

Subject property is comprised of portions of 3 plats, Rockwood 8th, 9th and 10th Additions and also contains 3 zoning classifications, "LC" Light Commercial, "BB" Office and "B" Multiple Family. The applicants have, however, filed a zone change application for "LC" zoning on the entire tract and have advised the Planning Department of their intent to replat the subject property. It should be noted that the applicants have also indicated the proposed location of curb cuts to Central and to Rock Road shown on the plan are where they will want them to be for their proposed development.

We would appreciate your giving us any comments you may have concerning the CUP at your earliest convenience.

CLN:ls
Attachment

March 2, 1971

M. S. Mitchell, Assistant Supt. of Public Works - Maintenance

Curtis L. Newby, Planning Analyst

The Market - Commercial CUP

Attached for your information and comment is a commercial CUP for property located at the southwest corner of Central and Rock Road.

Subject property is comprised of portions of 3 plats, Rockwood 8th, 9th and 10th Additions and also contains 3 zoning classifications, "LC" Light Commercial, "BB" Office and "B" Multiple Family. The applicants have, however, filed a zone change application for "LC" zoning on the entire tract and have advised the Planning Department of their intent to replat the subject property.

We would appreciate your giving us any comments you may have concerning the CUP at your earliest convenience.

CLN:ls
Attachment

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

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

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

- a. Applicant Chrysler Realty Corporation, Fee-owner
Address 5700 Crooks Road, Troy, Michigan Phone AC 313-579-9400
Agent W. W. Taylor Development Co., Contract-Purchaser
Address 7826 East Douglas, Wichita, Kansas Phone 683-5658
48084
67206
- b. Applicant W. W. Taylor *67206*
Address 7826 East Douglas, Wichita, Kansas Phone 683-5658
Agent Charles D. Anderson, Attorney
Address 1020 Union National Building, Phone 267-4316
Wichita, Kansas
- 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 ^{proposed to be} zoned L. C. and legally described as Lot(s) 1, 2, 3 of Rockwood 8th ^{Addition} ~~Block~~ Block 1 of Rockwood 9th Addition and Lots 2, and 3 of Rockwood 10th Addition _____ Addition.

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

- II.B There are 16.7 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) 7700-7800 East Central .

The general location is (use appropriate section)

a. at the Southwest corner of Rockroad (79th Street East)
and Central (4th St. North)

b. on the south side of Central (Ave.,
Street) between drainage right-of-way (Ave. 77 Street) and
79 Street East. (Ave. 77 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.

CHRYSLER REALTY CORP.

W. W. TAYLOR

By W. W. Taylor Development Co.
Authorized Agent (if any)

By Charles D. Anderson
Authorized Agent (if any)
Charles D. Anderson
Attorney at Law

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at

2:00 (AM, PM) on March 3, 1971 (Day, Month,

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

panied by required documents and the appropriate fee of

\$ None required on initial com.
C.U.P. as required by ordinance

John G. Gist Name
P. Planner Title

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 750 ft of:

Lots 1, 2 & 3, Rockwood Eighth Addition, Block 1, Rockwood Ninth Addition, and Lots 2 & 3, Rockwood Tenth Addition, Wichita, Sedgwick County, Kansas.


 Fidelity
 Title
 Company,
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOT	BLK	ADDITION	OWNER
1, 2 & 3,		<u>ROCKWOOD 8th.</u>	✓ Chrysler Realty Corporation No Address Available
	1	<u>ROCKWOOD 9th.</u>	✓ Chrysler Realty Corporation No Address Available _____
1		<u>ROCKWOOD 10th.</u>	✓ Mobil Oil Corporation, a New York Corporation No Address Available <i>S. State, Augusta 67010</i>
2 & 3,			✓ Chrysler Realty Corporation No Address Available
1	1	<u>ROCKWOOD 6th.</u>	✓ Bobby D. & Helen W. James, ux 241 Burr Oak Rd. 67206
2	1		✓ Lane Construction, Inc. Res. Agt: William L. Fry, 3333 E. Central Ave. 67208
3 & 6.	1		✓ Investment Resources, Inc. Res. Agt: Rodney H. Busey 814 Central Bldg. 67202
4	1		✓ Lewis M. & Doris A. Turner, ux 223 Burr Oak Dr. 67206



LOT	BLK	ADDITION	OWNER
5	1	<u>ROCKWOOD 6th.</u>	✓ Thomas H. & Pamela Hanner, ux 219 Burr Oak Dr. 67206
1, 2, 3, 5, 6, 7, 8, 10, 12, 13, 16, 17, ****	2		✓ Investment Resources, Inc. Res. Agt: Rodney H. Busey 814 Central Bldg. 67202
9	2		✓ Robert E. & Dorothy C. Morton 237 Live Oak Lane 67206 ux
14	2		✓ Rodger M. & Patricia L. Arst, 212 Burr Oak Rd. 67206 ux
15	2		✓ Carmen Marquez Ritchie Hale Thompson Ritchie II, vir 216 Burr Oak Rd. 67206
1, 2, 3, 4, 5, 6, 7, 8,	3		✓ Investment Resources, Inc.
9	3		✓ Jim L. & Joyce A, Shadid, ux 7838 Pagent 67206
1	4		✓ Ralph L. & Marijane Haas, ux 244 Live Oak Lane 67206
2	4		✓ Norman W. & Emma Jean Pruitt, 236 Live Oak Lane 67206 ux
1	2	<u>ROCKWOOD 5th.</u>	✓ Grant A. Stannard 240 Penrose 67206
2	2		✓ Cornell J. Slivinsky Ann M. Slivinsky, ux 232 Penrose 67206
3	2		✓ Jack V. & Alease C. Milbourn, 224 Penrose 67206 ux
4	2		✓ Lawrence E. & Pauline B, Hall 216 Penrose 67206 ux
1	1	<u>ROCKWOOD 2nd.</u>	✓ John S. & Faye M. Lawrence, ux 7406 Plaza 67206
2	1		✓ Terry A. & Ellen M. Tracy, ux 7414 Plaza Lane 67206
3	1		✓ John C. & Dorothy M. Hoerner, 7422 Plaza Lane 67206 ux
4	1		✓ Harold S. Polnicky Mary Catherine Polnicky, ux 7430 Plaza Lane 67206
5	1		✓ Paul A. & Roxy Slicker, ux 7506 Plaza Lane 67206
6	1		✓ William M. & Carolie Houghland 7514 Plaza Lane 67206 ux
7	1		✓ Ronald David Neal Betty Jo Ann Neal, ux 7522 Plaza Lane 67206
8	1		✓ James Novotny Gundersen Rae Caroline Gundersen, ux 7530 Plaza Lane 67206
****4	2	<u>ROCKWOOD 6th.</u>	✓ Charles T. & Peggy Schoenhofer 7811 Pagent 672006

*Charles W. Herold
1st National
Bank Bldg*

LOT	BLK.	ADDITION	OWNER
9	1	<u>ROCKWOOD 2nd.</u>	✓Edwin L. & Edwana Collins, ux 7538 Plaza Lane 67206
10	1		✓William Dale Ricketts 7546 Plaza Lane 67206
11	1		✓Rockwood Homes Association, Inc. Res. Agt.: M. M. Williams 309 S. Market 67202
12	1		✓William W. & Janice A. Hanna, ux 7539 Rockwood Rd. 67206
13	1		✓Ralph W. & Pauline J. Bubeck, ux 7531 Rockwood Rd. 67206
14	1		✓N. M., Jr. & Laura Susan Onofrio, 7523 Rockwood Rd. 67206 ux
15	1		✓Ross A. Padgham, sgle. 7515 Rockwood Rd. 67206
16	1		✓T. V. & Helen L. Bingham, ux 7507 Rockwood Rd. 67206
19	1		✓Board of Education, City of Wichita, School Dist. # 1 <i>428 S. Broadway 67202</i>
26	1	<u>ROCKWOOD 1st.</u>	✓Stuart & Lu Ella Bonesteel, ux 7332 Plaza Lane 67206
3	2		✓Wyman L. Henry 125 N. Armour 67206
4	2		✓Walter L. & Betty L. Stauffer, ux 3535 W. 13th St. 67203
5	2		✓R. Leroy & Bette M. Wehrman, ux 7415 Plaza Lane 67206
6	2		✓Herbert W. & Sue G. Yeagley, ux 7423 Plaza Lane 67206
7	2		✓James F. & Alica M. Mote, ux 7507 Plaza Lane 67206
8	2		✓Lee L., Jr. & Phyllis Schell, ux 7515 Plaza Lane 67206
9	2		✓Norman L. & Barbara J. Pfeifer, ux 7508 Tanglewood Lane 67206
10	2		✓John Chester Maurer, Jr. Ollum Daylene Maurer, ux 7424 Tanglewood Lane 67206
11	2		✓B. G. & Geraldine B. Whorton, ux 7416 Tanglewood Lane 67206
12	2		✓Bradford Frank Reeves Mary Lee Reeves, ux 7408 Tanglewood Lane 67206
13	3		✓Bernard W. & Mary D. Lounsbury, 7508 Rockwood Rd. 67206 ux
14	3		✓John W. & Dolores J. Alexander, 7516 Rockwood Rd. 67206 ux
15	3		✓E. Ellsworth & E. Irene Kauffman, 7524 Rockwood Rd. 67206 ux

LOT	BLK	ADDITION	OWNER
16	3	<u>ROCKWOOD 1st.</u>	✓ George F. & Carol A. Hoeflerlin, ux 7532 Rockwood Rd. 67206
17	3		✓ J. Arnold & Mary Ethel Dowd, ux 7523 Plaza Lane 67206
18	3		✓ Leonard O. & Fredda V. Hendry, ux 7515 Tanglewood Lane 67206
19	3		✓ John Dee & Suzy B. Roper, ux 7507 Tanglewood Lane 67206
20	3		✓ Dennis Frederic Moore Mary Jane Moore, ux 7439 Tanglewood Lane 67206
21	3		✓ Robert J. & Barbara A. Vos, ux 7431 Tanglewood Lane 67206
8	T	<u>WOODLAWN VILLAGE 2nd.</u>	✓ Peters Bros. Construction Co., 1106 N. Armour 67206 Inc.
9	T		✓ Zack & Jeannette L. Farha, ux 569 Talleyrand St. 67206
4	U		✓ Vincent F. Hiebsch, Jr. Geraldine Hiebsch, ux 526 Talleyrand St. 67206
5	U		✓ B. E. & Rene G. Shelton, ux 518 Talleyrand St. 67206
6	U		✓ Virgil G. & Freda Weddle, ux 510 Talleyrand St. 67206
7	U		✓ Gilbert V. & Florence S. Fine, 502 Talleyrand St. 67206ux
1	A	<u>WOODLAWN VILLAGE 3rd.</u>	✓ Cecil K. & Ellen K. Pittser, ux 501 N. Broadmoor 67206
2	A		✓ Robert C. & Kathryn M. Dickenson, 509 N. Broadmoor 67206 ux
3	A		✓ Clarence E. Cameron Mary Louise Cameron, ux 515 N. Broadmoor 67206
4	A		✓ Raymond F., Jr. & Betty Downs, ux 525 N. Broadmoor 67206
5	A		✓ Charles V. & Roberta Jakowatz, ux 533 N. Broadmoor 67206
6	A		✓ George H., Sr. & Ilene R. Waitt, 541 N. Broadmoor 67206 ux

Lot 1 & that part of Lot 2, described as:
 Beg at NW cor Lot 2; th Ely on front line
 Lot 2, 15.86'; S 124' to a pt on S line sd
 Lot 2, 14' E of SW cor; th W 14' to SW cor
 Lot 2; N 127' M/L to beg. Block 3, Woodlawn
 East Addition.

✓ Julia L. & Robert Stephan, jt.
 1945 Porter Ave. 67203

- Lot 2, exc: Beg at NW cor Lot 2; Ely on front line Lot 2, 15.86'; S 124' to a pt on S line sd Lot 2, 14' E of SW cor; W 14'; N 127' to beg; Blk 3, Woodlawn East Addition. ✓ Evers Construction Co., Inc.
6701 N. Agnes, Gladstone, Mo.
64119
- Prt Lots 3 & 4, Blk 3, Woodlawn East, desc as: Hervey R. & Mozella Hodson, ux
Beg at NW cor Lot 3; th Sly 28.44' for pt of beg; 1122 S. Clifton 67218
SEly 144' M/L to a pt on E line sd Lot 3, 121' NW
from SE cor Lot 3; NWly on E line Lots 3 & 4, 230.86'
to NE cor Lot 4; W on N line Lot 4, 45.6'; SWly 155'
M/L to a pt on front line Lot 4, sd pt being 36.14'
NWly from NW cor Lot 3 & measured along front line
sd Lot 4, th SEly along front lines Lots 3 & 4 to beg.
- Lots 3 & 4, Blk 3, Woodlawn East, exc above descript.
& Lot 5, exc W 22'. ✓ Evers Construction Co., Inc.
- W 22' Lot 5 & all Lot 6, Blk 3, Woodlawn East. James E. & Ann Paup, ux
532 N. Broadmoor 67206
- Lot 7 & W 15' Lot 8, Blk 3, Woodlawn East. ✓ William E. & Trudy I. Palmer,
538 N. Broadmoor 67206 ux
- Lot 8, exc W 15', all Lots 9, 10 & 11, exc
W 19' Lot 11, Blk 3, Woodlawn East. ✓ Harry Litwin, sgle.
504 Broadmoor Crt. 67206
- W 19' Lot 11, all Lot 12, Blk 3, Woodlawn East. ✓ Sue C. Cooper
588 Broadmoor 67206
- Lot 29 & N 60 ft Lot 30, Blk 3, Woodlawn East. City Homes, Inc.
none found
- Lot 30, exc N 60 ft., Blk 3, Woodlawn East. ✓ Walter Morris Investment Co., Inc.
208 N. Broadway 67202
- C-21727-43 Beg 30' E & 30' N of SW cor SW $\frac{1}{4}$ of Trustees of Estate of J. A.
Sec 17-27-2E; N 664.11'; E 295.16'; Vickers.
S 664.11'; W 295.16' to beg., exc *none found*
W 200' of S 190'.
- C-21727-43A W 200' of S 190', exc S 40' & W 30' ✓ Continental Oil Company,
for rd. SW $\frac{1}{4}$ Sec 17-27-2E. Tax Dept. Drawer 1267,
Ponca City, Okla. 74602
- C-21727-42 Beg 694.11' N & 50' E of SW cor Sec ✓ J. A. Vickers
17; th N 912.26'; th E & S along Cork 8506 E. Central 67206
& Dublin Sts to SW cor Vickridge 1st
Add; SWly 81.28'; S 144.16'; SEly 306';
SWly 175'; SEly 189.87'; SWly 108'; SEly
216'; S 170'; W 175'; N 664.11'; W to pt
of beg. Sec 17-27-2E.
- C-21727-51A Beg 60' E & 511' S of NW cor NW $\frac{1}{4}$; E 175'; Kansas Gas & Electric Co
S 140'; W 175'; N 140' to beg. Sec 29-27-2E. 201 N. Market 67202
- Lots 1 & 2, Blk 1, Dean-Rupert 1st Addition. ✓ J. G. Ripstra
1015 E. Douglas 67214
- Lot 1, Dean-Rupert 2nd Addition. ✓ J. G. Ripstra
1015 E. Douglas 67214
- Lot 1, Blk A, Rockborough Addition. ✓ Transamerican Investment
Properties, Inc.
202 N. Rock Road 67206

-6-

Lot 2, Blk A, Rockborough Addition.

Arthur W. Viner, Paul P. Sweet, Jr.
Miles L. Colean, Trustees.
Third ICM Realty.
220 East 42nd St., New York, N. Y.

Lots 1 & 18, Blk 1, Brookhollow 2nd Add.

net 3-20-71

Douglas Development, Inc.
~~770 Fourth National Bank Bldg.~~
219 N. Market 67202

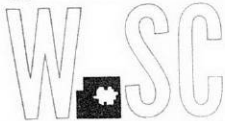
Dated at Wichita, Kansas this 19th day of
February, 1971 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By *Edwin M. Farreel* OEM
Sec,

Tracer # 9106

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

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

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

0212 Ke



Douglas Development, Inc.
~~770 Fourth National Bank~~
Wichita, Kansas 67202



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WRITER



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