

OF-107 COBBLESTONE ALLEY AMENDED  
CUP - Transamerican Investment  
Properties, et.al. by Everett C.  
Pettis Southeast corner of  
Central and Rock Road.

ACTION

DATE

COMMITTEE

M.A.P.C.

Approved subject 5.9.74  
to condition

B.C.C. / ~~REDACTED~~

Approved on 5.28.74  
minutes

Map No. 6047  
Sec. 20  
Twp. 27S  
Range 2E

DATA SHEET  
COMMUNITY UNIT PLAN

DP 49  
Z-  
Filed 4-10-74

APPLICATION REQUEST: Approval of proposed planned amendment to CUP  
~~development~~

1. Applicant Transamerican Investment Properties, Inc.  
Address 260 N. Rock Rd. Phone 685-5355
2. Agent Everett C. Fettis  
Address Suite 504-120 S. Market Phone 267-7251
3. General Location Southeast corner of Rock Road & Central.  
Address \_\_\_\_\_
4. Proposed Use Commercial

AREA DATA

1. Acres 7.8 ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Existing Zoning \_\_\_\_\_ Proposed Zoning \_\_\_\_\_
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
<u>5-9-74</u>	<u>Approved subject to conditions</u>
_____	_____
_____	_____

2. Governing Body BCC

Date	Action
<u>5-28-74</u>	<u>Agreed as recommended</u>
_____	_____
_____	_____

Correspondence in the  
Landscape Plan for  
Parcel A- tract 1 should  
be sent to:

Mr. Oscar R. Eschleman  
Transamerican Investment  
Properties Inc.  
249. N. Rock Road  
~~Wichita,~~  
Suite 225  
Wichita, Kans.  
67207

Phone No. - 6855355

THE CITY OF WICHITA

OFFICE OF PLANNING DEPARTMENT

DATE July 7, 1976



TO Jack H. Galbraith, Chief Planner  
FROM H. R. Kuhn, Assistant City Attorney

SUBJECT DP-49 - Proposed Amendment to  
Cobblestone Alley CUP, located  
at the southeast corner of  
Central and Rock Road

In response to your inquiry of June 29, 1976, the undersigned has reviewed the facts of the case as determined from the documentary evidence in your files & conferences with both your office and with counsel for the owners. After such review and after researching the law we have concluded that there is no authority for either the Planning Commission recommending or the Governing Body requiring the granting of a "private access easement" for the benefit of the occupants of Dean Rupert 2nd Addition. This conclusion is based on the following considerations:

- A. None of the documents on file report to grant a "right-of-way" easement over the East 20 feet of Dean Rupert 1st Addition.
- B. No reservations for a right-of-way easement for ingress or egress over the East portion of Dean Rupert 1st Addition were included in the instrument of conveyance wherein Transamerican conveyed to the present owners of the property to the South.
- C. The purchasers of the area to the South were aware of the fact that they were not obtaining any rights of ingress or egress over the eastern portion of Dean Rupert 1st Addition. Further, the owners of the property to the South are not claiming any right of ingress or egress over the proposed portion of Dean Rupert 1st Addition.
- D. It is difficult, if not impossible, to rationalize the tenants being in a position of claiming a greater right than the right of their landlord.

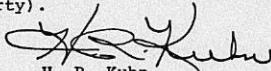
We have been unable to find any statutory or case law which could be the basis for a court holding that the Governing Body of the City could require a "private access easement" for the benefit of the occupants of the property to the south in the case at hand. We are not dealing with a public roadway similar to the one involved in the Hudson Oil Company case and for that reason we cannot rely on that case as authority for resolving the instant problem in favor of the existence of such a right.

Jack H. Galbraith  
July 7, 1976  
Page 2.

On the other hand, we have found no case law holding that the Governing Body is without authority in a situation of this type. But because of the historical reluctance on the part of the courts to impose easements for ingress or egress over adjacent property unless specifically granted in the instrument of conveyance or implied because of compelling necessity, we feel that any resulting litigation involving the specific question would be in favor of the denial of such authority in the governing body.

If you have any further questions or if I can be of further assistance I'll be pleased to hear from you.

(It is my opinion that in considering CUP's in the future and while the property is still in single ownership commitments may be required of the owner as to joint usage of rights of way in the event of a severance of part of the property).



H. R. Kuhn  
Assistant City Attorney

HRK:mb  
cc: John Dekker

June 30, 1977

Robert Feldner, Superintendent, Central Inspection

Jack H. Galbraith, Chief Planner

Required Landscaping on Cinemas East Plaza Theatres  
DF-49 - Cobblestone Alley C.U.P.

On this date, I was asked to meet Darrell Hagge who owns a janitorial service and has been hired by Lindy Andeel to maintain the required landscape area east of Cinemas East and the John Hancock building on the above C.U.P. In examining the existing trees with the approved landscape plan, I found approximately 20 trees. The approved plan indicates 26 trees and 26 honeysuckle; none of which exist. Although Hagge has been mowing the planting area and has done some watering, no one has trimmed dead material from the trees or ever cultivated around the trees where grass and weeds exist which are in competition with the trees.

Hagge and I counted together, 22 trees missing or dead. All the others need care, cultivating, fertilizer, watering, etc. Hagge discussed that he thought Andeel would authorize him buying and replacing 6 trees. I advised that at least 20 were needed to just replace those which were missing or dead. I agreed to having him use fruitless, mulberry, and Russian olive and urged that they consider manhattan euonymous where the honeysuckle was originally designated. Was advised that Andeel wanted trees rather than shrubs.

Wanted you to be aware of this contact. You might want to look at the area in a week to see if anything has been planted. Also, another contact from your office might get them going on replacing all the dead and missing materials.

If I can be of help, give me a call.

Jack H. Galbraith  
Chief Planner

JHG:el

cc: Robert A. Lakin, Director of Planning

REGAN & MCGANNON

ATTORNEYS AT LAW

1400 VICKERS-KOBBY BUILDING

125 NORTH MARKET STREET

WICHITA, KANSAS 67202

PATRICK J. REGAN  
JAMES J. MCGANNON  
MAX E. EBERHART

TELEPHONE  
AREA CODE 316  
269-7741

April 29, 1976

Mr. Jack H. Galbraith, Chief Planner  
Metropolitan Area Planning Department  
City Hall - Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

Dear Mr. Galbraith:

Re: DP49 Cobblestone Alley - CUP Southeast Corner  
Central and Rock Road

I am responding to a letter you wrote to Mr. Charles J. Merrell on April 19, 1976. I represent Transamerican Investment Properties, Inc. General Partner of MLPT Company, a Kansas Limited Partnership, owner of the remaining undeveloped land covered by the above referenced Community Unit Plan. I am not certain that a response to your letter is necessary, however, I thought I would write to clarify our position for your file.

We are aware of the perimeter fire zone requirement. We feel that requirement is meritorious and have not submitted nor do we intend to submit an application for a building permit that does not provide for the fire zone which, in our case, would lie on the eastern property line area. The provision for this fire zone, however, is different from providing an easement for ingress and egress to property owners to the south of our property. At the present time our contemplated use of this undeveloped property does not allow for the provision of additional ingress and egress over and across our property for property owners to the south. We are not intending at this time to grant such general rights of ingress and egress. If the tenants to the south feel they have an ingress and egress problem, we feel they should take that matter up with their landlord for solution.

Yours truly,

*Max E. Eberhart*

Max E. Eberhart

MEE:t

cc: Mr. David H. Aull  
Mr. Robert Feldner



April 19, 1976

Mr. Charles J. Merrell, President  
Cinemas East Plaza Merchants Ass'n.  
340 North Rock Road  
Wichita, Kansas 67206

Re: Access Road - DP49 Cobblestone  
Alley C.U.P. southeast corner  
of Central and Rock Road.

Dear Mr. Merrell:

In response to your letter of April 14, 1976, concerning an access road associated with the above captioned Conditional Use Permit, this is to advise you that I have forwarded copies of your letter to Robert Feldner, Superintendent of Central Inspection, and to the owner of the land on which your business is located, as well as to the owner to the north.

The C.U.P. that was approved on this corner in 1974 was approved subject to several conditions and in the C.U.P. text, the following is listed under General Provisions:

A Fire Zone, 20 feet in width (with sufficient turning radii at corners for standard fire apparatus) shall be provided around the perimeter of the development and shall have a 3½ inch asphalt base with 1½ inch asphalt surface. No parking shall be allowed in such fire lane although it may be used for passenger loading and unloading. Prior to final approval of the parking plan, the Fire Chief or his designated representative shall approve the plan as to the location and design of the fire lane.

Page Two  
Mr. Charles J. Merrell  
April 19, 1976

Although the approved C.U.P. does not so indicate, it is my opinion that a fire lane easement is required at the perimeter of the approved parcels, and such easement would be of benefit to all parcels. Although I am sure this was the original intent and understanding of those involved when the C.U.P. was approved, I am not sure as to what is the understanding of the present owners.

Since I am not certain as to what is planned to the north, I am requesting, by copies of this letter to Mr. Feldner, that he review the latest construction plans in his office, as well as the approved C.U.P. to determine if the intent is for a continuous fire lane along the east side of the C.U.P. In the event he concurs, it would be my suggestion that the construction be a requirement as a condition to be completed along with any new building permits. Although, I would hope that the issue of a fire lane on the development of property to the north can be resolved, I am under the impression that if there is not a fire lane around your facilities, at least to the north line of the property under the ownership to the south, then that is a matter to be resolved between the owner of the property and his tenants.

I hope this answers part of your questions, and that Mr. Feldner agrees that a continuous fire lane will be the final result after this C.U.P. is completed. If I can be of further assistance, or should you desire to review the approved C.U.P., please advise.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el

cc and enclosure to:  
Robert Feldner, Superintendent of Central Inspection  
Lindy Andeel and Frank Carney, 5900 E. Central, 67208  
Everett C. Fettis, Suite 504, 120 S. Market, 67202  
Transamerican Investment Properties, Inc., % Max E. Eberhart  
240 North Rock Road, 67206

April 14, 1976

Mr. Jack H. Galbraith, Chief Planner  
Current Plans Division, NAPD  
10th floor, City Hall  
Wichita, Kansas 67202

Re: Access road from Cinemas East  
Plaza to Central

Dear Mr. Galbraith:

As President of the Cinemas East Plaza Merchants Association, I would like to register our concern pursuant to the development just started by Transamerican Investment Corporation immediately to the north of our shopping complex on through to Central just east of Rock Road. It is our understanding that there are several commercial shops being developed along with an apartment complex immediately to the rear. We also understand that an access road from Central through the proposed development south to the Cinemas East Plaza parking area is not being planned.

We strongly feel that some type of access road from Central into our area is a necessity to assist the traffic flow that is now being generated through our area. We are referring to an access road similar to one existing from Morris-town shopping center east to Rock Road or one similar to the access road from K-Mart east to Webb Road. We feel that this type of access is necessary not only to assist traffic flow but to provide additional access for emergency vehicles such as fire, ambulance, etc., especially during peak traffic periods.

We would be happy to demonstrate to you or any member of your board the magnitude of our traffic flow problem on any Friday or Saturday evening to further impress that we feel that we have adequate parking to handle this traffic but not the necessary access road on which to move traffic in and out of our area. Your consideration will be greatly appreciated.

Very truly yours,

CINEMAS EAST PLAZA MERCHANTS ASSN

By   
Charles J. Merrrell, President

CJM:cw



*extra copy*

WICHITA SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL - TENTH FLOOR  
486 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 266-4061

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Cinemas East Plaza Merchants Ass'n.  
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Wichita, Kansas 67206

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WICHITA--SEDGWICK COUNTY

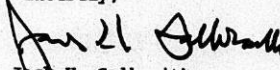
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Sincerely,

  
Jack H. Galbraith  
Chief Planner

JHG:el

cc and enclosure to:  
Robert Feldner, Superintendent of Central Inspection  
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Everett C. Fettis, Suite 504, 120 S. Market, 67202  
Transamerican Investment Properties, Inc., % Max E. Eberhart  
240 North Rock Road, 67206

April 14, 1976

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Current Plans Division, NAPD  
10th floor, City Hall  
Wichita, Kansas 67202

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Very truly yours,

CINEMAS EAST PLAZA MERCHANTS ASSN

By

*Charles J. Merrell*  
Charles J. Merrell, President

CJM:cw



April 7, 1976

**Robert Feldner, Superintendent of Central Inspection**

**Jack H. Galbraith, Chief Planner**

**Plant Material Specifications for the Cobblestone Alley C.U.P.**

Attached is a plant materials listing received from Roger's Nursery relating to the Trans America Property at Rock Road and Central. We have reviewed this listing and find it acceptable as to size and type. It should serve as a supplement to the approved landscape plan previously forwarded to you relating to Parcel A - Tract 1 of DP-49 (Cobblestone Alley C.U.P.). We noted that this listing covered only those materials indicated on the plan which are adjacent to and within the commercial area on the north portion of Tract 1. We have been advised by Mr. Eshleman of Trans American that those materials adjacent to the apartment portion of Tract 1 to the south will be provided at a later date to more closely coincide with construction parking and driveways in that area.

**Jack H. Galbraith**  
Chief Planner

JHG:RLY:el  
Attachment

cc: Mr. Oscar R. Eshleman  
Transamerican Investment Properties, Inc.  
249 N. Rock Road  
Suite 225  
Wichita, Kansas 67207

ING  
 PLANNING KEY  
 and  
 LIST OF MATERIAL

No. Req'd.	Description	Lbr.	Size	Price
<u>Commercial Site</u>				
4	AUSTRIAN PINE		4 1/2"	
2	KETTERRI JUNIPER		4"	
4	CANNAR T		4 1/2"	
1	Robust Green		5 1/2"	
3	TAMARIX JUNIPER		18-20"	
1	PAHO PINE		8-10"	
3	Russian Olive		4-5"	
3	PYRACANTHA		3 1/2-4"	
1	Wetzi Juniper		2 1/2"	
4	TAMARIX JUNIPER OR T. LEECH		2 1/2"	
<u>Blvd. &amp; Parking lot</u>				
10	TAMARIX JUNIPER	15 1/2"		
4	Yucca	12-15"		
4	WILTON JUNIPER	10-12"		
4	GOLD JUNIPER	12-16"		
<u>INSTALL PER AS per PLAN</u>				

Name: TRANS. AMERICA PROPERTIES ESTIMATE  
 Address: Rock Road Center  
 City: Wichita, Kansas  
 Date: \_\_\_\_\_  
 Phone: \_\_\_\_\_

**ROGERS NURSERY, INC.**  
 3500 NORTH HILLSIDE :: PHONE 838-1401  
 BOX 8005 MUNGER STATION  
 WICHITA, KANSAS 67208



March 26, 1976

Robert B. Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Landscape Plan Requirement for DP-49 -  
COBBLESTONE ALLEY - southeast corner of Rock Road and Central  
Avenue.

As you may recall, the general provisions of the Cobblestone Alley  
CUP (DP-49) approved by the Board of City Commissioners on May 28,  
1974, contained the following requirement:

"8. A planting screen as indicated on the plan shall be provided not less than 10 feet in width and shall be of such type and maintained in such a manner that it minimizes any nuisance of the commercial area to the adjacent residential area to the east. A landscape plan for the 10 foot planting area along the east property line, indicating the location, type, and specifications of planting materials, shall be submitted to the Planning Department and Maintenance - Flood Control Division of the Department of Public Works for approval prior to the issuance of any building permits on Parcel A - Tract 1 and Parcel B."

An approved landscape plan for Parcel B of this C.U.P. was previously forwarded to you on February 12, 1974. Attached hereto is a copy of the landscape plan for the eastern boundary of Parcel A - Tract 1. We have reviewed this plan and find the selection of plant materials to be acceptable. The plan has also been reviewed by the Flood Control Maintenance division of the Department of Public Works. As with the previously approved landscape plan covering Parcel B to the south, the Flood Control division requests that the materials be planted as close to the west line of the 10 foot planting strip as possible to keep the top of the drainageway berm free of plant material and thereby minimize conflicts with maintenance equipment and drainageway in-

Page 2  
Robert B. Feldner  
March 26, 1972

provements. The Flood Control Maintenance division furthermore indicated that they would like to have had more detailed plans on the specific location of the top and slopes of the floodway berm in relation to the edge of the surfaced parking lot and driveways. Such plans may have revealed a greater availability of space for landscaping within the planting strip. With the acknowledgement of this concern, the landscape plans are approved to meet the condition of general provision No. 8 effecting the issuance of building permits on Parcel A - Tract 1.

Jack H. Galbraith  
Chief Planner

JHG:RLY:el

Attachment

cc: Oscar R. Eshleman, Transamerican Investment Properties, Inc.  
249 No. Rock Road, Suite 225, Wichita, Ks. 67207 w/A  
M. S. Mitchell, Flood Control Maintenance w/A

THE CITY OF WICHITA

*[Handwritten mark]*



DEPARTMENT OF PUBLIC WORKS  
CENTRAL INSPECTION DIVISION  
262-0611 — AREA CODE 316  
CITY BUILDING ANNEX  
104 S MAIN — WICHITA, KAN. 67202

December 18, 1975

Mr. John C. Maloney  
312 Tara Lane  
Wichita, Kansas 67206

Dear Mr. Maloney:

I have read your letter regarding the planting strip and the lights located in the Cobblestone Alley CUP. For your information, I have discussed this matter with the attorney of the owner on two separate occasions and have received a letter from him stating that the planting strip will be replanted.

We also discussed the lighting problem and he assured me that he would contact his client and take necessary steps to shield the lights in order to protect the residential property to the east.

We will continue to monitor the site to insure that the necessary corrections are made. If you have any additional problems in the future, please contact this office.

Sincerely,

*Robert B. Feldner*

Robert B. Feldner  
Superintendent of Central Inspection

RBF:runl

cc: *Robert Lakin*  
Director of Planning



THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS  
CENTRAL INSPECTION DIVISION  
262-0611 — AREA CODE 316  
CITY BUILDING ANNEX  
104 S. MAIN — WICHITA, KAN. 67202

December 18, 1975

Mr. Everett C. Fettis  
Fettis, Quinn and Beasley  
120 South Market Suite 504  
Wichita, Kansas 67202

Dear Everett:

Re: Cobblestone Alley CUP-DP 49

We have discussed the landscape screen located on the east side of Cobblestone Alley. I have inspected the site and find that very little of the original planting has survived.

You indicated in the letter that your client intends to plant ten pine trees and six shade trees. However, I would like to point out that the approved landscape plan, dated February 11, 1974, indicates seven Cottonwood trees, eight Japanese Pagoda trees, eleven Austrian Pines and twenty-six Zabel Honeysuckle. It is required that the planting screen be maintained per the approved plan.

We have received complaints from residents of the adjoining residential area to the east, and I would appreciate your cooperation in replating as soon as possible.

A second complaint has been received regarding the parking lot lights. Residents have stated that the lights shine across the street into their homes. I have checked the lighting after dark and find that this is a legitimate complaint. Please note that Item 6 under the General Provisions of the CUP requires all lights to be directed so as not to shine directly




DECEMBER 10, 1973  
Mr. Everett C. Fettis  
Re: Cobblestone Alley CUP-DP 49  
Page 2

toward the property to the east. It appears that a shield can be attached to the lights at each end of the theatre and in front of the theatre as well as the light west of the liquor store on Rock Road. If these lights could be shielded so that the globe is not visible from the east side of the drainage ditch, I think this would solve the problem.

If you have any questions, please call.

Sincerely,

  
Robert B. Feldner  
Superintendent of Central Inspection

RBF:mml

cc: Robert Lakin  
Director of Planning

86

LAW OFFICES  
FETTIS, QUINN AND BEASLEY

EVERETT C. FETTIS  
MICHAEL G. QUINN  
JAMES G. BEASLEY  
LARRY H. WHITT  
KEITH M. CURFMAN

120 SOUTH MARKET  
SUITE 504  
WICHITA, KANSAS 67202  
316-267-7251

October 30, 1975

Robert Feldner, Superintendent  
Central Inspection Department  
City of Wichita  
104 South Main  
Wichita, Kansas 67202

RE: Cobblestone Alley CUP-DP 49

Dear Bob:

Enclosed herewith is a copy of the order and contract  
between Lindy Andeel and Borst Nursery for the plantings  
to be put in Cobblestone Alley.

Very truly yours,

FETTIS, QUINN AND BEASLEY

By: Everett C. Fettis

ECF/dbs  
enc  
cc: Robert Lakin  
Director of Planning





September 9, 1975

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

DP-49 - Cobblestone Alley Community Unit Plan  
at the Southeast corner of Central and Rock Road.

In the last several weeks I have received a number of complaints from homeowners to the east of this C.U.P. that the required landscaping is not being maintained in accordance with the approved plan.

It is my understanding that your office is in final stage of plans review for a new John Hancock Building on subject property. Inasmuch as it is reported that many of the plants did not live, you might consider not issuing any more permits on this C.U.P. until assurances are given that new plant materials will be planted and properly maintained in the future.

We have also received two recent applications associated with certain parts of this C.U.P. We have received an application for a variance of the required off-street parking spaces for Parcel A, Tract 2 and also a proposed amendment for the construction of 72 dwelling units on a portion of Parcel A, Tract 1.

Wanted you to be aware of these cases and also the complaints on the landscaping.

JHG:rme

Jack H. Galbraith, Chief Planner

WICHITA-SEDGWICK COUNTY

DATE

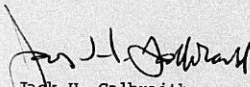
METROPOLITAN AREA PLANNING DEPARTMENT

July 16, 1975

TO The Files  
FROM Jack H. Galbraith, Chief Planner

SUBJECT DP-49 Cobblestone Alley Commercial CUP located at the SE corner of Central and Rock Road

On this date I discussed parking problems relative to the theaters on Cobblestone Alley CUP with W. W. Taylor. He advised that in the evening parking was over-flowing onto adjacent properties south of the drainage ditch and that he was having problems with potential tenants for his shopping center to the west in that they were raising concerns of inadequate parking there in the future. I advised him that we would keep this complaint in mind and raise the concern at such time as the CUP might again be requested for amendment.

  
Jack H. Galbraith  
Chief Planner

JHG:js

June 12, 1974

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-49 - Amendment of Cobblestone Alley Commercial CUP located at the southeast corner of Central and Rock Road.

On May 28, 1974, the Board of City Commission approved an amendment to the CUP on the above captioned case. Their action was to approve the request as recommended by the Metropolitan Area Planning Commission subject to the following conditions:

- A. Approval of the 10-foot setbacks is subject to the submission of an interior circulation plan to the Traffic Engineering Division of the Department of Public Works for approval.
- B. Replatting of Parcel A into two lots; or submission of a lot split application and receiving approval of same within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- C. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- D. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- E. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

Memo to Robert Feldner  
June 12, 1974  
Page Two

Please note that prior to the issuance of any building permits, and in accordance with Condition B above, Parcel A must be replatted or a lot split application approved; also General Provision #8 on the face of the CUP requires the submission of an approved landscape plan for the 10-foot planting area along the east property line prior to the issuance of any building permits on Parcel A - Tract 1 and Parcel B.

Attached for your information and files is an approved copy of the amended CUP. We would recommend that you mark "void" on the previously amended DP-49 in your files and which was approved in December, 1973.

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

JHG:GLS:js

Attachment

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

---

CASE NO. DP-49 Amendment                      CONSIDERED BY MAPC:                      5-9-74

REQUEST FOR: Approval of Amendment to Commercial CUP

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

GENERAL LOCATION: Southeast corner of  
Central and Rock Road

LEGAL DESCRIPTION:

See attached excerpt from Planning  
Commission minutes of May 9, 1974APPLICANT: Lindy Andeel and Frank Carney, et al.  
5900 East Central 67208

COUNSEL FOR APPLICANT: Everett C. Pettis, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north and west is "IC"; east is  
"AA"; south is "AA" and "BB"LAND USE: Subject property is office, liquor store and theatres; north  
is service station and undeveloped; east is single-family and  
drainage ditch; south is offices and drainage ditch; west is  
undeveloped.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to the following conditions: (See attached excerpt from Planning Commission minutes of May 9, 1974 for conditions.) Hill moved, Hopper seconded and it carried by a vote of 4 in favor (Hill, Hopper, Taylor and Gardenhire) and 2 opposed (Rising and Gragert). (Arnholz, Blakey, Kamen and Hennessy absent.)

---

ACTION 1. Approve the CUP as recommended by the Metropolitan Area Planning Commission subject to the recommended conditions; or  
2. Return the application 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 MAY 9, 1974:

12. Case No. DP-49 - Lindy Andeel and Frank Carney, et al. request approval of an amendment to DP-49 described legally as follows:

Lot 2 and Reserve "A", Block 1, Dean Ruppert First Addition and Lot 1 and Reserve "A" in Block "A", Dean Ruppert Second Addition, except beginning at approximately 651 feet south and 60 feet east of the northwest corner of the northwest quarter, Sec. 20, T27S, R2E of the 6th P.M., said point being the SW corner of the 140 feet by 175 feet tract of land owned by KG&E Company, thence south 120 feet, thence east 175 feet, thence north 120 feet, thence west 175 feet to the point of beginning, being a part of Lot 1, Block "A", Dean Ruppert's Second Addition. Generally located at the southeast corner of Central and Rock Road.

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

Comments

1. In February 1973, a CUP for Cobblestone Alley was considered and approved. The applicant has now submitted an amendment on one of the previously approved parcels. The revised development plan proposes the following general amendments:
  - a. Division of Parcel "A" into two tracts.
  - b. Reduction of building setback lines from the north and south lines of Parcel "A" - Tract 2 from 30 feet to 10 feet.
  - c. Deletion of the 5 to 8 foot solid wall along the east side and provisions made for adequate screening of the service and trash areas if such areas face directly toward the "AA" zoning district to the east.
2. One of the provisions of the CUP regulations requires the following setback: There shall be a rear yard, alley, service drive or combination thereof of not less than 30 feet.

The applicant should be prepared to submit plans that will indicate interior circulation which will justify that subject 30-foot requirement should be reduced to 10 feet.
3. If the Planning Commission determines that the proposed amendments are appropriate, then the following should be conditions of approval:
  - a. Approval of the 10-foot setbacks is subject to the submission of an interior circulation plan to the Traffic Engineering Division of the Department of Public Works for approval.
  - b. Replatting of Parcel A into two lots; or submission of a lot split application and receiving approval of same within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
  - c. The following shall be added at the end of General Provision #8: "on Parcel "B" or Parcel "A" - Tract 1.
  - d. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

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

GALBRAITH pointed out that the length of the screening distance on the east is quite lengthy, and it was the feeling of the Zoning Committee when viewing the area, that possibly a planting screen of 10 feet in width would be more beneficial than a wall.

LAKIN said that past actions have resulted in this CUP being a strip type development which is in direct conflict with the purpose of a Community Unit Plan, but that it has happened because of reduction of setbacks and sale of portions of the CUP area. He suggested these points be kept in mind in considering CUP regulations in the new zoning ordinance. LAKIN commented that this is really ending up as strip light commercial with development of the frontage first and with other area to the rear with poor public access. The present proposal provides access to Rock Road and Central by means of private access easements, which would have to be the method of access for future development of the area in Parcel "A" - Tract 1.

HILL asked why a private access easement could not be required on the west side for the full distance of Parcel A, Tract 1 rather than only as it relates to Parcel "A" - Tract 2.

EVERETT FETTIS, attorney for the buyer of Parcel "A", Tract 2, pointed out that the area south of subject property (Parcel "A" - Tracts 1 and 2) is under separate ownership. The agreement is that Tract 2 be split by a private easement to allow access to Tract 1, and Tract 2 will also have access to Central by means of a private access easement along the west side of Parcel "A" - Tract 1. As proposed, Tract 1, which is still owned by Transamerican Investments, will also have access to Rock Road and Central. When the suggestion was made that the access easement be extended south to provide access from the area south of Tract 1, FETTIS said his client was agreeable, but the owner of Tract 1 (Transamerican Investments) was not.

Several Commissioners expressed dissatisfaction with the fact that this CUP has been divided into separate ownerships and developments which have created access and traffic circulation problems not anticipated in a CUP development.

FETTIS said his client has two commercial developments proposed on Tract 2 for immediate use and needs approval of the amendment in order to do so.

As for the elimination of the masonry wall along the east line where the drainage is located, FETTIS said while its elimination is requested, it was on behalf of Transamerican (owner of Tract 1) that the request is made, and also at the suggestion of the Public Works staff who are objecting to a permanent structure, such as a masonry wall, being placed on the drainage and utility easement. He said this had all been discussed with City staffs.

GALBRAITH said that when the original CUP was discussed, it was proposed to be a quaint and unusual shopping center and at that time no building was proposed to be erected with the rear facing the residential area to the east and, therefore, the wall would not need to be constructed. Now, however, the theatre is under construction, and the rear of the building faces toward the residential area and, therefore, the wall is required.

HILL said he was not in favor of removing the masonry wall requirement.

LAKIN said he did not mean to make his statements an issue in this particular case, but thought it was something for the Commission to keep in mind in the future.

MRS. McDANIEL, 8201 Limerick, indicated she would prefer the planting screen, until it was brought out that such screening is not effective as a rule for several years and then is seldom maintained or replaced when needed. GALBRAITH said any planting screen is approved by the Planning Department staff and that, while not included in the wording of this CUP, a statement is usually included covering the maintenance and replacement of plantings.

McDANIEL was uncertain about her preference for plantings in view of the report that they are seldom maintained. She asked if this particular development would be screened and GALBRAITH pointed out that both Tract 1 and 2 are zoned light commercial and there would be no reason to screen commercial from commercial.

HILL said it was because of the lack of maintenance of plantings that he favors a masonry wall for screening purposes. When asked for his opinion in this specific case, GALBRAITH said he concurred with Public Works that landscaping would be better than the masonry wall, and it is hoped that any building would be designed to face the residential area.

MOTION: That the Planning Commission recommend to the City Commission the approval of the amendments desired, subject to the conditions suggested in the staff report. Hill moved and Hopper seconded.

JACK MALONEY, 312 Tara Lane, expressed some concern for the screening and his desire for protection of his home. He said he had viewed the earlier proposed landscape plans and that plantings would be more desirable to look at than a masonry wall, but the fact that plantings are neglected was one of his concerns. It was pointed out that a statement as to maintenance of the plantings should be included in the wording of the CUP.

AMENDMENT TO MOTION: That the wording under General Provision #8 be amended to include a planting screen and that it would be maintained. Hill moved and Hopper seconded.

GRAGERT commented that it appears another amendment will be requested before long on Tract 1 because of the circulation problem.

RISING said he objects to seeing a CUP plan mutilated to end up with a ridiculous treatment of a choice area that should have been well planned and developed.

GARDENHIRE asked if there was any way of guaranteeing that portions of a CUP would not be sold, and was assured that the regulations of CUP approval do not prohibit the selling off of parcels.

FETTIS said they had first sought approval from the Planning Department staff of an administrative adjustment, but the staff did not want to assume the responsibility for changing the 30-foot setbacks to 10 feet. He stated further that his client and Transamerican have plans for cooperation in further development of this CUP so that there will not likely be any more problems.

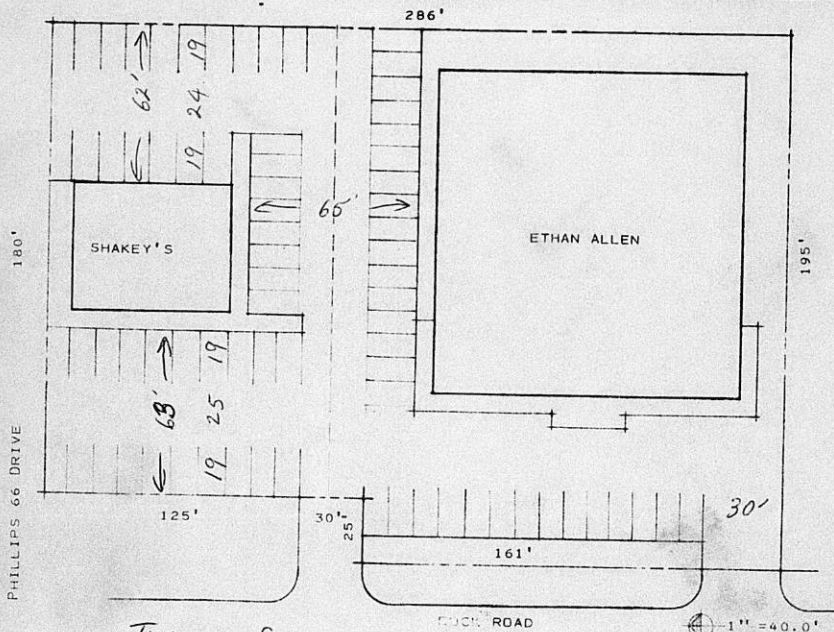
GRAGERT said he was going to vote against the motion, hoping a subsequent revision will take care of the amendments needed for both tracts to properly handle access and circulation. HILL said the present applicants are only trying to resolve their own problem and he did not think they should be penalized. RISING felt it was the basic responsibility of the people that obtained approval of the original CUP to see that proper development is carried out.

CHAIRMAN TAYLOR felt it was in order for the Commission to look into the procedures for approving CUP's in an attempt to avoid some of the problems that have been occurring.

VOTE ON MOTION AS AMENDED: Carried by a vote of 4 in favor (Hill, Hopper, Taylor and Gardenhire) and 2 opposed (Rising and Gragert). (Arnholz, Blakey, Kamen and Hennessy absent.)

The conditions established by the above vote are as follows:

- A. Approval of the 10-foot setbacks is subject to the submission of an interior circulation plan to the Traffic Engineering Division of the Department of Public Works for approval.
  - B. Repatting of Parcel A into two lots; or submission of a lot split application and receiving approval of same within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
  - C. General Provision #8 shall be amended to read as follows: A planting screen as indicated on the plan shall be provided not less than 10 feet in width and shall be of such type and maintained in such a manner that it minimizes any nuisance of the commercial area to the adjacent residential area to the east. A landscape plan for the 10-foot planting area along the east property line, indicating the location, type, and specifications of planting materials, shall be submitted to the Planning Department and Maintenance-Flood Control Division of the Department of Public Works for approval prior to the issuance of any building permits on Parcel A - Tract 1 and Parcel B.
  - D. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - E. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
  - F. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.
-



TYPICAL STALL = 10' X 19'  
 MIN. AISLE = 24'

TRAFFIC ENGINEERING DIVISION APPROVED  
*[Signature]*  
 Date: *17 MAY 74*  
 (A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".  
 (B) Stall lines shall be painted and 4" or greater in width.  
 (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

4/17/74

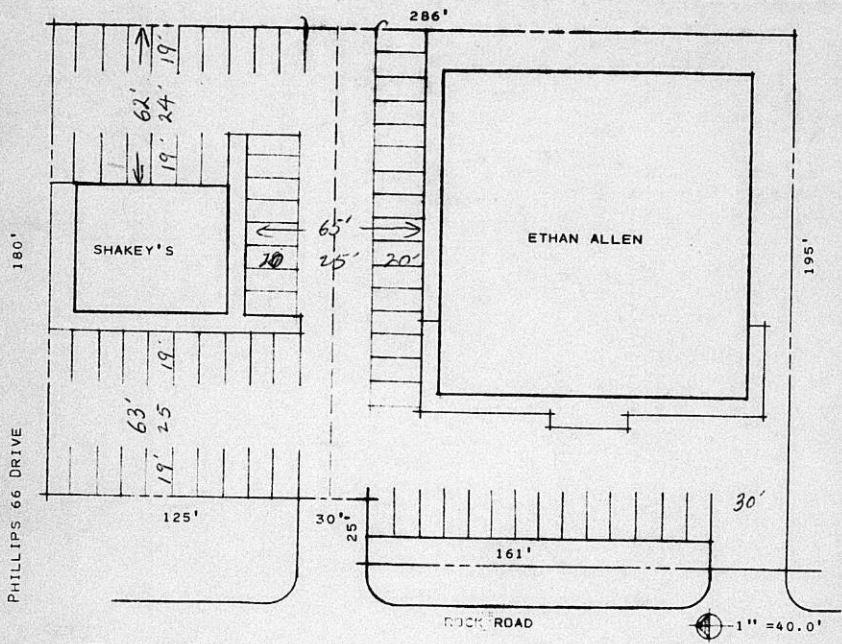


**ANDEEL & CO.**

5800 E. CENTRAL WICHITA, KANSAS  
 TELEPHONE (316) 883-7511

**THOMAS D. JACOB**

ARCHITECT - PLANNER BOX 633 WICHITA, KANSAS 67201



TYPICAL STALL = 10' X 19'  
 MIN. ANGLE = 24'

TRAFFIC ENGINEERING DIVISION APPROVED

*J. D. Jacob*

Date: *19 MAY 74*

(A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

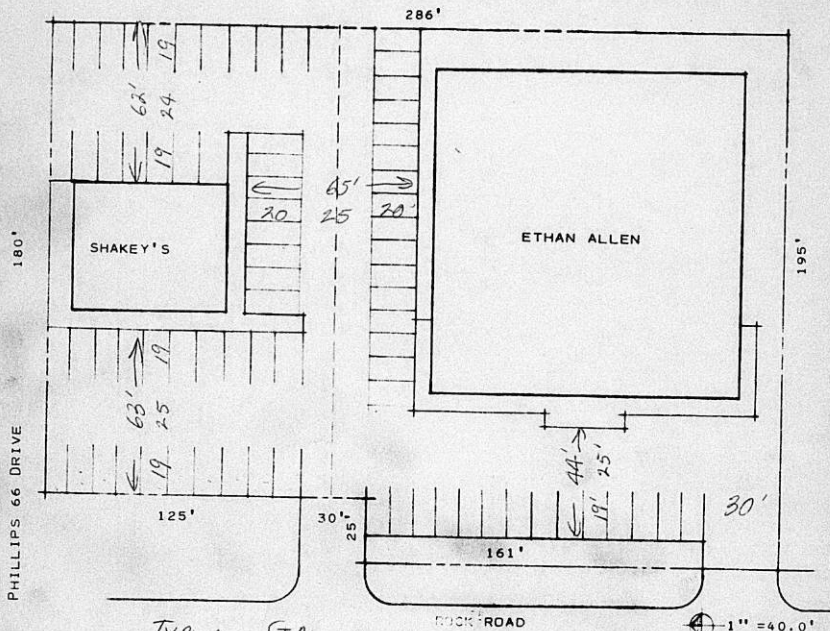
(C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

4/17/74



**ANDEEL & CO.**  
 8900 E. CENTRAL WICHITA, KANSAS  
 TELEPHONE (316) 683-7511

**THOMAS D. JACOB**  
 ARCHITECT - PLANNER BOX 633 WICHITA, KANSAS 67201



TYPICAL STALL = 10' x 19'  
 MIN AISLE = 24'

TRAFFIC ENGINEERING DIVISION APPROVED  
*Paul D. Jacob*  
 Date: 12 MAR 74  
 (A) Parking barriers shall be installed at all locations that are adjacent to public property so that vehicles will not obstruct public property and have a minimum length of 8 feet and a minimum cross section of 4" x 4".  
 (B) Stall lines shall be painted and 4" or greater in width.  
 (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

4/17/74



**ANDEEL & CO.**

5800 E. CENTRAL WICHITA, KANSAS  
 TELEPHONE (316) 683-7511

**THOMAS D. JACOB**

ARCHITECT - PLANNER BOX 833 WICHITA, KANSAS 67201

May 10, 1974

Mr. Everett Fettis, Attorney  
Suite 504, 120 South Market  
Wichita, Kansas 67202

Re: DP-49 - Amendment of Cob-  
blestone Alley Commercial  
CUP - Southeast corner of  
Central and Rock Road

Dear Mr. Fettis:

At its regular meeting on May 9, 1974, the Metropolitan Area Planning Commission considered the above-captioned application. It was the action of the Commission to recommend approval of the amended CUP subject to the following conditions:

- A. Approval of the 10-foot setbacks is subject to the submission of an interior circulation plan to the Traffic Engineering Division of the Department of Public Works for approval.
- B. Replatting of Parcel A into two lots; or submission of a lot split application and receiving approval of same within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- C. General Provision #8 shall be amended to read as follows:

A planting screen as indicated on the plan shall be provided not less than 10 feet in width and shall be of such type and maintained in such a manner that it minimizes any nuisance of the commercial area to the adjacent residential area to the east. A landscape plan for the 10-foot planting area along the east property line, indicating the location, type, and specifications of planting materials, shall be submitted to the Planning Department and Maintenance-Flood Control Division of the Department of Public Works for approval prior to the issuance of any building permits on Parcel A - Tract 1 and Parcel B.

Page 2 - Mr. Everett C. Fettis  
May 10, 1974

- D. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- E. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
- F. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

If we receive nine corrected copies of the CUP by May 22, 1974, this matter will be forwarded on to the Board of City Commissioners for their consideration at their regular meeting on May 28, 1974, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Lindy Andeel and Frank Carney, 5900 East Central 67208  
Lindy Andeel and Robert K. Chisholm, 5900 East Central 67208  
Transamerican Investment Properties, Inc.,  
260 North Rock Road 67206  
Mrs. F. D. McDaniel, 8201 Limerick 67206  
John C. Maloney, 312 Tara Lane 67206  
City Manager's Office  
Thomas D. Jacob, Architect-Planner, 5920 East Central 67208

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: May 9, 1974

Case No. DP-49

Request: Approval of Amendment to  
Cobblestone Alley CUP

Location: Southeast corner of Central and Rock Road

Acres: 7.8

Size: 395 ft. by 1030 ft.  
Irregular shape

	<u>Land Use</u>	<u>Zoning</u>
Existing	Office, liquor store, theatres	"LC"
North	Service station & undeveloped	"LC"
East	Single-family & drainage ditch	"AA"
South	Offices & drainage ditch	"AA" & "BB"
West	Undeveloped	"LC"

Street rights-of-way are adequate.

History: DP-49 - MAPC: 1-11-73 Approved

BCC: 2-20-73 Approved

DP-49 - Amendment - MAPC: 11-26-73 Approved

BCC: 12-18-73 Approved

Platted: Yes

Sidewalk: Previously  
guaranteed.

Comments

1. In February 1973, a CUP for Cobblestone Alley was considered and approved. The applicant has now submitted an amendment on one of the previously approved parcels. The revised development plan proposes the following general amendments:
  - a. Division of Parcel "A" into two tracts.
  - b. Reduction of building setback lines from the north and south lines of Parcel "A" - Tract 2 from 30 feet to 10 feet.
  - c. Deletion of the 5 to 8 foot solid wall along the east side and provisions made for adequate screening of the service and trash areas if such areas face directly toward the "AA" zoning district to the east.
2. One of the provisions of the CUP regulations requires the following setback: There shall be a rear yard, alley, service drive or combination thereof of not less than 30 feet.

The applicant should be prepared to submit plans that will indicate interior circulation which will justify that subject 30-foot requirement should be reduced to 10 feet.

3. If the Planning Commission determines that the proposed amendments are appropriate, then the following should be conditions of approval:
    - a. Approval of the 10-foot setbacks is subject to the submission of an interior circulation plan to the Traffic Engineering Division of the Department of Public Works for approval.
    - b. Replatting of Parcel A into two lots; or submission of a lot split application and receiving approval of same within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
    - c. The following shall be added at the end of General Provision #8: "on Parcel "B" or Parcel "A" - Tract 1.
    - d. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
    - e. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
    - f. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.
-

Case No. DP-49 (Amendment) - 49 NOTICES TO ADJOINING PROPERTY OWNERS  
mailed 4-25-74 for MAPC 5-9-74.

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

April 25, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting beginning at 1:30 p.m. on May 9, 1974, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-49 - Lot 2 and Reserve "A", Block 1, Dean Ruppert First Addition and Lot 1 and Reserve "A" in Block "A", Dean Ruppert Second Addition to Wichita, Sedgwick County, Kansas, except beginning at approximately 651 feet south and 60 feet east of the northwest corner of the northwest quarter, Sec. 20, T27S, R2E of the 6th P.M., said point being the SW corner of the 140 feet by 175 feet tract of land owned by KG&E Company, thence south 120 feet, thence east 175 feet, thence north 120 feet, thence west 175 feet to the point of beginning, being a part of Lot 1, Block "A", Dean Ruppert's Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Central and Rock Road.

The Development Plan originally approved on February 20, 1973, and amended December 18, 1973, has been resubmitted as required under the Community Unit Plan provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department Office, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, and is available for public information and review.

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

Notice to Adjoining Property Owners  
Amendment to DP-49  
Page Two

1. Division of Parcel "A" into two tracts.
2. Reduction of building setback lines from the north and south lines of Parcel "A" - Tract 2 from 30 feet to 10 feet.
3. Deletion of the 5 to 8 foot solid wall along the east side and provisions made for adequate screening of the service and trash areas if such areas face directly toward the "AA" zoning district to the east.

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

*Shirley - Note*



THE CITY OF WICHITA  
OFFICE OF CITY TRAFFIC ENGINEER

DATE April 19, 1974

TO Jack Galbraith, Chief Planner  
FROM William G. McKinley, Assistant Traffic Engineer  
SUBJECT Cobblestone Alley Amended CUP

We would recommend the tapering of the proposed right-of-way 350 feet from the centerline of the major street. This CUP was drawn on the old standard.

*William G. McKinley*  
William G. McKinley  
Assistant Traffic Engineer

WGM/g1  
cc:R. W. Bruggeman



April 22, 1974

Mr. Everett C. Fettis, Attorney  
120 South Market  
Wichita, Kansas 67202

Re: DP-49 - Amendment of Cobblestone Alley Commercial CUP - Southeast corner of Central and Rock Road

Dear Mr. Fettis:

We have reviewed the amended CUP for Cobblestone Alley located on the southeast corner of Central and Rock Road, and the following are our comments as well as comments of other Departments of the City.

We have been advised by the Flood Control Division that drainage from Parcel "A" - Tract 2, must be taken to Rock Road or arrangements made, in writing and approved by the Flood Control Office to drain across Tract 1. We would suggest that you contact M. S. Mitchell in regard to this matter prior to the Planning Commission meeting of May 9, 1974.

Inasmuch as your clients are desirous of deleting the required 5 to 8 foot wall along the east property line, please review the following suggested wording for General Provision #11:

All structures shall be designed so as to eliminate the service and trash receptacle areas and the rear of the buildings facing directly toward the "AA" zoning district to the east. Should this not be possible, the rear side of the buildings and/or the service and trash areas shall be designed and screened to become an aesthetically integrated part of the structure, with a 5 to 8 foot solid or semi-solid wall. A design plan for such screening shall be submitted to the Planning Department and the Central Inspection Division of the Department of Public Works for approval prior to the issuance of any building permits on Parcels "B" and "A" - Tract 1.

In addition to these comments, the following additions or changes should be indicated on the plan:

Page 2 - Mr. Everett C. Fettis  
April 22, 1974

1. The 10-foot utility easement adjacent to the south line of Parcel "B" shall be labeled as a "walk and utility easement"; or submit an application for vacation of the walk easement.
2. The following shall be added at the end of General Provision #8: "on Parcel "B" or Parcel "A" - Tract 1.
3. General Provision #10 shall be amended to read as follows: "The private access easements on Parcel "A" - Tract 1 and Tract 2 are for the mutual benefit of Tracts 1 and 2".
4. The west building setback, under Tract 1 shall be changed from 15 feet to 20 feet.
5. The east building setback under Tract 2 shall be changed from 15 feet to 10 feet.
6. The south building setback under Parcel "B" shall be changed from 10 feet to 15 and 30 feet.

These are most of the comments we have at this time. We would appreciate your reviewing our comments and if you have questions, we will be glad to set a meeting at your convenience to discuss our review.

It is necessary that we receive 14 revised copies by Monday, April 29, 1974, for this item to appear on the Planning Commission agenda May 9, 1974. A "marked copy" of the CUP with our notations is being sent to Thomas Jacob with a copy of this letter.

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

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Lindy Andeel, 5900 East Central 67208  
Frank Carney, 5900 East Central 67208  
Robert K. Chisholm, 5900 East Central 67208  
Transamerican Investment Properties, Inc.,  
260 North Rock Road 67206  
Thomas D. Jacob, Architect-Planner,  
5920 East Central 67208

WICHITA-SEDGWICK COUNTY

DATE

April 15, 1974

**METROPOLITAN AREA PLANNING DEPARTMENT**

Paul Graves, Traffic Engineer  
M. S. Mitchell, Flood Control Supervisor  
Robert Feldner, Superintendent of Central Inspection

TO

FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT Cobblestone Alley Amended C.U.P. DP-49

Attached is a copy of the amended CUP for the development at the southeast corner of Central and Rock Road. Please note that this amendment proposes a reduction of the 30 foot set-back adjacent to the north and south lines of Parcel A-Tract 2 to ten feet. Also please note that the 5 to 8 foot solid wall along the east property line required on the previously approved CUP has been deleted and replaced with General Provision #11.

This amendment is scheduled for the Planning Commission meeting of May 9, 1974. We would appreciate any comments you might have relative to this amendment by April 22, 1974.

JHG:GLS:js

Attachment

COPY

DRAINAGE FROM PARCEL A Tract 2  
must be taken to Rock Road OR  
Arrangements made in writing &  
approved by FC to drain across  
Tract 1  
*MM* 4-16-74

APR 16 1974

WICHITA-SEDGWICK COUNTY

DATE

April 15, 1974

**METROPOLITAN AREA PLANNING DEPARTMENT**

*from* - Dick Linn, City Engineer

Paul Graves, Traffic Engineer

M. S. Mitchell, Flood Control Supervisor

Robert Feldner, Superintendent of Central Inspection

TO

FROM

Jack H. Galbraith, Chief Planner *JHG*

SUBJECT Cobblestone Alley Amended C.U.P. DP-49

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This amendment is scheduled for the Planning Commission meeting of May 9, 1974. We would appreciate any comments you might have relative to this amendment by April 22, 1974.

JHG:GLS:js

Attachment

*No Comment  
D. Linn*



April 15, 1974

Dick Linn, City Engineer  
Paul Graves, Traffic Engineer  
M. S. Mitchell, Flood Control Supervisor  
Robert Feldner, Superintendent of Central Inspection  
Jack H. Galbraith, Chief Planner

Cobblestone Alley Amended C.U.P. DP-49

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This amendment is scheduled for the Planning Commission meeting of May 9, 1974. We would appreciate any comments you might have relative to this amendment by April 22, 1974.

JHG:GLS:ja

Attachment

26 FEBRUARY 1974

ROBERT FELDNER  
SUPERINTENDENT CENTRAL INSPECTION  
CITY BUILDING ANNEX  
104 S. MAIN  
WICHITA, KANSAS

RE: C.U.P. REQUIREMENTS  
CINEMAS EAST THEATRES

DEAR SIR:

THE OWNERS OF THE ABOVE REFERENCED PROPERTY, FRANK CARNEY AND LINDY ANDEEL, HAVE REQUESTED THAT I CONTACT YOU CONCERNING THE SCREENING OF THE PROPERTY AS OUTLINED BY THE COMMUNITY UNIT PLAN.

THE C.U.P. STATES THAT SOME TYPE OF FENCING BE PROVIDED ALONG THE EAST PROPERTY LINE TO VISUALLY SEPARATE THE L.C. DISTRICT FROM THE RESIDENTIAL DISTRICT. ALSO A PLANTING AREA WAS REQUIRED ALONG THE SAME PROPERTY LINE.

AS INDICATED BY THE DRAWINGS THE EAST ELEVATION OF THE STRUCTURE SERVES TO EXIT THE THEATRES AND DRAIN ROOF WATER. THE EAST WALL IS OF CONCRETE MASONRY THAT WILL BE DESIGNED IN A PATTERN WITH THE PLASTERED PILASTERS PAINTED A DIFFERENT COLOR THAN THE INSET MASONRY. THERE IS ALSO AN ELECTRIC TRANSFORMER ADJACENT TO THE SOUTHEAST CORNER OF THE STRUCTURE THAT WILL BE SCREENED.

AT THIS TIME THE OWNERS ARE REQUESTING THAT THE FENCING REQUIREMENTS (GENERAL PROVISION 6) OF THE C.U.P. BE OMITTED BECAUSE OF THE FOLLOWING REASONS:

1. THE EAST SIDE OF THE STRUCTURE CONTAINS NO UNSIGHTLY ELEMENTS, SUCH AS SERVICE DOORS.
2. THE PLANTING PLAN THAT HAS BEEN APPROVED, IS OF DENSE ENOUGH GROWTH THAT IT WILL PROVIDE A VISUAL SCREEN BETWEEN THE TWO ZONING DISTRICTS.



THOMAS D. JACOB ARCHITECT-PLANNER BOX 633 WICHITA, KANSAS 67201 316 684-5268

I APPRECIATE YOUR TIME IN REVIEWING THIS SUBJECT. I WILL  
BE AVAILABLE TO MEET WITH YOU AND YOUR STAFF AT YOUR  
CONVENIENCE TO RESOLVE THIS MATTER AT THE EARLIEST  
POSSIBLE DATE.

RESPECTFULLY,

*Thomas D. Jacob*

THOMAS D. JACOB

TDJ:PW

CC: 1. JACK GALBRAITH, M.A.P.D.  
2. LINDY ANDEEL AND FRANK CARNEY  
3. ALCON, INC.

THE CITY OF WICHITA

OFFICE OF R. B. Feldner, Superintendent  
Central Inspection Division

DATE February 14, 1974



ON SAFETY  
PHASE II

TO M. S. Mitchell, Assistant Superintendent of Public Works Maintenance

FROM John J. Riddel, Building Plans Examiner

SUBJECT Cinemas East Plaza  
Part of Lot 1, Block A  
Dean Rupert 2nd Addition

Please examine the site plan of subject plans. Review the grading and drainage provisions for conformance with Flood Control requirements.

*John J. Riddel*

February 15, 1974

TO: John Riddel, Bldg. Plans Ex.

FROM: M. S. Mitchell

Subject: See above

The grading and drainage provisions shown on Sheet 1 of plans for Cinemas East Plaza conform to plans approved by this office as conditions of platting except:

- 1) The 154 finish contour should be closed at the east property line.
- 2) The solid or semi-solid wall cannot be constructed on the Drainage Dedication and I am advised that it cannot occupy part of the platted utility easement located parallel and adjacent to the Drainage Dedication.

*M. S. Mitchell*

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

MSM/glm

cc: G. H. Wilton  
Jack Galbraith, MAED  
Dean Rupert 2nd Plat File  
Central Inspection PW File



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  Lindy Andeel and Frank Carney  
Address 5900 East Central 67202 Phone 683-7511  
Agent  Everett C. Fettis  
Address Suite 504 - 120 South Market 67202 Phone 267-7251
- b. Applicant  Lindy Andeel and Robert K. Chisholm  
Address 5900 East Central Phone 683-7511  
Agent  Everett C. Fettis  
Address Suite 504 - 120 South Market Phone 267-7251
- c. Applicant  Transamerican Investment Properties, Inc.  
Address 260 North Rock Road 67206 Phone 685-5355  
Agent  Everett C. Fettis  
Address Suite 504 - 120 South Market Phone 267-7251

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

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

SEE ATTACHED SHEET

- II.B There are 7.8 acres (round to nearest tenth) in the above described property.

Application for Community Unit Plan

Attachment - Page 2

Applicants: Lindy Andeel and Frank Carney; Lindy Andeel and Robert K. Chisholm; Transamerican Investment Properties, Inc.

Agent: Everett C. Fettis

II. A Property is zoned LC and legally described as:

"Lot 2 and Reserve "A", Block 1, Dean Ruppert First Addition and Lot 1 and Reserve "A" in Block "A", Dean Ruppert Second Addition to Wichita, Sedgwick County, Kansas, EXCEPT beginning at approximately 651 feet South and 60 feet East of the Northwest corner of the Northwest Quarter, Section 20, Township 27 South, Range 2 East of the 6th P.M., said point being the Southwest corner of the 140 foot by 175 foot tract of land owned by KG&E Company; thence South 120 feet; thence east 175 feet; thence North 120 feet; thence West 175 feet to the point of beginning, being a part of Lot 1, Block "A" Dean Ruppert's Second Addition to Wichita, Sedgwick County, Kansas."

III. This property is located at (address) North Rock Road.

The general location is (use appropriate section).

a. ~~at the~~ on the east side of Rock Road corner of \_\_\_\_\_

and \_\_\_\_\_; or

b. on the \_\_\_\_\_ side of \_\_\_\_\_ (Ave.,

Street) between South of Central (Ave., Street) and

\_\_\_\_\_ (Ave., Street).

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

Lindy Andeel & Frank Carney  
By E. C. Felt By E. C. Felt  
Authorized Agent (if any) Authorized Agent (if any)

Lindy Andeel & Robert K. Chisholm  
By E. C. Felt By E. C. Felt  
Authorized Agent (if any) Authorized Agent (if any)

TRANSAMERICAN  
INVESTMENT PROPERTIES, INC.

V. OFFICE USE ONLY

BY: E. C. Felt  
Authorized Agent

This application was received at the Planning Department at  
1:30 PM (AM, PM) on April 11, 1974 (Day, Month,  
Year). It has been checked and found to be complete and accom-  
panied by required documents and the appropriate fee of  
\$ 400.00.

Charles L. Newby Name  
Jim Plummer Title

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1	1	Brookhollow First Addition	✓ Bill Bachman Inc. 1901 West 13th 67203
2	1	Same	✓ Corky J. Knock & Kathleen 8210 Limerick Lane 67206
3	1	Same	✓ Ernest J. Balzer & Helen 8218 Limerick Lane 67206
1	2	Same	✓ Forrest D. McDaniel & Ruby 3417 Kinkaid Court 67218
2	2	Same	<i>returned 4-30-74</i> Nancy Cohlma 8115 Willowbrook Road 67207
3	2	Same	✓ Betty L. Johnson & Darrell 5233 Valentine 67219
10	2	Same	✓ Richard A. Manka & Judith 8220 Tamarac 67206
11	2	Same	✓ Albert E. Hall & Judith 8210 Tamarac Lane 67206
12	2	Same	✓ A. Tracy Burton & Beverly 518 Paula 67212
1	5	Same	✓ Hal H. Dougherty & Sydney 8201 Tamarac 67206
2	5	Same	✓ Antonio L. Osio and Josephine P. Osio 8209 Tamarac 67206
3	5	Same	✓ Frank J. Malloy & Jean 8217 Tamarac 67206
1	2	Brookhollow 2nd Addition	✗ Athol I. Craven & Jo Anne Address Unknown
2	2	Same	✓ Alfred A. Farha & Nancy L. 554 Longfellow 67207
3	2	Same	✓ Dwight D. Wallace & Linda 8220 Brookhollow 67206
1	1	Same	✓ John C. Maloney & Carol Sue 312 Tara Lane 67206
2	1	Same	✗ Joseph Barocas & Marilyn Address Unknown
3	1	Same	✗ John Harper & Dorothy Jean Address Unknown

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
COMMISSION  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA KANSAS 67202

Nancy Cohlma  
8115 Willowbrook Road  
Wichita, Kansas 67207



DP-19

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TEL

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*Important! Notice of Missing Enclosed*

Lot	Block	Addition	Property Owner
16	1	Brookhollow 2nd Addition	✓ A. J. Kambur & Rosemary 6227 Jacqueline 67208
18	1	Same	✓ William J. Froelich Jr. Bobbe J. Froelich 1000 South Woodlawn Apt.103 67218
17	1	Same	✓ James L. Hamrick & Deanna 8403 Tamarac Lane 67206
1	A	Rockborough Addition	✓ Rockpark Co., LTD 240 N. Rock Road 67206
4	5	Second Addition to Vickridge	✓ D. L. Van Buskirk & Linda 500 Tara Lane 67206
5	5	Same	✓ Jeff C. Lyle 526 Tara Lane 67206
4	3	Rockwood 6th Addition	✓ Hervey R. Hodson & Mozella 8000 Tipperary 67207
5	3	Same	✓ Robert C. Des Marteau Marigene Des Marteau 7810 Pagent Lane 67207
6	3	Same	✓ R. Durward Seymour & Betty 1010 Inverness 67218
7	3	Same	✓ R. D. Mundell & Mary 3500 Crystal Drive 67216
8	3	Same	✓ Maurice E. Johnson & Betty 7830 Pagent Lane 67207
9	3	Same	✓ Jim L. Shadid & Joyce 7838 Pagent Lane 67207
1		Rockwood 11th Addition	✓ W. W. Taylor Inc. 505 N. Rock Road 67206
1		Rockwood 10th Addition	✓ Mobil Oil Corporation Augusta, Kansas 67010
30 exc N 60'	3	Woodlawn East	✓ Walter Morris Investment Company, Inc. 128 South Dellrose 67218
1	1	Second Add. to Vickridge	✓ T. G. Davis Jr. Address Unknown
2	1	Same	✓ Alfred E. Griffith and Kathryn P. Griffith 525 Tara Lane 67206
3	1	Same	✓ Vera Mae Clark 543 Tara Lane 67206

Lot	Block	Addition	Property Owner
1	1	Dean-Rupert First Addition	✓ Merle Britting & Helen 200 N. Main 67202  ✓ Nestor R. Weigand Jr. 110 N. Main 67202
2	1	Same	✓ Transamerican Investment Properties Inc. 260 N. Rock Road 67206  Same
Res. A		Same	Same ✓ Karl Solomon and Barbara 1102 Whitfield Lane 67206 ✓ Nestor R. Weigand Jr. 110 N. Main 67202
		The North 120 feet of the East 175 feet of the West 185 feet of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, except the West 10 feet	✓ Frank Carney 1944 South 159th st. East 67230  ✓ Lindy Andeel 5900 East Central 67208
		Lot 1, Blk. A, Dean-Rupert Second Add. except above tract	Same ✓ Delaware Western Properties Wilmington, Delaware Inc.
		Reserve A, Block A, Dean-Rupert 2nd Add.	Same ✓ Helen Vickers Springer 8450 Killarney Court 67206 ✓ Robert F. Vickers 15 Norfolk Drive 67208
		The West 200 feet of the South 190 feet of the Southwest Quarter of Section 17, Township 27 South, Range 2 East of the 6th P.M., subject to road easement on the West 30 feet and the South 40 feet thereof.	✓ George Stallwitz Address Unknown ✓ John S. Wertz 1400 N. Woodlawn Apt. 2b 67208
		A tract in the Southwest Quarter of Section 17, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, desc. as: Beginning 30 feet North and 30 feet East of the Southwest corner of said Section 17, thence North 664.11 feet parallel with the West line of said Section 17, thence East 295.16 feet parallel with the South line of said Section 17, thence South 664.11 feet parallel with the West line of said Section 17 to a point 30 feet North of the South line of said Section 17, thence West 295.16 feet to beginning except that portion described in previous deed.	✓ Richard J. Boushka 402 Lynwood Blvd. 67218

Tract

Property Owner

Beginning 60 feet east and 511 feet south of the Northwest corner of Section 20, Township 27 South, Range 2 East, thence 175 feet east parallel to the north line of said section; thence south 140 feet parallel to the west line of said section; thence west 175 feet parallel to the north line of said section; thence north to place of beginning

✓ Kansas Gas & Electric Co.  
120 East First St. 67202

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

A 500 foot radius of: Lot 2 and Reserve A, Block 1, Dean-Rupert First Addition and Lot 1, Block A, Dean Rupert Second Addition to Wichita, Sedgwick County, Kansas, EXCEPT beginning at a point 651 feet South and 60 feet East of the Northwest Corner of the Northwest Quarter of Section 20, Township 27 South, Range 2 East of the 6th P.M., said point being the southwest corner of the 140 foot by 175 foot Tract of land owned by Kansas Gas and Electric Company; thence South 120 feet; thence East 175 feet; thence North 120 feet; thence West 175 feet to the point of beginning, being a part of Lot One, Block A, Dean Rupert Second Addition to Wichita, Sedgwick County, Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas on the 8th day of April, 1974 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Stahl*

Vice President

Order No. 212289  
wh

WICHITA—SEDCWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

PHONE 262-0511 — AREA CODE 316  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

April 22, 1974

Mr. Everett C. Pettis, Attorney  
120 South Market  
Wichita, Kansas 67202

Re: DP-49 - Amendment of Cobblestone Alley Commercial CUP - Southeast corner of Central and Rock Road

Dear Mr. Pettis:

We have reviewed the amended CUP for Cobblestone Alley located on the southeast corner of Central and Rock Road, and the following are our comments as well as comments of other Departments of the City.

We have been advised by the Flood Control Division that drainage from Parcel "A" - Tract 2, must be taken to Rock Road or arrangements made, in writing and approved by the Flood Control Office to drain across Tract 1. We would suggest that you contact M. S. Mitchell in regard to this matter prior to the Planning Commission meeting of May 9, 1974.

Inasmuch as your clients are desirous of deleting the required 5 to 8 foot wall along the east property line, please review the following suggested wording for General Provision #11:

All structures shall be designed so as to eliminate the service and trash receptacle areas and the rear of the buildings facing directly toward the "AA" zoning district to the east. Should this not be possible, the rear side of the buildings and/or the service and trash areas shall be designed and screened to become an aesthetically integrated part of the structure, with a 5 to 8 foot solid or semi-solid wall. A design plan for such screening shall be submitted to the Planning Department and the Central Inspection Division of the Department of Public Works for approval prior to the issuance of any building permits on Parcels "B" and "A" - Tract 1.

In addition to these comments, the following additions or changes should be indicated on the plan:

WICHITA—SEDCWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

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FEP



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Robert K. Chisholm

5900 East Central

Wichita, Kansas 67208



Page 2 - Mr. Everett C. Pettis  
April 22, 1974

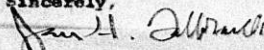
1. The 10-foot utility easement adjacent to the south line of Parcel "B" shall be labeled as a "walk and utility easement"; or submit an application for vacation of the walk easement.
2. The following shall be added at the end of General Provision #8: "on Parcel "B" or Parcel "A" - Tract 1.
3. General Provision #10 shall be amended to read as follows: "The private access easements on Parcel "A" - Tract 1 and Tract 2 are for the mutual benefit of Tracts 1 and 2".
4. The west building setback, under Tract 1 shall be changed from 15 feet to 20 feet.
5. The east building setback under Tract 2 shall be changed from 15 feet to 10 feet.
6. The south building setback under Parcel "B" shall be changed from 10 feet to 15 and 30 feet.

These are most of the comments we have at this time. We would appreciate your reviewing our comments and if you have questions, we will be glad to set a meeting at your convenience to discuss our review.

It is necessary that we receive 14 revised copies by Monday, April 29, 1974, for this item to appear on the Planning Commission agenda May 9, 1974. A "marked copy" of the CUP with our notations is being sent to Thomas Jacob with a copy of this letter.

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

Sincerely,



Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Lindy Andeal, 5900 East Central 67208  
Frank Carney, 5900 East Central 67208  
Robert K. Chisholm, 5900 East Central 67208  
Transamerican Investment Properties, Inc.,  
260 North Rock Road 67206  
Thomas D. Jacob, Architect-Planner,  
5920 East Central 67208

WICHITA - SEDGWICK COUNTY

W S C

METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY BUILDING ANNEX  
1044 MAIN ST.  
WICHITA, KANSAS 67202

JR:

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Robert K. Chisholm

5900 East Central

Wichita, Kansas 67208



FORM 223-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

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

DESCRIPTION	AMOUNT
<i>Plan</i>	

Name \_\_\_\_\_

Address \_\_\_\_\_

Type *11-2-710* Due Date \_\_\_\_\_

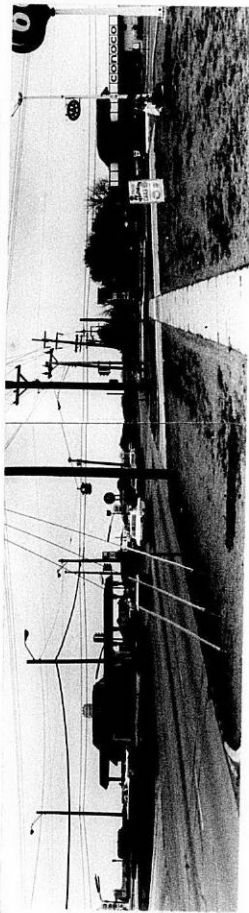
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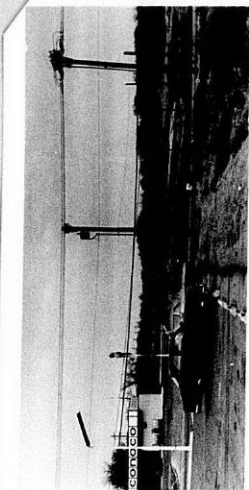
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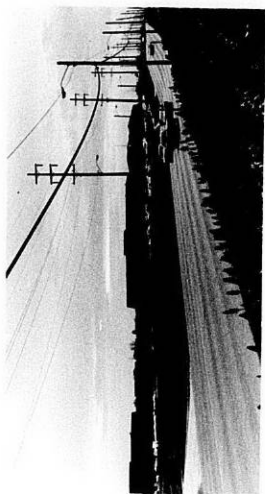
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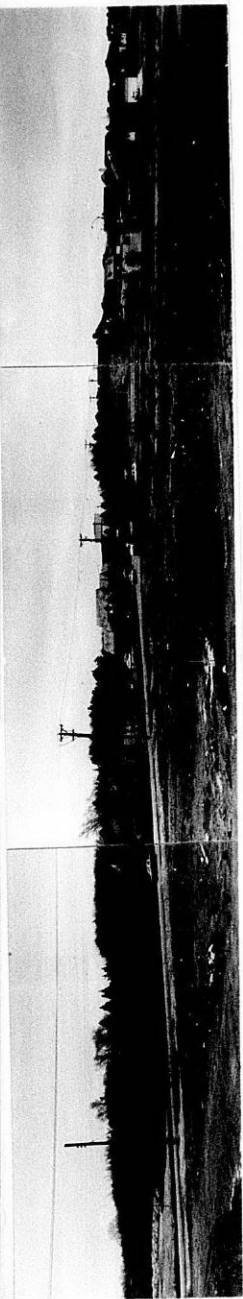
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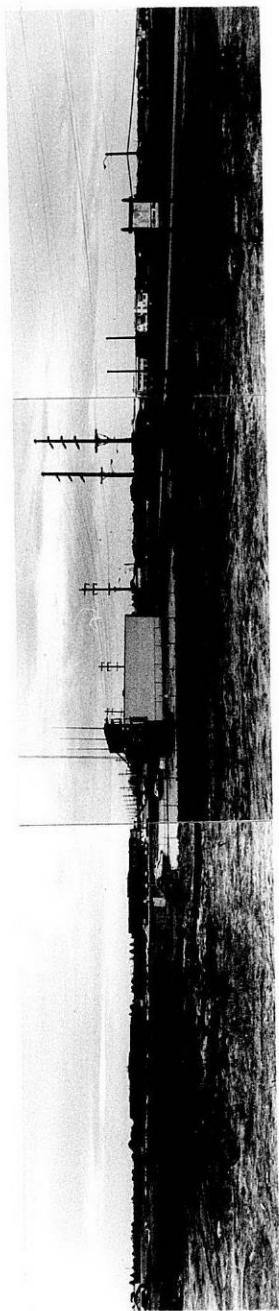
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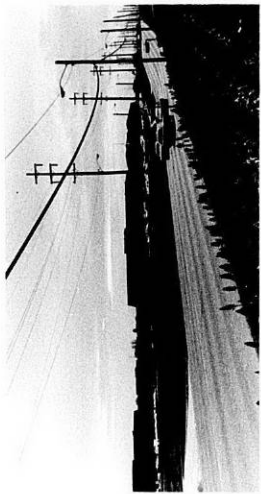
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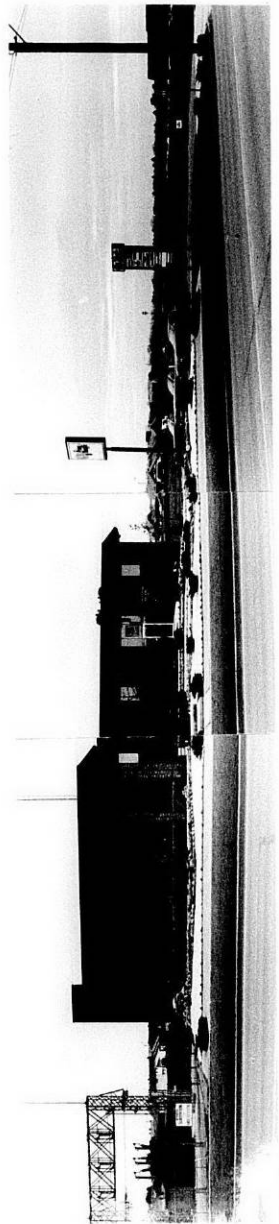
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