

Closed Failure to
Complete Plot by June 18, 1952

DP-91 - Savannah village 11-C1P
at the southeast corner of MacArthur
& MacArthur Road, by Melvin L. Davis

ACTION

DATE

COMMITTEE _____

M.A.P.C. *Approved subject to conditions* 12-7-78

B.C.C./B.C.C. *Approved* 1-2-79

*Closed Failure to
Complete Plot by June 18, 1982*

DR. J. S. SCHEIDT, VILLAGE
AT THE POINT, EAST GARDEN, 11 GARDEN
S. MICHIGAN ROAD, BY NEVADA DRIVE

Map No. 5342
Sec. 18
Twp. 28S
Range 1E

DATA SHEET
COMMUNITY UNIT PLAN

DP - 91
Z-
Filed 11-9-78

(Associated Z-2093)

APPLICATION REQUEST: Approval of proposed planned Residential
development. SOUTHLAKE VILLAGE II

1. Applicant Melvin L. Davis
Address 4141 S. Seneca. 67217 Phone 522-4855
2. Agent Professional Engineering Consultants, P.A. (Gary Wiley)
Address 1440 E. English. 67211 Phone 262-2691
3. General Location Southeast corner of Clarence & MacArthur Rd.
Address _____
4. Proposed Use _____

AREA DATA

1. Acres 45.2 (_____ ft. by _____ ft.)
2. Existing Zoning "AA" Proposed Zoning "R-5"
3. Area (is) (is not) platted. _____ Addition
4. Existing R/W _____ ft. _____ ft.
_____ St. _____ St.
Proposed R/W _____ ft. _____ ft.
_____ St. _____ St.

HISTORY

PROCEDURE DATA

1. MAPC Meeting:

Date	Action
<u>12-7-78</u>	<u>Approved sub to Conditions</u>
_____	_____
_____	_____

2. Governing Body

Date	Action
<u>1-2-79</u>	<u>Approved</u>
_____	_____
_____	_____

HARTING, IN LOS ANGELES
LOGAN, OH - MIDDLETOWN, TX U.S.A.

Stineall
No. 2153C

Map No. 5342
Sec. 18
Twp. 28S
Range 1E

DATA SHEET

DP- 91

Filed 11-9-78

(Associated Z-2093)

APPLICATION DATA:

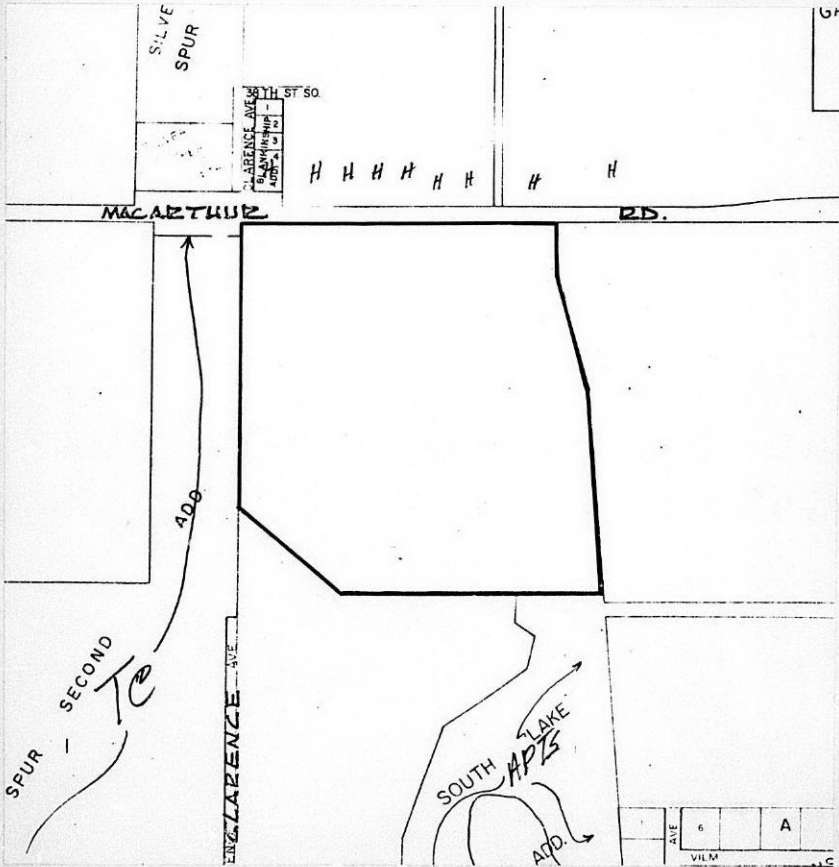
1. Applicant: Melvin L. Davis
Address 4141 S. Seneca, 67217 Phone 522-4855
2. Agent: Professional Engineering Consultants P.A. (Gary Wiley)
Address 1440 E. English, 67211 Phone 262-2691
3. General Location: Southeast corner of Clarence & MacArthur Road.
Address _____
4. Proposed Use: _____

AREA DATA:

1. Acres: ~~45.2~~ 43.8 (1202 (186601AE) ft. by 1420 ft.)
2. Existing Zoning: "AA" Proposed: "R-5"
3. Land Use: East UNDEVELOPED South APARTMENTS
West MOBILE HOME COURT North SINGLE FAMI
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



Davis Properties

4141 SOUTH SENECA WICHITA, KANSAS 67217

RECEIVED ^{DP/1}

APR 9 1982

METROPOLITAN PLANNING

ROUTE

Fast

April 8, 1982

Mr. Herb Poynor
1626 W. 39th St. So.
Wichita, Kansas 67217

Dear Herb:

I have noticed your ad in the latest issue of "Pennypower" and I have the following comments to make regarding it and other areas of mutual interest and concern:

First, you must realize that the area commonly known as the "North Lake" that you operate by virtue of a lease granted by Davis Properties, is not zoned for the operation of a commercial venture. The sort of ad that you have placed in Pennypower would indicate that it is a commercial operation. Therefore, please cease any such advertising.

Second, your lease with Davis Properties infers that your operation of the North Lake shall be low-keyed and low volume, and strictly private...not open to the public. If such low-keyed operation, such as you have maintained in the past year with small volume membership (less than 20 units last year), continues in that same vein in the future, it is my opinion that such operation would not be looked on as requiring a change of zoning, particularly in view of the service to the neighborhood and the easing of demand on other city services, especially the police department, that results from said operation.

Third, your lease prohibits swimming. The aforementioned ad suggests swimming as an offered feature, and even though you must now terminate all advertising, I hope you will adhere to the swimming prohibition with your few invitees.

As a separate item, in regard to the "movable" building you have erected near MacArthur Road, if you intend to use this as a retail sales store (for fishing supplies and bait), it will clearly require a change of zoning. Although the Metropolitan Planning Department has historically opposed "spot zoning", there are other spots of light commercial zoning across the street north, a non-conforming spot of light commercial usage exists just to the east, and natural



Mr. Jack Galbraith, Chief Planner
Metropolitan Area Planning Dept.
455 North Main Street
Wichita, Kansas 67202

Mr. Herb Poynor

-2-

April 8, 1982

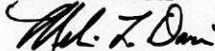
barriers of raw land and distance separate this area from its nearest neighbors to the south (an apartment complex) and west (a mobile home park), and those facts might reduce that preconceived opposition. Therefore, if you wish to apply for a zoning change that would allow your intended use for said building and if you are willing to stand the cost of all fees involved, including zoning, platting, legal, etc., I will, as land owner, sign the zone change application and eventual plat, if necessary. I will not, however, take an active role in pursuing the zone change, and you should be reminded that even if you are successful in such zone change, your tenancy is only temporary because it is the intent of the owners of the property to eventually develop this and the surrounding area as a residential development.

Herb, as you know, my interest in the above is not financial. The rent you have previously paid me is nearly nil, and I see hardly any prospect for more in the future. However, as a member of the neighborhood (Southlake Village), your operation has vastly improved the quality of life here by nearly eliminating disgusting and filthy trespassers who had turned that area into a haven for rowdies, thieves, drug addicts, nudists, and other undesirables who had virtually taken over, and who overtaxed the ability of the police department to control. As a land owner (Davis Properties), your operation protects us from the potential liability from harm befalling said trespassers, and the expense of continually policing, cleaning, and guarding. Therefore, I am interested in seeing you continue in a manner consistent with the best interests of you, Davis Properties, and the citizens of the neighborhood as represented by the Planning Department of this city.

Please advise me of your plans, and good luck to you.

Yours very truly,

DAVIS PROPERTIES



Melvin L. Davis

cc: Jack Galbraith, Chief Planner
Metropolitan Area Planning Department
455 North Main Street
Wichita, Kansas 67202



Mr. Jack Galbraith, Chief Planner
Metropolitan Area Planning Dept.
455 North Main Street
Wichita, Kansas 67202

April 6, 1982

Robert B. Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-91 - Southlake Village II Residential C.U.P.

On March 30, 1982, I met with Mel Davis, owner of the property in the above referenced C.U.P.; Herb Pointer, lessee of Mr. Davis' property; Ken Moore, Mr. Pointer's attorney; and Art Chambers of my staff. The purpose of the meeting was to discuss the use of the lake on the south side of McArthur, approximately one-half mile west of Seneca. Mr. Pointer rented this property from Mr. Davis approximately two years ago and has cleaned it up. He also has acted as a watchman and has monitored the people using the lake.

Some time in the second half of 1981, Mr. Pointer obtained a permit to move a portable classroom onto Mr. Davis' property, to be used for storage of Mr. Pointer's personal property, such as lawnmowers, bicycles, fishing equipment, etc. Apparently, a City Electrical Inspector noticed that there were two commercial type coolers in the building and thought that the building was going to be used as a bait shop. The meeting was arranged to discuss what zoning was needed to operate a bait shop.

In the discussion, I pointed out that a bait shop would need light commercial zoning. I explained the rezoning procedure as well as explaining that there was an existing residential C.U.P. on the property that would have to be amended. There was some discussion of moving the portable classroom and attaching it to the nonconforming building to the east.

We also discussed whether the lake was a commercial fishing lake that would require "C" commercial zoning. Mr. Pointer has been selling memberships that give members the right to use the lake for fishing and other recreational purposes. I felt that if there were only four or five members that it would not constitute a commercial fishing lake. However, there may be as many as two hundred members, plus their families. Mr. Moore discussed the possibility of declaring the lake a nonconforming use based on past activity. I did not feel that nonconforming use rights could be established and advised Mr. Moore that he would have to prove that there was continuous commercial fishing in the past.

Page Two
Robert B. Feldner
April 6, 1982

The meeting ended with the understanding that the bait shop would need light commercial zoning. Mr. Davis and Mr. Pointer were going to discuss whether to move the building to an existing nonconforming use to the east, file a zone change, or to not use the building as a bait shop. Mr. Davis was also going to investigate the possibility of amending the residential C.U.P. Mr. Moore was going to determine if it could be documented that the lake had been used for commercial fishing.

In the April 5, 1982 Pennypower, a member of my staff noticed the attached advertisement. After reviewing the advertisement, it seems to us that the lake is being used as a commercial recreation area in violation of the existing "AA" single family zoning. We feel that citations should be issued and the lake should be posted as being in violation and that either the existing operation stop or the proper zoning be established.

If you have any questions, please call.

Jack H. Galbraith
Chief Planner

JHG:ADC:el

Attachment

cc: Joe Donnelly, Housing & Zoning Administrator

FISHERMAN !!



THE FISHERMAN'S HOLE Is Now OPEN.

Well stocked private lake offering bass, crappie, channelcat & Bluegill. This is beautiful clear lake, privately owned and limited to the number of memberships sold. Don't delay, only 10 minutes from downtown Wichita and a great place for the whole family.

- Fisherman's Paradise •
- * Lots of Parking * Swimming
- * Sunbathing * Picnic Areas
- * Beaches * Plenty of Shade
- * Fishing Docks * Trees

No Glass Containers Please!
Hrs. 6AM - 10PM 7 Days a Week

For More Information on Seasonal Memberships

Drop By The Lake Or Call:

THE FISHERMAN'S HOLE

1651 W. MacArthur
(1st Entrance East of Silver Spout Trailer Park)
WICHITA, KANSAS
524-5458



1975 12X60 FLAMINGO, 2 bedroom, in trailer court, fenced lot, \$9,000 722-3473

BEAUTIFUL 76 MONTE CARLO, drive here or go to California car! Asking \$2995. OWNED SINCE NEW! MARTY: 722-3128; 682-8061

AIR CONDITIONING & APPLIANCE REPAIR. FAST SERVICE, REASONABLE rates. BOB, 686-7909

ROTTILLING: gardens, flower beds & yards; LANDSCAPING: stump removal. FREE ESTIMATES. 263-0800; 263-3297

WANT TO BUY! Old LIONEL & AMERICAN FLYER electric trains. Call collect, (405)766-6743

Planning a Mansion Expansion?

Average expansion addition from \$15,500 per sq. ft. with 12 month warranty

• We will build to any stage of completion

Lien Waivers Always Furnished

CONSTRUCTION INC.

City Low Int. Loan Available

We are licensed, bonded & insured.

Repair or Remodel - List

- Extra Room(s) Bsmt. Finishing
- Garages Conversions
- Cement Work Bsmt. Repair
- Driveways Basements
- House Leveling Bathrooms
- Siding Kitchens

Call for free estimates. **685-1931**

TELEPHONE POLL



This Week's Question
Would you invite a politician into your home for dinner?

To vote Yes, Call 262-1735
To vote No, Call 262-1683

Last Week's Question

Do you think it makes sense to offer coupons and rebates instead of a plain old price cut?

Results: Yes, 29% No, 71%

Every week there is a new question. You, the readers, give us the results.

Votes are automatically counted by a recording device. Simply dial either the Yes or No number to vote. You do not have to speak. The hang up sound is your vote being recorded.

Call anytime between now and 8:00 a.m. Friday to vote. Results of this week's question will be in next week's Pennypower.

Results of the Telephone Poll are the reflection of the readers only and not necessarily those of Pennypower.

ROTO-ROOTER SEWER AND DRAIN SERVICE! For any drainage failure, CALL US! 267-4277

1979 PLAY - MOR CAMP TRAILER, 13-1/2', like new. 264-4272

1981 SUZUKI 185 TS, 500m, like new condition \$975 744-2716; 744-1319 evenings

1981 KAW 550 LTD, 1200M, 1st \$1,750; '81 ESCORT WAGON: 838-3987

DO YOU HAVE A VEHICLE TITLE PROBLEM?

We Offer 2 to 5 Day Service



Now Offering Complete Insurance Service

EXPRESS TAX & BOOKKEEPING SERVICE 522-2079

1401 W. 31st St.

2 Blocks W. of Senneca on 31st

D&S AUTO TITLE EXPRESS

Call 522-8292 or 522-5512 for FREE Answers

1974 NOVA SS HATCHBACK 350 2 BARREL, runs excellently; you inspect \$1000 / offer 265-7057

1978 BROWN CUTLASS SUPREME, PS/IPB, TILT, cruise, AM/FM stereo, \$5,200 / best offer. 776-2163; 776-0000

1973 PLYMOUTH FURY III, 2 door, excellent condition \$1200 832-9077 945-9161, extension 104

1977 RED VETTE \$7500 excellent shape 685-5932

4-11x15 TIRES & WHEELS FOR FORD PICKUP \$100; 1-warm morning antique wood stove, excellent \$200; 1-power parts cleaner, 10-gal, excellent \$200; 524-6084

E-Z READER OFFICE open till 5:30 P.M. Daily.

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER
CITY HALL - THIRTEENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4351

March 29, 1982

Mr. Melvin L. Davis
Davis Properties
4141 South Seneca
Wichita, KS 67217

Dear Mr. Davis:

Your March 19, 1982 letter requesting an extension of the platting time requirement in connection with Zone Case Z-2093 is acknowledged.

Based on the Planning Department's recommendation, the platting time limit for Phase One is extended to June 18, 1982. The platting time for the balance of the site is extended to September 20, 1982.

Every effort should be extended to meet the new deadlines.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Finch".

Robert G. Finch
Deputy City Manager

RGF/hpd

cc: Jack Galbraith, Chief Planner

RECEIVED

MAR 30 1982

METROPOLITAN PLANNING
ROUTE 10

March 24, 1982

E. H. Denton, City Manager
Robert A. Lakin, Director of Planning

DP-Southlake Village II and Z-2093 "AA" to "R-5" -
request for platting time extension

We are in receipt of a letter from Mel Davis requesting an extension of the platting time limit requirement of the above-captioned cases to March 19, 1983. The City Commission approved the C.U.P. and zone change on January 2, 1979, subject to platting Phase One within one year and platting the balance of the site within three years. A preliminary plat for the entire site was approved by the Subdivision Committee on May 3, 1979. The Metropolitan Area Planning Commission approved a final plat of Phase One on June 7, 1979. There has been no activity on the C.U.P., zone case or plat since that time. Due to several staff changes during 1979, we did not notify Mr. Davis that the platting time limit was going to expire in 1980. During our review of open files the past few months, we discovered that the platting time limit had expired.

Based upon our review of the case files and Mr. Davis' letter, I would recommend that the platting time limit for Phase One be extended to June 18, 1982, and that the platting time limit for the balance of the site be extended to September 20, 1982. I would also recommend that the publication of any ordinance establishing zoning on this site be withheld until the entire site is platted in order to protect the integrity of the C.U.P. If the platting of Phase One is not completed by June 18, 1982, I would recommend that the case files be marked "denied, failure to plat."

In accordance with MAPC Policy Statement #5, you may grant extensions of up to one year without formal action by the governing body. If you have any questions, please call.

RAL
Robert A. Lakin
Director of Planning

APPROVED:

E. H. Denton, City Manager
RAS:AC:hh
cc: Mel Davis, 4141 S. Seneca, 67217
Bill Korber, 330 Laura, 67211

Davis Properties

4141 SOUTH SENECA WICHITA, KANSAS 67217

March 19, 1982

Mr. Arthur D. Chambers, AICP
Metropolitan Area Planning Dept.
455 N. Main
Wichita, Kansas 67202

Dear Mr. Chambers:

In response to your letter of March 3, 1982, I have instructed Mr. William Korber of Baughman Co. to complete the platting on the first phase of DP-91, Residential C.U.P. and Z-2093. There are a number of reasons why this process, which was virtually 90% complete at one time, was interrupted, and if you wish I will detail those reasons for you in a subsequent letter.

Mr. Korber indicates that completion of final platting will only require minor adjustments to previously written petitions to accomplish that phase of the C.U.P., and we will make every effort to finish platting the balance of the C.U.P. within 12 months from now if you will allow us that time to carry out the necessary process.

I'll look forward to your reply, and hope it will be favorable, in order that we can complete this project in which I have invested a significant amount of time and money.

Yours very truly,

DAVIS PROPERTIES

Melvin L. Davis
Melvin L. Davis

cc: Bill Korber, 330 Laura, Wichita, Kansas 67211

RECEIVED

MAR 22 1982

METROPOLITAN PLANNING
ROUTE Act



RESORT APARTMENT COMMUNITY
4141 South Seneca
Wichita, Kansas 67217



Mr. Arthur D. Chambers, AICP
Metropolitan Area Planning Dept.
455 N. Main
Wichita, Kansas 67202

March 3, 1982

Melvin Davis
4141 South Seneca
Wichita, Kansas 67211

Re: DP-91 - Southlake Village II
Residential C.U.P. and Z-2093 -
"AA" to "R-5". Generally located
at the southeast corner of Clarence
and McArthur Road; S/D 79-53 -
South Lake 2nd Addition.

Dear Mr. Davis:

We have recently been reviewing our files to see which cases are no longer active and could be closed. Approval of DP-91 and Z-2093 subject to "platting of phase one . . . within one year and the balance within three years from the date of approval by the City Commission; or the application be considered denied and closed." It has been over three years since the cases were approved (January 2, 1979). Therefore, we are marking the C.U.P. and zone case "denied and closed, failure to plat". Additionally, the plat file will be closed.

If you have any questions, please call.

Sincerely,

Arthur D. Chambers, AICP
Senior Planner

ADC:el

cc: Bill Korber, 330 Laura, Wichita, Kansas 67211

January 8, 1979

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-91 - Southlake Village II - Southeast corner of
Clarence and MacArthur Road.

The Board of City Commissioners on January 2, 1979, considered the above captioned CUP. Their action was to approve the CUP subject to the following conditions:

- a. Platting of phase one of subject property within one year and the balance within three years from the date of approval by the City Commission; or the applications be considered denied and closed.
- b. The transfer of title or 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.

Please note that prior to the issuance of any building permits, and in accordance with condition "a" above, the property must be platted.

Attached for your information and files are two approved copies of the CUP.

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

Jack H. Galbraith
Chief Planner

JHG:GLS:el
Attachment

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING
AND APPROVAL OF RESIDENTIAL CUP

CASE NO. Z-2093 & DP-91 CONSIDERED BY MAPC: 12-7-78

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

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To construct multi-family residences."

GENERAL LOCATION: Southeast corner of MacArthur Road and Clarence
(as extended from the south).

LEGAL DESCRIPTION:

See attached excerpt from Planning Commission
minutes of December 7, 1978.

APPLICANT: Melvin L. Davis, 4141 South Seneca.

AGENT FOR APPLICANT: None

PROTESTORS (LIST AGENT) IF ANY: None

SURROUNDING ZONING: North and East, "AA"; South, "AA" & "R-6"; West, "G".

LAND USE: Existing, undeveloped, Lake; North, single family; East, undeveloped;
South, Multi-Family, Lake & undeveloped; West, Mobile Home Park.

CPO RECOMMENDATION: CPO Council Area "C" voted 5-0 for approval of the
zone change and development plan.

PLANNING COMMISSION RECOMMENDATION:

That Z-2093 be approved, and the associated DP-91 be approved subject to
conditions 1 through 7 as shown in the minutes (see attached excerpt
from Planning Commission minutes of December 7, 1978 for conditions).
Cole moved, Barrier seconded and it carried unanimously. Taylor was
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
following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 7, 1978:

- 29a. Case No. Z-2093 - Melvin L. Davis requests zone change from "AA" to "R-5" for a tract of land in the NE 1/4 of Section 18, T28S, R1E of said NE 1/4, thence east along the north line of said NE 1/4 a distance of 1202 feet more or less to the intersection of said north line with the west line of vacated Vilm Gardens, Sedgwick County, Kansas, thence south along the west line of Lots 1, 2, 3, 4 and part of 5 of said vacated Vilm Gardens to the north line of Lot 1 South Lake Addition, Wichita, Kansas, thence west along the north line of South Lake Addition extended a distance of 998 feet more or less, thence with an angle to the right of 3900'00" a distance of 550 feet more or less to the west line of the NE 1/4 of said Section 18 thence north along the west line of said NE 1/4 a distance of 1175 feet more or less to the point of beginning. Generally located at the southeast corner of Clarence and MacArthur Road.
- 29b. Case No. DP-91 - Melvin L. Davis requests approval of a Residential Community Unit Plan for: (See legal description above for Case No. Z-2093).

GALBRAITH showed slides of the area and surrounding area and reviewed the following staff report:

COMMENTS:

1. As permitted under the Residential CUP provisions of the zoning ordinance, the applicant has submitted a 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 (28.14.190.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 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 applicant proposes a two parcel plan to be developed in three stages with the first stage to be platted within one year and subsequent stages each of the next two years. Parcel One is proposed for townhouse development with accommodations for two through eight dwelling units at a density not to exceed 12.4 dwelling units per net acre or a total of 122 dwelling units. Parcel two proposes garden apartments at 12.4 dwelling units per net acre or a total of 420 units or townhouse development at 8.6 dwelling units per net acre or a total of 290 units. The overall density of the entire plan cannot exceed 12.4 dwelling units per net acre or a total of 542 units. The accompanying zone change request (Z-2093) is a request for the "R-5" General Residence District which is consistent with proposed densities.

3. The development plan proposes two access points to MacArthur Road, one of which is to be constructed during phase one development to major entrance design standards. A temporary deceleration lane shall be provided on MacArthur until such time as the street is improved to arterial standards with a permanent deceleration lane to be installed at that time. An access drive has been provided along the eastern portion of subject property which ties into the circulation system of the existing multi-family units that the present applicants have previously developed to the south. The Division of Traffic Engineering has stated that three access points to MacArthur would be acceptable if two were constructed to major entrance standards.
4. On March 30, 1978, the MAPC adopted a zoning policy on South Seneca which looked with favor on the "R-5" General Residence District in the general area of subject property when accompanied by a residential Community Unit Plan. This policy was concurred in by the Board of City Commissioners on April 18, 1978.
5. Because of a request by the applicant that this case be scheduled as rapidly as possible and an inability to receive staff comments from other City Departments until late in the week, we were unable to furnish our review to the applicant in time to enable his consultant to provide revised copies of the CUP for the Friday mailout. Attached are copies of the preliminary plan submitted and revised copies will be available at the MAPC public hearing.
6. Should the Planning Commission determine that the proposed development is appropriate and find the four conditions listed in comment #1 have been satisfied, the following are recommended conditions of approval:
 - a. Platting of phase one of subject property within one year and the balance within three years from the date of approval by the City Commission; or the applications be considered denied and closed.
 - b. The transfer of title or 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. Additional conditions may be made available at the public hearing once the revised plans have been received and reviewed.

GALBRAITH mentioned that a revised C.U.P. was given to the Commissioners before the meeting, and attached to the plan were additional conditions. The applicant has immediate plans to develop on the east side of the lake with Phase I. He said that the staff was concerned about the circulation plan on the first draft. The new design now proposes to have continuous

movement so that traffic to the south could merge to MacArthur Road without too many stops by people backing out of parking spaces. The staff's only concern now is the redesign to the west for free flowing traffic. GALBRAITH pointed out that the applicant has worked with Traffic Engineering on access to MacArthur Road, and that there were no objections to three access points onto MacArthur. When MacArthur is improved in the future, the applicant will guarantee the construction of a permanent decel lane. He said that the staff recommended approval of the applications subject to the condition of platting, over a three year period. GALBRAITH added that CPO Council Area "C" voted 5-0 for approval of the zone change and development plan, but added that six residents from the north side of MacArthur also attended, and expressed concern about increased traffic on MacArthur, the density of the development, and the appearance of the buildings.

MELVIN L. DAVIS, applicant, was present.

There was no one present in opposition to the application.

MOTION: That the Planning Commission recommend to the City Commission that the zone change request be approved and the Community Unit Plan be approved subject to the following conditions:

1. Platting of phase one subject property within one year and the balance within three years from the date of approval by the City Commission; or the applications be considered denied and closed.
2. The transfer the 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.
3. 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.
4. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
5. General provision #2 shall be amended to read:
"Access control: Access to MacArthur Road shall be limited to three openings. One point of access shall be opened during the first phase of construction (as noted on the plan) and that first phase opening as well as one other for a total of two openings shall be designed to major approach standards as determined by the Traffic Engineer. The first phase major opening shall be constructed prior to the issuance of any occupancy permits on the C.U.P. Said major drive(s) construction shall be guaranteed at time of platting."
6. The C.U.P. shall be amended to read "access control except for 3 openings adjacent to MacArthur Road."
7. A general provision #12 shall be added as follows:
"12. A site circulation plan for each phase of construction shall be submitted for approval by the Director of Planning or his designated representative prior to the issuance of building permits."

Cole moved, Barrier seconded.

BARRIER expressed her appreciation to Mr. Davis for bringing in a C.U.P., and stated that this was a good development plan.

VOTE ON THE MOTION: It carried
unanimously. Taylor was absent.

December 8, 1978

Gary Wiley
Professional Engineering Consultants
1440 E. English
Wichita, Kansas 67211

Re: Z-2093 "AA" to "R-5
DP-91 Residential C.U.P.
Southeast corner of Clarence
and MacArthur Road

Dear Mr. Wiley:

At its regular meeting on December 7, 1978, the Metropolitan Area Planning Commission considered the above-captioned zone change and Community Unit Plan requests. The action of the Planning Commission was to recommend that the zone change request be approved and the Community Unit Plan approved subject to the following conditions:

1. Platting of phase one subject property within one year and the balance within three years from the date of approval by the City Commission; or the applications be considered denied and closed.
2. 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.
3. 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.

Page Two
December 8, 1978
Gary Willey
Re: Z-2093 & DP-91

4. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
5. General provision #2 shall be amended to read:
"Access control: Access to MacArthur Road shall be limited to three (3) openings. One point of access shall be opened during the first phase of construction (as noted on the plan) and that first phase opening as well as one other for a total of two openings shall be designed to major approach standards as determined by the Traffic Engineer. The first phase major opening shall be constructed prior to the issuance of any occupancy permits on the C.U.P. Said major drive(s) construction shall be guaranteed at time of platting."
6. The C.U.P. shall be amended to read "access control except for 3 openings adjacent to MacArthur Road."
7. A general provision #12 shall be added as follows:
"12. A site circulation plan for each phase of construction shall be submitted for approval by the Director of Planning or his designated representative prior to the issuance of building permits."

It is necessary that you make corrections on the C.U.P. and return ten (10) copies to our office by December 22, 1978, so that this matter may be scheduled for consideration by the Board of City Commissioners at their meeting of January 2, 1979, said 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

JHG:bbc
cc: Melvin L. Davis, 4141 S. Seneca, 67217

WICHITA-SEDGWICK COUNTY

29a & 29b
DATE

METROPOLITAN AREA PLANNING DEPARTMENT

December 6, 1978

TO Metropolitan Area Planning Commission
FROM Jack H. Galbraith, Chief Planner
SUBJECT DP-91 Southlake Village II Community Unit Plan
Z-2093 "AA" to "R-5"

As per comment number 5 on the staff report associated with the above referenced cases (items 29a and 29b on the agenda), attached are revised copies of the Community Unit Plan. After review of the proposed revisions it is recommended that the following changes be made to the plan:

1. General provision #2 shall be amended to read:

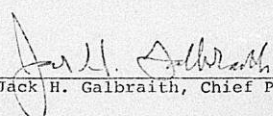
"Access control: Access to MacArthur Road shall be limited to three (3) openings. One point of access shall be opened during the first phase of construction (as noted on the plan) and that first phase opening as well as one other for a total of two openings shall be designed to major approach standards as determined by the Traffic Engineer. The first phase major opening shall be constructed prior to the issuance of any occupancy permits on the C.U.P. Said major drive(s) construction shall be guaranteed at time of platting."

2. The C.U.P. shall be amended to read "access control except for 3 openings adjacent to MacArthur Road."
3. A general provision #12 shall be added as follows:

"12. A site circulation plan for each phase of construction shall be submitted for approval by the Director of Planning or his designated representative prior to the issuance of building permits."

These items should be considered as an addendum to the recommended conditions of approval in statement #6 on the staff report.

JHG:bbc


Jack H. Galbraith, Chief Planner

WICHITA-SEBOWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 12-7-70

Case No. E-2093 Request: "AA" to "R-5"
DP-91 Approval of Residential
Community Unit Plan

Location: Southeast corner of MacArthur Road and Clarence
(as extended from the south).

Reason: "To construct multi-family residences."

Acres: 45.2 Size: 1202' x 1420' (irregular)

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped, Lake	"AA"
North	Single Family	"AA"
East	Undeveloped	"AA"
South	Multi-Family, Lake, Undeveloped	"AA" & "R-5"
West	Mobile Home Park	"G"

Adequate street rights-of-way to be Platted: No.
secured at time of platting.

History: SCZ007 "R-1" & "LC" to "C"
7/3/58 MAPC defer
3/19/59 " "
4/2/59 " denied "C"
4/9/59 BCoC denied "C"

A portion of subject property was involved in:
2-1190 "AA" to "E"
5/14/70 MAPC approved
6/2/70 BCC defer
6/9/70 BCC return to MAPC
6/25/70 MAPC approved subject to voluntary covenants
10/11/71 Withdrawn at applicant's request

COMMENTS:

1. As permitted under the Residential CUP provisions of the zoning ordinance, the applicant has submitted a 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 (28.14.190.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 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 applicant proposes a two parcel plan to be developed in three stages with the first stage to be platted within one year and subsequent stages each of the next two years. Parcel One is proposed for townhouse development with accommodations for two through eight dwelling units at a density not to exceed 12.4 dwelling units per net acre or a total of 122 dwelling units. Parcel two proposes garden apartments at 12.4 dwelling units per net acre or a total of 420 units or townhouse development at 8.6 dwelling units per net acre or a total of 290 units. The overall density of the entire plan cannot exceed 12.4 dwelling units per net acre or a total of 542 units. The accompanying zone change request (Z-2093) is a request for the "R-5" General Residence District which is consistent with proposed densities.

3. The development plan proposes two access points to MacArthur Road, one of which is to be constructed during phase one development to major entrance design standards. A temporary deceleration lane shall be provided on MacArthur until such time as the street is improved to arterial standards with a permanent deceleration lane to be installed at that time. An access drive has been provided along the eastern portion of subject property which ties into the circulation system of the existing multi-family units that the present applicants have previously developed to the south. The Division of Traffic Engineering has stated that three access points to MacArthur would be acceptable if two were constructed to major entrance standards.
4. On March 30, 1978, the MAPC adopted a zoning policy on South Seneca which looked with favor on the "R-5" General Residence District in the general area of subject property when accompanied by a residential Community Unit Plan. This policy was concurred in by the Board of City Commissioners on April 18, 1978.
5. Because of a request by the applicant that this case be scheduled as rapidly as possible and an inability to receive staff comments from other City Departments until late in the week, we were unable to furnish our review to the applicant in time to enable his consultant to provide revised copies of the CUP for the Friday mailout. Attached are copies of the preliminary plan submitted and revised copies will be available at the MAPC public hearing.
6. Should the Planning Commission determine that the proposed development is appropriate and find the four conditions listed in comment #1 have been satisfied, the following are recommended conditions of approval:
 - a. Platting of phase one subject property within one year and the balance within three years 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.

Case No. Z-2093 & DP-91
MAPC Agenda 12-7-78
Page 4

- 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. Additional conditions may be made available at the public hearing once the revised plans have been received and reviewed.

November 29, 1978

Mr. Melvin L. Davis
4141 S. Seneca
Wichita, Kansas 67217

Re: DP-91 - Southlake Village II -
Residential Community Unit Plan -
southeast corner of Clarence and
MacArthur Road

Dear Mr. Davis:

We have reviewed the 45.2 acre residential Community Unit Plan proposed for the southeast corner of Clarence and MacArthur Road. The following comments are a result of that review, as well as consultation with other City departments regarding this matter.

The Traffic Engineering Division of the Department of Public Works has requested that the first opening to MacArthur Road be constructed to major approach standards of Traffic Engineering. They have also advised that a temporary deceleration lane should be constructed into the major entrance until such time as MacArthur Road is improved to arterial standards with a permanent deceleration lane to be installed at that time. The major concern of Public Works is the proposal to provide access to 542 dwelling units or at least the 420 units in Parcel 2 by means of the parking lot, as opposed to a ring road or other direct access route. It is important that approval of this plan does not cause further traffic conflicts on Seneca, and with such circuitous access to MacArthur it is probable that the southernmost units will utilize the Seneca access rather than go to MacArthur. We would urge that you give consideration to some redesign which would offer a direct access to MacArthur rather than a combination parking lot access drive system.

There are some other changes which are needed, such as the addition of topographic lines, addition of a general provision to cover the pipeline easement, and the timing of the opening of access points to MacArthur. We also question the need for a three year platting time; the normal platting time is one year, and in exceptional or large areas such as Towne West, Comotara, or Towne East Square, a two year platting time has been approved. Platting extensions can be granted by the Board of City Commis-

Page Two
Melvin L. Davis
November 29, 1978

sion if a need is shown, but we would hesitate to initially support keeping a C.U.P. file open for three years.

In addition to the above comments, the following amendments or changes should be made to the plan:

1. Topography at two foot contour intervals shall be depicted on the plan as required by Section 28.04.190 of the Code of the City of Wichita (CUP regulations).
2. General provision #9 shall be amended to reflect the normal platting time of one year.
3. Additional general provisions shall be added to the plan as follows:
 - "10. The applicant shall guarantee the installation of a temporary deceleration lane adjacent to the major approach to MacArthur Road. This deceleration lane shall be constructed on a temporary basis until such time as MacArthur Road is improved to arterial standards and a permanent deceleration lane shall be installed at such time as MacArthur is improved. The applicant shall guarantee the deceleration lanes at time of platting."
 - "11. Building setbacks adjacent to the 60 foot City Service Gas Co. easement shall be determined at time of platting. All paving over the pipeline easement shall be with the approval of the pipeline company and any change in elevation or relocation of the pipeline(s) shall be without cost to the City of Wichita."
4. General provision #2 shall be amended to add the following:

"The access point provided during first phase (Parcel 2) construction shall be designed to major drive approach standards as determined by the Traffic Engineer and shall be constructed prior to the issuance of any occupancy permits on the C.U.P. Said major drive construction shall be guaranteed at time of platting."
5. The parcel description for Parcel two (2) regarding density shall be amended to clearly reflect that the 12.4 D.U.'s per acre or 420 D.U.'s is for garden apartment development.

Page Three
Melvin L. Davis
November 29, 1978

6. The last sentence of general provision #8 shall be amended to read:

"No parking shall be allowed in said fire lanes although they may be used for passenger loading and unloading."

7. General provision #3 shall be amended to add the following:

"The drainage facilities guaranteed at time of platting shall be constructed as scheduled by the Department of Public Works in the approved drainage plan."

These are most of the comments which we have at this time. In order to prepare our staff reports for mailout to the Planning Commission, it is necessary that we receive 14 amended copies of the plan no later than 10:00 a.m. Friday, December 1, 1978. Although this is short notice for such amendments, we have accelerated the scheduling of this item at your request so that it could get before the MAPC as soon as possible and such is the reason for the time constraint. Should you have questions, please call.

Sincerely,

Mike Meek
Senior Planner

MM:el

cc: Gary Wiley, Professional Engineering Consultants
1440 E. English, 67211

Mike,

Re: South Gate Village II CUP

No comment regarding access
on MacArthur Rd.

Had a drainage plan -
utilizing the existing
lake.

WES

(Received abstract list on 11-27-78)

Z-2093 & }
✓ DP-91 }
}

30 -"Notice to Adjoining Property Owners" mailed 11-27-78
for the MAPC for 12-7-78 (DOUBLESTUFFED NOTICES)

1 - of each (including maps) to CPO Office

—
31 TOTAL

(included in above amount is notice sent to
Sherryl Kinder, South Seneca Area Task Force,
5319 S. Osage, 67217 - per gray atlas)

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

November 22, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, December 7, 1978, 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 a COMMUNITY UNIT PLAN - PLANNED RESIDENTIAL DEVELOPMENT, known as "SOUTHLAKE VILLAGE II", for property legally described as follows:

DP-91 - A tract of land in the NE 1/4 of Section 18, T28S, R1E of the 6th P.M., described as: Beginning at the NW corner of said NE 1/4, thence east along the north line of said NE 1/4 a distance of 1202 feet more or less to the intersection of said north line with the west line of vacated Vilm Gardens, Sedgwick County, Kansas, thence south along the west line of Lots 1, 2, 3, 4 and part of 5 of said vacated Vilm Gardens to the north line of Lot 1 South Lake Addition, Wichita, Kansas, thence west along the north line of South Lake Addition extended a distance of 998 feet more or less, thence with an angle to the right of 39°00'00" a distance of 550 feet more or less to the west line of the NE 1/4 of said Section 18 thence north along the west line of said NE 1/4 a distance of 1175 feet more or less to the point of beginning. Generally located at the southeast corner of Clarence and MacArthur Rd.

The Development Plan of this area has been submitted as permitted under the Community Unit Plan provisions of Section 23.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file at the Planning Department Office, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, and is available for public inspection and review.

The Development on file proposes a 45 acre garden apartment and townhouse development; the density of which shall not exceed 12.4 dwelling units per net acre. In addition to indicating the proposed building locations, the Development Plan indicates information on maximum building heights, setbacks for structures, proposed parking ratio, access controls, and interior circulation.

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.

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

November 22, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

This is a notice of a request for a zoning change in your area. 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 for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on Dec. 7, 1978, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. Z-2093

Zone Change from the "AA" One Family Dwelling District
to the "R-5" General Residence District

A tract of land in the NE 1/4 of Section 18, T28S, R1E of the 6th P.M. described as: Beginning at the NW corner of said NE 1/4, thence east along the north line of said NE 1/4 a distance of 1202 feet more or less to the intersection of said north line with the west line of vacated Vilm Gardens, Sedgwick County, Kansas, thence south along the west line of Lots 1, 2, 3, 4 and part of 5 of said vacated Vilm Gardens to the north line of Lot 1 South Lake Addition, Wichita, Kansas, thence west along the north line of South Lake Addition extended a distance of 998 feet more or less, thence with an angle to the right of 39°00'00" a distance of 550 feet more or less to the west line of the NE 1/4 of said Section 18 thence north along the west line of said NE 1/4 a distance of 1175 feet more or less to the point of beginning. Generally located at the southeast corner of Clarence and MacArthur 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 a 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 preceeding 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 12.4 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 building; 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.

WICHITA-SEDGWICK COUNTY

DATE

November 14, 1978

METROPOLITAN AREA PLANNING DEPARTMENT

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
Max Greene, Flood Control/Maintenance

TO Robert Feldner, Superintendent of Central Inspection

FROM Mike Neek, Senior Planner

SUBJECT DP-91 - Southlake Village II Community Unit Plan

Attached is a residential Community Unit Plan proposed to the north of the existing Southlake Village Apartments located in the general vicinity of the southwest corner of Seneca and MacArthur Road. Would appreciate any comments you might have regarding circulation, drainage, access points, etc. by Monday, November 20, 1978. This item is scheduled for consideration by the MAPC on December 7, 1978.

Pursuant to the request of the Director of Public Works, comments are also solicited from the Office of Central Inspection regarding proposed Community Unit Plans.

Mike Neek

Mike Neek
Senior Planner

MM:el

Att.

11-17-78

*3 & 7
General Provisions cover any concerns of this office and these items would be for City Engineer.*



S.

Received

NOV 16 1978

Meek

THE CITY OF WICHITA

OFFICE OF Central Inspection Division DATE November 20, 1978

TO Mike Meek, Senior Planner

FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT DP-91 - Southlake Village II
 Community Unit Plan

Central Inspection Division's comments relative to the above subject follow:

Item 2. - Can Phase I and Phase II be delineated?

Shall the construction of one approved access to MacArthur be required to be completed prior to issuance of any building permit?

Item 3. - What installation priority will the guaranteed drainage facilities hold (prior to issuance of building permit, prior to occupancy, as scheduled, etc.)


Item 7. - What will be the availability or location of a copy of such a document?

Can a bond, or some other method of insurance, be required to assure that these areas will be maintained in the future?

Item 8. - Shall fire lanes shown on approved site building plans be required to be recorded easements?

May firelanes be used for parking circulation?

Central Inspection is appreciative of the opportunity to provide comments at this stage in the CUP process, and looks forward to continued cooperation with anticipation. If further comment or clarification is desired, Central Inspection will be happy to meet at any time.


Robert B. Feldner
Superintendent of Central Inspection

RBF:AI:kda



November 14, 1978

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
Max Greene, Flood Control/Maintenance
Robert Feldner, Superintendent of Central Inspection

Mike Meek, Senior Planner

DP-91 - Southlake Village II Community Unit Plan

Attached is a residential Community Unit Plan proposed to the north of the existing Southlake Village Apartments located in the general vicinity of the southwest corner of Seneca and MacArthur Road. Would appreciate any comments you might have regarding circulation, drainage, access points, etc. by Monday, November 20, 1978. This item is scheduled for consideration by the MAPC on December 7, 1978.

Pursuant to the request of the Director of Public Works, comments are also solicited from the Office of Central Inspection regarding proposed Community Unit Plans.

Mike Meek
Senior Planner

MM:el

Att.

5342
18
285
1E

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

DP-91

(Case Z-2093)

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.

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

- a. Applicant Melvin L. Davis
Address 4141 South Seneca 67217 Phone 522-4855
Agent _____
Address _____ Phone _____
- b. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____
- c. ~~xxxxxxx~~ Professional Engineering Consultants, P. A. (Gary Wiley)
Address 1440 East English 67211 Phone 262-2691
Agent _____
Address _____ Phone _____

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

II.A The applicant hereby requests Community Unit Plan approval on
(proposed R-5)
property zoned AA 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 ATTACHED SHEET

II.B There are 45.2 acres (round to nearest tenth) in the above
described property.

III. This property is located at (address) 1601 W. MacArthur Rd.

The general location is (use appropriate section)

a. at the Southeast corner of Clarence
and MacArthur Rd.; or

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

Melvin L Davis
By Melvin L Davis 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 _____ (AM, PM) on _____ (Day, Month, Year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ _____.

Name

Title

A TRACT OF LAND IN THE NE 1/4 OF SECTION 18, T28S, R1E OF THE 6TH P.M. DESCRIBED AS: BEGINNING AT THE NW CORNER OF SAID NE 1/4, THENCE EAST ALONG THE NORTH LINE OF SAID NE 1/4 A DISTANCE OF 1202 FEET MORE OR LESS TO THE INTERSECTION OF SAID NORTH LINE WITH THE WEST LINE OF VACATED VILM GARDENS, SEDGWICK COUNTY, KANSAS, THENCE SOUTH ALONG THE WEST LINE OF LOTS 1, 2, 3, 4 AND PART OF 5 OF SAID VACATED VILM GARDENS TO THE NORTH LINE OF LOT 1 SOUTH LAKE ADDITION, WICHITA, KANSAS, THENCE WEST ALONG THE NORTH LINE OF SOUTH LAKE ADDITION EXTENDED A DISTANCE OF 998 FEET MORE OR LESS, THENCE WITH AN ANGLE TO THE RIGHT OF 39°00'00" A DISTANCE OF 550 FEET MORE OR LESS TO THE WEST LINE OF THE NE 1/4 OF SAID SECTION 18 THENCE NORTH ALONG THE WEST LINE OF SAID NE 1/4 A DISTANCE OF 1175 FEET MORE OR LESS TO THE POINT OF BEGINNING.

✓
Send notice to: South Lane area Task Force
Sherryle Kinder
5319 S. Osage, 67217

Edi

STATEMENT OF OWNERSHIP

DP-91

Z-2093

STATE OF KANSAS)
 SEDGWICK COUNTY) SS

Duplicate list

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

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

A TRACT OF LAND in the Northeast Quarter of Section 18, Township 28 South, Range 1 East of the 6th P.M., DESCRIBED AS: Beginning at the Northwest Corner of said Northeast Quarter, thence East along the North line of said Northeast Quarter, a distance of 1202 Feet more or less to the intersection of said north line with the West line of vacated VILM GARDENS, Sedgwick County, Kansas, thence south along the West line of Lots 1, 2, 3, 4, and part of 5, of said vacated VILM GARDENS to the north line of Lot 1 SOUTH LAKE ADDITION, Wichita, Kansas, thence West along the North line of SOUTH LAKE ADDITION extended a Distance of 998 Feet more or less, thence with an angle to the right of 39° 00' 00", A distance of 550 Feet more or less to the West line of the Northeast Quarter of said Section 18, thence North along the West line of said Northeast Quarter, A distance of 1175 Feet more or less to the point of Beginning.



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

<u>TRACT</u>		<u>OWNERS AND ADDRESSES</u>
The Northeast Quarter EXCEPT that part platted as Vilm Gardens and Vilm Garden Second and EXCEPT that part platted as SOUTH LAKE ADDITION		✓ Davis Properties 4141 South Seneca Wichita, Kansas 67217
<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS AND ADDRESSES</u>
Lot 1	SOUTH LAKE ADDITION	Claremont Corporation % Resident Agent WILLIAM TINKER ✓ 300 West Douglas Suite #530 Wichita, Kansas 67202
Lot 1	SILVER SPEER SECOND	D The Seneca Construction Company, Inc. % C. J. Mendenhall 1913 S. Elizabeth Wichita, Kansas 67213
Lots 1, 2, 3, 4, 5, and the North 5 Acres of Lot 6	VILM GARDENS ADDITION	D Davis Corporation 4141 South Seneca Wichita, Kansas 67217



<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS AND ADDRESSES</u>
The South Half of Lot 6	VILM GARDENS ADDITION	✓ Grant W. Cane and Maybelle Cane Woulfe 2135 S. Washington Wichita, Kansas 67211
Lot 7, EXCEPT the South 370.5 Feet and EXCEPT the East 330 Feet of the North 185 Feet Thereof	VILM GARDENS ADDITION	✓ Charles L. & Helen L. Stein 6057 S. Seneca Wichita, Kansas 67217
Lots 4, 5, 6, Block A, and Lots 1, 2, 3, Block E	VILM GARDENS SECOND	✓ Wayne Williams, Inc. 1786 S. Seneca- Wichita, Kansas 67213 ✓ <i>535 N. Olive, 67208</i>
The Northeast Quarter of the Northwest Quarter EXCEPT the East 330 Feet thereof, Section 18, Township 28, Range 1 East		✓ Jacob Martin Lohkamp 201 S. Battin Wichita, Kansas 67218
Lot 1, EXCEPT that part platted as Silver Spur Fourth Addition	SILVER SPUR ADDITION	✓ C J & Bonnie Mendenhall 1913 S. Elizabeth Wichita, Kansas 67213
Lots 1 and 2	SILVER SPUR FOURTH	✓ Quik-Trip Corporation 2778 South Seneca Wichita, Kansas 67217
Lots 1, 2, 3, 4	BLANKINSHIP ADDITION	✓ Lynn H & Mary H. Blankinship 1820 West MacArthur Wichita, Kansas 67217
The West 340.61 Feet, East 749.46 Feet, in the South Half of the Southwest Quarter in Section 7, Township 28, Range 1 East; The South 40 Feet for Road.		✓ Mobile Manor, Inc. 3200 Southeast Boulevard #65 Wichita, Kansas 67216
The South Half of the Southwest Quarter, EXCEPT the East 749.46 Feet and EXCEPT the West 691.8 Feet, Section 7, Township 28, Range 1 East		✓ B A & Catherine C. Ruedebusch 3200 Southeast Boulevard Wichita, Kansas 67216
The Southwest Quarter of the Southeast Quarter West of the the River Drain, EXCEPT Beginning at the Southwest Corner of the Southeast Quarter, North 466.69 Feet, East 948.03 Feet, South 466.69 Feet, West to Beginning and EXCEPT East 289.1 Feet, South 466.69 Feet and EXCEPT North 35 Feet for Street, Section 7, Township 28, Range 1 East		✓ Seneca Construction Co. Incorporated 3825 South Seneca Wichita, Kansas 67217
and The Southwest Quarter of the Southeast Quarter East of Riverside and Protection Drainage		



Continued



<u>TRACT</u>	<u>OWNERS AND ADDRESSES</u>
Boundary Section 7, Township 28, Range 1 East EXCEPT the South 466.69 Feet.	(Seneca Construction Co. Incorporated 3825 South Seneca Wichita, Kansas 67217)
Beginning 140 Feet East of the Southwest Corner of the Southeast Quarter, Section 7, North 466.69 Feet, East 140 Feet, South 466.69 Feet West to Beginning, Section 7, Township 28, Range 1 East	Alvin R & Mildred N Kidwell 1810 W. MacArthur Wichita, Kansas 67217
Beginning 280 Feet East of the Southwest Corner of the Southeast Quarter, thence North 466.69 Feet, East 216.69 Feet, South 466.69 Feet, West 216.69 Feet to Beginning.	Dale L & Lynne M Gable 1724 W. Mac Arthur Wichita, Kansas 67217
Beginning 496.69 Feet East of the Southwest Corner of the Southeast Quarter, North 466.69 Feet, East 100 Feet, South 466.69 Feet, West 100 Feet to Beginning, Section 7, Township 28, Range 1 East.	William H & Barbara K Boren 1710 W. MacArthur Wichita, Kansas 67217
Beginning at a point 596.69 Feet East of the Southwest Corner of the Southeast Quarter, Section 7, Township 28, Range 1 East, thence North 460 Feet, East 90 Feet, South 460 Feet West 90 Feet to Beginning, EXCEPT South 240 Feet, thereof.	Dorothy F. Poyner 1600 West 39th South Wichita, Kansas 67217 <i>1634 W. MacArthur 67217</i>
Beginning 596.69 feet East of the Southwest Corner of the Southeast Quarter of Section 7, Township 28 South, Range 1 East of the 6th P.M. thence North 240 feet, thence East 90 feet, thence South 240 feet, thence West to beginning EXCEPT and less the South 40 feet thereof used for Highway purposes, Sedgwick County, Kansas.	Duane Francis & Pauline K. Koehler 1632 W. MacArthur Wichita, Kansas 67217
Beginning 531.25 Feet West of the Southeast Corner of the Southwest Quarter of the South- east Quarter, Section 7, thence North 460 Feet, East 65 Feet, South 460 Feet, West to Beginning Section 7, Township 28, Range 1 East.	Dorothy F. Poyner 1600 W. 39th St., South Wichita, Kansas 67217 <i>see above</i>
Part of the Southwest Quarter of the Southeast Quarter of Section 7, Township 28 South, Range 1 East of the Sixth Principal Meridian, described as follows: Beginning 751.69 Feet East of the Southwest Corner of said Southeast Quarter thence North parallel with the West line of said Southeast Quarter, a distance of 466.69 feet; thence East parallel with the South line of said Southeast Quarter, a distance of 85 feet; thence South parallel with the West line of said Southeast Quarter, a distance of 466.69 feet; thence West 85 feet to place of beginning, Sedgwick County, Kansas.	Iris V. Huls 3215 S. Vine Wichita, Kansas 67217



TRACT

The East 93.34 Feet of the West 930.03 Feet of the South 466.69 Feet of the Southwest Quarter of the Southeast Quarter in Section 7, Township 28, Range 1 East

Beginning at a point 978.03 Feet East of the Southwest Corner of the Southwest Quarter of the Southeast Quarter of Section Seven (7), Township Twenty-eight (38) South, Range One (1) East, Sedgwick County, Kansas; thence North 466.69 Feet; thence East 346.97 Feet, thence South 125 Feet; thence West 221.97 Feet; thence south 341.69 Feet; thence West 125 Feet to Beginning.

The South 341.69 Feet of the East 221.97 Feet of the Southwest Quarter of the Southeast Quarter, in Section 7, Township 28, Range 1 East

The West 5 Acres of the West 10 Acres in the Southeast Quarter of the Southeast Quarter, in Section 7, Township 28, Range 1 East.

The East 5 Acres of the West 10 Acres of the Southeast Quarter of the Southeast Quarter, in Section 7, Township 28, Range 1 East.

The East 165 Feet of the West 495 Feet of the Southeast Quarter of the Southeast Quarter of Section 7, Township 28 South, Range 1 East of the Sixth Principal Meridian, in Sedgwick County, Kansas

Beginning 495 Feet East of the Southeast Corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7, Township 28 South, Range 1 East of the Sixth Principal Meridian, in Sedgwick County, Kansas, thence North 300 Feet, East 130 Feet South 300 Feet, West 130 Feet to Beginning.

Beginning at a point 466.69 Feet West and 245.92 Feet South of the Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 7, Township 28 South, Range 1 East; thence South parallel with the East line of the Southeast Quarter of said Southeast Quarter, 250.09 Feet; thence West parallel with the North line of the Southeast Quarter of said Southeast Quarter, 357.45 Feet to a point 495 Feet East of the West line of the Southeast Quarter of Said Southeast Quarter; thence North parallel with the West line of the Southeast Quarter of said Southeast Quarter, 250.09 Feet; thence East 355.84 Feet to beginning.

OWNERS AND ADDRESSES

✓ Richard Eugene & Darlene L. Giese
1612 W. MacArthur
Wichita, Kansas 67217

✓ Cleonis Lee Roy & Dena Anna Hall
1530 W. MacArthur
67217

✓ Imogene May Collier & Norma Lee Cousatte
2775 Hiram
Wichita, Kansas 67217

✓ M. B. & Hazel E. Crellin
1424 W. MacArthur
Wichita, Kansas 67217

✓ Eugene L. Hamilton
1400 W. MacArthur
Wichita, Kansas 67217

✓ Richard W. & Iris K. Chalfant
1324 W. MacArthur
Wichita, Kansas 67217

✓ Laura E. Loger
1310 W. MacArthur
Wichita, Kansas 67217

✓ Revival Road Baptist Church
1211 Corey Lane
Wichita, Kansas 67217



Continued

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TRACT

Beginning at a point 625 Feet East of the Southwest Corner of the Southeast Quarter of the Southeast Quarter of Section 7, Township 28, Range 1 East of the 6th P.M., thence North 300 Feet, thence West 130 Feet, thence North 174.08 Feet, thence East 358.31 Feet, thence South 1074.08 Feet, thence West 228.31 Feet, to the place of beginning.

OWNERS AND ADDRESSES

Alfred M. & Christine M. Burke

X Address Unknown *none found*

The East 466.69 Feet of the South 386.64 Feet of the Southeast Quarter of the Southeast Quarter, in Section 7, Township 28, Range 1 East.

✓ Kansas Gas & Electric Company
201 N. Market
Wichita, Kansas 67202

Dated at Wichita, Kansas this 22nd day of November, 1978; at 7:00 O'Clock, A.M.



Tracer No. 45832

FIDELITY TITLE COMPANY, INC.

By *J. M. Nesome*
Vice-President

Fidelity  Title
COMPANY, INC.

*

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