

M.A.P.C.

*Approved and to  
condition*

B.C.C./B. CO. C. *Approved* 4-1-76  
*sub to C number four*

DP-76- Gardner Land, Inc. et al  
"LC", "BB" & "B" on the north  
side of 21st St. North between  
Amidon and Coolidge

# ACTION

POSTED  
2-17-76  
MAY 1  
87  
4-19-76

COMMITTEE \_\_\_\_\_

M.A.P.C. Approved sub to conditions 3-18-76

B.C.C./B. CO. C. Approved 4-8-76  
sub to C. remaining

DP-76- Gardner Land, Inc. at al  
"LC", "B" & "G" on the north  
side of 21st St. North between  
Ardon and Coolidge

Map No. 5350  
Sec. 6  
Twp. 27  
Range 1E

DATA SHEET  
COMMUNITY UNIT PLAN

DP 76  
Z-  
Filed 2-6-76

APPLICATION REQUEST: Approval of proposed planned development.

1. Applicant Gardner Land, Inc. et al  
Address 601 North Broadway, 67214 Phone 264-9181
2. Agent James L. Gardner  
Address 601 North Broadway, 67214 Phone 264-9181
3. General Location North of 21st St. North between Amidon and Coolidge  
Address \_\_\_\_\_
4. Proposed Use \_\_\_\_\_

AREA DATA

1. Acres ~~26~~ 5.44 ( 460 ft. by 800 ft.)
2. Existing Zoning LC, BB& B Proposed Zoning \_\_\_\_\_
3. Area (is) (is not) platted. \_\_\_\_\_
4. Existing R/W \_\_\_\_\_ ft. \_\_\_\_\_ Addition \_\_\_\_\_ ft.  
Proposed R/W \_\_\_\_\_ ft. \_\_\_\_\_ St. \_\_\_\_\_ St.  
\_\_\_\_\_ ft. \_\_\_\_\_ St. \_\_\_\_\_ St.

HISTORY

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

PROCEDURE DATA

1. MAPC Meeting:  
Date 3-18-76 Action Approved with conditions
2. Governing Body  
Date 4-6-76 Action Approved

SMITHSONIAN INSTITUTION  
WASHINGTON, D.C. 20540  
No. 2133C  
Smyth

**FRAZIER**  
CONSTRUCTION CO.

HARRY J. FRAZIER, JR.  
President

PHONE 528-3323  
2882 N. ARKANSAS  
WICHITA, KANSAS 67226

Map No. 5350  
 Sec. 6  
 Twp. 27  
 Range 1E

DATA SHEET  
 (ZONING & CONDITIONAL USE)

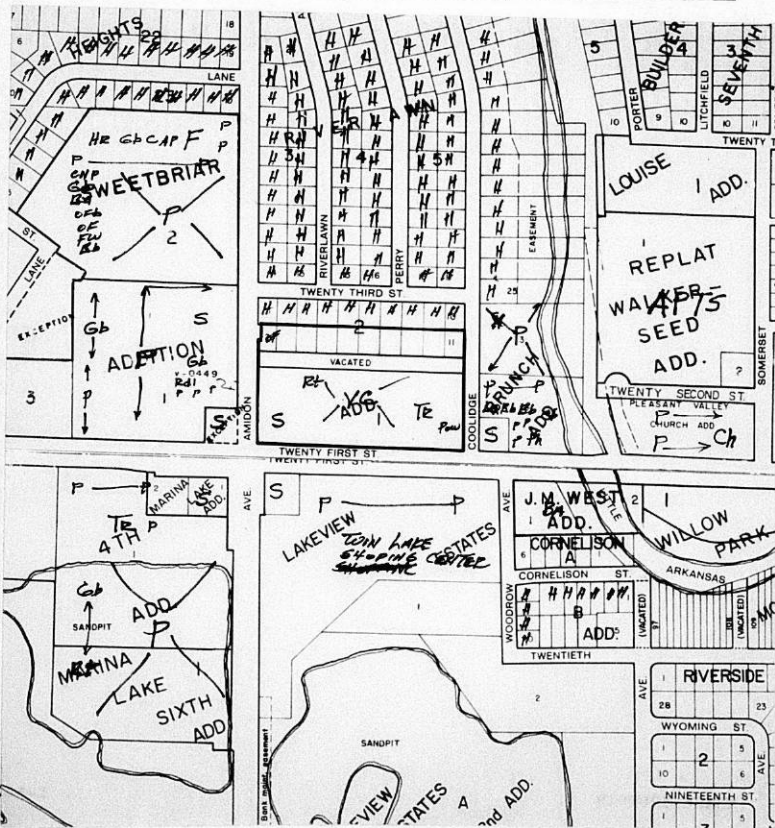
DP-76

~~600~~ **DP-76**  
~~600~~  
 Filed 2-13-76

- APPLICATION DATA: From LC, BB, & B to \_\_\_\_\_
- Applicant: Gardner Land, Inc., et al  
 Address 601 North Broadway, 67214 Phone 264-9181
  - Agent: James L. Gardner  
 Address 601 North Broadway, 67214 Phone 264-9181
  - General Location: North of 21st St. North between Amidon & Coolidge Address \_\_\_\_\_
  - Proposed Use: \_\_\_\_\_

- AREA DATA:
- Acres: 8.6 (466 ft. by 900 ft.)
  - Adjoining Zoning: E LC S LC W LC N B
  - Land Use: East PARKING LOT LIQUOR STORE South TWIN LAKE SHIPPING CENTER  
 West SEMI-DET. LUMBER STORE North SINGLE FARM
  - Sketch Plan Land Use is for: \_\_\_\_\_
  - Present Land Use is for: SEMI-DET. LIQUOR STORE, RESTAURANT & VAULT BLDG.
  - Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



DP-76

Map No. 5350  
Sec. 6  
Twp. 27  
Range 1E

DATA SHEET

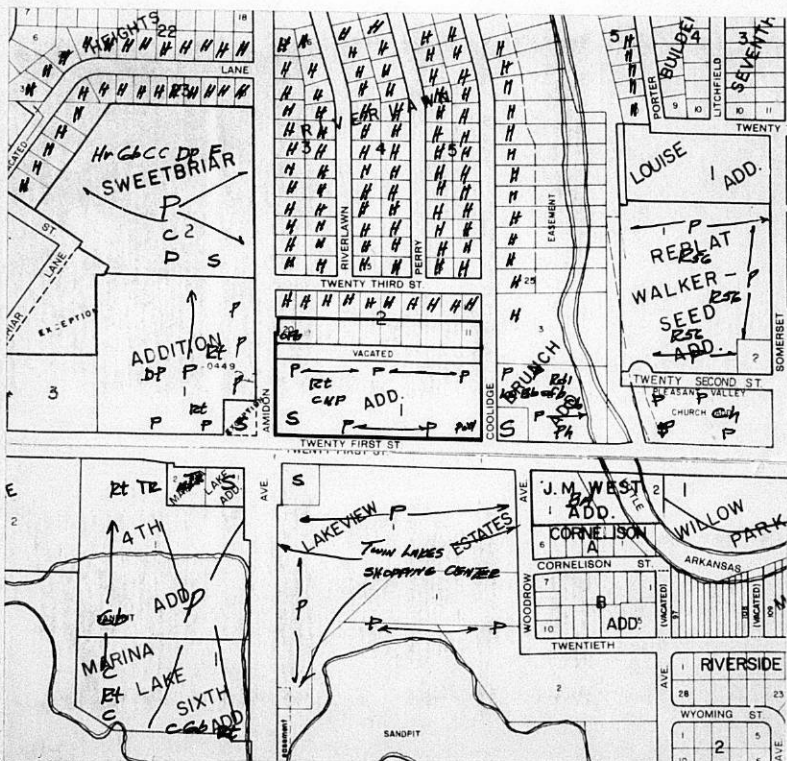
Z-  
SCZ-  
CU-  
Filed

- APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_
- Applicant: Gardner Land, Inc., et al  
Address 601 North Broadway, 67214 Phone 264-9181
  - Agent: James L. Gardner  
Address 601 North Broadway, 67214 Phone 264-9181
  - General Location: North of 21st St. North between Amidon and Coolidge  
Address \_\_\_\_\_
  - Proposed Use: \_\_\_\_\_

- AREA DATA: Existing Zoning: "LC", "BB" & "B"
- Acres: 2.68.44 ( 460 ft. by 900 ft.)
  - Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  - Land Use: East SEELICE STA. LOWER SIDE South TWIN LAKE SHOPPING CENTER  
West SEELICE STA. PARKING LOT, BEYOND North SINGLE FARM
  - Sketch Plan Land Use is for: \_\_\_\_\_
  - Present Land Use is for: SHOPPING CENTER
  - Area (is) (is not) platted.

DP 76

PHOTO DATA:  
Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



T9-214-2

PICTURE SHEET

August 22, 1979

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

DP-76 Gardners Riverlawn C.U.P. Request for  
Administrative Interpretation to Allow a  
Restaurant on Parcel 2.

I have attached a copy of a letter from Everett C. Fettis, representing Hamburgers by Gourmet, requesting administrative permission to locate a carry-out food service establishment on Parcel 2 of the above captioned C.U.P. The proposed use currently approved for this parcel is a filling station. One of the conditions of approval of the original C.U.P. which offers limited flexibility to the developers and leasees is as follows:

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.

After reviewing the request and the C.U.P. provisions I feel that it would be inappropriate to grant administrative permission for the change in the proposed use from a filling station to a carry-out food business. I feel that since the proposed use approved on the original C.U.P. includes only one specific use and does not exclude other specific uses, that the intent of the original C.U.P. was to allow only a filling station and any proposed change in use should be reviewed by the Planning Commission and Board of City Commissioners prior to approval or disapproval. In a similar case earlier this year there was a request to change the proposed use of Parcel 2, of the Marina Lake C.U.P. from a filling station (only use listed) to a savings and loan. We required that an amendment to that C.U.P. be filed so that the Planning Commission and Board of City Commissioners would have the opportunity to review the proposal and approve or disapprove the amendment.

One problem associated with this request and the amendment to the Marina Lake C.U.P. is the high volume of traffic at the intersection of 21st and Amidon. The proposed change for the Marina Lake C.U.P. amendment originally listed "financial institution," however recommendations were made, and later approved, that a savings and loan facility would be more appropriate due to the traffic generating potential of a full service bank. I would recommend that prior to this proposal being submitted as an amendment, that the applicant meet with representatives from Traffic Engineering to resolve any problems relating to curb cuts, circulation, etc., resulting from the development of this parcel with a carry-out food service establishment.

Robert B. Feldner  
August 22, 1979  
Page Two

One other matter that should be noted is the contingent dedication on Parcel 2. It appears that the dedications for both 21st and Amidon could become effective after the existing building and improvements are remodeled. The applicant may want to confer with the City Law Department and the City Engineer to determine when the contingent dedications would become effective.

Based upon my review of this request, the required amendment to the Marina Lake C.U.P., the traffic situation and the C.U.P. regulations, I feel that an administrative interpretation is inappropriate and an amendment to the C.U.P. is required. This request exceeds the intent and authority of an administrative review and should be reviewed in an application for amending the C.U.P. and approved/disapproved by the Planning Commission and the Board of City Commissioners.

Upon your review of this memorandum your signature of approval will indicate that you concur that this request is not within our authority to grant administrative permission and is not within the intent and purpose of the C.U.P. provisions. If you concur with this interpretation, then an application for amendment to the C.U.P. would have to be filed before the proposal could be approved.

APPROVED:

  
Robert A. Lakin, Director of Planning

APPROVED:

  
Robert B. Feldner, Superintendent of Central Inspection

RAL:AC:gb  
cc: Everett C. Fettis, 120 S. Market, Suite 504, 67202

LAW OFFICES  
EVERETT C. FETTIS  
120 SOUTH MARKET  
SUITE 504  
WICHITA, KANSAS 67202  
316-267-7251

MICHAEL G. QUINN  
KEITH M. CURFMAN  
OF COUNSEL

EVERETT C. FETTIS  
DAVID R. MCCLURE

15 August 1979

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

RE: Hamburgers by Gourmet

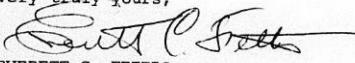
Dear Mr. Lakin:

This office represents Hamburgers by Gourmet. My client desires to locate one of its stores on the northeast corner of Amidon and 21st Street where there is an existing Mobil station. This is located within a CUP, and this particular corner is designated for a service station.

I would like to request that you consider an administrative amendment to the CUP to permit the operation of a restaurant. We would then proceed to obtain a permit to remodel the structure similar to what my client did at the southeast corner of Woodlawn and Central not long ago.

I would be happy to discuss this with you.

Very truly yours,



EVERETT C. FETTIS

ECF/dbs



DP-76

October 11, 1978

Amidon Plaza  
%Fourth National Bank  
P. O. Box 1090  
Wichita, Kansas 67201

Gentlemen:

We are in the process of inspecting all Community Unit Plan developments within the City of Wichita for the purpose of verifying the installation of and the maintenance of off-street parking, landscaping, screening, permitted uses, access and curb cuts, firelanes, sidewalks and land coverage as required by the approved Community Unit Plan for each development.

The records at the Sedgwick County Courthouse indicate the owner of Lots 11 through 20 inclusive of Block 2, and Lot 1 except the south 105' of the west 135' of Block 1 in Gardner's Riverlawn Addition and the vacated 22nd Street as Amidon Plaza, %Fourth National Bank, P. O. Box 1090, Wichita, Kansas. Such site is identified as Parcel No. 1 on DP-76 Gardner's Riverlawn Community Unit Plan. The site location is at 21st and Amidon Streets.

Requirements specified for Parcel No. 1 on the approved Gardner's Riverlawn Community Unit Plan are as follows: "The curb cut to 21st Street North and one curb cut to Amidon shall be designated and constructed to Major Approach Standards and shall be completed prior to issuance of any occupancy permit for the proposed new use."

Our inspection report for Parcel No. 1 on the Gardner's Riverlawn Community

October 11, 1978  
Re: Amidon Plaza  
Page 2

Unit Plan shows the two approaches listed above do not conform to the minimum requirements for Major Shopping Center Approaches. The following items must be completed to bring the approaches into compliance:

1. Remove portions of the medials which obstruct the required sidewalk location.
2. Install curbing and approaches per approved plans.
3. Remove parking stall markings which are in the approach drive area or which are in violation of the off-street parking standard of the City of Wichita.

Copies of the Major Approach Standards and the Off-street Parking Standard are enclosed.

This letter shall be considered as official notification that unless action is initiated within sixty days to provide compliance with the requirements for the Gardner's Riverlawn Community Unit Plan as listed above, we will take appropriate action to insure correction of these deficiencies. Two sets of detailed plans for the major approaches and parking stall striping, listed above, shall be submitted for approval. Bonds guaranteeing such installations may be considered to be acceptable initial action.

It will be necessary to withhold approval for building and occupancy permits for construction on Parcel No. 1 until such time that the above deficiencies have been corrected.

Sincerely,

Robert B. Feldner  
Superintendent of Central Inspection

RBF:JJmml

cc: Sam L. Mobley, Building Code Administrator

THE CITY OF WICHITA

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

DATE July 13, 1976



TO H. S. Mitchell, Assistant Superintendent of Public Works Maintenance Division  
FROM John J. Riddel, Building Plans Examiner

SUBJECT Community Unit Plan for Gardners  
Riverlawn - DP-76

General Provision No. 7 of subject C.U.P. reads as follows:

A lot grading plan of subject property shall be submitted to the Maintenance-Flood Control Office of the Department of Public Works. A letter obtained from the Assistant Superintendent of Public Works Maintenance approving said plan shall be submitted to the Planning Department prior to the issuance of any building permits.

A plan submitted to Central Inspection is submitted herewith for your approval.

*John J. Riddel*

July 14, 1976

I reviewed Sheet 4 - "GRADING PLAN"  
and it is approved.

*H. S. Mitchell*

7-13-76

cc Wilton

GARDNERS RIVERLAWN RAT FILE

CID file

received ~~\_\_\_\_\_~~ JUL 13 1976

May 25, 1976

Mr. James L. Gardner  
Gardner Land, Inc.  
601 North Broadway  
Wichita, Kansas 67214

Re: DP-76 - Request for Approval  
of Commercial Community Unit  
Plan - Northeast corner of  
21st Street and Amidon

Dear Mr. Gardner:

At your request, this is to advise you that the conditions of approval of the above captioned C.U.P. as recommended by the Planning Commission as listed in our letter to you dated March 19, 1976, and as amended by the Board of City Commission, as reflected in our letter to you on April 7, 1976, have been complied with satisfactorily so that we have forwarded a copy of the approved C.U.P. to the Superintendent of Central Inspection for his files. See attached copy of memorandum to Robert Feldner written on April 7, 1976.

Please be advised that although the required dedications and contingent dedications and petitions guaranteeing improvements were accepted by the City Commission, the provisions on the face of the C.U.P. must be complied with when either new construction or remodeling occurs. Remember also, General Provision number 7 which refers to the submission of a lot grading plan prior to the issuance of any building permits.

If there are additional comments or information we can provide regarding the approval, please let us know.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el  
Att.

April 7, 1976

Robert Feldner, Supt. of Central Inspection

Jack H. Galbraith, Chief Planner

DP-76 - Commercial Community Unit Plan -  
Northeast corner of 21st Street and Amidon

Attached are two letters concerning the approval of the above-captioned CUP, as well as an approved copy of the plan. These letters reflect the conditions of approval by the Planning Commission and City Commission. Please note that the required dedications and contingent dedications and petitions guaranteeing improvements were accepted by the City Commission in the approval of this CUP.

If there are any questions concerning the approval of this CUP, please advise.

Jack H. Galbraith  
Chief Planner

JHG:ber

Attachment

April 7, 1976

Mr. James L. Gardner  
Gardner Land, Inc.  
601 North Broadway  
Wichita, Kansas 67214

Re: DP-76 - Request for Approval  
of Commercial Community Unit  
Plan - Northeast corner of  
21st Street and Amidon

Dear Mr. Gardner:

The Board of City Commissioners, at their regular meeting on April 6, 1976, considered the above-captioned CUP. Their action was to approve the CUP, subject to conditions a. through i. as recommended for approval by the Planning Commission and as listed in our letter to you dated March 19, 1976. In addition, the City Commission increased the minimum height requirement of the fence (General Provision #4), from 5 feet to 6 feet.

There are two other items that need to be designated on the CUP that are not clear. General Provision #4 also indicates that the fence shall be reduced to 3 feet in height within 20 feet of Amidon and Coolidge. This notation should also be reflected on the face of the CUP, as outlined in red on the enclosed copy. Also, under curb cuts, the wording is not specific as to when you are going to improve your entrances to Major Approach Standards. I would suggest the wording be changed as follows:

The curb cut to 21st Street North and one curb cut to Amidon, shall be designated and constructed to Major Approach Standards and shall be completed prior to the issuance of an occupancy permit for the proposed new use.

Upon receiving four copies of the CUP reflecting these changes, we will designate the plan as "approved" and submit one copy on to the Office of Central Inspection for their files. I have enclosed a marked copy for your information as well as forwarding one to Mr. Korber.

Page 2 - Mr. James L. Gardner  
April 7, 1976

If you have any questions on completing the CUP, please advise.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber  
Enclosure

cc: Columbian Realty Fund, Ltd. #11, P. O. Box 5089, Topeka, Kansas  
John Arnold, Sutton Place Building 67202  
Donald R. Armstrong, 1921 West 23rd Street North 67204  
Janet L. Betton, 1815 West 23rd Street North 6720  
William Holsapple, 1807 West 23rd Street North  
William Korber, 330 Laura 67211  
Robert Feldner, Supt. of Central Inspection

April 1, 1976

Ms. Janet L. Betton  
1815 West 23rd Street North  
Wichita, Kansas 67204

Re: DP-76 - Request for approval  
of Commercial Community Unit  
Plan - Northeast corner of  
21st Street and Amidon

Dear Ms. Betton:

This is to advise you that the above-captioned matter is being forwarded to the Board of City Commissioners for consideration at their regular meeting on April 6, 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 Commission following all other matters of business.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:GLS:el

cc: Donald R. Armstrong, 1921 W. 23rd St. North, 67204  
William Holsapple, 1807 W. 23rd St. North, 67204

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

CASE NO. DP-76

CONSIDERED BY MAPC: 3-18-76

REQUEST FOR: Approval of Commercial Community Unit Plan

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"CUP required by existing zoning."

GENERAL LOCATION: Northeast corner of Amidon  
and 21st Street North

LEGAL DESCRIPTION:

Block 1; the vacated 22nd Street from the west line of Coolidge Avenue  
to the east line of Amidon Avenue; Lots 11, 12, 13, 14, 15, 16, 17,  
18, 19, and 20 in Block 2; all in Gardner's Riverlawn AdditionAPPLICANT: Gardner Land, Inc., 601 N. Broadway 67214, and  
Columbian Realty Fund Ltd. #11, P.O.Box 5089, Topeka, Kansas

COUNSEL FOR APPLICANT: None

PROTESTORS (LIST COUNSEL) IF ANY: Janet Betton, Donald R. Armstrong, and  
William Holsapple, all residents on 23rd Street North, spoke in opposition.SURROUNDING ZONING: To the north is "B"; east is "BB" and "LC";  
south and west is "LC"LAND USE: Subject property is occupied by a vacant commercial building,  
service station and appliance sales; north is single-family;  
east is service station and liquor store; south is Twin Lakes  
Shopping Center; west is Sweetbriar Shopping Center

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to conditions suggested by  
the staff as follows: (See attached excerpt of minutes of the Planning  
Commission meeting on March 18, 1976, for conditions.)  
Kamen moved, Savina seconded and it carried unanimously.NOTE: The applicant has submitted petitions guaranteeing construction  
of sidewalks and paving. A certificate has also been submitted certifying  
the petitions.ACTION: 1. Accept the dedications, approve the petitions and instruct  
the Director of Law to prepare the necessary resolutions, the publication  
cost of which shall be billed to the applicant; approve the CUP as recom-  
mended by the Metropolitan Area Planning Commission, subject to the recom-  
mended conditions, and instruct the City Clerk to file the certificate  
and dedications with the Register of Deeds; or2. Return the application to the Metropolitan Area Planning  
Commission for its reconsideration. The City Commission states the fol-  
lowing reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 18, 1976:

10. Case No. DP-76 - Gardner Land, Inc. and Columbian Realty Fund, Ltd. #11 request approval of a Commercial CUP for property legally described as Block 1; the vacated 22nd Street from the west line of Coolidge Avenue to to the east line of Amidon Avenue; Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 in Block 2; all in Gardner's River-lawn Addition. Generally located at the northeast corner of Amidon and 21st Street North.

GALBRAITH showed slides of the area in general and reviewed the following staff report:

Comments

1. The applicant has submitted a Commercial Community Unit Plan as required by Section 28.04.190.B for commercial tracts in excess of six acres in order to permit the remodeling/conversion of a commercial building which was originally constructed on subject property prior to the C.U.P. provisions being amended in the zoning ordinance in 1964. Section 28.04.220 requires that buildings cannot be enlarged, converted or altered until the proposed use complies with the provisions of the zoning ordinance which, in this particular case, necessitates approval of a commercial Community Unit Plan.
2. In accordance with Section 28.04.190 (C.U.P. Regulations) of the code of the City of Wichita, the applicant has submitted a preliminary development plan indicating required information pertaining to gross area, maximum building heights, maximum building coverage, proposed general uses, maximum curb cuts, sign controls, maximum building setbacks and screening controls. Inasmuch as the uses proposed for subject property fall within the uses permitted in the existing zoning, no zone change is required for the C.U.P. approval.
3. The C.U.P. regulations require that a 5 - 8' wall be constructed of tile, masonry, etc., along the north property line; however, the Department of Public Works has suggested that said requirement be modified from a wall (a permanent structure), to a fence with removable metal panels because the north property line falls within a utility easement and future repairs to the utility lines could necessitate temporary removal of the fence. Standards for said fencing requirement are contained in general provision #4.
4. It is proposed that a combination of outright and contingent street dedications be used to secure standard street right-of-way adjacent to subject property. Contingent street dedications are often utilized when a structure already exists on the property.
5. Should the Planning Commission determine that this C.U.P. is appropriate, the following are recommended conditions of approval.
  - a. Contingent and outright street right-of-way dedications, as shown on the plan, shall be submitted prior to the CUP being forwarded to the Board of City Commissioners.
  - b. The applicant shall guarantee the construction of sidewalks adjacent to 21st Street North and Amidon prior to the case being forwarded to the Board of City Commissioners.
  - c. The applicant shall guarantee the construction of a major approach to parcel #1 from Amidon and construction of a major approach to parcel #1 from 21st Street North prior to the case being forwarded to the Board of City Commissioners.

- d. The applicant shall guarantee the construction of a deceleration lane on Amidon as determined by the Department of Public Works prior to the case being forwarded to the Board of City Commissioners.
- e. The applicant shall guarantee the construction of an acceleration-deceleration lane on 21st Street North as determined by the Department of Public Works prior to the case being forwarded to the Board of City Commissioners.
- f. A lot grading plan shall be submitted to the Maintenance-Flood Control Office of the Department of Public Works. A letter obtained from the Assistant Superintendent of Public Works Maintenance approving said plan shall be submitted to the Planning Department prior to the issuance of any building permits.
- 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 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.

GALBRAITH said the applicant had complied with standard conditions for approval of a CUP and has agreed to dedications, construction of major approaches on 21st and Amidon, and it was the recommendation of the staff that the request be approved, subject to the conditions shown in the staff report.

GALBRAITH pointed out various features of the CUP plan and when questioned said the CUP is required by ordinance where substantial reconstruction is planned and the area is over 6 acres.

JAMES GARDNER, representing the applicant, agreed with all conditions recommended for approval, except item f., the requirement for a lot grading plan to be approved by the Flood Control Office.

He assumed this is the usual policy in platting or replatting, but believed in this instance that a "positive lot grading plan" would be sufficient rather than going through the Flood Control Office to have their approval. He said he was not aware of what the Flood Control staff might require and that the other wording might be just as good. He continued that it is possible he would not necessarily agree with some unknown type of requirement and he considered the wording as suggested a loosely defined requirement.

GALBRAITH said this is a requirement of Public Works and when they reviewed the CUP, they asked if replatting was anticipated. When the Planning staff thought replatting would probably not be necessary, Public Works felt it was possible there would be some ponding problems along the north line adjacent to the residences and asked that a lot grading plan be submitted. GALBRAITH said he would anticipate a plan merely showing that all drainage would be directed to the three adjacent streets, and he anticipated no requirement so far as drainage easements. He suggested that if difficulty with a site grading plan develops with Public Works, the matter could be considered again by the Planning Commission.

GARDNER said his request is that the wording specify more exactly what is required and he thought his wording more clearly specified the requirement. To provide a plan which satisfies Flood Control leaves it "up in the air."

SAVINA asked if north of the building was the only drainage problem, and GALBRAITH said he was not certain, but that the grassy area north of the building now is proposed to be paved for parking and it should not drain toward the homes to the north.

GARDNER said the swale at the northeast corner has gradually over the years become partially filled with grass and that it does not drain properly, but the plan is to provide paved parking on all the grassy area and it certainly will not be paved without providing proper drainage.

GARDNER considered it reasonable to require a positive drainage plan, but not through a requirement so loosely written and which requires that some particular person approve the plan. He said if Mitchell could agree to a plan now or before hand, he would probably have no objection, but preferred that the plan be defined definitely rather than undefined at this time.

GALBRAITH said it was suggested such a plan be submitted to Mitchell prior to any building permits being issued, and that perhaps Mr. Gardner would like to confer with Mitchell before this CUP is forwarded to the City Commission, although he had felt such a plan could be submitted later, prior to the issuance of a building permit.

GRAGG commented that apparently what Mr. Gardner wants to know is what will be required before getting all his plans made. GARDNER commented that this body is interested in the property being adequately drained and he did not argue with the requirement, but did have concerns about saying that a plan shall be approved by someone at some future date. When asked how he would have such a requirement worded, GARDNER said he would have no objection to a grading plan being submitted to the Public Works Office, providing for positive drainage of the lot prior to the issuance of any building permit. He stated that when plans are drawn for the parking lot, he would expect to have plans also drawn for the drainage, and he had no objections to submitting such plans to the Public Works Department and providing that the plan provide for positive drainage. He did not like, however, to say that he would provide a plan to Mitchell or anyone else that he will approve, because he did not know what he might require.

PORTER asked Galbraith if to change the wording as suggested by Gardner would be satisfactory with the staff.

GALBRAITH said his only reluctance with the wording is that the positive drainage plan submitted by Mr. Gardner might not be acceptable to Public Works; there needs to be somebody in the City to review and approve a drainage plan, and he felt that should be the Flood Control Office. It was his understanding that all Mitchell wants is a plan showing that water will not be directed to the houses to the north. It would not seem proper to require a positive drainage plan with no one having authority to approve or disapprove.

GARDNER assumed that the Public Works Department would have the authority to approve or disapprove any plan submitted for a building permit and he agreed that would be proper. However, he did not like to have this kind of a condition loosely worded in the approval of the CUP. He indicated that he, as well as other builders, have had some disagreements with Public Works about what is or is not adequate drainage and he did not like to see this requirement as a condition of approval of the CUP.

BARRIER asked if he would be agreeable if the requirement for a positive drainage plan was added to the first sentence.

GARDNER did not think a requirement that he obtain a letter from the Assistant Superintendent of Public Works Maintenance approving a plan is necessary for the approval of the CUP, but is a condition that must be met when getting a building permit.

GRAGG asked Gardner if it would be agreeable with him for this to go to the Subdivision Committee where it could be determined what the drainage problems are and find a solution.

GARDNER said he did not want to replat and that he would rather leave the condition in as presently worded than to go to the Subdivision Committee.

KAMEN commented that on items of this nature, a drainage plan must always be approved if there is such a problem, and he asked Gardner if there was something behind his attitude which made him think a plan could not be resolved through consultation with the Flood Control Office. GARDNER had no doubt that it could be done, but did not want to be required to meet with the Flood Control Office and have to comply with excessive requirements in the matter of sizing of pipes, number of inlets, easements, etc.

KAMEN felt that there is something apparently which Mr. Gardner doesn't like, yet how could he know there might be a problem. GARDNER said he didn't know that there would be a problem, but he has had past experience and there may be a problem.

GARDNER pointed out that the area south of the building and to the west is presently drained through an underground system, with catch basins located where water drains to them. The basins are attached to a 12" line which goes from the east side across to the front of the property and at that point goes into the storm sewer. He stated that this has been a satisfactory system for over 15 years for this part of the lot. However, there is a problem at the northeast corner where the swale has filled to the point that it does not drain, and this has to be resolved, but he did not want to tear out the rest of the lot and replace with something bigger because Public Works might think it should all be bigger. He did not want to take out something that is there in order to satisfy someone else's idea of what is adequate drainage.

KAMEN pointed out that someone is guided by rules and regulations. Gardner agreed, but thought the rules being used are excessive.

TAYLOR stated that the staff feels there will be no problem, and Gardner feels there might be, and it was her suggestion that the question be resolved between this time and when the case goes to the City Commission; or defer the case until the question of drainage is resolved.

GARDNER said this is not something that he was going to "go to the mat on" if he didn't have to, and that he would agree to the requirement as stated if that is what the Commission feels is proper for approval of the CUP; however, his opinion was different.

GALBRAITH reported that he had tried to contact Mitchell during this discussion, but was unable to do so. Further, in a letter to Mr. Gardner dated February 13, 1976, he had pointed out the drainage situation and if he had known of Mr. Gardner's feelings on the matter, he would have set up a meeting with Mitchell previous to this meeting, but it was his understanding that Mitchell wants only a site drainage plan to be reviewed by his office.

JANET BETTON, 1815 West 23rd Street North, assured the Commission that there is a serious drainage problem at the northeast corner and none of the residents on 23rd Street North want the water drained into their backyards. She wanted to be assured that whatever is constructed in the way of a fence is not going to be noisy when the wind blows from the south, and thought possibly a metal fence might be noisy.

GARDNER said they have not drawn any plans for construction of a metal panel fence; but assumed that it should be on steel posts and be solid metal paneling and fashioned in such a way that it would not make a noise in the wind. Central Inspection will have to approve the plans for any fence installation.

GARDNER said they put the present snow fence in to try to confine trash and it was placed on their property line by about 3 feet. Also, they have planted some trees over the years as have the residents on the north, and it was his intention that when a permanent fence is built that none of the trees or shrubbery will be eliminated.

SAVINA said it appeared to him that the green belt serves the same purpose as a fence.

GARDNER felt the fence should be built and they intend to do so, and it will be put on his property, and it would be to not only stop trash from blowing on the neighbors, but to shield the residential properties from lights.

DONALD R. ARMSTRONG, 1921 West 23rd Street North, spoke of the accumulation of trash at the fence line and said he would like to have an 8-foot fence such as at Sweetbriar Center across the street.

GALBRAITH said the Commission can set the height of any fence; but normally on a CUP it is just indicated as a 5 to 8-foot fence.

GALBRAITH pointed out the suggestion of Public Works that, because there is a utility easement on the north property line, that a fence with removable metal panels be installed rather than a masonry type fence. In further discussion of the fence, GARDNER said that while it has not been designated at this time, it would be tight against the ground to assure that trash would not accumulate in the backyards of the residents to the north. It was his feeling that a fence 6 feet high would be sufficient for screening, and he noted that most of the fences built by the people to the north have been about that height, and he assumed they felt that height was sufficient to assure their privacy.

MS. BETTON spoke again to say that she definitely did not think a 6-foot fence would accomplish the desired screening, as it was her opinion that she would be able to see over a 6-foot fence from her back porch. BETTON referred to the nuisance of having a commercial development adjacent and the expected parking, traffic, etc., associated with such development, and she wanted as much privacy as possible.

BARRIER considered the wind factor an item to consider in proposing a solid 8-foot metal fence.

MS. BETTON felt there should be some way to resolve the differences and make everyone happy, and said they are willing to listen to suggestions. She said several of the residents have spoken with Mr. Gardner previously about the trash and other problems and tried to cooperate with him.

GOEBEL pointed out to the residents that Mr. Gardner could rent the building as it is now, but his purpose in requesting the CUP is to improve the situation for himself as well as the neighbors. He thought if it is too difficult for improvement of the area, then the owner might decide just to rent the facilities as they are now without any improvement. GOEBEL considered it ridiculous to demand an 8-foot fence because most of the problem is from accumulation of trash.

MS. BETTON said they were told that it would probably be an 8-foot fence and now they find it could be as low as 5 feet and she did not think that would be adequate for privacy. When asked if the commercial development existed when they bought their home, Ms. Betton said it did, but there was a bamboo type fence quite tall and it was a shield, but it has now blown down.

COLLIER felt the request for an 8-foot fence was unreasonable and that especially for a metal fence, the extra two feet can represent a lot of money.

MS. BETTON said it also can assure privacy for homeowners and a 6-foot fence won't do that.

WILLIAM HOLSAPPLE, 1807 West 23rd Street North, thought a precedent had been set because an 8-foot solid masonry wall was required at Sweetbriar Center, but he did not know if it was on an easement or on private property, but it is an 8-foot cement block fence.

LAKIN said it was his recollection that such a fence was not required at Sweetbriar, except that the neighbors forced Mr. Hunt, the builder, to construct that type of fence, and he did not know if it was on easement area or not. It was his opinion that if it is over an easement, such easement accommodates only a sewer line, which seldom has to be maintained, and other utilities are overhead.

HOLSAPPLE said he had seen the metal fence around K-Mart East and it is not good, and has vandalism damage and it is becoming quite unsightly.

BARRIER suggested that Mr. Gardner and the residents meet and see if they can resolve the differences, and to defer the matter until after Mr. Gardner's meeting with the residents and with the Flood Control Office on drainage.

**MOTION:** That a decision on this application be deferred until the next meeting, and that the applicant meet with the residents in the area and with the Flood Control Office to resolve the problems of fencing and drainage. Barrier moved. This motion was not seconded.

**MOTION:** That the Planning Commission recommend to the City Commission that this application be approved subject to conditions suggested by the staff as follows:

- a. Contingent and outright street right-of-way dedications, as shown on the plan, shall be submitted prior to the CUP being forwarded to the Board of City Commissioners.
- b. The applicant shall guarantee the construction of sidewalks adjacent to 21st Street North and Amidon prior to the case being forwarded to the Board of City Commissioners.
- c. The applicant shall guarantee the construction of a major approach to Parcel #1 from Amidon and construction of a major approach to Parcel #1 from 21st Street North prior to the case being forwarded to the Board of City Commissioners.
- d. The applicant shall guarantee the construction of a deceleration lane on Amidon as determined by the Department of Public Works prior to the case being forwarded to the Board of City Commissioners.
- e. The applicant shall guarantee the construction of an acceleration-deceleration lane on 21st Street North as determined by the Department of Public Works prior to the case being forwarded to the Board of City Commissioners.
- f. A lot grading plan shall be submitted to the Maintenance-Flood Control Office of the Department of Public Works. A letter obtained from the Assistant Superintendent of Public Works Maintenance approving said plan shall be submitted to the Planning Department prior to the issuance of any building permit.

- 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 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.

Kamen moved and Savina seconded.

BARRIER said she considered the height of the fence important for the protection of the residential area so far as lights, noise, and trash, and a good fence makes for good neighbors, and she hoped that the differences could be resolved.

KAMEN commented that whether the fence is 5, 6, 7, or 8 feet in height, there will be lights, and regardless of the height there will be blowing trash; and whatever is required will be an improvement over what exists now. He felt that both factions have problems and suggested that the applicant should attempt to maintain a good neighborhood and whether the fence is 8 feet high is a decision for Mr. Gardner to make, since the terms of the ordinance indicate "a 5 to 8 foot fence."

VOTE ON MOTION: Carried unanimously.

-----

CERTIFICATE

City of Wichita)  
Sedgwick County) ss  
State of Kansas)

I, FORREST WEIRICK, PRESIDENT, owner of  
GRANDVIEW LODGE, INC. BLOCK 1, THE VOCATED 22ND STREET RESORTS  
WEST END OF COLONY AVENUE TO THE WEST END OF AUBURN AVE, LOTS  
11, 12, 13, 14, 15, 16, 17, 18, 19, 20 IN BLOCK 2; AN IN GRANDVIEW ENCLAVE RESORTS  
do hereby certify that petitions for the following improvements  
have been submitted to the Board of Commissioners of the City of  
Wichita, Kansas:

1. SIDEWALK ON NORTHSIDE 21<sup>ST</sup>
2. SIDEWALK ON EAST SIDE AUBURN
3. SIDEWALK ON WEST SIDE COLONY
4. PAVING ALL ALLEYS NORTH SIDE 21<sup>ST</sup>
5. PAVING ALL ALLEYS EAST SIDE AUBURN
- 6.
- 7.

As a result of the above-mentioned petitions for  
improvements, lots or portions thereof within GRANDVIEW  
RIVER LOUNGE ADDITION Addition may be subject to special  
assessments assessed thereto for the cost of constructing the  
above-described improvements.

Signed this 31 day of MARCH, 19 76.

Forrest Weirick

City of Wichita)  
Sedgwick County) ss  
State of Kansas)

Be it remembered that on this 31st day of March  
19 76, before me, a notary public in and for said county and state,  
came Forrest Weirick, to me personally  
known to be the same person who executed the foregoing instrument  
of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and  
affixed my notarial seal the day and year above written.



Dennis E. Rathke  
Notary Public

My Commission Expires:  
August 20, 1978

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Gardner Land Incorporated

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The west ten (10) ft. of the north one hundred ninety-five (195) ft. of Block 1; the west ten (10) ft. of the vacated 22nd Street adjacent to Block 1 on the north, and the west ten (10) ft. Lot 20, Block 2, all in Gardners Riverlawn Addition

does hereby dedicate the above described real estate to the public for street purposes.

Executed this 31st day of March, 1976.

Gardner Land Inc  
F. W. Weirick, Pres.

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 31 day of March, 1976, before me a Notary Public in and for the said County and State came

F. W. Weirick, President of Gardner Land Incorporated

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Diana S. Sellers  
Notary Public

My Commission expires April 30 1977.

Form #42-033

CONTINGENT DEDICATION

WHEREAS, Gardner Land Incorporated being the owner of Block 1 and Lots 11 through 20 Block 2 and the vacated 22nd Street right-of-way lying adjacent to the above described property all in Gardners Riverlawn Addition; and

WHEREAS, the City of Wichita is requesting that a portion of said property be dedicated to the public for street right-of-way purposes; and

WHEREAS, it is the intention of the owner to dedicate to the public the said requested portion of said property for street purposes in connection with the Commercial Community Unit Plan for the above described property more commonly located at the Northeast Corner of 21st and Amidon, Wichita, Kansas, and that said dedication shall become effective upon the legislative determination of public need by the Board of City Commissioners:

NOW, THEREFORE, Gardner Land Incorporated being the legal owner of the aforesaid property does hereby dedicate to the public for street purposes the following described property:

Beginning at a point thirty-five (35) ft. east and one hundred five (105) ft. north of the Southwest Corner Block 1, Gardners Riverlawn Addition; thence north parallel to and thirty-five (35) ft. east of the west line of said Block 1 a distance of ninety-five (95) ft.; thence northwesterly to a point on the north line of said Block 1 said point being ten (10) ft. east of the Northwest Corner of said Block 1; thence south parallel to and ten (10) ft. east of the west line of said Block 1 to a point one hundred five (105) ft. north and ten (10) ft. east of the Southwest Corner of said Block 1; thence east parallel to the south line of said Block 1 to the point of beginning.

The right of the public and the City of Wichita to use, maintain, excavate, fill, pave, or install utilities or to make similar use of said dedicated street right-of-way shall become effective upon the legislative determination of public need by the Board of City Commissioners as hereinabove provided.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successor and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed at Wichita, Sedgwick County, Kansas, this 31 day of March, 1976.

GARDNER LAND INCORPORATED

By F. W. Weirick, Pres.

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 31 day of March, 1976, before me a Notary Public in and for the said County and State came

F. W. Weirick, President of Gardner Land Incorporated

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Dean S. Sellers  
Notary Public

My Commission expires April 30 1977

CONTINGENT DEDICATION

WHEREAS, Gardner Land Incorporated being the owner of Block 1 and Lots 11 through 20 Block 2 and the vacated 22nd Street right-of-way lying adjacent to the above described property all in Gardners Riverlawn Addition; and

WHEREAS, the City of Wichita is requesting that a portion of said property be dedicated to the public for street right-of-way purposes; and

WHEREAS, it is the intention of the owner to dedicate to the public the said requested portion of said property for street purposes in connection with the Commercial Community Unit Plan for the above described property more commonly located at the Northeast Corner of 21st and Amidon, Wichita, Kansas, and that said dedication shall become effective upon the legislative determination of public need by the Board of City Commissioners:

NOW, THEREFORE, Gardner Land Incorporated being the legal owner of the aforesaid property does hereby dedicate to the public for street purposes the following described property:

Beginning at the Southeast Corner of Block 1, Gardners Riverlawn Addition; thence west along the south line of said Block 1 to a point one hundred thirty (130) ft. east of the Southwest Corner of said Block 1; thence north parallel with the west line of said Block 1 a distance of twenty-five (25) ft.; thence east parallel to the south line of said Block 1 a distance of eighty (80) ft.; thence southeasterly to a point ten (10) ft. north and three hundred ten (310) ft. east of the Southwest Corner of said Block 1; thence east parallel to and ten (10) ft. north of said south line to the east line of said Block 1; thence south along said east line to the point of beginning.

The right of the public and the City of Wichita to use, maintain, excavate, fill, pave, or install utilities or to make similar use of said dedicated street right-of-way shall become effective upon the legislative determination of public need by the Board of City Commissioners as hereinabove provided.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successor and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed at Wichita, Sedgwick County, Kansas, this 31 day of March, 1976.

GARDNER LAND INCORPORATED

By F. W. Weirick PRES

STATE OF KANSAS)  
SEDGWICK COUNTY)SS

BE IT REMEMBERED, that on this 31 day of March, 1976, before me a Notary Public in and for the said County and State came

F. W. Weirick, President of Gardner Land Incorporated

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Dennis Sellers  
Notary Public

My Commission expires April 30 1977.

CONTINGENT DEDICATION

WHEREAS, Gardner Land Incorporated is the owner of Block 1 and Lots 11 through 20 inclusive, Block 2 and the vacated street right-of-way (22nd Street) lying adjacent to the above described property in Gardners Riverlawn Addition; and

WHEREAS, the City of Wichita is requesting that a portion of said property be dedicated to the public for street right-of-way purposes; and

WHEREAS, it is the intention of the owner to dedicate to the public the said requested portion of said property for street purposes but to be effective only in the event the existing service station improvements located on the contingent dedication hereinafter described are removed or substantially destroyed:

NOW, THEREFORE, Gardner Land Incorporated being the legal owner of the aforesaid property does hereby dedicate to the public for street purposes, the following described property:

The south twenty-five (25) ft. of the west one hundred thirty (130) ft. Block 1, Gardners Riverlawn Addition and the west thirty-five (35) ft. of the north eighty (80) ft. of the south one hundred five (105) ft. of Block 1, Gardners Riverlawn Addition

But the right of the public and the City of Wichita to use, maintain, excavate, fill, pave, or install utilities or to make similar use of said property shall not occur so long as the present facilities located on said property being dedicated shall remain in the manner in which it is now being used and said dedication shall not become effective until the improvements are removed or substantially destroyed as hereinabove setforth.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successors and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed at Wichita, Sedgwick County, Kansas, this 31 day of March, 1976.

GARDNER LAND INCORPORATED

By Richard P. S.

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 31 day of March, 1976, before me a Notary Public in and for the said County and State came

F. W. Weirick, President of Gardner Land Incorporated

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Dennis Miller  
Notary Public

My Commission expires April 30 1977.

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE March 19, 1976



TO Metropolitan Area Planning Department

FROM David Furnas, CPO Coordinator

SUBJECT

At its March 18, 1976, meeting, Neighborhood Council "M" voted unanimously on the motion: "That the Council does not oppose the Community Unit Plan of DP-76, but the Council feels that the traffic volume (not caused by lack of acceleration-deceleration lanes) at 21st and Amidon is currently unexceptable and any additional retail business would compound the problem."

*David H. Furnas*  
David Furnas  
Citizen Participation Coordinator

DF:KO:sm



March 19, 1976

Mr. James L. Gardner  
Gardner Land, Inc.  
601 North Broadway  
Wichita, Kansas 67214

Re: DP-76 - Request for Approval  
of Commercial Community Unit  
Plan - Northeast corner of  
21st Street and Amidon

Dear Mr. Gardner:

At the regular meeting of the Metropolitan Area Planning Commission on March 18, 1976, the above-captioned application was considered. After considerable discussion on drainage and fence height, the action of the Commission was to approve the CUP, subject to the following conditions:

- a. Contingent and outright street right-of-way dedications, as shown on the plan, shall be submitted prior to the CUP being forwarded to the Board of City Commissioners.
- b. The applicant shall guarantee the construction of sidewalks adjacent to 21st Street North and Amidon prior to the case being forwarded to the Board of City Commissioners.
- c. The applicant shall guarantee the construction of a major approach to Parcel #1 from Amidon and construction of a major approach to Parcel #1 from 21st Street North prior to the case being forwarded to the Board of City Commissioners.
- d. The applicant shall guarantee the construction of a deceleration lane on Amidon as determined by the Department of Public Works prior to the case being forwarded to the Board of City Commissioners.
- e. The applicant shall guarantee the construction of an acceleration-deceleration lane on 21st Street North as determined by the Department of Public Works prior to the case being forwarded to the Board of City Commissioners.

Page 2 - Mr. James L. Gardner  
March 19, 1976

- f. A lot grading plan shall be submitted to the Maintenance-Flood Control Office of the Department of Public Works. A letter obtained from the Assistant Superintendent of Public Works Maintenance approving said plan shall be submitted to the Planning Department prior to the issuance of any building permit.
- 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 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.

Conditions a. through e. are associated with guarantees for sidewalks, accel-decel lanes and major entrances. These conditions must be satisfied prior to forwarding the Community Unit Plan on to the Board of City Commissioners. Regarding the appropriate guarantees for these required construction improvements, if you select the petition method, I would suggest that you contact the Engineering Division of the Department of Public Works and have them prepare the necessary guarantees for your execution and return to our office. Also, regarding the legal descriptions for the contingent and outright dedications, we would suggest that you have your engineer or surveyor describe these dedications as indicated on the CUP, prepare the necessary dedications for your execution and return to our office.

Since there were several questions raised concerning the required lot grading plan (condition f.), again, I would recommend that you contact M. S. Mitchell of the Department of Public Works and discuss the preparation of a site grading plan with him prior to this matter being forwarded to the City Commission.

At such time as conditions a. through e. are complied with, and we receive nine additional copies of the CUP to forward to the Board of City Commissioners, we will schedule subject case for their consideration.

Page 3 - Mr. James L. Gardner  
March 19, 1976

If you have any questions on proceeding with these matters, please  
contact our office.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber  
Attachment

cc: Columbian Realty Fund, Ltd. #11, P. O. Box 5089, Topeka, Kansas  
John Arnold, Sutton Place Building 67202  
Donald R. Armstrong, 1921 West 23rd Street North 67204  
Janet L. Betton, 1815 West 23rd Street North 67204  
William Holsapple, 1807 West 23rd Street North 67204  
William Korber, 330 Laura 67211  
Dick Linn, City Engineer  
M. S. Mitchell, Flood Control Office

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 3-18-76

Case No. DP-76 Request: Approval of Commercial  
Community Unit Plan

Location: Northeast corner of 21st and Amidon

Reason: CUP required by existing zoning.

Acres: 8.47 Size: 466' x 800'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Service Station, Vacant Commercial Appliance Sales	"B", "BB" & "LC"
North	Single Family	"B"
East	Service Station, Liquor Store	"BB" & "LC"
South	Twin Lakes Shopping Center, Service Station	"LC"
West	Sweetbriar Shopping Center - Service Station	"LC"

Existing R/W	Adequate Street right-of-way, to be secured through combination of out- right and contingent dedications by separate Instrument	Platted: Yes
		Sidewalk: None
		History:
		2-0242 "B" to "LC"
		2-20-60 MAPC approve
		3-9-60 BCC approve
		2-0626 "B" to "BB"
		2-18-65 MAPC deny
		3-19-65 BCC deny
		2-0569 "B" to "BB"
		5-20-65 MAPC approved
		6-8-65 BCC approved

COMMENTS:

1. The applicant has submitted a Commercial Community Unit Plan as required by Section 28.04.190.B for commercial tracts in excess of six acres in order to permit the remodeling/conversion of a commercial building which was

originally constructed on subject property prior to the C.U.P. provisions being amended in the zoning ordinance in 1964. Section 28.04.228 requires that buildings cannot be enlarged, converted or altered until the proposed use complies with the provisions of the zoning ordinance which, in this particular case, necessitates approval of a commercial Community Unit Plan.

2. In accordance with Section 28.04.190 (C.U.P. Regulations) of the code of the City of Wichita, the applicant has submitted a preliminary development plan indicating required information pertaining to gross area, maximum building heights, maximum building coverage, proposed general uses, maximum curb cuts, sign controls, maximum building setbacks and screening controls. Inasmuch as the uses proposed for subject property fall within the uses permitted in the existing zoning, no zone change is required for the C.U.P. approval.
3. The C.U.P. regulations require that a 5 - 8' wall be constructed of tile, masonry, etc., along the north property line; however, the Department of Public Works has suggested that said requirement be modified from a wall (a permanent structure) to a fence with removable metal panels because the north property line falls within a utility easement and future repairs to the utility lines could necessitate temporary removal of the fence. Standards for said fencing requirement are contained in general provision # 4.
4. It is proposed that a combination of outright and contingent street dedications be used to secure standard street right-of-way adjacent to subject property. Contingent street dedications are often utilized when a structure already exists on the property.
5. Should the Planning Commission determine that this C.U.P. is appropriate, the following are recommended conditions of approval:
  - (a) Contingent and outright street right-of-way dedications, as shown on the plan, shall be submitted prior to the C.U.P. being forwarded to the Board of City Commissioners.
  - (b) The applicant shall guarantee the construction of sidewalks adjacent to 21st Street North and Amidon prior to the case being forwarded to the Board of City Commissioners
  - (c) The applicant shall guarantee the construction of

3-18-76

a major approach to parcel # 1 from Amidon and construction of a major approach to parcel # 1 from 21st Street North prior to the case being forwarded to the Board of City Commissioners.

- (d) The applicant shall guarantee the construction of a deceleration lane on Amidon as determined by the Department of Public Works prior to the case being forwarded to the Board of City Commissioners.
  - (e) The applicant shall guarantee the construction of an acceleration-deceleration lane on 21st Street North as determined by the Department of Public Works prior to the case being forwarded to the Board of City Commissioners.
  - (f) A lot grading plan shall be submitted to the Maintenance-Flood Control Office of Department of Public Works. A letter obtained from the Assistant Superintendent of Public Works Maintenance approving said plan shall be submitted to the Planning Department prior to the issuance of any building permits.
  - (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 residential and commercial 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.
-

DP-76 - 57 Notices to adjoining property owners mailed 3/4/76 for the  
MAPC for 3/18/76 - plus  
1 (including map) to Elmer Karstensen

58 TOTAL

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

March 4, 1976

NOTICE TO ADJOINING PROPERTY OWNERS

NOTICE IS HEREBY GIVEN that on Thursday, March 18, 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 a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "GARDNERS RIVERLAWN", for property legally described as follows:

DP-76 - Block 1; the vacated 22nd Street from the West line of Coolidge Avenue to the East line of Amidon Avenue; Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 in Block 2; all in Gardner's Riverlawn Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Amidon and 21st Street North.

The Development Plan of this area has been submitted 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 at the Planning Department Office, 10th Floor, City Hall, 455 North Main Street, Wichita, Kansas, and is available for public inspection and review.

The Development Plan on file proposes an 8.6 acre commercial development with a maximum gross floor area of approximately 170,000 square feet. Included in the Development Plan is information concerning building setbacks, maximum ground coverage by structures, maximum gross floor area, maximum height limitations, number of points of ingress and egress, sign limitations, screening provisions, and proposed general land use on two specific designated parcels.

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

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

February 13, 1976

Mr. James L. Gardner  
Gardner Land, Inc.  
601 North Broadway  
Wichita, Kansas 67214

Re: DF-76- GARDNERS RIVERLAWN  
Commercial Community Unit  
Plan - Northwest corner of  
21st Street North and  
Amidon.

Dear Mr. Gardner:

We have reviewed the proposed 8.55 acre commercial Community Unit Plan at the northeast corner of 21st Street North and Amidon and the following are our comments as well as those by other City Departments concerning this project.

The major items which need to be depicted on the face of the C.U.P. are the outright and contingent street dedications necessary to bring Amidon and 21st Street North up to City of Wichita standards. The Department of Public Works has recommended that the following street dedications be secured:

- 1) 75 foot of half street rights-of-way for a distance of 250 feet east and north from the intersection of the center lines of 21st and Amidon and tapering to 60 feet of half street right-of-way at a distance of 350 feet east of the center line intersection on 21st and to 50 feet of half street right-of-way at a distance of 350 feet north of the center line intersection on Amidon. Said rights-of-way are to be a combination of outright dedication; dedication contingent upon the City of Wichita's need for maintenance, excavation or fill, paving, installation of utilities, and other similar street uses; and dedication contingent upon the existing service station and pumps on parcel #2 either being removed or substantially destroyed.
- 2) An outright dedication of 10 additional feet of right-of-way adjacent to the west edge of parcel #1.

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- 3) A dedication of 10 additional feet of right-of-way contingent upon the City's need for maintenance, excavation or fill, paving, installation of utilities or other similar street uses adjacent to the south line of parcel #1.

Said street dedications shall be as shown on the "marked copy" of the C.U.P. accompanying this letter.

It is also necessary that access controls be shown on the plan as marked and that the opening to 21st Street North and one of the openings to Amidon from parcel #1 be depicted as being constructed to major approach standards as defined by the Department of Public Works.

Because of your desire to see the wall required on the north property line to be placed within the easement so as not lose that eight feet, we would suggest the screening requirement be modified from a masonry wall to a fence with removable metal panels in order to comply with Public Works' standards as to what may be constructed in an easement. Sample wording for that provision may be found later in this letter.

There are also three items required on commercial C.U.P.'s which need to be listed in your text for parcels #1 and #2: 1) a maximum number of buildings proposed for each parcel should be indicated. 2) Floor area ratio or the ratio of maximum gross floor area to total land area should be given for each parcel (in no case should that ratio exceed 45%). 3) Maximum gross floor area should be shown for each parcel. Although you have shown maximum gross leasable floor area for parcel #1 that figure could differ from overall gross floor area which is required to be shown by Section 28.04.190.B.2 of the City Code (C.U.P. regulations of the zoning ordinance). Maximum gross floor area also needs to be shown for parcel #2.

Because we have agreed that replatting will not be recommended as a condition of C.U.P. approval, it is necessary that some of the guarantees for improvements normally required with a plat be acquired through separate instrument. The Maintenance-Flood Control Office of the Department of Public Works has also recommended that a lot grading plan be submitted for the property as a condition of approval because of ponding problems on the site.

The C.U.P. regulations require that the zoning districts on subject property be depicted on the C.U.P. as marked. As I indicated previously in our discussion, it is necessary that the 35 foot building setback line proposed for the north edge of

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parcel #1 be increased to 66 feet in order to reflect the "B" zoning district line (a commercial use cannot be established in the "B" Multiple Family District).

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

- 1) The appropriate combination of outright and contingent street dedications shall be depicted as shown on the "marked copy" of the C.U.P. accompanying this letter.
- 2) Access controls adjacent to Coolidge, 21st Street North and Amidon shall be depicted as shown on the "marked copy" of the C.U.P.
- 3) The zoning districts established on subject property shall be depicted as they exist and the building setback line proposed for the north edge of parcel #1 shall be increased to 66 feet to reflect said zoning districts.
- 4) General provision number 3 shall be amended to read as follows:  
"Signs as permitted by zoning ordinance".
- 5) General provision number 4 shall be amended to read as follows:  
"A 5 to 8 foot high fence consisting of removable metal panels so designed as to prevent the passage of light from vehicles and to prevent the blowing of debris shall be constructed along the north property line of parcel #1. Said fence shall be reduced to 3 feet in height within twenty feet of Amidon and Coolidge and shall be so designed that the vertical supports shall be not less than 16 feet on center. The property owner shall be responsible for maintaining the fence in good repair and such obligation shall run with the land. Any relocation or construction of the fence necessitated by its location within a utility easement shall be without cost of the City or any utility company. Failure to maintain said fence shall constitute a violation of the C.U.P."
- 6) The provisions for parcel #1 and parcel #2 shall be amended to add the following information:
  - a) maximum number of buildings
  - b) floor area ratio (not to exceed .45)
  - c) Maximum gross floor area (not gross leasable area).

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- 7) Under the curb cut provisions for parcel #1 it shall be indicated that one access point to Amidon and the access point to 21st Street North shall be constructed to major approach standards.
- 8) Additional general provisions shall be indicated as follows:

"A fire lane, hard surfaced and twenty (20) feet minimum in width, shall be provided around all main structures constructed within parcels one (1) and (2). Said fire lane shall have a 3½ inch asphalt base with 1½ inch asphalt surface. No parking shall be allowed in said fire lane, although it may be used for passenger loading and unloading. Prior to final approval of the parking plan, the Fire Chief, or his designated representative, shall approve the plan as to the location and design of the fire lane."

"A lot grading plan of subject property shall be submitted to the Maintenance-Flood Control Office of the Department of Public Works. A letter obtained from the Assistant Superintendent of Public Works Maintenance approving said plan shall be submitted to the Planning Department prior to the issuance of any building permits."

"All utilities installed after the date of approval of this plan by the Board of City Commissioners shall be installed underground."

"Contingent Dedication

- A) In the event the existing service station improvements located on the contingent dedication in parcel #2, are removed or substantially destroyed, the additional right-of-way as indicated on the plan shall become effective.
- B) In the event that the contingent dedications located within parcel #1 are needed by the City of Wichita for fill, paving, installation of utilities, and other similar street uses, the additional right-of-way as indicated on the plan shall become effective."

"Prior to the case being forwarded to the City Commission the applicant shall:

- a) guarantee the construction of sidewalks adjacent to to 21st Street North and Amidon.

James L. Gardner  
February 13, 1976  
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- b) guarantee the construction of a major approach to parcel #1 on Amidon and construction of a major approach to parcel #1 on 21st Street North.
- c) guarantee the construction of a deceleration lane on Amidon as determined by the Department of Public Works.
- d) guarantee the construction of an acceleration-deceleration lane on 21st Street North as determined by the Department of Public Works."

"Contingent and outright street right-of-way dedications shall be made prior to the C.U.P. being forwarded to the Board of City Commissioners for approval."

These are most of the comments which we have at this time. We have tentatively scheduled this Community Unit Plan to be considered by the Planning Commission on March 18, 1976. In order for the case to be considered at that time it is necessary that we receive 16 revised copies of the C.U.P. by Monday, March 1, 1976.

After you review our comments and suggested provisions, 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:rme  
Encl.

cc: Mr. John Arnold  
Sutton Place Building  
Wichita, Kansas 67202

February 6, 1976

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

Jack H. Galbraith, Chief Planner

CUP - Northeast corner 21st Street North and Amidon

Attached for your information and review is a copy of the CUP at the above location, filed this date by Jim Gardner. Bill McKinley and I have cautioned him about the need for additional right-of-way for 21st and Amidon, particularly so that a deceleration lane can be constructed at the two major entrances. Please comment on the amount of right-of-way necessary. Please note also the proposal to construct a masonry wall for the easement along the north property line. Would appreciate your comments as to the wall location, drainage, etc., so that we can respond to Mr. Gardner early next week.

Jack H. Galbraith  
Chief Planner

JHG:el

Attachment

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

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

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

- a. Applicant Gardner Land, Inc.  
Address 601 North Broadway 67214 Phone 264-9181  
Agent James L. Gardner,  
Address same Phone \_\_\_\_\_
- b. Applicant Columbian Realty Fund Ltd. #11  
Address P O Box 5089, Topeka, Kansas Phone \_\_\_\_\_  
Agent John Arnold  
Address Sutton Place Bldg. Phone 263-7242
- 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, BB, & B 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.)

Block 1, Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20 in Block 2, and the vacated 22nd Street from the West line of Coolidge Avenue to the East line of Amidon Avenue, all in Gardner's Riverlawn Addition to the City of Wichita

II.B There are 8.6 acres (round to nearest tenth) in the above described property.



*Sample # 18  
Hearing*

APPLICATION FOR COMMUNITY UNIT PLAN  
(PLANNED RESIDENTIAL OR COMMERCIAL DEVELOPMENT)  
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Address P O Box 5089, Topeka, Kansas Phone \_\_\_\_\_  
Agent John Arnold  
Address Sutton Place Bldg. Phone 263-7242
- 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, BB, & B and legally described as Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_ Addition.

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II.B There are 8.6 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 North side of 21st Street (Ave.,  
Street) between Coolidge Avenue (Ave., Street) and  
Amidon Avenue (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.

Gardner Land, Inc.	Columbian Realty Fund Ltd. #11
By <u>James L. Gardner</u>	By <u>John Arnold</u>
Authorized Agent (if any)	Authorized Agent (if any)

By \_\_\_\_\_ Authorized Agent (if any)      By \_\_\_\_\_ Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at  
3:00 ~~AM~~ PM on Feb 6, 76 (Day, Month,  
Year). It has been checked and found to be complete and accom-  
panied by required documents and the appropriate fee of

\$ No Fee is required

Jan H. Albratt Name  
Chief Planner Title

## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS: -  
 SEDGWICK COUNTY )

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

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

All the owners within 500 feet of:  
 Block 1, thevacated 22nd street between Amidon Avenue and Coolidge Avenue, and Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, in Block 2, all in GARDNERS RIVERLAWN ADDITION to the City of Wichita, Sedgwick County, Kansas.



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

LOT	BLOCK	ADDITION	OWNER & ADDRESS
		Block 1, thevacated 22nd Street between Amidon Avenue, and Coolidge Avenue, and Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, in Block 2, in GARDNERS RIVERLAWN ADDITION to the City of Wichita, Sedgwick County, Kansas.	D Gardner Land Inc. 601 North Broadway Wichita, Kansas 67214
1	2	GARDNER'S RIVERLAWN	Emmet B. & Margaret F. Park 2330 Amidon Wichita, Kansas 67204
2	2	GARDNER'S RIVERLAWN	Donald R. & Ruby Eva Elinor # <u>Armstrong</u> 1921 West 23rd Street North Wichita, Kansas 67204
3	2	GARDNER'S RIVERLAWN	Donald A. & Lois M. Filby 1915 West 23rd Street North Wichita, Kansas 67104

Fidelity  Title  
 COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
4	2	GARDNER'S RIVERLAWN	V. A. & Mildred B. Miller & Kathleen D. Garrison 1909 West 23rd Street North Wichita, Kansas 67204
5	2	GARDNER'S RIVERLAWN	John W. & Lulu B. Swenson 1901 West 23rd Street North Wichita, Kansas 67204
6	2	GARDNER'S RIVERLAWN	E. W. & Nell M. Schubert 1827 West 23rd Street North Wichita, Kansas 67204
7	2	GARDNER'S RIVERLAWN	George S. & Rosa L. Simpson 1821 West 23rd Street North Wichita, Kansas 67204
8	2	GARDNER'S RIVERLAWN	Stephen J. & Janet L. Betton 1818 West 23rd Street North Wichita, Kansas 67204
9	2	GARDNER'S RIVERLAWN	William Henry & Marjorie Holsapple 1807 West 23rd Street North Wichita, Kansas 67204
10	2	GARDNER'S RIVERLAWN	Avis R. & Deloris Gutshall 1801 West 23rd Street North Wichita, Kansas 67204
10	3	GARDNER'S RIVERLAWN	Willie Mae & Richard F. Whorton 2428 North Amidon Wichita, Kansas 67204
11	3	GARDNER'S RIVERLAWN	Nicholas N. & Anna D. Sandoval 2424 Amidon Wichita, Kansas 67204
12	3	GARDNER'S RIVERLAWN	Violet J. Steven Brenda Sue Sherrill Charles David Steven 2416 Amidon Wichita, Kansas 67204
13	3	GARDNER'S RIVERLAWN	Ray & Georgia I. Shropshire 2410 Amidon Wichita, Kansas 67204
14	3	GARDNER'S RIVERLAWN	Alonzo W. & Lorene Johnson Address Unknown Real Estate Address: 2402 Amidon Wichita, Kansas 67204
15	3	GARDNER'S RIVERLAWN	Dean E. & Betty J. Norris 1918 West 23rd Street North Wichita, Kansas 67204
16	3	GARDNER'S RIVERLAWN	Robert R. & Norma Jane Bowell 1801 West 13th Street Wichita, Kansas 67203



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
17	3	GARDNER'S RIVERLAWN	Paul W. & Katherine M. Reeves 2415 Riverlawn Drive Wichita, Kansas 67204
18	3	GARDNER'S RIVERLAWN	John Richard & Myra M. Small 2421 Riverlawn Drive Wichita, Kansas 67204
19	3	GARDNER'S RIVERLAWN	Roy D. & Elizabeth J. Mountain 2427 Riverlawn Drive Wichita, Kansas 67204
11	4	GARDNER'S RIVERLAWN	Guy A. & Eunice G. Schneider 2428 Riverlawn Drive Wichita, Kansas 67204
12	4	GARDNER'S RIVERLAWN	Gerald B. & Lois E. Becker 2422 Riverlawn Drive Wichita, Kansas 67204
13	4	GARDNER'S RIVERLAWN	Marjorie J. & Frederick M. Knodle 2416 Riverlawn Drive Wichita, Kansas 67204
14	4	GARDNER'S RIVERLAWN	Dennis L. & Patricia L. Rice 5040 East Pawnee Wichita, Kansas 67218
15	4	GARDNER'S RIVERLAWN	James & LaDonna J. Sanders 1214 Kevin Road Wichita, Kansas 67208
16	4	GARDNER'S RIVERLAWN	Wendell E. & Betty M. Palin 1824 West 23rd Street North Wichita, Kansas 67204
17	4	GARDNER'S RIVERLAWN	David E. & Edna E. Monk 2409 Perry Avenue Wichita, Kansas 67204
18	4	GARDNER'S RIVERLAWN	Anna Lucille & Robert R. Mock 2415 Perry Avenue Wichita, Kansas 67204
19	4	GARDNER'S RIVERLAWN	Robert W. & Lou Perrill 2415 Perry Avenue Wichita, Kansas 67204
20	4	GARDNER'S RIVERLAWN	George Parrish & Dorethea L. Freeman Address Unknown <i>no address found</i>
12	5	GARDNER'S RIVERLAWN	Harold C. & Lucille E. Welch 2428 Perry Avenue Wichita, Kansas 67204
13	5	GARDNER'S RIVERLAWN	Dennis A. & Suzanne M. Landeen 202 North Rock Road Wichita, Kansas 67206



LOT	BLOCK	ADDITION	OWNER & ADDRESS
14	5	GARDNER'S RIVERLAWN	Lewis E. & Margarette E. Nease 2416 Perry Avenue Wichita, Kansas 67204
15	5	GARDNER'S RIVERLAWN	✓ Lorie J. Rumsey ✓ Address Unknown <i>1730 N. Cleaves</i>
16	5	GARDNER'S RIVERLAWN	✓ Marvin L. & Regina S. Niedens ✓ 1320 Reece Road Wichita, Kansas 67235
17	5	GARDNER'S RIVERLAWN	✓ Wilbur & Juanita McKirahan ✓ 2401 Coolidge Wichita, Kansas 67204
18	5	GARDNER'S RIVERLAWN	✓ Carey D. & Dolores A. Granger ✓ 2409 Coolidge Wichita, Kansas 67204
19	5	GARDNER'S RIVERLAWN	✓ Richard L. & Viola C. Trummel ✓ 2415 Coolidge Wichita, Kansas 67204
20	5	GARDNER'S RIVERLAWN	✓ Richard E. & Mary B. Smith ✓ 2421 Coolidge Wichita, Kansas 67204
21	5	GARDNER'S RIVERLAWN	✓ John W. & Wanda B. Crosby ✓ 2427 Coolidge Wichita, Kansas 67204
21 except River Bend on East	8	GARDNER'S RIVERLAWN	✓ Carol Ann McLeod ✓ 2428 Coolidge Wichita, Kansas 67204
22 except River Bend on East	8	GARDNER'S RIVERLAWN	James L. Gardner - Trustee Taxes Notice to: L. E. Gardner 2422 Coolidge Wichita, Kansas 67204
23 except River Bend on East		GARDNER'S RIVERLAWN	✓ Patricia B. & C. A. Doolittle Jr. ✓ 2416 Coolidge Wichita, Kansas 67204
24 except River Bend on East		GARDNER'S RIVERLAWN	✓ Clarence H. & Rosamond L. Corr ✓ 2410 Coolidge Wichita, Kansas 67204
25 Except River Bend on East		GARDNER'S RIVERLAWN	✓ Vernon L. & Marjorie I. Williams ✓ 2402 Coolidge Wichita, Kansas 67204
1, 2, & 3 Riverbend adjacent on East		A. R. BRUNCH	A. R. & Thelma Brunch <i>no address found</i> Address Unknown
1		JOHN M. WEST	✓ Twin Lakes Investment Inc. Registered Office 1110 East 1st Street Wichita, Kansas 67202



**Fidelity** **ET** **Rule**  
COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
2		JOHN M. WEST	✓ RALPH WULZ City of Wichita 455 North Main Wichita, Kansas 67202
3, 4, 5 & 6	A	CORNELISON	✓ Twin Lakes State Bank 21st Street & Woodrow Wichita, Kansas 67204
7	B	CORNELISON	✓ Lakeview Development Co., Inc P.O. Box 4048 Wichita, Kansas 67204

Part of Block 1, described as  
 Beg. 126.7 feet West of the  
 NE corner, Block 1, West 640.29  
 feet, South 158.71 feet, West  
 158.71 feet, South 368 feet, East  
 325 feet, NE 200 feet, E 475 ft.,  
 North 275 feet, W 129.33 feet, North  
 125 feet to beginning, and beginning  
 NE corner, Block 1, W 126.7 feet,  
 South 125 feet, East 129.33 feet,  
 North 125 feet to beginning,  
 LAKEVIEW ESTATES, a Replat of Lots  
 1, 4, 5 and a part of Lots 2 and 3  
 LAKEVIEW ADDITION

✓ Lakeview Development Co., Inc  
 P.O. Box 4048  
 Wichita, Kansas 67204



West 208.71 feet of North  
 208.71 feet, NW 1/4 NE 1/4, Section  
 7, Township 27, Range 1 East,  
 of the 6th P.M., except the  
 West 50 feet and except the  
 North 50 feet for street

✓ Marcus D. Gow  
 % Derby Refining Co.  
 P.O. Box 1030  
 Wichita, Kansas 67201

1	A	LAKEVIEW ESTATES 2nd and REPLAT OF PART OF LOTS 2 & 3, LAKEVIEW ADDITION	✓ Lakeview Development Co., Inc. P.O. Box 4048 Wichita, Kansas 67204
1		MARINA LAKE	✓ Texaco Inc. P.O. Box 25788 Oklahoma City, Oklahoma
2		MARINA LAKE	✓ Kiser Inc. 1446 Willow Road Wichita, Kansas 67208
1		MARINA LAKE 4TH	✓ Clear Lakes, Inc. % Resident Agent Theodore H. Hill 810 West Douglas Wichita, Kansas 67213

East 170 feet of South 180  
 feet of SE 1/4 of SW 1/4, except  
 the East 40 feet and except  
 the South 50 feet for street,  
 Section 6, Township 27, Range  
 1 East, Sedg. Co., Ks.

✓ E. A. McLean  
 2359 McLean Blvd. NW  
 Wichita, Kansas 67204



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
1 & 2	A	SWEETBRIAR ADDITION AND REPLAT OF PART OF BENJAMIN HILLS SECOND ADDITION	E. A. McLean 2359 McLean Blvd., NW Wichita, Kansas 67204

Dated at Wichita, Kansas, this 9th day of February, 1976,  
at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By *Anita Gray*  
Asst. Sec. ag



Tracer No. 32074

*Fidelity*  *Title*  
COMPANY, INC.

\*

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

Roll #1

\*