

Parson
4-25-65

ACTION

DATE

COMMITTEE

M.A.P.C. Depts 2 weeks 5-6-65
Mose Survey 5-20-65
~~B.C.C.~~ CAAR Approved Plan 7-6-65
B.C.C. as last submitted to P.C.

DP-8 - UNIVERSITY GARDENS Residential
CUP, on the east side of Oliver in an
area between 21st Street & Looman

Map No. C-8
Sec. 1
Twp. 27
Range 1E

DATA SHEET
COMMUNITY UNIT PLAN

DP- 8
Z-
Filed 4-22-65

APPLICATION REQUEST: Approval of proposed planned residential development.

1. Applicant Vern Pauley
Address _____ Phone _____
2. Agent _____
Address _____ Phone _____
3. General Location On the east side of Oliver in an area between 21st St. & Looman Address _____
4. Proposed Use Town houses and apartment units

AREA DATA

1. Acres 21.26 (_____ ft. by _____ ft.)
2. Existing Zoning _____ Proposed Zoning _____
3. Area ~~xxx~~ (is not) platted. _____ Addition _____
4. Existing R/W _____ ft. _____ ft. _____ ft.
_____ St. _____ St. _____ St.
Proposed R/W _____ ft. _____ ft. _____ ft.
_____ St. _____ St. _____ St.

HISTORY

PROCEDURE DATA

1. MAPC Meeting:
Date Action
5-6-65 Refer 2 weeks
5-20-65 Deny
2. Governing Body
Date Action
7-6-65 Approved Plan as last submitted to P.C.

NOTES:

Glen Lytle, Superintendent of
Central Inspection
Jack H. Galbraith, Senior Planner, Regulations Division

July 7, 1965

DP-8 - University Gardens Residential Community Unit Plan

At its regular meeting on July 6, 1965, the Board of City Commissioners considered the above-captioned Development Plan. The action of the City Commission was to approve this Plan under the Community Unit Plan provisions of the Zoning Ordinance. Attached for your files is a copy of the Development Plan which was approved by the Commission.

Please note that this property is still unplatted and necessary public streets have not as yet been dedicated. This has only been submitted in Sketch Plat form.

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

JHG:bgs

Attachment

13. Case No. Z-0632 - Vern G. and Lodeska Pauley request change from "AA" to "B" for the Southwest quarter of the Southwest quarter of Section 1, Township 27 South, Range 1 East, except the south 570 feet thereof and except the west 250 feet thereof. Generally located at the northeast corner of Oliver and 21st Street.

CALDWELL pointed out the area on the map and reviewed the following comments and recommendation:

Comments

1. The Sketch Plan for Land Use and the initial work on the Land Use Plan indicated that this particular area should be developed for residential use.
2. The applicants have requested that this property be rezoned to a "B" Multiple Family classification, which will enable them to construct the proposed garden apartments on the property.
3. The "B" Multiple Family district requires only 300 square feet of lot area per family, which would permit approximately 1650 units to be constructed on this 19.6 acre tract. It should be pointed out that there are unlimited height restrictions as long as adequate building setbacks are provided.
4. The applicants have submitted a Sketch Plan of this particular area; however, no provisions have been made for the dedication of interior public streets. It is the opinion of the staff that some provisions should be made to guarantee adequate interior traffic circulation in this area if the zoning application is approved.
5. The property lying between the south line of this tract and the north line of 21st Street is zoned "IC" Light Commercial and it is the understanding of the staff that the applicants intend to construct a shopping center on this property.
6. It would appear that the "B" zoning would be a logical buffer between the "IC" zoning to the south and the "AA" zoning to the north, if controls can be provided to assure medium density, and if excessive building heights can be controlled to maintain compatibility with existing single family residential districts.
7. Although this particular tract is not immediately adjacent to a major street, it essentially does have access to two major streets which can be exercised through platting and the proper street dedications.

Recommendation

Based upon the foregoing comments, it is the opinion of the staff that the rezoning of this tract for garden apartments appears to be logical. However, if the zoning is approved, the recommendation of the Planning Commission should not be forwarded to the Board of City Commissioners until the final plat has been approved by the Planning Commission. It is the recommendation of the Planning Department that the plat provide for the appropriate street dedications, access control, adequate interior circulation, and that density and height controls should be assured through restrictive covenants.

SIDNEY BRICK, Attorney for the applicant and developer, spoke in support of this application. He stated that it is intended to develop the property (19 acres) into garden type apartments of low or medium density, and that the applicant would be willing to file restrictive covenants limiting the development to not more than 20 such units per acre, or a total of 392 as opposed to 1450 allowable under the zoning requested. He stated that a preliminary plat of the area is being prepared and will be submitted to the Planning Department, and further, they would have no objection to limiting the height to 3 stories. He pointed out the 200-foot buffer along the east side of Oliver which was established at the time Light Commercial was approved to the south of subject property and noted that the application does not include what would be an extension of this buffer zone to the north line of the ownership of subject property. It was his belief that any problems associated with this proposed development could be resolved in the platting process.

RALPH LICHTNER, SR., AND RALPH S. LICHTNER, representing the Prairie Hills Addition adjacent on the north, offered objection to the application, and pointed out that Prairie Hills Addition is platted for a single family development and it was their belief that a buffer zone should be established between the "BA" zoning and the contemplated "S" zoning.

VERNE LARNG, Attorney representing residential property owners in Crestview Lakes, Willow Lakes and Cloudridge Addition, expressed concern with respect to the 200-foot buffer strip on the east side of Oliver. It was his contention that there should be some assurance to his clients that this area would remain a buffer, and if possible establish at this time that it would not later be zoned or developed in a manner which would be detrimental to the fine homes in the area west of Oliver and North of 21st Street. MR. LARNG contended that the applicant was instrumental in enforcing restrictive covenants on the property at the southeast corner of 21st Street and Oliver to limit it to development which

would be compatible with his home at the northeast corner of 21st Street and Oliver, but since that time, he has himself requested and received less restrictive zoning for portions of his own property. MR. LAING pointed out the possibility that within a few years, further requests for change of zoning on the 200-foot buffer strip would be submitted.

MR. BRICK showed an architect's development plan of the apartments proposed, which would be Early American or Colonial in architecture, and indicated that there would be 16 units to each building. He offered to dedicate a half street right-of-way on the east side of subject property in the plat and it was his feeling that all protection of adjacent property could be resolved in the platting. He stated that in discussions with the Flood Control personnel, the drainage problem is being resolved.

The Director of Planning pointed out that the staff recommendation does not relate to the 200-foot buffer strip.

The Chairman pointed out the desirability of a Residential Community Unit Plan for the development, where adjacent areas could be protected with single family development on subject property and the density increased as higher density development occurs in the center.

MR. BRICK agreed that single family development should be buffered from the light commercial zoning and it was his feeling that multiple family development would provide that buffer. He indicated they would prefer not to develop under the Community Unit Plan at this time.

MR. LAING felt that the problem of the eventual development of the 200-foot buffer strip should be resolved at this time and that assurances should be given to the property owners on the west side of Oliver that their residences would be protected.

WINSBY indicated also that it was his feeling the 200-foot strip should receive attention at this time so far as maintaining it as a buffer, and he was also in favor of a buffer between the apartments proposed and the single family plat to the north. He thought the Community Unit Plan would permit proper development and also could provide adequate buffering for adjacent properties.

MR. BRICK indicated that he would be willing to confer with the planning staff with respect to a Community Unit Plan and further, he had no objections to a deferral at this time.

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March 4, 1965

MOTION: WINSBY moved, MOONEY seconded and it
carried unanimously that this application be
deferred until April 1, 1965.

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 1, 1965:

- "17. Case No. Z-0632 - Vern L. and Lodeska Pauley request change from "AA" to "B" for the Southwest quarter of the Southwest quarter of Section 1, Township 27 South, Range 1 East, except the south 570 feet thereof and except the west 250 feet thereof. Generally located at the northeast corner of Oliver and 21st Street.

GALBRAITH stated that when this case was heard on March 4, 1965, the applicants were encouraged to develop a plan under the Community Unit Plan regulations. The applicants have requested more time to develop such plan and, therefore, desire that this case be deferred until the next meeting. The Chairman declared the case deferred until April 15, 1965."

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 15, 1965:

- "9. Case No. Z-0632 - Vern L. and Lodeska Pauley request change from "AA" to "B" for the Southwest quarter of the Southwest quarter of Section 1, Township 27 South, Range 1 East, except the south 570 feet thereof and except the west 250 feet thereof. Generally located at the northeast corner of Oliver and 21st Street.

GALBRAITH said that the applicants have requested a deferral of this case. There was no opposition to such deferral.

MOTION: MOONEY moved, MERRILL seconded and it carried unanimously that this application be deferred until the meeting of May 6, 1965."

ZONING

Deferred

11. Case No. Z-0632 - Vern L. and Lodeska Pauley request change from "AA" to "R" for the southwest quarter of the southwest quarter of Section 1, Township 27 South, Range 1 East, except the south 570 feet thereof and except the west 250 feet thereof. Generally located at the north east corner of Oliver and 21st Street.
12. Case No. DP-8 - University Gardens Residential Community Unit Plan. Generally located at the northeast corner of Oliver and 21st Street.

GALBRAITH pointed out that on May 6, 1965, the applicants submitted their residential Community Unit Plan showing high rise, garden and townhouse apartments, however, their revised Plan (developed with staff advice) has reduced the proposed density to 565 dwelling units. Adjacent to Oliver, the Plan now indicates four lots for single family development, two lots having direct access to Oliver.

The Chairman reminded the Commissioners that this application had been deferred on May 6, 1965, to see if the proponents and opponents could agree on a Plan satisfactory to both parties.

SIDNEY BRICK, attorney for the applicants, said that they had met with Mr. Laing, attorney for the opponents, and had made two proposals:

1. They would leave the 200-foot strip along Oliver in an open green area with the east 50 feet thereof restricted to parking; or
2. They would divide that area into the large single family dwelling lots.

BRICK continued that Mr. Laing preferred the latter. The Plan now submitted provides for four lots 167 feet wide by 150 feet deep, with 50 feet to the east reserved for parking. The townhouses have been eliminated north of the garden apartments.

BRICK said that while Mr. Laing chose the second alternate, he indicated that he was not speaking for all residents whom he represents.

In discussing the Plan further, MR. BRICK pointed out that they now plan a 100-foot setback along the north property line. The east portion of the Plan (high rise apartments) would remain the same as before.

MR. VERNE LAING agreed that Mr. Brick's statement was correct, except that his clients would not and could not consent to any plan involving the north 20 acres of the Pauley tract that did not also incorporate the property lying to the south along 21st Street. He stated that Mr. Brick's client had indicated to him that if a shopping center is established on the light commercially zoned land, they intended to ask for a variance from the Board of Zoning Appeals (Ed. note - the proper action would be an "off-street parking exception" proceeding) of the 200-foot "buffer zone" where Dr. Pauley's house is now located, to permit its use for parking in connection with the shopping center. MR. LAING indicated that a compromise was attempted but they could not agree to a Community Unit Plan which did not include the Pauley house and grounds, and the "LC" zoned area along 21st Street. He reported that in connection with the applicant's proposed eventual use of the south portion of the 200-foot buffer "AA" zoning, that the applicant had agreed to file restrictive covenants that a service station or some similar type use would not be placed on this corner.

MR. LAING continued that at the previous hearing, the Commission inquired what the opponents would propose for use of subject property. Inasmuch as they are not land planners, they engaged the services of Obinger & Smith, Planning Consultants, and are prepared to submit to the Commission a plan for development which would take into consideration and protect the exclusive homes to the west of Oliver, the University, and the Church areas to the south.

The Chairman pointed out that the deferral was to permit time for the opponents and proponents to attempt a compromise, and it would be up to the Commission whether or not they wanted to hear and discuss any alternative plan submitted by Mr. Laing.

LAINC said that the compromise has been impossible because the Plan still indicates seven and ten-story high rise structures they feel would not harmonize with Crestview Lakes Estates to the west of Oliver.

LAW suggested that the opponents should have a chance to show what might be developed on a parcel of ground, since one of the objections over the years is that an opponent normally appears in opposition but has no idea of other development which would be satisfactory to them. He indicated he was in favor of the submission of the alternate plan although it could not be made binding on the applicant.

The Chairman pointed out that the suggested plan was only submitted yesterday and he was confident it was not agreeable to everyone concerned. MR. BRICK said he had not seen the plan at all.

WINSBY thought it would be wise to review the plan in view of the many people concerned, but suggested again that the existing light commercial zoning on the Pauley tract is the turning point on whether or not the higher density of the applicant's plan is appropriate.

LAING agreed that the only matter before the Commission is the application which started out as a request for "B" zoning and which was amended to request approval of a Community Unit Plan. He stated that they followed what they thought was the suggestion of the Planning Commission that it would welcome an idea of what other development might be feasible under a Residential Community Unit Plan. When it became apparent that the 200-foot buffer area was not going to be honored, they sought the advice of experts in the field - Oblinger and Smith.

MR. BRICK pointed out that the only thing before the Commission is the Community Unit Plan, which was submitted at the request of the Commission on the area that was originally requested for "B" zoning. He did not consider it proper to try to involve the 200-foot buffer zone area as they are not now asking that anything involving that tract. He stated the area is "AA" and will remain that way. He noted, however, that his client was candid enough to tell Mr. Laing that in the future it is possible a variance (exception) would be requested on a portion of the 200-foot strip, but if and when it is requested, the opponents would be given sufficient notice to consider it at that time.

VERNE LAING called attention to the criteria set forth in the Zoning Ordinance which the Commission must find to exist before establishing a Community Unit Plan. One condition is that the valuation of buildings and character of adjoining property should not be adversely affected. It was his opinion that the value of the exclusive fine residences to the west of Oliver would be "tremendously depressed" and valuations would be "immeasurably lessened" by the proposed plan submitted by the applicant. He did not think the applicant's proposal meets the tests required of the Community Unit Plan because it does not protect the adjoining property rights.

The Chairman inquired of the Commissioners whether or not they wished to hear Mr. Laing's plan. It was decided that the Commission was more or less obligated to hear anything that either the applicant or opponents desire to submit. WINSBY commented that the plan Mr. Laing wishes to present might help the Commission in determining whether the applicant's request is a proper usage for subject area.

The Chairman asked Mr. Brick if he had any other plan to submit and Mr. Brick said he had nothing that had not already been submitted to the Commissioners.

MR. LAING submitted a brochure developed by Oblinger and Smith, Consultants, and discussed aerial photographs contained as a part of the study, with the Commission. He pointed out that one of the pictures showed the extremely low density of the residential development to the west. In all of Crestview Lakes there is less than one dwelling unit per acre, whereas subject area is being proposed for development at 28 units per net acre. MR. LAING noted that the difference in existing density to the west of Oliver and the high density proposed to the east, has caused the Consultants to conclude that the ideal way to develop the Pauley Tract as a good community unit plan would be exactly as Crestview Lakes has developed, with the lake areas remaining where they are.

LAING called attention to the general recommendations of the Consultants as follows:

"In order to preserve the values and character established by the Country Club, the residential estates and the existing churches -- it is recommended that all commercial zoning in this vicinity be eliminated. There appears to be great quantities of undeveloped commercially zoned land within one mile of this site and in all four directions. No commercial development exists in this immediate area and we believe it to be in the public's best interest to avoid commercial development of this intersection and all land in this vicinity."

"It is the opinion of this consultant that the most appropriate use for this parcel of land would be single family residential of the type identical to Crestview Lakes as the site characteristics are identical. This parcel and Crestview Lakes are twin tracts of land."

MR. LAING also pointed out that the Consultants have indicated in the report that in their opinion it would be tragic to permit the destruction of the natural beauty and amenities

of this site, and that regardless of what type of development is ultimately permitted, the preservation of these natural values should be provided for in the plan.

MR. LAING read additional recommendations of their consultants, suggesting that development provide for:

1. The preservation of the natural drainage pattern.
2. The preservation of the lakes and the protection they afford downstream.
3. The preservation of the natural topography and existing trees.
4. The utilization of the lakes, trees and drainage-way as the focal point of this development and as community open space and buffer area between uses.
5. Nineteen single family lots of a size that is transitional between the lots on the north and those on the east.
6. One hundred and fifty to two hundred units of multi-family development in garden apartments and townhouses.
7. Space for at least a ratio of 1-1/2 parking spaces to each dwelling unit for the multi-family development."

It was MR. LAING's observation that there is no reason why subject property cannot be developed in line with the surrounding area without jeopardizing the beautiful homes already in the area.

CHARLES BROWNING, JR. said that an error had been made at the last meeting with respect to the action of the Crestview Country Club in connection with this application. He pointed out that a special meeting of the Club's Board of Directors was called to consider another subject. Although the Board had expressed opposition to the development individually, an official vote could not be taken in this respect. MR. BROWNING pointed out that at the previous meeting MR. BRICK had stated that he had been assured by the President of the Club that no action was taken, and what was meant was that no legal action was taken by the Club, which was true.

MR. BROWNING pointed out that actually what is being considered is the development of the entire 40 acres, inasmuch as the south 20 acres which is already established as "LC" is so closely related to any development occurring on the north 20 acres, which is the subject of this application. It is a well known fact that residential density must be established to assure any degree of success for development of light commercial areas.

MR. BROWNING questioned whether or not there would be the demand for residential units such as proposed, which would rent from \$150 to \$300, and it was his opinion that it was doubtful that in the foreseeable future the economy would support such a development. It was his feeling that the applicant is attempting to build a profitable situation at the expense of the adjoining community.

DR. MORGAN, a property owner in Crestview Lakes, said that the Plan under consideration at this time is better than the original plan. He reported that when it was suggested to Mr. Brick that homes comparable to those in Crestview Lakes be constructed in the 200-foot strip on the east side of Oliver, Mr. Brick said he didn't think they would sell with high rise apartments directly to the rear.

MRS. BARBARA MORGAN, 13 Crestview Lakes, said that everyone in the Crestview area is opposed to the type of plan submitted, and all are in favor of subject property being developed to the type of residential that would be comparable with Crestview Lakes development. She pointed out that there is already traffic congestion on Oliver and with the proposed residential development and the proposed shopping center, the volume of traffic would increase at this intersection. She reported that after discussing the matter with several real estate firms, she has ascertained that other high rise apartments in this area are not completely occupied, and she pointed out that if the first apartment built under this proposal is not successful then it is possible that lower priced apartments of the tenement type could be built.

DR. SETTERS, an owner in Crestview Lakes, and BEN BROCK, an owner in Willow Lakes Estates, objected to the proposals on the basis that a shopping center would spoil the natural beauty of the entire area.

SIDNEY BRICK, attorney for the applicants, pointed out that often planners differ as to plans, and the one submitted by Mr. Laing is predicated on the elimination of the existing "LC" zoning, which is already in existence in spite of the analysis of the consultants. He said that it is the developer's opinion that the shopping center will be built and that it will be a benefit and credit to the area. MR. BRICK pointed

out that a small tract just to the east of the Pauley Tract was approved by the City Commission for light commercial within the past few months, and there certainly has not been any great change in that area which would indicate that such zoning was a mistake, or that the "LC" on the Pauley Tract was a mistake in 1960.

MR. BRICK said that his clients are building for the future and not just for this year or next year. He pointed out that this area is going to change whether his clients are involved or not. The principal reason for such change is the growth of the University, which is growing beyond the fondest expectations of anyone connected with the University. He pointed out that two years ago enrollment was less than 6000 and in 1965 it is 9200. Official estimates indicate that within five years an enrollment of 22,000 is expected. He noted that it is only reasonable to expect that that growth in and of itself will act as a magnet to draw people into this area, if there were no other reason for growth.

MR. BRICK pointed out that the University is a cultural center for any community and that many fine people and good citizens of a community desire to live around the University to take advantage of, not only sporting attractions, but cultural activities which the University brings to a neighborhood. With respect to Crestview Country Club, MR. BRICK pointed out that the Club recognizes that it must move on to make way for expansion of Wichita State University, and, therefore, has signed papers for acquisition of a new location.

MR. BRICK pointed out that apartments are being constructed on the south and north sides of 17th Street not too far from Oliver, and that there is a great deal of real estate activity in this entire area. It was his feeling that in spite of the desire of the people who live on the west side of Oliver to preserve the whole area as a sylvan glen, progress will make it impossible for them to do so.

MR. BRICK continued that what is proposed by the applicant is an excellent transition between the existing "LC" zoning and the apparent development of single family homes on the smaller lots (7500 square feet) in Prairie Park Addition to the north of subject property. He noted also that they have acceded to the desires of the residents west of Oliver in providing the 200-foot buffer strip between the area that was originally asked to be zoned "B" and their homes, and that they (the applicants) are not asking for any change in that buffer strip.

In discussing the plan, MR. BRICK pointed out that it was his opinion the high rise apartments contemplated would do more to hold the value of properties in the area than any other type of construction that is feasible for the area. Under the

revised plan, it provides for 68% of the net acreage in the area to be green open space. In respect to the relocation of the lakes, MR. BRICK said that the one in the "LC" area must be moved to make way for "LC" development, and he felt that the combining of the other two lakes as proposed would satisfy the drainage and be more attractive to the neighborhood.

MR. BRICK pointed out that subject tract is in the heart of an area which the Planning Department has designated as a non-industrial growth area. All Planners seem to agree that there will be a push of growth in this general area whether studying transportation, zoning or any other related matters.

The Attorney pointed out that the revised plan has reduced the average density of the development to 28 units per acre in keeping with the thinking and recommendation of the Planning Department, with higher density planned adjacent to the "LC" area. He felt that the Commission should not be swayed in its consideration of the progress of the community by the desires and fears of a few citizens who live to the west of Oliver.

The Chairman pointed out that the "LC" area referred to by Mr. Brick was recommended by the Planning Commission for denial, but was approved by the City Commission.

MR. BRICK referred again to apartment house construction now taking place on 17th Street, and said that he considered it in the public interest that such growth be permitted in all directions from the University.

BEBE FARHA said he was in favor of dormitories or apartments for the growth of the University, but not where they would adversely affect property which has been developed for years. FARHA asked that the Commission preserve the character of the homes west of Oliver. He observed also that there are many other places where the project proposed could take place.

BROWNING said they were all in favor of the expansion of the University and that it would add to the neighborhood. However, he asked that the adjacent properties around them be developed similar to the way that their area is developed. He observed that there is plenty of other ground for further development not far from subject tract which would not adversely affect anyone.

WINSBY said that he felt that the applicant's plan was good, in view of the existing light commercial zoning to the south, but he questioned the desirability of retaining the light commercial zoning along 21st Street in this area. He asked if the removal of the light commercial zoning could be contested in court due to any vested rights. He felt that people who live in high rise apartments could be just as good character-wise as those who live in other types of residences.

WINSBY discussed the use of the 200-foot buffer strip and questioned whether or not the opponents would have any legal basis on which to protest any type of "AA" development, noting that it is possible that development (such as 7500 square foot single family lots) permitted under the "AA" zoning could have a worse affect on the residences west of Oliver than what is proposed by subject plan. WINSBY indicated a desire to protect the opponents and their property values, but questioned the assumption that because high rise apartments are proposed that it will be harmful. It was his feeling that the entire 40 acres should be considered as a whole possibly under a Community Unit Plan.

TROUT pointed out that the comprehensive plan is based on the assumption that the natural growth pattern would be to the northeast, and felt that whatever is done in this case will dictate, to some degree, the pattern that will continue. It was his feeling that rather than be overly concerned with those people within or without 200 feet, a general view should be taken of the overall affect.

MERRILL noted that the basic problem seems to be a matter of density, and asked the staff how they could recommend density of 28 dwelling units per acre as originally approved and how other planners (Oblinger & Smith) take the opposite view and suggest low density residential.

LAKIN pointed out that Oblinger & Smith's recommendation is based on the premise that the existing light commercial would be removed and development of the entire 40 acres as residential, while the staff's suggestions was based on the existence of the light commercial zoning. He stated that in view of the City Commission's recent reversal of the Planning Commission and staff on the small tract of light commercial east of the Pauley Tract, the staff felt that it is the "public policy" that such light commercial is proper and should continue to exist. It was his feeling that should the light commercial zoning be removed, then the staff would probably concur with the report of the consultants inasmuch as the only justification for multiple family or high density in this particular area is based on the existing light commercial zoning.

LAW stated that he did not doubt that the light commercial zoning could be removed and considered it an obligation of the Commission to determine whether or not the particular zoning that is being applied for is compatible with the general area and is in keeping with the public interest. It was his belief the entire 40 acres probably should be retained in single family zoning and the light commercial eliminated. He observed also

that it would appear unreasonable to oppose the Community Unit Plan as presented for density as long as the light commercial zoning is in existence. The Commission in general concurred in this last observation.

MOTION: WINSBY moved and MERRILL seconded that the Planning Commission recommend to the City Commission that this application for "B" zoning and the Community Unit Plan be denied, but that it not be forwarded to the City Commission until after consideration by the Planning Commission of a change of the light commercial zoning in this vicinity back to "AA" zoning, in accordance with the following motion.

MOTION: WINSBY moved and KRATZER seconded that the staff be directed to advertise for a public hearing to change the light commercial zoning to "AA" on the north side of 21st Street and in the area to the east of Oliver, this motion to include the Pauley ownership and the tract to the east of the Pauley tract which is zoned "LC".

RALPH GILCHRIST, attorney for Dr. Pauley, reviewed the circumstances with respect to zoning of the Pauley property at the northeast corner of 21st Street and Oliver, beginning with the original zoning when the area was under County Zoning Resolution, and later when it was annexed. He pointed out that they have previously agreed to a compromise with the residents of the Crestview area with respect to zoning of this corner, and as a result the 200-foot strip along the east side of Oliver has been retained as "AA" zoning. At this time, the proposal is for "B" zoning and multiple family development on the property beyond the 200 feet and nothing is proposed on the 200-foot strip which is not permitted in the "AA" zoning. With respect to the possibility of eliminating the existing light commercial zoning on the Dr. Pauley property, MR. GILCHRIST pointed out that it has been commercial for a number of years and is a part of the overall planning of the entire city. He pointed out that in this case the 200-foot buffer has been provided whereas the Commission has approved light commercial zoning in some instances where there was no buffer provided between the light commercial and residential development.

MR. GILCHRIST pointed out that the plan submitted is in line with the suggestions of the Planning Commission after the first hearing, and the 200-foot strip is shown for lots comparable with those in Crestview Lakes, as opposed to the small

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lots in the small plat adjacent to subject property on the north. He suggested that if the "LC" on the north side of 21st Street in this area is not logical, then that to the south is not logical either.

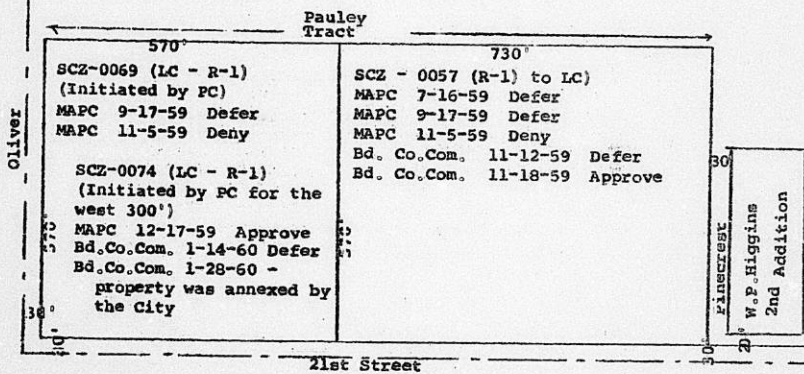
LAW commented that the Planning Commission is apparently taking the position that the best use of the 40 acres is for residential, but if the light commercial is to remain, then the plan as submitted under the Community Unit Plan is reasonable. He noted also that just because the area is zoned "LC" does not necessarily mean it is correct zoning.

VOTE ON MOTION: Carried by a vote of 4 in favor (LAW, WINSBY, MERRILL and KRATZER) and 1 (DUGAN) opposed.

35. Case No. Z-0665 - Change from "LC" to "AA" initiated by the Planning Commission for the following described property:
Beginning at a point 30 feet north and 250 feet east of the southwest corner of the SW $\frac{1}{4}$, Section 1, Township 27 South, Range 1 East; thence north 570 feet; thence east to the east line of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section; thence south along said east line to a point 30 feet north of the south line of the SW $\frac{1}{4}$ of Section 1, Township 27 South, Range 1 East; thence west parallel to said south line of the SW $\frac{1}{4}$ to the point of beginning; and all of Lot 1, W. P. Higgins Second Addition. Generally located on the north side of 21st Street in an area east of Oliver.

GALBRAITH pointed out the area on the map and submitted the following history of previous zoning actions with respect to zoning at the northeast corner of Oliver and 21st Street.

History of Zoning on Pauley Tract & W. P. Higgins 2nd Addition



- Z-0609 (AA to LC)
 MAPC 1-7-65 Deny
 BCC 1-26-65 Defer
 BCC 2-9-65 Approve subject to platting. The zoning was published upon approval of the plat.

NOTE: On January 22, 1960, the Pauley Tract was annexed by the City of Wichita and because of a provision in the ordinance at that time, the zoning reverted to a "AA" Single Family classification. On April 25, 1960, the Planning Commission directed the staff to advertise for a public hearing for a change of zoning from "AA" Single Family to "LC" Light Commercial for the Pauley Tract. The history of that case is as follows:

MABC 6-16-60 Approve except west 250'
BCC 6-28-60 Approve except west 250'

On May 20, 1965, the Planning Commission directed the staff to advertise for a public hearing for change of zoning from "LC" Light Commercial to "AA" Single family for all the property now zoned light commercial on the north side of 21st Street and east of Oliver. This case has been assigned Case No. Z-0665.

VERNE LAING, Attorney for residents and property owners in Crestview Lakes Estates, Willow Lakes Estates and Cloudridge Addition to the west of Oliver and north of 21st Street, spoke in support of this proposed change. He pointed out that it is not their purpose to prevent the owner from utilizing the land, providing the development of such land would be compatible and preserve the integrity of the Crestview Lakes area.

MR. LAING referred to the discussion on May 20, 1965, when a Community Unit Plan was considered for the north 20 acres of the Pauley Tract at the northeast corner of 21st and Oliver, and pointed out that that plan actually includes the entire 40 acres which includes most of subject property, and that in order to construct a shopping center on the light commercial zoning, they have developed a plan for high rise and multi-family apartments on the north 20 acres. It was his feeling that the light commercial was an error from the very beginning and should never have been established. With respect to the 200-foot buffer area along the east side of Oliver, he said the proposed developers had indicated to him they were going to ask for a variance to use the south portion as parking area in connection with the light commercial development. He did not consider that this would provide for preservation of the extra fine residential area to the west.

With respect to whether or not the Planning and City Commissions could legally change the zoning as initiated, it was his feeling that such a change was legal and constitutional; he has done considerable research and a Supreme Court decision in Kansas has approved a change from commercial to residential over objection of the property owner.

MR. LAING felt that in addition to preserving the valuation of the fine residences if this zoning is changed as proposed, it would also retain the natural lakes and beauty of the Pauley Tract. It was his feeling that the Pauley property is ideal for development of fine residences of similar caliber as those in Crestview Lakes Estates.

MR. LAING referred to the high traffic hazard which would exist on Oliver if the high density development is allowed on the north 20 acres, which development is hinged on the ultimate development of subject area as a shopping center. It was his feeling, on behalf of his clients, that the general welfare of the entire area will be improved if the light commercial zoning is removed. He pointed out the proximity of other shopping centers in the northeast area - 13th and Oliver, 13th and Woodlawn, 21st and Grove, etc. The Attorney suggested that development of subject shopping center would tend to depress not only the residential area which he represents, but would have a tendency to depress other shopping centers which are already suffering from lack of a sufficient trade area, and probably even affect downtown values.

MR. LAING showed colored slides of the area under discussion.

BARBARA MORGAN, a resident of Crestview Lakes, said that they are unanimously opposed to the light commercial zoning being discussed. It was her feeling that whatever is developed on subject property will set the pace of all development east and northeast, and commercial area will not draw quality homes next to it. She pointed out also that because of the uncertainty with respect to development of the Pauley Tract, it has delayed the sale of property in Crestview Lakes, especially the lots facing Oliver.

MRS. MORGAN said she had talked with merchants in Kenmar Shopping Center and found they were suffering from lack of business, which would lead one to believe a shopping center on subject property so near to Kenmar Shopping Center, would be unsuccessful.

MRS. BROWNING, a resident at the northwest corner of 21st and Oliver, voiced objection to the possibility of increased traffic congestion at this intersection if the shopping center and related high rise and multiple density residential units are constructed.

W. P. HIGGINS, representing the owner of the light commercial tract adjoining Dr. Pauley's property on the east, and which area is included within the subject application, spoke in opposition to the proposed change. He pointed out that zoning on this property was granted only this year (Z-0609), after they had complied with platting requirements of the City Commission, which included the dedication of a half street right-of-way between the Pauley property and that which he represents.

MR. HIGGINS pointed out that there is a telephone substation adjacent to his client's property which is actually a commercial use but which, by special permit from the City Commission, is allowed to locate in any zoning district, and the location of this substation was a factor and one of the arguments used to obtain a light commercial zoning for the property which he represents. MR. HIGGINS reported that a building permit has been issued and construction commenced on a new building.

MR. HIGGINS pointed out that the McEwen Shopping Center and high rise apartments have been completed and he did not believe there was any degree of trouble in renting the apartments. He noted that there has been no trouble with respect to the surrounding homes near the McEwen Shopping Center and that they are just as nice as those homes involved in this case. He pointed out that it is not for the Commissioners to decide the economics of development - that is for the investor.

HIGGINS pointed out that while he did not know how long people in Crestview Lakes have owned their homes, Dr. Pauley's zoning has been in existence since 1959. He told the Commission that that property which he represents was zoned "LC" because it was adjacent to Dr. Pauley's light commercial area. He felt that this matter has progressed too far for it to be "reasonable" to rezone the properties.

RALPH GILCHRIST, Attorney for Dr. Pauley, owner of the largest part of the property under discussion in this application, spoke in opposition to the change. He reviewed past actions and agreements with respect to zoning of Dr. Pauley's property, and stated that the west 250 feet (including Oliver Street right-of-way), was left as "AA" as a compromise with the people living to the west of Oliver, and the "LC" now in question was established with their concurrence. Since then, 21st Street has been widened and the property assessed therefor on the basis of "LC" zoning. He pointed out that his client has done everything that has been asked: a buffer on the west 250 feet as "AA" zoning and the utilization of this area as green open space. They have never applied for any "exception" for off-street parking for the buffer area and have no such action in mind at this time. He observed that of course, Dr. Pauley would have no control over what a future purchaser of the property might ask for, but in the agreement with the property owners to the west, it was stipulated that the west 250 feet would be preserved in accordance with the agreement, regardless of the ownership. MR. GILCHRIST said that no plan has been submitted to them for the use of the 200 feet except something permitted in the "AA" zoning, and if later an exception is requested, that is a matter for the City (Board of Zoning Appeals) to decide at that time. But he did not consider it reasonable, after having the light commercial zoning for these many years, for the City Commission or Planning Commission to remove it.

MR. GILCHRIST submitted protest petitions signed by all abutters except the church. He noted that those appearing in support of retaining the "LC" are asking a reversal of action previously taken by the City Commission, twice by the Metropolitan Planning Commission and once by the County Commission.

SIDNEY BRICK, representing the developer of the Pauley Tract, spoke in opposition to the application. He pointed out that Dr. Pauley would suffer a substantial economic loss if the "LC" zoning is eliminated. He has entered into a contract on the 40 acres, based on the "LC" zoning as it now exists and subject to the approval of the Community Unit Plan. MR. BRICK said that a tremendous loss would result if he is forced to develop his property in accordance with the wishes of the neighbors to the west. MR. BRICK pointed out that there does not seem to be a big market for one and two acre lots in this area, inasmuch as about 40% of the lots on the west side of Oliver in Crestview Lakes are undeveloped and this was the situation long before there was any activity with respect to the Pauley property.

MR. BRICK continued that he has looked in the same books as Mr. Laing with respect to changing light commercial zoning back to residential and he did not interpret the law the same as Mr. Laing. It was his opinion that zoning, once granted cannot be removed unless there is the strongest kind of evidence that a "mistake or error" was made in the original zoning or there has been a change of conditions. It was his feeling that any change in conditions in this area tend to support the continuance of the light commercial zoning. MR. BRICK observed, as Mr. Higgins has pointed out, that property zoned and where construction started is not likely to be deprived of the continuance of the light commercial zoning by any Court.

MR. BRICK submitted traffic counts taken on Oliver and 21st Street (ranging from 1961 to the last count taken in 1964), which indicated a 30% increase on 21st Street just east of Oliver, a 40% increase on Oliver just north of 21st Street. These counts are comparable with those taken at the intersection of 13th Street and Woodlawn. He noted that the two intersections are not unlike. The residential development in Spring Acres at the northwest corner of 13th and Woodlawn is very similar to that in Crestview Lakes. MR. BRICK pointed out that the above referred to traffic counts were all taken during the summer months and it is assumed that Wichita State University students did not contribute measurably to the count.

MR. BRICK pointed out that the Transportation Study and other planning studies have indicated the potential growth to the northeast and, further, the growth of the University can do nothing but draw people to the area and a greater density than one per acre will occur in spite of the protests in this case.

It was Mr. Brick's feeling that to eliminate this light commercial zoning on Dr. Pauley's property after it has been there five years, will not only be discriminatory but it will be completely unconstitutional and subject to attack in court. He continued that he has been advised that in only two previous cases in Wichita has zoning, once granted, been changed to a more restrictive classification on a parcel basis, and in both instances were at the request of the owner. Other rezonings involved large areas and were based on long range planning considerations.

ROBERT BIAES, on behalf of the property owner on the south side of 21st Street, which is zoned "LC", said they definitely were opposed to a change as suggested by this application, and concurred wholeheartedly with Mr. Brick and Mr. Higgins. He noted that plans are being formulated for commercial development of the area which he represents.

MR. LAING said that the proposed developer of the Dr. Pauley Tract had told him they might ask for a variance of a portion of the "AA" strip to be used for off-street parking, which Mr. Laing considered would be a violation of the spirit of the agreement entered into and if Dr. Pauley and his proposed purchaser, are not bound by the agreement, then neither he (Mr. Laing) or his clients should be bound to the previous "buffer" arrangement. MR. LAING noted that his clients also have paid their portion for paving of 21st Street, and said that it was his understanding that light commercially zoned land is not assessed as such unless there is light commercial development thereon, although he was not certain of this. (NOTE: This is the general assessment policy for general property taxes, however, special assessment projects are normally assessed on the basis of some size factor, frontage, square footage, etc. plus existing zoning. "LC" normally is considered several times more valuable for assessment purposes than residential zoning.)

MR. LAING said he did not question that there would be economic loss to Dr. Pauley, but on the other hand, those he represents will also suffer an economic loss if the shopping center and development density proposed materializes.

MRS. BROWNING suggested that if the light commercial has been in existence five years, then it should have been used by this time, and that the neighborhood has changed since that time and apparently they do not intend to honor the 200-foot buffer on Oliver inasmuch as they admit they intend to ask for a variance (exception).

W. P. HIGGINS representing the light commercial zoning to the east of that in the Pauley Tract, pointed out that their zoning and platting was approved in February of this year, and that there were no objections by property owners (Planning Commission recommended

denial). The request was approved unanimously by the City Commission. He commented that a building is under construction and that they have complied with all legal requirements by the city.

GLEW MILLBURN suggested that there would be no economic loss by Dr. Pauley if it was developed in line with the suggestions made by Oblinger and Smith, whereas as proposed, the only loss taken will be by home owners in the Crestview Lakes and Willow Lakes area.

VERN LAMBERTZ said that he made the sale of subject property to an out of town investor. He reported that from information he has received, only 15% of the people in America are capable financially of living in low density areas such as Crestview Lakes. He pointed out that obviously the Lightner plat (Prairie Park Addition) to the north of Pauley's property will develop into small moderate homes, judging from the small lot sizes; further, area to the west of the Crestview area has developed on smaller lots and has not seemed to affect the Crestview properties. With respect to the downtown area and shopping centers, MR. LAMBERTZ pointed out that retail sales have increased tremendously over the years and that, in his opinion, shopping centers have contributed largely to that increase. He pointed out that the shopping center proposed in this case will have an airconditioned mall and will certainly be an added advantage to the Crestview Lakes area if it is permitted.

MR. LAMBERTZ noted that Westlink Shopping Center does not seem to adversely affect the homes in that area, which he considered compared favorably with those in Crestview Lakes; also, Eastgate Shopping Center was developed after the homes in Bonnie Brae without any apparent adverse affects.

LAW pointed out that Mr. Brick had referred to the fact that he (Law) had stated he was opposed to high rise development. LAW continued that he had made that remark in jest, and that he has no opposition to high rise or multiple family development and felt that more are needed in this community. Inasmuch as Mr. Brick had inferred Mr. Law might have a conflict of interest because of that statement, Mr. Law asked the Chairman to rule on whether or not he should be considered as having a conflict of interest. LAW continued that he has served on the Commission a number of years and has always acted in a manner that he considered to be the best interest of the public.

The Chairman concurred and ruled that Law had no conflict of interest in this case.

LAW pointed out that at one time when subject property was outside the city limits, the Planning Commission attempted to remove the light commercial zoning, however, it subsequently was approved for "LC" by the Planning Commission after it became a part of the City. It was his feeling that there is reasonable doubt as to whether light commercial zoning and development is appropriate at this intersection.

LAW noted that Mr. Higgins made one of the more prevailing points, i.e., that construction has started. He commented that from planning literature which he reads, it is generally conceded that where development has started on a parcel of ground, it is highly unlikely that a change of zoning would be justified.

In answer to a question of when the construction was started on Higgins 2nd Addition, Mr. Higgins said it was started about ten days ago, but that he had not been notified of this hearing. A check of the abstractor's certificate showed the property still in the name of Lucille Brown. MR. HIGGINS said the land was purchased under contract. He noted that when platting was discussed with the Planning Commission, there was a problem of how much should come from this tract as right-of-way for Pinecrest.

LAW suggested that after the City Commission has zoned a parcel of ground over the recommendation for denial of the Planning Commission, the Planning Commission is not going to fail to cooperate in working out a plat that carries out the desire of the governing body. LAW observed that Planning Commission action on the plat had nothing to do with zoning. He felt the Planning Commission would be remiss if it did not work with an applicant on platting in accordance with the zoning established by the City Commission.

A review of the previous actions indicated that "LC" zoning in this area was originally established by the County Commission and later re-established by the City Commission after annexation. (The zoning ordinance in force at that time provided that all annexed property came into the City as "AA" Single Family.)

WINSBY reviewed the present problem and the fact that it is apparently the feeling of the Commission that the Community Unit Plan for ~~high density~~ residential development to the north of the light commercial area is reasonable only if the light commercial zoning is retained, but that there is a legitimate question as to whether or not the light commercial zoning should be retained. He suggested that the question of legality as to whether or not the light commercial could be eliminated is something the attorneys will have to decide, but that the Planning Commission should consider this matter from the standpoint of whether or not it is good planning to have light commercial in this area.

WINSBY said that strictly from a planning point of view, it would seem logical that the subject area should be single family, but the light commercial zoning does exist, and the protestors are far enough away from the property involved that it would seem their property has been buffered sufficiently by the 200-foot strip along the east side of Oliver. He suggested that if the area was undeveloped then he would be in favor of it all being "AA". However, the fact that the "LC" is there, and has been for several years, even though perhaps in error, is of much concern to him. He did not think as Planning Commissioners they should oppose high rise and high density development. This form of housing is an acceptable form as a way of

life. All of these factors are involved and have to be considered in making a decision. WINSBY noted that the intersection of 13th and Woodlawn does have high rise apartments and commercial development across the street from the fine homes in Spring Acres.

DUGAN asked if the application is approved and light commercial eliminated on the north side, should it also be eliminated on the south side. WINSBY thought it might be just as reasonable. LAW pointed out that one of the greatest problems is "AA" zoning along major thoroughfares. He said the original plan of town houses along the east side of Oliver north of 21st Street in the 200-foot buffer strip seemed like a good idea to him and was in keeping, generally, with what the Commission has considered would be appropriate development along major thoroughfares.

LAW commented that he did not think there is anything in planning that supports the theory that light commercial zoning once established can be removed, no matter how it was established, when there is existing commercial development thereon.

LAKIN agreed that this is true as a general rule, however, each development creates a different set of circumstances, and thus each case must be analyzed on its own merits, e.g. "original error, changed conditions, adopted comprehensive plans, etc." It is difficult, if not impossible, to anticipate just how a court of law would evaluate a case.

LAW commented that lack of development over a long period does indicate there is apparently no need for the zoning, and this line of rezoning has apparently been followed rather closely by the courts in the matter of rezoning.

Chairman Tyout said he was concerned with how the change proposed fits in with the Commission's previous policy, and he noted that during his term on the Commission he could not recall a case, on a parcel basis, where a light commercial zoning has been changed back to residential. He indicated he would not be opposed to consider rezoning on a neighborhood basis or city at large, but that he was not in favor of picking out one parcel, unless there is something involved which would drastically affect the neighborhood. He suggested that if the Commission wanted to correct past mistakes, there were several others which might be brought up also. He doubted that there was any logic in rezoning just a spot and felt that there would have to be very good grounds to justify it.

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WINSBY noted that the construction on the small tract under consideration affects action on the larger tract, if it is decided it should revert to residential zoning. TROTT said he was not so concerned about construction having started as with the general policy and approach to such matters by the Commission.

LAW observed that the crux of the situation is determination as to which values are the most affected by the elimination or retention of the light commercial zoning.

MERRILL suggested that the duty of the Planning Commission is to recommend that which is proper and in the best interest of planning regardless of appearances made by proponents or opponents and regardless of whether the City Commission might reverse their recommendation. He did not consider it a matter of the residents in Crestview Lakes deciding what should be done but, rather, the question is what is best for the city at large. MERRILL continued that he can appreciate the fact that what is done here affects land values, but did not think that argument should be the governing factor in how a specific piece of land is zoned.

WINSBY said he was just as much concerned about development of small homes on small lots to the north, which he felt would be just as detrimental, but with "AA" zoning such development can take place.

MOTION: DUGAN moved, KRATZER seconded and it carried by a vote of 3 in favor (Dugan, Kratzer and Law) and two opposed (Merrill and Winsby) that this application be denied.

LEW said he felt light commercial could be removed, and should be in some cases, but when development has proceeded as it has in this case, he did not consider it a wise move for the Planning Commission to make.

LAKIN pointed out that in previous cases of a similar nature where they have been initiated by the Planning Commission, and denied by the Planning Commission at the public hearing, the Planning Commission has always withdrawn their own case. Thus, they have not been forwarded to the City Commission. He inquired how the Commission desired to handle this case.

LAW said he thought the governing body should have the opportunity to consider this case; that it should be acted upon by the governing body because they are the elected officials charged with the final decision.

The staff was instructed to forward this case with the one for "B" Multiple Family and CUP for the 20 acres to the north (Z-0632), which has previously been acted upon by the Planning Commission.

LAW observed that the Planning Commission position has not changed, i.e., if "LC" is to remain, then the CUP and zone change to the north to implement the CUP is logical and should be approved.

LAW inquired whether or not two recommendations might be forwarded by the Planning Commission, depending on the outcome of subject case before the City Commission, it being the general feeling of the Commission that if the "LC" zoning is to remain, then the "B" zoning (Z-0632) and CUP would be reasonable development, and if the "LC" zoning is to be removed, then Z-0632 providing for "B" zoning and the CUP should be denied.

LAKIN pointed out that the minutes would cover the Commission's feeling on this matter. In answer to a question by Mr. Brick as to having the Planning Commission reconsider Z-0632 and provide an alternate recommendation of approval if the "LC" is to be retained, LAKIN advised that no such motion or action be taken as Z-0632 had not been advertised for this meeting nor has notices been sent out in that case. Failure to strictly adhere to statutory and local policy on notice procedure might unnecessarily complicate issues should litigation occur.

No formal action was taken with respect to recommendations of Z-0632 and the CUP application.

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18. Case No. Z-0632 - Vern L. and Lodeska Pauley request change from "AA" to "B" for the southwest quarter of the southwest quarter of Section 1, Township 27 South, Range 1 East, except the south 570 feet thereof and except the west 250 feet thereof. Generally located at the northeast corner of Oliver and 21st Street.

19. Case No. DR-8 - University Gardens Residential Community Unit Plan. Generally located at the northeast corner of Oliver and 21st Street.

LAKIN pointed out the area on the map and reviewed the following staff recommendations with respect to the zoning application and the Development Plan:

Staff Comments and Recommendations re Z-0632:

Comments

1. The Sketch Plan for Land Use and the initial work on the Land Use Plan indicates that this particular area should be developed for residential use.

2. The applicants have requested that this property be rezoned to a "B" Multiple Family classification, which will enable them to construct the proposed garden apartments on the property.

3. The "B" Multiple Family district requires only 580 square feet of lot area per family, which would permit approximately 1450 units to be constructed on this 19.6 acre tract. It should be pointed out that there are unlimited height restrictions as long as adequate building setbacks are provided.
4. The property lying between the south line of this tract and the north line of 21st Street is zoned "LC" Light Commercial and it is the understanding of the staff that the applicants intend to construct a shopping center on this property.
5. It would appear that the "B" zoning would be a logical buffer between the "LC" zoning to the south and the "AA" zoning to the north, if controls can be provided to assure medium density, and if excessive building heights can be controlled to maintain compatibility with existing single family residential districts.
6. Although this particular tract is not immediately adjacent to a major street, it essentially does have access to two major streets which can be exercised through platting and the proper street dedications.

Recommendation:

Based upon the foregoing comments, it is the opinion of the staff that the rezoning of this tract for garden apartments appears to be logical. However, if the zoning is approved, the recommendation of the Planning Commission should not be forwarded to the Board of City Commissioners until the final plat has been approved by the Planning Commission. It is the recommendation of the Planning Department that the plat provide for the appropriate street dedications, access control, adequate interior circulation, and that density and height controls should be assured through restrictive covenants.

Staff Comments and Recommendations re DP-8:

Comments:

1. On March 4, 1965, the Planning Commission considered a request for rezoning from "AA" Single Family to "B" Multiple Family, for an area located on the east side of Oliver and north of 21st Street North. The action of the Planning Commission at that meeting was to defer consideration of the zoning application and request that the applicant submit a residential Community Unit Plan for the apartment complex which is being planned for the property in question.
2. The plot plan submitted by the applicant has been divided into six different parcels. The proposed use on Parcels 1, 2, and 3 is for town house apartments with a maximum height of two stories and with a density of 6,000 square feet per

unit. A total of 43 town house apartment units have been indicated for the three tracts.

On Tract #4, the applicants are proposing to construct two apartment buildings with a maximum height of three stories and a density of 2,000 square feet per unit. There is a total of 70 units proposed on Parcel #4.

On Parcel #5, the applicants are proposing to construct three 115 unit high rise apartments, with a maximum height of 10 stories and a maximum density of 580 square feet per unit.

On Parcel #6, the applicants are proposing to construct two 90 unit high rise apartments, with a maximum height of ten stories and a maximum density of 1,500 square feet per unit.

3. The applicants are proposing to provide a minimum of 1 $\frac{1}{2}$ parking spaces per unit, or a total of 957 off-street parking spaces.
4. The applicants have indicated on the Community Unit Plan that they are proposing a total of 661 apartment units for this 22.07 acre tract, which would result in a density of approximately 30 units per acre. There is an east-west street containing a width of 66 feet which runs through this tract, which contains 1.88 acres. If the area of the street is subtracted from the total acreage, it would leave 20.19 acres to be considered for development which, at 30 DU's per acre would allow 606 units to be constructed on the property. When platted, there should be a paving petition for a 40-foot street submitted as a condition of the plat approval.
5. There is a north-south fire lane easement shown on the plan which ties in with Bleckley Drive. It is suggested that this fire lane easement not be indicated on the Community Unit Plan but should, rather, be shown on the plat at the time this area is subdivided.
6. The major item of concern as far as this Community Unit Plan is concerned, is the policy as to proposed densities. The applicants are proposing to construct 661 apartment units on this property, which results in a density of approximately 30 units per acre.

The area to the west of Oliver and to the north of 21st Street has been subdivided into large residential lots and has been developed into a high quality single family area. The question is whether 30 DU's per acre is, in fact, compatible with the existing development. If the type of density which is being proposed for this particular property (30 units per acre), is also allowed on other vacant and undeveloped tracts of land within the vicinity of the University,

it could substantially affect the traffic carrying capacities of the major traffic streets in this vicinity; namely, Oliver and 21st Street.

7. In the new prototype zoning regulations it is proposed that the R-5 residential district permit a density up to 14 units per acre; that the R-6 residential district permit a density of 28 units per acre. The type of densities permitted in the R-6 residential district would appear to be acceptable for this particular area.
8. It is indicated on the Community Unit Plan that there will be a 40-foot setback adjacent to Oliver and a 40-foot setback adjacent to the north property line. In all other instances, buildings would setback a minimum of 25 feet from street rights of way and property lines.
9. At the time of platting, appropriate home association covenants will be needed to guarantee common drives and open space and the maintenance thereof.

Recommendation:

In view of the foregoing comments, it is the recommendation of the staff that the University Gardens Residential Community Unit Plan be approved, subject to the following conditions:

1. There shall be a maximum density of not to exceed 28 dwelling units per net acre. (This would allow a maximum of 365 units to be constructed on this property.)
2. Parcel boundary lines should be clearly distinguishable.
3. Fire lane easement should be deleted from the development plan. If necessary, this provision could be a condition of the plat.
4. Under the provisions for each parcel, building setbacks should be from street right of way lines and parcel boundary lines.
5. Under general provisions, a statement should be provided that access control will be exercised along Oliver.
6. Under Description, the net area of 20.19 acres should be listed.
7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial

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

8. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.

SIDNEY BRICK, Attorney represented the applicants in this case, as well as the proposed developers. He stated that there appears to be some fears as to the type of development anticipated. In this respect, he pointed out that it is a joint venture between Seldin Homes and S. & L. Engineering Company, both of whom are experienced quality developers. MR. BRICK said that Seldin Homes has received any number of national awards for design and type of developments which they have accomplished, this firm has been thoroughly checked by Wichita State University, as well as Crestview Country Club and local banks. The Attorney pointed out that this firm is now building the first of several dormitory buildings on 17th Street for use by Wichita State University students, and the Housing Committee at the University has given its over-whelming approval of the type of building, quality and uniqueness of the facility being built.

MR. BRICK stated that the S & L Engineering Company has built many shopping centers, office buildings and high rise apartments; they are well-financed and a very responsible firm.

With respect to the development proposed, MR. BRICK pointed out that the town houses proposed in the "AA" zoning along Oliver would have approximately 6,000 square feet of land area for each unit, and would be for sale at approximately \$25,000. He pointed out that the town houses would have common walls and would be in groups of 3 and 4, as would the town houses proposed to the north adjacent to the Prairie Park Addition.

The units along Oliver would face the street but access to the front entrance would be from inside the proposed development and not from Oliver. The cost for construction of the town houses would be about \$15.00 per square foot and would contain about 1400 square feet.

MR. BRICK said that a 40-foot setback is proposed from Oliver and from the north line of the property involved. He said that this plan has been developed after rather long and benefitting discussions with the planning staff and it is felt that this plan

for development of the Oliver Street frontage would provide fine buffering for residences existing on the west side of Oliver.

In reviewing the plan further, MR. BRICK said that it is planned that the units in Parcel 4 would contain 2 and 3 bedroom apartments, and would have a density of 2000 square feet per unit which is much lower than allowed in a "B" zoning (lot area required in "B" is 580 square feet).

In Parcel 5, the density is the maximum permitted in the "B" zoning, or 580 square feet per unit. In Parcel 6, the density would be based on 1500 square feet per unit.

The Attorney referred to the northeast area and said that it is planned to relocate the two existing lakes which are in the center of subject area, to one large lake in the northeast area. The drainage would be changed to flow into this one lake through pipes, and the drainage from the lake would be developed through cooperation with the owner of the area to the north (Prairie Park Addition).

Other factors pointed out by Mr. Brick were: A swimming pool will be provided for about every 100 units, and that there would be 80 interior off-street parking spaces for each structure in Parcel 6, and 49 interior spaces for each structure in Parcel 5. The existing lodge building will be converted into a general recreation center and the area surrounding the new lake will provide areas for general recreation purposes. The Plan provides for 66% green open area, parking areas will be hard-surfaced and would amount to about 16%, parking ratio is $1\frac{1}{2}$ spaces per unit. The buildings and interior parking would occupy about 18% of the total area involved.

It was MR. BRICK'S feeling that what is provided represents good planning, will provide an attractive asset to the entire area, and will nicely buffer the "IC" to the south, and with the precautions that have been taken in the Community Unit Plan, it will provide good buffering to the Crestview Area to the west.

MR. BRICK said that it is the developer's plan, with respect to the town house area, that they will be sold on a cooperative plan whereby each householder would own his own dwelling, but the developer will be responsible for grass cutting, landscaping, etc. and it was his feeling that the neighbors can be assured of good upkeep and maintenance of property into which their property would face.

The Attorney indicated further that they would be willing to reduce the density to 28 dwelling units per acre in view of the staff's analysis of this plan, even though it would mean the lowering of height of the three high rise structures in Parcel 5.

In discussing the traffic situation in the area, MR. BRICK said it was felt that with one access onto Oliver and one on 21st Street, this would provide the least impact on traffic in this general area. He indicated that they would be glad to reduce the density from the 638 units proposed to 565 units if that is the desire of the Planning Commission.

VERNE LAYNE, Attorney for the residents of Crestview Lakes, Willow Lakes and Cloudridge Addition to the west of Oliver, spoke in opposition to the plan as presented. He pointed out that when his clients withdrew their objections to the light commercial zoning to the south and east of subject area, it was only because they were assured that the 200 feet along Oliver would remain "AA" as a buffer area, and now the plan just presented indicates town house development for this property.

MR. LAYNE said that there are only 16 home sites in the 40 acres immediately west of this area, and that the residents of the area have attempted to retain and maintain the integrity of the area; and further, this is one area which can be preserved as an area of nice exclusive homes.

MR. LAYNE said that the proponents of subject development have discussed the plan with him and when he inquired of MR. BRICK what the plans were for the 200-foot buffer area to the north adjacent to the "IC" zoning, he was told that a variance would be requested on the south part to permit parking to accommodate the needs of the shopping center which is contemplated. He stressed the need for protecting that property which he represents at this time. The Attorney indicated that while they do not think another shopping center is needed as proposed for the light commercial zoning already established on the Pauley Property, they are actually arguing the density of the plan as proposed by the Community Unit Plan presented. He reported that the opposition does not think the plan would provide a proper buffer zone, and that it is their belief it does not comply with what this Commission asked the developer to submit, and further, they do not think it legal because of the language of the Community Unit Plan ordinance. The ordinance provides that any Community Unit Plan must meet certain criteria: the first being:

that the values of buildings and the character of the property adjoining the area will not be adversely affected.

MR. LAING indicated that the developer is not proposing single family residences along Oliver because he (the developer) was fearful that they could not be sold. If that is the case, what will happen to the \$60,000 and \$80,000 homes on the west side of Oliver. It was the feeling of the opposing residents that the Plan completely overlooks the valuations that have been built up through the years in the Clouddridge, Willow Lakes and Crestview Lakes area.

The Attorney pointed out that the second criteria for a Community Unit Plan is:

that such plan be consistent with the intent and purpose of this Chapter (referring to the Ordinance) to promote public health, safety, morals and general welfare.

He continued that other areas in this general area have been developed in low density, high quality single family homes and that the integrity should be protected; further, there has been no demonstrated need for the commercial development proposed adjacent to subject property. The Attorney offered objection too because of the traffic which would be generated by an approximate 600 dwelling units in the area and the congestion which would be created through the use of the one exit proposed onto Oliver.

LAKIN pointed out that Oliver right-of-way will be 100 feet and that within the next five years will be a four lane major street.

MR. LAING referred to the third criteria with respect to a Community Unit Plan which is:

that the buildings shall be used only for residential purposes.....

and said that he did not interpret that as meaning high rise apartments.

MR. LAING pointed out that the fourth criteria is:

that the average lot area per family contained in the site, exclusive of the area occupied by streets shall be not less than the lot area per family are required for the district in which the development is located.

He said that it was the belief of the opposition that nothing should be permitted on the east side of Oliver in subject area that does not provide for future single family residences on lots comparable in size to those on the west side where there is not a single lot in Willow Lakes, Crestview Lakes or Clouddridge, which is less than a full acre. It was their feeling that nothing should be permitted close to this exclusive area except low density residential development, and it was felt that it would be an error to funnel traffic out onto Oliver.

VIRGEN MAYO, a resident of Willow Lakes Estates, said that in view of the high amount of taxes which he pays on his property, and if this application is approved, he felt it would result in a 50% drop in the valuation of his property. Also, with the high density as proposed, he visualized juvenile delinquency, larceny and associated problems in the area. He stressed the need for low cost housing in the downtown area for working people without too high an income. He also offered objection because of traffic congestion which can be expected. MR. MAYO felt that if this plan is approved, it would be jeopardizing the finest residential district in Wichita.

BETTY HENSLEY, present president of Brooks School PTA, voiced objection to the plan. She pointed out that in the area between Grove and Hillside, 21st and 25th Streets there are approximately 50 vacant homes now and other homes in the area that are for sale or rent. She questioned the need for the additional housing proposed.

CHARLES E. BROWNING, JR., 11 Crestview Lakes, pointed out the low density of the residential areas to the west of Oliver and north of 21st Street, and further reported that the stockholders of the Crestview Country Club have gone on record as opposed to the type of housing proposed, even though they are themselves dealing with the people involved in subject situation. He indicated that there is no question about the stability or integrity of the builder involved. MR. BROWNING doubted that there would be the demand for the high rental units proposed and pointed out that the two high rise apartments at 13th and Woodlawn and at Lincoln and Oliver are not all occupied. MR. BROWNING passed around a clipping from the Kansas City paper, which stated that a similar development to the one proposed here, had been approved by the Planning Commission and City Commission, but when appealed to the Court by owners of single family property nearby, the Court reversed the approval of the Planning Commission and City Commission.

MR. BROWNING reviewed the traffic congestion already existing in this area and the even worse situation which would be created if this application is approved. He suggested that there were other locations where the proposed development could be located where it would not affect nearby development - such as just one mile to the east. It was his feeling that subject property should be developed compatible with that in the area west of Oliver and north of 21st Street.

LEBENE FARHA, a resident of Willow Lakes, felt that it would be a shame to permit the proposed development, and thus affect the integrity and property values of the homes to the west of Oliver.

BARBARA MORGAN, 13 Crestview Lakes, offered objection. She referred to the high taxes which they pay and the fact that rental property can always be detected from the manner in which it is maintained.

SIDNEY BRICK, Attorney for the applicants, said that he had been advised by the president of the Crestview Country Club that no such action was taken as reported by Mr. Browning. It was his feeling that the residents to the west have panicked with respect to the proposal of his clients, but he stressed the fact that it is not low grade housing or low grade rental housing which is proposed - it is something that would be compatible with the neighborhood. As far as high taxes is concerned, MR. BRICK noted that that is one reason why people are flocking to high rise apartments. He felt that a most sensible buffer has been proposed between Crestview Lakes and the high rise multiple dwellings, which buffer being the town house units adjacent to Oliver which will be sold singularly to first members of the community.

MR. BRICK commented that no matter how proud the residents to the west are of their property, the growth of Wichita State University will force people into this general area; there will be more automobile, using 21st Street and Oliver than before in spite of anything that anyone can do. The University will attract people to this area, and he felt that the opposition would be better off with the development proposed at this time than to have cheap single family homes next door. He stated that the applicant acceded to every suggestion that has been made to better the plan.

MR. BRICK pointed out that the original proposal did not include the 200-foot buffer strip along Oliver, but under this Community Unit Plan proposed, this "AA" strip can be developed on the basis of one family for each 6,000 square feet, and as proposed there will be no more people so far as density, than what

is permitted in the "AA" zoning in Crestview Lakes and other areas west of Oliver. The "B" zoning only requires 580 square feet per unit whereas this plan provides for 1500 square feet per unit, and the entire plan provides for much less density than originally proposed.

MR. BRICK felt strongly that the valuation of properties to the west would not be reduced and that what is proposed would be compatible and if it is permitted, it was his opinion that the residents of Crestview Lakes would wonder why they were ever opposed.

MR. BRICK said that what is being requested is the maximum - that his clients expect to build for the market, and if after constructing one high rise apartment building, there is not sufficient demand for another such building, then it will not be constructed. With respect to the example in Kansas City as submitted by Mr. Browning, MR. BRICK pointed out that in that case dwelling units providing only 300 square feet of area per family were proposed, which does not compare with the high type of development proposed by his clients. MR. BRICK indicated that if there are any drainage problems, then this will be resolved on the plat.

LAW said he felt the four requirements in the Community Unit Plan ordinance have been met, except possibly with respect to adverse effect on adjoining properties. He pointed out that the Community Unit Plan was designed to accommodate just such a program for development as submitted, and that the plan by itself as an isolated development is an excellent plan.

He noted that the Commission has not faced before the question of whether a town house is a single family residence, but it is a generally accepted planning concept that a town house is a single family residence where it is located on ground area equal to that required for single family homes. In view of this, he did not think there would be any violation as far as locating town houses along Oliver in the "AA" zoning. He considered it possible that town house type development along major thoroughfares might well be a solution to the question of what use to make of property along major thoroughfares.

LAW pointed out that he is concerned with the Prairie Park Addition to the north of subject property. In view of the lot size, it is platted for small homes, and while the opposition is opposed to the plan under consideration, it is possible that small homes in Prairie Park Addition would have a much more detrimental affect on the high valuation of the property to the west of Oliver. He pointed out also the far-reaching affect zoning has, in that if

the light commercial zoning to the south and east of subject property, were not already established, it is not likely that subject property would even be considered for multiple family use.

WINSBY said he felt owners in Crestview cannot expect to control the zoning of property for considerable distance around them, but he did feel that the 200-foot buffer area should be maintained in such a manner as to not adversely affect the value of properties to the west. WINSBY indicated he was in favor of the community unit type development and the idea of large tracts being developed in a creative manner, but he did not consider it reasonable to bring such a plan onto Oliver so close to Crestview. He continued that if the Light Commercial zoning was not already established he would never think of subject area as being logical for multiple family. WINSBY agreed that there will be added traffic congestion with the growth of the University, but questioned whether or not the Commission should sanction the creation of even more traffic problems by the approval of this plan.

LARKIN referred to the Transportation Study and reported that it is projected that 2300 vehicles per day will use this intersection. He stated also that it has been the view of the staff that the over-all tract would indicate the density of the combined zoning districts, and if the recommendation of 28 units per acre were involved, it would mean the rezoning of approximately 6.2 acres to "B" zoning, and the balance would stay "AA", and the Community Unit Plan would control density and location of various building types as indicated.

LAW commented that normally he would consider it had zoning to have the light commercial zoning (already existing) without buffering an "AA" area, and suggested that if the Light Commercial zoning were not already in effect, the plat submitted would not be considered reasonable. LAW felt that there could be more hardship created so far as residential property to the west is concerned, if subject property were platted as that to the north (Prairie Park Addition which is platted into small residential lots) and a typical shopping center developed on the light commercial zoning to the north, than to allow the project as proposed.

WINSBY said he thought the development as submitted if located a mile away from the desirable residential development, would be a good plan and one that should be favored, but at subject location he thought it would have an adverse affect on adjoining property values.

LAW said he concurred in Winsby's statement - he considered it a very good plan for transition from high grade residential to commercial.

TROUT said that he would be just as concerned for the property west of Oliver if the 200-foot buffer strip along the east side of Oliver was platted for lots of 6,000 square feet with comparable houses for that size lot. It was his opinion that the town houses suggested in this buffer area of 200 feet are not as bad as it appears on the surface, when compared with other possibilities for development of that area. He noted that the growth of Wichita State University is certain to affect the eventual development of properties in this general area.

LAW asked MR. LAING what his feelings would be with respect to the type of development which could occur on the 200-foot buffer strip without a Community Unit Plan.

MR. LAING admitted that an error was made several years ago when any of the Pauley property was zoned Light Commercial, and the agreement was made with his clients concerning the 200-foot buffer strip along Oliver. He noted that experience has shown the folly of trying to keep only 200 feet as a buffer zone; he felt they had erred in consenting to the Light Commercial granted Dr. Pauley under any circumstances. It was the feeling of Mr. Laing that the Pauley property could be developed on the same basis as that to the west of Oliver, i.e., nice one acre home sites around the existing lakes.

LAW inquired of MR. LAING if he felt that the retention of the 200 feet as "AA" zoning as it is now would satisfy his clients, and MR. LAING said he did not think it would if the small sized lots and homes were to be developed.

TROUT asked MR. LAING whether his clients would be satisfied with leaving out the 200-foot strip out of the Community Unit Plan and leave it for single family dwelling development. LAING felt that that would be preferable to what is now proposed, and said he had discussed the plan with Mr. Brick before the meeting and explained that they would be opposed to anything except single family homes along Oliver.

LAW pointed out that living on a major thoroughfare is more of a problem now than it was several years ago. He pointed out that the staff suggestion of backing homes into major thoroughfares normally has worked fairly well and that possibly some plan along this line could be developed whereby single family homes could be developed and the "AA" zoning retained.

MR. LAING said that at one time it was thought a 200-foot buffer zone was all they would need but the subject plan has demonstrated that the 200-foot buffer area will not afford the protection desired.

LAW suggested that the property involved is certain to develop eventually - the owners thereof are paying taxes the same as those owners west of Oliver, and they cannot afford to pay taxes on bare unproductive land, and he suggested that it is possible that development which might occur on subject property without the benefit of the Community Unit Plan provisions could prove to be much more harmful to the opponents' property values.

LAKIN said that at one time it was planned to have an access road along Oliver and inquired about that possibility. LAKIN said that the access road program has not worked out too satisfactory on major streets and he did not think anyone could look forward to such an access road along Oliver.

With respect to development of the 200-foot buffer strip for single family homes, LAW said it would be hoped that a plan could be developed without access to Oliver from each lot.

LAW commented that the existing commercial zoning in the area to the south and the location at the intersection of 21st Street and Oliver would not indicate that this area will remain the high type residential area that it is now.

KRATZER pointed out that the "AA" zoning of the 200-foot buffer strip could be developed with about 6 single family houses per acre.

WINSEY said he would look more favorably on the community unit plan if the 200-foot strip could be developed with single family houses backing up to Oliver.

When questioned as to the 200-foot buffer strip, MR. BRICK said they would be willing to remove all the proposed town houses and leave the 200 feet on the east side of Oliver in grass, except for parking on the inside area next to the balance of the proposed development, and would not propose any construction on the 200-foot strip. He verbally amended the application in this respect.

LAW noted that the residents in opposition are under the impression that Parcel 4 would contain two-story structures whereas the plan does not so indicate. LAKIN said that two-story struc-

tunes was proposed originally but in discussing the plan with the developer and the attorney, it was suggested that it be changed in order to provide more open area.

With respect to the proposal to leave all of the 200-foot buffer strip as a green area, except for inside parking, MR. LIVING asked if the provisions of such an agreement could be incorporated into restrictive covenants so that there would be no question in the future about whether or not it is going to remain in that condition. MR. BRICK stated that it could be made a part of the Community Unit Plan approval and they could not secure a building permit as long as the plan was effective.

WINSBY indicated that if the opposition is satisfied with the buffer strip left as a green area except for the inside parking, then it would fit into the plan and it was his feeling that regardless of how the opposition felt about the project, it was his opinion that the applicant should have the right to develop the property in accordance with what is the best from the economic standpoint. He suggested that this application be deferred and that the promoters and the opposition forces attempt to agree mutually on a plan, based on the discussion at this time - he felt the results would probably be something which would be beneficial to both factions.

LAW agreed a deferral would be desirable and said that he could not in good conscience vote a flat disapproval because he felt it might be doing a disservice to the public interest and that other development which might occur in the next few years could be much more harmful to those concerned. TROUT agreed that it would be much better if a definite plan could be agreed upon by both proponents and opponents.

BRICK indicated he is willing to cooperate in any way, but it seemed they have gone as far as they should be expected to and he asked that the Commission approve the request with the amendment made.

It was pointed out that with respect to the green area to be maintained on the 200-foot strip, there would be no control over the quality of such greenery.

MOTION: KRATZER moved, WINSBY seconded and it carried unanimously that these applications (both the zone case and the Development Plan) be deferred until the meeting of May 20, 1965, to allow the proponents and opponents to attempt to reach a mutual agreement as to the plan.

May 25, 1965

Mr. Sidney Brick
505 Union National Bldg.
Wichita, Kansas

Subject: S-0612 - Zone change from "AA" to "B";
and DP-8 - University Gardens Residential Com-
munity Unit Plan - at the northeast corner of
21st Street and Oliver

Dear Mr. Brick:

At its regular meeting on May 20, 1965, the Metropolitan Area Planning Commission considered the above-captioned zone change request and Community Unit Plan. The action of the Planning Commission was to recommend that the Community Unit Plan and the request for "B" Multiple Family Zoning be denied. In conjunction with this recommendation, the Planning Commission also directed the staff to advertise for public hearing a change of zoning from "LC" Light Commercial to "R1" Single Family on the following described property:

Beginning at a point 30 feet north and 250 feet east of the southeast corner of the SW $\frac{1}{4}$ Section 1, Township 27 South, Range 1 East; thence north 570 feet; thence east to the east line of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section; thence south along said east line to a point 30 feet north of the south line of the SW $\frac{1}{4}$ of Section 1, Township 27 South, Range 1 East; thence west parallel to said south line of the SW $\frac{1}{4}$ to the point of beginning; and all of Lot 1, W. P. Higgins Second Addition. Generally located on the north side of 21st Street in an area east of Oliver.

May 25, 1965

The recommendation of the Planning Commission on the Community Unit Plan and the zone change request will not be forwarded to the Board of City Commissioners for their consideration until 19 days after the Planning Commission has considered the proposed change of zoning from "LC" to "AA" on the above described property. It appears at this time that if this case is not deferred on June 17, 1965, at the regular meeting of the Planning Commission, these matters will be forwarded to the Board of City Commissioners for their consideration on July 6, 1965.

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

Sincerely,

Jock H. Galbraith
Senior Planner

JHG:bjg

cc: Vern L. Pealey
4902 East 21st Street

Ralph Gilchrist
Beacon Building

Vern H. Laing
123 South Market

Charles C. Browning, Jr.
11 Crestview Lakes

Mrs. Barbara Morgan
13 Crestview Lakes

Lela P. Furke
4703 East 23rd St.

This Community Unit Plan is proposed under Ordinance 28.04.190 Community Unit Plan Regulations.

A. RESIDENTIAL.

This section provides that the Planning Commission shall make a report to the Board of Commissioners setting forth its reasons for approval of the application and specific evidence and facts showing that the proposed Community Unit Plan meets four conditions. The following is submitted to assist the Planning Commission in preparing its report.

1. The values of buildings and the character of property adjoining the area included in the Community Unit Plan will not be adversely affected.

Adjoining the property to the north is Prairie Hills Addition, a 40 acre undeveloped tract platted into single family dwelling lots of 75 feet to 84 feet wide by 117 feet deep.

Abutting the property to the south is a tract zoned "LC". The proposed plan will afford fine transition from the "LC" tract to the Prairie Hills Addition. The area abutting the Prairie Hills Addition for a distance of 150 feet is left in open green area, and a large attractive lake. The plan reflects careful consideration to its effect upon Prairie Hills Addition.

To the east of the tract covered by the plan is the contemplated dedication of Pinecrest Street. East of Pinecrest lies undeveloped unplatted land. Southeast lies a tract zoned "LC".

The property abutts Oliver Street to the West, a 100 foot wide, well-traveled street. The plan provides for the opening of one street and two private driveways on to Oliver. The latter each solely serving one single-family dwelling.

The property to the west of Oliver is Crestview Lakes Addition and Willow Lake Estates Addition, Quality developments comprised of single-family dwellings of large lots. The Community Unit Plan has been carefully and painstakingly developed to insure that these properties will not be adversely affected. The plan has been made available to the residents of these areas for examination and study, and counsel for developers and for these residents have consulted in a spirit of vision and cooperation with the specific purpose of presenting a plan for the mutual benefit of the entire area. The developers have twice adjusted their planning to accord with the wishes of these residents. As a buffer zone along Oliver Street the developers suggested two alternatives: (1) Leave the area along Oliver for a distance of 150 feet in open green area, or (2) provide for 4 lots, each about 167 feet wide and 150 feet deep restricted to single family dwellings. In addition, in each alternate proposal, the strip 50 feet wide east of the involved area would be restricted to parking area. Counsel for the residents west of Oliver choose proposal (2), and the plan so provides.

The density of occupancy is in the south central and east portions of the tract, and tñded away from the residential area to the west and north.

The type of development with single-family dwellings to the west, low-rise apartments in the center and high-rise apartments in the south central and east portions of the tract make for good, harmonious planning with respect to property adjoining and in the vicinity of the area included in the plan. The general nature of the development should likewise blend well in the general area.

The plan provides for open green and garden area including lake of ____% of the over-all net acreage, and therefore, contemplates an unusual low density of improvements. It is our opinion that this plan provides for the minimum possible impact on the surrounding vicinity and reflects extremely progressive and considerate planning.

2. The plan is consistent with the intent and purpose of Ordinance Chapter 28.04 to promote public health, safety, morals and general welfare.

It should be anticipated that the growth of Wichita State University and other developments in the area such as apartment buildings and dormitories now under construction on both sides of 17th Street, the projected development of a shopping center and other commercial buildings in two tracts zoned for "LC" immediately south and southeast of the tract covered by the plan, the anticipated removal of Crestview Country Club and others will necessarily act as a magnet to attract development of the general area. Enrollment of the University has been variously officially estimated at 16,000 to 22,000 students by 1970 as compared with present enrollment of 9,245. It is noted that the area is within a projected growth area of the city.

The Community Unit Plan for the development of this tract is in keeping with the purposes of the related ordinance chapter and should aid not only in the best development of the general area in which it is located, but also in avoiding possible adverse impacts upon the quality developments west of Oliver and north of 21st Street.

3. The Community Unit Plan provides that the buildings thereon shall be used only for residential purposes and the usual accessories uses such as automobile parking areas, garages and community activities. No activities are planned which would require "LC" district zoning.

4. The average lot area per family contained in the site exclusive of the area occupied by stores is substantially less than the lot area per family required for the district in which the development is located. In parcels 1 and 2 in which "AA" single family zoning applies, the density is substantially less than the required 6,000 square feet per family unit, the figure being in excess of 16,000 square feet per unit.

Parcel 2 is completely unimproved. Parcel 4 computes to a density of 2,000 square feet per unit. Parcel 5 is within the maximum allowable density of 580 square feet per unit. Parcel 6 has a maximum density of 1500 square feet per unit.

"B" zoning appears applicable for the portion of the tract described as parcels 4, 5 and 6.

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To the east of the tract covered by the plan is the contemplated dedication of Pinecrest Street. East of Pinecrest lies undeveloped unplatted land. Southeast lies a tract zoned "LC".

The property abutts Oliver Street to the West, a 100 foot wide, well-traveled street. The plan provides for the opening of one street and two private driveways on to Oliver, The latter each solely serving one single-family dwelling.

The property to the west of Oliver is Crestview Lakes Addition and Willow Lake Estates Addition, quality developments comprised of single-family dwellings on large lots. The Community Unit Plan has been carefully and painstakingly developed to insure that these properties will not be adversely affected. The plan has been made available to the residents of these areas for examination and study, and counsel for developers and for these residents have consulted in a spirit of vision and cooperation with the specific purpose of presenting a plan for the mutual benefit of the entire area. The developers have twice adjusted their planning to accord with the wishes of these residents. As a buffer zone along Oliver Street the developers suggested two alternatives: (1) Leave the area along Oliver for a distance of 150 feet in open green area, or (2) provide for 4 lots, each about 167 feet wide and 150 feet deep restricted to single family dwellings. In addition, in each alternate proposal, the strip 50 feet wide east of the involved area would be restricted to parking area. Counsel for the residents west of Oliver choose proposal (2), and the plan so provides.

The density of occupancy is in the south central and east portions of the tract, and tapers away from the residential area to the west and north.

The type of development with single-family dwellings to the west, low-rise apartments in the center and high-rise apartments in the south central and east portions of the tract make for good, harmonious planning with respect to property adjoining and in the vicinity of the area included in the plan. The general nature of the development should likewise blend well in the general area.

The plan provides for open green and garden area including lake of _____% of the over-all net acreage, and therefore, contemplates an unusual low density of improvements. It is our opinion that this plan provides for the minimum possible impact on the surrounding vicinity and reflects extremely progressive and considerate planning.

2. The plan is consistent with the intent and purpose of Ordinance Chapter 28.04 to promote public health, safety, morals and general welfare.

It should be anticipated that the growth of Wichita State University and other developments in the area such as apartment buildings and dormitories now under construction on both sides of 17th Street, the projected development of a shopping center and other commercial buildings in two tracts zoned for "LC" immediately south and southeast of the tract covered by the plan, the anticipated removal of Crestview Country Club and others will necessarily act as a magnet to attract development of the general area. Enrollment of the University has been variously officially estimated at 16,000 to 22,000 students by 1970 as compared with present enrollment of 9,245. It is noted that the area is within a projected growth area of the city.

The Community Unit Plan for the development of this tract is in keeping with the purposes of the related ordinance chapter and should aid not only in the best development of the general area in which it is located, but also in avoiding possible adverse impacts upon the quality developments west of Oliver and north of 21st Street.

3. The Community Unit Plan provides that the buildings thereon shall be used only for residential purposes and the usual accessories uses such as automobile parking areas, garages and community activities. No activities are planned which would require "LC" district zoning.

4. The average lot area per family contained in the site exclusive of the area occupied by stores is substantially less than the lot area per family required for the district in which the development is located. In parcels 1 and 2 in which "AA" single family zoning applies, the density is substantially less than the required 6,000 square feet per family unit, the figure being in excess of 16,000 square feet per unit.

Parcel 2 is completely unimproved. Parcel 4 computes to a density of 2,000 square feet per unit. Parcel 5 is within the maximum allowable density of 580 square feet per unit. Parcel 6 has a maximum density of 1500 square feet per unit.

"B" zoning appears applicable for the portion of the tract described as parcels 4, 5 and 6.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: May 6, 1965

Case No. DP-6

Request: Approval of the proposed Planned Residential Development under the provisions of the Zoning Ordinance

Location: Northeast corner of 21st Street and Oliver

Acres: 20.18

History: E-0632 - Deferred by MAPC 3-4-65

Comments

1. On March 4, 1965, the Planning Commission considered a request for rezoning from "AA" Single family to "B" Multiple family, for an area located on the east side of Oliver and north of 21st Street North. The action of the Planning Commission at that meeting was to defer consideration of the zoning application and request that the applicant submit a residential Community Unit Plan for the apartment complex which is being planned for the property in question.

2. The plot plan submitted by the applicant has been divided into six different parcels. The proposed use on Parcels 1, 2 and 3 is for town house apartments with a maximum height of two stories and with a density of 6,000 square feet per unit. A total of 43 town house apartment units have been indicated for the three tracts.

On Tract #4, the applicants are proposing to construct two apartment buildings with a maximum height of three stories and a density of 2,000 square feet per unit. There is a total of 70 units proposed on Parcel #4.

On Parcel #5, the applicants are proposing to construct three 115 unit high rise apartments, with a maximum height of 10 stories and a maximum density of 580 square feet per unit.

On Parcel #6, the applicants are proposing to construct two 90 unit high rise apartments, with a maximum height of ten stories and a maximum density of 1580 square feet per unit.

3. The applicants are proposing to provide a minimum of 1 1/4 parking spaces per unit, or a total of 957 off-street parking spaces.

4. The applicants have indicated on the Community Unit Plan that they are proposing a total of 661 apartment units for this 22.07 acre tract, which would result in a density of approximately 30 units per acre. There is an east-west street containing a width of 66 feet which runs through this tract, which contains 1.88 acres. If the

area of the street is subtracted from the total acreage, it would leave 20.19 acres to be considered for development which, at 30 DU'S per acre would allow 606 units to be constructed on the property. When platted, there should be a paving petition for a 40-foot street submitted as a condition of the plat approval.

5. There is a north-south fire lane easement shown on the plan which ties in with Blackley Drive. It is suggested that this fire lane easement not be indicated on the Community Unit Plan but should, rather, be shown on the plat at the time this area is subdivided.
6. The major item of concern as far as this Community Unit Plan is concerned, is the policy as to proposed densities. The applicants are proposing to construct 661 apartment units on this property, which results in a density of approximately 30 units per acre.

The area to the west of Oliver and to the north of 21st Street has been subdivided into large residential lots and has been developed into a high quality single family area. The question is whether 30 DU'S per acre is, in fact, compatible with the existing development. If the type of density which is being proposed for this particular property (30 units per acre), is also allowed on other vacant and undeveloped tracts of land within the vicinity of the University, it could substantially affect the traffic carrying capacities of the major traffic streets in this vicinity; namely, Oliver and 21st Street.

7. In the new prototype zoning regulations it is proposed that the R-5 residential district permit a density up to 14 units per acre; that the R-6 residential district permit a density of 28 units per acre. The type of densities permitted in the R-6 residential district would appear to be acceptable for this particular area.
8. It is indicated on the Community Unit Plan that there will be a 40 foot setback adjacent to Oliver and a 40-foot setback adjacent to the north property line. In all other instances, buildings would set back a minimum of 25 feet from street rights of way and property lines.
9. At the time of platting, appropriate home association covenants will be needed to guarantee common drives and open space and the maintenance thereof.

Recommendation

In view of the foregoing comments, it is the recommendation of the staff that the University Gardens Residential Community Unit Plan be approved, subject to the following conditions:

1. There shall be a maximum density of not to exceed 28 dwelling units per net acre. (This would allow a maximum of 565 units to be constructed on this property.)
2. Parcel boundary lines should be clearly distinguishable.
3. Fire lane easement should be deleted from the development plan. If necessary, this provision could be a condition of the plat.
4. Under the provisions for each parcel, building setbacks should be from street right of way lines and parcel boundary lines.
5. Under general provisions, a statement should be provided that access control will be exercised along Oliver.
6. Under Description, the net area of 20.19 acres should be listed.
7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
8. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

WICHITA-SEDCWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: May 6, 1965

Case No. DP-8

Request: Approval of the proposed Planned Residential Development under the provisions of the Zoning Ordinance

Location: Northeast corner of 21st Street and Oliver

Acres: 20.18

History: 2-0532 - Deferred by M&PC 3-4-65

Comments

1. On March 4, 1965, the Planning Commission considered a request for rezoning from "AA" Single Family to "B" Multiple family, for an area located on the east side of Oliver and north of 21st Street North. The action of the Planning Commission at that meeting was to defer consideration of the zoning application and request that the applicant submit a residential Community Unit Plan for the apartment complex which is being planned for the property in question.
2. The plot plan submitted by the applicant has been divided into six different parcels. The proposed use on Parcels 1, 2 and 3 is for town house apartments with a maximum height of two stories and with a density of 6,000 square feet per unit. A total of 43 town house apartment units have been indicated for the three tracts.

On Tract #4, the applicants are proposing to construct two apartment buildings with a maximum height of three stories and a density of 2,000 square feet per unit. There is a total of 70 units proposed on Parcel #4.

On Parcel #5, the applicants are proposing to construct three 115 unit high rise apartments, with a maximum height of 10 stories and a maximum density of 580 square feet per unit.

On Parcel #6, the applicants are proposing to construct two 90 unit high rise apartments, with a maximum height of ten stories and a maximum density of 1500 square feet per unit.
3. The applicants are proposing to provide a minimum of 1 1/2 parking spaces per unit, or a total of 957 off-street parking spaces.
4. The applicants have indicated on the Community Unit Plan that they are proposing a total of 661 apartment units for this 22.07 acre tract, which would result in a density of approximately 30 units per acre. There is an east-west street containing a width of 66 feet which runs through this tract, which contains 1.88 acres. If the

area of the street is subtracted from the total acreage, it would leave 20.19 acres to be considered for development which, at 30 DU'S per acre would allow 606 units to be constructed on the property. When platted, there should be a paving petition for a 40-foot street submitted as a condition of the plat approval.

5. There is a north-south fire lane easement shown on the plan which ties in with Bleckley Drive. It is suggested that this fire lane easement not be indicated on the Community Unit Plan but should, rather, be shown on the plat at the time this area is subdivided.
6. The major item of concern as far as this Community Unit Plan is concerned, is the policy as to proposed densities. The applicants are proposing to construct 661 apartment units on this property, which results in a density of approximately 30 units per acre.

The area to the west of Oliver and to the north of 21st Street has been subdivided into large residential lots and has been developed into a high quality single family area. The question is whether 30 DU'S per acre is, in fact, compatible with the existing development. If the type of density which is being proposed for this particular property (30 units per acre), is also allowed on other vacant and undeveloped tracts of land within the vicinity of the University, it could substantially affect the traffic carrying capacities of the major traffic streets in this vicinity; namely, Oliver and 21st Street.

7. In the new prototype zoning regulations it is proposed that the R-5 residential district permit a density up to 14 units per acre; that the R-6 residential district permit a density of 28 units per acre. The type of densities permitted in the R-6 residential district would appear to be acceptable for this particular area.
8. It is indicated on the Community Unit Plan that there will be a 40 foot setback adjacent to Oliver and a 40-foot setback adjacent to the north property line. In all other instances, buildings would set back a minimum of 25 feet from street rights of way and property lines.
9. At the time of platting, appropriate home association covenants will be needed to guarantee common drives and open space and the maintenance thereof.

Recommendation

In view of the foregoing comments, it is the recommendation of the staff that the University Gardens Residential Community Unit Plan be approved, subject to the following conditions:

1. There shall be a maximum density of not to exceed 28 dwelling units per net acre. (This would allow a maximum of 565 units to be constructed on this property.)
2. Parcel boundary lines should be clearly distinguishable.
3. Fire lane easement should be deleted from the development plan. If necessary, this provision could be a condition of the plat.
4. Under the provisions for each parcel, building setbacks should be from street right of way lines and parcel boundary lines.
5. Under general provisions, a statement should be provided that access control will be exercised along Oliver.
6. Under Description, the net area of 20.19 acres should be listed.
7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
8. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

MASTER PA

WICHITA-SEDEWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: May 6, 1965

Case No. DP-8	Request: Approval of the proposed Planned Residential Development under the provisions of the Zoning Ordinance
Location: Northeast corner of 21st Street and Oliver	
Acres: 20.18	
History: Z-0632 - Deferred by MAPC 3-4-65	

Comments

- On March 4, 1965, the Planning Commission considered a request for rezoning from "AA" Single family to "B" Multiple family, for an area located on the east side of Oliver and north of 21st Street North. The action of the Planning Commission at that meeting was to defer consideration of the zoning application and request that the applicant submit a residential Community Unit Plan for the apartment complex which is being planned for the property in question.
- The plot plan submitted by the applicant has been divided into six different parcels. The proposed use on Parcels 1, 2 and 3 is for town house apartments with a maximum height of two stories and with a density of 6,000 square feet per unit. A total of 43 town house apartment units have been indicated for the three tracts.

On Tract #4, the applicants are proposing to construct two apartment buildings with a maximum height of three stories and a density of 2,000 square feet per unit. There is a total of 70 units proposed on Parcel #4.

On Parcel #5, the applicants are proposing to construct three 115 unit high rise apartments, with a maximum height of 10 stories and a maximum density of 580 square feet per unit.

On Parcel #6, the applicants are proposing to construct two 90 unit high rise apartments, with a maximum height of ten stories and a maximum density of 1500 square feet per unit.
- The applicants are proposing to provide a minimum of 1½ parking spaces per unit, or a total of 957 off-street parking spaces.
- The applicants have indicated on the Community Unit Plan that they are proposing a total of 661 apartment units for this 22.07 acre tract, which would result in a density of approximately 30 units per acre. There is an east-west street containing a width of 66 feet which runs through this tract, which contains 1.88 acres. If the

Page 2 - Case No. DP-8
May 6, 1965

area of the street is subtracted from the total acreage, it would leave 20.19 acres to be considered for development which, at 30 DU'S per acre would allow 606 units to be constructed on the property. When platted, there should be a paving petition for a 40-foot street submitted as a condition of the plat approval.

5. There is a north-south fire lane easement shown on the plan which ties in with Bleckley Drive. It is suggested that this fire lane easement not be indicated on the Community Unit Plan but should, rather, be shown on the plat at the time this area is subdivided.
6. The major item of concern as far as this Community Unit Plan is concerned, is the policy as to proposed densities. The applicants are proposing to construct 661 apartment units on this property, which results in a density of approximately 30 units per acre.

The area to the west of Oliver and to the north of 21st Street has been subdivided into large residential lots and has been developed into a high quality single family area. The question is whether 30 DU'S per acre is, in fact, compatible with the existing development. If the type of density which is being proposed for this particular property (30 units per acre), is also allowed on other vacant and undeveloped tracts of land within the vicinity of the University, it could substantially affect the traffic carrying capacities of the major traffic streets in this vicinity; namely, Oliver and 21st Street.

7. In the new prototype zoning regulations it is proposed that the R-5 residential district permit a density up to 14 units per acre; that the R-6 residential district permit a density of 28 units per acre. The type of densities permitted in the R-6 residential district would appear to be acceptable for this particular area.
8. It is indicated on the Community Unit Plan that there will be a 40 foot setback adjacent to Oliver and a 40-foot setback adjacent to the north property line. In all other instances, buildings would set back a minimum of 25 feet from street rights of way and property lines.
9. At the time of platting, appropriate home association covenants will be needed to guarantee common drives and open space and the maintenance thereof.

Recommendation

In view of the foregoing comments, it is the recommendation of the staff that the University Gardens Residential Community Unit Plan be approved, subject to the following conditions:

Page 3 - Case No. DP-8
May 6, 1965

1. There shall be a maximum density of not to exceed 28 dwelling units per net acre. (This would allow a maximum of 565 units to be constructed on this property.)
2. Parcel boundary lines should be clearly distinguishable.
3. Fire lane easement should be deleted from the development plan. If necessary, this provision could be a condition of the plat.
4. Under the provisions for each parcel, building setbacks should be from street right of way lines and parcel boundary lines.
5. Under general provisions, a statement should be provided that access control will be exercised along Oliver.
6. Under Description, the net area of 20.19 acres should be listed.
7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
8. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 2-8211 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

May 7, 1965

Mr. Sidney Brick
505 Union National Building
Wichita, Kansas

Subject: E-0632 - Zone change from "AA" to
"B" and DP-S - University Gardens Residential
Development Plan - Northeast corner of
21st Street and Oliver

Dear Mr. Brick:

At its regular meeting on May 6, 1965, the Metropolitan Area Planning Commission considered the above-captioned zone change request and Development Plan. The action of the Planning Commission was to defer further consideration of this application until May 20, 1965, in order to allow the applicant sufficient time to meet with the protestors relative to the possibility of providing some type of buffer along Oliver. It was suggested by the Commission that this buffer could either be provided by a 200-foot green planting area, or by planting the 200-foot strip adjacent to Oliver into single family residential lots.

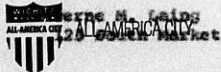
If you have any questions, or if we can be of any assistance to you in this matter, please feel free to call.

Sincerely,

Jack E. Gairbraith
Senior Planner

JHG:JWB:bps

cc: Vern L. Pauley
4802 East 21st Street



May 7, 1965

CC: Messrs. Ralph Lightner and
Robert Lightner
219 North Market

Mr. Ralph Gilchrist
Beacon Building

Mr. Vir Den Mayo
2501 North Pershing

Mr. Charles C. Browning, Jr.
11 Crestview Lakes

Mrs. Barbara Morgan
13 Crestview Lakes

LaBebe F. Farha
4703 East 23rd St.

TOTAL AREA MINUS OLIVER R/W & PINECROFT R/W

$$775 \times 1291 = 961,775 \text{ sq ft.}$$

St. Running thru plot $\frac{82,820 \text{ " " " "}}$

878,945 " " OR 20.18 ACRES

MICHIGAN-SHERBURN COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: May 6, 1965

Case No. DP-8

Request: Approval of the proposed Planned Residential Development under the provisions of the Zoning Ordinance

Location: Northeast corner of 21st Street and Oliver

Acres: 20.18

History: Z-0632 - Deferred by MAPC 3-4-65

Comments

1. On March 4, 1965, the Planning Commission considered a request for rezoning from "AA" Single family to "B" Multiple family, for an area located on the east side of Oliver and north of 21st Street North. The action of the Planning Commission at that meeting was to defer consideration of the zoning application and request that the applicant submit a residential Community Unit Plan for the apartment complex which is being planned for the property in question.
2. The plot plan submitted by the applicant has been divided into six different parcels. The proposed use on Parcels 1, 2 and 3 is for town house apartments with a maximum height of two stories and with a density of 6,000 square feet per unit. A total of 43 town house apartment units have been indicated for the three tracts.

On Tract #4, the applicants are proposing to construct two apartment buildings with a maximum height of three stories and a density of 2,000 square feet per unit. There is a total of 70 units proposed on Parcel #4.

On Parcel #5, the applicants are proposing to construct three 115 unit high rise apartments, with a maximum height of 10 stories and a maximum density of 580 square feet per unit.

On Parcel #6, the applicants are proposing to construct two 90 unit high rise apartments, with a maximum height of ten stories and a maximum density of 1500 square feet per unit.
3. The applicants are proposing to provide a minimum of 1 1/2 parking spaces per unit, or a total of 957 off-street parking spaces.
4. The applicants have indicated on the Community Unit Plan that they are proposing a total of 661 apartment units for this 22.07 acre tract, which would result in a density of approximately 30 units per acre. There is an east-west street containing a width of 66 feet which runs through this tract, which contains 1.88 acres. If the

area of the street is subtracted from the total acreage, it would leave 20.19 acres to be considered for development which, at 30 DU'S per acre would allow 606 units to be constructed on the property. When platted, there should be a paving petition for a 40-foot street submitted as a condition of the plat approval.

5. There is a north-south fire lane easement shown on the plan which ties in with Bleckley Drive. It is suggested that this fire lane easement not be indicated on the Community Unit Plan but should, rather, be shown on the plat at the time this area is subdivided.
6. The major item of concern as far as this Community Unit Plan is concerned, is the policy as to proposed densities. The applicants are proposing to construct 661 apartment units on this property, which results in a density of approximately 30 units per acre.

The area to the west of Oliver and to the north of 21st Street has been subdivided into large residential lots and has been developed into a high quality single family area. The question is whether 30 DU'S per acre is, in fact, compatible with the existing development. If the type of density which is being proposed for this particular property (30 units per acre), is also allowed on other vacant and undeveloped tracts of land within the vicinity of the University, it could substantially affect the traffic carrying capacities of the major traffic streets in this vicinity; namely, Oliver and 21st Street.

7. In the new prototype zoning regulations it is proposed that the R-5 residential district permit a density up to 14 units per acre; that the R-6 residential district permit a density of 28 units per acre. The type of densities permitted in the R-6 residential district would appear to be acceptable for this particular area.
8. It is indicated on the Community Unit Plan that there will be a 40 foot setback adjacent to Oliver and a 40-foot setback adjacent to the north property line. In all other instances, buildings would set back a minimum of 25 feet from street rights of way and property lines.
9. At the time of platting, appropriate home association covenants will be needed to guarantee common drives and open space and the maintenance thereof.

Recommendation

In view of the foregoing comments, it is the recommendation of the staff that the University Gardens Residential Community Unit Plan be approved, subject to the following conditions:

Page 3 - Case No. DP-8
May 6, 1965

1. There shall be a maximum density of not to exceed 28 dwelling units per net acre. (This would allow a maximum of 565 units to be constructed on this property.)
2. Parcel boundary lines should be clearly distinguishable.
3. Fire lane easement should be deleted from the development plan. If necessary, this provision could be a condition of the plat.
4. Under the provisions for each parcel, building setbacks should be from street right of way lines and parcel boundary lines.
5. Under general provisions, a statement should be provided that access control will be exercised along Oliver.
6. Under Description, the net area of 20.19 acres should be listed.
7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
8. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

WICHITA-SANDWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DATE: May 6, 1965

Case No. DP-8

Request: Approval of the proposed Planned Residential Development under the provisions of the Zoning Ordinance

Location: Northeast corner of 21st Street and Oliver

Acres: 20.18

History: Z-0632 - Deferred by MAPC 3-4-65

Comments

1. On March 4, 1965, the Planning Commission considered a request for rezoning from "AA" Single family to "B" Multiple family, for an area located on the east side of Oliver and north of 21st Street North. The action of the Planning Commission at that meeting was to defer consideration of the zoning application and request that the applicant submit a residential Community Unit Plan for the apartment complex which is being planned for the property in question.
2. The plot plan submitted by the applicant has been divided into six different parcels. The proposed use on Parcels 1, 2 and 3 is for town house apartments with a maximum height of two stories and with a density of 6,000 square feet per unit. A total of 43 town house apartment units have been indicated for the three tracts.

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On Parcel #5, the applicants are proposing to construct three 115 unit high rise apartments, with a maximum height of 10 stories and a maximum density of 580 square feet per unit.

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3. The applicants are proposing to provide a minimum of 1½ parking spaces per unit, or a total of 957 off-street parking spaces.
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area of the street is subtracted from the total acreage, it would leave 20.19 acres to be considered for development which, at 30 DU'S per acre would allow 606 units to be constructed on the property. When platted, there should be a paving petition for a 40-foot street submitted as a condition of the plat approval.

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The area to the west of Oliver and to the north of 21st Street has been subdivided into large residential lots and has been developed into a high quality single family area. The question is whether 30 DU'S per acre is, in fact, compatible with the existing development. If the type of density which is being proposed for this particular property (30 units per acre), is also allowed on other vacant and undeveloped tracts of land within the vicinity of the University, it could substantially affect the traffic carrying capacities of the major traffic streets in this vicinity; namely, Oliver and 21st Street.

7. In the new prototype zoning regulations it is proposed that the R-5 residential district permit a density up to 14 units per acre; that the R-6 residential district permit a density of 28 units per acre. The type of densities permitted in the R-6 residential district would appear to be acceptable for this particular area.
8. It is indicated on the Community Unit Plan that there will be a 40 foot setback adjacent to Oliver and a 40-foot setback adjacent to the north property line. In all other instances, buildings would set back a minimum of 25 feet from street rights of way and property lines.
9. At the time of platting, appropriate home association covenants will be needed to guarantee common drives and open space and the maintenance thereof.

Recommendation

In view of the foregoing comments, it is the recommendation of the staff that the University Gardens Residential Community Unit Plan be approved, subject to the following conditions:

Page 3 - Case No. DF-8
May 6, 1965

1. There shall be a maximum density of not to exceed 28 dwelling units per net acre. (This would allow a maximum of 565 units to be constructed on this property.)
2. Parcel boundary lines should be clearly distinguishable.
3. Fire lane easement should be deleted from the development plan. If necessary, this provision could be a condition of the plat.
4. Under the provisions for each parcel, building setbacks should be from street right of way lines and parcel boundary lines.
5. Under general provisions, a statement should be provided that access control will be exercised along Oliver.
6. Under Description, the net area of 20.19 acres should be listed.
7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
8. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for their consideration.

*

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

Roll # 1

*