

SCZ-0336 - Change
from "R-1" to "AA"
and "LC" for NW corner
127th St. East & Central

CU-170
Max Cole requests permit for
apartments in "AA" zoning at
NW corner of 127th St. East
and Central. Assoc. w/ SCZ-0336

FILE POCKET
No. 1516C

HASTINGS, MN - LOS ANGELES
LOGAN, OH - MCGREGOR, TX U. S. A.

M.A.P.C.	<i>Deferred</i>	<i>1-9-75</i>
	<i>Referred</i>	<i>2-13-75</i>
	<i>Referred by the</i>	<i>3-23-75</i>
B.C.C./B. CO. C.	<i>MAPC</i>	<i>4-11-76</i>
MAPC	<i>Denied</i>	<i>5-22-75</i>
B.C.C.	<i>Deny 3-0</i>	<i>6-18-75</i>

CU-170 - Max Cole requests permit for apartments, etc. in "AA" zoning at NW corner 127th St. East and Central. Higgins - SCZ-0336

POSTED
12-15-74
[Signature]

ACTION

COMMITTEE		DATE
M.A.P.C.	<i>deferred</i>	1-9-75
	<i>denied</i>	2-13-75
	<i>denied</i>	3-27-75
B.C.C./B. CO. C.	<i>Referred by to M.A.P.C.</i>	4-16-75
M.A.P.C.	<i>denied</i>	5-22-75
B.C.C.	<i>Deny 3-0</i>	6-18-75

CU-170 - Max Cole requests permit
for apartments, etc. in "AA"
zoning at NW corner 127th St. East
and Central. Higgins - SCZ-0336

Map No. E-12-B
 Sec. 15
 Twp. 27S
 Range 2E

DATA SHEET
 (ZONING & CONDITIONAL USE)

Z- _____
 SCZ- _____
 CU- 170
 Filed 11-14-74

APPLICATION DATA: ~~XXXX~~ Townhouses, etc. in "AA" zoning to _____

- Applicant: Max L. Cole
 Address 313 First National Bank Bldg. Phone 263-6148
- Agent: Wm. P. Higgins
 Address 313 First National Bank Bldg. Phone 263-6148
- General Location: NW corner 127th St. East and Central
 Address _____
- Proposed Use: _____

AREA DATA:

- Acres: 121.42 (11866/118) (IRREGULAR)
 (2640 ft. by 2660 ft.)
- Adjoining Zoning: E _____ S _____ W _____ N _____
- Land Use: East CRESTVIEW COUNTRY CLUB South SINGLE FAM
 West SINGLE FAM & FARM LAND North UNDEVELOPED
- Sketch Plan Land Use is for: _____
- Present Land Use is for: UNDEVELOPED
- Area ~~(is)~~ (is not) platted. UNDEVELOPED

PROCEDURE DATA:

- Zoning Committee _____ by _____
- MAPC Meeting: _____

Date	Action
<u>1-9-75</u>	<u>Deferred</u>
<u>2-13-75</u>	<u>Deferred</u>
<u>3-27-75</u>	<u>Denied</u>
<u>5-22-75</u>	<u>Denied</u>

- Governing Body (~~San Diego Commissioners~~) - Bd. County Commissioners)

Date	Action	Resolution
<u>4-16-75</u>	<u>Referred by the MAPC</u>	
<u>5-9-75</u>		
<u>6-18-75</u>	<u>Item 3-D</u>	

NOTES:

No. 2153C
 Smead
 HASTINGS, IN - LOS ANGELES
 LOAN - MCGREGOR, TX U. S. A.

Map No. 6248
 E-12-B
 Sec. 15
 Twp. 27S
 Range 2E

DATA SHEET
 (ZONING & CONDITIONAL USE)

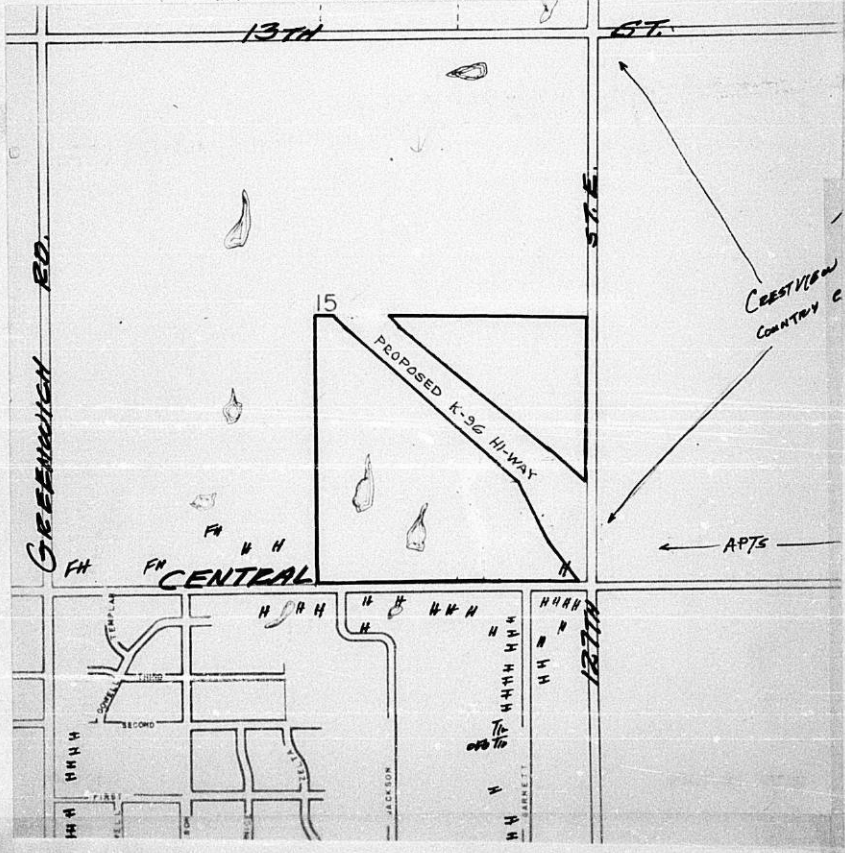
1-9-75
 Z-
 SC-
 CU- 170
 Filed 11-14-74

APPLICATION DATA: ~~WOOD~~ townhouses, etc. in "AA" zoning

- Applicant: Max L. Cole
 Address: 313 First National Bank Bldg. Phone 263-6148
- Agent: Wm. P. Higgins
 Address: 313 First National Bank Bldg. Phone 263-6148
- General Location: NW corner 127th St. East and Central
 Address _____
- Proposed Use: Apartments, townhouses, condominiums, etc.

- AREA DATA: 131.4 (IRREGULAR)
 1. Acres: 131.3 (2640 ft. by 2660 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East CRESTVIEW COUNTRY CLUB South SINGLE FAM
 West SINGLE FAM + FARM LAND North UNDEVELOPED
- Sketch Plan Land Use is for: _____
 - Present Land Use is for: UNDEVELOPED
 - Area ~~is~~ (is not) platted.

PHOTO DATA:
 Taken by [Signature] Date 1-2-75 Time 4:00
* NO EXISTING SIDEWALKS.



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

NOTICE TO ADJOINING PROPERTY OWNERS:

May 8, 1975

The Board of County Commissioners at their regular meeting on April 16, 1975 returned the following application to the Metropolitan Area Planning Commission for further study and they encouraged the applicant to hold a neighborhood meeting to help resolve differences of opinion. Therefore, this is to advise you that the Wichita-Sedgwick County Metropolitan Area Planning Commission will reconsider the following case in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, the meeting to begin at 1:30 p.m. on May 22, 1975.

CASE NO. CU-170

Conditional Use Request for Establishment of a Multi-Family
Housing Development on Property being Requested for the "AA"
One-Family Dwelling District Classification

A tract of land in the SE $\frac{1}{4}$ of Sec. 15, Twp. 27S, R2E of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the SE corner of aforesaid SE $\frac{1}{4}$; thence along said north r-o-w line of Central Ave. bearing north $89^{\circ}59'30''$ west a distance of 1,250 ft. to a point of beginning; thence bearing north $2^{\circ}59'30''$ west a distance of 250 ft. to the P.C. of a curve to the left; thence along said curve to the left whose radius is 1,750 ft. and thru a central angle of $17^{\circ}12'11''$ a distance of 524.93 ft.; thence bearing north $53^{\circ}00'30''$ east a distance of 544.54 ft.; thence bearing south $89^{\circ}59'30''$ east a distance of 80.00 ft.; thence bearing north $48^{\circ}29'30''$ west a distance of 1,820 ft.; thence bearing north $36^{\circ}29'30''$ west a distance of 387.16 ft. to the north line of said SE $\frac{1}{4}$; thence along said north line bearing north $89^{\circ}52.15''$ west a distance of 155.13 ft. to the NW corner of said SE $\frac{1}{4}$; thence along the west line of said SE $\frac{1}{4}$ bearing south $0^{\circ}00'00''$ east a distance of 2,607.18 ft. to the north r-o-w line of Central Ave., thence along said r-o-w line bearing $89^{\circ}59'30''$ east a distance of 1,351.44 ft. to the point of beginning.

and

A tract of land in the SE $\frac{1}{4}$ of Sec. 15, Twp. 27S, R2E of the 6th P.M., described as follows:

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Page Two

Commencing at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the SE corner of aforesaid SE $\frac{1}{4}$; thence along said west r-o-w line of 127th St. East bearing north $0^{\circ}00'$ east a distance of 1,000 ft. to a point of beginning; thence bearing north $50^{\circ}50'00''$ west a distance of 210 ft.; thence bearing north $54^{\circ}00'$ west a distance of 945.88 ft.; thence bearing north $48^{\circ}29'30''$ west a distance of 1,324.95 ft.; thence bearing north $36^{\circ}29'30''$ west a distance of 47.83 ft. to the north line of said SE $\frac{1}{4}$; thence along said north line bearing south $89^{\circ}52'15''$ east a distance of 1,947.93 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing south $0^{\circ}00'$ east a distance of 1,601.70 ft. to a point of beginning.

All generally located on the northwest corner of 127th St. East and Central.

Robert A. Lakin
Secretary

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

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

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and

A tract of land in the SE $\frac{1}{4}$ of Sec. 15, Twp. 27S, R2E of the 6th P.M. described as follows:

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Robert A. Lakin
Secretary

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- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
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Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
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Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

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

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Secretary

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

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Secretary

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Secretary

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

June 11, 1975

Jack Turner, County Counselor

Jack H. Galbraith, Chief Planner

SCZ-0336 - "R-1" to "AA" and "LC", and
Case CU-170 - Conditional Use -
Northwest corner of 127th Street
East and Central

Attached for your information and files is a copy of the referral sheet and minutes of the Metropolitan Area Planning Commission meetings of January 9, March 27, and May 22, 1975, on the above-captioned cases, which are scheduled to appear on the agenda of the Board of County Commissioners at their meeting of June 18, 1975.

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

Jack H. Galbraith
Chief Planner

JHG:GLS:ber

Attachment

Form T9-221A

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

CASE NO.	SCZ-0336 and CU-170	CONSIDERED BY MAPC: 1-9-75 Deferred RE CONSIDERED BY MAPC: 2-13-75 Deferred
REQUEST FOR:	"R-1" to "AA" & "LC" & Approval of Conditional Use	RECONSIDERED BY MAPC: 3-27-75 Denied CONSIDERED BY B.Co.Com.: 4-16-75 Ref back RECONSIDERED BY MAPC: 5-22-75

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"For the purposes of constructing residential units in the form of garden apartments, townhouses and condominiums, and all other forms of multi-family development, and for the reason that it is the highest and best use of the property both economically and for the benefit of the (surrounding area."

GENERAL LOCATION: Northwest corner of 127th
Street East and Central

LEGAL DESCRIPTION:

See attached excerpt from Planning Commission minutes of March 27, 1975.

APPLICANT: Max Cole, 313 1st Nat'l Bank Bldg. 67202

COUNSEL FOR APPLICANT: Ralph Martin, Suite 200, 230 E. 17th St.
Costa Mesa, California 92627 & Wm. P. Higgins,
Attorney, 313 1st Nat'l Bank Bldg. 67202

PROTESTORS (LIST COUNSEL) IF ANY: Richard Massey, R. W. Hayden, J. Sidney Emmett, Ms. Cecelia Balthrop, and Duane O'Hara, all property owners in the area, spoke in opposition.

SURROUNDING ZONING: To the north and west is "R-1"; east
and south is "R-1" and "IC"

LAND USE: Subject property and that to the north is undeveloped; east is multiple-family and Country Club; south and west is single-family

PLANNING COMMISSION RECOMMENDATION:

That SCZ-0336 and CU-170 again be denied. Gragert moved, Taylor seconded and it carried by a vote of 5 in favor (Gragert, Taylor, Rising, Savina, and Goebel) and 3 opposed (Bayouth, Kamen and Hennessy). Gardenhire and Hopper were absent.

NOTE: A recommendation of denial by the Planning Commission requires a unanimous vote of the County Commission in order to approve the application.

NOTE: 53% of the property within the legal protest area is represented by valid protest petitions. Therefore, a unanimous vote on the part of the County Commission will be required in order to approve the applications.

ACTION: 1. Approve the recommendations of the Metropolitan Area Planning Commission and deny the applications; or
2. Take such action as the Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 9, 1975:

- 23a. Case No. SCZ-0336 - Max L. Cole requests change from "R-1" to "AA" for:

A tract of land in the SE quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., described as follows:
All of the SE quarter of said Section 15 except: Central Avenue and 127th Street East rights-of-way as recorded in Misc. Book No. 634, page 229, and a tract of land described as follows: Beginning at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East; thence along said north r-o-w line of Central Ave. bearing N 89°59'30" W a distance of 1,000.00 ft; thence bearing N 0°00'30" E a distance of 305.31 ft. to the point of curvature of a curve to the left; thence along said curve to the left whose radius is 800.00 ft. and thru a central angle of 47°30'30" a distance of 663.34 ft. to the point of tangency; thence bearing N 47°30'00" W a distance of 87.12 ft; thence bearing N 43°30'00" E a distance of 325.00 ft; thence bearing N 90°00' E a distance of 1,100.00 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing S 0°00'00" E a distance of 1,190.00 ft. to the point of beginning; and

change from "R-1" Suburban Residential to "LC" Light Commercial the following:

A tract of land in the SE quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., described as follows:
Beginning at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East; thence along said north r-o-w line of Central Avenue bearing N 89°59'30" W a distance of 1,000.00 ft; thence bearing N 0°00'30" E a distance of 305.31 feet to the point of curvature of a curve to the left; thence along said curve to the left whose radius is 800.00 feet and thru a central angle of 47°30'30" a distance of 663.34 feet to the point of tangency; thence bearing N 47°30'00" W a distance of 87.12 ft. thence bearing N 43°30'00" E a distance of 325.00 ft; thence bearing N 90°00' E a distance of 1,100.00 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing S 0°00'00" E a distance of 1,190.00 ft. to the point of beginning, except therefrom the south 600 ft. of the east 600 ft. of said SE quarter.

All generally located on the northwest corner of 127th St. East and Central.

- 23b. Case No. CU-170 - Max L. Cole requests approval of a conditional Use for establishment of a multi-family housing development on property requested for "AA" One Family Dwelling District, described as follows:

A tract of land in the SE quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., described as follows:
All of the SE quarter of said Section 15 except: Central Avenue and 127th St. East rights-of-way as recorded in Misc. Book No. 634, Page 229, and a tract of land described as follows: Beginning at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East; thence along said north r-o-w line of Central Avenue bearing N 89°59'30" W a distance of 1,000.00 ft; thence bearing N 0°00'30" E a distance of 305.31 ft. to the point of curvature of a curve to the left; thence along said curve to the left whose radius is 800.00 ft. and thru a central angle of 47°30'30" a distance of 663.34 ft. to the point of tangency; thence bearing N 47°30'00" W a distance of 87.12 ft. thence bearing N 43°30'00" E a distance of 325.00 ft; thence bearing N 90°00' E a distance of 1,100.00 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing S 0°00'00" E a distance of 1,190.00 ft. to the point of beginning.
Generally located on the northwest corner of 127th St. East and Central.

GALBRAITH pointed out the area on the map and reviewed the following reports:

SCZ-0336

Comments

1. The applicant is requesting a change of zoning from the "R-1" Suburban Residential District to the "AA" One Family Dwelling District (approximately 110 net acres) and from "R-1" to "LC" Light Commercial in excess of the existing "LC" (approximately 7.4 net acres), making a total of approximately 30 net acres of "LC", located at the intersection of two major streets (Central and 127th Street East). In conjunction with this application, the applicant has filed a Conditional Use request (CU-170) to permit the construction of a series of multiple family dwellings on that area being requested for "AA". The intent section of the "AA" District requires this district to be used only when municipal services (water and sewer) are available.
2. It should be noted that the County Zoning Resolution permits multiple family dwelling units as a Conditional Use in the "AA" Single Family District. The applicant has submitted a plat proposing a mixture of patio homes, garden and cluster townhouses, and apartments. The total number of units is 747 at an overall density of 7.18 per acre. It is difficult to determine what streets are proposed as public or private streets, however, the plan does not suggest public streets tying into adjacent quarter sections. The plan suggests a curvilinear boulevard as an interior street. Since no contact was made with the staff by either the applicant, his consultant or his attorney, several questions remain unanswered.
3. There are several major problems with the plan, including the design, the amount of commercial proposed, the lack of available municipal sewer or a showing of how sewerage is proposed to be handled. In addition, no consideration was given by the applicant to the alignment of the K-96 freeway (Northeast Circumferential). The preferred route, the eastern alignment, was supported unanimously at a combined meeting of the Board of City Commissioners, the Board of County Commissioners, and the Planning Commission. This alignment, as approved, crosses the eastern portion of this quarter section where the commercial and higher density residential has been proposed. The consultants for the State Highway Commission have completed the draft location report which has been submitted and the final environmental impact statement which is under review by the Committee on Environmental Quality in Washington, D. C. Federal approval of the location is expected in February-March. A detailed design study will be required before final right-of-way plans can be completed and right-of-way acquired.
4. Another major factor to consider with this plan is the unavailability of sewers. Until they are available, it would appear that development is premature. This site is in the upstream side of Four Mile Creek. Sewer is on the Crestview Country Club, but lacks additional capacity. The natural flow is to the south, thence east. Although interim plants could be designed, past proposals using similar approaches have not been fruitful. It should be noted that several major projects have been proposed on East Harry, all of which require major investments for sewers and as a result no development has yet occurred. In today's age with concern about our environment, and with local concern as to the development of a logical and efficient sewer system for the eastern area, encouragement should be given to the development of downstream properties first and then upstream with a minimum of leapfrogging and inefficient system development. It cannot be expected in the near future to receive federal assistance for these plants, thus, any proposal will have to be financiable entirely by the applicant.

5. Another factor to consider in regard to this application is the amount of "LC" proposed. Taking into consideration the existing 21 acres of "LC" zoning at the other three corners, it is difficult to justify the 30 acres requested. The Planning Commission may want to consider requiring the applicant to provide justification, such as market studies and absorption rate estimates, as to why additional "LC" is needed in this area and at this time.
6. Because of the nature of the problems involved, the staff is of the opinion that the project is premature. However, if it is determined that the project is justified, then consideration should be given to requiring the applicant to redesign the project and to take into consideration the proposed location for K-96 and the interchange as is being required of the developers and consultants for Comotara.

Case No. CU-170

Comments

1. The applicant is requesting a Conditional Use permit to construct multiple-family dwellings on property being requested for "AA" One Family zoning (SCZ-0336).
2. The County Zoning Resolution permits multiple-family dwellings in the "AA" Single-family district as a conditional use. It further provides that there shall be 1 1/2 off-street parking spaces for each dwelling unit. It should be noted that any multiple family structure developed in the "AA" zone is subject to the same height requirements as single-family dwellings.
3. The applicant has submitted a general site plan indicating building locations for multiple-family dwellings, circulation and density. The plan does not differentiate between public and private streets, nor does it provide information on how it is proposed to provide a municipal type sewer system to subject property. The plan also does not take into consideration the projected alignment for K-96 (Northeast Circumferential) which bisects the eastern portion of this quarter section. (See staff comments on associated zone Case SCZ-0336).
4. Depending on the action recommended on the associated zone case, the following conditions should be considered in the approval of the conditional use request:
 - a. The platting of the property within three years from the date of approval by the Board of County Commissioners; or the application be considered denied and closed.
 - b. Not less than one and one-half off-street parking spaces shall be provided for each dwelling unit.
 - c. The density shall not exceed that established as the capacity limit of the Four Mile Creek Sewer Basin in the officially adopted Sewer Plan as modified by Planning Commission policy statement, which sets an original level of 4.1 dwelling units per acre to a modified level of 7 dwelling units per acre.

Because of the numerous problems listed in the staff report, GALBRAITH stated that it was the opinion of the staff that this proposed development is premature and that the applications should be denied or deferred until the plan can be redesigned. GALBRAITH pointed out that the Sewer Plan was based on 7 dwelling units per acre, and if the Commission does recommend approval, it should be subject to the three conditions suggested in the staff report. He stated that apparently no thought has been given to the matter of sewer service.

HENNESSY asked the possibility of connecting to the sewer facilities serving the Crestview Country Club development to the east. LAKIN said there is a treatment facility for the entire section of Crestview Country Club ownership, and it was his understanding that it was designed to serve that particular development and that there is no extra capacity in the system, however, it could possibly be redesigned and expanded.

LAKIN continued that subject area is within the general location where Sewer District #1 has been established in the County as a general sewer district, and provides the overall framework to establish sub-sewer units. LAKIN said the staff has not been contacted with respect to subject requests and sewer service, and he would like to hear what the applicant or his agent have to present along this line. He said there would be major problems if it is intended to funnel sewerage back into the City system with a pumping station, and going east to the natural flow line would present some problems too.

LAKIN commented that no doubt there will continue to be large amounts of commercial development along Kellogg, and he questioned the need for 30 acres of "LC" at this location. In regard to the issue of the Northeast Circumferential, proposed to cross subject property, while it has been in the planning stage for many years, it takes a long time to actually get highways constructed. Now, however, the alignment has been approved and we are awaiting Federal approval with respect to environmental impact. The project now must go into a design study for 1 1/2 to 3 years, and then if money is appropriated, acquisition could begin for right-of-way. LAKIN said he was not suggesting the dedication of any right-of-way across subject property, but it appears this plan tends to be a hindrance to the end result, and it was his hope that the Commission would encourage a redesign so that the area for the alignment of the highway can be preserved. He felt that as submitted, puts the community in a very difficult position so far as seeing the fruition of the work in developing this route.

HILL inferred that it would not be likely that such a plan with the density proposed, the sewer problem, and no street pattern tying in with adjacent areas, would be approved.

LAKIN said the staff normally considers school and park sites in a tract this large, as well as a circulation system and the ability to move from one neighborhood to the other. As for the sewer, LAKIN said it is recognized that there will be growth in this direction where the Four Mile Creek sewer facility is proposed, but it is a matter of timing and actually getting something started toward development of such a facility, rather than merely paper guarantees that the situation will be handled during the interim.

HENNESSY spoke in favor of providing some shopping area for the development that is occurring in this area - the Crestview Country Club residential area, for example.

LAKIN agreed that neighborhood facilities would be needed and that more "LC" area than the one-time 6 acres on each corner is needed for commercial development. He said the Commission has in the past talked about 10, 12 or 13 acres, but 30 acres indicates a different type of shopping center, one which more properly would be oriented to U. S. 54 rather than at subject intersection.

RALPH MARTIN, representing the applicant, referred to a map which he displayed indicating the major streets and proximity to U. S. 54 and some of the major activities taking place in the area, which all together is an area on which activity is focused at this time.

MARTIN said there appears some indication that the proposal is a bit premature with respect to development moving to the east. He said the plan is merely a scheme to show basic distribution of what is being considered. The site is bordered on two sides by major streets and it may or may not be that quarter section or half section streets should be provided. In the platting process there would be additional delineation of streets to serve the area which might be more desirable than having one on the west and north sides of this quarter section.

MARTIN pointed out that open space or parking areas are proposed adjacent to the pipeline easement which traverses the property in a northwest/southeast direction, and that there will be no reason to relocate such line. He recognized that there could be no construction over such easement. MARTIN next explained the various types of units proposed - such as cluster townhouses, semi-detached single-family, garden townhouses, patio homes, etc.

MARTIN said this center is not being planned to serve merely the neighborhood and that it should have more potential as a regional center, being the intersection of two major streets (127th Street East and Central), and with the improvement of U. S. 54. He said the plan involves an integrated shopping and office development which would have various enterprises normally found in such centers and where each would be of benefit to the other in an integrated manner to result in an advantage to all. MARTIN pointed out also that lenders are more interested in financing an overall center in a neighborhood such as this rather than downtown. It was stated by MARTIN that with shopping and office facilities distributed throughout a metropolitan area, this would tend to conserve gasoline because people would not have to drive so far for such services. He repeated that there is a tremendous amount of lender interest in this particular type of land use and he did not think it right to allot only 24 acres of commercial (6 on each corner), and say that will suffice for the neighborhood needs.

As for the point of public streets vs. private streets, MARTIN said all interior streets would be private and maintained by a homes association.

Referring to the density proposed, MARTIN pointed out that the density proposed covers only about 2/3 of the property and if spread over the entire 160 acres, it would be far below the density suggested by the staff as being acceptable. He said sewerage from the commercial area will not be nearly as much as it would be if developed for residences. MARTIN said they realize that when zoning is considered one must take a general concept of how such matters will be handled, and the City already has the ordinances and regulations necessary to assure proper development in that respect. First, however, he felt there must be some idea of the possibility of approval of a plan before one can get into the details necessary to determine how the sewer problems will be solved. MARTIN said they have had discussions with the County people and others involved in the sewer problem and the lagoon system can be utilized, and it is feasible from an economic standpoint, but he was not sure that it would be the best solution in the long range.

MARTIN said they have discussed the matter with Crestview people as to the possibility of enlarging their capacity or possibly moving it so that it can serve not only the Crestview area itself, but this area and additional property as well. He said they know this area is within the concept of what has been set forth for regional sewerage and since service on a regional basis is not available yet, the above two avenues are available and will be undertaken at the time of platting.

As for K-96 alignment (Northeast Circumferential), MARTIN said they are aware of the past history of this proposed route, and also recognize the fact that several more steps are necessary before such road actually becomes a reality, and when compared to the time involved in upgrading Kellogg to the west (11 to 13 years), it is indefinite when such will materialize. He pointed out that it will be sometime before the route is definite, acquisitions made and money paid and he felt the proposed development should be permitted to go ahead.

Regarding another comment in the staff report where reference is made to several major proposals on East Harry, all of which require sewer service, and which have not been developed, he considered it unfair to downgrade subject proposals just because development has not occurred on East Harry.

MARTIN said they felt what is proposed is not premature in view of the sales occurring around the Country Club and the number of people desiring to live in the area, and he felt the density proposed and the integrated commercial and office center would be very desirable in the area.

MARTIN maintained again that the Commission has within its power to require whatever is necessary to assure a desirable development through the platting requirements. He said they are merely asking for approval of the concept at this time and later they would submit detailed solutions as required in the platting process.

As for possible connections of streets in relation to the adjacent areas to the west and north, MARTIN said such could be given consideration at the time of platting; however, it was his thought at this time that it may not be necessary to have major connections because of the type of design being developed.

GRACERT asked Mr. Martin to repeat his statements about the fact that there has been no development on East Harry, altho approval has been obtained. MARTIN said he did not consider it fair to say that just because development has not occurred on East Harry because apparently somebody doesn't have enough money to provide sewer service, that the same thing is going to happen in subject case.

GRACERT felt the same reasoning could be applied to K-96, in that it is still in the planning process and just because allocation of funds has not been made was no reason to completely disregard what has been done and what is planned for the area.

GRACERT reasoned that just because no acquisition has been made of the proposed right-of-way does not mean that it is not going to be developed along the route as now designated. He considered the argument as related to sewer services was equally applicable as development of K-96, and he felt that the Commission has an obligation to see that development of the Northeast Circumferential takes place.

HENNESSY commented that the political factor could step in and change matters as they now stand, and he did not think he would see the materialization of the Northeast Circumferential during his lifetime. He did not think the alignment had been pinned down, and he felt there has been some wavering. He did not think the plans for the Northeast Circumferential should be a part of stopping something that would benefit the area, the City and the County.

GRACERT said the Northeast Circumferential would actually be a greater benefit to the area when it is developed, and that the present location has been agreed to at a joint meeting of the various agencies involved. He suggested that it will take another 50 years to get it developed if proposals such as being considered today are allowed to be developed right in the middle of the right-of-way alignment.

HILL pointed out that Comotara development was designed around the right-of-way alignment and suggested this proposed development could be redesigned to protect the alignment also. He commented further that if this development is allowed, then it is certain that the alignment will be changed because it would not be feasible to buy developed property as being proposed.

HILL noted that the plan does not take into consideration what the public has indicated they want preserved for the highway and, while the developer has a right to his own ideas as to what is fair, it was his opinion that the local Planning Department staff was probably more aware of the local situation, and he felt the Commission would be remiss in accepting a plan that has not considered the right-of-way and local planning. He stated that the developer has apparently not given any indication as to how the area will be sewerred, and he referred to the difficulty in obtaining Federal funds for sewer construction.

MARTIN agreed that at this time they have made no proposal for serving the area with sewer, but that he did not consider it the proper time, and it would be discussed and resolved during the platting process. He said they have talked with the County Engineer with respect to eventually tying into a municipal type system and also with people at Crestview as to an alternate interim solution. As for financing, MARTIN said they are not depending on public funds for solving the sewer problem, and he again pointed out that the City, under its present ordinances and regulations, will require a solution to sewer service at the time of platting.

GRAGERT pointed out that if the change is approved and sewer service is not or cannot be provided, then a bad situation would have been created.

RISING said he could not vote favorably on this request on the basis of the present situation.

WILLIAM P. HIGGINS, attorney for the applicant, reminded the Commission that this is a logical corner for light commercial zoning, based on past actions of the Commission, so there should be no worry so far as it being inappropriate if what is being proposed now is not developed. As for the highway right-of-way, HIGGINS said as late as last September, there was the possibility of improvement of U. S. 54 West being turned down completely, so it is possible that the North-east Circumferential right-of-way can change at some future time. He also maintained that through the platting process all requirements of the City and County must be complied with before the zoning is finally approved.

HIGGINS pointed out that if a provisional setback is required in the platting process and in the end the right-of-way is not taken, then they would have to redesign and go back through the platting process again. He maintained that the proposed right-of-way has not been ignored, and that they are merely trying to ascertain the feelings of the Commission as to the use of the land as proposed if the highway was not there.

GRAGERT said he was opposed to acting on the requests until more is known about the sewer and other items brought out by the staff, and that he cannot just assume everything will be taken care of through platting.

HIGGINS said they are not forgetting the sewer problem and other matters which will have to be resolved, and that they realize regulations of the City and County must be followed, which they are prepared to do in the platting process.

LAKIN said that he and James Aiken of the Environmental Health Division have coordinated in development of proposals for sewer planning to serve this area, and the City of Wichita also has responsibility within three miles of its borders. On a subject of this magnitude, he preferred to consider sewer and drainage matters now rather than later in connection with a plat. He indicated also that the market feasibility of such a venture should be considered. As for his comments in the staff report on the East Harry proposals, LAKIN said the promoter of one of those projects was in not too many months ago making the same "pitch" as Mr. Martin has made in this case. He felt the matter of providing sewer service for this general area is an issue that needs to be resolved at this time.

As for the highway right-of-way, LAKIN agreed that it has been in the planning stage for many years, but it is just now coming to a final acceptance as to location and he would like to see it materialize.

LAKIN said he was not suggesting the developer leave a 700-foot swath through the area for the right-of-way, but only that it be redesigned to protect the right-of-way, and that the street pattern be redesigned providing perhaps a loop street to major arterials. He was not sure that the problem could be solved at this time by merely saying it would be resolved at the time of platting, and that more information should be provided.

TAYLOR reminded the Commission that the Drainage Plan has been adopted, which establishes a policy and to approve this project would not be adhering to that policy.

MAX COLE, the applicant, agreed with what Lakin said, and asked for a deferral to work with the staff on a redesign along the lines suggested, and further consideration of sewer and drainage problems.

NOTICE: That a decision on the above two cases be deferred for 30 days so that the applicant and his representative would have additional time to confer with the Planning Department staff concerning the plan. Hopper moved, Rising seconded and it carried unanimously.

ELIZABETH KING, 352 Garnett, asked about the relationship of the proposed boulevard to Garnett Street and if the developer would be paying for the street. CHAIRMAN KATWEN said such questions could not be answered at this time. KING said there is a good sized lake to the south between Garnett and Jackson which is not shown on the map, which would be in the drainage area of any sewer system.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 27, 1975:

9a. Case No. SCZ-0336 - Max Cole requests change from "R-1" to "RA" for:

A tract of land in the southeast quarter of Sec. 15, Twp. 27S, Range 2E of the 6th P.M., described as follows:
Commencing at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East, said point being 50 feet north and 50 feet west of the southeast corner of aforesaid southeast quarter; thence along said north r-o-w line of Central Avenue bearing north 89°59'20" west a distance of 1,250.00 ft. to a point of beginning; thence bearing north 2°59'30" west a distance of 250 ft. to the P.C. of a curve to the left; thence along said curve to the left whose radius is 1,750 ft. and thru a central angle of 17°12'11" a distance of 524.93 ft.; thence bearing north 53°00'30" east a distance of 544.54 ft.; thence bearing south 89°59'30" east a distance of 80 ft.; thence bearing north 48°29'30" west a distance of 1,820 ft.; thence bearing north 36°29'30" west a distance of 387.16 ft. to the north line of said S.E. 1/4; thence along said north line bearing north 89°52'15" west a distance of 155.13 ft. to the northwest corner of said SE 1/4; thence along the west line of said SE 1/4 bearing south 0°00'00" east a distance of 2,607.18 ft. to the north r-o-w line of Central Ave.; thence along said r-o-w line bearing south 83°59'30" east a distance of 1,351.44 ft. to the point of beginning, and

A tract of land in the southeast quarter of Sec. 15, Twp 27 S, R2E , of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter; thence along said west r-o-w line of 127th St. East bearing north 0°00' east a distance of 1,000 ft. to a point of beginning; thence bearing north 50°30'00" west a distance of 210 ft.; thence bearing north 54°00' west a distance of 945.88 ft.; thence bearing north 48°29'30" west a distance of 1,324.95 ft.; thence bearing north 36°29'30" west a distance of 47.83 ft. to the north line of said SE 1/4; thence along said north line bearing south 89°52'15" east a distance of 1,947.93 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing south 0°00' east a distance of 1,601.70 ft. to a point of beginning, and

Change from "R-1" to "LC" for:

A tract of land in the southeast quarter of Sec. 15, Twp 27S, R-2E of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter; thence along the said north r-o-w line of Central Avenue north 89°59'30" west a distance of 90 ft. to a point of beginning; thence bearing north 38°29'30" west a distance of 460.00 ft.; thence bearing north 28°59'30" west a distance of 680 ft.; thence bearing north 48°29'30" west a distance of 180 ft.; thence bearing north 89°59'30" west a distance of 80 ft.; thence bearing south 53°0'30" west a distance of 544.54 ft. to a point on a curve to the right whose tangent has a bearing of south 20°11'41" east; thence along said curve to the right whose radius is 1,750 ft. and thru a central angle of 17°12'11" a distance of 524.03 ft.; thence bearing south 2°59'30" east a distance of 250 ft. to the north r-o-w line of Central Avenue; thence along said r-o-w line bearing south 89°59'30" east a distance of 1,160 ft. to the point of beginning. All generally located on the northwest corner of 127th Street East and Central.

9b. Case No. CE-170 - Max L. Cole requests approval of a conditional use for establishment of a multi-family housing development on property being requested for "AA" One Family Dwelling District, described as follows:

A tract of land in the southeast quarter of Sec. 15, Twp. 27S, R2E of the 6th P.M., described as follows:
Commencing at a point on the north right of way line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter; thence along said north r-o-w line of Central Ave. bearing north 89°59'30" west a distance of 1,250 ft. to a point of beginning; thence bearing north 2°59'30" west a distance of 250 ft. to the P.C. of a curve to the left; thence along said curve to the left whose radius is 1,750 ft. and thru a central angle of 17°12'11" a distance of 524.03 ft.; thence bearing north 53°00'30" east a distance of 544.54 ft.; thence bearing south 89°59'30" east a distance of 90.00 ft.; thence bearing north 48°29'30" west a distance of 1,020 ft.; thence bearing north 36°29'30" west a distance of 387.16 ft. to the north line of said SE 1/4; thence along said north line bearing north 82°52'15" west a distance of 155.13 ft. to the northwest corner of said SE 1/4; thence along the west line of said SE 1/4 bearing south 0°00'00" east a distance of 2,607.18 ft. to the north r-o-w line of Central Ave., thence along said r-o-w line bearing 89°59'30" east a distance of 1,351.44 ft. to the point of beginning, and

A tract of land in the SE 1/4 of Sec. 15, Twp. 27S, R2E of the 6th P.M. described as follows:
Commencing at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter; thence along said west r-o-w line of 127th St. East bearing north 0°00' east a distance of 1,000 ft. to a point of beginning; thence bearing north 50°30'00" west a distance of 210 ft.; thence bearing north 54°00' west a distance of 945.38 ft.; thence bearing north 48°29'30" west a distance of 1,324.95 ft.; thence bearing north 36°29'30" west a distance of 47.83 ft. to the north line of said SE 1/4; thence along said north line bearing south 89°52'15" east a distance of 1,947.03 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing south 0°00' east a distance of 1,601.70 ft. to the point of beginning. All generally located on the northwest corner of 127th St. East and Central.

GALBRAITH said he had just learned that some presentation maps had failed to reach the Planning Department and that the agent for the applicant may want to request a deferral of these two cases.

RALPH MARTIN, representing the applicant, said that since the last hearing and as requested by the Commission, he has met with the staff and discussed adjustments and alternatives in the plan, and that a revised plan which was a part of that discussion was apparently not included in the submittal package, and he would like to have additional time for both the staff and the applicant to meet again, and he did request a deferral until the next meeting of the Commission.

R. W. HAYDEN, 11811 East Central, a property owner in the area, expressed opposition to a deferral inasmuch as he and others in opposition have taken off work to be present, and also because the notice to adjacent property owners had indicated any deferral request should be made at least 7 days prior to the meeting. He felt that the applicant should have been prepared to submit his proposal at this time in view of the length of time it has been under consideration, and he also felt that it would be unfair to those present in opposition to defer these cases.

MARTIN said he was fully prepared to present their plans, but felt that the City staff possibly would be at a disadvantage in not having the other map. However, when questioned, GALBRAITH indicated that he did not think a deferral was necessary, and he thought the applicant was prepared to answer those questions raised by the staff concerning sewer and drainage, public vs. private streets, the amount of light commercial requested, etc.

MARTIN said he would be happy to make a full presentation at this time.

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

Comments

1. The applicant is requesting a change of zoning from the "R-1" Suburban Residential District to the "AA" One Family Dwelling District (approximately 193 gross acres), and from "R-1" to "LC" in excess of the existing "LC" (approximately 3.2 gross acres), making a total of approximately 20 gross acres of "LC" located at the intersection of two major streets (Central and 127th Street East). In conjunction with this application, the applicant has filed a Conditional Use request (CU-170) to permit the construction of a series of multiple family dwellings on that area being requested for "AA". The intent section of the "AA" District requires this district to be used only when municipal services (water and sewer) are available.
2. Subject application and the associated conditional use case (CU-170), were previously considered by the Planning Commission at the regular meeting of January 9, 1975. At that time, several questions were raised by the Commission regarding drainage, provision of municipal type sewer, and the failure of the applicant to consider the projected alignment for K-96 (North-east Circumferential), which bisects this quarter section. At the request of the applicant, the cases were deferred in order to allow the applicant to meet with the staff and attempt to develop solutions to the problems identified. The applicant has now amended his application to exclude that portion of subject property which lies within the proposed alignment of K-96 thereby reducing the amount of "LC" Light Commercial zoning requested to 20 acres, and has submitted a site plan proposal which allows for inclusion of the highway right-of-way at a later date if the K-96 freeway proposal is not realized.
3. It should be noted that the County Zoning Resolution permits multiple family dwelling units as a Conditional Use in the "AA" Single Family District. The applicant has submitted a plan proposing a mixture of patio homes, garden and cluster townhouses, and apartments. The total number of units proposed is 688 at an overall density of 5.69 per gross acre. It is difficult to determine what streets are proposed as public or private streets, however, the plan does not suggest public streets tying into adjacent quarter sections. This problem of public vs. private streets, and their location, will have to be resolved at the time of platting.

4. Although the applicant has amended the proposal, several major problems remain, such as the large amount of proposed commercial, drainage, the lack of available municipal sewer, or a plan for sewerage disposal. Although at the previous hearing the applicant stated that sewer and drainage problems would be handled at time of platting, several Commissioners expressed the opinion that these problems were too important to overlook at this time, and the applicant was requested to provide alternate proposals for provision of these improvements; no proposals have been submitted as of yet and the applicant should be prepared to discuss these issues.

Until sewers are available, or until there is a definite sewer proposal, it would appear that development is premature. This site is in the upstream side of Four Mile Creek. Sewer is on the Crestview Country Club, but lacks additional capacity. The natural flow is to the south, thence east. Although interim plants could be designed, past proposals using similar approaches have not been fruitful. It should be noted that several major projects have been proposed on East Harry, all of which require major investments for sewers, and as a result, no development has yet occurred. In today's age with concern about our environment, and with local concern as to the development of a logical and efficient sewer system for the eastern area, encouragement should be given to the development of downstream properties first and then upstream, with a minimum of leapfrogging and inefficient system development. It cannot be expected in the near future to receive federal assistance for these plants, thus any proposal will have to be financially entirely by the applicant.

5. Another factor to consider in regard to this application is the amount of "LC" proposed. Taking into consideration the existing 21 acres of "LC" zoning at the other three corners, it is difficult to justify the 20 acres requested. The Planning Commission may want to consider requiring the applicant to provide justification, such as market studies and absorption rate estimates, as to why additional "LC" is needed in this area and at this time.
6. Because of the nature of the problems involved, the staff is still of the opinion that the project is premature. However, if it is determined that the project is justified, a recommendation of approval should be subject to platting within three years from the date of approval by the Board of County Commissioners.

Case No. CU-170

Comments

1. The applicant is requesting a Conditional Use permit to construct multiple-family dwellings on property being requested for "AA" One Family zoning (SC2-0336).
2. The County Zoning Resolution permits multiple-family dwellings in the "AA" Single-family district as a conditional use. It further provides that there shall be 1 1/2 off-street parking spaces for each dwelling unit. It should be noted that any multiple family structure developed in the "AA" zone is subject to the same height requirements as single-family dwellings.
3. The applicant has submitted a general site plan indicating building locations for multiple-family dwellings, circulation and density. The plan does not differentiate between public and private streets, nor does it provide information on how it is proposed to provide a municipal type sewer system to subject property.
4. Depending on the action recommended on the associated zone case, the following conditions should be considered in the approval of the conditional use request:

- a. Uses permitted shall be limited to multiple-family dwellings, including patio homes, garden and cluster townhouses, and garden apartments.
- b. The platting of the property within three years from the date of approval by the Board of County Commissioners; or the application be considered denied and closed.
- c. No less than one and one-half off-street parking spaces shall be provided for each dwelling unit.
- d. The density shall not exceed that established as the capacity limit of the Four Mile Creek Sewer Basin in the officially adopted Sewer Plan as modified by Planning Commission policy statement, which sets an original level of 4.1 dwelling units per acre to a modified level of 7 dwelling units per acre.

GALBRAITH expressed appreciation to Mr. Martin and the applicant for addressing the issue previously raised concerning K-96 proposed right-of-way. He pointed out how the plan has now indicated how the right-of-way could be reserved until final decisions are made on the alignment and, if for some reason, K-96 is not constructed, the proposed development could be extended from each direction into the reserved area.

When questioned as to the staff's position on the amount of light commercial requested, GALBRAITH said that is a major concern, and that it was the staff's feeling that the entire development is somewhat premature because there has been no apparent solution to the sewer and drainage problems raised previously.

RALPH MARTIN explained that they propose three different types of low density residential development and a commercial area which, if K-96 is not constructed, would be approximately 30 acres in size, amounting to about 300,000 square feet of shopping and office space. If K-96 (Northeast Circumferential) right-of-way is taken, the total tract will be reduced from 160 to about 103 acres.

MARTIN said apparently the overriding issue is whether or not the development is premature, and it was his opinion that in view of other plans for development around the Country Club area, and the interest and support from those who understand where development is logical, it would not appear to be premature. As for sewer service, MARTIN said it is under study by the engineer for the project, and he felt the term "premature" doesn't actually have a direct application so far as sewer.

Another point to consider so far as the size of the commercial requested and its relation to development or demand for commercial on Kellogg, if K-96 is built, it will obviously change the whole relationship of the two roadways (Kellogg and K-96), and in subject case, development far in advance of K-96 is being anticipated. Further, the County has designated important intersections for neighborhood type shopping facilities, which is different from the commercial being considered, and he thought subject property was appropriately situated to accommodate the development they are proposing. Just because Kellogg has attracted commercial in the past doesn't mean there is no other logical place. He questioned what harm the commercial requested would actually be to the area, and he felt that it would not harm the neighborhood investments or investments in housing, but would provide a valuable service and a tax base. MARTIN pointed out that if and when K-96 is built, none of the other commercial areas at this intersection, except the one to the south, could actually be built because the commercial will be absorbed by the right-of-way.

WILLIAM KELTNER, engineer, said his firm (PEC) has been contacted about development in this particular area for a number of years and has worked on several projects other than this one. The overall proposal so far as sewer service for this area is three-pronged.

KELTNER said he has discussed with the County Engineer as to service in the area. On an interim basis, the applicant is proposing a temporary nondischarging lagoon type system, which would eventually be phased out by the development of a municipal type system possibly in Butler County which would serve this area. He felt this interim system would last two or three years and would be phased out before the highway is built. He said the system proposed would be similar to one now operating at the Sedgwick County zoo facilities and in Timberlakes. It was pointed out that it is proposed that this interim type system would serve 200 to 300 dwelling units.

The second stage for sewer service, KELTNER explained, would be in cooperation with Crestview development to the east. At the present time, the system is not large enough, but plans are underway for its enlargement for not only additional development associated with the Country Club holdings, but also to accommodate the development being proposed by subject developer. The Crestview system will in time be tied into the municipal system being proposed by the County in the Four Mile Creek area.

Stage three of sewer service would be when the municipal type system proposed by the County is completed to serve the eastern part of Sedgwick County and western part of Butler County. KELTNER said the applicant has already petitioned the County in this respect. KELTNER pointed out that the report prepared for the Crestview Country Club by Reiss and Goodness, Engineers, anticipated serving additional areas in the vicinity in time.

When questioned as to timing of the Crestview sewer service system, KELTNER indicated it should be available in about 1 1/2 years. SPATERN commented that it seemed a sewer system was being built on a lot of "ifs", and asked for more specifics of the plan.

SAM CATANESE, counsel for the applicant, said it is anticipated that by August of 1976 plans for relocation of the Crestview facility will be determined, the benefit district established, and there is the right of eminent domain for relocation. When questioned further, CATANESE said the County Engineer has recommended and approved the plan which would allow construction of the nondischarging system to serve 200 to 300 units, but when pressed for a date for utilization of the improved Crestview system, CATANESE said he could not give a definite time, but that petitions have been filed with the County. He said the County Engineer has recommended a 3-year period for use of the nondischargable system and that a platting requirement will be for proper handling of sewer service. As a result of further questioning, CATANESE said in discussions with the County Engineer, it was agreed that such a system could exist for even 10 years as long as not more than 200 to 300 units were served. As for the life of the temporary plant proposed, KELTNER said it would be for 20 years, being the lagoon type system, and he referred to one in Timberlakes area which has a 20 to 30 year life span, depending on the mechanical durability of such a construction.

KELTNER said the three-pronged proposal has been discussed with the County Engineer and it was his understanding it had been discussed with the Planning Department staff.

In further discussion, KELTNER indicated that if the Crestview expansion moves fast enough, it is possible that the first method discussed could be eliminated, and development of 200 to 300 units could be tied directly into the Crestview system. As to whether or not there was a contract with Crestview at this time, CATANESE said they have made arrangements with them, and that there will be cooperation, and the expansion of the system will be based on serving subject development.

KELTNER next brought up the matter of surface drainage, and said it has been discussed with the Flood Control Office and they will make certain requirements which will have to be complied with. When questioned about the affect of drainage on the right-of-way for K-96, KELTNER said the Highway Department will take care of its own drainage northeast of the right-of-way and the area southwest of the right-of-way would have to be handled by the applicant.

MARTIN spoke again concerning private vs. public streets, and he pointed out on the plot plan those proposed for private and public and the fact that those proposed for private would be maintained through a homeowners association in the individual developments. 127th Street East would be public with two means of ingress and egress from the subject development. MARTIN pointed out also that this is something to be considered at the time of platting, as well as the matter of proper sewer and drainage service. As for surface drainage, MARTIN felt that with the development of K-96, the amount of land needed to accommodate a 100-year storm will be decreased.

MARTIN stated he felt that every issue that has been raised has been met or will have to be met in an acceptable manner as development progresses.

GRAGERT asked how it was planned to operate across the highway, and MARTIN said they do not need to have access across the highway, and that each area (on both sides of the right-of-way), can be developed independently.

When asked if a market analysis had been prepared, MARTIN said they have marketing information which they use as a basis for consideration, but do not have a formalized market report, and it is all whether or not the area can support 300,000 square feet of shopping development, and it was his opinion that it would. In further discussion, MARTIN said he felt there would be sufficient residential development to support the shopping facilities proposed within 5 to 7 years, and while the development is not there now, plans must be made to accommodate such development when the service is needed.

HENNESSY asked how soon development would occur if this request is approved and he cited several other areas which have been approved for this applicant and yet very little actual development has occurred. MARTIN said his firm did the land planning for Farmington Square and the architectural plans are being drawn up now, and the applicant is also the developer of Lincoln Meadows at Lincoln and Webb Road which is now under construction. HENNESSY said they have just recently put up \$600,000 for roads and other public improvements in the Farmington Square area. There was more discussion as to projects in various stages of development by the applicant. In the case of Farmington Square, WILLIAM P. HIGGINS, attorney for the applicant, said they cannot start construction until there is a street. At Lincoln Meadows there is \$700,000 worth of air conditioning equipment in the warehouse and construction has started on this \$5 million dollar project. HENNESSY was concerned that possibly city staff might be the cause of delay in development; however, HIGGINS said they had received total cooperation from all city staffs.

RISING said he had not been convinced that the amount of light commercial requested would be appropriate. HIGGINS pointed out that on all four corners six acres had been zoned, but that the highway will eliminate three of those corners, the one remaining being the southwest corner.

ELIZABETH KING, 352 Garnett, was concerned for the possible continuation of a small lake in the area with the development of the sewage treatment plant. She said the lake is the natural drainage and is private property and a great deal of money has been expended to keep it up and a nice fishing area.

KING also pointed out that there are two streets off of Central into the south housing area on Garnett and Jackson, and wondered where the roads off of Central into the new development might be in relation to the residential streets. She pointed out also that the west line of subject tract is the west edge of the Andover School District, and she wondered if it was the idea that when developed it will be included in the Nichita School District.

GRAGERT asked if access would be at Central and 127th Street interchange, and if so it will require more land than what the diagram shows. LAKIN said the right-of-way line on the map shows anticipated requirements for the interchange.

KELTNER said the sewage system would be non-dischargeable and there would be no effluent whatsoever to pollute the lake referred to by Mrs. King.

RICHARD MASSEY, 329 Garnett, said he lived on the lake, and in view of the amount of drainage now, he doubted that the sewage could be contained in the system proposed. He also asked who would maintain the roads in the proposed development in that he is on the township board. He said in Crestview area they were supposed to be maintained by the City, but the City had not maintained them as yet.

KAMEN said in this proposal, if a public street, they would be a part of the County system and the County would be responsible for such maintenance, or passed down to the township for maintenance. MASSEY asked if the roads would be large enough to be maintained, and CHAIRMAN KAMEN said such matters would be decided by the Sub-division Committee at the time of platting.

HENNESSY referred to the fact that the County has recently created a Department of Public Works, and that the Environmental Health Director (Aiken) had brought up the fact that sewerage is being dumped in the County and that such a situation was going to be corrected. In view of this, HENNESSY thought it could be assumed that there would be no illegal dumping or channeling of sewerage or surface drainage. As for the road system, he pointed out that it must be approved by the County Engineer, and once it is put on the County road system, it is turned over to the township for maintenance.

R. W. HAYDEN was critical of the plan for sewer service to the proposed development and thought it would be very difficult to build a pond of any kind that would not overflow. He failed to understand the proposal to put a pump station at the lower end and pump back to the highest (which had been explained by Keltner in connection with Phase 1 of sewer service), which is 3/8 of a mile. He was critical also of the plan to handle drainage as explained in Phases 2 and 3 when there is City of Wichita sewer only 1/2 mile east of Greenwich Road and 1/2 mile north of Douglas, which is the present termination of the City sewer system.

HAYDEN stated the residents of the area there because they like open spaces and not being crowded so close to another residence, and he pointed out that the single-family homes in the area generally are on 5 acre tracts and cannot be benefited by an increased density of 7.18 units per acre.

HAYDEN questioned whether the proposed sewage facilities would operate successfully, inasmuch as the present single-family homes, at times, have problems with sewer laterals even though on as much as 5 acres of ground because of the clay type soil. He said the lowest point of drainage is to the southwest corner of Central and within 300 feet of four residences and within 500 feet of six homes. Further, he reminded the Commission that a density of 7.18 exceeds and violates the limit of 4.1 units established in the Four Mile Creek sewer plan which raises a question of whether it jeopardizes the contribution of any Federal participation in the Four Mile Creek sewer basin which has already been approved.

HAYDEN said the lake previously referred to is quite large and is within 60 feet of his back door and flows about 300 feet to the southwest and about once a year the lake overflows the trickle pipe and the overflow they have, and runs over the top of the dam. HAYDEN thought the plan was premature as the developer has not offered any concrete proposal with which the adjoining property owners can agree or be in favor of.

HAYDEN submitted a notice to adjoining property owners from the State Highway Commission indicating the recommendation of the City and County Commissions, as well as the Planning Commission, as to the location of the Northeast Circumferential, and which was approved by the Highway Commission and recommended to the Federal

government for favorable action. HAYDEN thought the plans were premature, and he brought out the possibility of speculation by investors who might buy land, get it rezoned and thus obtain more money when condemned or required for highway improvement.

HENNESSY recalled that there have been numerous alignments proposed over many years for this highway, and now it is apparently becoming more of a reality. HAYDEN referred back to the question of how would owners benefit by this development, noting that something zoned commercial or high density would demand a higher price than farm land.

Until utilities, especially sewer, is provided in the proposed high density area, HAYDEN thought the Commission should deny the zoning, and to do otherwise would hint that the proposed change is requested not to build units, but multiply many times the price the government might pay for the right-of-way.

Objection was also offered by Mr. Hayden to the large amount of light commercial requested, inasmuch as there are presently 24 acres on the four corners of 127th and Central zoned for light commercial for sometime and yet no development has occurred. HAYDEN considered it a selfish plan on the part of the applicant and a desire to join with Crestview to the detriment of other people in the area.

KELTNER spoke again to point out that sewer service from the City of Wichita is not contemplated because the lift station would have to be completely rebuilt and the city interceptor sewer is already handling service beyond its capacity, and in the Sewer Plan it is indicated that any sewerage within the Walnut River Watershed shall be handled by the Sedgwick County sewer facility to be constructed.

CHAIRMAN KAMEN brought up the matter of 4.1 units per acre being modified to 7 as proposed in the plan. KELTNER said it was his understanding that the original plan on 4.1 units per acre was amended to now permit 7 units per acre.

Discussion was had again as to the lagoon system proposed as phase one to handle sewage. KELTNER explained that the standard lagoon type design takes into consideration the annual rainfall, amount of evaporation and amount of effluent to be pumped for a full year, and that any design must be approved by the State Health Department and there would be no overflow. Such a system also requires the approval of the local health department.

CHAIRMAN KAMEN explained that so far as the highway announcement brought up by Mr. Hayden, it is notification that the State is recommending to the Federal government the designated right-of-way and it is not the final action to pin down the alignment.

KELTNER pointed out that the right-of-way shown on their plan is the same as referred to in the notice.

GARDENHIRE asked the staff if the discussion so far had allayed any of their fears so far as prematurity.

LAKIN said he has been assured by the County Engineer that there is no need to worry, but that he is not reassured. The proposal for handling the initial 200 to 300 units can be accomplished. LAKIN continued that he had not heard sufficient evidence relative to the Crestview issue, and while he was sure they are planning to expand the facilities, what happens if the Health Department says that it is not the way the sewer was supposed to flow anyway. It is supposed to go south and then into the Four Mile Creek. Thirty acres of light commercial and the number of units proposed, unless all the sewerage can be treated on the site, is a long ways from handling the rest of the sewage.

CATANESE said they are aware of some problems, but in view of the high cost of handling sewer and drainage, engineering, etc., they prefer to know if their proposal is acceptable so far as zoning and the conditional use proposed prior to obligating themselves for such costs.

HOPPER asked if it would increase the appraisal of right-of-way needed eventually if the request for rezoning is granted and development occurs as opposed to rural farm land.

HIGGINS answered that the condemnation statute provides that condemnation authority must be for the highest and best use of the property; the court appoints appraisers and then if there is any argument the matter is taken to court and the appraisers determine the highest and best use, and in this case he stated there is no way that it would be on the basis of agricultural land. The statutes provide that it be based on the highest and best use regardless of the zoning. GRAGERT commented that even if not zoned "LC", it is possible the appraisers would consider it as a potential "LC" use.

DUANE O'HARA, 12123 East Central, said the proposed lagoon would be right north of his property and with the soil as it is, he did not think it would evaporate as represented and if it does overflow, it will be on his property. O'HARA asked also if the proposed interchange might have any bearing on Central so far as the possibility of needing more width. KAMEN answered that no one can tell what the interchange might require, but if it does require widening, the property owners would be compensated.

GARDENHIRE felt the plan is premature and was concerned because of the staff's feelings on sewer service, as well as the large amount of light commercial requested.

KAMEN referred to the leap frogging of development which seems to make it premature, and he considered the sewer matter of prime importance. He thought 20 acres of "LC" was justified for the large tract of land and the density is being resolved to comply close enough to the standard that it can be acceptable. The matter of sewers, however, he considered of major importance to the entire area and suggested the plan is premature on that basis.

HENESSY agreed that 20 acres is not too much "LC" because there is nothing else in the area and for the lagoon system, the Board of Health "frowns" on septic tanks, and with the tieing into the Crestview system and eventually the County sewer facilities, it could be of benefit to the area in general.

GRAGERT too thought it was premature and that the sewer is certainly a factor. He thought it might be justified in the future, however. He recalled that the applicant had indicated the area could probably not support such a shopping center as proposed for 5 to 7 years if everything goes according to their plans.

KAMEN brought out that commercial areas are not developed until there are sufficient residents in the area to support a center.

GRAGERT commented again that he thought it was premature; too many "ifs"; no definite idea of where facilities would be located; no market survey, and the plans for sewerage the area is based on assumptions.

GARDENHIRE asked if the applicant could tighten up his plans for sewage disposal, would this make the plan any more acceptable. KAMEN said anything concrete would be better.

HOPPER suggested that since the applicant is willing for a deferral, it might be wise to defer so he could meet with the staff and attempt further to resolve some of the problems brought out.

RISING pointed out that the requirement that it be platted within three years provides some control. He thought the matter of sewer should be considered along with a plat and he did not think

it could be considered premature when they want to do something, and favored permitting some type of development, although he was not in favor of permitting more money in case of condemnation. GRAGERT brought up again the fact that whether rezoned or not, the value of the property would be allowed in any condemnation. LAKIN again reviewed the condemnation statutes so far as appraisal of land for its highest and best use and not on the basis of zoning.

TAYLOR brought out the fact that the Commission has adopted the Sewer Plan which amounts to a policy, and was in favor of adhering to the policy, even though in several past instances it has not been observed in approving some developments. She was not in favor of "hopscoching" development and she considered the plan even more than premature.

GOEBEL said he was in favor of letting the developer replat because he could not see bringing in a plan on both sides of the highway. He referred to Ridge Plaza where condemnation allowed over ten times the amount of money, because it was zoned and a development had been approved. He considered the request premature, and when questioned about the prematurity of Crestview, GOEBEL pointed out that they have a golf course and are developing everything around it, but subject case is over 1/2 mile away and across the street.

HENNESSY wondered if there was a chance of compromise, and KAMEN felt there are safeguards which will protect the adjoining properties and he did not think the highway would have any bearing.

GOEBEL brought up the fact that most plats must be filed within a year's time after approval of the zone change request, but in this case, it is proposed to be three years. LAKIN explained that a project of this size, the lack of sewers, and variety of uses would require more than a year for processing.

HENNESSY commented that sewer service will eventually be installed in this area, which will increase land values and eliminate the isolation the present residents to the south desire, but he was inclined to feel that it would be an asset rather than a liability to the area.

NOTION: That the Planning Commission recommend to the County Commission that SCZ-0336 and CU-170 not be approved. Gragert moved, Taylor seconded and it carried by a vote of 5 in favor (Gragert, Taylor, Goebel, Kamen and Hopper) and 4 opposed (Rising, Bayouth, Hennessy and Gardenhire). Savina absent.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 22, 1975:

8a. Case No. SCZ-0336 - Max L. Cole requests change from "R-1" to "AA" for:

A tract of land in the SE 1/4 of Sec. 15, Twp. 27S, R2E of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the SE corner of aforesaid SE 1/4; thence along said north r-o-w line of Central Ave. bearing north 89°59'30" west a distance of 1,250.00 ft. to a point of beginning; thence bearing north 2°59'30" west a distance of 250 ft. to the P.C. of a curve to the left; thence along said curve to the left whose radius is 1,750 ft. and thru a central angle of 17°12'11" a distance of 524.93 ft; thence bearing north 53°00'30" east a distance of 544.54 ft.; thence bearing south 89°59'30" east a distance of 80 ft.; thence bearing north 48°20'30" west a distance of 1,820 ft.; thence bearing north 36°29'30" west a distance of 387.16 ft. to the north line of said SE 1/4; thence along said north line bearing north 89°52'15" west a distance of 155.13 ft. to the NW corner of said SE 1/4; thence along the west line of said SE 1/4 bearing south 0°00'00" east a distance of 2,607.18 ft. to the north r-o-w line of Central Ave.; thence along said r-o-w line bearing south 89°59'30" east a distance of 1,351.44 ft. to the point of beginning, and

A tract of land in the SE 1/4 of Sec. 15, Twp. 27S, R2E of the 6th P.M. described as follows:

Commencing at a point on the north r-o-w line of Central Ave., at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the SE corner of aforesaid SE 1/4; thence along said west r-o-w line of 127th St. East bearing north 0°00' east a distance of 1,000 ft. to a point of beginning; thence bearing north 50°30'00" west a distance of 210 ft.; thence bearing north 54°00' west a distance of 945.88 ft.; thence bearing north 48°29'30" west a distance of 1,324.95 ft.; thence bearing north 36°20'30" west a distance of 47.83 ft. to the north line of said SE 1/4; thence along said north line bearing south 89°52'15" east a distance of 1,947.93 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing south 0°00' east a distance of 1,601.70 ft. to a point of beginning, and

Zone Change from "R-1" to "LC" for:

A tract of land in the SE 1/4 of Sec. 15, Twp. 27S, R2E of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the SE corner of aforesaid SE 1/4; thence along the said north r-o-w line of Central bearing north 89°59'30" west a distance of 90 ft. to a point of beginning; thence bearing north 38°29'30" west a distance of 480.00 ft.; thence bearing north 28°59'30" west a distance of 680 ft.; thence bearing north 48°29'30" west a distance of 180 ft.; thence bearing north 89°59'30" west a distance of 80 ft.; thence bearing south 53°0'30" west a distance of 544.54 ft. to a point on a curve to the right whose tangent has a bearing of south 20°11'41" east; thence along said curve to the right whose radius is 1,750 ft. and thru a central angle of 17°12'11" a distance of 524.93 ft.; thence bearing south 2°59'30" east a distance of 250 ft. to the north r-o-w line of Central Avenue; thence along said r-o-w line bearing south 89°59'30" east a distance of 1,160 ft. to the point of beginning.

All generally located on the northwest corner of 127th Street East and Central.

8b. Case No. CU-170 - Max L. Cole requests approval of a Conditional Use for apartments, townhouses and condominiums on property legally described as follows:

A tract of land in the SE 1/4 of Sec. 15, Twp. 27S, R2E of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the SE corner of aforesaid SE 1/4; thence along said north r-o-w line of Central Ave. bearing north 89°59'30" west a distance of 1,250 ft. to a point of beginning; thence bearing north 2°59'30" west a distance of 250 ft. to the P.C. of a curve to the left; thence along said curve to the left whose radius is 1,750 ft. and thru a central angle of 17°12'11" a distance of 524.93 ft.; thence bearing north 53°00'30" east a distance of 544.54 ft.; thence bearing south 89°59'30" east a distance of 1,820 ft.; thence bearing north 36°29'30" west a distance of 387.16 ft. to the north line of said SE 1/4; thence along said north line bearing north 89°52.15" west a distance of 155.13 ft. to the NW corner of said SE 1/4; thence along the west line of said SE 1/4 bearing south 0°00'00" east a distance of 2,607.18 ft. to the north r-o-w line of Central Ave.; thence along said r-o-w line bearing 89°59'30" east a distance of 1,351.44 ft. to the point of beginning, and

A tract of land in the SE 1/4 of Sec. 15, Twp. 27S, R2E of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the SE corner of aforesaid SE 1/4; thence along said west r-o-w line of 127th St. East bearing north 0°00' east a distance of 1,000 ft. to a point of beginning; thence bearing north 50°50'00" west a distance of 210 ft.; thence bearing north 54°00' west a distance of 945.88 ft.; thence bearing north 48°29'30" west a distance of 1,324.95 ft.; thence bearing north 36°29'30" west a distance of 47.83 ft. to the north line of said SE 1/4; thence along said north line bearing south 89°52'15" east a distance of 1,947.93 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing south 0°00' east a distance of 1,601.70 ft. to a point of beginning.

All generally located on the northwest corner of 127th St. East and Central.

GALBRAITH pointed out the area on the map and the fact that the Planning Commission on March 27, 1975, had recommended the requests not be approved, and that the cases have been returned by the County Commission for reconsideration, urging that a neighborhood meeting be held with adjacent property owners in view of the 53% protest to the requests. GALBRAITH said at this time the applicant's attorney desires to discuss the possibility of another deferral.

WILLIAM P. HIGGINS, attorney, said the neighborhood meeting was held with the adjacent property owners and Planning Department staff represented. It was his opinion that to properly review and handle the requests with respect to sewer service and the staff's objection to the amount of "LC" requested (which has been redesigned and reduced as some of the area was intended for office development), they would request a 60-day deferral.

HENNESSY spoke favorably to a deferral in view of the complexity of the proposed development and the interest shown by residents in the area as evidenced by the numerous phone calls and letters he had received.

MOTION: That the above two cases be deferred 60 days. Hennessy moved and Bayouth seconded.

R. W. HAYDEN, 11811 East Central, spoke in opposition to a deferral, pointing out that the applicant has been involved with this project for a year or more, which he thought was sufficient time that he should know what he wanted; further, every time a meeting is held, there is something different presented. He said some of those in opposition are from out of town and it is expensive and an inconvenience to appear at the numerous meetings related to these requests. He asked that the matter be heard and acted on at this meeting. Approximately 16 or 17 people stood as an indication of their presence in opposition to the project.

HENNESSY said this project is becoming more and more involved and various allegations have been made, but that it would not be establishing any precedent to defer as such had been done in other cases, and he wanted to be more informed and assured as to sewer service before taking action.

TAYLOR said that the K-96 location is a big factor and a deferral will not change the facts as related to the highway and the impact of the development in or near the corridor; nor will it change the question of the proper use of the land, so she felt a deferral would not accomplish too much.

HIGGINS said they have handled the highway matter by not asking for rezoning of what is designated as highway corridor, and a recent meeting with the staff indicates the possibility of satisfying the staff so far as the amount of "LC" requested. Further, there is no sewer problem as related to the approximately 300 dwelling units proposed as the first phase of development, but a study being done by Reiss and Goodness as related to the Crestview Sewer District and the possibility of subject area being included in the district (with certain expansion and improvements to the present system), is presently being reviewed by the State Health Department, after which the staff should have an opportunity to analyze and re-evaluate the proposal and technical aspects of the matter. With respect to the meeting with the adjacent owners, HIGGINS said they mailed 168 notices and as for the length of time this project has been under consideration, HIGGINS said it has been less than a year.

LAKIN said he has expressed his concern previously on how the second phase would be sewerred and had also stated the opinion that 30 acres of "LC" requested was more area than justified for this location. He said if there are to be alternate proposals made, then the staff would definitely need time to assess the difference and perhaps attempt to find a workable answer. He said he was not exactly opposed to some office zoning, but that when any development occurs, there should be assurance that there is adequate service for such development.

J. SIDNEY EMMETT, Route #1, Washburn, Missouri, spoke in opposition and related the fact that he had never received notice of meetings, but had attended three such meetings. It was explained by staff that notification is mailed to those whose names are shown on the abstract ownership list as being within the required distance of an area being considered, or who have spoken at a meeting. EMMETT said he owns property in adjacent area and was tired of the expense and inconvenience of coming to the meetings and nothing being accomplished. KAMEN said he could understand the expense and inconvenience, and that every attempt is made by the Planning Commission to determine what is proper for the City and County, the particular area, the applicant, and owners in adjacent areas, and often it does take several meetings in order to make that determination.

MRS. CECELIA BALTHROP, 11220 East Central, said she was not opposed to development of the property, and, in fact, had been approached many times for development of her property, either for housing or commercial uses, but she has not been interested in such at this time, and if it is eventually sold for housing, they plan to designate a certain number of acres for parks and open space. She stated she would like to see at least 20 to 40 acres set aside in this project for parks or recreational facilities for children from the development.

HAYDEN spoke again pointing out that even if legal technicalities are resolved, it would seem that, with over 53% legal protest, which is more than a simple majority, it is a mandate that the requests be turned down.

CHAIRMAN KAMEN reasoned that there would not be much development if decisions were based entirely on protests, because in almost every case, there is opposition, and some cases are heard more than once, and in this case the matter would be considered with open minds on the part of the Commissioners. He felt the applicant should have a chance to present his case. HAYDEN asked if there was any limit as to the number of times a deferral could be requested, and KAMEN indicated the Commission would not be inclined to grant too many deferrals.

VOTE ON MOTION TO DEFER: Motion lost by a vote of 3 in favor (Hennessy, Bayouth and Kamen) and 5 opposed (Gragert, Rising, Goebel, Taylor, and Savina). Gardenhire and Hopper were absent.

GLBRAITH briefly reviewed past considerations (see minutes of January 9, 1975 and March 27, 1975), and said the applicant is prepared to present plans for a lagoon system for sewer service which was shown at the neighborhood meeting to serve 270 to 300 units. He said Lakin had mentioned in the past the concern of the staff for the large amount of requested 30 acres of "LC", as well as the sewer service problem, and the staff is anxious to see detailed plans or further indication of how it is proposed to handle the sewerage.

LAKIN stated that if the Commission takes action, it would be his recommendation that not more than 10 acres of "LC" (outside the proposed K-96 corridor), be approved for zoning and subsequent platting, and that a conditional use and zone case be approved for only the 270 to 300 units proposed in Phase 1, subject to the sewer plan being submitted to the staff to review.

HENNESSY asked if there were other developments around the city developed with a lagoon system, and LAKIN responded that such is utilized at Campus High School site and has been since its construction; one in Timberlakes is under construction and a proposal has been received, and will be considered by the State Health Department for a private lagoon system in the development of Park Meadows. LAKIN stated further that he had no opposition to a lagoon system, subject to its being properly designed and engineered.

HENNESSY said he had received several letters from people in the area who had indicated the potential for an odor problem, and LAKIN said he had discussed such a possibility with the Professional Engineering Consultant firm, and with Jim Aiken of the City-County Health Department, and with the County Engineer, and had been assured that as long as the system is not overloaded, and utilized only to its design capacity, there should be no problem; however, there are certain climatic conditions (probably no more than twice a year), at which time there could be the potential for an odor problem, which should be no more of a problem than the regular type municipal plants which would be providing the same type of service. When questioned, LAKIN said the Health Department would oversee the installation and proper maintenance and operation, but the basic control would be that this Commission not authorize any more development on the basis of this particular lagoon system than its design capacity. LAKIN explained further that Miles Westwind Addition and West Millbrook Addition utilizes a lagoon system. In response to a question, LAKIN said the Westlink system originally was not a lagoon system, but the regular municipal type disposal system.

TAYLOR asked what the life expectancy of a lagoon system is, and also the status of the County's plan for extending sewer in this area, with the ultimate aim of a plant in the Four Mile Creek area.

As to the life expectancy, LAKIN said that while he had no direct answer (although he could ascertain one from the Health Department), he assumed it could be more or less indefinite as long as properly sized, engineered and maintained and not overloaded. As to update of the Sewer Plan, LAKIN related the problem of providing sewer services prior to development, in which case assessments are high for undeveloped land, and yet there is the need for such service to attract development, which accounts for the need for an interim system of some kind, and in this general area, it may be desirable to allow a reasonable number of interim facilities located one every 40 acres, or larger tracts, so that when there is sufficient development existing, it will be economically feasible and justify a municipal type plant. At this time, he did not envision that the County Commission would order in such a plant with assessments therefor going against farm land.

RISING said some of the letters he had from protestors have indicated the possibility of raw sewage being dumped and left to evaporate. LAKIN said the raw sewage will be transported to the lagoon where it will be processed. The odor would occur only if improperly designed, sized or maintained or overloaded, except for the occasional odor referred to previously due to climatic conditions.

In response to the question of whether there have been studies projecting a logical residential design or development in general for this area, LAKIN said land use studies had been done as a part of the Northeast Circumferential and update of the transportation plan, and that this land should probably be residential with supporting commercial. Industrial or a regional shopping center was not projected. In terms of residential density, it was projected to hold such to not more than 7 dwelling units per acre on an overall section of land, which means on some tracts there would be greater density, on others normal density and still others possibly larger home sites than normal.

LAKIN said growth has been projected to the east and northeast and the extension of services (sewer and water) are controlling factors, but it is a matter of timing so far as extension of such services so that it will not be a burden to the community.

HENNESSY inquired how many single-family homes operating on a septic tank sewer system could be erected on subject property. LAKIN commented that under the new code, 40,000 square feet of lot area per unit would be required, and since it is 103 acres, it would be something less than 100 units by the time streets are provided. HENNESSY then commented that the County is not likely to install a sewer line and burden the owners of property unless there is development, and it was his opinion that if what is proposed by this developer can be controlled so far as number of units, then eventually and in the very near future a sewer system will be extended into this area.

In the discussion related to protection of the alignment of the highway, LAKIN said it is always a problem, and those involved in planning can indicate their best judgment so far as projections for the future, but he could not guarantee that the highway is going to happen, and that the approach this applicant has taken in not asking for zoning of the proposed alignment is the best protection that can be expected without actually acquiring the land, and there is no possible way at this time or in the near future that acquisition could be made, either through negotiation or eminent domain. The fact that it can be left in very low density zoning, which is probably not economically feasible to develop from the standpoint of the owner, is the best protection from the public standpoint.

HIGGINS displayed a map of what is proposed, pointing out that they have reduced the request for "LC" zoning within the lines suggested by the staff and are not asking for rezoning of the highway corridor. He said under the plans shown, they are giving exactly what would be required under the Mapped Street Act, if such ordinance had already been adopted by the City Commission. As for open space, he said there are 33 acres of open space represented by the corridor, and there are 25 acres of open space and recreational area in addition.

As for sewer odors, Higgins said the engineer (Keltner) has indicated that such occurs when a plant is located too far from the sewage source, which is why they have planned for the plant to be located as it is. The time element makes the difference, in that if not treated within a certain period of time, there could be a problem.

HIGGINS emphasized further that the developer must be able to convince lenders and tenants that there will be no odor, and so definitely that is something which will be controlled. He said the property is served by city water. In summary, HIGGINS said they are agreeable to reducing the "LC" request, are agreeable to eliminating any request for rezoning of the highway corridor, agreeable with the concept that no more units can be built than the sewage system will handle. He said they must provide sewer service for the development and at the present time can only do so for about 300 units of the total tract and proposed development, and that is all the Health Department would allow under the lagoon system being proposed.

HIGGINS pointed out that the Planning Commission will be in a position to control the development by only approving platting of that portion of the property which can be sewerred; however, in the overall picture, in order to obtain financing for a property such as this and carry it through to completion in a manner conducive to high grade development, the lenders need to see the total overall plan; have to know what zoning is available in order to prepare for proper development. HIGGINS said they would not request approval of a plat for more than services could be provided for, which means it will take several years (estimated 8), before total development occurs. If zoning can be approved now, then they can proceed with platting in several phases and as service can be provided, and until the sewer service is provided, the Commission has the power to deny a plat.

HIGGINS pointed out that the triangular plot northeast of the highway corridor is planned for apartments and in the latter phase of development.

HIGGINS brought up again the fact that they cannot afford to permit a faulty sewage disposal system which emits odors, as the development proposed is costing a great deal of money, and they must be in a position to convince lenders that it would be a good investment; the Commission can control the development stages by withholding plat approval at any time until there is satisfactory disposal facilities. He pointed out that the worst that could happen is that they could only develop what the law allows and the best that could happen is that they could get started, but they do need total financing and thus approval of the total plan.

GRAGERT felt that it would be no different whether zoning was granted for the excepted area or not, as there is still no guarantee that a future plat would be approved.

HIGGINS repeated that they can only plat what they can get approved and can only get approval when sewer service is present, but it is necessary to have a total land plan, recognizing the fact that the first phase of 270 to 300 dwelling units is subject to approval of the lagoon type disposal system and also recognizing that future favorable consideration of additional phases is dependent upon resolving of the sewer problem before any additional development occurs. GRAGERT still maintained that there would be no guarantee of future plat approval, and that it would appear to approve "LC" as requested might mean a higher price for the owner re: highway acquisition if it does occur.

HENNESSY said he has often heard such comments - that this is nothing but a "get rich" scheme on account of the Northeast Circumferential, yet it is a matter of record that in any condemnation, it is the highest and best use of land which is appraised and not how it is zoned, although HIGGINS said it was his understanding that some of the people in opposition have inferred that is the purpose in asking for rezoning.

BAYOUTH felt that the land value has already been established by reason of the Crestview Country Club development, which has made land in this area much more valuable, and he discounted any effort on the part of the applicant or his attorney to establish land value through rezoning.

HIGGINS spoke again of the desirability of a total land use plan and the fact that the staff apparently is satisfied with the reduction of "LC" requested and the elimination of the highway corridor from the application, which eliminates any possibility of any increase in value for that particular corridor.

GRAGERT stated again that he could not see the necessity to zone the tract northeast of the highway corridor, and suggested that a potential lender could be informed that it was intended to request rezoning; however, HIGGINS still voiced the need for a total land plan for the sake of gaining financing.

As for possible condemnation of the corridor, SAVINA said condemnation would be based on value before and after condemnation.

HIGGINS asked if the letters received by members of the Commission from various people in opposition were part of the public record, and LAKIN answered that none had been received for the public record, all having been directed to the individual Planning Commissioners. TAYLOR made the letters she had received available to Mr. Higgins.

RALPH MARTIN spoke on behalf of the applicant, noting that the primary concern voiced at the meeting with the adjacent property owners was one of sewer facilities, which concern has been voiced many times, and the claim made that there is no sewer service in the area to accommodate the development planned.

However, MARTIN stated, there is a legal and technical method of accommodating 270 to 300 dwelling units on a lagoon disposal system, which some in the adjacent areas are concerned about so far as damages to their own property. MARTIN pointed out on the plat the location of a major drainage swale as well as a second swale, and referred to the fear of some people that a significant storm of 100 year capacity might somehow cause the lagoon system to overflow and create a bad situation or damage their property. Technically, MARTIN said, that cannot happen, the system has been discussed with the County officials and Health officials, and it will not be located anywhere near the drainage swales, where it really would create a bad situation. It will serve only 270 to 300 units, and any further development would hinge on cooperation with the Crestview Club disposal system, and eventually the plant to be established on Four Mile Creek. MARTIN said the request for deferral was to allow them to be prepared to offer something more concrete as to handling of sewerage after development of the 270 to 300 units.

MARTIN pointed out that the original request for light commercial has been divided to request about 11.5 acres for "LC" and about 11 acres for office development. He pointed out on the plan potential development, assuming K-96 is built and possibilities for development if it is not.

Another concern, MARTIN stated, was one of density and the impact on surrounding lands. In this respect, he pointed out that the Sewer Plan was based on 7 units per acre and what is proposed in this case does not even approach that density over the 160 acres. As for the impact on surrounding area, MARTIN claimed that it would enhance property values, and as for school population, he pointed out that this plan would not generate a large number of students as might be expected with single-family. Relative to potential traffic congestion, MARTIN felt that the relatively low density proposed could not possibly overload the streets and in addition, with this development, it is certain that the streets will be developed to higher standards at some future time.

Many people signed protest petitions, MARTIN reported, prior to even seeing the plans, and as for the potential of it becoming a slum, the amount of investment required is not in keeping with the idea of erecting a slum development or permitting it to become such. As for the concept that it is premature, MARTIN referred to the significant activity at Crestview Country Club and its expanding activities.

RISING asked if it could be assumed that if the right-of-way is not acquired, that later they would request additional light commercial. MARTIN answered that that is not a new proposal in that they had anticipated that might be commercial as long as the highway did not materialize.

TAYLOR offered concern for the fact that the interim sewer system (lagoon) is apparently to be located upstream rather than downstream and it was her opinion it should be downstream. MARTIN traced the natural drainage flow through the area and the fact that the lagoon system cannot be placed in or near the natural flow, but on slightly higher ground and near the source of the sewerage. Further, locating it more in the center away from the natural drainage and away from the periphery boundary would alleviate any impact on property adjacent to the boundary. He explained that the sewerage would flow in underground pipes to a collection point and ultimately pumped into the lagoon system.

MARTIN emphasized that however the system is constructed, designed or engineered, it would have to be with the approval of the state and local health departments.

TAYLOR said at the Subdivision Committee meeting, Jerald Jones, speaking for Crestview, indicated there was no possibility of a cooperative effort to permit this development to utilize the Crestview system. MARTIN agreed that there is no such possibility now with the existing facility, but in order for Crestview to expand, their system will have to be expanded and improved, and the engineering report for Crestview in the beginning included eventually servicing subject area. He said it was his understanding that the possibility of cooperation with Crestview is an open question at this time.

GRAGERT asked what the density would be for the area west and south of the freeway and MARTIN said it would be 5.5 to 6 dwelling units per acre. In further discussion, and after allowing about 10 acres for the lagoon site, it was estimated that the density south and west of the right-of-way would be 5 to 6 units per acre. MARTIN indicated that the drainage flow area would have to be engineered so that there would be no impediment to the drainage, and so that there would be no overflow condition to the south.

GOEBEL asked why they were opposed to single-family development and asked if area for development is so scarce. MARTIN said it is not a matter of scarcity of land, but only that people prefer a certain type of dwelling unit.

In answer to the question of cooperation with Crestview, HIGGINS said there has been discussion of the plant being moved farther to the east and that Reiss and Goodness, the engineers for Crestview had developed the plans for the plant with subject land in mind to eventually utilize the services. HIGGINS suggested it would be economically advantageous to Crestview because of a sharing of the costs involved.

DUANE O'HARA, speaking on behalf of property owners south of Central, said this is the fifth meeting on this request, and since the County Commission hearing, about 100 people met with the applicant's representatives and were shown slides of various developments done by this developer, and heard plans for sewerage project. O'HARA cited the 53rd protest and the fact that actually no new proposals were presented at the meeting with the residents. He thought to allow what is requested would overload the Andover school

system and he offered objection to the high density proposed in a substantially single-family area. He objected to the open type lagoon just across the road from his home. O'HARA said at the last meeting it was brought out that the date of the architectural drawings showed the Northeast Circumferential was dated one month and 6 days prior to any release to the public of the alignment. The same engineering firm is involved with the State highway planning and also with this applicant and he wondered if this might constitute a conflict of interest. He wondered why anyone would plan a development knowing of the plans for the Northeast Circumferential, and questioned whether it might be for monetary gain. In view of the 53% protest and the large number of people attending the various meetings, he asked that the Commission not approve the requests.

ELIZABETH KING, 352 Garnett, said the plan has been revised to alleviate some of the objection, but she was still concerned for the large number of rental units listed, and also the fact that it appears the plan is becoming more and more indefinite. She said her home is on a half acre and there are others on much larger tracts, and there are very few rentals in the neighborhood. She stated further that the number of rentals and the limited recreational space still has the residents worried to some extent.

JOHN COCKERAN, 12331 East Central, said he did not see how the property value of the homes across the street or in adjacent areas could be increased as stated by the proponents earlier in the meeting. Further, the proposed development would bear the cost of a sewer system for subject area, but if a benefit district is created, then other owners would be involved in paying an assessment.

R. W. HAYDEN spoke again, and said those in opposition have faith in the Planning Commission to protect their homes when they were built on large tracts; had faith that no spot zoning would take place; faith that no high rise apartments would be permitted. He said if the residents in this area had wanted to live in a high density area, they would have located in such an area. HAYDEN stated that the land would be developed at a density of 5 units per acre, which would not be in keeping with the single-family homes in the area located on much larger tracts. HAYDEN felt confident that the applicant was aware of the zoning when he purchased the property, and in view of the opposition and evidence submitted, he could not see how the Commission could do other than deny the requests.

HAYDEN said he had no objection to progress, but also favored orderly growth and in keeping with legal requirements and reasonableness, a legal requirement being the availability of municipal type sewer and water facilities, and in this case sewer is not available.

HAYDEN called attention to Spring Lakes Addition just 1/2 mile to the east where single-family homes are being developed, and suggested the same type of development would be appropriate for subject area, and would be a complement to the community now there and in future years. He repeated that they have faith in the Commission not to allow the zoning and conditional use to be approved.

BAYOUTH asked if Crestview opposed this project, and LAKIN said that while some protests have been received from some of the owners of townhouses in the Crestview area, he did not believe the development corporation was opposed. HAYDEN said protests had been received from over 90% of the individual owners and the developer who owns the unsold land in Crestview. HIGGINS commented that everyone in Crestview is not for the plan, but he was not aware of any opposition by the development corporation.

RISING referred to the County Commission minutes wherein it was shown that the requests were returned for further study, and that possibly the protestors did not understand the plan, and asked what new had been developed since the County Commission meeting. HIGGINS said the only thing new was the meeting with over 100 of the resi-

dents of the general area, which was held at the Crestview facilities and at which the applicant was represented, as well as the Professional Engineering Consultants, and the Planning Department staff. HIGGINS explained further that there is no way that some of the comments made by some of the people could be overcome, one being the suggestion that a disinterested board should be appointed. He said that everyone present at the meeting was not opposed to the plan, and he did not know that some were so much against the plan as concerned for the possible assessment for sewers. He said they attempted to answer the questions as to sewer assessment but, of course, could not guarantee any certain action on the part of the County Commission. He said a letter from Clay Cox, Assistant County Counselor, had indicated that sewer assessments in the County were going to change and an attempt was made to clarify this point. HIGGINS said at the meeting they presented some of the schemes and design of other developments in which Mr. Martin had been involved in Colorado, South Dakota, etc., and to assure the protestors that they will not be confronted with a slum condition.

HIGGINS then requested the Commission, based on the presentation that has been made and questions asked and answered, to defer subject cases so that they would have a chance to receive the comments that they need insofar as the commercial area, and to answer the sewer problems which he felt would be answered in 60 days.

HIGGINS continued that the sewer problem is answered now to the satisfaction of the staff as related to 270 to 300 units by use of the lagoon system, and what worries the staff is the total project and what will happen when development of the 270 to 300 units is completed. He felt that without that problem being solved, nothing else is even germane because a plat cannot be approved without a resolution to the sewer matter. He suggested it would be more appropriate to resolve all possible issues as much as possible prior to sending the matter again to the County Commission. This additional information would give enough input for the County Commission to really analyze the matter and determine if there is a problem in the future.

LAKIN agreed that he is not concerned about the lagoon system for development of the 270 to 300 units, but it is not correct to assume that the staff favored the zoning of the total land. How the rest of the tract (other than 270 to 300 units) is handled may depend on their presenting some very interesting policy questions for the County Commission, and he suggested more study should be made with respect to the changes in tax assessments proposed by the County and as referred to in the letter from Clay Cox.

LAKIN pointed out that under the Mapped Street ordinance being considered by the City Commission for adoption, it is provided that a building permit will not be issued on lands coming within the jurisdiction of that ordinance, and it is not the same as implied by Mr. Higgins that it is not included in the request or development proposed at this time. As for the "LC" reduction, LAKIN said while it is being referred to as 10 acres, it actually measures about 13 acres, and while he is not opposed to some office zoning, it still represents ("LC" and office zoning) a substantial amount of non-residential for development.

HAYDEN spoke again to point out that so far as anything new since the County Commission hearing, the developer presented a map and overlay at the meeting with the residents, indicating a proposed sewage disposal plant of 300,000 square feet and showing where and how it is proposed to be constructed. He said the people who signed a protest petition were against the plan then and were present at most of the meetings, and are still opposed.

HIGGINS said he apparently misunderstood with respect to the highway corridor, in that while it is zoned "R-1", they cannot develop it without platting. LAKIN responded that there is nothing at this time to prevent its being platted. HIGGINS said the agreement is that they would not "touch" the corridor area in the way of development or request other zoning until the matter of location and actual construction of the roadway is definitely known.

LAKIN said he would be opposed to as much as 30 acres of "LC" zoning in this project.

MOTION: That the Planning Commission again recommend to the Board of County Commissioners that SCZ-0336 and CU-170 be denied. Gragert moved and Taylor seconded.

BAYOUTH asked if it was out of the question to consider a deferral again. KAMEN commented that the applicant is trying to do something to make the development acceptable and workable, whereas the opposition is bothered by having so many hearings. He thought the action should be fair to everybody and if there is a way to improve the area, then it should be allowed.

GRAGERT brought out the fact that the present problems were brought out at the first hearing of this application on January 9, this year, and the case was deferred for conference with the staff and an attempt to resolve the issues. When it was brought back on March 27, 1975, the same issues existed, and the same issues have again been discussed at this meeting. He saw no real difference between the present proposal and the initial proposal, other than a reduction of the commercial and designation of a portion for office development. He commented that in fairness to the neighborhood people, and the fact that the applicant has been forewarned of all the problems, this proposal should be concluded. GRAGERT said he still felt it was somewhat premature and that it is not known whether this is the highest and best use for the land or not. For the record, GRAGERT asked that it be shown that he does not share the complaint of some of the people against rental units.

GOEBEL did not think it necessary to have the density proposed in this area, and pointed out that nowhere can one find such density so far away from the city. He indicated he would not be opposed if the density could be reduced and that he would favor a deferral if there is a chance for such reduction. He stated that even if sewer service existed today, he would not vote for the density proposed.

TAYLOR said even though the right-of-way corridor has been eliminated from the request, it does not negate the possibility of considerable difficulty if the highway does eventually take this particular area. Also, TAYLOR commented that even though it has been established that interim systems should be developed in order to allow a taxing base for future municipal type facilities for the entire area, it should be done in an orderly fashion and not haphazard and started upstream rather than downstream.

BAYOUTH favored giving the applicant an opportunity to satisfy everyone, and was for a deferral.

RISING noted that the applicant did not respond to the question of density reduction, and he considered that a significant factor. He felt uncomfortable that the applicant had not explored some of the problems sufficiently, but he did want the developer to know that he thought they had done a good job of presenting their case, but that there appears to be a great many concerns on the part of many people in the area, and he did not think every effort had been expended to sell the project to the residents of the area.

VOTE ON MOTION: Motion carried by a vote of 5 in favor (Gragert, Taylor, Rising, Savina, and Goebel) and 3 opposed (Bayouth, Kamen and Hennessy). Gardenhire and Hopper were absent.

May 30, 1975

Mr. William P. Higgins, Attorney
313 First National Bank Building
Wichita, Kansas 67202

Re: SCZ-0336 - "R-1" to "AA" and
"LC", and CU-170 - Conditional
Use Request - Northwest corner
of 127th Street East and Central

Dear Mr. Higgins:

In response to your letter of May 27, 1975, this is to advise you that we will not forward the above-captioned cases to the Board of County Commissioners for their consideration on June 11, 1975, since you will be out of town on that date. This is to advise you, and those receiving copies of this letter, that subject cases will be scheduled for consideration by the County Commission on June 18, 1975, starting at 9:00 a.m. in Room 320 Sedgwick County Courthouse.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Ralph Martin, Suite 200, 230 East 17th Street,
Costa Mesa, California 92627
Max L. Cole, 313 1st Nat'l Bank Building 67202
R. W. Hayden, 11811 East Central 67206
Sam Cantanese, c/o Max Cole & Associates, 3841 W. 13th 67203
Wm. Keltner, Professional Engineering Consultants,
1440 East English 67211
Elizabeth King, 352 Garnett 67206
Richard Massey, 329 Garnett 67206
Duane O'Hara, 12123 East Central 67206
John Cochran, 12331 East Central 67206

Page 2 - Mr. William P. Higgins
May 30, 1975

cc: (Continued)

Jerald R. Jones, 13 Via Roma 67230
Wilbur H. Jones, Attorney, Brown Building 67202
Chuck McGovern, Unified School District #385, Andover 67002
Mrs. Cecelia Balthrop, 11220 East Central 67206
J. Sidney Emmett, Route #1, Washburn, Missouri 65772
Mr. and Mrs. Lloyd Mullins, 153 E. Jackson 67206
A. K. Wilson, 61 Via Verde 67230
County Zoning Administrator, 1015 Stillwell 67213

May 23, 1975

Mr. William P. Higgins, Attorney
313 First National Bank Building
Wichita, Kansas 67202

Re: SCZ-0336 - "R-1" to "AA"
and "LC", and CU-170 - Con-
ditional Use Request - North-
west corner of 127th Street
East and Central

Dear Mr. Higgins:

At the regular meeting of the Metropolitan Area Planning Commission on May 22, 1975, the above-captioned applications were re-considered. After considerable discussion, the action of the Commission was to again recommend to the County Commission that these cases not be approved.

The cases will be forwarded to the Board of County Commissioners for reconsideration on June 11, 1975, the meeting to start at 9:00 a.m. in Room 320 Sedgwick County Courthouse.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Ralph Martin, Suite 200, 230 East 17th Street,
Costa Mesa, California 92627
Max L. Cole, 313 1st Nat'l Bank Building 67202
R. W. Hayden, 11811 East Central 67206
Sam Cantanese, c/o Max Cole & Associates, 3841 West 13th 67203
Wm. Keltner, Professional Engineering Consultants,
1440 East English 67211
Elizabeth King, 352 Garnett 67206
Richard Massey, 329 Garnett 67206
Duane O'Hara, 12123 East Central 67206
John Cochoran, 12331 East Central 67206

Mr. William P. Higgins
May 23, 1975

cc: (Continued)

Jerald R. Jones, 13 Via Roma 67230
Wilbur H. Jones, Attorney, Brown Building 67202
Chuck McGovern, Unified School District #385, Andover 67002
Mrs. Cecelia Balthrop, 11220 East Central 67206
J. Sidney Emmett, Route #1, Washburn, Missouri 65772
Mrs. and Mrs. Lloyd Mullins, 153 E. Jackson 67206
A. K. Wilson, 61 Via Verde 67230
County Zoning Administrator, 1015 Stillwell 67213

CU-170 - 73 NOTICES to ADJOINING PROPERTY OWNERS mailed 5-8-75 for MAPC 5-22-75

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

NOTICE TO ADJOINING PROPERTY OWNERS:

May 8, 1975

The Board of County Commissioners at their regular meeting on April 16, 1975 returned the following application to the Metropolitan Area Planning Commission for further study and they encouraged the applicant to hold a neighborhood meeting to help resolve differences of opinion. Therefore, this is to advise you that the Wichita-Sedgwick County Metropolitan Area Planning Commission will reconsider the following case in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, the meeting to begin at 1:30 p.m. on May 22, 1975.

CASE NO. CU-170

Conditional Use Request for Establishment of a Multi-Family
Housing Development on Property being Requested for the "AA"
One-Family Dwelling District Classification

A tract of land in the SE $\frac{1}{4}$ of Sec. 15, Twp. 27S, R2E of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the SE corner of aforesaid SE $\frac{1}{4}$; thence along said north r-o-w line of Central Ave. bearing north $89^{\circ}59'30''$ west a distance of 1,250 ft. to a point of beginning; thence bearing north $2^{\circ}59'30''$ west a distance of 250 ft. to the P.C. of a curve to the left; thence along said curve to the left whose radius is 1,750 ft. and thru a central angle of $17^{\circ}12'11''$ a distance of 524.93 ft.; thence bearing north $53^{\circ}00'30''$ east a distance of 544.54 ft.; thence bearing south $89^{\circ}59'30''$ east a distance of 80.00 ft.; thence bearing north $48^{\circ}29'30''$ west a distance of 1,820 ft.; thence bearing north $36^{\circ}29'30''$ west a distance of 387.16 ft. to the north line of said SE $\frac{1}{4}$; thence along said north line bearing north $89^{\circ}52.15''$ west a distance of 155.13 ft. to the NW corner of said SE $\frac{1}{4}$; thence along the west line of said SE $\frac{1}{4}$ bearing south $0^{\circ}00'00''$ east a distance of 2,607.18 ft. to the north r-o-w line of Central Ave., thence along said r-o-w line bearing $89^{\circ}59'30''$ east a distance of 1,351.44 ft. to the point of beginning.

and

A tract of land in the SE $\frac{1}{4}$ of Sec. 15, Twp. 27S, R2E of the 6th P.M. described as follows:

CU-170
Page Two

Commencing at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the SE corner of aforesaid SE $\frac{1}{4}$; thence along said west r-o-w line of 127th St. East bearing north $0^{\circ}00'$ east a distance of 1,000 ft. to a point of beginning; thence bearing north $50^{\circ}50'00''$ west a distance of 210 ft.; thence bearing north $54^{\circ}00'$ west a distance of 945.88 ft.; thence bearing north $48^{\circ}29'30''$ west a distance of 1,324.95 ft.; thence bearing north $36^{\circ}29'30''$ west a distance of 47.83 ft. to the north line of said SE $\frac{1}{4}$; thence along said north line bearing south $89^{\circ}52'15''$ east a distance of 1,947.93 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing south $0^{\circ}00'$ east a distance of 1,601.70 ft. to a point of beginning.

All generally located on the northwest corner of 127th St. East and Central.

Robert A. Lakin
Secretary

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

April 21, 1975

William P. Higgins
313 First National Bank Building
Wichita, Kansas 67202

Subject: SCZ-0336 - "R-1" to "AA"
and "LC", and CU-170 -
Conditional Use Request -
NW corner of 127th St. East
and Central.

Dear Mr. Higgins:

We are in receipt of your letter of April 18, 1975 requesting that the above captioned cases not be scheduled for reconsideration by the Metropolitan Area Planning Commission on May 8, 1975, but that they be set up for consideration on the Planning Commission agenda of May 22, 1975. This is to advise you and those receiving copies of this letter that we will schedule subject cases for the Planning Commission meeting of May 22 and that notices will again be sent to adjacent property owners.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

William P. Higgins
April 21, 1975
Page Two

cc: Ralph Martin, Suite 200, 230 E. 17th St., Costa Mesa, Calif. 92627
Max L. Cole, 313 1st Nat'l Bank Bldg., 67202
Sam Cantanese, c/o Max Cole & Assoc. 3841 W. 13th, 67203
Wm. Keltner, Professional Engineering Consultants,
1440 E. English, 67211
Roland W. Hayden, 11811 E. Central, 67206
Elizabeth King, 352 Garnett, 67206
Richard Massey, 329 Garnett, 67206
Duane O'Hara, 12123 E. Central, 67206
Syd Werbin, County Zoning Office, 1015 Stillwell, 67213
John Cochoran, 12331 E. Central, 67206
Jerald R. Jones, 13 Via Roma, 67206
Wilbur H. Jones, Atty., Brown Building, 67002
Chuck McGovern, Unified School District #385, Andover, 67002

April 16, 1975

Mr. Ralph Martin
Suite 200
230 East 17th Street
Costa Mesa, California 92627

Re: SCZ-0336 - "R-1" to "AA" and
"LC", and CU-170 - Conditional
Use Request - NW corner of
127th St. East and Central

Dear Mr. Martin:

The Board of County Commissioners at their regular meeting on April 16, 1975, considered the above captioned cases. After considerable discussion from both representatives of the applicant and those in opposition, the action of the County Commission was to return the applications to the Metropolitan Area Planning Commission for further study. In making the motion the Commission expressed concern that there had been an apparent lack of communication between all parties concerned and the Commission encouraged a neighborhood meeting to help resolve differences of opinion.

Based on this action, this is to advise you and those receiving copies of this letter that we have tentatively scheduled these cases for reconsideration at the Planning Commission meeting of May 8, 1975, the meeting to begin at 1:30 p.m. in Room 401 City Annex Building, 104 South Main. If this date is too soon and does not allow you sufficient time to schedule a meeting, if that is your intent, I would appreciate either you or Mr. Higgins advising me at your earliest convenience whether or not the May 8 meeting is appropriate as it is necessary for us to mail new

Mr. Ralph Martin
April 16, 1975
Page Two

notices to the adjoining property owners. If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

cc: Max L. Cole, 313 1st Nat'l Bank Bldg., 67202
Wm. P. Higgins, Atty., 313 1st Nat'l Bank Bldg., 67202
Sam Cantanese, c/o Max Cole & Associates, 3841 W. 13th, 67203
Wm. Keltner, Professional Engineering Consultants
1440 East English, 67211
Roland W. Hayden, 11811 East Central, 67206
Elizabeth King, 352 Garnett, 67206
Richard Massey, 329 Garnett, 67206
Duane O'Hara, 12123 East Central, 67206
Syd Werbin, County Zoning Office, 1015 Stillwell, 67213
John Cochoran, 12331 East Central, 67206
Jerald R. Jones, 13 Via Roma, 67206
Wilbur H. Jones, Atty., Brown Building, 67202
Chuck McGovern, Unified School District #267, Andale, 67001- re-sent to
#385, Andover, 67002

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protestor(s)

	Name	Property Owned		
		Lot (s)	Block (s)	Addition
a)	<u>Leo P. Cawley, Ind.</u> Signature			The Easterly 1.93 feet of Lot 12 and the Westerly 28.24 feet of Lot 13, except the southerly 37.21 feet of both Lot 12 and Lot 13, Both Lots being in the VILLAS AT CRESTVIEW AN ADDITION to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition
	<u>LEO P. CAWLEY, IND.</u> Typed or Printed Name			
b)	<u>Joan M. Cawley</u> Signature			
	<u>JOAN M. CAWLEY</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 7 day of April, 1975, before me a notary public, in and for said County and State, came Leo P. Cawley, Ind. & Joan M. Cawley to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance J. Decker
Notary Public



My Commission expires January 23, 1979

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AAA" zoning).



OK

SECTION II - Protestor(s)

Name	Property Owned		
	Lot (s)	Block (s)	Addition
a) <u>Darren M. Vingling</u> Signature <u>DARREN M. VINGLING</u> Typed or Printed Name			The North 111.17 feet of the East 4.04 feet of Lot 26 and the North 111.17 feet of Lot 27 and the North 111.17 feet of the west 1.19 feet of Lot 28, Lots 26, 27 and 28, being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.
b) <u>E.V. Vingling, Jr.</u> Signature <u>E.V. Vingling, Jr.</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Darren M. Vingling & E.V. Vingling to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constantine L. Rebeck
Notary Public



Commission expires January 23, 1979

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASING)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CE-120, zone change from _____ to _____ (For establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protestor(s)

Name	Property Owned
a) <u>Arthur V. Sorenson</u> Signature <u>ARTHUR V. SORENSON</u> Typed or Printed Name	Beginning 11.49 feet South 35° 38' 34" east of the westerly corner of Lot 61; thence 102.83 feet north 54° 21' 26" east; thence 36.19 feet north 35° 38' 34" West; thence South 54° 21' 26" west to the intersection with the westerly lot line of Lot 62; thence South along said lot line to the westerly corner of Lot 62; thence 23.12 feet south 35° 38' 34" east to the point of beginning, both Lots 61 and 62 being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.
b) <u>Mary F. Sorenson</u> Signature <u>MARY F. SORENSON</u> Typed or Printed Name	

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Arthur V. Sorenson and Mary F. Sorenson to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Decker
Notary Public

Commission expires January 23, 1979



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK



SECTION II - Protestor(s)

Name	Lot (s)	Block (s)	Property Or
a) <u>Wilbur E Walker</u> Signature <u>WILBUR E WALKER</u> Typed or Printed Name			
b) <u>Bernice H Walker</u> Signature <u>BERNICE H. WALKER</u> Typed or Printed Name			

The easterly 11.51 feet of Lot 14, the westerly 11.77 feet of Lot 15, the easterly 8.72 feet of the westerly 20.49 feet of the southerly 90.16 feet of Lot 15, except the southerly 31.24 feet of both Lot 14 and Lot 15. Both Lots being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Wilbur E Walker & Bernice H Walker to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Constance L Walker
Notary Public

Commission expires January 22, 1979

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protestor(s)

Name	Property Owned
	Lot(s) Block(s) Addition
a) <u>John W. Graves</u> Signature <u>John W. Graves</u> Typed or Printed Name	The Easterly 17.50 feet of the northerly 107.81 feet of Lot 32 and the westerly 12.58 feet of the northerly 107.81 feet of Lot 33, both north-south measurements being from the northeast corner of Lot 32 along the east line of Lot 32 and the eastwest measurements being at right angles to said east lot line, both lots being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.
b) <u>Mildred L. Graves</u> Signature <u>Mildred L. Graves</u> Typed or Printed Name	

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came John W. Graves and Mildred L. Graves, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Constance L. Decker
Notary Public

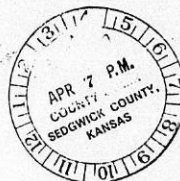
My Commission Expires January 23, 1979
ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COURTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protect the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AN" zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Gail R. O'Hara</u> Signature	<u>6</u>	<u>exp. to the southerly</u>	<u>200 ft.</u>
<u>GAIL R. O'HARA</u> Typed or Printed Name			<u>Sharon Sorden</u>
b) <u>Duane L. O'Hara</u> Signature			
<u>Duane L. O'HARA</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came Gail R. O'Hara and Duane L. O'Hara to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Ruby Hayden
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

REAL ESTATE PURCHASE CONTRACT



This Agreement made and entered into this 15th day of August, 1927, by and between Mrs. J. M. Keith (Million 2) party of the First Part, hereinafter referred to as "Seller," her husband or more, and James H. Williams and his wife, Matt R. party of the Second Part, hereinafter referred to as "Buyer," whether one or more.

WITNESSETH That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract and bind with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient warranty deed the following described real property, situated in Sedgewick County, State of Kansas, to-wit: Parcel known and referred to as 121st St. East, Garden

2. The Buyer hereby agrees to purchase, and to pay to the Seller, as consideration for the conveyance to him of the above described real property, the sum of \$17,000.00 in cash and \$2,000.00 in notes. The cash to be paid at the time of closing. The notes to be paid in four equal payments, to-wit: Cash on closing \$2,000.00 and \$2,000.00 due and payable at thirty days from possession date. Seller agrees to carry back installment of approximately \$12,000 in First Mortgage form on a 20 year term at 6% rate. Buyer agrees to pay balance of contract amount at end of 15 years or until in full and payment. Good to be held in escrow until 15th of July, Monthly payment of approximately \$117.57 to be paid on the 15th of each month until paid in full.

3. The Seller agrees to furnish to the Buyer a complete abstract of title, or owner's Policy of Title Insurance, to the above described real property, certified to date, showing a merchantable title, vested in the Seller, subject to the covenants of record.

The Title Evidence shall be sent to Gardner, Kansas, for examination by the Buyer as promptly and expeditiously as possible, and it is understood and agreed that the Seller shall have a reasonable time after said Title Evidence has been examined in which to correct any defects in title.

4. A fully executed copy of this Purchase Agreement shall be delivered to the parties hereto.

5. The Buyer agrees to and has hereby deposited with Gardner, Kansas, the sum of \$2,000.00 in cash and \$2,000.00 in notes, as a guarantee that the terms and conditions of this contract shall be fulfilled by him, said deposit to be applied on the purchase price upon acceptance of title by the Buyer and delivery of deed by the Seller. In the event the Buyer shall fail to fulfill his obligations hereunder, the Seller may, at his option, cancel this agreement and thereupon the aforementioned deposit shall become the property of the Seller and his Agent, not as a penalty but as liquidated damages. Provided, however, that in the event the Seller is unable to furnish merchantable title, the entire money deposited shall be returned to the Buyer, and this Agreement shall be null and void and of no further force and effect.

6. It is further agreed by and between the parties hereto that all rentals, insurance (if policy acceptable to Buyer) and income, if any, shall be adjusted and prorated as of the date of the closing of this transaction. Taxes shall be prorated for calendar year on the basis of rates levied, or for prior year.

7. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before September 15th, 1927.

8. Possession is to be given to Buyer on or before September 15, 1927.

WITNESS OUR HANDS AND SEALS the day and year first above written.

James H. Williams, Seller, and Matt R. Williams, Seller

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protetor(s)

	Property Owned
	Lot(s) Block(s) Addition
a) <u>See Chapman</u> Signature	The Northerly 94.92 feet of the easterly 24.04 feet of Lot 17, and the southerly 20 feet of the westerly 7.33 feet of the northerly 55.25 feet of Lot 18, Block 1, both in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.
Typed or Printed Name	
b) <u>Frances E. Chapman</u> Signature	
Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick)^{SS}

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Jed Alcheporen and Frances E. Chapman to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Decker
Notary Public



Commission expires January 23, 1979

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



Void not shown on ownership list

SECTION II - Protestor (a)

Name	Property Owned		
	Lot (s)	Block (s)	Addition
a) <u><i>William Ash</i></u> Signature	42	VIA ROMA	CRESTVIEW
<u>William Ash</u> Typed or Printed Name			
b) <u><i>Grace Z. Ash</i></u> Signature			
<u>Grace Z. Ash</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1979, before me, a notary public in and for said County and State, came *William J. Ash, James Ash and Grace Z. Ash* to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Decker
Notary Public



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

PROPERTY OWNED

Beginning at a point 10.78 feet North of the SW corner of Lot 19, in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas, said point being on the West line of said Lot 19; thence East 30.05 feet at an angle to the West line of said Lot 19; thence North 60.67 feet at a deflection angle to the left of 90° 00 minutes; thence West 7.0 feet at a deflection angle to the left of 90° 00 minutes; thence North 44.1 feet + or - at a deflection angle to the right of 90° 00 minutes to the North line of said Lot 19; thence westerly along the North line of said Lot 19 to the Northwest corner of said Lot 19; thence South 106.90 feet along the West line of said Lot 19 to the point of beginning; together with an undivided 1/60th interest in all the common areas within said Addition.

SECTION II - Protestor(s)

Name _____
a) John S. Shellito
Signature _____
SHELLITO
18 VIA ROMA
Typed WICHITA, KANSAS 67230

Lot 1

b) Jean L. Shellito
Signature _____
SHELLITO
18 VIA ROMA
Typed WICHITA, KANSAS 67230

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came John S. Shellito and Jean L. Shellito to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Constancia L. DeLoach
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-120, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



Count
1/2

SECTION II - Protestor(s)

Name	Property Owned Lot(s) Block(s) Addition
a) <u>Beverly N. Lancaster</u> Signature <u>Beverly N. Lancaster</u> Typed or Printed Name	The North 112.43 feet of the East 18.58 feet of Lot 29 and the North 112.43 feet of the west 15.62 feet of Lot 30, both Lots 29 and 30 being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.
b) _____ Signature _____ Typed or Printed Name:	

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Beverly N. Lancaster to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Decker
Notary Public



My Commission expires January 23, 1978

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

PROPERTY OWNED

The Northerly 80.04 feet of the easterly 7.90 feet of Lot 23 and the Northerly 80.04 feet of the westerly 16.02 feet of Lot 24, ALSO, commencing at a point 35.0 feet South of the Northeast corner of Lot 24 measured along the east line of said Lot 24; thence at a deflection angle to the right of 90° for a distance of 1.68 feet to the point of beginning; thence south 20.0 feet parallel to the east line of Lot 24; thence at a deflection angle to the right of 90° for a distance of 7.3 feet; thence north 20.0 feet; thence east 7.3 feet to the point of beginning, both Lots 23 and 24 being in the VILLAS AT CRESTVIEW an ADDITION to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

SECTION II - Protestor(s)

Name

Lo

a) Jean A. Cardwell
Signature

JEAN A. CARDWELL
Typed or Printed Name

b) _____
Signature

Typed or Printed Name

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this _____ day of April 4, 1975 before me, a notary public in and for said County and State, came Jean A. Cardwell to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Decker
Notary Public



My Commission expires January 22, 1979

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protestor(s)

Name	Property Owned		
	Lot (s)	Block (s)	Addition
a) <u>Roland G. Edris</u> Signature <u>Roland G. Edris</u> Typed or Printed Name			The Southerly 11.96 feet of the easterly 115.0 feet of Lot 53 and the northerly 20.08 feet of the easterly 115.0 feet of Lot 54, Block 1, both lots being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.
b) <u>Ruth L. Edris</u> Signature <u>Ruth L. Edris</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Roland G. Edris and Ruth L. Edris to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Constance L. Notary
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protentor(s)

	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Chances Knatt (owner)</u> Signature	<u>LOT 3</u>		<u>GILDERS GARDENS</u>

Typed or Printed Name

b) _____
Signature

Typed or Printed Name

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 6th day of April, 1975, before me, a notary public in and for said County and State, came Chances Knatt to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Duby Hayden
Notary Public

Commission expires Sept 13-1977

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).

*Void
not own
ownership
best*



SECTION II - Protestor(s)

Name	Property Owned	
	Lot(s)	Block(s) Addition
a) <u><i>W. G. Hanson</i></u> Signature	<u>13</u>	<u>EAST Lynne Edition</u>
<u>W. G. Hanson</u> Typed or Printed Name		
b) _____ Signature		
_____ Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 4th day of April, 1975, before me, a notary public in and for said County and State, came *W. G. Hanson* to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Duby Hayden
Notary Public

Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).

*Void
not on
ownership
but*



SECTION II - Protestor(s)

	Property Owned
	Lot(s) Block(s) Addition
a) <u>John F. Lance, Jr.</u> Signature	<u>unit 36 WLY 107.17ft. NLY 4.64 FT</u>
<u>John F. Lance, Jr</u> Typed or Printed Name	<u>Lot 41 + WLY 107.17 FT, SLY 15.44 FT</u>
b) <u>Ruth C. Lance</u> Signature	<u>Lot 42 + 1-60ft² INT in Reserves B/R</u>
<u>Ruth C. Lance</u> Typed or Printed Name	<u>1 The Villas at Crestview</u>

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came John F. Lance, Jr. and Ruth C. Lance to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Constancia R. Decker
Notary Public

My Commission expires January 22, 1979

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protestor(s)

	Name	Property Owned	
	Lot(s)	Block(s)	Addition
a)	<u>John F. Sjogren</u> Signature	LOT 23 IN GILDER'S GARDENS IN SEDGWICK COUNTY, KANSAS	
	<u>JOHN F. SJOGREN</u> Typed or Printed Name		
b)	<u>Linda Sue Sjogren</u> Signature		
	<u>LINDA SUE SJOGREN</u> Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 6th day of April, 1976, before me, a notary public in and for said County and State, came John F. Sjogren and Linda Sue Sjogren to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Ruby Hayden
Notary Public



My Commission expires September 13, 1977

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

	<u>Name</u>	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Property Owned</u> <u>Addition</u>
a)	<u>Anton Eberle</u> Signature <i>a single person</i>	21		GILDERG GARDENS
	<u>ANTON EBERLE</u> Typed or Printed Name			
b)	_____ Signature			
	_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 2nd day of April, 1985, before me, a notary public in and for said County and State, came Anton Eberle to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Dubby Hayden
Notary Public

Commission expires 9-13-97

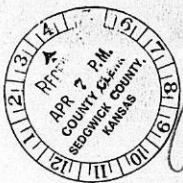
ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. EL-120, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned
	Lot (s) Block (s) Addition
a) <u>H. L. Comley</u> Signature	The Southerly 1.6h feet of the Easterly 107.5 feet of Lot 09, the Easterly 107.5 feet of Lot 70, and the Northerly 3.4h feet of the Easterly 107.5 feet of Lot 71, Lots 69 through 71 being in The Villas at Crestview, an Addition to Sedgwick County, Kansas, together with an Undivided 1/60th interest in all the common areas within said Addition.
<u>H. L. Comley</u> Typed or Printed Name	
b) <u>Frances Comley</u> Signature	
<u>Frances Comley</u> Typed or Printed Name	

Husband and wife, as joint tenants.

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick)

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came H. L. Comley and Frances Comley to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Decker
Notary Public



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-179, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AAA" zoning).



SECTION II - Protestor(s)

Name	Lot (s)	Block (s)	Property Owned Addition
a) <u>Edythe M. Lindquist</u> Signature	33	VIA ROMA	CREST VIEW
<u>Edythe M. LINDQUIST</u> Typed or Printed Name			
b) <u>Emil S. Lindquist</u> Signature			
<u>Emil S. Lindquist</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Edythe M. Lindquist and Emil S. Lindquist, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Decker
Notary Public



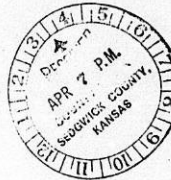
ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned
	Lot(s) Block(s) Addition
a) <u>Benjamin A. Hanson</u> Signature	WEST 150 FT. OF THE EAST 331.3 AC. OF THE NORTH 285 F. OF THE NORTHEAST QUARTER OF SECTION 22-27-2EAST.
<u>Benjamin A. Hanson</u> Typed or Printed Name	
b) <u>Anna V. Hanson</u> Signature	
<u>Anna V. Hanson</u> Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 4th day of April, 1975, before me, a notary public in and for said County and State, came Benjamin A. Hanson and Anna V. Hanson to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Duby Hayden
Notary Public

Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protestor(s)

LOT

ADDITION

Name _____
a) C.M. Brecheisen
Signature

C.M. BRECHEISEN
Typed or Printed Name

b) Helen A. Brecheisen
Signature

HELEN A. BRECHEISEN
Typed or Printed Name

Lot 63

The South 95.33 feet of the West 19.58 feet of L t 63 and the South 95.33 feet of the East 4.42 feet of Lot 64, also commencing at a point 73.07 feet South and 3.12 feet West of the Northeast corner of Lot 63; thence West 7.33 feet; north 20.0 feet; east 7.33 feet; south 20.0 feet to the point of beginning, both Lots 63 and 64 being in the Villas at Crestview, an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1925, before me, a notary public in and for said County and State, came C.M. Brecheisen and Helen A. Brecheisen, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Constance L. Decker
Notary Public

Commission expires January 22, 1929

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AAH" zoning).



SECTION II - Protestor(s)

	Lot (s)	Block (s)	Property Owned	Addition
a)				
	<u>Dr. Daniel J. McAttee</u>			
	Signature			

	Typed or Printed Name			
b)				

	Signature			

	Typed or Printed Name			

The northerly 112.67 feet of the easterly 5.7 feet of Lot 25 and the northerly 112.67 feet of Lot 26 and the northerly 112.67 feet of the westerly 3.3 feet of Lot 27, Lots 25, 26 and 27 being in the villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Dr. Daniel J. McAttee to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Decker
Notary Public

Commission expires January 23, 1978

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



PROPERTY OWNED OK
LOT ADDITION

SECTION II - Protestor(s)

- Name _____ Lot _____
- a) B.R. McDonald
Signature
B.R. McDonald
Typed or Printed Name
- b) Mary H. McDonald
Signature
MARY H. McDONALD
Typed or Printed Name

The Northerly 80.15 feet of the Easterly 17.07 feet of Lot 20, and the Northerly 80.15 feet of the Westerly 6.83 feet of Lot 21, also, commencing at a point 35.35 feet South of the NW corner of Lot 20, measured along the West lot line of said Lot 20; thence at a deflection angle to the left of 90° for a distance of 0.63 feet to the point of beginning; thence South 19.9 feet parallel to the West line of Lot 20; thence at a deflection angle to the left of 90° for a distance of 7.3 feet; thence North 19.9 feet; thence West 7.3 feet to the point of beginning, both Lots 20 and 21 being in THE VILLAS AT CRESTVIEW, an Addition to Sedgwick County, Kansas, together with an undivided 1/60th interest in all the common areas within said Addition.

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1979, before me, a notary public in and for said County and State, came B. R. McDonald and Mary H. McDonald to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Constance L. Decker
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-179, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



PROPERTY OWNED *OK*

SECTION II - Protestor (s)

- Name _____
 a) *Margaret H. Page*
 Signature
MARGARET H. PAGE
 Typed or Printed Name
- b) *Robert A. Page*
 Signature
ROBERT A. PAGE
 Typed or Printed Name

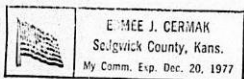
Beginning at a point 10.78 feet North of the SE corner of Lot 18 in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas, said point being on the east line of said Lot 18; fence West 30.0 feet at a right angle to the east line of said Lot 18; fence North 60.07 feet at a deflection angle to the right of 90° 00 ft.; fence East 7.0 feet at a deflection angle to the right of 90° less than a foot; fence North 43.75 + or - ft. at a deflection angle to the left of 90° 00 ft. to the north line of said Lot 18; fence easterly along the North line of said Lot 18 to the northeast corner of Lot 18; fence South 106.90 ft. along the east line of said Lot 18 to the point of beginning; together with an undivided one-sixtieth (1/60) interest of the Common Areas in said Addition.

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) SS

Be it remembered that on this 5th day of April, 1975, before me, a notary public in and for said County and State, came Margaret H. Page & Robert A. Page to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



E. Mace J. Germa
Notary Public

My Commission expires Dec 20 1977

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

1975

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. 64-20 zone change from [blank] (as established in a Multiple Family Housing Development "MAP" zoning).



OK

PROPERTY OWNED

The South 95.33 feet of the West 10.42 feet of Lot 66 and the South 95.33 feet of the east 13.59 feet of Lot 67, also commencing at a point 72.94 feet south and 8.96 feet east of the NW corner of Lot 67; thence east 7.33 feet; north 20.0 feet; west 7.33 feet; south 20.0 feet to the point of beginning, both Lots 66 and 67 being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

SECTION II - Protetor (a)

Name: Marjorie H. Rembleske Lot (s):
Signature

Marjorie H. Rembleske
Typed or Printed Name

Name: Chester A. Rembleske
Signature

CHESTER A. REMBLESKE
Typed or Printed Name

ACKNOWLEDGMENT

State of Kansas) as
County of Sedgwick)

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Marjorie Rembleske and Chester A. Rembleske to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Constance L. Decker
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

PROPERTY OWNED

SECTION II - Protestor(s)

a) A. J. Boundy
Signature

A. J. Boundy
Typed or Printed Name

b) Ruby F. Boundy
~~Signature~~ Typed or Printed

Ruby F. Boundy
~~Typed or Printed Name~~ Signature

The easterly 14.44 feet of the northerly 107.80 feet of Lot 33 & the westerly 15.64 feet of the northerly 107.80 feet of Lot 34, both north-south measurements being from the northeast corner of Lot 33 along the east lot line of Lot 33 and the east west measurements being at right angles to said east lot line, both lots being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 5th day of April, 1975, before me, a notary public in and for said county and State, came A. J. Boundy & Ruby F. Boundy to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Carmen K. Godwin
Notary Public

My Commission expires 2/12/78

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Elizabeth R. King</u> Signature <u>a single person</u>	<u>LOT 22 SOUTH</u>	<u>65 FT.</u>	<u>GILBERT GARDENS</u>
<u>ELIZABETH R. KING</u> Typed or Printed Name			
b) _____ Signature			
_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came Elizabeth R. King to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Duby Hayden
Notary Public

Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

	<u>708</u>	Property Owned
Name	<u>Lot(s)</u>	<u>Block(s)</u>
a) <u>Richard David Estes</u>		<u>Addition</u>
Signature		<u>GILDERS GARDENS</u>
<u>RICHARD DAVID ESTES</u>		
Typed or Printed Name		
b) <u>Joan J. Estes</u>		
Signature		
<u>JOAN J. ESTES</u>		
Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came Richard D. Estes and Joan J. Estes to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Dubey Hayden
Notary Public

Commission expires 9-13-77

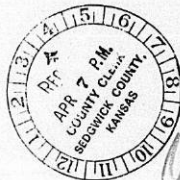
ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned	
	Lot(s)	Block(s) Addition
a) <u>Clarence B. Shelman Jr.</u> Signature		
<u>CLARENCE B. SHELMAN JR.</u> Typed or Printed Name	<u>SOUTHERLY</u> <u>200 FT. OF</u> <u>LOT 6.</u>	<u>GILDERS GARDELS</u>
b) <u>Geraldine V. Shelman</u> Signature		
<u>GERALDINE V. SHELMAN</u> Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came Clarence B. Shelman Jr. and Geraldine V. Shelman, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Dubey Hayden
Notary Public

My Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

	Name	Lot(s)	Block(s)	Property Owned Addition
a)	<u>Loren A. Waincott</u> Signature			THE WEST 5 ACRES OF THE EAST 15 ACRES OF THE SOUTH 40 ACRES OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 27, RANGE 2 EAST, SEDGWICK COUNTY, KANSAS.
	<u>LOREN A. WAINCOTT</u> Typed or Printed Name			
b)	<u>Geneva A. Waincott</u> Signature			
	<u>GENEVA A. WAINCOTT</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 5th day of April, 1975, before me, a notary public in and for said County and State, came Loren A. Waincott and Geneva A. Waincott to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Ruby Hayden
Notary Public

Commission expires 9-13-77

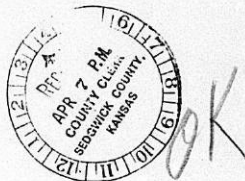
ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
COUNTY CARRER.

SECTION I

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Residential Development in RA zoning).



SECTION II - Protestor(s)

	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>James R. Fisher</u> Signature <u>James R. Fisher</u> Typed or Printed Name	<u>9</u>		<u>GILBERTS GARDENS</u> <u>The North 136 feet of</u> <u>the East 150 feet of Lot 9.</u>
b) <u>Beverly Fisher</u> Signature <u>Beverly Fisher</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 5th day of April, 1975, before me, a notary public in and for said County and State, came James R. Fisher and Beverly Fisher to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Dorothy Hayden
Notary Public



Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY SALES)

SECTION I.

The undersigned, property owners in Sedwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CY-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Use in "AA" zoning).



OK

SECTION II - Protestor(s)

Name	Lot(s)	Block(s)	Property Owned	Addition
a) <u>Mary E. McDonough</u> Signature	<u>12</u>	<u>NORTH HALF</u>	<u>GILDERS GARDENS</u>	<u>OF LOT 12</u>
<u>MARY E. MCDONOUGH</u> Typed or Printed Name				
b) <u>Ross F. McDonough Sr.</u> Signature				
<u>ROSS F. MCDONOUGH</u> Typed or Printed Name				

ACKNOWLEDGMENT

State of Kansas)
County of Sedwick) ss

Be it remembered that on this 5th day of April, 1975, before me, a notary public in and for said County and State, came Mary E. McDonough and Ross F. McDonough to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Ruby Hayden
Notary Public



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned
	Lot(s) Block(s) Addition
a) <u>Roland W. Hayden</u> Signature <u>Roland W. Hayden</u> Typed or Printed Name	PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6th P.M., SEDGWICK COUNTY, KANSAS, DESCRIBED AS: BEGINNING 20 RODS WEST OF THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER, THENCE SOUTH 40 RODS, THENCE WEST 20 RODS, THENCE NORTH 40 RODS, THENCE EAST 20 RODS to beginning.
b) <u>Dubylene L. Hayden</u> Signature <u>DUBYLENE L. HAYDEN</u> Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 5th day of April, 1975, before me, a notary public in and for said County and State, Roland W. Hayden & Dubylene L. Hayden to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Res. M. Johnson
Notary Public

My Commission expires Sept 8th 1977

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Dwelling in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned	Lot(s)	Block(s)	Addition
a) <u>James Rich</u> Signature		Lot 9	except the North 136 feet of the East 150 feet	GILDERS GARDENS
<u>James Rich</u> Typed or Printed Name				
b) <u>Patricia Rich</u> Signature				
<u>Patricia Rich</u> Typed or Printed Name				

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 4 day of April, 1977, before me, a notary public in and for said County and State of Kansas, James Rich and Patricia Rich to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution thereof.

In Testimony whereof, I have hereunto set my hand and seal of office, this 4 day of April, 1977.

R. M. Johnson
Notary Public

My Commission expires Sept 8 1977

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COURTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned	
Lot(s)	Block(s)	Addition
a) <u>Henry J. Landwehr</u> Signature		EAST 10 ACRES OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 27, RANGE 2 EAST, SEDGWICK COUNTY, KANSAS.
<u>HENRY J. LANDWEHR</u> Typed or Printed Name		
b) <u>Matilda C. Landwehr</u> Signature		
<u>MATILDA C. LANDWEHR</u> Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 4th day of April, 1975,
before me, a notary public in and for said County and State, came
Henry J. Landwehr and Matilda C. Landwehr
to me personally known to be the same person who executed the foregoing
instrument of writing and duly acknowledged the execution of same.

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

Dorothy Hargrave
Notary Public



My Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a
part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protestor(s)

	<u>Name</u>	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Property Owned</u>	<u>Addition</u>
a)	<u>Lena K. Laisure, widow</u>	<u>LOT 1</u>	<u>SOUTH 246 FT.</u>	<u>GILDERS GARDENS</u>	
	Signature				
	<u>LENA K. LAISURE</u>				
	Typed or Printed Name				
b)	_____				
	Signature				

	Typed or Printed Name				

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came Lena K. Laisure to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Ruby Hayden
Notary Public

My Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA": zoning).



SECTION II - Protestor(s)

Name	Property Owned
	Lot(s) Block(s) Addition
a) <u>[Signature]</u> Signature	5 GILDERS GARDENS
<u>R. KENNETH SMITH</u> Typed or Printed Name	
b) <u>[Signature]</u> Signature	
<u>Ramona J. SMITH</u> Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 4th day of April, 1975, before me, a notary public in and for said County and State, came R. Kenneth Smith and Ramona J. Smith to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



[Signature]
Notary Public

My Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



*Void
not listed
as owners*

SECTION II - Protestor(s)

	Name	Lot(s)	Block(s)	Addition
a)	<u>John W. Cochran</u> Signature	<u>LOT 4</u>	<u>EAST</u>	<u>62 FT. GILDERS GARDENS</u>
	<u>JOHN W. COCHRAN</u> Typed or Printed Name			
b)	<u>Dona Cochran</u> Signature			
	<u>DONA COCHRAN</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came John W. Cochran and Dona Cochran to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Ruby Hayden
Notary Public

My Commission Expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

2 Property Owned Hilders Jordan
Lot(s) Block(s) Addition
a) Wayne L. Hubbard
Signature
WAYNE L. HUBBARD
Typed or Printed Name
b) Muriel Hubbard
Signature
MURIEL HUBBARD
Typed or Printed Name

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 3rd day of April, 1975 before me, a notary public in and for said County and State, came Wayne L. and Muriel Hubbard to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Ruby Laiden
Notary Public

Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COURTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protetor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Virgil W. Barth</u> Signature	10		<u>Hildners Gardens</u>
<u>VIRGIL W. BARTH</u> Typed or Printed Name			
b) <u>Helen B. Barth</u> Signature			
<u>HELEN B. BARTH</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came Virgil W. Barth and Helen B. Barth, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Duby Hayden
Notary Public

My commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

	Property Owned		
	<u>Lot(s)</u>	<u>Block(s)</u>	<u>Addition</u>
a) <u>George H. Skinner</u> Signature	<u>22</u>	<u>NORTH 100 FT.</u>	<u>GILDERS GARDENS</u>
<u>GEORGE H. SKINNER</u> Typed or Printed Name			
b) <u>Mary M. Skinner</u> Signature			
<u>MARY M. SKINNER</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came George H. Skinner and Mary M. Skinner to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Ruby Hayden
Notary Public

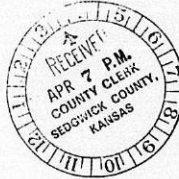
ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CJ-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>John G. Claybrook</u> Signature	<u>24</u>		<u>GILDERS GARDENS</u>
<u>JOHN G. CLAYBROOK</u> Typed or Printed Name			
b) <u>Elizabeth B. Claybrook</u> Signature			
<u>ELIZABETH B. CLAYBROOK</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came John G. Claybrook and Elizabeth B. Claybrook to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Duby Hayden
Notary Public

My commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU 170, zone change from _____ to _____ (for establishment of a MULTIPLE FAMILY HOUSING DEU in AA zoning).



SECTION II - Protestor(s)

Name	Lot(s)	Block(s)	Property Owned
a) <u>Richard E. Massey</u> Signature	<u>3.7</u>		<u>GILDERS GARDEN</u>
<u>RICHARD E. MASSEY</u> Typed or Printed Name			
b) <u>Nada M. Massey</u> Signature			
<u>Nada M. Massey</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came Richard E. Massey and Nada M. Massey to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Doby Hayden
Notary Public

Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Rex M. Johnson</u> Signature	<u>11&13</u>		<u>GIDDERS GARDENS</u>
	<u>REX M. JOHNSON</u> Typed or Printed Name			
b)	<u>Ruby I. Johnson</u> Signature			
	<u>RUBY I JOHNSON</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came Rex M. Johnson and Ruby I. Johnson to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Ruby Hayden
Notary Public

My Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

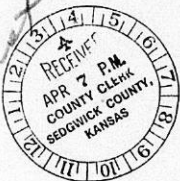
Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).

Void not on ownership list



SECTION II - Protestor(s)

Name	Property Owned	
Lot(s)	Block(s)	Addition
a) <u>Sean Huffman</u> Signature	South 1/2 Lot 12	Gildner Gardens
<u>SEAN HUFFMAN</u> Typed or Printed Name		
b) <u>Ruth I Huffman</u> Signature		
<u>RUTH I HUFFMAN</u> Typed or Printed Name		

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 3rd day of April, 1975, before me, a notary public in and for said County and State, came Sean Huffman and Ruth I Huffman to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Ruby Hayden
Notary Public

Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
COUNTY CASES

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



OK

SECTION II - Protestor(s)

Name	Property Owned		
	Lot (s)	Block (s)	Addition
a) <u>Linda Maloney</u> Signature	The northerly 24.04 feet of the southerly 30.76 feet of the easterly 94.83 feet of Lot 68, said Lot 68 being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		
<u>Linda Maloney</u> Typed or Printed Name			
b) <u>Jerry Maloney</u> Signature			
<u>Jerry O. Maloney</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1977, before me, a notary public in and for said county and State, came Linda Maloney & Jerry O. Maloney to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Const. L. Decker
Notary Public



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



*Local
Not on
ownership
list*

SECTION II - Protestor (s)

Name	Property Owned		
	Lot (s)	Block (s)	Addition
a) <u><i>Stuart R. Carter</i></u> Signature	32 VIA ROMA - CRESTVIEW		
STUART R. CARTER Typed or Printed Name			
b) <u><i>Dorothy E. Carter</i></u> Signature			
DOROTHY E. CARTER Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Stuart R. Carter & Dorothy E. Carter to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Decker
Notary Public



My Commission expires January 22, 1979

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



*Void
not on ownership
list*

SECTION II - Protestor(s)

Name:	Property Owned		
	Lot (s)	Block (s)	Addition
a) <u>Stan E. Wisdom</u> Signature	30	VIA ROMA	CRESTVIEW

STAN E WISDOM
Typed or Printed Name

b) _____
Signature

Typed or Printed Name

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) 83

Be it remembered that on this 7 day of April, 1975, before me, a notary public in and for said County and State, came Stan E. Wisdom to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance J. DeBee
Notary Public



Commission expires January 22, 1979

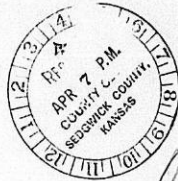
ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

	<u>Property Owned</u>
<u>Name</u>	<u>Lot(s)</u> <u>Block(s)</u> <u>Addition</u>
a) <u>Mary E. Brown (a single individual)</u> Signature	ALL OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 27, RANGE 2 EAST, SEDGWICK COUNTY, KANSAS.
<u>MARY E. BROWN</u> Typed or Printed Name	
b) _____ Signature	
_____ Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 5th day of April, 1975, before me, a notary public in and for said County and State, came Mary E. Brown to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Duby Hayden
Notary Public

My Commission expires 9-13-77

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Mary C. Blaks</u> Signature			All of the North-West Quarter of Section 29, Township 27, Range 2 East, Sedgwick Co Kansas, except 1.10 acres right of way for Kansas Turnpike in condemnation case A5412-6
<u>MARY C. BLAKS</u> Typed or Printed Name			
b) _____ Signature			

Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7th day of April, 1975, before me, a notary public in and for said County and State, came Mary C. Blaks to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Ruby Hayden
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned
	Lot(s) Block(s) Addition
a) <u>Willard J. Kiser</u> Signature	All of the north west quarter of Section 15, Township 27, Range 2 East, Sedgwick County Kansas
<u>Willard J. Kiser</u> Typed or Printed Name	
b) <u>Alice M. Kiser</u> Signature	
<u>Alice M. Kiser</u> Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 4th day of April, 1975, before me, a notary public in and for said County and State, came Willard J. Kiser and Alice M. Kiser to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Duby Hayden
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

April 3, 1975

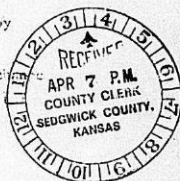
Board of County Commissioners
Sedgewick County
Wichita, Kansas

Gentlemen:

We, the undersigned reside in the area and will be effected by high density dwellings and commercial zoning.

We, therefore, respectfully protest Case No. SC2-0336, zone change from M to LA and Case No. CU 170, zone change from M to LC

Northwest Corner of 17th St. E. and Central



Name	Address	Date
James H. Bailey	2002 N. 111 th E.	4-5-75
Wesley Bailey	2002 N. 111 th E.	4-5-75
E. W. Math	202 N. Edwards	4-5-75
Charlotte D. Hart	R.R. #1, Augusta	4-5-75
Mable Powell	R.R. #1, Augusta	4-5-75
Loren Sherman	16216 East 21 st	4-5-75
Grace Leatherman	2001 N. 1608	4-5-75
J. H. Fortney	16112 E. 21 st	4/5-75
Frances L. Fortney	16112 E. 21 st	4/5-75

April 3, 1975

Board of County Commissioners
Sedwick County
Wichita, Kansas

Gentlemen:

We, the undersigned, reside in the area and will be affected by high density dwellings and commercial zoning.

We, therefore, respectfully protest Case No. SC2-0336, zone change from R1 to AA and Case No. CU-170, zone change from R1 to LC

Northwest Corner of 127th St. E. and Central



Name Address Date

- John M. Hylar 217 N. 127th St. EAST APRIL 3
- Lawrence K. Katak 331 N. 127th St. 4-3-75
- Johnnie K. Kibler 331 N. 127th St. 4-3-75
- James W. Shigge 231 W. 127th St. 4-3-75
- Long Van Spriet 13741 St. Andrews Place 4-2-75
- John R. Vinzant 13741 St. Andrews Pl - 4-2-75
- Richard W. Byrd 205 Broadview St. Wichita 4-4-75
- Robert E. Sears 1409 So. Water 4-4-75
- Thelma C. Michael 127208 Pine Hill, Kan. 4-4-75
- Lee M. Doherty, Box 19100 Augusta, Kan. 4-4-75
- Samuel D. Lillard 7515 Tanglemore St. Wichita, Kansas 4-4-75
- Alan D. Latta 100 E. Zimmerville Wichita Kansas 4/4/75
- J. T. Baragona 1107 Apache Wichita Kansas 4-4-75
- C. J. Allison 1016 Stratford Wichita, Kan. 4-4-75
- John Cunningham RR 3, Box 205 Augusta, Kan 4-4-75
- Jim E. Gray 875 Fairland Road Wichita, Kan 67230 4/4/75
- Alvin G. Jett 5700 F. Lagstaff, Wichita, Kan. 67220
- W. J. Miller 1712 SW 6th, Augusta, KS 4/4/75
- John F. Katt 15549 Stranwood Ave., Wichita, Kan. 4/4/75
- Christie M. Ullrich P.O. Box 161 Augusta, KS 4/4/75
- Opaline S. Dita 537 Parkside Dr. Wichita, Kan. 4-4-75
- Harold B. Langston RR1, Box 19100 Augusta, Kan 67010 4/4/75
- Bob Robinson 824 N. Prosperity, Andover, Kan 4-4-75
- Joseph W. 8010 E. Zimmerville Wichita, KS 4/4-75

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>MANSIONES DEL SOL, INC.</u> <i>Jerald R. Jones</i> Signature Vice President			Reserves & Lots 1 thru part of Lot 12
	<u>Jerald R. Jones</u> Typed or Printed Name			
b)	_____ Signature			
	_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 4 day of April, 1975, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



Carthage L. Necker
Notary Public

Commission expires January 29, 1979

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COURTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

	Property Owned			
	Name	Lot(s)	Block(s)	Addition
a)	<u>MANSIONES DEL SOL INC.</u> <u>Jerald R. Jones</u> Signature Vice/President	1 thru 92 & 119 thru 138 & Reserves A, B & C		THE VILLAS AT CRESTVIEW 2ND ADDITION
	<u>Jerald R. Jones</u> Typed or Printed Name			
b)	_____ Signature			
	_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 4 day of April, 1978, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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

Constance L. Necker
Notary Public

My Commission expires January 30, 1979

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>MANSIONES DEL SOL INC.</u>			
	<u>[Signature]</u> Signature Vice President			
	<u>Jerald R. Jones</u> Typed or Printed Name			<u>All Lots at Villas at Crestview & Reservas A & B, except Lots 34 thru 49 & Reserve C</u>
b)	_____			
	Signature			

	Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) SS

Be it remembered that on this 4 day of April, 1978, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

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



[Signature]
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in HAAC zoning).



SECTION II - Protestor(s)

Name	Property Owned		
	Lot (s)	Block (s)	Addition
a) <u>John J Morris</u> Signature	40 VIA ROMA		CRESTVIEW
<u>John J MORRIS</u> Typed or Printed Name			
b) <u>Marie Morris</u> Signature			
<u>MARIE MORRIS</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 5th day of April, 1975, before me, a notary public in and for said County and State, came

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

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



Mary Beth Poague
Notary Public

Commission expires Jan 8, 79

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-170, zone change from _____ to _____ (for establishment of a Multiple Family Housing Development in "AA" zoning).



SECTION II - Protestor(s)

Name	Property Owned
	Lot (a) Block (b) Addition
a) <u>Wanda J. Dall</u> Signature	<u>GILDERS GARDEUS</u> The East 331.3 feet of the NE 1/4 of the NE 1/4 of the NE 1/4 of Section 22, Township 27, Range 2 East of the 6th P.M., Sedgwick County Kansas, except the North 285 feet.
<u>WANDA J. DALL</u> Typed or Printed Name	
b) <u>Harry Dall</u> Signature	
<u>HARRY DALL</u> Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7th day of April, 1975,
before me, a notary public in and for said County and State, came

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

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



Duane Haider
Notary Public

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

April 9, 1975

Jack Turner, County Counselor
Jack H. Galbraith, Chief Planner

SCZ-0336 - "R-1" to "AA", and
Case CU-170 - Conditional Use -
Northwest corner of 127th Street
East and Central

Attached for your information and files is a copy of the referral sheet and minutes of the Metropolitan Area Planning Commission meetings of January 9 and March 27, 1975 on the above-captioned cases, which are scheduled to appear on the agenda of the Board of County Commissioners at their meeting of April 16, 1975.

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

Jack H. Galbraith
Chief Planner

JHG:GLS:ber

Attachment

April 3, 1975

Mr. Randall P. Anderson, C.P.A.
First National Bank Building
Wichita, Kansas 67202

Re: SCZ-0336 - "R-1" to "AA" and "LC"
and CU-170 - Conditional Use Re-
quest - Northwest corner of 127th
Street East and Central

Dear Mr. Anderson:

Mrs. Elizabeth King has contacted our office and requested that we send you copies of protest petitions for the zone change and conditional use cases on property located at the northwest corner of 127th Street East and Central. On March 27, 1975, these cases were considered by the Metropolitan Area Planning Commission, which has recommended to the Board of Sedgwick County Commissioners that the cases not be approved. The County Commission will consider the cases on Wednesday, April 16, 1975. If the owners of 20% of the total area within 1,000 feet of the area proposed to be altered file duly signed and acknowledged protest petitions, then the zone change or conditional use request cannot be approved, except by the favorable vote of all members of the Board of County Commissioners.

It is our understanding that you are a contract purchaser of property adjacent (within 1,000 feet), to the application areas. Mrs. King has advised our office that you would like to file a protest petition. As a contract purchaser, it will be necessary that you attach proof of escrow if you personally sign the petition, or you may have the fee title owner of record sign the petition if you prefer. It is also necessary that the forms be notarized and a legal description (metes and bounds) of your property be included on the petition. I have also included some sample forms for your information. If you wish to submit a protest petition, it should be filed in the Office of the County Clerk not later than 5:00 p.m. on April 7, 1975. Please be certain that you fill out a separate form for both the zone case and the conditional use request.

Page 2 - Mr. Randall P. Anderson
April 3, 1975

If you have any questions, please do not hesitate to call.

Sincerely,

Mike Meek
Junior Planner

Member

Enclosure

March 28, 1975

Mr. Ralph Martin
Suite 200
230 East 17th Street
Costa Mesa, California 92627

Re: SCZ-0336 - "R-1" to "AA" and
"LC", and CU-170 - Conditional
Use Request - Northwest corner
of 127th Street East and Central

Dear Mr. Martin:

At the regular meeting of the Metropolitan Area Planning Commission on March 27, 1975, the above-captioned cases were reconsidered. The action of the Commission was to recommend that the requests not be approved.

The above applications will be forwarded to the Board of County Commissioners for consideration on Wednesday, April 16, 1975, the meeting to start at 9:00 a.m. in Room 320 Sedgwick County Courthouse, 525 North Main, Wichita, Kansas.

If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Max L. Cole, 313 1st Nat'l Bank Bldg. 67202
Wm. P. Higgins, Attorney, 313 1st Nat'l Bank Bldg. 67202
Sam Catanese, c/o Max Cole & Associates, 3841 W. 13th 67203
Wm. Keltner, Professional Engineering Consultants
1440 East English 67211
Roland W. Hayden, 11811 East Central 67206
Elizabeth King, 352 Garnett 67206
Richard Massey, 329 Garnett 67206
Duane O'Hara, 12123 East Central 67206
Syd Werbin, County Zoning Office, 1015 Stillwell 67213

March 28, 1975

Mr. Roland W. Hayden
11811 East Central
Wichita, Kansas 67206

Re: SCZ-0336 - "R-1" to "AA" and
"IC", and CU-170 - Conditional
Use Request - Northwest corner
of 127th Street East and Central

Dear Mr. Hayden:

At the regular meeting of the Metropolitan Area Planning Commission on March 27, 1975, the above-captioned cases were reconsidered. The action of the Commission was to recommend that the requests not be approved.

If you wish to submit a protest petition, it should be filed in the Office of the County Clerk not later than 5:00 p.m. on April 7, 1975. A protest petition form is enclosed for your use. If there are others in the area who wish to register their opposition, additional forms may be obtained at our office.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: Elizabeth King, 352 Garnett 67206
Richard Massey, 329 Garnett 67206
Duane O'Hara, 12123 East Central 67206

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MPC HEARING DATE: 3-27-75

Case No. CU-170

Request: Conditional Use request
to construct multiple-family hous-
ing

Location: In the approximate area of the northwest corner
of 127th Street East and Central

Reason: "For the purposes of constructing residential units in the
form of garden apartments, townhouses and condominiums, and all
other forms of multi-family development, and for the reason that
it is the highest and best use of the property both economically
and for the benefit of the surrounding area."

Acres: 1.93

Size: 2,640 ft. by 2,640 ft.
Irregular shape

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R-1"
North	Undeveloped	"R-1"
East	Multiple-family & Country Club	"R-1" & "LC"
South	Single-family	"R-1"
West	Single-family & undeveloped	"R-1"

Necessary street rights-of-way to be
acquired at the time of platting.

Platted: No
History: None

Comments

1. The applicant is requesting a Conditional Use permit to con-
struct multiple-family dwellings on property being requested
for "AA" One Family zoning (SCZ-0336).
2. The County Zoning Resolution permits multiple-family dwellings
in the "AA" Single-family district as a conditional use. It
further provides that there shall be 1 1/2 off-street parking
spaces for each dwelling unit. It should be noted that any
multiple family structure developed in the "AA" zone is sub-
ject to the same height requirements as single-family dwellings.
3. The applicant has submitted a general site plan indicating
building locations for multiple-family dwellings, circulation
and density. The plan does not differentiate between public
and private streets, nor does it provide information on how it
is proposed to provide a municipal type sewer system to sub-
ject property.

4. Depending on the action recommended on the associated zone case, the following conditions should be considered in the approval of the conditional use request:
 - a. Uses permitted shall be limited to multiple-family dwellings, including patio homes, garden and cluster townhouses, and garden apartments.
 - b. The platting of the property within three years from the date of approval by the Board of County Commissioners; or the application be considered denied and closed.
 - c. No less than one and one-half off-street parking spaces shall be provided for each dwelling unit.
 - d. The density shall not exceed that established as the capacity limit of the Four Mile Creek Sewer Basin in the officially adopted Sewer Plan as modified by Planning Commission policy statement, which sets an original level of 4.1 dwelling units per acre to a modified level of 7 dwelling units per acre.
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CU-170 - 65 Notices to Adjoining Property Owners mailed 3-13-75 for MAPC 3-27-75

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

NOTICE TO ADJOINING PROPERTY OWNERS:

March 13, 1975

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, the meeting to begin at 1:30 p.m., on March 27, 1975, at which time you may appear either in person or by agent or attorney, if you so desire.

Case No. CU-170

Conditional Use Request for Establishment of a Multi-Family
Housing Development on Property being Requested for the "AA"
One-Family Dwelling District Classification

A tract of land in the southeast quarter of Sec. 15, Twp. 27S.
R2E of the 6th P.M., described as follows:

Commencing at a point on the north right of way line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter; thence along said north r-o-w line of Central Ave. bearing north $89^{\circ}59'30''$ west a distance of 1,250 ft. to a point of beginning; thence bearing north $2^{\circ}59'30''$ west a distance of 250 ft. to the P.C. of a curve to the left; thence along said curve to the left whose radius is 1,750 ft. and thru a central angle of $17^{\circ}12'11''$ a distance of 524.93 ft.; thence bearing north $53^{\circ}00'30''$ east a distance of 544.54 ft.; thence bearing south $89^{\circ}59'30''$ east a distance of 80.00 ft.; thence bearing north $48^{\circ}29'30''$ west a distance of 1,820 ft.; thence bearing north $36^{\circ}29'30''$ west a distance of 387.16 ft. to the north line of said SE $\frac{1}{4}$; thence along said north line bearing north $89^{\circ}52.15''$ west a distance of 155.13 ft. to the northwest corner of said SE $\frac{1}{4}$; thence along the west line of said SE $\frac{1}{4}$ bearing south $0^{\circ}00'00''$ east a distance of 2,607.18 ft. to the north r-o-w line of Central Ave., thence along said r-o-w line bearing $89^{\circ}59'30''$ east a distance of 1,351.44 ft. to the point of beginning.

and
A tract of land in the SE $\frac{1}{4}$ of Sec. 15, Twp. 27S, R2E of the 6th P.M. described as follows:

Commencing at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter;

Case No. CU-170
Page Two

thence along said west r-o-w line of 127th St. East bearing north $0^{\circ}00'$ east a distance of 1,000 ft. to a point of beginning; thence bearing north $50^{\circ}30'00''$ west a distance of 210 ft.; thence bearing north $54^{\circ}00'$ west a distance of 945.88 ft.; thence bearing north $48^{\circ}29'30''$ west a distance of 1,324.95 ft.; thence bearing north $36^{\circ}29'30''$ west a distance of 47.83 ft. to the north line of said SE $\frac{1}{4}$; thence along said north line bearing south $89^{\circ}52'15''$ east a distance of 1,947.93 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing south $0^{\circ}00'$ east a distance of 1,601.70 ft. to a point of beginning.

All generally located on the northwest corner of 127th St. East and Central.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A Lakin, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

1-14-75

On this date Max Cole and Ralph Martin discussed the development of this $\frac{1}{4}$ Section with Bob Palmi and Sue. Specific concerns mentioned with the original site plan were the failure to take into consideration the proposed alignment of K-96, where, when and how sewers were to be provided, private streets vs public streets, details and drainage.

They advised that they would re design, that they would take into consideration the K 96 alignment. They emphasized that their intent was a 30 acre office and commercial park. As to handling sewer and surface drainage, they will look into various alternatives as they re design.

JHO

January 10, 1975

Mr. William P. Higgins
Attorney
313 1st National Bank Building
Wichita, Kansas 67202

Re: SCZ-0336 - "R-1" to "AA"
and "LC", and CU-170 -
Northwest corner of 127th
Street East and Central

Dear Mr. Higgins:

At the regular meeting of the Metropolitan Area Planning Commission on January 9, 1975, the above-captioned applications were considered. After considerable discussion concerning K-96, sewerage, density, and general design, at the applicant's request, the action of the Commission was to defer a decision for 30 days, so that you would have additional time to confer with the Planning Department staff concerning your plans.

The applications will be scheduled for reconsideration by the Commission at its regular meeting on February 13, 1975, the meeting to be held in Room 401 City Building Annex, 104 South Main, starting at 1:30 p.m.

Please let us know at such time as you desire to schedule a meeting to discuss this project. If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Ralph Martin, 230 East 17th Street, Costa Mesa, Calif.
Max L. Cole, 313 1st National Bank Building 67202
Elizabeth King, 352 Garnett 67206

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: Jan. 9, 1975

Case No. CU-170

Request: Conditional Use request to construct multiple-family housing

Location: Northwest corner of 127th Street East and Central

Reason: "For the purposes of constructing residential units in the form of garden apartments, townhouses and condominiums, and all other forms of multi-family development, and for the reason that it is the highest and best use of the property both economically and for the benefit of the surrounding area."

Acres: 127

Size: 2640 ft. by 2640 ft.
Irregular shape

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R-1"
North	Undeveloped	"R-1"
East	Multiple-family & Country Club	"R-1" & "LC"
South	Single-family	"R-1"
West	Single-family & undeveloped	"R-1"
Necessary street rights-of-way to be acquired at the time of platting.		Platted: No History: None

Comments

1. The applicant is requesting a Conditional Use permit to construct multiple-family dwellings on property being requested for "AA" One Family zoning (SCZ-0336)
2. The County Zoning Resolution permits multiple-family dwellings in the "AA" Single-family district as a conditional use. It further provides that there shall be 1 1/2 off-street parking spaces for each dwelling unit. It should be noted that any multiple family structure developed in the "AA" zone is subject to the same height requirements as single-family dwellings.
3. The applicant has submitted a general site plan indicating building locations for multiple-family dwellings, circulation and density. The plan does not differentiate between public and private streets, nor does it provide information on how it is proposed to provide a municipal type sewer system to subject property. The plan also does not take into consideration the projected alignment for K-96 (Northeast Circumferential) which bisects the eastern portion of this quarter section. (See staff comments on associated zone Case SCZ-0336).

Page 2 - Case No. CU-170
January 9, 1975

4. Depending on the action recommended on the associated zone case, the following conditions should be considered in the approval of the conditional use request:
 - a. The platting of the property within three years from the date of approval by the Board of County Commissioners; or the application be considered denied and closed.
 - b. Not less than one and one-half off-street parking spaces shall be provided for each dwelling unit.
 - c. The density shall not exceed that established as the capacity limit of the Four Mile Creek Sewer Basin in the officially adopted Sewer Plan as modified by Planning Commission policy statement, which sets an original level of 4.1 dwelling units per acre to a modified level of 7 dwelling units per acre.
-

CU-170 - 71 NOTICES TO ADJOINING PROPERTY OWNERS MAILED 12-27-74 for MAPC 1-9-75

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

NOTICE TO ADJOINING PROPERTY OWNERS

DEC 26 1974

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m., on JAN 9 1975 at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. CU-170

Conditional Use Request for Establishment of a Multi-Family
Housing Development on Property being Requested for the "AA"
One-Family Dwelling District Classification

A tract of land in the SE Quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., described as follows:

All of the SE Quarter of said Section 15 except: Central Avenue and 127th St. East rights-of-way as recorded in Misc. Book No. 634, Page 229, and a tract of land described as follows: Beginning at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East; thence along said north r-o-w line of Central Avenue bearing N 89°59'30" W a distance of 1,000.00 ft; thence bearing N 0°00'30" E a distance of 305.31 ft. to the point of curvature of a curve to the left; thence along said curve to the left whose radius is 800.00 ft. and thru a central angle of 47°30'30" a distance of 663.34 ft. to the point of tangency; thence bearing N 47°30'00" W a distance of 87.12 ft; thence bearing N 43°30'00" E a distance of 325.00 ft; thence bearing N 90°00' E a distance of 1,100.00 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing S 0°00'00" E a distance of 1,190.00 ft. to the point of beginning.
Generally located on the northwest corner of 127th St. East and Central.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

TR-216

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

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

I. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

A. APPLICANT ✓ MAX L. COLE
313 First National Bank Bldg.
ADDRESS Wichita, Kansas 67202 PHONE 263-6148

AGENT William P. Higgins
313 First National Bank Bldg.
ADDRESS Wichita, Kansas 67202 PHONE 263-6148

B. APPLICANT _____
ADDRESS _____ PHONE _____

AGENT _____
ADDRESS _____ PHONE _____

C. APPLICANT _____
ADDRESS _____ PHONE _____

AGENT _____
ADDRESS _____ PHONE _____

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

II. The applicant proposes to establish a conditional use for
apartments, townhouses and condominiums (use)

on property legally described as Lot(s) N/A
_____, Block(s) _____ of the _____
_____ Addition.

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

SEE ATTACHED SCHEDULE "A"

ZONING - RESIDENTIAL TRACT

A tract of land in the Southeast Quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., described as follows:

All of the Southeast Quarter of said Section 15 except: Central Avenue and 127th Street East rights-of-way as recorded in Misc. Book No. 634, page 229, and a tract of land described as follows; Beginning at a point on the north Right-of-Way (R/W) line of Central Avenue at the west R/W line of 127th Street East; thence along said north R/W line of Central Avenue bearing N 89°59'30" W a distance of 1,000.00 feet; thence bearing N 0°00'30" E a distance of 305.81 feet to the point of curvature of a curve to the left; thence along said curve to the left whose radius is 800.00 feet and thru a central angle of 47°30'30" a distance of 663.34 feet to the point of tangency; thence bearing N 47°30'00" W a distance of 87.12 feet; thence bearing N 43°30'00" E a distance of 325.00 feet; thence bearing N 90°00' E a distance of 1,100.00 feet to the west R/W line of 127th Street East; thence along said west R/W line bearing S 0°00'00" E a distance of 1,190.00 feet to the point of beginning.

~~Said tract contains 5,469,361.191369 sq. ft. or 125.559256 acres more or less~~

OK for legal

Application For Approval of Conditional Use Permit
WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

INSTRUCTIONS

1. All applicants requesting approval of a Conditional Use Permit should consult the Planning Department prior to submitting a formal application. The purpose of the consultation is to advise the applicant of his rights and responsibilities and the necessity of a detailed plan(s) to be submitted with the application for certain uses such as mobile home parks, sand extraction operations, multiple family development, etc.
2. An application for approval of a Conditional Use Permit must be signed by at least one of the owners of the property included within the application.
3. In order for any application to be considered by the Commission, the following items must be submitted to the Planning Department:
 - A. Application form (PR-3). All blanks must be completely filled in with either the information requested or the notation - N/A - (Not Applicable). INCOMPLETE APPLICATION FORMS WILL NOT BE ACCEPTED for processing.
 - B. Detailed plot plan(s) as may be required.
 - C. A current abstractor's certificate listing the names, mailing addresses and zip codes of the owners of all adjacent property and including the property for which the conditional use is requested, in all directions from subject property for a distance of twice the frontage of the subject property but for a distance of not more than 1,000 ft. or less than 200 ft.
 - D. The appropriate fee as established by the Zoning Regulation of Sedgwick County. The fee shall be the same as that for the district in which located. Those fees are as follows:

<u>"R", "R-1", and "AA" Classifications</u>	\$70.00
<u>"BB" Classification</u>	\$140.00
<u>"LC", "C", "E", and "F" Classifications</u>	\$200.00
(6 acres and under)	
<u>"LC", "C", "E", and "F" Classifications</u>	\$400.00
(over 6 acres)	
4. The Wichita-Sedgwick County Metropolitan Area Planning Commission will meet to consider Conditional Use requests on the second and fourth Thursday of each month at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas. An application for a Conditional Use, accompanied by appropriate documents and fees as listed above, must be filed with the Planning Department before 5 p.m., on the closing date established by the Metropolitan Area Planning Commission.
5. It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, 104 South Main, at least 7 days prior to the meeting. If, in the discretion of the Chairman and Secretary, such deferral is to be granted, notices of such deferral and date of next hearing will be mailed to those who received original notice of the hearing. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

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

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

A tract of land in the Southeast Quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., described as follows:

All of the Southeast Quarter of said Section 15 except: Central Avenue and 127th Street East rights-of-way as recorded in Misc. Book No. 634, page 229, and a tract of land described as follows: Beginning at a point on the north Right-of-Way (R/W) line of Central Avenue at the west R/W line of 127th Street East; thence along said north R/W line of Central Avenue bearing N 89°59'30" W a distance of 1,000.00 feet; thence bearing N 0°00'30" E a distance of 305.31 feet to the point of curvature of a curve to the left; thence along said curve to the left whose radius is 800.00 feet and thru a central angle of 47°30'30" a distance of 663.34 feet to the point of tangency; thence bearing N 47°30'00" W a distance of 87.12 feet; thence bearing N 43°30'00" E a distance of 325.00 feet; thence bearing N 90°00' E a distance of 1,100.00 feet to the west R/W line of 127th Street East; thence along said west R/W line bearing S 0°00'00" E a distance of 1,190.00 feet to the point of beginning.

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

LEGAL DESCRIPTION

OWNER & ADDRESS

All of the Southeast Quarter of Section 15, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas.

Max L. Cole
 3841 West 13th Street
 Wichita, Kansas 67203

W $\frac{1}{2}$ of SW $\frac{1}{4}$, except part platted as Crestview Country Club Estates Southern Village & The Villas at Crestview 2nd Addition

Crestview Country Club Association
 1000 North 127th St. East
 Wichita, Kansas 67230

South 246 feet of Lot 1

GILDERS GARDENS ADDITION

Lena K. & Thomas E. Laisure
 430 Garnett
 Wichita, Kansas 67206

North 300 feet of Lot 1

GILDERS GARDENS ADDITION

Edd R. & Lillie M. Moser
 12617 East Central
 Wichita, Kansas 67206


Lot 2

GILDERS GARDENS ADDITION

Wayne L. & Florence Muriel Hubbard
 429 Garnett
 Wichita, Kansas 67206

Wichita
Wich
inc.



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
3		GILDERS GARDENS	Merle & R. Eleanor Knott 64 Mission Road Wichita, Kansas 67207
East 162 feet of Lot 4		GILDERS GARDENS	Karlene G. Gass 1146 South Pershing Wichita, Kansas 67218
Lot 4, except the East 162 feet		GILDERS GARDENS	Grace G. Good 12317 East Central Wichita, Kansas 67206
5		GILDERS GARDENS	R. Kenneth & Ramona J. Smith Address Unknown
Southerly 200 feet of Lot 6		GILDERS GARDENS	Clarence B. Jr. & Geraldine V. Shelman 430 East Jackson Wichita, Kansas 67206
 Lot 6, except the Southerly 200 feet		GILDERS GARDENS	Clarence N. & Lillian G. Leith 12123 East Central Wichita, Kansas 67206
Lot 10		GILDERS GARDENS	Virgil W. & Helen B. Barth 400 Jackson Street East Wichita, Kansas 67206
North Half of Lot 12		GILDERS GARDENS	Ross F. Sr. & Mary V. McDonough 336 Jackson Wichita, Kansas 67206
25		GILDERS GARDENS	A. L. & Katherine F. Strecker 401 Garnett Wichita, Kansas 67206
27		GILDERS GARDENS	Tence F. Massey Sr. 619 West Central Andover, Kansas 67002 and Richard & Nada M. Massey 329 Garnett Wichita, Kansas 67206
North 100 feet of Lot 22		GILDERS GARDENS	George H. & Mary M. Skinner 400 Garnett Wichita, Kansas 67206
South 65 feet of Lot 22		GILDERS GARDENS	Robert E. & Elizabeth R. King 352 Garnett Wichita, Kansas 67206

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
24		GILDERS GARDENS	John G. & Elizabeth B. Claybrook 348 Garnett Wichita, Kansas 67206
7 & 8		GILDERS GARDENS	Richard D. & Joan J. Estes 12007 E. Central Ave. Wichita, Kansas 67206
Lot 9, except the North 136 feet of the East 150 feet		GILDERS GARDENS	James W. & Patricia S. Rich 5118 Kensington St. Wichita, Kansas 67208
The North 136 feet of the East 150 feet of Lot 9		GILDERS GARDENS	James R. & Beverly Jane Fisher 359 Jackson East Wichita, Kansas 67206
11 & 13		GILDERS GARDENS	Rex M. & Ruby I. Johnson 321 East Jackson Street Wichita, Kansas 67206
1, 2, 3, 6, 7, 8, 9, 10, 11 Block A		GOTT	Asa A. & Cordelia Gott 11619 East Central Wichita, Kansas 67206
12, 13, 14, 15 & 16, Block B		GOTT	Asa A. & Cordelia Gott 11619 East Central Wichita, Kansas 67206
Block I		GOTT	Asa A. & Cordelia Gott 11619 East Central Wichita, Kansas 67206
1 thru 92 & 119 thru 138 & Reserves A, B & C		THE VILLAS AT CRESTVIEW 2ND ADDITION	Mansiones Del Sol, Inc. & Frank Kessler, President 1115 West 13th Street Wichita, Kansas 67203



Fidelity Title
COMPANY, INC.

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
All Lots at Villas at Crestview & Reserves A & B, except Lots 34 thru 49 & Reserve C		Mansiones Del Sol, Inc. % Frank Kessler, President 1115 West 13th Street Wichita, Kansas 67203
Reserves & Lots 1 thru part of Lot 12		Mansiones Del Sol, Inc. % Frank Kessler, President 1115 West 13th Street Wichita, Kansas 67203
The Easterly 1.93 feet of Lot 12 and the Westerly 28.24 feet of Lot 13, except the southerly 37.21 feet of both Lot 12 and Lot 13, Both Lots being in the VILLAS AT CRESTVIEW AN ADDITION to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition		Leo P. Cawley, M.D. and Joan M. Cawley, husband & wife 550 North Hillside Wichita, Kansas 67214
The Northerly 107.58 feet of the Easterly 14.29 feet of Lot 15, and the Northerly 107.58 feet of the Westerly 15.75 feet of Lot 16, both in the VILLAS AT CRESTVIEW, an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said addition.		Ernest L. & Joan R. Balay 14 Via Roma Wichita, Kansas 67230
The easterly 11.51 feet of Lot 14, the westerly 11.77 feet of Lot 15, the easterly 8.72 feet of the westerly 20.49 feet of the southerly 90.16 feet of Lot 15, except the southerly 31.24 feet of both Lot 14 and Lot 15, Both Lots being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Wilbur E. & Bernice H. Walker 16 Douglas Avenue Wichita, Kansas 67207
The Northerly 107.58 feet of the easterly 19.08 feet of Lot 16, and the Northerly 107.58 feet of the westerly 10.96 feet of Lot 17, both in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Jack L. & Margaret Crahan 15 Via Roma Wichita, Kansas 67230



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
The Northerly 94.92 feet of the easterly 24.04 feet of Lot 17, and the southerly 20 feet of the westerly 7.33 feet of the northerly 55.25 feet of Lot 18, Block 1, both in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Ted A. Chapman 16 Via Roma Wichita, Kansas 67230
	Beginning at a point 10.78 feet North of the SE corner of Lot 18 in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas, said point being on the east line of said Lot 18; fence West 30.0 feet at a right angle to the east line of said Lot 18; fence North 60.07 feet at a deflection angle to the right of 90° 00 ft.; fence East 7.0 feet at a deflection angle to the right of 90' less than a foot; fence North 43.75 + or - ft. at a deflection angle to the left of 90° 00 ft. to the north line of said Lot 18; fence easterly along the North line of said Lot 18 to the northeast corner of Lot 18; fence South 106.90 ft. along the east line of said Lot 18 to the point of beginning; together with an undivided one-sixtieth (1/60) interest of the Common Areas in said Addition.	Robert A. & Marjorie H. Page 17 Via Roma Wichita, Kansas 67230
	Beginning at a point 10.78 feet North of the SW corner of Lot 19, in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas, said point being on the West line of said Lot 19; thence East 30.05 feet at an angle to the West line of said Lot 19; thence North 60.67 feet at a deflection angle to the left of 90° 00 minutes; thence West 7.0 feet at a deflection angle to the left of 90° 00 minutes; thence North 44.1 feet + or - at a deflection angle to the right of 90° 00 minutes to the North line of said Lot 19; thence westerly along the North line of said Lot 19 to the Northwest corner of said Lot 19; thence South 106.90 feet along the West line of said Lot 19 to the point of beginning; together with an undivided 1/60th interest in all the common areas within said Addition.	John G. Shellito M.D. & Jean L. Shellito 1177 Farmstead Street Wichita, Kansas 67208



LOT ADDITION OWNER & ADDRESS

The Northerly 80.15 feet of the Easterly 17.07 feet of Lot 20, and the Northerly 80.15 feet of the Westerly 6.83 feet of Lot 21, also, commencing at a point 35.35 feet South of the NW corner of Lot 20, measured along the West lot line of said Lot 20; thence at a deflection angle to the left of 90° for a distance of 0.63 feet to the point of beginning; thence South 19.9 feet parallel to the West line of Lot 20; thence at a deflection angle to the left of 90° for a distance of 7.3 feet; thence North 19.9 feet; thence West 7.3 feet to the point of beginning, both Lots 20 and 21 being in THE VILLAS AT CRESTVIEW, an Addition to Sedgwick County, Kansas, together with an undivided 1/60th interest in all the common areas within said Addition.

Mary H. McDonald
Address Unknown



The Northerly 92.77 feet of the easterly 18.17 feet of Lot 21 and the Northerly 92.77 feet of the westerly 12.01 feet of Lot 22, both Lots 21 and 22 being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

Floyd W. Mallonee a/k/a
F. W. Mallonee
20 Via Roma
Wichita, Kansas 67230

The Northerly 80.04 feet of the easterly 7.90 feet of Lot 23 and the Northerly 80.04 feet of the westerly 16.02 feet of Lot 24, ALSO, commencing at a point 35.0 feet South of the Northeast corner of Lot 24 measured along the east line of said Lot 24; thence at a deflection angle to the right of 90° for a distance of 1.68 feet to the point of beginning; thence south 20.0 feet parallel to the east line of Lot 24; thence at a deflection angle to the right of 90° for a distance of 7.3 feet; thence north 20.0 feet; thence east 7.3 feet to the point of beginning, both Lots 23 and 24 being in the VILLAS AT CRESTVIEW an ADDITION to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

Jean Anne Cardwell
22 Via Roma
Wichita, Kansas 67230



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
The Northerly 92.77 feet of the easterly 12.99 feet of Lot 22 and the northerly 92.77 feet of the westerly 17.10 feet of Lot 23, both Lots 22 and 23 being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Harold E. & Frances C. Smith 21 Via Roma Wichita, Kansas 67230
The northerly 112.67 feet of the easterly 5.7 feet of Lot 25 and the northerly 112.67 feet of Lot 26 and the northerly 112.67 feet of the westerly 3.3 feet of Lot 27, Lots 25, 26 and 27 being in the villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Daniel J. McAtee 1000 S. Woodlawn Blvd., Apt. 501 Wichita, Kansas 67218
The North 111.17 feet of the East 4.04 feet of Lot 26 and the North 111.17 feet of Lot 27 and the North 111.17 feet of the west 1.19 feet of Lot 28, Lots 26, 27 and 28, being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Doreen M. Yingling Address Unknown
The North 111.17 feet of the East 23.81 feet of Lot 28 and the North 111.17 feet of the West 6.42 feet of Lot 29, both Lots 28 and 29, being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		R. Dee Hubbard 25 Via Roma Wichita, Kansas 67230
The North 112.43 feet of the East 18.58 feet of Lot 29 and the North 112.43 feet of the west 15.62 feet of Lot 30, both Lots 29 and 30 being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Beverly N. Lancaster & Laura E. 26 Via Roma Wichita, Kansas 67230



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
	The Easterly 17.50 feet of the northerly 107.81 feet of Lot 32 and the westerly 12.58 feet of the northerly 107.81 feet of Lot 33, both north-south measurements being from the northeast corner of Lot 32 along the east line of Lot 32 and the eastwest measurements being at right angles to said east lot line, both lots being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.	John W. Graves & Mildred L. 28 Via Roma Wichita, Kansas 67230
	Beginning at the NE corner of Lot 31, thence South on the East line of said Lot 31, 112.77 feet; thence at a deflection angle to the right of 90 fir a distance of 26.57 feet; thence North parallel to the East line of said Lot 31 to the West line of Lot 31; thence North along the West lot line to the Northwest corner of Lot 31; thence East along the North lot line to the point of beginning; also beginning at the NE corner of Lot 31, thence South on the East line of said Lot 31, 112.77 feet; thence at a deflection angle to the left of 90 a distance of 9.47 feet; thence North parallel to the East line of Lot 31 to the North line of Lot 32; thence West on the North line of Lot 32 to the point of beginning, both Lots 31 and 32 being in THE VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.	Elmer G. & Lottie Jo. Schutte 27 Via Roma Wichita, Kansas 67230
	The easterly 14.44 feet of the northerly 107.80 feet of Lot 33 & the westerly 15.64 feet of the northerly 107.80 feet of Lot 34, both north-south measurements being from the northeast corner of Lot 33 along the east lot line of Lot 33 and the east west measurements being at right angles to said east lot line, both lots being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.	Austin J. & Ruby F. Boundy 29 Via Roma Wichita, Kansas 67230



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
	The southerly 18.16 feet of the easterly 115.0 feet of Lot 50 and the northerly 13.88 feet of the easterly 115.0 feet of Lot 51, Block 1, both lots being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.	John G. McCune 6226 East 8th Street Wichita, Kansas 67208
	The southerly 16.12 feet of the easterly 115.0 feet of Lot 51 and the northerly 15.96 feet of the easterly 115.0 feet of Lot 52, both lots being in Block 1, the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.	Gerald D. Lasswell 44 Via Roma Wichita, Kansas 67230
	The Southerly 14.04 feet of the easterly 115.0 feet of Lot 52 and the northerly 18.04 feet of the easterly 115.0 feet of Lot 53, Block 1, both lots being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.	John G. McCune 6226 East 8th Street Wichita, Kansas 67208
	The Southerly 11.96 feet of the easterly 115.0 feet of Lot 53 and the northerly 20.08 feet of the easterly 115.0 feet of Lot 54; Block 1, both lots being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.	Roland G. Edris & Ruth L. Edris 46 Via Roma Wichita, Kansas 67230



MEMBER

LOT

ADDITION

OWNER & ADDRESS

The northerly 19.51 feet of the westerly 114.17 feet of Lot 58 and beginning 10.83 feet west of the southeast corner of Lot 59 on the south line of said Lot 59; thence north at right angles to said south lot line 12.53 feet; thence west parallel to said south lot line 76.42 feet; thence south at a right angle 10 feet; thence west at a right angle 37.75 feet; thence south at a right angle 2.53 feet to the southwest corner of Lot 59; thence east on the said south lot line 114.17 feet to point of beginning, both Lots 58 and 59 being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

Raymond E. & Winona L. Walton
Andover, Kansas 67002



Beginning 11.49 feet South 35° 38' 34" east of the westerly corner of Lot 61; thence 102.83 feet North 54° 21' 26" east; thence 35.97 feet south 35° 38' 34" east; thence south 54° 21' 26" west to the intersection with the southerly lot line of Lot 60; thence west along said lot line to the southerly corner of Lot 60; thence 28.26 feet north 35° 38' 34" west to the point of beginning, both lots 60 and 61 being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

Earl K. & Pauline M. Duke
33 Hampton Road
Wichita, Kansas 67206

Beginning 11.49 feet South 35° 38' 34" east of the westerly corner of Lot 61; thence 102.83 feet north 54° 21' 26" east; thence 36.19 feet north 35° 38' 34" West; thence South 54° 21' 26" west to the intersection with the westerly lot line of Lot 62; thence South along said lot line to the westerly corner of Lot 62; thence 23.12 feet south 35° 38' 34" east to the point of beginning, both Lots 61 and 62 being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.

Arthur V. & Mary F. Sorenson
52 Via Roma
Wichita, Kansas 67230



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
The South 95.33 feet of the West 19.58 feet of L t 63 and the South 95.33 feet of the East 4.42 feet of Lot 64, also commencing at a point 73.07 feet South and 3.12 feet West of the Northeast corner of Lot 63; thence West 7.33 feet; north 20.0 feet; east 7.33 feet; south 20.0 feet to the point of beginning, both Lots 63 and 64 being in the Villas at Crestview, an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Charles M. & Helen A. Brecheisen 53 Via Roma Wichita, Kansas 67230
The West 20.58 feet of Lot 64 and the East 9.50 feet of Lot 65, both Lots 64 and 65 being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Andrew S. & Lysle Swenson 54 Via Roma Wichita, Kansas 67230
The West 15.50 feet of Lot 65 and the east 14.58 feet of Lot 66, both Lots 65 and 66 being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Con C. Mills & Ruby L. Mills 55 Via Roma Wichita, Kansas 67230
The South 95.33 feet of the West 10.42 feet of Lot 66 and the South 95.33 feet of the east 13.59 feet of Lot 67, also commencing at a point 72.94 feet south and 8.96 feet east of the NW corner of Lot 67; thence east 7.33 feet; north 20.0 feet; west 7.33 feet; south 20.0 feet to the point of beginning, both Lots 66 and 67 being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Chester A. & Marjorie H. Rembleske 56 Via Roma Wichita, Kansas 67230
The northerly 24.04 feet of the southerly 30.76 feet of the easterly 94.83 feet of Lot 68, said Lot 68 being in the VILLAS AT CRESTVIEW an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.		Terrance P. & Linda E. Maloney 34 North Stratford Wichita, Kansas 67206



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
	The Southerly 6.72 feet of the easterly 107.5 feet of Lot 68 and the northerly 23.36 feet of the easterly 107.5 feet of Lot 69, both Lots 68 and 69 being in the Villas, at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.	L. C. & Constance L. Harmon 58 Via Roma Wichita, Kansas 67230
	The southerly 1.64 feet of the easterly 107.5 feet of Lot 69, the easterly 107.5 feet of Lot 70 and the northerly 3.44 feet of the easterly 107.5 feet of Lot 71, Lots 69 through 71 being in the Villas at Crestview an Addition to Sedgwick County, Kansas; together with an undivided 1/60th interest in all the common areas within said Addition.	H. L. & Frances Comley 59 Via Roma Wichita, Kansas 67230
	Beginning at the Southeast corner of the Southwest Quarter, thence North 1320 feet, thence West 396 feet, thence South 1320 feet, thence East 396 feet to beginning, in Section 15, Township 27, Range 2 East, Sedgwick County, Kansas.	J. Sidney & Nettie Crowder Emmett Address Unknown <i>RT 1, Washburn mo.</i>
	The West 5 acres of the East 15 Acres of the South 40 acres of the Southwest Quarter of Section 15, Township 27, Range 2 East, Sedgwick County, Kansas	Loren A. Wainscott 11712 East Central Wichita, Kansas 67206

Fidelity Title
COMPANY, INC.

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
	Beginning 396 feet West of the Southeast Quarter of the Southwest Quarter, thence North 1320 feet, thence West 594 feet, thence South 660 feet, thence East 330 feet, thence South 660 feet, thence East 264 feet, to beginning, Southwest Quarter of Section 15, Township 27, Range 2 East, Sedgwick County, Kansas.	L. J. & LaVon P. Fugit 11808 East Central Wichita, Kansas 67206
	Beginning 990 feet West of the SE corner of the SW $\frac{1}{4}$ of Section 15, Township 27 South, Range 2 East, thence North 1320 feet, thence West 330 feet, thence South 1320 feet, thence East 330 feet to the place of beginning, Sedgwick County, Kansas, together with all buildings and improvements located thereon,	L. S. & Grace O'Hara 6302 East 9th Wichita, Kansas 67208
	North Half of the Southwest Quarter except cemetery, in the Northeast Quarter of the Southwest Quarter, Section 15, Township 27, Range 2 East, Sedgwick County, Kansas.	C. & Cecelia Balthrop 11220 East Central Wichita, Kansas 67206
	The Southeast corner of the Northwest Quarter of Section 15, Township 27, Range 2 East, Sedgwick County, Kansas	Willard J. Kiser 1446 Willow Road Wichita, Kansas 67208
	South Half of the Northeast corner of the Northeast Quarter of Section 15, Township 27 Range 2 East, Sedgwick County, Kansas.	Mary E. Brown 11115 East Central Wichita, Kansas 67206
	South Half of the Southwest corner of the Northwest Quarter of Section 14, Township 27, Range 2 East, Sedgwick County, Kansas.	Charles H. Hoult 5 Crestview Country Club Wichita, Kansas
	A Tract beginning at point 40 rods West of the NE corner of the NW $\frac{1}{4}$ of Section 22, Township 27, Range 2 East, thence West 26 Rods, thence South 40 Rods, thence East 26 Rods, thence North 40-Rods to the place of beginning, Sedgwick County, Kansas.	Darrell L. Deck 2 Hillcrest Avenue Wichita, Kansas 67208



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
Part of the Northwest Quarter of Section 22, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as: Beginning 20 rods West of the Northeast corner of said Northwest Quarter, thence South 40 rods, thence West 20 rods, thence North 40 rods, thence East 20 rods to beginning.		Roland W. & Dubylene I. Hayden 11811 East Central Ave. Wichita, Kansas 67206
East 10 acres of the North Half of the Northwest Quarter of Section 22, Township 27, Range 2 East, Sedgwick County, Kansas.		Henry J. Landwehr 11923 East Douglas Wichita, Kansas 67207



Dated at Wichita, Kansas, this 11th day of November, 1974; 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Anita Gray*
Asst. Sec. *ag*

Tracer No. 26344



FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Change Order for 1st Floor</i>	
<i>Installation</i>	
Name	
Address	
Type	Due Date
Comments:	
Date	By <i>Paul Henry</i>

Do not remove from file

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR ZONING AND APPROVAL OF CONDITIONAL USE

CASE NO. SCZ-0336 and CU-170 CONSIDERED BY MAPC: 1-9-75 Deferred
RECONSIDERED BY MAPC: 2-13-75 Deferred
REQUEST FOR: "R-1" to "AA" and RECONSIDERED BY MAPC: 3-27-75 *Nov*
"LC" and Approval of Conditional Use for multi-family housing
REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"For the purposes of constructing residential units in the form of garden apartments, townhouses and condominiums, and all other forms of multi-family development, and for the reason that it is the highest and best use of the property both economically and for the benefit of
GENERAL LOCATION: Northwest corner of (the surrounding area.)
127th Street East and Central

LEGAL DESCRIPTION:

See attached excerpt from Planning Commission minutes of March 27, 1975.

APPLICANT: Max Cole, 313 1st Nat'l Bank Bldg. 67202

COUNSEL FOR APPLICANT: Ralph Martin, Suite 200, 230 E. 17th St. Costa Mesa, California 92627

PROTESTORS (LIST COUNSEL) IF ANY: Richard Massey, 329 Garnett; R. W. Hayden, and Duane O'Hara, property owners in the area, spoke in opposition.

SURROUNDING ZONING: To the north and west is "R-1"; east and south is "R-1" and "LC"

LAND USE: Subject property and that to the north is undeveloped; east is multiple-family and Country Club; south and west is single-family

PLANNING COMMISSION RECOMMENDATION:

That SCZ-0336 and CU-170 not be approved. Gragert moved, Taylor seconded and it carried by a vote of 5 in favor (Gragert, Taylor, Goebel, Kamen and Hopper) and 4 opposed (Rising, Bayouth, Hennessy and Gardenhire). Savina absent. *5-4*

NOTE: A recommendation of denial by the Planning Commission requires a unanimous vote of the County Commission in order to approve the applications. *53.06%* *38 + 12 - 4 not properly submitted*

- ACTION: 1. Approve the recommendation of the Metropolitan Area Planning Commission and deny the applications; or
2. Adopt resolutions effectuating the zone change and conditional use, and instruct the Planning Department to withhold publication until such time as the property has been platted and the plat has been recorded.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 9, 1975:

23a. Case No. SCZ-0336 - Max L. Cole requests change from "R-1" to "AA" for:

A tract of land in the SE quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., described as follows:
All of the SE quarter of said Section 15 except: Central Avenue and 127th Street East rights-of-way as recorded in Misc. Book No. 634, page 229, and a tract of land described as follows: Beginning at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East; thence along said north r-o-w line of Central Ave. bearing N 89°59'30" W a distance of 1,000.00 ft; thence bearing N 0°00'30" E a distance of 305.31 ft. to the point of curvature of a curve to the left; thence along said curve to the left whose radius is 800.00 ft. and thru a central angle of 47°30'30" a distance of 663.34 ft. to the point of tangency; thence bearing N 47°30'00" W a distance of 87.12 ft; thence bearing N 43°30'00" E a distance of 325.00 ft; thence bearing N 90°00' E a distance of 1,100.00 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing S 0°00'00" E a distance of 1,190.00 ft. to the point of beginning; and

change from "R-1" Suburban Residential to "LC" Light Commercial the following:

A tract of land in the SE quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., described as follows:
Beginning at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East; thence along said north r-o-w line of Central Avenue bearing N 89°59'30" W a distance of 1,000.00 ft; thence bearing N 0°00'30" E a distance of 305.31 feet to the point of curvature of a curve to the left; thence along said curve to the left whose radius is 800.00 feet and thru a central angle of 47°30'30" a distance of 663.34 feet to the point of tangency; thence bearing N 47°30'00" W a distance of 87.12 ft. thence bearing N 43°30'00" E a distance of 325.00 ft; thence bearing N 90°00' E a distance of 1,100.00 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing S 0°00'00" E a distance of 1,190.00 ft. to the point of beginning, except therefrom the south 600 ft. of the east 600 ft. of said SE quarter.
All generally located on the northwest corner of 127th St. East and Central.

23b. Case No. CU-170 - Max L. Cole requests approval of a conditional Use for establishment of a multi-family housing development on property requested for "AA" One Family Dwelling District, described as follows:

A tract of land in the SE quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., described as follows:
All of the SE quarter of said Section 15 except: Central Avenue and 127th St. East rights-of-way as recorded in Misc. Book No. 634, Page 229, and a tract of land described as follows: Beginning at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East; thence along said north r-o-w line of Central Avenue bearing N 89°59'30" W a distance of 1,000.00 ft; thence bearing N 0°00'30" E a distance of 305.31 ft. to the point of curvature of a curve to the left; thence along said curve to the left whose radius is 800.00 ft. and thru a central angle of 47°30'30" a distance of 663.34 ft. to the point of tangency; thence bearing N 47°30'00" W a distance of 87.12 ft. thence bearing N 43°30'00" E a distance of 325.00 ft; thence bearing N 90°00' E a distance of 1,100.00 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing S 0°00'00" E a distance of 1,190.00 ft. to the point of beginning.
Generally located on the northwest corner of 127th St. East and Central.

GALBRAITH pointed out the area on the map and reviewed the following reports:

SCZ-0336

Comments

1. The applicant is requesting a change of zoning from the "R-1" Suburban Residential District to the "AA" One Family Dwelling District (approximately 110 net acres) and from "R-1" to "LC" Light Commercial in excess of the existing "LC" (approximately 7.4 net acres), making a total of approximately 30 net acres of "LC", located at the intersection of two major streets (Central and 127th Street East). In conjunction with this application, the applicant has filed a Conditional Use request (CU-170) to permit the construction of a series of multiple family dwellings on that area being requested for "AA". The intent section of the "AA" District requires this district to be used only when municipal services (water and sewer) are available.
2. It should be noted that the County Zoning Resolution permits multiple family dwelling units as a Conditional Use in the "AA" Single Family District. The applicant has submitted a plat proposing a mixture of patio homes, garden and cluster townhouses, and apartments. The total number of units is 747 at an overall density of 7.18 per acre. It is difficult to determine what streets are proposed as public or private streets, however, the plan does not suggest public streets tying into adjacent quarter sections. The plan suggests a curvilinear boulevard as an interior street. Since no contact was made with the staff by either the applicant, his consultant or his attorney, several questions remain unanswered.
3. There are several major problems with the plan, including the design, the amount of commercial proposed, the lack of available municipal sewer or a showing of how sewerage is proposed to be handled. In addition, no consideration was given by the applicant to the alignment of the K-96 freeway (Northeast Circumferential). The preferred route, the eastern alignment, was supported unanimously at a combined meeting of the Board of City Commissioners, the Board of County Commissioners, and the Planning Commission. This alignment, as approved, crosses the eastern portion of this quarter section where the commercial and higher density residential has been proposed. The consultants for the State Highway Commission have completed the draft location report which has been submitted and the final environmental impact statement which is under review by the Committee on Environmental Quality in Washington, D. C. Federal approval of the location is expected in February-March. A detailed design study will be required before final right-of-way plans can be completed and right-of-way acquired.
4. Another major factor to consider with this plan is the unavailability of sewers. Until they are available, it would appear that development is premature. This site is in the upstream side of Four Mile Creek. Sewer is on the Crestview Country Club, but lacks additional capacity. The natural flow is to the south, thence east. Although interim plants could be designed, past proposals using similar approaches have not been fruitful. It should be noted that several major projects have been proposed on East Harry, all of which require major investments for sewers and as a result no development has yet occurred. In today's age with concern about our environment, and with local concern as to the development of a logical and efficient sewer system for the eastern area, encouragement should be given to the development of downstream properties first and then upstream with a minimum of leapfrogging and inefficient system development. It cannot be expected in the near future to receive federal assistance for these plants, thus, any proposal will have to be financially entirely by the applicant.

5. Another factor to consider in regard to this application is the amount of "LC" proposed. Taking into consideration the existing 21 acres of "LC" zoning at the other three corners, it is difficult to justify the 30 acres requested. The Planning Commission may want to consider requiring the applicant to provide justification, such as market studies and absorption rate estimates, as to why additional "LC" is needed in this area and at this time.
6. Because of the nature of the problems involved, the staff is of the opinion that the project is premature. However, if it is determined that the project is justified, then consideration should be given to requiring the applicant to redesign the project and to take into consideration the proposed location for K-96 and the interchange as is being required of the developers and consultants for Comotara.

Case No. CU-170

Comments

1. The applicant is requesting a Conditional Use permit to construct multiple-family dwellings on property being requested for "AA" One Family zoning (SCZ-0336).
2. The County Zoning Resolution permits multiple-family dwellings in the "AA" Single-family district as a conditional use. It further provides that there shall be 1 1/2 off-street parking spaces for each dwelling unit. It should be noted that any multiple family structure developed in the "AA" zone is subject to the same height requirements as single-family dwellings.
3. The applicant has submitted a general site plan indicating building locations for multiple-family dwellings, circulation and density. The plan does not differentiate between public and private streets, nor does it provide information on how it is proposed to provide a municipal type sewer system to subject property. The plan also does not take into consideration the projected alignment for K-96 (Northeast Circumferential) which bisects the eastern portion of this quarter section. (See staff comments on associated zone Case SCZ-0336).
4. Depending on the action recommended on the associated zone case, the following conditions should be considered in the approval of the conditional use request:
 - a. The platting of the property within three years from the date of approval by the Board of County Commissioners; or the application be considered denied and closed.
 - b. Not less than one and one-half off-street parking spaces shall be provided for each dwelling unit.
 - c. The density shall not exceed that established as the capacity limit of the Four Mile Creek Sewer Basin in the officially adopted Sewer Plan as modified by Planning Commission policy statement, which sets an original level of 4.1 dwelling units per acre to a modified level of 7 dwelling units per acre.

Because of the numerous problems listed in the staff report, GALBRAITH stated that it was the opinion of the staff that this proposed development is premature and that the applications should be denied or deferred until the plan can be redesigned. GALBRAITH pointed out that the Sewer Plan was based on 7 dwelling units per acre, and if the Commission does recommend approval, it should be subject to the three conditions suggested in the staff report. He stated that apparently no thought has been given to the matter of sewer service.

HENNESSY asked the possibility of connecting to the sewer facilities serving the Crestview Country Club development to the east. LAKIN said there is a treatment facility for the entire section of Crestview Country Club ownership, and it was his understanding that it was designed to serve that particular development and that there is no extra capacity in the system, however, it could possibly be redesigned and expanded.

LAKIN continued that subject area is within the general location where Sewer District #1 has been established in the County as a general sewer district, and provides the overall framework to establish sub-sewer units. LAKIN said the staff has not been contacted with respect to subject requests and sewer service, and he would like to hear what the applicant or his agent have to present along this line. He said there would be major problems if it is intended to funnel sewerage back into the City system with a pumping station, and going east to the natural flow line would present some problems too.

LAKIN commented that no doubt there will continue to be large amounts of commercial development along Kellogg, and he questioned the need for 30 acres of "LC" at this location. In regard to the issue of the Northeast Circumferential, proposed to cross subject property, while it has been in the planning stage for many years, it takes a long time to actually get highways constructed. Now, however, the alignment has been approved and we are awaiting Federal approval with respect to environmental impact. The project now must go into a design study for 1 1/2 to 3 years, and then if money is appropriated, acquisition could begin for right-of-way. LAKIN said he was not suggesting the dedication of any right-of-way across subject property, but it appears this plan tends to be a hindrance to the end result, and it was his hope that the Commission would encourage a redesign so that the area for the alignment of the highway can be preserved. He felt that as submitted, puts the community in a very difficult position so far as seeing the fruition of the work in developing this route.

HILL inferred that it would not be likely that such a plan with the density proposed, the sewer problem, and no street pattern tying in with adjacent areas, would be approved.

LAKIN said the staff normally considers school and park sites in a tract this large, as well as a circulation system and the ability to move from one neighborhood to the other. As for the sewer, LAKIN said it is recognized that there will be growth in this direction where the Four Mile Creek sewer facility is proposed, but it is a matter of timing and actually getting something started toward development of such a facility, rather than merely paper guarantees that the situation will be handled during the interim.

HENNESSY spoke in favor of providing some shopping area for the development that is occurring in this area - the Crestview Country Club residential area, for example.

LAKIN agreed that neighborhood facilities would be needed and that more "LC" area than the one-time 6 acres on each corner is needed for commercial development. He said the Commission has in the past talked about 10, 12 or 13 acres, but 30 acres indicates a different type of shopping center, one which more properly would be oriented to U. S. 54 rather than at subject intersection.

RALPH MARTIN, representing the applicant, referred to a map which he displayed indicating the major streets and proximity to U. S. 54 and some of the major activities taking place in the area, which all together is an area on which activity is focused at this time.

MARTIN said there appears some indication that the proposal is a bit premature with respect to development moving to the east. He said the plan is merely a scheme to show basic distribution of what is being considered. The site is bordered on two sides by major streets and it may or may not be that quarter section or half section streets should be provided. In the platting process there would be additional delineation of streets to serve the area which might be more desirable than having one on the west and north sides of this quarter section.

MARTIN pointed out that open space or parking areas are proposed adjacent to the pipeline easement which traverses the property in a northwest/southeast direction, and that there will be no reason to relocate such line. He recognized that there could be no construction over such easement. MARTIN next explained the various types of units proposed - such as cluster townhouses, semi-detached single-family, garden townhouses, patio homes, etc.

MARTIN said this center is not being planned to serve merely the neighborhood and that it should have more potential as a regional center, being the intersection of two major streets (127th Street East and Central), and with the improvement of U. S. 54. He said the plan involves an integrated shopping and office development which would have various enterprises normally found in such centers and where each would be of benefit to the other in an integrated manner to result in an advantage to all. MARTIN pointed out also that lenders are more interested in financing an overall center in a neighborhood such as this rather than downtown. It was stated by MARTIN that with shopping and office facilities distributed throughout a metropolitan area, this would tend to conserve gasoline because people would not have to drive so far for such services. He repeated that there is a tremendous amount of lender interest in this particular type of land use and he did not think it right to allot only 24 acres of commercial (6 on each corner), and say that will suffice for the neighborhood needs.

As for the point of public streets vs. private streets, MARTIN said all interior streets would be private and maintained by a homes association.

Referring to the density proposed, MARTIN pointed out that the density proposed covers only about 2/3 of the property and if spread over the entire 160 acres, it would be far below the density suggested by the staff as being acceptable. He said sewerage from the commercial area will not be nearly as much as it would be if developed for residences. MARTIN said they realize that when zoning is considered one must take a general concept of how such matters will be handled, and the City already has the ordinances and regulations necessary to assure proper development in that respect. First, however, he felt there must be some idea of the possibility of approval of a plan before one can get into the details necessary to determine how the sewer problems will be solved. MARTIN said they have had discussions with the County people and others involved in the sewer problem and the lagoon system can be utilized, and it is feasible from an economic standpoint, but he was not sure that it would be the best solution in the long range.

MARTIN said they have discussed the matter with Crestview people as to the possibility of enlarging their capacity or possibly moving it so that it can serve not only the Crestview area itself, but this area and additional property as well. He said they know this area is within the concept of what has been set forth for regional sewerage and since service on a regional basis is not available yet, the above two avenues are available and will be undertaken at the time of platting.

As for K-96 alignment (Northeast Circumferential), MARTIN said they are aware of the past history of this proposed route, and also recognize the fact that several more steps are necessary before such road actually becomes a reality, and when compared to the time involved in upgrading Kellogg to the west (11 to 13 years), it is indefinite when such will materialize. He pointed out that it will be sometime before the route is definite, acquisitions made and money paid and he felt the proposed development should be permitted to go ahead.

Regarding another comment in the staff report where reference is made to several major proposals on East Harry, all of which require sewer service, and which have not been developed, he considered it unfair to downgrade subject proposals just because development has not occurred on East Harry.

MARTIN said they felt what is proposed is not premature in view of the sales occurring around the Country Club and the number of people desiring to live in the area, and he felt the density proposed and the integrated commercial and office center would be very desirable in the area.

MARTIN maintained again that the Commission has within its power to require whatever is necessary to assure a desirable development through the platting requirements. He said they are merely asking for approval of the concept at this time and later they would submit detailed solutions as required in the platting process.

As for possible connections of streets in relation to the adjacent areas to the west and north, MARTIN said such could be given consideration at the time of platting; however, it was his thought at this time that it may not be necessary to have major connections because of the type of design being developed.

GRAGERT asked Mr. Martin to repeat his statements about the fact that there has been no development on East Harry, altho approval has been obtained. MARTIN said he did not consider it fair to say that just because development has not occurred on East Harry because apparently somebody doesn't have enough money to provide sewer service, that the same thing is going to happen in subject case.

GRAGERT felt the same reasoning could be applied to K-96, in that it is still in the planning process and just because allocation of funds has not been made was no reason to completely disregard what has been done and what is planned for the area.

GRAGERT reasoned that just because no acquisition has been made of the proposed right-of-way does not mean that it is not going to be developed along the route as now designated. He considered the argument as related to sewer services was equally applicable as development of K-96, and he felt that the Commission has an obligation to see that development of the Northeast Circumferential takes place.

HENNESSY commented that the political factor could step in and change matters as they now stand, and he did not think he would see the materialization of the Northeast Circumferential during his lifetime. He did not think the alignment had been pinned down, and he felt there has been some wavering. He did not think the plans for the Northeast Circumferential should be a part of stopping something that would benefit the area, the City and the County.

GRAGERT said the Northeast Circumferential would actually be a greater benefit to the area when it is developed, and that the present location has been agreed to at a joint meeting of the various agencies involved. He suggested that it will take another 50 years to get it developed if proposals such as being considered today are allowed to be developed right in the middle of the right-of-way alignment.

HILL pointed out that Comotara development was designed around the right-of-way alignment and suggested this proposed development could be redesigned to protect the alignment also. He commented further that if this development is allowed, then it is certain that the alignment will be changed because it would not be feasible to buy developed property as being proposed.

HILL noted that the plan does not take into consideration what the public has indicated they want preserved for the highway and, while the developer has a right to his own ideas as to what is fair, it was his opinion that the local Planning Department staff was probably more aware of the local situation, and he felt the Commission would be remiss in accepting a plan that has not considered the right-of-way and local planning. He stated that the developer has apparently not given any indication as to how the area will be sewered, and he referred to the difficulty in obtaining Federal funds for sewer construction.

MARTIN agreed that at this time they have made no proposal for serving the area with sewer, but that he did not consider it the proper time, and it would be discussed and resolved during the platting process. He said they have talked with the County Engineer with respect to eventually tying into a municipal type system and also with people at Crestview as to an alternate interim solution. As for financing, MARTIN said they are not depending on public funds for solving the sewer problem, and he again pointed out that the City, under its present ordinances and regulations, will require a solution to sewer service at the time of platting.

GRAGERT pointed out that if the change is approved and sewer service is not or cannot be provided, then a bad situation would have been created.

RISING said he could not vote favorably on this request on the basis of the present situation.

WILLIAM P. HIGGINS, attorney for the applicant, reminded the Commission that this is a logical corner for light commercial zoning, based on past actions of the Commission, so there should be no worry so far as it being inappropriate if what is being proposed now is not developed. As for the highway right-of-way, HIGGINS said as late as last September, there was the possibility of improvement of U. S. 54 West being turned down completely, so it is possible that the Northeast Circumferential right-of-way can change at some future time. He also maintained that through the platting process all requirements of the City and County must be complied with before the zoning is finally approved.

HIGGINS pointed out that if a provisional setback is required in the platting process and in the end the right-of-way is not taken, then they would have to redesign and go back through the platting process again. He maintained that the proposed right-of-way has not been ignored, and that they are merely trying to ascertain the feelings of the Commission as to the use of the land as proposed if the highway was not there.

GRAGERT said he was opposed to acting on the requests until more is known about the sewer and other items brought out by the staff, and that he cannot just assume everything will be taken care of through platting.

HIGGINS said they are not forgetting the sewer problem and other matters which will have to be resolved, and that they realize regulations of the City and County must be followed, which they are prepared to do in the platting process.

LAKIN said that he and James Aiken of the Environmental Health Division have coordinated in development of proposals for sewer planning to serve this area, and the City of Wichita also has responsibility within three miles of its borders. On a subject of this magnitude, he preferred to consider sewer and drainage matters now rather than later in connection with a plat. He indicated also that the market feasibility of such a venture should be considered. As for his comments in the staff report on the East Harry proposals, LAKIN said the promoter of one of those projects was in not too many months ago making the same "pitch" as Mr. Martin has made in this case. He felt the matter of providing sewer service for this general area is an issue that needs to be resolved at this time.

As for the highway right-of-way, LAKIN agreed that it has been in the planning stage for many years, but it is just now coming to a final acceptance as to location and he would like to see it materialize.

LAKIN said he was not suggesting the developer leave a 700-foot swath through the area for the right-of-way, but only that it be redesigned to protect the right-of-way, and that the street pattern be redesigned providing perhaps a loop street to major arterials. He was not sure that the problem could be solved at this time by merely saying it would be resolved at the time of platting, and that more information should be provided.

TAYLOR reminded the Commission that the Drainage Plan has been adopted, which establishes a policy and to approve this project would not be adhering to that policy.

MAX COLE, the applicant, agreed with what Lakin said, and asked for a deferral to work with the staff on a redesign along the lines suggested, and further consideration of sewer and drainage problems.

OTION: That a decision on the above two cases be deferred for 30 days so that the applicant and his representative would have additional time to confer with the Planning Department staff concerning the plan. Hopper moved, Rising seconded and it carried unanimously.

ELIZABETH KING, 352 Garnett, asked about the relationship of the proposed boulevard to Garnett Street and if the developer would be paying for the street. CHAIRMAN KAMEN said such questions could not be answered at this time. KING said there is a good sized lake to the south between Garnett and Jackson which is not shown on the map, which would be in the drainage area of any sewer system.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 27, 1975:

9a. Case No. SCZ-0336 - Max Cole requests change from "R-1" to "AA" for:

A tract of land in the southeast quarter of Sec. 15, Twp. 27S, Range 2E of the 6th P.M., described as follows:
Commencing at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East, said point being 50 feet north and 50 feet west of the southeast corner of aforesaid southeast quarter; thence along said north r-o-w line of Central Avenue bearing north 89°59'30" west a distance of 1,250.00 ft. to a point of beginning; thence bearing north 2°59'30" west a distance of 250 ft. to the P.C. of a curve to the left; thence along said curve to the left whose radius is 1,750 ft. and thru a central angle of 17°12'11" a distance of 524.93 ft.; thence bearing north 53°00'30" east a distance of 544.54 ft.; thence bearing south 89°59'30" east a distance of 80 ft.; thence bearing north 48°29'30" west a distance of 1,820 ft.; thence bearing north 36°29'30" west a distance of 387.16 ft. to the north line of said S.E. 1/4; thence along said north line bearing north 89°52'15" west a distance of 155.13 ft. to the northwest corner of said SE 1/4; thence along the west line of said SE 1/4 bearing south 0°00'00" east a distance of 2,607.18 ft. to the north r-o-w line of Central Ave.; thence along said r-o-w line bearing south 89°59'30" east a distance of 1,351.44 ft. to the point of beginning, and

A tract of land in the southeast quarter of Sec. 15, Twp 27 S, R2E of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter; thence along said west r-o-w line of 127th St. East bearing north 0°00' east a distance of 1,000 ft. to a point of beginning; thence bearing north 50°30'00" west a distance of 210 ft.; thence bearing north 54°00' west a distance of 945.88 ft.; thence bearing north 48°29'30" west a distance of 1,324.95 ft.; thence bearing north 36°29'30" west a distance of 47.83 ft. to the north line of said SE 1/4; thence along said north line bearing south 89°52'15" east a distance of 1,947.93 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing south 0°00' east a distance of 1,601.70 ft. to a point of beginning, and

Change from "R-1" to "LC" for:

A tract of land in the southeast quarter of Sec. 15, Twp 27S, R-2E of the 6th P.M., described as follows:

Commencing at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter; thence along the said north r-o-w line of Central Avenue bearing north 89°59'30" west a distance of 90 ft. to a point of beginning; thence bearing north 38°29'30" west a distance of 480.00 ft.; thence bearing north 28°59'30" west a distance of 680 ft.; thence bearing north 48°29'30" west a distance of 180 ft.; thence bearing north 89°59'30" west a distance of 80 ft.; thence bearing south 53°0'30" west a distance of 544.54 ft. to a point on a curve to the right whose tangent has a bearing of south 20°11'41" east; thence along said curve to the right whose radius is 1,750 ft. and thru a central angle of 17°12'11" a distance of 524.93 ft.; thence bearing south 2°59'30" east a distance of 250 ft. to the north r-o-w line of Central Avenue; thence along said r-o-w line bearing south 89°59'30" east a distance of 1,160 ft. to the point of beginning. All generally located on the northwest corner of 127th Street East and Central.

9b. Case No. CU-170 - Max L. Cole requests approval of a conditional use for establishment of a multi-family housing development on property being requested for "AA" One Family Dwelling District, described as follows:

A tract of land in the southeast quarter of Sec. 15, Twp. 27S, R2E of the 6th P.M., described as follows:
Commencing at a point on the north right of way line of Central Ave. at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter; thence along said north r-o-w line of Central Ave. bearing north 89°59'30" west a distance of 1,250 ft. to a point of beginning; thence bearing north 2°59'30" west a distance of 250 ft. to the P.C. of a curve to the left; thence along said curve to the left whose radius is 1,750 ft. and thru a central angle of 17°12'11" a distance of 524.93 ft.; thence bearing north 53°00'30" east a distance of 544.54 ft.; thence bearing south 89°59'30" east a distance of 80.00 ft.; thence bearing north 48°29'30" east a distance of 1,820 ft.; thence bearing north 36°29'30" west a distance of 387.16 ft. to the north line of said SE 1/4; thence along said north line bearing north 89°52'15" west a distance of 155.13 ft. to the northwest corner of said SE 1/4; thence along the west line of said SE 1/4 bearing south 0°00'00" east a distance of 2,607.18 ft. to the north r-o-w line of Central Ave., thence along said r-o-w line bearing 89°59'30" east a distance of 1,351.44 ft. to the point of beginning, and

A tract of land in the SE 1/4 of Sec. 15, Twp. 27S, R2E of the 6th P.M. described as follows:
Commencing at a point on the north r-o-w line of Central Avenue at the west r-o-w line of 127th St. East, said point being 50 ft. north and 50 ft. west of the southeast corner of aforesaid southeast quarter; thence along said west r-o-w line of 127th St. East bearing north 0°00' east a distance of 1,000 ft. to a point of beginning; thence bearing north 50°30'00" west a distance of 210 ft.; thence bearing north 54°00' west a distance of 945.88 ft.; thence bearing north 48°29'30" west a distance of 1,324.95 ft.; thence bearing north 36°29'30" west a distance of 47.83 ft. to the north line of said SE 1/4; thence along said north line bearing south 89°52'15" east a distance of 1,947.93 ft. to the west r-o-w line of 127th St. East; thence along said west r-o-w line bearing south 0°00' east a distance of 1,601.70 ft. to the point of beginning. All generally located on the northwest corner of 127th St. East and Central.

GALBRAITH said he had just learned that some presentation maps had failed to reach the Planning Department and that the agent for the applicant may want to request a deferral of these two cases.

RALPH MARTIN, representing the applicant, said that since the last hearing and as requested by the Commission, he has met with the staff and discussed adjustments and alternatives in the plan, and that a revised plan which was a part of that discussion was apparently not included in the submittal package, and he would like to have additional time for both the staff and the applicant to meet again, and he did request a deferral until the next meeting of the Commission.

R. W. HAYDEN, 11811 East Central, a property owner in the area, expressed opposition to a deferral inasmuch as he and others in opposition have taken off work to be present, and also because the notice to adjacent property owners had indicated any deferral request should be made at least 7 days prior to the meeting. He felt that the applicant should have been prepared to submit his proposal at this time in view of the length of time it has been under consideration, and he also felt that it would be unfair to those present in opposition to defer these cases.

MARTIN said he was fully prepared to present their plans, but felt that the City staff possibly would be at a disadvantage in not having the other map. However, when questioned, CALBRAITH indicated that he did not think a deferral was necessary, and he thought the applicant was prepared to answer those questions raised by the staff concerning sewer and drainage, public vs. private streets, the amount of light commercial requested, etc.

MARTIN said he would be happy to make a full presentation at this time.

CALBRAITH then pointed out the area on the map and reviewed the following staff reports:

Comments

1. The applicant is requesting a change of zoning from the "R-1" Suburban Residential District to the "AA" One Family Dwelling District (approximately 103 gross acres), and from "R-1" to "LC" in excess of the existing "LC" (approximately 3.2 gross acres), making a total of approximately 20 gross acres of "LC" located at the intersection of two major streets (Central and 127th Street East). In conjunction with this application, the applicant has filed a Conditional Use request (CU-170) to permit the construction of a series of multiple family dwellings on that area being requested for "AA". The intent section of the "AA" District requires this district to be used only when municipal services (water and sewer) are available.

103 gross
?
20 "LC"

2. Subject application and the associated conditional use case (CU-170), were previously considered by the Planning Commission at the regular meeting of January 9, 1975. At that time, several questions were raised by the Commission regarding drainage, provision of municipal type sewer, and the failure of the applicant to consider the projected alignment for K-96 (North-east Circumferential), which bisects this quarter section. At the request of the applicant, the cases were deferred in order to allow the applicant to meet with the staff and attempt to develop solutions to the problems identified. The applicant has now amended his application to exclude that portion of subject property which lies within the proposed alignment of K-96 thereby reducing the amount of "LC" Light Commercial zoning requested to 20 acres, and has submitted a site plan proposal which allows for inclusion of the highway right-of-way at a later date if the K-96 freeway proposal is not realized.

Jan 9-

3. It should be noted that the County Zoning Resolution permits multiple family dwelling units as a Conditional Use in the "AA" Single Family District. The applicant has submitted a plan proposing a mixture of patio homes, garden and cluster townhouses, and apartments. The total number of units proposed is 688 at an overall density of 5.69 per gross acre. It is difficult to determine what streets are proposed as public or private streets, however, the plan does not suggest public streets tying into adjacent quarter sections. This problem of public vs. private streets, and their location, will have to be resolved at the time of platting.

4. Although the applicant has amended the proposal, several major problems remain, such as the large amount of proposed commercial, drainage, the lack of available municipal sewer, or a plan for sewerage disposal. Although at the previous hearing the applicant stated that sewer and drainage problems would be handled at time of platting, several Commissioners expressed the opinion that these problems were too important to overlook at this time, and the applicant was requested to provide alternate proposals for provision of these improvements; no proposals have been submitted as of yet and the applicant should be prepared to discuss these issues.

Until sewers are available, or until there is a definite sewer proposal, it would appear that development is premature. This site is in the upstream side of Four Mile Creek. Sewer is on the Crestview Country Club, but lacks additional capacity. The natural flow is to the south, thence east. Although interim plants could be designed, past proposals using similar approaches have not been fruitful. It should be noted that several major projects have been proposed on East Harry, all of which require major investments for sewers, and as a result, no development has yet occurred. In today's age with concern about our environment, and with local concern as to the development of a logical and efficient sewer system for the eastern area, encouragement should be given to the development of downstream properties first and then upstream, with a minimum of leapfrogging and inefficient system development. It cannot be expected in the near future to receive federal assistance for these plants, thus any proposal will have to be financiable entirely by the applicant.

5. Another factor to consider in regard to this application is the amount of "LC" proposed. Taking into consideration the existing 21 acres of "LC" zoning at the other three corners, it is difficult to justify the 20 acres requested. The Planning Commission may want to consider requiring the applicant to provide justification, such as market studies and absorption rate estimates, as to why additional "LC" is needed in this area and at this time.
6. Because of the nature of the problems involved, the staff is still of the opinion that the project is premature. However, if it is determined that the project is justified, a recommendation of approval should be subject to platting within three years from the date of approval by the Board of County Commissioners.

Case No. CU-170

Comments

1. The applicant is requesting a Conditional Use permit to construct multiple-family dwellings on property being requested for "AA" One Family zoning (SCZ-0336).
2. The County Zoning Resolution permits multiple-family dwellings in the "AA" Single-family district as a conditional use. It further provides that there shall be 1 1/2 off-street parking spaces for each dwelling unit. It should be noted that any multiple family structure developed in the "AA" zone is subject to the same height requirements as single-family dwellings.
3. The applicant has submitted a general site plan indicating building locations for multiple-family dwellings, circulation and density. The plan does not differentiate between public and private streets, nor does it provide information on how it is proposed to provide a municipal type sewer system to subject property.
4. Depending on the action recommended on the associated zone case, the following conditions should be considered in the approval of the conditional use request:

- a. Uses permitted shall be limited to multiple-family dwellings, including patio homes, garden and cluster town-houses, and garden apartments.
- b. The platting of the property within three years from the date of approval by the Board of County Commissioners; or the application be considered denied and closed.
- c. No less than one and one-half off-street parking spaces shall be provided for each dwelling unit.
- d. The density shall not exceed that established as the capacity limit of the Four Mile Creek Sewer Basin in the officially adopted Sewer Plan as modified by Planning Commission policy statement, which sets an original level of 4.1 dwelling units per acre to a modified level of 7 dwelling units per acre.

GALBRAITH expressed appreciation to Mr. Martin and the applicant for addressing the issue previously raised concerning K-96 proposed right-of-way. He pointed out how the plan has now indicated how the right-of-way could be reserved until final decisions are made on the alignment and, if for some reason, K-96 is not constructed, the proposed development could be extended from each direction into the reserved area.

When questioned as to the staff's position on the amount of light commercial requested, GALBRAITH said that is a major concern, and that it was the staff's feeling that the entire development is somewhat premature because there has been no apparent solution to the sewer and drainage problems raised previously.

RALPH MARTIN explained that they propose three different types of low density residential development and a commercial area which, if K-96 is not constructed, would be approximately 30 acres in size, amounting to about 300,000 square feet of shopping and office space. If K-96 (Northeast Circumferential) right-of-way is taken, the total tract will be reduced from 160 to about 103 acres.

MARTIN said apparently the overriding issue is whether or not the development is premature, and it was his opinion that in view of other plans for development around the Country Club area, and the interest and support from those who understand where development is logical, it would not appear to be premature. As for sewer service, MARTIN said it is under study by the engineer for the project, and he felt the term "premature" doesn't actually have a direct application so far as sewer.

Another point to consider so far as the size of the commercial requested and its relation to development or demand for commercial on Kellogg, if K-96 is built, it will obviously change the whole relationship of the two roadways (Kellogg and K-96), and in subject case, development far in advance of K-96 is being anticipated. Further, the County has designated important intersections for neighborhood type shopping facilities, which is different from the commercial being considered, and he thought subject property was appropriately situated to accommodate the development they are proposing. Just because Kellogg has attracted commercial in the past doesn't mean there is no other logical place. He questioned what harm the commercial requested would actually be to the area, and he felt that it would not harm the neighborhood investments or investments in housing, but would provide a valuable service and a tax base. MARTIN pointed out that if and when K-96 is built, none of the other commercial areas at this intersection, except the one to the south, could actually be built because the commercial will be absorbed by the right-of-way.

WILLIAM KELTNER, engineer, said his firm (PEC) has been contacted about development in this particular area for a number of years and has worked on several projects other than this one. The overall proposal so far as sewer service for this area is three-pronged.

KELTNER said he has discussed with the County Engineer as to service in the area. On an interim basis, the applicant is proposing a temporary nondischarging lagoon type system, which would eventually be phased out by the development of a municipal type system possibly in Butler County which would serve this area. He felt this interim system would last two or three years and would be phased out before the highway is built. He said the system proposed would be similar to one now operating at the Sedgewick County zoo facilities and in Timberlakes. It was pointed out that it is proposed that this interim type system would serve 200 to 300 dwelling units.

200-300
DU's

The second stage for sewer service, KELTNER explained, would be in cooperation with Crestview development to the east. At the present time, the system is not large enough, but plans are underway for its enlargement for not only additional development associated with the Country Club holdings, but also to accommodate the development being proposed by subject developer. The Crestview system will in time be tied into the municipal system being proposed by the County in the Four Mile Creek area.

Stage three of sewer service would be when the municipal type system proposed by the County is completed to serve the eastern part of Sedgewick County and western part of Butler County. KELTNER said the applicant has already petitioned the County in this respect. KELTNER pointed out that the report prepared for the Crestview Country Club by Reiss and Goodness, Engineers, anticipated serving additional areas in the vicinity in time.

When questioned as to timing of the Crestview sewer service system, KELTNER indicated it should be available in about 1 1/2 years. GRAGERT commented that it seemed a sewer system was being built on a lot of "ifs", and asked for more specifics of the plan.

SAM CATANESE, counsel for the applicant, said it is anticipated that by August of 1976 plans for relocation of the Crestview facility will be determined, the benefit district established, and there is the right of eminent domain for relocation. When questioned further, CATANESE said the County Engineer has recommended and approved the plan which would allow construction of the nondischarging system to serve 200 to 300 units, but when pressed for a date for utilization of the improved Crestview system, CATANESE said he could not give a definite time, but that petitions have been filed with the County. He said the County Engineer has recommended a 3-year period for use of the nondischargable system and that a platting requirement will be for proper handling of sewer service. As a result of further questioning, CATANESE said in discussions with the County Engineer, it was agreed that such a system could exist for even 10 years as long as not more than 200 to 300 units were served. As for the life of the temporary plant proposed, KELTNER said it would be for 20 years, being the lagoon type system, and he referred to one in Timberlakes area which has a 20 to 30 year life span, depending on the mechanical durability of such a construction.

KELTNER said the three-pronged proposal has been discussed with the County Engineer and it was his understanding it had been discussed with the Planning Department staff.

In further discussion, KELTNER indicated that if the Crestview expansion moves fast enough, it is possible that the first method discussed could be eliminated, and development of 200 to 300 units could be tied directly into the Crestview system. As to whether or not there was a contract with Crestview at this time, CATANESE said they have made arrangements with them, and that there will be cooperation, and the expansion of the system will be based on serving subject development.

KELTNER next brought up the matter of surface drainage, and said it has been discussed with the Flood Control Office and they will make certain requirements which will have to be complied with. When questioned about the affect of drainage on the right-of-way for R-96, KELTNER said the Highway Department will take care of its own drainage northeast of the right-of-way and the area southwest of the right-of-way would have to be handled by the applicant.

MARTIN spoke again concerning private vs. public streets, and he pointed out on the plot plan those proposed for private and public and the fact that those proposed for private would be maintained through a homeowners association in the individual developments. 127th Street East would be public with two means of ingress and egress from the subject development. MARTIN pointed out also that this is something to be considered at the time of platting, as well as the matter of proper sewer and drainage service. As for surface drainage, MARTIN felt that with the development of K-96, the amount of land needed to accommodate a 100-year storm will be decreased.

MARTIN stated he felt that every issue that has been raised has been met or will have to be met in an acceptable manner as development progresses.

GRACERT asked how it was planned to operate across the highway, and MARTIN said they do not need to have access across the highway, and that each area (on both sides of the right-of-way), can be developed independently.

When asked if a market analysis had been prepared, MARTIN said they have marketing information which they use as a basis for consideration, but do not have a formalized market report, and it is all whether or not the area can support 300,000 square feet of shopping development, and it was his opinion that it would. In further discussion, MARTIN said he felt there would be sufficient residential development to support the shopping facilities proposed within 5 to 7 years, and while the development is not there now, plans must be made to accommodate such development when the service is needed.

HENNESSY asked how soon development would occur if this request is approved and he cited several other areas which have been approved for this applicant and yet very little actual development has occurred. MARTIN said his firm did the land planning for Farmington Square and the architectural plans are being drawn up now, and the applicant is also the developer of Lincoln Meadows at Lincoln and Webb Road which is now under construction. CATANESE said they have just recently put up \$600,000 for roads and other public improvements in the Farmington Square area. There was more discussion as to projects in various stages of development by the applicant. In the case of Farmington Square, WILLIAM P. HIGGINS, attorney for the applicant, said they are waiting for the City to install streets and sewers and they cannot start construction until there is a street. At Lincoln Meadows there is \$700,000 worth of air conditioning equipment in the warehouse and construction has started on this \$5 million dollar project. HENNESSY was concerned that possibly city staff might be the cause of delay in development; however, HIGGINS said they had received total cooperation from all city staffs.

RISING said he had not been convinced that the amount of light commercial requested would be appropriate. HIGGINS pointed out that on all four corners six acres had been zoned, but that the highway will eliminate three of those corners, the one remaining being the southwest corner.

ELIZABETH KING, 352 Garnett, was concerned for the possible contamination of a small lake in the area with the development of the sewage treatment plant. She said the lake is the natural drainage and is private property and a great deal of money has been expended to keep it up and a nice fishing area.

KING also pointed out that there are two streets off of Central into the south housing area on Garnett and Jackson, and wondered where the roads off of Central into the new development might be in relation to the residential streets. She pointed out also that the west line of subject tract is the west edge of the Andover School District, and she wondered if it was the idea that when developed it will be included in the Wichita School District.

GRACERT asked if access would be at Central and 127th Street interchange, and if so it will require more land than what the diagram shows. LARIN said the right-of-way line on the map shows anticipated requirements for the interchange.

KELTNER said the sewage system would be non-dischargeable and there would be no effluent whatsoever to pollute the lake referred to by Mrs. King.

RICHARD MASSEY, 329 Garnett, said he lived on the lake, and in view of the amount of drainage now, he doubted that the sewage could be contained in the system proposed. He also asked who would maintain the roads in the proposed development in that he is on the township board. He said in Crestview area they were supposed to be maintained by the City, but the City had not maintained them as yet.

KAMEN said in this proposal, if a public street, they would be a part of the County system and the County would be responsible for such maintenance, or passed down to the township for maintenance. MASSEY asked if the roads would be large enough to be maintained, and CHAIRMAN KAMEN said such matters would be decided by the Sub-division Committee at the time of platting.

HENNESSY referred to the fact that the County has recently created a Department of Public Works, and that the Environmental Health Director (Aiken) had brought up the fact that sewerage is being dumped in the County and that such a situation was going to be corrected. In view of this, HENNESSY thought it could be assumed that there would be no illegal dumping or channeling of sewerage or surface drainage. As for the road system, he pointed out that it must be approved by the County Engineer, and once it is put on the County road system, it is turned over to the township for maintenance.

R. W. HAYDEN was critical of the plan for sewer service to the proposed development and thought it would be very difficult to build a pond of any kind that would not overflow. He failed to understand the proposal to put a pump station at the lower end and pump back to the highest (which had been explained by Keltner in connection with Phase 1 of sewer service), which is 3/8 of a mile. He was critical also of the plan to handle drainage as explained in Phases 2 and 3 when there is City of Wichita sewer only 1/2 mile east of Greenwich Road and 1/2 mile north of Douglas, which is the present termination of the City sewer system.

HAYDEN stated the residents of the area are there because they like open spaces and not being crowded so close to another residence, and he pointed out that the single-family homes in the area generally are on 5 acre tracts and cannot be benefited by an increased density of 7.18 units per acre.

HAYDEN questioned whether the proposed sewage facilities would operate successfully, inasmuch as the present single-family homes, at times, have problems with sewer laterals even though on as much as 5 acres of ground because of the clay type soil. He said the lowest point of drainage is to the southwest corner of Central and within 300 feet of four residences and within 500 feet of six homes. Further, he reminded the Commission that a density of 7.18 exceeds and violates the limit of 4.1 unit established in the Four Mile Creek sewer plan which raises a question of whether it jeopardizes the contribution of any Federal participation in the Four Mile Creek sewer basin which has already been approved.

HAYDEN said the lake previously referred to is quite large and is within 60 feet of his back door and flows about 300 feet to the southwest and about once a year the lake overflows the trickle pipe and the overflow they have, and runs over the top of the dam. HAYDEN thought the plan was premature as the developer has not offered any concrete proposal with which the adjoining property owners can agree or be in favor of.

HAYDEN submitted a notice to adjoining property owners from the State Highway Commission indicating the recommendation of the City and County Commissions, as well as the Planning Commission, as to the location of the Northeast Circumferential, and which was approved by the Highway Commission and recommended to the Federal

Scott - Desired that applicant meet
with the people and attempt
to resolve the differences.

Time given to the applicant to
meet again with the people.

Hale - General lack of communication -
needs more meetings

Higgins - That they had met with the people but
only Mr. Haden came.

Mr. Mancey, O'Hara, King and only Mr.
King was called for a meeting.

Sam Cartney - Did call Mr. ██████ Haden

Scott - Refer back to the P.C. for further
Hale studying

3-0 -

government for favorable action. HAYDEN thought the plans were premature, and he brought out the possibility of speculation by investors who might buy land, get it rezoned and thus obtain more money when condemned or required for highway improvement.

HENNESSY recalled that there have been numerous alignments proposed over many years for this highway, and now it is apparently becoming more of a reality. HAYDEN referred back to the question of how would owners benefit by this development, noting that something zoned commercial or high density would demand a higher price than farm land.

Until utilities, especially sewer, is provided in the proposed high density area, HAYDEN thought the Commission should deny the zoning, and to do otherwise would hint that the proposed change is requested not to build units, but multiply many times the price the government might pay for the right-of-way.

Objection was also offered by Mr. Hayden to the large amount of light commercial requested, inasmuch as there are presently 24 acres on the four corners of 127th and Central zoned for light commercial for sometime and yet no development has occurred. HAYDEN considered it a selfish plan on the part of the applicant and a desire to join with Crestview to the detriment of other people in the area.

KELTNER spoke again to point out that sewer service from the City of Wichita is not contemplated because the lift station would have to be completely rebuilt and the city interceptor sewer is already handling service beyond its capacity, and in the Sewer Plan it is indicated that any sewerage within the Walnut River Watershed shall be handled by the Sedgwick County sewer facility to be constructed.

CHAIRMAN KAMEN brought up the matter of 4.1 units per acre being modified to 7 as proposed in the plan. KELTNER said it was his understanding that the original plan on 4.1 units per acre was amended to now permit 7 units per acre.

Discussion was had again as to the lagoon system proposed as phase one to handle sewage. KELTNER explained that the standard lagoon type design takes into consideration the annual rainfall, amount of evaporation and amount of effluent to be pumped for a full year, and that any design must be approved by the State Health Department and there would be no overflow. Such a system also requires the approval of the local health department.

CHAIRMAN KAMEN explained that so far as the highway announcement brought up by Mr. Hayden, it is notification that the State is recommending to the Federal government the designated right-of-way and it is not the final action to pin down the alignment.

KELTNER pointed out that the right-of-way shown on their plan is the same as referred to in the notice.

GARDENHIRE asked the staff if the discussion so far had allayed any of their fears so far as prematurity.

LAKIN said he has been assured by the County Engineer that there is no need to worry, but that he is not reassured. The proposal for handling the initial 200 to 300 units can be accomplished. LAKIN continued that he had not heard sufficient evidence relative to the Crestview issue, and while he was sure they are planning to expand the facilities, what happens if the Health Department says that it is not the way the sewer was supposed to flow anyway. It is supposed to go south and then into the Four Mile Creek. Thirty acres of light commercial and the number of units proposed, unless all the sewerage can be treated on the site, is a long ways from handling the rest of the sewage.

John Cosburn

Concerned with being placed in a sewer benefit area. 5-7 cents per sq ft?

Mr. O'Hara South of Central

Jerold Jones property owner east of 127

5 DU's per acre surrounded by open space.

4.4 per acre on their own land.

1 DU per acre for total of 640 acres.

640 total units on the square

101 families now residing

Have not made any comment on sewers. Their improvement district will have an election this year so it is not known what the position will be.

Another settlement $\frac{1}{2}$ mile to the south.

Willie Jones speaking for Mrs Blake who objected to sewers, trapping.

Mr. Stearn

145 127th Street outside the 1000 ft area. Concerned with dot on Kellner's map across from his house.

Another man

Concerned with high density.

Another man concerned with high density

Higgins Highest & best use is what the appraisers look at - 33 acres not included in the application - Sewers appear to be the major problem.

Martin No ~~colusion~~ collusion between the engineer -

Mr. Hoden - object to a private sewer system that the tax payer will have to support - No comparison in 600+ units with no setbacks and open space with that of Crestview at 1 per acre over all.

CATANESE said they are aware of some problems, but in view of the high cost of handling sewer and drainage, engineering, etc., they prefer to know if their proposal is acceptable so far as zoning and the conditional use proposed prior to obligating themselves for such costs.

HOPPER asked if it would increase the appraisal of right-of-way needed eventually if the request for rezoning is granted and development occurs as opposed to rural farm land.

HIGGINS answered that the condemnation statute provides that condemnation authority must be for the highest and best use of the property; the court appoints appraisers and then if there is any argument the matter is taken to court and the appraisers determine the highest and best use, and in this case he stated there is no way that it would be on the basis of agricultural land. The statutes provide that it be based on the highest and best use regardless of the zoning. GRAGERT commented that even if not zoned "LC", it is possible the appraisers would consider it as a potential "LC" use.

DUANE O'HARA, 12123 East Central, said the proposed lagoon would be right north of his property and with the soil as it is, he did not think it would evaporate as represented and if it does overflow, it will be on his property. O'HARA asked also if the proposed interchange might have any bearing on Central so far as the possibility of needing more width. KAMEN answered that no one can tell what the interchange might require, but if it does require widening, the property owners would be compensated.

GARDENHIRE felt the plan is premature and was concerned because of the staff's feelings on sewer service, as well as the large amount of light commercial requested.

KAMEN referred to the leap frogging of development which seems to make it premature, and he considered the sewer matter of prime importance. He thought 20 acres of "LC" was justified for the large tract of land and the density is being resolved to comply close enough to the standard that it can be acceptable. The matter of sewers, however, he considered of major importance to the entire area and suggested the plan is premature on that basis.

HENNESSY agreed that 20 acres is not too much "LC" because there is nothing else in the area and for the lagoon system, the Board of Health "frowns" on septic tanks, and with the tying into the Crestview system and eventually the County sewer facilities, it could be of benefit to the area in general.

GRAGERT too thought it was premature and that the sewer is certainly a factor. He thought it might be justified in the future, however. He recalled that the applicant had indicated the area could probably not support such a shopping center as proposed for 5 to 7 years if everything goes according to their plans.

KAMEN brought out that commercial areas are not developed until there are sufficient residents in the area to support a center.

GRAGERT commented again that he thought it was premature; too many "ifs"; no definite idea of where facilities would be located; no market survey, and the plans for sewerage the area is based on assumptions.

GARDENHIRE asked if the applicant could tighten up his plans for sewage disposal, would this make the plan any more acceptable. KAMEN said anything concrete would be better.

HOPPER suggested that since the applicant is willing for a deferral, it might be wise to defer so he could meet with the staff and attempt further to resolve some of the problems brought out.

RISING pointed out that the requirement that it be platted within three years provides some control. He thought the matter of sewer should be considered along with a plat and he did not think

Summary Insertion

Get high density. Neighborhood is confused
"LC" is not too much 24 acres is already
existing.

Regarding Schools - expressed concern that area will
be developed as a slum

Drawings - Platting Process will handle

Premises - long and stretching - not occurring as

Hale - Average \$ value of each unit -

Patio homes - priced \$50,000 per unit.

Apartments - no rental range yet established
Would not construct anything that
would adversely affect their patio
homes.

Opposition

R.W. Haden

Location Approval has been granted - notice in yesterday's
mail.

Object to open pond type sewerage system

103
7
110 Extend sewer 1800 ft sewer south of Central -
connect to great concrete and pump sewer to the
layoff 900 ft north of Central.

Opposition would not be happy if sewer was extended
south of Central

Mr. King

Concerned with school district
Concerned with cost of development.

Chuck Eric Peterson - Unified School District

Concerned with recent to bond election that has
been defeated. Concerned with increased number of pupils
questioned whether or not it would develop rapidly

School Board does oppose until more facts
pertaining to timing are known.

16 students from Centerville - 9 others attend schools in
Wahkiakum

it could be considered premature when they want to do something, and favored permitting some type of development, although he was not in favor of permitting more money in case of condemnation. GRAGERT brought up again the fact that whether rezoned or not, the value of the property would be allowed in any condemnation. LAKIN again reviewed the condemnation statutes so far as appraisal of land for its highest and best use and not on the basis of zoning.

TAYLOR brought out the fact that the Commission has adopted the Sewer Plan which amounts to a policy, and was in favor of adhering to the policy, even though in several past instances it has not been observed in approving some developments. She was not in favor of "hopscoching" development and she considered the plan even more than premature.

GOEBEL said he was in favor of letting the developer replat because he could not see bringing in a plan on both sides of the highway. He referred to Ridge Plaza where condemnation allowed over ten times the amount of money, because it was zoned and a development had been approved. He considered the request premature, and when questioned about the prematurity of Crestview, GOEBEL pointed out that they have a golf course and are developing everything around it, but subject case is over 1/2 mile away and across the street.

HENNESSY wondered if there was a chance of compromise, and KAMEN felt there are safeguards which will protect the adjoining properties and he did not think the highway would have any bearing.

GOEBEL brought up the fact that most plats must be filed within a year's time after approval of the zone change request, but in this case, it is proposed to be three years. LAKIN explained that a project of this size, the lack of sewers, and variety of uses would require more than a year for processing.

HENNESSY commented that sewer service will eventually be installed in this area, which will increase land values and eliminate the isolation the present residents to the south desire, but he was inclined to feel that it would be an asset rather than a liability to the area.

MOTION: That the Planning Commission recommend to the County Commission that SCZ-0336 and CU-170 not be approved. Gragert moved, Taylor seconded and it carried by a vote of 5 in favor (Gragert, Taylor, Goebel, Kamen and Hopper) and 4 opposed (Rising, Bayouth, Hennessy and Gardenhire). Savina absent.

Ralph Martin

Plotting Process - Sewers can be handled
at that time -

Cluster Fairbome Patrick Home Carde Tombs
Garden Apartments

"LC" not proposed as a neighborhood shopping center -
integrated neighborhood = office complex -

Orderly Process -

Martin questioned the reports being made for more detail
on orders and that creation was first approved
6 years ago and development has ~~not~~ not yet been
completed.

688 units maximum

Combination of public and private streets -
Park Lane represent public streets
Other interior streets private

William H. Keltner

Explained sewer system in the 4-mile creek.

- + letter petition has already been submitted to the Co
Comm requesting sewer service.
- + ultimate system might include a system in the 1/4 section
at the S.E. corner.
- + Interim - actual treatment system on their own site
centrally located - non-discharge lagoon in center
of their own site. Collection system at low point
pumping back into the system.
- + 2nd Phase - discussion with the Crestview Apartment
District. At time it is expected it might become a
County System, using the same pumping system.

Ralph Martin

Shaded areas accommodate 100 year storm.
Plotting process will resolve that issue.

AGREEMENT

This agreement is made between Max Cole and Associates, Inc. of Wichita, Kansas, and the undersigned parties of the first part, hereinafter referred to as DEVELOPERS, and:

Donna O'Hara and wife, H. J. Landwehr and wife, R. Kenneth Smith and wife, Richard Erics and wife, and R. W. Hayden and wife, as parties of the second part, hereinafter referred to as LANDOWNERS.

DEVELOPERS desire and propose to develop the southeast quarter section of section 15, Township 27S, Range 2 east of the 6th principal meridian, and otherwise described as the quarter section immediately north-west of the intersection of 127th Street East and Central Avenue, Sedgewick County, and hereinafter referred to as QUARTER SECTION.

DEVELOPERS propose to develop said QUARTER SECTION into hi-density multiple-family dwelling, and light commercial usage in an area now zoned for One-Family & Urban dwelling. DEVELOPERS have requested change in zoning. All of which LAND OWNERS object.

Therefore: In consideration of the mutual benefits to be derived by DEVELOPERS and LAND OWNERS it is hereby agreed, that:

Prior to completion of the first dwelling for occupancy on the QUARTER SECTION, the DEVELOPER, at his own cost will engineer, construct, and install at or within one hundred fifty (150) feet of the south-west corner of said QUARTER, being the lowest natural point on said QUARTER, a sewage lift pump which meets the design standards of the engineering department of the State Health Department. The purpose of said sewage lift pump to move the raw sewage through forced sewer main to a point no less ^{than} ~~less~~ than one hundred feet (100) north of the north line of Central Avenue where DEVELOPERS will construct a lagoon type sewage disposal plant capable of treating the sewage of the maximum number of dwellings and commercial buildings to be built by the DEVELOPER. Prior to beginning any type construction, DEVELOPER will furnish an exact plat showing the proposed building

*Submitted
by Skaggs
to BLO
6/18/75*

sites and the proposed utility and sewer lagoon location. DEVELOPER will concurrently furnish a statement from the appropriate public health authority that the proposed systems meet or exceed the minimum requirements for subsequent annexation to any future Eastern Sedgwick County Sewer System, Four Mile Creek Basin Sewer System, or a public sewer system by any other name serving the same area.

The LAND OWNERS being opposed to the building of any hi-density tenement type dwellings which could in future years become an undesirable area, the DEVELOPER warrants that only tenant owned multiple family occupied dwellings, commonly known as condominiums will be built or sold. *outside the area zoned light commercial.* DEVELOPER will at his own expense engineer, plan, install, and connect a gravity flow sewer collector main along the south side of Central Avenue from a point beginning at the east property line of a tract owned by R. Kenneth Smith, west to the west line of a tract owned by R. W. Hayden. LAND OWNERS will each grant to DEVELOPER an easement of ten feet (10) immediately south of their respective north boundaries. Said collector shall be of a size as to meet the minimum standards set by the Sedgwick County Engineer for subsequent connection to a public sewer system. It is agreed that once installed, the sewer collector shall become the property of the LAND OWNER across whose land the collector crosses, and will not be subject to further assessment. LAND OWNERS agree to pay to DEVELOPER a monthly sewage fee of two dollars fifty cents (\$2.50) for each dwelling connected. DEVELOPER agrees that there shall be no connection fee provided that each affected LAND OWNER shall bring his sewer pipe to the collector during the time of construction.

All these things done, the LAND OWNERS feel that their adjoining property will not be damaged by the proposed zoning change ^{and} agree not to appear either in person or by attorney in protest of any rehearing of the zoning request. *reopening application.* Recognizing that there are two present dwellings on the north side of Central, and one vacant building lot, it is agreed that these owners, or future owners may join, and connect into the gravity collector heretofore mentioned provided they, at their own expense shall bring their sewer lines to a point of connection at

their own expense, and further provided that connection shall be made without any cost to either DEVELOPER or LAND OWNERS. Further that either or any of these persons shall pay to the DEVELOPER a monthly fee of \$2.50.

This agreement shall be binding and have full effect on the heirs, successors, and assigns of the DEVELOPERS, AND THE LAND OWNERS, and have the same force and effect as though the heir, successor, or assign had been an original party to the agreement. Dated this ____ day of April 1975.

Party of the first part:

Max Cole & Associates by _____
title

Acknowledgement

Seal

Parties of the second part:

_____ and _____ his wife

Acknowledgement _____
seal

_____ and _____ his wife

Acknowledgement _____
seal

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*