

DP-146, AMENDMENT #1
FAIRFIELD RESIDENTIAL C.U.P.

Generally located on the west side of
Rock Road between 13th Street North
and Oneida.

ACTION

DATE

COMMITTEE

Approved sent to Executive 6/25/87

M.A.P.C.

Approved on 7-21-87

P.C.C./B.C.C.

Recommended

10-145-100000-01 - ...
TIAL C.U.E. - Generally located on the
west side of Rock Road between 14th St.
North and

DATA SHEET

Z- _____
 SCZ- _____
 CU- _____
 DR- _____
 DP- 146

Amend 1
 Case Filed: 5-12-87
 Associated Case: _____

CPO Council Area: 2A
 CPO Meeting Date: 6-15-87

APPLICATION DATA: Map No. 5948 A

1. General Location: On the west side of Rock Road between 13th Street North and Oneida
2. From _____ to _____
3. Proposed Use: _____
4. DP Name: FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN
5. Applicant: Ralph Rudy
 Address 715 North Cow, Wichita, Kansas 67203 Phone 943-2347
6. Applicant: Bob Taylor
 Address 1001 North Rock Road, Wichita, Kansas 67206 Phone 687-0188
6. Agent: Bill G. Yung Design
 Address 4912 East 29th Street North, Wichita, Kansas 67220 Phone 683-5567

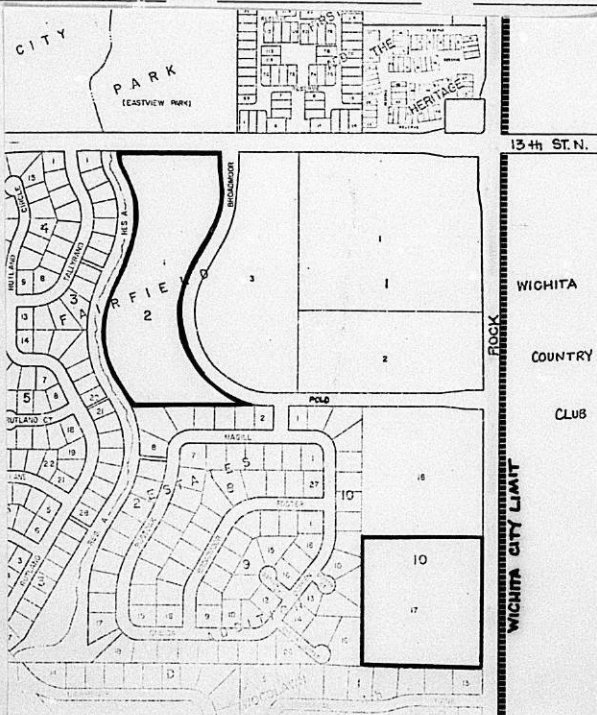
AREA DATA:

1. Acres: 23.0 (_____ ft. by _____ ft.)
2. Adjoining Zoning: N "AA" 6 "R-5" S "AA" E "LC" 6 "R-1" W "AA"
3. Land Use: North _____ East _____
 South _____ West _____

PICTURE SHEET

PHOTO DATA:

Taken by _____ Date _____ Time _____



NOTES:

T9-214-2

LOG ANNELES-CHICAGO, LOGAN, OH
 MCNERSON, TX, LOCUST GROVE, GA
 U.S.A.

S
 Standard

No. 2153C

Bob:

see me re-
tract in
CUP@

RockR&

506 13th
St N.

NK

IMPORTANT MESSAGE

FOR Bob Young

DATE 12 17 TIME 11:30 A.M.
P.M.

WHILE YOU WERE AWAY

OF Greg Skinned

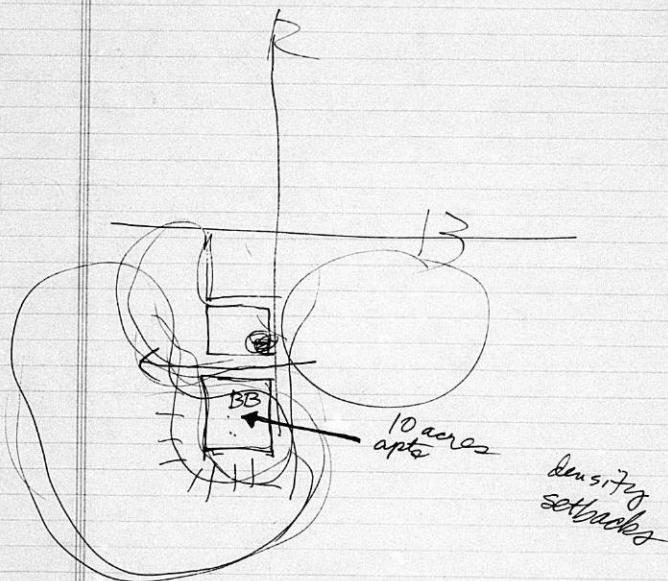
PHONE No. 2635781

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE
call this afternoon

SIGNED

Form 000-017



OK but raise issue of
 existing Office Bldg taking
 away from the downtown area.

March 9, 1988

Mr. Bill G. Yung
Bill G. Yung Design
4912 E. 29th St. North, Suite 1
Wichita, KS 67220

Re: Administrative Adjustment of sideyard setbacks for selected lots in Parcel No. 2 of Fairfield Residential C.U.P. DP-146.

Dear Mr. Yung:

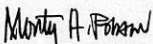
We have received your letter dated February 29, 1988, requesting an administrative adjustment of the sideyard setback from 12 feet to 10 feet for the construction of zero lot line/patio homes on Lots 3, 4, 5, 9, 10, 11, 12, 13 and 15 of Block 1, Fairfield Club Addition. Said sideyard setbacks are established by a "setback chart" in the general provisions of the approved community unit plan.

We understand that the administrative adjustment is necessary to accommodate the construction of a particular building floor plan on lots that are platted to 53-foot widths. Review of the "setback chart" reveals that a reduction of the sideyard setbacks to 10 feet is permissible for the garage portion of the structure. With proper design and building siting, a reduction of the sideyard setback for the remainder of the structure should not have a noticeable effect.

In concluding our review, we feel that the requested administrative adjustment will not have an adverse effect on adjacent properties, nor will it be a substantial deviation from the approved plan.

Our signatures below indicate the granting of an administrative adjustment for your request to reduce the 12-foot sideyard setback to 10 feet on Lots 3, 4, 5, 9, 10, 11, 12, 13 and 15, Block 1, Fairfield Club Addition. We will note the approval of this administrative adjustment on the C.U.P. drawings for future reference.


Marvin S. Krout
Director of Planning


Monty H. Robson
Superintendent of Central
Inspection

RLY:dik

FILE COPY

February 29, 1988

Marvin Krout, Director of Planning
City Hall, 10th Floor
455 N. Main
Wichita, KS 67202

RE: Administrative Adjustment to the Fairfield Residential Community Unit Plan DP-146.

Dear Mr. Krout:

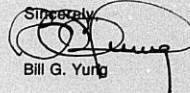
In a recent conversation with Dave Sproul, developer for the Fairfield Club (Zero Lot Line) Project, he expressed a problem he is encountering with several of the platted lots. Through his market study he has developed a number of floor plans for units to be constructed and finds that one of the plans he hopes to build will not fit on the following lots: Block 1, Lots 3, 4, 5, 9, 10, 11, 12, 13 & 15 (See attached maps).

This is due to the fact that this floor plan is two (2') feet wider than the permitted buildable area. He is requesting that on the above lots, the sideyard setback be reduced from twelve (12') feet to ten (10') feet.

We believe this request to be justified in that the majority of the lots are 55' in width except for these which are 53'. I also believe that in your new subdivision regulations, you are considering the reduction of sideyard setbacks for zero lot lines (where sideyard are assembled for useable space) to ten (10') feet.

Mr. Sproul has a reputation of building quality patio homes & zero lot line project and probably understands the marketing of these units better than most developers in the area. He is confident that this reduction will not adversely affect the liveability of these units.

Please accept this letter as a formal request for the sideyard reduction. Attached is a check for \$100.00 for the filing fee for this request and a map illustrating the lots in question.

Sincerely,

Bill G. Yung

cc Dave Sproul
Jack Galbraith

encl.

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

October 1, 1987

Bill G. Yung Design
4912 East 29th Street North
Suite One
Wichita, Kansas 67220


RE: DP-146, Amendment #1 - Fairfield Residential Community Unit Plan -
Administrative adjustment to increase the number of units. Generally
located south of 13th Street North on the west side of Broadmoor.

Dear Bill:

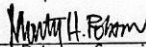
We have received your request to administratively adjust Parcel 2 of the above-referenced C.U.P. We understand that you would like to increase the number of zero lot line units on Parcel 2 from 40 to 41 and change the density from 5 dwelling units per acre to 5.06 dwelling units per acre since your current preliminary plat indicates 41 lots.

We feel the adjustment will not have an adverse affect on adjacent properties, nor would it be a substantial deviation from the plan. The overall density of the development and the total number dwelling units does not change. We will note the changes in density and number of units for the zero lot line use in Parcel 2 on our copies of the approved DP-146. Our signatures below indicate that an administrative adjustment is granted for the requested changes.

Sincerely,



Marvin S. Krout
Director of Planning



Monty Robson, Superintendent
of Central Inspection

MSK/MR/BRH:blw

cc: Steve Critchfield, Critchfield Real Estate Limited Partnership,
5318 Pembroke, Wichita, KS. 67220

C
O
P
Y

August 24, 1987

Marvin Krout, Director of Planning
Metropolitan Area Planning Department
10th Floor City Hall
455 N. Main
Wichita, KS 67202

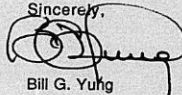
Re: Fairfield Residential C.U.P. Administrative Adjustment Request

Dear Marvin,

Based on the staff report and the recent approval of Fairfield Residential C.U.P. DP-146 we were to request the administrative adjustment to Fairfield Estates C.U.P. DP-149 allowing for a site plan modification and different unit count. We were further requested to submit a revised plan illustrating these changes.

Please accept this letter as a formal request to accomplish the above requirements. Attached is the revised site plan requested.

Sincerely,



Bill G. Yung

Encl.
cc. Jack Galbraith
Steve Critchfield

BY/pb

RECEIVED

AUG 26 1987

METROPOLITAN PLANNING

ROUTE

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

August 7, 1987

TO: Monty Robson, Superintendent of Central Inspection

FROM: Barbara Harris, Senior Planner, Current Plans

SUBJECT: DP-146, Amendment #1 - Fairfield Residential Community Unit Plan.
Generally located west of Rock Road and south of 13th Street North.

The City Council members on July 21, 1987, considered the above-captioned C.U.P. Their action was to approve the C.U.P. subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.
- d. Since DP-149 and Parcel 5 of DP-146 will now be tied together, the applicant shall provide the Planning Department with information about changes on DP-149 in order to administratively adjust the C.U.P. The layout for DP-149 shall be changed by a replat.

Attached for your information and files are two approved C.U.P. copies. If you have any questions concerning this matter, please call me at 268-4421.

Barbara R. Harris
Senior Planner

BRH:blw
Attachments

cc: Ralph Rudy, 715 North Gow, Wichita, KS. 67203
Bob Taylor, 1001 North Rock Road, Wichita, KS. 67206
Bill G. Yung, 4912 East 29th Street North, Suite One, Wichita, KS. 67220

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 21, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DP-146, AMENDMENT #1 - REQUEST FOR APPROVAL OF AMENDMENT TO PARCELS 1 AND 4 OF FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Location: West of Rock Road and south of 13th Street North.
(Council District #2)

Applicants: Ralph Rudy and Bob Taylor

Site Size: 23 acres

Current Zoning: "A" & "AA"

Background: The Development Plan divides the original Parcel 1 into Parcels 1 and 2 and changes the former Parcel 4 to Parcel 5. The following use changes are proposed: A church (illustrated use), zero lot line homes, patio homes, single-family townhouses and associated community facilities on Parcel 1; zero lot line (illustrated use), patio homes, single-family, townhouses and associated community facilities on Parcel 2; and single-family (illustrated use) and associated community facilities instead of townhouses on Parcel 5. The density proposed for this development has been decreased from a total of 740 dwelling units on the original plan and shall not exceed 16.5 dwelling units per net acre or a total of 675 dwelling units.

The amendment proposes that, if a church use is located on Parcel 1, then the wall requirement along the north line adjacent to 13th Street North should be waived. Also, the wall originally required along the south line of Parcel 5 should be waived since single-family houses are now proposed to back into the single-family houses to the south.

Staff Recommendation: Approve the amendment as requested subject to conditions of approval.

MAPC Recommendation: Approve the amendment as requested subject to conditions of approval. (6-0, Conlee, Crockett, Goebel and Moore were absent).

CPO Recommendation: CPO Council "2A" voted 7-0 to approve this amendment request except for the waiver of the wall adjacent to 13th Street North along the north line of Parcel 1 which is proposed for the church.

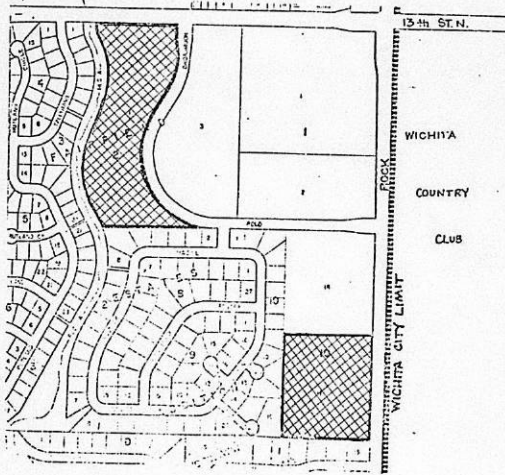
PL/1301/24

- Actions:
1. Concur with the findings of the MAPC and approve the C.U.P. subject to the recommended conditions; or
 2. Take appropriate action stating reasons.

Attachments: Area map
6-25-87 MAPC Minutes
CPO Memorandum
C.U.P.

PL/1301/24

STAFF REPORT



DP-146, Amendment #1 - REQUEST FOR AMENDMENT TO PARCELS 1 AND 4 OF FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN, GENERALLY LOCATED WEST OF ROCK ROAD AND SOUTH OF 13TH STREET NORTH.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 25, 1987

LEGAL:

3. Case No. DP-146, Amendment #1 - Ralph Rudy and Bob Taylor request amendment to Parcels 1 and 4 of Fairfield Residential Community Unit Plan for Lot 1, Block 2 and Lot 17, Block 10, Fairfield Estates, Wichita, Sedgwick County, Kansas. Generally located west of Rock Road and south of 13th Street North.

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

Background: The property within this C.U.P. amendment contains 23-acres, which is only a portion of the overall 43.7-acre (40.9 total net area) Community Unit Plan. The original residential C.U.P. was approved in October of 1985 after many discussions with residents in the area. The properties being amended are: Parcel 1 (proposed Parcels 1 and 2), zoned "A" Duplex, and Parcel 4 (proposed as Parcel 5), zoned "AA" Single-family.

Analysis: The properties in Fairfield Residential C.U.P. are presently undeveloped except for one existing single-family house in Parcel 5. Eastview City Park is north of Parcel 1 across 13th Street North, while north of Parcel 5 and east of Parcel 1 are undeveloped parcels within Fairfield Residential C.U.P. that are planned for apartments. The Wichita Country Club is east of Parcel 5 across Rock Road. South of Parcel 5 are single-family houses. South and east of the parcels being amended are undeveloped properties as well as houses in the process of being developed in DP-149.

The Development Plan divides the original Parcel 1 into Parcels 1 and 2 and changes the former Parcel 4 to Parcel 5. The following use changes are proposed: A church (illustrated use), zero lot line homes, patio homes, single-family townhouses and associated community facilities on Parcel 1; zero lot line (illustrated use), patio homes, single-family, townhouses and associated community facilities on Parcel 2; and single-family (illustrated use) and associated community facilities instead of townhouses on Parcel 5. The density proposed for this development has been decreased from a total of 740 dwelling units on the original plan and shall not exceed 16.5 dwelling units per net acre or a total of 675 dwelling units.

The amendment proposes that, if a church use is located on Parcel 1, then the wall requirement along the north line adjacent to 13th Street North should be waived. Also, the wall originally required along the east and south lines of Parcel 5 should be waived since single-family houses are now proposed to back into the single-family houses to the south.

Several standard comments regarding screening, parking, firelanes, land use and land ownership are listed with the approval conditions and should be added to the General Provisions. Also, since the street in Parcel 5 will be tying into the single-family properties to the west in DP-149, then the applicant should submit additional information to the Planning Department in order for an Administrative Adjustment to occur on DP-149. The lot layout for DP-149 should be changed by a replat.

CPO Council "2A" voted 7-0 to approve this amendment request except for the waiver of the wall adjacent to 13th Street North along the north line of Parcel 1 which is proposed for the church.

If the Planning Commission determines that this C.U.P. amendment is appropriate, the following are recommended conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The side yard building setbacks to Broadmoor on Parcel 2 shall be corrected to indicate a 15-foot building setback.
- e. Since DP-149 and Parcel 5 of DP-146 will now be tied together, the applicant shall provide the Planning Department with information about changes on DP-149 in order to administratively adjust the C.U.P. The layout for DP-149 shall be changed by a replat.

Prior to subject C.U.P. being forwarded to the City Council, the following comments shall be added to the General Provisions:

- f. "Height regulations for the church and all associated portions, including domes, steeples, spires and cupolas, shall be in accordance with Section 28.04.187 of the Code of the City of Wichita."
- g. "No wall shall be constructed in any utility easement and a building permit shall be obtained prior to construction of any wall."
- h. "Back out parking shall be permitted for Parcel 2 subject to the conditions as listed in Policy Statement No. 13. The exact location of parking areas shall be determined at time of platting as parking reserves or parking easements."

DISCUSSION:

HARRIS stated that the property within the C.U.P. amendment contains 23 acres. It is only a portion of the overall 43-acre community unit plan. She said that the overall density in this C.U.P. amendment is being decreased

to a total of 16.5 dwelling per net acre, for a total of 675 dwelling units all together. CPO Council "2A" voted 7-0 to recommend approval of the request subject to the wall along the north line of Parcel 1 not being waived, and also that the wall along the east line of Parcel 5 not be waived. HARRIS said that staff recommended approval of the C.U.P. subject to the recommended conditions listed on the staff report, with the omission of item "d" which pertains to sideyard building setbacks to Broadmoor on Parcel 2. The building setbacks in that location do not need to be indicated on the C.U.P. drawing, since the building setbacks will be indicated on the plat. HARRIS went on to say that the applicant's agent has advised staff that a wall will be constructed along the least line of Parcel 5, and therefore a condition of approval should be added that states:

"General Provision #6, as well as a note along Rock Road, shall reflect that there is to be a 6-8 foot wall on the east side of Parcel 5."

BILL YUNG, designer planner representing the applicants, stated that the original C.U.P. provided for only one use on each of these parcels, and that use was multiple family. He said that they are looking to build something less dense than multiple family, and they are not able to do that unless they amend the C.U.P. He said that in the process of doing this, he always protects the up and down side for his clients. The up side of the market has been established by the present C.U.P. with the multiple family parcels and the multiple family uses on those parcels. The down side that he is establishing now is the single family uses that are less dense and normally considered less offensive to neighbors because they are less dense. He said that he has not done anything to increase the density. In fact he has substantially reduced it. The multiple family parcel's density is at 16.5 or 675 units which is a reduction from what is on the present C.U.P. That is done because in Parcel 5 they have taken the multiple family totally out of it. They have no intentions of building anything but single family on Parcel 5. He pointed out that they are showing patio homes and a church in Parcels 1 and 2 which will further reduce the density to 14.6 or a total of about 599 or 600 units. What they intend to build is substantially less than even the maximum up side market that he is trying to protect in case everything falls through and they go back to what was presently approved. YUNG did not believe anyone has any concern from the neighborhood on those issues.

YUNG continued, proposed in the original C.U.P. that regarding the wall along the south line of Parcel 5, when you back single family into single family it does not appear that there would be any logic to building a six-foot masonry wall separating single family from single family. Their concern initially was to protect themselves from multiple family, and he would have to concur with that decision. Now that they are proposing single family, he believed that the wall on the south side of Parcel 5 is without justification. They originally asked for the east wall also to be reduced. They backed off of that since he went back to study the site and after talking to some additional people. There is considerable noise, and in the market that they are trying to shoot for, which is the upper class single family, he did not believe they would have a prayer

of being able to market that area without the wall, so they now agree the wall should remain in the C.U.P.

YUNG felt that the only issue that stands to be resolved is one that he was sure there would be some people speaking today that violently disagree, but when you change the land use from multiple family to a church, he could find no logic again for the need for a masonry wall separating a church from a park which is across the street. The closest single family is Raintree. The Raintree area has a wooden fence that they have just recently built that provides the protection of the screening that he believes they were looking for, so adding this additional wall, which is not even across the street from them, provides no benefit to them whatsoever. YUNG said that he had heard comments that they wanted to see the continuity of the wall all the way through, and he has so indicated in the C.U.P. that they would be glad to construct the wall along the north line of Parcel 1 if they did not build the church. If they build the church, which is the intent at the moment, then they would like to have the wall waived, because he did not know a single church in town that has been built behind a wall; they generally like to be in the open, and they did not need to hide that kind of use behind a wall. He felt that they need to evaluate this amendment on the basis of land use and not on the basis of what has been approved previously.

PARSONS commented about the walls and landscaping in general. He felt they have gotten themselves hooked up in a mode in this city that, for some reason, they want to put everything behind a wall. They are either going to be the cedar capital of the world or the concrete wall capital of the world. He felt that with the lack of vegetation and the lack of trees and those types of screens that are available to them in Wichita, he would like to see Wichita more encouraging of landscaping as opposed to the walls. Maybe the tree planting and those types of things should be the number one requirement, with the walls being the second alternative.

PETERS asked if the parking would be behind the church or in front of the church.

YUNG said that a representative of the church would have to answer that; he was not certain.

TOM JACOBS, representing St. George Orthodox Church, stated that there was no conceived design of the church at this moment. This is a piece of property that they have under contract, and once they follow through with the completion of the contract, they would anticipate probably six months to a year before they even start any design work on it.

WAYNE BRINEGAR, 7700 East 13th, stated that he was a member of CPO Council "2A", but was appearing today as a private citizen to express an objection just to the proposed change of the wall. He said that he definitely supported the proposed change of land use, and felt that everybody that was in attendance at the CPO meeting expressed that opinion very strongly. BRINEGAR said that those Commissioners that have been on the MAPC since the early part of 1985 know quite well that this particular tract has been the

subject of considerable controversy. During the timeframe the developer and area citizens met quite a number of times to try to work out their differences, and as a result of these meetings, one of things that was agreed to was that the project developer or his assignees would construct a masonry wall along 13th Street and along Rock Road. This was one of the great concerns of a number of the area residents. BRINEGAR said that he personally did not have the problem with the wall that others do have. He felt that walls were very nice when properly constructed. It is known that we have difficulty in this town keeping vegetation growing in the proper manner, and if plants and turf are not properly taken care of, the landscaping does deteriorate quite rapidly.

BRINEGAR continued that at the CPO meeting of June 15, there were an excess of 130 households represented. The total number of those supported the change in the land use that the applicants are asking for, but were adamantly opposed to waiving the wall requirement along 13th Street. He pointed out on the slides that the area to the west along 13th Street is under construction and there is a masonry wall that has been constructed all along that location. To the east of Parcel 1, there is a requirement for wall screening along there all the way up to the corner of Rock Road. One of the big concerns was that if it was waived along the north side of Parcel 1 and they come back and nibble at the north side of the parcel to the east, and sooner or later they will have no screening at all around the area. This was one of the concessions that was reached between the developer and the area residents when this thing was first presented in 1985. The present applicant, Mr. Rudy, was one of the partners involved in this from the beginning and so he certainly is well aware of what the restrictions and concessions were from all sides during the discussions that were undertaken regarding this 160 acres.

BRINEGAR said that a number of people had contacted him about the subject applications, expressing their concerns about the removal of the wall requirement, and in many instances they are older residents of the area who do not get around very well and just do not attend meetings such as this one. They make the comment many times of "why object, that MAPC does not listen to the neighbors". BRINEGAR said that he did not feel that way. He felt that the MAPC takes in both sides of the matter and would make their final decision to benefit everybody. He asked that the waiver of the wall not be granted. He felt that it would be a detriment to the overall plan. He also felt that the developer should be held to his original commitment.

MILES said that his problem with the fence around the church was that there are not too many churches behind fences around Wichita.

BRINEGAR said that he was not aware of any churches per se behind fences. There are churches whose parking lots are behind fences.

MILES commented that most of the churches that he has seen around Wichita are an asset to the area. A lot of times when the concrete or wood fences are put up, they are backing residences up to a street, and that is where he disagrees with Brinegar.

BRINEGAR said that he would be surprised if they put the parking lot behind the church. He felt the parking lot would be up against Broadmoor or 13th Street.

GARDNER commented that during the original C.U.P. discussions the concern was for the type and kinds of density that were proposed out there. Also, there was a concern regarding traffic generation and the number of access points and the wall became a negotiating element among a number of other elements. He recalled that in the discussions that occurred, if somebody had proposed that the northerly boundary have more churches or uses of lesser density, it would have been received as a breath of fresh air and a positive kind of suggestion compared to some of the densities and uses that were originally discussed, such as, multiple family, office and otherwise for this property. GARDNER said that what they have here is an amendment and a proposed use, and an application for the kind of use that is going to be positive and complimentary and an asset to the area. He said that compared to the use that is presently allowed, the proposed use would be well received, and Brinegar's comments indicated that. GARDNER said that the way in which Brinegar had alluded to some concerns about the wall being nibbled away and eventually diminished significantly is a concern, and that Brinegar was concerned about being caught in the position of making a number of concessions to the developer, leaves him to believe that Brinegar and the neighborhood group had gotten to a point in negotiation a couple of years ago where they had gotten a wall all the way around. Now, nobody knows how to deal with a good proposal on a basis of backing up gracefully and giving a little ground. GARDNER said that he would like to think that he was wrong in that assessment, but he could not honestly think of any neighborhood group that could in conscience find a good reason for causing a church to be walled in. GARDNER mentioned that if somebody had proposed, at 29th and Rock Road, that a church up there should be walled in because there was going to be walls around the residential developments adjacent in the Tallgrass area and argued that there was continuity to having a wall around the development, he would have had a fit. When they put walls around some developments whether it is as an asset for security or a visual asset or buffer, they really should have some conceivable justification other than the maintenance of continuity, otherwise they would have walls from Rock Road to probably Tyler Road.

BRINEGAR stated that an awfully lot of walls were constructed at Tallgrass before they built anything in a lot of the areas. He supposed the logic would be that if a person would go in and build a church in that area then they would tear the wall down opposite the church. Secondly, this was a negotiation between the developer at the time. The land use that he originally proposed was a great concern with the citizens in the area. He said that he could not argue too much about Gardner's logic about not having a wall around the church. He felt that one of the original concessions was that the setback requirements for the area would be reduced so that they could get more in the area and that that was taken into consideration.

PATRICIA COOK, 1050 Gretchen, stated that her feelings were based upon background information being initially involved in the rezoning of protest attempt, and secondly, a telephone conversation this morning with the Planning

Department. She said that the notice of public hearing indicated a total reduction of 65 dwelling units, when in fact the reduction is only 16 units. She said that this representation has occurred because the original DP-146 had a net of 43.7 acres. However, the DP-146 amendment has been decreased to 40.9 acres because of additional streets. She said that although the church represents a very desirable and positive land use for Parcel 1, interestingly enough, it does not carry a density factor. Therefore under the density averaging possibility, under the C.U.P. concept, there is nothing now, if this is approved, to prevent the developer from filing another amendment which could increase the density on Parcel 2 up to 121 units merely by transferring the density that could have been allocated for these four acres into that area. COOK requested that if this amendment is approved, a condition be put upon the building of the church such that it will show this carries a density factor of 10 dwelling units an acre to prevent the averaging and the accumulation of additional units in another area of the C.U.P. She said that they do like the idea of the church. They do not want to see it as a method of, in their opinion, of corrupting the C.U.P. COOK said that she sees this amendment as the first step in chipping away the C.U.P. which was presented to them as a protective use of land. Density has been a major consideration in the rezoning of this land from the very first. The area surrounding it is basically single family. COOK pointed out that the allowable density, based upon current zoning, under DP-146, is 19.7 dwelling units per acre. The allowable density, based upon the amended C.U.P., is 20.3 dwelling units an acre. She said that this is not a decrease in density.

COOK continued that she would like to make two observations. One is the notification procedure, which from her very first experience with a rezoning situation, has been less than desirable. The notice of hearing was received by her on a Friday prior to the CPO meeting the following Monday, and she was unable to attend. The indication of the MAPC consideration of this request, to her belief, was only published in this morning's paper. It had not previously been published. So people being aware of this had the possibility of either reading this morning's paper and being free this afternoon, or learning about it from the public notice which, as far as she was aware of, three people in the area received.

COOK suggested that in order to avoid confusion, renumbering of parcels when C.U.P. and rezoning situations are in process surely can be improved upon by following the initial number with an "A", "B", or "C", so that a person can follow exactly what happens to a parcel. She said that she did not understand the reuse of the same number for completely different sections of land.

COOK stated that she would be happy to hear that she was erroneous in the things that she sees and believe to be true.

GARDNER asked Cook how she felt about the wall and the church.

COOK responded that as she mentioned, she felt the church was a plus. They were delighted to see the sign. She felt that a very logical concession could be that if the parking lot does abut 13th Street, the wall stands. If it

is to the back of the church, then forget the wall. If the church faces to the east, it would depend upon whether the side of it abutted 13th, or whether the parking was there. If the parking lot abuts 13th, she would think the church might enjoy having a wall because of litter and other factors, and the possibility of vandalism to the cars during the time the congregation is in the church. She said that she could see some pluses to a wall situation. She felt that was an area of concession.

PARSONS asked Cook if it would bother her if the parking lot was to the south of the church and abutting Broadmoor.

COOK said not to her individually. She felt it would be a pleasing sight. Cars, blacktop and concrete are not aesthetically pleasing. They do not add to the visual pleasure. She could understand walling that in.

GALBRAITH stated that he was somewhat overwhelmed by the comment that suggested they may have an improper publication. He said that when he talked to Mrs. Cook this morning, it was not brought to his attention. He said that the files indicate that the public notice was given in the paper on June 3rd and property owners within the proper radius (500 feet) of the parcels being amended were notified. There may have been something in the "Neighbors" section today since the "Neighbors" section often advises of cases on the agenda. GALBRAITH said that he was not aware that staff has an improper advertised hearing for today's meeting.

YUNG remarked that one of the comments made at the CPO was that there were two ladies representing the Homeowners Association; one for Raintree, and one for Heritage. The lady from Raintree said that she represented 80+, soon to be 160+ residents which led him to believe that they had amply notice, and the other lady said that she represented 55 residents in Heritage, so he did not feel that they were uninformed. He felt that the notice did go out in time and the people were advised. The second thing was he was baffled by how Cook came up with 20.3. For the record, YUNG said that you take the total number of units and you divide by the net acres, you will find that it is 675 units divided by 40.9 and that comes out to be 16.5. Use the illustrated density, it is 599 units divided by 40.9 and it comes out 14.6 which is a long ways from 20.3.

PARSONS commented that looking at Parcel 1, the highest density required on proposed amended C.U.P. is 10.

WILSON asked Yung if Parcel 1 would be platted into zero lot lines.

YUNG, referring to the plat, stated that it was platted as a single lot.

WILSON asked what happens if the partial contract with church group falls through, and what would he do with that piece of ground.

YUNG answered that if it falls through, it could revert back to the present state which is townhouses. If it does, it can only be built at the density of 10 dwelling units per acre, and in that case the wall would go back

in place. It could also be developed to the same density as what they are proposing now to the south, which is patio homes, or single family.

YUNG responded to the comment of their spreading the density. He said that they specifically set out density by parcels so that that does not occur. The only way they could change the density figures in Parcel 2 would be to come back for public hearing.

WILSON asked that before this revision, was there an opening onto 13th Street out of Parcel 1.

YUNG said that he was not sure.

Staff responded that there was an opening onto 13th Street from Parcel 1.

TOM JACOB, speaking again, stated that the Antioch Greek Orthodox Church has existed for 2,000 years and is basically of a visiting tradition. Parking lots, fences and walls are not part of that tradition. How they will deal with the parking lot, he could not say. How they will deal with the fence when they have a landscape strip that is also required is very disillusioning aesthetically. He said that they were proud of their traditions and were proud of what this church will be. JACOB said that he could state for certain that 13th would be the side of the church. He pointed out that as much as possible, and in 99.99 percentage of the cases, the altar of the church faces the east. So the entry to the church would more likely be on the west. He said that they had not really gotten into the design stage. They have existed in the area of Seneca and Douglas for 50 years as a very small facility. So to get into this design, it was quite an emotional thing, and they had to vote to even make a contract purchase on this piece of property after being in the same location for 50 years. With that accomplished, they are not prepared to go into the design until they know the contract is met on this piece of property and that they can have the proper time to design the type of facility in the tradition of the church that would be needed for their congregation. He said that the wall, in continuing the design that is towards the west, is a very difficult thing for them to live with, and they have a 10-foot landscape strip that is already required which will more than screen the church after a dense landscape is put in. To have to do landscaping, and a wall and put the church behind the wall is not what they want. He said that they may end up wanting to put a wall, but they want to have the option themselves.

GALBRAITH stated that he had staff check out the appropriate legal publication, and it has been made. There is an affidavit in the files verifying it was published correctly.

GARDNER reiterated that he did not think there is any sense or feeling for diminishing or looking with favor on diminishing the wall along any of the other multi-family or commercial uses or areas, and while there has not been a great statement of that point, he felt it was appropriate to make the statement that as a group here, he understands and sympathizes and accepts the agreement that has been worked out in terms of a wall for the majority of this development. He felt that it was absolutely tragic when they have an

opportunity for a positive and enhancing potential use that has a major element in the contract regarding removal of the wall requirement, that it is impossible to recoil neighborhood opinion and support of a specific element, and he understands that much of that resolution to compromise on an element is predicated upon a fear that it might mean further compromise. The idea of requiring a wall on a major arterial and a church is travesty of immense proportion.

WILSON commented that if this church was to be built on Parcel 5, the Council agreed to remove the wall on the east side along Rock Road which is a major street, and all of a sudden on 13th Street, the Council thinks that that wall ought to remain. WILSON felt that they should encourage the church to go in by eliminating that wall, which possibly might cost \$25,000 or \$50,000, and, instead, the money could be used to help with their structure and make it more magnificent for that area. He said that he concurred with Gardner.

PARSONS stated that he, in good conscience, could not support keeping the wall at the proposed church property. He was also a little bit concerned about the walls. He felt that half-mile and mile stretches of wall gets pretty boring, and there are ways to maintain landscaping. He said that you cannot grow grass or trees in Kansas without putting in some kind of watering system. He mentioned that the wall would have to be maintained too; it has to be painted and will come apart in places as it has already in some of the other walls that have been built in that area. He felt that as good planners they have to look at those kinds of things. They have to look at what it does to the good environment that they try to create in this community.

PETERS commented that he agreed with Parsons on the wall situation for the church, but also wanted to caution that somebody could request to take the wall out someplace else. He wanted to make it very clear, from his standpoint, that the reason he would exclude the wall on this parcel would be only because of the church.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

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

- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. Since DP-149 and Parcel 5 of DP-146 will now be tied together, the applicant shall provide the Planning Department with information about changes on DP-149 in order to administratively adjust the C.U.P. The layout for DP-149 shall be changed by a replat.

Prior to subject C.U.P. being forwarded to the City Council, the following comments shall be added to the General Provisions:

- e. "Height regulations for the church and all associated portions, including domes, steeples, spires and cupolas, shall be in accordance with Section 28.04.187 of the Code of the City of Wichita."
- f. "No wall shall be constructed in any utility easement and a building permit shall be obtained prior to construction of any wall."
- g. "Back out parking shall be permitted for Parcel 2 subject to the conditions as listed in Policy Statement No. 13. The exact location of parking areas shall be determined at time of platting as parking reserves or parking easements."
- h. General Provision #6, as well as a note along Rock Road, shall reflect that there is to be a 6-8-foot wall on the east side of Parcel 5.

Gardner moved, Wilson seconded and it carried unanimously. Conlee, Crockett, Goebel and Moore were absent.

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE June 16, 1987

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT DP-146/Amendment #1: West
 of Rock Road and South of 13th
 Street North

On Monday, June 15, CPO Council 2A considered the above captioned case, a request for approval of an amendment to the FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN. Council members were provided the notice to adjoining property owners and a map of the area. After extensive discussion, the Council voted 7-0 to recommend approval of the request, subject to the following conditions:

- 1) that the Council support changes for requested land uses as proposed in Amendment #1;
- 2) that the masonry wall along the north line of Parcel #1, adjacent to 13th Street, not be waived from the C.U.P. requirements, and;
- 3) that the Council support the applicant's request that the masonry wall along the east side of Parcel #5 be waived, but for continuity, the developer may wish to construct such a wall as was originally required in the C.U.P.

Agent, Bill Yung, was present to describe the request and respond to questions from the Council.

Marge Settle, representative of the Heritage Home Owners Association and Betty Bogue, representative of the Raintree Home Owners Association, expressed concerns about the possibility of a disruption in the continuity of the project, (especially if the masonry walls were eliminated), and the continued movement away from the requirements stipulated on the original C.U.P. Both representatives noted that the original C.U.P. requirements were arrived at only after lengthy negotiations between area residents and the original developers. Ms. Settle presented the members with written statements of eight home owners within The Heritage that stated their opposition to "any changes to the original agreement and requested that these changes be denied."

Please provide the Council's recommendation to the MAPC and City Council when case DP-146/Amendment #1 is considered.

BLC:dm

June 26, 1987

Bill G. Yung Design
4912 East 29th Street North
Wichita, Kansas 67220

Re: DP-146, Amendment #1 - Fairfield Residential C.U.P. West of Rock Road and south of 13th Street North.

Dear Mr. Yung:

At its regular meeting on June 25, 1987, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. Since DP-149 and Parcel 5 of DP-146 will now be tied together, the applicant shall provide the Planning Department with information about changes on DP-149 in order to administratively adjust the C.U.P. The layout for DP-149 shall be changed by a replat.

Prior to subject C.U.P. being forwarded to the City Council, the following comments shall be added to the General Provisions:

- e. "Height regulations for the church and all associated portions, including domes, steeples, spires and cupolas, shall be in accordance with Section 28.04.187 of the Code of the City of Wichita."

8/1/2001

DP-146
June 26, 1987
Page 2

- f. "No wall shall be constructed in any utility easement and a building permit shall be obtained prior to construction of any wall."
- g. "Back out parking shall be permitted for Parcel 2 subject to the conditions as listed in Policy Statement No. 13. The exact location of parking areas shall be determined at time of platting as parking reserves or parking easements."
- h. General Provision #6, as well as a note ^{not on} along Rock Road, shall reflect that there is to be a 6-8-foot wall on the east side of Parcel 5.

Please submit ten (10) corrected folded copies of the C.U.P. no later than July 8, 1987, in order for this matter to be forwarded to the City Council for consideration at their regular meeting on July 21, 1987. This meeting will be held in the City Council 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.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG/lw

cc: Ralph Rudy, 715 N. Gow, Wichita, KS 67203
Bob Taylor, 1001 N. Rock Rd., Wichita, KS 67206
Tom Jacob, President Board of Zoning Appeals, 2424 N. Woodlawn,
Wichita, KS 67226
Wayne Brinegar, 7700 E. 13th St., #12, Wichita, KS 67206
Patricia Cook, 1050 Gretchen, Wichita, KS 67206

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE June 16, 1987

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT DP-146/Amendment #1: West
of Rock Road and South of 13th
Street North

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- 1) that the Council support changes for requested land uses as proposed in Amendment #1;
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Agent, Bill Yung, was present to describe the request and respond to questions from the Council.

Marge Settle, representative of the Heritage Home Owners Association and Betty Bogue, representative of the Raintree Home Owners Association, expressed concerns about the possibility of a disruption in the continuity of the project, (especially if the masonry walls were eliminated), and the continued movement away from the requirements stipulated on the original C.U.P. Both representatives noted that the original C.U.P. requirements were arrived at only after lengthy negotiations between area residents and the original developers. Ms. Settle presented the members with written statements of eight home owners within The Heritage that stated their opposition to "any changes to the original agreement and requested that these changes be denied."

Please provide the Council's recommendation to the MAPC and City Council when case DP-146/Amendment #1 is considered.

BLC:dm

Wayne Brinegar 264-4301
CPO 2A (Traffic Commissioner)

Doesn't want walls waived

Disrupt continuity
wall: to e of Parcel 1
to

young
landscape bigger along 13th N.

990 great concern on original CUP
re was wall would be
constructed around property

□ wall to w of drainage is in place
to General Properties - R. Rudy

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE June 16, 1987

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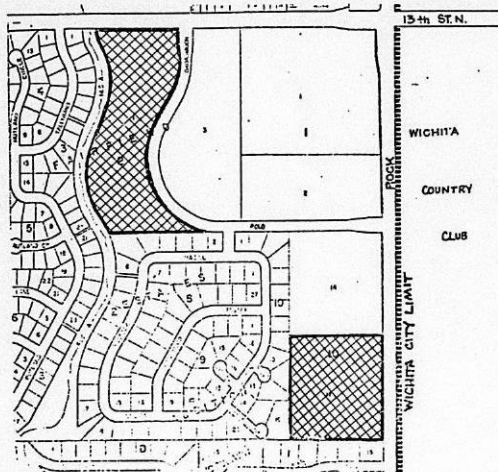
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Please provide the Council's recommendation to the MAPC and City Council when case DP-146/Amendment #1 is considered.

BLC:dm

JUNE 25, 1987

REVISED
STAFF REPORT



DP-146, Amendment #1 - REQUEST FOR AMENDMENT TO PARCELS 1 AND 4 OF FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN, GENERALLY LOCATED WEST OF ROCK ROAD AND SOUTH OF 13TH STREET NORTH.

Applicant: Ralph Rudy and Bob Taylor.

	Land Use	Zoning	Size
Application Area	Undeveloped	"A" & "AA"	23 acres
North	Undeveloped & city park	"R-6" in DP-146 & "AA"	
South	Undeveloped & single-family houses	"AA" in DP-149 & "AA"	
East	Undeveloped and country club	"R-6" in DP-146 & "R-1"	
West	Single-family houses	"AA" in DP-149	
History:	DP-146	MAPC	8/22/85
		BCC	10/8/85

Background: The property within this C.U.P. amendment contains 23-acres, which is only a portion of the overall ^{43.7}~~46.23~~-acre Community Unit Plan. The original residential C.U.P. was approved in October of 1985 after many discussions with residents in the area. The properties being amended are: Parcels 1 and 2 (proposed Parcels 1 and 2), zoned "A" Duplex, and Parcel 4 (proposed as Parcel 5), zoned "AA" Single-family.

Analysis: The properties in Fairfield Residential C.U.P. are presently undeveloped except for one existing single-family house in Parcel 5. Eastview City Park is north of Parcel 1 across 13th Street North, while north of Parcel 5 and east of Parcel 1 are undeveloped parcels within Fairfield Residential C.U.P. that are planned for apartments. The Wichita Country Club is east of Parcel 5 across Rock Road. South of Parcel 5 are single-family houses. South and east of the parcels being amended are undeveloped properties as well as houses in the process of being developed in DP-149.

The Development Plan divides the original Parcel 1 into Parcels 1 and 2 and changes the former Parcel 4 to Parcel 5. The following use changes are proposed: A church (illustrated use), zero lot line homes, patio homes, single-family

townhouses and associated community facilities on Parcel 1; zero lot line (illustrated use), patio homes, single-family, townhouses and associated community facilities on Parcel 2; and single-family (illustrated use) and associated community facilities instead of townhouses on Parcel 5. The density proposed for this development has been decreased from a total of 740 dwelling units on the original plan and shall not exceed 16.5 dwelling units per net acre or a total of 675 dwelling units.

The amendment proposes that, if a church use is located on Parcel 1, then the wall requirement along the north line adjacent to 13th Street North should be waived. Also, the wall originally required along the east and south lines of Parcel 5 should be waived since single-family houses are now proposed to back into the single-family houses to the south.

Several standard comments regarding screening, parking, firelanes, land use and land ownership are listed with the approval conditions and should be added to the General Provisions. Also, since the street in Parcel 5 will be tying into the single-family properties to the west in DP-149, then the applicant should submit additional information to the Planning Department in order for an Administrative Adjustment to occur on DP-149. The lot layout for DP-149 should be changed by a replat.

CPO Council "2A" voted 7-0 to approve this amendment request except for the waiver of the wall adjacent to 13th Street North along the north line of Parcel 1 which is proposed for the church.

If the Planning Commission determines that this C.U.P. amendment is appropriate, the following are recommended conditions:

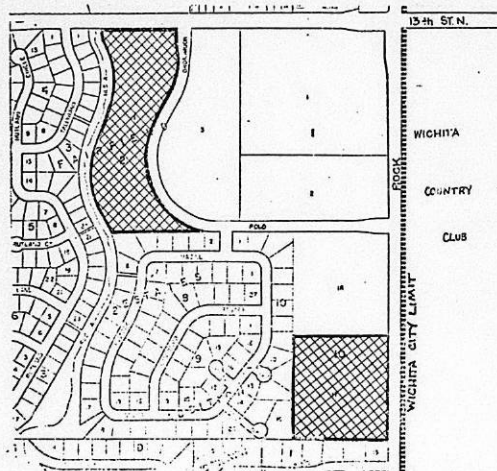
- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The side yard building setbacks to Broadmoor on Parcel 2 shall be corrected to indicate a 15-foot building setback.
- e. Since DP-149 and Parcel 5 of DP-146 will now be tied together, the applicant shall provide the Planning Department with information about changes on DP-149 in order to administratively adjust the C.U.P. The layout for DP-149 shall be changed by a replat.

Prior to subject C.U.P. being forwarded to the City Council, the following comments shall be added to the General Provisions:

- f. "Height regulations for the church and all associated portions, including domes, steeples, spires and cupolas, shall be in accordance with Section 28.04.187 of the Code of the City of Wichita."
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- h. "Back out parking shall be permitted for Parcel 2 subject to the conditions as listed in Policy Statement No. 13. The exact location of parking areas shall be determined at time of platting as parking reserves or parking easements."

JUNE 25, 1987

Rudy
STAFF REPORT



DP-146, Amendment #1 - REQUEST FOR AMENDMENT TO PARCELS 1 AND 4 OF FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN, GENERALLY LOCATED WEST OF ROCK ROAD AND SOUTH OF 13TH STREET NORTH.

Applicant: Ralph Rudy and Bob Taylor.

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
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East	Undeveloped and country club	"R-6" in DP-146 & "R-1"	
West	Single-family houses	"AA" in DP-149	
History:	DP-146 MAPC BCC	8/22/85 10/8/85	

Background: The property within this C.U.P. amendment contains 23-acres, which is only a portion of the overall 46.23-acre Community Unit Plan. The original residential C.U.P. was approved in October of 1985 after many discussions with residents in the area. The properties being amended are: Parcels 1 and 2 (proposed Parcels 1 and 2), zoned "A" Duplex, and Parcel 4 (proposed as Parcel 5), zoned "AA" Single-family.

Analysis: The properties in Fairfield Residential C.U.P. are presently undeveloped except for one existing single-family house in Parcel 5. Eastview City Park is north of Parcel 1 across 13th Street North, while north of Parcel 5 and east of Parcel 1 are undeveloped parcels within Fairfield Residential C.U.P. that are planned for apartments. The Wichita Country Club is east of Parcel 5 across Rock Road. South of Parcel 5 are single-family houses. South and east of the parcels being amended are undeveloped properties as well as houses in the process of being developed in DP-149.

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The amendment proposes that, if a church use is located on Parcel 1, then the wall requirement along the north line adjacent to 13th Street North should be waived. Also, the wall originally required along the east and south lines of Parcel 5 should be waived since single-family houses are now proposed to back into the single-family houses to the south.

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CPO Council "2A" voted 7-0 to approve this amendment request except for the waiver of the wall adjacent to 13th Street North along the north line of Parcel 1 which is proposed for the church.

If the Planning Commission determines that this C.U.P. amendment is appropriate, the following are recommended conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The side yard building setbacks to Broadmoor on Parcel 2 shall be corrected to indicate a 15-foot building setback.
- e. Since DP-149 and Parcel 5 of DP-146 will now be tied together, the applicant shall provide the Planning Department with information about changes on DP-149 in order to administratively adjust the C.U.P. The layout for DP-149 shall be changed by a replat.

Prior to subject C.U.P. being forwarded to the City Council, the following comments shall be added to the General Provisions:

- f. "Height regulations for the church and all associated portions, including domes, steeples, spires and cupolas, shall be in accordance with Section 28.04.187 of the Code of the City of Wichita."
- g. "No wall shall be constructed in any utility easement and a building permit shall be obtained prior to construction of any wall."
- h. "Trash receptacles shall be appropriately screened to reasonably hide them from ground view."
- i. "Off-street parking: Parking shall be provided in accordance with Section 28.04.140 et seq of the Code of the City of Wichita. If the street is designed with parking restrictions, a restrictive covenant requiring 4 spaces/dwelling unit will be submitted at the time of platting."
- j. "Back out parking shall be permitted ^{for Parcel 2} in patio home, zero lot line and duplex areas subject to the conditions as listed in Policy Statement No. 13. The exact

location of parking areas shall be determined at time of platting as parking reserves or parking easements."

leave off
↓

x. "A fire lane, hard surfaced, 20 feet minimum in width shall be provided to within one hundred fifty (150) feet of all buildings hereafter constructed. Said fire lane shall be constructed with a minimum of 3½ inch asphalt base and 1½ inch asphalt surface cap. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading.

x. Prior to final approval of the parking plan, the fire chief or his designated representative, shall approve the plan as to location and design of the fire lane(s)."

leave off
↓

m. "Should an alternate land use, permitted under parcel descriptions below be developed instead of the parcel plan as illustrated, a conceptual site plan shall be submitted for approval to the Director of Planning. The approval of this conceptual plan shall be subject to the conditions of platting."

x

n. "The transfer of title of all or any portion of the land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns, unless amended."

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE June 16, 1987

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT DP-146/Amendment #1: West
of Rock Road and South of 13th
Street North

On Monday, June 15, CPO Council 2A considered the above captioned case, a request for approval of an amendment to the FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN. Council members were provided the notice to adjoining property owners and a map of the area. After extensive discussion, the Council voted 7-0 to recommend approval of the request, subject to the following conditions:

- 1) that the Council support changes for requested land uses as proposed in Amendment #1;
- 2) that the masonry wall along the north line of Parcel #1, adjacent to 13th Street, not be waived from the C.U.P. requirements, and;
- 3) that the Council support the applicant's request that the masonry wall along the east side of Parcel #5 be waived, but for continuity, the developer may wish to construct such a wall as was originally required in the C.U.P.

Agent, Bill Yung, was present to describe the request and respond to questions from the Council.

Marge Settle, representative of the Heritage Home Owners Association and Betty Bogue, representative of the Raintree Home Owners Association, expressed concerns about the possibility of a disruption in the continuity of the project, (especially if the masonry walls were eliminated), and the continued movement away from the requirements stipulated on the original C.U.P. Both representatives noted that the original C.U.P. requirements were arrived at only after lengthy negotiations between area residents and the original developers. Ms. Settle presented the members with written statements of eight home owners within The Heritage that stated their opposition to "any changes to the original agreement and requested that these changes be denied."

Please provide the Council's recommendation to the MAPC and City Council when case DP-146/Amendment #1 is considered.

BLC:dm

CASE NO. DP-146 Amend. #1

- 74 Notices to adjoining property owners mailed on 6-9-87 for CPO meeting on 6-15-87 and for MAPC meeting on 6-25-87.
- 2 One each to Applicant and Agent.
- 4 One each to CPO, Carl Gipson City Manager and City Councilperson (Sheldon Kamen).
- 3 One each to Louise, Barbara and Karen.

83

TOTAL

1 2
85

Mary Ann Riggs & Pat Cook
1054 Gretchen 1050 Gretchen
67206 67206

June 9, 1987

Thomas D. Borniger
7912 Donegal
Wichita, Kansas 67206

RE: DP-146, Amendment #1 - Fairfield Residential Community Unit Plan
Amendment Proposal. Generally located west of Rock Road and south
of 13th Street North.

Dear Mr. Borniger:

An amendment proposal for the Fairfield Residential Community Unit Plan approved on October 8, 1985, has been submitted to the Planning Department. The applicant is proposing changes as described on the enclosed Public Hearing Notice. Mainly, the amendment is being done in order to include a church site of four (4) acres just south of 13th Street North and west of Broadmoor, and to propose single-family lots on nearly 10-acres just west of Rock Road on the southern part of this property.

We would be happy to show you the proposal and answer any questions you might have on the changes. As the Public Hearing Notice states, the development plan is on file in the Metropolitan Area Planning Department for public information and review and the proposal request will be heard by the Metropolitan Area Planning Commission on Thursday, June 25, 1987.

If we can be of any assistance, please call.

Sincerely,

Barbara R. Harris
Senior Planner

BRH:blw
Enclosure

cc: Mary Ann Riggs, 1054 Gretchen, Wichita, KS. 67206
Pat Cook, 1050 Gretchen, Wichita, KS. 67206

PL/1033/4

June 9, 1987

Mary Ann Riggs
1054 Gretchen
Wichita, Kansas 67206

RE: DP-146, Amendment #1 - Fairfield Residential Community Unit Plan
Amendment Proposal. Generally located west of Rock Road and south
of 13th Street North.

Dear Ms. Riggs:

An amendment proposal for the Fairfield Residential Community Unit Plan approved on October 8, 1985, has been submitted to the Planning Department. The applicant is proposing changes as described on the enclosed Public Hearing Notice. Mainly, the amendment is being done in order to include a church site of four (4) acres just south of 13th Street North and west of Broadmoor, and to propose single-family lots on nearly 10-acres just west of Rock Road on the southern part of this property.

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If we can be of any assistance, please call.

Sincerely,

Barbara R. Harris
Senior Planner

BRH:blw
Enclosure

cc: Thomas D. Borniger, 7912 Donegal, Wichita, KS. 67206
Pat Cook, 1050 Gretchen, Wichita, KS. 67206

PL/1033/4

June 9, 1987

Pat Cook
1050 Gretchen
Wichita, Kansas 67206

RE: DP-146, Amendment #1 - Fairfield Residential Community Unit Plan
Amendment Proposal. Generally located west of Rock Road and south
of 13th Street North.

Dear Mrs. Cook:

An amendment proposal for the Fairfield Residential Community Unit Plan approved on October 8, 1985, has been submitted to the Planning Department. The applicant is proposing changes as described on the enclosed Public Hearing Notice. Mainly, the amendment is being done in order to include a church site of four (4) acres just south of 13th Street North and west of Broadmoor, and to propose single-family lots on nearly 10-acres just west of Rock Road on the southern part of this property.

We would be happy to show you the proposal and answer any questions you might have on the changes. As the Public Hearing Notice states, the development plan is on file in the Metropolitan Area Planning Department for public information and review and the proposal request will be heard by the Metropolitan Area Planning Commission on Thursday, June 25, 1987.

If we can be of any assistance, please call.

Sincerely,

Barbara R. Harris
Senior Planner

BRH:blw
Enclosure

cc: Mary Ann Riggs, 1054 Gretchen, Wichita, KS. 67206
Thomas D. Borniger, 7912 Donegal, Wichita, KS. 67206

PL/1033/4

() Published in the Daily Record on June 3, 1987 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, June 25, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC), at a meeting beginning at 1:30 p.m. in the City Council Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas, will consider an application for amendment to the FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN for property legally described as follows:

DP-146 Lot 1, Block 2 and Lot 17, Block 10, Fairfield Estates,
Amendment #1: Wichita, Sedgwick County, Kansas. Generally located west
of Rock Road and south of 13th Street North.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The amended Development Plan proposes to amend Parcels 1 and 2 (formerly Parcel 1) and Parcel 5 (formerly Parcel 4) to allow: a church (illustrated use), zero lot line homes, patio homes, single-family townhouses and associated community facilities on Parcel 1; zero lot line (illustrated use), patio homes, single-family, townhouses and associated community facilities on Parcel 2; and single-family (illustrated use) and associated community facilities instead of townhouses on Parcel 5. The density proposed for this development has been decreased from a total of 740 dwelling units on the original plan and shall not exceed 16.5 dwelling units per net acre or a total of 675 dwelling units. Additional information regarding access from Rock Road and 13th Street North, screening, landscaping, etc. is specified on the plan. The amendment proposes that, if a church use is located on Parcel 1, then the wall requirement along the north line adjacent to 13th Street North should be waived.

The hearing of the proposed amendment to this Development Plan is to be held and the same will then and there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

WITNESS MY HAND this 2nd day of June, 1987.

Marvin S. Krout, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

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CASE NO. DP-146, Amendment #1
FAIRFIELD RESIDENTIAL
COMMUNITY UNIT PLAN

Lot 1, Block 2 and Lot 17, Block 10, Fairfield Estates, Wichita,
Sedgwick County, Kansas. Generally located west of Rock Road
and south of 13th Street North.

PL/1003/4

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

May 18, 1987

TO: Mike Lindebak, City Engineer
Walt Campbell, Deputy Chief of Operations
Bill McKinley, Traffic Engineer

FROM: Barbara R. Harris, Senior Planner

RE: DP-146 - Fairfield C.U.P. - Amendment request - South of 13th Street, west of Rock; Smithmoor C.U.P. proposal - Southwest corner of Harry and Webb; Golf Park West C.U.P. proposal - South of 21st Street North, east of Tyler.

Attached for your review and comments are copies of the proposed development plans for the above-referenced properties. The Fairfield proposal, submitted by Bill Yung Design, creates two (2) parcels out of the original Parcel 1 and indicates a large single lot (for a church) on Parcel 1 and zero lot line lots on Parcel 2. Parcel 4 (originally) now is illustrated with proposed single-family lots. No changes have been proposed on the original Parcels 2 and 3.

Golf Park West C.U.P., submitted by Garry Carson, and Smithmoor, submitted by P.E.C., are two new C.U.P. proposals. Specifically, on Smithmoor C.U.P., does an accel/decel lane need to be guaranteed?

I would appreciate your comments regarding these development proposals by May 26th, so they can be scheduled for MAPC review.

BRH:blw
Attachments

PL/0341/4

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, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

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

DP 146, Amend. #1

- A. APPLICANT Ralph Rudy
ADDRESS 715 N. Gow, Wichita Zip Code 67203 PHONE 943-2347
AGENT Bill G. Yung Design
ADDRESS 4912 E. 29th N., Suite One, Wichita Zip Code 67220 PHONE 683-5567
- B. APPLICANT Bob Taylor
ADDRESS 1001 N. Rock Road, Wichita Zip Code 67206 PHONE 687-0188
AGENT Bill G. Yung Design
ADDRESS 4912 E. 29th N., Suite One, Wichita Zip Code 67220 PHONE 683-5567
- C. APPLICANT _____
ADDRESS _____ Zip Code _____ PHONE _____
AGENT _____
ADDRESS _____ Zip Code _____ PHONE _____

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

2. A. The applicant hereby requests approval amendment (circle appropriate word) of ^{*parcels 1, 4 and 5*} a Community Unit Plan on property zoned AA & R-6 and legally described as Lot(s) N/A Block(s) N/A of the _____ Addition.
N/A

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

See attached legal only for amended parcels.

- B. There are 23.0 acres (round to nearest tenth) in the above described property. (Amended parcels only)

FOR OFFICE USE ONLY

CPD "2A" 6-15-87

Map No. 594BA Zoning (N) AA+ (S) AA (E) U+ (W) AA MAPC 6-25-87
T9-330-3 R-5 R-1 Revised 9/85

3. The general location is (USE APPROPRIATE SECTION):

A. At the N/A corner of N/A and N/A, OR

B. On the West side of Rock Road (Ave.) Street between 13th Street N. (Ave.) Street and Oneida (Ave.) Street.

4. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF CITY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

X Steve Critchfield
APPLICANT'S SIGNATURE
Steve Critchfield
Agent for Ralph Rudy

X _____
APPLICANT'S SIGNATURE

APPLICANT'S SIGNATURE

BY Bill G. Yung
AUTHORIZED AGENT (IF ANY)
Bill G. Yung of Bill G. Yung Design

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 2:55 (AM, PM) on 5-12-87 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 500.00.

Barb Harris Name
S. Planner Title

ADDITIONAL - FOLD OVER - 2001
AMENDMENT

FAIRFIELD RESIDENTIAL
C.U.P.

Legal Descriptions

Three parcels of the above mentioned residential C.U.P. are to amended, Parcels 1, 2, and 5. (Parcels 1 and 2 were formerly Parcel 1, Parcel 5 was formerly Parcel 4.

Parcel 1

The North 345.50 feet of Lot 1, Block 2, Fairfield Estates, Wichita, Sedgwick County, Kansas.
Containing 4.00 acres \pm .

Parcel 2

Lot 1, Block 2, Fairfield Estates, Wichita, Sedgwick County, Kansas, except for a tract of land described as the North 345.50 feet of Lot 1, Block 2, Fairfield Estates, Wichita, Sedgwick County, Kansas.
Containing 9.4 acres \pm .

Parcel 5

Lot 17, Block 10, Fairfield Estates, Wichita, Sedgwick County, Kansas.
Containing 9.64 acres \pm .

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 1 & 2	Block 1	Fairfield Estates	X Woodlawn Development Company Suite 300, 151 N. Main Wichita, KS 67202
Lot 3	Block 1	"	X 13th & Rock Land Partnership 1650 Georgetown Suite 250 Wichita, KS 67218
Lots 1, 2, 4, 5, 6, 7, 8, 9, 10 & 11 (Parcels 1 & 2 - Lot 1, Block 2)	Block 2	"	dup Ralph Rudy 715 N. Gow Wichita, KS 67203
Lot 3 (Parcel 3 - Lot 3, Block 2)	Block 2	"	X Sproul Construction Co., Inc. 3500 N. Rock Rd., Suite 1000 Wichita, KS 67226
Lot 1	Block 3	"	dup Ralph Rudy 715 N. Gow Wichita, KS 67203
Lot 2	Block 3	"	X Nies Construction Inc. 9415 E. Harry Suite 102 Wichita, KS 67207
Lot 3	Block 3	"	X R. E. Muzzy Construction Co. Inc. 734 Butler Valley Center, KS 67147
Lot 4	Block 3	"	dup Sproul Construction Co., Inc. 3500 N. Rock Road Suite 1000 Wichita, KS 67226
Lot 5	Block 3	"	X Ron Peake Design/Build, Inc. 1700 Tamarisk Wichita, KS 67230
Lot 6	Block 3	"	X Larry R. Nutt Cynthia L. Nutt 1308 N. Tallyrand Wichita, KS 67206
Lot 7	Block 3	"	dup Nies Construction Inc. 9415 E. Harry Suite 102 Wichita, KS 67207
Lot 8	Block 3	"	dup Sproul Construction Co., Inc. 3500 N. Rock Road Suite 1000 Wichita, KS 67226

Lot	Block	Addition	Property Owner
Lot 9	Block 3	Fairfield Estates	R. E. Muzzy Construction Co. Inc. <i>dup</i> 734 Butler Valley Center, KS 67147
Lot 10	Block 3	"	Sproul Construction Co., Inc. <i>dup</i> 3500 N. Rock Road Suite 1000 Wichita, KS 67226
Lot 11	Block 3	"	Ralph Rudy 715 N. Gow <i>dup</i> Wichita, KS 67203
Lot 12	Block 3	"	Nies Construction Inc. 9415 E. Harry <i>dup</i> Suite 102 Wichita, KS 67207
Lot 13	Block 3	"	Sproul Construction Co., Inc. <i>dup</i> 3500 N. Rock Rd. Suite 1000 Wichita, KS 67226
Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 & 27	Block 3	"	Ralph Rudy <i>dup</i> 715 N. Gow Wichita, KS 67203
Lot 1	Block 4	"	Same As Above
Lot 2	Block 4	"	Ron Peake Design/Build, Inc. <i>dup</i> 1700 Tamarisk Wichita, KS 67230
Lots 3 & 4	Block 4	"	Sproul Construction Co., Inc. <i>dup</i> 3500 N. Rock Road Suite 1000 Wichita, KS 67226
Lot 5	Block 4	"	Richard W. Farris Janice S. Farris 1307 Tallyrand Wichita, KS 67206
Lot 6	Block 4	"	Nies Construction Inc. <i>dup</i> 9415 E. Harry Suite 102 Wichita, KS 67207
Lot 7	Block 4	"	<i>X</i> Robert W. Hartnett Jody J. Hartnett Address Unknown
Lot 8	Block 4	"	<i>dup</i> Sproul Construction Co., Inc. 3500 N. Rock Rd. Suite 1000 Wichita, KS 67226

1245 N.
Tallyrand
67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 9	Block 4	Fairfield Estates	<i>dup</i> R. E. Muzzy Construction Co. Inc. 734 Butler Valley Center, KS 67147
Lot 10	Block 4	"	<i>X</i> Philip M. Snodgrass Joan Snodgrass P.O. Box 8187 Wichita, KS 67206
Lot 11	Block 4	"	<i>dup</i> Nies Construction Inc. 9415 E. Harry Suite 102 Wichita, KS 67207
Lot 12	Block 4	"	Same As Above
Lot 13	Block 4	"	<i>dup</i> R. E. Muzzy Construction Co. Inc. 734 Butler Valley Center, KS 67147
Lot 14	Block 4	"	Same As Above
Lot 15	Block 4	"	<i>dup</i> Sproul Construction Co., Inc. 3500 N. Rock Rd. Suite 1000 Wichita, KS 67226
Lot 16	Block 4	"	<i>dup</i> Ralph Rudy 715 N. Gow Wichita, KS 67203
Lots 4, 5, 6, 7, 8, 9 & 11	Block 5	"	Same As Above
Lot 10	Block 5	"	<i>X</i> Assured Income Realty Fund--a Kansas Limited Partnership 200 E. 1st, Suite 100 Wichita, KS 67202
Lots 15, 16, 17, 18, 19, 20, 21, 22 & 23	Block 5	"	<i>dup</i> Ralph Rudy 715 Gow Wichita, KS 67203
Lot 1	Block 8	"	<i>X</i> Randy J. Dean Karen E. Dean 1228 Coach House Wichita, KS 67235
Lots 2 & 3	Block 8	"	<i>dup</i> Ralph Rudy 715 Gow Wichita, KS 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 4	Block 8	Fairfield Estates	X Harold Bauer & Son Construction Company Inc. 6572 E. Central Wichita, KS 67206
Lots 5 & 6	Block 8	"	dup Ralph Rudy 715 N. Gow Wichita, KS 67203
Lot 7	Block 8	"	dup Ron Peake Design/Build, Inc. 1700 Tamarisk Wichita, KS 67230
Lots 8, 9, 22, 23, 24, 25, 26 & 27	Block 8	"	dup Ralph Rudy 715 N. Gow Wichita, KS 67203
Lots 25 & 26	Block 2,	"	Same As Above
Reserve A		"	Same As Above
Lots 1, 2, 3, 12, 15, 16, 17 & 18	Block 9	"	Same As Above
Lots 4-16, inclusive	Block 10	"	Same As Above
Lot 17, Block 10, exc. beg. at a point in the North line 180 feet East of the NW/c of Lot 17, Blk. 10, th. bearing S 89°33'53" E along said North line a distance of 200 feet; th. bearing S 0°00'00" W a distance of 373.48 feet; th. bearing N 68°30'00" W a distance of 147.26 feet to the P.C. of a curve to the left having a radius of 321.91 feet; th. along said curve through a central angle of 11°39'48" an arc distance of 65.53 feet; th. bearing N 0°00'00" E a distance of 303.37 feet to the p.o.b.		"	Same As Above
Beginning at a point in the North line and 180 feet East of the NW/c of Lot 17, Block 10; th. bearing S 89°33'53" E along said North line a distance of 200 feet; th. bearing S 0°00'00" W a distance of 373.48 feet; th. bearing N 68°30'00" W a distance of 147.26 feet to the P.C. of a curve to the left having a radius of 321.91 feet; th. along said curve through a central angle of 11°39'48" an arc distance of 65.53 feet; th. bearing N 0°00'00" E a distance of 303.37 feet to the p.o.b.			X Robert D. Taylor Kathleen A. Taylor 9920 E. Harry Wichita, KS 67207

Supplement
to Fairfield Res.
ownership list

Lot	Block	Addition	Property Owner
Lot 18	Block 10	Fairfield Estates	X Fairfield Club Apartments Address Unknown <i>on other list</i>
Lots 1, 2, 3, & 4		Leisure Living Ventures First Addition	<i>Suite 333</i> <i>4101 Greenbriar Houston, TX 77098</i> X Wadley Homes, Inc. 2613 E. Harry Wichita, KS 67211
Lot 5	"	"	Orville Glick Opal Glick X 7700 E. 13th #7 Wichita, KS 67206
Lot 6	"	"	Blanche L. Small X 7700 E. 13th #6 Wichita, KS 67206
Lot 7	"	"	Juanita M. McKirahan X Shirley Schafer 7700 E. 13 #5 Wichita, KS 67206
Lot 8	"	"	James F. Looper X Marjorie L. Looper 7700 E. 13th #111 Wichita, KS 67206
Lot 9	"	"	X Scholfield-Hatchett Partnership 11212 E. Kellogg Wichita, KS 67207
Lot 10	"	"	<i>Ret.</i> X J. R. Vosburgh 7611 Donegal Wichita, KS 67206
Lot 11	"	"	<i>dup</i> X Wadley Homes, Inc. 2613 E. Harry Wichita, KS 67211
Lot 64	"	"	X Karyn N. Criss 7700 E. 13th #18 Wichita, KS 67206
Lot 65	"	"	X Burr V. Miller Eleanor A. Miller 7700 E. 13th #16 Wichita, KS 67211
Lot 66	"	"	X Jack C. Harper Shirley M. Harper 7700 E. 13th #15 Wichita, KS 67206
Lot 67	"	"	X Dorothy J. Bennett 7700 E. 13th #14 Wichita, KS 67206
Lot 68	"	"	X Janet C. Dunham Address Unknown Barbara Corey Mallonee <i>7700 E. 13th 67206</i> 7700 E. 13th Wichita, KS 67206

Lot	Block	Addition	Property Owner
Lot 69		Leisure Living Ventures First Addition	Wayne L. Brinegar Frances P. Brinegar 7700 E. 13th #12 Wichita, KS 67206
Lot 70		"	Russell C. Duncan Helen M. Duncan 7700 E. 13th #1 Wichita, KS 67206
Lot 71		"	Donna B. Rein 7700 E. 13th, Unit #3 Wichita, KS 67206
Lot 72		"	Norman R. Stewart Emmy Lou Stewart 7700 E. 13th #2 Wichita, KS 67206
Lot 73		"	Arthur W. Yelenik Maxine M. Yelenik 7700 E. 13th, Unit #1 Wichita, KS 67206
Lot 114		"	Robert Ellis Bogue Betty L. Bogue 7700 E. 13th #17 Wichita, KS 67206
Lot 1	Block 1	First Addition to Vickridge	Jay H. Galloway Helen Galloway 8000 Killarney Ct. Wichita, KS 67206
Lot 2	Block 1	"	Charles W. Aikins, Jr. 8028 Killarney Ct. Wichita, KS 67206
Lot 8	Block 1	"	Philip E. Zongker Sharilyn A. Zongker 8028 Tipperary Wichita, KS 67206
Lot 9	Block 1	"	Richard M. Leslie Jennae C. Leslie 8001 Killarney Ct. Wichita, KS 67206
Lot 10, Block 1, exc. beg. at the SE/c of said Lot; th. West 15.5 feet; th. North 150 feet to point on rear line of said Lot; th. East 5.5 feet to the NE/c of said lot; th. South to p.o.b.		"	Frances J. Blume 501 S. Main Wichita, KS 67202
Lot 1	Block 1	Woodlawn East 3rd Addition	James H. Stevens Ann M. Stevens 702 N. Doreen Wichita, KS 67206

Lot	Block	Addition	Property Owner
That part of Lot 2, Block 1, described as beg. at the SE/c of said Lot 2; th. North 175 feet to the NE/c of said Lot 2; th. West 5 feet; th. S'ly to the p.o.b.; and Lot 3, exc. beg. at the SE/c of said Lot 3; th. North 175 feet to the NE/c of said Lot 1; th. West alg. the North line of said Lot 3, 5 feet; th. S'ly to the p.o.b., Woodlawn East 3rd Addition			Betty M. Glover 7700 Killarney Ct. Wichita, KS 67206
Lot 2, exc. beg. at the SE/c of Lot 2; th. North 175 feet to the NE/c of said Lot; th. West 5 feet; th. S'ly to beg., Woodlawn East 3rd Addition.			Thomas C. Hyde Jeanine J. Hyde 7622 Killarney Pl. Wichita, KS 67206
Beg. at the SE/c of Lot 3; th. North 175 feet to the NE/c of Lot 3; th. West 5 feet; th. S'ly to the p.o.b. and all of Lot 4, Woodlawn East 3rd Addition.			William G. Farha 7724 Killarney Wichita, KS 67206
Lot 5	Block 1	Woodlawn East 3rd Addition	Frank L. Markel Janet Markel 7736 Killarney Wichita, KS 67206
Lot 6	Block 1	"	William W. Mueller Patricia K. Mueller 7800 Killarney Ct. Wichita, KS 67206
Lot 7	Block 1	"	Charles C. Theis 7822 Killarney Pl. Wichita, KS 67206
Lot 8	Block 1	"	Roger D. Lowe Leta I. Lowe 7842 Killarney Pl. Wichita, KS 67206
Lot 9	Block 1	"	Gary L. Bachus 7900 Killarney Pl. Wichita, KS 67206
Lot 10	Block 1	"	Gordon L. Rasberry 7926 Killarney Pl. Wichita, KS 67206
Lot 2	Block 2	"	Bradley J. Steven Andrea L. Steven 7801 Killarney Pl. Wichita, KS 67206
Lot 3	Block 2	"	Mitchell Shanbour Linda Shanbour 7825 Killarney Pl. Wichita, KS 67206
Lot 4	Block 2	"	Lowell E. Willcut Jr. Sue Ann Willcut Gladys V. Henning 7901 Killarney Pl. Wichita, KS 67206

Lot	Block	Addition	Property Owner
Lot 5	Block 2	Woodlawn East 3rd Addition	X John E. Stokdyk Arlene B. Stokdyk 7925 Killarney Pl. Wichita, KS 67206
Lot 5	Block 1	Woodlawn East 4th Addition	X Lincoln Inc. 7223 E. 17th Wichita, KS 67206
Lot 6	Block 1	"	X Jerome E. French Naomi K. French 1559 Willow Rd. Wichita, KS 67208
Lot 7	Block 1	"	X Cyde W. Miller Olive E. Miller 7618 Donegal Wichita, KS 67206
Lot 8	Block 1	"	X Ross A. Padgham Sandra K. Padgham 7700 Donegal Wichita, KS 67206
Lot 9	Block 1	"	X Richard Hartwell Nancy H. Hartwell 7712 Donegal Wichita, KS 67206
Lot 10	Block 1	"	X Ralph E. Hartman Gertrude Daack Hartman 7800 Donegal Wichita, KS 67206
Lot 11	Block 1	"	X Antonio L. Osio Marilyn A. Osio 7812 Donegal Wichita, KS 67206
Lot 12	Block 1	"	X Margaret B. Curfman 7900 Donegal Wichita, KS 67206
Lot 13	Block 1	"	X Thomas D. Borniger X Kathleen A. Borniger 7912 Donegal Wichita, KS 67206
Lot 1	Block 2	"	X Eguenio S. Conception, Jr. Mario Lirio Conception 726 N. Doreen Wichita, KS 67206
Lot 2	Block 2	"	X George E. Luck Carolyn W. Luck 7611 Donegal Wichita, KS 67206
Lot 3	Block 2	"	X James C. Mershon Beverly Mershon 7617 Donegal Wichita, KS 67206
Lot 4	Block 2	"	X Marvin E. Lampton Shelia B. Lampton 7701 Donegal Wichita, KS 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5	Block 2	Woodlawn East 4th Addition	First National Bank in Wichita, Trustee of Geo. Richard Landswerk Trust 105 N. Main Wichita, KS 67202
Lot 6	Block 2	"	Dan J. Skubitz Betty M. Skubitz 7801 Donegal Wichita, KS 67206
Lot 7	Block 2	"	D. Eric Hedstrom Linda Lee Hedstrom 7811 Donegal Wichita, KS 67206
Lot 8	Block 2	"	Loui E. Patton Ruth A. Patton 7901 Donegal Wichita, KS 67206
Lot 9	Block 2	"	Dean I. Youngberg Judy F. Youngberg 7911 Donegal Wichita, KS 67206
South 680 feet of Lot 1, Block 1		Coleman School Addition	The Board of Park Commissioners of the City of Wichita, KS 455 N. Main Wichita, KS 67202
Lot 1, except the South 680 feet		"	U.S.D. #259 428 S. Broadway Wichita, KS 67202
<u>Tract Description</u>			
The NW $\frac{1}{4}$ of Section 17, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.			Wichita Country Club Assn. 8501 E. 13th Wichita, KS 67206

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We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 500 foot radius of:

Lots 1 and 2, Block 2 and Lots 17 and 18, Block 10,
Fairfield Estates, Wichita, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 29th day of May, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Allen B. Edwards*
Vice-President

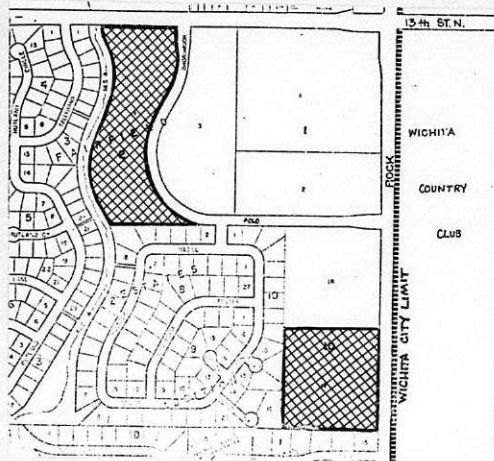
Order No. 381294
nj

Lot	Block	Addition	Property Owner
Lot 18	Block 10	Fairfield Estates	Fairfield Club Apartments Address Unknown
Lots 1, 2, 3, & 4		Leisure Living Ventures First Addition	Wadley Homes, Inc. 2613 E. Harry Wichita, KS 67211
Lot 5		" Suite 333 4101 Greenbrier Houston, Tx 77098	Orville Glick Opal Glick 7700 E. 13th Wichita, KS 67206
Lot 6		"	Blanche L. Small 7700 E. 13th Wichita, KS 67206
Lot 7		"	Juanita M. McKirahan Shirley Schafer 7700 E. 13 Wichita, KS 67206
Lot 8		"	James F. Looper Marjorie L. Looper 7700 E. 13th #111 Wichita, KS 67206
Lot 9		"	Scholfield-Hatchett Partnership 11212 E. Kellogg Wichita, KS 67207
Lot 10		"	J. R. Vosburgh 7611 Donegal Wichita, KS 67206
Lot 11		"	Wadley Homes, Inc. 2613 E. Harry Wichita, KS 67211
Lot 64		"	Karyn N. Criss 7700 E. 13th Wichita, KS 67206
Lot 65		"	Burr V. Miller Eleanor A. Miller 7700 E. 13th Wichita, KS 67211
Lot 66		"	Jack C. Harper Shirley M. Harper 7700 E. 13th Wichita, KS 67206
Lot 67		"	Dorothy J. Bennett 7700 E. 13th #14 Wichita, KS 67206
Lot 68		" 7700 E. 13 th 67206	Janet C. Dunham Address Unknown Barbara Corey Mallonee 7700 E. 13th Wichita, KS 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 69		Leisure Living Ventures First Addition	Wayne L. Brinegar Frances P. Brinegar 7700 E. 13th Wichita, KS 67206
Lot 70		"	Russell C. Duncan Helen M. Duncan 7700 E. 13th Wichita, KS 67206
Lot 71		"	Donna B. Rein 7700 E. 13th, Unit #3 Wichita, KS 67206
Lot 72		"	Norman R. Stewart Emmy Lou Stewart 7700 E. 13th Wichita, KS 67206
Lot 73		"	Arthur W. Yelenik Maxine M. Yelenik 7700 E. 13th, Unit #1 Wichita, KS 67206
Lot 114		"	Robert Ellis Bogue Betty L. Bogue 7700 E. 13th Wichita, KS 67206
Lot 1	Block 1	First Addition to Vickridge	Jay H. Galloway Helen Galloway 8000 Killarney Ct. Wichita, KS 67206
Lot 2	Block 1	"	Charles W. Aikins, Jr. 8028 Killarney Ct. Wichita, KS 67206
Lot 8	Block 1	"	Philip E. Zongker Sharilyn A. Zongker 8028 Tipperary Wichita, KS 67206
Lot 9	Block 1	"	Richard M. Leslie Jennae C. Leslie 8001 Killarney Ct. Wichita, KS 67206
Lot 10, Block 1, exc. beg. at the SE/c of said Lot; th. West 15.5 feet; th. North 150 feet to point on rear line of said Lot; th. East 5.5 feet to the NE/c of said Lot; th. South to p.o.b.		"	Frances J. Blume 501 S. Main Wichita, KS 67202
Lot 1	Block 1	Woodlawn East 3rd Addition	James H. Stevens Ann M. Stevens 702 N. Doreen Wichita, KS 67206

JUNE 25, 1987

REVISED
STAFF REPORT



DP-146, Amendment #1 - REQUEST FOR AMENDMENT TO PARCELS 1 AND 4 OF
FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN, GENERALLY LOCATED WEST
OF ROCK ROAD AND SOUTH OF 13TH STREET NORTH.

Applicant: Ralph Rudy and Bob Taylor.

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Undeveloped	"A" & "AA"	in DP-146 23 acres
North	Undeveloped & city park	"R-6"	in DP-146 & "AA"
South	Undeveloped & single-family houses	"AA"	in DP-149 & "AA"
East	Undeveloped and country club	"R-6"	in DP-146 & "R-1"
West	Single-family houses	"AA"	in DP-149
History:	DP-146	MAPC	8/22/85
		BCC	10/8/85

Background: The property within this C.U.P. amendment contains 23-acres, which is only a portion of the overall 46.23-acre Community Unit Plan. The original residential C.U.P. was approved in October of 1985 after many discussions with residents in the area. The properties being amended are: Parcels 1 and 2 (proposed Parcels 1 and 2), zoned "A" Duplex, and Parcel 4 (proposed as Parcel 5), zoned "AA" Single-family.

Analysis: The properties in Fairfield Residential C.U.P. are presently undeveloped except for one existing single-family house in Parcel 5. Eastview City Park is north of Parcel 1 across 13th Street North, while north of Parcel 5 and east of Parcel 1 are undeveloped parcels within Fairfield Residential C.U.P. that are planned for apartments. The Wichita Country Club is east of Parcel 5 across Rock Road. South of Parcel 5 are single-family houses. South and east of the parcels being amended are undeveloped properties as well as houses in the process of being developed in DP-149.

The Development Plan divides the original Parcel 1 into Parcels 1 and 2 and changes the former Parcel 4 to Parcel 5. The following use changes are proposed: A church (illustrated use), zero lot line homes, patio homes, single-family

townhouses and associated community facilities on Parcel 1; zero lot line (illustrated use), patio homes, single-family, townhouses and associated community facilities on Parcel 2; and single-family (illustrated use) and associated community facilities instead of townhouses on Parcel 5. The density proposed for this development has been decreased from a total of 740 dwelling units on the original plan and shall not exceed 16.5 dwelling units per net acre or a total of 675 dwelling units.

The amendment proposes that, if a church use is located on Parcel 1, then the wall requirement along the north line adjacent to 13th Street North should be waived. Also, the wall originally required along the east and south lines of Parcel 5 should be waived since single-family houses are now proposed to back into the single-family houses to the south.

Several standard comments regarding screening, parking, firelanes, land use and land ownership are listed with the approval conditions and should be added to the General Provisions. Also, since the street in Parcel 5 will be tying into the single-family properties to the west in DP-149, then the applicant should submit additional information to the Planning Department in order for an Administrative Adjustment to occur on DP-149. The lot layout for DP-149 should be changed by a replat.

CPO Council "2A" voted 7-0 to approve this amendment request except for the waiver of the wall adjacent to 13th Street North along the north line of Parcel 1 which is proposed for the church.

If the Planning Commission determines that this C.U.P. amendment is appropriate, the following are recommended conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The side yard building setbacks to Broadmoor on Parcel 2 shall be corrected to indicate a 15-foot building setback.
- e. Since DP-149 and Parcel 5 of DP-146 will now be tied together, the applicant shall provide the Planning Department with information about changes on DP-149 in order to administratively adjust the C.U.P. The layout for DP-149 shall be changed by a replat.

Prior to subject C.U.P. being forwarded to the City Council, the following comments shall be added to the General Provisions:

- f. "Height regulations for the church and all associated portions, including domes, steeples, spires and cupolas, shall be in accordance with Section 28.04.187 of the Code of the City of Wichita."
- g. "No wall shall be constructed in any utility easement and a building permit shall be obtained prior to construction of any wall."
- h. "Back out parking shall be permitted for Parcel 2 subject to the conditions as listed in Policy Statement No. 13. The exact location of parking areas shall be determined at time of platting as parking reserves or parking easements."

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 21, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DP-146, AMENDMENT #1 - REQUEST FOR APPROVAL OF AMENDMENT TO PARCELS 1 AND 4 OF FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Location: West of Rock Road and south of 13th Street North.
(Council District #2)

Applicants: Ralph Rudy and Bob Taylor

Site Size: 23 acres

Current Zoning: "A" & "AA"

Background: The Development Plan divides the original Parcel 1 into Parcels 1 and 2 and changes the former Parcel 4 to Parcel 5. The following use changes are proposed: A church (illustrated use), zero lot line homes, patio homes, single-family townhouses and associated community facilities on Parcel 1; zero lot line (illustrated use), patio homes, single-family townhouses and associated community facilities on Parcel 2; and single-family (illustrated use) and associated community facilities instead of townhouses on Parcel 5. The density proposed for this development has been decreased from a total of 740 dwelling units on the original plan and shall not exceed 16.5 dwelling units per net acre or a total of 675 dwelling units.

The amendment proposes that, if a church use is located on Parcel 1, then the wall requirement along the north line adjacent to 13th Street North should be waived. Also, the wall originally required along the south line of Parcel 5 should be waived since single-family houses are now proposed to back into the single-family houses to the south.

Staff Recommendation: Approve the amendment as requested subject to conditions of approval.

MAPC Recommendation: Approve the amendment as requested subject to conditions of approval. (6-0, Conlee, Crockett, Goebel and Moore were absent).

CPO Recommendation: CPO Council "2A" voted 7-0 to approve this amendment request except for the waiver of the wall adjacent to 13th Street North along the north line of Parcel 1 which is proposed for the church.

PL/1301/24

- Actions:
1. Concur with the findings of the MAPC and approve the C.U.P. subject to the recommended conditions; or
 2. Take appropriate action stating reasons.

Attachments: Area map
6-25-87 MAPC Minutes
CPO Memorandum
C.U.P.

PL/1301/24

EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 25, 1987

LEGAL:

3. Case No. DP-146, Amendment #1 - Ralph Rudy and Bob Taylor request amendment to Parcels 1 and 4 of Fairfield Residential Community Unit Plan for Lot 1, Block 2 and Lot 17, Block 10, Fairfield Estates, Wichita, Sedgwick County, Kansas. Generally located west of Rock Road and south of 13th Street North.

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

Background: The property within this C.U.P. amendment contains 23-acres, which is only a portion of the overall 43.7-acre (40.9 total net area) Community Unit Plan. The original residential C.U.P. was approved in October of 1985 after many discussions with residents in the area. The properties being amended are: Parcel 1 (proposed Parcels 1 and 2), zoned "A" Duplex, and Parcel 4 (proposed as Parcel 5), zoned "AA" Single-family.

Analysis: The properties in Fairfield Residential C.U.P. are presently undeveloped except for one existing single-family house in Parcel 5. Eastview City Park is north of Parcel 1 across 13th Street North, while north of Parcel 5 and east of Parcel 1 are undeveloped parcels within Fairfield Residential C.U.P. that are planned for apartments. The Wichita Country Club is east of Parcel 5 across Rock Road. South of Parcel 5 are single-family houses. South and east of the parcels being amended are undeveloped properties as well as houses in the process of being developed in DP-149.

The Development Plan divides the original Parcel 1 into Parcels 1 and 2 and changes the former Parcel 4 to Parcel 5. The following use changes are proposed: A church (illustrated use), zero lot line homes, patio homes, single-family townhouses and associated community facilities on Parcel 1; zero lot line (illustrated use), patio homes, single-family, townhouses and associated community facilities on Parcel 2; and single-family (illustrated use) and associated community facilities instead of townhouses on Parcel 5. The density proposed for this development has been decreased from a total of 740 dwelling units on the original plan and shall not exceed 16.5 dwelling units per net acre or a total of 675 dwelling units.

The amendment proposes that, if a church use is located on Parcel 1, then the wall requirement along the north line adjacent to 13th Street North should be waived. Also, the wall originally required along the east and south lines of Parcel 5 should be waived since single-family houses are now proposed to back into the single-family houses to the south.

Several standard comments regarding screening, parking, firelanes, land use and land ownership are listed with the approval conditions and should be added to the General Provisions. Also, since the street in Parcel 5 will be tying into the single-family properties to the west in DP-149, then the applicant should submit additional information to the Planning Department in order for an Administrative Adjustment to occur on DP-149. The lot layout for DP-149 should be changed by a replat.

CPO Council "2A" voted 7-0 to approve this amendment request except for the waiver of the wall adjacent to 13th Street North along the north line of Parcel 1 which is proposed for the church.

If the Planning Commission determines that this C.U.P. amendment is appropriate, the following are recommended conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The side yard building setbacks to Broadmoor on Parcel 2 shall be corrected to indicate a 15-foot building setback.
- e. Since DP-149 and Parcel 5 of DP-146 will now be tied together, the applicant shall provide the Planning Department with information about changes on DP-149 in order to administratively adjust the C.U.P. The layout for DP-149 shall be changed by a replat.

Prior to subject C.U.P. being forwarded to the City Council, the following comments shall be added to the General Provisions:

- f. "Height regulations for the church and all associated portions, including domes, steeples, spires and cupolas, shall be in accordance with Section 28.04.187 of the Code of the City of Wichita."
- g. "No wall shall be constructed in any utility easement and a building permit shall be obtained prior to construction of any wall."
- h. "Back out parking shall be permitted for Parcel 2 subject to the conditions as listed in Policy Statement No. 13. The exact location of parking areas shall be determined at time of platting as parking reserves or parking easements."

DISCUSSION:

HARRIS stated that the property within the C.U.P. amendment contains 23 acres. It is only a portion of the overall 43-acre community unit plan. She said that the overall density in this C.U.P. amendment is being decreased

to a total of 16.5 dwelling per net acre, for a total of 675 dwelling units all together. CPO Council "2A" voted 7-0 to recommend approval of the request subject to the wall along the north line of Parcel 1 not being waived, and also that the wall along the east line of Parcel 5 not be waived. HARRIS said that staff recommended approval of the C.U.P. subject to the recommended conditions listed on the staff report, with the omission of item "d" which pertains to sideyard building setbacks to Broadmoor on Parcel 2. The building setbacks in that location do not need to be indicated on the C.U.P. drawing, since the building setbacks will be indicated on the plat. HARRIS went on to say that the applicant's agent has advised staff that a wall will be constructed along the least line of Parcel 5, and therefore a condition of approval should be added that states:

"General Provision #6, as well as a note along Rock Road, shall reflect that there is to be a 6-8 foot wall on the east side of Parcel 5."

BILL YUNG, designer planner representing the applicants, stated that the original C.U.P. provided for only one use on each of these parcels, and that use was multiple family. He said that they are looking to build something less dense than multiple family, and they are not able to do that unless they amend the C.U.P. He said that in the process of doing this, he always protects the up and down side for his clients. The up side of the market has been established by the present C.U.P. with the multiple family parcels and the multiple family uses on those parcels. The down side that he is establishing now is the single family uses that are less dense and normally considered less offensive to neighbors because they are less dense. He said that he has not done anything to increase the density. In fact he has substantially reduced it. The multiple family parcel's density is at 16.5 or 675 units which is a reduction from what is on the present C.U.P. That is done because in Parcel 5 they have taken the multiple family totally out of it. They have no intentions of building anything but single family on Parcel 5. He pointed out that they are showing patio homes and a church in Parcels 1 and 2 which will further reduce the density to 14.6 or a total of about 599 or 600 units. What they intend to build is substantially less than even the maximum up side market that he is trying to protect in case everything falls through and they go back to what was presently approved. YUNG did not believe anyone has any concern from the neighborhood on those issues.

YUNG continued, proposed in the original C.U.P. that regarding the wall along the south line of Parcel 5, when you back single family into single family it does not appear that there would be any logic to building a six-foot masonry wall separating single family from single family. Their concern initially was to protect themselves from multiple family, and he would have to concur with that decision. Now that they are proposing single family, he believed that the wall on the south side of Parcel 5 is without justification. They originally asked for the east wall also to be reduced. They backed off of that since he went back to study the site and after talking to some additional people. There is considerable noise, and in the market that they are trying to shoot for, which is the upper class single family, he did not believe they would have a prayer

of being able to market that area without the wall, so they now agree the wall should remain in the C.U.P.

YUNG felt that the only issue that stands to be resolved is one that he was sure there would be some people speaking today that violently disagree, but when you change the land use from multiple family to a church, he could find no logic again for the need for a masonry wall separating a church from a park which is across the street. The closest single family is Raintree. The Raintree area has a wooden fence that they have just recently built that provides the protection of the screening that he believes they were looking for, so adding this additional wall, which is not even across the street from them, provides no benefit to them whatsoever. YUNG said that he had heard comments that they wanted to see the continuity of the wall all the way through, and he has so indicated in the C.U.P. that they would be glad to construct the wall along the north line of Parcel 1 if they did not build the church. If they build the church, which is the intent at the moment, then they would like to have the wall waived, because he did not know a single church in town that has been built behind a wall; they generally like to be in the open, and they did not need to hide that kind of use behind a wall. He felt that they need to evaluate this amendment on the basis of land use and not on the basis of what has been approved previously.

PARSONS commented about the walls and landscaping in general. He felt they have gotten themselves hooked up in a mode in this city that, for some reason, they want to put everything behind a wall. They are either going to be the cedar capital of the world or the concrete wall capital of the world. He felt that with the lack of vegetation and the lack of trees and those types of screens that are available to them in Wichita, he would like to see Wichita more encouraging of landscaping as opposed to the walls. Maybe the tree planting and those types of things should be the number one requirement, with the walls being the second alternative.

PETERS asked if the parking would be behind the church or in front of the church.

YUNG said that a representative of the church would have to answer that; he was not certain.

TOM JACOBS, representing St. George Orthodox Church, stated that there was no conceived design of the church at this moment. This is a piece of property that they have under contract, and once they follow through with the completion of the contract, they would anticipate probably six months to a year before they even start any design work on it.

WAYNE BRINEGAR, 7700 East 13th, stated that he was a member of CPO Council "2A", but was appearing today as a private citizen to express an objection just to the proposed change of the wall. He said that he definitely supported the proposed change of land use, and felt that everybody that was in attendance at the CPO meeting expressed that opinion very strongly. BRINEGAR said that those Commissioners that have been on the MAPC since the early part of 1985 know quite well that this particular tract has been the

subject of considerable controversy. During the timeframe the developer and area citizens met quite a number of times to try to work out their differences, and as a result of these meetings, one of things that was agreed to was that the project developer or his assignees would construct a masonry wall along 13th Street and along Rock Road. This was one of the great concerns of a number of the area residents. BRINEGAR said that he personally did not have the problem with the wall that others do have. He felt that walls were very nice when properly constructed. It is known that we have difficulty in this town keeping vegetation growing in the proper manner, and if plants and turf are not properly taken care of, the landscaping does deteriorate quite rapidly.

BRINEGAR continued that at the CPO meeting of June 15, there were an excess of 130 households represented. The total number of those supported the change in the land use that the applicants are asking for, but were adamantly opposed to waiving the wall requirement along 13th Street. He pointed out on the slides that the area to the west along 13th Street is under construction and there is a masonry wall that has been constructed all along that location. To the east of Parcel 1, there is a requirement for wall screening along there all the way up to the corner of Rock Road. One of the big concerns was that if it was waived along the north side of Parcel 1 and they come back and nibble at the north side of the parcel to the east, and sooner or later they will have no screening at all around the area. This was one of the concessions that was reached between the developer and the area residents when this thing was first presented in 1985. The present applicant, Mr. Rudy, was one of the partners involved in this from the beginning and so he certainly is well aware of what the restrictions and concessions were from all sides during the discussions that were undertaken regarding this 160 acres.

BRINEGAR said that a number of people had contacted him about the subject applications, expressing their concerns about the removal of the wall requirement, and in many instances they are older residents of the area who do not get around very well and just do not attend meetings such as this one. They make the comment many times of "why object, that MAPC does not listen to the neighbors". BRINEGAR said that he did not feel that way. He felt that the MAPC takes in both sides of the matter and would make their final decision to benefit everybody. He asked that the waiver of the wall not be granted. He felt that it would be a detriment to the overall plan. He also felt that the developer should be held to his original commitment.

MILES said that his problem with the fence around the church was that there are not too many churches behind fences around Wichita.

BRINEGAR said that he was not aware of any churches per se behind fences. There are churches whose parking lots are behind fences.

MILES commented that most of the churches that he has seen around Wichita are an asset to the area. A lot of times when the concrete or wood fences are put up, they are backing residences up to a street, and that is where he disagrees with Brinegar.

BRINEGAR said that he would be surprised if they put the parking lot behind the church. He felt the parking lot would be up against Broadmoor or 13th Street.

GARDNER commented that during the original C.U.P. discussions the concern was for the type and kinds of density that were proposed out there. Also, there was a concern regarding traffic generation and the number of access points and the wall became a negotiating element among a number of other elements. He recalled that in the discussions that occurred, if somebody had proposed that the northerly boundary have more churches or uses of lesser density, it would have been received as a breath of fresh air and a positive kind of suggestion compared to some of the densities and uses that were originally discussed, such as, multiple family, office and otherwise for this property. GARDNER said that what they have here is an amendment and a proposed use, and an application for the kind of use that is going to be positive and complimentary and an asset to the area. He said that compared to the use that is presently allowed, the proposed use would be well received, and Brinegar's comments indicated that. GARDNER said that the way in which Brinegar had alluded to some concerns about the wall being nibbled away and eventually diminished significantly is a concern, and that Brinegar was concerned about being caught in the position of making a number of concessions to the developer, leaves him to believe that Brinegar and the neighborhood group had gotten to a point in negotiation a couple of years ago where they had gotten a wall all the way around. Now, nobody knows how to deal with a good proposal on a basis of backing up gracefully and giving a little ground. GARDNER said that he would like to think that he was wrong in that assessment, but he could not honestly think of any neighborhood group that could in conscience find a good reason for causing a church to be walled in. GARDNER mentioned that if somebody had proposed, at 29th and Rock Road, that a church up there should be walled in because there was going to be walls around the residential developments adjacent in the Tallgrass area and argued that there was continuity to having a wall around the development, he would have had a fit. When they put walls around some developments whether it is as an asset for security or a visual asset or buffer, they really should have some conceivable justification other than the maintenance of continuity, otherwise they would have walls from Rock Road to probably Tyler Road.

BRINEGAR stated that an awfully lot of walls were constructed at Tallgrass before they built anything in a lot of the areas. He supposed the logic would be that if a person would go in and build a church in that area then they would tear the wall down opposite the church. Secondly, this was a negotiation between the developer at the time. The land use that he originally proposed was a great concern with the citizens in the area. He said that he could not argue too much about Gardner's logic about not having a wall around the church. He felt that one of the original concessions was that the setback requirements for the area would be reduced so that they could get more in the area and that that was taken into consideration.

PATRICIA COOK, 1050 Gretchen, stated that her feelings were based upon background information being initially involved in the rezoning of protest attempt, and secondly, a telephone conversation this morning with the Planning

Department. She said that the notice of public hearing indicated a total reduction of 65 dwelling units, when in fact the reduction is only 16 units. She said that this representation has occurred because the original DP-146 had a net of 43.7 acres. However, the DP-146 amendment has been decreased to 40.9 acres because of additional streets. She said that although the church represents a very desirable and positive land use for Parcel 1, interestingly enough, it does not carry a density factor. Therefore under the density averaging possibility, under the C.U.P. concept, there is nothing now, if this is approved, to prevent the developer from filing another amendment which could increase the density on Parcel 2 up to 121 units merely by transferring the density that could have been allocated for these four acres into that area. COOK requested that if this amendment is approved, a condition be put upon the building of the church such that it will show this carries a density factor of 10 dwelling units an acre to prevent the averaging and the accumulation of additional units in another area of the C.U.P. She said that they do like the idea of the church. They do not want to see it as a method of, in their opinion, of corrupting the C.U.P. COOK said that she sees this amendment as the first step in chipping away the C.U.P. which was presented to them as a protective use of land. Density has been a major consideration in the rezoning of this land from the very first. The area surrounding it is basically single family. COOK pointed out that the allowable density, based upon current zoning, under DP-146, is 19.7 dwelling units per acre. The allowable density, based upon the amended C.U.P., is 20.3 dwelling units an acre. She said that this is not a decrease in density.

COOK continued that she would like to make two observations. One is the notification procedure, which from her very first experience with a rezoning situation, has been less than desirable. The notice of hearing was received by her on a Friday prior to the CPO meeting the following Monday, and she was unable to attend. The indication of the MAPC consideration of this request, to her belief, was only published in this morning's paper. It had not previously been published. So people being aware of this had the possibility of either reading this morning's paper and being free this afternoon, or learning about it from the public notice which, as far as she was aware of, three people in the area received.

COOK suggested that in order to avoid confusion, renumbering of parcels when C.U.P. and rezoning situations are in process surely can be improved upon by following the initial number with an "A", "B", or "C", so that a person can follow exactly what happens to a parcel. She said that she did not understand the reuse of the same number for completely different sections of land.

COOK stated that she would be happy to hear that she was erroneous in the things that she sees and believe to be true.

GARDNER asked Cook how she felt about the wall and the church.

COOK responded that as she mentioned, she felt the church was a plus. They were delighted to see the sign. She felt that a very logical concession could be that if the parking lot does abut 13th Street, the wall stands. If it

is to the back of the church, then forget the wall. If the church faces to the east, it would depend upon whether the side of it abutted 13th, or whether the parking was there. If the parking lot abuts 13th, she would think the church might enjoy having a wall because of litter and other factors, and the possibility of vandalism to the cars during the time the congregation is in the church. She said that she could see some pluses to a wall situation. She felt that was an area of concession.

PARSONS asked Cook if it would bother her if the parking lot was to the south of the church and abutting Broadmoor.

COOK said not to her individually. She felt it would be a pleasing sight. Cars, blacktop and concrete are not aesthetically pleasing. They do not add to the visual pleasure. She could understand walling that in.

GALBRAITH stated that he was somewhat overwhelmed by the comment that suggested they may have an improper publication. He said that when he talked to Mrs. Cook this morning, it was not brought to his attention. He said that the files indicate that the public notice was given in the paper on June 3rd and property owners within the proper radius (500 feet) of the parcels being amended were notified. There may have been something in the "Neighbors" section today since the "Neighbors" section often advises of cases on the agenda. GALBRAITH said that he was not aware that staff has an improper advertised hearing for today's meeting.

YUNG remarked that one of the comments made at the CPO was that there were two ladies representing the Homeowners Association; one for Raintree, and one for Heritage. The lady from Raintree said that she represented 80+, soon to be 160+ residents which led him to believe that they had ample notice, and the other lady said that she represented 55 residents in Heritage, so he did not feel that they were uninformed. He felt that the notice did go out in time and the people were advised. The second thing was he was baffled by how Cook came up with 20.3. For the record, YUNG said that you take the total number of units and you divide by the net acres, you will find that it is 675 units divided by 40.9 and that comes out to be 16.5. Use the illustrated density, it is 599 units divided by 40.9 and it comes out 14.6 which is a long ways from 20.3.

PARSONS commented that looking at Parcel 1, the highest density required on proposed amended C.U.P. is 10.

WILSON asked Yung if Parcel 1 would be platted into zero lot lines.

YUNG, referring to the plat, stated that it was platted as a single lot.

WILSON asked what happens if the partial contract with church group falls through, and what would he do with that piece of ground.

YUNG answered that if it falls through, it could revert back to the present state which is townhouses. If it does, it can only be built at the density of 10 dwelling units per acre, and in that case the wall would go back

in place. It could also be developed to the same density as what they are proposing now to the south, which is patio homes, or single family.

YUNG responded to the comment of their spreading the density. He said that they specifically set out density by parcels so that that does not occur. The only way they could change the density figures in Parcel 2 would be to come back for public hearing.

WILSON asked that before this revision, was there an opening onto 13th Street out of Parcel 1.

YUNG said that he was not sure.

Staff responded that there was an opening onto 13th Street from Parcel 1.

TOM JACOB, speaking again, stated that the Antioch Greek Orthodox Church has existed for 2,000 years and is basically of a visiting tradition. Parking lots, fences and walls are not part of that tradition. How they will deal with the parking lot, he could not say. How they will deal with the fence when they have a landscape strip that is also required is very disillusioning aesthetically. He said that they were proud of their traditions and were proud of what this church will be. JACOB said that he could state for certain that 13th would be the side of the church. He pointed out that as much as possible, and in 99.99 percentage of the cases, the altar of the church faces the east. So the entry to the church would more likely be on the west. He said that they had not really gotten into the design stage. They have existed in the area of Seneca and Douglas for 50 years as a very small facility. So to get into this design, it was quite an emotional thing, and they had to vote to even make a contract purchase on this piece of property after being in the same location for 50 years. With that accomplished, they are not prepared to go into the design until they know the contract is met on this piece of property and that they can have the proper time to design the type of facility in the tradition of the church that would be needed for their congregation. He said that the wall, in continuing the design that is towards the west, is a very difficult thing for them to live with, and they have a 10-foot landscape strip that is already required which will more than screen the church after a dense landscape is put in. To have to do landscaping, and a wall and put the church behind the wall is not what they want. He said that they may end up wanting to put a wall, but they want to have the option themselves.

GALBRAITH stated that he had staff check out the appropriate legal publication, and it has been made. There is an affidavit in the files verifying it was published correctly.

GARDNER reiterated that he did not think there is any sense or feeling for diminishing or looking with favor on diminishing the wall along any of the other multi-family or commercial uses or areas, and while there has not been a great statement of that point, he felt it was appropriate to make the statement that as a group here, he understands and sympathizes and accepts the agreement that has been worked out in terms of a wall for the majority of this development. He felt that it was absolutely tragic when they have an

opportunity for a positive and enhancing potential use that has a major element in the contract regarding removal of the wall requirement, that it is impossible to recoil neighborhood opinion and support of a specific element, and he understands that much of that resolution to compromise on an element is predicated upon a fear that it might mean further compromise. The idea of requiring a wall on a major arterial and a church is travesty of immense proportion.

WILSON commented that if this church was to be built on Parcel 5, the Council agreed to remove the wall on the east side along Rock Road which is a major street, and all of a sudden on 13th Street, the Council thinks that that wall ought to remain. WILSON felt that they should encourage the church to go in by eliminating that wall, which possibly might cost \$25,000 or \$50,000, and, instead, the money could be used to help with their structure and make it more magnificent for that area. He said that he concurred with Gardner.

PARSONS stated that he, in good conscience, could not support keeping the wall at the proposed church property. He was also a little bit concerned about the walls. He felt that half-mile and mile stretches of wall gets pretty boring, and there are ways to maintain landscaping. He said that you cannot grow grass or trees in Kansas without putting in some kind of watering system. He mentioned that the wall would have to be maintained too; it has to be painted and will come apart in places as it has already in some of the other walls that have been built in that area. He felt that as good planners they have to look at those kinds of things. They have to look at what it does to the good environment that they try to create in this community.

PETERS commented that he agreed with Parsons on the wall situation for the church, but also wanted to caution that somebody could request to take the wall out someplace else. He wanted to make it very clear, from his standpoint, that the reason he would exclude the wall on this parcel would be only because of the church.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

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

- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
- c. The transfer of title of all or any portion of the land included within the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. Since DP-149 and Parcel 5 of DP-146 will now be tied together, the applicant shall provide the Planning Department with information about changes on DP-149 in order to administratively adjust the C.U.P. The layout for DP-149 shall be changed by a replat.

Prior to subject C.U.P. being forwarded to the City Council, the following comments shall be added to the General Provisions:

- e. "Height regulations for the church and all associated portions, including domes, steeples, spires and cupolas, shall be in accordance with Section 28.04.187 of the Code of the City of Wichita."
- f. "No wall shall be constructed in any utility easement and a building permit shall be obtained prior to construction of any wall."
- g. "Back out parking shall be permitted for Parcel 2 subject to the conditions as listed in Policy Statement No. 13. The exact location of parking areas shall be determined at time of platting as parking reserves or parking easements."
- h. General Provision #6, as well as a note along Rock Road, shall reflect that there is to be a 6-8-foot wall on the east side of Parcel 5.

Gardner moved, Wilson seconded and it carried unanimously. Conlee, Crockett, Goebel and Moore were absent.

WICHITA - SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

PRESORTED
FIRST-CLASS



RECEIVED

JUN 12 1987

METROPOLITAN PLANNING

ROUTE DP-146

Re-Sent 6/18/87 J. R. Vosburgh
7611 Donagel - 13018 Pinehurst
Wichita, Kansas 67206 67230

VOS 11X 16110381 06/11/87

RETURN TO SENDER
NO FORWARDING ORDER ON FILE
UNABLE TO FORWARD

Important! Notice of Meeting Enclosed

WICHITA - SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

PRESORTED
FIRST-CLASS



RECEIVED

JUN 15 1987

METROPOLITAN PLANNING

ROUTE DP-146

ATTEMPTED - NOT KNOWN
RETURN TO SENDER

UNK 217 87
Frances J. Blume
501 South Main Street
Wichita, Kansas 67202

*C.D.
P.B.*

BLU 01 171014N1 06/10/87

RETURN TO SENDER
NO FORWARDING ORDER ON FILE
UNABLE TO FORWARD

Important! Notice of Meeting Enclosed

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

Roll # 1

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