

AP-59 - FARMINGTON SQUARE CUP -
AMENDED FILE #1 - Generally loca-
ted at the northeast corner of
Freeman and Ridge Road

Posted
11-10-82

ACTION

DATE

COMMITTEE

12-16-82

*Approach sent to
Commission*

M.A.P.C.

1-11-83

*Approved on
Recommendation*

B.C.C./B.C.C.T.

Map No. 5047D
Sec. _____
Twp. _____
Range _____

DATA SHEET
COMMUNITY UNIT PLAN

AMENDED FILE #3
DP - 59
Filed 11-2-82
Associated
Case: Z-2472

APPLICATION REQUEST: Approval of proposed Amendment to
FARMINGTON SQUARE C.U.P.
(Residential)(Commercial) Community Unit Plan.

1. Applicant 125, Inc.-Marvin L. Niedens, President
Address 902 N. West St., 67203 Phone 945-9308
2. Agent Tim Ewald
Address 3705 E. Douglas, 67218 Phone 681-1661
3. General Location: Northeast corner of Freeman and Ridge Road.
4. Proposed Use: _____

AREA DATA:
1. Acres: 49.3 (IRREGULAR) 2000 ft. by 2550 ft.)
2. Existing Zoning "A" Proposed Zoning "B"
3. Area (is) (is not) platted. _____ Addition

HISTORY

PROCEDURE DATA

1. MAPC Meeting:

Date 12-16-82 Action Approved subject to conditions

2. Governing Body

Date 1-11-83 Action Approved as recommended

NOTES:

CASE FILE

Shirley
No. 2153C
HASTINGS, MN
152-231-1111
MORNING TOLL FREE 800.52.52
U.S.A.

Map No. 5047D
 Sec. _____
 Twp. _____
 Range _____

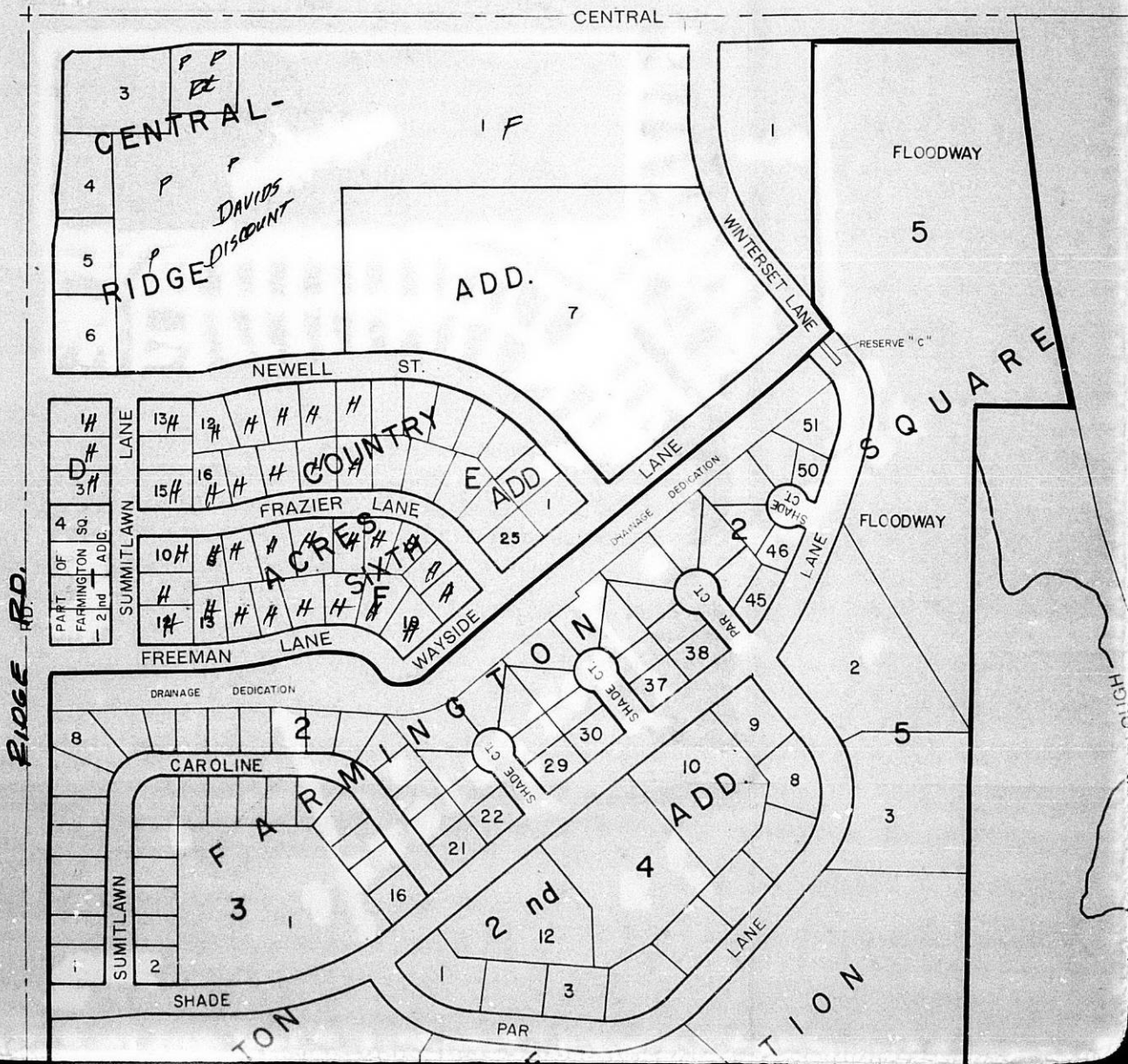
DATA SHEET
 COMMUNITY UNIT PLAN

AMENDED FILE #3
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APPLICATION REQUEST: Approval of proposed Amendment to
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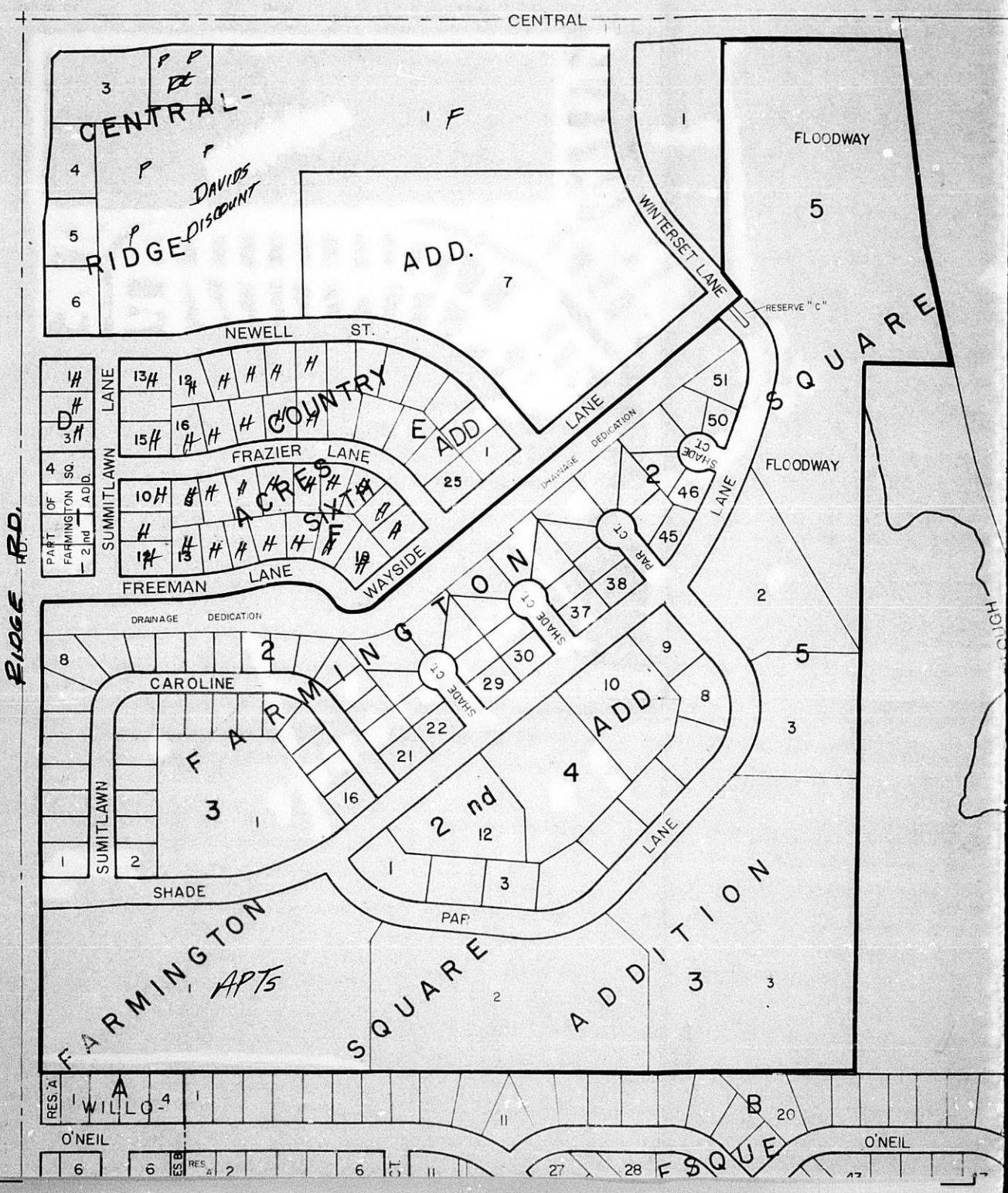
- Applicant 125, Inc. - Marvin L. Niedens, President
 Address 902 N. West St., 67203 Phone 945-9308
- Agent Tim Ewald
 Address 3705 E. Douglas, 67218 Phone 681-1661
- General Location: Northeast corner of Freeman and Ridge Road.
- Proposed Use: _____

- AREA DATA: (IRREGULAR)
- Acres: 49.3 (2000 ft. by 2550 ft.)
 - Existing Zoning: "A" "BB"
 - Land Use: East UNDEVELOPED South UNDEVELOPED
 West SINGLE FAM North SINGLE FAM
 - Sketch Plan Land Use is for: _____
 - Present Land Use is for: APARTMENTS
 - Area (is) (is not) platted. _____



2. Address 902 N. West St., 67203 Phone 943-9306
 Agent Tim Ewald
 Address 3705 E. Douglas, 67213 Phone 681-1661
 3. General Location: Northeast corner of Freeman and Ridge Road.
 4. Proposed Use: _____

AREA DATA:
 1. Acres: 49.3 (2000 ft. by 2550 ft.) (IRREGULAR)
 2. Existing Zoning: "A"
 3. Land Use: East UNDEVELOPED South "BB"
 West SINGLE FAM North SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: APARTMENTS
 6. Area (is) (is not) platted: _____



January 20, 1983

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

DP-59 - Farmington Square Residential C.U.P. Generally located at the northeast corner of Freeman and Ridge Road.

The Board of City Commissioners on January 11, 1983, considered the above captioned C.U.P. Their action was to approve the C.U.P. subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.

Attached for your information and files are two approved copies of the C.U.P. If you have any questions concerning this matter, please contact our office.

Jack H. Galbraith
Chief Planner

JHG:ADC:el
Attachments

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING
AND APPROVAL OF AMENDMENT TO RESIDENTIAL COMMUNITY UNIT PLAN

CASE NO. 2-2472 & DP-59 CONSIDERED BY MAPC: 12-16-82

REQUEST FOR: "A" to "BB" and Approval of amendment to Farmington
Square Residential C.U.P.

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"I feel that the property is undevelopable with the
present zoning due to the neighborhood characteristics."

GENERAL LOCATION: Southeast corner of Freeman and Ridge Road.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of
December 16, 1982)

APPLICANT: 125, Inc. - Marvin L. Niedens, President, 902 N. West St.

AGENT FOR APPLICANT: Tim Ewald, 3705 E. Douglas.

PROTESTORS (LIST AGENT) IF ANY: None

SURROUNDING ZONING: North and West, "AA"; East, "AA" & "A"; South, "A".

LAND USE: Existing, Undeveloped, fourplexes & apartments; North, East
and West, Single-family; South, Undeveloped & apartments.

CPO RECOMMENDATION: CPO Council Area "A", due to lack of a quorum,
took no action on the applications.

PLANNING COMMISSION RECOMMENDATION:

That the zone change request be approved subject to the property being replatted to provide for access controls, setbacks, etc., within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds; and that the C.U.P. be approved subject to the following conditions: (See excerpt from Planning Commission minutes of December 16, 1982). Lofton moved, Chisholm seconded and it carried with a vote of 8 in favor (Lofton, Chisholm, Cazal, Bayouth, Gardner, Goebel, Moore, and Parsons) and 2 opposed (Hansen and Wilson).

ACTION: 1. Concur with the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and CUP subject to the recommended conditions, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or

2. Return the application to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 16, 1982

- 6a. Case No. Z-2472 - 125, Inc., et al request zone change from "A" to "BB" for Lots 1-4, Block 1, Farmington Square 2nd Addition. Generally located at the northeast corner of Freeman and Ridge Road.
- 6b. Case No. DP-59 - 125, Inc., et al request amendment to Farmington Square Residential Community Unit Plan for all lots in Blocks 2, 3, and 4 and Lots 2 and 3, and the Floodway Reserve, Block 5, Farmington Square 2nd Addition, and Lots 1, 2 and 3, Block 3, Farmington Square Addition. Generally located at the northeast corner of Freeman and Ridge Road.

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

COMMENTS:

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

As provided in Section 28.04.190 of the Code of the City of Wichita, an application has been submitted proposing the deletion of a portion of a residential C.U.P. which is located east of Ridge Road and south of Central. The area being deleted contains four lots on the east side of Ridge Road, north of Freeman. No changes are proposed to the balance of the C.U.P.

The associated zone change (Z-2472) is requesting "BB" zoning for the four lots north of Freeman. This area was originally approved in 1974 as open space for the proposed multiple-family uses. In 1980, the C.U.P. was amended to allow duplexes for this area. In September 1981 the MAPC recommended denial by a 82 vote on a request for "BB" and "LC" zoning on these same four lots. The City Commission concurred in the MAPC's recommendation.

The zoning policy adopted in 1979 for the area of Ridge Road states that the City Commission would "look with favor on the retention of existing and approved zoning classifications on both the east and west sides of Ridge Road between Maple and Central . . ."

2. Staff feels that the introduction of a spot of "BB" zoning in a low density residential area is inappropriate. There are several nearby sites that could accommodate the proposed uses that would not result in spot zoning or the stripping out of Ridge Road. Staff feels that the existing "A" zoning permits the most appropriate use for this area.
3. The Department of Engineering has indicated that if this area is replatted with access to Ridge Road the site will be required to participate in the costs of the improvements to Ridge Road.
4. If the Planning Commission determines that the requested zoning is appropriate then the four lots should be replatted to vacate the access control to Ridge Road, establish setbacks, dedicate access control to Summitlawn Lane, and establish other controls to lessen the impacts

TIM EWALD, agent, representing the applicant, said that he would like to discuss the reference made by Chambers to the case filed last year. He said that this case is not similar to that request. Essentially, last year they were asking for half of the proposed change to be light commercial, and the other half be office zoning. He said that in essence that could have been a full light commercial use which would have been detrimental to the neighborhood. He did not feel that these lots could be developed into single family homes. They are in a high traffic area, and the LHA housing project which surround the lots would not make single family homes marketable there. He felt that an office structure would compliment the neighborhood. EWALD pointed out that across the street from this site is "BB" zoning. He further pointed out that at the CPO meeting there was no one present that spoke in oppositibn to the proposal.

LOFTON asked if the neighborhood was advised of the CPO meeting. GALBRAITH stated yes. The notice was a standard one that advises the property owners that the CPO would consider a case and that they should call the CPO office for the time and place of the meeting. GALBRAITH said that as far as he could remember there was no one in attendance a year ago when the application was for commercial.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the residential character of the neighborhood; the office zoning and uses to the northwest; and the lack of opposition of area residents; I move that we recommend to the governing body that the zone change request be approved subject to the property being replatted to provide for access controls, setbacks, etc., within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds; and that the C.U.P. be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.

Lofton moved, Chisholm seconded and it carried with a vote of 8 in favor (Lofton, Chisholm, Cazal, Bayouth, Gardner, Goebel, Moore, and Parsons) and 2 opposed (Hansen and Wilson).

of office uses on the surrounding residential areas. Access control to Ridge Road should be vacated so that traffic does not have to travel through the single-family area to the east.

5. A recommendation of approval by the Planning Commission should be subject to the property being platted to provide for access controls, setbacks, etc., within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds.
6. Should the Planning Commission determine that the proposed deletion to the C.U.P. is appropriate, the following are recommended conditions of approval:
 - a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.
 - c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.

CHAMBERS pointed out that a zone case on these four lots was denied last year by both the Planning and City Commissions. At that time the south two lots were going to be "BB" Office zoning, and the north two lots would be "LC" Light Commercial zoning. The Planning Commission's motion at that time was to recommend denial of the requests, and it passed by a vote of 8-2. CHAMBERS said that on the original C.U.P. those four lots were approved as open space. In 1980 the C.U.P. was amended and part of the area south of Freeman Lane was replatted for duplexes and fourplexes. Also at that time it seemed appropriate to grant "A" two-family zoning for these four lots. CHAMBERS advised that the zoning policy for this area was to look with favor on retention of existing and approved zoning classifications on both sides of Ridge Road. The staff feels that the "A" Two-family zoning was still the most appropriate, and that there were sufficient amounts of undeveloped "BB" and "LC" areas that would accept the proposed development. He said that the staff recommended that the applications not be approved. CHAMBERS added that CPO Council Area "A", due to lack of a quorum, took no action on the applications. He pointed out that last year when this case was considered, CPO Council Area "A" voted 6-0 to deny the application.

CHAMBERS stated if the zone change was approved, that it should be replatted. He said that during the replatting, the applicant would be required to participate in the improvements that are currently being done on Ridge Road.

December 17, 1982

Tim Ewald
3705 East Douglas
Wichita, Ka. 67218

Re: Z-2472 - "A" to "BB"
DF-59 - Amendment to Farmington
Square Residential C.U.P.
- Both located on the south-
east corner of Freeman and
Ridge Road

Dear Mr. Ewald:

At its regular meeting on December 16, 1982, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend approval of the zone change request subject to the property being replatted to provide for access controls, setbacks, etc., within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds; and the approval of the C.U.F. subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.

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

It is necessary that we receive 10 copies of the C.U.P. by December 29, 1982 so that subject cases can be scheduled for consideration by the City Commission at their meeting of January 11, 1983. This meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

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

Sincerely yours,


Jack H. Galbraith
Chief Planner

cc: Marvin L. Miedens, President, 125 Inc., 902 North West Street, 67203

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE December 16, 1982

TO Jack Galbraith, Chief Planner-Current Plans

FROM Dean Kruthof, Administrative Aide III

SUBJECT DP-59 and Z-2472, Northeast
Corner of Freeman and Ridge Road

Due to the lack of a quorum at its December 15th meeting, CPO Neighborhood Council Area "A" will be unable to forward a recommendation on the application to amend the Farmington Square Residential C.U.P. to the Metropolitan Area Planning Commission.

Tim Ewald was present at the meeting to discuss the case. No area residents attended the meeting concerning the requested amendment.

The Council will reconsider the case at its January 5th meeting and forward a recommendation to the City Commission.


Dean Kruthof
Administrative Aide III

DK:dm

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 12-16-82

Case No. DP-59 Request: Approval of amendment to
Z-2472 Farmington Square C.U.P.
"A" to "BB"

Location: Southeast corner of Freeman and Ridge Road.

Reason: I feel that the property is undevelopable with the present zoning due to the neighborhood characteristics.

Acres: DP-59 49.3 Size: 2020' x 2575' (irregular).
Z-2472 0.9 130' x 310'

	Land Use	Zoning
Existing	Undeveloped, four-plexes & apartments	"A"
North	Single-family	"AA"
East	Single-family	"AA" & "A"
South	Undeveloped & apartments	"A"
West	Single-family	"AA"

Existing R/W - adequate Flatted: Yes

History:

DP-59 & Z-1590	"AA" to "A"	1-24-74	MAPC	Approved
		2-12-74	BCC	Approved
DP-59 & Z-2290	"A" to "LC"	11-06-80	MAPC	Approved
		12-02-80	BCC	Approved
DP-59 & Z-2371	"AA" to "BB" & "LC"	9-10-81	MAPC	Denied
		10-06-81	BCC	Denied

COMMENTS:

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

As provided in Section 28.04.190 of the Code of the City of Wichita, an application has been submitted proposing the deletion of a portion of a residential C.U.P. which is located east of Ridge Road and south of Central. The area being deleted contains four lots on the east side of Ridge Road, north of Freeman. No changes are proposed to the balance of the C.U.P.

The associated zone change (Z-2472) is requesting "BB" zoning for the four lots north of Freeman. This area was originally approved in 1974 as open space for the proposed multiple-family uses. In 1980, the C.U.P. was amended to allow duplexes for this area. In September 1981 the MAPC recommended denial by a 8-2 vote on a request for "BB" and "LC" zoning on these same four lots. The City Commission concurred in the MAPC's recommendation.

The zoning policy adopted in 1979 for the area of Ridge Road states that the City Commission would "look with favor on the retention of existing and approved zoning classifications on both the east and west sides of Ridge Road between Maple and Central . . ."

2. Staff feels that the introduction of a spot of "BB" zoning in a low density residential area is inappropriate. There are several nearby sites that could accommodate the proposed uses that would not result in spot zoning or the stripping out of Ridge Road. Staff feels that the existing "A" zoning permits the most appropriate use for this area.

3. The Department of Engineering has indicated that if this area is replatted with access to Ridge Road the site will be required to participate in the costs of the improvements to Ridge Road.
4. If the Planning Commission determines that the requested zoning is appropriate then the four lots should be replatted to vacate the access control to Ridge Road, establish setbacks, dedicate access control to Summitlawn Lane, and establish other controls to lessen the impacts of office uses on the surrounding residential areas. Access control to Ridge Road should be vacated so that traffic does not have to travel through the single-family area to the east.
5. A recommendation of approval by the Planning Commission should be subject to the property being platted to provide for access controls, setbacks, etc., within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds.
6. Should the Planning Commission determine that the proposed deletion to the C.U.P. is appropriate, the following are recommended conditions of approval:
 - a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.
 - c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

Z-2472)
& }
DP-59)

19 "Notice to Adjoining Property Owners" mailed 12-2-82 for the
MAPC meeting for 12-16-82

1 Including map - to CPO Office
1 " " " " "NEIGHBORS"
1 to Yash Desai, Acting Sanitary Sewer Engineer

—
22 TOTAL

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

December 2, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, December 16, 1982, said meeting beginning at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for amendment to the FARMINGTON SQUARE, RESIDENTIAL COMMUNITY UNIT PLAN, for property legally described as follows:

CASE NO. DP-59

All lots in Blocks 2, 3, and 4 and Lots 2 and 3, and the Floodway Reserve, Block 5, Farmington Square 2nd Addition, and Lots 1, 2 and 3, Block 3, Farmington Square Addition. Generally located at the northeast corner of Freeman and Ridge Road.

The Development Plan of this area, originally approved on January 24, 1974 and amended on December 2, 1980, has been resubmitted as required under the Community Unit Plan provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The revised Development Plan now on file proposes to delete a portion of the approved C.U.P. located north of Freeman Lane, between Ridge Road and Summitlawn Lane. The permitted use for the area being deleted is duplexes. Associated zone change (Z-2472) is requesting that this area be rezoned to the "BB" Office District.

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

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

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

Robert A. Lakin
Secretary

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

December 2, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

This is a notice of a request for a zoning change in your area and on property legally described below. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request. If you have no interest or objection to the requested change, you have no obligation to appear or comment. If you desire to appear at the MAPC meeting, you are invited to do so, either in person or by agent or attorney.

The MAPC will consider the following case at its meeting in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, beginning at 1:30 p.m., on December 16, 1982

CASE NO. Z-2472

Zone Change from the "A" Two-Family Dwelling District
to the "BB" Office District

Lots 1-4, Block 1, Farmington Square 2nd Addition.
Generally located at the northeast corner of Freeman
and Ridge Road.

The following is a sequence of events in the processing of a request for zone change: Notification of adjoining property owners (this notice); then Neighborhood Citizen Participation Organization (CPO) meeting; then Metropolitan Area Planning Commission (MAPC) meeting (scheduled above); and then Board of City Commission (BCC) meeting to concur with MAPC action, defer, or refer back to MAPC. On return of the case to the BCC, they may approve or deny or modify the change requested.

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

It should be noted that the MAPC meeting constitutes the "Public Hearing" on this matter, and therefore the City Commission has adopted the following policy with regard to consideration of zoning change requests:

"All applications for change of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's Agenda (by 5:00 p.m., on the Wednesday preceding the scheduled Tuesday BCC hearing). In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

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

Robert A. Lakin
Secretary

SUMMARY DESCRIPTION OF CITY OF WICHITA ZONING DISTRICTS

- "AA" One-Family Dwelling District
Permits one-family dwellings, parks, schools, libraries, golf courses, nurseries, churches and home occupations.
- "A" Two-Family Dwelling District
Permits two-family dwellings and uses permitted in "AA".
- "RB" Four-Family Dwelling District
Permits three and four-family dwellings, and uses permitted in "AA" and "A".
- "R-5" General Residence District
Permits multiple-family dwellings at a density of 17.4 dwelling units per acre, off-street parking areas and uses permitted in "A".
- "R-6" General Residence District
Permits multiple-family dwellings at a density of 29 dwelling units per acre, and uses permitted in "R-5".
- "B" Multiple-Family Dwelling District
Permits multiple dwellings, off-street parking areas, apartments, boarding houses, cemeteries, medical offices and uses permitted in "AA", "A" and "RB".
- "BB" Office District
Permits apothecaries, clinics, hospitals; medical, business and professional offices; hotels and motels under certain conditions; and all residential uses.
- "LC" Light Commercial District
Permits all purely retail businesses conducted within enclosed buildings; service stations; all residential and office uses.
- "C" Commercial District
Permits all commercial uses and residential and office uses and some fabrication uses.
- "D" Central Business District
Permits all commercial, office, wholesale, manufacturing and residential uses. Prohibits those which constitute a hazard or nuisance from smoke, dust, odor or fire danger.
- "E" Light Industrial District
Permits all manufacturing activities which do not constitute a hazard or a nuisance; and all office and commercial uses. Residential uses are prohibited.
- "F" Heavy Industrial District
Permits all office, commercial and manufacturing uses. Most objectionable manufacturing uses are subject to conditional approval. Residential uses are prohibited.
- "G" Mobile Home District
Permits mobile home parks and associated uses.
- "U" University District
Permits Universities, Colleges, Seminaries and other institutions of learning and related uses.

DP 57

petition for
inclusion in
benefit district
and cash
contribution
for whole
11/10/82

on Farmington
Square
Dances
No Comment.

11/10/82

November 4, 1982

Paul Graves, Chief Engineer
Mike Lindebak, Program Development Engineer
Arthur D. Chambers, Senior Planner

DP-59 - Farmington Square Residential C.U.P. Generally located on the east side of Ridge Road, in an area south of Central.

Attached is a copy of a proposed amendment to the above referenced C.U.P. The only change that is proposed is the deletion of the four lots north of Freeman Lane, between Summitlawn Lane and Ridge Road. The applicant is requesting "BB" Office zoning on the four lots. If the zone change is approved we will recommend that the four lots be replatted to establish setbacks, grant complete access control to Summitlawn Lane and vacate the access control to Ridge Road.

We would appreciate receiving any comments you might have regarding the amendment by Wednesday, November 10. If you have any questions please call.

Arthur D. Chambers
Senior Planner

ADC:el

Attachment

(assn. 2-2472)

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

amended File # 3
DP 59
Farmington Square
MAP Dec 16
MAP
5077D

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

1. Name of applicant or applicants and/or their agent or agents.
 - a. Applicant 125 Inc. - Marvin L. Niedens, President
 Address 902 N West ST, Wichita KS 67203 Phone 945-9308
 Agent Tim Ewald
 Address 3705 E. Douglas, Wichita KS 67218 Phone 681-1661
 - b. Applicant _____
 Address _____ Phone _____
 Agent _____
 Address _____ Phone _____
 - c. Applicant _____
 Address _____ Phone _____
 Agent _____
 Address _____ Phone _____

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

2. a. The applicant hereby requests Community Unit Plan approval on property zoned A and legally described as Lot(s) 1-4, Block(s) 1, Farmington Square 2nd Addition Addition.

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

N AA
S A
E AA
W AA
OK low light

and the roadway reserve
All lots in Blocks 2,3, and 4 and lots 2 and 3, Block 5, Farmington Square 2nd Addition, and Lots 1, 2 and 3 Block 3, Farmington Square Addition

2. b. There are 49.3 Net Developable Acres (round to nearest tenth) in the above described property.

3. The general location is (use appropriate section)

a. at the NE corner of Freeman
and Ridge Road; or

b. on the _____ side of _____ (Avenue,
Street) between _____ (Avenue, Street) and
_____ (Avenue, Street).

4. I (we), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (we) realize that this application cannot be processed unless it is completely filled in and accompanied by a current abstractor's certificate as required in the instruction sheet.

125 Inc.

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

By Jim Oswald
Authorized Agent (if any)

By _____
Authorized Agent (if any)

5. OFFICE USE ONLY

This application was received at the Planning Department at 10:30
(AM, PM) on Nov 2, 1982 (Day, Month, Year). It has been
checked and found to be complete and accompanied by required documents and
the appropriate fee of \$ 200⁰⁰.

Richard D. Chambers Name
Sr. Planner Title

OWNERSHIP LIST

All property located within a 350 foot radius of Lots 1,2,3 & 4, Block 1, Farmington Square 2nd Addition, Wichita, Sedgwick County, Kansas.

<u>LEGAL</u>	<u>OWNER/ADDRESS</u>
Lots 1,2,3 & 4, Block 1, Farmington Square 2nd Addition	✓ 125, Inc. 125 S. West Street Wichita, Kansas 67213
Lots 7.8.9.10 & 11, Block 2, Farmington Square 2nd Addition	D 125, Inc. 125 S. West Street Wichita, Kansas 67213
Lots 1 through 3, inclusive, Block D: Lots 8 through 20, inclusive, Block E: Lots 5 through 17, inclusive, Block F: all in Country Acres Sixth Addition	✓ City of Wichita 455 N. Main Wichita, Kansas 67202
The East 195 feet of Lot 11, Block A, Central Heights Second Addition	✓ C. H. & W. Inc. c/o 229 S. Market Wichita, Kansas 67202
Lot 11, EXcept the East 195 feet, and all of Lot 12, Block A, Central Heights Second Addition	Returned unknown X James A. & Helen J. Catron 3246 N. Clarence Wichita, Kansas 67204
Lot 4, Block N, Meadowview Estates	✓ Marcia Steele and Carol J. King 454 Acadia Wichita, Kansas 67212
Lot 5, Block N, Meadowview Estates	✓ Dept. of Housing & Urban Development 455 N. Main Wichita, Kansas 67202
Lot 6, Block N, Meadowview Estates	✓ William B. & Cindy J. Bergman 442 Acadia Wichita, Kansas 67212
Lot 7, Block N, Meadowview Estates	✓ Darryl L. & Diana F. Jacques 434 Acadia Wichita, Kansas 67212
Lot 8, Block N, Meadowview Estates	✓ Vernon R. & Betty L. Hazeltine 428 Acadia Wichita, Kansas 67212
Lot 9, Block N, Meadowview Estates	✓ Charles L. & Carolyn S. Heverin 420 Acadia Wichita, Kansas 67212
Lot 10, Block N, Meadowview Estates	✓ Lawrence A. & Carmen C. Suter 1251 Reece Road Goddard, Kansas 67052
Lot 11, Block N, Meadowview Estates	✓ William G. & Karen A. McGurk 381 N. Brunswick Wichita, Kansas 67212
Lot 4, Block K, Meadowview Estates	X Central Heights LTD, a California Partnership NO Address Found
Lots 10, 11 & 12, Block M, Meadowview Estates	D Lawrence A. & Carmen C. Suter 1251 Reece Road Goddard, Kansas 67052
Lot 28, Block P, Meadowview Estates	✓ Larry R. & Annette R. Cody 411 Acadia Wichita, Kansas 67212
Lot 29, Block P, Meadowview Estates	✓ Mid-Continent Homes 3521 E. Skinner Wichita, Kansas 67218

OWNERSHIP LIST (continued)

LEGAL

Lot 1, Central Ridge Addition, EXCEPT Beginning at the Northeast corner of said Lot 1, thence along the East line a distance of 317.28 feet to a point common to Lots 1 and 7, in said Central Ridge Addition; thence along the South line of said Lot 1, a distance of 435.25 feet; thence North perpendicular to said South line a distance of 315 feet to a point on the North line of said Lot 1; thence East along said North line a distance of 411 feet to the point of beginning. AND EXCEPT Beginning at a point in the north line of said Lot 1 and 45 feet east of the Northeast corner of Lot 2, in said Block 1; thence bearing N 89° 56' 45" E along the North line of said Lot 1 a distance of 539.07 feet, thence bearing S 0° 03' 15" E a distance of 315 feet to a point on the south line of said Lot 1, said line also being the north line of Lot 7, in Block 1; thence bearing S 89° 56' 45" W along said common line a distance of 360.75 feet; thence bearing N 0° 03' 15" W a distance of 30 feet; thence bearing S 89° 56' 45" W a distance of 178.32 feet; thence bearing N 0° 03' 15" W a distance of 285 feet to the point of beginning.

OWNER/ADDRESS

✓ Phil G. Ruffin
1725 E. Douglas
Wichita, Kansas 67211

Continued →

Columbian National Title Insurance of Wichita, Inc., hereby certifies the foregoing to be a true and correct list of property owners of all property located within a 350 foot radius of Lots 1, 2, 3 & 4, Block 1, Farmington Square 2nd Addition, Wichita, Sedgwick County, Kansas, as shown by the last deeds of record in the Register of Deeds Office, Sedgwick County, Kansas

Dated this 14th Day of September, 1982

Columbian National Title Insurance of Wichita, Inc.

By *Gary G. Newcome*
Gary G. Newcome, Vice President

OWNERSHIP LIST

ALL THE OWNERS OF THE LOTS IN FARMINGTON SQUARE 2nd ADDITION, Wichita, Sedgwick County
Kansas

<u>LEGAL</u>	<u>OWNER/ADDRESS</u>
Lots 1 through 5, inclusive, Block 1	D 125, Inc. 125 S. West Street Wichita, Kansas 67213
Lots 1 through 51, inclusive, Block 2	D 125, Inc. 125 S. West Street Wichita, Kansas 67213
Lots 1 through 16, inclusive, Block 3	D 125, Inc. 125 S. West Street Wichita, Kansas 67213
Lots 1 through 9, inclusive, Block 4	✓ Bruce E. Borders and Robert M. Bruening P.O. Box 908 Independence, Kansas 67301
Lots 10, 11 & 12, Block 4	D 125, Inc. 125 S. West Street Wichita, Kansas
Lots 1, 2 & 3, Block 5	D 125, Inc. 125 S. West Street Wichita, Kansas 67213

Continued →

Columbian National Title of Wichita, Inc., hereby certifies the foregoing to be a true and correct list of the owners of all the lots in Farmington Square 2nd Addition, Wichita, Sedgwick County, Kansas, as shown by the last deeds of record filed in the Register of Deeds, Sedgwick County, Kansas.

Dated this 14th Day of September, 1982

COLUMBIAN NATIONAL TITLE INSURANCE OF WICHITA, INC.

By Gary G. Newcome
Gary G. Newcome, Vice President

OWNERSHIP LIST

DP-59

PROPERTY

OWNER/ADDRESS

Lots 1, 2, & 3, Block 3, Farmington
Square Addition

✓ McNEIL REAL ESTATE FUND X, LTD.,
a California Partnership
514 Earth City Plaza, #233
Earth City, Missouri 63045

COLUMBIAN NATIONAL TITLE INSURANCE OF WICHITA, INC. a duly licensed and bonded
Abstractor in and for Sedgwick County, Kansas hereby certifies the foregoing to be
true and correct list of the owners of subject property according to the last deed of
record filed in the Register of Deeds office, Sedgwick County, Kansas.

COLUMBIAN NATIONAL TITLE INSURANCE OF WICHITA, INC.

BY Gary G. Newdome
Gary G. Newdome, Vice President

FORM 2-021

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION		AMOUNT
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	

*

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

Roll # 1

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