

DP-70 - MILES LAKEWOOD C.U.P.
West side of I-235 Bypass, north
of 8th Street. Gene Miles # /

POSTED
2-7-75
[Signature]

ACTION

DATE

COMMITTEE	_____	DATE	_____
M.A.P.C.	Approach	4-24-75	
R.C.C./E	Referred 3	5-13-75	
	<i>with</i>		
BCC	Approved <i>to</i>	6-3-75	
	<i>reimbursed</i>		

April 27, 1976

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

DP-70 - Miles Lakewood C.U.P. - generally located on the west side of I-235 and north of 8th Street .

The Board of City Commissioners on June 3, 1975, considered the above captioned C.U.P. Their action was to approve the C.U.P. subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. 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.
- c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- d. 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.

Please note that condition "a" above has been complied with and the associated plat recorded with the Register of Deeds.

Attached for your files is an approved copy of the C.U.P.

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

Jack H. Galbraith
Chief Planner

JHG:GLS:el
Attachment

THE CITY OF WICHITA

OFFICE OF ENGINEERING

DATE May 29, 1975

TO Ralph Wulz, City Manager

FROM Dick Linn, City Engineer

SUBJECT Paving of Gilda Avenue
Miles Lakewood Living Addition

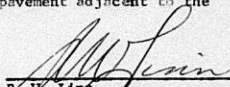
On May 13, 1975, the City Commission considered a zone change request and C.U.P. (Z-1687 & DR 70) for an area west of I-235 and north of 8th Street.

The major point of discussion was the paving of Gilda Avenue and the method of apportioning costs. The Commission deferred the matter for three (3) weeks to provide the developer an opportunity to determine to what extent he would be willing to participate in the paving cost on Gilda.

It is proposed that Gilda be improved to residential street standards and the cost would normally be assessed to the properties south of 8th Street.

The developer met with Engineering Division staff and indicated he would sign a petition for the paving of Gilda Avenue with 50% of the benefit district cost to be assessed against his proposed plat. This proposal would reduce the normal assessment to the lots south of 8th Street by 50%. The developer stated that this division of cost is more than fair to the properties south of 8th Street and is a financial burden to his project, but he is willing to proceed on this basis to permit his project to be approved.

The attached petition is an 80.9% petition by area of total benefit district and does provide for 50% of the benefit cost to be assessed against the proposed plat and 50% assessed to the properties south of 8th Street in the normal benefit district. The petition also states the costs to be paid by the City at large for street intersections and pavement adjacent to the I-235 right-of-way


R. W. Linn
City Engineer

EWL:tn

cc: Gene Miles ✓
Bob Lakin ✓

May 13, 1975

Mr. Gene Miles
10711 West Kellogg
Wichita, Kansas 67209

Re: Z-1687 - "AA" to "R-5" -
DP-70 - Residential CUP -
West side of I-235 bypass
north of 8th Street

Dear Mr. Miles:

The Board of City Commissioners, at its regular meeting of May 13, 1975, considered the above-captioned cases. As I advised you last week, after the associated plat was considered by the Planning Commission, there has been considerable discussion on the problem of paving Gilda. Today that same issue was raised by property owners in the area during the discussion of the CUP. The action of the City Commission was to defer these cases for three weeks, with the recommendation that a valid Chesney petition be submitted for their consideration when these cases are reconsidered. From the discussion, the feeling expressed was that the street paving was necessary for your project, that there are primarily three benefiting areas; that there should be participation in the sharing of the pavement of Gilda - your entire property, the City (for that benefiting area between Elm and Murdock on the east side of Gilda which is owned by the State), and the approximately 24 platted lots to the west that would be in the benefit district. There were several suggestions as to the percentage of cost for the benefiting areas, based on a comparison of dwelling units in your project as opposed to the number of potential units on the other 24 lots, or a ratio of parking space, or traffic generation comparisons.

It would be our recommendation that you request the preparation of a Chesney petition that would be valid with your signature. You may want to further discuss this matter with Bob Lakin and Dick Linn, since they were both present at the City Commission meeting and since the Commission gave no specific instructions as to ratio of pavement for the benefiting areas.

Mr. Gene Miles
May 13, 1975

These cases will be rescheduled for consideration by the City Commission at their regular meeting on June 3, 1975, the meeting to start at 9:00 a.m. in Room 201 City Building, 24

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: K. O. Taylor, 1542 South St. Francis 67211
Grey Dresie, Attorney, 815 Union National Building 67202
C. R. Schlicher, RFD #2, Valley Center 67147
Raymond Hopper, 909 Arapaho 67212

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR ZONING
AND APPROVAL OF RESIDENTIAL CUP

CASE NO. Z-1687 and DP-70 CONSIDERED BY MAPC: April 24, 1975

REQUEST FOR: Change from "AA" to "R-5", and approval
of Residential Community Unit Plan

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To build multi-family dwellings."

GENERAL LOCATION: West side of I-235 Bypass, north
of 8th Street

LEGAL DESCRIPTION:

See attached excerpt from Planning Commission
minutes of April 24, 1975

APPLICANT: Gene Miles, et al., 10711 West Kellogg 67209

COUNSEL FOR APPLICANT: K. O. Taylor, Agent

PROTESTORS (LIST COUNSEL) IF ANY: C. R. Schlicher, owner of property
on Franklin, spoke in oppositionSURROUNDING ZONING: To the north, south and west is
"AA"; east is "AA" and "E"LAND USE: Subject property is undeveloped; north and west is Flood
Control Project; east is I-235 bypass; south is single-
family and undeveloped

PLANNING COMMISSION RECOMMENDATION:

That the requests be approved, subject to the following conditions:
(See attached excerpt from Planning Commission minutes of April 24,
1975 for conditions.) Hopper moved, Savina seconded and it carried
unanimously as to those voting. Gragert abstained. Rising and Gar-
denhire were absent.

-
- ACTION 1. Approve the zone change and CUP as recommended by the Metro-
politan Area Planning Commission, 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 applications to the Metropolitan Area Planning
Commission for its reconsideration. The City Commission states the fol-
lowing reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 24, 1975:

14a. Case No. Z-1687 - Gene Miles, et al. request change from "A" to "R-5" for:

A tract of land in the SE 1/4 and the NE 1/4 of Sec. 15-27-1W, described as: Beginning at a point on the west r-o-w line of Highway I-235, as condemned in Case A-77197, 660 ft. south of the north line of said SE 1/4, thence west parallel to said north line of said SE 1/4 to a point 30 ft. south of the SE corner of Lot 4, Block 1, Avery Addition, Sedgwick County, Kansas, thence north 30 feet up to the SE corner of said Lot 4, thence west on the south line of Lots 4, 3 and 2, in said Block 1, to the SW corner of said Lot 2, thence north on the west line of said Lot 2, 168 feet to the NW corner of said Lot 2, thence west on the north line of Lot 1, in said Block 1, 110 ft. to the NW corner of said Lot 1, thence north to the NW corner of the east 1/2 of the SE 1/4 of Sec. 15, being also the SW corner of the east 1/2 of the said NE 1/4; thence west along the Flood Control r-o-w line as condemned in Case A-31849, 196.18 feet, thence northeasterly to the intersection of the west line of the east 1/2 of said NE 1/4 and the east line of said Flood Control r-o-w, thence northeasterly along said east line of said Flood Control r-o-w to a point 984.60 feet south and 358.02 feet west of the NE corner of said NE 1/4, thence northeasterly to the intersection of the east line of said NE 1/4 and said Flood Control r-o-w, thence south on the east line of said NE 1/4 to the westerly r-o-w line of Interstate Highway 235 as condemned in Case A-77197, thence southwesterly and south along the westerly r-o-w of said Interstate Highway 235 to the point of beginning, together with Lot 26, Block A, West Central Gardens Third Addition, Sedgwick County, Kansas, and

A tract in the east 1/2 of the SE 1/4 of Sec. 15, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the NE corner of Lot 26, Block A, West Central Gardens Third Addition, Sedgwick County, Kansas; thence west on the north line of said Lot 26, and on the north line of said west 1/2 of said SE 1/4, 87.6 feet to a point of beginning; thence southwesterly along the rear line of said Lot 26, 122.15 feet; thence west parallel to the north line of said SE 1/4, 108.5 feet, more or less, to the easterly r-o-w line of the Wichita-Valley Center Flood Control Project; thence northeasterly along said r-o-w line 122 feet, more or less, to the north line of said SE 1/4, thence east 108.5 feet more or less to the point of beginning.

All generally located on the west side of I-235 Bypass, north of 8th Street.

14b. Case No. DP-70 - Gene Miles, et al. request approval of a Residential Community Unit Plan for property legally described as: (Same as legal description shown above on Case No. Z-1687.)

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

Comments

1. As permitted under the Residential CUP provisions of the zoning ordinance, the applicant has submitted a preliminary residential development plan for review and recommendation by the Planning Commission. In order for the Planning Commission to recommend approval of a residential CUP, it must find specific evidence and facts showing that the proposed development plan meets the following conditions:
 - a. That the value of the buildings and the character of the property adjoining the area included in such plan will not be adversely affected.
 - b. That such plan is consistent with the intent and purpose of this Chapter (28.04.190.A.) to promote public health, safety, morals and general welfare.

- c. That the buildings shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas, garages and community activities, including churches; and provided that an "LC" district can be established through the regular channels.
 - d. That the average lot area per family contained in this site, exclusive of the area occupied by streets, shall be not less than the lot area per family required by the district in which the development is located.
2. The plan proposes a residential development of garden apartments, the number of which will not exceed 9.4 dwelling units per net acre or a total of 319 units for the entire tract. The "AA" district permits only 7.25 dwelling units per acre and therefore the applicant has requested "R-5" zoning in order to provide the 319 units planned. The plan indicates proposed building locations, vehicular circulation, off-street parking and recreational facilities. Also indicated as a part of the plan is information pertaining to maximum building heights, setbacks for structures, means of ingress into the area, proposed useable open space and proposed parking ratio.
3. In order to provide good access in the future to Central, a major street, the staff recommends that, at the time of platting, the applicant attempt to obtain a valid paving petition for Gilda between Central and Eighth Street.
4. Should the Planning Commission determine that a change of zoning is appropriate and find that the four conditions listed in comment #1 have been satisfied, the following are recommended conditions of approval:
 - a. Platting of subject property within one year from the date of approval by the City Commission; or the applications be considered denied and closed.
 - b. 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.
 - c. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - d. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
 - e. Add a General Provision #8 to read as follows: "No development, parking areas or circulation drives shall be permitted in the narrow strip of land adjacent to the flood control right-of-way on the west indicated as "recreation area" on the plan.
 - f. Under General Provision #4 change section 28.04.070.A.12 to Section 28.04.139.
 - g. Under density, add the maximum number of dwelling units proposed.

GRAGERT was excused from the meeting.

GALBRAITH pointed out that it is proposed that Arapaho terminate in a T cul-de-sac because if a full cul-de-sac is taken there would not be sufficient room for the private drive providing access to the buildings proposed on the west side of the lake. He said the staff felt this is a proper development, but is concerned that Gilda is not paved and hoped that in the platting process paving could be required so that there would be a hardsurfaced street to Central.

K. O. TAYLOR, engineer for the applicant, said with respect to I-235, the State Highway Department has purchased considerable land to provide for a frontage road on the east side of their property. He said it is proposed to construct 10 2 1/2 story apartment buildings (200 one bedroom units and 100 two-bedroom units and 30 units in each structure), landscaping, screening via brick wall around the periphery, a club house, recreational facilities, deck and other facilities related to use of the lake area. TAYLOR said sewers are available at Central or across I-235 to the east.

C. R. SCHLICHER, owner of property on Franklin, expressed concern for play area for children from this development as well as the possibility of his property being assessed for paving of Gilda, which he was not in favor of. He was pessimistic about the success of the project so near the highway and considered it a waste of time because no one would want to live that near the highway for any length of time, and prophesied that it would in time become another Planeview.

GOEBEL pointed out that 2/3 of the units proposed will be one bedroom and that apparently it is not expected that there will be enough children to have any detrimental affect on schools. He agreed with Mr. Schlicher sofar as paving of Gilda, the only access road to this development, and did not think adjacent properties should have to bear the entire cost of such paving when it principally serves the proposed development.

GRAGERT returned to the meeting.

RAYMOND HOPPER said his property adjoins subject tract on Arapaho which is proposed to deadend with only a few feet between Arapaho right-of-way and the private street in the project. He said they already have a petition to pave Arapaho on file with the City, and he was fearful that at some future time traffic congestion might increase to the extent that residents in the buildings to the west in this plan might desire quicker means of access than via Gilda. He asked if there was any method of assuring him that traffic would never be channeled from subject area onto Arapaho. CHAIRMAN KAMEN said the Commission could not give that assurance. TAYLOR said the applicant is willing to give complete access control at this location. HOPPER said he understood the present plan, but was concerned for future possibilities of a change. HOPPER offered no objection to the plan, but was anxious to have assurance so far as possible future exit onto Arapaho.

HOPPER then asked about plans for paving of Central, and LAKIN recalled that it is planned for improvement to four lanes this year and in 1976, and that there are other major projects (drainage and bridge construction), which will be undertaken in conjunction with improvement of Central. HOPPER said he was concerned for the staging of improvement of Gilda and Central and the possibility of the residents being cut off from their properties during the construction period. KAMEN said no one would be blocked from access to their property during the time of construction. When Hopper asked if a traffic signal is proposed at Central and Gilda, KAMEN said that would be a decision for the Traffic Commission, to be determined later as traffic volume demanded.

HOPPER asked if in later years it would be possible for the developer to construct additional buildings, and KAMEN said such could not be determined or assured at this time.

GENE MILES, applicant and developer, in response to a question from Hopper as to screening, said they do not plan full screening,

and that on 8th Street they plan a masonry wall 5 1/2 feet high with the name of the subdivision and soft lighting, and there will be spot plantings around the subdivision on the west. As for access to Arapaho, he said it would be completely cut off from this project and there will be no access from this project. He referred to the desirability of controlling access as much as possible to discourage intruders or vandalism and he proposed only the one entrance-exit at Gilda and 8th.

HOPPER asked concerning sewer facilities and whether or not other owners in the area might be taxed for enlargement of sewers to accommodate what is proposed. KAMEN did not think any enlargement of facilities would be necessary, and if it is, the developer would be required to bear such expense.

HOPPER then asked if the units would be owner occupied or leased. CHAIRMAN KAMEN said that is not a matter for consideration or within the jurisdiction of the Planning Commission. In ending, HOPPER said he liked the proposal and had no objection to the zoning or CUP.

MILES felt that what is proposed would enhance the area and that the neighborhood as a whole would be quite proud of the development. He pointed out that there is plenty of space between the structures, tennis court and pool area, and that most of the "living" will be oriented to the lake area rather than affecting the adjacent areas.

GOEBEL asked Miles if he had considered bearing any of the paving cost for Gilda since it would serve this development and possibly be of more advantage to him than to the adjacent owners, who would likely get by sometime without it being paved.

MILES answered that except for a few lots, they all back up to either I-235 or the Big Ditch on the west, and in view of the costs associated with improving the service roads and interior streets, he had not planned to bear any part of the paving of Gilda. He felt such paving would be an asset to all properties abutting and ultimately encourage the development of other properties in the area.

MOTION: That the Planning Commission recommend to the City Commission that the requests be approved, subject to the following conditions:

- A. Platting of subject property within one year from the date of approval by the City Commission; or the applications be considered denied and closed.
- B. 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.
- C. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- D. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
- E. Add a general provision #8 to read as follows: No development parking areas or circulation drives shall be permitted in the narrow strip of land adjacent to the Flood Control right-of-way on the west indicated as "recreation area" on the plat.
- F. Under General Provision #4 change Section 28.04.170.A.12. to Section 28.04.139.
- G. Under density, add the maximum number of dwelling units proposed.

H. Indicate the maximum number of buildings on the CUP not to exceed 10 buildings.

I. Complete access control shall be indicated from subject property to the T cul-de-sac on Arapaho.

Hopper moved, Savina seconded and it carried unanimously as to those voting. Gragert abstained. Rising and Gardenhire were absent.

April 25, 1975

Mr. K. O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: Z-1687 - "AA" to "R-5" -
DP-70 - Residential CUP
West side of I-235 bypass
north of 8th Street

Dear Mr. Taylor:

At the regular meeting of the Metropolitan Area Planning Commission on April 24, 1975, the above-captioned applications were considered. It was the action of the Commission to recommend approval of the requests subject to the following conditions:

- ✓ A. Platting of subject property within one year from the date of approval by the City Commission; or the applications be considered denied and closed.
- ✓ B. 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.
- ✓ C. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- ✓ D. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
- E. Add a general provision #8 to read as follows: No development, parking areas or circulation drives shall be permitted in the narrow strip of land adjacent to the Flood Control right-of-way on the west indicated as "recreation area" on the plat.

Page 2 - Mr. K. O. Taylor
April 25, 1975

- F. Under General Provision #4 change Section 28.04.170.A.12. to Section 28.04.139.
- G. Under density, add the maximum number of dwelling units proposed.
- H. Indicate the maximum number of buildings on the CUP not to exceed 10 buildings.
- I. Complete access control shall be indicated from subject property to the T cul-de-sac on Arapaho.

Regarding the approval of the T cul-de-sac on Arapaho, we have requested that the Department of Public Works review this proposal and be prepared to comment when the plat of this area is considered by the Subdivision Committee on May 1, 1975. We have also asked that they review the geometrics for both paving and necessary right-of-way to accomplish this turnaround rather than at normal cul-de-sac dedication.

It is necessary that we receive 10 corrected copies of the CUP by 5:00 p.m. on May 7, 1975, for this matter to be forwarded to the City Commission for consideration on May 13. We are forwarding a marked copy of the CUP to Mr. Greger.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Gene Miles, 10711 West Kellogg 67209
Harry Greger, 227 South Market 67202
C. R. Slicker, Route #2, Valley Center, Kansas 67147
Raymond Hopper, 909 Arapaho 67212
City Manager's Office

April 25, 1975

Mr. C. R. Slicker
Route #2
Valley Center, Kansas 67147

Re: Z-1687 - "AA" to "R-5" -
DP-70 - Residential CUP
West side of I-235 bypass
north of 8th Street

Dear Mr. Slicker:

At the regular meeting of the Metropolitan Area Planning Commission on April 24, 1975, the above-captioned applications were considered. It was the action of the Commission to recommend approval of the requests subject to the conditions as shown by the enclosed copy of our letter to Mr. K. O. Taylor.

If you wish to submit a protest petition, it should be filed in the office of the City Clerk not later than 5:00 p.m. on May 8, 1975. A protest petition form is enclosed for your use, and additional copies may be obtained from our office if there are others in the area who wish to register their opposition.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Attachment

cc: Raymond Hopper
909 Arapaho 67212

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE April 21, 1975

Handwritten initials and signature

TO Eugene L. Pirtle, First Assistant City Attorney
FROM Ralph Wulz, City Manager

SUBJECT Miles Lakewood Living CUP

With respect to your request to Mr. Karstensen of this office concerning Law Department involvement in possible transfer of certain real property for Miles Lakewood Living CUP, yes, the Law Department should work with Planning and Public Works on this matter.

As a first step in this process, a determination should be made whether the property can legally be sold by the City, that is, do we have a marketable title?

If so, it will then be necessary for the Department of Public Works to initiate the procedure for sale of surplus real property as provided in AP 6.

Since the procedures for sale of City property are time consuming and since Mr. Miles is probably the only prospective buyer for the property, if a determination is made that the property in question is salable and excess to the needs of the City; Mr. Miles may wish to pursue an early lease agreement through the Law Department to permit him to proceed with platting of the property.

Handwritten signature of Ralph Wulz

Ralph Wulz
City Manager

RW/kmp

cc: Ray W. Bruggeman, Director of Public Works
Robert A. Lakin, Director of Planning ✓



WICHITA-SEDCWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: April 24, 1975

Case No. Z-1687
Case No. DP-70

Request: "AA" to "R-5"
Approval of Residential CUP

Location: West side of I-235 bypass, north of 8th Street

Reason: "To build multi-family dwellings."

Acres: 34

Size: 950 ft. by 2,500 ft.
Irregular

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"AA"
North	Flood Control	"AA"
East	I-235	"AA" & "E"
South	Single-family & undeveloped	"AA"
West	Flood Control	"AA"

Existing R/W - 8th Street (half) 0 ft.
Proposed R/W - 8th Street (half) 30 ft.
Being platted as S/D 75-24 - MILES LAKE-
WOOD LIVING ADDITION

Sidewalk: No
History: None

Comments

1. As permitted under the Residential CUP provisions of the zoning ordinance, the applicant has submitted a preliminary residential development plan for review and recommendation by the Planning Commission. In order for the Planning Commission to recommend approval of a residential CUP, it must find specific evidence and facts showing that the proposed development plan meets the following conditions:
 - a. That the value of the buildings and the character of the property adjoining the area included in such plan will not be adversely affected.
 - b. That such plan is consistent with the intent and purpose of this Chapter (28.04.190.A.) to promote public health, safety, morals and general welfare.
 - c. That the buildings shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas, garages and community activities, including churches; and provided that an "LC" district can be established through the regular channels.

- d. That the average lot area per family contained in this site, exclusive of the area occupied by streets, shall be not less than the lot area per family required by the district in which the development is located.
2. The plan proposes a residential development of garden apartments, the number of which will not exceed 9.4 dwelling units per net acre or a total of 319 units for the entire tract. The "RA" district permits only 7.25 dwelling units per acre and therefore the applicant has requested "R-5" zoning in order to provide the 319 units planned. The plan indicates proposed building locations, vehicular circulation, off-street parking and recreational facilities. Also indicated as a part of the plan is information pertaining to maximum building heights, setbacks for structures, means of ingress into the area, proposed useable open space and proposed parking ratio.
3. In order to provide good access in the future to Central, a major street, the staff recommends that, at the time of platting, the applicant attempt to obtain a valid paving petition for Gilda between Central and 8th Street.
4. Should the Planning Commission determine that a change of zoning is appropriate and find that the four conditions listed in comment #1 have been satisfied, the following are recommended conditions of approval:
 - a. Platting of subject property within one year from the date of approval by the City Commission; or the applications be considered denied and closed.
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 - d. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.

Page 3 - Cases Z-1687 and DP-70
April 24, 1975

- e. Add a General Provision #8 to road as follows: "No development, parking areas or circulation drives shall be permitted in the narrow strip of land adjacent to the flood control right-of-way on the west indicated as "recreation area" on the plan.
 - f. Under General Provision #4 change Section 28.04.170.A.12 to Section 28.04.139.
 - g. Under density, add the maximum number of dwelling units proposed.
-

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER
262.0611 — AREA CODE 318
CITY BUILDING — 204 S. MAIN ST.
WICHITA, KANSAS 67202

March 24, 1975

Mr. Kenneth O. Taylor
Consulting Engineer
1542 South St. Francis
Wichita, Kansas 67211

Dear Mr. Taylor:

Mr. Wulz has asked me to acknowledge the letter you left with us on March 20, 1975, concerning purchase of City property for Miles Lakewood Living CUP.

We presume that following our discussion you have contacted the City's Department of Law concerning a lease or other legal arrangement which could permit you to consider this property for platting on an immediate basis.

If we can be of further assistance to you on this matter, please do not hesitate to contact us.

Sincerely,


Elmer Karstensen
Executive Secretary

EK:sh

cc: John Dekker, Director of Law

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 24, 1975

TO The File
FROM Mike Meek, Junior Planner
SUBJECT Miles Lakewood Estate C.U.P. (DP-70)

On Thursday, March 13, 1975, Jack Galbraith and myself met with Gene Miles, the applicant, and a Mr. Greger, the project architect. The discussion centered around the letter from our office to Mr. Miles dated February 21, 1975. It was suggested that Mr. Miles try and get the City of Wichita to join in the application if it was still the intent to include the small piece of property owned by the City of Wichita. Other points of agreement were:

- 1) In revising the Plan, the applicant should provide for a cul-de-sac at the north end of the frontage road.
- 2) The width of paving for the frontage road and the design of the cul-de-sac on Arapaho shall be determined at time of platting.
- 3) The front yard setback adjacent to the frontage road shall be reduced to 20 feet.
- 4) No development shall occur in the narrow strip on the west side of the lake.
- 5) Townhouses shall be eliminated as a permitted use.

Mike Meek
Mike Meek, Junior Planner

MM:rme

February 21, 1975

Mr. Gene Miles
10711 West Kellogg
Wichita, Kansas 67209

Subject: DP-70 Miles Lakewood
Community Unit Plan - West
side of I-235 Bypass, north
of 8th Street

Dear Mr. Miles:

We have reviewed the Preliminary Residential Development Plan for the proposed tract containing approximately 34 acres located on the west side of Interstate I-235 Bypass north of Eighth Street and the following are our comments as well as those of other City Departments concerning this project.

You have included in your Plan a small tract of land which is not covered by the legal description and was originally contained within an exception to the plat of West Central Gardens Third Addition. This exception was purchased by the City of Wichita from a Mr. Walter Morris on January 6, 1958 in order to provide right-of-way for a then proposed Highway 81 Bypass (City Clerk's Deed Number 3692). We have outlined the area in question on the "marked" copy of the C.U.P. and said tract should not be included as part of your design because it remains in the ownership of the City of Wichita. If it is your intention to acquire this property, the Department of Law of the City of Wichita should be contacted relative to the purchase of excess City property. It has also been noted that you intend to obtain quit claim deeds from fee title owners of some portions of the Big Ditch right-of-way and vacate the existing flood control easement on the property. Although the fee title owners have been listed as applicants, it is our feeling that action should be instigated immediately to vacate

Mr. Gene Miles
February 21, 1975
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the flood control easement and obtain a clear title to the property if it is intended to be a part of the development. If you have questions on the vacation procedure, please contact us.

In reference to the proposed use of the frontage road on I-235 right-of-way to provide access to the proposed development, we have attached a copy of a letter from the State Highway Department concerning the proposed development. You will note the request that the frontage road be developed as a public street and remain open to Eighth Street as marked on the enclosed copy of the C.U.P. The applicants should be aware that some provision will be necessary at the time of platting for the improvement of the frontage road to public standards with at least twenty-eight (28) feet of paved roadway.

*My husband
said if you
5/13/75*

The Department of Public Works has requested that Arapaho Street be terminated by means of a cul-de-sac and the traffic engineer has notified us that a major driveway entrance with medial such as depicted at Gilda and Eighth is not acceptable at that location and should either be relocated or reduced to a standard twenty-four foot drive. It should also be noted that the twenty-foot paved private circulation system as proposed is substandard and will have to be expanded to a minimum of twenty-four (24) feet of paving.

In reviewing the overall design of the Community Unit Plan we have identified a major problem regarding the proposed use of the narrow strip of land between the existing lake and the west property line. The Office of Central Inspection advises that there does not appear to be enough width to accommodate the proposed units and provide a thirty (30) foot fire lane easement as required by Ordinance Number 33-548 (Fire Lane Ordinance) of the City of Wichita and also appears to be an inadequate turning radius for fire equipment at both ends of the narrow strip. Although the intention may be to use additional flood control right-of-way at this point, the Flood Control Maintenance Office advises that such is not possible. It is our feeling that this narrow strip is inadequate for development and the Plan should be amended to reflect open space as the proposed use for this strip. One problem in attempting to review the C.U.P. is the fact that the Plan is not dimensioned and any revised copies of it which are submitted should be properly dimensioned and a proper legal tie should also be depicted.

Mr. Gene Miles
February 21, 1975
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Although the Planning Commission can vary setback requirements on a C.U.P., it is the staff position that a fifteen (15) foot setback is inadequate adjacent to the east property line and should be expanded to the twenty-five foot front yard setback required by the requested "R-5" General Residence District. We will be happy to discuss this setback with you.

It has been noted that General Provision #2 proposes a maximum density of 12.35 units/acre whereas the density under the description is proposed at 9.4 units/acre. Although it is common to list a maximum overall density under general provisions in a C.U.P. and then to separately describe maximum densities for each individual parcel, we are assuming that you are only proposing a single parcel development and that there should only be one maximum density listed on the Plan; if additional parcels are proposed, the Plan should be amended to reflect more than one parcel. In addition to the foregoing comments, the following additions or changes should be made on the Plan.

1. The C.U.P. shall be properly dimensioned and a legal tie shall be established.
- NO 2. General Provision #1 shall be deleted and the following statement shall be substituted as General Provision #1: "An avigational easement and an instrument assuring building construction methods to minimize the pollution from noise within any building to be constructed, shall be submitted at time of platting".
- OK 3. General Provision #4 shall be amended to add the indefinite article "A" before the words "drainage plan" and add the word "entire" before the word "area".
- OK 4. General Provision #6 shall be amended to read: . . . "The private street system shall be hard surfaced and 24 feet minisum width" . . .
5. The following general provision shall be added: "A homes association agreement providing for the maintenance of non-public common areas, private drives, parking areas, community facilities, etc., shall be submitted with the final plat."

Mr. Gene Miles
February 21, 1975
Page Four

This provision need not be added if subject property is to remain under a single ownership.

- OK
6. The description section shall add the term: Net Area . .
 7. The text shall be amended to reflect a minimum 25-foot building setback adjacent to all public streets. All building setback lines shall be dimensioned on the face of the C.U.P.
 8. No development, parking areas, and/circulation drives shall be permitted in the narrow strip of land adjacent to the flood control right-of-way on the west.

Based on these comments, we see a number of problems which necessitate a redesign of the C.U.P. Enclosed is a marked copy of the C.U.P. for your review with your consultant. If you would like to discuss these comments prior to redesign, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

cc: K. O. Taylor, 1542 South St. Francis, 67211
M. S. Mitchell, Maint/Flood Control Supervisor
Greger and Wells, Architects, 227 South Market, 67202

State Highway Commission of Kansas

ROBERT F. BENNETT, Governor

Acting

L. W. NEWCOMER, Director of Highways
JOHN IVAN, Assistant State Highway Director
JOHN D. McNEAL, State Highway Engineer

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612
February 17, 1975

STATE HIGHWAY COMMISSIONERS

KEN PHELPS, Manhattan
CLARENCE L. KING, JR., Salina
RICHARD M. DRISCOLL, Russell
KARL A. BRUECK, Paola
NESTOR B. WEIGAND, JR., Wichita
LOUIS KAMPSCHROEDER, Garden City



I 235
City of Wichita
Sedgwick County

Mr. Robert A. Lakin
Director of Planning
City Building Annex
104 South Main
Wichita, Kansas 67202

Dear Mr. Lakin:

We have your letter of February 7, 1975 concerning the frontage road in the vicinity of Miles Lakewood Development and have reviewed the matter. This frontage road was provided to serve the properties west of I 235 and to connect the existing street system. Our normal procedure is to build the frontage roads to the same standard as that of the existing roads at the time of construction.

The Highway Commission's policy in regard to improvement of frontage roads has always been to place the responsibility upon the developer in any cases where the development takes place after the highway construction is completed. In this particular case; however, the right-of-way was acquired in the name of the City of Wichita and therefore any arrangements for improvement of the frontage road should be between the city and the developer. We see no problem with entrances and private drives intersecting with the frontage road as this would be similar to any other normal street. The connection between 8th Street and the frontage road, east of Gilda, should remain open to public travel.

You point out that your Engineering and Flood Control Divisions comment that there is no need for access by way of the frontage road to the north. Although we are not familiar with the area and traffic circulation requirements, we would recommend that the frontage road be retained as a public street. It would not be impossible to vacate the right-of-way to the developer, but it would be difficult. Permission would need to be granted by the City, State and FHWA, Mr. Miles would have to have underlying fee title to all the property involved, and finally, he would have to pay the presently appraised value of the right of way. As the Federal and State governments paid for the right of way, the money received for the sale would have to be

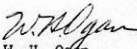
Page Two
Mr. Robert A. Lakin
February 17, 1975

returned to them in the same percentages as that used in the purchase. The amount of right-of-way which could be dedicated would be approximately 35 feet, but in no case inside of the access control line.

We hope this information will assist you in your review of this development and in its final disposition. If additional information is required, please don't hesitate to ask.

Yours very truly,

JOHN D. McNEAL
STATE HIGHWAY ENGINEER


by W. H. Ogden
Assistant State Highway Engineer

WHO:cbd

DESCRIPTIONS FOR QUIT CLAIM DEEDS

1. A tract in the W 1/2 of the NE 1/4 of Section 15, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the SE corner of said W 1/2 of said NE 1/4; thence S89°41'W along the south line of said NE 1/4, 196.18 feet; thence N26°38'41"E, 434.44 feet to the east line of said W 1/2 of said NE 1/4; thence S0°12'E, 387.22 feet to the point of beginning, containing 0.87 acres, more or less.

Owner: Aloysius Clupny
6213 West 13th St. 67212

2. A tract in the E 1/2 of the NE 1/4 of Section 15, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the east line of said NE 1/4, 590.57 feet south of the NE corner of said NE 1/4; thence S0°29'E along the east line of said NE 1/4, 394.03 feet; thence S89°35'W, 358.02 feet; thence N41°48'20"E, 532.08 feet to the point of beginning except the south 328.18 feet thereof and except that part of Interstate Highway 235 as condemned in Case A-77197 adjoining said property on the east, containing 0.13 acres, more or less.

Owner: James R. Albertson and Doris E.
150 South Dellrose 67218

3. The south 328.18 feet of the following described property: Beginning at a point on the east line of the NE 1/4 of Section 15, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, 590.57 feet south of the NE corner of said NE 1/4; thence S0°29'E along the east line of said NE 1/4, 394.03 feet; thence S89°35'W, 358.02 feet; thence N41°48'20"E, 532.08 feet to the point of beginning, except that part of Interstate Highway 235 as condemned in Case A-77197 adjoining said property on the east, containing 1.57 acres, more or less.

Owner: Glenn E. Pickering and Betty H.
(address unknown)

Prepared by:

TO: MAPD

K. O. Taylor, P.E.
January 31, 1975

*The above are descriptions
of flood control R/W that
will accrue to miles if and when
properly vacated.*

K. O. Taylor

February 7, 1975

Mr. John D. McNeal
State Highway Engineer
State Highway Department
State Office Building
Topeka, Kansas 66612

Dear Mr. McNeal:

Re: Miles Lakewood Development

Attached is a copy of the Residential CUP proposed to be constructed around an existing lake (former borrow pit), located on the west side of I-235 and north of Central. Also attached is a copy of a portion of the Property Ownership Map for Project No. 35-87 I A35-1(7)49, furnished to us by Dean Sellers, Assistant City Engineer.

We would appreciate your reviewing these plans as we are interested in the area labeled "frontage road" on the east side of this proposed project (west side of I-235). We have received comments from both the Engineering and Flood Control Division of the Department of Public Works that this frontage road is not needed to provide access to any other property owner to the north, nor is it needed for access to flood control right-of-way.

Specifically, the applicant, Gene Miles, is desirous of having the frontage road for access to his property, as there is minimal land area for development between his property line and the lake bank. His plans reflect the use of the frontage road all along the east side of his property to provide access to apartment units and parking lots.

We generally have two questions. If the frontage road is to be improved as a public street, who pays for its improvement - the State or the developer or can the cost be shared? Please note that from the intersection of Gilda and 8th Street the interior circulation drives are private and then they would intersect with the public frontage road.

Page 2 - Mr. John D. McNeal
February 7, 1975

The second question is would it be possible to vacate highway right-of-way back to this developer so that the frontage road could be a private drive? If this should be possible, how much right-of-way could be vacated?

We would appreciate an early reply to these questions as Miles is anxious to have us schedule his request for public hearing. If we can furnish you additional information, please call.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:JHG:ber

January 29, 1975

Paul Graves, City Traffic Engineer
Dick Linn, City Engineer
M. S. Mitchell, Asst. Maintenance Supervisor

Jack H. Galbraith, Chief Planner

Miles Lakewood CUP - Generally located on the west side of I-235 bypass north of 8th Street

Attached are copies of a residential CUP submitted for the area around the existing borrow pit on the west side of I-235 bypass. Accompanying the CUP application is a request for "R-5" General Residence zoning, that would permit the proposed density of 9.4 dwelling units per acre.

Please note that they propose that Arapaho deadend into subject property. I would think that at least we would want this street to terminate in a cul-de-sac. Also note that their proposed access is at the intersection of Gilda and 8th Street. A major concern I have is the indication of their east circulation driveway extending out into the Interstate right-of-way. I am advised that this is a private service road providing access to an ownership farther to the north of this property.

Would appreciate any comments you have by February 7, so that these cases may be advertised for public hearing.

Jack H. Galbraith
Chief Planner

JHG:ber

Attachment

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

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

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

- a. Applicant Gene Miles
Address 10711 West Kellogg Phone 722-6630
Agent Harry Greger
Address 227 So. Market Phone 262-0438
- b. Applicant _____
Address _____ Phone _____
Agent K. O. Taylor
Address 1542 S. St. Francis Phone 264-4072
- c. Applicant City of Wichita
Address 204 So. Main Phone 262-0611
Agent Ralph Wulz, City Manager
Address 204 So. Main Phone 262-0611

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

II.A The applicant hereby requests Community Unit Plan approval on property zoned R-5 and legally described as Lot(s) _____, Block(s) _____, Addition.

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

See Exhibit A

II.B There are 34.135 ~~34.2~~ acres (round to nearest tenth) in the above described property.

III. This property is located at (address) _____.

The general location is (use appropriate section)

a. at the _____ corner of _____
and _____; or

b. on the North side of 8th (Ave.,
Street) between I-235 (Ave., Street) and
Wichita-Valley Center F.C. R/W (Ave., Street).

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

By [Signature] _____
Authorized Agent (if any) By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any) By _____
Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
3 PM (AM, PM) on March 26 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$ 400.

[Signature] Name
[Signature] Title

EXHIBIT A

and
A tract of land in the SE 1/4 ~~of~~ the NE 1/4 of Section 15-27-1W, described as: Beginning at a point on the west row line of Highway I-235, as Condemned in Case A-77197, 660 feet south of the north line of said SE 1/4; thence west parallel to said north line of said SE 1/4 to a point 30 feet south of the SE corner of Lot 4, Block 1, Avery Addition, Sedgwick County, Kansas; thence north 30 feet to the SE corner of said Lot 4; thence west on the south line of Lots 4, 3 and 2, in said Block 1 to the SW corner of said Lot 2; thence north on the west line of said Lot 2, 168 feet to the NW corner of said Lot 2; thence west on the north line of Lot 1, in said Block 1, 110 feet to the NW corner of said Lot 1; thence north to the NW corner of the E 1/2 of the SE 1/4 of Section 15, being also the SW corner of the E 1/2 of said NE 1/4; thence west along the Flood Control right of way line as condemned in Case A-31849, 196.18 feet; thence northeasterly to the intersection of the west line of the E 1/2 of said NE 1/4 and the east line of said Flood Control right of way; thence northeasterly along said east line of said Flood Control right of way to a point 984.60 feet south and 358.02 feet west of the NE corner of said NE 1/4; thence northeasterly to the intersection of the east line of said NE 1/4 and said Flood Control right of way; thence south on the east line of said NE 1/4 to the westerly right of way line of Interstate Highway 235 as condemned in Case A-77197; thence southwesterly and south along the westerly right of way of said Interstate Highway 235 to the point of beginning, together with Lot 26, Block A, West Central Gardens Third Addition, Sedgwick County, Kansas

and

A tract in the W 1/2 of the SE 1/4 of Section 15, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the NE corner of Lot 26, Block A, West Central Gardens Third Addition, Sedgwick County, Kansas; thence west on the north line of said Lot 26, and on the north line of said W 1/2 of said SE 1/4, 87.6 feet to a point of beginning; thence southwesterly along the rear line of said Lot 26, 122.15 feet; thence west parallel to the north line of said SE 1/4, 108.5 feet, more or less, to the easterly right of way line of the Wichita-Valley Center Flood Control Project; thence northeasterly along said right of way line 122 feet, more or less, to the north line of said SE 1/4; thence east 108.5 feet, more or less, to the point of beginning.

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION AMOUNT

Name

Address

Type Due Date

Comments:

Date By

*

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

Roll # 1

*