

**ACTION**

**DATE**

**S/D COMMITTEE**

M.A.P.C. DEFERRED 12-1-88  
M.A.P.C. Approved subject to reporting 2-1-90  
W.C.C.B. 60-6.C. approved only by the plotting 2-27-90

DATA SHEET

MAP #: 5951A

Z-  
SCZ-  
CU-  
DR-  
DP- 195

Amend #  
Case Filed: 11/8/89  
Associated Case: Z-2979  
CPO Council Area: 2A  
CPO Meeting Date: ~~11/27/89~~  
MAPC Hearing Date: 12/07/89

APPLICATION DATA:

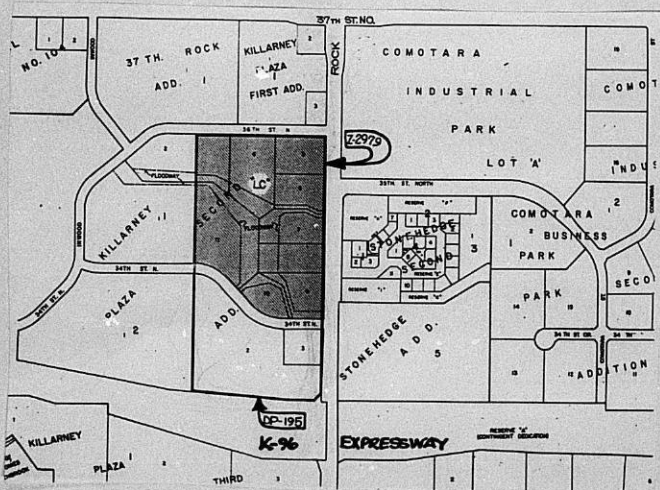
1. General Location: West side of Rock Road between K-96 expressway right-of-way and 36th Street North.
2. From to
3. Proposed Use: Commercial C.U.P.
4. DP Name: COMOTARA POWER CENTER COMMERCIAL C.U.P.
5. Applicant: North Rock Realty Partners  
Address: 575 Fourth Financial Center Phone: 263-5781  
Wichita, KS 67202
6. Agent: Bill Yung Design  
Address: 4912 E. 29th St. N. Phone: 683-5567  
Wichita, KS 67220

AREA DATA:

1. Acres: 36.5 ( ft. by ft.)
2. Adjoining Zoning: 

N	"LC" & "R-6"	S	"LC" & "R-5"
E	"R-5" & "R-6"	W	"R-5" & "R-6"
3. Land Use: 

North	South
East	West



LOS ANGELES, CALIFORNIA  
REGISTERED PROFESSIONAL ENGINEER  
NO. 2153C  
S. J. STANLEY  
U.S.A.

Stanley

( ) Published in The Daily Reporter on 11/14/89  
(One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, December 7, 1989, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Chambers, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following applications for approval of the COMOTARA POWER CENTER COMMERCIAL COMMUNITY UNIT PLAN and an associated zone change request from the "BB" Office District to the "LC" Light Commercial District for property legally described as follows:

Case No. DP-195

COMOTARA POWER CENTER COMMERCIAL C.U.P.

Lots 3-11 inclusive, Block 1, and Lots 2 and 3, Block 2, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas, and that part of 34th Street North as platted in said addition lying south of and adjacent to said Lots 9, 10 and 11, Block 1.

and

Case No. Z-2979

"BB" Office to "LC" Light Commercial

Lots 3-11 inclusive, Block 1, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas.

Generally located on the west side of Rock Road between K-96 expressway right-of-way and 36th 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 Wichita Zoning Ordinance. 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 proposed commercial development plan now on file divides the 36.46-acre site into 3 parcels for commercial development. The proposal encompasses a 13.75-acre area that is zoned "LC" Light Commercial and covered by the W.D.C. Parcel 9B Commercial C.U.P. The remainder of the proposed site (22.7 acres) is zoned the "BB" Office District and an associated zone change request to the "LC" Light Commercial District has been filed. The proposed uses for the site include restaurants, offices, medical and dental clinics, financial institutions, tire, battery and accessory stores, service stations with associated car washes, grocery stores, furniture stores, department stores and convenience stores.

Additional information regarding building setbacks, building coverage, sign coverage, sign requirements, landscape buffers, access control, etc. is specified on the plan.

DP-195/Z-2979 Official Notice  
Page 2

The hearing of the proposed development plan and associated zone change request is to be held and the same will then and there be discussed and considered by said MAPC, and all persons interested in said matters will be heard at this time.

WITNESS MY HAND this 14th day of November, 1989.

Marvin S. Krout, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning Commission

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, 10TH FLOOR, 455 N. MAIN STREET  
WICHITA, KANSAS 67202-1688  
JANUARY 16, 1990

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT on Thursday, February 1, 1990, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas, beginning at 1:30 p.m., will consider the following application(s) for approval of the COMOTARA POWER CENTER COMMERCIAL COMMUNITY UNIT PLAN (DP-195) and an associated zone change request from the "BB" Office District to the "LC" Light Commercial District (Z-2979) for property legally described as follows:

Case No. DP-195  
COMOTARA POWER CENTER COMMERCIAL C.U.P.

Lots 3-11 inclusive, Block 1, and Lots 2 and 3, Block 2, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas, and that part of 34th Street North as platted in said addition lying south of and adjacent to said Lots 9, 10 and 11, Block 1.

and

Case No. Z-2979  
"BB" Office to "LC" Light Commercial

Lots 3-11 inclusive, Block 1, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas.

Generally located on the west side of Rock Road between K-96 expressway right-of-way and 36th 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 Wichita Zoning Ordinance. 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 proposed commercial development plan now on file divides the 36.46-acre site into 3 parcels for commercial development. The proposal encompasses a 13.75-acre area that is zoned "LC" Light Commercial and covered by the W.D.C. Parcel 9B Commercial C.U.P. The remainder of the proposed site (22.7 acres) is zoned the "BB" Office District and an associated zone change request to the "LC" Light Commercial District has been filed. The proposed uses for the site include restaurants, offices, medical and dental clinics, financial institutions, tire, battery and accessory stores, service stations with associated car washes, grocery stores, furniture stores, department stores and convenience stores.

Additional information regarding building setbacks, building coverage, sign coverage, sign requirements, landscape buffers, access control, etc. is specified on the plan.

The hearing of the proposed development plan and associated zone change request is to be held and the same will then and there be discussed and considered by said MAPC, and all persons interested in said matters will be heard at this time.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Rockwell/Northeast Neighborhood Council "2A" will consider this case at their meeting to be held on Monday, January 22, 1990, at 7:00 p.m. at the Rockwell Branch Library, 5939 East 9th Street. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

SEE REVERSE SIDE



## Power Center Traffic Concerns

an additional 10' from  
So. Major entrance to  
K-96.

- Only 2 major entrances on  
Parcel No. 2

met W/ Sherman - 1-16-80.

look - 10 yrs. down road.

- need to be sure to provide  
adequate future R-O-W.

1 left ~~5~~ thru and  
accel/decel on one side  
(double left turn lanes  
now exist)

- from south major entrance  
south to the K-96 ramp.

- part of the southbound  
accel/decel and carry  
three lanes under the K-96.

Traffic study doesn't  
show a need for the  
accel/decel. from major  
entrance south.

ADT 13,000 <sup>cars</sup> ~~trucks~~ of 29<sup>th</sup> St. today

Road road has grown @  
4% between Douglas & Central  
for last 15 yrs.

Recent survey in the  
area of 29<sup>th</sup> 13,321 is  
double over 2 yrs ago.

there will be a time when  
six lanes will be necessary  
to the south. (will extend  
to 37<sup>th</sup> in Bill's lifetime)

George points out that  
it's almost like Kellogg as  
far as working road lanes.

George - There must be  
some extra valve  
for the double left turns  
plus the decels.  
- Kent is not sure how much.

Bill says that it relieves  
side friction and adds  
some capacity.

Flows out of theater very well.  
George wants it to work but  
is disturbed about how much  
they are already doing  
\$20-30 thousand ~~dollars~~  
dollars of land. local  
lane - traffic study  
traffic signals -

six lanes <sup>of traffic</sup> can be carried  
under the bridge with  
turn lanes.

Max 7  
Minimum of 6 1/2 would  
be needed for 5 lanes  
curb and gutter and  
a 10 foot area for sidewalks  
and utilities. - could get  
buy in 65 if the area  
outside lanes is all sidewalk

35% peaky traffic is  
used in this study were  
most studies will make  
projections on the basis of  
all site generated traffic.  
- George thinks its fair  
during the rush hour, but  
not fair during the  
rest of the day.

Deal - night time  
volume reaching x  
threshold

George will pin the south  
drive down better.  
don't think it will be  
a problem to word something  
about ~~transportation~~ local love  
and city on basis of  
when they max out center

Bill McKinn - recommends  
the use of two major  
and dropping the other  
②

activate for signal when  
warranted.

on surrounding  
sites in 2000 projections.  
NK

Bob: reviewed this over weekend  
have some real questions. Need you  
to get Dave Peterson & McKinley together  
to review (let Jack know).

① This analysis only looks at impact at  
N&S drives; we need to know impact at  
K-96 interchange.

② I have hard time w/ assumption of 60-40  
traffic split on Rock Road. More likely 75-25 or 80-20.

③ I do not believe we assumed much dev here.

5951  
 7-19-88  
 Killarney Plaza Second  
 Add.  
 lots 3 thru 11, Block 1 and  
 lots 2, 3, Block 2. DP 157  
 8/23/88 Z-2762  
 (AA to "CB")  
 (AA to "LC")  
 2-2761 - 7/22/88  
 (AA to "CB")  
 (W.D.C. Parcel 9B Commercial  
 C.U.P.)

U  
 8" water line in 36<sup>th</sup> W.  
 8" " " in 34<sup>th</sup> W. need to  
 be removed.  
 10" water line in Rock Rd.  
 is 34<sup>th</sup> in?  
 15" sewer along south side of  
 36<sup>th</sup> W.

FROM	DATE		
<b>ADMINISTRATION</b> <input type="checkbox"/> Kout <input type="checkbox"/> Lopez <input type="checkbox"/> Eubanks <input type="checkbox"/> Henderson <input type="checkbox"/> Morgan <input type="checkbox"/> Wimbley <input type="checkbox"/> _____ <input type="checkbox"/> _____	<b>TRANS-PORTATION</b> <input type="checkbox"/> Stockwell <input type="checkbox"/> Peterson <input type="checkbox"/> Shen <input type="checkbox"/> Beck <input type="checkbox"/> Hart <input type="checkbox"/> _____ <b>LAND USE</b> <input type="checkbox"/> Miller <input type="checkbox"/> Mitchell <input type="checkbox"/> Bechtel <input type="checkbox"/> Kidd <input type="checkbox"/> Tallman <input type="checkbox"/> _____	<b>CURRENT PLANS</b> <input type="checkbox"/> Galbraith <input type="checkbox"/> Olivarez <input type="checkbox"/> Young <input type="checkbox"/> Nagley <input type="checkbox"/> Bickhaus <input type="checkbox"/> Losew	<b>GRAPHICS</b> <input type="checkbox"/> Pierce <input type="checkbox"/> Commer <input type="checkbox"/> Crook <input type="checkbox"/> Jones
263-5781 <b>REMARKS</b> Bob Call George Sherman and advise him of Eric's concern over Traffic Study	<input type="checkbox"/> Note & Return <input type="checkbox"/> Handle <input type="checkbox"/> All Staff <input type="checkbox"/> Comment <input type="checkbox"/> Signature <input type="checkbox"/> Library <input type="checkbox"/> Information <input type="checkbox"/> Files <input type="checkbox"/> Type <input type="checkbox"/> Initial		

1990 - 1999 CIP (Proposed  
as of 10-31-89)

K96 bypass - 1990 - Const.	- 11,700
1991 - " -	11,700
1992 - " -	11,600

~~295~~ 800  
~~332~~ 1000  
~~378~~ 600

(west)  
8" line along rear of property  
and south prop. line.  
8" line (force main) in  
Rock Rd.

Rock Rd. R.O.W. 60' half row.

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: October 17, 1989

TO: ✓ Marvin Krout, Director of Planning  
Walt Campbell, Deputy Chief of Operations  
Bill McKinley, Traffic Engineer  
Mike Lindebak, City Engineer

FROM: Robert L. Young, Principal Planner *RLY*

SUBJECT: Comotara Power Center Commercial C.U.P. generally located south of 36th Street North on the west side of Rock Road.

Attached for your review and comments is a copy of the proposed development plan for the above-referenced property. The applicant is proposing a three parcel community unit plan for retail shopping center, service and office purposes. The property is currently zoned "LC" and "BB" and the applicant is requesting an associated zone change to the "LC" category for the entire site. The portion of the site south of the platted 34th street alignment is zoned "LC" within the W.D.C. Parcel 9B Commercial C.U.P. (DP-157) and the portion north of the 34th Street Alignment is zoned "BB". The northern portion of the site is platted as Lots 3 through 11, Block 1 of Killarney Plaza Second addition and the southern portion is platted as lots 2 and 3, Block 2 of the same addition. The applicant proposes a total maximum gross floor area of 400,000 square feet for shopping centre, office and service purposes. The existing Commercial C.U.P. is approved for 206,777 square feet of maximum gross floor area on two parcels. The northern portion of the site that is zoned "BB" and is requested to be rezoned to "LC" is approximately 22 acres in size.

I would appreciate your comments regarding this development proposal as soon as possible so it can be scheduled for MAPC review. Thank you.

BRH:ksk  
Attachments

*A 400,000 sf retail center can create 20-25,000 trips per day. Most of this coming from south. This site is not like town east re-access, or even Eastgate. I think Bill needs to look @ # of thru & turning lanes, including under K-96 bridge.*

Main concerns:

- ① Does 400,000 sf "normally" require a traffic study? Want to be sure McKinley is satisfied with traffic improvements ~~studies~~ in lieu.
- ② How do trucks to west get access if 34th St is vacated?

*May need double left(s)? MK*

POWER CENTER COMMERCIAL C.U.P.

1. THIS DEVELOPMENT CONTAINS 36.46 GROSS ACRES.
2. THE PROPOSED DEVELOPMENT CONTAINS THREE (3) PARCELS PERMITTING LIGHT COMMERCIAL USES. SEE PARCEL DESCRIPTION (GENERAL PROVISION NO. 19) FOR SPECIFIC USES.
3. SETBACKS ARE AS FOLLOWS:
  - PARCEL NUMBER 1 - 50' ALONG SOUTH PROPERTY LINE AND 35' ALONG ROCK ROAD.
  - PARCEL NUMBER 2 - 35' ALONG 36TH STREET NORTH AND THE WEST PROPERTY LINE.  
50' ALONG ROCK ROAD AND 36TH ST. NO. FOR BUILDINGS OF 50,000 S.F. OR LESS, WITH NO MORE THAN 2 BUILDINGS ON THE 50' SETBACK LINE.  
100' ALONG ROCK ROAD 36TH ST. NO. FOR BUILDINGS 50,001 S.F. OR MORE.  
50' ALONG THE SOUTH PROPERTY LINE.
  - PARCEL NUMBER 3 - 35' ALONG 36TH STREET NORTH AND ROCK ROAD.

IN THE EVENT THAT CONTIGUOUS PARCELS ARE DEVELOPED UNDER THE SAME OWNERSHIP, OR WHERE BUILDINGS ARE CONNECTED AT PARCEL LINES, SETBACKS BETWEEN THESE PARCELS WILL NOT BE REQUIRED.

ALL MAIN BUILDINGS OR STRUCTURES SHALL HAVE A REAR YARD, ALLEY, SERVICE DRIVE OR COMBINATION THEREOF OF NOT LESS THAN THIRTY FEET.
4. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
5. SIGNAGE: SIGNS AS PERMITTED BY ZONING DISTRICT SHALL BE PERMITTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 28.04.139 OF THE CODE OF THE CITY OF WICHITA. ADDITIONALLY THE FOLLOWING CONDITIONS APPLY:
  - A. SIGN HEIGHT VARIANCES AS MAY BE APPROVED BY THE BOARD OF ZONING APPEALS ARE PERMITTED.
  - B. NO PORTABLE OR OFF-SITE SIGNS SHALL BE PERMITTED.
  - C. FLASHING SIGNS, (EXCEPT FOR SIGNS SHOWING DATE, TIME TEMPERATURE AND OTHER PUBLIC SERVICE MESSAGES) ROTATING OR MOVING SIGNS, SIGNS WITH MOVING LIGHTS, OR SIGNS WHICH CREATE THE ILLUSION OF MOVEMENT ARE NOT PERMITTED.
6. ALL DRAINAGE WAYS AND DRAINAGE EASEMENTS SHALL BE CONFIRMED AT THE TIME OF PLATTING. A SPECIFIC LOT GRADING PLAN WILL BE PREPARED IN

CONFORMANCE WITH THE GENERAL DRAINAGE CONCEPT PLAN FOR REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

7. ANY OPEN SPACE, SIGNS, LOGOS, DRAINAGE FACILITIES, DRIVES OR PARKING AREAS CONTAINED WITHIN THE DESCRIBED PARCELS SHALL BE PRIVATELY OWNED AND MAINTAINED.

8. FINAL DETERMINATION OF STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS ON PUBLIC STREETS SHALL BE RESOLVED AT THE TIME OF PLATTING. *What are they without a sufficient?*

9. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 28.04.140 ET SEQ OF THE CODE OF THE CITY OF WICHITA, UNLESS SPECIFIED IN THE PARCEL DESCRIPTION. ALL PARKING AND DRIVES SHALL BE HARD SURFACED WITH CONCRETE OR ASPHALT.

10. FIRE LANES:

A. FIRE LANES SHALL BE IN ACCORDANCE WITH THE FIRE CODE OF THE CITY OF WICHITA. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANES, ALTHOUGH THEY MAY BE USED FOR PASSENGER LOADING AND UNLOADING.

B. DURING BUILDING PERMIT REVIEW THE FIRE CHIEF OR HIS DESIGNATED REPRESENTATIVE SHALL REVIEW AND APPROVE THE SITE PLAN, REGARDING FIRE LANE(S) AND FIRE HYDRANT ACCESS, PRIOR TO ISSUANCE OF A BUILDING PERMIT.

11. ACCESS CONTROL:

PARCEL NO. 1

A. ACCESS TO ROCK ROAD SHALL BE LIMITED TO ONE (1) OPENING WITH COMPLETE ACCESS CONTROL ON THE SOUTH 140'. (SEE PLAN) *Is that enough?*

B. THERE WILL BE COMPLETE ACCESS CONTROL ALONG THE PROPOSED K-96 EXPRESSWAY.

PARCEL NO. 2

A. ACCESS TO ROCK ROAD SHALL BE LIMITED TO FIVE (5) OPENINGS. TWO (2) OPENINGS SHALL BE CONSTRUCTED TO MAJOR ENTRANCE STANDARDS. THAT PORTION OF THE MAJOR ENTRANCE ON PUBLIC RIGHT-OF-WAY WILL BE GUARANTEED AT THE TIME OF PLATTING. THAT PORTION OF THE MAJOR ENTRANCE ON PRIVATE PROPERTY WILL BE A REQUIREMENT AT THE TIME OF BUILDING PERMIT(S). *What is needed to serve the two major openings?*

B. ACCESS TO 36TH STREET NORTH SHALL BE LIMITED TO THREE (3) OPENINGS.

C. THERE WILL BE COMPLETE ACCESS CONTROL ALONG THE PROPOSED K-96 EXPRESSWAY.

PARCEL NO. 3

ACCESS TO ROCK ROAD AND 36TH STREET NORTH SHALL BE LIMITED TO ONE (1) OPENING EACH.

*What was the "LC" CUP to the north granted in number of access points to 36th*  
October 10, 1989/4:32 PM

12. THE TRANSFER OF TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE C.U.P. DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF, BUT SAID PLAN SHALL RUN WITH THE LAND AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED. ANY MAJOR CHANGES IN THIS DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION AND THE CITY COUNCIL FOR THEIR CONSIDERATION.
13. ALL LIGHTS SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD OR DIRECT LIGHT AWAY FROM RESIDENTIAL AREAS.
14. SCREENING WALL:
- A. A SIX (6) TO EIGHT (8) FOOT SOLID OR SEMI SOLID WALL SHALL BE CONSTRUCTED OF STONE, MASONRY, ARCHITECTURAL TILE, OR OTHER SIMILAR MATERIALS (NOT INCLUDING WOOD OR WOVEN WIRE) ALONG THE WEST PROPERTY LINE OF PARCEL NO.2 WHERE ADJACENT TO AREAS THAT ARE ZONED RESIDENTIAL.
  - B. SAID WALL AS DESCRIBED ABOVE SHALL ALSO BE CONSTRUCTED AROUND ALL STORAGE AND SERVICE AREAS WHEN ACROSS FROM AREAS ZONED RESIDENTIAL. SAID WALL SHALL BE CONSTRUCTED ALONG THE PROPERTY LINE WHEN ADJACENT TO A RESIDENTIAL DISTRICT AND SEPARATED BY A PUBLIC WAY, STREET, OR ALLEY, IF THE STORAGE AREA, SERVICE AREA OR REAR OF BUILDING FACES THE RESIDENTIAL DISTRICT.
  - C. A TEN (10) FOOT PLANTING BUFFER, (SEE G.P. 16-A) CONSISTING OF A COMBINATION OF GRASS, LOW SHRUBS AND TREES, SHALL BE REQUIRED ALONG PROPERTY LINES, ADJACENT TO RESIDENTIAL DISTRICTS WHEN SEPARATED BY A PUBLIC WAY, STREET OR ALLEY, WHERE THE WALL IS NOT REQUIRED. IF THE WALL IS CONSTRUCTED, THE TEN (10) FOOT PLANTING BUFFER SHALL BE WAIVED.
  - D. ALL WALLS SHALL BE CONSTRUCTED WITHIN A PLATTED THREE (3) FOOT WALL EASEMENT AND A BUILDING PERMIT SHALL BE OBTAINED PRIOR TO CONSTRUCTION.
  - E. FAILURE TO PROPERLY MAINTAIN THE WALL SHALL BE CONSIDERED A VIOLATION OF THE C.U.P. AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND THE SUPERINTENDENT OF CENTRAL INSPECTION.
15. TRASH RECEPTACLES SHALL BE APPROPRIATELY SCREENED TO REASONABLY HIDE THEM FROM GROUND VIEW.

16. LANDSCAPE BUFFERS:

- A. A LANDSCAPE PLAN, PREPARED BY A LANDSCAPE ARCHITECT, FOR THE PLANTING BUFFER AS SHOWN ON THE PLAN IF REQUIRED, SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT(S) ON THE PARCEL INVOLVED. THE LANDSCAPE PLAN SHALL INDICATE THE TYPE LOCATION AND SPECIFICATION OF PLANT MATERIAL AND SHALL ALSO DEPICT THE PROPOSED METHOD OF PROVIDING IRRIGATION TO THE REQUIRED PLANT MATERIALS. THE REQUIRED PLANTING PLAN SHALL ONLY BE REQUIRED FOR THAT PHASE OF THE OVERALL C.U.P. THAT A BUILDING PERMIT IS REQUESTED ON.
- B. FAILURE TO PROPERLY MAINTAIN THE TEN (10) FOOT PLANTING STRIP SHALL BE CONSIDERED A VIOLATION OF THE BUILDING PERMIT AUTHORIZING THE CONSTRUCTION OF THE PROPOSED DEVELOPMENT, AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND THE SUPERINTENDENT OF CENTRAL INSPECTION, THAT THE PLANTS ARE NOT PROPERLY MAINTAINED. A FINANCIAL GUARANTEE FOR PLANT MATERIALS APPROVED FOR THE LANDSCAPE PLAN SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.
- C. ALL PLANTING BUFFERS AS INDICATED ON THE PLAN, SHALL CONSIST OF TREES, TURF, AND LOW SHRUBBERY, AND SHALL BE OF SUCH TYPE AND MAINTAINED IN SUCH A MANNER AS TO NOT CONSTITUTE A TRAFFIC HAZARD.
17. IF MULTIPLE OWNERSHIP IS ANTICIPATED, AN AGREEMENT PROVIDING FOR THE MAINTENANCE OF RESERVES, OPEN SPACE, INTERNAL DRIVES, PARKING AREAS, DRAINAGE IMPROVEMENTS, ETC., SHALL BE FILED WITH THE PLAT OF THE AREA.
18. THE C.U.P. DOCUMENT IS GENERAL IN CHARACTER AND <sup>photo</sup> WILL REQUIRE THE SUBMISSION OF AN OVERALL SITE DEVELOPMENT PLAN AND A LANDSCAPE BUFFER PLAN FOR EACH PHASE OF THE PROPOSED DEVELOPMENT. THE OVERALL SITE PLAN SHALL INDICATE WHAT IS PROPOSED IN THE FIRST PHASE OF BUILDING CONSTRUCTION AND SHALL BE UPDATED TO REFLECT HOW EACH SUBSEQUENT PHASE OF DEVELOPMENT IS COMPATIBLE WITH THE OVERALL SITE PLAN. THIS SITE PLAN WILL REQUIRE ADMINISTRATIVE APPROVAL AT THE PLAN REVIEW STAGE PRIOR TO ISSUANCE OF A BUILDING PERMIT. THE PLAN SHALL SHOW LAND USE RELATIONSHIPS, ACCESS POINTS AND/OR CONTROL SETBACKS, INTERIOR CIRCULATION, PARKING, SCREENING AND OTHER SIMILAR DESIGN CONSIDERATIONS WHICH MAY AFFECT ADJACENT PROPERTY OR THE GENERAL HEALTH AND WELFARE OF THE PUBLIC. THE PLAN SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING FOR REVIEW AND APPROVAL.

19. PARCEL DESCRIPTION:

PARCEL NUMBER 1

**PROPOSED USES: RESTAURANTS; RETAIL USES; OFFICES; MEDICAL AND DENTAL CLINICS; CONVENIENCE STORES; FINANCIAL INSTITUTIONS; SERVICE STATION WITH ACCESSORY SINGLE LANE, ENCLOSED CAR WASH WITH BZA APPROVAL; TIRE, BATTERY AND ACCESSORY STORES.**

**NET AREA - 40,800 SQ. FT. (0.94 ACRES)  
MAXIMUM BUILDING COVERAGE - 10,000 SQ. FT.  
MAXIMUM GROSS FLOOR AREA - 10,000 SQ. FT.  
FLOOR AREA RATIO - 0.245  
MAXIMUM BUILDING HEIGHT - 35'  
SETBACKS - SEE GENERAL PROVISION NUMBER 3  
PARKING - SEE GENERAL PROVISION NUMBER 9**

**PARCEL NUMBER 2**

**PROPOSED USES: SHOPPING CENTER USES SUCH AS: GROCERY STORES; FURNITURE STORES; DEPARTMENT STORES; RESTAURANTS; RETAIL USES; OFFICES; MEDICAL AND DENTAL CLINICS; FINANCIAL INSTITUTIONS; TIRE, BATTERY AND ACCESSORY STORES; SERVICE STATION WITH ACCESSORY SINGLE LANE, ENCLOSED CAR WASH WITH B.Z.A. APPROVAL; AND CONVENIENCE STORES.**

**NET AREA - 1,486,666 SQ. FT. (34.13 ACRES)  
MAXIMUM BUILDING COVERAGE - 375,000 SQ. FT.  
MAXIMUM GROSS FLOOR AREA - 375,000 SQ. FT.  
FLOOR AREA RATIO - 0.252  
MAXIMUM BUILDING HEIGHT - 35'  
SETBACKS - SEE GENERAL PROVISION NUMBER 3  
PARKING - SEE GENERAL PROVISION NUMBER 9**

**PARCEL NUMBER 3**

**PROPOSED USES: SAME AS PARCEL NUMBER 1.  
NET AREA - 60,607 SQ. FT. (1.39 ACRES)  
MAXIMUM BUILDING COVERAGE - 15,000 S.F.  
MAXIMUM GROSS FLOOR AREA - 15,000 S.F.  
FLOOR AREA RATIO - 0.247  
MAXIMUM BUILDING HEIGHT - 35'  
SETBACKS - SEE GENERAL PROVISION NUMBER 3  
PARKING - SEE GENERAL PROVISION NUMBER 9**

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 5, 1990

TO: Monty Robson, Superintendent of Central Inspection

FROM: Robert L. Young, Principal Planner, Current Plans *R.L.Y.*

SUBJECT: Approval of Comotara Power Center Commercial C.U.P. (DP-195) and Z-2979 associated zone change request from "BB" to "LC" generally located on the west side of Rock Road between K-96 expressway R-O-W and 36th Street North.

On February 27, 1990 the Wichita City Council considered the above-captioned C.U.P. and associated zone change request. Their action was to approve the zone change and C.U.P. subject to the following conditions:

- a. 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. 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.
- d. The property included in this C.U.P. shall be replatted within two year(s) from the date of approval by the City Council members or the provisions of this C.U.P. shall become null and void for the portions which remain unplatted. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

By copy of this memo, the applicant is advised that the replat for the property being rezoned should be recorded with the Register of Deeds by February 27, 1992 or the zone case file will be marked denied and closed. The plat should be submitted as soon as possible, and this will be the only notification of the

FILE COPY

plating deadline.

Attached for your information and files are two approved C.U.P. copies. If you have any questions concerning this matter, please call me at 268-4421.

RLY:jcm  
Attachments

cc: Bill Young  
4912 E. 29th St. North  
Wichita, KS 67220

North Rock Realty Partners  
575 South Financial Center  
Wichita, KS 67202

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
February 27, 1990

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** DP-195 - COMOTARA POWER CENTER COMMERCIAL COMMUNITY UNIT PLAN, AND

Z-2979 - ZONE CHANGE FROM "BB" OFFICE DISTRICT TO "LC" LIGHT COMMERCIAL DISTRICT, LOCATED ON THE WEST SIDE OF ROCK ROAD BETWEEN K-96 EXPRESSWAY RIGHT-OF-WAY AND 36TH STREET NORTH. (District #2)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

-----  
**MAPC Recommendation:** Approve (7-0).

**Staff Recommendation:** Approve.

**CPO Recommendation:** CPO Council "2A" voted 9-0 to recommend approval of the requests.

**Background:** On February 1, 1990, the MAPC held a public hearing to consider a commercial community unit plan and an associated zone change request. The applicant proposes to develop a large 450,000-square-foot shopping center with up to 3 major tenant anchors with a variety of smaller commercial retail shops and services.

The proposed development plan divides the 36.5-acre (gross) site into 3 parcels for commercial and office development. The proposed uses include grocery stores, furniture stores, department stores, restaurants, offices, convenience stores, service stations, medical and dental clinics and tire, battery and accessory stores.

The southern portion of the site (13.75 acres) is currently zoned "LC" and is within the approved W.D.C. Parcel 9B Commercial Community Unit Plan. The remainder of the site (22.7 acres) is zoned "BB" Office District. The entire area is within the Killarney Plaza Second Addition plat.

The applicant proposes a total of 4 openings into the site along Rock Road and 3 access points along 36th Street North. Two of the openings along Rock Road are to be constructed to major entrance standards.

The applicant has provided a traffic study which indicates that the average daily traffic to be generated by the proposed development will be slightly higher than what can be generated by the commercial and office development currently approved for the site. The traffic, however, will have a more balanced distribution during the day which will result in less traffic impact along Rock Road at this location during peak traffic hours. Staff is particularly concerned with the adequacy of Rock Road to handle near-term and long-term traffic loads at the K-96 Expressway interchange location. The traffic study has identified the improvements that will be needed to accommodate the maximum development of the site and the applicant has agreed to provide guarantees for the construction of those improvements and additional right-of-way for future Rock Road improvements. The applicant proposes to provide access into the major portion (Parcel No. 2) of the site through 2 entrances constructed to major entrance standards. This will aid circulation of traffic into and out of the site and minimize disruption of Rock Road traffic that would otherwise occur if multiple access points were established along the parcel boundary. The applicant has also agreed to guarantee the installation of a traffic signal at the southern major entrance, and the construction of a right-turn lane from the southernmost major entrance south along Rock Road to the entrance ramp for the future K-96 Expressway when these improvements are warranted by increased traffic levels.

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P., subject to the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the applications to the MAPC for reconsideration, stating reasons.

**CASE NUMBER:** DP-195 & Z-2979

**OWNER/APPLICANT/AGENT:** Northrock Realty Partners (owners/applicants)  
Bill G. Yung Design (agent)

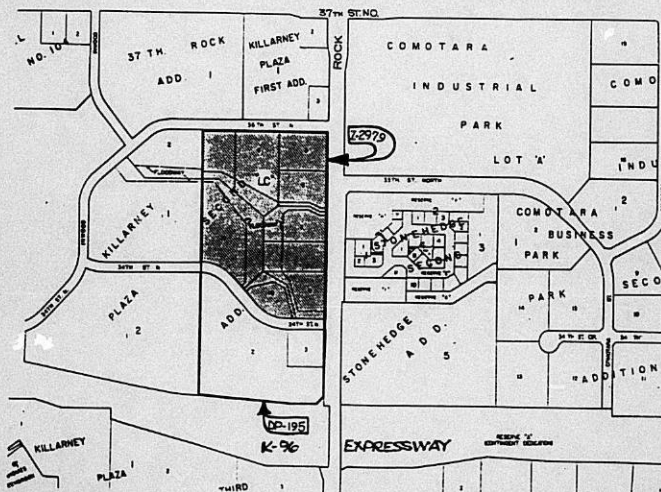
**REQUEST:** Approval of Comotara Power Center Commercial C.U.P. and associated zone change from "BB" Office to "LC" Light Commercial.

**CURRENT ZONING:** "LC" Light Commercial and "BB" Office

**SITE SIZE:** 36.5 acres

**LOCATION:** On the west side of Rock Road between K-96 expressway right-of-way and 36th St. North.

**PROPOSED USE:** Shopping center uses such as major department stores; restaurants; offices; medical and dental clinics; financial institutions; tire, battery and accessory stores; service stations with associated car washes; convenience stores; grocery stores; and furniture stores.



EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 1, 1990

- 2a. Case No. Z-2979 - Northrock Realty Partners requests zone change from "BB" to "LC" for Lots 3-11 inclusive, Block 1, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas.
- 2b. Case No. DP-195 - Northrock Realty Partners requests approval of Comotara Power Center Commercial Community Unit Plan for Lots 3-11 inclusive, Block 1, and Lots 2 and 3, Block 2, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas, and that part of 34th Street North as platted in said addition lying south of and adjacent to said Lots 9, 10 and 11, Block 1.

All generally located on the west side of Rock Road between K-96 expressway right-of-way and 36th Street North.

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

**BACKGROUND:** The applicant is requesting the approval of the Comotara Power Center Commercial C.U.P. (DP-195) and an associated zone change request from the "BB" Office District to the "LC" Light Commercial District. The applicant proposes to develop a large 450,000-square-foot shopping center with up to 3 major tenant anchors with a variety of smaller commercial retail shops and services.

The proposed development plan divides the 36.5-acre (gross) site into 3 parcels for commercial and office development. The proposed uses include grocery stores, furniture stores, department stores, restaurants, offices, convenience stores, service stations, medical and dental clinics and tire, battery and accessory stores.

The southern portion of the site (13.75 acres) is currently zoned "LC" and is within the approved W.D.C. Parcel 9B Commercial Community Unit Plan. The remainder of the site (22.7 acres) is zoned "BB" Office District. The entire area is within the Killarney Plaza Second Addition plat.

The applicant proposes a total of 4 openings into the site along Rock Road and 3 access points along 36th Street North. Two of the openings along Rock Road are to be constructed to major entrance standards. The applicant has provided a traffic study which indicates that the average daily traffic to be generated by the proposed development will be slightly higher than what can be generated by the commercial and office development currently approved for the site. The traffic, however, will have a more balanced distribution during the day which will result in less traffic impact along Rock Road at this location during peak traffic hours. Staff is particularly concerned with the adequacy

of Rock Road to handle near-term and long-term traffic loads at the K-96 Expressway interchange location. The traffic study has identified the improvements that will be needed to accommodate the maximum development of the site and the applicant has agreed to provide guarantees for the construction of those improvements and additional right-of-way for future Rock Road improvements. The applicant proposes to provide access into the major portion (Parcel No. 2) of the site through 2 entrances constructed to major entrance standards. This will aid circulation of traffic into and out of the site and minimize disruption of Rock Road traffic that would otherwise occur if multiple access points were established along the parcel boundary. The applicant has also agreed to guarantee the installation of a traffic signal at the southern major entrance, and the construction of a right-turn lane from the southernmost major entrance south along Rock Road to the entrance ramp for the future K-96 Expressway when these improvements are warranted by increased traffic levels.

Staff believes that the improvements outlined in this development plan proposal will accommodate the Rock Road traffic anticipated at this location and the development plan should be approved as presented.

**CASE HISTORY:** Platted as part of Killarney Plaza Second Addition - Recorded 7/19/88; DP-157 W.D.C. Parcel 9B Commercial C.U.P./Z-2762 ("AA" & "BB" to "LC") - Approved 8/23/88; Z-2761 ("AA" & "BB" to "BB") - Approved 7/22/88.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LC" & "R-6"	Vacant commercial property & apartments to the northwest
SOUTH	"LC" & "R-5"	K-96 Expressway right-of-way; vacant agricultural
EAST	"E"	Self-service storage warehouses, offices, industry (NCR)
WEST	"R-5" & "R-6"	Vacant agricultural

**PUBLIC SERVICES:** All major municipal services are available to the site. A 15-inch diameter sanitary sewer line exists along the south side of 36th Street and an 8-inch diameter line exists along the western and southern property boundaries in easements established on the Killarney Plaza Second Addition plat. A 20-inch-diameter water main exists along Rock Road and 8-inch-diameter mains exist along 36th Street to the north and the 34th Street alignment traversing the site. Thirty-sixth Street is paved to a collector street standard within a 70-foot-wide right-of-way along the northern border of the site. Thirty-fourth Street is unimproved and is proposed to be vacated in the replat. Primary access will be provided by Rock Road. Rock Road has been recently improved to a six-lane arterial street standard with continuous left-turn center lanes.

**CONFORMANCE TO PLANS/POLICIES:** The proposed development plan is within an area designated for residential use on the adopted elements of the Comprehensive Plan for the metropolitan area. Since the adoption of the Plan in 1978, commercial development has occurred in the area and a pattern for additional non-residential development has been established with the approval of office, commercial, and industrial zoning along Rock Road and adjacent to the K-96 freeway right-of-way to the south. The approval of this request will extend the pattern for commercial development an additional 1,325 feet along the west side of Rock Road.

**RECOMMENDATION:** It is recommended that the amended development plan and the associated zone change request be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. 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.
- d. All property included within this C.U.P. (and zone case) shall be replatted within two years after approval of this C.U.P. by the City Council, or the cases shall be considered denied and closed. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

**DISCUSSION:**

YOUNG stated that the applicant proposes to divide the site into three parcels for commercial development. He said that access to Parcel 2 would be by way of two entrances to be constructed to major street standards on Rock Road. The two smaller parcels will each have an access point off of Rock Road, and the parcel on the north will also have an access point to 36th Street North. The applicant has agreed to construct deceleration lanes to the two major entrances and to provide

additional right-of-way and a continuous deceleration lane from the southernmost major entrance to the entrance ramp on K-96 expressway. He said that the applicant also agrees to guarantee the installation of traffic signalization on Rock Road when that signalization may become warranted as indicated by the City Engineer. YOUNG said that the applicant proposes to develop a large retail center on the site with two or three large anchor tenants and several smaller associated retail shops and services.

YOUNG stated that CPO Council "2A" recommended approval of the applications. Staff also recommended approval of the requests.

GARDNER asked Young to detail more fully the implications and improvements that the traffic study are being required.

YOUNG responded that the decel lanes into the major entrances were indicated in the traffic study as being necessary and for signalization at some point in the future when the traffic level reaches a critical point where that signalization is needed at the south entrance.

GARDNER asked if all of that was indicated as necessary at what service level.

YOUNG stated that it was at the level of full development.

PARSONS asked if there was a thought in the future of making Rock Road a 6-lane driving surface.

YOUNG said yes, if the traffic level is increased to the point where that becomes necessary, and the interchange overpass is designed in such a fashion that that can occur underneath at K-96.

GARDNER asked if the applicant was being asked to guarantee the improvements needed to accommodate maximum development, and commentary about the long term traffic flow and the guarantee for construction of those improvements and the additional right-of-way for future Rock Road improvements. He said that it sounds like to him that they are creating a requirement here that the developer guarantee a whole list of major street improvements, including the widening of six lanes plus accel-decel lanes.

KROUT responded that additional right-of-way is required so that the city at some point could expand Rock Road to six through lanes, but they are not requiring that a 6-lane facility be financed and paid for by the developer, only the decel-accel lanes next to the two existing through lanes. He said that the intent is only to pay for the accel-decel lanes and to provide right-of-way for possible future widening to six lanes.

**BRINEGAR** agreed that clarification is needed on that particular item that that is the intent and the agreement between the developer and staff.

**PARSONS** stated that he did not understand the requirements for the developer putting in the traffic signal. He asked what is the measurement at the difference between when the developer puts it in, or when the city-at-large puts it in. Who makes the determination as to who puts it in?

**KROUT** responded when a signalization is in the middle of a mile section and the traffic loading at that point is primarily because of development proposed by the applicant.

**PARSONS** said that is what he does not understand. If that is the reason, because of development.

**KROUT** explained that if this development was not occurring at this density, there would not be a signal needed at the corner.

**GARDNER** said that he was a lot more concerned about an open ended continuum of future street and right-of-way improvement requirements being hung on a development where every time the city decides to make the street wider and the developer has to buy another accel-decel lane.

**PARSONS** said that was the basis for his question; there must be a method somewhere that says this is when we put traffic signals in; this is when we put decel lanes in; this is when we do whatever we do. He felt that there must be a written policy somewhere.

**BILL YUNG**, agent representing the applicant, stated that when they were originally discussing this site prior to this zoning case coming up and they were in the process of designing the roadway, they went with the two left lanes in the center with the anticipation that if at some point they needed some additional moving lanes that they would revert back to a single left turn lane divided like they have in other areas to be able to use some of that right-of-way for one of the additional lanes required, and their thought was that there would be enough land on both sides to get to the six-lane facility in if and when it was ever required. He said that with this project and with providing the additional deceleration lane, he was certain there is enough right-of-way width to accomplish that, but in the negotiations that he has been involved with, he did not, at any point, understand that the developer would be paying for any additional pavement width going from four lanes to six lanes; he would be responsible for deceleration lanes. He said that the right-of-way is going to be there with the platting of the property and some forms of the C.U.P., so there would not be any

additional right-of-way required, and the pavement would be by the city if those lanes were ever needed.

**YUNG** spoke regarding the signalization stating that they concur that it would probably be very helpful if they could put that trigger mechanism in. He said that he knows that they have not done this on other C.U.P.s, but that question has come up several times, and it probably is a good idea to figure out what standard there is and put it into a language so that everyone knows when that signalization would be triggered. He said they believe that the signalization does tend to serve the left turn moves into the center or out of the center, and he did not believe there is any concern on the developers part and that he probably should be the one who pays for that. It is not serving the city-at-large as much as it is this particular property, and felt that the developer is willing to pay that cost. He felt that the same applies to the deceleration lane. He felt that they may want to tie the installation of the deceleration lane with the signalization.

**SHERMAN** stated that there is a national standard for triggering mechanisms on the lights. He said that triggering the deceleration up to K-96 is another story. He said that he and Bill McKinley, Traffic Engineer, talked a lot about how to trigger that lane, and they finally, out of lack of any other method, agreed that that lane would be triggered when the light was triggered because he does have standard methods of when the light is needed, so they are going to tie the two together.

**PARSONS** said his point is that triggering mechanism must be a mystery to a lot of people because if you go further down Rock Road between Central and Douglas where the type of development that is going on right here has been down there for some time; you cannot get through there; you avoid that area if at all possible.

**YUNG** stated for the record that there are two primary differences between the property as it stands now and the way they are proposing in the C.U.P. He said that there is a current community unit plan on the commercial portion which is at the south end and just the straight zoning on the "BB" property to the north. He said that there is about 583,000 square feet that is committed in actual building construction. This C.U.P. limits that to about 450,000 square feet, and in the process they have reduced the access points from 10 on Rock Road down to 4 with all of the improvements that are suggested in the traffic report. He felt that it probably will be a much safer and better facility with less density than what was originally proposed. He said the final thought is that the traffic study did point out that even though there is a slightly larger anticipated traffic load that would be generated from this, that the distribution of that traffic is such that it is not at the peak hours. He said that there are non-peak hour loadings that help the overall traffic

flow and that the traffic report recommendations evens out the traffic flow because the commercial traffic is different than the office traffic would be. He felt that those are distinctive differences that are worth having in the record.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that the applications be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. 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.
- d. All property included within this C.U.P. and zone case shall be replatted within two years after approval of this C.U.P. by the City Council, or the cases shall be considered denied and closed. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

It was also recommended that General Provision No. 12 be amended to read as follows:

- "12. At the time of platting, the applicant shall guarantee the installation of traffic signalization at the major entrance on Rock Road when conditions meet the warrants set out in Section 4.C of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration and on file

2-1-90  
Page 8

in the office of the City Traffic  
Engineer."

Parsons moved, Gardner seconded and it  
carried unanimously. Sherman abstained.  
Breckenridge and Hunt were absent.

---

THE CITY OF WICHITA

DATE: January 23, 1990

TO: Louise Olivarez, Acting Chief Planner, Current Plans

FROM: Barry L. Carroll, Administrative Aide III <sup>BLC</sup>

SUBJECT: DP-195 & Z-2979: West side  
of Rock Road between K-96 Express-  
way right-of-way and 36th Street  
North.

On Monday, January 22, 1990, CPO Rockwell/Northeast Neighborhood Council 2A considered a request for approval of the COMOTARA POWER CENTER and a zone change from the "BB" Office District to the "LC" Light Commercial District.

Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After a brief discussion, the Council voted 9-0 to recommend approval of the requests, subject to MAPD staff's comments.

Agents, Bill Yung and George Sherman were present to explain the specifics of the requests and respond to questions. Mr. Yung displayed a map of the area and reported that the area in question is approximately 35.5 acres. Of this 35.5 acres, the applicant is requesting that approximately 12 acres be rezoned from the "BB" Office District to "LC" Light Commercial, according to Yung. During his presentation, Yung discussed the following topics: a) traffic study findings, b) signalization, c) accel/decel lanes, d) access control and e) drainage. In summary, Yung noted that a "large neighborhood center" is being planned for the property.

Gail Butts, an employee of Rent-A-Center, stated that she was present on behalf of her employer. Ms. Butts noted she was curious about the plans for the property and wanted to secure additional information.

There were no other citizens present.

Please forward the CPO Council's recommendation to the MAPC and the City Council when DP-195 & Z-2979 are considered.

BLC:blc  
23-Jan-1990 Tue 08:07

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

February 8, 1990

Bill Yung  
Bill Yung Design  
4912 E. 29th St. N., Ste.1  
Wichita, KS 67220

Re: DP-195 & Z-2979 (Comotara Power Center)

Dear Mr. Yung:

At its regular meeting on February 1, 1990, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend that this application be approved, subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended 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.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. 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.
- d. All property included within this C.U.P. and zone case shall be replatted within two years after approval of this C.U.P. by the City Council, or the cases shall be considered denied and closed. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

Bill Yung  
DP-195/Z-2979  
Page 2

In addition to this action, there was discussion by the Planning Commission about the desirability of further clarifying General Provision No. 12 pertaining to the timing for the installation of traffic signals when determined necessary by the City Traffic Engineer.

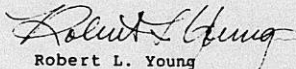
In this regard, it is recommended that General Provision No. 12 be amended to read as follows:

- "12. At the time of platting, the applicant shall guarantee the installation of traffic signalization at the major entrance on Rock Road when conditions meet the warrants set out in Section 4.C of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration and on file in the office of the City Traffic Engineer."

Please submit 12 folded copies of the C.U.P. no later than February 16, 1990, in order for this matter to be forwarded to the City Council for consideration at their regular meeting on February 27, 1990. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas, beginning at 9 a.m. We would remind you that planning items are considered after all other matters of business.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely yours,

  
Robert L. Young  
Principal Planner

RLY:jcm

cc: George Sherman, North Rock Realty Partners, 575 Fourth  
Financial Center, Wichita, KS, 67202

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. *204b*

February 1, 1990

STAFF REPORT

**CASE NUMBER:** DP-195 & Z-2979

**OWNER/APPLICANT/AGENT:** Northrock Realty Partners (owners/applicants)  
Bill G. Yung Design (agent)

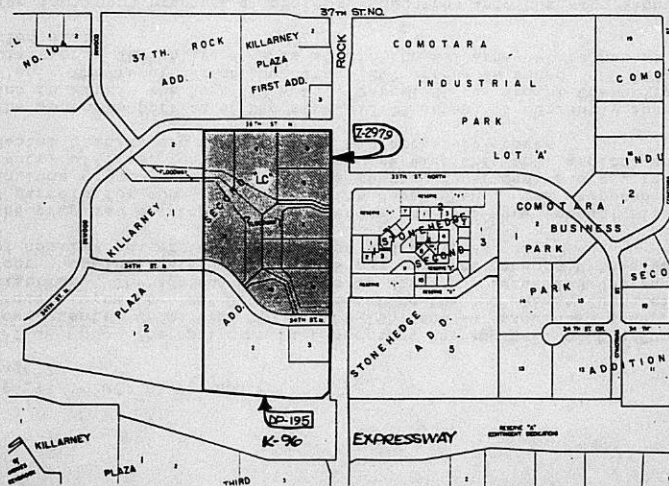
**REQUEST:** Approval of Comotara Power Center Commercial C.U.P. and associated zone change from "BB" Office to "LC" Light Commercial.

**CURRENT ZONING:** "LC" Light Commercial and "BB" Office

**SITE SIZE:** 36.5 acres

**LOCATION:** On the west side of Rock Road between K-96 expressway right-of-way and 36th St. North.

**PROPOSED USE:** Shopping center uses such as major department stores; restaurants; offices; medical and dental clinics; financial institutions; tire, battery and accessory stores; service stations with associated car washes; convenience stores; grocery stores; and furniture stores.



**BACKGROUND:** The applicant is requesting the approval of the Comotara Power Center Commercial C.U.P. (DP-195) and an associated zone change request from the "BB" Office District to the "LC" Light Commercial District. The applicant proposes to develop a large 450,000-square-foot shopping center with up to 3 major tenant anchors with a variety of smaller commercial retail shops and services.

The proposed development plan divides the 36.5-acre (gross) site into 3 parcels for commercial and office development. The proposed uses include grocery stores, furniture stores, department stores, restaurants, offices, convenience stores, service stations, medical and dental clinics and tire, battery and accessory stores.

The southern portion of the site (13.75 acres) is currently zoned "LC" and is within the approved W.D.C. Parcel 9B Commercial Community Unit Plan. The remainder of the site (22.7 acres) is zoned "BB" Office District. The entire area is within the Killarney Plaza Second Addition plat.

The applicant proposes a total of 4 openings into the site along Rock Road and 3 access points along 36th Street North. Two of the openings along Rock Road are to be constructed to major entrance standards. The applicant has provided a traffic study which indicates that the average daily traffic to be generated by the proposed development will be slightly higher than what can be generated by the commercial and office development currently approved for the site. The traffic, however, will have a more balanced distribution during the day which will result in less traffic impact along Rock Road at this location during peak traffic hours. Staff is particularly concerned with the adequacy of Rock Road to handle near-term and long-term traffic loads at the K-96 Expressway interchange location. The traffic study has identified the improvements that will be needed to accommodate the maximum development of the site and the applicant has agreed to provide guarantees for the construction of those improvements and additional right-of-way for future Rock Road improvements. The applicant proposes to provide access into the major portion (Parcel No. 2) of the site through 2 entrances constructed to major entrance standards. This will aid circulation of traffic into and out of the site and minimize disruption of Rock Road traffic that would otherwise occur if multiple access points were established along the parcel boundary. The applicant has also agreed to guarantee the installation of a traffic signal at the southern major entrance, and the construction of a right-turn lane from the southernmost major entrance south along Rock Road to the entrance ramp for the future K-96 Expressway when these improvements are warranted by increased traffic levels.

Staff believes that the improvements outlined in this development plan proposal will accommodate the Rock Road traffic anticipated at this location and the development plan should be approved as presented.

**CASE HISTORY:** Platted as part of Killarney Plaza Second Addition - Recorded 7/19/88; DP-157 W.D.C. Parcel 9B Commercial C.U.P./Z-2762 ("AA" & "BB" to "LC") - Approved 8/23/88; Z-2761 ("AA" & "BB" to "BB") - Approved 7/22/88.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LC" & "R-6"	Vacant commercial property & apartments to the northwest
SOUTH	"LC" & "R-5"	K-96 Expressway right-of-way; vacant agricultural
EAST	"E"	Self-service storage warehouses, offices, industry (NCR)
WEST	"R-5" & "R-6"	Vacant agricultural

**PUBLIC SERVICES:** All major municipal services are available to the site. A 15-inch diameter sanitary sewer line exists along the south side of 36th Street and an 8-inch diameter line exists along the western and southern property boundaries in easements established on the Killarney Plaza Second Addition plat. A 20-inch-diameter water main exists along Rock Road and 8-inch-diameter mains exist along 36th Street to the north and the 34th Street alignment traversing the site. Thirty-sixth Street is paved to a collector street standard within a 70-foot-wide right-of-way along the northern border of the site. Thirty-fourth Street is unimproved and is proposed to be vacated in the replat. Primary access will be provided by Rock Road. Rock Road has been recently improved to a six-lane arterial street standard with continuous left-turn center lanes.

**CONFORMANCE TO PLANS/POLICIES:** The proposed development plan is within an area designated for residential use on the adopted elements of the Comprehensive Plan for the metropolitan area. Since the adoption of the Plan in 1978, commercial development has occurred in the area and a pattern for additional non-residential development has been established with the approval of office, commercial, and industrial zoning along Rock Road and adjacent to the K-96 freeway right-of-way to the south. The approval of this request will extend the pattern for commercial development an additional 1,325 feet along the west side of Rock Road.

**RECOMMENDATION:** It is recommended that the amended development plan and the associated zone change request be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended 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.

DP-195/Z-2979 Staff Report  
Page 4

- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. 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.
- d. All property included within this C.U.P. (and zone case) shall be replatted within two years after approval of this C.U.P. by the City Council, or the cases shall be considered denied and closed. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, 10TH FLOOR, 455 N. MAIN STREET  
WICHITA, KANSAS 67202-1688  
JANUARY 16, 1990

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT on Thursday, February 1, 1990, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas, beginning at 1:30 p.m., will consider the following application(s) for approval of the COMOTARA POWER CENTER COMMERCIAL COMMUNITY UNIT PLAN (DP-195) and an associated zone change request from the "BB" Office District to the "LC" Light Commercial District (Z-2979) for property legally described as follows:

Case No. DP-195  
COMOTARA POWER CENTER COMMERCIAL C.U.P.

Lots 3-11 inclusive, Block 1, and Lots 2 and 3, Block 2, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas, and that part of 34th Street North as platted in said addition lying south of and adjacent to said Lots 9, 10 and 11, Block 1.

and

Case No. Z-2979  
"BB" Office to "LC" Light Commercial

Lots 3-11 inclusive, Block 1, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas.

Generally located on the west side of Rock Road between K-96 expressway right-of-way and 36th 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 Wichita Zoning Ordinance. 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 proposed commercial development plan now on file divides the 36.46-acre site into 3 parcels for commercial development. The proposal encompasses a 13.75-acre area that is zoned "LC" Light Commercial and covered by the W.D.C. Parcel 9B Commercial C.U.P. The remainder of the proposed site (22.7 acres) is zoned the "BB" Office District and an associated zone change request to the "LC" Light Commercial District has been filed. The proposed uses for the site include restaurants, offices, medical and dental clinics, financial institutions, tire, battery and accessory stores, service stations with associated car washes, grocery stores, furniture stores, department stores and convenience stores.

Additional information regarding building setbacks, building coverage, sign coverage, sign requirements, landscape buffers, access control, etc. is specified on the plan.

The hearing of the proposed development plan and associated zone change request is to be held and the same will then and there be discussed and considered by said MAPC, and all persons interested in said matters will be heard at this time.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Rockwell/Northeast Neighborhood Council "2A" will consider this case at their meeting to be held on Monday, January 22, 1990, at 7:00 p.m. at the Rockwell Branch Library, 5939 East 9th Street. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

SEE REVERSE SIDE



INTEROFFICE MEMORANDUM

Date: 08-Dec-1989 05:09pm CST  
From: Marvin Krout  
KROUT M  
Dept: Planning  
Tel No: 268-4425

TO: Chris Cherches

( CHERCHES\_C )

Subject: Ablau's Power Center

I previously noted to you that of Ablau's three CUP requests, this one (400,000 square foot retail center north of K-96 on west side of Rock) worried us from traffic standpoint and we requested a traffic study. We and McKinley got the study a few days ago and we agree it is inadequate. The most recent traffic count shows 13,000 cars on Rock Road today; the consultants' report shows only 10,000 cars, after the center is built, both in their 1989 and 1990 analysis. They also assumed that 60% of the cars would come from the south and 40% from the north; we believe that is completely unreasonable and that 75-80% of the cars will come from the south (either via K-96 or from further south).

The consultant expressed reluctance to redo his study. Ablau and Sherman are going to be pressing to have this scheduled and heard asap (they have been advertising this project for months even though they don't have the zoning). I don't see how the staff will be able to support the request unless and until we get a better understanding of the honestly likely traffic impacts. Just to let you know if you get a call on this....

~~W/S/B~~ / ~~Bob~~:  
fyi - an E-mail  
saga.  
MK

INTEROFFICE MEMORANDUM

Date: 11-Dec-1989 10:29am CST  
From: Marvin Krout  
KROUT M  
Dept: Planning  
Tel No: 268-4425

TO: Lackey S  
TO: Mike Lindebak

( CHERCHES C )  
( LINDEBAK\_M )

Subject: Ablau traffic study

Last week, we and McKinley received the traffic study on the Ablau "Power Center" proposed for west side of Rock, north of K-96. It looked really bad to me; did not use current volumes or project future volumes based on latest information, made bad assumption on traffic split, and did not look at the impact on K-96/Rock Road interchange, only at their own driveway intersections with Rock. I understand that consultant will now be asked to rework volumes and split assumptions, but not to look at impact on K-96/Rock Road. I think this is a real mistake, and I think McKinley agrees. We need to speak with one voice on this issue - do we need to meet?

IO-6,7

INTEROFFICE MEMORANDUM

Date: 11-Dec-1989 12:48pm CST  
From: Chris Cherches  
CHERCHES\_C  
Dept: Manager  
Tel No: 268-4351

TO: Marvin Krout ( KROUT\_M )  
CC: Mike Lindebak ( LINDEBAK\_M )

Subject: RE: Ablau traffic study

If there is a traffic impact, we need to know it, regardless where it is and might occur as a result of development.

I hesitate to charge only one person when there is cumulative impact of traffic. This is why we need to develop policies relative to traffic and required improvements.

It may be in our interest to do the traffic survey and analysis ...so it is "unbiased"....what do you think?

INTEROFFICE MEMORANDUM

Date: 12-Dec-1989 08:19am CST  
From: Mike Lindebak  
LINDEBAK M  
Dept: PUBLIC WORKS  
Tel No: 268-4266

TO: Marvin Krout ( KROUT\_M )  
CC: Chris Cherches ( CHERCHES\_C )  
CC: Steve Lackey ( LACKEY\_S )

Subject: Power Center Traffic Study

Last week Bill shared with me the preliminary traffic analysis for the Power Center. The consultant had used the traffic assignment figures furnished by your staff. Upon review it was apparent the traffic distribution was illogical. The traffic consultants distribution of Power Center traffic was also difficult to accept. In a nut shell, I suggested a methodology to Bill that used existing traffic volumes, a growth factor and Power Center traffic. Bill is in the process of getting a new analysis performed.

The traffic consultant is to address the impact the Power Center traffic will have on K-96. The concern is how close to the K-96 access ramps a major entrance to the power center can be constructed.

**I N T E R O F F I C E   M E M O R A N D U M**

**Date:** 12-Dec-1989 09:50am CST  
**From:** Marvin Krout  
KROUT M  
**Dept:** Planning  
**Tel No:** 268-4425

**TO:** Mike Lindebak ( LINDEBAK\_M )

**CC:** Steve Lackey ( LACKEY\_S )

**Subject:** RE: Power Center Traffic Study

Mike: my concern with the K-96/Rock Road interchange is not just how far north they need to place their major entrance, but if we have this kind of traffic generator, have we designed the number of lanes under K-96 and the ramps off the freeway with enough capacity? And if not, is it too late to make design changes, and should Ablau share in that cost?

INTEROFFICE MEMORANDUM

Date: 12-Dec-1989 10:28am CST  
From: Mike Lindebak  
LINDEBAK M  
Dept: PUBLIC WORKS  
Tel No: 268-4266

TO: Marvin Krout

( KROUT\_M )

CC: Steve Lackey

( LACKEY\_S )

Subject: RE: Power Center Traffic Study

You have a valid concern. There are seven lanes under K-96. The land use /transportation plan numbers would not have justified signaling the ramp terminals. We felt they would be needed and designed signals into the project. What I am saying is the transportation plan numbers are junk. We can't expect Ablah to do a new traffic assignment, when it has been known for years traffic projections for this area were off. The land uses have changed, but the traffic model were never updated. *Yes they were - to the extent we could.*

Knowing we had poor future traffic forecasts, I asked Bill to evaluate how much traffic it would take to breakdown the ramp terminals. Assumptions need to be made to do that analysis, but they can be made. I think we need to assure ourselves that the ramp terminals function and that Ablah needs to guarantee decel lanes and signals at the major entrances.

**I N T E R O F F I C E   M E M O R A N D U M**

**Date:** 12-Dec-1989 11:35am CST  
**From:** Mike Lindebak  
LINDEBAK M  
**Dept:** PUBLIC WORKS  
**Tel No:** 268-4266

**TO:** Marvin Krout

( KROUT\_M )

**CC:** Steve Lackey

( LACKEY\_S )

**Subject:** K-95

There are six lanes under the K-96 structures not seven. I was looking at the extra width for the center columns.

INTEROFFICE MEMORANDUM

Date: 12-Dec-1989 04:25pm CST  
From: Mike Lindebak  
LINDEBAK M  
Dept: PUBLIC WORKS  
Tel No: 268-4266

TO: Marvin Krout

( KROUT\_M )

CC: Steve Lackey

( LACKEY\_S )

Subject: Power Center

Bill McK has reviewed the capacity of the K-96 & Rock interchange. It will handle between 42,000 and 45,000 car a day. That would be a three fold increase on Rock Rd. and 15,000 cars on and off K-96. The ramps could be modified in the future to increase capacities, if needed. Bill doesn't see the Power Center creating a K-96 problem. The consultant ,however, does need to determine how close to K-96 the major entrance can be constructed.

**I N T E R O F F I C E   M E M O R A N D U M**

**Date:** 13-Dec-1989 05:25am CST  
**From:** Steve Lackey  
LACKEY S  
**Dept:** PUBLIC WORKS  
**Tel No:** 268-4422

**TO:** Mike Lindebak

( LINDEBAK\_M )

**CC:** Marvin Krout

( KROUT\_M )

**Subject:** N>E> Wichita

Who wants to try selling a freeway on Rock Road??

45,000 ADT!!!!!!!!!!!!

PROPERTY OWNER NOTICES

CASE NO. DP-195

DATE OF MAILOUT: \_\_\_\_\_

40

Property Owners

2

Applicant(s) and Agent(s)

3

CPO, Vicky Huang, and City Council Member

5

Jack, Louise, Bob, Forrest and Karen

1

FILE

---

51

TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, 10TH FLOOR, 455 N. MAIN STREET  
WICHITA, KANSAS 67202-1688  
NOVEMBER 20, 1989

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT on Thursday, December 7, 1989, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas, beginning at 1:30 p.m., will consider the following application(s) for approval of the COMOTARA POWER CENTER COMMERCIAL COMMUNITY UNIT PLAN (DP-195) and an associated zone change request from the "BB" Office District to the "LC" Light Commercial District (Z-2979) for property legally described as follows:

Case No. DP-195  
COMOTARA POWER CENTER COMMERCIAL C.U.P.

Lots 3-11 inclusive, Block 1, and Lots 2 and 3, Block 2, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas, and that part of 34th Street North as platted in said addition lying south of and adjacent to said Lots 9, 10 and 11, Block 1.

and

Case No. Z-2979  
"BB" Office to "LC" Light Commercial

Lots 3-11 inclusive, Block 1, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas.

Generally located on the west side of Rock Road between K-96 expressway right-of-way and 36th 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 Wichita Zoning Ordinance. 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 proposed commercial development plan now on file divides the 36.46-acre site into 3 parcels for commercial development. The proposal encompasses a 13.75-acre area that is zoned "LC" Light Commercial and covered by the W.D.C. Parcel 9B Commercial C.U.P. The remainder of the proposed site (22.7 acres) is zoned the "BB" Office District and an associated zone change request to the "LC" Light Commercial District has been filed. The proposed uses for the site include restaurants, offices, medical and dental clinics, financial institutions, tire, battery and accessory stores, service stations with associated car washes, grocery stores, furniture stores, department stores and convenience stores.

Additional information regarding building setbacks, building coverage, sign coverage, sign requirements, landscape buffers, access control, etc. is specified on the plan.

The hearing of the proposed development plan and associated zone change request is to be held and the same will then and there be discussed and considered by said MAPC, and all persons interested in said matters will be heard at this time.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Rockwell/Northeast Neighborhood Council "2A" will consider this case at their meeting to be held on Monday, November 27, 1989, at 7:00 p.m. at the Rockwell Branch Library, 5939 East 9th Street. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

SEE REVERSE SIDE



865<sup>00</sup>

DP-195

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, 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 North Rock Realty Partners  
ADDRESS 575 Fourth Fin Center Zip Code 67202 PHONE 263-5781  
AGENT Bill Yung Design  
ADDRESS 4912 E 29th St N Zip Code 67220 PHONE 683-5567
- B. APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_  
AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_
- C. APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_  
AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_

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

2. A. The applicant hereby requests approval amendment. (circle appropriate word) of a Community Unit Plan on property zoned: L.C. & B.B. and legally described as Lot(s) \_\_\_\_\_ (See Attached legal) Block(s) \_\_\_\_\_ of the \_\_\_\_\_ Addition.

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

- B. There are 36.5 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5951 A Zoning (N) LS-4 (S) LS-4 (E) E (W) RS-1 MAPC 12-7-89

T9-330-3

Revised 9/85

CPO ZA ON 11-27-89

3. The general location is (USE APPROPRIATE SECTION):

A. At the Southwest corner of 36th St. N and Rock Road, OR

B. On the \_\_\_\_\_ side of \_\_\_\_\_ (Ave.) Street between \_\_\_\_\_ (Ave.) Street and \_\_\_\_\_ (Ave.) Street.

4. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABSTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF CITY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

*Sheerman*  
APPLICANT'S SIGNATURE  
*NOCTROCK REALTY PARTNERS*

APPLICANT'S SIGNATURE \_\_\_\_\_

APPLICANT'S SIGNATURE \_\_\_\_\_

BY  AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at \_\_\_\_\_ (AM, PM) on \_\_\_\_\_ (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ \_\_\_\_\_.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

KILLARNEY PLAZA SECOND ADDITION

POWER CENTER  
C.U.P.

Lots 3-11, inclusive, Block 1, and Lots 2 and 3, Block 2, KILLARNEY PLAZA SECOND ADDITION, an addition to Wichita, Sedgwick County, Kansas, and that part of 34th Street North, as platted in said addition lying South of and adjacent to said Lots 9, 10, and 11, Block 1.

## OWNERSHIP LIST

Property Description	Property Owners
Lots 1 & 3 Block 1 Killarney Plaza First	<i>app</i> Northrock Realty Partners 575 Fourth Financial Center Wichita, Kansas 67202
Lot 2 Block 1 "	Quik Trip Corp. c/o Avtax - QT #388 P.O. Box 35527 Tulsa, Oklahoma 74153
Lots 1 through 11, Block 1 and Lots 1 through 3, Block 2, Killarney Plaza Second Addition.	<i>dwp</i> Northrock Realty Partners 575 Fourth Financial Center Wichita, Kansas 67202
Lot 1 Block 1 Killarney Plaza Third	<i>dwp</i> Woodlawn Development Co. #575 100 N. Broadway Wichita, Kansas 67202
Beginning at the Southeast corner of Lot 2, Block 1, Killarney Plaza Third Addition, thence following the South line of said Lot 2, Block 1, S 89°04'12" W, 198.43 feet to a point on a curve to the left; thence along said curve 99.86 feet, said curve having a central angle of 45°0'0", a radius of 127.15 feet, and a long chord of 97.32 feet, bearing S 66°34'12" W; thence N 45°55'48" W, 18.00 feet to a point on a curve to the left; thence along said curve 133.80 feet, said curve having a central angle of 45°0'0", a radius of 170.36 feet, and a long chord of 130.39 feet, bearing N 68°25'48" W; thence S 89°04'12" W, 80.43 feet; thence N 0°55'46" W, 133.98 feet; thence N 6°11'45" E, 181.56 feet; thence N 86°41'37" E, 153.81 feet; thence N 15°03'44" E, 135.67 feet to a point on the North line of said lot 2, Block 1; thence S 74°56'15" E, 300.00 feet along the North line to the Northeast corner of said Lot 2, Block 1; thence S 0°55'48" E, 393.67 feet along the East line of said Lot 2, Block 1 to the point of beginning.	Wichita Housing Authorities Limited Partnership 2231 S.W. Wanamaker Topeka, Kansas 66614
Beginning at the Southwest corner of Lot 2, Block 1, Killarney Plaza Third Addition, thence North 616.04 feet along the West line to the Northwest corner of said Lot 2, Block 1; thence S 74°56'16" E, 179.10 feet along the North line of said Lot 2, Block 1; thence S 0°55'39" E, 158.20 feet; thence S 89°04'21" W, 49.42 feet; thence S 0°55'51" E, 408.50 feet to a point on the South line of said Lot 2, Block 1; thence S 89°04'12" W, 122.75 feet to the point of beginning.	<i>dwp</i> Wichita Housing Associates Three Limited Partnership 2231 S.W. Wanamaker Topeka, Kansas 66614
Beginning at a point on the South line of Lot 2, Block 1, Killarney Plaza Third Addition, said point lying N 89°04'12" E, 122.75 feet from the Southwest corner of said Lot 2, Block 1; thence North 408.50 feet; thence East 49.42 feet; thence North 158.20 feet to a point on the North line of Lot 2; thence South 74°56'16" E, 420.17 feet along the North line of Lot 2; thence S 15°03'44" W, 135.67 feet; thence S 86°41'37" W, 153.81 feet; thence S 6°11'45" W, 181.56 feet; thence S 0°55'46" E, 133.98 feet to a point on the South line of Lot 2; thence West 239.75 feet along South line of Lot 2 to the point of beginning.	<i>dwp</i> Wichita Housing Associates Two Limit Partnership 2231 S.W. Wanamaker Topeka, Kansas 66614

Property Description			Property Owners
Lot 3	Block 1	Killarney Plaza Third	<i>dup</i> Northrock Realty Partners 575 Fourth Financial Center Wichita, Kansas 67202
Lot 1	Block 1	37th Rock Addition	Franklin Eagle Rock Associates 7004 W. Butler Pike Ambler, PA 19002
Lot 2 & 3	Block 1	Parcel No. 104 Addition	<i>dup</i> Northrock Realty Partners 575 Fourth Financial Center Wichita, Kansas 67202
Lot A		Comotara Industrial Park "Lot A" Addition	National Cash Register Co. 1700 S. Patterson Blvd. Dayton, Ohio 45479
Lots 1, 2 & 3	Block 1	Frank & Johnny's Addition	<i>dup</i> Northrock Realty Partners 575 Fourth Financial Center Wichita, Kansas 67202
Lot 4	Block 1	"	First National Bank in Wichita 105 N. Main Wichita, Kansas 67202
Lot 1	Block 1	Rent-A-Center Addition	Rent-A-Center of America, Inc. Bank IV, Wichita & Philip David Egan, Trustees of the Thomas R. Devlin, Jr. Living Trust and the Timothy J. Devlin Living Trust 9920 E. Harry Wichita, Kansas 67207
Lot 1	Block 1	Stonehedge Second Addition	Landmark Communities Inc. #100 3500 N. Rock Rd. Wichita, Kansas 67226
Lot 2	Block 1	"	Paul L. Herring Nancy S. Herring #200 3500 N. Rock Rd. Wichita, Kansas 67226
Lot 3	Block 1	"	Ramrac, Inc. c/o Marc Campbell 2464 Greenleaf Ct. Wichita, Kansas 67226
Lot 4	Block 1	"	Lloyd A. McBride, Jr. Living Trust 16040 E. 29th St. N. Wichita, Kansas 67228
Lot 5	Block 1	"	Sandor Kvassay Celia J. Kvassay 8320 Brentmoor Wichita, Kansas 67206

Property Description			Property Owners
Lot 6	Block 1	Stonehedge Second Addition	Kenneth H. Bengtson Anita S. Bengtson 2430 Winstead Circle Wichita, Kansas 67226
Lot 7	Block 1	"	David E. Sproul Sidney K. Sproul #1000 3500 N. Rock Rd. Wichita, Kansas 67226
Lot 1	Block 2	"	<i>dup</i> Landmark Communities, Inc. #100 3500 N. Rock Rd. Wichita, Kansas 67226
Lot 2	Block 2	"	<i>dup</i> Landmark Partnership #1300 3500 N. Rock Rd. Wichita, Kansas 67226
Lot 3	Block 2	"	<i>dup</i> Landmark Communities, Inc. #100 3500 N. Rock Rd. Wichita, Kansas 67226
Lot 1	Block 3	"	Robert M. Hartman Bill G. Yung Robert J. Butin c/o Bill Yung Design Suite 1 4912 E. 29th St. N. Wichita, Kansas 67220
Lots 2 through 10, inclusive	Block 3	"	<i>dup</i> Landmark Communities, Inc. #100 3500 N. Rock Rd. Wichita, Kansas 67226
Lot 11	Block 3	"	HHP Development Co. Suite 190 260 N. Rock Rd. Wichita, Kansas 67206
Lot 1	Block 4	"	Vern Goodman Ray Ocker 2874 Wilderness Ct. Wichita, Kansas 67226
Lots 2 through Block 4 6, inclusive		"	<i>dup</i> Landmark Communities, Inc. #100 3500 N. Rock Rd. Wichita, Kansas 67226
2200 Building, a Condominium located on Lot 7, Block 4, Stonehedge Second Addition.			
Units 101, 102, 103, 104, 201, 203, 204		1/8th undivided interest in common area and facilities.	Leewood Homes, Inc. 6130 Legion Wichita, Kansas 67204
Unit 202		"	Douglas E. Mould Linda D. Mould #202 3500 N. Rock Rd. Wichita, Kansas 67226

Property Description	Property Owners
Lot 8 Block 4 Stonehedge Second Addition	Landmark Communities, Inc. #100 3500 N. Rock Rd. Wichita, Kansas 67226
Reserves A through I, inclusive	Landmark Office Park Owners Association, Inc. #100 3500 N. Rock Rd. Wichita, Kansas 67226
Beginning at the Northwest corner of Lot 1, Block 5, Stonehedge Addition, thence East 425.00 feet, thence South 35.00 feet, thence S 39°14'13" W, 277.50 feet; thence South 9.07 feet; thence West 245.38 feet to a point on the West line of Lot 1, thence North 256.30 feet along said West line to the point of beginning.	Roger's Enterprises, Inc. 1125 S. Rock Rd. Wichita, Kansas 67207
Beginning at the Northwest corner of Lot 1, Block 5, Stonehedge Addition, thence East 425.00 feet to a point of beginning; thence East 306.72 feet; thence N 56°02'53" E, 9.75 feet; thence South 173.33 feet; thence West 145.00 feet; thence South 107.67 feet; thence West 76.00 feet; thence South 15.50 feet; thence West 185.51 feet; thence North 34.91 feet; thence West 87.04 feet; thence North 9.07 feet; thence N 39°14'13" E, 277.50 feet, thence North 35.00 feet to the point of beginning.	same as above
Beginning at the Northeast corner of Lot 1, Block 5, Stonehedge Addition, thence South 629.41 feet, thence West 93.86 feet; thence N 45°52'39" W, 228.37 feet; thence N44°07'21" E, 15.50 feet; thence N 45°52'39" W, 64.07 feet; thence North 269.83 feet; thence N 56°02'53" E, 259.41 feet; thence East 70.00 feet to the point of beginning.	same as above
Beginning at the Southwest corner of Lot 1, Block 5, Stonehedge Addition, thence East 636.00 feet to a point of beginning; thence North 234.93 feet; thence N 44°07'21" E, 193.12 feet; thence S 45°52'39" E, 228.37 feet; thence S 44°07'21" W, 86.14 feet; thence South 149.09 feet; thence West 236.81 feet to the point of beginning.	same as above
Beginning at the Southeast corner of Lot 1, Block 5, Stonehedge Addition, thence West 155.00 feet; thence North 149.09 feet; thence N 44°07'21" E, 86.14 feet; thence East 93.86 feet; thence South 210.00 feet to the point of beginning.	same as above
Beginning at a point on the East right-of-way of Rock Rd. and 246.00 feet North of the Southwest corner of Lot 1, Block 5, Stonehedge Addition, thence North 190.00 feet, thence East 480.00 feet; thence South 220.00 feet; thence West 406.00 feet; thence N 45°52'39" W, 42.43 feet; thence West 44.11 feet to the point of beginning.	Keith L. Anderson 1125 S. Rock Rd. Wichita, Kansas 67207
The South 215 feet of Lot 1, Block 5, Stonehedge Addition, except the East 391.81 feet.	Keith Anderson Enterprises Anderson Investment Co.1981 Keith L. Anderson Lois Anderson 1125 S. Rock Rd. Wichita, Kansas 67207
Lot 1, Block 5, Stonehedge Addition except those above described tracts.	Keith L. Anderson 1125 S. Rock Rd. Wichita, Kansas 67207

Property Description			Property Owners
Lots 1 & 2, Reserve A	Block 1	Mediterranean Plaza	Woodlawn Development Co., Inc. <i>dup</i> #575 100 N. Broadway Wichita, Kansas 67202
Lot 1	Block 1	Killarney First Addition	Killarney Investments Inc. <i>dup</i> 575 Fourth Financial Center Wichita, Kansas 67202
Lot 45	Block 2	Cottonwood Village Fifth	James L. Graham Myra L. Wiesner 3265 N. Longfellow Wichita, Kansas 67226
Lot 47	Block 2	"	George A. Ross Shirdella M. Ross 3273 N. Longfellow Ct. Wichita, Kansas 67226
Lot 48	Block 2	"	Michael D. Walker Jane B. Walker 3277 Longfellow Ct. Wichita, Kansas 67226
Lot 49	Block 2	"	Lyndon C. Hendry Loretta A. Hendry 7539 E. 32nd Ct. N. Wichita, Kansas 67226
Lot 50	Block 2	"	David W. LaPierre 7533 E. 32nd Ct. N. Wichita, Kansas 67226
Lots 1, 2, 3 and East 5 feet of 4	Block 3	"	Burgess Manufacturing, Inc. P.O. Box 3809 Wichita, Kansas 67201
West 67 feet Lot 4	Block 3	"	Nick P. Barron D. Laraine Barron John F. Barron 8906 Warren Wichita, Kansas 67212
Beginning at the Northwest corner of Lot 5, Block 3, Cottonwood Village Addition, thence East 45 feet, thence South 115 feet, thence West 45 feet, thence North 115 feet to place of beginning.			Thomas Dean Kristensen Carol Jean McCormick- Kristensen 7715 E. 32nd St. N. Wichita, Kansas 67226
Lot 5, Block 3, Cottonwood Village Fifth Addition, except that tract described above.			Mid-Continent Federal Savings & Loan Assoc. P.O. Box 470 El Dorado, Kansas 67042
That part of Lot 6, Block 3, Cottonwood Village Fifth Addition beginning at the Northeast corner, thence West 90 feet, thence Westerly 49.60 feet around the North radius line of said Lot; thence Southeasterly 8 feet, said point being on the West line of said Lot; thence Southeasterly 33.42 feet along the West line of said lot; thence Easterly 100 feet to a point on the East line of lot;			Wayne E. Payne Wilma D. Payne 3272 Longfellow Wichita, Kansas 67226

Property DescriptionProperty Owners

(Cont'd from page 5)

said point being 57.5 feet South of the Northeast corner of said Lot; thence Northerly along the East line of said Lot, 57.5 feet to the place of beginning.

That part of Lot 6, Block 3, Cottonwood Village Fifth Addition except that part described above.

Reed A. Hammer  
Terry L. Hammer  
7407 Rustic Valley  
Dallas, Texas 75428

Lot 7                      Block 3                      Cottonwood Village Fifth

Philip M. Snodgrass  
Joan Snodgrass  
P.O. Box 8187  
Wichita, Kansas 67208

Lot 8                      Block 3                      "

Ronald C. Walters  
3262 N. Longfellow Ct.  
Wichita, Kansas 67226

Beginning at the Southeast corner of Lot 9, Block 3, Cottonwood Village Fifth Addition, thence North along the East line of said Lot, 115.0 feet, thence West along the North line of said lot, 36 feet, thence South 115.0 feet; thence East 36 feet to place of beginning.

Jeffrey Robert Brewer  
Jill Michelle Brewer  
3258 Longfellow  
Wichita, Kansas 67226

Lot 9, Block 3, Cottonwood Village Fifth Addition, except that part described above.

Victor A. Markey  
3258 Longfellow Ct.  
Wichita, Kansas 67226

Beginning at the Southeast corner of Lot 10, Block 3, Cottonwood Village Fifth Addition, thence Northeasterly along the East line, 98.22 feet; thence West along the North line, 50 feet; thence Southerly 95 feet to a point on the 50 foot radius line 24.31 feet West of the Southeast corner of said Lot; thence Easterly along the 50 foot radius a distance of 24.31 feet to the place of beginning.

Max L. Johnson  
Marci L. Orr  
3250 N. Longfellow Ct.  
Wichita, Kansas 67226

Lot 10, Block 3, Cottonwood Village Fifth Addition, except that portion described above.

Laredo Investment Inc.  
c/o Debra Heller  
3252 N. Longfellow Ct.  
Wichita, Kansas 67226

Notice of Equitable Interest filed  
11-19-85 by Deborah A. Heller

Beginning at the Northeast corner of Lot 11, Block 3, Cottonwood Village Fifth Addition, thence West along the North line of said Lot; 48 feet; thence Southwesterly a distance of 138 feet to a point on the 50 foot radius line and 21.98 feet East of the Southwest corner of said Lot; thence Southeasterly along the 50 foot radius a distance of 21.97 feet; thence Northeasterly a distance of 135.21 feet to a point on the East line of said Lot, point being 60 feet South of the Northeast corner of said Lot; thence North along the East line of said Lot, 60 feet to the place of beginning.

W. Kent Trexler  
3244 Longfellow  
Wichita, Kansas 67226

Lot 11, Block 3, Cottonwood Village Fifth Addition, except that part described above.

*dup* Laredo Investment Inc.  
P.O. Box 2639  
Wichita, Kansas 67226

Property DescriptionProperty Owners

Beginning 521.84 feet South and 50 feet West of the Northeast corner of the Southeast Quarter of Section 31, Township 26 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas, thence Northwest 130 feet, thence West 283.66 feet, thence Northwest 304.09 feet, thence South to the North line of 32nd Street North, thence East to a point South of beginning, thence North to beginning, except that part platted as Killarney Plaza Third Addition and except street on East.

*dup* Northrock Realty Partners  
575 Fourth Financial Center  
Wichita, Kansas 67202

Beginning 50 feet West of the Northeast corner of the Southeast Quarter of Section 31, Township 26 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas, thence South 521.84 feet, thence Northwest 130 feet, thence West 283.66 feet, thence Northwest 304.09 feet, thence South 47.74 feet, thence Northwesterly 239.31 feet, thence North 301.87 feet to the North line of said Section, thence East 850.1 feet to beginning, except East 10 feet for road.

*dup* Killarney Investments, Inc.  
575 Fourth Financial Center  
Wichita, Kansas 67202

Beginning 670 feet West of the Southeast corner of the Northeast Quarter of Section 31, Township 26 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas, thence West 230.1 feet, thence South 266.33 feet, thence Northwesterly along curve to the South line of said Northeast Quarter, thence West to a point 2149.7 feet West of the Southeast corner, thence North 270 feet, thence Southeast to a point 32 feet more or less North of beginning, thence South to beginning and that part of the Northeast Quarter of said Section 31, beginning 2149.7 feet West and 544.15 feet North of the Southeast corner of the Northeast Quarter, thence Northeast along curve 117.66 feet, thence Northeast 269.61 feet, thence Northerly along curve to Westerly line of Dedicated Road, thence Northerly along Westerly line of Dedicated Road to the Westerly line of Inwood Road, thence Northwesterly and Northerly along the West line of said Inwood Road to the North line of the Northeast Quarter, thence West to the Northwest corner, thence South 1331.87 feet, thence East 135.69 feet, thence Southeasterly along curve to a point South of beginning, thence North to beginning except that part taken for Parcel No. 104 Addition and except beginning 670 feet West and 32 feet North of the Southeast corner of the Northeast Quarter, thence Westerly 432.31 feet, thence Northwesterly 1200.95 feet, thence Southeasterly 1469.01 feet to beginning, being a portion of the Northeast Quarter and the Southeast Quarter of said Section 31.

*dup* Killarney Investments, Inc.  
575 Fourth Financial Center  
Wichita, Kansas 67202

The North half of the North half of the Southeast Quarter of Section 31, Township 26 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas except Townhomes of Greenbrook Addition and except beginning at the Northeast corner of the Southeast Quarter, thence West 900.1 feet, thence South 380.11 feet, thence Southeast 299.31 feet, thence East 18.32 feet, thence South to the South line of the North half of the North half of the Southeast Quarter, thence East to the East line, thence North to beginning, and except that part of tract lying in the Southeast Quarter described as beginning 900.1 feet West of the Northeast corner of the Southeast Quarter, thence South 266.33 feet, thence Northwesterly along curve 2414.2 feet to a point 1331.87 feet South and 135.69 feet East of the

*dup* Woodlawn Development  
Co., Inc.  
Suite 450  
224 E. Douglas  
Wichita, Kansas 67202

Property Description

Property Owners

(cont'd from page 7)

Northwest corner of the Northeast Quarter, thence West 135.69 feet to the West line of the Northeast Quarter, thence North to the Northwest corner, thence East 1974.52 feet, thence South to the South line of the Northeast Quarter, thence West 230.1 feet to beginning and except Killarney Plaza Third Addition.

Reserve C

Willowbend Third Addition

Golf Courses of America,  
Inc.  
8001 E. Mulberry  
Wichita, Kansas 67226

Lot 1, except beginning 410 feet West of the Southeast corner, thence West 195 feet to the Southwest corner, thence North 32 feet more or less, thence Southeast to beginning, and except Killarney Plaza Second Addition, Block 1, Comotara Office Center Addition.

*dup* Northrock Realty Partners  
575 Fourth Financial Center  
Wichita, Kansas 67202

Lot 55

Block 2

Cottonwood Village Fifth

David P. Wiebe  
7509 E. 32nd St. N.  
Wichita, Kansas 67226

Page 9

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots, tract and reserves within a 1000 foot radius of:

Lots 3 through 11, inclusive, Block 1, and Lots 2 and 3, Block 2, Killarney Plaza Second Addition, an Addition to Wichita, Sedgwick County, Kansas, and that part of 34th Street North as platted in said Addition lying South of and adjacent to said Lots 9, 10 and 11, Block 1.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 1st day of September, 1989, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Glenn S. Edwards*

Vice-President

Order No. 411619

ja

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. *204b*  
February 1, 1990

STAFF REPORT

CASE NUMBER: DP-195 & Z-2979

OWNER/APPLICANT/AGENT: Northrock Realty Partners (owners/applicants)  
Bill G. Yung Design (agent)

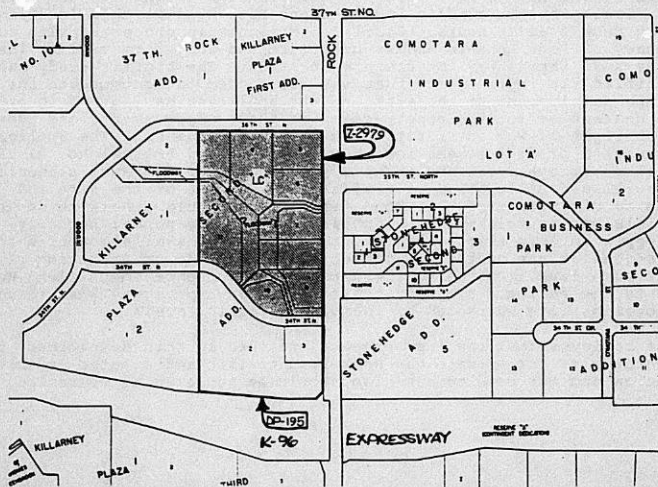
REQUEST: Approval of Comotara Power Center Commercial C.U.P. and associated zone change from "BB" Office to "LC" Light Commercial.

CURRENT ZONING: "LC" Light Commercial and "BB" Office

SITE SIZE: 36.5 acres

LOCATION: On the west side of Rock Road between K-96 expressway right-of-way and 36th St. North.

PROPOSED USE: Shopping center uses such as major department stores; restaurants; offices; medical and dental clinics; financial institutions; tire, battery and accessory stores; service stations with associated car washes; convenience stores; grocery stores; and furniture stores.



**BACKGROUND:** The applicant is requesting the approval of the Comotara Power Center Commercial C.U.P. (DP-195) and an associated zone change request from the "BB" Office District to the "LC" Light Commercial District. The applicant proposes to develop a large 450,000-square-foot shopping center with up to 3 major tenant anchors with a variety of smaller commercial retail shops and services.

The proposed development plan divides the 36.5-acre (gross) site into 3 parcels for commercial and office development. The proposed uses include grocery stores, furniture stores, department stores, restaurants, offices, convenience stores, service stations, medical and dental clinics and tire, battery and accessory stores.

The southern portion of the site (13.75 acres) is currently zoned "LC" and is within the approved W.D.C. Parcel 9B Commercial Community Unit Plan. The remainder of the site (22.7 acres) is zoned "BB" Office District. The entire area is within the Killarney Plaza Second Addition plat.

The applicant proposes a total of 4 openings into the site along Rock Road and 3 access points along 36th Street North. Two of the openings along Rock Road are to be constructed to major entrance standards. The applicant has provided a traffic study which indicates that the average daily traffic to be generated by the proposed development will be slightly higher than what can be generated by the commercial and office development currently approved for the site. The traffic, however, will have a more balanced distribution during the day which will result in less traffic impact along Rock Road at this location during peak traffic hours. Staff is particularly concerned with the adequacy of Rock Road to handle near-term and long-term traffic loads at the K-96 Expressway interchange location. The traffic study has identified the improvements that will be needed to accommodate the maximum development of the site and the applicant has agreed to provide guarantees for the construction of those improvements and additional right-of-way for future Rock Road improvements. The applicant proposes to provide access into the major portion (Parcel No. 2) of the site through 2 entrances constructed to major entrance standards. This will aid circulation of traffic into and out of the site and minimize disruption of Rock Road traffic that would otherwise occur if multiple access points were established along the parcel boundary. The applicant has also agreed to guarantee the installation of a traffic signal at the southern major entrance, and the construction of a right-turn lane from the southernmost major entrance south along Rock Road to the entrance ramp for the future K-96 Expressway when these improvements are warranted by increased traffic levels.

Staff believes that the improvements outlined in this development plan proposal will accommodate the Rock Road traffic anticipated at this location and the development plan should be approved as presented.

DP-195/Z-2979 Staff Report  
Page 3

**CASE HISTORY:** Platted as part of Killarney Plaza Second Addition - Recorded 7/19/88; DP-157 W.D.C. Parcel 9B Commercial C.U.P./Z-2762 ("AA" & "BB" to "LC") - Approved 8/23/88; Z-2761 ("AA" & "BB" to "BB") - Approved 7/22/88.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LC" & "R-6"	Vacant commercial property & apartments to the northwest
SOUTH	"LC" & "R-5"	K-96 Expressway right-of-way; vacant agricultural
EAST	"E"	Self-service storage warehouses, offices, industry (NCR)
WEST	"R-5" & "R-6"	Vacant agricultural

**PUBLIC SERVICES:** All major municipal services are available to the site. A 15-inch diameter sanitary sewer line exists along the south side of 36th Street and an 8-inch diameter line exists along the western and southern property boundaries in easements established on the Killarney Plaza Second Addition plat. A 20-inch-diameter water main exists along Rock Road and 8-inch-diameter mains exist along 36th Street to the north and the 34th Street alignment traversing the site. Thirty-sixth Street is paved to a collector street standard within a 70-foot-wide right-of-way along the northern border of the site. Thirty-fourth Street is unimproved and is proposed to be vacated in the replat. Primary access will be provided by Rock Road. Rock Road has been recently improved to a six-lane arterial street standard with continuous left-turn center lanes.

**CONFORMANCE TO PLANS/POLICIES:** The proposed development plan is within an area designated for residential use on the adopted elements of the Comprehensive Plan for the metropolitan area. Since the adoption of the Plan in 1978, commercial development has occurred in the area and a pattern for additional non-residential development has been established with the approval of office, commercial, and industrial zoning along Rock Road and adjacent to the K-96 freeway right-of-way to the south. The approval of this request will extend the pattern for commercial development an additional 1,325 feet along the west side of Rock Road.

**RECOMMENDATION:** It is recommended that the amended development plan and the associated zone change request be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended 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.

DP-195/Z-2979 Staff Report  
Page 4

- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. 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.
- d. All property included within this C.U.P. (and zone case) shall be replatted within two years after approval of this C.U.P. by the City Council, or the cases shall be considered denied and closed. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

N<sup>o</sup> 00985

METROPOLITAN AREA PLANNING DEPARTMENT

Description CIPD ZONE CHANGE REQUEST  
Name NORTHWICK REALTY PARTNERS  
Address 275 4<sup>TH</sup> FINANCIAL CENTER WICHITA KS 67202  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm) 300210-9021 & 9025  
Amount \$1710<sup>00</sup> (4860) (4850)  
Date 10-11-99 Due Date 10-11-99 DP By [Signature]

Form 00-000

\*

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

Roll # 1

\*