

CU-145 Harry Litwin requests conditional use on the W5 of Woodlawn approximately 1/2 mile S of 37th St N. Robert H. Nelson

POSTED  
12-27-72  
✓

DO NOT DISCARD

ACTION

DATE

COMMITTEE

M.A.P.C.	Deferred	1-25-73
M.A.P.C.	Approved subject to conditions	2-22-73
<del>M.A.P.C.</del> B. CO. C.	Approved	3-7-73

POSTED  
12-27-72  
*[Signature]*

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N. Robert H. Nelson

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MAPC	<u>Approved subject to conditions</u>	<u>2-22-73</u>
<del>B.C.C.</del> B. CO. C.	<u>Approved</u>	<u>3-7-73</u>

Closed 11-7-84.  
See note inside

Map No. \_\_\_\_\_  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
(ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 145  
Filed 12/22/72

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

1. Applicant: Harry Litwin, et al  
Address 5900 E. Central, Suite 102 Phone 685-1446
2. Agent: Robert H. Nelson  
Address Suite 630, 200 W. Douglas Phone 262-3777
3. General Location: On the West side of Woodlawn approximately p mile  
South of 37th St. N. Address \_\_\_\_\_
4. Proposed Use: Multi-family housing

AREA DATA:

1. Acres: 49.9 ( IRREGULAR ) ( 1320 ft. by 1950 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East UNDEVELOPED South FARM HOUSE  
West UNDEVELOPED North FARM HOUSE
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: UNDEVELOPED FARM HOUSE
6. Area (is) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
2. MAPC Meeting:

Date	Action
<u>1/25/73</u>	<u>Deferred to 2nd mtg. in Feb.</u>
<u>2-22-73</u>	<u>Approved sub. to conditions</u>

3. Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution
<u>3.7.73</u>	<u>Approved</u>	

NOTES:

See memo to files dated march 7, 1973.

Map No. 5851  
Sec. 36  
Twp. 26  
Range 1E

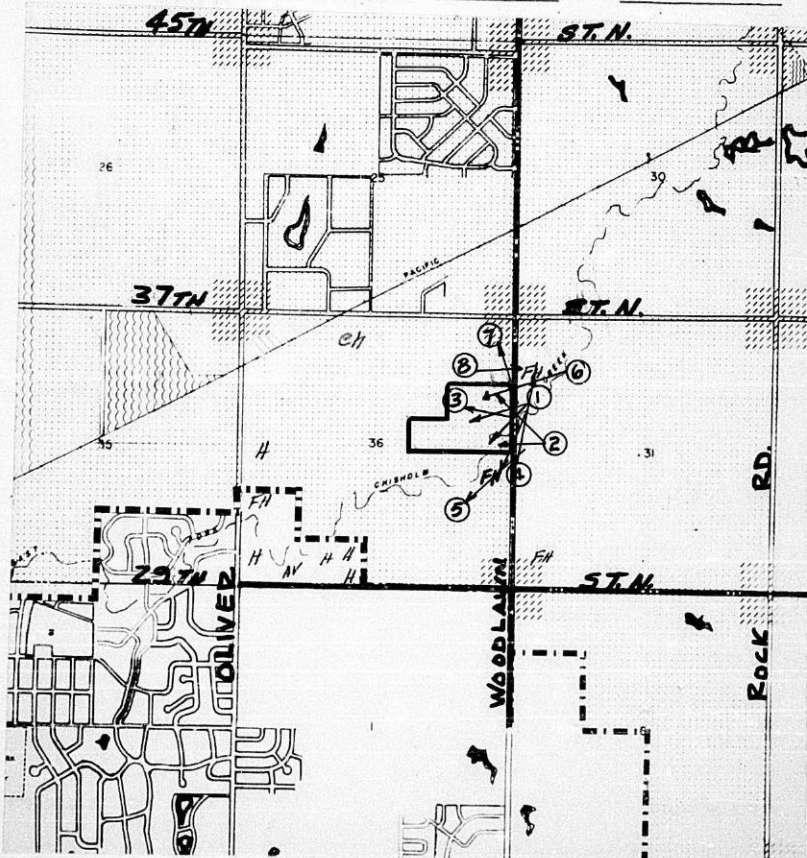
DATA SHEET  
(ZONING & CONDITIONAL USE)

1-25-73  
Z-  
SCZ-  
CU- 145  
Filed 12/22/72

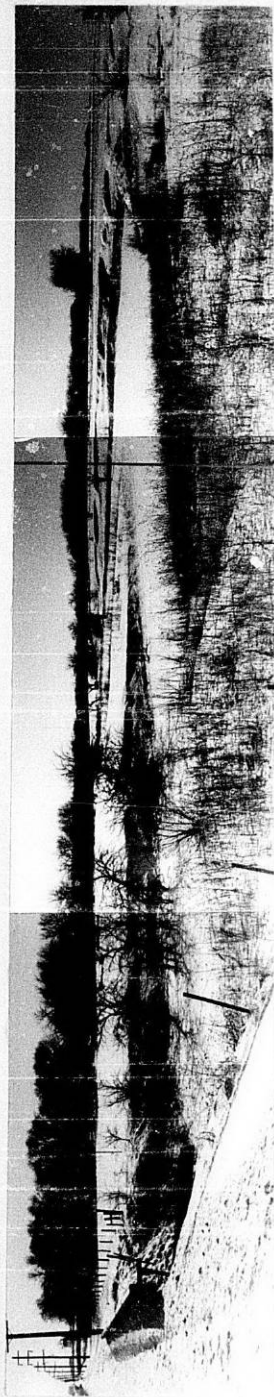
- APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_
1. Applicant: Harry Litwin, et al  
Address 5900 E. Central, Suite 102 Phone 685-1446
  2. Agent: Robert H. Nelson  
Address Suite 630, 200 W. Douglas Phone 262-3777
  3. General Location: On the West side of Woodlawn approximately 1/4 mile South of 37th St. North Address \_\_\_\_\_
  4. Proposed Use: Multi-family housing

- AREA DATA:
1. Acres: 49.9 (1320 IRREGULAR ft. by 1950 ft.)
  2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East UNDEVELOPED South FARM HOUSE  
West UNDEVELOPED North FARM HOUSE
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: UNDEVELOPED FARM LAND
  6. Area (is) (is not) platted.

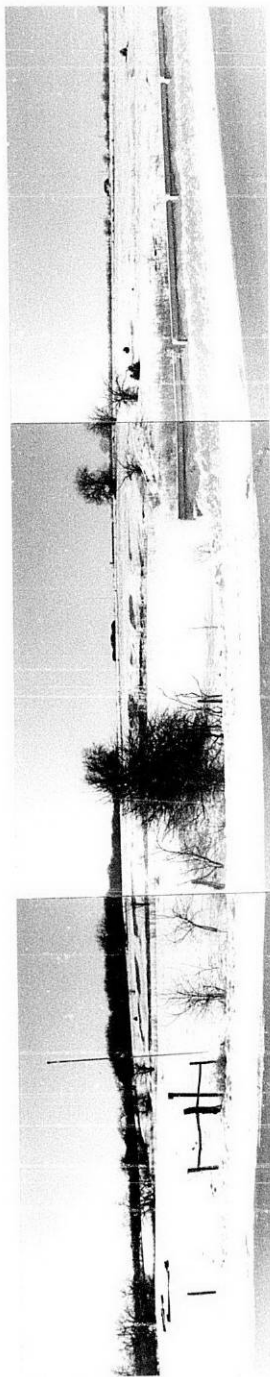
PHOTO DATA:  
Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



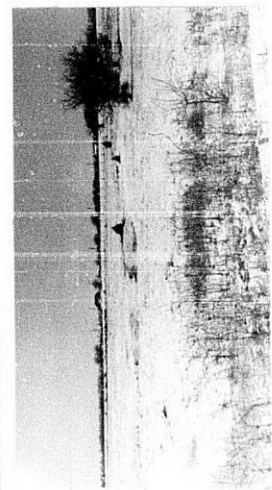
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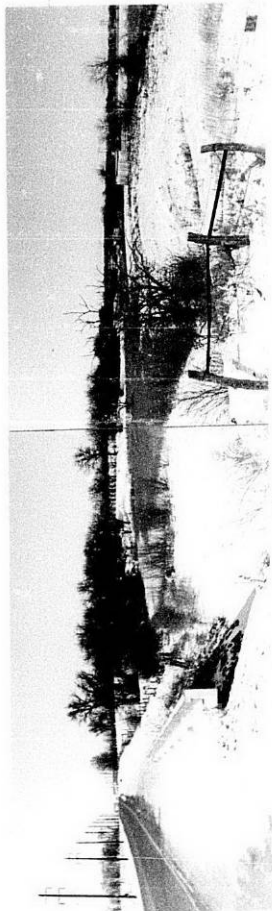
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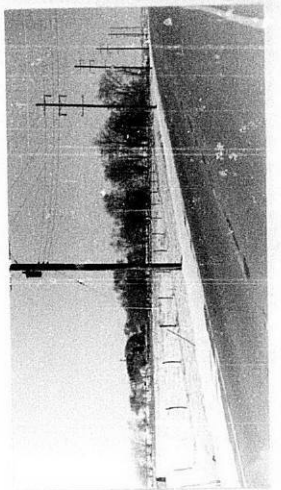
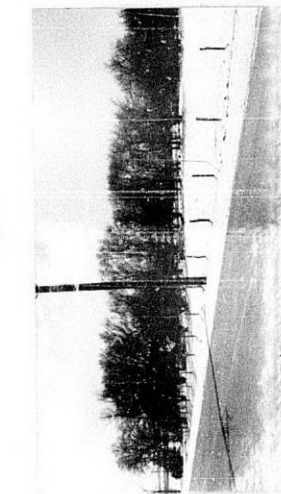
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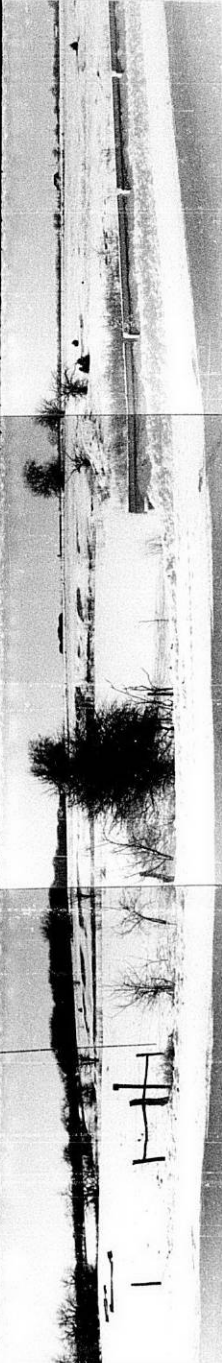


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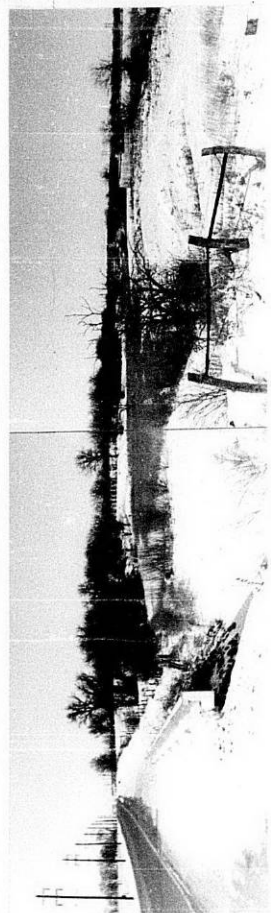


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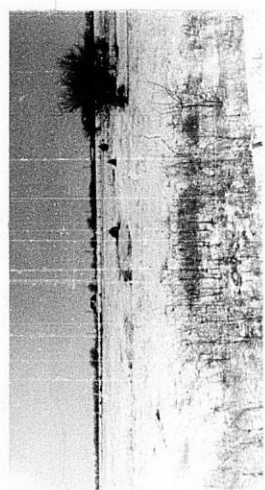




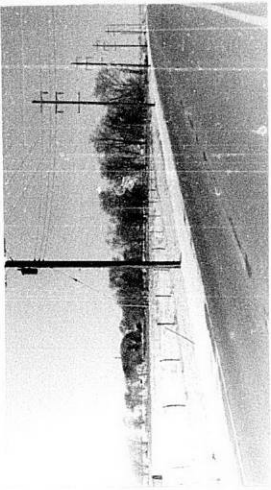
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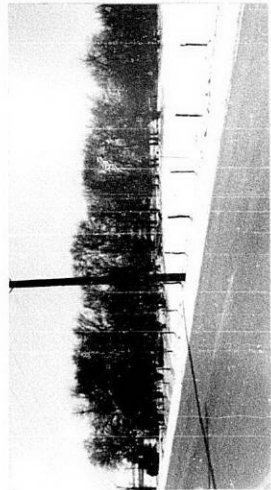
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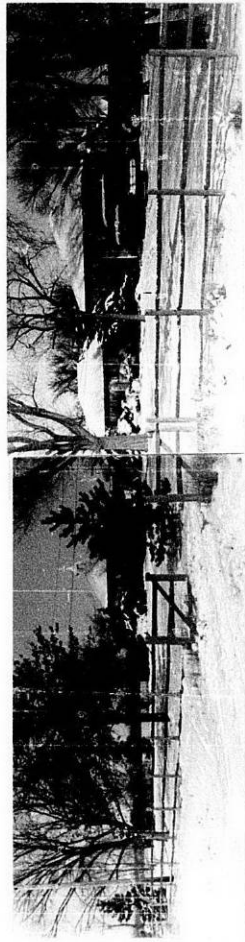
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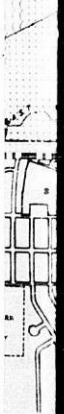
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Map No.  
Sec.  
Twp.  
Range

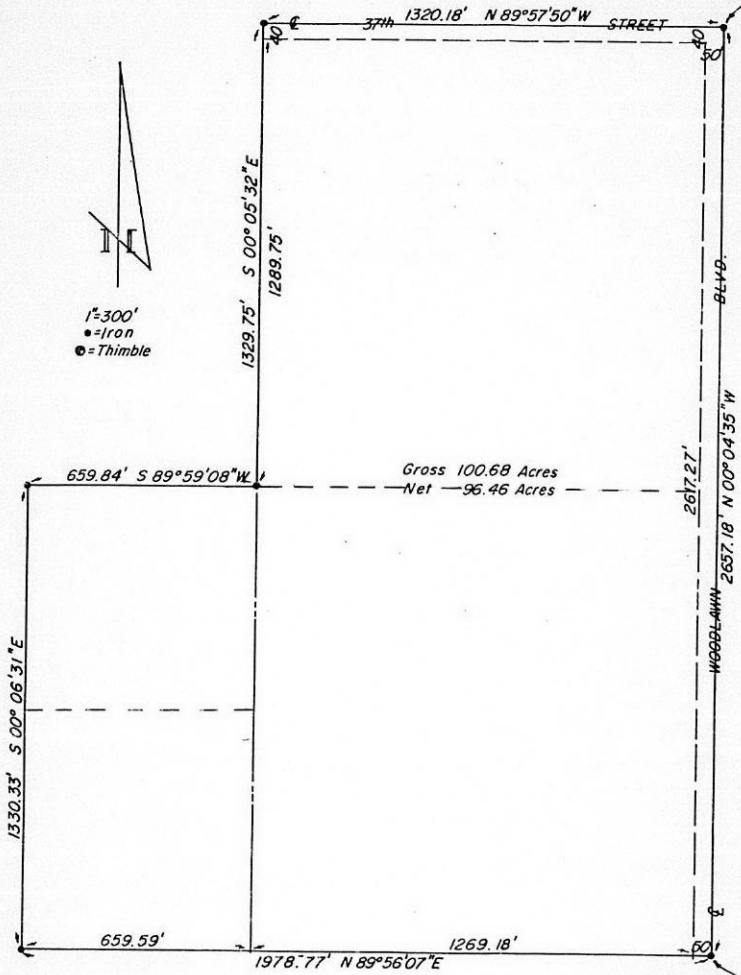
APPLD  
1. A  
2. A  
3. C  
4. T

AREA  
1. A  
2. A  
3. T

PHOTO  
Taken



N.E. Cor. Sec. 36,  
T.26S, R.1E  
of the 6th P.M.

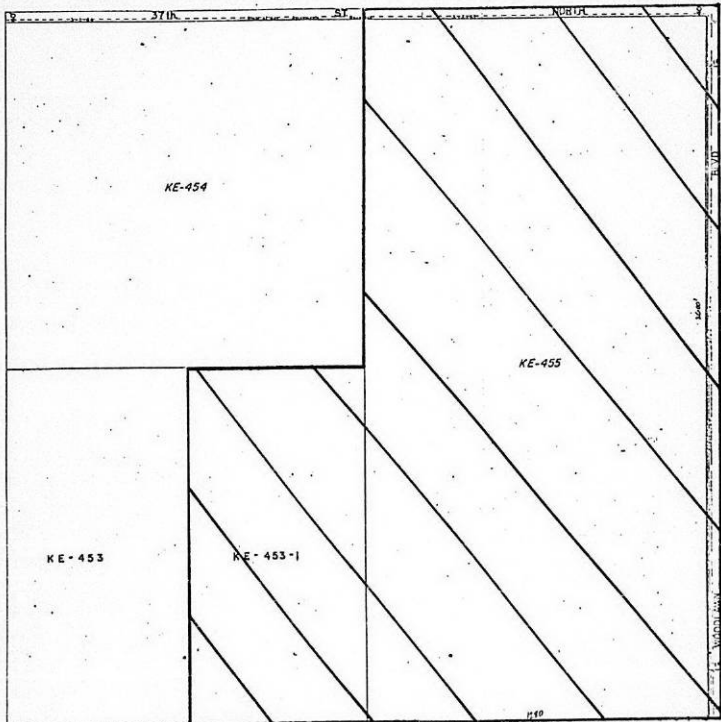


1"=300'  
●=Iron  
○=Timble

SE. Cor. N.E. 1/4,  
Sec. 36, T.26S,  
R.1E of the 6th P.M.

N.E. 1/4 SEC. 36, TWP. 26 S. R. 1 E.

KE  
141

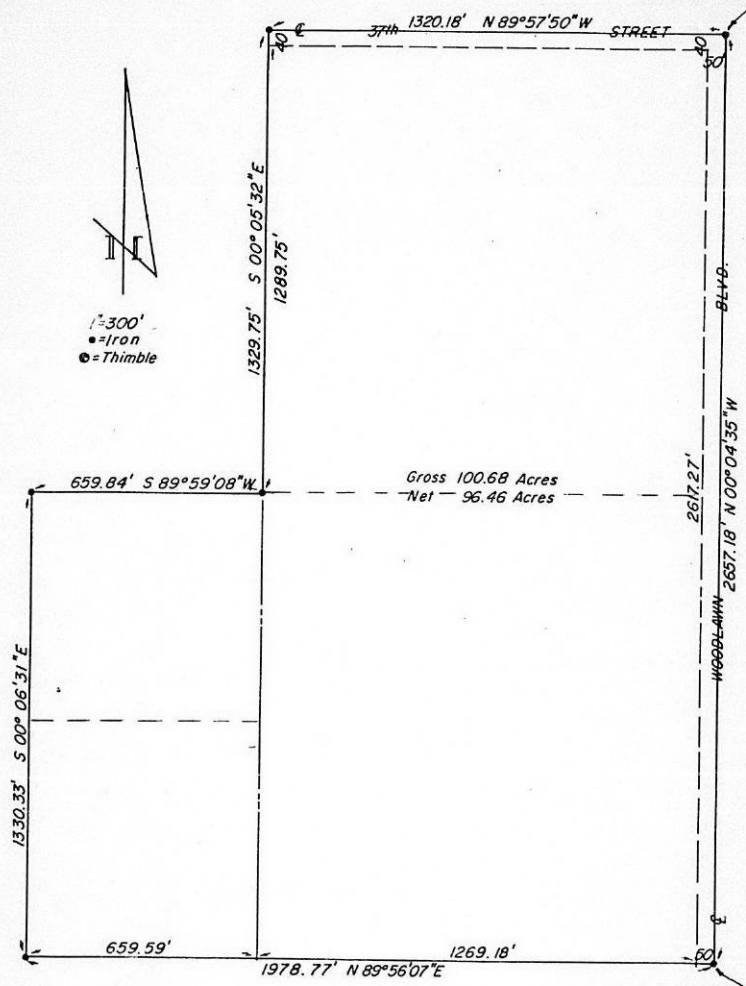


THIS SHEET PREPARED UNDER SUPERVISION OF  
MARIE WARDEN, SEDGWICK COUNTY CLERK

N.E. Cor. Sec. 36,  
T 26 S, R 1 E  
of the 6th P.M.



1" = 300'  
● = Iron  
⊙ = Thimble

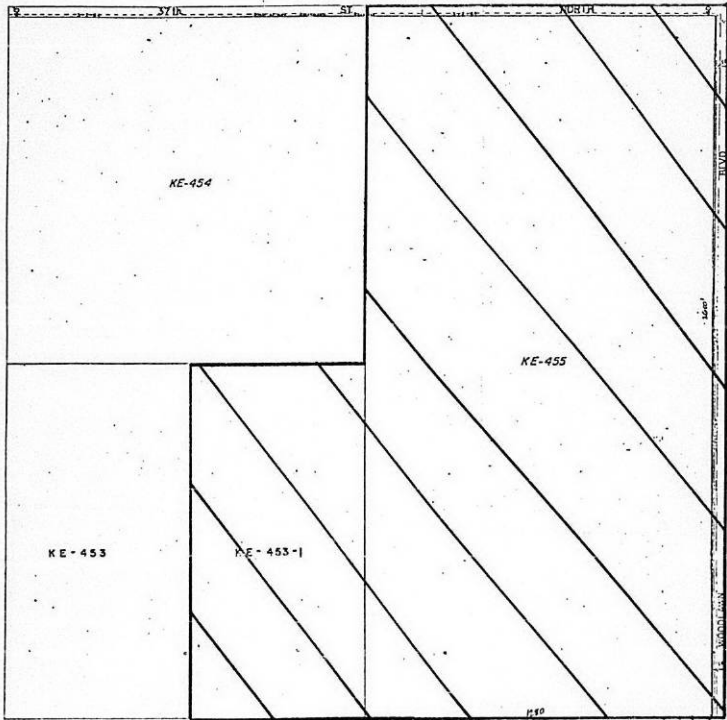


SE. Cor. N.E. 1/4,  
Sec. 36, T 26 S,  
R 1 E of the 6th P.M.

N.E. 1/4 SEC. 36, TWP. 26 S. R. 1 E.

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141

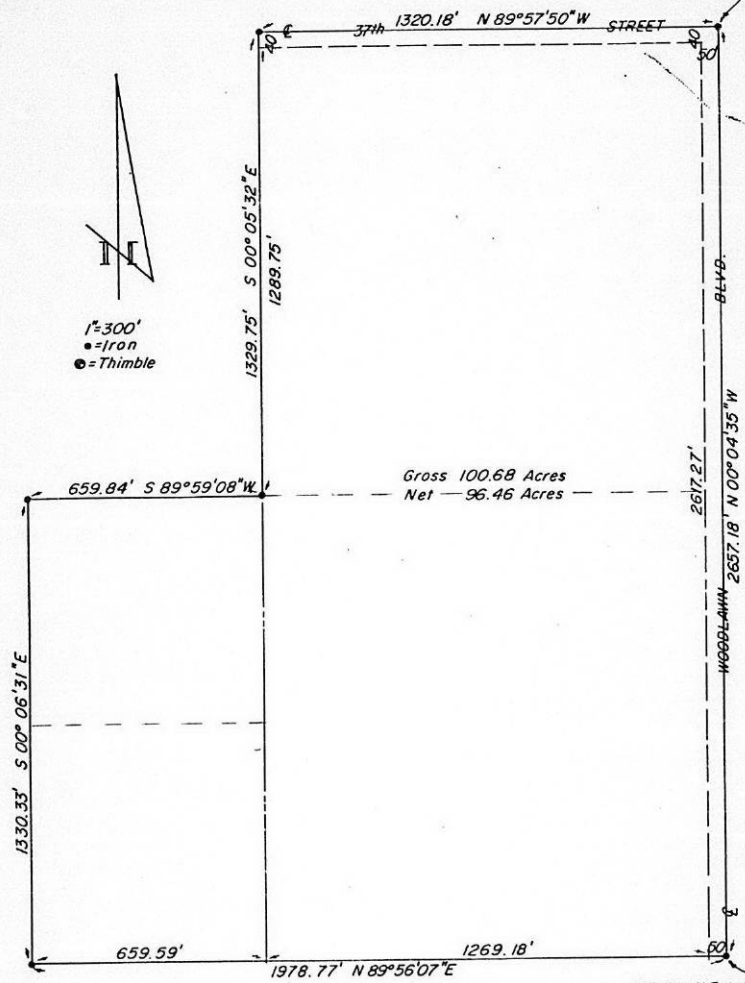


THIS SHEET - PREPARED UNDER SUPERVISION OF  
MARIE WARDEN, SEDGWICK COUNTY CLERK

N.E. Cor. Sec. 36,  
T26S, R1E  
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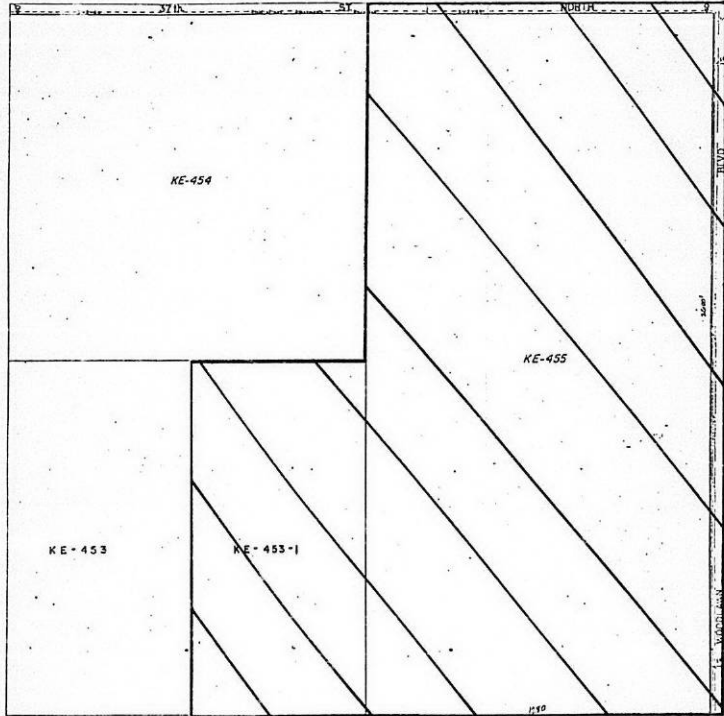


Gross 100.68 Acres  
Net 96.46 Acres

S.E. Cor. N.E. 1/4,  
Sec. 36, T26S,  
R1E of the 6th P.M.

N.E. 1/4 SEC. 36, TWP. 26 S. R. 1 E.

KE  
141



THIS SHEET PREPARED UNDER SUPERVISION OF  
MARIE WARDEN, SEDGWICK COUNTY CLERK

Do not publish  
until plat is  
recorded.

( ) Published in The Wichita Beacon on \_\_\_\_\_, 1972.

RESOLUTION

CASE NO. CU-145

A RESOLUTION PERMITTING CONSTRUCTION OF  
MULTIPLE FAMILY DWELLINGS IN THE "AA" ONE  
FAMILY DWELLING DISTRICT

ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, OR THE CITY OF GODDARD, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 5.10. 1) AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 5.10. 1) and Section 11.E of the Zoning Resolution, as amended, a Conditional Use Permit to allow construction of multiple family dwellings in the "AA" One Family Dwelling District is hereby approved on the lands legally described as follows:

The South Half of the East Half of the Southwest quarter of the northeast quarter of Section 36, Township 26 South, Range 1 East of the 6th P.M., and the south half of the east half of the northeast quarter of Section 36, Township 26 South, Range 1 East of the 6th P.M., all in Sedgwick County, Kansas. Generally located on the west side of Woodlawn approximately 1/2 mile south of 37th Street, subject to the following:

1. The number of dwelling units shall not exceed 5.5 per net acre.
2. One and one-half parking spaces shall be provided for each dwelling unit.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered and shown on the particular sectional zoning map contained in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

9th PASSED AND ADOPTED at Sedgwick County, Kansas, this day of March, 1972.

Earl S. Rush, Chairman  
Tom L. ..., Commissioner  
..., Commissioner

SEDG  
ATTEST:  
Marie ...  
County Clerk  
1972

( ) Published in The Wichita Beacon on \_\_\_\_\_, 1972.

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SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this 17<sup>th</sup> day of March, 1972.

Carl E. Rush Chairman  
Carl E. Rush, Commissioner  
Edmund Peters, Commissioner



Marie W. Wagoner County Clerk

11-7-84

SE $\frac{1}{4}$  NE $\frac{1}{4}$  and SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$   
36-26-1E owned by

WOODLAWN LAND CO.  
SUITE 108  
434 N. OLIVER.

Case closed 11-7-84. No action  
on associated plat (s/d 76-25  
Country Plaza) since the State  
Supreme Court gave the owner  
6 months to complete his  
plat without restrictions re  
K-96. (5-5-79)

K-96 alignment now  $\frac{1}{2}$  mile  
east of Woodlawn. L.O.

**DIRECTORS**

L. K. BAXTER, JR., P.E.  
C. O. KNOP, P.E.  
E. E. HYSOM, 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.  
J. L. MARTIN, P.E.  
K. R. HORNER, P.E.



**PROFESSIONAL  
ENGINEERING  
CONSULTANTS**  
PROFESSIONAL ASSOCIATION

February 10, 1975

Mr. R. A. Lakin, Director  
Metropolitan Area Planning Department  
City Building Annex  
104 South Main  
Wichita, Kansas 67202

Attention: Mr. Curtis Newby  
Planner

Re: K-96 Freeway  
Location Study  
Proj. (BC)96-87 U-044-1(16)  
PEC File 30-70195-011

Dear Mr. Lakin:

In response to your recent verbal request we are transmitting herewith the following preliminary ROW data:

1. Leisure Living, Inc. - Copy of preliminary sketch plat for "Country Place" a development proposed near 37th and Woodlawn Ave. (as prepared by Hare and Hare Landscape Architects, January 1973) on which we have drawn the approximate ROW limits as currently defined.
2. Graham-Casado Tract - A reproduction of an aerial mosaic of the project area adjacent to Oliver Street which shows the approximate ROW limits through the 80 acre tract (KE-456: S1/2 NW1/4 S36 T26S R1E) owned by Messrs. Jesse Graham and Luis Casado.

You are of course well aware of the approximate nature of the ROW limits as delineated on the above drawings. The preliminary nature of the studies conducted to date precludes more specific definition of the ROW requirements.

Should additional information be required please advise.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P. A.

*Carl O. Knop*  
Carl O. Knop, P. E.  
President

Encl: Leisure Living Sketch (1)  
Graham-Casado Aerial (1)

cc: W. E. Watts, P. E.  
w/encl.

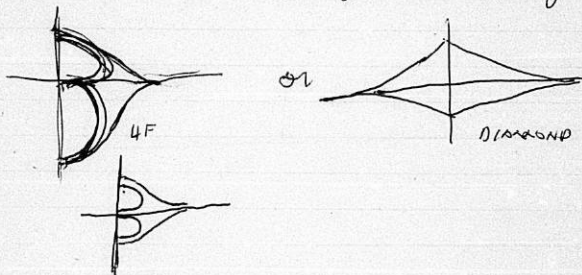


1440 EAST ENGLISH  
WICHITA, KANSAS 67211  
(316) 262-2691

N.F. Circumvental Meeting 1-28-75

Comotara

- Minor problem of alignment at east end (and dam in home)
- Major problem at west end (Huggins plot is Comotara noise factor concerns)
- McBoald presently takes <sup>south</sup> 300-400 ft of Huggins plot.
- Alternate #1 about the same no interchange 12-0-14, west of ~~alt~~ alternate #2 diamond
- Route should remain virtually the same due to prior discussions with land owners, and study



modify location within Comotara itself but terminal location & alignments remain the same.

D.F.C. will provide general alignment and

Formal request to State <sup>Highway Com.</sup> to proceed with  
with finish of Engineers study and proceed  
with design study.

- no good prospect for funding now in future.

January 13, 1975

William P. Higgins, Attorney  
First National Bank Building  
Wichita, Kansas 67202

Subject: SCZ-0300 - "R-1" to "AA"  
and CU-145 - West side of  
Woodlawn approximately  $\frac{1}{2}$   
mile south of 37th St. No.

Dear Mr. Higgins:

As we discussed last week by phone, this is to advise that we will schedule the above captioned cases for reconsideration by the Board of County Commissioners at their regular meeting on January 29, 1975. As you are aware, the files reflect that the Planning Commission and County Commission approved these cases in 1973; however, there is a memorandum in the files reflecting that these cases are eligible for re-evaluation in light of conditions established thereon in connection with the Northeast Circumferential (K-96).

In checking the files I find that the earlier submitted development plans are missing and I am wondering if your clients could furnish us three copies of their current proposal by the end of this week.

Also, I am no longer certain whether the original applicants are still the owners of this property, therefore, I did not copy them in on this letter. Would you please advise us as to who the present owners are.

This case will be scheduled for consideration by the Board of County Commissioners on January 29, 1975, the meeting to begin at 9:00 a.m. in Room 320 Sedgwick County Courthouse.

Sincerely,

Jack H. Galbraith  
Chief Planner

*Case not rescheduled as  
Higgins wanted information  
on proposed R.O.W. Furnished  
to Higgins in Feb-1975. JHG  
JHG:js*

Form T9-221A

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR ZONING CHANGE AND  
APPROVAL OF CONDITIONAL USE

CASE NO. SCZ-0300 and CU-145      CONSIDERED BY MAPC: 1-25-73 Deferred  
2-22-73

REQUEST FOR:    Change from "R-1" to "AA"  
                  Approval of Conditional Use

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"Applicant desires to construct multi-family housing on the property in question."

GENERAL LOCATION:    West side of Woodlawn approximately one-half mile south of 37th Street North

LEGAL DESCRIPTION:

South half of East half of Southwest quarter of Northeast quarter of Section 36, Township 26 South, Range 1 East of 6th P.M. and the south half of east half of northeast quarter of Section 36, Township 26 South, Range 1 East of 6th P.M., all in Sedgwick County, Kansas.

APPLICANT:    Harry Litwin, et al., Suite 102, 5900 East Central 67208

COUNSEL FOR APPLICANT:    Robert H. Nelson, Attorney

PROTESTORS (LIST COUNSEL) IF ANY:    None

SURROUNDING ZONING:    To the north, east, south and west is "R-1" zoning.

LAND USE:    Subject property and that to the north, east and west is agricultural; south is a farm house.

PLANNING COMMISSION RECOMMENDATION:

That based on the assurance that a plat would not be submitted until such time as the alignment of the Northeast Circumferential was selected, and with the understanding that if the southerly alignment is selected, the site plan would have to be redesigned, the Planning Commission recommend to the County Commission the approval of the zone change request, subject to platting within one year from the date of the selection of the alignment; and subject to the approval of CU-145; or the applications be considered denied and closed; and also recommend approval of CU-145 as requested, subject to the following conditions:

1. The number of dwelling units shall not exceed 5.5 per net acre.
2. One and one-half parking spaces shall be provided for each dwelling unit.

Jackson moved, Burnett seconded and it carried unanimously.

ACTION: 1. Approve the recommendation of the Metropolitan Area Planning Commission, subject to the conditions of platting, adopt resolutions effectuating the zone change and Conditional Use, and instruct the Planning Department to withhold publication until such time as the plat has been recorded; or

2. Deny the applications.

mailed 3-5-73

EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 25, 1973:

12. Case No. SCZ-0300 - Harry Litwin, et al. request change from "R-1" to "AA" for the South half of the east half of the Southwest quarter of the northeast quarter of Section 36, Township 26 South, Range 1 East of the 6th P.M., and the South half of the east half of the northeast quarter of Section 36, Township 26 South, Range 1 East of the 6th P.M. Generally located on the west side of Woodlawn approximately 1/2 mile south of 37th Street.

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

Comments

1. The applicant is requesting a change of zoning from the "R-1" Suburban Residential District to the "AA" One Family Dwelling District for a tract of land approximately 49.9 acres in size and located adjacent to a major street (Woodlawn). In conjunction with this application, the applicant has filed a Conditional Use request (CU-145) to allow the construction of a series of multiple family dwellings. The intent section of the "AA" District requires this district to be used only when municipal services (water and sewer) are available.
2. It should be noted that the County Zoning Resolution permits a density of 15 dwelling units per acre if a Conditional Use permit is approved for multiple family dwellings in the "AA" One Family Dwelling District. The applicant has submitted a site plan proposing a mixture of townhouses, villas and patio homes. The total number of units is 270 at a density of 5.5 per acre. The plan as submitted indicates that all movements of traffic in or out of the area is by means of one access point to Woodlawn. There is no indication of perimeter public streets or indicated future access to other adjacent properties.
3. A fork of Chisholm Creek crosses the southeast corner of subject property creating potential flooding and drainage problems in this portion of the property. The submitted site plan indicates this area as a future lake with an adjacent club house.
4. The south alternative alignment for the K-96 Freeway is proposed to cross the southern portion of this tract. Because of the park lands to the south (for a proposed regional park) this route alternate is proposed to go north of the half-mile line of this Section to avoid 4f clearance problems. Should this route be selected, it appears that all the necessary right-of-way must come (through condemnation) from subject property. An interchange is also proposed at Woodlawn which would require additional right-of-way. Public hearings on the alternative alignment are not scheduled to be held until March or April of this year, and it is not possible at this time to estimate when a final decision will be made by the appropriate State or Federal agencies.
5. Consideration should be given to either deferring this request until after the alignment is selected; or reserving adequate right-of-way for both K-96 and the interchange until after the alignment is selected. This could be accomplished by a redesign and overlay indicating how subject property could function in the event it was adjacent to an interstate system.
6. In the event the Planning Commission recommends the approval of the request, it should be approved subject to platting, assuring appropriate flood control dedications, appropriate rights-of-way for Woodlawn, and appropriate reserves for

right-of-way for the K-96 Freeway, within one year from the date of approval by the Board of County Commissioners; or the application be considered denied and closed. Approval should also be subject to the approval of the associated Conditional Use Case CU-145.

The following Conditional Use request which is associated with the above zone change application was considered at the same time:

13. Case No. CU-145 - Harry Litwin, et al. request approval of a Conditional Use to construct multi-family housing on property described as follows: The south half of the east half of the Southwest quarter of the northeast quarter of Section 36, Township 26 South, Range 1 East of the 6th p.m., and the south half of the east half of the Northeast quarter of Section 36, Township 26 South, Range 1 East of the 6th P.M. Generally located on the west side of Woodlawn approximately 1/2 mile south of 37th Street.

GALBRAITH reviewed the following staff report associated with the Conditional Use request:

Comments

1. The applicant is requesting a Conditional Use permit to construct multiple-family dwellings on property being requested for "AA" Single Family zoning (SCZ-0300).
2. The County Zoning Resolution was recently amended to permit multiple-family dwellings in the "AA" district as a conditional use. The amendment provides that the density shall not exceed 15 dwelling units per acre and further provides that there shall be 1 1/2 off-street parking spaces for each dwelling unit. It should be noted that any multiple-family dwellings constructed in the "AA" zoning district are subject to the same height requirements as single-family dwellings.
3. The applicant has submitted a site development plan proposing a mixture of residential uses not exceeding 5.5 dwelling units per acre. The plan has not taken into consideration east-west or north-south future public streets and indicates that access to a potential of 270 units is by means of one private drive to Woodlawn. Inasmuch as subject property is located at a half-mile line, consideration should be given to either an appropriate collector street through the site or on the perimeter of the area.
4. As stated in the associated zone Case SCZ-0300, there is a serious drainage problem across the corner of the property. Also, one of the proposed alignments for the K-96 Freeway is indicated through the southern portion of this property.
5. The area is not platted, and any plat associated with the property should take into consideration drainage and flooding problems adjacent to Chisholm Creek and possible right-of-way dedications if the alternative alignment for K-96 which crosses the southern portion of subject property is selected.
6. In the event that the Planning Commission determines that the proposed development is compatible with the area, approval of the Conditional Use request should be subject to the following conditions:
  1. The platting of subject property within one year from the date of approval by the Board of County Commissioners; or the application be considered denied and closed.
  2. The number of dwelling units shall not exceed 5.5 per net acre.
  3. One and one-half parking spaces shall be provided for each dwelling unit.

GALBRAITH commented that he had suggested to the attorney that the developer consider starting his first phase of construction in the northern portion of his ownership and that possibly by the time they were ready for development on the south portion, a decision would have been made on the highway alignment. He also pointed out that the Commission considered a case at the intersection of Woodlawn and 37th Street North several weeks ago for multiple family development and recommended approval, but it was sufficiently far enough away from either of the proposed alignments that it would not be affected by such highway plans. GALBRAITH said the possibility of a provisional setback until the highway alignment was determined was also discussed.

LAKIN pointed out on the aerial map the two alignments being considered for the Northeast Circumferential with respect to subject property, and said that not only is right-of-way for the highway itself needed, but also an interchange area would be needed at the southeast corner of the request. He commented that the land should be developed, but possibly the request is premature in relation to the highway plans.

LAKIN pointed out that the Northeast Circumferential has been discussed for a number of years and is a much needed community facility, and that after the public hearing in April or May, the State Highway Commission would make a recommendation to the Federal Highway Administration and that it is possible that the final determination of alignment would not be until July or August.

LAKIN said he would dislike to see a development which would preclude a viable choice of alternates and it is important for a public hearing to have more than one alignment to consider, and in this case if the southern alignment is more or less foreclosed, it might even necessitate development of other possible routes for another public hearing.

LAKIN said he did not consider it reasonable to withhold a decision for an unreasonable length of time and that under the County Zoning Resolution a deferral must be agreed to by the applicant on a zone case and a decision must be made within the time specified in the County Zoning Resolution.

LAKIN pointed out that the land to the south is owned in part by the Park Board and it has been agreed by the Consultant for the State Highway Commission and the Highway Department engineers that in order to avoid the 4<sup>1/2</sup> regulations of the Federal Highway Administration, that the route (if the southern alignment is selected) should be moved to the north of the half-section line and the total right-of-way acquired from the area north of the half-section line.

HENNESSY stated that this is "raw" land which should be developed, and yet the Northeast Circumferential Freeway has been in the plan for a number of years and is apparently about to come to a climax because of efforts to expedite the construction.

ROBERT H. NELSON, attorney for the applicants, said he realized the situation and that apparently a final determination of needed right-of-way and a decision on the route itself will not be for some months. He stated his clients have acquired the property for the sole purpose of development and spent money getting ready to develop the property. He said he was aware that several routes were being considered, but did not feel the Commission could expect a landowner to delay development or a determination on zoning in view of their investment and the uncertainty as to how soon a decision on the route can be expected. He felt this would be asking the applicants to bear an unreasonable burden and that they should be granted the right to develop the property. When questioned, NELSON said his clients were not aware of the highway possibility, although he had been aware of it for sometime. KAMEN pointed out that the Northeast Circumferential Freeway and possible routes, he thought, had been common knowledge many years.

BURNETT recalled a meeting of the City and County and Planning Commissions with State Highway officials, at which time it was agreed that every possible means would be made to expedite a decision on this highway, although some mention was made of the possibility of 5 years before construction might start.

NELSON finally agreed to the deferral of this application for 30 days to see if a reasonable compromise could be reached whereby the possible needed right-of-way might be protected.

**MOTION:** That this application be deferred until the meeting of February 22, 1973, so that the applicant and attorney would have an opportunity to discuss several alternates suggested, such as designing an apartment proposal near 37th Street so that sufficient area would be reserved for a possible alignment of the Northeast Circumferential. Burnett moved, Rising seconded and it carried unanimously.

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EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 22, 1973:

- 15a. Case No. SCE-0300 - Harry Litwin, et al. request change from "R-1" to "AA" for the south half of the east half of the southwest quarter of the northeast quarter of Section 36, Township 26 South, Range 1 East of the 6th P.M., and the south half of the east half of the Northeast quarter of Section 36, Township 26 South, Range 1 East of the 6th P.M. Generally located on the west side of Woodlawn approximately 1/2 mile south of 37th Street.
- 15b. Case No. CU-145 - Harry Litwin, et al. request approval of a Conditional Use to construct multi-family housing on property described as follows: The south half of the east half of the southwest quarter of the northeast quarter of Section 36, Township 26 South, Range 1 East of the 6th p.m., and the south half of the east half of the northeast quarter of Section 36, Township 26 South, Range 1 East of 6th p.m. Generally located on the west side of Woodlawn approximately 1/2 mile south of 37th Street.

GALBRAITH pointed out the area on the map and said the Commission, on January 25, 1973, had deferred these two cases so the applicant and his attorney could confer with officials of the State Highway Department and its consultant, Mr. Knop with Professional Engineering Consultants, as to possible need for a portion of subject property for right-of-way for the Northeast Circumferential Freeway.

GALBRAITH briefly reviewed the staff report (see minutes of January 25, 1973 for report in full) and said that it was recommended that the application not be approved until the Northeast Circumferential alignment is determined; or if the Commission felt certain areas appropriate at this time to see if a reservation could be provided for that portion thought likely to be needed, and the balance could be developed without waiting.

LAKIN pointed out on an aerial map the two alternate routes involved and to be considered. He said his concern is to be in a position to have at least the two routes for consideration at a public hearing to be held by the State Highway Commission in April, without having a major development in the southern route which might be considered to preclude its full consideration. He commented that from a transportation standpoint and in terms of better consideration by the Federal Highway Administration, a minimum of two alternate routes is desirable; otherwise the value of a public hearing would appear to be lost.

No one appeared in opposition.

ROBERT H. NELSON, attorney for the applicants, said that as suggested at the previous hearing, he and his clients met with the consulting engineer for the Highway Department, Mr. Knop. He said his clients recognize that a determination as to alignment will be made within the next few months, but he pointed out that they own the land, and they recognize they cannot develop it until a decision is made by the State and Federal Highway Administration, but would like to have a decision on the zoning at this time and on the CUP, so that as soon as the highway decision is made, they will be in a position to proceed with platting (the entire tract if the northern route is chosen and if the southern route is chosen, then whatever is not needed of subject property). NELSON said his clients have their money invested and are paying interest and time is of the essence, and in order to start development as quickly as possible after a decision on the highway alignment, they desire a decision now as to the zoning. He said they agree to do nothing which would tend to thwart the full consideration of the two routes, and if the Commission is not favorable to the zoning, then it is a waste of their time to start with.

NELSON further suggested that they would, if approved by the Commission, agree to not file a plat until after a decision is made on the alignment.

LAKIN referred to the preliminary plan filed by Nelson and pointed out that a full analysis of all requirements associated with the conditional use have not been considered, and if the Commission recommends approval, he would suggest it be with the understanding that changes are considered necessary on the plan now on file, such as resolving drainage and some type of public perimeter street system.

NELSON said he understood that if the southern alignment is decided upon that all the right-of-way would have to come from subject land because of the park area to the south, and as to the preliminary plan, NELSON said it was submitted at the request of the Planning Department staff and he did not consider it final in any respect - in fact a final plan cannot be even submitted until a decision is reached on the highway.

RISING asked if acquisition of the right-of-way would be higher if the property is rezoned. LAKIN said if the decision is made to utilize the southern route, then it might be desirable to consider a provisional setback to prevent construction in whatever area might be needed.

As to whether or not it would cost the public more for acquisition if the property is rezoned. LAKIN said condemnation is based on what is considered to be the highest and best use for the property.

NELSON repeated that they would agree to not even submitting a plat until the decision is made, but would like an indication from the Planning Commission on whether or not the zoning would be recommended for approval, in order to save time when the decision is made on the alignment. He said if the zoning is already approved, then in only a matter of days after the decision, they could submit a plat and not have to have the zoning considered again.

**MOTION:** That based on the assurance that a plat would not be submitted until such time as the alignment of the Northeast Circumferential was selected, and with the understanding that if the southerly alignment is selected the site plan would have to be redesigned, the Planning Commission recommend to the County Commission approval of the zone change request, subject to platting within one year from the date of the selection of the alignment; and subject to the approval of CU-145; or the applications be considered denied and closed, and also recommend the approval of CU-145 as requested, subject to the following conditions:

1. The number of dwelling units shall not exceed 5.5 per net acre.
2. One and one-half parking spaces shall be provided for each dwelling unit.

Jackson moved, Burnett seconded and it carried unanimously.

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March 7, 1973

**The Files**

Robert A. Lakin

SCZ-0300 and CU-145

The Board of County Commissioners in approving the above cases approved a request from Robert Nelson, attorney for the applicants, that a one-year time limit be placed on these cases under which a highway location determination will be made. After that one year then these cases are eligible to be reevaluated by the County Commission in light of the conditions established thereon in connection with the Northeast circumferential -- K-96.

RAL:rw

February 23, 1973

Mr. Robert H. Nelson, Attorney  
Suite 630, 200 West Douglas  
Wichita, Kansas 67202

Re: SCZ-0300 - "R-1" to "AA"  
and CU-145 - West side of  
Woodlawn approximately 1/2  
mile south of 37th Street  
North

Dear Mr. Nelson:

At the regular meeting of the Metropolitan Area Planning Commission on February 22, 1973, the above-captioned cases were reconsidered. Based on the assurance that a plat would not be submitted until such time as the alignment of the Northeast Circumferential was selected, and with the understanding that if the southerly alignment is selected, the site plan would have to be redesigned, it was the action of the Planning Commission to recommend approval of the zone change request, subject to platting within one year from the date of the selection of the alignment; and subject to the approval of CU-145; or the applications be considered denied and closed.

The Planning Commission also recommended the approval of CU-145 as requested, subject to the following conditions:

1. The number of dwelling units shall not exceed 5.5 per net acre.
2. One and one-half parking spaces shall be provided for each dwelling unit.

These two cases will be forwarded to the Board of County Commissioners for consideration on March 7, 1973, the meeting to start at 9:00 a.m. in Room 320 Sedgwick County Courthouse.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Harry Litwin, H. Fred Levine, Nathan Schofer,  
Harvey Katz, N. Lee Aronfeld and Barry A. Staub,  
Suite 102, 5900 East Central 67208

# MEMO



Mr. R. R. Biege, Jr., P.E. (SF)96-87 U044-1(16)  
TO: PROJECT NO. 70195  
Engr. of Location & Des. Conc. PROJECT: K-96 Freeway /  
KHC Location Study  
ATTN: Mr. W. E. Watts, P.E. DATE: February 2, 1973

COPIES TO:

MAPC(Attn: Mr. R.A. Lakin /  
Director

INTB(Chas. Coop, P.E.)

Proj. File thru CUP

FROM: C. O. Knop, P.E.

REFERENCE: Informal Meeting with Developers

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

Messrs. Lee Aronfelt and Ed Flanagan of Leisure Living, Inc., 5900 E. Central, Wichita, Kansas 67208, accompanied by their attorney Mr. Robert H. Nelson, met with the Consultant in the PEC office at 10NM, Friday February 2, 1973. Mr. Aronfelt stated that their firm had purchased a tract of land located on the west side of Woodlawn approximately 1/2 mile south of 37th Street and were preparing plans for development of a multi-family residential area.

Mr. Nelson noted that the Developers had requested a zoning change from the MAPC on January 25, 1973 and the matter had been deferred until February 22 so that possible conflicts with the highway project could be resolved (See out memo dated January 25, 1973). Mr. Nelson asked how much land would be required for the Freeway and interchange? Mr. Knop said that no design details had been prepared to date but that perhaps a minimum of 400 to 500 feet would be needed on the north of the quarter-section line. At Woodlawn, an increased amount of ROW would be needed to accommodate the proposed interchange.

Mr. Nelson asked if this interchange would be a "cloverleaf type". Mr. Knop replied that the traffic assignments to be used in establishing interchange requirements were now being prepared by KHC. It was anticipated however that a diamond interchange would be adequate.

Mr. Knop pointed out that the half-section immediately south of the Developer's tract was planned for a future regional park by the Wichita Park Board. Mr. Flanagan asked that since the Park Board did not at this time own the land why the interchange location could not be shifted south and avoid their development. Mr. Knop replied that the site was designated for a future park in the City's comprehensive plan and acquisition of land had started. It was therefore doubtful that encroachment by the highway on the designated park site would be acceptable to the KHC or the PWMA.



Mr. Knop asked if it would be possible to shift the proposed development further to the north as to avoid the Freeway. He noted that the ownership records indicated that the E 1/2 NE 1/4 and the E 1/2 SW 1/4 NE 1/4 S36 R1E T26S (100 acres) were shown as common ownership. Mr. Aronfelt said that they had only purchased 50 acres of the 90 tract (see att'd map) and that the NE 1/4 NE 1/4 S36 was owned by Mr. Jack Freeman. The Developers were therefore unable to shift their proposed development any further north.

Mr. Aronfelt also said that the tract they purchased contained a small lake (pond) and that this feature was to be developed as a focal point of the area. The Freeway, as proposed by the southern alignment, would destroy this lake and its potential for esthetic improvement. Mr. Knop said that the Freeway construction would require a significant amount of borrow material and it was possible that lakes suitable for development could be created on land adjacent to the Freeway to obtain fill material.

Mr. Nelson asked if an estimate could be made as to when the Corridor Public Hearing would be held and how soon thereafter a decision on the location might be reached. Mr. Knop said that the Hearing would probably be held in April or May 1973; the selection of the location should be made within 4 months after the Hearing. It was noted however that formal approval of a location by the FHWA could take longer than this.

Mr. Nelson closed the meeting by stating (to his clients) that he did not feel the Planning Commission would approve the Zoning request until after the highway location was selected.

Meeting adjourned at 11:30AM.

January 25, 1973

Robert H. Nelson, Attorney  
Suite 630, 200 West Douglas  
Wichita, Kansas 67202

Re: SCZ-0300 - "R-1" to "AA"  
and CU-145 - West side of  
Woodlawn approximately 1/2  
mile south of 37th Street  
North

Dear Mr. Nelson:

At the regular meeting of the Metropolitan Area Planning Commission on January 25, 1973, the above-captioned cases were considered. It was the action of the Commission to defer these two cases to their second meeting in February, so that you would have an opportunity to discuss with your client several alternates suggested at the meeting. One of the alternates was for the applicant to design an apartment proposal near 37th Street so that sufficient area would be reserved for a possible alignment of the Northeast Circumferential.

This matter will be scheduled for further consideration at the Planning Commission meeting of February 22, 1973, the meeting to start at 1:30 p.m. in Room 401 City Building Annex, 104 South Main.

If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Harry Litwin, H. Fred Levine, Nathan Schofer,  
Harvey Katz, N. Lee Aronfeld and Barry A. Staub  
Suite 102, 5900 East Central 67208

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: JAN. 25, 1973

Case No. CU-145

Request: To develop multiple family dwellings

Location: West side of Woodlawn approximately one-half mile south of 37th Street North

Reason: "Applicant desires to construct multi-family housing on the property in question."

Acres: 49.9

Size: 1,320 ft. by 1,950 ft.  
Irregular

	Land Use	Zoning
Existing	Agricultural	"P-1"
North	Agricultural	"R-1"
East	Agricultural	"P-1"
South	Farm house	"R-1"
West	Agricultural	"P-1"

Existing R/W - Woodlawn - 30 ft.	Platted: No
Proposed R/W - Woodlawn - 60 ft.	Sidewalk: None
	History: None

Comments

1. The applicant is requesting a Conditional Use permit to construct multiple-family dwellings on property being requested for "AA" Single Family zoning (SCZ-0300).
2. The County Zoning Resolution was recently amended to permit multiple-family dwellings in the "AA" district as a conditional use. The amendment provides that the density shall not exceed 15 dwelling units per acre and further provides that there shall be 1 1/2 off-street parking spaces for each dwelling unit. It should be noted that any multiple-family dwellings constructed in the "AA" zoning district are subject to the same height requirements as single-family dwellings.
3. The applicant has submitted a site development plan proposing a mixture of residential uses not exceeding 5.5 dwelling units per acre. The plan has not taken into consideration east-west or north-south future public streets and indicates that access to a potential of 270 units is by means of one private drive to Woodlawn. Inasmuch as subject property is

located at a half-mile line, consideration should be given to either an appropriate collector street through the site or on the perimeter of the area.

4. As stated in the associated zone Case SCZ-7300, there is a serious drainage problem across the corner of the property. Also, one of the proposed alignments for the K-96 Freeway is indicated through the southern portion of this property.
  5. The area is not platted, and any plat associated with the property should take into consideration drainage and flooding problems adjacent to Chisholm Creek and possible right-of-way dedications if the alternative alignment for K-96 which crosses the southern portion of subject property is selected.
  6. In the event that the Planning Commission determines that the proposed development is compatible with the area, approval of the Conditional Use request should be subject to the following conditions:
    1. The platting of subject property within one year from the date of approval by the Board of County Commissioners; or the application be considered denied and closed.
    2. The number of dwelling units shall not exceed 5.5 per net acre.
    3. One and one-half parking spaces shall be provided for each dwelling unit.
-

CU-145 & SCZ-0300 - 14 Notices to Property Owners sent 1/11/73

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY BUILDING ANNEX, 104 South Main  
WICHITA, KANSAS 67202

NOTICE TO ADJOINING PROPERTY OWNERS

JAN 11 1973

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m., on JAN 25 1973, at which time you may appear either in person or by agent or attorney, if you so desire.

Case No. CU-145

Conditional Use Request for Establishment of a  
Multi-family Housing Development on  
Property Being Requested for the  
"AA" One Family Dwelling District Classification

The South Half of the East Half of the Southwest Quarter of the Northeast Quarter of Section 36, Township 26 South, Range 1 East of the 6th P.M., and the South Half of the East Half of the Northeast Quarter of Section 36, Township 26 South, Range 1 East of the 6th P.M., all in Sedgwick County, Kansas. Generally located on the West side of Woodlawn approximately 1/2 mile South of 37th Street.

**NOTE:** It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin  
Secretary

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District  
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District  
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District  
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District  
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District  
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District  
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District  
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District  
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts  
Allows certain uses listed in the County Zoning Resolution by permit rather than as a use by right.





FORM 227-51

**PAYMENT NOTICE**  
City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

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

DESCRIPTION	AMOUNT

Name \_\_\_\_\_

Address \_\_\_\_\_

Type AD-743 Due Date \_\_\_\_\_

Comments: \_\_\_\_\_

Date 12-20-72 By 246

\*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

\*