

DP-146

FAIRFIELD RESIDENTIAL  
COMMUNITY UNIT PLAN

South of 13th Street North and west  
Rock Road.

EP-146 - FAIRFIELD RESIDENTIAL COMMUNITY  
UNIT PLAN - South of 13th Street North  
and west of Rock Road.

# ACTION

DATE

COMMITTEE

M.A.P.C. Approved Sub. C 8-22-85

Sub. C to  
B.C.C./B.CO.C. Meeting to approve  
Final code 2-24-85

BCC 2-2 10-5-85

Approved to  
Reamended 3-8

DATA SHEET

Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 DR- \_\_\_\_\_  
 DP- 146

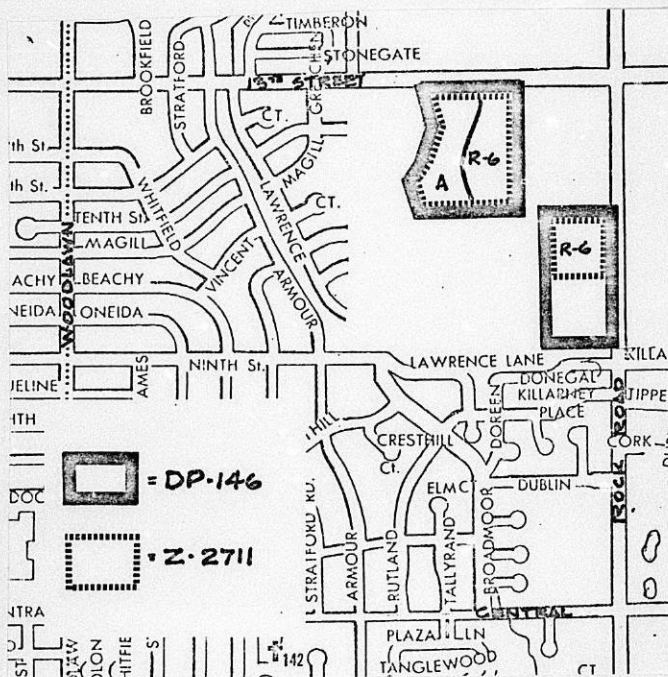
Amend  
 Case Filed: 8-1-85  
 Associated Case: Z-2711

- APPLICATION DATA: Map No. 5948 A
- General Location: South of 13th Street North and west of Rock Road
  - From \_\_\_\_\_ to \_\_\_\_\_
  - Proposed Use: \_\_\_\_\_
  - DP Name: FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN
  - Applicant: Thirteenth and Rock Land Partnership  
 Address: 1650 Georgetown, Suite 250, Wichita, KS. 67218 Phone 681-2171
  - Agent: Professional Engineering Consultants, P.A. (Gary Wiley)  
 Address: 1440 East English, Wichita, KS. 67211 Phone 262-2691

- AREA DATA:
- Acres: 46.23 ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
  - Adjoining Zoning: N "AA" & "R-5" S "AA" E "LC" & "R-1" W "AA"
  - Land Use: North \_\_\_\_\_ East \_\_\_\_\_  
 South \_\_\_\_\_ West \_\_\_\_\_

PICTURE SHEET

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



NOTES:

SHAW  
 No. 2153C  
 MANUFACTURED BY  
 LOS ANGELES-CHICAGO-LOS AN, OH  
 MEMPHIS, TENNESSEE BROWN, GA  
 U.S.A.

FAIRFIELD

DP-146

Meeting 3-26-87 Jack, Bill Tung, Barb

① Amend Parcel 1

- Break into 2 parcels
- No wall needed to 13<sup>th</sup> or Broadmoor

② Parcel 4 (to S.F.)

- Show lotting arrangement
- Add land to west; change street system
- Add wording "By this new lotting & street arrangement, it changes the total # of lots by 3 (increase) & it decreases the density of Parcel 4. It does not affect the SW portion." (we will adm. adj. - DP-149)

Notify: Mrs. Cook

Send Maryann Rix

extra Tom Borriger  
copy

- Notify 1000' of this CUP
- Administratively mark DP-149 - only increasing lots by 3 or 4.

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 4, 1986

TO: Monty Robson, Superintendent of Central Inspection  
FROM: Louise Olivarez, Senior Planner  
SUBJECT: DP-146, Parcel 3: Approved landscape plan

Attached for your files are two copies of the approved landscape plan for the ten-foot planting strip east of the required wall on Parcel 3 of the Fairfield Residential C.U.P. The plan was prepared by Site Planning Associates and is dated March 4, 1986. The plan was submitted and approved in accordance with General Provision #6 of DP-146.

Please call if you have any questions about this landscape plan.

Louise Olivarez  
Senior Planner

LO:blw  
Attachments

cc: Stewart Mann, Site Planning Associates, 520 S. Holland, Suite 410  
Wichita, KS. 67209

October 29, 1985

Mr. Gary Wiley  
Professional Engineering  
Consultants, P.A.  
1440 East English  
Wichita, Kansas 67211

RE: DP-146 - Fairfield Residential C.U.P. - Parking Requirements


Dear Mr. Wiley:

You have requested an interpretation of the parking requirements for the Fairfield Residential C.U.P. The plan states that 2.0 spaces per dwelling unit are required for Parcels 1 and 4 while 1.7 spaces per dwelling unit are required for Parcels 2 and 3. The question is whether or not additional parking is necessary for the "associated community facilities" which are permitted in the parcels.

Although the parking code requires only 1 parking space per dwelling unit, most residential community unit plans provide for 1.5 spaces per d.u. Many of these developments have provided additional parking for clubhouses based on 1 space for every 250 square feet of area, exclusive of storage or utility areas. For example, a 247 unit apartment project providing 1.5 parking spaces/d.u. with a 9,000 square foot clubhouse providing 1 parking space for every 250 square feet of floor area would yield a total of 407 parking spaces. By comparison, a 247 unit apartment project providing 1.7 parking spaces/d.u. with no additional parking for a 9,000 square foot clubhouse would yield a total of 420 parking spaces.

Therefore, since the Fairfield Residential C.U.P. requires 0.2 to 0.5 spaces per dwelling unit more than the usual 1.5/d.u., we feel that additional parking for clubhouses of less than 12,500 square feet is not necessary. Clubhouses larger than 12,500 square feet may need to provide additional parking.

If you should have additional questions about this C.U.P., please contact one of us.

  
Michael E. Lindbak  
Interim Director of Planning

  
Monty Robson  
Superintendent of Central Inspection

MEL/MR/LO:blw

FROM Semo DATE 10/24

**ADMINISTRATION PLANS ADVANCE PLANS CURRENT PLANS ENGINEERING GRAPHICS**

- |                                  |                                    |                                              |                                    |                                  |
|----------------------------------|------------------------------------|----------------------------------------------|------------------------------------|----------------------------------|
| <input type="checkbox"/> Lakin   | <input type="checkbox"/> Stockwell | <input type="checkbox"/> Galbraith           | <input type="checkbox"/> Lindebak  | <input type="checkbox"/> Pierce  |
| <input type="checkbox"/> Walter  | <input type="checkbox"/> Schwartz  | <input type="checkbox"/> Lytle               | <input type="checkbox"/> Cain      | <input type="checkbox"/> Commer  |
| <input type="checkbox"/> Doramus | <input type="checkbox"/> Leivo     | <input type="checkbox"/> Young               | <input type="checkbox"/> Ruiz      | <input type="checkbox"/> Crook   |
| <input type="checkbox"/> Eubanks | <input type="checkbox"/> Bechtel   | <input type="checkbox"/> Chambers            | <input type="checkbox"/> Henry     | <input type="checkbox"/> Jones   |
| <input type="checkbox"/> Hanson  | <input type="checkbox"/> Clark     | <input type="checkbox"/> Daniels             | <input type="checkbox"/> Schneider | <input type="checkbox"/> Whitney |
| <input type="checkbox"/> Scott   | <input type="checkbox"/> Duderik   | <input type="checkbox"/> Lahey               | <input type="checkbox"/>           |                                  |
|                                  | <input type="checkbox"/> Hart      | <input type="checkbox"/> Nagley              | <input type="checkbox"/>           |                                  |
|                                  | <input type="checkbox"/> Kelley    | <input checked="" type="checkbox"/> Olivarez | <input type="checkbox"/>           |                                  |
|                                  | <input type="checkbox"/> Losew     | <input type="checkbox"/> Shirkey             | <input type="checkbox"/>           |                                  |
|                                  | <input type="checkbox"/> Shen      |                                              |                                    |                                  |
|                                  | <input type="checkbox"/> Vinson    |                                              |                                    |                                  |

**RECEIVED**

OCT 24 1985

METROPOLITAN PLANNING  
ROUTE

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Fax
- Type

**REMARKS**  Dick Linn picked  
 up letter 10/24 - to be given  
 to developer on 10/25

October 25, 1985

13th and Rock Land Partnership  
1650 Georgetown, Suite 250  
Wichita, Kansas 67218

Attention: William E. Morin

Subject: Fairfield Residential Community Unit Plan  
(C.U.P.), DP-146, Zone Change Z-2711

Gentlemen:

The above-referenced C.U.P. and associated zone change request were approved by the Board of City Commissioners on October 8, 1985. Enclosed is a copy of the C.U.P. as approved.

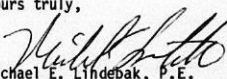
*This was to be furnished by Dick Linn*

The Preliminary Plat of Fairfield Estates was approved by the Subdivision Committee, of the Metropolitan Area Planning Commission, on October 24, 1985.

The ordinance effecting the zone change will be published upon recording of the Final Plat.

If additional information is needed, please advise.

Yours truly,

  
Michael E. Lindebak, P.E.  
City Engineer/  
Acting Director of Planning

MEL:gr

Enclosure

cc: Richard Linn, Professional Engineering Consultants

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: October 14, 1985

TO: Monty Robson, Superintendent of Central Inspection

FROM: Louise Olivarez, Senior Planner

SUBJECT: DP-146 - Fairfield Residential C.U.P.

The Board of City Commissioners on October 8, 1985, considered the above-captioned C.U.P. Their action was to approve the C.U.P. subject to the following conditions:

- a. The property included within this residential C.U.P. plus the single family property included in Parcel 7 of the original C.U.P. shall be platted within one year after City Commission approval of Z-2711 and DP-146 or the cases shall be considered denied and closed and the ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
- b. The property included in Parcel 7 of the original Fairfield C.U.P. shall be submitted as a separate residential C.U.P. prior to recording the plat as required in condition "a" or both Z-2711 and DP-146 shall be considered denied and closed.
- c. 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.
- d. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
- e. 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 residential development and be binding upon the present owners, their successors and assigns, unless amended.

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

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

Louise Olivarez  
Senior Planner

LO:blw  
Attachments

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING AND APPROVAL OF  
FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN

Z-2711 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING DISTRICT  
TO THE "A" TWO-FAMILY DWELLING DISTRICT AND THE "R-6" GENERAL  
RESIDENCE DISTRICT.

DP-146 - APPROVAL OF FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN,  
GENERALLY LOCATED SOUTH OF 13TH STREET NORTH AND WEST OF ROCK  
ROAD.

The Planning Commission recommends that the applications be approved.  
(See minutes for full motion. Minutes attached to Z-2701 and  
DP-144 referral sheet).

Moore moved, Hansen seconded and it carried unanimously. Chisholm  
and Peters were absent.

**NOTE:** A 9.5% valid protest of Z-2711 has been submitted.

- ACTION:**
1. Concur with the findings of fact of the Planning Commission and approve the zone change and the residential C.U.P. subject to the recommended conditions, and instruct the Planning Department to forward the zoning ordinance for first reading when the plat is forwarded to the City Commission; or
  2. Return the applications to the Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

**CPO ACTION:** CPO Council Area "I" voted 7-0 on August 6, 1985 to recommend that the applications be approved subject to submittal of an additional residential C.U.P. for the original Parcel 7 at a density of 2.9 du/acre and subject to a maximum overall density of 12 du/acre for DP-146.

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DATA AND MINUTES

MAPC Hearing Date: 8-22-85

BCC Hearing Date: 9-24-85

AREA DATA:

Acres: "AA" to "A" : 13.4±  
"AA" to "R-6" : 20.7±  
DP-146 : 46.2±

	<u>Land Use</u>	<u>Zoning</u>
Existing North	Former horse farm Park, school, cluster single family	"AA"
South	Former horse farm & single family	"AA" & "R-5"
East	Golf course	"AA"
West	Former horse farm & single family	"R-1" & "LC"
		"AA"

History: Z-2701 and DP-144 June 27, 1985 MAPC approved  
July 23, 1985 BCC returned to MAPC

Applicant: Thirteenth & Rock Land Partnership, c/o Kansas General  
Properties, Inc., 1650 Georgetown, Suite 250, 67218  
Protestors: Everett Fettis, Attorney, 120 S. Market, Suite 504, 67202

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EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 22, 1985

LEGAL:

- 7a. Case No. Z-2701 - Thirteenth & Rock Land Partnership requests zone change from "AA" to "LC" beginning at a point 1019.55 feet west of the NE corner of Section 18, T27S, R2E of the 6th P.M., and 60.00 feet south perpendicular to the north line of said Section 18; thence bearing S89°33'53"E parallel to and 60.00 feet south of the north line of said Section 18 a distance of 419.98 feet; thence bearing S0°00'00"E parallel with the east line of Section 18 a distance of 540.02 feet; thence bearing S89°33'53"E a distance of 540.02 feet; thence bearing S0°00' 00"E parallel to and 60.00 feet west of the east line of Section 18 a distance of 259.98 feet; thence bearing N89°33'53"W a distance of 960.00 feet; thence bearing N0°00'00"E a distance of 800.00 feet to the point of beginning. Containing 476,369 sq. ft. or 10.94 acres ±; AND,

"AA" to "BB"

Beginning at a point 859.55 feet south of the NE corner of Section 18, T27S, R2E of the 6th P.M. and 60.00 feet west, perpendicular to the east line of said Section 18, said east line bearing S0°00'00"E; thence bearing S2°51'41"E a distance of 200.33 feet; thence bearing S0°00'00"E parallel to and 50 feet west of the east line of Section 18 a distance of 192 feet; thence bearing N89°33'53"W a distance of 100.00 feet; thence bearing S83°35'33"W a distance of 100.72 feet; thence bearing N89°33'53"W a distance of 769.91 feet; thence bearing N0°00'00"E a distance of 404.00 feet; thence bearing S89°33'53"E a distance of 960.00 feet to the point of beginning. Containing 389,068 sq. ft. or 8.93 acres ±. Generally located at the southwest corner of 13th Street North and Rock Road.

- 7b. Case No. DP-144 - Thirteenth & Rock Land Partnership requests approval of Fairfield Commercial Community Unit Plan (as amended) beginning at a point 1019.55 feet west of the NE corner of Section 18, T27S, R2E, of the 6th P.M., and 60 feet south perpendicular to the north line of said Section 18; thence bearing S89°33'53"E parallel to and 60.00 feet south of the north line of said Section 18 a distance of 670.11 feet; thence bearing S81°02'02"E a distance of 101.12 feet; thence bearing S89°33'53"E a distance of 175.00 feet; thence bearing S0°00'00"E parallel to and 75.00 feet west of the east line of said Section 18 a distance of 175.00 feet; thence bearing S8°31'51"E a distance of 101.12 feet to a point 60.00 feet west of the east line of said Section 18; thence bearing S0°00' 00"E parallel to and 60.00 feet west of said east line a distance of 510.11 feet; thence bearing S1°51'41"E a distance of 200.33 feet to a point 50.00 feet west of the east line of said Section 18; thence bearing S0°00'00"E parallel to and 50.00 feet west of said east line a distance of 192.00 feet; thence bearing N89°33'53"W a distance of 100.00 feet; thence bearing S83°33' 53"W a distance of 100.72 feet; thence bearing N89°33'53"W a distance of 769.91 feet; thence bearing N0°00'00"E a distance of 1204.00 feet to the point of beginning. Containing 1,150,073 sq. ft. or 26.40 acres ±. Generally located at the southwest corner of 13th Street North and Rock Road.

- 8a. Case No. Z-2711 - Thirteenth and Rock Land Partnership requests zone change from "AA" to "A" beginning at a point 683.00 feet east and 50.00 feet south of the NW corner of the NE 1/4 of Section 18, T27S, R2E, of the 6th P.M.; thence bearing S89°33' 53"E parallel to and 50.00 feet south of the north line of said NE 1/4 a distance of 555.37 feet; thence bearing S0°26'07"W a distance of 100.00 feet; thence bearing S6°24'27"E a distance of 100.72 feet to a point of intersection said point also being the P.C. of a curve to the right with a chord bearing S15°13'03"W; thence along said curve having a radius of 459.26 feet, through a central angle of 29°33'53" an arc distance of 236.98 feet; thence bearing S30°00'00"W a distance of 181.00 feet to the P.C. of a curve to the left leaving a radius of 466.00 feet; thence along said curve through a central

angle of 119°33'53" an arc distance of 972.45 feet; thence bearing N89°33'53"W a distance of 741.67 feet to an intersection with a curve to the left having a chord bearing N26°09'38"W; thence along said curve with a radius of 530.00 feet through a central angle of 1°48'31" an arc distance of 16.73 feet; thence bearing N27°03'53"W a distance 148.00 feet to the P.C. of a curve to the right, having a radius of 535.00 feet; thence along said curve through a central angle of 50°00'00" an arc distance of 466.88 feet; thence bearing N22°56'07"E a distance of 167.00 feet to the P.C. of a curve to the left; thence along said curve having a radius of 510.00 feet; through a central angle of 52°30'00" an arc distance of 467.31 feet to the P.R.C. of a curve to the right; thence along said curve having a radius of 155.00 feet, through a central angle of 30°00'00" an arc distance of 81.16 feet to the point of beginning; containing 583,888 sq. ft. or 13.4 acres ±, AND;

"AA" to "R-6"

Beginning at a point 1328.37 feet east and 50.00 feet south of the NW corner of the NE 1/4 of Section 18, T27S, R2E, of the 6th P.M.; thence bearing S89°33'53"E parallel to and 50.00 feet south of the north line of said NE 1/4 a distance of 294.00 feet; thence bearing S0°00'00"E a distance of 1,214.00 feet; thence bearing N89°33'53"W a distance of 125.00 feet to the P.C. of a curve to the right, having a radius of 400.00 feet; thence along said curve through a central angle of 119°33'53" an arc distance of 834.72 feet; thence bearing N30°00'00"E a distance of 181.00 feet to the P.C. of a curve to the left having a radius of 525.26 feet; thence along said curve through a central angle of 29°33'53" an arc distance of 271.03; thence bearing N7°16'41"E a distance of 100.72 feet; thence bearing N0°26'07"E a distance of 100.00 feet to the point of beginning; containing 486,459 sq. ft. or 11.2 acres ±; AND, beginning at a point 1314.98 feet north and 50.00 feet west of the SE corner of the NE 1/4 of Section 18, T27S, R2E of the 6th P.M.; thence bearing S0°00'00"E parallel to and 50.00 feet west of the east line of said NE 1/4 a distance of 648.00 feet; thence bearing N89°33'53"W a distance of 630.00 feet; thence bearing N0°00'00"E a distance of 660.00 feet; thence bearing S89°33'53"E a distance of 430.09 feet; thence bearing S82°43'19"E a distance of 100.72 feet; thence bearing S89°33'53"E a distance of 100.00 feet to the point of beginning. Containing 413,989 sq. ft. or 9.50 acres ±. Generally located south of 13th Street North and west of Rock Road.

- 8b. Case No. DP-146 - Thirteenth and Rock Land Partnership requests approval of Fairfield Residential Community Unit Plan for Tract "A", beginning at a point 1958.99 feet west of the NE corner of Section 18, T27S, R2E, of the 6th P.M., and 50.00 feet south perpendicular to the north line of said Section 18; thence bearing S89°33'53"E parallel to and 50.00 feet south of the north line of said Section 18 a distance of 939.37 feet; thence bearing S0°00'00"E a distance of 1247.00 feet; thence bearing N89°33'53"W a distance of 125.25 feet; thence bearing S0°26'07"W a distance of 33.00 feet; thence bearing N89°33'53"W a distance of 741.67 feet to an intersection with a curve to the left having a chord bearing N26°09'38"W; thence along said curve with a radius of 530.00 feet through a central angle of 1°48'31" an arc distance of 16.73 feet; thence bearing N27°03'53"W a distance of 148.00 feet to the P.C. of a curve to the right, having a radius of 535.00 feet; thence along said curve through a central angle of 50°00'00" an arc distance of 466.88 feet; thence bearing N22°56'07"E a distance of 167.00 feet to the P.C. of a curve to the left; thence along said curve having a radius of 510.00 feet, through a central angle of 52°30'00" an arc distance of 467.31 feet to the P.R.C. of a curve to the right; thence along said curve having a radius of 155.00 feet, through a central angle of 30°00'00" an arc distance of 81.16 feet to the point of beginning; containing 1,179,624 sq. ft. or 27.08 acres ±, AND;

Together with Tract "B", described as:

Beginning at a point in the south line and 50.00 feet west to the SE corner of the NE 1/4 of Section 18, T27S, R2E, of the 6th P.M.;

thence along said south line bearing N89°34'05"W a distance of 630.00 feet; thence bearing N0°00'00"E a distance of 1326.64 feet; thence bearing S89°33'53"E a distance of 430.09 feet; thence bearing S82°43'19"E a distance of 100.72 feet; thence bearing S89°33'53"E a distance of 100.00 feet; thence bearing S0°00'00"E parallel to and 50.00 feet west of the east line of said Section 18, a distance of 1314.60 feet to the point of beginning. Containing 833,948 sq. ft. or 19.15 acres ±. Generally located south of 13th Street North and west of Rock Road.

#### DISCUSSION:

OLIVAREZ stated that the Planning Commission first reviewed the Fairfield community unit plan on the entire quarter section of land at their meeting of June 27. She pointed out that it had an associated zone case for light commercial and office zoning, and then all of the balance of the property which was proposed for residential development had a request for "A" Duplex zoning on it. After much discussion at the June 27 meeting, and reviewing the proposal, the Planning Commission recommended unanimously that the development plan be approved subject to a certain number of changes. One of those changes included deleting the "A" Duplex zoning on the large single family parcel (Parcel 7). The applicant had proposed this as a compromise at that meeting. The recommendation went to the City Commission for their meeting in July, and again, after much discussion, they returned the case to the Planning Commission for rehearing based on the amount of opposition. OLIVAREZ pointed out that there was a 69 percent valid protest submitted by property owners within 200 feet of the boundary of the original zone change application. She added that the cases have been returned to the Planning Commission after being readvertised and revised somewhat. She said that there are two separate cases now. The first one on the agenda was the commercial C.U.P. She said that the cases would be discussed together, but felt there should be a separate motion on the commercial C.U.P. and its related zone changes, and then the residential C.U.P. and its related zone changes.

OLIVAREZ showed slides of the commercial C.U.P. and the boundaries of its associated zone change and also slides of the site and adjacent properties. She reviewed the following staff report:

#### COMMENTS:

1. The combination commercial/residential C.U.P. first reviewed by the Planning Commission on June 27th has now been revised and resubmitted as two separate C.U.P.'s. The commercial C.U.P. consists of the "LC" and "BB" proposed lots (DP-144). The associated revised zone change request (Z-2701) is for 10.9 acres of zoning in addition to what is already existing, and for 8.9 acres of "BB" zoning.
2. All items regarding these two parcels which were established as conditions of approval on June 27th have been included in this revised C.U.P. These conditions include the requirement that the site development plan for Parcel 1 be submitted to the Planning Department for review of driveway locations (see G.P. #10); the requirement that all lights within Parcel 1 be such as not to interfere with the residential areas to the north and west (see G.P. #11); and the requirement that there be a 5 foot to 8 foot wall along the west 35 feet of the north line of Parcel 1 with complete access control to 13th Street at this location (plan now has 6 foot to 8 foot wall and 50 feet of complete access control).
3. In addition to the above changes to the original C.U.P., the following changes are noted:
  - a. Access to 13th Street has been reduced from three to two openings.
  - b. A 2-foot masonry wall has been added along the north and east property lines.

- c. The minimum height of the wall along the west property line has been increased from five feet to six feet.
  - d. Freestanding identification signs for Parcel 1 have been limited to one per street. Advertising signs for Parcel 1 must be of a permanent type and attached to the building.
  - e. The three commercial buildings permitted in Parcel 1 must be compatible with one another as to architectural design and exterior construction materials.
  - f. Supermarkets, service stations, drive-in restaurants, and restaurants with drive-up window service are now prohibited in Parcel 1.
  - g. Maximum gross floor area in Parcel 1 has been reduced from 304,400 sq. ft. to 228,300 sq. ft.
4. It was pointed out in June that the adopted zoning policy for Rock Road called for holding the line on additional large scale commercial, office and high density residential zoning. It was stated by staff that conditions had changed in this area since adoption of the policy in 1975 and perhaps the policy needed to be revised. The policy had been based on the assumption that the property adjoining Rock Road could develop to the maximum intensities allowed by the zoning then established on the properties and the land uses in the proposed development plans. The following information is offered in support of the need to revise the Rock Road zoning policy as it relates to the area between Douglas and 37th Street North:

Development plans (C.U.P.'s) have been altered to reduce the intensity of development originally proposed in the Comotara area in the vicinity of 29th Street. The original Comotara plan called for a large, 70-acre regional shopping center and an 80-acre high school site at the 29th Street/Rock Road intersection, surrounded by higher density residential development. The commercial site has been scaled down to approximately 45 acres, a high school is no longer proposed at this location and the residential development is occurring at a lower density than originally proposed.

In addition, at the time the Rock Road study was completed, the Northeast Diagonal Expressway connected to the Inner Loop Expressway and both were proposed in the adopted transportation plan. The Northeast Diagonal Expressway was planned to interchange with Rock Road at approximately 17th Street. This proposed facility had a significant influence on the assignment of traffic projections along Rock Road. With the Diagonal tying into the Inner Loop and serving as an expressway link to the CBD, Rock Road served as a direct link to the Diagonal and to downtown Wichita. Traffic that would otherwise move west toward the downtown area on existing arterial streets (Central, 13th, 21st and 29th) was anticipated to move north and south along Rock Road to the Diagonal interchange at 17th Street. With the elimination of the Inner Loop from the transportation plan, the prospect for this type of traffic movement along Rock Road has also been eliminated. Hence, the total traffic load along Rock Road was projected at a higher level than could now be anticipated along those segments of Rock Road north of Central.

The segments of Rock Road south of Douglas, however, have developed as they were proposed at the time the study was prepared and the traffic loads are approaching the projection levels as indicated in the following table:

	Projected Traffic Count (ADT)	Latest Traffic Count (1983-84)	Percent of Projection
37th to 29th	14562	3420	23%
29th to 21st	26612	9662	36%

21st to 13th	32065	9569	30%
13th to Central	31032	15868	51%
Central to Douglas	40539	21795	54%
Douglas to Kellogg	44631	33447	75%
Kellogg to Harry	34286	30509	89%
Harry to Pawnee	26754	21914	82%
Pawnee to 31st St S	15944	13384	84%

The segments of Rock Road north of Douglas are experiencing traffic loads that are 46 percent to 77 percent lower than the original projections.

5. Should the Planning Commission determine that the zone change request and commercial development plan are appropriate, the following are recommended conditions approval:
  - a. The property included within the commercial C.U.P. shall be platted within one year after City Commission approval of Z-2701 and DP-144 (as amended) or the cases shall be considered denied and closed.
  - b. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - c. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
  - d. 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.

#### DISCUSSION:

OLIVAREZ stated that on the commercial C.U.P., their revised zoning requests the "LC" on only the portion which is not already zoned light commercial. This amounts to about 10.9 acres. She said that there also was an associated request for the "BB" Office zoning south of that for 8.9 acres. OLIVAREZ pointed out that the applicants have shown the things required by both the Planning Commission and the City Commission when discussions were held on the C.U.P. originally. She made reference to comments 2 and 3 in the staff report which itemize these required changes as well as additional changes offered by the applicant in response to neighborhood concerns.

OLIVAREZ commented on the Rock Road zoning policy which was briefly discussed at the June 27 meeting. She said that staff pointed out then that it was an adopted policy, but felt some things had changed as far as development in that area of the city, and perhaps some of the policy needed to be revised. She mentioned that staff has listed in the current staff report (item 4) some backup information as to why they think conditions have changed, and they also submitted to the Planning Commission a more complete report recommending a change in that policy. She indicated that if the Planning Commission agrees that the policy should be changed, then perhaps there should be a separate motion today to effectively change the policy, at least on the portion north of Douglas.

OLIVAREZ mentioned, for the benefit of the people in the audience present for this item, that two major things that staff believes have influenced the development in this area and have made the densities or the amount of traffic not as great as was proposed 10 years ago, would be that the 70-acre regional shopping center, which at that time was proposed at 29th and Rock Road, has now been scaled down to about 45 acres. The surrounding multi-family development in the Comotara area has developed

at a much less dense rate than was proposed 10 years ago. Also, the 80-acre high school site which was there at 29th and Rock Road is no longer proposed at that location. She said that one of the main things that has occurred was a change in the Transportation Plan to delete the northeast diagonal expressway which was going to intercept Rock Road at approximately 17th Street, and that would have channeled traffic into the Innerloop, and that would have provided a major way for the people in the east end of town to get right down to the central business district. She said that was no longer a part of the Transportation Plan and has not been for several years. She felt that was one thing that significantly changes the proposed traffic count on this portion of Rock Road. OLIVAREZ said that staff felt that the area south of Douglas on Rock Road was developing as proposed 10 years ago, and that that portion of the zoning policy should remain, but the Commission might want to consider revising the policy on Rock Road north of Douglas to consider individual rezoning requests on their own merits.

OLIVAREZ continued her presentation with a review of the Fairfield Residential C.U.P. and its related zone change. She showed a slide of the C.U.P. and the boundaries of the zone change and reviewed the following staff report:

COMMENTS:

1. The combination commercial/residential C.U.P. first reviewed by the Planning Commission on June 27th has now been revised and resubmitted as two separate C.U.P.'s. The residential C.U.P. consists of only those four parcels which have multi-family structures proposed. Parcels 1 and 4 are proposed for townhouses while Parcels 2 and 3 are proposed for garden apartments. The total net area of the residential C.U.P. is now approximately 43.7 acres with the total number of dwelling units not to exceed 740 (16.9 DU/ACRE). The density in Parcel 4 will be less than 7.26 DU/ACRE, therefore the zoning remains "AA". Density in Parcel 1 will be 10 DU/ACRE and therefore "A" zoning has been requested. "R-6" zoning has been requested for Parcels 2 and 3 due to a proposed density of 26 DU/ACRE in these parcels. The single-family portion of the original C.U.P. has not been included in this revised plan because, with the zoning classifications now being requested, it will not be necessary to borrow excess density from the single-family area to use in the multi-family areas.
2. There were three conditions of approval recommended by the Planning Commission on June 27th which affect these four parcels. One was the requirement for a 20-foot landscaped area along the north line of Parcels 1 and 2. The amended plan shows a 10-foot landscaped area but includes a 6 foot to 8 foot wall south of the landscaping. This should provide considerably more screening than 20 feet of landscaping alone could provide. A second requirement was for the site plan on Parcel 2 to be submitted to the Planning Department for review of driveway locations in order to minimize conflicts with existing drives to the north. The one access point to 13th Street from Parcel 2 has been eliminated, therefore there will no longer be any driveway locations to review. The third requirement was for Oneida Street in the southeast corner of the total site to become an emergency access easement only and not a public street providing access to the single-family area. This emergency access easement is shown on the revised development plan along the south line of Parcel 4.
3. In addition to the above changes to these four multi-family parcels of the original C.U.P., the following changes are noted:
  - a. Garden apartments are no longer a permitted use in Parcel 1, thus eliminating a potential of 324 apartments.
  - b. A 10-foot planting strip plus a 6 foot to 8 foot wall has been added along the east line of Parcels 3 and 4.
  - c. An 8 foot wall has been added along the south line of Parcel 4.
4. It was pointed out in June that the adopted zoning policy for Rock Road called for holding the line on additional large scale commercial,

office and high density residential zoning. It was stated by staff that conditions had changed in this area since adoption of the policy in 1975 and perhaps the policy needed to be revised. The policy had been based on the assumption that the property adjoining Rock Road could develop to the maximum intensities allowed by the zoning then established on the properties and the land uses in the proposed development plans. The following information is offered in support of the need to revise the Rock Road zoning policy as it relates to the area between Douglas and 37th Street North:

Development plans (C.U.P.'s) have been altered to reduce the intensity of development originally proposed in the Comotara area in the vicinity of 29th Street. The original Comotara plan called for a large, 70-acre regional shopping center and an 80-acre high school site at the 29th Street/Rock Road intersection, surrounded by higher density residential development. The commercial site has been scaled down to approximately 45 acres, a high school is no longer proposed at this location and the residential development is occurring at a lower density than originally proposed.

In addition, at the time the Rock Road study was completed, the Northeast Diagonal Expressway connected to the Inner Loop Expressway and both were proposed in the adopted transportation plan. The Northeast Diagonal Expressway was planned to interchange with Rock Road at approximately 17th Street. This proposed facility had a significant influence on the assignment of traffic projections along Rock Road. With the Diagonal tying into the Inner Loop and serving as an expressway link to the CBD, Rock Road served as a direct link to the Diagonal and to downtown Wichita. Traffic that would otherwise move west toward the downtown area on existing arterial streets (Central, 13th, 21st and 29th) was anticipated to move north and south along Rock Road to the Diagonal interchange at 17th Street. With the elimination of the Inner Loop from the transportation plan, the prospect for this type of traffic movement along Rock Road has also been eliminated. Hence, the total traffic load along Rock Road was projected at a higher level than could now be anticipated along those segments of Rock Road north of Central.

The segments of Rock Road south of Douglas, however, have developed as they were proposed at the time the study was prepared and the traffic loads are approaching the projection levels as indicated in the following table:

	<u>Projected Traffic Count (ADT)</u>	<u>Latest Traffic Count (1983-84)</u>	<u>Percent of Projection</u>
37th to 29th	14562	3420	23%
29th to 21st	26612	9662	36%
21st to 13th	32065	9569	30%
13th to Central	31032	15868	51%
Central to Douglas	40539	21795	54%
Douglas to Kellogg	44631	33447	75%
Kellogg to Harry	34286	30509	89%
Harry to Pawnee	26754	21914	82%
Pawnee to 31st St S	15944	13384	84%

The segments of Rock Road north of Douglas are experiencing traffic loads that are 46 percent to 77 percent lower than the original projections.

5. In order for the Planning Commission to recommend approval of this residential C.U.P., it must find specific evidence and facts showing that the proposed development plan meets the following conditions:
  - a. That the value of the buildings and the character of the property adjoining the area included in such plan will not be adversely affected.
  - b. That such plan is consistent with the intent and purpose of this Chapter (28.04.190.A) to promote public health, safety, morals and general welfare.

- c. That the buildings shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas, garages and community activities, including churches; and provided that an "LC" district can be established through the regular channels.
  - d. That the average lot per family contained in this site, exclusive of the area occupied by streets, shall not be less than the lot area per family required by the district in which the development is located.
6. Should the Planning Commission determine that the zone change request and residential development plan are appropriate, the following are recommended conditions approval:
- a. The property included within this residential C.U.P. plus the single family property included in Parcel 7 of the original C.U.P. shall be platted within one year after City Commission approval of Z-2711 and DP-146 or the cases shall be considered denied and closed.
  - b. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - c. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
  - d. 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 residential development and be binding upon the present owners, their successors and assigns, unless amended.

DISCUSSION:

OLIVAREZ called the Commission's attention to comments 2 and 3 of the staff report which itemize the changes made since the original C.U.P. was reviewed.

OLIVAREZ stated that when CPO Council Area "I" reviewed this on August 6, they recommended denial of the Commercial C.U.P., stating that the residents who spoke, and the CPO Council, had thought that there was enough commercial development in the area. On the Residential C.U.P., they recommended approval, but it was subject to a C.U.P. being submitted on the single family portion of this overall development. She said that since the neighbors had expressed concerns about duplex zoning at the meeting in June, the developer offered to delete this area from his "A" zoning request. Once he did that and was not borrowing density from this parcel to use in his other parcels, he probably felt there was no need to include the single-family area in a C.U.P.

CALBRAITH commented that there had been a number of people that asked staff to point out the amount of protest petitions filed on these cases. He said that they have not been counted as yet because there is another 14 days they have to submit protests. He said that the neighborhood still wanted the Commission to be aware of their concern on the two C.U.P.'s. He said that although Olivarez explained both C.U.P.'s at one time, and although it may prolong the meeting to hear people on both, he thought it best to consider them separately so that the public at large could speak to each case and a motion could be made regarding each individual zone case and C.U.P.

GARY WILEY, Professional Engineering Consultants, representing the applicant, stated that one of the reasons that this case was returned for re-review by the Planning Commission was to let the neighbors have time

to digest four additional changes to the C.U.P. that had been offered at the City Commission by the applicants, as well as let the developers and the neighborhood get together to see if they could not work out all of their differences.

WILEY said that he would like to touch on a few of the changes that had been made to the C.U.P. He said that there have been about 11 changes since the case was originally heard by the Planning Commission, not including those they offered at the Planning Commission hearing. He said that they have reduced the commercial square footage by 76,000 square feet and this is a 25 percent reduction, a very significant change. In Parcel 1 of the residential C.U.P., they reduced the use from apartments to townhouses, a reduction of 176 dwelling units. This made the density go from the 10.4 that was requested originally down to 8.6 dwelling units per acre. He said that this is compared with single family at 7.26 dwelling units per acre. WILEY said that one of the other major things that has happened was they offered to put an 8-foot masonry wall along the south line of the townhouse development on Rock Road. He said that there has been a total of about 19 changes to the C.U.P. since it was first submitted to the Planning Department for review.

EVERETT FETTIS, attorney speaking on behalf of a number of the neighbors in opposition to the development, stated that he has met twice with a substantial number of the neighbors in the past two weeks, and he felt their attitudes have been commendable in that they are not opposing anything just for the sake of opposing. He said that these people that are opposing the development are people substantial in the community, and he was told that there have been over 400 householders that have filed written protests to this change. He said that he was not saying that in terms of valid protests because he knew that most of them were not valid protests under the ordinance. FETTIS stated that primarily what they are opposed to was the 40.57 acres of commercial zoning which is being proposed. He said he realizes that it is not called commercial, but there is, under "LC", 10.94 acres in the corner; "BB" which is below that is 8.93 acres, which is commercial as far as he is concerned; "R-6" on 13th Street which is 11.2 acres, rental units, and as far as he is concerned that is commercial development; on Rock Road, "R-6" is 9.5 acres, which again all adds up to 40.57 acres, which he would call commercial use. FETTIS said that they were a little surprised to hear that the deletion of tract 7 was a benefit to the neighbors. The neighbors thought it was deleted so that it would reduce the protest area.

FETTIS said that he would like to describe the neighborhood because the protest comes from a broad spectrum of people. Across the street to the east is the Wichita Country Club, and he understands they have protested the commercial development. South of that is the Vickridge development. South of Vickridge is a commercial development of substantial proportion at Central and Rock Road, and immediately adjoining that is the Horizon apartments which open onto Rock Road. Going west from Central and Rock Road, and going north from Central and Rock Road, in that section of ground is all high class residential development. He said that going north along this section, there is a grade school on Armour, high class residential throughout this entire area, and then to Woodlawn and 13th there is an extensive commercial development there. Going north across the street into the north side of 13th, there again is an expensive residential area all the way to the school ground. FETTIS continued pointing out extensive residential development in the area. He said that if this commercial development leads to increased traffic, which he is sure it will, then this will lead to an early widening of the street to the east.

MOTION: That Mr. Fettis be granted and additional five minutes to finish his presentation. Crockett moved, Banzer seconded and it carried unanimously. Chisholm and Peters were absent.

FETTIS said that he would like for his remarks to relate to all of these proposals today.

FETTIS continued that the staff told him this week that they were recommending that what was originally called Tract 7 be platted with the rest of this development at this time. He said he understood that the neighbors were asking that Tract 7 be developed as it was proposed originally.

FETTIS said that he received some calls regarding proposed drainage problems that may be encountered in Vickridge. He said that he did not know if this was a problem, but he did know that there were people in Vickridge very much concerned about what the drainage problems will be and presented to them. He said that he assumed that the staff has addressed this. He said that he had spoken to one of the residents in that area who has had experience in the real estate business with the Weigand firm for the last eight years. She advised him that they have found that where they have gone in with substantial apartment areas as they have north of this area, they have found the market for \$100,000 single family homes dries up in a hurry because people do not want to live near apartment areas. FETTIS said that is why he says that as far as they are concerned the apartments which are being built to rent are commercial properties and they should be considered in that vein. FETTIS said that the people he is representing are substantial business people in this community and they are not opposed to someone making a dollar, but they are equally concerned with the fact that this is, in their opinion, an exclusive and high class residential area.

FETTIS mentioned that in last weekend's newspaper there were some remarks that some of the people took rather cynically. A quote of Mr. Linn's that says, "it appears to us that the main objection that the neighborhood has is multiple family. With separate C.U.P.'s we could still proceed on the commercial even if the residential doesn't pass." FETTIS said that the article goes on to state that "if only one plan is approved, development on that part can proceed while waiting a mandatory one year before reapplying for zone changes on the residential." FETTIS said that they feel that this is a rather cynical approach and it has bothered some of the people he has spoken to regarding this. It also stated in the same article that planners say that once a community unit plan is adopted, the land must be developed as approved. FETTIS said that was not true, C.U.P.'s can always be amended. Sometimes when C.U.P.'s are drawn, they cannot really truly anticipate each development, so it is necessary sometimes to make changes.

FETTIS stated that the people he has spoken to have no objections to the concept of townhouse development on Rock Road, and they would have no objections to the "R-6" units immediately next to them if they were converted to townhouses. They see no reason at this point in time, in view of the development proposed, to make any changes to justify going beyond the six acres which is presently there for commercial development.

CROCKETT, speaking to Fettis, said that if he understood his statement of his clients' position, it is that his clients consider anything other than "AA" as commercial and object to it, and therefore would it be fair to summarize his clients' position to say that they are going to object to anything that is not single family or townhouse?

FETTIS said that was their position at this point. He added that they have explored visiting with the developers' representatives as to whether some other compromise might be worked out, and they were told this is the bottom line, take it or leave it.

BAYOUTH, speaking to Fettis, said that his concern was the drainage problems for the people to the east, and if that is a problem they certainly want to get it straightened out. He said that the Subdivision Committee would not allow this project to be built if a drainage problem was created for an adjacent area. He said that he also has had calls on the drainage problems that have been created with the improvements on Rock Road. He said that he wanted staff to find out if that was true. BAYOUTH felt that the developer has been fair.

WILSON, speaking to Fettis, said that he referred to this as the bottom line which is no zoning. He said that they did not need a C.U.P. if there is no zoning. They could go in and plat it, put commercial or

anything they want including service stations. He pointed out that there is light commercial on the corner. As far as the single family, the density would not be cut down. They could get zero lot lines in small lots and build a lot of things in there. WILSON said that the applicants had changed a tremendous amount of the items, took them out and moved them around until they thought the public was satisfied. The vote of this Commission was unanimous. WILSON said that he had gotten a lot of letters with copies of meetings where they had taken more out and more out. The last letter that he received was of a meeting where the developer said that he could not go any further. WILSON pointed out that whether it was a good development for the area financially or not was really not the Planning Commission's concern. Their concern was whether the development was right for the overall area. He felt that the people were going too far by not letting the developers have some of the things that would make that a viable area for them financially as well as for the whole area itself.

MOORE said that he was not sure the neighborhood does not deserve 174 acres of \$35,000 and \$40,000 homes out there with the attitude that the Commission has had out of a lot of them.

WILSON did not feel that they were helping the community by reverting back and not having a C.U.P. covering the entire area. He said he was rather shocked that Tract 7 was taken out too. A C.U.P. gives them some protection.

BAYOUTH agreed with Wilson. He said that they have all the protection in the world with a C.U.P. to a point. He said that he would rather see a community unit plan for 160 acres than to piecemeal it and sell it off piece by piece.

FETTIS said that he agrees that the area needs to be developed in an orderly manner, and they do not object to that, but also this is a corner that has one corner and one corner only for feasible commercial development. And 40.27 acres of commercial at this particular location was not necessarily feasible.

MOORE wanted to point out that Fettis' clients have taken the position that if there is anything out there that is rented and not purchased, they would be opposed to it. He said that to him is discrimination in the highest sense. He said that the Planning Commission could not single out 160 acres and say that the only way they were going to approve it was it has to be purchased by somebody on all of the zoning, and if they were going to take a portion for rental apartments, that is not good enough. He said that was discrimination in its highest form. It is arbitrary and capricious.

CROCKETT asked Fettis if he was aware of any covenants that would specify the value of a single family home in that particular area if somebody went out and simply began constructing single family homes.

FETTIS said that he was not aware of any covenants.

CROCKETT stated that the reason he asked was because it would seem to him that if this application or some similar application was refused that that would be a very real possibility that somebody might acquire that ground and go out there and build single family homes. He said that Fettis made the reference several times during his presentation of the expensive nature and high class nature of the neighborhood surrounding, and he did not dispute it, but he would think that there would be some concern among the neighbors about seeing a quality development as opposed to just a tract housing development.

GARDNER commented to Fettis that he appreciated the clarity which he had lent to the neighborhood's argument by combining it. However, he noticed that on occasion Fettis can take a multiple of interest and reduce things to what he would term as a lowest common denominator, and to reduce all categories other than single family to a commercial categorization was an interesting exercise in semantics that plays upon the strings of emotionalism, but felt was a somewhat unique mechanism for disguising or gently covering over what has in the development of this case been an

ongoing opposition to other than owner-occupied housing. He submitted that the veiling which was occurring was of a thin nature and was somewhat transparent and it smacks of a very level of discrimination, which as he recalled, the 1968 Civil Rights Act prohibits. He felt that the commentary which has been evoked from this bench regarding that is of a level which merits some consideration. He said that he did not care how slick certain parties in developing the system of semantics may be, whether you have a PR man that has decided that is the way to go, or whether it has been common consensus, but he believed that when you start categorizing in bulk fashion all other than single family as commercial, and then stating opposition to it, when in prior hearings and events there has been stated opposition to other than owner-occupied housing, that you are courting a very difficult situation. GARDNER felt it was one that creates a set of circumstances which if this planning commission and if the City Commission were to acknowledge, they would find themselves in a position of jeopardy and liability.

FETTIS commented that he was told by a realtor that it was very difficult to induce people to build \$100,000 single family homes in an area closely related to apartment development. He said that as he understands the plans of the developer in this case the garden apartments are to be apartments for rent. He said that townhouses were not their concept of the old single family homes. He said that he lives in what he calls a duplex. He was told that today that is not correct. It is an attached single family home because he owns his half of the building, but it is still two units built in one building, and that is common. Townhouses are common. You find them at Crestview and there might be four units under one roof, but they are still not considered apartment houses, they are considered condominiums. He said that what he was talking about was what he understood to be their announced use. Their announced use is to build apartments for rent. He felt that if you are building units to rent out, it is a commercial venture, not commercial zoning.

CHARLES BELT, Vice President of Public Affairs for the Wichita Area Chamber of Commerce, wanted to make a few comments in support of the development. He said that the Chamber thinks it is a well-planned quality development project. From an economic development standpoint, they think that it could only be viewed in a positive light, and it was just another key element in the continued economic growth and progress of the community. He said that obviously during construction and following construction there will be a lot of jobs involved, and that could only be healthy. BELT said that the development to some people may not be important to others, but very importantly it should generate one million dollars in tax revenues. BELT said that he would like to make an editorial comment, and it has been addressed here about the number of changes that the developer has made in what he deems to be very good faith. He did not think that the developer could possibly satisfy each and every person, but he felt he had gone that extra mile. He said that with those comments and those reasons, he requested favorable consideration of this development.

ANN STARCH, 1202 Gretchen, stated that she was not in agreement with the current protest against the developer of this property. Her biggest concern was that low density single family housing for Parcel 7 bordering her property be included in a final C.U.P. She said that while she has many doubts about the advisability of yet another shopping center in their area, and she was concerned about the increased traffic that the development would generate, it was unrealistic to expect that the neighborhood could dictate terms to the owner of the property. She felt that the protest had gone too far, and further attempts to obstruct this development would only backfire to the detriment of all of them who are its nearest neighbors.

HANSEN stated that because the point was on the floor and she had not wanted to bring it up, she really would like to echo something that Mrs. Starch said. She said that she felt a real concern about dealing with the final disposal of one of the most handsome and best pieces of property left in this community for development, and once they lose the community unit plan concept, there are so many ways that it can develop, and she felt that Mrs. Starch's point needed to be echoed and reechoed that you lose the kind of control that is going to make it a beautiful development once you chop it up like this. She believed that they had a good

proposal, and she believed that all over this country developments are occurring that reach a balance because there is a balance in lifestyle now. She said that she happens to have a house on the market that is not selling, and she wanted to say to the community that if they think that they can build all single family in there and sell them right away, she was not sure that lifestyles were going to call for huge homes with huge lots in the future. They are going to call for the kind of things that Mr. Fettis admitted that he is living in; different kinds of proposals, and there is room for people who rent apartments, as well as townhouses, and because people's lifestyles are changing and families are smaller, we must develop parcels in a balanced condition to meet the balanced need of all the residents of this community. She said that she has found the protest very difficult because she felt the developer acted in quite conscientious and honorable fashion. He has an expensive piece of property and he wants to do a terrific job with it. He tried to meet the community's needs. She emphasized that we have a changing lifestyle pattern and we are going to have to have changing housing patterns. There is nothing in this proposal that need hurt their nearby developments, and she felt it was very important that they realize when they give up the community unit plan, they are opening it up to 101 things that may happen.

BAYOUTH asked Hansen if she was saying that she liked the original plan better.

HANSEN said that she thought the original plan was balanced. She felt that the neighborhood was giving away the store when they break up the community unit plan and take a chance on what was going to happen.

FETTIS stated that he wanted to clear the record on one or two matters. He said that it had been suggested that they were being discriminatory in their proceedings. He said that had never been their thought and he was surprised to hear that viewpoint presented today. He said that he was also told by the people who had been in this from the beginning, not himself, that in the first neighborhood meeting with the developers after everyone was directed to meet and discuss these problems, the attorney for the developers announced to them that an amendment to the application had been filed. He said that he did not want to be blamed for elimination of Parcel 7, because his clients had nothing to do with the elimination, they wanted Parcel 7 left in. They were told that the reason for this was to prevent the necessity of a 4/5ths vote of the City Commission. He said that he did not know whether that was true or not, but felt that these were viewpoints that he needed to see in the record. FETTIS said that his clients were opposed to the density, not discriminatory.

WILSON explained that the discriminatory part was being misinterpreted. He said that when you discriminate against renters or people like that, that was what the Planning Commission was referring to in discrimination.

GARDNER, speaking for the record, stated that in a letter from Mike Burlingame, President of the Homeowners Association of The Heritage, on the first page of a July 27 letter to Mr. Morin of Kansas General Properties, reading near the bottom of the page, "the changes needed are as follows: with the exception of Parcels 3 and 4, the balance of the area be developed for owner-occupied residences only, and that only Parcels 2, 5 and 6 be multiple family; Parcels 1 and 7 as single family." GARDNER said that he believed what the Planning Commission is looking for was either an indication from Fettis that his clients were supportive of only owner-occupied housing or they are opposed to nonowner-occupied housing because that was what he understood the letter to say.

FETTIS responded that he did not know what "owner-occupied" meant, as he has stated before, but would say that his clients are opposed to bringing into this area any apartments. By apartments, he means apartments as rental units, because they feel that it increases the density of the area, and they think that it deteriorates the quality of the area. He said that may be the point that may be disagreed upon, but that is what they are trying to say. He added that he did not think there was such a thing as "owner-occupied" as a real term because he can rent his house to anybody he wants to.

HANSEN commented that as somebody who is just changing lifestyles and moving out of a ten-room home into a rental apartment, she has to say that this really offends her. She was not going to be a different person because she would now be renting.

MOORE stated that based on what they have heard, he asked if the developer would be willing to resubmit Parcel 7 into the proposal again.

WILEY said yes, the developer would be agreeable to submitting a C.U.P. for Parcel 7 as it was originally submitted, limiting the density to 2.9 as originally proposed, with approval of the two existing C.U.P.'s they have now.

MOORE said that would get them back almost to the original proposal with Lawrence Lane closed.

WILEY said that it would be identical to the development plan and the original C.U.P. that was approved for Parcel 7.

WILSON commented that it would not be back to the original plan. They are cutting down the commercial and everything else now.

WILEY said that all they would do would be to submit a C.U.P. on Parcel 7 of the development plan with just the single family. He said that they would not change the two C.U.P.'s that are being reviewed today, they would simply submit a third community unit plan for the single family only.

HANSEN asked Galbraith, in terms of procedures, would that not become cumbersome.

GALBRAITH said not necessarily. If that was part of the motion today to approve the two C.U.P.'s subject to the applicants submitting a third C.U.P., these two C.U.P.'s could go on to the City Commission. He said if the Planning Commission added the condition that they had to submit a residential C.U.P. on what was known as Parcel 7, none of the ordinances that actually change the zoning on these two C.U.P.'s would be published until the third C.U.P. was reviewed at a public hearing and finally approved by the governing body.

The Planning Commission discussed whether this would delay the developer any further. The consensus was to require submission of a third C.U.P. but not require its approval prior to the current two C.U.P.'s going on to completion.

BANZER stated that he lived in this area, and has listened to all of the concerns and discussions that were had, and he sincerely believed that the first plan was a much better plan and easily controlled. He said that he would vote on this, but would do so reluctantly.

MOTION on Z-2701 and DP-144: 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 approval by staff; I move that we recommend to the governing body that these applications be approved subject to the following conditions:

- a. The property included within the commercial C.U.P. shall be platted within one year after City Commission approval of Z-2701 and DP-144 (as amended) or the cases shall be considered denied and closed and the ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

- b. The property included in Parcel 7 of the original Fairfield C.U.P. shall be submitted as a separate residential C.U.P. prior to recording a plat of the area included within DP-144; or both Z-2701 and DP-144 (as amended) shall be considered denied and closed.
- c. 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.
- d. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
- e. 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 residential and commercial development and be binding upon the present owners, their successors and assigns, unless amended.

Moore moved, Banzer seconded and it carried unanimously. Chisholm and Peters were absent.

MOTION on Z-2711 and DP-146: 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 approval by staff; I move that we recommend to the governing body that these applications be approved subject to the following conditions:

- a. The property included within this residential C.U.P. plus the single family property included in Parcel 7 of the original C.U.P. shall be platted within one year after City Commission approval of Z-2711 and DP-146 or the cases shall be considered denied and closed and the ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
- b. The property included in Parcel 7 of the original Fairfield C.U.P. shall be submitted as a separate residential C.U.P. prior to recording the plat as required in condition "a" or both Z-2711 & DP-146 shall be considered denied and closed.
- c. 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.
- d. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
- e. 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 residential development and be binding upon the present owners, their successors and assigns, unless amended.

Moore moved, Hansen seconded and it carried unanimously. Chisholm and Peters were absent.

GALBRAITH asked if the Commission wanted to make any comments or motion regarding the policy on Rock Road. He said that it had been substantiated in the staff report what staff believes to be the case, and it was really up to the Planning Commission whether or not there was any amendment advisable at this time. He mentioned that the Planning Commission had directed staff to review the various policy statements whether the next year and the policy statement could be addressed at that time.

**MOTION:** That the Planning Commission concur in staff recommendation on the zoning policy statement and retain the existing policy on Rock Road south of Douglas and consider individual rezoning requests along other segments of Rock Road on their own merits. Hansen moved, Crockett seconded and it carried unanimously. Chisholm and Peters were absent.

---

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
COMMISSION

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

August 26, 1985

Gary Wiley  
Professional Engineering Consultants, P.A.  
1440 East English  
Wichita, Ks. 67214

Re: Z-2711 - "AA" to "A" & "R-6" &  
DP-146 - Fairfield Residential C.U.P.

Dear Mr. Wiley:

At its regular meeting on August 22, 1985, the Metropolitan Area Planning Commission considered the above-captioned amended zone change request and development plan. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. The property included within this residential C.U.P. plus the single family property included in Parcel 7 of the original C.U.P. shall be platted within one year after City Commission approval of Z-2711 and DP-146 or the cases shall be considered denied and closed and the ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
- b. The property included in Parcel 7 of the original Fairfield C.U.P. shall be submitted as a separate residential C.U.P. prior to recording the plat as required in condition "a" or both Z-2711 & DP-146 shall be considered denied and closed.
- c. 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.
- d. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.

WICHITA--SEDGWICK COUNTY

- e. 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 residential development and be binding upon the present owners, their successors and assigns, unless amended.

Please submit 10 copies of DP-146 to our office by September 6, 1985 so that subject cases can be scheduled for consideration by the Board of City Commissioners at their regular meeting on September 24, 1985, this meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

We encourage you to submit the C.U.P. on Parcel 7 prior to September 24, 1985. Zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely yours,



Louise Olivarez  
Senior Planner

LO:sd

cc: Wayne Brinegar, 7700 East 13th Street, #12, Wichita 67206  
Stephen Lewallen, 1042 Lawrence Court, Wichita 67206  
Roger Wilson, Attorney-at-Law, R.H. Garvey Bldg., 300 W. Douglas,  
Wichita 67202  
John Nodgaard, 1002 Lawrence Lane, Wichita 67206  
Russell Duncan, 7700 East 13th, #4, Wichita 67206  
Thomas Borniger, 7912 Donegal, Wichita 67206  
Richard Hartwell, 7712 Donegal, Wichita 67206  
Mary Ann Riggs, 1054 Gretchen, Wichita 67206  
John Callen, 7700 East 13th, #23, Wichita 67206  
Darryl Roberts, 734 Lawrence Lane, Wichita 67206  
Jack Harper, 7700 East 13th, #15, Wichita 67206  
Becky Anderson, 7010 Beachy, Wichita 67206  
Everett Fettis, Attorney, 120 S. Market, Suite 504, Wichita 67202  
Pat Cook, 1050 Gretchen 67206



but includes a 6 foot to 8 foot wall south of the landscaping. This should provide considerably more screening than 20 feet of landscaping alone could provide. A second requirement was for the site plan on Parcel 2 to be submitted to the Planning Department for review of driveway locations in order to minimize conflicts with existing drives to the north. The one access point to 13th Street from Parcel 2 has been eliminated, therefore there will no longer be any driveway locations to review. The third requirement was for Oneida Street in the southeast corner of the total site to become an emergency access easement only and not a public street providing access to the single-family area. This emergency access easement is shown on the revised development plan along the south line of Parcel 4.

3. In addition to the above changes to these four multi-family parcels of the original C.U.P., the following changes are noted:
  - a. Garden apartments are no longer a permitted use in Parcel 1, thus eliminating a potential of 324 apartments.
  - b. A 10-foot planting strip plus a 6 foot to 8 foot wall has been added along the east line of Parcels 3 and 4.
  - c. An 8 foot wall has been added along the south line of Parcel 4.
4. It was pointed out in June that the adopted zoning policy for Rock Road called for holding the line on additional large scale commercial, office and high density residential zoning. It was stated by staff that conditions had changed in this area since adoption of the policy in 1975 and perhaps the policy needed to be revised. The policy had been based on the assumption that the property adjoining Rock Road could develop to the maximum intensities allowed by the zoning then established on the properties and the land uses in the proposed development plans. The following information is offered in support of the need to revise the Rock Road zoning policy, as it relates to the area between Douglas and 37th Street North:

Development plans (C.U.P.'s) have been altered to reduce the intensity of development originally proposed in the Comotara area in the vicinity of 29th Street. The original Comotara plan called for a large, 70-acre regional shopping center and an 80-acre high school site at the 29th Street/Rock Road intersection, surrounded by higher density residential development. The commercial site has been scaled down to approximately 45 acres, a high school is no longer proposed at this location and the residential development is occurring at a lower density than originally proposed.

In addition, at the time the Rock Road study was completed, the Northeast Diagonal Expressway connected to the Inner Loop Expressway and both were proposed in the adopted transportation plan. The Northeast Diagonal Expressway was planned to interchange with Rock Road at approximately 17th Street. This proposed facility had a significant influence on the assignment of traffic projections along Rock Road. With the Diagonal tying into the Inner Loop and serving as an expressway link to the CBD, Rock Road served as a direct link to the Diagonal and to downtown Wichita. Traffic that would otherwise move west toward the downtown area on existing arterial streets (Central, 13th, 21st and 29th) was anticipated to move north and south along Rock Road to the Diagonal interchange at 17th Street. With the elimination of the Inner Loop from the transportation plan, the prospect for this type of traffic movement along Rock Road has also been eliminated. Hence, the total traffic load along Rock Road was projected at a higher level than could now be anticipated along those segments of Rock Road north of Central.

The segments of Rock Road south of Douglas, however, have developed as they were proposed at the time the study was prepared

and the traffic loads are approaching the projection levels as indicated in the following table:

	<u>Projected Traffic Count (ADT)</u>	<u>Latest Traffic Count (1983-84)</u>	<u>Percent of Projection</u>
37th to 29th	14562	3420	23%
29th to 21st	26612	9662	36%
21st to 13th	32065	9569	30%
13th to Central	31032	15868	51%
Central to Douglas	40539	21795	54%
Douglas to Kellogg	44631	33447	75%
Kellogg to Harry	34286	30509	89%
Harry to Pawnee	26754	21914	82%
Pawnee to 31st St S	15944	13384	84%

The segments of Rock Road north of Douglas are experiencing traffic loads that are 46 percent to 77 percent lower than the original projections.

5. In order for the Planning Commission to recommend approval of this residential C.U.P., it must find specific evidence and facts showing that the proposed development plan meets the following conditions:
  - a. That the value of the buildings and the character of the property adjoining the area included in such plan will not be adversely affected.
  - b. That such plan is consistent with the intent and purpose of this Chapter (28.04.190.A) to promote public health, safety, morals and general welfare.
  - c. That the buildings shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas, garages and community activities, including churches; and provided that an "LC" district can be established through the regular channels.
  - d. That the average lot per family contained in this site, exclusive of the area occupied by streets, shall not be less than the lot area per family required by the district in which the development is located.
6. Should the Planning Commission determine that the zone change request and residential development plan are appropriate, the following are recommended conditions approval:
  - a. The property included within this residential C.U.P. plus the single family property included in Parcel 7 of the original C.U.P. shall be platted within one year after City Commission approval of Z-2711 and DP-146 or the cases shall be considered denied and closed.
  - b. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - c. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
  - d. 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 residential development and be binding upon the present owners, their successors and assigns, unless amended.

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE    August 11, 1985

TO      Jack Galbraith, Chief Planner, Current Plans

FROM    Barry L. Carroll, Administrative Aide III

SUBJECT    Amendments for the Fairfield  
            Community Unit Plan: "Residential  
            C.U.P."

On Tuesday, August 6, CPO Council "I" considered the above captioned case, a request to consider a newly proposed "Residential C.U.P." within the Fairfield Development C.U.P. Council members were provided the notice to adjoining property owners, and a map of the area. The agent, Gary Wiley and Dick Linn, were present to describe the request and respond to questions from the Council and the approximately 60 area residents.

After extensive discussion, the Council voted 7-0 (Kitchen abstained) to recommend approval of the request based upon the motion listed below.

A motion was made by Smith (C. Johnston) to approve the Residential C.U.P. subject to submittal of an additional residential C.U.P. for Parcel 7 as was originally submitted on June 25, 1985. The density for Parcel 7 would be at 2.9 dwelling units per net acre with the overall density not to exceed 12 dwelling units per net acre for Parcels 1, 2 3 and 4 found within the Fairfield Residential C.U.P. now under consideration.

Please provide the Council's recommendation to the MAPC and City Commission when the "Residential C.U.P." for the Fairfield Development Plan (C.U.P.) is considered.

*Barry L. Carroll*  
Barry L. Carroll  
Administrative Aide III

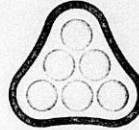
BLC:dm

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

**DIRECTORS**

C. O. KNOP, P.E.  
R. B. PEUGH, P.E.  
C. J. FREUND, P.E.  
W. H. KELTNER, P.E.  
R. D. PLETCHER, P.E.  
F. D. MIDDLETON, JR., P.E.  
D. E. MALTBY, P.E.  
M. D. SCHOMAKER, P.E.  
G. D. SCHOCK, P.E.  
J. H. BAILEY, P.E., PH.D.



**PROFESSIONAL  
ENGINEERING  
CONSULTANTS**  
PROFESSIONAL ASSOCIATION

August 14, 1985

Jack Galbraith, MAPD  
10th Floor - City Hall  
455 N. Main  
Wichita, Kansas 67202

Reference: Fairfield Commercial C.U.P. DP-144  
Zone Change Case No. Z-2701,  
Fairfield Residential C.U.P. DP-146,  
Zone Change Case No. Z-2711  
PEC File No: 36-84610-1540

Dear Mr. Galbraith:

At its regular meeting on July 23, 1985, the Board of City Commissioners considered the Fairfield C.U.P. and associated zone change request. The City Commission voted to send the application back to the MAPC for reconsideration and to give the opportunity for the applicant to meet with representatives of neighborhood protesters.

Since that date the applicant has revised the zoning request and submitted a Commercial C.U.P. and a Residential C.U.P.

The zoning request was revised to reflect the withdrawal of the "A" two-family zoning on Parcel 7, at the MAPC hearing on June 27, 1985. You will recall that abutting property owners were concerned over the A-2 family zoning even though the C.U.P. limited Parcel 7 to single family uses only. The current requested zoning classifications are consistent with the proposed densities on the individual parcels.

The C.U.P. has been revised for the following reasons:

- a.) Inasmuch as no zoning change is requested on the area denominated as Parcel 7 of the initial C.U.P. (it is already zoned "AA") and the zoning requests are consistent with the proposed densities on the individual parcels, there is no purpose in including this area in the residential C.U.P.

1440 EAST ENGLISH  
WICHITA, KANSAS 67211  
(316) 262-2691

Page 2

- b.) We were advised from the outset that it was more manageable to break the C.U.P. into a commercial C.U.P. and a residential C.U.P. We now have done so, believing that it provides us more flexibility, depending upon the determination of our request by the City Commission.

I enclose for your review and information a list of changes or modifications that the applicant has made to the Fairfield Development Plan in response to expressed concerns of the neighborhood. The item numbers 1 through 8, inclusive, were proposed by the applicant at the June 27, MAPC hearing and incorporated in the MAPC action. Items numbered 9 through 13, inclusive, were proposed by the applicant at the City Commission hearing on July 23. Items 14 through 19, inclusive, are proposed by the applicant in response to requests by representatives of the neighborhood at the two meetings held since the City Commission hearing.

The applicant has also incorporated the following modification in the proposed Commercial C.U.P.:

General Provision #12 - Commercial Building. The 3 commercial buildings, as permitted in Parcel 1, shall be compatible with one another as to architectural design and exterior construction materials.

At the City Commission hearing, one of the Commissioners expressed concern over the parking ratio for the two multi-family parcels. The developers for these parcels plan to provide 2 parking spaces for each 2 bedroom dwelling unit and 1 1/2 parking spaces for each one bedroom unit. With the mix proposed for these parcels, this will result in an overall parking ratio of 1.7 per dwelling unit for each parcel. The developers state that they have not experienced parking problems on projects using this ratio. Attached are excerpts from a Parking Generation Report by the Institute of Transportation Engineers. The study indicates that the proposed parking ratios will provide adequate parking.

Several area residents have objected to the deletion of Parcel 7 from the C.U.P. The C.P.O. Council "I" voted to approve the following motion: "Approve the Residential C.U.P. subject to submittal of an additional Residential C.U.P. for Parcel 7 as was originally submitted on June 25. The density would be at 2.9 D.U./net acre with overall density not to exceed 12 D.U./net acre for Parcels 1, 2, 3, & 4 of the Residential C.U.P."


Page 3

The applicant has no objection to the following requirement:

As a condition of approval of the Fairfield C.U.P.'s as submitted,  
the applicant will submit a Residential C.U.P. for Parcel 7 as  
shown on the Fairfield Development Plan.

Please contact me if additional information is desired.

Very truly yours

  
Richard W. Linn, P.E.  
Project Manager, Land Development

enc.

RWL:sg

cc: Wm. E. Morin, Kansas General Properties

LIST OF CHANGES TO THE FAIRFIELD DEVELOPMENT PLAN

1. The developer agreed to put in a 20-foot landscaping strip on 13th Street along the north boundary of Parcels #1 and 2 to screen the development from the neighbors to the north.
2. The developer agreed to the provision that any driveway locations on Parcels 2 and 3 on 13th Street shall be submitted to the planning department for review to minimize any conflicts with existing drives.
3. The developer agreed to withdraw the request for A-2 family zoning on parcel #7 and agreed to 187 single family residential dwelling units in that area which is only 2.9 dwelling units per acre.
4. The developer (Thirteenth and Rock Land Partnership--Kansas General Properties) agreed to not connect Lawrence Lane at the southwest corner.
5. The developer agreed to close Oneida Street at the southeast corner off Rock. Oneida will cul de sac from the single family home area and serve as a fire exit and a landscape easement. This 50 foot easement plus the building set back at parcel 6 will provide 100' separation and preserve all of the large beautiful trees now in existence.
6. The developer agreed to close one of the three entrances on 13th Street on Parcel #3, the shopping center site and provide complete access control at the northwest corner of Parcel #3 to eliminate conflict with the Raintree entrance.
7. The developer agreed to build a 35 foot long, five to eight foot high wall on the northwest corner of Parcel 3 (shopping center development) to screen the delivery area.
8. The developer agreed to add a provision to the CUP regarding any lighting on Parcel #3 so that lights shall not interfere with adjoining residential areas.
9. The developer agreed to close the entrance on Parcel #2 on 13th Street.

10. The developer agreed to exclude in the use provision on Parcel #3 both supermarkets and service stations.
11. The developer agreed to reduce the maximum number of square feet for the shopping center from 304,400 to 228,300, a reduction of 25% in area.
12. The developer agreed to change the density on Parcel #1 requesting 311 units to 135 units, a reduction of 176 units, which amounted to a 36.5% reduction in garden apartments.
13. The developer agreed in total (based on the above changes) to reduce the density to 8.6 dwelling units per acre which has a reduction from 10.4 dwelling units per acre as originally presented.
14. The developer has agreed to build a wall on the south boundary of parcel #6 8 foot high to screen those residents from the closed Oneida Street.
15. The developer has agreed to include a two foot high wall on 13th Street and on Rock Road for Parcels 3 & 4, the shopping center and office area.
16. The developer has agreed to build a six to eight foot high wall on 13th Street and Rock Road for all residential parcels. Also a 10' landscape strip instead of the 20' landscape strip in Item #1.
17. The developer has agreed to limit the height of the lighting standards at the shopping center to 30 foot and to conform to provision #13 regarding lighting in the CUP.
18. The developer has agreed that the signs for the shopping center or other developments will include the name of that development only.
19. The developer has agreed to prohibit restaurants with drive-in or drive-up window service on Parcel #3.

## SUMMARY OF PARKING GENERATION RATES

Land Use/Building Type MF Residential - Condominium ITE Land Use Code 240

Independent Variable-Occupied Parking Spaces Per Dwelling Unit

	Peak Parking Rates		Standard Deviation	Number of Studies	Average Size of Independent Variable
	Average	Range (Min. to Max.)			
Weekday Parking Rates	0.95	0.20-1.67		18	165
Saturday Parking Rates	0.5			1	728
Sunday Parking Rates					
Reported Peak Parking Time Period					

Source Numbers \_\_\_\_\_

ITE Technical Committee 5-BB-Parking Generation

Date: Jan. 1985

## SUMMARY OF PARKING GENERATION RATES

Land Use/Building Type MF Residential - Low-Mid-Rise Apartment ITE Land Use Code 220  
 Independent Variable-Occupied Parking Spaces Per Dwelling Unit

	Peak Parking Rates		Standard Deviation	Number of Studies	Average Size of Independent Variable
	Average	Range (Min. to Max.)			
Weekday Parking Rates	<u>1.0</u>	<u>0.4-1.9</u>		54	212
Saturday Parking Rates	0.8			1	60
Sunday Parking Rates	1.0			1	60
Reported Peak Parking Time Period					

Source Numbers \_\_\_\_\_

ITE Technical Committee 5-BB-Parking Generation

Date: Jan. 1985

THE CITY OF WICHITA  
OFFICE OF TRAFFIC ENGINEERING

DATE August 16, 1985

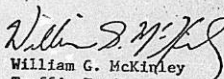
TO Jack H. Galbraith, Chief Planner  
FROM William G. McKinley, Traffic Engineer

SUBJECT Fairfield Traffic Study

We have reviewed the latest revision to the Fairfield Traffic Study, and with the reduction of commercial square footage, the intersection of 13th and Rock Road will be better able to handle the forecasted traffic than what was originally indicated.

At time of platting, we would still recommend a deceleration lane be provided at the southwest corner of the intersection of 13th and Rock Road for a free-flowing right turn lane; and, of course, we would need deceleration lanes into the major entrances.

Overall, we are in total agreement with the Traffic Study, and we feel that the plan was well thought out. If you have any questions regarding this matter, please advise.

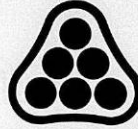
  
William G. McKinley  
Traffic Engineer

WGM:pb

cc: Dick Linn  
Brent Rensberg

**DIRECTORS**

C. O. KNOP, P.E.  
R. B. PEUGH, P.E.  
C. J. FREUND, P.E.  
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S. D. SCHOCK, P.E.  
J. H. BAILEY, P.E., PH.D.



**PROFESSIONAL  
ENGINEERING  
CONSULTANTS'**  
PROFESSIONAL ASSOCIATION

# FAIRFIELD TRAFFIC STUDY

32 - 84610 - 1540

JULY , 1985

REVISED AUGUST , 1985

1440 EAST ENGLISH  
WICHITA, KANSAS 67211  
(316) 262-2691

I. INTRODUCTION

This traffic study represents an analysis of the impact of developing the southwest quadrant of the intersection of 13th Street North and Rock Road. The proposed development contains approximately 161.3 acres which will be developed into commercial, office, multi-family, and single-family residential uses.

II. SCOPE

This report contains trip generation computations based upon the size and type of the proposed development. Also included is a trip distribution analysis based upon existing traffic desire lines. Capacity analysis of the major entrances and for the intersection of 13th and Rock Road are presented for the P.M. peak period.

III. TRIP GENERATION

Tables 1A and 1B show the number of trip ends to be expected due to this various types of development. The generation rates were obtained from the Institute of Transportation Engineers' publication "Trip Generation," 19th Edition.

IV. TRIP DISTRIBUTION

Tables 2A and 2B show the predicted entrance volumes for the A.M. and P.M. peak periods respectively. These volumes were used to predict the impact at 13th and Rock by adding them to existing volumes obtained in 1982. Figure 1 illustrates the existing volumes, the increase, and the projected volumes. It is of note that these

predicted volumes closely correlate to those predicted for the 13th Street and Rock Road improvement.

V. CAPACITY ANALYSIS

The capacity analysis shows the anticipated levels of service during the P.M. peak for the major entrances and for 13th and Rock. Table 3 is a summary of the predicted levels of service.

The analysis indicates the right-turn deceleration lanes at the major entrances would improve the overall level of service and operating characteristics of selected movements. Also indicated is the potential benefit of a right-turn lane in the southwest quadrant of 13th and Rock. Although this would enhance the operation of the intersection, it would cause additional delays to traffic exiting the site onto Rock Road as well as those entering the site from the south. This would occur as a result of the large right-turn volume "filling" the gaps created by the signal. In other words, there would be no phase in the signal cycle when traffic from the north is prohibited.

VI. CONCLUSIONS

The projected traffic volumes due to development closely correlate to those predicted in the design of the 13th Street and Rock Road improvement. The latter was designed to provide a level of Service A.

The entrance operating levels of service indicate no significant congestion except for the left-out movements. This condition is somewhat improved by the signal at 13th and Rock.

TABLE 1A

A.M. PEAK HOUR  
TRIP GENERATION ANALYSIS - HARTMOOR FARMS

PARCEL	LAND USE	SIZE		AVE. A.M. PEAK HOUR TRIP GENERATION RATES		TRIP/HR	
				IN	OUT	IN	OUT
1	APARTMENTS	135	D.U.	0.1	0.4	14	54
2	APARTMENTS	294	D.U.	0.1	0.4	29	118
3	LIGHT COMM.	228,300	G.S.F.	N/A	N/A	0	0
4	OFFICE	155,000	G.S.F.	1.86	0.35	288	54
5	APARTMENTS	247	D.U.	0.1	0.4	25	99
6	TOWNHOUSES	64	D.U.	0.1	0.5	6	32
7A	SINGLE FAMILY	101	D.U.	0.3	0.6	30	61
7B	SINGLE FAMILY	91	D.U.	0.3	0.6	27	55

TABLE 1B

P.M. PEAK HOUR  
TRIP GENERATION ANALYSIS - HARTHOOR FARMS

PARCEL	LAND USE	SIZE	AVE. P.M. PEAK HOUR TRIP GENERATION RATES		TRIP/HR	
			IN	OUT	IN	OUT
1	APARTMENTS	135 D.U.	0.4	0.2	54	27
2	APARTMENTS	294 D.U.	0.4	0.2	118	59
3	LIGHT COMM.	228,300 G.S.F.	2.1	2.3	479	525
4	OFFICE	155,000 G.S.F.	0.27	1.36	42	211
5	APARTMENTS	247 D.U.	0.4	0.2	99	49
6	TOWNHOUSES	64 D.U.	0.4	0.2	26	13
7A	SINGLE FAMILY	101 D.U.	0.7	0.4	71	40
7B	SINGLE FAMILY	91 D.U.	0.7	0.4	64	36

TABLE 2A

A.M. PEAK HOUR  
TRIP DISTRIBUTION ANALYSIS - HARTHOOR FARMS

ENTRANCE	PARCEL	%	SPLIT	TRIPS		VOLUMES			
				IN	OUT	IN-LT	IN-RT	OUT-LT	OUT-RT
1-1	1	25	70 30	14	54	1	2	9	4
1-2	1	75	70 30			7	3	12	28
2-1	2	0	N/A	29	118	0	0	0	0
2-2	2	100	30 70			9	21	82	35
3-1	3	20	70 30	0	0	0	0	0	0
3-2	3	20	70 30			0	0	0	0
3-3	3	40	20 80			0	0	0	0
3-4	3	20	20 80			0	0	0	0
4-1	4	50	30 70	288	54	101	43	8	19
4-2	4	50	70 30			101	43	8	19
5-1	5	100	30 70	25	99	17	7	30	69
6-1	6	100	30 70	6	32	4	2	10	22
TALLYRAND	7A	80	70 30	30	61	7	17	34	15
TENTH	7A	5	N/A			2	0	3	0
FOSTER	7A	10	N/A			3	0	6	0
BEACHY	7A	5	N/A			2	0	3	0
ONEIDA	7B	0	N/A	27	55	0	0	0	0
MAGILL	7B	100	50 50			14	14	27	27
BROADMOOR	1,2,4,7B	N/A	70 30	126	94	38	88	66	28
FAIRFIELD	1,2,4,7B	N/A	30 70	85	130	59	25	39	91

TABLE 2B

P.M. PEAK HOUR  
TRIP DISTRIBUTION ANALYSIS - HARTMOOR FARMS

ENTRANCE	PARCEL	%	SPLIT	TRIPS		VOLUMES			
				IN	OUT	IN-LT	IN-RT	OUT-LT	OUT-RT
1-1	1	25	70 30	54	27	4	9	5	2
1-2	1	75	70 30			28	12	6	14
2-1	2	0	N/A	118	59	0	0	0	0
2-2	2	100	30 70			35	82	41	18
3-1	3	20	70 30	479	525	29	67	74	32
3-2	3	20	70 30			29	67	74	32
3-3	3	40	20 80			153	38	42	168
3-4	3	20	20 80			77	19	21	84
4-1	4	50	30 70	42	211	15	6	32	74
4-2	4	50	70 30			15	6	32	74
5-1	5	100	30 70	99	49	69	30	15	35
6-1	6	100	30 70	26	13	18	8	4	9
TALLYRAND	7A	80	70 30	71	40	17	40	23	10
TENTH	7A	5	N/A			4	0	2	0
FOSTER	7A	10	N/A			7	0	4	0
BEACHY	7A	5	N/A			4	0	2	0
ONEIDA	7B	0	N/A	64	36	0	0	0	0
MAGILL	7B	100	50 50			32	32	18	18
BROADMOOR	1,2,4,7B	N/A	70 30	94	116	28	66	81	35
FAIRFIELD	1,2,4,7B	N/A	30 70	149	97	104	45	29	68

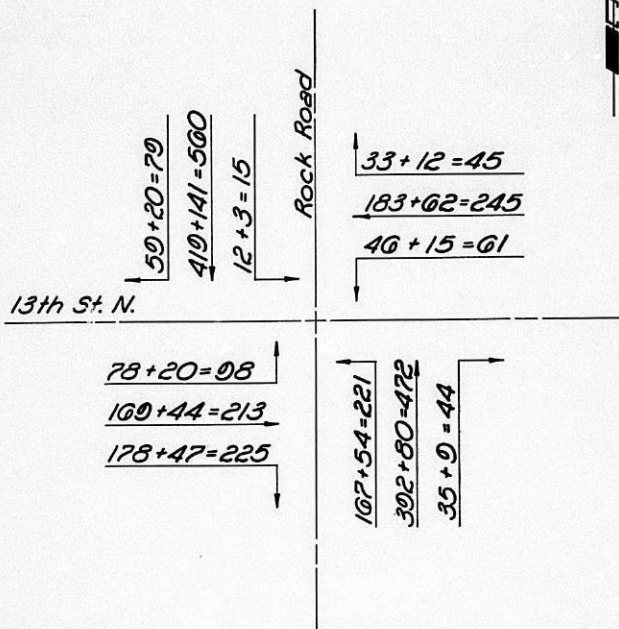


FIGURE 1 - EXISTING P.M. PEAK PLUS  
P.M. PEAK FROM DEVELOPMENT

TABLE 3  
CAPACITY ANALYSIS SUMMARY

LOCATION	LEVEL OF SERVICE MOVEMENTS			REMARKS
	Cr	B1	C1	
Ent. 3-1	A	A	E*	* Assumes no benefit from signal at 13th & Rock
Ent. 3-2	A	A	E*	* Assumes no benefit from signal at 13th & Rock
Ent. 3-3	C	B	E#	# Assumes no right turn decel. lane
Fairfield	B	A/B	E*	* Assumes no benefit from signal at 13th & Rock
Braodmoor	A	A	E#	# Assumes no right turn decel. lane
13th & Rock	-	A11	-	An overall level of service A is expected with a right turn lane provided for the west to south movement. Level of service A is expected with no turn lane. See text for additional comments.

FOULSTON, SIEFKIN, POWERS & EBERHARDT  
LAW OFFICES

A PARTNERSHIP INCLUDING A PROFESSIONAL ASSOCIATION

700 FOURTH FINANCIAL CENTER

BROADWAY AT DOUGLAS

WICHITA, KANSAS 67202

(316) 267-6371

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ROBERT C. FOULSTON (1898-1947)

GEORGE SIEFKIN (1898-1954)

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ROBERT C. FOULSTON, P. A.  
ROBERT M. PARTIDGE  
ROBERT M. SIEFKIN  
RICHARD C. HARRIS  
GERALD SAWATSKY  
ROBERT L. HOWARD  
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NICHOLAS E. DAILY  
CARY L. AYERS  
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R. DOUGLAS NEISAN

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TIMOTHY B. MUSTAINE  
TERESA G. ROLL  
LAURA SHANEFELT  
SUSAN L. SMITH  
DOUGLAS L. STANLEY  
M. KATHRYN WEBB  
WYATT M. WRIGHT

August 5, 1985

Mr. Robert Finch, Acting City Manager  
Mr. Mike Lindebak, Acting Planning Director  
City of Wichita  
455 North Main  
Wichita, Kansas 67202

Gentlemen:

This office represents Kansas General Properties, Inc. It has filed requests for changes in zoning and for approval of a residential CUP and a commercial CUP on the property located on the Southwest corner of 13th and Rock Road (The Fairfield Development). These requests are presently scheduled to be before the MAPC on August 22, 1985, and before the Board of City Commissioners on September 17, 1985.

We understand that not all of the City Commissioners will be in attendance at the September 17 meeting. All five members of the City Commission heard the initial request. Inasmuch as this is a controversial matter and because of the involvement of all five commissioners at the prior hearing, we respectfully request that this matter come before the City Commission on September 24, 1985.

Your cooperation in this regard is appreciated.

Very truly yours,

*Richard D. Ewy*  
Richard D. Ewy

of FOULSTON, SIEFKIN, POWERS & EBERHARDT

RDE:dn

RECEIVED

AUG 14 1985

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
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W

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: July 29, 1985

TO: The Metropolitan Area Planning Commission  
FROM: Jack H. Galbraith, Chief Planner  
SUBJECT: Review of Rock Road

During the Planning Commission's consideration of the Fairfield Community Unit Plan proposal on June 27, 1985, staff indicated the existence of a previously established policy concerning the zoning and development of properties along Rock Road from 37th Street North to 31st Street South.

The policy was adopted by MAPC and the Board of City Commissioners in 1975 and reads as follows:

1. Do not exceed in terms of higher densities nor higher levels of uses, the land use pattern represented on Map C in case file DR 74-15.
2. Hold the line on additional large scale commercial, office and high density residential zoning.
3. Encourage very low density development on the remaining large unplatted residentially zoned properties.
4. As development occurs, continually monitor the traffic loads to determine the actual need in terms of lane and right-of-way requirements.

This policy was based on the findings and projections of a report on Rock Road prepared in 1974.

The projections in the report were based on the assumption that the properties adjoining Rock Road could develop to the maximum intensities allowed by the zoning then established on the properties adjoining Rock Road and the land uses in the development plans being proposed at that time. Those uses were reflected on Map C referred to in the policy.

The assumption of maximum development led to very high traffic projections along Rock Road from Pawnee on the south to 29th on the north.

During the past eleven years since the Rock Road study was completed, several significant changes have occurred that influence the original projections.

First, development plans have been altered to reduce the intensity of development originally proposed in the Comotara area in the vicinity of 29th Street.

The original Comotara plan called for a large, 70-acre regional shopping center and an 80-acre high school site at the 29th Street/Rock Road intersection, surrounded by higher density residential development. The commercial site has been scaled down to approximately 45 acres, a high school is no longer proposed at this location and the residential development is occurring at a lower density than originally proposed.

In addition, at the time the Rock Road study was completed, the Northeast diagonal Expressway connected to the Inner Loop Expressway and both were proposed in the adopted transportation plan. The Northeast Diagonal Expressway was planned to interchange with Rock Road at approximately 17th Street. This proposed facility had a significant influence on the assignment of traffic projections along Rock Road. With the Diagonal tying into the Inner Loop and serving as an expressway link to the CBD, Rock Road served as a direct link to the Diagonal and to downtown Wichita. Traffic that would otherwise move west toward the downtown area on existing arterial streets (Central, 13th, 21st and 29th) was anticipated to move north and south along Rock Road to the Diagonal interchange at 17th Street. With the elimination of the Inner Loop from the transportation plan, the prospect for this type of traffic movement along Rock Road has also been eliminated. Hence, the total traffic load along Rock Road was projected at a higher level than could now be anticipated along those segments of Rock Road north of Central.

The segments of Rock Road south of Douglas, however, have developed as they were proposed at the time the study was prepared and the traffic loads are approaching the projection levels as indicated in the following table:

	<u>Projected Traffic Count (ADT)</u>	<u>Latest Traffic Count (1983-84)</u>	<u>Percent of Projection</u>
37th to 29th	14562	3420	23%
29th to 21st	26612	9662	36%
21st to 13th	32065	9569	30%
13th to Central	31032	15868	51%
Central to Douglas	40539	21795	54%
Douglas to Kellogg	44631	33447	75%
Kellogg to Harry	34286	30509	89%
Harry to Pawnee	26754	21914	82%
Pawnee to 31st St. S.	15944	13384	84%

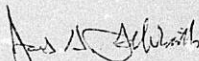
The segments of Rock Road north of Douglas are experiencing traffic loads that are 46 percent to 77 percent lower than the original projections. On the basis of these conditions, the MAPC may wish to formally reconsider the established zoning policy along Rock Road, particularly for those segments north of Douglas Avenue.

July 29, 1985

Alternative actions available to the Commission would include:

1. Retain the existing policy on all segments of Rock Road.
2. Retain the existing policy on selective segments of Rock Road (possibly those south of Douglas Avenue) and consider individual rezoning requests along other segments on their own merits.
3. Rescind the existing zoning policy on all segments of Rock Road and consider all zoning change requests on their own merits.
4. Take such alternate action considered appropriate by the Commission.

In the event the Commission determines that revisions are justified, it is recommended that the established policy be retained on at least those segments of Rock Road south of Douglas Avenue.

  
Jack H. Galbraith  
Chief Planner

JHG/RLY/lw

CASE NO. DP-146/Z-2711

464 "Notices to adjoining property owners mailed on 8-8-85  
for MAPC meeting on August 22, 1985.

3 One each to Applicant(s) and Agent(s).

3 One each to CPO, Don Schneider and Karen Crook.

3 One each to Terry, Glen and Louise.

---

473 TOTAL

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

August 8, 1985

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, August 22, 1985 the Wichita-Sedgwick County Metropolitan Area Planning Commission, (MAPC), at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas, will consider an amended application for approval of the FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN for property legally described as follows:

CASE NO. DP-146:

TRACT "A," DESCRIBED AS:

BEGINNING AT A POINT 1958.99 FEET WEST OF THE NE CORNER OF SECTION 18, T27S, R2E, OF THE 6TH P.M., AND 50.00 FEET SOUTH PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 18; THENCE BEARING S89°33'53"E PARALLEL TO AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 18 A DISTANCE OF 939.37 FEET; THENCE BEARING S0°00'00"E A DISTANCE OF 1247.00 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 125.25 FEET; THENCE BEARING S0°26'07"W A DISTANCE OF 33.00 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 741.67 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A CHORD BEARING N26°09'38"W; THENCE ALONG SAID CURVE WITH A RADIUS OF 530.00 FEET THROUGH A CENTRAL ANGLE OF 1°48'31" AN ARC DISTANCE OF 16.73 FEET; THENCE BEARING N27°03'53"W A DISTANCE OF 148.00 FEET TO THE P.C. OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 535.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 466.88 FEET; THENCE BEARING N22°56'07"E A DISTANCE OF 167.00 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 510.00 FEET, THROUGH A CENTRAL ANGLE OF 52°30'00" AN ARC DISTANCE OF 467.31 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 155.00 FEET, THROUGH A CENTRAL ANGLE OF 30°00'00" AN ARC DISTANCE OF 81.16 FEET TO THE POINT OF BEGINNING; CONTAINING 1,179,624 SQ FT OR 27.08 ACRES ±.

TOGETHER WITH TRACT "B," DESCRIBED AS:

BEGINNING AT A POINT IN THE SOUTH LINE AND 50.00 FEET WEST OF THE SE CORNER OF THE NE 1/4 OF SECTION 18, T27S, R2E, OF THE 6TH P.M.; THENCE ALONG SAID SOUTH LINE BEARING N89°34'05"W A DISTANCE OF 630.00 FEET; THENCE BEARING N0°00'00"E A DISTANCE OF 1326.64 FEET; THENCE BEARING S89°33'53"E A DISTANCE OF 430.09 FEET; THENCE BEARING S82°43'19"E A DISTANCE OF 100.72 FEET; THENCE BEARING S89°33'53"E A DISTANCE OF 100.00 FEET; THENCE BEARING S0°00'00"E PARALLEL TO AND 50.00 FEET WEST OF THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 1314.60 FEET TO THE POINT OF BEGINNING. CONTAINING 833,948 SQ FT OR 19.15 ACRES ±.

Generally located south of 13th Street North and west of Rock Road.

In association with this revised Community Unit Plan (Development Plan), a revised re-zoning application has been submitted as follows:

CASE NO. Z-2711:

Zone Change from the "AA" One-Family Dwelling District to the "A" Two-Family Dwelling District and the "R-6" General Residence District

(Continued on back)

"AA" to "A"

BEGINNING AT A POINT 683.00 FEET EAST AND 50.00 FEET SOUTH OF THE NW CORNER OF THE NE 1/4 OF SECTION 18, T27S, R2E, OF THE 6TH P.M.; THENCE BEARING S89°33'53"E PARALLEL TO AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NE 1/4 A DISTANCE OF 555.37 FEET; THENCE BEARING S0°26'07"W A DISTANCE OF 100.00 FEET; THENCE BEARING S6°24'27"E A DISTANCE OF 100.72 FEET TO A POINT OF INTERSECTION SAID POINT ALSO BEING THE P.C. OF A CURVE TO THE RIGHT WITH A CHORD BEARING S15°13'03"W; THENCE ALONG SAID CURVE HAVING A RADIUS OF 459.26 FEET, THROUGH A CENTRAL ANGLE OF 29°33'53" AN ARC DISTANCE OF 236.98 FEET; THENCE BEARING S30°00'00"W A DISTANCE OF 181.00 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 466.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 119°33'53" AN ARC DISTANCE OF 972.45 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 741.67 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A CHORD BEARING N26°09'38"W; THENCE ALONG SAID CURVE WITH A RADIUS OF 530.00 FEET THROUGH A CENTRAL ANGLE OF 1°48'31" AN ARC DISTANCE OF 16.73 FEET; THENCE BEARING N27°03'53"W A DISTANCE 148.00 FEET TO THE P.C. OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 535.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 466.88 FEET; THENCE BEARING N22°56'07"E A DISTANCE OF 167.00 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 510.00 FEET, THROUGH A CENTRAL ANGLE OF 52°30'00" AN ARC DISTANCE OF 467.31 FEET TO THE P.C. OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 155.00 FEET, THROUGH A CENTRAL ANGLE OF 30°00'00" AN ARC DISTANCE OF 81.16 FEET TO THE POINT OF BEGINNING; CONTAINING 583,888 SQ FT OR 13.4 ACRES ±.

"AA" to "R-6"

BEGINNING AT A POINT 1328.37 FEET EAST AND 50.00 FEET SOUTH OF THE NW CORNER OF THE NE 1/4 OF SECTION 18, T27S, R2E, OF THE 6TH P.M.; THENCE BEARING S89°33'53"E PARALLEL TO AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NE 1/4 A DISTANCE OF 294.00 FEET; THENCE BEARING S0°00'00"E A DISTANCE OF 1,214.00 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 125.00 FEET TO THE P.C. OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 400.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 119°33'53" AN ARC DISTANCE OF 834.72 FEET; THENCE BEARING N30°00'00"E A DISTANCE OF 181.00 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 525.26 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29°33'53" AN ARC DISTANCE OF 271.03; THENCE BEARING N7°16'41"E A DISTANCE OF 100.72 FEET; THENCE BEARING N0°26'07"E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; CONTAINING 486,459 SQ FT OR 11.2 ACRES ±.

AND

BEGINNING AT A POINT 1314.98 FEET NORTH AND 50.00 FEET WEST OF THE SE CORNER OF THE NE 1/4 OF SECTION 18, T27S, R2E OF THE 6TH P.M.; THENCE BEARING S0°00'00"E PARALLEL TO AND 50.00 FEET WEST OF THE EAST LINE OF SAID NE 1/4 A DISTANCE OF 648.00 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 630.00 FEET; THENCE BEARING N0°00'00"E A DISTANCE OF 660.00 FEET; THENCE BEARING S89°33'53"E A DISTANCE OF 430.09 FEET; THENCE BEARING S82°43'19"E A DISTANCE OF 100.72 FEET; THENCE BEARING S89°33'53"E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 413,989 SQ FT OR 9.50 ACRES ±.

The revised 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.

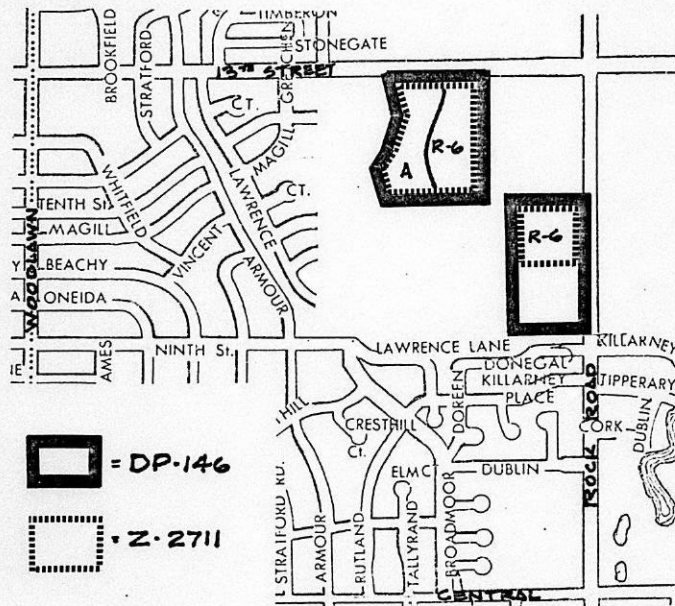
(Continued)

The revised Development Plan proposes four parcels for residential uses. The westernmost parcel on 13th Street, containing 13.4 acres, is for a maximum of 135 townhouses (to be zoned "A"). The 11.2-acre parcel adjacent to the east is for a maximum of 294 garden apartments (to be zoned "R-6"). The other two parcels front on Rock Road. The southernmost one, containing 9.6 acres, is for a maximum of 64 townhouses (to remain zoned "AA"). The 9.5-acre parcel adjacent to the north is for a maximum of 247 garden apartments (to be zoned "R-6"). The total number of dwelling units in this Development Plan will not exceed 740. All parcels are permitted community facilities associated with the dwellings. Building setbacks, screening requirements, parking ratios, access controls and other information relating to future development is shown on the plan.

The hearing of the revised Development Plan and re-zoning request is to be held and will there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

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

Michael E. Lindebak, Secretary



Published in The Daily Record, July 31, 1985/11

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, August 22, 1985 the Wichita-Sedgwick County Metropolitan Area Planning Commission, (MAPC), at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor of City Hall, 495 North Main, Wichita, Kansas, will consider an amended application for approval of the FAIRFIELD RESIDENTIAL COMMUNITY UNIT PLAN for property legally described as follows:

CASE NO. DP-146:

BEGINNING AT A POINT 1956.99 FEET WEST OF THE NE CORNER OF SECTION 18, T27S, R2E, OF THE 6TH P.M., AND 50.00 FEET SOUTH PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 18; THENCE BEARING S89°33'53"E PARALLEL TO AND NORTH LINE OF SAID SECTION 18; A DISTANCE OF 50.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 18; A DISTANCE OF 31.00 FEET; THENCE BEARING S0°00'00"E A DISTANCE OF 1247.00 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 125.25 FEET; THENCE BEARING S0°29'07"W A DISTANCE OF 31.00 FEET; THENCE BEARING S0°29'07"W A DISTANCE OF 741.47 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A CHORD BEARING R27°03'52"W A DISTANCE OF 140.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1°48'31" AN ARC DISTANCE OF 16.73 FEET; THENCE BEARING R27°03'52"W A DISTANCE OF 140.00 FEET TO THE P.C. OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 466.88 FEET; THENCE BEARING N26°56'07"E A DISTANCE OF 167.00 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 530.00 FEET; THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 467.31 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 155.00 FEET; THROUGH A CENTRAL ANGLE OF 30°00'00" AN ARC DISTANCE OF 81.16 FEET TO THE POINT OF BEGINNING; CONTAINING 1,179,624 SQ FT OR 27.08 ACRES ±.

TOGETHER WITH TRACT "b," DESCRIBED AS:

BEGINNING AT A POINT IN THE SOUTH LINE AND 50.00 FEET WEST OF THE SE CORNER OF THE NE 1/4 OF SECTION 18, T27S, R2E, OF THE 6TH P.M.; THENCE ALONG SAID SOUTH LINE BEARING N09°24'06"W A DISTANCE OF 830.00 FEET; THENCE BEARING N09°24'06"W A DISTANCE OF 1326.64 FEET; THENCE BEARING S89°33'53"E A DISTANCE OF 430.00 FEET; THENCE BEARING S82°43'19"E A DISTANCE OF 100.72 FEET; THENCE BEARING S0°00'00"E PARALLEL TO AND 50.00 FEET WEST OF THE EAST LINE OF SAID SECTION 18; A DISTANCE OF 1314.50 FEET TO THE POINT OF BEGINNING. CONTAINING 832,948 SQ FT OR 19.15 ACRES ±.

Generally located south of 13th Street North and west of Rock Road.

In association with this revised Community Unit Plan (Development Plan), a revised re-zoning application has been submitted as follows:

CASE NO. Z-2711:

Zone Change from the "AA" One-Family Dwelling District to the "A" Two-Family Dwelling District and the "M-3" General Residence District

"AA" to "A"

BEGINNING AT A POINT 683.00 FEET EAST AND 50.00 FEET SOUTH OF THE NW CORNER OF THE NE 1/4 OF SECTION 18, T27S, R2E, OF THE 6TH P.M.; THENCE BEARING S89°33'53"E PARALLEL TO AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NE 1/4 A DISTANCE OF 555.37 FEET; THENCE BEARING S0°26'07"W A DISTANCE OF 100.00 FEET; THENCE BEARING S6°24'27"E A DISTANCE OF 100.72 FEET TO A POINT OF INTERSECTION SAID POINT ALSO BEING THE P.C. OF A CURVE TO THE RIGHT WITH A CHORD BEARING S15°33'03"W; THENCE ALONG SAID CURVE HAVING A RADIUS OF 459.26 FEET; THROUGH A CENTRAL ANGLE OF 29°33'53" AN ARC DISTANCE OF 236.90 FEET; BEARING S30°00'00"W A DISTANCE OF 181.00 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 456.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 119°33'53" AN ARC DISTANCE OF 972.45 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 741.67 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A CHORD BEARING R27°03'52"W A DISTANCE OF 140.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1°48'31" AN ARC DISTANCE OF 16.73 FEET; THENCE BEARING R27°03'52"W A DISTANCE OF 140.00 FEET TO THE P.C. OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 466.88 FEET; THENCE BEARING N26°56'07"E A DISTANCE OF 167.00 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 530.00 FEET; THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 467.31 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 155.00 FEET; THROUGH A CENTRAL ANGLE OF 30°00'00" AN ARC DISTANCE OF 81.16 FEET TO THE POINT OF BEGINNING; CONTAINING 583,888 SQ FT OR 13.4 ACRES ±.

"AA" to "R-4"

BEGINNING AT A POINT 328.37 FEET EAST AND 50.00 FEET SOUTH OF THE NW CORNER OF THE NE 1/4 OF SECTION 18, T27S, R2E, OF THE 6TH P.M.; THENCE BEARING S89°33'53"E PARALLEL TO AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NE 1/4 A DISTANCE OF 294.00 FEET; THENCE BEARING S0°00'00"E A DISTANCE OF 1,214.00 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 125.00 FEET TO THE P.C. OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 400.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 119°33'53" AN ARC DISTANCE OF 294.72 FEET; THENCE BEARING N20°00'00"E A DISTANCE OF 183.00 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 525.26 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29°33'53" AN ARC DISTANCE OF 271.03; THENCE BEARING N09°14'11"E A DISTANCE OF 100.72 FEET; THENCE BEARING N0°26'07"E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; CONTAINING 486,459 SQ FT OR 11.2 ACRES ±.

AND

BEGINNING AT A POINT 1314.98 FEET NORTH AND 50.00 FEET WEST OF THE SE CORNER OF THE NE 1/4 OF SECTION 18, T27S, R2E, OF THE 6TH P.M.; THENCE BEARING S0°00'00"E PARALLEL TO AND 50.00 FEET WEST OF THE EAST LINE OF SAID NE 1/4 A DISTANCE OF 648.00 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 630.00 FEET; THENCE BEARING N09°00'00"E A DISTANCE OF 450.00 FEET; THENCE BEARING S89°33'53"E A DISTANCE OF 430.00 FEET; THENCE BEARING S82°43'19"E A DISTANCE OF 100.72 FEET; THENCE BEARING S89°33'53"E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 413,909 SQ FT OR 9.50 ACRES ±.

The revised Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.06, 190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 495 North Main, Wichita, Kansas, and is available for public information and review.

The revised Development Plan proposes four parcels for residential uses. The westernmost parcel on 13th Street, containing 13.4 acres, is for a maximum of 132 townhouses (to be zoned "A-1"). The 11.2-acre parcel adjacent to the east is for a maximum of 294 garden apartments or 113 townhouses (to be zoned "R-4"). The other two parcels front on Rock Road. The southernmost parcel, containing 9.5 acres, is for a maximum of 48 townhouses (to remain zoned "AA-1"). The 9.5-acre parcel adjacent to the north is for a maximum of 247 garden apartments or 45 townhouses (to be zoned "R-4"). The total number of permitted community facilities associated with the dwellings. Building requirements, screening requirements, parking ratios, access controls and other information relating to future development is shown on the plan.

The hearing of the revised Development Plan and re-zoning request is to be held and will there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

STATE OF KANSAS,  
COUNTY OF SEDGWICK, SS:

*Brenda Burrell* lawful age  
being first duly sworn, deposes and says that she is Business Manager of THE DAILY RECORD, a newspaper printed and published in the State of Kansas, and of general circulation on a daily basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least fifty (50) times a year, and has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office in Wichita in said County and State as second class matter.

Take a notice, a true copy of which is hereto attached, was published in the regular and entire issue of said newspaper for consecutive 7 days as follows:

JUL 31 1985

- 1st
- 2nd
- 3rd
- 4th
- 5th
- 6th

*Brenda Burrell*  
Business Manager

Subscribed and sworn to before me this 10th day 1985

*Janita L. Mize*  
Notary Public

My Commission expires: 4-16-89

(SEAL)

Publication Fees: \$ 28.25

1/3  
JOVITA L. MIES  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 4-16-89

DP-146  
(assoc. with Z-2711)

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.
  - a. Applicant Thirteenth and Rock Land Partnership  
 Address 1650 Georgetown, Suite 250 67218 Phone 681-2171  
 Agent Kansas General Properties, Inc., Attn: William E. Morin  
 Address 1650 Georgetown, Suite 250 67218 Phone 681-2171
  - b. Applicant \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Agent \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_
  - c. Applicant \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Agent Professional Engineering Consultants, P.A., Attn: Gary Wiley  
 Address 1440 E. English 67211 Phone 262-2691

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

2. a. The applicant hereby requests Community Unit Plan approval on property to be zoned A, R-6, BB, & LC <sup>(DP-146)</sup> and legally described as Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_, Addition. \_\_\_\_\_  
 (If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

See attached sheet.

2. b. There are 72.6 <sup>46.23</sup> acres (round to nearest tenth) in the above described property.

3. The general location is South of 13<sup>th</sup> Street North and west of Rock Rd. (use appropriate section)

a. at the Southwest corner of Thirteenth  
and Rock Road; or

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

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

Thirteenth and Rock Land Partnership

By Gary Wiley  
Authorized Agent (if any)  
Gary Wiley

By \_\_\_\_\_  
Authorized Agent (if any)

By \_\_\_\_\_  
Authorized Agent (if any)

By \_\_\_\_\_  
Authorized Agent (if any)

5. OFFICE USE ONLY

This application was received at the Planning Department at \_\_\_\_\_  
(AM, PM) on 8-1-85 (Day, Month, Year). It has been  
checked and found to be complete and accompanied by required documents and  
the appropriate fee of \$ 182<sup>00</sup> additional fee paid. Receipt in  
file Z-2711.

Ronnie Oliveira Name  
Sr. Planner Title

Use ownership list in DP-144 file.

FAIRFIELD RESIDENTIAL C.U.P.

TRACT "A," DESCRIBED AS:

BEGINNING AT A POINT 1958.99 FEET WEST OF THE NE CORNER OF SECTION 18, T27S, R2E, OF THE 6TH P.M., AND 50.00 FEET SOUTH PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 18; THENCE BEARING S89°33'53"E PARALLEL TO AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 18 A DISTANCE OF 939.37 FEET; THENCE BEARING S0°00'00"E A DISTANCE OF 1247.00 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 125.25 FEET; THENCE BEARING S0°26'07"W A DISTANCE OF 33.00 FEET; THENCE BEARING N89°33'53"W A DISTANCE OF 741.67 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A CHORD BEARING N26°09'38"W; THENCE ALONG SAID CURVE WITH A RADIUS OF 530.00 FEET THROUGH A CENTRAL ANGLE OF 1°48'31" AN ARC DISTANCE OF 16.73 FEET; THENCE BEARING N27°03'53"W A DISTANCE OF 148.00 FEET TO THE P.C. OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 535.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 466.88 FEET; THENCE BEARING N22°56'07"E A DISTANCE OF 167.00 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 510.00 FEET, THROUGH A CENTRAL ANGLE OF 52°30'00" AN ARC DISTANCE OF 467.31 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 155.00 FEET, THROUGH A CENTRAL ANGLE OF 30°00'00" AN ARC DISTANCE OF 81.16 FEET TO THE POINT OF BEGINNING; CONTAINING 1,179,624 SQ FT OR 27.08 ACRES ±.

TOGETHER WITH TRACT "B," DESCRIBED AS:

BEGINNING AT A POINT IN THE SOUTH LINE AND 50.00 FEET WEST OF THE SE CORNER OF THE NE 1/4 OF SECTION 18, T27S, R2E, OF THE 6TH P.M.; THENCE ALONG SAID SOUTH LINE BEARING N89°34'05"W A DISTANCE OF 630.00 FEET; THENCE BEARING N0°00'00"E A DISTANCE OF 1326.64 FEET; THENCE BEARING S89°33'53"E A DISTANCE OF 430.09 FEET; THENCE BEARING S82°43'19"E A DISTANCE OF 100.72 FEET; THENCE BEARING S89°33'53"E A DISTANCE OF 100.00 FEET; THENCE BEARING S0°00'00"E PARALLEL TO AND 50.00 FEET WEST OF THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 1314.60 FEET TO THE POINT OF BEGINNING. CONTAINING 833,948 SQ FT OR 19.15 ACRES ±.

**DIRECTORS**

C. O. KNOP, P.E.  
R. B. PELUGH, P.E.  
C. J. FREUND, P.E.  
W. H. KELTNER, P.E.  
R. D. FLETCHER, P.E.  
F. D. MIDDLETON, JR., P.E.  
D. E. MALTBIE, P.E.  
M. D. SCHOMAKER, P.E.  
G. D. SCHOCK, P.E.  
J. H. BAILEY, P.E., PH.D.



**PROFESSIONAL  
ENGINEERING  
CONSULTANTS**  
PROFESSIONAL ASSOCIATION

July 25, 1985

Louise Olivarez, Senior Planner  
MAPD  
10th Floor - City Hall  
455 North Main  
Wichita, Kansas 67202

Reference: Z-2701 & D.P.-144  
Fairfield  
PEC File No: 36-84610-1540

Dear Louise:

Attached are the revised legal descriptions for the zone change request for the above-referenced property. Also attached are the legal descriptions for the proposed Fairfield Residential C.U.P., and the Fairfield Commercial C.U.P.

If additional information is desired, please contact me.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

  
Richard W. Linn, P.E.

Project Manager

enclosures

RWL/mkm

1440 EAST ENGLISH  
WICHITA, KANSAS 67211  
(316) 262-2661

FAIRFIELD RESIDENTIAL C.U.P.

TRACT "A," DESCRIBED AS:

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FAIRFIELD - CITIZEN LETTERS

**RECEIVED**

1-101

OCT 04 1985  
METROPOLITAN PLANNING  
ROUTE

**FOULSTON, SIEFKIN, POWERS & EBERHARDT**

LAW OFFICES

A PARTNERSHIP INCLUDING A PROFESSIONAL ASSOCIATION

700 FOURTH FINANCIAL CENTER

BROADWAY AT DOUGLAS

WICHITA, KANSAS 67202

(316) 267-6371

TELECOPIER: (316) 267-6348

COUNSEL  
GEORGE H. POWERS

ROBERT C. FOULSTON (1880-1947)

GEORGE SIEFKIN (1880-1944)

JOHN P. BROWN  
ROBERT C. FOULSTON, P. A.  
ROBERT M. PATRICK  
ROBERT M. BROWN  
RICHARD C. HARRIS  
OSWALD SHAWNEY  
ROBERT L. HOWARD  
CHARLES J. WOODRIF  
MUEL L. STOUT  
BRADSHAW C. LAMMEL  
JERRY S. ELLIOTT  
WILLIAM M. DYE  
PHILIP R. PRICE  
STANLEY S. ANDERL  
FREDERICK L. HARR

RICHARD D. ENY  
DARRELL L. WARTA  
WILLIAM B. SANDPSON  
MURRAY B. BOWEN  
MICHAEL RIM MOORE  
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MARY KATHLEEN BRADCOCK  
CHARLES P. EPLAND  
JAMES D. OLIVER  
MICHAEL S. GAILY  
GARY L. AYERS  
LINDA K. CONSTABLE  
GLORIA B. FLENTJE  
LARRY E. GAPP  
D. DOUGLAS REAGAN

VAUGHN BURKHOLDER  
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POLA TERESCO FOULSTON  
JAY F. FOWLER  
JIM H. GOSWINE  
DOUGLAS L. HARRICH  
MICHAEL L. HAYNE  
WYATT A. HOCH  
CHRISTOPHER M. HURST  
ROBERTA R. JOHNSON  
STEPHEN K. KERNICK  
GARY E. KNIGHT

AMY B. LEWLEY  
LORRA J. LEWON  
DAVID K. MARTIN  
JOHN J. MURPHY  
TIMOTHY B. MUSTAINE  
TERRA J. ROLL  
LARRY SHREVEVELY  
SUSAN L. SMITH  
DOUGLAS L. STANLEY  
M. RAYMOND WEBB  
WYATT W. WRIGHT

October 1, 1985

HAND DELIVERED

Mr. Robert Brown  
Mayor  
City Commission  
455 North Main Street  
Wichita, Kansas 67202

**MAYOR'S OFFICE  
RECEIVED  
OCT 1 1985**  
City Commissioners Received  
*Siekin*  
RCE  
ML

Re: Fairfield Development  
13th and Rock Road

Dear Mayor Brown:

At the public hearing held before you on Tuesday, September 24, 1985, on the commercial and residential CUP's proposed by our client, Kansas General Properties, I intended to bring to your attention some information about the history of this project. I "goofed" in not doing so. Since I neglected to do it then, I thought I would do it by this very short letter now.

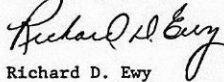
You may recall that a request for the annexation of this property was made in April of 1985. The annexation request was heard by you on April 30, 1985. At that time, Kansas General Properties stated its specific intent to develop the property with a mixture of residential housing types (single-family, town houses, and apartments) plus use a portion of the property for office and commercial uses. At the time of the hearing for the request for annexation, Kansas General Properties indicated its intent to file community unit plans and zone change requests that would be consistent with this proposed development. As you probably will recall, the City Commission unanimously, by a 5-0 vote, approved the request for annexation with knowledge of the planned usage.

October 1, 1985  
Page 2

This unanimous vote on annexation is consistent with the unanimous vote on two occasions of the Metropolitan Area Planning Commission and is also consistent with the whole-hearted support given the project by the professional staff at the City of Wichita.

On behalf of Kansas General Properties, I request your approval of both the commercial and residential CUP at your City Commission meeting and vote scheduled on October 8, 1985. Thank you in advance for your cooperation in this regard. If you have any questions, please don't hesitate to contact me.

Very truly yours,



Richard D. Ewy

of FOULSTON, SIEFKIN, POWERS & EBERHARDT

RDE/pag

September 18, 1985

<b>RECEIVED</b>			
OFFICE OF CITY CLERK			
3:30PM <i>UTSed</i>			
SEP 18 1985			
<input type="checkbox"/> DG	<input type="checkbox"/> DR		
<input type="checkbox"/> Agenda	<input type="checkbox"/> JE		
<input type="checkbox"/> File			

City Commissioners  
c/o City Clerk  
City of Wichita  
Wichita, Kansas

Gentlemen:

SUBJECT: Z-2701, DP-144; Z-2711, DP-146

Policy Statement #10 indicates that "the conformance of the requested (zone) change to the adopted and recognized master plan being utilized by the City" is to be considered when approving or denying applications for zone changes.

Guidelines outlined below contained in the City of Wichita's Comprehensive Plan for Land Use would appear to conflict with the subject CUP's and associated zone change requests. Pages indicated pertain to the LAND USE TECHNICAL REPORT, YEAR 2000.

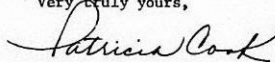
General Development Guide  
Residential & Commercial, p. 31

Part I: Goals and Objectives  
Residential, p. 9, Objectives 1, 4 & 5  
Commercial, p. 10, Objectives 1 & 4  
Streets & Highways, p. 15, Objectives 7 & 8  
Housing, p. 26-27, Objective 8

Part II: Methodology  
Schools, p. 130, Item XV,B  
Commercial, p. 130-131, Item B (NOTE SPECIFICALLY 5a)

Kansas Statute 12-704 reads that an annual review is to be made to determine if any portion of the Comprehensive Plan has become obsolete. It is my understanding that there has been no updating of the above guidelines and that they are therefore applicable.

Very truly yours,



(Mrs.) Patricia Cook  
1050 Gretchen  
Wichita, KS 67206

/pc  
Attachments: Above-referenced pages



origin-destination zones (prepared in December, 1977) can also be used to determine the timing of future development.

The Land Use Technical Report - Part II discusses the type, amount, and location of future land uses in the Wichita urbanizing area. This section of the Development Guide will concentrate on setting forth general policy recommendations aimed at achieving the quantity and distribution of future growth. It must be noted that the traditional implementation tools of a land use plan (zoning ordinance, subdivision regulations, capital improvement programs) currently exist. The recommendations contained herein should be applied to the use of the existing implementation procedures.

#### RECOMMENDATIONS

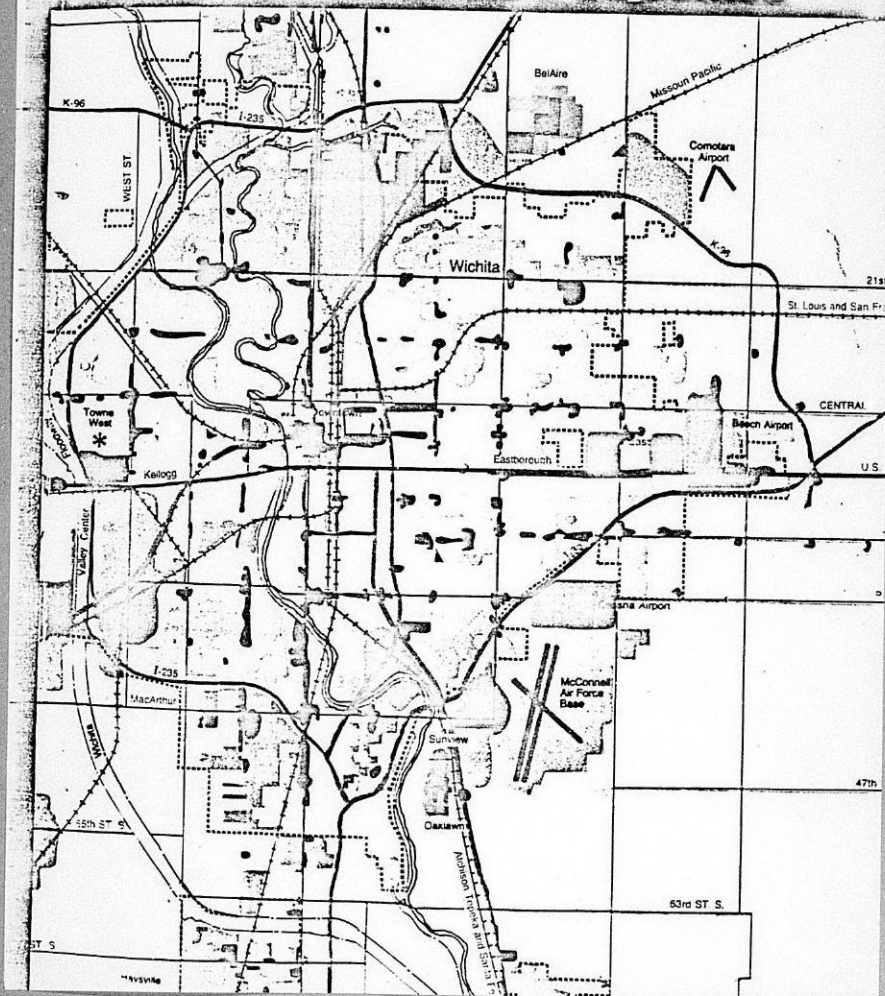
##### Residential

1. Utilize the General Development Scheme map and the residential locational criteria as a guide in making decisions on future residential development proposals.
2. It is recommended that a monitoring procedure for assessing the location and amount of new low, medium, and high density residential development be instituted to measure the annual progress being made toward the fulfillment of the criteria contained in Residential Land Use Objective #4. This should be coordinated with the evaluation criteria set forth in the technical paper entitled "Monitoring and Evaluation Program for the Wichita-Sedgwick County Land Use Plan".

##### Commercial

1. Utilize the General Development Scheme map and the commercial locational criteria as a guide in making decisions on the quantity and distribution of future commercial development.
2. It is recommended that future zoning changes that would result in strip commercial zoning in the existing urbanized area be held to a minimum. Strip commercial zoning exists on many of the major arterials now and serious consideration should be given before further "strip zoning" those streets, or segments of streets, where viable residential neighborhoods exist. As in the past, policy guides should be prepared and utilized for those arterials where additional strip commercial pressure exists.
3. It is recommended that, in those areas designated for future urbanization, commercial development be concentrated at the intersection of major arterials (utilizing the Development Scheme map as a guide) and no strip commercial development be initiated.

**LAND USE DESIGNAL REPORT**  
**Year 2000** for Wichita, Sedgewick County  
**Part I: Goals & Objectives**



## RESIDENTIAL LAND USE

### Goal:

Ensure a wide range of choices in residential living arrangements through the promotion and protection of lands of suitable characteristics and environmental quality throughout the Wichita-Sedgwick County area.

### Objectives:

- X 1. Minimize urban sprawl through the encouragement of residential development in those areas within 2/3 mile of a neighborhood or community park, within an average one (1) mile radius of elementary schools, within 1/4 mile of major arterials and public transit, and on topography not subject to the 100 year Flood, severe soil limitations for dwellings and/or poor drainage conditions.
- Let's mean  
of High  
Risk on 137*
2. Locate residential development in such a manner as to minimize exposure to air and noise pollution in accordance with the standards set forth by the Kansas Department of Health and Environment.
3. Encourage the redevelopment of those residential neighborhoods experiencing more than 30 percent blight (not structurally sound or economically feasible to repair) with that land use most suited to the locational criteria.
- X 4. Encourage the construction of 65,305 dwelling units in the county to be apportioned as:
- 29* a. 5% in the center city.  
*19* b. 34% within a 1/2 mile corridor along major arterials,  
*4* c. 48% throughout the remainder of Wichita, and  
*4* d. 13% in other cities within Sedgwick County  
with respective average net densities of 29, 19, 4, and 4  
dwelling units per acre.
- X 5. Encourage the incorporation of common passive open space within 200 feet of all multi-family residential units by ensuring a maximum lot coverage of 40 percent for garden apartments and 50 percent for high-rise apartments.

## COMMERCIAL LAND USE

### Goal:

Provide sufficient and convenient locations for well designed compatible commercial development which will assure a complete range of goods and services for the entire Sedgwick County area.

Objectives:

- X 1. Encourage the provision and concentration of commercial development, rather than strip development, in those areas containing:
- a. a 3/4 mile, 4,000 minimum population service radius for neighborhood commercial activity;
  - b. a 2 mile, 35,000 minimum population service radius for metropolitan commercial activity and, *in the same area*
  - c. a 4 mile, 150,000 minimum population service radius for regional commercial activity; *- There's best 2 miles away*
- with respective gross square footage of 53, 25 and 20 square feet per person.
2. Encourage the future location of metropolitan and regional commercial development within 1/4 mile access of major arterials and public transit.
3. Encourage the application of adaptive uses to vacated, structurally sound commercial buildings.
- X 4. Encourage the effective use of location, design and landscaping of commercial areas to screen and buffer neighborhoods from lights, signs, traffic noise and pollution, and other factors incompatible or conflicting with adjacent land uses.

*\* See pg 130-131  
"Metropolitan"  
"Regional"  
"Neighborhood"*

INDUSTRIAL LAND USE

Goal:

Provide ample land for industrial use which will fulfill economic development goals and which is compatible with all aspects of the environment and surrounding land uses.

Objectives:

1. Ensure pockets of concentrated future industrial development in areas of Sedgwick County adjacent to existing sound industrial development, within 1/4 mile access of major roads and/or adjacent to rail lines and/or in proximity to air transportation services.
2. Encourage the redevelopment and industrial reuse of existing deteriorated industrial areas where greater than 20 percent of the structures are blighted (not structurally sound and/or economically feasible to repair) and the area is locationally suited for this type of development (as defined in Objective 1).
3. Encourage future industrial growth to consist of an additional 2,070 net acres of extensive and intensive manufacturing with a density range of 6-57 employees per net industrial acre.

## STREETS AND HIGHWAYS

### Goal:

Ensure safe vehicular access from all points within Sedgwick County to concentrated areas of activity, maximize the separation of pedestrian and both motorized and non-motorized vehicular flow and minimize congestion throughout the metropolitan urban area.

### Objectives:

1. Reduce congestion on 90 percent of the arterial system during peak hours through the minimum design to level C operational standards.
2. Develop a functional street network composed of freeways, expressways and other arterials which convey 75 percent of the total vehicular miles traveled in the county.
3. Utilize programmed improvements of streets, highways and bridge networks to guide future development in those areas defined as minimizing urban sprawl (see Residential Objective 1).
4. Provide a balanced transportation system through the interfacing of streets and highways with other transportation modes such that a maximum of 95 percent of the total trips are by automobile and a minimum of 5 percent by public/private transit.
5. Improve the aesthetic considerations of streets and highways to minimize visual conflict with surrounding land uses in accordance with the policies set forth by the Federal Highway Administration and to ensure that air and noise levels are maintained at the standards set forth by the Kansas Department of Health and Environment.
6. Maximize safety consideration through the design of transportation facilities at the intersections of major arterials which will reduce the average annual number of accidents per million vehicles to two (2).

~~Maximize pedestrian safety through the separation of pedestrian and vehicular flow at street crossings having an average daily vehicular traffic count greater than 30,000.~~

Encourage the use of bicycles as both a mode of transportation and a form of recreation by developing separate bikeway facilities aimed at linking employment and recreation centers and by designing streets and highways to safely accommodate bicycle traffic.

*See  
p. 327.  
List on  
13th or  
Governor's  
28.X  
Coleman  
Planned  
bikes*

## HOUSING

Encourage the development and conservation of housing which meets the needs of all segments of the Wichita-Sedgwick County population and which incorporates adequate living space, environmental amenities and maximum quality and variety in housing types.

### Objectives:

1. Emphasize public-private sector coordination as the necessary vehicle to improve the delivery of adequate housing (for both the rehabilitation of existing structures and new construction) to all segments of the population.
2. Stress coordination of government housing activities at the federal, state, and local levels in order to maximize efficiency and effectiveness of government program while emphasizing coordination among all city and county agencies responsible for housing or housing-related activities.
3. Assure that all residents of Wichita-Sedgwick County have access to adequate housing which meets the standards set forth by uniform codes within Sedgwick County.
4. Provide a more socially and aesthetically pleasing environment for occupants of future publicly subsidized housing through the selection of sites that are within:
  - a. 1/4 mile of local shopping,
  - b. 1/3 mile of a neighborhood and/or community park,
  - c. 1/4 mile of public transit,
  - d. 1/2 mile of a major employment center, and
  - e. 1 mile of all schools.
5. Concentrate on the needs of the low and moderate income groups which are less able to secure adequate housing in the private market while ensuring variety in housing type and location for minority and low income households throughout Sedgwick County in order to prevent housing discrimination.
6. Promote favorable conditions for both new construction and rehabilitation through the provision of uniform, but flexible codes, ordinances, and regulations throughout Sedgwick County.
7. Ensure safe, healthful, and blight-free residences and neighborhoods by maintaining a public/private investment strategy which encourages the maintenance and rehabilitation, of both owner and renter occupied housing stock, in those neighborhoods where a minimum of 70 percent of the total dwelling units are structurally sound and economically feasible to repair, at a rate of 556 units per year over the next 25 years.
- X 8. Encourage the construction of 69,305 dwelling units in Sedgwick County

(60,500 in Wichita) of which the housing types should be distributed in the following manner to meet the market demands of future residents over the next 25 years.

- f. 51-55% - Single family
- b. 2-6 % - Two-Four family
- c. 31-35% - Multi-family
- d. 8-12% - Mobile homes.

#### ECONOMIC DEVELOPMENT

##### Goal:

Achieve a balanced and stable economic base in which all segments of the Sedgwick County economy can grow, and thus offer optimum opportunity for all residents to share in the resultant benefits produced.

##### Objectives:

1. Encourage economic growth in Wichita-Sedgwick County by seeking desirable economic enterprises with emphasis on:
  - a. Those with strong employment and income multipliers,
  - b. Those which can relieve the tight market for the marginally skilled,
  - c. Those most compatible with the environment, and
  - d. Energy efficient industry or commerce.
2. Eliminate all job discrimination by both private and public employers on the basis of race, color, creed, sex and/or age.
3. Encourage and act to achieve and maintain an economy where the unemployment level remains below 5 percent.
4. Develop those programs aimed at aiding individuals in earning a minimum income as defined by the Bureau of Labor Statistics as well as to assure manpower for the professions, commerce and industry sufficient to meet their respective production needs.

#### HISTORIC PRESERVATION

##### Goal:

Encourage the development and preservation of those structures, sites, and areas which are deemed to be architecturally and/or historically significant.

##### Objectives:

1. Provide protection for sites, structures and areas of historical and



- neighborhood park.
2. Encourage the provision of two acres of neighborhood park for every 1000 persons.

XV. Schools (within the Wichita Study Area)

A. Source

1. Data collected for the proposed School Facilities Plan USD 259 Wichita, W-SCMAPD, 1971.
2. USD #259 Enrollment, Department of Pupil Accounting, January, 1976.
3. USD #259 School Building Inventory and Related Information, School Plant Planning and Operation Services Division, August, 1975.

X B. Definition and Criteria

1. Encourage future residential development within 3/4 mile of an elementary school, and within one mile of a junior high school or high school with adequate capacity to accommodate future development.

*Coleman  
Planned  
Residential*

XVI. Fire Facilities (within the Wichita Study Area)

A. Source

1. Fire Department, City of Wichita.
2. Sedgwick County Fire District.

B. Definition and Criteria

1. Encourage future development within a four minute response time of a fire station in Wichita.

XVII. Employment Centers (within the Wichita Study Area)

A. Source

1. Map of Major Employment Centers, W-SCMAPD, 1976.

B. Definition and Criteria

1. Major employment center - employers of 100 or more employees.
2. Encourage future residential development within one mile of major employment centers.
3. Encourage future commercial development within 1/4 mile of major employment centers.

XVIII. Commercial

A. Source

1. Planning Design Criteria, De Chiara, 1969.
2. The Community Builders Handbook, Urban Land Institute, 1968.
3. Real Estate Information System, 1973.

B. Definition and Criteria

1. Local-Commercial - sale of convenience goods and personal services on a four acre minimum site, containing a maximum of 20 stores with the leading tenant a supermarket or drug store.

*Dec 19 10 55  
City of Wichita*

- 4. Encourage future residential development within 1/2 mile of local commercial centers (within the Wichita Study Area).
- 5. Encourage future metropolitan commercial centers to locate within a two mile service radius containing 35,000 people and future regional commercial centers to locate within a four mile radius containing 150,000 people.
  - a. No duplication of metropolitan or regional commercial centers within the respective radii.

*See attached map!*

XIX. Transit (within the Wichita Study Area)

- A. Source
  - 1. Transit Development Plan, Barton, A&S Associates, Inc., 1975.
- B. Definition and Criteria
  - 1. Encourage future development within 1/2 mile of transit routes.

XX. Zoning

- A. Source
  - 1. Zoning Map, W-SCMAPD, as amended, 1975.
- B. Definition and Criteria
  - 1. Encourage future development to locate in areas with similar zoning classifications when suitable for more than one land use.

XXI. Land Use

- A. Source
  - 1. Real Estate Information System, 1973
  - 2. Land Use Map, W-SCMAPD, 1973.

- B. Definition and Criteria
  - 1. Compatible land uses:

<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>	<u>INDUSTRIAL</u>
Residential	Retail	Industrial
Parks/Open Space	Services	Wholesale/Commercial
Public/Semi-Public	Wholesale	Transportation
		Communications
		Utilities

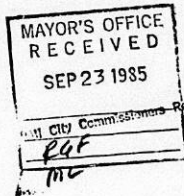
- 2. Encourage future development to locate in areas compatible with surrounding land uses.



Jack C. Harper, CLU  
General Agent  
Berkshire Life Insurance Company  
1052 East First  
Wichita, Kansas 67214  
(316) 265-4283



Berkshire



September 23, 1985

Robert Knight  
455 North Main  
Wichita, Kansas 67202

Dear Commissioner:

The matter pertinent to zoning changes for the Hartmann Farms Property at 13th and Rock Road is once again due for your consideration.

As you know, the residents on three sides of this property have exerted considerable effort to achieve long term beneficial development of this property in keeping with surrounding neighborhoods and prior commitments from the city with respect to this property.

You are aware too, that the requested zoning changes have bounced back and forth from CPU to MAPC to the Commission on several occasions. Apparently this has happened primarily due to the developers penchant for "revising" their plans frequently and immediately prior to a meeting with any of the above mentioned parties. This has assumed a pattern that seems to indicate some unwillingness on the part of the developer to deal in good faith with all concerned parties, including the city.

I respectfully request that you give thoughtful consideration to the pattern exercised to this point by the developer and the concerns of residents in the adjoining areas.

Sincerely,

A handwritten signature in cursive script that reads "Jack C. Harper".  
Jack C. Harper, CLU

JCH:js

MAYOR'S OFFICE  
RECEIVED  
SEP 23 1985

All City Commissioners Present  
RCF  
ML


Dear Bob:

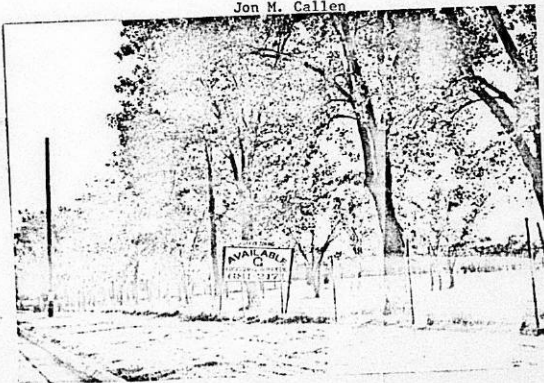
I had one late thought that I wanted to share with you before you decide your vote on the request for rezoning on the former Hartmoor Farm at 13th and Rock Road.

As you can see from the accompanying newspaper articles northeast Wichita appears poised for further expansion and development. This will generate more traffic on Rock Road as well as on 21st, 13th, Central, and Webb Roads. From Oliver street eastward, the only way to get from 13th to 21st is to use one of the section line roads, namely Oliver, Woodlawn, Rock, Webb, etc. The residential streets do not connect through between 13th and 21st. This is good for the neighborhoods, but it adds traffic and ultimately congestion to the section line roads in east Wichita.

Please say "NO" to the developer on his zoning change request. He apparently feels that he has the City Commission in his pocket as he has begun to advertise property on which he can't yet deliver (see enclosed photo of sign on Rock Road, south of 13th). I don't want north Rock Road to become impassable as south Rock Road has become.

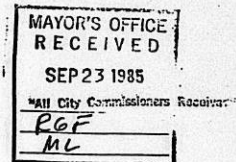
Respectfully,

  
Jon M. Callen



Douglas R. Jackson  
1441 N. Rock Road #301  
Wichita, Kansas 67206  
September 21, 1985

Mr. Sheldon Kamen  
City Commissioner  
The City of Wichita  
City Hall  
455 North Main  
Wichita, Kansas 67202



Re: Hartmoor Farm Development (Fairfield Zoning Case Z-2701)

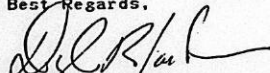
Dear Commissioner Kamen:

I very much appreciate your response to my most recent letter to you and the rest of the City Commissioners regarding what most of us residents neighboring the Hartmoor Farm regard as a most important issue. I hope that you fully understand that both our home environments and our property investments are at stake here.

If your meeting on the 24th would have occurred during any other week, I would most assuredly attend. Unfortunately, the National Business Aircraft Association Convention is held then, and we at Ryan Aviation have planned for the last year to be there.

My input and thoughts have been well articulated in both content and emotion in my past correspondence. Please note this with your fellow City Commissioners at the meeting.

Best Regards,

  
Douglas R. Jackson

HARTMOOR NEIGHBORS' GROUP UPDATE

FROM: Wayne Brinegar (Raintree), 682-7155      Pat Cook (West), 684-6060  
Tom Borniger (South), 685-2433      Mike Burlingame (Heritage), 689-8791  
Steve Lewallen (West), 682-8331

On July 23, 1985, the City Commissioners returned the Fairfield Development Plan (Zoning Case Z-2701 and the Fairfield CUP) to the MAPC because of neighborhood opposition with the stipulation that the developer and neighborhood be given a chance to work toward a mutually acceptable plan.

Rather than negotiate, on July 31st the developer filed two amended community unit plans (CUP's). This created a commercial CUP and a multifamily CUP. Parcel 7, the single family residential along the west and part of the south boundaries was excluded. This meant our previous protest petitions were nullified and the protest area which can legally affect the City Commission vote was limited. All significant recommendations presented by neighborhood representatives were rejected.

At its August 22, 1985 rehearing, the MAPC approved the two revised CUP's. Conditional to this approval was the inclusion of Parcel 7 in a third CUP. This was not as the result of a concession to our requests, but a mandatory inclusion because drainage for the commercial and multifamily CUP's is tied to Parcel 7's proposed development. In addition, a previously adopted zoning policy which had discouraged additional large scale commercial or high density residential development on South Rock Road was amended by the MAPC to not apply North of Douglas.

The plan scheduled to go before the City Commission on September 24, 1985, remains unchanged as regards density and commercial areas and our objections still apply. Essentially, the developer's proposal is for 26.4 acres of light commercial and business (office) zoning surrounded by apartments (20.7 acres at 26 units to the acre or 541 apartments and 23 acres of townhouse development for another 199 units). Add to this the 187 single family residential units that were previously proposed and you can see that in addition to the shopping center and the offices, 927 "residences" are being proposed. The average density of our surrounding neighborhoods is approximately 3 units to the acre. The highest density in the immediate area is the Heritage Townhomes at 8.9 units to the acre. The developer's current multifamily CUP has an overall density of 16.9. The only way to guard against decreased property valuation, adverse traffic effects, unnecessary commercialization and the negative effect on the character of our neighborhood which will occur if all of the developer's high density proposals are approved is to oppose the zoning change and the accompanying CUP's.

Ideally, we all wish the property would be developed within the existing zoning guidelines, i.e. 6 acres of light commercial at the corner of 13th and Rock Road (600 feet by 600 feet) and the remainder residential under the existing AA zoning. The expanded light commercial area and office area when combined with the apartment area is, in our opinion, far beyond what can or should be placed in our neighborhood if adverse effects in the area are to be avoided. Everyone is aware that the developer paid a significant sum to purchase this property. It should be pointed out that he purchased the property knowing the existing zoning and that a large part of the value of this particular property, in our opinion, lies in what is around it, namely us. Individually, we all have significant investments in our property and taken together our collective investments in our homes far outweighs the developer's current investment.

There are benefits to be gained in having the property developed under a single CUP; however, CUP's can be and are changed. Although neighborhoods are notified, there is no legal protest against an amendment to a CUP. The existence of a CUP does not insure the success of a development. The Sundance-Chelsea area (21st and Rock Road) was developed under a CUP. The single family area has experienced great difficulty. Professional realtors have verified that the mix of expensive homes behind adjacent high density apartments has decreased the value of the houses and house lots to the point where they are practically unsaleable.

-over-

Almost 1,000 protest signatures have been received and filed as a result of our almost unanimous neighborhood opposition to these high density development plans. But we can't stop now - that is not enough. We need all of you to get involved.

AGAIN, WE ASK YOU TO:

WRITE - THE CITY COMMISSIONERS  
455 North Main  
Wichita, KS 67202

CALL - Robt. Brown (B) 268-4331  
Tony Casado (B) 262-5491 (H) 682-4840  
Robt. Knight (B) 262-4411  
Sheldon Kamen (B) 262-1475 (H) 685-2487  
Gary Bell (B) 942-9353

ATTEND - City Commission Meeting - City Hall (Main at Central)  
September 24 (Anticipate a parking problem-carpool if possible.)

THE DEVELOPER IS COUNTING ON THE NEIGHBORHOODS TIRING IN THEIR OPPOSITION AND NOT EXPRESSING THEIR OPPOSITION. IT IS CRITICAL THAT EVERYONE WRITE, CALL AND ATTEND AS SET FORTH ABOVE. IF YOU DEPEND ON SOMEONE ELSE TO DO IT, THERE WON'T BE A SUFFICIENT NUMBER TO GET IT DONE AND WE WILL ONLY HAVE OURSELVES TO BLAME.

In making your objections, whether in writing or verbally, and when attending the City Commission meeting on September 24, 1985, you should be aware that the following items are to be considered by the Commissioners in approving or disproving a zone change:

- a) The character of the neighborhood;
- b) the zoning and uses of properties nearby;
- c) the suitability of the subject property for the uses to which it has been restricted;
- d) the extent to which removal of the restrictions will detrimentally affect nearby property;
- e) the length of time the subject property has remained vacant as zoned;
- f) the relative gain to the public health, safety and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner;
- g) the conformance of the requested change to the adopted or recognized master plan being utilized by the city;
- h) impact of the proposed development on community facilities;
- i) previously adopted zoning policies of the M.A.P.C. and Governing Body;
- j) opposition or support of neighborhood residents; and
- k) a consideration of the recommendations of professional staff.

WE NEED YOUR HELP NOW. WRITE OR CALL THE COMMISSIONERS AND ATTEND THE SEPTEMBER 24, 1985, CITY COMMISSION MEETING. MAKE YOUR OPPOSITION KNOWN NOW. AFTER THE 24TH OF SEPTEMBER, IT MAY BE TOO LATE!

RECEIVED

OCT 02 1985

METROPOLITAN DISTRICT  
ROUTE  LINDBERGH  
 ST

1-101  
LINDBERGH  
MAYOR'S OFFICE  
RECEIVED  
SEP 20 1985  
All City Commissioners Received  
RGP  
ML

September 19, 1985

Commissioner Tony Casado  
City Hall  
455 North Main  
Wichita, KS 67202

Dear Commissioner Casado:

The Community Unit Plan for Fairfield development is due to come before you next week. There appear to be several widely divergent opinions in the neighborhood regarding this proposal and it seems certain they are going to remain that way. We support the proposed plan with the inclusion of parcel seven as shown in the Fairfield Development Plan and urge you to vote its approval.

Very truly yours,

*Robert B. Peugh*  
Robert B. Peugh

*Jane Peugh*  
Jane Peugh

Residents of  
1058 Gretchen Lane

1-101

1441 North Rock Road, #2302  
Wichita, Kansas 67206  
September 19, 1985

MAYOR'S OFFICE  
RECEIVED  
SEP 20 1985

All City Commissioners Received

RGF ML

Mr. Tony Casado  
455 North Main  
Wichita, Kansas 67202

Dear Tony:

Once again I am writing to protest the zoning change proposed for the area of 13th and Rock Road, the Fairfield Development Plan.

If such need for this plan could be shown, perhaps it would be acceptable. But in no way whatsoever can there be a logical reason for such a development, either for commercial reasons, or for housing. The density proposed is far beyond that of the surrounding areas, and will certainly lower the value of that adjacent area.

Wichita now has more housing than can possibly be occupied in the near future, and the city is glutted with small shopping areas. The whole adjacent area to this Fairfield Plan will be downgraded by such additions as proposed, adding another pocket of depressed neighborhood.

When outside developers come into the city with proposals which are for their good only, it is time to curtail their activities. Let us look to what will be good for our neighborhoods and our city as a whole, rather than what might mean a quick gain for the developer.

I sincerely ask that you look to this matter with utmost care.

Yours very truly,

*Grace*

Grace E. Siefkes

Jon M. Callen  
7700 E. 13th - #23  
Wichita, Kansas 67206

September 19, 1985

MANAGER'S OFFICE RECEIVED SEP 20 1985 All City Commissioners Received ML ✓ RGR
-----------------------------------------------------------------------------------------------

Mr. Tony Casado  
City Commissioner  
455 North Main  
Wichita, Kansas 67202

Dear Mr. Casado:

I live at 7700 east 13th in Raintree Village and I am writing to you again to voice my opposition to the proposed zoning change on the former Hartmoor Farm and ask that you vote against the change.

The Hartmoor Farm is currently zoned 'AA' - One Family Dwellings except for a 600' x 600' tract zoned LC-Light Commercial on the southwest corner of 13th and Rock Road. Those zoning classifications have been in effect for several years. Many of us new to the neighborhood (1.1 years in my case) considered that before making our investments in our homes. Now those zoning classifications are under threat of gross redefinition.

I've heard it argued that for what the developer paid for the farm, they should be given every opportunity to make a nice profit for the risk they took. As a businessman employed by an independent oil company, I certainly understand risk. However, it should be recognized that each homeowner surrounding the property also took a risk. While each home cannot compare with the investment made by Kansas General Properties, collectively they are a much larger investment than KGP's. Therefore, I ask that you carefully weigh the arguments by both sides equally in your consideration.

My irritation with the proposed development plan for the Hartmoor Farm is that they intend to throw a menagerie of developments in that quarter-section which is out of character with their surrounding neighborhood. (See enclosed photographs) Kansas General Properties have proposed single-family residences on large lots along the south and west so that he can borrow density and stack it on the north and the east. Raintree Village and the Heritage are north of this proposed development. We homeowners on the north are being asked to cheerily accept high density apartments and a large shopping center as a neighbor.

The only point of access to Raintree Village is on 13th Street opposite the west line of the proposed shopping center. The newly reconstructed 13th street will have to be widened to accomodate the traffic generated by the shopping center. That adds one more lane of traffic to fight when attempting to make left turns out of our neighborhood. With our portion of east Wichita continuing to grow, it will be difficult enough to get in and out of our neighborhood without cluttering our corner of 13th and Rock Road with high intensity traffic generators.

page 2

Following an extensive study of development plans along Rock Road, Robert Young, Principal Planner, made a report to Mr. Lakin in 1974 concerning the effects of such development along Rock Road. In the summary of their lengthy and well studied report, Mr. Young states:

"Those areas presently unplatted along Rock Road, namely the quarter section on the west side south of 13th street..., should develop at as low an intensity as possible."

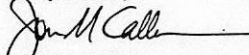
The report led to the adoption of the City of Wichita Public Policy No. 19 which stated that high intensity development along Rock Road should be discouraged. The developer ignored this policy in drawing up his plans, and the MAPC ignored the policy in giving their approval to the developer's plans. I ask that you carefully consider this policy before voting on the proposed zoning change.

The MAPC passed a motion to recommend that Public Policy No. 19 be abolished because it was being ignored. Further, the staff supported the recommendation. However, much thought and care went into the 1974 report. No update of this report has been formally done to review the effects of traffic on Rock Road because of development plans now being considered. The Tallgrass Development's success is only going to add pressure to the development of northeast Wichita. The NE circumferential and a new Turnpike interchange on 21st street don't help either. Rock Road will carry large volumes of traffic with accompanying flow through traffic being squeezed onto 13th and 21st streets.

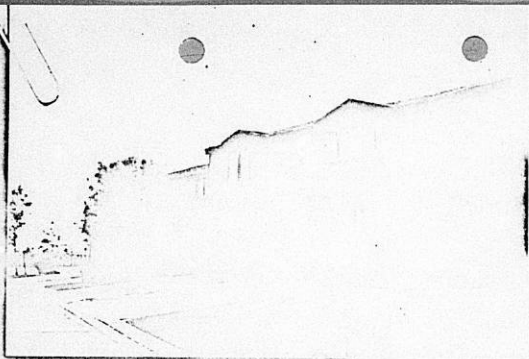
If you are still reading with me at this point, I wish to make one additional point. The developer has been busy portraying us unreasonable hot heads, claiming they have gone out of their way to make concessions with the neighbors to make us happy. While it is true that the developer has made many revisions in his plans, (often changing them at public hearings to throw us off guard), the real issue is not landscaping, or number of streets entering 13th street, or walls around the development. The issue to be argued is whether or not the proposed new development is compatible with the surrounding neighborhood. The neighborhoods don't believe the development is compatible and want their democratic privilege of opposing the developer to be recognized for what it is. We are not a bunch of "nose-in-the-air" naysayers fighting progress for the sake of fighting. That is not our intent.

I ask that you respect the character of the neighborhood and protect my investment in my property by voting against the proposed zoning changes on the Hartmoor Farm.

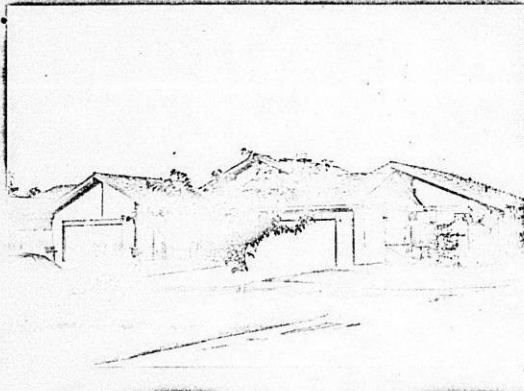
Respectfully,

  
Jon M. Callen

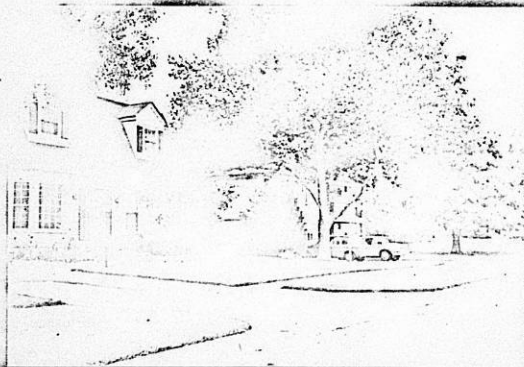
JMC/sy



The Heritage  
(8 units/ac)

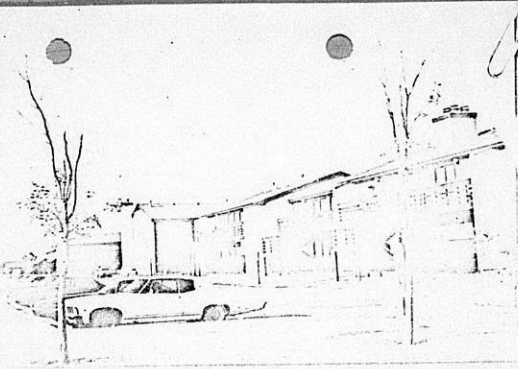


Raintree Village  
(6 units/ac)



West of Hartmoor Farm  
(~ 3 units/ac)

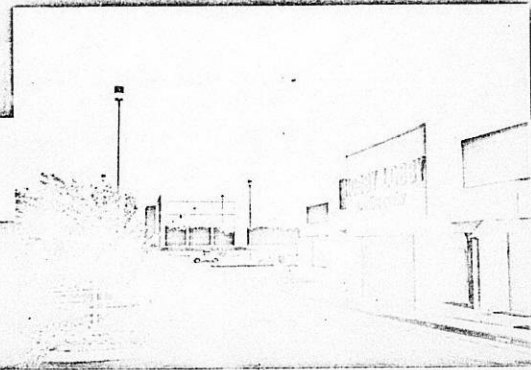
Potential type of neighbor  
(26 units/ac)



Potential type of neighbor  
(26 units/ac)



Potential type of neighbor  
( $\approx 300,000$  ft<sup>2</sup>)



Commissioner Tony Cresco  
455 N Main  
Wichita Ks  
67202

#16 00 E 13<sup>th</sup>  
Wichita Ks  
MAYOR'S OFFICE  
RECEIVED  
SEP 18 1985  
"All City Commissioners" Received  
POT  
Mc ✓

RECEIVED  
SEP 19 1985  
DESIGN DIVISION

Dear Commissioner

Thank you for deferring the final decision on the Fairfield addition. Hartman forms zoning change and directing the developer to attempt to work something out with the neighborhood. Unfortunately his only action was to change his proposal in such a way that any official protest became impossible. Now I see he has posted signs on the property advertising "Zoned for Business."

I protest any zoning change. Collectively our investment is significantly larger than his and we want to protect it. You are aware of the arguments, changing the neighborhood, excessive increase in density, the master plan which your MPC changed to support the developer; plus he purchased the property knowing what the zoning was.

Don't we count? The rudeness of the MPC let us know we don't but I think we do. What about our rights? Has Wichita been turned over to the "Fast Buck" developer? I see more business but I don't see more people to support them. One opens one closes. Look at the number of half filled shopping centers in the city. Commissioner, somewhere it has to stop, and soon.

How many more neighborhoods must be destroyed?  
What does Quality of life now mean? Does  
Quality of life now mean over commercialization of  
the NE end at the expense of one of the nicest  
areas in Wichita. <sup>When will it stop?</sup> I think now and all men that  
would roll over in his grave if he knew what  
was happening to the area he did so much to  
protect.

Please closely give it your close  
consideration Commissioner, and I hope you  
will expose the rezoning. I think it became  
time started to count for something other  
than for taxes in Wichita.

Burdette



7700 E. 13th, No. 37  
Wichita, Kansas 67206  
September 16, 1985



Mr. Tony Casado  
City Commissioner  
455 North Main  
Wichita, Kansas 67202

Dear Commissioner Casado:

I am writing to express my protestation of the Fairfield Development Plan, Zoning Case Z-2701. In my opinion, the plan scheduled to go before you on September 24th remains unchanged from the original application as to density and commercial areas.

In my opinion, the plan should be rejected for the following reasons:

- (a) The proposal drastically changes the character of the neighborhood which is residential in nature with limited multi-family residences.
- (b) The nearby property will be adversely affected by the high density residential housing and commercial property combination.
- (c) The requested change appears to put the property in conflict with the City's current master plan.

For these and other reasons, I urge you to reject the proposal and require the property to be developed within the existing zoning guidelines.

Very truly yours,

*William R. Whitmer*

William R. Whitmer



MAYOR'S OFFICE  
RECEIVED  
SEP 18 1985

All City Commissioners Received  
Lindbeck  
Finck



Sept 16, 1985

The City Commissioners  
455 N. Main  
Wichita, Kan. 67202

Gentlemen:

Please do not repeat the error made in the Sanderson-Chelsea area CUP. I refer to the 13<sup>th</sup> and Rock Road development (Zoning Case Z-2701 and the Fairfield CUP). To be blunt, the developer has proposed via amended CUP's to increase the commercial and multi-family density to unreasonable proportions! We property owners strongly object to this submission for many reasons -- property devaluation, traffic, unnecessary commercialization and deterioration of the neighborhoods existing integrity.

We realize the 6 acres at 13<sup>th</sup> & Rock Road is not enough commercial zoning to allow the developer to recoup his investment. All we ask is for you Commissioners as a group to respect the character of the area and allow some multi family and commercial development without destroying our investments.

2660 South Oliver  
Wichita, Kansas 67210  
316 / 685-2201

Respectfully  
Leroy C. Schuchtle  
7706 E. 13<sup>th</sup> #102

Tony Casado, City Commissioner  
City Hall  
455 North Main  
Wichita, KS 67202



MAYOR'S OFFICE RECEIVED SEP 16 1985 *All City Commissioners Received*
RGF
ML

Dear Mr. Casado,

We would like to express our views on the proposed rezoning of the Hartmoor Farm property on the southwest corner of 13th and Rock Road. First, at the July 23rd City Commission meeting, it was recommended that Kansas General Properties meet with the residents of the area to work out the objections raised to the proposed development. A meeting was scheduled. However, the meeting was after the developer had filed a revised plan. This is an indication of the integrity of the developer.

Second, since mid-August, the developer has displayed a sign on the property stating that the proposed "BB" site was zoned as office space. Again, this is a display of the integrity of the developer.

Third, there is a large amount of commercial and office development already existing or under construction in the northeast area of Wichita. No need for additional commercial or office development has been demonstrated. To quote an area resident "The east side of Wichita has become a concrete jungle. with pockets of beautiful homes."

Fourth, the density of the proposed apartment and townhouse sites is totally out of line with the density of the area. A beautiful park has been under development on 13th Street in front of Coleman Junior High School. The increased traffic flow will both lessen the use of this city facility, and make access to it more dangerous. This area of the city is one of the last non-commercialized, non-overly dense areas. The quality of life in Wichita should be preserved.

Finally, the City Commission in office on August 21, 1978, recommended that "the city hold the line on additional large-scale commercial, office and high-density residential zoning on Rock Road between 37th North and 31st South, and encourage very low-density development on the remaining large unplatted residentially zoned properties". Looking at the development along Rock Road within this area, we feel that this recommendation is more valid now than ever. We urge you to vote against the proposed Fairfield rezoning request on September 24th.

Sincerely,

*Ronald J. Menousek Cathy Jo Menousek*  
Ronald J. and Cathy Jo Menousek  
7700 E. 13th, #112 Raintree  
Wichita, Ks 67206 686-7796

1-101

MAYOR'S OFFICE  
RECEIVED  
SEP 19 1985  
All City Council Members Received  
[Handwritten initials]

1202 GREYHORN LN.  
WICHITA KS 67206  
18 SEPTEMBER 1985

DEAR COMMISSIONER CASADO,

WE WRITE CONCERNING A ZONING MATTER WHICH WILL COME BEFORE YOU NEXT TUESDAY, 24 SEPT.

OUR HOME IS ON THE WEST EDGE OF THE PROPOSED FAIRFIELD DEVELOPMENT AT 13<sup>TH</sup> AND ROCK RD. WE URGE THAT YOU APPROVE THE TWO PROPOSED COMMUNITY UNIT PLANS FOR LIGHT COMMERCIAL, BUSINESS, AND MULTIPLE FAMILY HOUSING, ON CONDITION THAT THE DEVELOPER SUBMIT A 3<sup>RD</sup> EUP FOR SINGLE FAMILY LOW DENSITY HOUSING (APPROX. 3 HOMES PER ACRE) ON THE REMAINING PARCEL OF LAND; THESE HOMES WILL BE OUR CLOSE NEIGHBORS.

ALTHOUGH WE HAVE RESERVATIONS ABOUT THE ADDITIONAL COMMERCIAL DEVELOPMENT, THE DENSITY OF THE PROPOSED MULTIPLE FAMILY HOUSING, AND THE INCREASED TRAFFIC IN OUR AREA, WE DO FEEL THAT THE DEVELOPER HAS A QUALITY PLAN, AND SHOULD NOT BE FURTHER DELAYED BY UNREASONABLE PROTEST FROM THE NEIGHBORHOOD.

YOURS TRULY,

STEPHEN AND ANN STACH

RECEIVED

SEP 23 1985  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_



# Ryan Aviation Aircraft Sales Inc.

1500 AIRPORT ROAD, MID-CONTINENT AIRPORT • WICHITA, KANSAS 67209  
(316) 842-3288 BITA: ICT R5RN TELEX: 417 499 RYAN AVIA WIC

DOUGLAS R. JACKSON  
Executive Vice President  
and Chief Operating Officer



September 18, 1985

Mr. Tony Casado  
City Commissioner  
The City of Wichita  
City Hall  
455 North Main  
Wichita, Kansas 67202

Re: Hartmoor Farm Development (Fairfield Zoning Case Z-2701)

Dear Commissioner Casado:

I am most distressed to hear that the M.A.P.C. has sent two revised Community Unit Plans of the Hartmoor Farm Development for your review. All significant neighborhood representatives recommendations were pushed aside. The plan now includes the totally insane number of 927 residences in this area, in addition to 26.4 acres of light commercial and business zoning.

This is my third letter to you strongly urging you to oppose these zoning changes and the accompanying CUP's.

Our whole neighborhood is strongly united against the addition of a large area where 16.9 residences per acre is proposed, versus our currently existing 3 units per acre.

Most all of us purchased our properties based upon the high quality of the area, and that the existing master plan being utilized by the city calls for only six acres of light commercial, along with the balance on AA zoning.

Not only are all of our property values going to plummet (take a look at what happened in the Sundance-Chelsea area of 21st and Rock Road), we're going to have to live with the substantial increase in traffic, crime, and population density.

The worst part is that none of you seem to listen to us, the existing owners, as to the effects on us. We're already here, and we'll have to somehow live with the effects.

I know in my personal case, and from what I hear from all of my neighbors, you'll have one collective bunch of angry Northeast residents if this atrocity is allowed to continue any further.

Best regards,

Douglas R. Jackson  
1446 North Road Road #301  
Wichita, Kansas 67206

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SEP 23 1985  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
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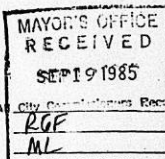




**GT SALES & MANUFACTURING INC.**

2202 S. WEST ST. ■ WICHITA, KANSAS 67213 ■ 316-943-2171

September 17, 1985



Tony Casado  
City Commissioner  
455 No. Main  
Wichita, KS 67202

Dear Tony:

I am writing to you for a second time in a relatively short period of time concerning the zoning controversy for Hartmoor Farm i.e. zoning case Z-2701. I remain totally opposed to the rezoning and I am now also questioning the maneuvers and procedures being used to re-introduce the proposals!

There are a host of reasons to deny the current requests for re-zoning. My earlier letter outlined some of them and I am certain that you have been exposed to many, many other reasons to deny re-zoning. Some mention has been made about the \$6,000,000 that the developer has at risk - that is a tidy sum in total, but it does not even begin to approach the value of surrounding property owners whom I insist should be your principal concern!

Further, I am very puzzled and quite frankly annoyed that this question is before you again, so soon, with no meaningful changes? It was my understanding that the original request was sent back with the stipulation that the "neighborhood" and the developer work toward a mutually acceptable plan. That has definitely not occurred, the developer is playing games with various avenues open to him, and you and your fellow commissioners should refuse to consider future requests unless a healthy amount of "good faith" is shown by the developer.

Sincerely,

*N.M. Onofrio, Jr.*  
N.M. Onofrio, Jr.  
President

NMO/mc

**RECEIVED**

SEP 23 1985

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

Mr. William L. Byrne

The City Commissioners  
455 North Main  
Wichita, KS 67202

MAY 1985	RECEIVED
SEP 19 1985	
WICHITA CITY COMMISSIONERS	
K&F	
MLL	

gentlemen:

My wife and I live at the Heritage #1303. We are very much opposed to the rezoning plan for the Fairfield property across the street from us. We are in the 200-foot strip for protest, and we have each signed a formal protest.

We have lived here for eleven years, since our house was built, and have worked our tails off to get and keep the Heritage nice and beautiful. Now it is going to be ruined by the developers' plans for commercial and high-density apartments, unless you stop it.

I remind you that the CPO Council has twice voted down the commercial plan. Just drive around the six square miles from Kellogg to 21st and Oliver to Rock Road, and see the huge number of commercial places already there. And there are more announced nearly every day.

We had hoped that the Hartman property would be developed more like the beautiful Viekarage area. The developers have said that they can average 2.9 homes per acre, and that they can sell them for \$30,000 each lot. That would bring \$13,920,000. I believe they paid \$6,300,000. So they could develop the area and still have about 100% profit on their investment. Not bad these days!

Please vote to rezone all of the property AA.

Thank you,

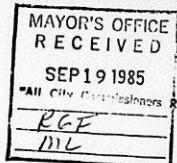
Bill Byrne

RECEIVED

SEP 23 1985  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

September 17, 1985

Mr. Tony Casado  
City Commissioner  
455 North Main  
Wichita, Ks. 67202



Dear Commissioner Casado:

I am writing in regard to the Hartmoor Farm rezoning case and the accompanying Fairfield CUP. As you know, the City Commission returned the plan to the MAPC because of neighborhood opposition with the stipulation that the developer and neighborhood be given a chance to work toward a mutually acceptable plan. Instead of negotiating, the developer filed two amended CUP's which failed to address the major objections of the neighborhood.

The major objections include: (1) the expanded light commercial and office areas are beyond what can or should be placed in the overall neighborhood; (2) the building of app. 541 apartments; and finally, (4) the overall density of 16.9 units per acre as compared to the neighborhood's overall density of 3 units per acre.

From a personal standpoint I wonder if the MAPC or City Commission has undertaken an economic cost/benefit study to determine the effect of the proposed construction. What will increased commercial competition do to the already overcommercialized areas surrounding us in every direction? To what degree will crime increase in my neighborhood as a result of the 541 apartments? What will happen to the value of my property as well as other property owners in the neighborhood? These are just several of the questions that come to mind. Can they be answered with some degree of accuracy at this point in time?

From first hand experience I know the problems that exist with apartment complexes. Robberies are extremely high in apartment areas and tend to spread to the surrounding homes. This not only increases the chance for loss as a nearby homeowner, but decreases my property value as well.

A final point concerns the increased traffic flow that this plan will create. As you well know, the traffic in and around 13th and Rock Road is heavy. With the proposed density of 16.9 units per acre it can only increase to an unbearable level. How will this affect my children as well as other children in the neighborhood as they walk to school, play, etc.? How will it affect our lives as we drive to and from our daily activities?

I purchased a home in this neighborhood because it was quite, away from high density areas, low in traffic congestion, and near good schools. If this plan comes to pass this situation will no longer be the case.

For these reasons I urge you to vote no to the proposed Fairfield Development Plan. Please let us see the development of the Hartmoor Farm acreage proceed under the existing zoning guidelines. You need only look at the Sundance-Chelsea area (21st & Rock Road) to see what a yes vote would result in.

Sincerely,

*Tom*  
Thomas J. Funk

Thomas J. Funk  
6907 Timberon Ln.  
Wichita, KS 67206

RECEIVED  
SEP 23 1985  
METROPOLITAN PLANNING  
ROUTE

September 16, 1985

MAYOR'S OFFICE RECEIVED SEP 18 1985 City Commissioners received RBF ML ✓
-----------------------------------------------------------------------------------------

Mr. Tony Casado, City Commissioner  
455 North Main  
Wichita, Kansas 67202

Re: Case 2-2701  
Fairfield CUP

Dear Tony:

On September 24, 1985 the City Commission is to consider the Fairfield Development Plan and I would like to see the Commission deny this case.

I live at 588 Broadmoor Ct., just south of the referenced area, and believe that the plan, as proposed, will have a negative effect on our neighborhood. It is my feeling that their plan proposes too high density for the area in attempting to develop 541 apartments, 199 units in town-house development and 927 "residences". Add to this another shopping center in the area, which would then constitute some sort of shopping center on every intersection on Central, Thirteenth and 21st Street on both Woodlawn and Rosk Road.

The present owners purchased the property knowing the existing zoning and that a large part of the property value lies in what is around the property.

I would urge you to vote against their application.

Yours very truly,

*Jack L. Yinger*

Jack L. Yinger  
588 Broadmoor Ct.  
Wichita, Kansas 67206

RECEIVED SEP 19 1985 DESIGN DIVISION
--------------------------------------------

September 18, 1985

<b>RECEIVED</b>	
OFFICE OF CITY CLERK	
3:30PM VRS	
SEP 18 1985	
<input type="checkbox"/> DG _____	<input type="checkbox"/> DR _____
<input type="checkbox"/> Agenda _____	<input type="checkbox"/> JE _____
<input type="checkbox"/> File _____	

City Commissioners  
c/o City Clerk  
City of Wichita  
Wichita, Kansas

Gentlemen:

SUBJECT: Z-2701, DP-144; Z-2711, DP-146

Policy Statement #10 indicates that "the conformance of the requested (zone) change to the adopted and recognized master plan being utilized by the City" is to be considered when approving or denying applications for zone changes.

Guidelines outlined below contained in the City of Wichita's Comprehensive Plan for Land Use would appear to conflict with the subject CUP's and associated zone change requests. Pages indicated pertain to the LAND USE TECHNICAL REPORT, YEAR 2000.

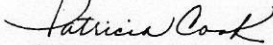
General Development Guide  
Residential & Commercial, p. 31

Part I: Goals and Objectives  
Residential, p. 9, Objectives 1, 4 & 5  
Commercial, p. 10, Objectives 1 & 4  
Streets & Highways, p. 15, Objectives 7 & 8  
Housing, p. 26-27, Objective 8

Part II: Methodology  
Schools, p. 130, Item XV,B  
Commercial, p. 130-131, Item B (NOTE SPECIFICALLY 5a)

Kansas Statute 12-704 reads that an annual review is to be made to determine if any portion of the Comprehensive Plan has become obsolete. It is my understanding that there has been no updating of the above guidelines and that they are therefore applicable.

Very truly yours,



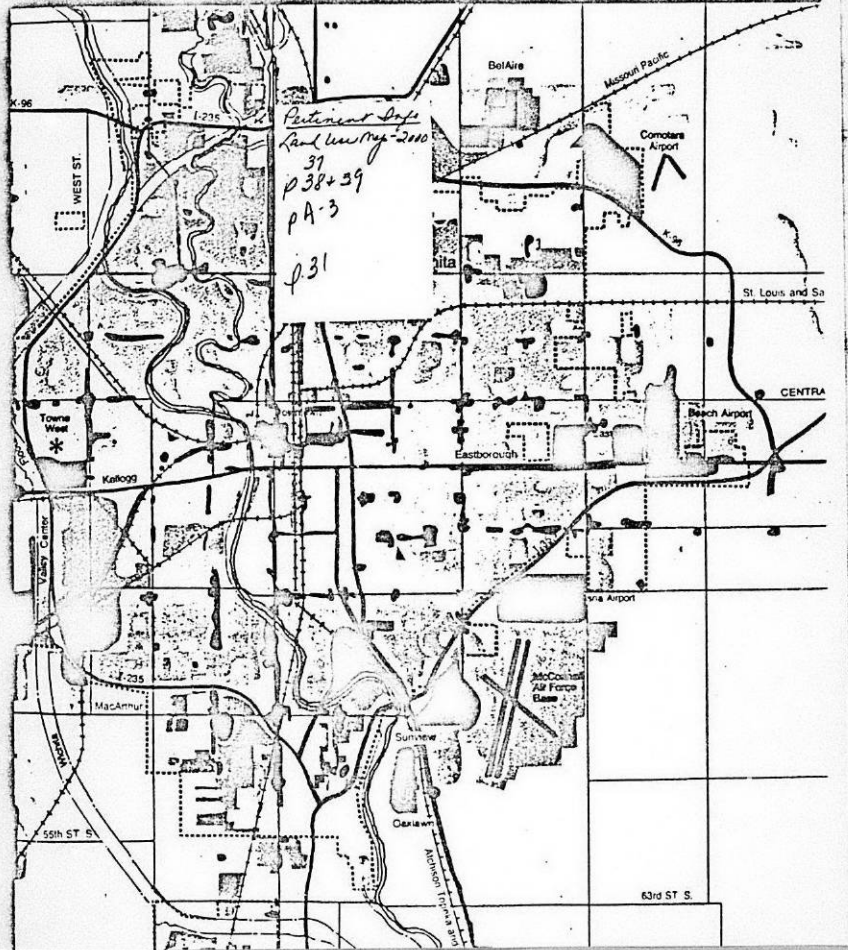
(Mrs.) Patricia Cook  
1050 Gretchen  
Wichita, KS 67206

/pc  
Attachments: Above-referenced pages

# LAND USE TECHNICAL REPORT

## Year 2000 for Wichita - Sedgwick County

City of Wichita, Kansas



origin-destination zones (prepared in December, 1977) can also be used to determine the timing of future development.

The Land Use Technical Report - Part II discusses the type, amount, and location of future land uses in the Wichita urbanizing area. This section of the Development Guide will concentrate on setting forth general policy recommendations aimed at achieving the quantity and distribution of future growth. It must be noted that the traditional implementation tools of a land use plan (zoning ordinance, subdivision regulations, capital improvement programs) currently exist. The recommendations contained herein should be applied to the use of the existing implementation procedures.

#### RECOMMENDATIONS

##### Residential

1. Utilize the General Development Scheme map and the residential locational criteria as a guide in making decisions on future residential development proposals.
2. It is recommended that a monitoring procedure for assessing the location and amount of new low, medium, and high density residential development be instituted to measure the annual progress being made toward the fulfillment of the criteria contained in Residential Land Use Objective #4. This should be coordinated with the evaluation criteria set forth in the technical paper entitled "Monitoring and Evaluation Program for the Wichita-Sedgwick County Land Use Plan".

##### Commercial

1. Utilize the General Development Scheme map and the commercial locational criteria as a guide in making decisions on the quantity and distribution of future commercial development.
2. It is recommended that future zoning changes that would result in strip commercial zoning in the existing urbanized area be held to a minimum. Strip commercial zoning exists on many of the major arterials now and serious consideration should be given before further "strip zoning" those streets, or segments of streets, where viable residential neighborhoods exist. As in the past, policy guides should be prepared and utilized for those arterials where additional strip commercial pressure exists.
3. It is recommended that, in those areas designated for future urbanization, commercial development be concentrated at the intersection of major arterials (utilizing the Development Scheme map as a guide) and no strip commercial development be initiated.



### RESIDENTIAL LAND USE

#### Goal:

Ensure a wide range of choices in residential living arrangements through the promotion and protection of lands of suitable characteristics and environmental quality throughout the Wichita-Sedgwick County area.

#### Objectives:

- Coleman  
for High  
Plate on 1377*
- X 1. Minimize urban sprawl through the encouragement of residential development in those areas within 2/3 mile of a neighborhood or community park, within an average one (1) mile radius of elementary schools, within 1/4 mile of major arterials and public transit, and on topography not subject to the 100 year Flood, severe soil limitations for dwellings and/or poor drainage conditions.
  2. Locate residential development in such a manner as to minimize exposure to air and noise pollution in accordance with the standards set forth by the Kansas Department of Health and Environment.
  3. Encourage the redevelopment of those residential neighborhoods experiencing more than 30 percent blight (not structurally sound or economically feasible to repair), with that land use most suited to the locational criteria.
  - X 4. Encourage the construction of 69,305 dwelling units in the county to be apportioned at:
    - a. 5% in the center city,
    - 29* b. 34% within a 1/2 mile corridor along major arterials,
    - 19* c. 48% throughout the remainder of Wichita, and
    - 4* d. 13% in other cities within Sedgwick County  
with respective average net densities of 29, 19, 4, and 4  
dwelling units per acre.
  - X 5. Encourage the incorporation of common passive open space within 200 feet of all multi-family residential units by ensuring a maximum lot coverage of 40 percent for garden apartments and 50 percent for high-rise apartments.

### COMMERCIAL LAND USE

#### Goal:

Provide sufficient and convenient locations for well designed compatible commercial development which will assure a complete range of goods and services for the entire Sedgwick County area.

Objectives:

- X 1. Encourage the provision and concentration of commercial development, rather than strip development; in those areas containing:
- a. a 3/4 mile, 4,000 minimum population service radius for neighborhood commercial activity;
  - b. a 2 mile, 35,000 minimum population service radius for metropolitan commercial activity and, *See p. 130-131 Metropolitan*
  - c. a 4 mile, 150,000 minimum population service radius for regional commercial activity; *Turn east 2 miles away*
- with respective gross square footage of 53, 25 and 20 square feet per person.
2. Encourage the future location of metropolitan and regional commercial development within 1/4 mile access of major arterials and public transit.
3. Encourage the application of adaptive uses to vacated, structurally sound commercial buildings.
- X 4. Encourage the effective use of location, design and landscaping of commercial areas to screen and buffer neighborhoods from lights, signs, traffic noise and pollution, and other factors incompatible or conflicting with adjacent land uses.

INDUSTRIAL LAND USE

Goal:

Provide ample land for industrial use which will fulfill economic development goals and which is compatible with all aspects of the environment and surrounding land uses.

Objectives:

1. Ensure pockets of concentrated future industrial development in areas of Sedgwick County adjacent to existing sound industrial development, within 1/4 mile access of major roads and/or adjacent to rail lines and/or in proximity to air transportation services.
2. Encourage the redevelopment and industrial reuse of existing deteriorated industrial areas where greater than 20 percent of the structures are blighted (not structurally sound and/or economically feasible to repair) and the area is locationally suited for this type of development ( as defined in Objective 1).
3. Encourage future industrial growth to consist of an additional 2,070 net acres of extensive and intensive manufacturing with a density range of 6-57 employees per net industrial acre.

## STREETS AND HIGHWAYS

### Goal:

Ensure safe vehicular access from all points within Sedgwick County to concentrated areas of activity, maximize the separation of pedestrian and both motorized and non-motorized vehicular flow and minimize congestion throughout the metropolitan urban area.

### Objectives:

1. Reduce congestion on 90 percent of the arterial system during peak hours through the minimum design to level C operational standards.
2. Develop a functional street network composed of freeways, expressways and other arterials which convey 75 percent of the total vehicular miles traveled in the county.
3. Utilize programmed improvements of streets, highways and bridge networks to guide future development in those areas defined as minimizing urban sprawl (see Residential Objective 1).
4. Provide a balanced transportation system through the interfacing of streets and highways with other transportation modes such that a maximum of 95 percent of the total trips are by automobile and a minimum of 5 percent by public/private transit.
5. Improve the aesthetic considerations of streets and highways to minimize visual conflict with surrounding land uses in accordance with the policies set forth by the Federal Highway Administration and to ensure that air and noise levels are maintained at the standards set forth by the Kansas Department of Health and Environment.
6. Maximize safety consideration through the design of transportation facilities at the intersections of major arterials which will reduce the average annual number of accidents per million vehicles to two (2).

~~Maximize pedestrian safety through the separation of pedestrian and vehicular flow at street-crossings having an average daily vehicular traffic count greater than 30,000.~~

Encourage the use of bicycles as both a mode of transportation and a form of recreation by developing separate bikeway facilities aimed at linking employment and recreation centers and by designing streets and highways to safely accommodate bicycle traffic.

*Rec'd  
P. 327.  
Listed on  
13th or  
Governor's  
38.X  
Columbus  
Planned  
District*

## HOUSING

Encourage the development and conservation of housing which meets the needs of all segments of the Wichita-Sedgwick County population and which incorporates adequate living space, environmental amenities and maximum quality and variety in housing types.

### Objectives:

1. Emphasize public-private sector coordination as the necessary vehicle to improve the delivery of adequate housing (for both the rehabilitation of existing structures and new construction) to all segments of the population.
2. Stress coordination of government housing activities at the federal, state, and local levels in order to maximize efficiency and effectiveness of government program while emphasizing coordination among all city and county agencies responsible for housing or housing-related activities.
3. Assure that all residents of Wichita-Sedgwick County have access to adequate housing which meets the standards set forth by uniform codes within Sedgwick County.
4. Provide a more socially and aesthetically pleasing environment for occupants of future publicly subsidized housing through the selection of sites that are within:
  - a. 1/4 mile of local shopping,
  - b. 1/3 mile of a neighborhood and/or community park,
  - c. 1/4 mile of public transit,
  - d. 1/2 mile of a major employment center, and
  - e. 1 mile of all schools.
5. Concentrate on the needs of the low and moderate income groups which are less able to secure adequate housing in the private market while ensuring variety in housing type and location for minority and low income households throughout Sedgwick County in order to prevent housing discrimination.
6. Promote favorable conditions for both new construction and rehabilitation through the provision of uniform, but flexible codes, ordinances, and regulations throughout Sedgwick County.
7. Ensure safe, healthful, and blight-free residences and neighborhoods by maintaining a public/private investment strategy which encourages the maintenance and rehabilitation, of both owner and renter occupied housing stock, in those neighborhoods where a minimum of 70 percent of the total dwelling units are structurally sound and economically feasible to repair, at a rate of 556 units per year over the next 25 years.
- X 8. Encourage the construction of 69,305 dwelling units in Sedgwick County

(60,500 in Wichita) of which the housing types should be distributed in the following manner to meet the market demands of future residents over the next 25 years.

- a. 51-55% - Single family
- b. 2-6% - Two-Four family
- c. 31-35% - Multi-family
- d. 8-12% - Mobile homes.

#### ECONOMIC DEVELOPMENT

##### Goal:

Achieve a balanced and stable economic base in which all segments of the Sedgwick County economy can grow, and thus offer optimum opportunity for all residents to share in the resultant benefits produced.

##### Objectives:

1. Encourage economic growth in Wichita-Sedgwick County by seeking desirable economic enterprises with emphasis on:
  - a. Those with strong employment and income multipliers,
  - b. Those which can relieve the tight market for the marginally skilled,
  - c. Those most compatible with the environment, and
  - d. Energy efficient industry or commerce.
2. Eliminate all job discrimination by both private and public employers on the basis of race, color, creed, sex and/or age.
3. Encourage and act to achieve and maintain an economy where the unemployment level remains below 5 percent.
4. Develop those programs aimed at aiding individuals in earning a minimum income as defined by the Bureau of Labor Statistics as well as to assure manpower for the professions, commerce and industry sufficient to meet their respective production needs.

#### HISTORIC PRESERVATION

##### Goal:

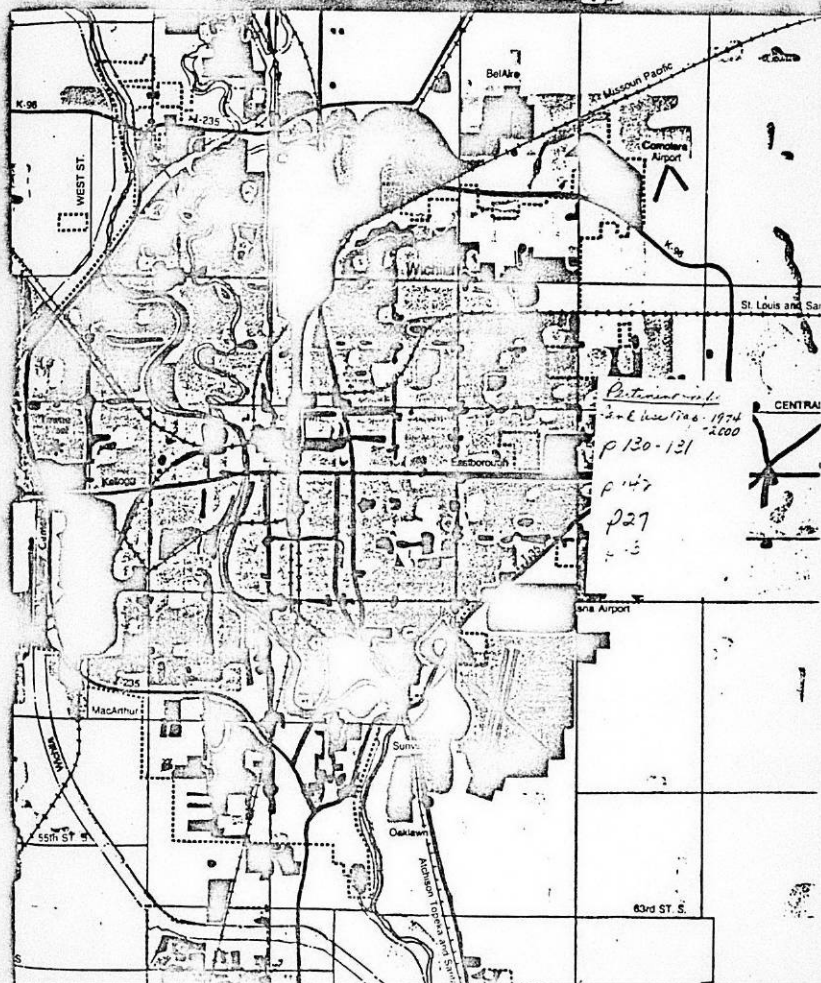
Encourage the development and preservation of those structures, sites, and areas which are deemed to be architecturally and/or historically significant.

##### Objectives:

1. Provide protection for sites, structures and areas of historical and

# LAND USE TECHNIQUE REPORT

Year 2000 for Wichita - Sedgewick County  
Part II: Methodology



- neighborhood park.  
2. Encourage the provision of two acres of neighborhood park for every 1000 persons.

XV. Schools (within the Wichita Study Area)

A. Source

1. Data collected for the proposed School Facilities Plan USD 259 Wichita, W-SCMAPD, 1971.
2. USD #259 Enrollment, Department of Pupil Accounting, January, 1976.
3. USD #259 School Building Inventory and Related Information, School Plant Planning and Operation Services Division, August, 1975.

X  
*Coleman*  
*Blanton*  
*Reis*  
B. Definition and Criteria

1. Encourage future residential development within 3/4 mile of an elementary school, and within one mile of a junior high school or high school with adequate capacity to accommodate future development.

XVI. Fire Facilities (within the Wichita Study Area)

A. Source

1. Fire Department, City of Wichita.
2. Sedgwick County Fire District.

B. Definition and Criteria

1. Encourage future development within a four minute response time of a fire station in Wichita.

XVII. Employment Centers (within the Wichita Study Area)

A. Source

1. Map of Major Employment Centers, W-SCMAPD, 1976.

B. Definition and Criteria

1. Major employment center - employers of 100 or more employees.
2. Encourage future residential development within one mile of major employment centers.
3. Encourage future commercial development within 1/4 mile of major employment centers.

XVIII. Commercial

A. Source

1. Planning Design Criteria, De Chiara, 1969.
2. The Community Builders Handbook, Urban Land Institute, 1968.
3. Real Estate Information System, 1973.

B. Definition and Criteria

1. Local-Commercial - sale of convenience goods and personal services on a four acre minimum site, containing a maximum of 20 stores with the leading tenant a supermarket or drug store.

*Rec'd  
7-10-75  
Wichita City Planning*

- 2. Neighborhood Commercial - some functions of the metropolitan center, but also sale of shopping goods on a 10 acre minimum site, containing a minimum of 15 stores with the leading tenant a variety or small department store.
  - 3. Regional Commercial - some functions of the metropolitan center but also sale of general merchandise, apparel and furniture on a 40 acre minimum site containing a minimum of 40 stores with the leading tenant one or more large, major department stores.
  - 4. Encourage future residential development within 1/4 mile of local commercial centers (within the Wichita Study Area).
  - 5. Encourage future metropolitan commercial centers to locate within a two mile service radius containing 35,000 people and future regional commercial centers to locate within a four mile radius containing 150,000 people.
- a. No duplication of metropolitan or regional commercial centers within the respective radii. !

XX. Transit (within the Wichita Study Area)

*See attached map*

- A. Source
  - 1. Transit Development Plan, Barton, Aischman Associates, Inc., 1975.
- B. Definition and Criteria
  - 1. Encourage future development within 1/4 mile of transit routes.

XX. Zoning

- A. Source
  - 1. Zoning Map, W-SCHAPD, as amended, 1975.
- B. Definition and Criteria
  - 1. Encourage future development to locate in areas with similar zoning classifications when suitable for more than one land use.

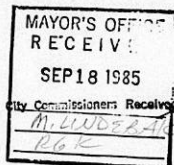
XXI. Land Use

- A. Source
  - 1. Real Estate Information System, 1973
  - 2. Land Use Map, W-SCHAPD, 1973.
- B. Definition and Criteria
  - 1. Compatible land uses:

<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>	<u>INDUSTRIAL</u>
Residential	Retail	Industrial
Parks/Open Space	Services	Wholesale/Commercial
Public/Semi-Public	Wholesale	Transportation
		Communications
		Utilities

- 2. Encourage future development to locate in areas compatible with surrounding land uses.





All City Commissioners Received Sept. 16, 1985

M. L. W. 682-2-1  
P. G. K.

The City Commissioner  
455 N. Main  
Wichita, Ks. 67202

Gentlemen:

Please do not repeat the error made in the Sundance-Chelsea area CUP. I refer to the 13<sup>th</sup> and Rock Road development (Zoning Case 2-2701 and the Fairfield CUP). To be blunt, the developer has proposed via amended CUP's to increase the commercial and multi-family density to unreasonable proportions! We property owners strongly object to this submission for many reasons -- property devaluation, traffic, unnecessary commercialization and deterioration of the neighborhoods' existing integrity.

We realize the 6 acres at 13<sup>th</sup> & Rock Road is not enough commercial zoning to allow the developer to recoup his investment. All we ask is for you Commissioners as a group to respect the character of the area and allow some multi family and commercial development without destroying our investments.

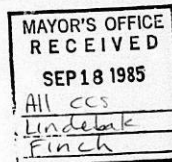
2660 South Oliver  
Wichita, Kansas 67210  
316 / 685-2201

Respectfully  
Lynn E. Schuchth  
7706 E. 13<sup>th</sup> #102



**KANSAS GENERAL  
PROPERTIES, INC.**

• INVESTMENT / COMMERCIAL REAL ESTATE •



September 17, 1985

Mr. Anthony Casado  
455 N. Main, First Floor  
Wichita, KS 67202

Re: Fairfield Development, 13th and Rock Road (Hartman Farm)

Dear Commissioner Casado:

Prior to the City Commission meeting on September 24, we wanted to give you a final status report regarding our development plan. The following is a summary of what has been done.

**Annexation.** You approved the annexation on a 5-0 vote in April. In our request for annexation, we stated that the intended use would be single family, townhouses, apartments, office, and commercial. Immediately following the annexation, we filed a CUP which included these uses. Incidentally, at the time of annexation, we voluntarily agreed to pay our share of the cost of the 13th Street improvement, even though this petition was filed prior to our purchase of the property.

**Planning Commission.** On June 27 and again on August 22, the Metropolitan Area Planning Commission approved our plan. In both cases, the vote was unanimous.

**Meetings with Neighbors.** Because of concerns that were voiced at the CPO meeting, Planning Commission, and the City Commission, we held meetings with different groups in the neighborhood. We had these meetings on June 10 (two meetings), June 11, June 12, July 30, August 2, August 6, and September 9. The first meetings were held as an advance preview of the plan before any public hearings were held and the other meetings were held after the City Commission sent the plan back to the Planning Commission on July 23.

**Changes to the Original Plan.** In the evolution of this plan, we have made approximately 20 changes which responded to concerns of the neighbors. In reaching this point in the development process we have, in all honesty and candor, tried our very best to cooperate with the adjoining neighbors and to respond to their concerns. As the developer of the property, we feel that the overall development plan is critical to the success of the development. We have hired professional planners here in Wichita who have worked with the City Staff to arrive at this plan in order to have land parcels that are not offensive to the neighborhood and yet are attractive to individual builders.

Mr. Anthony Casado  
September 17, 1985  
Page 2

Several members of the CPO Council and the Planning Commission have stated that they felt the developer had made far more concessions than most developers do with similar plans, and some also stated that we have evolved an excellent plan which should benefit the entire neighborhood.

**Neighbors.** In recent weeks, we have seen a ground swell of support for our plan. We have found that many of those in the neighborhood were not in agreement with the protestors' comments or actions. When they found out what was happening, they circulated petitions in favor of the plan, which will become evident at the City Commission meeting.

**Parking.** A concern was expressed about adequate parking in the rental units. Enclosed are excerpts from a Parking Generalization Report, prepared by the Institute of Transportation Engineers. The study indicates that our proposed parking will exceed the recommended number. Specifically, Parcels 1 and 4 in the residential CUP will have 2.0 spaces per unit and Parcels 2 and 3 will have 1.7.

**Map of Commercial Areas.** The area residents prepared a commercialization map on August 5 which contained some glaring errors. Enclosed is a copy of that map and a corrected map which shows the actual commercial zoning in that area.

We sincerely believe that the proposed development will be good for the neighborhood. The values of their property will be increased by what we believe is a very well-conceived and appropriate development plan. Perhaps even more importantly, we feel the City as a whole will be benefitted. This proposed development will provide new and exciting retail shopping, lovely and appropriate residences (both owner and non-owner occupied), many job opportunities, revenue for the City, and revenue for the private businesses located here. This is a unique, special parcel of ground. It needs to be developed thoughtfully and tastefully. We believe that we have given this project the thought and professional attention it deserves. Its implementation will benefit, not detract from, the existing neighborhood and the City residents.

Both the professional planning staff and the Planning Commission agree, having unanimously favored and voted for the overall plans approval. For your information we have filed a third CUP request relating to the single-family residences on Parcel 7. We will ask for its approval if favorable action is taken on the residential and commercial CUPs and requests for zoning.

We respectfully request your support for the approval of our plan on September 24.

Very truly yours,  
KANSAS GENERAL PROPERTIES, INC.

  
William E. Morin  
Vice President/General Manager

WEM:car

cc Dick Ewy, Foulston-Sieffkin  
Dick Linn & Gary Wiley—Professional Engineering Consultants

## SUMMARY OF PARKING GENERATION RATES

Land Use/Building Type MF Residential - Condominium ITE Land Use Code 240

Independent Variable-Occupied Parking Spaces Per Dwelling Unit

	Peak Parking Rates		Standard Deviation	Number of Studies	Average Size of Independent Variable
	Average	Range (Min. to Max.)			
Weekday Parking Rates	0.95	0.20-1.67		18	165
Saturday Parking Rates	0.5			1	728
Sunday Parking Rates					
Reported Peak Parking Time Period					

Source Numbers \_\_\_\_\_

ITE Technical Committee 5-BB-Parking Generation

Date: Jan. 1985

## SUMMARY OF PARKING GENERATION RATES

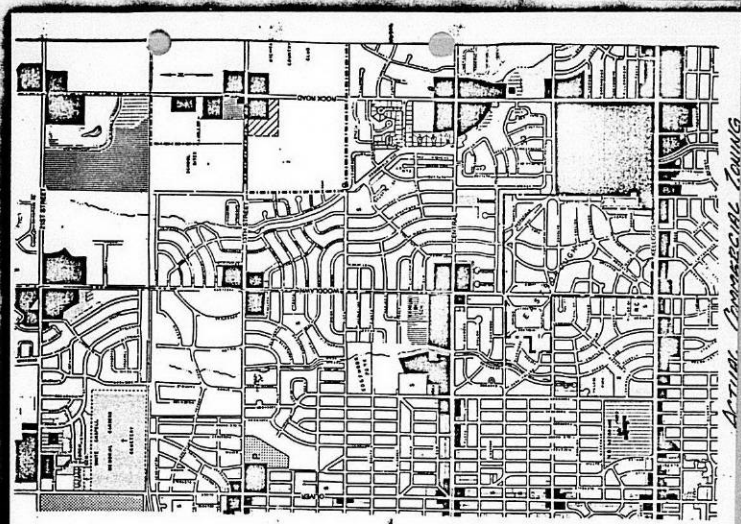
MF Residential - Low-Mid-Rise Apartment 220  
 Land Use/Building Type \_\_\_\_\_ ITE Land Use Code \_\_\_\_\_  
 Independent Variable-Occupied Parking Spaces Per Dwelling Unit

	Peak Parking Rates		Standard Deviation	Number of Studies	Average Size of Independent Variable
	Average	Range (Min. to Max.)			
Weekday Parking Rates	1.0	0.4-1.9		54	212
Saturday Parking Rates	0.8			1	60
Sunday Parking Rates	1.0			1	60
Reported Peak Parking Time Period					

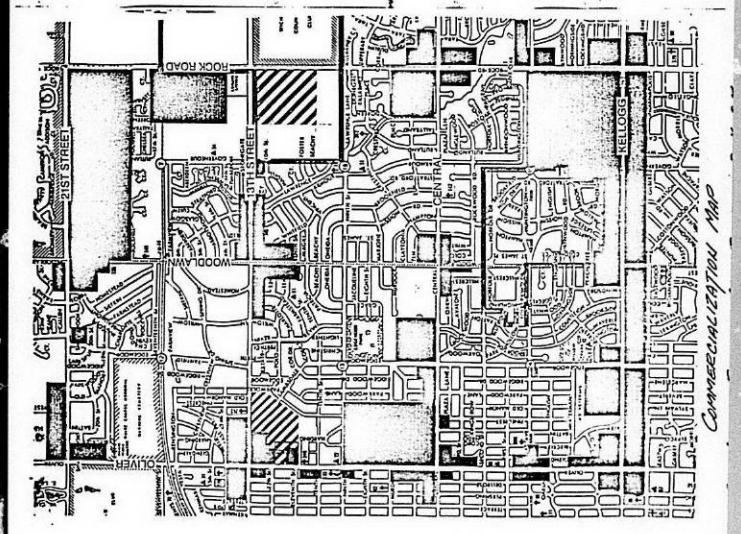
Source Numbers \_\_\_\_\_

ITE Technical Committee S-BB-Parking Generation

Date: Jan. 1985



*Actual Commercial Towning*



*Commercial Estate Map*

RECEIVED

SEP 06 1985

METROPOLITAN PLANNING

ROUTE  2

Wayne L. Brinegar  
7700 East 13th Street, #12  
Raintree Village  
Wichita, Kansas 67206

September 4, 1985

MAYOR'S OFFICE  
RECEIVED

SEP 5 1985

Finch  
Lindbeck

R. C. Brown, Mayor  
City of Wichita  
City Hall  
455 North Main  
Wichita, KS 67202

RE: DP-144 (Amended), Z-2701 (Amended)  
Fairfield Commercial C.U.P.

-and-

DP-146, Z-2711  
Fairfield (Multi-Family) Residential C.U.P.

Dear Mayor Brown:

On September 17, 1985, you will again be hearing a request by Kansas General Properties, Inc., for zoning changes for the property formerly known as "Hartman Farm", an approximate 161 acre tract located adjacent to 13th Street and Rock Road. The present two applications are for a change from "AA" single family to "LC" and "BB" and to "R-6" and cover less than one-half (1/2) of the 161 acres in the "Hartman" tract.

On July 23, 1985, the City Commission heard an application by Kansas General Properties, Inc., for a single C.U.P. (D.P.-144, Z-2701) covering the entire 161 acres. This application was referred back to the M.A.P.C. for consideration by a 5-0 vote of the Commissioners and with instructions to Kansas General Properties, Inc., that they get together with the adjacent property owners and attempt to work out a compromise concerning the proposed project. Immediately after Commission action was finalized on July 23, the developer contacted some of those in attendance and proposed a meeting with neighborhood representatives to be held seven days later on July 30th. None of the owners of Kansas General Properties, Inc., attended the July 30 meeting but were represented by an attorney and project engineers. Little was accomplished at this meeting and at its close the attorney informed the area resident representatives that the original C.U.P. had already been withdrawn and two (2) new C.U.P.'s had been filed. This withdrawal of the previous C.U.P. and the filing of new C.U.P.'s had taken place within 3 days after the Commissioners had voted to request negotiations by the parties and prior to the meeting with the neighborhood representatives.

The filing of the two new C.U.P.'s showed, in my opinion, that the developer never intended to negotiate in good faith with the neighborhood. Also, by changing from a single C.U.P. to the two now on file and by excluding from a C.U.P. an approximate 88 acres of the "Hartman" tract proposed to be platted for single family homes (Parcel #7 in the original C.U.P.), Kansas General Properties, Inc., has probably eliminated the official public protest petition since they own the majority of the land offsetting the tracts proposed for rezoning under the refiled C.U.P.'s.

Page Two  
September 4, 1985

Other than for the exclusion of Parcel #7 and making of a separate "commercial" C.U.P. and a "residential" (multi-family) C.U.P., the proposed development is basically identical to that which left the Commission on July 23rd.

Although there are some good points to the original C.U.P. proposed by Kansas General Properties, Inc., there are still enough unresolved issues with the neighborhood that the plan could be improved for the overall benefit of the development, the area, and the city. I take exception to a comment by one of the M.A.P.C. members at its August 22nd meeting that if the neighborhood didn't accept the proposed C.U.P.'s (with its 541 apartment units and 199 townhouse units plus associated facilities on 46.2 acres) then what we deserved was eleven hundred (1,100) \$35,000 tract houses.

I have been told that Kansas General Properties, Inc., is now pushing to get the Fairfield Commercial C.U.P. (covering 26.4 acres) approved so that they can proceed with closing on sale of this portion to a developer. It is also reported that such a sale would about clear Kansas General Properties, Inc., of their land cost in the entire 161 acres. They have stated that if they can get the commercial C.U.P. approved then they wouldn't be as concerned and that if the multi-family residential C.U.P. is denied that they will just wait the required time and reapply. I guess that it helps to have an out-of-town bank who will do 100% financing on the assurance of zone changes.

It would appear that Kansas General Properties, Inc., has concluded that the zoning issue for the Fairfield Commercial C.U.P. has already been determined as they have installed a sign advertising "Office Zoning" on the subject land (see enclosed picture). This sign was put up over a week ago and is situated along the west side of Rock Road about 800' south of 13th Street which location would be on land presently-zoned single family residential.

Regardless of the outcome of this issue, I want to thank you for all of the time you have had to spend on the matter and your thoughtful considerations that will go into its final disposition. I know that the other 400-500 neighborhood residents who signed the protest petition against the commercial and multi-family residential C.U.P.'s also join me in such appreciation. If I can be of assistance or answer questions, then please let me know.

Sincerely,

*Wayne L. Brinegar*

Wayne L. Brinegar  
682-7155 (Residence)  
262-4301 (Office)

/bh  
Enc.

*KYE Shiner*

4

August 6, 1985

~~Mr. Robert K. Chisholm~~  
Wichita-Sedgwick County MAPC Office  
455 N. Main  
Wichita, Kansas 67202

Re: Fairfield Development  
Zoning and CUP Request  
13th and Rock Road

Dear Commissioner Chisholm,

Please find enclosed for your information and use two letters addressed to Mr. Morin of Kansas General Properties. The first dated July 27 was sent as a list of general recommendations by the neighborhood residents group prior to our first meeting with him on 7-30-85. You have as we understand received a copy of his reply to this letter which was given to us at our subsequent meeting of August 2nd.

Also enclosed is our latest response to Mr. Morin, dated August 5, regarding this situation.

Thankyou for your time and consideration.

Sincerely,

*Stephen L. Lewallen*

Stephen L. Lewallen

*sent to each Planning Commissioner with  
mail out for 8-22-85 meeting*

**RECEIVED**

AUG 08 1985

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

July 27, 1985

William E. Morin  
General Manager/Broker  
Kansas General Properties, Inc.  
1650 Georgetown, Suite 250  
Wichita, Kansas 67218

Dear Neighbor:

Representatives of the majority of the areas bordering your property participated in a two and a half hour meeting this morning. The purpose of this meeting was to develop a recommendation which would allow us to live in harmony with the future residents of your property.

We are happy to report that the group was able to agree on recommendations which we feel are fair to both parties and if included in a new CUP, we would support.

We hope to hand deliver this to your office no later than noon Monday to allow you and your people a chance to discuss our recommended changes and include them in a new CUP for Tuesday night's meeting.

In regard to the meeting Tuesday night, each of our areas has a spokesperson (in two cases two) who will represent their areas in the meeting with you. They and their areas are as follows:

AREA	REPRESENTATIVE (S)
The Heritage	Mel Witrogen
Lawrence Lane	Pat Cook and Mary Ann Rix
Raintree	Wayne Bringer
South Side	Tom Borniger
West Side	*Steve Lewallen, John Nodgaard

\*While the meeting is open to all homeowners, Steve will act as chairman and those listed above will be able to speak for their respective areas.

We agree that the CUP concept is the way to go and have used your most recent edition (enclosed with your letter of July 24) as the foundation of our recommendation.

The changes needed are as follows:

1. With the exceptions of Parcels 3 and 4 the balance of the area be developed for owner occupied residences only and that only parcels 2, 5 and 6 be multi-family with parcels 1 and 7 as single family.
2. That a plat such as the one attached be adopted. This would allow existing homeowners to abutt properties zoned like theirs. (i.e. Oneida through to Rock Road with single family on both sides.).

3. An 8 foot wall like the one surrounding the Wichita Country Club be constructed around the entire street sides (13th and Rock Road) of the Plat with the exception of Parcels 3 and 4, where the wall would be 4 feet above street grade. (See attached Plat plan). As you have indicated this will be a very prestigious residential area, we feel that a wall such as the one constructed around the Country Club and Tall Grass would enhance and increase the value of your property.
4. That in Parcel 3 no free standing buildings other than the one main structure be allowed and that all lighting be designed to light only this area. You stated that this would be the case in the meeting with representatives of the Heritage and we feel that outlying structures would only cheapen the area.
5. That two permanent signs in parcel 3 (one on 13th and one on Rock Road) stating the name of the center only be allowed and that all other signs in all parcels be of a permanent type and attached to either buildings or walls.

This concludes our recommendations and we sincerely look forward to meeting with you and your people Tuesday evening.

Prepared by,

Mike Burlingame  
President, The Heritage Home-  
owners Association

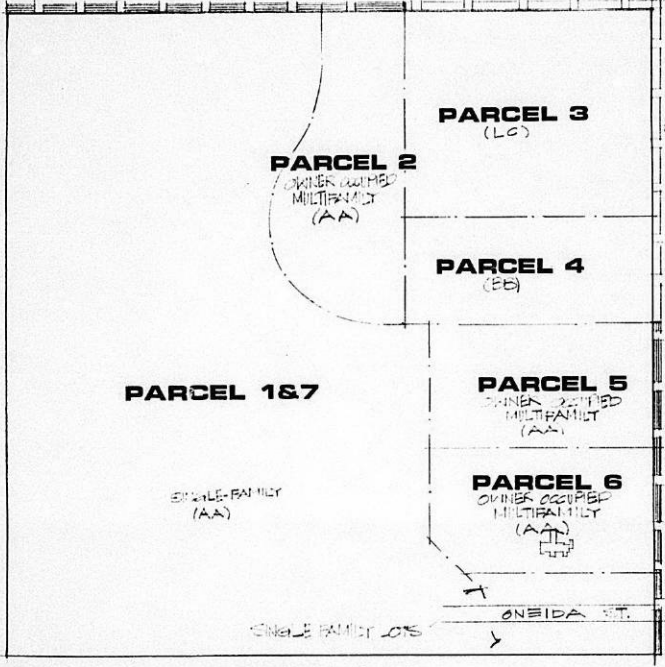
cc: All Interested Parties



EXISTING FENCE TO MATCH IN DESIGN & CONSTRUCTION THE ADJACENT ONE AT WCC.

FENCE MAY EXCEED TO 4' HIGH

18TH STREET



PARCEL 1&7

SINGLE-FAMILY (AA)

PARCEL 2  
OWNER OCCUPIED  
MULTIFAMILY  
(AA)

PARCEL 3  
(LG)

PARCEL 4  
(BB)

PARCEL 5  
OWNER OCCUPIED  
MULTIFAMILY  
(AA)

PARCEL 6  
OWNER OCCUPIED  
MULTIFAMILY  
(AA)

SINGLE-FAMILY LOTS

ONEIDA ST.

**FAIRFIELD C.U.P.**  
(S.M. PL. 25 (B) ANTI-HOLE BURNERS)

7-27-85

August 5, 1985

Mr. William E. Morin  
General Manager/Broker  
Kansas General Properties, Inc.  
1650 Georgetown, Suite 250  
Wichita, Kansas 67218

Dear Mr. Morin,

We have now concluded two meetings between your representatives and those of the neighbors of your proposed Fairfield Development. In the hope that we might find ways of resolving your need for profit with our need to preserve the value and tranquility of our neighborhoods, we have offered suggestions and have now received your response, in your letter of August 2nd and our joint meeting of the same date. We have been greatly disappointed in both.

You have rejected virtually all of our requests for preservation of the integrity of the neighborhood, while insisting that you have made some nineteen voluntary "changes" in response to our requests. Those changes were made largely at your instance or in response to a specific neighborhood concern, and not out of a regard for the neighborhood as a whole, a neighborhood whose concerns remain:

- 1) Opposition to a zoning change, (in the latest case R6), to permit so-called garden apartments. The history of such developments has been poor in the area; a record of poor maintenance, eventual foreign ownership, multiple-occupancies by non-family groups, site deterioration, and decreased security.
- 2) We ask for owner-occupied residences only in the development. The record of deterioration of maintenance and livability which has accompanied changes in ownership in other rental properties in the area makes it imperative that the project maintain its integrity in this regard.
- 3) We have asked for single-family dwellings in Parcel 6 on either side of an extension of Oneida from east to west, allowing access to the Fairfield property from that street and removal of the higher-density Fairfield townhomes from abutting the valuable single-family homes to the south. Additionally, without this we fail to see the sellability of the purported pocket of expensive single family homes west of Parcels 5 and 6 (original CUP). This situation, left unaddressed would leave open the possibility of requests for more multi-family later, a very real likelihood if single family lots could not be sold due to a single limited access through commercial and multi-family zones.

August 5, 1985

Page 2

- 4) We once had an agreement from the developer that the commercial parcel would have one structure only; and now you say you require three, having assured us that there will be no supermarket, service station, or drive-through restaurants. The latter assurance falls on deaf ears when the former has already been withdrawn.
- 5) We reject the averaging-out of residential density over the entire project, including single-family and commercial parcels, to bring about a fictitious density figure. While this is acceptable under the CUP concept, it nevertheless will create inordinate density in the proposed garden apartment parcels and make for the problems discussed in No. 1 above.
- 6) A new major concern has now presented itself as a result of the developer's removal of the single family areas from the original CUP plan. We now have no guarantee whatsoever that this area will be planned as originally presented or any other considerations for that matter in order to protect the surrounding homeowners.

With regard to the nineteen "changes" which the developer says he has made, the residents must point out that the only true concession to the neighbors was No. 10, to exclude both supermarkets and service stations from the commercial site. The reduction in square-footage (No. 11) was not requested, and probably was a business decision. Virtually all of the changes were common-sense decisions for ease of access (Nos. 8 and 9) or for moderation of a nuisance (Nos. 5, 17, and 18) or were made to accommodate City requirements (No. 2). Those changes made to reduce density are inadequate, inasmuch as they do not address the problems of over-density in given areas and of home ownership. Changes which involve cul-de-sacking and a screening wall on the south do not satisfy the neighborhood concerns which prompted them, and are only partial or band-aid measures. The developer's agreement to prohibit restaurants with drive-in or drive-up window service on Parcel 3 (No. 19) is the only one to result from our first meeting, July 26; it is appreciated, but it is also singular.

The developer's decision to withdraw the challenged CUP and to substitute a plan which separates the commercial from the residential and takes the single family areas completely out, thereby nullifying the legal protest petitions, almost has to be viewed askance. But since he has done it, let us discuss the proposed commercial development.

A number of us who are serving on the neighbors' committee have, from the beginning, accepted as a business necessity for the owners, the commercial development of the 13th and Rock Road corner. We know full well that those who oppose the shopping area as unnecessary and a nuisance-maker in traffic and uglification of the area are correct, but we, as business persons ourselves, decided to try to work with the developer to meliorate its harm to the neighborhood, rather than oppose it. But it is, in truth, indefensible.

August 5, 1985  
Page 3

The shopping center will increase already heavy traffic patterns in the area. It will draw business away from existing centers, of which there is already at least one on every corner of every section in the continuous six-square mile area, between Rock Road and Oliver, and 21st and Kellogg.

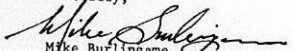
The attached map clearly reveals the over-commercialization of Wichita's East Side. The fact that land is expensive in East Wichita hardly justifies its rape by those who would recover inflated prices paid for its acquisition. We ask you, the Metropolitan Area Planning Commission, and the Wichita City Commission to think about that sad fact. The East Side of Wichita has become a concrete jungle with pockets of beautiful homes.

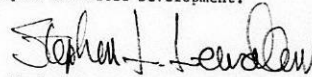
It is too late to save the East Side -- the damage is done and one more shopping center may not do that much additional harm; there are, after all, no more section corners left for development. Of much greater importance, is the density of population and traffic which the Fairfield project threatens. The developer's traffic projections notwithstanding, common sense dictates an intolerable amount of traffic resulting from the proposed high-density housing and commercial development at 13 and Rock Road. A mere look at present heavy traffic on Woodlawn between Kellogg and 21st, where there is only one shopping center of size -- Brittany -- will demonstrate that Rock Road, with Towne East, Morris Town, Mill Creek, the new Tallgrass Center, and now Fairfield, will become wildly congested.

The developer's traffic study fails to look at Woodlawn's congestion, but without a formal study one can see that the congestion must come from something other than the one major shopping center; and that the source of congestion must be the dense housing population along the route, especially to the north. How much worse must Rock Road become, then, with infinitely greater commercial development, heavy housing already, and the projected density of some 900 additional housing units, a 228,000 square-foot shopping center and 150,000 square-foot business area at Fairfield.

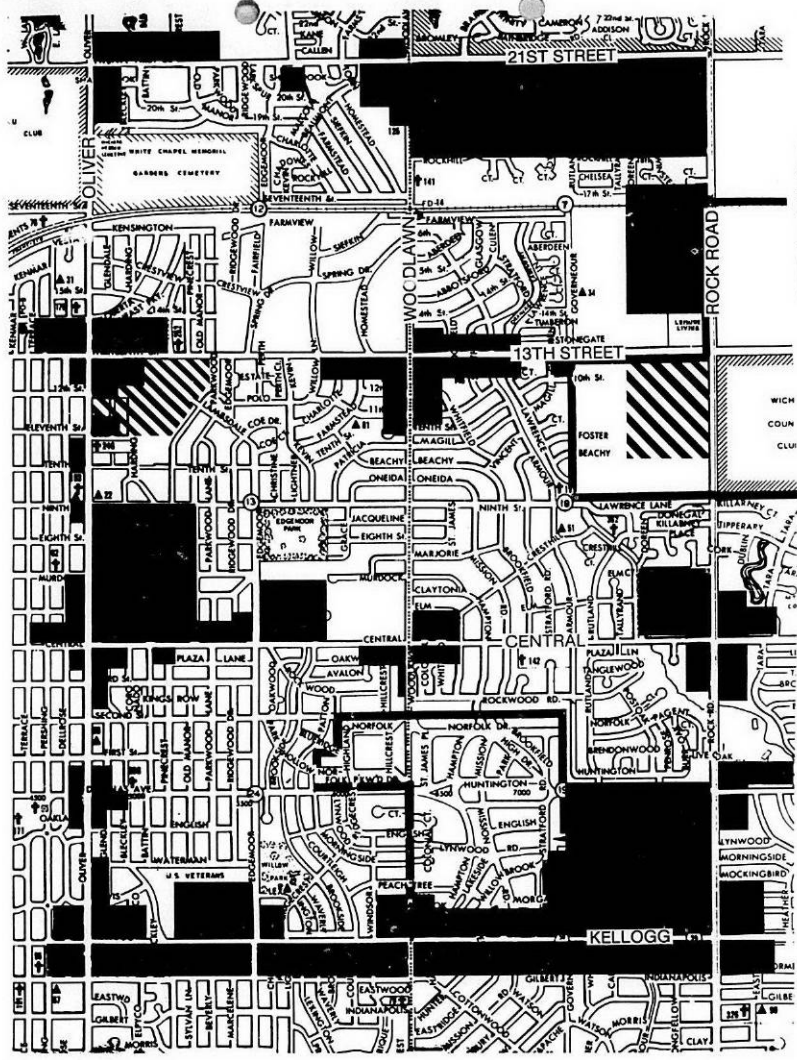
As business and professional persons ourselves, we are sympathetic to the developer's need for a return on his investment; but we feel that must be his problem to resolve and that it does not need to be resolved to the detriment of the neighborhood. The developer surely can make a profit, even at the inflated price of his land, without sacrificing the neighborhood to his needs. And we are afraid that that is what we are being asked to do. The bottom line still is that the developer has made no real concessions to the maximization of his profits in the proposed Fairfield Development.

Sincerely,

  
Mike Burlingame  
President, The Heritage Home-  
owners Association  
Enc.

  
Stephen L. Lewallen  
Chairperson, Participating  
Area Residents

cc City Commissioners  
Metropolitan Area Planning Commission  
Metropolitan Area Planning Department  
CPO Members  
Professional Engineering Consultants -- Dick Linn and Gary Wiley



August 5, 1985

Mr. William E. Morin  
General Manager/Broker  
Kansas General Properties, Inc.  
1650 Georgetown, Suite 250  
Wichita, Kansas 67218

Dear Mr. Morin,

We have now concluded two meetings between your representatives and those of the neighbors of your proposed Fairfield Development. In the hope that we might find ways of resolving your need for profit with our need to preserve the value and tranquility of our neighborhoods, we have offered suggestions and have now received your response, in your letter of August 2nd and our joint meeting of the same date. We have been greatly disappointed in both.

You have rejected virtually all of our requests for preservation of the integrity of the neighborhood, while insisting that you have made some nineteen voluntary "changes" in response to our requests. Those changes were made largely at your instance or in response to a specific neighborhood concern, and not out of a regard for the neighborhood as a whole, a neighborhood whose concerns remain:

- 1) Opposition to a zoning change, (in the latest case R6), to permit so-called garden apartments. The history of such developments has been poor in the area; a record of poor maintenance, eventual foreign ownership, multiple-occupancies by non-family groups, site deterioration, and decreased security.
- 2) We ask for owner-occupied residences only in the development. The record of deterioration of maintenance and livability which has accompanied changes in ownership in other rental properties in the area makes it imperative that the project maintain its integrity in this regard.
- 3) We have asked for single-family dwellings in Parcel 6 on either side of an extension of Oneida from east to west, allowing access to the Fairfield property from that street and removal of the higher-density Fairfield townhomes from abutting the valuable single-family homes to the south. Additionally, without this we fail to see the sellability of the purported pocket of expensive single family homes west of Parcels 5 and 6 (original CUP). This situation, left unaddressed would leave open the possibility of requests for more multi-family later, a very real likelihood if single family lots could not be sold due to a single limited access through commercial and multi-family zones.

August 5, 1985  
Page 2

- 4) We once had an agreement from the developer that the commercial parcel would have one structure only; and now you say you require three, having assured us that there will be no supermarket, service station, or drive-through restaurants. The latter assurance falls on deaf ears when the former has already been withdrawn.
- 5) We reject the averaging-out of residential density over the entire project, including single-family and commercial parcels, to bring about a fictitious density figure. While this is acceptable under the CUP concept, it nevertheless will create inordinate density in the proposed garden apartment parcels and make for the problems discussed in No. 1 above.
- 6) A new major concern has now presented itself as a result of the developer's removal of the single family areas from the original CUP plan. We now have no guarantee whatsoever that this area will be platted as originally presented or any other considerations for that matter in order to protect the surrounding homeowners.

With regard to the nineteen "changes" which the developer says he has made, the residents must point out that the only true concession to the neighbors was No. 10, to exclude both supermarkets and service stations from the commercial site. The reduction in square-footage (No. 11) was not requested, and probably was a business decision. Virtually all of the changes were common-sense decisions for ease of access (Nos. 8 and 9) or for moderation of a nuisance (Nos. 5, 17, and 18) or were made to accommodate City requirements (No. 2). Those changes made to reduce density are inadequate, inasmuch as they do not address the problems of over-density in given areas and of home ownership. Changes which involve cul-de-sac-ing and a screening wall on the south do not satisfy the neighborhood concerns which prompted them, and are only partial or band-aid measures. The developer's agreement to prohibit restaurants with drive-in or drive-up window service on Parcel 3 (No. 19) is the only one to result from our first meeting, July 26; it is appreciated, but it is also singular.

The developer's decision to withdraw the challenged CUP and to substitute a plan which separates the commercial from the residential and takes the single family areas completely out, thereby nullifying the legal protest petitions, almost has to be viewed askance. But since he has done it, let us discuss the proposed commercial development.

A number of us who are serving on the neighbors' committee have, from the beginning, accepted as a business necessity for the owners, the commercial development of the 13th and Rock Road corner. We know full well that those who oppose the shopping area as unnecessary and a nuisance-maker in traffic and uglification of the area are correct, but we, as business persons ourselves, decided to try to work with the developer to meliorate its harm to the neighborhood, rather than oppose it. But it is, in truth, indefensible.

August 5, 1985  
Page 3

The shopping center will increase already heavy traffic patterns in the area. It will draw business away from existing centers, of which there is already at least one on every corner of every section in the continuous six-square mile area, between Rock Road and Oliver, and 21st and Kellogg.

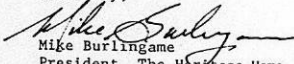
The attached map clearly reveals the over-commercialization of Wichita's East Side. The fact that land is expensive in East Wichita hardly justifies its rape by those who would recover inflated prices paid for its acquisition. We ask you, the Metropolitan Area Planning Commission, and the Wichita City Commission to think about that sad fact. The East Side of Wichita has become a concrete jungle with pockets of beautiful homes.

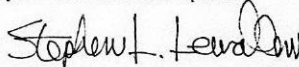
It is too late to save the East Side -- the damage is done and one more shopping center may not do that much additional harm; there are, after all, no more section corners left for development. Of much greater importance, is the density of population and traffic which the Fairfield project threatens. The developer's traffic projections notwithstanding, common sense dictates an intolerable amount of traffic resulting from the proposed high-density housing and commercial development at 13 and Rock Road. A mere look at present heavy traffic on Woodlawn between Kellogg and 21st, where there is only one shopping center of size -- Brittany -- will demonstrate that Rock Road, with Towne East, Morris Town, Mill Creek, the new Tallgrass Center, and now Fairfield, will become wildly congested.

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As business and professional persons ourselves, we are sympathetic to the developer's need for a return on his investment; but we feel that must be his problem to resolve and that it does not need to be resolved to the detriment of the neighborhood. The developer surely can make a profit, even at the inflated price of his land, without sacrificing the neighborhood to his needs. And we are afraid that that is what we are being asked to do. The bottom line still is that the developer has made no real concessions to the maximization of his profits in the proposed Fairfield Development.

Sincerely,

  
Mike Burlingame  
President, The Heritage Home-  
owners Association  
Enc.



Stephen L. Lewallen  
Chairperson, Participating  
Area Residents

cc City Commissioners  
Metropolitan Area Planning Commission  
Metropolitan Area Planning Department  
CPO Members  
Professional Engineering Consultants -- Dick Linn and Gary Wiley



 Great Plains Ventures, Inc.  
3526 N. Oliver • Wichita, Kansas 67220 • (316) 684-1540

August 2, 1985

Mr. Elmer S. Peters  
7667 E. 45th Street N  
Wichita, Kansas

Dear Mr. Peters:

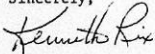
The City Commission has returned the Hartman Farm CUP to the MACP to see if a compromise position can be reached. Kansas General Properties has undercut meaningful negotiation by withdrawing the original CUP and refiling new CUP's.

This refiling is an obvious attempt to circumvent neighboring objections to the density problem. This should also concern the MACP because it is in contradiction to the desires of the City Commission to try to resolve differences.

Great Plains Ventures, Inc. is a developer and manufacturing company in Wichita. We have obtained zoning changes, replats, etc. without any objections from the neighbors - near or far - in going from AA to Light Industrial zoning. It can be done and should be done by cooperation with neighbors, screening, and utilizing the property for its best usage. We did it - Kansas Geneneral Properties can and should also.

Fairfield CUP should be zoned and platted like its neighbors - all AA and LC with perhaps a reasonable BB parcel.

Sincerely,



Kenneth Rix  
Vice President

KR:cb  
cc:Robert Lakin

**RECEIVED**

AUG 05 1985  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

**HARTMOOR FARM!**

IMPORTANT

DOES

THE DEVELOPER HAS JUST FILED NEW PLANS WHICH MIGHT NULLIFY OUR LEGAL PROTEST PETITIONS!!!

\*\*\*\*\*

ATTEND!!!

A CPO MEETING HAS BEEN CALLED FOR

AUGUST 6, 7:30 p.m.

PINE VALLEY CHRISTIAN CHURCH  
5620 EAST 21ST

\*\*\*\*\*

CHANGES ESTABLISH -

1. A COMMERCIAL CUP (DP-144, Z-2701)

The revised Development Plan proposes one parcel for commercial uses not including supermarkets, service stations or carry-out food services. The maximum gross floor area has been reduced to 228,301 square feet. The second parcel is for office uses with a maximum gross floor area of 155,000 square feet. Maximum number of buildings for each parcel is three. Building setbacks, screening requirements, parking ratios, access controls and other information relating to future development is shown on the plan.

2. A MULTI-FAMILY RESIDENTIAL CUP (DP-146, Z-2711)

The revised Development Plan proposes four parcels for residential uses. The westernmost parcel on 13th Street, containing 13.4 acres, is for a maximum of 135 townhouses (to be zoned "AA"). The 11.2-acre parcel adjacent to the east is for a maximum of 298 garden apartments or 113 townhouses (to be zoned "R-4"). The other two parcels front on Rock Road. The southernmost one, containing 9.6 acres, is for a maximum of 64 townhouses (to remain zoned "AA"). The 9.5-acre parcel adjacent to the north is for a maximum of 247 garden apartments or 95 townhouses (to be zoned "R-4"). The total number of dwelling units in this Development Plan will not exceed 740. All parcels are permitted community facilities associated with the dwellings. Building setbacks, screening requirements, parking ratios, access controls and other information relating to future development is shown on the plan.

3. THE EXCLUSION OF SINGLE FAMILY RESIDENTIAL FROM THE CUP

\*\*\*\*\*

Metropolitan Area Planning Commission (MAPC)  
will consider these amended applications

ATTEND!!!

Thursday, August 22  
1:30 p.m.  
City Commission Meeting Room  
First Floor of City Hall  
455 North Main

\*\*\*\*\*

**YOUR PARTICIPATION IS NEEDED TO PROTEST  
THE REZONING OF THE HARTMOOR FARM!**

DID YOU KNOW: The developer intends to build

1. A shopping center at 13th & Rock up to 1 1/2 times the size of Brittany Center!
2. An Office Complex comparable to 3 times the existing Brittany Office Building!
3. 852 Apartment Rentals (Equal to 3 times Horizons East)...  
34 acres with 24 units/acre.
4. 64 Townhouses
5. 187 Single family homes

DO YOU AGREE that this will over-develop an area that is basically single family residential. Do we need another shopping center and almost 900 apartment units on this property?

YOUR PROTEST PETITIONS HAVE BEEN FILED.....

NOW YOU SHOULD.....

**WRITE**

Your city commissioners before the July 23 commission meeting. Mention any objections you may have.... increased traffic, too high density, unnecessary commercialization, property devaluation, adverse effect on the character of surrounding properties....

**CALL**

Each city commissioner to let them know how you feel.

**ATTEND**

The City Commission Meeting July 23. City Commission meeting room, City Hall, 455 N. Main. (Call the City Commission Office Friday, July 19, to determine placement on the Agenda, 268-4331).

City Commissioners are

Robert Brown	(B) 268-4331	
Tony Casado	(B) 262-5491	(H) 682-4840
Robert Knight	(B) 262-4411	
Sheldon Kamen	(B) 262-1-75	(H) 685-2487
Gary Bell	(B) 942-9353	(H) 838-0303

Mailing Address: City Hall, 455 North Main, Wichita, KS 67202

WE CANNOT OVER-EMPHASIZE THE IMPORTANCE OF YOUR LETTERS, CALLS AND ATTENDANCE AT THIS MEETING!

*Copy of flyer circulated in the neighborhood by opponents of this CDP and zone change.*

LAW OFFICES OF

ARN, MULLINS, UNRUH, KUHN & WILSON

330 R. M. DARVEY BUILDING - 300 WEST DOUGLAS

WICHITA, KANSAS 67202-2978

AREA CODE (316) 267-5267

EDWARD F. ARN  
RICHARD F. MULLINS  
MILD M. UNRUH  
H. R. KUHN  
RODER K. WILSON  
JOHN C. NODGAARD  
MILD M. UNRUH, JR.  
STUART R. COLLIER  
KRIS J. KUHN

July 16, 1985

Honorable Robert C. Brown, Mayor  
City of Wichita  
Wichita City Commission Office  
First Floor - City Office Building  
455 North Main  
Wichita, Kansas 67202

Re: Fairfield Residential and Commercial  
Community Unit Plan  
Case No. OP-144 2-2701

Dear Mayor Brown:

I write this letter as the homeowner of Lot 1, Block 6, Pine Valley Sixth Addition, which is in an adjacent addition to the above described zoning case to be heard by the City Commission on July 23, 1985. As you may or may not be aware, a considerable number of the homeowners surrounding this proposed Community Unit Plan have filed protest petitions in anticipation of this matter being heard by the Commission.

The homeowners are not unaware of the procedure limiting speakers before the Commission to "new evidence" in the matter of a zoning application change. However, since there are a number of people in these various residential areas who wish to address the Commission on the issue of the "community unit plan" and in particular the "density" of this unit, we would respectfully request the Commission allow spokesmen from the various residential areas surrounding this planned unit to express their concerns at the July 23, 1985 hearing.

Respectfully submitted

  
John C. Nodgaard  
of ARN, MULLINS, UNRUH, KUHN & WILSON

JCN/bg

cc: Honorable Commissioners  
Gary Bell  
Sheldon Kamen  
Robert G. Knight  
Tony Casado  
Robert Finch, Interim City Manager  
Mike Lindebak, Interim Planning Director  
Jack Galbraith, Assistant Planning Director

LAW OFFICE  
RECEIVED

JUL 16 1985  
CITY COMMISSIONERS (RECEIVED)

RECEIVED  
JUL 16 1985  
DESIGN DIVISION

July 16, 1985

Mr. Robert Brown, Mayor  
457 N Main  
Wichita, Ks 67202

Re: Case # DP-144

Dear Mayor Brown,

The details of referenced C. U. P. and zone changes requested at 13th and Rock Road - known locally as Hartman Farm - are before you for consideration. The CPO did not approve, the MAPC did. Differences obviously exist. Density for this area, both business and residential, concern all local residents, myself included.

The L. C. area will double if this change is approved. The City Planning Dept. will show you the area adjacent to this land. What they will not show you is the development within a two (2) mile radius of this land. Should you consider this larger area? I firmly believe it should be included to provide a continuity in the planning or development as our City expands.


The attached "do it yourself" map is provided for your info. Areas marked have not been verified thru City records for specific zoning. They do represent visible occupancies of business, multiple family Apartments or industrial occupancies. There are, now in place, SEVEN (7) major shopping centers within this two (2) mile radius of Rock Road and 13th intersection. The number of other business locations are to numerous to count within this area. I believe you must address the responsibilities, as Commissioner, to these investors as well as the residents within the legal notification limit.

My schedule does not permit me to attend your meeting July 23rd where you will consider this change request. I would like to do so. Mr. Bill Morin and his staff have done an excellent job with the proposal. They have, within the framework of this proposal, made modifications to address concerns stated in prior meetings. The density of both business and residential remain un-changed. These attempts to be a good neighbor are both respected and appreciated. However, this does not make the plan the only acceptable one available.

You have a decision to make. The economics of land development are real. Real for this request. Equally real for those previously approved. THANK YOU for your consideration.

No reply is necessary. Thanks again for your time.

Best regards,

  
R. C. Duncan  
7700 E. 13th, Unit 4  
Wichita, Ks 67206

CC: Mr. Tony Casado  
Mr Bob Knight  
Mr. Shelden Kamen  
Mr. Gary Bell

July 16, 1985

Mr. Robert Brown, Mayor  
Wichita City Commission  
455 North Main  
Wichita, Kansas 67202

Re: Proposed Fairfield C.U.P.  
Rock Road and 13th Street

Dear Mr. Brown:

I am writing to you to inform you of my desire to protest the Fairfield Community Unit Plan as it is currently proposed.

I reside at 7700 E. 13th, #23, in Raintree Village which lies immediately north of the proposed development. As the C.U.P. is currently proposed, my single family housing development will be neighbors to a high density apartment complex in parcels 1 and 2 of the plan.

Raintree Village is platted for a density of 6 units per acre. The Heritage housing community on the northwest corner of 13th and Rock Road is platted for a density of 8.4 units per acre. Within a 1000' radius of the Fairchild C.U.P., our two developments are among the highest with regard to density of living units. Parcels 1 and 2 of the C.U.P. propose a density of 26 units per acre.

It seems unfair that the single family homes on the south and west of the Fairfield C.U.P. were "insulated" against high density housing by placing single family home lots on Parcels 7A & 7B, only to turn around and stack the apartment complex across the street from our single family homes in Raintree Village.

In a 1974 report to Mr. Lakin from Robert L. Young, Principal Planner concerning Rock Road, several statements regarding recommended development of property along Rock Road were made. In the summary of their report on Page 2, Mr. Young's report states:

"Those areas presently unplatted along Rock Road, namely the quarter section on the west side south of 13th Street, the half section on the east side between 13th and 21st . . . , should develop at as low an intensity as possible."

If the Northeast circumferential becomes reality and connects with Rock Road, and substantial industrial development should take place, Rock Road traffic will undoubtedly increase substantially. Using

Con't. ?

Dear Mr. Lakin,

Recently Kansas General Properties bought the Hartman property off 13th and Rock Road.

The proposed development has caused several problems for myself and my neighbors. First is the street named Oneida which will be placed directly behind our back yards. This street seems to be a main road for the 86 new residence, plus the possible townhouses. That creates a large amount of traffic viewing from our back yards, preventing us the privacy we have always had. With the view of townhomes and multiple residence, the traffic will destroy our privacy along with the value of our homes.

I, myself would like to see a brick retaining wall built to retain our privacy and landscaping.

Your consideration would be greatly appreciated.

Sincerely,

*L. R. Stewart*

L. R. Stewart  
7900 Donegal

cc: Planning Commissioners

RECEIVED

JUN 21 1965  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

Mr. Robert A. Lakin  
Wichita - Sedgwick County  
Metropolitan Area Planning Department  
City Hall - Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202-1688

Dear Mr. Lakin and members of the Metropolitan Area Planning Commission;

We received notice that there is to be a MAPC meeting on June 27, 1985 concerning the Fairfield Residential and Community Unit Plan. Since we will be unable to attend the meeting, we decide to write and express our opinion.

We are strongly opposed to the opening of a street directly behind our property, such street to be called Oneida. We do not feel that such a street would be beneficial to the neighborhood and feel that it could be moved further north.

We hope you take our opinion into serious consideration and we appreciate your attention on this matter.

Sincerely,

*Antonio and Marilyn Osio*

Antonio and Marilyn Osio

7812 Donegal

Wichita, Kansas 67206

Wichita, June 17, 1985  
alo/mao.

RECEIVED

JUN 18 1985

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

ROSS A. PADGHAM, D.D.S.  
DENTISTRY FOR CHILDREN  
4624 EAST KELLOGG • Box 18106  
WICHITA, KANSAS 67218  
13161 684-0013

RECEIVED

JUN 24 1985

METROPOLITAN PLANNING

ROUTE

June 21, 1985

Mr. Robert A. Lakin, Secretary  
Wichita-Sedgwick County M.A.P.C.  
City Hall - 10th Floor  
Wichita, Kansas 67202

RE: The proposed Fairfield CUP  
located North of Donegal to  
13th Street - f/k/a Hartmoor Farm.

Dear Sir:

We are home owners on the boundary of the proposed Fairfield CUP referred to above.

This letter is to inform you of our objection to the proposed zoning changes and to the proposed street Oneida, and to the platting of the property in general.

The proposed zoning change directly north of Donegal places dense condominiums immediately abutting single family residences and a street immediately adjacent to our rear property line. This would leave us with a street both in front of, and immediately to the rear of our home.

One of the principal objectives of zoning is to protect existing property owners from new developments that create objectionable noise, destroy privacy, and poorly planned situations that would reduce property value.

We do not feel that we are being unreasonable to ask the M.A.P.C. to keep the area that abuts the proposed addition, single family zoning, allow at least 100 ft. set back from our rear property line, and move the proposed street Oneida further north.

Thank you for your consideration.

Respectfully yours,

*Dr. Ross A. Padgham*  
DR. ROSS A. PADGHAM

*Sandra K. Padgham*  
SANDRA K. PADGHAM

RAP:skp

cc: MAPC Commissioners  
Wichita City Commissioners

RICHARD HARTWELL, P.E.  
JAMES A. JANTZ, P.E.  
ASSOCIATES  
BILL HUSTON  
MARK C. CRANE  
C. MARTIN FORD

TELEPHONE  
(316) 262-0125  
(316) 262-4571

HARTWELL-JANTZ ENGINEERING, INC.  
400 ELLIS

WICHITA, KANSAS 67211

June 18, 1985

Jack H. Galbraith, Asst. Secretary  
City Hall, 10th Floor  
455 N. Main  
Wichita, Kansas 67202

Dear Asst. Secretary Galbraith:

Recently the Hartman property on the south west corner of 13th and Rock Road sold to the Kansas General Properties. We in the adjacent residential area south witnessed the proposed development plans for the area.

Two items have really upset our families. One is that they show a new street named Oneida, to be placed adjacent to our back yards. This street will be a main service to over 86 new residences plus the possible townhouses in parcel 6. This will create considerable traffic viewing and noise to our back yard privacy. I originally purchased my lot at a premium because of the Hartman open landscape view. I have developed my landscaping to complement this view, now a city street can destroy this and undoubtedly lower the property value. I would also like to restrict any building lines a minimum of 100 feet from the property line to their south.

I see no reason Kansas General Properties cannot move the street north to between parcel 5 and 6 and any buildings on parcel 6 be kept no closer than 100 feet from our back lot lines. Your consideration would be appreciated at the June 27, commission meeting.

Sincerely,

*Dick Hartwell*

Dick Hartwell  
7712 Donegal

DH/fep

RECEIVED

JUN 19 1985

METROPOLITAN PLANNING

ROUTE

RICHARD HARTWELL, P.E.  
JAMES A. JANTZ, P.E.  
ASSOCIATES  
BILL HUSTON  
MARK C. CRANE  
C. MARTIN FORD

TELEPHONE:  
(316) 262-0125  
(316) 262-4571

HARTWELL-JANTZ ENGINEERING, INC.

400 ELLIS  
WICHITA, KANSAS 67211

June 18, 1985

Robert A. Lakin, Secretary  
Metropolitan Area Planning Commission  
City Hall, 10th Floor  
455 N. Main  
Wichita, Kansas 67202

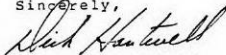
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Sincerely,



Dick Hartwell  
7712 Donegal

DH/fep

RECEIVED

JUN 19 1985

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

RECEIVED

JUN 24 1985

DAN J. SKUBITZ  
ATTORNEY AT LAW  
PENN MUTUAL BUILDING  
1010 N. MAIN STREET, SUITE 2  
WICHITA, KANSAS 67203

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

TELEPHONE  
1-316-263-5267  
1-316-267-4296

MAILING ADDRESS  
POST OFFICE BOX 355  
WICHITA, KANSAS 67201

June 14, 1985

Director of Planning  
City of Wichita  
Wichita, Kansas

Re: The proposed Fairfield Addition located North  
of Donegal to 13th Street - f/k/a Hartmoor Farm.

Dear Sir:

Due to our absence from the City, I write this letter asking that you take an overall look at the proposed street, Oneida, to be used as a main artery for the above Fairfield Addition.

We object to the location of this street and ask that it be moved farther north. It appears to us that it would cause a bottle neck at Rock Road and also a traffic hazard as it is literally placed too close to Donegal. We viewed the drawings and found that the location of residences on Donegal Street was omitted, thus presenting a misleading overall picture.

It is also our request that a "set-back" of one hundred (100) feet be allowed from the rear property line of those living on the north side of Donegal. We request this because of the number of vehicles one must anticipate from this type of development, as well as the noise. The trees that are presently there are not dense enough to adequately serve as a noise barrier.

We ask your cooperation in preserving our neighborhood.

Respectfully yours,

*Dan J. Skubitz*  
DAN J. SKUBITZ  
*Betty M. Skubitz*  
BETTY M. SKUBITZ

DJS:dlb  
cc: Planning Commission  
Wichita City Commissioners

# Revised Fairfield Plans Void Protest

By Laura Addison  
Staff Writer

Developers of the former Hartmoor Farm property in east Wichita have come up with a revised plan to make it easier for them to gain city approval.

The new proposal splits the development into two community unit plans, excluding 64 acres of land in the south and west part of the original plan that is zoned for single-family use.

The change will render invalid the protest petitions filed by adjoining homeowners that would have required a 4-1 vote by the City Commission for approval of the development.

Proponents of the Fairfield Development, on the southwest corner of Rock Road and 13th, say the change will give them more flexibility. Some area residents, who objected to more commercial development and the population density of the original plan, say it's a way to circumvent their opposition.

"The east side of Wichita has become a concrete jungle, with pockets of beautiful homes," said Steve Lewallen, 1042 Lawrence Court.

**THE DEVELOPERS** of the Fairfield plan, Kansas General Properties Inc., originally submitted one community unit plan for the entire 160-acre tract. Despite neighborhood opposition, the plan gained unanimous approval of the Metropolitan Area Planning Commission on June 27.

When area residents took their objections — and protest petitions from owners of 69 percent of the adjacent property — to the City Commission on July 23, the commissioners returned the case to the MAPC for reconsideration.

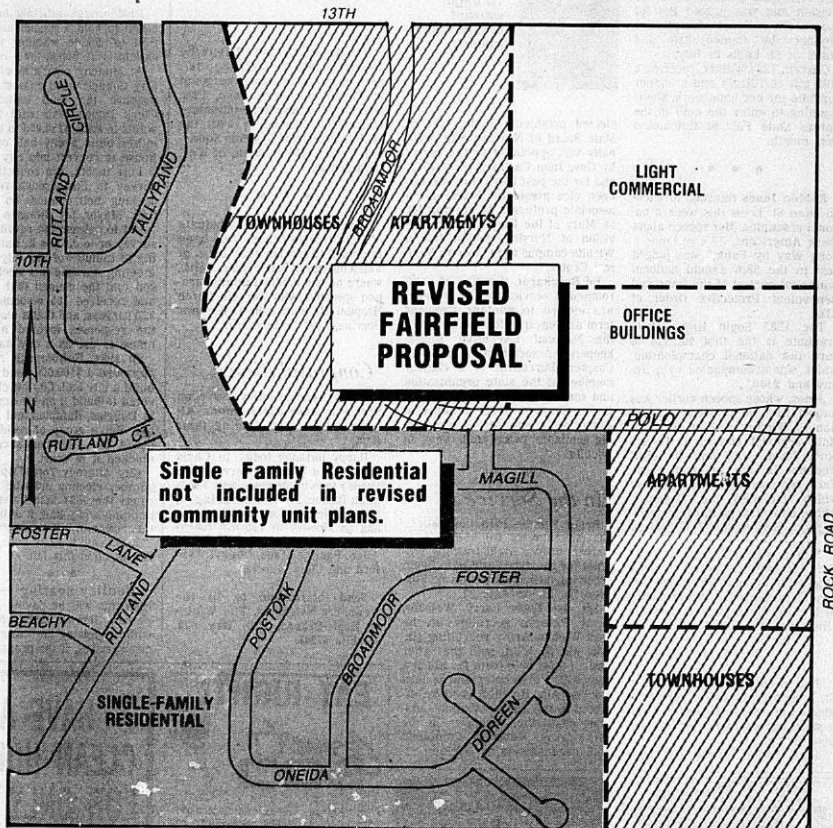
The developers' revised plan was explained at a meeting of Citizen Participation Organization Council I last week, but area residents weren't satisfied. "We bought a quality of life there, and that's been threatened," said Jean Grissom, 1209 Armour.

CPO-I recommended against the revised development plan as submitted. The two community unit plans will be heard by the MAPC at its Thursday meeting. The MAPC's recommendation will go to the City Commission on Sept. 24.

Under the new plan, one community unit plan has been submitted for light commercial and office development in a 26.4-acre tract nearest the intersection of Rock Road and 13th. A new residential plan proposes apartments and townhouses on a total of 44 acres south and west of the commercial area. Sixty-four acres of single-family housing in the original plan have been omitted, although they are still in the Fairfield Development. Because no zoning change has been proposed for that land, special city approval is not needed for development there.

Most of the protest petitions signed by neighbors are no longer valid because, under the revised plan, most of the land within 200 feet of either plan is owned by the 13th and Rock Land Development Co., of which Kansas General Properties is the majority owner. But developers say circumventing the neighborhood opposition wasn't the reason for the change in their plans.

"The planning staff said it is better not to have residential and commercial in the same CUP," said Dick Linn of Professional



James Denk/Staff Artist

Engineering Consultants, the firm that designed the plans. "It's easier to administer."

**ORIGINALLY,** the single plan was submitted as a comprehensive package. "We thought it was better to have one document for review," said Linn.

After the City Commission voted to return the plan to the Planning Commission, several changes in the plan were made "to reflect action already taken," Linn said.

The neighbors objected that developers were seeking two-family zoning on the 64 acres designated for single-family homes in the community unit plan, Linn said. They were afraid that another developer could buy the land after the zoning change and build duplexes in that area.

However, planners say that once a community unit plan is adopted, the land must be developed as approved.

"They (neighbors) said, 'Ask for the zoning you need, so it reflects exactly what you want,'" Linn said.

Residents also complained that under the original community unit plan, the density is figured as an overall average. They said that would allow developers to build large apartment complexes in some areas, as long as the overall average was not more than 10.4 dwelling units per acre.

"It appears to us," said Linn, "that the main objection the neighborhood has is multifamily. With separate CUPs, we could still proceed on the commercial, even if the residential doesn't pass." If only one plan is approved, development on that part can proceed while waiting the mandatory year before reapplying for zoning changes on the residential.

Neighbors' opposition to the original development also had centered on the number of shopping centers already in east and northeast Wichita.

Patricia Cook, 1050 Gretchen, said that she would like to see a past city policy reviewed by the City Commission and a determination made on its validity before

the zoning on the Fairfield Development is decided. The policy, dated Aug. 21, 1978, recommends that the city "hold the line on additional large-scale commercial, office and high density residential zoning" on Rock Road between 37th North and 31st South, "encourage very low-density development on the remaining large unplatted residentially zoned properties" and, "as development occurs, continually monitor the traffic loads to determine the actual need...."

CPO-I member Colleen Johnston asked Bill Morin, partner and general manager of Kansas General Properties, if he planned to maintain ownership and control of the property and would, therefore, be able to enforce the provisions in the plan. She referred to the case of the Oxford Square Shopping Center, in which failure to meet specifications of landscaping and fencing has brought neighbors to the CPO meetings on several occasions. Morin said that any purchaser would be bound by the plan.

# Range War

## Neighbors Still Fighting Plan for Former Farm

By Laura Addison  
Staff Writer

Neighbors opposed to the development proposed for the former Hartmoor Farm in east Wichita didn't sway city planners last month, but they will try again at the Wichita City Commission today.

Residents of the area have been gathering information and protest petitions against the Fairfield Community Unit Plan for the property on the southwest corner of 13th and Rock Road. The Metropolitan Area Planning Commission unanimously approved the plan at its June 27 meeting.

Neighbors object to the high population density of the multifamily residences included in the plan, and say they don't want or need any more commercial and office development in the area. They're also upset by the quickness of the approval process, and by the notification they received of the proposed zoning changes.

Overall density in sections of the plan is 10.4 residences per acre, but could be as high as 26 units per acre in certain parts of the development. Residents say the density is less than four units per acre in the surrounding single-family neighborhoods.

"I DON'T KNOW what the politics of this thing is, but I was really surprised at the speed with which this thing went through," said Steve Lewallen, an architect and area resident.

Lewallen said he has represented some plans before the MAPC in the past and followed the progress of others. He said that the time requirement for posting signs about the pending zoning change on the property coincided with the parts of Rock Road and 13th being closed for construction, making many of the signs inaccessible to passers-by.

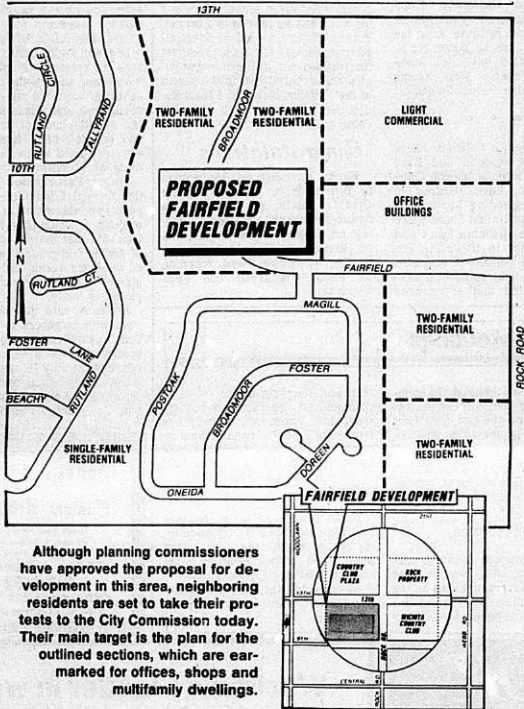
Petitions sent to City Hall represented owners of 69 percent of the land within 200 feet of the development, which means the proposal will have to get at least a 4-1 vote if all five members of the commission are present. Protest petitions with signatures of owners of more than 20 percent of adjoining land require a three-fourths majority for City Commission approval of a plan.

"WE HAVE A STACK of mail, reasonably high, and we've got a lot of phone calls," said Mayor Bob Brown. "The problem is when people move in next to an undeveloped area, they're gambling with what will go in there."

"Oddly enough, I thought the developer had gone to great lengths to buffer the neighborhood, on the south with fine, old, big trees, on the west with single-family homes, and with a wall around the proposed commercial part on the corner."

Under City Commission policy, the public may not speak on zoning cases; that hearing is held before the Planning Commission. But they may speak to city commissioners on a community unit plan.

Since both aspects of the Fairfield project will be considered on the same agenda item, "we're going to have a peculiar thing



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

Roll # 1

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