

ACTION

DATE

COMMITTEE

M.A.P.C. approved subject 8-11-83
condition

B.C.C./B-60-C. Approved 2-6-83
reimburse POSTED 7-19-83 *plw*

DC-50
G.U.P. ARMED FILE
PROPERTY CONTROL
WOODAWN, (ON PROPERTY BOARD)

Map No. 5850B
Sec. _____
Twp. _____
Range _____

DATA SHEET
COMMUNITY UNIT PLAN

AMENDED FILE #3
DF - 56
Filed 7-13-83

Associated
Case: _____

APPLICATION REQUEST: Approval of proposed amendment to _____
PLAZA TWENTY-ONE
~~CHERRYWOOD~~ (Commercial) Community Unit Plan.

1. Applicant Burke Financial Corp.
Address 12th & Main, Hutchinson, Ks. 67501 Phone 316-663-6300
2. Agent Thomas D. Jacob
Address 2424 N. Woodlawn, Wichita, Ks. 67226 Phone 316-684-5268
3. General Location: Northwest corner of 21st St. & Woodlawn
4. Proposed Use: _____

AREA DATA:

1. Acres: 0.608 (_____ ft. by _____ ft.)
2. Existing Zoning "LC" Proposed Zoning _____
3. Area (is) (is not) platted. _____ Addition

HISTORY

PROCEDURE DATA

1. MAPC Meeting:

Date	Action
<u>8-11-83</u>	<u>approved subj to conditions</u>

2. Governing Body

Date	Action
<u>9-6-83</u>	<u>Approved as recommended</u>

NOTES:

Shiloh
No. 2-153C
HASTINGS, MN
LOS ANGELES, CHICAGO, LOUISIANA, OKLAHOMA, PHOENIX, PORTLAND, OREGON, RICHMOND, TEXAS, ST. LOUIS, MO., WASHINGTON, D.C., WICHITA, KS., U.S.A.

Map No. 5850B
Sec. _____
Twp. _____
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PLAZA TWENTY-ONE
~~(Commercial)~~ (Commercial) Community Unit Plan.

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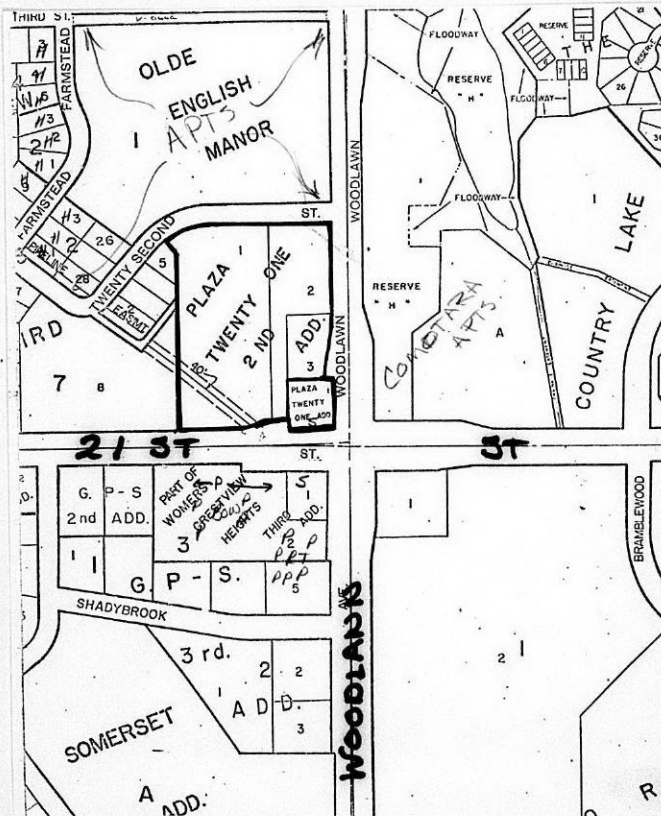
AREA DATA:

1. Acres: 0.608 (_____ ft. by _____ ft.)
2. Existing Zoning: "LC"
3. Land Use: East COMOTARA DRIVE South S + BOWLING ALLEY
West Underplanned North APT
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____

DP-56



PICTURE SHEET

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

July 28, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, August 11, 1983, said meeting beginning at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for amendment to the PLAZA TWENTY-ONE COMMERCIAL COMMUNITY UNIT PLAN, for property legally described as follows:

CASE NO. DP-56

Lots 1, 2 and 3, Plaza Twenty-One 2nd Addition, Wichita, Sedgwick County, Kansas, and Lot 1, Plaza Twenty-One Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 21st Street North and Woodlawn.

The Development Plan of this area, originally approved on August 21, 1973 and last amended on December 4, 1979, 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, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The revised Development Plan now on file proposes to create a new parcel north of the existing building at the northwest corner of 21st Street and Woodlawn. Proposed uses include offices, retail sales, restaurants and other similar uses. The plan proposes to delete the landscaping strip in the new parcel along Woodlawn. No changes are proposed to the balance of the C.U.P. Building setbacks, height, parking requirements and other information relating to future development is shown on the plan.

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

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and BCC. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 268-4516.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

September 15, 1983

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

DP-56 - Plaza Twenty One Commercial C.U.P. Generally
located at the northwest corner of 21st Street
North and Woodlawn.

The Board of City Commissioners on September 6, 1983 considered
the above captioned C.U.P. Their action was to approve the
C.U.P. subject to the following conditions:

- a. The plan shall be changed to reflect a landscape area
along the east side of Parcel 3 and the following shall
be added to General Provision Number 7:

A combination of landscape materials and a low
wall shall be placed along the east boundary of
Parcel 3. A plan for the landscape area shall be
submitted to the Director of Planning for review
and approval prior to the issuance of any building
permit in Parcel 3. The plan shall show drives,
plant materials, walls, orientation of buildings,
service areas, method of watering, etc.
- b. The C.U.P. shall reflect the new building that is under
construction on Parcel 2.
- c. The parcel description for Parcel 2 shall be changed to
reflect reduced acreage, building coverage, floor area,
etc., as a result of creating Parcel 3.
- d. The development of this property shall proceed in accordance
with the development plan as recommended for approval by
the Planning Commission and approved by the governing body,
and any substantial deviation of the plan, as determined
by the Superintendent of Central Inspection and the Director
of Planning, shall constitute a violation of the building
permit authorizing construction of the proposed development.
- e. Any major changes in this development plan shall be resub-
mitted to the Planning Commission and to the City Commission
for their consideration.

Page Two
Robert B. Feldner
DP-56
September 15, 1983

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

Attached for your information and files are two approved copies of the C.U.P. Also attached are two approved copies of the landscape plan for the east side of Parcel 3. If you have any questions concerning this matter, please contact our office.

Jack H. Galbraith
Chief Planner

JHG:ADC:el
Attachments

25 AUGUST 1983

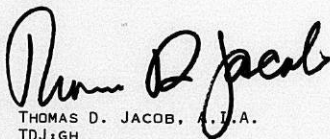
MR. ROBERT LAKIN
DIRECTOR OF PLANNING
METROPOLITAN AREA
10TH FLOOR
455 NORTH MAIN
WICHITA, KANSAS 67202

RE: LOT 3 - PLAZA 21 ADDITION

DEAR BOB:

ON TUESDAY NIGHT, 23 AUGUST 1983, I MET WITH THE BOARD OF DIRECTORS OF THE COUNTRY LAKES HOME OWNERS' ASSOCIATION TO REVIEW THE PLANS OF MY PROPOSED BUILDING ON THE ABOVE CAPTIONED LOT. AT THAT TIME I ASKED FOR AND RECEIVED APPROVAL OF THE PLANS, OF WHICH A COPY IS ENCLOSED. I TRUST THAT THIS IS SATISFACTORY TO YOU AND THE PLANNING DEPARTMENT AT THIS TIME. WE ARE PROCEEDING WITH THIS VOTE OF CONFIDENCE FROM THE COUNTRY LAKES PEOPLE TO COMPLETE THIS PROJECT. THANK YOU VERY MUCH.

RESPECTFULLY,



THOMAS D. JACOB, A.I.A.
TDJ:GH
CC: ART CHAMBERS
DAVE BAYOUTH
THOMAS W. HEALY

RECEIVED

AUG 26 1983

METROPOLITAN PLANNING

ROUTE

City Manager's Agenda

Item

Page

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF CITY COMMISSIONERS

REQUEST FOR APPROVAL OF AMENDMENT TO PLAZA TWENTY-ONE
COMMERCIAL COMMUNITY UNIT PLAN

DP-56 - REQUEST FOR APPROVAL OF AMENDMENT TO PLAZA TWENTY-ONE
COMMERCIAL COMMUNITY UNIT PLAN LOCATED AT THE NORTHWEST CORNER
OF 21ST STREET AND WOODLAWN.

The MAPC recommends approval subject to the conditions outlined
in information provided the City Commissioners.

ACTION:

1. Concur with the findings of fact of the Metropolitan Area Planning Commission and approve the Community Unit Plan subject to the recommended conditions; or
2. Return the application to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

CPO ACTION: CPO Council Area "I" recommended, by a vote of 5-1,
that this request be approved.

DATA AND MINUTES

MAPC Hearing Date: 8-11-83

BCC Hearing Date: 9-6-83

AREA DATA:

Acres: 7.4

Size: 490' x 630' (irregular)

Reason: None

	<u>Land Use</u>	<u>Zoning</u>
Existing	Convenience Store, Grocery Store under construction and Undeveloped	"BB" & "LC"
North	Apartments	"B"
East	Open Space & Condominiums	"AA" (CUP)
South	Bowling Alley & Service Station	"LC"
West	Undeveloped	"AA" & "BB"

History: DP-56 originally approved 8-21-73. Last amendment
approved 12-4-79

Applicant: Burke Financial Corp., 12th and Main, Hutchinson, Ks
67501

Protestors: Thomas Healy, 6500 E. 21st St.; Neal Johnson, 6500 E.
21st St.; Greg Davis, 9100 E. Harry, Apt. 111; Floyd Powell,
2243 Bramblewood St., Apt. 1201; Steve Jenkins, 2211 Bramblewood
St., Apt. 102; Bill Graves, 2243 Bramblewood.

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 11, 1983

11. Case No. DP-56 Burke Financial Corp. request amendment to Plaza Twenty-One Commercial Community Unit Plan for Lots 1, 2 and 3, Plaza Twenty-One 2nd Addition, Wichita, Sedgwick County, Kansas, and Lot 1, Plaza Twenty-One Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 21st Street North and Woodlawn.

CHAMBERS pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following should be considered by the Planning Commission in making findings of fact:

In accordance with Section 28.04.190 of the Code of the City of Wichita, an application has been submitted requesting approval of an amendment to the Plaza Twenty-One Commercial C.U.P. that is located at the northwest corner of 21st Street North and Woodlawn. The revised development plan proposes to create Parcel 3 to the north of Parcel 1. Proposed uses include offices, retail sales, restaurants and other similar uses. The plan is requesting the waiver of the landscaping strip along Woodlawn in the new parcel. Some setback lines have been modified due to the creation of the new parcel. No changes are proposed to the balance of the C.U.P.

2. Staff does not feel that the landscaping strip should be waived. Landscaping strips are used to improve the appearance of commercial and to lessen the impacts of commercial uses on residential areas. Staff would concur with the creation of Parcel 3 and the modifications to building setback lines.
3. Should the Planning Commission determine that the proposed amendments are appropriate, the following are recommended conditions of approval:
- a. The C.U.P. shall reflect the new building that is under construction on Parcel 2.
 - b. The parcel description for Parcel 2 shall be changed to reflect reduced acreage, building coverage, floor area, etc., as a result of creating Parcel 3.
 - c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - d. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
 - e. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

CHAMBERS stated that the changes to the CUP include the creation of Parcel 3 and straightening out the setback line along Woodlawn. The applicants are also requesting waiver of the landscape strip on Woodlawn. CPO Council Area "I" recommended, by a vote of 5-1, that this request be approved. CHAMBERS pointed out that staff was not in support of the waiver of the landscaping, although they do support the creation of the new parcel, uses, and the setbacks. CHAMBERS mentioned that staff felt that the landscaping is in there, as required by the ordinance, to act as a buffer for the residential uses to the east of Woodlawn.

TOM JACOBS, agent, stated that there are two parcels in the CUP as it now exists. Parcel 1 is where the convenience shop is located. Parcel 2 is the rest of that property. They are creating Parcel 3 at staff's recommendation in order to clarify some of the setback requirements. The main part of the request to waive the landscaping is the separation between the site and the condos to the east. JACOBS said that a low shrub landscaping area would absolutely not help protect the residential area. The nearest residential area is 350 feet to the east over six lanes of blacktop. On the east side of Woodlawn there is a reserve area that is zoned residential. JACOBS said that there would be some open area between the curb and the sidewalk, and there will be some area left after cutting straight through the decel lane that will have landscaping. He contended that they were not really doing anything that would offend the neighbors to the east. He said that they agree with the rest of the staff report.

WILSON asked if there was a change in the number of curb cuts.

JACOBS said no.

CHAMBERS explained that the last time the CUP was amended it was to grant an access point to 22nd Street.

THOMAS HEALY, 6500 East 21st Street, stated that he and 15 other homeowners at Country Lakes have three concerns. First, the method of communicating this request for amendment. He said he received notification on the 1st of August, and the CPO meeting was on August 2, which left virtually no time to prepare. In addition, several homeowners were not notified.

HEALY said that this amendment tends to reflect some of the other amendments which apparently occurred in 1979. Again, to his knowledge, he did not know if anyone had been informed of any intent to make any amendment. HEALY spoke of the landscaping, and asked why would they want to change it. Why depreciate their property for the sake of one property owner who intends to develop a liquor store. He asked that the Commission consider the rights of 16 homeowners.

MOORE said that one reason a lot of the residents in Country Lakes did not get notices was because they were not required.

CHAMBERS said that the CUP was small enough that notices were sent out in a 500 foot radius.

WILSON asked if this was to be just low landscaping and not screening.

CHAMBERS said that normally staff does not require a 6 to 8 foot hedge that would completely hide a site. Landscaping is for beautification and aesthetic purposes.

LOFTON was excused from the meeting.

WILSON asked if two approaches were allowed in this one parcel, would there be more approaches on Woodlawn. He said that if the low screening was put back in and there were two approaches, part of the screening would be eliminated.

CHAMBERS responded that they were not requesting more curb cuts to Woodlawn.

Considerable discussion regarding the landscaping was held between the Commissioners and Mr. Healy. WILSON wondered if the developer could come up with a plan that he could live with and something the community would be proud of.

GARDNER asked if it was possible to delete the landscaping strip on the private side of the property line and require a landscaping strip on street right-of-way.

LAKIN commented that he did not see why it could not be made a condition of approval subject to obtaining a permit from the City. He said that the applicant could guarantee the landscaping on the right-of-way, and as long as it was landscaped according to the plan and maintained, then the ten foot requirement could be waived. The day that it is not maintained, then the old requirement would become effective. He suggested that the landscape area could be narrowed at the southern end and a low wall used to screen parked cars.

JACOB said that he had not known of the protest before today because there was no opposition at the CPO meeting and no one has contacted him. JACOB explained that there is 150 foot of right-of-way on the corner of 21st and Woodlawn. He contended that if he was 150 feet away he would not make this request. He said that he has two problems with the existing CUP. First of all he has two approaches and there is a problem with blocking out the visibility at the approaches. There is a mountable medial and people will be able to turn in either direction from these approaches. So they will have to hold back a little bit in order to see the traffic that is coming in either direction. There is no landscaping requirement for the convenience store. He said that there will be a normal open area between the curb and the sidewalk, and that has to be landscaped. JACOB said that his property on the south side was only 125 foot in depth. If he gave up 10 feet for landscaping it would leave him only 115 foot of depth. It would relieve a lot of congestion on the piece of property if he didn't have to put in the landscaping. JACOB said that his main concern was the 15 foot area along the decel lane.

NEAL JOHNSON, 6500 East 21st Street, stated that some things had been said today that implied that the entrance to Country Lake is through Bramblewood but that this is not true. The entrance to a portion of Country Lake is off of 21st Street, approximately 200 feet from the centerline of the intersection. He said that there were four houses in this area and there is no barrier between their homes and Woodlawn. The houses are designed with a walkout basement which means they could look right at the proposed liquor store. They do not feel that is too desirable. He said that they hoped there would be some kind of screen or barrier of some kind. JOHNSON said that there were approximately 240 feet from the centerline of the street to their back door.

GARDNER commenting to Johnson, stated that it has been his experience in looking at neighborhoods and proposed development situations, more frequently than not the nearby residents, who may have been there before the commercial development took place, are generally knowledgeable that commercial development will take place. He said that he thought that the Commission would concur that some level of landscaping is desirable. He said that it would seem to him that with the lake and the nice dwellings in the area that

somebody in the Homeowners Association should consider putting in a landscaping plan for their own property.

GREG DAVIS, 9100 East Harry, Apt. 111, stated that seems to him that Mr. Jacob is a reasonable man. He said that he did not see where it was necessary to have to go this far. Perhaps Mr. Jacob and a group of neighbors could sit down and talk about this plan. DAVIS said that he did not want to hinder Jacob's business, yet his home looks right out toward their building. He felt that something could be worked out.

BAYOUTH commented that Parcel 3 was small. He said that, in his opinion, landscaping of any height in that area would be a traffic hazard with the decel lane that comes into Parcel 3 with the mountable medials. If the Homeowners Association wish to put up a barrier, he felt it should be on the east side of Woodlawn and then they would be completely screened.

FLOYD POWELL, 2243 Bramblewood Street, Apt. 1201, stated that they were all customers of Mr. Jacob and most of them knew him. Although they are talking about a small parcel of land, they were not talking about putting up a full screen. He felt the Commission should leave the landscaping in as it was originally proposed which would add to the continuity of the area. He said in reference to notification, Country Lake is an area of 100 homeowners. He advised that if there is something taking place in the Country Lake area, perhaps the Association members could be notified.

GARDNER said that in regard to the notification, it was as not always possible to notify an entire group of people when some of them live outside the required notification area. He said that they were sorry for any problems that occur as a result of that. He said that maybe some nominal adjustment at the south end of the landscaping strip on Parcel 3 would be an appropriate compromise. It would help Jacob by allowing him the use of the full width while still providing some landscaping on the north. That adjustment would create a narrowing strip instead of maintaining the full 10 foot of depth.

LAKIN stated that he would like for the people in the audience to know that the State statutes requires them to notify property owners within 200 feet. They have notified owners within 500 feet based on an ownership list prepared by Security Abstract. Staff shows 45 notices going to property owners. Five were returned as undelivered. There are one or two people on the ownership list that staff was not able to determine an address for. A notice was sent to the Country Lake Homeowners Association, Inc., at 6500 East 21st Street, Apt. 24. LAKIN apologized to those people who did not receive a notice, and said that he would be happy to share the ownership list with any of them. In the event that this does come up again, they could at least correct the names that they have.

STEVE JENKINS, 2211 Bramblewood Street, Apt. 102, stated that Jacob had indicated that he was unaware of the protest. JENKINS suggested that the fact of the untimely notification of the request for amendment would preclude any opportunity for protest. They could have saved valuable time had they been notified in time to approach the CPO Council. Perhaps in doing so, their recommendation could have been brought to the Commission and they would not have had to be present. He said his concern was with the notification. JENKINS said that they have a plan to screen the east side of the intersection. JENKINS said that it appeared to him that this would have been pretty much of a rubber stamp situation if they had not been present. He objects to that because they, as property owners, have a valid concern and should have an opportunity to address that concern.

MOORE said that he appreciated Mr. Jenkins' comments, but disagreed with the statement that it would have been a "rubber stamp". Staff was opposed to the change.

HANSEN commented that the Commission has a new set of regulations that would require the posting of a zoning change and this probably will not happen again because there will be a sign on the property even though they did not receive notification.

WILSON said that Lakin had commented that by State statute, notification should be sent within 200 feet. WILSON said it was not necessary to notify anybody over there. The nearest residence is 335 feet from the site. So he felt that the staff had done an outstanding job in going out to 500 feet. He said that no one was trying to hide anything. They are there for the community to try and help to get everybody the right thing. The developer was not objecting to anything except that he has to have some place to put cars on that small lot. He has agreed to put the landscaping in. WILSON said that everybody was agreeing, but nobody was listening.

BILL GRAVES, Homeowner in Country Lake, pointed out that when he was looking at the units, the units that were on the lake and had the view were going for 2,000 or 4,000 dollars more than those that were back off of the lake. He wanted to emphasize that he uses the balcony practically daily, and that is why he was concerned about. He hated to see it turn into a back end of a building with trash cans or something of that nature out there. He said that the condominiums that face on that side are more valuable than the ones on the other side.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the mixed commercial and residential character of the area; the open space and residential zoning to the east; the suitability of the subject site for development with light commercial uses, and the recommendation of staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- a. The plan shall be changed to reflect a landscape area along the east side of Parcel 3 and the following shall be added to General Provision Number 7:

"A combination of landscape materials and a low wall shall be placed along the east boundary of Parcel 3. A plan for the landscape area shall be submitted to the Director of Planning for review and approval prior to the issuance of any building permit in Parcel 3. The plan shall show drives, plant materials, walls, orientation of buildings, service areas, method of watering, etc."
- b. The C.U.P. shall reflect the new building that is under construction on Parcel 2.
- c. The parcel description for Parcel 2 shall be changed to reflect reduced acreage, building coverage, floor area, etc., as a result of creating Parcel 3.
- d. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the

Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

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

Gardner moved, Hansen seconded.

WILSON suggested that Mr. Jacob meet with the Country Lake residents and present the plans to them before it goes to the City Commission. He felt that if he could satisfy their requirements in some way and possibly show them the architectural drawings of the facility he wanted to put in and how nice it will look, it will save a lot of problems for everybody.

VOTE ON THE MOTION: It carried unanimously.
Lofton was not present. Goebel was absent.
One vacancy.

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE August 3, 1983

TO Jack Galbraith, Chief Planner-Current Plans

FROM Dean Kruihof, Administrative Aide III

SUBJECT DP-56, Northwest corner of 21st
Street North and Woodlawn

At its August 2nd meeting, CPD Neighborhood Council Area "I" considered the captioned amendment to the Plaza Twenty-One Commercial Community Unit Plan. Tom Jacob was present representing the applicant. No area residents were present concerning the case.

The Council voted, 5-1, to recommend approval.

Please present the Council's recommendation to the MAPC and City Commission when the case is considered by them.


Dean Kruihof
Administrative Aide III

DK:sm

RECEIVED

AUG 5 1983

METROPOLITAN PLANNING

ROUTE

August 12, 1983

Thomas D. Jacob
2424 North Woodlawn
Wichita, Ks. 67226

Re: DP-56 - Amendment to Plaza
Twenty-One Commercial C.U.P.

Dear Mr. Jacob:

At its regular meeting on August 11, 1983, the Metropolitan Area Planning Commission considered the above-captioned C.U.P. request. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. The plan shall be changed to reflect a landscape area along the east side of Parcel 3 and the following shall be added to General Provision Number 7:

"A combination of landscape materials and a low wall shall be placed along the east boundary of Parcel 3. A plan for the landscape area shall be submitted to the Director of Planning for review and approval prior to the issuance of any building permit in Parcel 3. The plan shall show drives, plant materials, walls, orientation of buildings, service areas, method of watering, etc."
- b. The C.U.P. shall reflect the new building that is under construction on Parcel 2.
- c. The parcel description for Parcel 2 shall be changed to reflect reduced acreage, building coverage, floor area, etc., as a result of creating Parcel 3.
- d. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

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

Mr. Lakin has suggested that you meet with the residents of Country Lake and MAPD staff prior to this being submitted to the City Commission to discuss the landscaping strip. We would be happy to meet with you to review proposed landscape plans.

It is necessary that you submit 10 revised copies of the C.U.P. to us by August 26, 1983 so that subject case can be scheduled for consideration by the Board of City Commissioners at their meeting on September 6, 1983, this meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

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

Sincerely yours,

Arthur D. Chambers, AICP
Senior Planner

ADC:sad

cc: Burke Financial Corp., 12th & Main, Hutchinson, Ks. 67501
Thomas Healy, 6500 East 21st Street, #27, Wichita 67206
J. Neal Johnson, 6500 East 21st Street, #25, Wichita 67206
Greg Davis, 9100 East Harry, Apt. 111, Wichita 67207
Floyd Powell, 2243 Bramblewood St., Apt. 1201, Wichita 67226
Steve Jenkins, 2211 Bramblewood St., Apt. 102, Wichita 67226

DP-56 - 45 "Notice to Adjoining Property Owners" mailed 7-28-83 for
the MAPC meeting for 8-11-83.

1 Including map - to CPO Office

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46 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

July 28, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, August 11, 1983, said meeting beginning at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for amendment to the PLAZA TWENTY-ONE COMMERCIAL COMMUNITY UNIT PLAN, for property legally described as follows:

CASE NO. DP-56

Lots 1, 2 and 3, Plaza Twenty-One 2nd Addition, Wichita, Sedgwick County, Kansas, and Lot 1, Plaza Twenty-One Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 21st Street North and Woodlawn.

The Development Plan of this area, originally approved on August 21, 1973 and last amended on December 4, 1979, 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, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The revised Development Plan now on file proposes to create a new parcel north of the existing building at the northwest corner of 21st Street and Woodlawn. Proposed uses include offices, retail sales, restaurants and other similar uses. The plan proposes to delete the landscaping strip in the new parcel along Woodlawn. No changes are proposed to the balance of the C.U.P. Building setbacks, height, parking requirements and other information relating to future development is shown on the plan.

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

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and BCC. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 268-4516.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

July 18, 1983

Robert B. Feldner, Superintendent of Central Inspection
Mike Lindebak, City Engineer
Bill McKinley, Traffic Engineer

Arthur D. Chambers, Senior Planner

DP-56 - Plaza Twenty-One Commercial C.U.P. Generally
located at the northwest corner of 21st Street
North and Woodlawn.

Attached is a copy of a proposed amendment to the above
referenced C.U.P. The proposed amendment would create a
new parcel on Woodlawn, just north of the existing service
station. It also would waive the landscaping along Woodlawn
for the new parcel. No changes are proposed on the balance
of the C.U.P.

We would appreciate receiving any comments you might have
by Tuesday, July 26, 1983. If you have any questions,
please call.

Arthur D. Chambers, AICP
Senior Planner

DP-56
amended file # 3

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

Plaza Twenty-One
Comm. C.U.P.

This is an application for a Community Unit Plan - Planned Development. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

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

- a. Applicant Burke Financial Corp. _____
Address _____ 12th & Main, Hutchinson, Ks. 67501 Phone 316 663 6300
Agent Thomas D. Jacob _____
Address 2424 N. Woodlawn, Wichita, Ks. 67226 Phone 316 684 5268
- b. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____
- c. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____

DD 56
Plaza Twenty One
Commercial CUP

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

2. a. The applicant hereby requests Community Unit Plan approval on property zoned L C and legally described as Lot(s) Parcel 3, Block(s) _____, Plaza Twenty One 2nd Addition Addition.

MAPE - August 11, 1983

Mhp#88505

N-B
E-M
S-LC
W-A-4BB

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

Existing Plaza Twenty One

Legal from advertisement

2. b. There are 0.608 acres (round to nearest tenth) in the above described property.

3. The general location is (use appropriate section)

- OK a. at the Northwest corner of 21st Street
and Woodlawn; or 150' North of Corner
b. on the _____ side of _____ (Avenue,
Street) between _____ (Avenue, Street) and
_____ (Avenue, Street).

4. I (~~was~~), 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.

By *Thomas D. [Signature]* _____
Authorized Agent (if any) By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any) By _____
Authorized Agent (if any)

5. OFFICE USE ONLY

This application was received at the Planning Department at 1.00
(AM, PM) on July 13, 1983 (Day, Month, Year). It has been
checked and found to be complete and accompanied by required documents and
the appropriate fee of \$ 200⁰⁰.

Arthur D. [Signature] Name
Sr Planner Title



Deliver to Metropolitan Planning

attn: Art Chambers

from Tom Jacobs

SECURITY ABSTRACT AND TITLE CO. INC.
435 North Main • Wichita, Kansas 67202 • Telephone (316) 267-8371
SECURITY IS KNOWING

O W N E R S H I P L I S T

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, Plaza Twenty-one 2nd Addition	Falley's Inc. 3120 S. Kansas ✓ Topeka, Kansas 66611
Lot 2, Plaza Twenty-one 2nd Addition	University Bank of Wichita ✓ 1741 N. Hillside Wichita, Kansas 67214
Lot 3, Plaza Twenty-one 2nd Addition	Burke Financial Corp. 1125 N. Main D Hutchinson, Kansas 67501
Lot 1, Plaza Twenty-one Addition	Arthur O. Schreck Clara Schreck ✓ 2013 N. Parkwood Lane Wichita, Kansas 67208
Lot 1, & part of lot 2 described: Beginning at the northwesterly corner of lot 2 & on the east right-of-way line of Woodlawn Avenue; thence 203.75 feet on a bearing of N 90°00'00" E to the southeast corner of lot 1; thence 127.11 feet on a bearing of S00°04'00" W & along the extended east line of lot 1; thence 215 feet on a bearing of N 90° W to said east right-of-way line of Woodlawn Avenue; thence 52.12 feet on a bearing of N00°04'00" E & along the said east right- of-way line of Woodlawn Avenue; thence 75.84 feet on bearing of N08°35'46" E along said east right-of-way line of Woodlawn Avenue to the point of beginning, Block 1, Northborough Addition	Wichita State Bank ✓ 711 W. Douglas Wichita, Kansas 67213
Lot 2, except that part described immediately above, Block 1, Northborough Addition	Brittany Development Company ✓ 200 Fourth Financial Center Wichita, Kansas 67202
Reserve H, Comotara 1st Addition	Country Lake Homeowners Association Inc. ✓ 6500 E. 21st St. Apt 24 Wichita, Kansas 67226
Residence 17, Building M, Country Lake condominium	✓ Bruce A. Munsell Jeanne E. Munsell 6500 E. 21st St. N. #17 Wichita, Kansas 67206

<u>Property Description</u>	<u>Property Owner</u>
Residence 18, Building M, Country Lake condominium <i>Returned - unknown X</i>	Ruby M. Bell #19 6500 E. 21st N. Wichita, Kansas 67206
Residence 21, Building M, Country Lake condominium	Gene E. Rump Patricia L. Rump 6500 E. 21st N. #21 Wichita, Kansas 67206
Residence 23, Building M, Country Lake condominium	Cecilia M. Blackwell 6500 E. 21st N. #23 Wichita, Kansas 67206
Residence 16, Building 2, Country Lake condominium	Charles E. Reichart 9826 Boston Circle Wichita, Kansas 67207
	(Affidavit of Interest) Ronald H. Harms Dana R. Harms 626 Preston Trail Wichita, Kansas 67230
Residence 18, Building 2, Country Lake condominium <i>Returned 4004 E. Kellogg - present? 67218 X</i>	Ross D. Alexander 6500 E. 21st N. #18 Wichita, Kansas 67206
Residence 20, Building 2, Country Lake condominium	Jon C. Macy Janet E. Macy 6500 E. 21st N. #20 Wichita, Kansas 67206
Residence 22, Building 2, Country Lake condominium	Melvin A. Jensen Delma Dean Jensen #22 6500 E. 21st N. Wichita, Kansas 67206
Residence 32, Building 4, Country Lake condominium	Maxine C. Allen #32 6500 E. 21st N. Wichita, Kansas 67206
Residence 34, Building 4, Country Lake condominium	Peggy J. King #34 6500 E. 21st N. Wichita, Kansas 67206

<u>Property Description</u>	<u>Property Owner</u>
Residence 36, Building 4, Country Lake condominium <i>Recent: 2436 Payne, 67204</i>	Francisco R. Caballero A. #36 6500 E. 21st Wichita, Kansas 67206
Residence 38, Building 4, Country Lake condominium	Cordelia Ann Hill #38 6500 E. 21st Wichita, Kansas 67206
Residence 40, Building 5, Country Lake condominium	Velma M. Winsby #40 6500 E. 21st Wichita, Kansas 67206
Residence 42, Building 5, Country Lake condominium	Raymond L. Best #42 6500 E. 21st Wichita, Kansas 67206
Residence 44, Building 5, Country Lake condominium	David M. Dayvault, Jr. #44 6500 E. 21st Wichita, Kansas 67206
Residence 46, Building 5, Country Lake condominium	Richard Coulthard #46 6500 E. 21st Wichita, Kansas 67206
Residence 25, Building 6, Country Lake condominium	J. Neal Johnson Yvonne Johnson #25 6500 E. 21st Wichita, Kansas 67206
Residence 27, Building 6, Country Lake condominium	Thoams W. Healy Catherine B. Healy #27 6500 E. 21st Wichita, Kansas 67206
Residence 29, Building 6, Country Lake condominium <i>Recent: 2046 N. Oliver 67208</i>	Kenneth R. Kimbell Vicky Jo Kimbell #29 6500 E. 21st Wichita, Kansas 67206
Residence 31, Building 6, Country Lake condominium	C. E. Stiles Charlotte G. Stiles #31 6500 E. 21st Wichita, Kansas 67206

Property Description

Property Owner

Residence 1, Building 7, Country Lake
condominium

Jessie M. Webb
#1
✓ 6500 E. 21st
Wichita, Kansas
67206

Residence 3, Building 7, Country Lake
condominium

Ann L. Stern
#3
✓ 6500 E. 21st
Wichita, Kansas
67206

Residence 5, Building 7, Country Lake
condominium

Loda L. Knowles
#5
✓ 6500 E 21st
Wichita, Kansas
67206

Residence 7, Building 7, Country Lake
condominium

N.M. Onofrio
Susan Onofrio
#7
✓ 6500 E. 21st
Wichita, Kansas
67206

Residence 9, Building 8, Country Lake
condominium

Kathy A. Dieker
#9
✓ 6500 E. 21st
Wichita, Kansas
67206

Residence 11, Building 8, Country Lake
condominium

unknown

Jo L. Will
Sally A. Will
#11
✗ 6500 E. 21st
Wichita, Kansas
67206

*Recent
1147
67203*

Residence 13, Building 8, Country Lake
condominium

Cris A. Smalley
#13
✓ 6500 E. 21st
Wichita, Kansas
67206

Residence 15, Building 8, Country Lake
condominium

Emmett E. Cole
Lela Nilas Cole
#15
✓ 6500 E. 21st
Wichita, Kansas
67206

*** The Common area in Country Lake condominium is owned jointly by the individual apartment owners, each with an undivided interest in and to said common area. Common area is described as all land covered by the Declaration of Condominium except that portion thereof on which the building that contain the apartments are built.

Lot 1, Block 1, Olde English Manor

✓ Olde English Manor
Associates Ltd.
2323 N. Woodlawn
Wichita, Kansas
67220

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, Block 1, except that part platted as Plaza Twenty One Addition	Eugene L. Mecke 1404 Ida Wichita, Kansas 67211
Lot 8, except that part lying east of a line beginning on the south line of lot 8, 462 feet east of the southwest corner of said lot 8; thence north at right angles to the south line of lot 8, 194.52 feet to the line between lot 8, Block 7, & lot 1, Block 1 said addition, Block 7, Third Addition to Crestview Heights.	Board of American Missions of the Augustana Lutheran Church 200 W. Douglas Suite 630 Wichita, Kansas 67202
That portion of lots 1, 2, 3, 4 & 5, Block 1, Third Addition to Crestview Heights, Wichita, Kansas, lying west of the following described line beginning at a point on the south line of lot 8, Block 7, in said Addition and 462 feet east of the southwest corner of said lot 8; thence north at right angles to the south line of lot 8, 540 feet, more or less to a point on the common line between lots 5 & 6, Block 1, except that part platted as Plaza Twenty-one Addition.	Board of American Missions of the Lutheran Church in America 200 W. Douglas Suite 630 Wichita, Kansas 67202
Lot 1 & part of lot 2, Block 3, Womers Crestview Height Third Addition described: Beginning at the northwest corner of lot 1; thence west 30 feet; thence south 35 feet; thence east 30 feet; thence north 35 feet to beginning & beginning at the southeast corner of lot 1; thence south 30 feet; thence west 35 feet; thence north 30 feet; thence east 35 feet to the point of beginning.	Champlin Petroleum Co. 2199 N. Woodlawn Wichita, Kansas 67220
Beginning at a point 130 feet west of the southeast corner of lot 1; thence west 18 feet parallel to the south line of lot 1; thence south 125 feet; thence east 18 feet; thence north 25 feet to the point of beginning, being part of lot 2, Block 3, Womers Crestview Heights 3rd Addition.	Pizza Hut of Wichita, Inc. 9111 E. Douglas Wichita, Kansas 67207
Part of lot 2 described: Beginning at a point on the north line of lot 2, said point being 30 feet west of the northwest corner of lot 1; thence west along the north line of lot 2, 115 feet; thence north 25 feet; thence west along the north line of lot 2, 275 feet; thence south parallel to the east line 300 feet; thence east parallel to the north line 402 feet; thence north parallel to the east line 125 feet; thence east parallel to the north line 18 feet to the east line; thence north along the east line 115 feet; thence west parallel to the north line 30 feet; thence north 35 feet to the point of beginning, Block 3, Womers Crestview Heights 3rd Addition	Crestview Bowl Inc. 6249 E. 21st Wichita, Kansas 67208
Beginning 30 feet south of the southeast corner of lot 1, Block 3, Womers Crestview Heights 3rd Addition; thence south along the east line of lot 2, 95 feet; thence west parallel with the south line of lot 1, 130 feet; thence north 125 feet; thence east 95 feet to a point 35 feet west of the east line of lot 2; thence south 30 feet; thence east 35 feet to beginning.	Helen Jaycox Address unknown Caroline W. Rupe 940 N. Yale Wichita, Kansas 67208

Page 6

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 500 foot radius of:

Lot 3, Plaza Twenty-one Second Addition,
Wichita, Sedgwick County, Kansas,

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 12th day of July, 1983, at 7:00 O'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Hable
Vice President

Order No: 322582
cf

FORM 29-1

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
-------------	--------

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____

*

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

Roll # 1

*