

1-31-76
M.A. PE - Deform
B.C.C./B. CO. C. Paper 1 and

7-8-76

MAPC
System to agree
sub to condition
most note 4-4

BCC
Approved sub to 8-3-76
conditions A thru G.

DF-49 Cobblestone Alley -
AMENDED FILE # 4 - located at the
Southeast corner of Rock Road and
Central.

POSTED
9-18-75
CH

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Deferred indefinitely as happens with request</i>	10-23-75
MA PC - <i>Deferred for 2 weeks</i>	6-24-76
B.C.C./B. CO. C. <i>Refer 1 mile</i>	7-27-76
MAPC <i>motion to approve sub to condition most vote</i>	7-8-76 4-4
BCC <i>Approval sub to conditions A thru G.</i>	8-3-76

DE-15
AMENDED FILE # 4 - located at the
southeast corner of Rock road and
Central.

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

DATA SHEET
COMMUNITY UNIT PLAN

AMENDED
DP 49 FILE #4
Z-
Filed 9-12-75

APPLICATION REQUEST: Approval of proposed planned Cobblestone Alley development.

1. Applicant Transamerican Investment Properties, Inc.
Address 240 N. Rock Road, Wichita, Ks. 67206 Phone 685-5355
2. Agent Max E. Eberhart
Address 240 N. Rock Road, Wichita, Ks. 67206 Phone 685-5355
3. General Location at the Southeast corner of Rock Road and Central
Address _____
4. Proposed Use _____

AREA DATA

1. Acres 7.8 (_____ ft. by _____ ft.)
2. Existing Zoning "IC" 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

Copy of letter to Max E. Eberhart dated 8-3-76, mailed to
Rdnd Spangenberg on 3-18-77.

PROCEDURE DATA

1. MAPC Meeting:

Date	Action
<u>10-23-75</u>	<u>MAPC deferred indefinitely at Applicant's request.</u>
<u>6-24-76</u>	<u>MAPC deferred 2 months</u>
<u>7-8-76</u>	<u>maintain the same gap to condition</u> <u>and also 4-4</u>

2. Governing Body Bcc

Date	Action
<u>7-27-76</u>	<u>Required 1 week</u>
<u>8-3-76</u>	<u>Approval sub to Condition "A" thru "G"</u>

10-14-82

- Easement doesn't appear on the plat.
- File # 3 is where easement first appears.
- ~~File # 4~~ John comments that KUP is nothing more than strip -

Fetter is commenting that we are providing interior circulation for access to interior area.

Shelton wanted access to Central.
Appears in minute.

- Would like to see copy of document.
- Nothing to vacate as it is a private easement.

- Need administrative adjustment request to eliminate the easement.
Fetter from Frontier Store, Goodfellow (Shelton) comments that they are all agreeable to eliminating the easement.
Reason for request.
Verification as to who owns are.

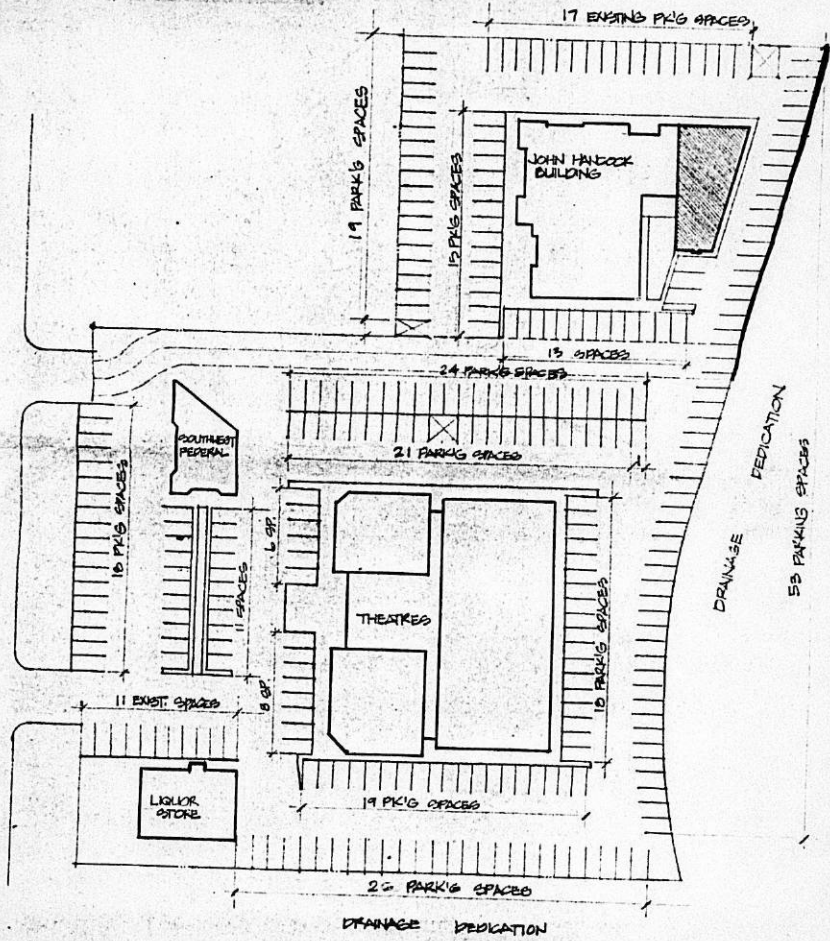
Discussion about adjustments not having public access.

July 1985

Dan Dunn has been told we need a survey of the property showing the extent of paving as it relates to the east property line, location of east face of bldg; and enough dimensions on the landscape plan for us to tell where three trees are to be in relation to the property lines (both E-W and N-S). F.D.

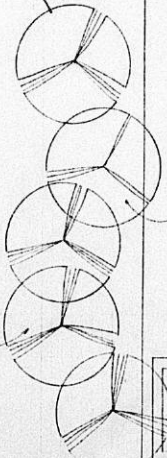
TOTAL REQUIRED	291
EXISTING SPACES	303
LESS SPACES REMOVED	10
TOTAL PROVIDED	293

DAN DUNN
683-7511

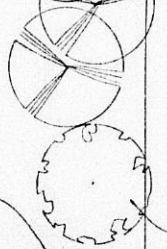


A SITE PLAN WITH EXISTING LAYOUT 1" = 60'-0"

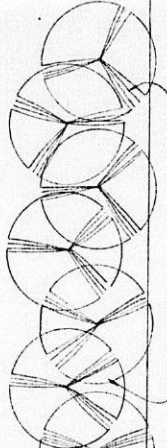
AUSTRIAN PINE (3-EXISTING, 1-NEW 3'-4" B+3)



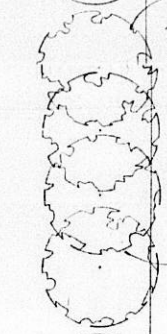
SCOTCH PINE (1-EXISTING)



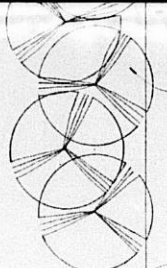
RUSSIAN OAK (1-EXISTING)



AUSTRIAN PINE 3'-4" B+3 (2)

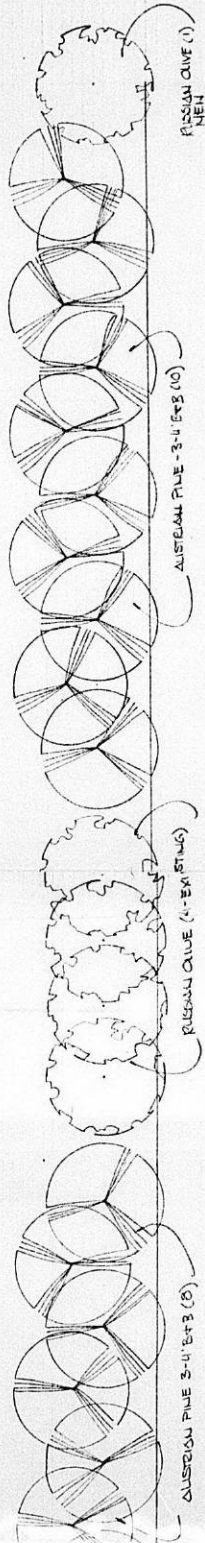


RUSSIAN OAK (1-EXISTING)

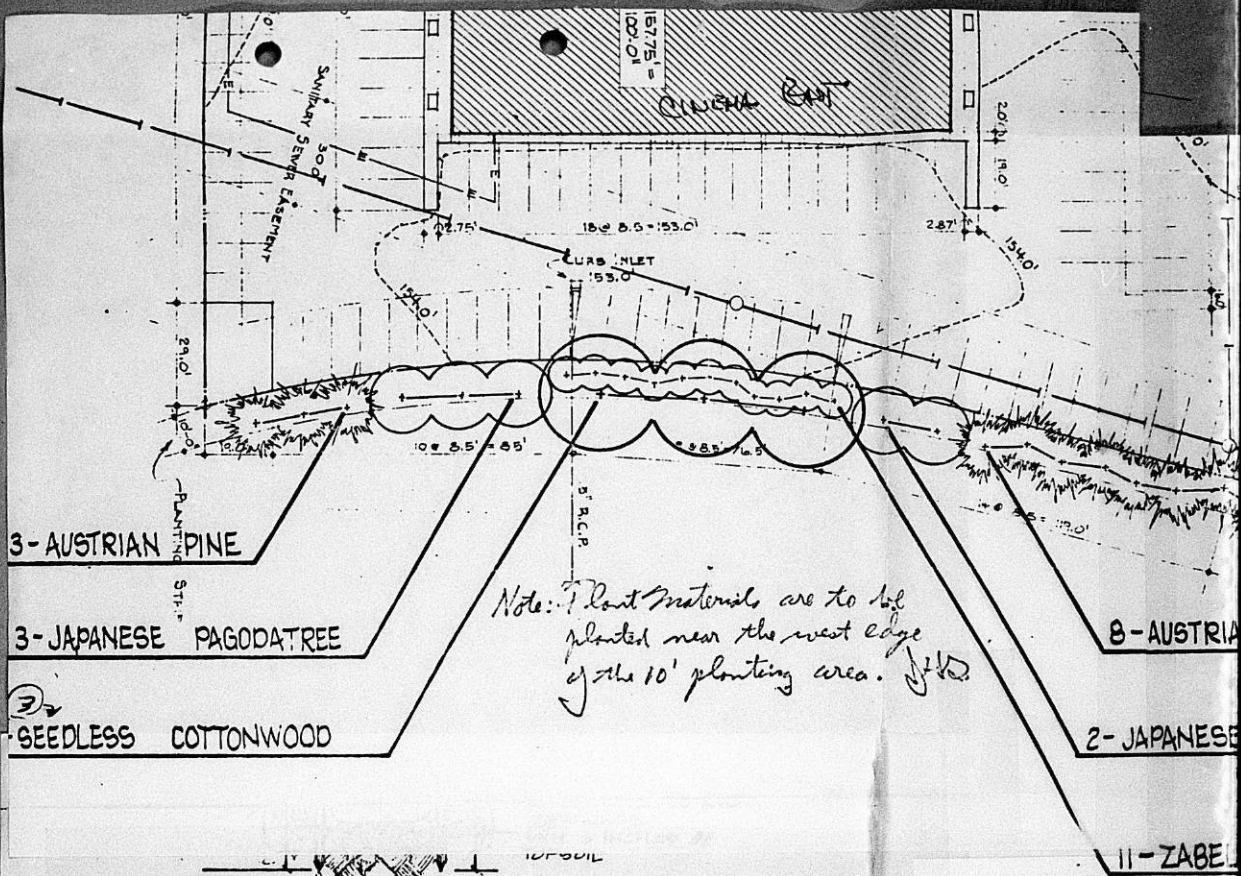


AUST

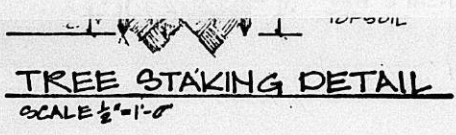
HANCOCK



□ HANCOCK BLDG. □



Note: Plant materials are to be planted near the west edge of the 10' planting area. J.H.S.



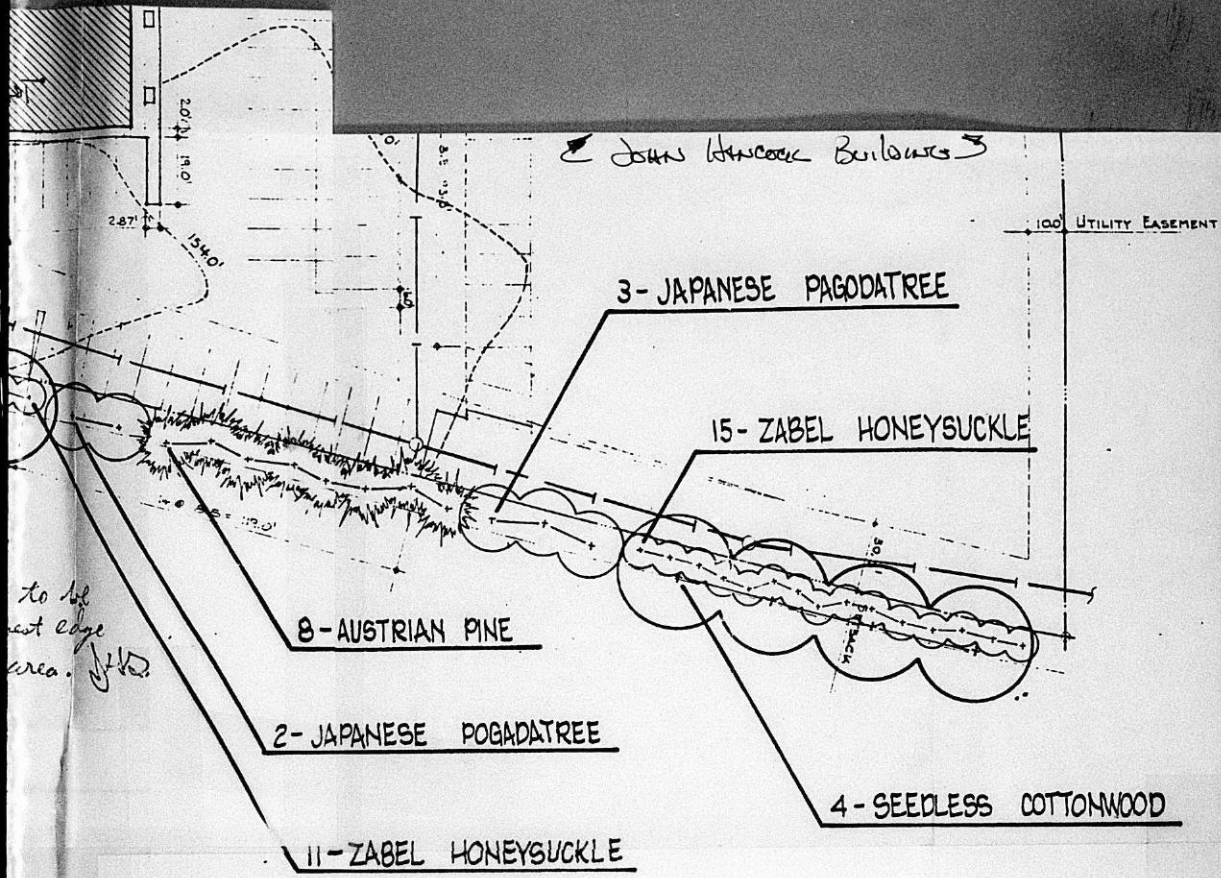
APPROVED LANDSCAPE PLAN

Associated with DP-49
 Approved 2/11/74 J.H.S.

- A PLANTING PLAN
CINEMAS EAST PLAN

QUANTITY	COMMON NAME
7	SEEDLESS CO
8	JAPANESE PO
11	AUSTRIAN PI
26	ZABEL HONEY

DATE: 1/10/74



JOHN HANCOCK BUILDINGS

A PLANTING PLAN
AS EAST PLAN

51 plants

— PLANT LIST —

QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	CONTRACT
7	SEEDLESS COTTONWOOD	POPULUS DELTOIDES H. V.	6' - 8'	B+B
8	JAPANESE POGADATREE	SOPHORA JAPONICA	6' - 8'	B+B
11	AUSTRIAN PINE	PINUS MIGRA	30" - 36"	B+B
26	ZABEL HONEYSUCKLE	CONICERA ZABELI	2' - 3'	B+B



COMMERCIAL • INVESTMENT PROPERTIES • DEVELOPING



July 17, 1984

City of Wichita
Planning Department
Wichita, Kansas

Re: Trees along canal
350 N. Rock Road

Gentlemen:

We propose the following with reference to the above mentioned property:

24 to 28 Zabel honeysuckles planted at 2' to 3' tall and will grow to 6' to 8' in three years; spaced 5' to 6' apart (determined by Don Meyer of Double Harvest Nursery) as to create a solid hedge row in three years.

We also intend to put in a sprinkler system along the canal at property line to water trees as to not have this problem anymore in the future with trees dying out.

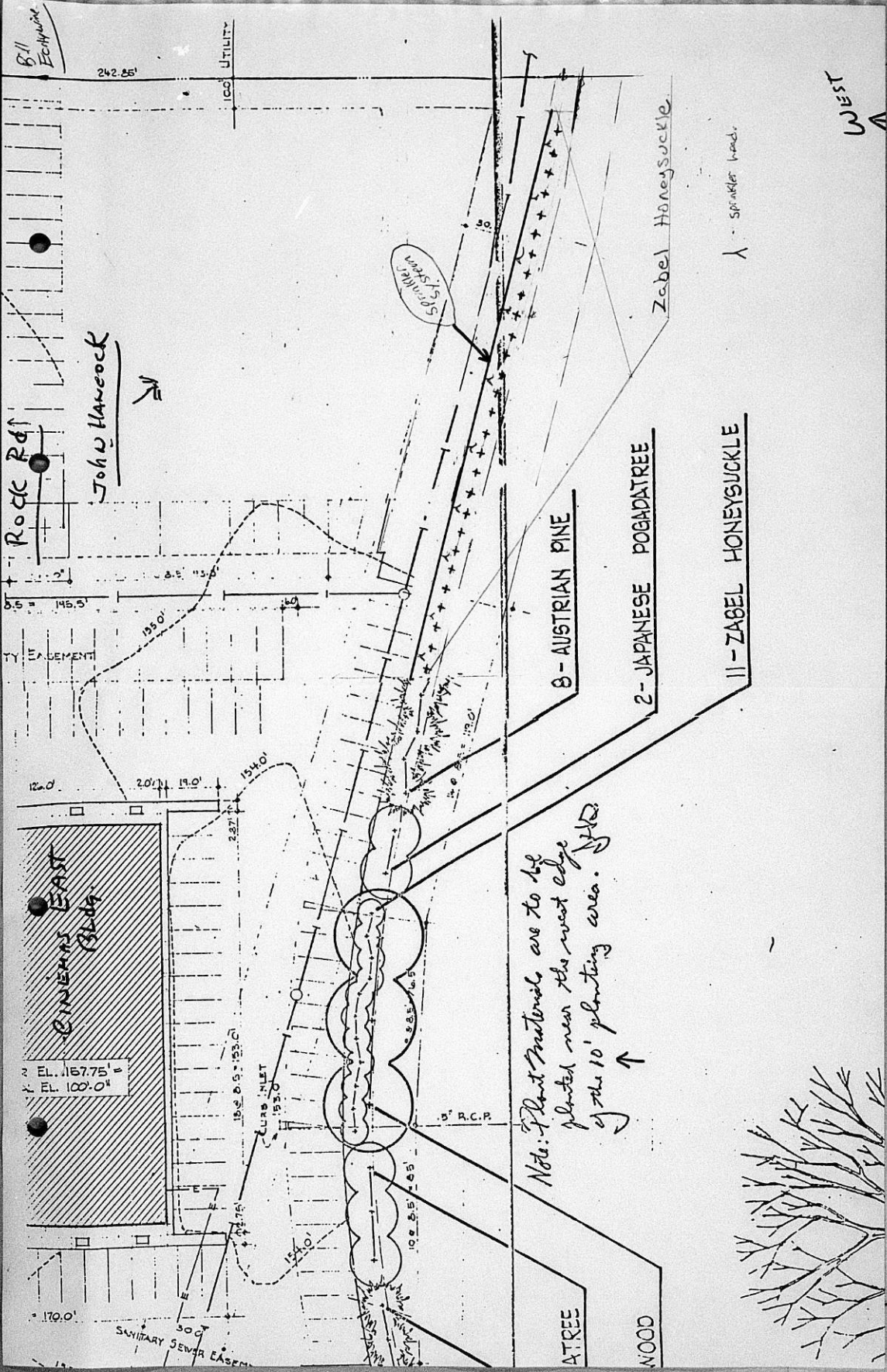
Yours truly,

A handwritten signature in cursive script that reads 'Charles D. Razook'.

Charles D. Razook
Property Manager

CDR:cid

*Plan NOT approved.
Need more than one
type of plant material.
Razook informed
of this 7-19-84.
L.O.*



Bill
Eckman

242.85'

100
UTILITY

Rock Rd

John Hancock



TY EASEMENT

12.0'

20.0'

19.0'

15.40'

2.27'

CINEMA EAST
BLDG

EL. 157.75'
EL. 150.0'

CURB INLET
153.0'

5" R.C.P.

Note: Plant material are to be
planted near the west edge
of the 10' planting area.

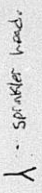


8 - AUSTRIAN PINE

2 - JAPANESE POGONATREE

11 - ZABEL HONEYSUCKLE

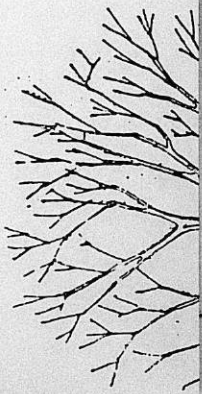
Zabel Honeysuckle



• Sprinkler head

A TREE

WOOD



135' CM

4-29-86

On this date we met with Fetti, Anteman, Robson - and others to determine what is needed to amend DP-49 Cobblestone Alley C.U.P. to permit an auto leasing business on Parcel "B"

Problems needing to be resolved -

- Amend CUP to permit proposed business and to approval of exception thru BZA.
- Solve drainage problems on Parcel A - drainage from furniture store - affecting apartments to the east. Catch basins and additional storm sewer pipe may be needed.
- Resolve parking and equine building that violate the ~~setback~~ ^{setback} on the east. Vacate's application for drainage dedication, reserve a easement. Remove the building. Building violates the setback on the CUP.
- Bring CUP up to date
- Ownership list - all within the CUP + 500 from Parcel "B"
- Parking on Parcel B encroaches into 60' half street ROW 10 feet. Need Survey St permit.
- Generate replanting plan material on Parcel "B" - new planting plan, guarantee for water.

BZA case to be considered in June.

CUP if filed, will be considered June 12-

BCC will consider CUP in July -

May be able to occupy only after everything is filed plus a letter agreeing to vacate if any case is denied.

WICHITA-SEDGWICK COUNTY

Date: September 21, 1984

METROPOLITAN AREA PLANNING DEPARTMENT

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

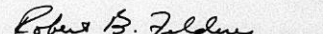
SUBJECT: DP-49 - Request for permission to construct a detached canopy within a building setback on Parcel A, Tract 1A.

We are in receipt of a letter from Tim Wagner of Swiss Construction, Inc. requesting permission to construct a new and enlarged detached canopy over some gasoline pumps at the Quik Trip store on Central, east of Rock Road. The canopy would encroach into the 35-foot building setback designated on the C.U.P. This setback is also a platted setback in Dean Rupert First Addition. A copy of the site plan submitted with the request is attached.

Since Section 28.04.188(8) of the zoning ordinance states that detached unenclosed canopy structures may be erected in front of platted building setback lines, subject to several conditions, I would interpret the CUP provisions as also allowing this type of canopy within a setback designated on the CUP, also subject to the same conditions. Your signature below will indicate that you concur that a detached, unenclosed canopy is allowed within the 35-foot setback from Central on Parcel A, Tract 1A of DP-49, subject to construction of the canopy being in accordance with Section 28.04.188(8) of the zoning ordinance.

Mr. Wagner will be notified by copy of this memorandum of our joint action granting his request.


Robert A. Lakin
Director of Planning


Robert B. Feldner
Superintendent of Central Inspection

RAL:LO:blw

cc: Mr. Tim Wagner, Swiss Construction, Inc. 9015 South 160th Street East
Wichita, Kansas 67230

SWISS CONSTRUCTION, INC.
GENERAL CONTRACTORS

TIM WAGNER

901 SOUTH 160TH ST. EAST • WICHITA, KANSAS 67230

316 733-2201

September 18, 1984

Planning Department
525 N. Main
Wichita, Kansas

Mr. Louise Alaverize:

On the property located on 8035 E. Central in the Shopping strip as shown on the plot plans, I hereby ask permission to erect a new gas canopy over the existing gas instslation. We now have a smaller canopy installed over the gas island. Location for plot plans.

Thank You,

Tim Wagner

Tim Wagner

*a determination must have
previously been made that
gas pumps are allowed
on this site.*

WICHITA-SEDGWICK COUNTY


DATE

May 5, 1981

METROPOLITAN AREA PLANNING DEPARTMENT

TO "THE FILES"
FROM Jack H. Galbraith, Chief Planner
SUBJECT DP-44 - Cobblestone Alley C.U.P. Landscape Plan

On May 1, 1981 I received a call from Arthur Borst advising us that they were replanting the landscape strip along the east boundary of Parcel B in the above referenced C.U.P. They stated that they would leave the four existing pines at the south end and the four existing pines at the north end. Between the pines they proposed to plant Russian Olives on six-foot centers. I gave verbal approval to the requested changes on May 1, 1981.


Jack H. Galbraith
Chief Planner

JHG:ADC:el

cc: Arthur D. Borst, The Dutchman's,
802 North Ridge Road, 67212
Robert B. Feldner, Superintendent of Central Inspection

THE CITY OF WICHITA

OFFICE OF Administrative Division
Department of Public Works

DATE December 28, 1977

TO Don Cisick, City Clerk

FROM Robert G. Vinson, Public Works Administrator

SUBJECT Performance Bond
Transamerican Investment Properties, Inc.
Landscaping Work
Brookhollow Apartments

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

Robert G. Vinson

Robert G. Vinson
Public Works Administrator

/ml

Att.

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



March 18, 1977

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

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

On August 3, 1976, the Board of City Commissioners considered and approved an amendment to the above captioned CUP subject to certain conditions, one of which required submission of a landscape plan to be approved prior to issuance of building permits on Parcel A - Tract 1. An approved landscape for the eastern boundary of this tract was previously forwarded to you on March 26, 1976. Attached hereto is a copy of the landscape plan along the north, south and west lines of Parcel A - Tract 1. We have reviewed this plan and find the selection of plant materials to be acceptable.

Attached for your information and files are two approved copies 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 May 1974.

I am also attaching copies of our correspondence to you dated April 7, 1976, and March 26, 1976, relative to that portion of this CUP owned by Transamerican Investment Properties, Inc.

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

Jack H. Galbraith
Chief Planner

JHG:GLS:el
Attachments

robson kuhnel and spangenberg a.s. architects and planners p.a.

March 15, 1977

Planning Department
Wichita City Hall
455 N. Main
Wichita, Kansas

Re: Cobblestone C.V.P.

Dear Gentlemen:

Enclosed are 3 copies of the landscaping plan required by the
C.V.P. for the Apartment Project.

We would appreciate your review and approval as soon as
possible as we have the building plans in for approval and
building permit.

Thank you.

Sincerely,

ROBSON, KUHNEL & SPANGENBERG


RON SPANGENBERG

RS:sh

Enc.

Cy: City of Wichita, Plans Examining Dept.

7701 east kellogg wichita, kansas 67207 suite 815 telephone 316 685-4234

October 12, 1976

Donald C. Gisick, City Clerk

G. Lynn Shirkey, Junior Planner

DP-49 - Amendment of Cobblestone Alley CUP
Southeast Corner of Rock Road and Central

Attached is a fire lane Easement which was a condition of approval by the Board of City Commissioners on the above captioned case. Please record with the Register of Deeds with the filing costs being billed to the Planning Department.

Please call if you have any questions.

G. Lynn Shirkey
Junior Planner

GLS:el

Attachment

cc: Max E. Eberhart- Regan & McGannon, Attorneys at Law
1400 Vickers-KSB&T Building
125 North Market, Wichita 67202

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

REGAN & MCGANNON
ATTORNEYS AT LAW
1400 VICKERS-KSBAT BUILDING
128 NORTH MARKET STREET
WICHITA, KANSAS 67202

TELEPHONE
AREA CODE 316
269-7741

October 6, 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: DP-49 - Amendment of Cobblestone Alley CUP
Southeast Corner of Rock Road and Central

Enclosed please find original of the fire lane Easement which was required as a condition of our recent CUP change. Please advise me if this is acceptable to you. If so, you may either record it or return it to us for recording. If the latter is your procedure, we will then forward to you a copy of the recorded Easement, with the recording data noted thereon, for your files.

Please contact me if you have any questions. Thank you.

Yours truly,

Max E. Eberhart

Max E. Eberhart

MEE:t
Enc.



EASEMENT

THIS EASEMENT made this 4th day of October, 1976, by and between TRANSAMERICAN INVESTMENT PROPERTIES, INC., a Kansas corporation, as Grantor, and the CITY OF WICHITA, KANSAS, as Grantee.

WITNESSETH:

That Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto the said Grantee a perpetual right-of-way and easement for the purpose of a fire lane for fire department emergency vehicle access over the following described real estate situated in Sedgwick County, Kansas, to-wit:

A tract of land in the East Parcel of "LOT SPLIT-DEAN-RUPERT FIRST ADDITION" to Wichita, Sedgwick County, Kansas as recorded in Film 108 at Page 1487 with the Register of Deeds, Sedgwick County, Kansas, being more particularly described as follows:

From the Northeast corner of said Parcel, said corner being also the Northeast corner of Lot 2, Block 1, in said Addition; Thence West along the North line of said Parcel, a distance of 3.00 feet to the POINT OF BEGINNING; Thence South-Southeast a distance of 40.11 feet to the East line of said Parcel; Thence South on the East line of said Parcel a distance of 300.04 feet; Thence on a curve to the right, said curve having a radius of 1090 feet, a distance of 211.22 feet; Thence West, parallel with the North lines of said Parcel, a distance of 20.09 feet; Thence North on a curve to the left, said curve having a radius of 1070 feet, a distance of 207.35 feet; Thence North, parallel with the East line of said Parcel, a distance of 298.16 feet; Thence North-Northwest a distance of 41.99 feet to the North line of said Parcel; Thence East on said North line a distance of 20.00 feet to the POINT OF BEGINNING.

And said Grantee is hereby granted the right to enter upon said easement premises at any time for access for fire department emergency vehicles; provided, however, the parties specifically acknowledge and agree that Grantor may, from time to time, construct, operate and maintain, at the southern boundary of the aforescribed easement, a fire gate with a break-open lock or similar barrier. The parties acknowledge that the purpose of such barrier is to restrict the aforescribed easement to fire department emergency vehicle access and to prevent general ingress and egress over the aforescribed easement by the owners of the property south of the easement.

IN WITNESS WHEREOF, the said Grantor has signed these presents and

instrument the day and year first above written.

"GRANTOR"

TRANSAMERICAN INVESTMENT PROPERTIES, INC.

By

David H. Aull
David H. Aull, President

(S E A L)

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 4th day of October, 1976, before me, the undersigned, a Notary Public in and for the County and State aforesaid came David H. Aull, President of Transamerican Investment Properties, Inc. a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

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

Donald J. Mason
Notary Public

My Term Expires:



WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING

DEPARTMENT

CITY HALL - TENTH FLOOR
466 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4581

August 3, 1976

Mr. Max E. Eberhart, Attorney
240 North Rock Road
Wichita, Kansas 67206

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

Dear Mr. Eberhart:

At the Board of City Commissioners meeting on August 3, 1976, the above captioned CUP was reconsidered. The action of the Commission was to approve the request, subject to the following conditions:

- ok* A. The applicant dedicating by separate instrument the 20-foot firelane easement indicated on the east side of Dean Rupert First Addition. (This separate instrument was required instead of replatting subject plat.)
- No* B. Add a General Provision #17 as follows:
A landscape plan for the 5-foot planting strips on the north, west, and south lines of Parcel A, Tract 1-B shall be submitted for review and approval by the Planning Department and Superintendent of Central Inspection prior to the issuance of any building permits on Parcel A, Tract 1-B.
- No* C. General Provisions #13 shall be amended to read:
An underground storm sewer with catch basins shall be provided in the easement between Parcel A and Parcel B, to provide for drainage of the KG&E substation, the Privy Shoppe, Parcel A, and adjacent areas of Parcel B, as determined by the Department of Public Works. Said storm sewer shall terminate in the drainage dedication east of the property.
- 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 commercial and residential development and shall be binding upon the present owners, their successors and assigns, unless amended.

WICHITA—SEDCWICK COUNTY

Page 2 - Mr. Max E. Eberhart, Attorney
August 3, 1976

- E. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- F. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
- No* G. Under General Provision #8, add the following sentence:
The planting and maintenance of the 10-foot planting area along the east side is the responsibility of the owners of the adjacent parcels.

Regarding A., enclosed is a sample easement which should be re-typed, executed and returned to our office. Also enclosed is a copy of the CUP that indicates several corrections or additions that need to be made. Please provide us with four corrected copies of the CUP and the executed easement, so that we can complete our file and forward a copy of the approved plan to the Office of Central Inspection.

Please call if you have any questions on this matter.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Attachment

cc: Transamerican Investment Properties, Inc.
240 North Rock Road 67206
Chisholm, Andeel & Andeel Partnership, 5900 E. Central 67208
Lindy Andeel, Partner, 5900 E. Central 67208
Charles J. Merrell, Pres., Cinemas East Plaza Merchants
Association, 340 North Rock Road 67206
Ms. Joan May, 346 North Armour 67206
City Manager's Office

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

REGAN & MCGANNON
ATTORNEYS AT LAW
1400 VICKERS-KSBAT BUILDING
122 NORTH MARKET STREET
WICHITA, KANSAS 67202

TELEPHONE
AREA CODE 316
263-7741

August 2, 1976

Wichita City Commission
City Hall
Wichita, Kansas 67202

Dear Commissioners:

Re: Cobblestone Alley - CUP - DP-49

At your last regular meeting my client's application for an amendment to the above CUP was deferred, after a 2-2 vote, to the meeting scheduled for August 3, 1976.

It appeared at that meeting that a source of concern from the dissenting Commissioners was the proposed number of units per acre of multi-family dwellings. I am enclosing a copy of comparable project information requested by my client from Ard-Johnson Associates following last week's meeting. This market research firm was frequently quoted in last week's meeting.

The purpose of the attached information is to attempt to put in better context and focus the density requested by my client and to examine additional criteria with the hope that such criteria will provide more meaningful information than a bare units per acre analysis.

You will note the summary which states:

" . . . it appears that the proposed project compares favorably and is superior to some area projects in terms of density comparisons. . . . "

You will recall from your other information that the proposed density is not more than that currently allowable under the existing CUP.

Thank you for your consideration.

Yours truly,

Max E. Eberhart
Max E. Eberhart

MEE:t
Encs.



ard-johnson associates

market research & feasibility analysis

July 30, 1976

Mr. Ron Samples
Executive Vice President
Transamerican Investment Properties, Inc.
240 North Rock Road, Suite # 225
Wichita, Kansas 67206

Subject: Comparable Project Information
Proposed Apartment Community - Zoning Case
Wichita, Kansas

Dear Ron:

Pursuant to your request concerning comparable project information relevant to your current re-zoning case, I present the following:

Vacancy Estimates (July 1, 1976)

Northeast Quadrant - Wichita, Kansas

Unit Type	No. of Units Surveyed		% of Total Units	% Vacant		
	New	Old		New	Old	Overall
Eff	9	--	.5	0	0	
1 Br	260	547	41.2	10.8	1.6	
2 Br	293	508	40.9	19.5	5.3	
3 Br	36	32	3.5	52.8	6.3	
1 TH	2	8	.5	0	0	
2 TH	16	189	10.5	0	1.6	
3 TH	16	41	2.9	6.3	7.5	
				16.6	3.3	7.6

- Note 1) Vacancy rate in new apartments, those completed less than one year is down from 29.3 per cent in March, 1976.
- 2) Very limited development of studio/efficiency units has occurred in the northeast quadrant. Occupancy is 100% in all efficiencies northeast and averages in excess of 95% for all efficiencies in the east Wichita market area.

Density Characteristics

Four northeast quadrant semi-luxury (includes the one comparable efficiency/one bedroom project) apartment projects were selected for review. Located in close

p. o. box 18167

wichita, kansas 67218

(316) 682-4451

proximity to the proposed development, these communities display density characteristics directly comparable to the project under analysis.

<u>Unit Density:</u>	<u>No. of Units</u>	<u>Acres</u>	<u>Units Per Acre</u>
Horizons East	288	11.2	25.7
Stratford East	104	4.2	24.8
Windsor at Rockborough	244	12.9	18.9
Colony East	36	1.0	36
Proposed Project	72	2.0	36

Note: 1) Acreage for comparable projects was obtained from information on file at the assessors office.

Square Footage Density: Ratio of net rentable building square footage to the overall site square footage.

	<u>Land Area Sq.Ft.</u>	<u>Net Rentable Sq. Ft.</u>	<u>Ratio¹</u>
Horizons East	486,600	246,728	1.97
Stratford East	180,910	71,932	2.52
Windsor at Rockborough	564,720	290,057	1.95
Colony East	43,785	15,332	2.85
Proposed Project	85,495	36,576	2.33

¹ The amount of land square feet for each square foot of net rentable building.

Note: It is relevant to note that both the proposed community and the Colony East - efficiency one bedroom projects provide a high ratio of site area to living area. Additionally, the proposed project possesses a lower gross building square footage due to the fact there are no interior hallways, club buildings, or maintenance facilities that add to the overall density of the project.

Bedroom Density: Ratio of site square footage to the number of bedrooms in the project. Efficiency units are counted as a one bedroom unit.

	<u>Land Area Sq.Ft.</u>	<u>No. of Bedrooms</u>	<u>Ratio¹</u>
Horizons East	486,600	392	1241
Stratford East	180,910	146	1239
Windsor at Rockborough	564,720	467	1209
Colony East	43,785	36	1216
Proposed Project	85,495	72	1187

¹ Amount of total land square footage for each bedroom of the project

Note: The proposed project is comparable in land area per number of bedrooms with each project -- less than 4% lower than the highest of comparables.

Mr. Ron Samples
July 30, 1976
Page 3

Population Density: The estimated number of people per acre residing in the community. An assumption has been made that one individual will reside in efficiency units, 1.5 in one bedroom units, 2.5 in two bedroom units, and 3.5 in three bedroom units. The figures may vary from project to project, however they have been standardized for this comparison.

<u>Project</u>	<u>No. of Units</u>	<u>Type of Unit</u>	<u>Indiv. Per Unit</u>	<u>Total Pop.</u>	<u>Aver.</u>		
					<u>No. of Acres</u>	<u>Ind. Per Unit</u>	<u>Pop. Per Acre</u>
Horizons East	184	1	1.5	276	11.2	1.86	47.9
	104	2	2.5	260			
	288			536			
Stratford East	62	1	1.5	93	4.2	1.9	47.1
	42	2	2.5	105			
	104			198			
Windsor at Rockborough	60	1	1.5	90	12.9	2.67	50.5
	60	2	2.5	150			
	85	2 TH	3.0	255			
	39	3 TH	4.0	156			
	244		651				
Colony East	20	EFF	1	20	1.0	1.22	44.0
	16	1	1.5	24			
	36			44			
Proposed Project	36	EFF	1	36	2.0	1.25	45.9
	36	1	1.5	54			
	72			90			

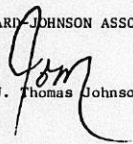
Note: 1) Individual units which offer den or studies in addition to standard bedrooms do not include the additional rooms.

2) The proposed project compares favorably to all other developments as the individuals per unit and total project populations are below the sample average.

In summary, it appears that the proposed project compares favorably and is superior to some area projects in terms of density comparisons. If you have any questions, please do not hesitate to let me know.

Respectfully submitted,

ARD-JOHNSON ASSOCIATES


J. Thomas Johnson

EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 24, 1976:

14. Case No. DP-49 - Transamerican Investment Properties, Inc. and Chisholm, Andeel and Andeel Partnership request approval of an amendment to Cobblestone Alley Community Unit Plan, legally described as follows:

Lot 2 and Reserve "A", Block 1, Dean Rupert First Addition and Lot 1 and Reserve "A" in Block "A", Dean Rupert Second Addition, except beginning at a point 651' S and 60' E of the NW corner of the NW quarter, Sec. 20, T27S, R2E of the 6th P.M., said point being the SW corner of the 140' by 175' tract of land owned by KG&E Company, thence S 120', thence E 175', thence N 120', thence W 185' to the point of beginning, being a part of Lot 1, Block "A", Dean Rupert's Second Addition. Generally located at the southeast corner of Central and Rock Road.

GALBRAITH showed slides of subject property and surrounding areas 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 a revised development plan proposing the following general amendments:
 1. Division of Tract 1, Parcel A into two tracts and redesignated as Parcel A, Tract 1-A; and Parcel A, Tract 1-B.
 2. Addition of a General Provision #12 which limits the number of buildings on Parcel A, Tract 1-A to one.
 3. Change of proposed usage for Parcel A, Tract 1-B from Commercial and office to multi-family dwelling units not to exceed a total of 72 units.
 4. Provision of a 6-foot high solid fence along the south line of Parcel A, Tract 1-B.
 5. Designation of a 25-foot firelane easement along the east side of Parcel A, Tracts 1-A and 1-B, with a proposed location for a fire gate for access to Parcel B.
 6. Decrease in maximum building coverage for Parcel A, Tract 1 from 56,216 square feet to 34,000 square feet.
 7. Increase of maximum gross floor area for Parcel A, Tract 1 from 60,000 square feet to 80,000 square feet.
 8. Increase of maximum building coverage for Parcel A, Tract 2 from 18,000 square feet to 19,800 square feet.
 9. Increase of maximum gross floor area for Parcel A, Tract 2 from 18,000 square feet to 21,800 square feet.
2. When the Ethan Allen store was constructed on Parcel A, Tract 2, a request for a variance to reduce the required number of off-street spaces from 60 to 46 was approved by the Board of Zoning Appeals (Case No. BZA 42-75). Inasmuch as this revised plan indicates further expansion of the store, it will be necessary that another application for a variance of the required spaces be approved by the Board.
3. The Planning Commission should consider whether the development of high density apartment units without direct access to a public street and surrounded by commercial activities, is an appropriate mixture of land uses. Normally, apartment devel-

opment under a CUP proposes open space areas in conjunction with the residential uses. It should be noted that the applicant has proposed screening the south and a portion of the west sides and planting strips adjacent to all four sides in an effort to make the uses more compatible.

4. The separation of the Cobblestone Alley CUP into numerous ownerships, parcels, tracts, and subtracts and the various amendments and lot splits previously approved, would appear to necessitate a replatting of subject property. The original plats of Dean Rupert First and Second Additions do not contain either the access easements on the west side of Parcel A, nor the 25-foot firelane easement on the east side of Parcel A, and such easements should be depicted on a plat recorded as a part of the public record.
5. If the Planning Commission determines that the proposed amendments are appropriate, then the following items are suggested as conditions of approval:
 - a. Replatting of Dean-Rupert First Addition prior to the issuance of any additional building permits.
 - b. Add a General Provision #17 as follows: A landscape plan for the 5-foot planting strips on the north, west, and south lines of Parcel A, Tract 1-B shall be submitted for review and approval by the Planning Department and Superintendent of Central Inspection prior to the issuance of any building permits on Parcel A, Tract 1-B.
 - ok c. General Provision #13 shall be amended to read: An underground storm sewer with catch basins shall be provided in the easement between Parcel A and Parcel B, to provide for drainage of the KG&E substation, the Privy Shop, Parcel A, and adjacent areas of Parcel B, as determined by the Department of Public Works. Said storm sewer shall terminate in the drainage dedication east of the property.
 - 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 commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.
 - e. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning shall constitute a violation of the building permit authorizing construction of the proposed development.
2. From 19,500 square feet to 12,500 square feet.
 - f. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

GALBRAITH pointed out that this application was scheduled for consideration the latter part of 1975, but at that time the applicant had asked for deferral because he wanted to submit plans in more detail, so the request has been readvertised. As for the development of apartments as requested, GALBRAITH said there were some concerns; however, it might be that they would lend protection to the residential area east of the drainage ditch and might be an acceptable use. He reported that the CPO Council for this area has unanimously opposed the construction of the 72 units proposed, as they felt such would be too many. The compatibility of apartments with the commercial development already in the area was questioned, and some concern for the impact on the drainage situation was also expressed by the CPO.

GALBRAITH said it was his understanding that drainage plans for the area have been approved, but apparently there is some desire that it be handled other than by means of open ditches.

MAX EBERHART, attorney representing the applicant, as well as one of the tenants (furniture store), in the area, pointed out the desire of the furniture store to expand 15 feet to the east. He indicated that most of the suggestions of the staff as shown in the report, were agreeable and that they do desire to construct the multiple family units. He pointed out that inasmuch as multiple family units are not a permitted use in the CUP, they have asked for an amendment in this respect. He told the Commission also that the 72 units proposed are only about half the number that could be constructed in the same light commercial area if it was zoned "LC" without a CUP requirement.

As for the highest and best use of the property, EBERHART said it was thought that this would allow residents to walk to shops for their daily needs rather than forcing them to drive, because this particular location is more or less self-contained. There is a grocery store to the north and a number of other shops providing service in the area of Central and Rock Road. He suggested that this concept may become more and more popular, and that it has been successful for Eastborough Arms, which is located behind commercial development facing Kellogg, and which he considered as comparable to what is being proposed by his client.

EBERHART said the development would be oriented to the east and screening would be provided. There would be about 400 feet between what is proposed and the nearest house in the residential development to the east. It was his feeling that what is proposed would be a very desirable and effective use for the property, and possibly more desirable than to develop commercially as presently permitted under the CUP.

EBERHART found no objection to the suggested conditions to approval, except Item A concerning replatting. It appeared to him that the staff's concern was the placing of public record two easements that are not on the current plat. One is a private easement which is of record, and the other is the designation in the original CUP of a firelane easement around the perimeter, the exact location of which was never established. As a part of the present application for amendment, the location of the firelane easement would be definite.

EBERHART said they would be willing to make the access easement a matter of public record, however, it was their opinion that because replatting is time consuming and also expensive, such requirements should be handled by separate instrument.

When questioned, GALBRAITH explained that since the original CUP for development of this corner as an integrated shopping center, a lot split has been approved when a tract was sold from the original, and subject application proposes creation of a third parcel behind the retail shops for development of apartments, and the only access would be to the north. He pointed out that the sale of another tract would prohibit approval of another lot split, and the fact that there would be three parcels, makes it desirable that replatting occur. He pointed out that there are a number of platted easements; however, the firelane easement along the east side is only indicated on the CUP, which is not of record.

GALBRAITH stated that if replatting is not required now, it would be required later if the ownership is split again. He agreed that the firelane easement could be provided by separate instrument.

GREIDER commented about the lack of adequate landscaping, and LAKIN said such was a requirement of the original CUP, but the tract has been cut up so many times to where it has no semblance of its original concept, but landscaping in the drainage channel right-of-way was to be maintained as protection to the residences across to the east.

GALBRAITH explained that the landscaping on the south parcel (a portion of the original CUP), is the responsibility of that owner, but there is little evidence that it is being maintained. He commented further that landscaping and screening are to be guaranteed prior to requesting a building permit for the proposed apartment structure.

BARRIER asked where the entrance would be for the apartments from Rock Road, and EBERHART answered it would be between the furniture store and the restaurant to Rock Road, and at two points to Central.

In this case, EBERHART stated, there are really three access points whereas most apartment complexes have only one, Eastborough Arms, for instance.

BARRIER said it was her understanding that the only access through the shopping center was to be kept open for emergency vehicles. EBERHART responded that there is no egress and ingress rights to anyone south of the south property line where the apartments would be. There is a firelane area which will be barred (breakaway gate), to prevent entrance by private vehicles.

KAMEN asked if the parking would be reduced if expansion of the existing furniture store is allowed. GALBRAITH said the Board of Zoning Appeals has previously granted a variance of parking requirements for the furniture store and Shakey's, based on the justification that the furniture store did not generate the volume of retail traffic that a department store would, and it was his thought that if expansion is allowed, there would have to be consideration of a parking variance again. He pointed out also that there is not now parking space provided in the area where the expansion would occur. KAMEN commented that this is a very crowded shopping area, broken up and congested, and apparently parking is provided anywhere and everywhere and not systematically laid out. The theater activity in the area adjacent on the south is the biggest problem, he thought.

Reference was made to parking for the apartments, and GALBRAITH said that the plan indicates 1.5 parking spaces for each unit, or better, which more than meets the requirements.

BARRIER commented that the building expansion proposed is not very large, just replacing the loading dock with storage facilities, and she doubted if such would result in any more traffic.

KAMEN commented on the fact that the original proposal for development of this corner has been "butchered up", and that he was concerned for the parking, and also as to the private driveway easement from one ownership to the other, which is not a matter of public record. He noted that it now appears there is a desire to separate the original CUP into three parcels, and he questioned whether such could be accomplished so far as the firelane around the perimeter, and the original plan was that there would be access from one area of the CUP to another area of the CUP.

GALBRAITH explained that in the original consideration of the CUP, all parcels were to have access across each other, but the south portion has been sold and the applicant now feels they are not obligated to provide access between the north and south tracts, but is willing to provide the firelane easement with a gate that can be entered by the Fire Department or other emergency vehicles.

GALBRAITH continued that the applicant at this time does not want the commercial traffic from the theaters to the south driving through the apartment area.

JAMES MERRILL, president of the Cinemas East Plaza Merchants Association (south portion of the original CUP area),

said they all favored the development of apartments as proposed, but had concerns as to access around the back part of the property, which is proposed as a firelane. He stated that the original leases made with the merchants showed the access road (firelane), across the back as open and now it is proposed to have a fence and gate that would not be readily useable, except by the Fire Department vehicles. He reported that the Fire Department personnel have indicated that in case of a fire, they would enter from Rock Road (two access points), and he stressed the fact that if such occurred during peak traffic congestion of patrons leaving the theaters, it would be impossible for emergency vehicles to enter. If the firelane easement along the east side is left open, much of the traffic from the theater could exit that way and out to Central. MERRILL said that they presently hire two off duty policemen to handle the traffic from the theaters as it exits onto Rock Road. Another reason they believe it would be better to leave the firelane open is for the safety of children (as well as others), from the Brookhollow Addition, who now must pass through the intersection of Rock Road and Central and then into the theater area, whereas, if access is allowed to Central, it would not be necessary to even be on Rock Road.

As for the possibility of theater patrons using parking provided for the residents of the apartments, MERRILL said they have attempted to provide ample parking for the theaters and 315 spaces are required by the City code, which they have provided, and in addition they have leased additional parking area.

In summary, and on behalf of the merchants in Cinemas East, MERRILL asked that the firelane easement area remain open to permit ingress and egress to the Cinemas East shops. MERRILL continued to point out that what he is asking is no different than what has been approved in Morristown and at Douglas and Rock Road. SAVINA said it appeared to him that Merrill is asking another property owner to provide access to his property.

LAKIN attempted to clarify the situation at this corner by pointing out that originally it was proposed as a single shopping center with access to Central and Rock Road, open space, setbacks, etc., for such a center. Over the years, parcels have been sold off to the north and south and gradually the ownerships and circulation have changed, and development is occurring piece by piece.

In discussing the firelane problem, EBERHART pointed out that there is a distinct difference between a firelane easement and an access easement, the access easement is a private easement to provide ingress and egress, and there is no question but that the firelane access lane should be there by separate instrument. He felt that Mr. Merrill is asking the Commission to grant him a private ingress and egress so that his customers can exit onto Central from the theater by means of the firelane. EBERHART maintained that it is proposed that the firelane will be made a public record by separate instrument and there should be no parking in that area whatsoever, although cars can be driven on it. The firelane would be at the rear of the Cinemas East area also, but Eberhart said he is not willing and is not proposing to grant a private ingress-egress to permit the customers to the south use of the firelane to exist on Central by circulating through the proposed multiple family units.

EBERHART considered it important to point out that the problems exist because the tenants to the south are having a wonderful business, which is causing them problems so far as ingress and egress; however, he maintained that the owner of the property to the south is not in opposition to what the applicant is proposing in the way of development or handling of the firelane easement, because that owner is aware that it was never contemplated that ingress and egress would be granted over subject property out to Central for the benefit of the businesses to the south. It

was Eberhart's suggestion that the tenants to the south take their problem to their landlord, the owner of the property to the south. EBERHART stated again that they would not want patrons leaving the theater driving through the apartment area to reach Central, but that a firelane around the perimeter should be maintained and kept open (no parking thereon), and a breakaway gate on the property line between the two ownerships would prevent its use by conventional vehicles, but would permit entrance by the Fire Department or emergency type vehicles.

There was considerable discussion as to whether or not the Commission had the legal right to ask the applicant to not have the firelane between the two properties closed with a breakaway gate and thus prohibit traffic from the development to the south exiting onto Central. LAKIN said he would want to check with the Department of Law on the legal aspects, and felt that it would depend upon the intent of the original CUP as to the amount of access to be made available to one area and the other.

When asked if it is proposed to have exits on Central from the apartments, EBERHART said that was correct, but they do not want commercial traffic from the south passing by the apartments and out to Central, or desire to make it available to the community at large.

There were questions about the original CUP, and GALBRAITH explained that originally the development was to be an integrated shopping center located on two parcels, with public access from the north lot to Central and public access to any commercial that might be developed in the entire shopping center.

KAMEN asked if, when a portion is sold as in this case, the CUP indicates the buyer no longer has access to that public opening from his area. GALBRAITH was not certain, but doubted that the lot to the south would have any right of access to the north. It was suggested that, since the firelane is required on the perimeter of the property, including that to the south, the parking now on the firelane easement is not legal and should be prohibited, and it is possible that the present location of parking stalls would prohibit the use of the firelane and any breakaway gate installed.

SAVINA was concerned that the Fire Department had not had a chance to consider the proposal, and GALBRAITH said that the proposed CUP amendments had been reviewed, as usual, by the City Engineer, the Traffic Engineer and the Flood Control Office, but it was not customary to forward such items to the Fire Department unless there are circumstances which indicate there is a need, such as in this case.

GRAGG felt that in view of the confusion which exists, that it should be considered by the Subdivision Committee. He said he received correspondence from Mr. Merrill several months ago asking that something be done. BAYOUTH said he had met with one of the co-owners of Coopers and been contacted by others because they are concerned about the traffic problem. He was inclined to agree with Mr. Merrill in that there would be no way that fire fighting equipment could enter the premises from Rock Road if a fire occurred at the time of a program change at the theater. BAYOUTH suggested the need for a long range plan in solving the traffic problem because it is going to increase more rapidly than in any other area, and he favored a deferral until a legal opinion is received from the Department of Law.

PORTER felt that the only way the firelane could be kept open for use of the Fire Department would be through installation of a gate to prohibit general traffic. If used generally by the public, it would be just as crowded at theater time change as the exits onto Rock Road. HENNESSY felt it would eliminate some of the congestion to have an exit from the theater area on the firelane and out to Central.

GRAGG said those represented by Mr. Merrill (south of subject area), are not the only businesses in the area which are concerned. He said the savings and loan association, the Privy Shop and Coopers have all contacted him regarding the traffic congestion along this entire area.

EBERHART asked if the Commission was willing to recommend approval subject to an opinion from the Department of Law.

LAKIN said the staff is not in a position to provide a definite answer, and the question appears to be that if the request is approved, does the Commission have the right to permit the closing of the firelane to the public between the two properties? If the modification of internal circulation is to be made, the Legal Department should determine the rights of all concerned and then it should be deferred by the Commission until such determination is made. LAKIN indicated he would not want the request approved prior to his finding out if the Commission has a right to make such a determination.

MOTION: That further consideration of this case be deferred for two weeks, so that the Fire Department can be contacted to determine whether or not a fire gate would be satisfactory and, to secure an opinion from the Legal Department as to whether or not circulation, by means of a public access easement, can be required of one ownership on a CUP for the benefit of another ownership. Kamen moved and Gragg seconded.

EBERHART considered it desirable also to have the legal aspects of the firegate reported on. GRAGG wondered if the matter overall should be considered at the Subdivision Committee to obtain input from the Utility Advisory Committee. It was decided, however, that the CUP had already been discussed by the staff with other departments which would have an interest, except the Fire Department.

GOEBEL commented that Cobblestone Alley has been ruined as a CUP, and he was concerned that with any expansion of uses there would be the need to provide additional parking. He suggested the possibility of the furniture store some day going out and the possibility of a use which would generate much more traffic. He considered it foolish to crowd uses and parking so tight.

VOTE ON ABOVE MOTION: Carried unanimously.
Taylor was absent.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 8, 1976:

13. Case No. DP-49 - Transamerican Investment Properties, Inc. and Chisholm, Andeel and Andeel Partnership request approval of an amendment to Cobblestone Alley Community Unit Plan, legally described as follows:

Lot 2 and Reserve "A", Block 1, Dean Rupert First Addition and Lot 1 and Reserve "A" in Block "A", Dean Rupert Second Addition, except beginning at a point 651' S and 60' E of the NW corner of the NW quarter, Sec. 20, T27S, R2E of the 6th P.M., said point being the SW corner of the 140' by 175' tract of land owned by KG&E Company, thence S 120', thence E 175', thence N 120', thence W 185' to the point of beginning, being a part of Lot 1, Block "A", Dean Rupert's Second Addition. Generally located at the southeast corner of Central and Rock Road.

GALBRAITH reviewed the Commission's consideration of this request on June 24, 1976 (see minutes of that date for staff re-

port in full and discussion), at which time questions were raised about whether or not the applicant could legally be required to provide access through his property from the tract to the south by means of the firelane. GALBRAITH stated that it was the applicant's intention to have a fire gate installed across the firelane easement at the property lines inasmuch as he did not want commercial traffic from the theaters to the south traveling through the area which he is proposing for development of 72 multi-family units. With respect to the gate, GALBRAITH reported that since the last meeting, he has discussed the matter with the Fire Department and a gate such as proposed is acceptable. Also, as requested at the previous meeting, the staff has obtained an opinion from the Department of Law wherein rights of the two property owners are discussed regarding access across one property for the benefit of the other. GALBRAITH said another amendment is proposed to abolish the building setback line on the furniture store site so that it can be extended back to the parcel boundary line and still provide adequate circulation for fire equipment.

GALBRAITH said the staff had mixed feelings about the practicality of the apartments at the rear of commercial activities, and that generally it is not desirable to have traffic to residential units traveling through a commercial area for access. However, in this case, from the standpoint of the single-family homes to the east of the drainage channel, it may be more desirable to have the multiple family units (which it is planned would face the channel), than to have the rear of commercial uses visible from the residential area. It was also noted that there would be landscaping provided along the east edge of the property in the drainage channel right-of-way,

GALBRAITH explained that the owner to the south has replaced and replanted the landscaped screening along the channel from time to time and that it is hoped that the landscaping will become established to provide protection to the residents across the channel to the east. On subject site, a landscaping plan has been submitted and will be planted after completion of the multiple family units, if such are approved.

GALBRAITH explained further, that in his discussion with the Fire Chief and his assistant, who had viewed the site, they felt that, with the designation of the firelane along the east side and the fire gate at the property line, sufficient arrangements will have been provided for fire fighting equipment to function on any part of the total development at this corner. Further, a check with the Traffic Engineer's office indicates that they feel an entrance from the south property to the north on the firelane easement is not needed for adequate circulation.

The applicant does object to having the firelane open because it would channel the commercial traffic from the theaters, etc., through the residential unit area north to Central, if access is granted.

GALBRAITH said he had just received the memo from the Legal Department prior to the meeting concerning the legal aspects of the firelane and whether or not the applicant could legally be required by the City Commission to leave it open for traffic from the south.

GALBRAITH read in full the following legal opinion from the Department of Law:

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 and 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 purport 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.

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.)

DEBEL said he was not worried about the firelane easement, but was concerned about whether enough parking would be left if the furniture store is expanded. GALBRAITH explained that the furniture store and Shakey's are located on a split lot from the Dean Rupert First Addition and that the furniture store had to obtain a variance from the Board of Zoning Appeals on their parking, justifying their request by the fact that a furniture store does not generate as much traffic as other commercial uses. The operators of the furniture store are aware that they will have to obtain a further variance if the building is expanded as requested.

GALBRAITH stated that, in addition to comments already submitted to the Commission by the staff, another should be added, in that Central Inspection has had problems with the maintenance of the landscape area on the portion to the south. It was his suggestion that a condition be added that the landscape plantings and maintenance thereof shall be the responsibility of the owner of the adjacent parcels. He said that, while the planting is provided on the flood control ditch right-of-way, at no time has it been the responsibility of anyone other than adjacent owners, and such should be clearly indicated on the face of the CUP.

MAX EBERHART, attorney for the applicant, said his request is the same as discussed on June 24, 1976, and that he would not repeat his presentation, except to point out again that suggested

conditions of approval are satisfactory, except that they would prefer not to replat, but to provide access and firelane easements by separate instruments.

JAMES MERRILL, representing the merchants in the Cinemas East development adjacent on the south, said he had no knowledge of the legal opinion prior to this meeting, but apparently the last paragraph says what has taken place is a bad deal. He still felt that there were a number of inequities that have not been considered. He pointed out that if the firelane is to be re-established from the original CUP, it would put a tremendous burden on the area he represents to try and keep it open by controlling the parking thereon. He said they have considerable problems now in keeping cars out of the savings and loan area, in spite of all types of tow away signs prominently displayed. Too, there have been numerous occasions when cars have been parked in the Privy Shoppe area and in the KG&E area, so to attempt to maintain an open area as a firelane, he felt, would be extremely difficult.

MERRILL said that since the last meeting, he has tried to find an example in the city of the type of firegate proposed, but he could not find a single one in use at this time, and he could not be sure what is being proposed, in that apparently it has never been used before, and will be an experiment in this case.

MERRILL said the firelane was originally proposed on the CUP to involve the entire CUP and not just certain parcels. He said the merchants whom he represented moved into the area with the specific idea that this was going to be all maintained and developed as a community plan.

He also stated that, although fire equipment vehicles carry bolt cutters, he did not feel that other emergency type vehicles have equipment which would secure access through a locked firegate, which would create problems. MERRILL pointed out that the original CUP shows there are actually two access points to their property and they are only asking for one.

He stated that when approval was given for their area, they were required to have 343 parking stalls, and they are adequate, but the problem is in educating people to utilize the proper spaces.

Another point is the fact that people in the area want an access to Central; he has talked to numerous customers of the area and the people that shop in the southernmost stores and that patronize the theater want another means of access and ingress to Central in order to avoid the congested intersection. MERRILL said the merchants want to have free movement between the various shops, feeling that it should be a community plan and not a plan for just certain development.

When questioned by GRAGG about the parking, MERRILL said they have provided more than what is required for the theaters by renting space for the overflow. It was pointed out that only the furniture store and Shakey's had obtained a parking variance from the Board of Zoning Appeals. GRAGG said he had apparently misunderstood the facts when he discussed this with the Traffic Engineering people, from whom he understood that they considered it a bad situation, but that it had been brought on by the theater owner himself.

GALBRAITH commented that apparently the theater has provided more parking stalls than required by ordinance, but it is still not sufficient, since during peak times, parking associated with the theater has occurred in other areas.

BARRIER said she had attended a movie at this location recently and that the traffic situation is very bad, but that there were no policemen directing traffic as she had understood at the previous hearing on this matter. MERRILL said they have traffic officers only on Friday and Saturday nights.

BARRIER thought perhaps it is actually a problem between the tenants and the property owner rather than a problem for the Commission, and she further suggested the possibility of opening up the front part of the CUP adjacent to Rock Road for overall traffic circulation, but not the back part adjacent to the drainage channel, where it is proposed to have the apartments.

MERRILL said the only request they are protesting is the proposal to close the original access; there is no way that fire or emergency equipment can come in if the firegate is locked.

MERRILL felt that they don't have a parking problem so much as an access problem in terms of fire fighting equipment getting into the area.

BARRIER maintained that if access is permitted at Central, it would be just as congested during theater program change as the access points on Rock Road.

KAMEN commented that, according to the legal opinion, the firegate must be closed and the Commission doesn't have authority to require otherwise. He felt the problem now is requiring the property to the south to change their parking structure so that the gate is accessible to emergency fire vehicles. He pointed out that presently the firelane on the south portion is marked for parking stalls and apparently is being so used.

GALBRAITH said the original CUP states that there will be adequate firelane easements provided around the site and the owner to the south is just as obligated to provide an easement and access to the proposed gate as subject applicant. He thought this was a matter for the Central Inspection Division to investigate for violations.

HENNESSY stated that at the last meeting just the opposite had been stated; that they could not enforce the firelane easement.

GALBRAITH said questions raised at the last meeting were whether or not a public access road could be required. He thought there was a distinction between a firelane easement and public access easement.

One of the Commissioners brought up the fact that the suggested conditions were acceptable to the applicant, except the one related to replatting. EBERHART spoke again to say that the main reason for replatting would be for granting of a public access easement and the firelane easement, which they are willing to do by separate instrument; that they would provide a survey depicting location of such easements, and it would be cheaper and less time consuming. He indicated they would provide a copy of such instrument to the owner to the south for their records.

GALBRAITH said that in view of the lot split, several sell-offs and private easements related to the overall CUP; that it was felt a replat would be the better way to handle the matter at this time, and would present a clean showing of the situation. He agreed, however, that the matter could be handled by separate instruments.

EBERHART indicated that they would be willing, in the event subject property was sold, to have it replatted. GALBRAITH commented that they may build and then sell, but in the event they sell and a new owner attempts to get a permit, he will have to replat.

GALBRAITH reported a unanimous recommendation from CPO Council "H" opposing the proposed amendment for apartments, feeling that it would be too high a density for the site; apartments were not compatible with the surrounding commercial development, and there is a lack of direct access to a major street.

KAMEN asked if there was anything other than the firelane easement which would be reason for replatting. EBERHART said there is in existence one other easement for ingress and egress

privately negotiated for access to Shakey's and the furniture store out to Central and access from the Transamerican tract out to Rock Road, which is a matter of public record. He pointed out that the difference in cost between replatting and granting easements by separate instrument would be over \$1,000.

KAMEN said he was trying to establish what would be the best method for the future.

JOAN MAY, representing CPO Council "H", said since the previous meeting they have reconsidered the request and talked with residents of the area and have several concerns. She voiced opposition to a 3 story structure and 72 units, which was not considered compatible with surrounding land use and the collection of unrelated activities. It was their suggestion that an office building would be more appropriate if it is no longer advantageous to develop commercial shops. An office building could face to the east and be reached from Central and present just as desirable appearance to the residents east of the drainage channel as an apartment building.

MAY indicated that the density was of great concern - 3 stories high, and the 72 units is more dense than any surrounding multiple family complex in the area, and comparisons were made with the Rockborough apartments, Stratford East, and the Colonial apartments on Douglas. MAY said she understood there are to be more apartments built just south of the Rockborough area, where presently there is a wooded area adjacent to Douglas.

MAY stressed the fact that the units would be surrounded by commercial business with no open space, other than the drainage channel to the east. Further, the CPO was concerned that much more traffic would be channeled through the intersection if access is not permitted to Central from the area south of subject site. She brought up the fact that people will be inclined to park in the fire lane and in front of the gate even though spaces are not designated. MAY said her final comment would be that what is proposed is an example of lack of planning, and in this case, it is not only the business men who are opposed, but also residents of the area.

GRIEDER and KAMEN agreed that the present plan for Cobblestone Alley as it has come to exist is not good, but that it is nothing like the original plan for development. MAY pointed out that all the changes have been allowed, however. KAMEN noted that whatever the CUP was previously or originally, it is no longer the same.

BARRIER had questions about the fact that CUP's are amended after their original approval. GRAGG said the original is a very preliminary concept of what might be developed, and it does take time for development and often conditions change, depending on the economy, which makes amendments necessary.

GRAGG also complimented Ms. May on her presentation on behalf of the CPO Council, adding that often times CPO presentations are not well done, but that Ms. May had done an excellent job.

TAYLOR said she was concerned about public streets, the lack of open space available if the multi-family units are to be developed, and that the proposed planting and screening does not compensate for the lack of open space. TAYLOR also considered the apartments proposed entirely incompatible with the contiguous land uses. She said she would hesitate to approve any additional uses in the CUP.

GRAGG asked what the result would be if the request is not approved. GALBRAITH said it would only mean that the apartments could not be built and the furniture store could not be expanded; uses on the parcel proposed for multi-family could only be developed as now permitted for light commercial uses. He noted that the loading dock presently at the rear of the furniture store is in violation of the present setback line that appears on the CUP. Denial of the request would not resolve the issue of public access through the firelane easement, as the original CUP does not address the issue of public access. As for the firelane easement, GALBRAITH said the fire gate could still be constructed.

MAY asked if it would be possible to develop office space such as the Hancock building to front on the drainage channel and with access to Central. GALBRAITH replied that offices is a permitted use under the present CUP.

EBERHART wished they had been contacted by the CPO in that, while it might not have changed the CPO's opinion, more information would have been available to the CPO prior to its recommendation. He continued to point out that the density proposed is about half of what is normally allowed in an "LC" district without a CUP. Further, at the previous meeting, the merchants to the south indicated 100% support for the apartments and were concerned only about access between the two properties through the firelane easement, and no one within the notification area has indicated any opposition.

EBERHART said one neighbor who had contacted them indicated he felt it was an excellent use of the property, and favored apartments over commercial. The use proposed, he stated, actually represents down zoning. As for height, EBERHART doubted that it would exceed the height of any building already in the CUP, but he was not certain on this point.

MAY said she was speaking only for the CPO Council - not the business men or the neighbors.

GRAGG thought it was the responsibility of a developer to make contact with a CPO Council. EBERHART said he had not understood the role of the CPO but that his applicant has always been available for neighborhood meetings for any reason.

KAMEN did not disagree with Gragg's statement, but felt that if a CPO wants a picture of what is proposed for development any time, they should take the initiative to understand both sides, if their recommendation is to be based on all the facts.

When questioned again about the height of the structure proposed, EBERHART said it would be about the same as Rockborough, depending on the topography of the land.

LAKIN commented on CUP's in general, and the fact that many times one expects too much from them. He related the fact that a CUP section in the ordinance originated in 1956 for 6 acres or more of "LC", which it was felt would have a special impact or special problems for an area. Originally, a CUP application was required to contain an economic study to show justification for the project, a traffic plan and analysis, site plan, detailed location of proposed buildings, detailed landscaping plan (including name of material to be used), and also a detailed interior circulation plan. In addition, a time schedule for development was established. A few years later, requirements were changed because the stringent requirements made it difficult to get lease commitments and required many changes, depending on the desires of a lessee.

The CUP now relates basically to setback lines, limited uses, parking and access points; how it is put together on the inside is not controlled on a CUP. LAKIN agreed with Eberhart's statement that only about half as many units are proposed as would be permitted in the same area under regular "LC" zoning; however, he also pointed out that he was not aware of apartments built to that density in Wichita in the 50 years that the ordinance has existed. The more typical garden apartments existing in Wichita are in the general range of 20 to 30 dwelling units per acre.

Referring to traffic, LAKIN pointed out that the site is about two acres and, based on about 1/3 lot coverage for commercial, and assuming about 20 automobile trips per 1,000 square feet, the area proposed for apartments would generate about 520 automobile trips a day if developed as commercial. It was estimated that apartments would generate about 6 trips per unit per day, for a total of 418 trips. LAKIN said he merely brought out these facts to show the difference in estimated traffic related to the two different land uses.

MOTION: That the Planning Commission recommend to the City Commission that this request for amendment of the CUP be approved, subject to:

- A. The applicant dedicating by separate instrument the 20-foot firelane easement indicated on the east side of Dean Rupert First Addition. (This separate instrument was required instead of replatting subject plat.)
- B. Add a General Provision #17 as follows:
A landscape plan for the 5-foot planting strips on the north, west, and south lines of Parcel A, Tract 1-B shall be submitted for review and approval by the Planning Department and Superintendent of Central Inspection prior to the issuance of any building permits on Parcel A, Tract 1-B.
- C. General Provisions #13 shall be amended to read:
An underground storm sewer with catch basins shall be provided in the easement between Parcel A and Parcel B, to provide for drainage of the KG&E substation, the Privy Shoppe, Parcel A, and adjacent areas of Parcel B, as determined by the Department of Public Works. Said storm sewer shall terminate in the drainage dedication east of the property.
- 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 commercial and residential development and shall be binding upon the present owners, their successors and assigns, unless amended.
- E. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- F. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
- G. Under General Provision #8, add the following sentence:
The planting and maintenance of the 10-foot planting area along the east side is the responsibility of the owners of the adjacent parcels.

Kamen moved and Goebel seconded.

GRAGG said he was not in favor of the motion; that he was an area resident of the CPO and he thought the request was a "rip off" for the developer. He brought up the matter of traffic congestion as far back as Armour, stating that Towne East is not fully developed as yet and there is a large "LC" tract at the southwest corner of Central and Rock Road which is not developed. He considered the density in the general area a real problem. He indicated he preferred a complete traffic study of the area in general, but considered it unfair to ask the developer to do much more. GRAGG also felt that there were some real neighborhood problems which would be compounded were this case approved.

Reference was made to the zoning policy on Rock Road and LAKIN said it extended from 37th Street North to the Air Force Base and except for minor modifications of possibly existing "LC", the policy was to hold the line with existing "LC" and not create any more.

GRAGG noted the possibility of a service road, because there must be some way provided to handle the traffic.

BAYOUTH commented that these are problems over which the Planning Commission has no jurisdiction and they could only be solved between the developer and the existing businesses themselves. The property is there and the developer cannot be denied the right to develop it. GRAGG said he considered the possibility of neighborhood deterioration a problem within the jurisdiction of the Planning Commission.

KAMEN pointed out that traffic would be no more with apartments than with commercial development and he did not think the owner would let subject property go undeveloped indefinitely so there would be some traffic impact even were the request denied.

BARRIER stated that she felt the rear of commercial buildings is an eyesore and that apartments facing the drainage would be desirable, would not introduce any additional traffic, and it seemed to her what is proposed would be more presentable in the area than more light commercial uses.

HENNESSY pointed out that with apartments, traffic flow will be continuous, while with "LC" it would cease when the shops were closed.

TAYLOR did not think traffic should be the major criteria and it seemed to her to be a "patch-up" proposal.

VOTE ON THE MOTION resulted in a moot vote of 4 in favor (Kamen, Goebel, Barrier and Bayouth) and 4 opposed (Hennessy, Gragg, Greider, and Taylor). Porter and Savina were absent.

In view of the moot vote, it was noted that this case would be forwarded to the City Commission as a "failure to recommend" on the part of the Planning Commission.

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE June 22, 1976



TO Metropolitan Area Planning Department
FROM David Furnas, Citizen Participation Coordinator
SUBJECT DP-49

At the June 21 meeting of CPO Area H Council, members voted unanimously to oppose the proposed amendment to the CUP for the purpose of building apartments.

Council members felt that the 72 proposed units would be too high of density for the site, that apartments were not compatible with the surrounding commercial development, and that there is a lack of direct access to a major street.

David L. Furnas
David Furnas
Citizen Participation Coordinator

DF:K0:rh



THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE June 22, 1976

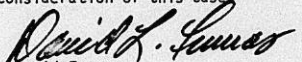


TO Metropolitan Area Planning Department
FROM David Furnas, Citizen Participation Coordinator
SUBJECT Cases ~~Z-1806~~ and DP-49

During the past months, CPO Area F Council has been discussing drainage problems along Dry and Gypsum Creeks. The problems are being aggravated by increased stormwater runoff from new commercial and residential developments which drain into the creeks. For this reason, the Council has adopted a policy opposing additional building which would cause further damage to these creekbeds by draining the stormwater runoff directly to the creeks.

Two zoning cases currently under consideration would have impact upon Gypsum Creek. In DP-49, the application for the amendment to the Cobblestone Community Unit Plan at the southeast corner of Central and Rock Road, the stormwater runoff would drain directly into the adjacent Gypsum Creek channel. The Council realizes that commercial and office use has already been approved for the site, and thus is not opposing the request for a change to multi-family residential use because of impact on drainage. The Council would like to see an alternative means of providing for the stormwater runoff from this development.

Zoning Case Z-1806, a Community Unit Plan for commercial and residential development at the northwest corner of Pawnee and Webb Road, is also in the Gypsum Creek drainage area. The MAPC has recommended that the application be approved; the City Commission will consider the case on June 29, 1976. The Council asks that the City Commission be made aware of the Council's policy toward developments within drainage areas for their consideration of this case.


David Furnas
Citizen Participation Coordinator

DF:LN:rh

cc: Ray Bruggeman, Director of Public Works
M. S. Mitchell, Supervisor, Flood Control

July 9, 1976

Mr. Max E. Eberhart, Attorney
240 North Rock Road
Wichita, Kansas 67206

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

Dear Mr. Eberhart:

At the regular meeting of the Metropolitan Area Planning Commission on July 8, 1976, the above-captioned application was reconsidered. After considerable discussion, a motion was made to recommend the approval of the CUP, subject to the following conditions:

- a. The applicant dedicating by separate instrument the 20-foot firelane easement indicated on the east side of Dean Rupert First Addition. (This separate instrument was required instead of replatting subject plat.)
- b. Add a General Provision #17 as follows:
A landscape plan for the 5-foot planting strips on the north, west, and south lines of Parcel A, Tract 1-B shall be submitted for review and approval by the Planning Department and Superintendent of Central Inspection prior to the issuance of any building permits on Parcel A, Tract 1-B.
- c. General Provision #13 shall be amended to read:
An underground storm sewer with catch basins shall be provided in the easement between Parcel A and Parcel B, to provide for drainage of the KG&E substation, the Privy Shop, Parcel A, and adjacent areas of Parcel B, as determined by the Department of Public Works. Said storm sewer shall terminate in the drainage dedication east of the property.
- 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

Page 2 - Mr. Max E. Eberhart
July 9, 1976

thereof, but said plan shall run with the land for commercial and residential development and shall be binding upon the present owners, their successors and assigns, unless amended.

- e. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- f. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
- g. Under General Provisions #8, add the following sentence:
The planting and maintenance of the 10-foot planting area along the east side is the responsibility of the owners of the adjacent parcels.

This motion resulted in a moot vote, four being in favor of the motion and four being opposed. Therefore, this constitutes a "failure to recommend" and subject case will be forwarded on to the Board of City Commissioners for consideration on July 27, 1976, the meeting to be held in the City Commission Chambers, First Floor, City Hall, 455 North Main. We would call to your attention that planning items will be heard by the City Commission following all other matters of business.

Please provide us with ten amended copies of the CUP by noon on July 21, 1976.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Transamerican Investment Properties, Inc.,
240 N. Rock Road 67206
Chisholm, Andeel & Andeel Partnership, 5900 E. Central 67208
Lindy Andeel, Partner, 5900 E. Central 67208
Charles J. Merrell, Pres., Cinemas East Plaza Merchants
Association, 340 North Rock Road 67206
Ms. Joan May, 346 North Armour 67206
City Manager's Office

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 purport 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.

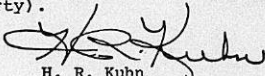
We have been unable to find any statutory or case law which could be the basis for a court holding that the Governing Body of the City could require a "private access easement" for the benefit of the occupants of the property to the south in the case at hand. We are not dealing with a public roadway 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 29, 1976

John Dekker, Director of Law

Jack H. Galbraith, Chief Planner

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

The Planning Commission, at its regular meeting on June 24, 1976, considered the above-captioned CUP. The original CUP on this property was approved by the Planning Commission and City Commission early in 1973 and it was amended in the latter part of 1973 and again in 1974. Since the original approval, portions of the property have been sold and the original concept of a shopping center has not developed, but rather, there are several freestanding buildings, such as theaters, liquor store, the John Hancock Building, Savings and Loan, Manor House Furniture, Shakeys, Quik Shop, etc. There is only one tract that is undeveloped and the proposal made to the Planning Commission Thursday was for a 72-unit apartment structure. It should be pointed out that this area was platted as Dean Rupert First and Second Additions in 1969 and 1970 prior to the original submission of the first CUP.

Specifically, the question raised by tenants on the ownership to the south (Dean Rupert 2nd Addition), was whether the developer of the apartments (Dean Rupert First Addition), was going to provide them access through his property so that their customers could reach Central. His response was "no", that he had sold Dean Rupert 2nd Addition with no agreement that there was access through his ownership, and that he certainly did not want commercial access, specifically theater traffic late at night, going by his apartments. He has, however, designated on the CUP a "firelane," but he proposes to separate his ownership from the other owners and development to the south by a fence and a fire gate, which has been acceptable in the past by the Fire Department. We have asked the Fire Department to review the CUP and advise if such a gate is acceptable to them.

Assuming that the fence and fire gate is satisfactory, the Planning Commission has asked whether or not they can require one owner to provide access through his property for the benefit of another owner. I am under the impression that on two residential lots, the Planning Commission would be hard pressed to demand access over one lot for the benefit of another unless that was the only means to reach a public street. However, on a commercial CUP, when the intent is to develop a shopping center and it is proposed that there are to be separate ownerships, I would believe that the Planning Commission and governing body have every right to require that circulation be provided for the benefit of all owners and customers using the shopping center.

Page 2 - John Dekker
June 29, 1976

Although there are several circumstances that now have changed on this CUP, such as not being developed as a traditional shopping center, that cause me to agree that the joint use of circulation should not be required, it is my opinion that should the Planning Commission and City Commission decide that such is still needed, they have every right to require it in the form of a private access easement and firelane.

As this item is again to be considered by the Planning Commission on July 8, 1976, your early response to this question would be appreciated. I will be available to review the past and present CUP and recorded plats with you in detail, if desired.

Jack H. Galbraith
Chief Planner

JHG:ber

cc: H. R. Kuhn, Assistant City Attorney

June 28, 1976

Chief Floyd E. Hobbs, Fire Department

Jack H. Galbraith, Chief Planner

DP-49 - Amendment to the Cobblestone Alley C.U.P.
Southeast corner of Rock Road and Central.

At last Thursday's Planning Commission meeting, the above captioned C.U.P. was considered. There was considerable discussion relative to this latest proposal to construct 72 apartments on the area indicated as Parcel A, Tract 1 B. You will note that adjacent to this Parcel and Parcel A, Tract 1 A, is an indicated 25 foot fire easement. You will also find, underlined in red a proposed fire gate which the owner and developer of the apartments proposed to keep closed and locked as he desires that the firelane easement be utilized for circulation only for the benefit of his ownership and development and not for the benefit for providing a means for the patrons of the theaters, offices and shops to the south for an access out to Central through his property. Please note that these are separate owners and developers, and the developer of the proposed apartment units does not want commercial traffic going by the apartments.

As a result of this discussion, the action of the Planning Commission was to defer this case for two weeks so that we could determine whether or not the Fire Department would be satisfied with the firelane easement and gate. They also asked that we determine whether or not we could require one owner to provide access through his property for general public use to benefit an adjacent owner.

Would you please review the attached C.U.P. and advise as to whether or not the firelane, as designated, and proposed gate is satisfactory. Also, would you please advise whether or not you feel there is adequate circulation around all existing buildings on this C.U.P. for your purposes. After you have an opportunity to review this C.U.P., give me a call as I will be happy to come up and discuss this plan with you.

Jack H. Galbraith
Chief Planner

JHG:rme
Attachment

cc: R. R. McClintock, Deputy Fire Chief - Operations

4/30/76 Chief admin that they are satisfied with plan including fence and gate. JHO

June 25, 1976

Mr. Max E. Eberhart, Attorney
125 North Market
Wichita, Kansas 67202

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

Dear Mr. Eberhart:

At the regular meeting of the Metropolitan Area Planning Commission on June 24, 1976, the above-captioned application was considered. After considerable discussion regarding firelane easements, the action of the Planning Commission was to defer this case for two weeks, so that we could contact the Fire Department to determine whether or not a fire gate would be satisfactory. Also, regarding questions raised as to whether or not circulation, by means of requiring a public access easement, can be required of one ownership on a CUP for the benefit of another ownership, we are requesting an opinion from our Legal Department.

Therefore, based on this action, subject case will be rescheduled for reconsideration at the Planning Commission meeting on July 8, 1976, the meeting to start at 1:30 p.m. in the City Commission Chambers, First Floor, City Hall, 455 North Main.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Transamerican Investment Properties, Inc., 240 N. Rock Road 67206
Chisholm, Andeel & Andeel Partnership, 5900 E. Central 67208
Lindy Andeel, Partner, 5900 E. Central 67208
Charles J. Merrell, President, Cinemas East Plaza Merchants
Association, 340 N. Rock Road 67206

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE June 22, 1976



TO Metropolitan Area Planning Department


FROM David Furnas, Citizen Participation Coordinator

SUBJECT Cases Z-1806 and DP-49

During the past months, CPO Area F Council has been discussing drainage problems along Dry and Gypsum Creeks. The problems are being aggravated by increased stormwater runoff from new commercial and residential developments which drain into the creeks. For this reason, the Council has adopted a policy opposing additional building which would cause further damage to these creekbeds by draining the stormwater runoff directly to the creeks.

Two zoning cases currently under consideration would have impact upon Gypsum Creek. In DP-49, the application for the amendment to the Cobblestone Community Unit Plan at the southeast corner of Central and Rock Road, the stormwater runoff would drain directly into the adjacent Gypsum Creek channel. The Council realizes that commercial and office use has already been approved for the site, and thus is not opposing the request for a change to multi-family residential use because of impact on drainage. The Council would like to see an alternative means of providing for the stormwater runoff from this development.

Zoning Case Z-1806, a Community Unit Plan for commercial and residential development at the northwest corner of Pawnee and Webb Road, is also in the Gypsum Creek drainage area. The MAPC has recommended that the application be approved; the City Commission will consider the case on June 29, 1976. The Council asks that the City Commission be made aware of the Council's policy toward developments within drainage areas for their consideration of this case.


David Furnas
Citizen Participation Coordinator

DF:LN:rh

cc: Ray Bruggeman, Director of Public Works
M. S. Mitchell, Supervisor, Flood Control

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 6-24-76

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' x 1030' (irregular shape.)

	Land Use	Zoning
Existing	Offices, liquor store, theaters, furniture store, restaurant and food store	"LC"
North	Service station and undeveloped	"LC"
East	Single family and drainage ditch	"AA"
South	Offices and drainage ditch	"AA" & "BB"
West	Undeveloped	"LC"

Street rights-of-Platted: Yes
way are adequate. Sidewalk: Previously guaranteed.

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.
DP-49 amendment MAPC: 5-9-74 approved, BCC: 5-28-74
approved.
MAPC: 10-23-75 deferred at applicant's request.

COMMENTS:

1. In February, 1973, a CUP for Cobblestone Alley was considered and approved. The applicant has now submitted a revised development plan proposing the following general amendments:
 1. Division of Tract 1, Parcel A into two tracts and re-designated as Parcel A, Tract 1-A; and Parcel A, Tract 1-B.
 2. Addition of a General Provision # 12 which limits the number of buildings on Parcel A, Tract 1-A to one.
 3. Change of proposed usage for Parcel A, Tract 1-B from Commercial and office to multi-family dwelling units not to exceed a total of 72 units.
 4. Provision of a 6 foot high solid fence along the south line of Parcel A, Tract 1-B.
 5. Designation of a 25 foot fire lane easement along the east side of Parcels A, Tract 1-A and 1-B, with a proposed location for a fire gate for access to Parcel B.

6. Decrease in maximum building coverage for Parcel A, Tract 1 from 56,216 square feet to 34,000 square feet.
7. Increase of maximum gross floor area for Parcel A, Tract 1 from 60,000 square feet to 80,000 square feet.
8. Increase of maximum building coverage for Parcel A, Tract 2 from 18,000 square feet to 19,800 square feet.
9. Increase of maximum gross floor area for Parcel A, Tract 2 from 18,000 square feet to 21,800 square feet.
2. When the Ethan Allen store was constructed on Parcel A, Tract 2, a request for a variance to reduce the required number of off-street spaces from 60 to 46 was approved by the Board of Zoning Appeals (Case No. BZA 42-75). Inasmuch as this revised plan indicates further expansion of the store, it will be necessary that another application for a variance of the required spaces be approved by the Board.
3. The Planning Commission should consider whether the development of high density apartment units without direct access to a public street and surrounded by commercial activities, is an appropriate mixture of land uses. Normally, apartment development under a CUP proposes open space areas in conjunction with the residential uses. It should be noted that the applicant has proposed screening the south and a portion of the west sides and planting strips adjacent to all four sides in an effort to make the uses more compatible.
4. The separation of the Cobblestone Alley CUP into numerous ownerships, parcels, tracts, and subtracts and the various amendments and lot splits previously approved, would appear to necessitate a replatting of subject property. The original plats of Dean-Rupert First and Second Additions do not contain either the access easements on the west side of Parcel A, nor the 25-foot firelane easement on the east side of Parcel A, and such easements should be depicted on a plat recorded as part of the public record.
5. If the Planning Commission determines that the proposed amendments are appropriate, then the following items are suggested as conditions of approval:
 - a. Replatting of Dean-Rupert First Addition prior to the issuance of any additional building permits.
 - b. Add a General Provision # 17 as follows:

A landscape plan for the 5-foot planting strips on the north, west, and south lines of Parcel A, Tract 1-B shall be submitted for review and approval by the Planning

Department and Superintendent of Central Inspection prior to the issuance of any building permits on Parcel A, Tract 1-B.

c. General Provision # 13 shall be amended to read:

An underground storm sewer with catch basins shall be provided in the easement between Parcel A and Parcel B, to provide for drainage of the KG&E substation, the Privy Shop, Parcel A, and adjacent areas of Parcel B, as determined by the Department of Public Works. Said storm sewer shall terminate in the drainage dedication east of the property.

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

Hughes Georgetown Manor

416 North Rock Road Wichita, Kansas 67206
316/686-3343

Huber C. Hughes, Jr.

June 11, 1976

Mr. Robert A. Lakin, Secretary
Metropolitan Area Planning Commission
455 N. Main
Wichita, Kansas 67202

Dear Mr. Lakin:

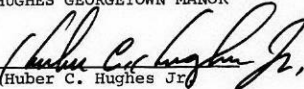
I have been advised that the Cobblestone Alley Community Unit Plan is coming up for revision on Thursday, June 24, 1976.

Hughes Georgetown Manor opened for business on February 28, 1975 and we have had a very successful business in Wichita. We have requested our landlord to expand and enclose our dock area and he has informed us that this takes City approval.

We are in need of this 15 ft. addition and enclosure of our dock area, which will also result in beautification of the area as the dock would no longer be exposed to the neighborhood. I wish to ask for your support of this request as I honestly feel it is good for all concerned.

Very sincerely yours,

HUGHES GEORGETOWN MANOR


(Huber C. Hughes Jr.)



An Ethan Allen Gallery

June 14, 1976

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

Re: DP-49 - Cobblestone Alley
C.U.P. Amendment - southeast
corner of Central and Rock
Road

Dear Mr. Merrell:

Inasmuch as you have expressed interest with regard to the proposed amendment to the above Community Unit Plan, attached is a notice advising you of the time and place of the hearing, also setting out the proposed general amendments.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GLS:el
Att.

43+1

DP-49 - 43 Notices to adjoining property owners mailed 6/10/76 for the
MAPC meeting of 6/24/76

1 (including map) to David L. Furnas, CPO

44 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

June 10, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Notice is hereby given that on Thursday, June 24, 1976, at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Chambers, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for an amendment to the COBBLESTONE ALLEY COMMUNITY UNIT PLAN for property legally described as follows:

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 a point 651'S and 60'E of the NW corner of the NW Quarter, Sec. 20, T27S, R2E of the 6th P.M., said point being the SW corner of the 140' by 175' tract of land owned by KG&E Company, thence S 120', thence E 175', thence N 120', thence W 175' 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, and May 28, 1974, has been resubmitted as required under the Community Unit Plan provisions of Section 23.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department Office, City Hall, Tenth Floor, 455 North Main, Wichita, Kansas, and is available for public information and review.

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

1. Division of Tract 1 Parcel A into two tracts and redesignated as Parcel A, Tract 1-A; and Parcel A, Tract 1-B.
2. Addition of a General Provision #12 which limits the number of buildings on Parcel A, Tract 1-A to one.
3. Change of proposed usage for Parcel A, Tract 1-B from Commercial and office to multifamily dwelling units not to exceed a total of 72 units.

Page Two
DP-49
June 10, 1976

4. Provision for a 6 foot high solid fence along the south line of Parcel A, Tract 1-B.
5. Designation of a 25 foot fire lane easement along the east side of Parcels A, Tract 1-A and 1-B, with a proposed location for a fire gate for access to Parcel B.
6. Decrease in maximum building coverage for Parcel A, Tract 1 from 56,216 square feet to 34,000 square feet.
7. Increase of maximum gross floor area for Parcel A, Tract 1 from 60,000 square feet to 80,000 square feet.
8. Increase of maximum building coverage for Parcel A, Tract 2 from 18,000 square feet to 19,800 square feet.
9. Increase of maximum gross floor area for Parcel A, Tract 2 from 18,000 square feet to 21,800 square feet.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, City Hall Tenth Floor, 455 North Main Street, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

[Handwritten initials]

May 5, 1976

Lindy Andeel
5900 East Central
Wichita, Kansas 67220

Re: Building located at
350-356 North Rock Road

Prior to issuance of an unconditional permit and final approval of above referenced building plans, the following items shall be completed.

1. The installation and guarantee of maintenance of landscape screening on the east of the site.
2. The north continuation of the north-south perimeter fire-lane at the east side of the property. Revised site and parking plans shall be submitted for approval.

John J. Riddel, Building Plans Examiner

JJR:cj

cc: Richard McClintock, Deputy Fire Chief
Wilbur Short, Central Inspection
/ Jack Galbraith, Planning Department



robson kuhnel and spangenberg a.i.a. architects and planners p.a.

24 May 1976

Mr. Jack Galbraith
Metropolitan Planning
104 South Main
Wichita, Kansas

Re: Cobblestone CUP

Dear Jack,

Following is a list of items which we have changed on the proposed revision to the CUP (dated 24 May 1976) which is being submitted for your review.

1. There is now a proposed revision to Parcel A, Tract 2; to allow for extension of Ethan Allen to the east parcel line. Building coverage and floor area has been increased.
2. All other revisions pertain to Tract 1 of Parcel A, which have been redesignated as Parcel A, Tract 1-A; and Parcel A, Tract 1-B.
3. The building currently under construction has been shown for Parcel A, Tract 1-A with new setbacks shown for the west and south sides.
4. The proposed usage for Parcel A, Tract 1-B has been changed to Multi-family Dwelling Units, with new setback requirements to allow for better separation of residential and commercial usages. Fences and planting area requirements have also been included. A circulation way has been included around this tract. The drainage easement at the west side has been deleted (See Gen. Require. #16).
5. Items 12, 13, 14, 15 and 16 have been added to the General Requirements.

7701 east kellogg wichita, kansas 67207 suite 815 telephone 316 685-4234

Mr. Jack Galbraith
24 May 1976
Page Two

The design of the new wall at Ethan Allen, fence requirements, site drainage and location of the fire gate have been coordinated with the adjacent property owner.

Please contact me if there are any items which you feel should be clarified.

Sincerely,

ROBSON, KUHNEL & SPANGENBERG



Ron Spangenberg

RS:nf

REGAN & MCGANNON
ATTORNEYS AT LAW

1400 VICKERS-KSBAY BUILDING
125 NORTH MARKET STREET
WICHITA, KANSAS 67202

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

TELEPHONE
AREA CODE 316
253-7741

May 26, 1976

Mr. Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Department
445 North Main
Wichita, Kansas 67202

Dear Mr. Galbraith:

We are this day submitting our Amended Application for a change in the CUP, DP-49, which Application is currently in suspense. We understand that no additional filing fee is necessary in this procedure. However, we will pay for all additional publication costs necessitated by our plan to now go forward with our Application.

Please advise us of the procedure for payment.

Yours truly,

Max E. Eberhart

Max E. Eberhart

MEE:t

A M E N D E D
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 TRANSAMERICAN INVESTMENT PROPERTIES, INC.

Address 240 North Rock Road, Wichita 67206 Phone 685-5355

Agent Max E. Eberhart - Attorney

Address 240 North Rock Road, Wichita 67206 Phone 685-5355

b. Applicant CHISHOLM, ANDEEL & ANDEEL PARTNERSHIP

Address 5900 East Central, Wichita 67208 Phone 683-7511

Agent Lindy Andeel - Partner

Address 5900 East Central, Wichita 67208 Phone 683-7511

c. Applicant _____

Address _____ Phone _____

Agent _____

Address _____ Phone _____

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

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

property zoned LC and legally described as Lot(s)
_____, Block(s) _____,

_____ Addition.

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

See attached description.

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

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

The general location is (use appropriate section)

- a. at the _____ corner of _____
and _____; or
- b. on the south side of Central (Ave.,
Street) between Rock Road (Ave., Street) and
Tara (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.

CHISHOLM, ANDEEL & ANDEEL PARTNERSHIP

TRANSAMERICAN INVESTMENT PROPERTIES, INC.

By Lindy Andeel
Authorized Agent (if any)
Lindy Andeel

By Max E. Eberhart
Authorized Agent (if any)
Max E. Eberhart

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
2:30 (AM, PM) on May 26, 1976 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$ Previously submitted

Robert Shirley Name
Jr. Planner Title

Lot 2 and Reserve A, Block 1,
DEAN RUPERT FIRST ADDITION,
Sedgwick County, Kansas.

AND

Lot 1 and Reserve A,
DEAN RUPERT SECOND ADDITION TO WICHITA,
Sedgwick County, Kansas.

Form 7 721

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
Cct. to Tru Alley	\$ 400.00
Amended C.V.P. DP-49	

Name TRANSAMERICAN INVESTMENT PROP. INC.

Address 2401 N. ROCK RD, WICHITA 67206

Type NMHA-500701 Due Date P.A.I.D.

Comments: _____

Date 9-12-75 By E. Lakin

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC. hereby certifies the following to be a true and correct list of the property owners as shown by the last Deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 500 foot radius of and including the following described property viz:

Lot 2 and Reserve A, Block 1,
DEAN RUPERT FIRST ADDITION,
Sedgwick County, Kansas.

AND

Lot 1 and Reserve A,
DEAN RUPERT SECOND ADDITION TO WICHITA,
Sedgwick County, Kansas.

DESCRIPTION	OWNER/OWNER'S ADDRESS
<u>ROCKWOOD 6TH ADDITION</u>	
<u>Block 3</u>	
Lot 4	✓ Hervey R. & Mozella Hodson 7802 Pagent Lane 67206
Lot 5	✓ Robert C. & Marigene DesMarteau 7810 Pagent Lane 67206
Lot 6	✓ R. Durward & Betty L. Seymour 1010 Inverness St. 67218
Lot 7	✓ R.D. & Mary L. Mundell 7824 Pagent Lane 67206
Lot 8	✓ Maurice E. & Betty L. Johnson 7830 Pagent Lane 67206
Lot 9	✓ Jim L. & Joyce A. Shadid 7838 Pagent Lane 67206
<u>ROCKWOOD 10TH</u>	
Lot 1	✓ Mobil Oil Corp. Augusta, Kansas 67010
<u>ROCKWOOD 11TH</u>	
Lot 1	✓ W.W. Taylor, Inc. 14715 Lakeview 67230
<u>WOODLAWN EAST</u>	
<u>Block 3</u>	
Lot 30, Exc N 60'	✓ Walter Morris Investment Co., Inc. 128 S. Dellrose 67218
<u>AULL'S FIRST ADDITION</u>	
<u>Block 1</u>	
Lot 2	D Transamerican Investment Properties, Inc. 240 N. Rock Road 67218
CONTINUED	

CERTIFICATE OF TITLE
Page 2

SECOND ADDITION TO VICKRIDGE

Block 1

Lot 1	✓ T.G. Davis, Jr. 6215 E. Kellogg	67218
Lot 2	✓ Alfred E. & Kathryn P. Griffith 525 Tara Lane	67206
Lot 3	✓ Howard C. & Vera Mae Clark 543 Tara Lane	67206

Block 5

Lot 4	✓ D.L. & Linda S. Van Buskirk 500 Tara Lane	67206
Lot 5	✓ Frank & Zenda Carney 526 Tara Lane	67206

ROCKBOROUGH ADDITION

N 300' of Lot 1	✓ Rockborough Executive Park Co. 240 N. Rock Road	67206
-----------------	--	-------

BROOKHOLLOW 1ST ADDITION

Block 1

Lot 1	✓ Doris A. Baker 8202 Limerick Lane	67206
Lot 2	✓ William T. & June L. Dolan 8210 Limerick Lane	67206
Lot 3	✓ Ernest J. & Helen H. Balzar 8218 Limerick Lane	67206

Block 2

Lot 1	✓ Forrest D. & Ruby L. McDaniel 8201 Limerick Lane	67206
Lot 2	✓ Nancy Cohlma 8209 Limerick Lane	67206
Lot 3	✓ Darrell L. & Betty L. Johnson 8219 Limerick Lane	67206
Lot 10	✓ Richard A. & Judith E. Manka 8220 Tamarac Lane	67206
Lot 11	✓ Allen G. & E. Pauline Martin 8210 Tamarac Lane	67206
Lot 12	✓ A. Tracy & Beverly M. Burton c/o Mid Kansas Federal Svcs & Loan 230 S. Market	67202

CONTINUED

CERTIFICATE OF TITLE

Page 3

Block 5

Lot 1	✓ Reba L. Angle 8201 Tamarac Lane	67206
Lot 2	✓ Benjamin N. & S. Yvonne Smith 8209 Tamarac Lane	67206
Lot 3	✓ Evalyn Barbara Joachim 8217 Tamarac Lane	67206

BROOKHOLLOW 2ND ADDITION

Block 1

Lot 1	✓ John C. & Carol Sue Maloney 312 Tara Lane	67206
Lot 2	✓ Joseph & Marilyn Francis Barocas 8209 Brookhollow Lane	67206
Lot 16	✓ Alvin J. & Gladys L. Hennessy 501 N. Broadmoor	67206
Lot 17	✓ Sammy L. & Marie Reagan 304 Tara Lane	67206
Lot 18	✓ William J. & Bobbie J. Froelich 312 Tara Lane	67206

Block 2

Lot 1	✓ Dean E. & Deborah A. Britting 1025 Eastern Ave.	67207
Lot 2	✓ Alfred A. & Nancy L. Farha 8210 Brookhollow	67206
Lot 3	✓ Dwight D. & Linda K. Wallace 8220 Brookhollow	67206
Lot 21	✓ Alton B. & Nettie N. Cook 8201 Brentmoor Lane	67218

DEAN RUPERT ADDITION

Lot 1	✓ Nestor R. Weigand, Jr. 20 Norfolk Drive	67208
-------	--	-------

Beg Pt on W line Lot 2, sd pt being W corner common to Lts 1 & 2; S 125'; W 25'; W 161' to SW cor Lt 2; E 205'; N 286' to pt 30' E of S line Lt 1 extended E; W 180' to beginning	✓ Robert K. Chisholm and Lindy Andeel 5900 E. Central	67208
---	---	-------

Beg at NE cor Lt 2; thence S200'; W 243.85'; N 25'; W 30'; N 150'; E 125'; N 25' to Nerly line of Lt 2; thence E 148.75' to pt of begin.	✓ TransAmerican Investment Properties, Inc. 240 N. Rock Road	67208
---	--	-------

Beg 60' E & 511' S of NW cor of NW/4 Sec 20-27-2E; E 175'; S 140'; W 175'; N to beginning	✓ Kansas Gas & Electric Co. 201 N. Market	67202
---	--	-------

CONTINUED

CERTIFICATE OF TITLE
Page 4

DEAN RUPERT 2ND ADDITION

Lot 1, Block A, Exc. Begin 651'
S & 60' E of NW/cor NW/4 Sec 20-
27-2E; S 120'; E 175'; N 120'; W
175' to beginning

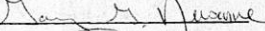
✓ Frank Carney & Lindy Andeel
5900 East Central 67208

Begin 651' S & 60' E of NE/cor
NW/4 Sec 20-27-2E; S 120'; E
175'; N 120'; W 175' to begin

D Nestor R. Weigand, Jr.
20 Norfolk Drive 67208

Dated this 24th day of May, 1976.

GUARANTEE TITLE CO., INC.

By 
Gary G. Newcome, President

Misc. No. 2268



TRANSAMERICAN INVESTMENT PROPERTIES, INC. EXECUTIVE PARK EAST
250 NORTH ROCK ROAD • (316) 685-5355 • WICHITA, KANSAS 67206

March 12, 1976

Mr. Jack Galbraith
Metropolitan Planning Commission
Wichita, Kansas

Dear Jack:

Just a note to let you know that I have fallen behind in getting the submission before you on the apartment project on the northeast corner of Central and Rock Road. I have been out of town most of this week and will be out of town all of next week. It will probably be a few months late getting this to you. I do appreciate your thoughts on the subject and do hope to be working with you on it.

Sincerely,

David H. Aull

David H. Aull
President

DHA/dah
kl



ROUTE SLIP
(PLEASE CIRCLE DESTINATION)

City Manager	Dir. of Adm.	<u>Planning Dept.</u>
Deputy City Manager	Auditing	Police Dept.
Housing	Budget	Motor Pool
Human Res. Dev.	Data Proc.	Dir. of Public Works
Model Cities	Industrial Dev.	Administration
City Clerk	Man. Coord. Center	Central Insp.
Community Facilities	Personnel	Project Amy
Credit Union	P.S. Careers	Engineering
Fire Department	Public Info.	Traffic Engr.
Health Department	Purchasing	Maintenance
Director of Law	Duplicating	Sanitation
Prosecutor's Office	Ret. & Group Ins.	Urban Renewal
Municipal Court	Treasury	Water Department
Transit Authority	Library	Water Pol. Control
	Park Department	

For: James G. Halliwell

For your information Reply sending me _____ copies
 For your comments Prepare reply for my signature
 Note and return You handle. No report required.

MESSAGE: Newly Form

Signature: Mitchell Bond Date: 12-2-75
Contract

December 2, 1975

Mr. Ronald Spangenberg
Robson, Kuhnel and Spangenberg
7701 East Kellogg
Wichita, Kansas 67207

Subject: Cobblestone Alley Private Storm
Sewer

Dear Mr. Spangenberg:

Reference is made to my letter of November 5th and to a Plan and Profile drawing we received November 11 which contained all the corrections and notations I requested. I have reviewed the Plan with representatives of Kansas Gas and Electric Company and I am confident that satisfactory arrangements can be made to serve their property and the Privy Shoppe, therefore I am, by separate memorandum, advising the Central Inspection Division and the Metropolitan Area Planning Department that plans for the drainage system are approved. At this point, the only other action to be taken to clear building permits for subject area would be to install or guarantee the installation of such private storm sewer. If I can be of further assistance, please advise.

Yours truly,

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

MSM/glm

cc: G. H. Wilton
Central Insp./John Riddel
Jack Galbraith, MAPD
Dean Rupert 1st Addn. Plat File
Dean Rupert 2nd Addn. Plat File



THE CITY OF WICHITA

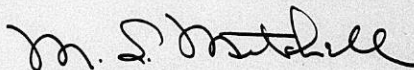
OFFICE OF Ass't. Supt. of Public Works Maint. DATE Dec. 2, 1975

TO Jack Galbraith, Chief Planner, MAPD

FROM M. S. Mitchell

SUBJECT - Cobblestone Alley Amended C.U.P.

Reference is made to my memorandum of October 8 regarding the need for a drainage system for subject area. Please be advised that I have in hand a plan for a private storm sewer that would serve the needs of Cobblestone Alley, Privy Shoppe, KG&E, Transamerican Investment Properties, Inc. and other adjacent properties. This plan is approved and installation of the sewer, or guarantee therefor, satisfies my requirements.



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

MSM/glm

cc: G. H. Wilton
Dean Rupert 1st Addn. Plat File
Dean Rupert 2nd Addn. Plat File



ROUTE SLIP
(PLEASE CIRCLE DESTINATION)

- | | | |
|----------------------|--------------------|-----------------------|
| City Manager | Dir. of Adm. | <u>Planning Dept.</u> |
| Deputy City Manager | Auditing | Police Dept. |
| Housing | Budget | Motor Pool |
| Human Res. Dev. | Data Proc. | Dir. of Public Works |
| Model Cities | Industrial Dev. | Administration |
| City Clerk | Man. Coord. Center | Central Insp. |
| Community Facilities | Personnel | Project Amy |
| Credit Union | P.S. Careers | Engineering |
| Fire Department | Public Info. | Traffic Engr. |
| Health Department | Purchasing | Maintenance |
| Director of Law | Duplicating | Sanitation |
| Prosecutor's Office | Ret. & Group Ins. | Urban Renewal |
| Municipal Court | Treasury | Water Department |
| Transit Authority | Library | Water Pol. Control |
| | Park Department | |

For: Jackie Galbraith

For your information Reply sending me _____ copies

For your comments Prepare reply for my signature

Note and return You handle. No report required.

MESSAGE:

Signed: Michael Head Date: 11-5-75

000-013



November 5, 1975

Mr. Ronald Spangenberg
Robson, Kuhnelt and Spangenberg
7701 East Kellogg
Wichita, Kansas 67207

Subject: Cobblestone Alley Private Storm
Sewer

Dear Mr. Spangenberg:

Reference is made to a Plan and Profile drawing received by this office October 29th outlining details for a 24" diameter private storm water sewer to serve the central portion of Dean Rupert 1st and 2nd Additions as well as the Privy Shoppe, KG&E Substation and other outlots north of KG&E. The plan is approved subject to inclusion of the following information for clarification and future reference.

- 1) The line delineated with two dashes going thru the notation "FC Sta 204+00±" should be labeled "Centerline Drainage Dedication and Design Channel".
- 2) The solid line west of number 1 should be labeled "West Line of Drainage Dedication" and a dimension of 90' shown between the centerline and west line.
- 3) The notation "± of 25' Fire Lane" should be shown at the west side of the 12.5' dimension drawn west of the dedication line.
- 4) A 20' utility easement lies parallel to and west of the drainage dedication. It should be shown and dimensioned.
- 5) An 8 inch sanitary sewer lateral lies within number 4 and should be shown on the plan view and located on the storm sewer profile. Our information indicates there is sufficient clearance between the top of this sewer lateral and the bottom of your proposed inlet; however this should be verified in the field.

Ronald Spangenberg

-2-

November 5, 1975

Since one of the purposes of subject drain is to serve the Privy Shoppe, KG&E and other properties not owned by Transamerican Investment Properties, Inc. we recommend that those ownerships be listed on the plan clearly showing their drainage to be accepted by the west inlet of your sewer. I wish to thank you for your cooperation in this matter and offer our assistance in any way we can expedite construction of the drain.

Yours truly,

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

MSM/glm

cc: G. H. Wilton
Central Insp./John Riddel
Jack Galbraith
Dean Rupert 1st Addn. Plat File
Dean Rupert 2nd Addn. Plat File

Attach. - Revised Storm Drain Plan

from _____ date: _____

admin. adv. plans com. dev. social graphics

- | | | | | |
|------------------------------------|---|------------------------------------|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> lakin | <input type="checkbox"/> stockwell | <input type="checkbox"/> galbraith | <input type="checkbox"/> mitchell | <input type="checkbox"/> pierce |
| <input type="checkbox"/> bracken | <input type="checkbox"/> talaman | <input type="checkbox"/> lytle | <input type="checkbox"/> gibson | <input type="checkbox"/> stafford |
| <input type="checkbox"/> rubin | <input type="checkbox"/> hanson | <input type="checkbox"/> young | <input type="checkbox"/> | <input type="checkbox"/> garland |
| <input type="checkbox"/> robinson | <input type="checkbox"/> may | <input type="checkbox"/> shirley | <input type="checkbox"/> | <input type="checkbox"/> pale |
| <input type="checkbox"/> robin, v | <input type="checkbox"/> antiveros | <input type="checkbox"/> newby | <input type="checkbox"/> kahl | <input type="checkbox"/> sommer |
| <input type="checkbox"/> lakin, o | <input type="checkbox"/> hatter | <input type="checkbox"/> dekon | <input type="checkbox"/> | <input type="checkbox"/> yerk |
| <input type="checkbox"/> henderson | <input type="checkbox"/> campbell | <input type="checkbox"/> meek | <input type="checkbox"/> gales | <input type="checkbox"/> crook |
| <input type="checkbox"/> brothers | <input type="checkbox"/> carson | <input type="checkbox"/> richter | <input type="checkbox"/> hart | <input type="checkbox"/> livesay |
| <input type="checkbox"/> hanson | <input type="checkbox"/> hobbitt | <input type="checkbox"/> may, d. | <input type="checkbox"/> spainhower | |
| | <input type="checkbox"/> | <input type="checkbox"/> johnson | | |
| | <input type="checkbox"/> pitman | | | |
| | <input type="checkbox"/> gachwird | | | |
| | <input type="checkbox"/> heinicks | | | |
| | <input type="checkbox"/> king | | | |
| | <input type="checkbox"/> looney | | | |
| | <input type="checkbox"/> lindabak | | | |
| | <input type="checkbox"/> | | | |
| | <input type="checkbox"/> chon | | | |
| | <input type="checkbox"/> wilson, p | | | |
| | <input type="checkbox"/> leover | | | |
| | <input type="checkbox"/> heinicks, j.a. | | | |

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> all staff | <input type="checkbox"/> information |
| <input type="checkbox"/> comment | <input type="checkbox"/> files |
| <input type="checkbox"/> note & return | <input type="checkbox"/> signature |
| <input type="checkbox"/> handle | <input type="checkbox"/> library |

remarks: *Fetter brought this by*
on 8/20/75
Filing in the latest Cobble
Stone Alley CUP file

PRIVATE SEWER EASEMENT

THE UNDERSIGNED, LINDY ANDEEL and FRANK L. CARNEY, being owners of a portion of Lot 1, Block A, Dean-Rupert's Second Addition to Wichita, Sedgwick County, Kansas do hereby and in consideration of One Dollar and other good and valuable consideration, grant unto CHARLES J. MERRELL, a private sewer easement across their land described as follows:

A strip of land 10 feet in width being 5 feet either side of the following described line: Beginning at a point 13 feet south and 185 feet each of the N.W. Corner of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas; thence south-easterly to a point 143 feet south and 263 feet east of the N.W. Corner of said Lot.

Grantee of said easement shall have the perpetual rights for the use of said sewer easement with access to said easement for any maintenance as required.

WITNESS OUR HANDS, this ____ day of August, 1975.

LINDY ANDEEL

FRANK L. CARNEY

A C K N O W L E D G M E N T

STATE OF KANSAS

SEDGWICK COUNTY

BE IT REMEMBERED, that on this ____ day of August, 1975, before me the undersigned, a Notary Public in and for the County and State aforesaid, came LINDY ANDEEL and FRANK L. CARNEY, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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

NOTARY PUBLIC

My Commission Expires:

JOINT EASEMENT

THE UNDERSIGNED, being the owners of Lot 1, Block A, Dean Rupert's Second Addition to Wichita, Sedgwick County, Kansas do hereby execute to each other joint and mutual easement rights for parking on the following described property, part of which is owned by Lindy Andeel and Frank L. Carney on the one hand and Charles J. Merrell on the other. This easement shall be a perpetual easement for parking purposes and no structures shall be erected on said tract of land until such joint easement is mutually cancelled. The easement is described as:

Part of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, described as beginning at a point 175 feet east of the N.W. Corner thereof; thence south parallel with the west line of said Lot 1, 120 feet; thence east 20 feet; thence north 120 feet; thence west 20 feet to beginning.

WITNESS OUR HANDS, this _____ day of August, 1975.

LINDY ANDEEL

FRANK L. CARNEY

CHARLES J. MERRELL

A C K N O W L E D G M E N T

STATE OF KANSAS

SEDGWICK COUNTY

BE IT REMEMBERED, that on this _____ day of August, 1975, before me the undersigned, a Notary Public in and for the County and State aforesaid, came LINDY ANDEEL, FRANK L. CARNEY and CHARLES J. MERRELL, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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

My Commission Expires:

NOTARY PUBLIC

October 24, 1975

Mr. Max Eberhart
240 North Rock Road
Wichita, Kansas 67206

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

Dear Mr. Eberhart:

At the regular meeting of the Metropolitan Area Planning Commission on October 23, 1975, the above-captioned request for amendment to the Cobblestone Alley CUP was considered. At your request, the action of the Commission was to defer subject case indefinitely.

As we discussed prior to the meeting, at such time as your client desires to have this matter rescheduled, please advise approximately 30 days in advance as we will have to readvertise the application for hearing and again send notices.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Transamerican Investment Properties, Inc.
240 North Rock Road 67206

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: October 23, 1975

Case No. DP-49

Request: Approval of Amendment to
Cobblestone Alley CUP

Location: Southeast corner of Central and Rock Road

Acres: 7.7

Size: 395 ft. by 1,030 ft.
Irregular

	<u>Land Use</u>	<u>Zoning</u>
Existing	Offices, liquore store, theaters, restaurant, & furniture store	"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; DR-49 Amendment MAPC: 5-9-74
Approved; BCC 5-28-74 Approved

Platted: Yes
Sidewalk: Yes

Comments

1. In February 1973, a CUP for Cobblestone Alley was considered and approved. The applicant has now submitted a revised development plan proposing the following general amendments:
 1. Division of Tract 1, Parcel A into two tracts and re-designated as Parcel A, Tract 1-A; and Parcel A, Tract 1-B.
 2. Addition of a General Provision #12 which limits the number of buildings on Parcel A, Tract 1-A to two.
 3. Change of proposed usage for Parcel A, Tract 1-B from commercial and office to multi-family dwelling units not to exceed a total of 72 units.
 4. Provision for a 6-foot high solid fence along a portion of the west line and the south line of Parcel A, Tract 1-B.
 5. Designation of a 25-foot firelane easement along the east side of Parcel A, Tracts 1-A and B, with a proposed location for a fire gate for access to Parcel B.
 6. Decrease the maximum building coverage for Parcel A, Tract 1, from 50,216 square feet to 34,000 square feet.

7. Increase of maximum gross floor area for Parcel A, Tract 1, from 60,000 square feet to 80,000 square feet.
2. A major drainage problem has existed in the area for a number of years and, at the time Dean Rupert First Addition was approved in 1969, said approval was contingent upon an approved lot grading and drainage plan, which proposed an underground storm sewer and catch basin to be located in the 10-foot drainage easement along the south line of Parcel A, Tract 1-B (as contained in the proposed CUP). Because all of the property contained within the Cobblestone Alley CUP was in a single ownership and the drainage problem was one of existing site drainage on the property and didn't involve other parcels, a cash guarantee was not required for the needed drainage improvements at the time of platting. However, the Cobblestone Alley property has now been divided into ownerships, each of which has disclaimed responsibility for providing the required drainage improvements. The present applicant, Transamerican Investment Properties, was the one who originally filed the Cobblestone Alley CUP and subsequently sold off the separate ownerships. The drainage improvements were a requirement of plat approval and run with the land rather than terminate with changes in ownerships, and the Flood Control-Maintenance Office has requested that no further changes be made to the CUP, nor any building permits be issued until some guarantee has been made for the required drainage improvements. We have been advised that both the Privy Shop and KGSE have attempted to work out an equitable solution with Transamerican to the existing drainage problem, but that up to now there has not been a satisfactory solution to the problem. The applicant has added a general provision #13 to the face of the CUP which purports to satisfy the drainage problem, but the provision does not address the question of who shall provide the improvements and when said improvements shall be provided.
2. There have been several citizen complaints about the parking problems caused by the theaters and other developments in the Cobblestone Alley property. The applicant has proposed 1.5 parking spaces/DU, which exceed the requirements of the zoning ordinance, but in light of the existing problems and in recognition of today's life styles, the Commission may wish to consider recommending an increase in the parking ratio.
3. The Planning Commission should consider whether the development of high density apartment units without direct access to a public street and surrounded by commercial activities, is an appropriate mixture of land uses. Normally, apartment development under a CUP proposes open space areas in conjunction with the residential uses. It should be noted that the applicant has proposed screening the south and a portion of the west sides and planting strips adjacent to all four sides in an effort to make the uses more compatible.
4. The applicant proposes a reduction in the west building setback line for Parcel A, Tract 1-A from 30 feet to 10 feet in order to permit a small commercial building such as a liquor store to be developed between the 25-foot access easement and the west building setback line. General Provision #12 proposes a maximum of two

?

Parking

Density

Five
Stories
Bldg

buildings on this parcel. It should be noted that the development of small isolated commercial structures along major streets is not the type of development generally associated with planned commercial development under a Community Unit Plan, and is usually associated with "strip commercial" development.

5. The separation of the Cobblestone Alley CUP into numerous ownerships, parcels, tracts, and subtracts, and the various amendments and lot splits previously approved, combined with the major drainage problems on subject property, would appear to necessitate a replatting of subject property. The original plats of Dean-Rupart First and Second Additions do not contain either the access easements on the west side of Parcel A, nor the 25-foot firelane easement on the east side of Parcel A, and such easements should be depicted on a plat recorded as part of the public record.
6. If the Planning Commission determines that the proposed amendments are appropriate, then the following items are suggested as conditions of approval:
 - a. Replatting of subject property within one year of the date of approval by the Board of City Commissioners.
 - b. General Provision #12 shall be amended to reflect a maximum of one building to be developed on Parcel A, Tract 1-A.
 - c. The 10-foot building setback line adjacent to the west line of Parcel A, Tract 1-A shall be expanded to 30 feet.
 - d. General Provision #8 shall be expanded to include in the required landscape plan the proposed 5-foot planting strips on the north, west, and south lines of Parcel A, Tract 1-B.
 - e. General Provision #13 shall be amended to read:

An underground storm sewer with catch basins shall be provided in the easement between Parcel A and Parcel B, to provide for drainage of the KG&E substation, the Privy Shop, Parcel A, and adjacent areas of Parcel B, as determined by the Department of Public Works. Said storm sewer shall terminate in the drainage dedication east of the property and shall be guaranteed prior to the issuance of any further building permits on property contained within the Community Unit Plan.
 - f. General Provision #11 shall be expanded to include provision for inclusion of the proposed 6-foot solid fences in Parcel A, Tract 1-B in the design plan to be submitted to the Planning Department and Central Inspection.
 - g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.

- h. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - i. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
-

October 9, 1975

Mr. Ron Samples
Transamerican Investment
Properties, Inc.
240 N. Rock Road
Wichita, Kansas 67206

Re: Proposed Amendments to
DP-49 Cobblestone Alley
Community Unit Plan,
Southeast corner of
Central and Rock Road

Dear Mr. Samples:

We have reviewed the proposed amendments to the Approved Commercial Community Unit Plan of the 7.7 acre site at the southeast corner of Central and Rock Road, and the following are our comments as well as those by other City Departments concerning this project.

After initial review, we find that there are major problems associated with this application in terms of drainage, parking, and land use. In addition, there are several minor text revisions which need to be made because of recent revisions in the City Code and in the information which is now required on C.U.P.'s.

As you may be aware, a drainage problem has existed in this area for a number of years and said problem must be resolved before further development can occur. When Dean-Rupert First Addition was platted by Karl Solomon in 1969, approval of the plat was contingent upon the approval of a lot grading and drainage plan by the Flood Control-Maintenance Office. The drainage plan which was approved proposed a catch basin and underground conduit to be constructed in the 10 foot drainage easement along the south line of Parcel A Tract 1-B (as contained in the proposed C.U.P.

Mr. Ron Samples
October 9, 1975
DP-49 - Page Two

amendment). Because all of the property contained within the Cobblestone Alley C.U.P. was entirely in Mr. Solomon's ownership in 1969, and the drainage problem was one of existing site drainage on his land and didn't involve other parcels, it was assumed that the required catch basin and underground conduit would be constructed and there was no additional requirement to provide a cash guarantee for said construction. There was no such provision contained within the text of the Approved Community Unit Plan which was submitted by Transamerican because the required drainage improvements were already a condition of plat approval. In any event, the approval of the plat of Dean-Rupert First Addition was contingent upon the provision of drainage improvements as contained in the approved lot grading and drainage plan which required a catch basin and underground conduit. Such requirements run with the land, regardless of changes in ownership and the Flood Control-Maintenance Office has requested that no further changes be made to the C.U.P. nor any building permits be issued until some guarantee has been made for the required drainage improvements. We have been advised that both the Privy Shop and KG&E have attempted to work out an equitable solution with Transamerican to the existing drainage problem but that up to now there has been no cooperation in solving the problem. We recommend that you meet with M. S. Mitchell of Maintenance-Flood Control as soon as possible as we cannot support any amendments to the C.U.P. until the drainage problems are resolved.

Over the past few months, we have received several citizen complaints about the parking problems caused by the theaters and other developments on the Cobblestone Alley property. Although much of this property is no longer under Transamerican's ownership, we would not like to see an existing bad situation further aggravated by additional development with inadequate parking. You are proposing 90 parking spaces for 72 apartments which does comply with a zoning ordinance adopted in 1948 but is certainly inadequate for today's lifestyles. The majority of residential C.U.P.'s now being submitted propose a minimum of 1.5 spaces/DU with 2 spaces/DU an acceptable standard. We would suggest that you either propose additional parking spaces or a reduction in the number of apartment units proposed for parcel A Tract 1-B.

Mr. Ron Samples
October 9, 1975
DP-49 - Page Three

We have also received complaints from the property owners to the east concerning inadequate maintenance of the 10' planting strip adjacent to the east property line of the Cobblestone Alley C.U.P. The Office of Central Inspection has notified us that building permits for the John Hancock Building were issued subject to a provision that the planting strip must be restored and maintained. The C.U.P. regulations provide that the planting strips must be provided and maintained. We would appreciate your cooperation in this matter.

We are concerned about the development of apartment units surrounded by commercial development. It has been our experience that the uses are not compatible without added amenities such as buffering, screening, and landscaping. By proposing apartment development in the "LC" Light Commercial District you are circumventing the normal screening and landscaping which would be required if the apartments were developed in a residential district adjacent to commercial. With a proposed density of approximately 39 units per acre we cannot see how you can develop apartments and provide amenities which would make the commercial and residential uses compatible. We are also hesitant to support high density apartment development without direct access to a public street.

It has been noted that you are proposing a reduction in the west building setback line for Parcel A, Tract 1-A from 30' to 10'. We cannot support any development in this parcel north of the proposed 25' access easement and request that the original setback be restored as well as a limitation on the number of buildings proposed for this parcel to one.

The separation of the various parcels into tracts and sub-tracts as a result of the various amendments and lot splits approved on subject property is becoming rather confusing and we would suggest that you provide a revision in the numbering system to Parcel A, Parcel B, Parcel C, etc. As a result of the major drainage problems and the two lot splits already approved on the property contained within the Cobblestone Alley C.U.P., we are

Mr. Ron Samples
October 9, 1975
DP-49 - Page Four

going to recommend that replatting be made a condition of approval of this request. The piecemeal development and substantial amendments to the C.U.P. have rendered the original plats obsolete and it is necessary that the replatting occur.

In addition to the foregoing comments the following additions or changes are suggested as conditions of plan approval:

1. Replatting of your property within one year of the date of approval of these amendments by the Board of City Commissioners.
2. General Provision #12 shall be eliminated and the Parcel description for Parcel A, Tract 1-A shall be amended to reflect a maximum of one building to be developed on this parcel.
3. The loading dock on the rear of the Ethan Allen Building shall be properly located and dimensioned on the face of the C.U.P.
4. The 10' building setback line adjacent to the west line of Parcel A, Tract 1-A shall be expanded to 30 feet.
5. The parking ratio for Parcel A, Tract 1-B shall be amended to reflect a minimum ratio 1.5 spaces/Dwelling Unit. Consideration should be given to providing 2 spaces per DU.
6. General provision #7 shall be amended to read:
"Parking ratio as required by Zoning Ordinance except that Parcel A, Tract 1-B shall contain a minimum of 1.5 spaces/D.U."
7. General provision #5 shall be amended to read:
"Signs as permitted by Zoning Ordinance."

Mr. Ron Samples
October 9, 1975
DP-49 - Page Five

pk
8. The location of the John Hancock building currently under construction shall be indicated on the face of the plan.

9. An additional general provision shall be added:

20
"No building permits shall be issued on subject property until adequate guarantees are provided for drainage improvements as determined by the Flood-Control Maintenance Division of the Department of Public Works."

These are most of the comments which we have at this time. We have tentatively scheduled the proposed amendments to be considered by the Planning Commission on October 23, 1975 but in the light of the issues raised you may wish to request a deferral in order to allow time to meet with the Flood Control-Maintenance Office. If it is still your desire to have the case heard on October 23, it is necessary that we receive 14 revised copies of the C.U.P. by Monday, October 13, 1975.

After you review our comments and concerns, if you have any questions, we will be glad to set a time for discussion of these matters.

Sincerely,

Jack H. Galbraith
Chief, Planner

JHG:MM:el

cc: Ron Spangenberg, Robson Kuhnel & Spangenberg
7701 East Kellogg, Suite 815, Wichita, Kansas 67207
Max Eberhart, 240 N. Rock Road, Wichita, Kansas 67206

THE CITY OF WICHITA


OFFICE OF Ass't. Supt. of Public Works Maint. DATE Oct. 8, 1975

TO Jack Galbraith, Chief Planner, MAPD

FROM M. S. Mitchell

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

As I advised you the other day, this office recommends that no amendments to the C.U.P., lot splits, changes in Subdivision platting or building permits be approved for any portion of Cobblestone Alley until the original conditions for drainage have either been satisfied or guaranteed. Your cooperation in this matter is appreciated.



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

MSM/glm

cc: R. W. Bruggeman
G. H. Wilton
John Riddell
Dean Rupert 1st Addn. Plat File
Dean Rupert 2nd Addn. Plat File



Dp-49 - 41 Notices to adjoining property owners mailed out 10-9-75 for the
MAPC meeting of 10-23-75

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

October 9, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m. on October 23, 1975, at which time you may appear either in person or by agent or attorney, if you so desire.

DE-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'S and 60'E of the NW corner of the SW Quarter, Sec. 20, T27S, R2E of the 6th P.M., said point being the SW corner of the 140' by 175' tract of land owned by KG&E Company, thence S 120', thence E 175', thence N 120', thence W 175' 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, and May 28, 1974, 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:

1. Division of Tract 1 Parcel A into two tracts and re-designated as Parcel A, Tract 1-A; and Parcel A, Tract 1-B.
2. Addition of a General Provision #12 which limits the number of buildings on Parcel A, Tract 1-A to two.

NOTICE TO ADJOINING PROPERTY OWNERS:

October 9, 1975

DP-49 - Page Two

3. Change of proposed usage for Parcel A, Tract 1-B from commercial and office to multifamily dwelling units not to exceed a total of 72 units.
4. Provision for a 6 foot high solid fence along the south line of Parcel A, Tract 1-B.
5. Designation of a 25 foot fire lane easement along the east side of Parcel A, Tract 1-A and B, with a proposed location for a fire gate for access to Parcel B.
6. Decrease a maximum building coverage for Parcel A, Tract 1 from 50,216 square feet to 34,000 square feet.
7. Increase of maximum gross floor area for Parcel A, Tract 1 from 60,000 square feet to 80,000 square feet.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 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 7, 1975

Mr. Everett Fettis, Attorney
One Twenty Building
Wichita, Kansas 67202

Re: DP-49

Dear Everett:

Attached is a letter from John Maloney bringing to our attention alleged violations of the Community Unit Plan. Specifically, he speaks to the screening and planting area which he indicates was not maintained and much of which is now dead. This, of course, is one of the problems of allowing live plant material versus construction of masonry walls, etc. I have, by separate copy of Mr. Maloney's letter, informed Central Inspection of the problem and asked them to take whatever action is appropriate.

If you are having any specific trouble concerning plant material or the selection thereof, or should need recommendations as to that, and/or as to the maintenance thereof, I would encourage you to contact John Firsching of the Park Department for general advice. I would also hope that when the plant material is replaced it will be with material of such size as to make up for the loss in growing time sustained by the death of the original plant material.

Frankly, I am writing you on this matter knowing that you and your clients will have an opportunity to take immediate corrective action so that we do not have to get into protracted enforcement proceedings.

If there is any specific information that either Galbraith or I can provide, please advise.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:ber
Attachment

October 7, 1975

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

Dear Mr. Maloney:

Thank you for your letter bringing to our attention the plantings. I understand that you and Mr. Galbraith of my staff discussed this matter a few days ago. As a consequence, we have informed Mr. Feldner of the problem and have requested that he take appropriate action to enforce the conditions of the Community Unit Plan. It is my understanding that subsequent building permits were issued on the CUP with a conditional proviso that the plant material will be replaced. I am hopeful that the property owners involved will promptly comply with the City's request and will take whatever action is necessary to see that maintenance is provided for these plant materials during the coming years. If not, it may be necessary for us to litigate with the property owners as we have had to threaten to do on one or more other community plans within the community. It should be recognized, however, that enforcement of this nature is always difficult, and sometimes is less than satisfactory. By copy of this letter, I am requesting that Central Inspection observe the lighting mentioned in your letter and provide you a report as to their findings and as to action taken, if any.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:ber

cc: Ray Bruggeman, Director of Public Works
Robert Feldner, Supt. of Central Inspection
John Firsching, Supt. Landscape and Forestry
Everett Fettis, Attorney, One Twenty Building 67202

312 Tara Lane
Wichita, Kansas 67206
October 1, 1975

Mr. Robert A. Lakin
Planning Director
City of Wichita
104 South Main
Wichita, Kansas 67202



Dear Mr. Lakin:

My home at 312 Tara Lane is located directly behind the Cinemas East Theatre. The purpose of this letter is to make you aware of two respects in which it appears to me that the owner of that property is in violation of the Cobblestone Alley Community Unit Plan (DP-49).

On May 9, 1974, the Wichita-Sedgwick County Metropolitan Area Planning Commission held a hearing on the owner's request for an amendment to the CUP. The owner requested that he be allowed to screen the rear of his property with a planting strip rather than being required to erect an eight-foot masonry wall, as then required by the CUP. I attended that hearing and spoke to the Planning Commission; my position was that I too would prefer a planting strip to a masonry wall, provided that the owner would properly care for the trees and shrubs which he proposed to plant. At least one member of the Planning Commission expressed some doubts about the kind of care which such a planting strip might receive if the amendment were approved. The Planning Commission did approve the requested amendment but made it specifically subject to the condition that the owner should properly maintain the planting strip; reference to General Condition 8 of the CUP will confirm this.

Our fears have been realized. A recent inspection of the 25 trees which the owner planted last year behind the theatre disclosed to my untrained eye that no less than 14 of them appear quite dead; of the 11 survivors, none could be described as "thriving". I have never observed any efforts by the owner to water or care for these trees.

I did not object to the owner's request for an amendment because I believed that after a few years we would have our neighborhood screened by an attractive line of trees and shrubs. I now believe, however, that the owner has failed to keep his part of the bargain and is not in compliance with General Condition 8. Meanwhile, an entire growing season has been wasted. I ask, therefore, that you have a look at the situation and, if you agree with me, take appropriate steps to compel the owner to live up to his responsibilities under General Condition 8. Immediate replanting with healthy trees would minimize the time which has been lost so far. In the alternative, you might consider the advisability of reinstating the requirement for a screening wall.

My second complaint pertains to the lighting surrounding the Cinemas East Theatre. General Condition 6 states that the lighting shall be directed so as not to shine directly into the residential area to the east. At each end of the theatre building and in front of the theatre,

near the liquor store on Rock Road, there is a high pole with lights which illuminate the parking areas. No one quibbles with the owner's right to light his property at night. But if you will drive along Tara Lane after dark, I think you will agree that these brilliant lights should be redirected or screened so as to be less offensive to those of us living to the east. I have had some conversations about this topic with the owner, but only minor improvement has resulted. Here again, if you feel that the owner is failing to comply with the CUP, please take appropriate steps.

If I can provide you any further information or assist you in any other way, please call on me. Thank you very much for your help.

Yours very truly,

John C. Maloney
John C. Maloney

copy: Mr. Robert B. Feldner
Superintendent of Central Inspection

312 Tara Lane
Wichita, Kansas 67206
October 1, 1975

Mr. Robert A. Lakin
Planning Director
City of Wichita
104 South Main
Wichita, Kansas 67202



Dear Mr. Lakin:

My home at 312 Tara Lane is located directly behind the Cinemas East Theatre. The purpose of this letter is to make you aware of two respects in which it appears to me that the owner of that property is in violation of the Cobblestone Alley Community Unit Plan (DP-49).

On May 9, 1974, the Wichita-Sedgwick County Metropolitan Area Planning Commission held a hearing on the owner's request for an amendment to the CUP. The owner requested that he be allowed to screen the rear of his property with a planting strip rather than being required to erect an eight-foot masonry wall, as then required by the CUP. I attended that hearing and spoke to the Planning Commission; my position was that I too would prefer a planting strip to a masonry wall, provided that the owner would properly care for the trees and shrubs which he proposed to plant. At least one member of the Planning Commission expressed some doubts about the kind of care which such a planting strip might receive if the amendment were approved. The Planning Commission did approve the requested amendment but made it specifically subject to the condition that the owner should properly maintain the planting strip; reference to General Condition 8 of the CUP will confirm this.

Our fears have been realized. A recent inspection of the 25 trees which the owner planted last year behind the theatre disclosed to my untrained eye that no less than 14 of them appear quite dead; of the 11 survivors, none could be described as "thriving". I have never observed any efforts by the owner to water or care for these trees.

I did not object to the owner's request for an amendment because I believed that after a few years we would have our neighborhood screened by an attractive line of trees and shrubs. I now believe, however, that the owner has failed to keep his part of the bargain and is not in compliance with General Condition 8. Meanwhile, an entire growing season has been wasted. I ask, therefore, that you have a look at the situation and, if you agree with me, take appropriate steps to compel the owner to live up to his responsibilities under General Condition 8. Immediate replanting with healthy trees would minimize the time which has been lost so far. In the alternative, you might consider the advisability of reinstating the requirement for a screening wall.

My second complaint pertains to the lighting surrounding the Cinemas East Theatre. General Condition 6 states that the lighting shall be directed so as not to shine directly into the residential area to the east. At each end of the theatre building and in front of the theatre,

near the liquor store on Rock Road, there is a high pole with lights which illuminate the parking areas. No one quibbles with the owner's right to light his property at night. But if you will drive along Tara Lane after dark, I think you will agree that these brilliant lights should be redirected or screened so as to be less offensive to those of us living to the east. I have had some conversations about this topic with the owner, but only minor improvement has resulted. Here again, if you feel that the owner is failing to comply with the GUP, please take appropriate steps.

If I can provide you any further information or assist you in any other way, please call on me. Thank you very much for your help.

Yours very truly,

John C. Maloney
John C. Maloney

copy: Mr. Robert B. Feldner
Superintendent of Central Inspection

robsor kuhnel and spangenberg a.i.a. architects and planners p.a.

September 11, 1975

Mr. Jack Gailbraith
Metropolitan Planning
City Annex Building
Wichita, Kansas

Re: CUP for Cobblestone

Dear Jack:

Following is a list of items which we have changed on the CUP (dated 20 August 1975) which has been submitted for your review.

1. There are no proposed revisions for entire Parcel B, nor for Tract 2 of Parcel A.
2. All changes pertain to Tract 1 of Parcel A, *which has been* ~~we have~~ redesignated as Parcel A, Tract 1-A; and Parcel A, Tract 1-B. *addition of a #12 which*
3. There are no changes in the General Provisions, ~~except for item 12, which has been added.~~ *This* limits the number of buildings on Parcel A, Tract 1-A to two.
4. The proposed usage of Parcel A, Tract 1-A remains the same.
5. The proposed usage for Parcel A, Tract 1-B has been changed to Multifamily Dwelling Units.
6. The Building Setbacks for Parcel A, Tract 1-A has been reduced on the West side to 10'. *This has been done to allow for better utilization of the site due to the private access easement.* The setback at the new line separating Tract 1-A and 1-B has been set at 15'.

Continued on Page 2.


Page 2.

5. The building Setbacks for Parcel A, Tract 1-B, have been increased to provide for better separation between multifamily and commercial.
6. The requirement for a solid fence along the South side of Parcel A, Tract 1-B has been added, to provide for better separation.
7. The maximum building coverage for Parcel A, Tract 1 has decreased; the gross floor area has been increased.
8. The total net area is slightly changed to reflect the actual area as surveyed for Parcel A, Tract 1.
9. *Designation of a* → We have designated the 25' fire lane along the East side of Parcel A, Tract 1-A and B, with a proposed location for a fire gate for access to Parcel B.

Please feel free to contact me if you have any questions.

Sincerely,

ROBSON, KUHNEL & SPANGENBERG


Ron Spangenberg

RS:bj

September 17, 1975

Max E. Eberhart
240 N. Rock Road
Wichita, Kansas 67206

Re: DP-49 Cobblestone Alley -
Amended C.U.P. - File #4

Dear Mr. Eberhart:

Enclosed is a receipt for your check in the amount of \$400.00 for an amended Community Unit Plan approval on property zoned "LC" and generally located at the Southeast corner of Rock Road and Central.

This matter has been scheduled to appear on the Metropolitan Area Planning Commission Agenda on October 23, 1975.

If you have any questions, please contact our office.

Sincerely,

G. Lynn Shirkey
Junior Planner

GLS:el

Attachment

cc: Transamerican Investment Properties, Inc., 240 N. Rock Rd., 67206

6047

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 TRANSAMERICAN INVESTMENT PROPERTIES, INC.
 Address 240 N. Rock Road, Wichita, 67206 Phone 685-5355
 Agent Max E. Eberhart
 Address 240 N. Rock Road, Wichita, 67206 Phone 685-5355
- b. Applicant _____
 Address _____ Phone _____
 Agent _____
 Address _____ Phone _____
- c. Applicant _____
 Address _____ Phone _____
 Agent _____
 Address _____ Phone _____

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

II.A The applicant hereby requests Community Unit Plan approval on property zoned "LC" and legally described as Lot(s) _____, Block(s) _____, Addition.

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

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

SUPERSEDED

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

The general location is (use appropriate section)

a. at the southeast corner of Rock Rd.
and Central; or

b. on the South side of Central (Ave.,
Street) between Rock Road (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.

TRANSAMERICAN INVESTMENT PROPERTIES, INC.

By _____
Authorized Agent (if any)

By Max E. Eberhart, vice-pres.
Authorized Agent (if any)
Max E. Eberhart

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
10:30 (AM) PM on September 12, 1975 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$ 400⁰⁰.

D. Lynn Shirley Name
Jr. Planner Title

SUPERSEDED

T9-330-4



Lot 2 and Reserve "A" Block 1, Dean Rupert First Addition and Lot 1 and Reserve "A" In 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 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 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 1 Block "A" Dean Rupert Second Addition to Wichita, Sedgwick County, Kansas.

OK for legal

6047
DP-49

Sept. 4, 1975

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
M.S. Mitchell, Flood Control Supervisor

Jack H. Galbraith, Chief Planner

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

File #4

Attached is a copy of the amended C.U.P. for the development at the south east corner of Central and Rock Road. The plan as submitted proposes to divide parcel A into parts 1-A and 1-B. Please note that apartments are proposed on tract 1-B. Also note that the access road along the south property line adjacent to these two parcels is now labeled as a 25 foot fire lane easement with a fire gate indicated adjacent to the west line of tract 1-B.

Although there is no scheduled hearing date, we would appreciate any comments you have at your earliest convenience. I have been advised by K.G.&E. that they are concerned that their sub-station site does not properly drain and that provisions should be made for drainage improvement.

Jack H. Galbraith
Chief Planner

JHG:el
Attach.

*Monday Oct 6, 1975
Talked to Bill McKinley - no real problems
except for parking and that is a major problem.
mch. m.*

robson kuhnel and spangenberg a.i. architects and planners p.a.

September 11, 1975

Mr. Jack Gailbraith
Metropolitan Planning
City Annex Building
Wichita, Kansas

Re: CUP for Cobblestone

Dear Jack:

Following is a list of items which we have changed on the CUP (dated 20 August 1975) which has been submitted for your review.

1. There are no proposed revisions for entire Parcel B, nor for Tract 2 of Parcel A.
2. All changes pertain to Tract 1 of Parcel A, which we have redesignated as Parcel A, Tract 1-A; and Parcel A, Tract 1-B.
3. There are no changes in the General Provisions except for Item 12, which has been added. (This limits the number of buildings on Parcel A, Tract 1-A to two.)
4. The proposed usage of Parcel A, Tract 1-A remains the same.
5. The proposed usage for Parcel A, Tract 1-B has been changed to Multifamily Dwelling Units.
6. The Building Setbacks for Parcel A, Tract 1-A has been reduced on the West side to 10'. This has been done to allow for better utilization of the site due to the private access easement. The setback at the new line separating Tract 1-A and 1-B has been set at 15'.

Continued on Page 2.



7701 east kellogg wichita, kansas 67207 suite 815 telephone 316 685-4234


Page 2.

7. The building Setbacks for Parcel A, Tract 1-B, have been increased to provide for better separation between multifamily and commercial.
8. The requirement for a solid fence along the South side of Parcel A, Tract 1-B has been added, to provide for better separation.
9. The maximum building coverage for Parcel A, Tract 1 has decreased; the gross floor area has been increased.
10. The total net area is slightly changed to reflect the actual area as surveyed for Parcel A, Tract 1.
11. We have designated the 25' fire lane along the East side of Parcel A, Tract 1-A and B, with a proposed location for a fire gate for access to Parcel B.

Please feel free to contact me if you have any questions.

Sincerely,

ROBSON, KUHNEL & SPANGENBERG


Ron Spangenberg

RS:bj

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC. hereby certifies the following to be a true and correct list of the property owners as shown by the last Deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 500 foot radius of and including the following described property, viz:

Lot 2 and Reserve A, Block 1,
DEAN RUPERT FIRST ADDITION
Sedgwick County, Kansas
AND
Lot 1 and Reserve A,
DEAN RUPERT SECOND ADDITION TO WICHITA
Sedgwick County, Kansas.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>	
<u>ROCKWOOD 6th ADDITION</u>		
<u>Block 3</u>		
Lot 4	✓ Hervey R. & Mozella Hodson 7802 Pagent Lane	67206
Lot 5	✓ Robert C. & Marigene DesMarteau 7810 Pagent Lane	67206
Lot 6	✓ R. Durward & Betty L. Seymour 1010 Inverness St.	67218
Lot 7	✓ R. D. & Mary L. Mundell 7824 Pagent Lane	67206
Lot 8	✓ Maurice E. & Betty L. Johnson 7830 Pagent Lane	67206
Lot 9	✓ Jim L. & Joyce A. Shadid 7838 Pagent Lane	67206
<u>ROCKWOOD 10th</u>		
Lot 1	✓ Mobil Oil Corp. Augusta, Kansas	67010
<u>ROCKWOOD 11th</u>		
Lot 1	✓ W. W. Taylor, Inc. 14715 Lakeview	67230
<u>WOODLAWN EAST</u>		
<u>Block 3</u>		
Lot 30, Exc. N. 60 ft.	✓ Walter Morris Investment Co., Inc. 128 S. Dellrose	67218
<u>AULL'S FIRST ADDITION</u>		
<u>Block 1</u>		
Lot 2	✓ Transamerican Investment Properties, Inc. 240 N. Rock Road	67218

SUPERSEDED

SECOND ADDITION TO VICKRIDGE

Block 1

Lot 1	✓ T. G. Davis, Jr. 6215 E. Kellogg	67218
Lot 2	✓ Alfred E. & Kathryn P. Griffith 525 Tara Lane	67206
Lot 3	✓ Howard C. & Vera Mae Clark 543 Tara Lane	67206

Block 5

Lot 4	✓ D. L. & Linda S. Van Buskirk 500 Tara Lane	67206
Lot 5	✓ Frank & Zenda Carney 526 Tara Lane	67206

ROCKBOROUGH ADDITION

N. 300 ft. of Lot 1	✓ Rockborough Executive Park Co. 240 N. Rock Road	67206
---------------------	--	-------

BROOKHOLLOW 1st ADDITION

Block 1

Lot 1	✓ Doris A. Baker 8202 Limerick Lane	67206
Lot 2	✓ Corky J. & Kathleen F. Knock 8210 Limerick Lane	67206
Lot 3	✓ Ernest J. & Helen H. Balzer 8218 Limerick Lane	67206

Block 2

Lot 1	✓ Forrest D. & Ruby L. McDaniel 8201 Limerick Lane	67206
Lot 2	✓ Nancy Cohlma 8209 Limerick Lane	67206
Lot 3	✓ Betty L. Johnson & Darrell L. Johnson 8219 Limerick Lane	67206
Lot 10	✓ Richard A. & Judith E. Manka 8220 Tamarac Lane	67206
Lot 11	✓ Allan G. & E. Pauline Martin 8210 Tamarac Lane	67206
Lot 12	✓ A. Tracy & Beverly M. Burton c/o Mid Kansas Federal Svcs. & Loan 230 South Market	67202

Block 5

Lot 1	✓ Beba L. Angle 8201 Tamarac Lane	67206
Lot 2	✓ Benjamin N. & S. Yvonne Smith 8209 Tamarac Lane	67206
Lot 3	✓ Frank & Jean B. Malloy 8217 Tamarac Lane	67206

SUPERSEDED

BROOKHOLLOW 2nd ADDITION

Block 1

Lot 1	John C. & Carol Sue Maloney 312 Tara Lane	67206
Lot 2	Joseph & Marilyn Francis Barocas 8209 Brookhollow Lane	67206
Lot 16	Alvin J. & Gladys L. Hennessy 501 N. Broadmoor	67206
Lot 17	Sammy L. & Marie Reagan 304 Tara Lane	67206
Lot 18	William J. & Bobbie J. Froelich 312 Tara Lane	67206

Block 2

Lot 1	Dean E. & Deborah A. Britting 1025 Eastern Ave.	67207
Lot 2	Alfred A. & Nancy L. Farha 8210 Brookhollow	67206
Lot 3	Dwight D. & Linda K. Wallace 8220 Brookhollow	67206
Lot 21	Arton B. & Nettie N. Cook 8201 Brentmoor Lane	67218

DEAN RUPERT ADDITION

Block 1

Lot 1	Nestor R. Weigand, Jr. 20 Norfolk Drive	67208
Beg. Pt. on W. line Lot 2, sd. point being W. corner common to Lots 1 & 2, S 125'; W. 25'; W 161' to SW cor. Lot 2; E. 205'; N. 286' to a pt. 30' E. of S. line of Lot 1 Extended East, W. 180' to beginning	Robert K. Chisholm and Lindy Andeel 5900 East Central	67208
Lot 2, exc. part Deeded to (Chisholm & Andeel)	TransAmerican Investment Properties, Inc. 240 N. Rock Road	67218
Beg. 60' E. & 511' S. of NW cor. of NW/4 Sec. 20-27-2E; E. 175'; S. 140'; W. 175'; North to beginning	Kansas Gas & Electric Co. 201 North Market	67202

SUPERSEDED

DEAN RUPERT 2nd ADDITION

Lot 1, Exc. Beg. 651' S. & 60' E. of NW/cor.
NW/4 Sec. 20-27-2E, S. 120'; E. 175';
N. 120'; West 175' to beginning

*Frank Carney
Lindy Andeal*
D TransAmerican Investment
Properties, Inc.
240 N. Rock Road 67218

Beg. 651' S. & 60' E. of NW/cor. NW/4
Sec. 20-27-2E; S. 120'; E. 175';
N. 120'; W. 175' to beginning

D Nestor R. Weigand, Jr.
20 Norfolk Drive 67208

Dated this 29th day of August, 1975.

GUARANTEE TITLE CO., INC.

By *Frank R. Hawkins*
(Frank R. Hawkins) Vice President

No. 992.

SUPERSEDED

Form 23-021

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
Inspection of 4000 sq ft	400.00
General CLR DP-47	

Name *Wichita Electric*

Address *1000 W. 21st St. Wichita 1726*

Type *MMHA 500701* Use Date

Comments:

Date *1-12-15* By *E. V. K. 3*

10-23-75

DP-49 AMENDED FILE #4

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

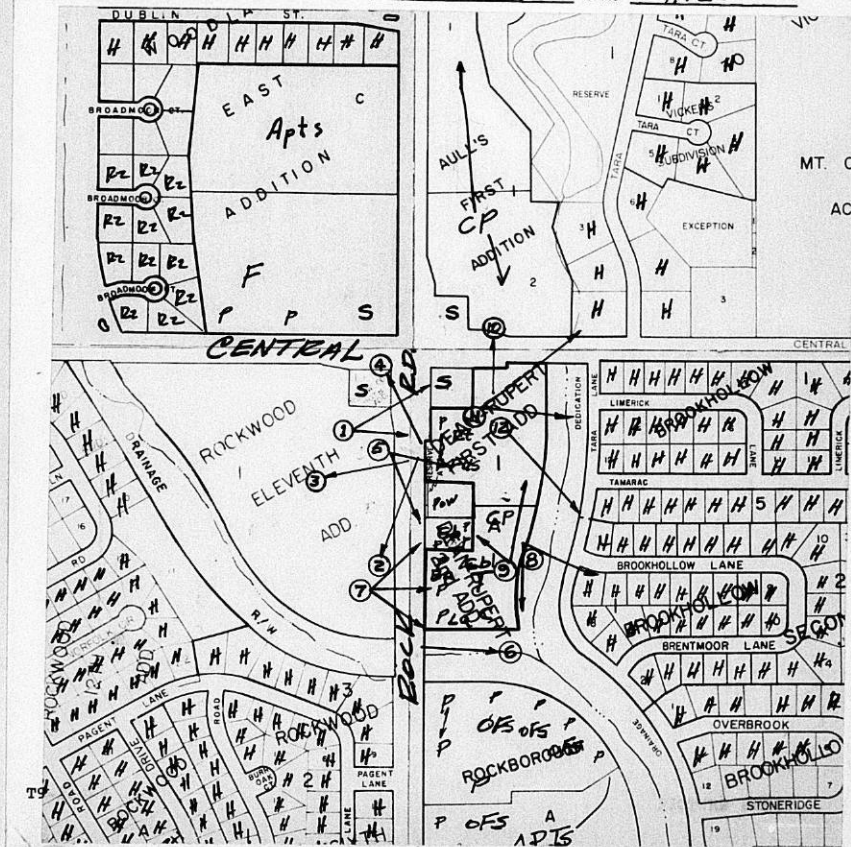
DATA SHEET
(ZONING & CONDITIONAL USE)

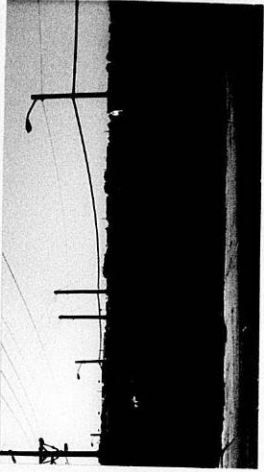
Z- _____
SCZ- _____
CU- _____
Filed 9-12-75

- APPLICATION DATA: From _____ to _____
- Applicant: Transamerican Investment Properties, Inc.
Address 240 N. Rock Road, Wichita 67206 Phone 685-5355
 - Agent: Max E. Eberhart
Address 240 N. Rock Road, Wichita 67206 Phone 685-5355
 - General Location: at the Southeast corner of Rock Road and Central
Address _____
 - Proposed Use: _____

- AREA DATA:
- Acres: _____ (4.35 ft. by 1030 ft.)
 - Adjoining Zoning: E _____ S _____ W _____ N _____
 - Land Use: East DRAINAGE DITCH South DRAINAGE DITCH
West UNDEVELOPED North SERVICE STATION
 - Sketch Plan Land Use is for: _____
 - Present Land Use is for: RESTAURANT, FURNITURE STORE, TILATED
 - Area (is) (is not) platted.
- * EXISTING SIDEWALKS ON ROCK RD. ONLY.

PHOTO DATA:
Taken by J Date 10-9-75 Time 11:20

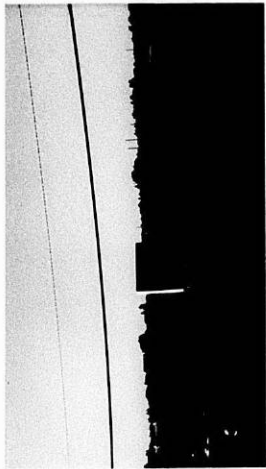




2.



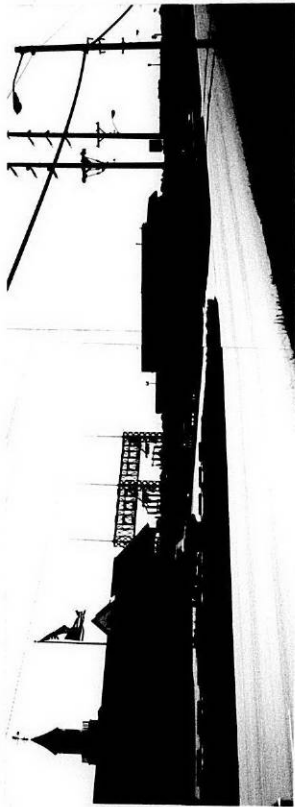
4.



3.



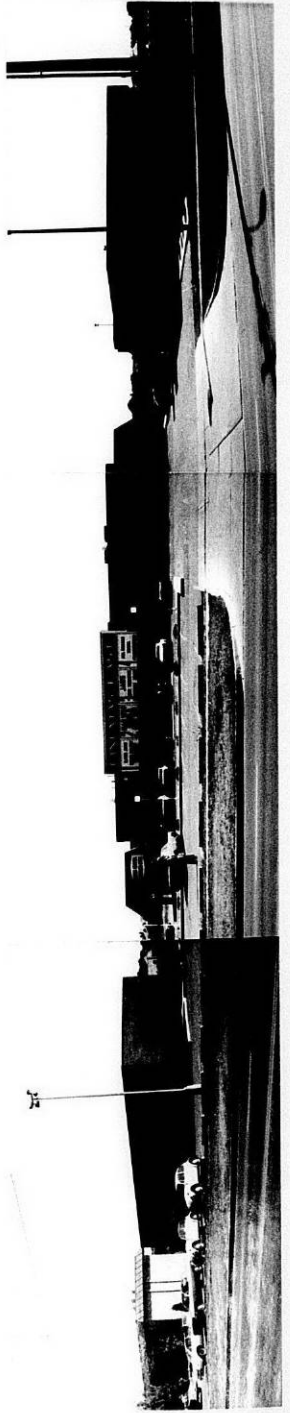
1.



5.



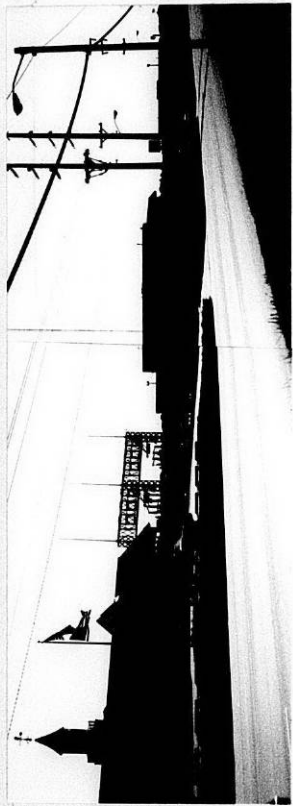
6.



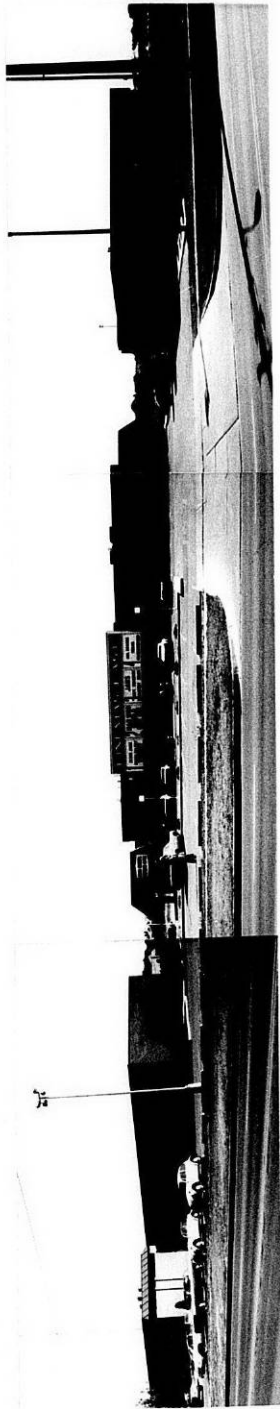
7.



6.



5.



7.



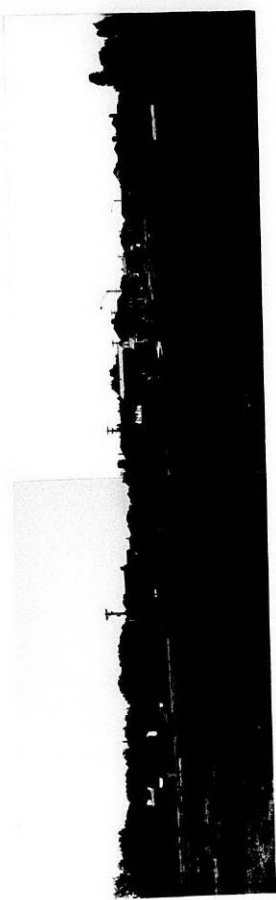
8.



9.



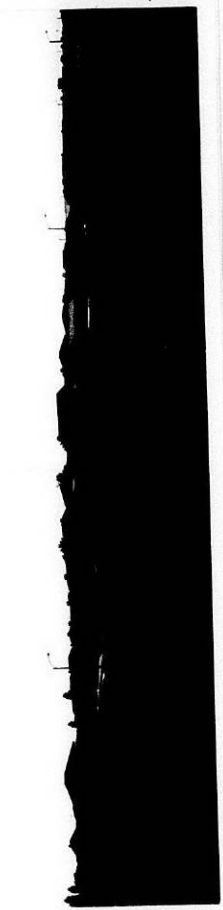
9.



11.



10.



12.

Map N
Sec.
Twp.
Range

APPLI

- 1. A
- A
- 2. A
- A
- 3. G
- 4. P

AREA

- 1. A
- 2. A
- 3. I
- 4. S
- 5. P
- 6. A

PHOTO
Taken



*

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

Roll #1

*