

DP-100 - MEADOWLARK C.U.P. - on the south side of Harry, between Roosevelt & Oliver.

*103-137-1*

# ACTION

DATE

COMMITTEE	DATE
M.A.P.C. <i>Refer to</i>	<i>3-27-80</i>
M.A.P.C. <i>Refer 2 cards</i>	<i>3-13-80</i>
M.A.P.C. <i>Print out to audit</i>	<i>3-27-80</i>
B.C.C./B.C.C. <i>Copy to</i>	<i>4-22-80</i>
<i>Rebinder</i>	

*See DP-130 for revised CVR.*

Map No. 5745  
Sec. 35  
Twp. 27S  
Range 1E

DATA SHEET  
COMMUNITY UNIT PLAN

DP 100  
Z-  
Filed 11-7-79

ASSOCIATED CASE: Z-2200  
APPLICATION REQUEST: Approval of proposed planned MEADOWLARK CUP development.

1. Applicant Commonwealth-Slothower Theatre Corporation  
Address 215 W. 18th St. Kansas City, Mo. 64108 Phone \_\_\_\_\_
2. Agent Clark R. Nelson  
Address Suite 630- 200 W. Douglas. 67202 Phone 265-7761
3. General Location South side of Harry between Roosevelt and Oliver.  
Address \_\_\_\_\_
4. Proposed Use \_\_\_\_\_

AREA DATA

1. Acres 20-19.45 ( 660 ft. by 1284 ft.)
2. Existing Zoning "AA" Proposed Zoning \_\_\_\_\_
3. Area (is) (is not) platted. \_\_\_\_\_ Addition \_\_\_\_\_
4. Existing R/W \_\_\_\_\_ ft. \_\_\_\_\_ ft. \_\_\_\_\_ ft.  
\_\_\_\_\_ St. \_\_\_\_\_ St. \_\_\_\_\_ St.  
Proposed R/W \_\_\_\_\_ ft. \_\_\_\_\_ ft. \_\_\_\_\_ ft.  
\_\_\_\_\_ St. \_\_\_\_\_ St. \_\_\_\_\_ St.

HISTORY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROCEDURE DATA

1. MAPC Meeting:  
Date: 3-28-80 Action: Defer to 3-27-80  
3-13-80 Referred & ruled  
3-27-80 Approved with conditions
2. Governing Bcdy  
Date: 4-22-80 Action: Approved in principle

Surveyed  
No. 3433C  
NATIONAL INSTRUMENTS  
CORPORATION  
LOGAN OIL - MEMPHIS, TN U.S.A.

Map No. 5745  
 Sec. 35  
 Twp. 27S  
 Range 1E

DATA SHEET

DP- 100

Filed 11-7-79

ASSOCIATED CASE: Z-2200

APPLICATION DATA:

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 Address Suite 630- 200 W. Douglas, 67202 Phone 265-7761
- General Location: South side of Harry between Roosevelt and Oliver  
 Address \_\_\_\_\_
- Proposed Use: \_\_\_\_\_

AREA DATA:

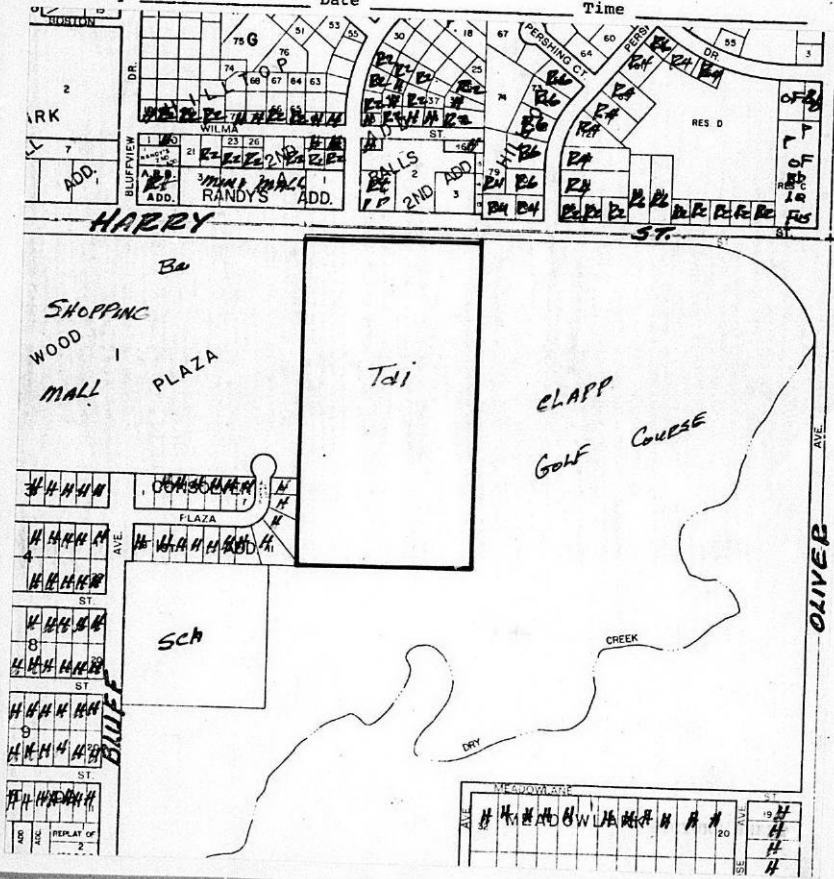
- Acres: 19.45 ( 660 ft. by 1284 ft.)
- Existing Zoning: "AA"
- Land Use: East GOLF COURSE South GOLF COURSE  
 West SHOPPING MALL SINGLE FAM North RESTAURANT & DINING MALL
- Sketch Plan Land Use is for: \_\_\_\_\_
- Present Land Use is for: \_\_\_\_\_
- Area (is) (is not) platted. DRIVE-IN THEATER

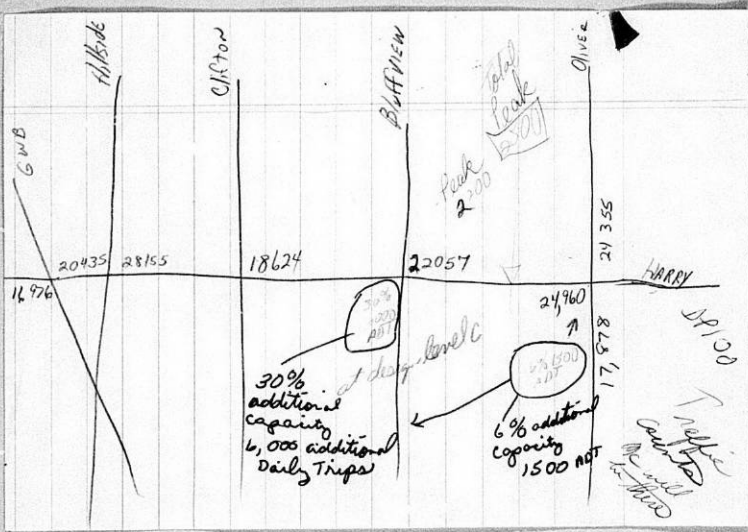
PHOTO DATA:

Taken by \_\_\_\_\_

Date \_\_\_\_\_

Time \_\_\_\_\_





RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERSREQUEST FOR APPROVAL OF RESIDENTIAL C.U.P.  
AND ZONE CHANGE

CASE NO. DP-100 and Z-2200 CONSIDERED BY MAPC: 3-27-80

REQUEST FOR: Approval of Residential C.U.P. and  
Zone Change from "AA" to "R-6"

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"Garden Apartments or Townhouses."

GENERAL LOCATION: On the south side of Harry between Roosevelt and Oliver.

## LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of  
March 27, 1980)APPLICANT: Commonwealth-Slothower Theatre Corp., 215 W. 18th St.,  
Kansas City, MO.

AGENT FOR APPLICANT: Clark R. Nelson, 200 W. Douglas, Suite 630

PROTESTORS ( LIST AGENT ) IF ANY: Keith Sanborn, 2008 Reed Dr.; James A.  
Duncan, 4301 E. Mt. Vernon Rd.; Ronald Davis, 3420 E. Pawnee; Mendall Butler,  
4040 Countryside Plaza.

SURROUNDING ZONING: North, "LC"; East and South, "AA"; West, "AA" &amp; "LC".

LAND USE: Existing, Nonconforming Drive-In Theatre; North, Restaurant & Mini  
Mall; East and South, Golf Course; West, Single-family & Shopping Center.CPO RECOMMENDATION: CPO Council Area "F" voted 4-3 to "go on record as not  
approving the (Meadowlark) Community Unit Plan as  
presented." Although a separate vote was not taken  
on "Z200, for "R-6" zoning for the subject property,  
the proposed 29 dwelling units per acre was termed  
an inappropriate density for this location.

## PLANNING COMMISSION RECOMMENDATION:

That the zone change request be approved subject to the platting of subject property within one year of the date of approval by the Board of City Commissioners or the application be considered denied and closed; and the ordinance establishing zoning shall not be published until the plat has been recorded with the Register of Deeds, and that the associated C.U.P. be approved subject to the conditions as shown in the attached excerpt from the Planning Commission minutes of March 27, 1980. Bayouth moved, Gardner seconded and it carried with a vote of 6 in favor (Bayouth, Gardner, Goebel, Martens, Hennessy and Lofton), and 1 opposed (Jones). Savina and Shook were absent. Cole resigned.

NOTE: The percentage of the protest petitions received on this application will be pointed out at the time the case is considered by the City Commission.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and CUP subject to the recommended conditions, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or

2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 27, 1980

- 8a. Case No. DP-100 - Commonwealth-Slothower Theatre Corporation requests approval of a Residential Community Unit Plan for the east half of the north half of the west half of the Northeast Quarter of Sec. 35, Township 27 South, Range 1 East of the 6th P.M. Sedgwick County, Kansas; except the north 36.5 feet thereof condemned for road purposes in Sedgwick County District Court Case No. C-22706. Generally located on the south side of Harry between Roosevelt and Oliver.
- 8b. Case No. Z-2200 - Commonwealth-Slothower Theatre Corporation requests zone change from "AA" to "R-6" for: (see legal description above for Case No. DP-100).

ARTHUR D. CHAMBERS, Junior Planner, pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. As permitted under the Residential CUP provisions of the zoning ordinance, the applicant has submitted a residential development plan for review and recommendation by the Planning Commission. In order for the Planning Commission to recommend approval of a residential CUP, it must find specific evidence and facts showing that the proposed development plan meets the following conditions:
  - a. That the value of the buildings and the character of the property adjoining the area included in such plan will not be adversely affected.
  - b. That such plan is consistent with the intent and purpose of this Chapter (28.04.190.A) to promote public health, safety, morals and general welfare.
  - c. That the buildings shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas, garages and community activities, including churches; and provided that an "LC" district can be established through the regular channels.
  - d. That the average lot area per family contained in this site, exclusive of the area occupied by streets, shall be not less than the lot area per family required by the district in which the development is located.
2. The C.U.P. proposes a one parcel development of garden apartments or townhouses. A density of 29 dwelling units per net acre (maximum of 570 units) is being proposed if the site is developed with garden apartments or a density of 10 dwelling units per net acre (maximum of 197 units) if developed with townhouses. The development plan proposes to limit access to two openings along Harry, with one opening to be constructed to major entrance standards (i.e., divided opening). The C.U.P. states that construction of the major entrance and an accel/decel lane will be guaranteed at the time of platting.
3. One problem that has been discussed in this area is the impact of stormwater runoff on properties downstream. The applicant is aware of this problem and has proposed to retain stormwater on the site and release it at a rate equal to the rate of runoff of an undeveloped, grass covered site. This will result in a runoff rate less than the current runoff. The retention would be designed to handle the runoff from a 100 year storm. In addition to the retention, the applicant is proposing to

limit ground coverage (buildings, streets and parking areas) to 50%, or less, of the site.

4. A five foot high fence of wood or woven wire is to be constructed along the east and south property lines in order to prohibit pedestrians access directly onto Clapp Golf Course. An eight foot wooden fence is proposed for the south portion of the west property line where the site abuts the "AA" district. It may be desirable at some time to provide a means for school aged children to get from this site to Griffith Elementary School so they would not have to walk through the mall area. This would require approval from the Park Department, the Board of Education and MAPD. Access between the Golf course and the project may also be appropriate on the east, but should be with the approval of both parties.
5. The staff is supportive of residential development for this site as opposed to commercial uses. However, staff is concerned that the proposed density may be high for this location. The addition of traffic from 570 dwelling units into an area already impacted with major uses such as The Wichita Mall, St. Joseph's Hospital and many smaller commercial uses will increase the congestion in the area. It is recognized however, that other projects such as Normandy, Park Plaza and others seem to operate onto arterials fairly successfully. Additional information including traffic counts will be available at the meeting.
6. Should the Planning Commission determine that the requested zone change is appropriate approval should be subject to the platting of subject property within one year of the date of approval by the Board of City Commissioners or the application be considered denied and closed; and the ordinance establishing zoning shall not be published until the plat has been recorded with the Register of Deeds.
7. Should the Planning Commission determine that the proposed C.U.P. is appropriate and find that the four conditions listed in comment No. 1 have been satisfied, the following are recommended conditions of approval:
  - a. Platting of subject property within one year of the date of approval by the Board of City Commissioners or the applications be considered denied and the cases closed.
  - b. The following shall be added to the first paragraph of General Provision No. 11: One point of pedestrian access may be permitted in the west 200 feet of the south property line, provided that written approval is obtained from the Wichita Park Board, Unified School District No. 259 and the Director of Planning. Pedestrian access may be permitted to the east with written agreements between the Park Board and the Developer (owner).
  - c. Complete vehicular access control shall be granted, and shown on the C.U.P., along the west boundary where adjacent to the "IC" zoning district.
  - d. Amend Parking Ratio to read:  
"Parking Ratio - 1.5/DU for Carden Apartment, 2.0/DU for Townhouses.
  - e. 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.

- f. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.

Supplementing the staff report, CHAMBERS stated that this area had been previously considered for "R-6" zoning with no C.U.P. and was withdrawn and closed at the applicant's request. He also said that according to the Sewer Maintenance office there is capacity in the existing 8-inch line, that is on the site now, to handle the sewer from the site to the interceptor sewer. He said that there is existing capacity during dry weather conditions in the Dry Creek Interceptor. During wet weather conditions, further downstream near Pawnee, the line becomes overcharged and there is some backup in some basements, due to infiltration. CHAMBERS said that the City does have an application filed with EPA requesting funding for construction of a relief line in this area. EPA has prepared and filed an Environmental Impact Statement but as of this date EPA has not made a determination whether they would fund or not fund the project.

Regarding traffic, CHAMBERS said that according to Traffic Engineering, Harry Street does have the capacity to handle the traffic that this development would generate. He further stated that the applicant was proposing to leave the existing 5-foot wooden fence between the Mall and the site, and proposing an 8-foot high wooden fence adjacent to the single family homes on the southwest corner. On the remainder of the site they would construct a 5-foot high chainlink fence to limit pedestrian access between this site and the golf course. He said that staff felt that at some time the Park Department may wish one opening to the site. He mentioned that if the site is developed with apartments and there are a large number of children, the School Board feels that there may be a need for a pedestrian access opening at the southwest corner of the site to provide access to the school.

CHAMBERS stated that staff has reviewed the requests and would favor residential development as opposed to commercial uses. CPO Council Area "F" voted 4-3 not to approve the C.U.P. as presented.

SHOOK asked where does the applicant propose to pond the water onsite.

CHAMBERS said that they were proposing to retain the water in the parking areas and a retention area in the southeast corner.

LAKIN commented that because staff has had a lot of calls on this case, he felt that people should be aware of the ordinance requirements and procedures. The ordinance provides that C.U.P.'s may be approved on 20-acre tracts such as this, providing that four conditions are found to exist. These are the ones first

stated and reviewed in the staff report. One is that the value of the buildings and the character of the property adjoining the area included in the plan would not be adversely affected. He said that the people should also be aware that if the zoning and CUP are approved, it is usually with the condition that the land be platted. At the time that platting occurs a specific drainage plan would be required and information provided on where the ponding areas would be located.

LAKIN said that the second point in the ordinance speaks to a general welfare clause that the plan is consistent with the intent of this chapter, and that being the C.U.P. regulations. Basically the intent is to provide alternate forms of housing types, with additional controls without having to address lot and parcel standards. He said that the buildings would be limited to only residential purposes and their usual accessory uses. As a fourth condition of the C.U.P. Regulations, the average lot area per family does not exceed that in the basic district in which it is located.

LAKIN commented on the drainage of the area, stating that it has been the recent practice in several cases for areas to hold drainage water onsite and let it drain off at a rate equal to the runoff rate found on undeveloped or agricultural lands. This is what is proposed for this site. He said that there has been a comment from the Park Board that in the event these requests are approved, that the transport of the water from the outlet on the site to the creek would have to be in an underground conveyance rather than channel.

Relative to the sewer issue, LAKIN said that if this site develops for anything other than single family or apartments, the problem is essentially the same and would only be resolved when the major system problem is solved.

LAKIN stated that it has been suggested a number of times that this piece of land should be acquired by the public and made a part of the golf course. He said that that had been looked at several times by the Park Board and staff, and it appears that this is not a viable option at this time with the City's financing abilities. LAKIN said that he would like to see a portion of this site along the golf course edge and along the single family to the south be devoted to Townhouses and the "R-5" densities. He was very pleased that they were dealing with this tract as a housing development rather than commercial as has been suggested to him by prospective developers.

MARTENS asked if Lakin was satisfied with the site retention for drainage.

LAKIN said that there were no set of construction plans on file and the problem is not resolved, but was convinced that the suggested approach for solving the drainage was entirely feasible and could be accomplished based on the design parameters set forth for the C.U.P.

MARTENS asked if staff was satisfied that additional traffic could be handled.

LAKIN said yes, the capacity figures given staff from Traffic Engineering at the Oliver and Harry intersection indicates that there is probably another six percent capacity available in that intersection before Level C traffic movement is exceeded. Substantially larger amounts of capacity exist along Harry at Bluff and Clifton.

JONES stated that he has always been opposed to the Planning Commission discussing at length the problems of a case before hearing from the applicant and opponents. However, in the staff report it states that in order for the Planning Commission to recommend approval of a Residential C.U.P. it must find specific evidence and facts showing that the proposed development meets certain conditions. He understands that the staff was satisfied with these conditions, however, it appeared to him that conditions a. and b. of comment no. 1 of the staff report might be subjective matters.

BAYOUTH asked if this was developed single family or "R-6" what would be the difference percentagewise in surface flow runoff.

LAKIN stated that normally the runoff coefficient for single family residential has been at ".5". Multiple family should be approximately the same as or slightly greater than single family.

SHOOK stated that a part of the history of these applications was that "AA" to "R-6" was denied in 1978, and asked what was the reason for that.

The minutes of the MAPC meeting for the 1978 case were reviewed with Shook and the Commission.

GARDNER stated that in the last several years a great deal of discussion was heard concerning the Dry Creek Interceptor and several proposed revisions, engineeringwise, on the sanitary sewer in th an area south of the subject site. This struck him that the City's plan for a relief sewer was more or less at loggerheads with some community elements recommending a more different approach to the problem. He asked what was the status of the Dry Creek project and has it reached a point where one would expect some work to be done in the next several years as an improvement.

CHAMBERS said that it was his understanding that before EPA had granted funding for the Dry Creek Interceptor relief line, and there was opposition to it, and EPA has held up its funding. EPA has performed an environmental impact assessment which has not been acted on as of this date.

In response to Commissioner Shook's question on why the zone change application was denied in 1978, LAKIN stated it was an 8-1 vote not to approve, and the bulk of the comments from the Commission was in regard to density, and some questions relating to drainage.

SHOOK asked if the proposed density had changed from the 1978 case until now, and LAKIN responded it had not.

HENNESSY said his concern on the earlier application was the retention of the water, and at that time they had not adequately handled the retention of the water.

DARRELL KELLOGG, attorney representing the applicant, stated that he basically wanted to speak to two general concerns. One, the manner in which the owner in this application has attempted to respond to the concerns expressed when this matter was before the Commission before, and secondly to a traffic concern expressed by the staff. He said that there would be a major entrance and a deceleration lane that would be paid for by the developer. He said that it was his understanding that the only rationale for the suggested decrease of density from 29 was the traffic concern, and now, based upon what he had heard, that traffic was no longer a concern.

KELLOGG read a prepared statement to the Commission stating that Paul R. Brown and Associates were employed to review the adjacent area, and it was their opinion that normal value diminution which might occur to adjacent residential property owners was not present for this site. Heavy traffic conditions, loud noise and increased litter certainly should be decreased from the present use as a drive-in theatre. Properties located south of the site should not experience increased traffic or noise pollution. Water drainage appears to be adequately handled in the C.U.P. The density requested and site plan permit good site utilization and it is not incompatible with existing projects found throughout the neighborhood vicinity. They further stated that in their opinion, the site was so isolated from major residential areas that its influence on them was miniscule.

KELLOGG continued that consistent with certain guidelines in the City with reference to development, he asked the Commission to keep in mind that this minimizes urban sprawl. It is close to a school, a major arterial street and close to a shopping area. He felt that the concerns of the community had been met with the controls imposed under the C.U.P.

MENDALL BUTLER, 4040 Countryside Plaza, speaking in opposition, stated that there was a major area of concern as to density in this area. He said that he attended the CPO meeting in which Mr. Kellogg was present. He addressed a question to him at that time if he would be receptive to have "R-6" in the area that he resides. He said that Mr. Kellogg was quick to respond in the negative, and he felt that there were other concerns other than those mentioned by Mr. Kellogg a few moments ago. BUTLER showed slides of the residential area. He said that everything in the Mall drains to the southeast. It drains off of the top of roofs and the drainage was not adequate.

MARTENS left the meeting.

MOTION: That time be extended to allow Mr. Butler to continue his presentation. Hennessy moved, Jones seconded and it carried unanimously. Martens was not present. Savina was absent. Cole resigned.

GARDNER left the meeting.

BUTLER said that he was concerned about the 8-foot fence proposed to be put up for privacy for the people that reside in the area. He did not feel it would do any good. He felt his property had already been adversely affected by the Mall Shopping Center.

BAYOUTH considered it quite unique that so much acreage to have complete access control on three sides and none of the traffic would filter out through the neighborhood.

RONALD DAVIS, 3420 East Pawnee, speaking in opposition, stated that the area along Dry Creek was dangerous to human life during a 100-year flood. He felt that detention, as described today, may be satisfactory for heavy rains. He said that he was concerned that during a 100-year flood the detention system would not be satisfactory. He felt there would be increased drainage that would have to be handled by the Dry Creek. He said that it was mentioned that televising of the 8-inch sewer line to this complex showed that it would be satisfactory. It was his understanding that the 24-inch line which the 8-inch line leads into has been televised in parts. The parts that have been televised indicate that this sewer was not in good condition and that it may not be able to tolerate increased loads. He requested that this zoning change be denied.

MARTENS returned to the meeting.

JAMES A. DUNCAN, 4301 East Mt. Vernon Road, speaking in opposition, read a message from Representative Sandy Duncan, stating that he would be present supporting his constituents with the exception that there was heavy debate on the School Bill today, but want the Commission to know that he strongly supports those in District 88 in opposition to the case. DUNCAN presented a petition with 165 signatures to the Commission opposing the application.

KEITH SANBORN, 2008 Reed Drive, speaking in opposition, stated that he has lived in this area for over 20 years and felt that he was intimately acquainted with it. He handed out a resolution drawn up by the Dry Creek Association, and pointed out that each thing asserted in the resolution was a "fact". He said that it was unlawful for this Commission to approve the CUP unless items a., b., c., and d. of the staff report were complied with because that is the Commission's charter. SANBORN said that property has already been damaged and would be further damaged by allowing additional adverse use. He said that it was not true that this case could be considered without considering the damage already done by the Mall. The City Commission, on August 17, 1977, passed a resolution by unanimous vote that nothing should be done upstream of the problem south of this area until the problem below is resolved. He said that he had studied the previous application and it was not true that it was withdrawn, but what was true was, the Planning Commission voted 8-1 to disapprove the plan, and it was scheduled to go before the City Commission and the applicant's attorney advised City staff that they did not wish to continue.

GARDNER returned to the meeting.

MOTION: That an additional 5 minutes be granted to allow Mr. Sanborn to further present his objections. Bayouth moved, Jones seconded and it carried unanimously. Savina was absent. Cole resigned.

SANBORN continued that it does not promote the general welfare, health, safety and morals by making people that live in the neighborhood feel like they are constantly on the brink of a 3-mile island-like feeling because they don't know when some group of people, by words will seek to persuade a governmental body, without facts, that they should be allowed to exploit the golf course.

HENNESSY asked if Mr. Sanborn would object to a lesser density.

SANBORN said that they would object to the changing of the nonconforming use from its present condition on the grounds that no facts had been presented which would legally allow this action to take place.

BAYOUTH said that he did not appreciate Mr. Sanborn saying that whatever had been presented today was not facts. He said that if the citizens of Wichita were informed on the history of Dry Creek and the millions of dollars that had been spent to preserve a few homes that the City had tried to acquire in the past, they would not appreciate Mr. Sanborn's remarks. The City has tried for the last 25 years to solve the drainage problem. He said that as far as he was concerned on this zoning case it would be an improvement, and felt that the overall design that the engineers had come up with, and which he has faith in, for the ponding of the water would improve the situation and not hurt it.

SHOOK stated that a comment was made in regard to the best use of this land was for a park, and Lakin indicated that this was not economically feasible. He asked how that kind of suggestion fits in with the Open Space Master Plan.

LAKIN stated that the Master Plan was not that precise to say that additional land was needed or required on this site.

Speaking to Mr. Sanborn, GARDNER stated that he appreciated the summary sheet that was provided to the Commission in the form for consideration of the various elements that were pertinent and had bearing, and the sum of the facts as Mr. Sanborn perceived them. He said that he was impressed with the reluctance of the Association to consider the potential for the improvement of the situation predicated upon the strong feeling that it was impossible to improve at all. GARDNER said that he did not mind considering the impact and feels the responsibility to do so, but felt that when a future situation was anticipated, it behooves one to consider the fact that changes can be wrought.

SANBORN said he figured that what was permitted now under its present zoning was a park, church and single family residences. He said that words and not a plan exist to take care of the drainage. No solution had been developed in any way because they don't have a solution.

GARDNER asked Mr. Sanborn if in his analysis of the site, had he determined a greater density than that presently allowed would have any feasibility whatsoever.

SANBORN said that that analysis should have been presented to the Commission on facts. That burden was on the proponent to present the analysis to the Commission and they did not do so. He said that if the density was increased it would increase the runoff and it was unacceptable.

Considerable discussion ensued between Commissioner Gardner and Mr. Sanborn regarding the drainage situation.

A ten minute recess was called by the Chairman due to physical distress suffered by Mr. Sanborn. The meeting reconvened with Commissioner Shook not present.

HENNESSY asked if there presently was a policy pertaining to development upstream.

LAKIN said that the City Commission has indicated in previous proceedings that staff should advise them of anything that will affect runoff in the Dry Creek area. The Planning Commission has not made such a statement or policy.

HOWARD BOYS, 3415 East Skinner, speaking in opposition, stated that the problem and the fear of the people was that in the past they had been told one thing and it had not come to pass. He said that when this was first presented there were inaccuracies and errors about what was going to be. He pointed out that when the wall last fell down on Mr. Butler's property, he was told that it would be redesigned and rebuilt and he understands that it had been corrected.

KELLOGG stated that in response to the need for housing, he submitted to the Commission correspondence from the Chamber of Commerce which says that in this particular area of the City, based on many factors, there is a strong need for additional housing units in southeast Wichita.

DICK LINN, Manager of Land Development for Professional Engineering Consultants, speaking to the drainage, stated that he was familiar with the problems in the area, and was familiar with the site and a retention-detention policy that they have attempted to establish with the City of Wichita. He said that retention-detention offers a concept that provides for either retaining or detaining water on the site to attenuate downstream flow. He said that it was a method that could be used through a system of ponding, to contain water at a location and release it at a slower rate to reduce peak flow. The proposed requirement on the C.U.P. would require this site to provide a drainage system that would retain runoff for the 100-year frequency storm. That would require 2 acre feet of water to be stored on the site.

GOEBEL asked if a big percent of this would be in lawn rather than in parking.

LINN stated that there was a requirement on the C.U.P. that not more than 50 percent of the area could be developed into buildings, parking lots and drives.

GARDNER asked Linn if it was his professional opinion that a detention system could be devised, and was it feasible. LINN said that it could be done. GARDNER asked that if in the platting process the figures and the concept would be developed to a further degree and submitted to the Engineering and Flood Control Departments of the City who will apply their standards to it and it would have to be certified to a particular performance level that the City would find acceptable. LINN said yes, they would have to prepare first a drainage concept with the preliminary plat, and before the final plat could be submitted to the Sub-division Committee, they would have to have an approved drainage plan.

GOEBEL stated that Commissioner Shook had to leave the meeting and was concerned about the density. He asked if it was possible that they could get by with a little less density.

KELLOGG responded that "R-6" allows the 29 dwelling units, and that was what they were asking for. He said that he was not prepared to say that they could get by with less. They would like to have the flexibility to develop this or to sell the property to a developer who would have the ability to develop up to the 29 units.

GARDNER asked if the "R-6" density had been a fairly common density on most of the larger garden apartments in town, and have they generally built to within ten percent of the density where it was viable.

LAKIN said that many of them has been but that it was difficult to categorize.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood, the zoning and uses of properties nearby, the unsuitability of the subject property for the uses to which it has been restricted, and taking into account staff recommendations; I move that we recommend to the governing body that the zone change request be approved subject to the platting of subject property within one year of the date of approval by the Board of City Commissioners or the application be considered denied and closed; and the ordinance establishing zoning shall not be published

until the plat has been recorded with the Register of Deeds, and that the associated C.U.P. be approved subject to the following conditions:

- a. Platting of subject property within one year of the date of approval by the Board of City Commissioners or the application be considered denied and the cases closed.
- b. The following shall be added to the first paragraph of General Provision No. 11: One point of pedestrian access may be permitted in the west 200 feet of the south property line, provided that written approval is obtained from the Wichita Park Board, Unified School District No. 259 and the Director of Planning. Pedestrian access may be permitted to the east with written agreements between the Park Board and the Developer (owner).
- c. Complete vehicular access control shall be granted, and shown on the C.U.P., along the west boundary where adjacent to the "LC" zoning district.
- d. Amend Parking Ratio to read: "Parking Ratio - 1.5/DU for Garden Apartment, 2.0/DU for Townhouses.
- e. 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.
- f. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.

Bayouth moved, Gardner seconded.

JONES commented that he would have to vote against the motion for probably some of the same reasons that the rest would vote for it. Although it specifies that the Commission was supposed to find evidence of fact, they have heard over and over again that it was a suggestive judgment, and he could not help but remember the picture of 4040 Countryside, and being from Derby, he was hesitant to be critical of City officials and enforcements, but assumed that when the Mall was built, that 4040 Countryside had the same problems that these residents nearby were having now. He said that he has first-hand familiarity with the traffic situation on Harry Street, and felt that the density should be more than it is now, but did not think it should be allowed to be 570 units.

BAYOUTH said that he could sympathize with the people on Countryside, and if it was poor workmanship that caused the wall to collapse, then he felt the Mall should be responsible. He said that we need these types of developments in the City, and he could not find a better use for this property than "R-6". He said that he was sure that as valuable as the park and golf course was, that this company, whoever it may be, was certainly not going to build junk there, and that it would be very nice apartments that Wichita would be proud of.

MARTENS commented that we are a recommending body and looking at a tract of ground and its location, and taking into account his personal feelings and his knowledge of the area, he sincerely believes that what unanswered questions that now remain would be worked out to the satisfaction of the neighborhood through the platting process.

AMENDMENT TO THE MOTION:

GARDNER asked the motion maker if he would accept the following statement to his motion. In regard to the four items listed in comment no. 1 of the staff report, the Commission has considered the value of the buildings, the character of the property adjoining the area included in the subject plan, and based on the letter read by Kellogg, have concluded that they will not be adversely affected. The Commission has heard the previous City Engineer state that it was his opinion that a development could be created that would satisfactorily address the drainage difficulty and the adversity that the neighborhood would otherwise be subject to. The Commission has been informed by Traffic Engineering that they feel the street is capable of accommodating the additional flow. The impacts on the value of buildings and property were addressed by Mr. Paul Brown and that he does not feel the surrounding neighborhood would suffer adversely. Bayouth as motion maker accepted the foregoing as a part of the original motion. GARDNER said that he believed that those factors have been satisfactorily met. He also believed that it would be an improvement to the neighborhood.

GOEBEL commented that on the plan, the narrow portion that was next to single family dwellings is to be utilized for tennis courts. He pointed out that with the tennis court set aside in that area it would move the 2-1/2 story buildings back further from the 8-foot fence adjacent to the residential area. He still felt the density was too high, but did not feel that "R-5" density would be high enough to make it feasible. He recommended to the developer that they hold the 2-1/2 story buildings further away from the single family development at the rear corner of the lot.

VOTE ON THE MOTION: It carried with a vote of 6 in favor (Bayouth, Gardner, Goebel, Martens, Hennessy and Lofton), and 1 opposed (Jones). Savina and Shook were absent. Cole resigned.

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May 14, 1980

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

DP-100 - Meadow Lark Residential C.U.P.  
Generally located in an area south of Harry  
between Roosevelt and Oliver.

The Board of City Commissioners on April 22, 1980, considered the above captioned CUP. Their action was to approve the CUP subject to the following conditions:

- a. Platting of subject property within one year of the date of approval by the Board of City Commissioners or the applications be considered denied and the cases closed.
- b. The following shall be added to the first paragraph of General Provision No. 11: One point of pedestrian access may be permitted in the west 200 feet of the south property line, provided that written approval is obtained from the Wichita Park Board, Unified School District No. 259 and the Director of Planning. Pedestrian access may be permitted to the east with written agreements between the Park Board and the Developer (owner).
- c. Complete vehicular access control shall be granted, and shown on the C.U.P., along the west boundary where adjacent to the "LC" zoning district.
- d. Amend Parking Ratio to read:  
"Parking Ratio - 1.5/DU for Garden Apartment, 2.0/DU for Townhouses."
- e. 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.
- f. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

Page Two  
Robert B. Feldner  
May 14, 1980

- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.

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

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

Jack H. Galbraith  
Chief Planner

JHG:ADC:el  
Attachments

**THE CITY OF WICHITA**  
OFFICE OF CITY TRAFFIC ENGINEER

DATE April 22, 1980

**TO** Art Chambers, Metropolitan Area Planning Dept.

**FROM** Bill McKinley, Assistant Traffic Engineer

**SUBJECT** Meadow Lark Drive-In Theatre Site

This memorandum is a further clarification of my January 23, 1980 memorandum with regard to generation rates to the proposed development site. Contained in a book entitled "Trip Generation", are generation rates which have been compiled nationwide for various classification of residential development. The following are generation rates quoted from the aforementioned book:

General Apartments:

General apartments have a generation rate maximum of 12.3 trips per unit to a minimum of .5 trips per unit with the average trips per unit being 6.1.

Low-Rise Apartments:

Low-rise apartments have a generation rate maximum of 5.5 trips per unit to a minimum of 4.7 trips per unit with an average generation rate of 5.4 trips per unit.

High-Rise Apartments:

High-rise apartments can generate a maximum of 6.4 trips per unit to a minimum of 1.2 trips per unit with an average generation rate of 3.7 trips per unit.

We have also tabulated generation rates to various apartment complexes in Wichita with some of these accounting for trips per unit in the neighborhood of 9 to 10. With the proposed 570 units, this apartment complex could generate 5,700 trips per day at the maximum generation rate, but a more realistic figure would be a figure of 6 trips per unit, or approximately 3,400 trips per day. In general, apartment complexes of this type will produce a peaking characteristic of about ten percent (10%) of the daily total, so during the peaking hour you can anticipate a maximum of 570 vehicles to a more realistic figure of 340 vehicles.

Of course, these trips would then have to be distributed to the roadway system. A capacity analysis of Harry at Bluffview indicates an additional 30% capacity available, or approximately 6,000 trips per day. The intersection of Harry and

Art Chambers, MAPD

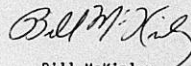
-2-

April 22, 1980

and Oliver has an additional capacity of 6%, or 1,500 vehicles per day.

It was our estimate that probably the traffic would split 75-25 with 75% of the traffic headed west on Harry and 25% headed east.

Hopefully this information will be helpful to you. If you have any further questions, please advise.



Bill McKinley  
Assistant Traffic Engineer

BM:jb

cc: R. W. Bruggeman, Director of Public Works  
Robert Lakin, Director of Planning

**SUPERVISING  
PERSONNEL**

W. H. KELTNER, P.E., MGR.  
K. R. HORNER, P.E.  
C. M. JEFFRIES, L.S.  
G. K. GREENWOOD, E.I.T.  
D. J. BROCKEL, C.E.T.  
F. A. HUBBARD, C.E.T.  
J. B. MCDANIEL, GEOLOGIST  
G. S. FIELDS, C.E.T.  
D. H. DAO, P.E.  
A. K. LEWIS, L.S.



**ALLIED  
LABORATORIES**

A DEPARTMENT OF PROFESSIONAL  
ENGINEERING CONSULTANTS, P.A.

STATE OF KANSAS  
COUNTY OF SEDGWICK

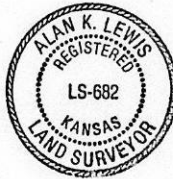
SS

I, ALAN K. LEWIS, A REGISTERED LAND SURVEYOR IN SAID STATE AND COUNTY,  
DO HEREBY CERTIFY THAT THERE ARE 20.26 ACRES, MORE OR LESS, IN THE  
FOLLOWING DESCRIBED TRACT OF LAND: THE EAST ONE HALF OF THE NORTH ONE  
HALF OF THE WEST ONE HALF OF THE NORTHEAST QUARTER OF SECTION 35,  
TOWNSHIP 27 SOUTH, RANGE 1 EAST, SIXTH PRINCIPAL MERIDIAN, WHICH  
TRACT INCLUDES 0.56 ACRES, MORE OR LESS, OF ROAD RIGHT-OF-WAY.

*Alan K. Lewis*

ALAN K. LEWIS, R.L.S.  
REG. NO. 682

DATE 21 April 1980



LOCATED AT:  
349 IDA  
WICHITA, KANSAS 67211  
(316) 262-6487

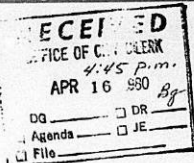
FORWARD ALL MAIL TO:  
1440 EAST ENGLISH  
WICHITA, KANSAS 67211  
(316) 262-2691

**SANBORN, HOLLINGSWORTH & ARBUCKLE**

ATTORNEYS AT LAW  
2110 EAST DOUGLAS  
WICHITA, KANSAS 67214

April 16, 1980

KEITH SANBORN  
R. K. HOLLINGSWORTH  
BARRY ARBUCKLE



TELEPHONE: A.C. 316  
262-6461

Honorable Robert G. Knight  
Mayor, City of Wichita  
City Hall  
455 N. Main  
Wichita, Kansas 67202

Commissioner Robert C. Brown  
Board of City Commissioners  
City of Wichita  
City Hall  
455 N. Main  
Wichita, Kansas 67202

Commissioner A. F. Casado  
Board of City Commissioners  
City of Wichita  
City Hall  
455 N. Main  
Wichita, Kansas 67202

Commissioner Connie A. Peters  
Board of City Commissioners  
City of Wichita  
City Hall  
455 N. Main  
Wichita, Kansas 67202

Commissioner Garry L. Porter  
Board of City Commissioners  
City of Wichita  
City Hall  
455 N. Main  
Wichita, Kansas 67202

Re: Meadowlark Drive-In Proposed Re-Zoning  
from nonconforming "AA" to "R-6"  
Case Numbers DP-100 and Z-2200

My dear Mayor Knight and Commissioners:

I hereby request to be heard in opposition to the proposed change of zoning in this matter which I understand is to be heard by the City Commission on April 22, 1980. There are jurisdictional facts prerequisite to the establishing of the proposed community unit plan which have not been established. It is not in compliance with the applicable zoning resolution and policy of the city and facts sustaining these prerequisites have not been established.

The hearing was incomplete and the opportunity for rebuttal was not afforded because I became unconscious and had to leave the meeting to be checked by my family physician and could not be present when the matter was reconvened.

**RECEIVED**  
APR 17 1980  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

This morning which is the morning of the deadline time of 5:00 o'clock p.m., Wednesday, April 16, 1980, a call was received from the planning office that the minutes were now ready. Therefore there is not sufficient time to put all objections of record and in the interests of meeting the deadline on the same day that the M.A.P.C. recommendation was made available these certain objections will be noted however by next Tuesday's Commission hearing there will be more ample time to present additional evidence and objection to the statements contained in the recommendations.


Some of the information which is proposed to be presented by the M.A.P.C. to the City Commission is not yet available in written form and therefore it is impossible to present evidence in opposition thereto within the deadline of 5:00 o'clock p.m. today.

Page one. No information has been supplied with respect to the percentage of protest petitions received nor how they are construed and if they are construed to attenuate or apportion the vote of any individual it is objected to so doing because the State statute does not allow such diminution or apportionment.

The excerpts from the minutes:

1. Omit material facts.
2. Fail to show facts establishing compliance with the requirements for C.U.P.'s.
3. Contain misstatements, inaccuracies and omissions which are misleading with respect to the water problem, damage to Dry Creek and availabilities and capacity of the sanitary sewer to handle increased load.
4. Lack any showing of compliances with City Commission policy regarding up-stream development on Dry Creek or its down stream.
5. Do not support allowing this density in this district.
6. There is insufficient time to detail further.

Yours truly,

  
Keith Sanborn  
President, Dry Creek Association

KS:tjt

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERS

REQUEST FOR APPROVAL OF RESIDENTIAL C.U.P.  
AND ZONE CHANGE

CASE NO. DP-100 and Z-2200

CONSIDERED BY MAPC: 3-27-80

REQUEST FOR: Approval of Residential C.U.P. and  
Zone Change from "AA" to "R-6"

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"Garden Apartments or Townhouses."

GENERAL LOCATION: On the south side of Harry between Roosevelt and Oliver.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of  
March 27, 1980)

APPLICANT: Commonwealth-Slothower Theatre Corp., 215 W. 18th St.,  
Kansas City, MO.

AGENT FOR APPLICANT: Clark R. Nelson, 200 W. Douglas, Suite 630

PROTESTORS ( LIST AGENT ) IF ANY: Keith Sanborn, 2008 Reed Dr.; James A.  
Duncan, 4301 E. Mt. Vernon Rd.; Ronald Davis, 3420 E. Pawnee; Mendall Butler,  
4040 Countryside Plaza.

SURROUNDING ZONING: North, "LC"; East and South, "AA"; West, "AA" & "LC".

LAND USE: Existing, Nonconforming Drive-In Theatre; North, Restaurant & Mini  
Mall; East and South, Golf Course; West, Single-family & Shopping Center.

CPO RECOMMENDATION: CPO Council Area "F" voted 4-3 to "go on record as not  
approving the (Meadowlark) Community Unit Plan as  
presented." Although a separate vote was not taken  
on "2200, for "R-6" zoning for the subject property,  
the proposed 29 dwelling units per acre was termed  
an inappropriate density for this location.

PLANNING COMMISSION RECOMMENDATION:

That the zone change request be approved subject to the platting of subject  
property within one year of the date of approval by the Board of City Com-  
missioners or the application be considered denied and closed; and the ordinance  
establishing zoning shall not be published until the plat has been recorded  
with the Register of Deeds, and that the associated C.U.P. be approved subject  
to the conditions as shown in the attached excerpt from the Planning Commission  
minutes of March 27, 1980. Bayouth moved, Gardner seconded and it carried  
with a vote of 6 in favor (Bayouth, Gardner, Goebel, Martens, Hennessy and  
Lofton), and 1 opposed (Jones). Savina and Shook were absent. Cole resigned.

NOTE: The percentage of the protest petitions received on this application  
will be pointed out at the time the case is considered by the City Com-  
mission.

- ACTION: 1. Concur with the findings of fact of the Metropolitan Area Plan-  
ning Commission and approve the zone change and CUP subject to the recommend-  
ed conditions, and instruct the Planning Department to forward the ordinance for  
first reading when the plat is forwarded to the City Commission; or
2. Return the applications to the Metropolitan Area Planning Com-  
mission for its reconsideration. The City Commission states the following  
reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 27, 1980

- 8a. Case No. DP-100 - Commonwealth-Slothower Theatre Corporation requests approval of a Residential Community Unit Plan for the east half of the north half of the west half of the Northeast Quarter of Sec. 35, Township 27 South, Range 1 East of the 6th P.M. Sedgwick County, Kansas; except the north 36.5 feet thereof condemned for road purposes in Sedgwick County District Court Case No. C-22706. Generally located on the south side of Harry between Roosevelt and Oliver.
- 8b. Case No. Z-2200 - Commonwealth-Slothower Theatre Corporation requests zone change from "AA" to "R-6" for: (see legal description above for Case No. DP-100).

ARTHUR D. CHAMBERS, Junior Planner, pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. As permitted under the Residential CUP provisions of the zoning ordinance, the applicant has submitted a residential development plan for review and recommendation by the Planning Commission. In order for the Planning Commission to recommend approval of a residential CUP, it must find specific evidence and facts showing that the proposed development plan meets the following conditions:
  - a. That the value of the buildings and the character of the property adjoining the area included in such plan will not be adversely affected.
  - b. That such plan is consistent with the intent and purpose of this Chapter (28.04.190.A) to promote public health, safety, morals and general welfare.
  - c. That the buildings shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas, garages and community activities, including churches; and provided that an "LC" district can be established through the regular channels.
  - d. That the average lot area per family contained in this site, exclusive of the area occupied by streets, shall be not less than the lot area per family required by the district in which the development is located.
2. The C.U.P. proposes a one parcel development of garden apartments or townhouses. A density of 29 dwelling units per net acre (maximum of 570 units) is being proposed if the site is developed with garden apartments or a density of 10 dwelling units per net acre (maximum of 197 units) if developed with townhouses. The development plan proposes to limit access to two openings along Harry, with one opening to be constructed to major entrance standards (i.e., divided opening). The C.U.P. states that construction of the major entrance and an accel/decel lane will be guaranteed at the time of platting.
3. One problem that has been discussed in this area is the impact of stormwater runoff on properties downstream. The applicant is aware of this problem and has proposed to retain stormwater on the site and release it at a rate equal to the rate of runoff of an undeveloped, grass covered site. This will result in a runoff rate less than the current runoff. The retention would be designed to handle the runoff from a 100 year storm. In addition to the retention, the applicant is proposing to

limit ground coverage (buildings, streets and parking areas) to 50%, or less, of the site.

4. A five foot high fence of wood or woven wire is to be constructed along the east and south property lines in order to prohibit pedestrians access directly onto Clapp Golf Course. An eight foot wooden fence is proposed for the south portion of the west property line where the site abuts the "AA" district. It may be desirable at some time to provide a means for school aged children to get from this site to Griffith Elementary School so they would not have to walk through the mall area. This would require approval from the Park Department, the Board of Education and MAPD. Access between the Golf course and the project may also be appropriate on the east, but should be with the approval of both parties.
5. The staff is supportive of residential development for this site as opposed to commercial uses. However, staff is concerned that the proposed density may be high for this location. The addition of traffic from 570 dwelling units into an area already impacted with major uses such as The Wichita Mall, St. Joseph's Hospital and many smaller commercial uses will increase the congestion in the area. It is recognized however, that other projects such as Normandy, Park Plaza and others seem to operate onto arterials fairly successfully. Additional information including traffic counts will be available at the meeting.
6. Should the Planning Commission determine that the requested zone change is appropriate approval should be subject to the platting of subject property within one year of the date of approval by the Board of City Commissioners or the application be considered denied and closed; and the ordinance establishing zoning shall not be published until the plat has been recorded with the Register of Deeds.
7. Should the Planning Commission determine that the proposed C.U.P. is appropriate and find that the four conditions listed in comment No. 1 have been satisfied, the following are recommended conditions of approval:
  - a. Platting of subject property within one year of the date of approval by the Board of City Commissioners or the applications be considered denied and the cases closed.
  - b. The following shall be added to the first paragraph of General Provision No. 11: One point of pedestrian access may be permitted in the west 200 feet of the south property line, provided that written approval is obtained from the Wichita Park Board, Unified School District No. 259 and the Director of Planning. Pedestrian access may be permitted to the east with written agreements between the Park Board and the Developer (owner).
  - c. Complete vehicular access control shall be granted, and shown on the C.U.P., along the west boundary where adjacent to the "LC" zoning district.
  - d. Amend Parking Ratio to read:  
"Parking Ratio - 1.5/DU for Garden Apartment, 2.0/DU for Townhouses.
  - e. 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.

- f. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.

Supplementing the staff report, CHAMBERS stated that this area had been previously considered for "R-6" zoning with no C.U.P. and was withdrawn and closed at the applicant's request. He also said that according to the Sewer Maintenance office there is capacity in the existing 8-inch line, that is on the site now, to handle the sewer from the site to the interceptor sewer. He said that there is existing capacity during dry weather conditions in the Dry Creek Interceptor. During wet weather conditions, further downstream near Pawnee, the line becomes overcharged and there is some backup in some basements, due to infiltration. CHAMBERS said that the City does have an application filed with EPA requesting funding for construction of a relief line in this area. EPA has prepared and filed an Environmental Impact Statement but as of this date EPA has not made a determination whether they would fund or not fund the project.

Regarding traffic, CHAMBERS said that according to Traffic Engineering, Harry Street does have the capacity to handle the traffic that this development would generate. He further stated that the applicant was proposing to leave the existing 5-foot wooden fence between the Mall and the site, and proposing an 8-foot high wooden fence adjacent to the single family homes on the southwest corner. On the remainder of the site they would construct a 5-foot high chainlink fence to limit pedestrian access between this site and the golf course. He said that staff felt that at some time the Park Department may wish one opening to the site. He mentioned that if the site is developed with apartments and there are a large number of children, the School Board feels that there may be a need for a pedestrian access opening at the southwest corner of the site to provide access to the school.

CHAMBERS stated that staff has reviewed the requests and would favor residential development as opposed to commercial uses. CPO Council Area "F" voted 4-3 not to approve the C.U.P. as presented.

SHOOK asked where does the applicant propose to pond the water onsite.

CHAMBERS said that they were proposing to retain the water in the parking areas and a retention area in the southeast corner.

LAKIN commented that because staff has had a lot of calls on this case, he felt that people should be aware of the ordinance requirements and procedures. The ordinance provides that C.U.P.'s may be approved on 20-acre tracts such as this, providing that four conditions are found to exist. These are the ones first

stated and reviewed in the staff report. One is that the value of the buildings and the character of the property adjoining the area included in the plan would not be adversely affected. He said that the people should also be aware that if the zoning and CUP are approved, it is usually with the condition that the land be platted. At the time that platting occurs a specific drainage plan would be required and information provided on where the ponding areas would be located.

LAKIN said that the second point in the ordinance speaks to a general welfare clause that the plan is consistent with the intent of this chapter, and that being the C.U.P. regulations. Basically the intent is to provide alternate forms of housing types, with additional controls without having to address lot and parcel standards. He said that the buildings would be limited to only residential purposes and their usual accessory uses. As a fourth condition of the C.U.P. Regulations, the average lot area per family does not exceed that in the basic district in which it is located.

LAKIN commented on the drainage of the area, stating that it has been the recent practice in several cases for areas to hold drainage water onsite and let it drain off at a rate equal to the runoff rate found on undeveloped or agricultural lands. This is what is proposed for this site. He said that there has been a comment from the Park Board that in the event these requests are approved, that the transport of the water from the outlet on the site to the creek would have to be in an underground conveyance rather than channel.

Relative to the sewer issue, LAKIN said that if this site develops for anything other than single family or apartments, the problem is essentially the same and would only be resolved when the major system problem is solved.

LAKIN stated that it has been suggested a number of times that this piece of land should be acquired by the public and made a part of the golf course. He said that that had been looked at several times by the Park Board and staff, and it appears that this is not a viable option at this time with the City's financing abilities. LAKIN said that he would like to see a portion of this site along the golf course edge and along the single family to the south be devoted to Townhouses and the "R-5" densities. He was very pleased that they were dealing with this tract as a housing development rather than commercial as has been suggested to him by prospective developers.

MARTENS asked if Lakin was satisfied with the site retention for drainage.

LAKIN said that there were no set of construction plans on file and the problem is not resolved, but was convinced that the suggested approach for solving the drainage was entirely feasible and could be accomplished based on the design parameters set forth for the C.U.P.

MARTENS asked if staff was satisfied that additional traffic could be handled.

LAKIN said yes, the capacity figures given staff from Traffic Engineering at the Oliver and Harry intersection indicates that there is probably another six percent capacity available in that intersection before Level C traffic movement is exceeded. Substantially larger amounts of capacity exist along Harry at Bluff and Clifton.

JONES stated that he has always been opposed to the Planning Commission discussing at length the problems of a case before hearing from the applicant and opponents. However, in the staff report it states that in order for the Planning Commission to recommend approval of a Residential C.U.P. it must find specific evidence and facts showing that the proposed development meets certain conditions. He understands that the staff was satisfied with these conditions, however, it appeared to him that conditions a. and b. of comment no. 1 of the staff report might be subjective matters.

BAYOUTH asked if this was developed single family or "R-6" what would be the difference percentagewise in surface flow runoff.

LAKIN stated that normally the runoff coefficient for single family residential has been at ".5". Multiple family should be approximately the same as or slightly greater than single family.

SHOOK stated that a part of the history of these applications was that "AA" to "R-6" was denied in 1978, and asked what was the reason for that.

The minutes of the MAPC meeting for the 1978 case were reviewed with Shook and the Commission.

GARDNER stated that in the last several years a great deal of discussion was heard concerning the Dry Creek Interceptor and several proposed revisions, engineeringwise, on the sanitary sewer in th an area south of the subject site. This struck him that the City's plan for a relief sewer was more or less at loggerheads with some community elements recommending a more different approach to the problem. He asked what was the status of the Dry Creek project and has it reached a point where one would expect some work to be done in the next several years as an improvement.

CHAMBERS said that it was his understanding that before EPA had granted funding for the Dry Creek Interceptor relief line, and there was opposition to it, and EPA has held up its funding. EPA has performed an environmental impact assessment which has not been acted on as of this date.

In response to Commissioner Shook's question on why the zone change application was denied in 1978, LAKIN stated it was an 8-1 vote not to approve, and the bulk of the comments from the Commission was in regard to density, and some questions relating to drainage.

SHOOK asked if the proposed density had changed from the 1978 case until now, and LAKIN responded it had not.

HENNESSY said his concern on the earlier application was the retention of the water, and at that time they had not adequately handled the retention of the water.

DARRELL KELLOGG, attorney representing the applicant, stated that he basically wanted to speak to two general concerns. One, the manner in which the owner in this application has attempted to respond to the concerns expressed when this matter was before the Commission before, and secondly to a traffic concern expressed by the staff. He said that there would be a major entrance and a deceleration lane that would be paid for by the developer. He said that it was his understanding that the only rationale for the suggested decrease of density from 29 was the traffic concern, and now, based upon what he had heard, that traffic was no longer a concern.

KELLOGG read a prepared statement to the Commission stating that Paul R. Brown and Associates were employed to review the adjacent area, and it was their opinion that normal value diminution which might occur to adjacent residential property owners was not present for this site. Heavy traffic conditions, loud noise and increased litter certainly should be decreased from the present use as a drive-in theatre. Properties located south of the site should not experience increased traffic or noise pollution. Water drainage appears to be adequately handled in the C.U.P. The density requested and site plan permit good site utilization and it is not incompatible with existing projects found throughout the neighborhood vicinity. They further stated that in their opinion, the site was so isolated from major residential areas that its influence on them was miniscule.

KELLOGG continued that consistent with certain guidelines in the City with reference to development, he asked the Commission to keep in mind that this minimizes urban sprawl. It is close to a school, a major arterial street and close to a shopping area. He felt that the concerns of the community had been met with the controls imposed under the C.U.P.

MENDALL BUTLER, 4040 Countryside Plaza, speaking in opposition, stated that there was a major area of concern as to density in this area. He said that he attended the CPO meeting in which Mr. Kellogg was present. He addressed a question to him at that time if he would be receptive to have "R-6" in the area that he resides. He said that Mr. Kellogg was quick to respond in the negative, and he felt that there were other concerns other than those mentioned by Mr. Kellogg a few moments ago. BUTLER showed slides of the residential area. He said that everything in the Mall drains to the southeast. It drains off of the top of roofs and the drainage was not adequate.

MARTENS left the meeting.

MOTION: That time be extended to allow Mr. Butler to continue his presentation. Hennessy moved, Jones seconded and it carried unanimously. Martens was not present. Savina was absent. Cole resigned.

GARDNER left the meeting.

BUTLER said that he was concerned about the 8-foot fence proposed to be put up for privacy for the people that reside in the area. He did not feel it would do any good. He felt his property had already been adversely affected by the Mall Shopping Center.

BAYOUTH considered it quite unique that so much acreage to have complete access control on three sides and none of the traffic would filter out through the neighborhood.

RONALD DAVIS, 3420 East Pawnee, speaking in opposition, stated that the area along Dry Creek was dangerous to human life during a 100-year flood. He felt that detention, as described today, may be satisfactory for heavy rains. He said that he was concerned that during a 100-year flood the detention system would not be satisfactory. He felt there would be increased drainage that would have to be handled by the Dry Creek. He said that it was mentioned that televising of the 8-inch sewer line to this complex showed that it would be satisfactory. It was his understanding that the 24-inch line which the 8-inch line leads into has been televised in parts. The parts that have been televised indicate that this sewer was not in good condition and that it may not be able to tolerate increased loads. He requested that this zoning change be denied.

MARTENS returned to the meeting.

JAMES A. DUNCAN, 4301 East Mt. Vernon Road, speaking in opposition, read a message from Representative Sandy Duncan, stating that he would be present supporting his constituents with the exception that there was heavy debate on the School Bill today, but want the Commission to know that he strongly supports those in District 88 in opposition to the case. DUNCAN presented a petition with 165 signatures to the Commission opposing the application.

KEITH SANBORN, 2008 Reed Drive, speaking in opposition, stated that he has lived in this area for over 20 years and felt that he was intimately acquainted with it. He handed out a resolution drawn up by the Dry Creek Association, and pointed out that each thing asserted in the resolution was a "fact". He said that it was unlawful for this Commission to approve the CUP unless items a., b., c., and d. of the staff report were complied with because that is the Commission's charter. SANBORN said that property has already been damaged and would be further damaged by allowing additional adverse use. He said that it was not true that this case could be considered without considering the damage already done by the Mall. The City Commission, on August 17, 1977, passed a resolution by unanimous vote that nothing should be done upstream of the problem south of this area until the problem below is resolved. He said that he had studied the previous application and it was not true that it was withdrawn, but what was true was, the Planning Commission voted 8-1 to disapprove the plan, and it was scheduled to go before the City Commission and the applicant's attorney advised City staff that they did not wish to continue.

GARDNER returned to the meeting.

**MOTION:** That an additional 5 minutes be granted to allow Mr. Sanborn to further present his objections. Bayouth moved, Jones seconded and it carried unanimously. Savina was absent. Cole resigned.

SANBORN continued that it does not promote the general welfare, health, safety and morals by making people that live in the neighborhood feel like they are constantly on the brink of a 3-mile island-like feeling because they don't know when some group of people, by words will seek to persuade a governmental body, without facts, that they should be allowed to exploit the golf course.

HENNESSY asked if Mr. Sanborn would object to a lesser density.

SANBORN said that they would object to the changing of the nonconforming use from its present condition on the grounds that no facts had been presented which would legally allow this action to take place.

BAYOUTH said that he did not appreciate Mr. Sanborn saying that whatever had been presented today was not facts. He said that if the citizens of Wichita were informed on the history of Dry Creek and the millions of dollars that had been spent to preserve a few homes that the City had tried to acquire in the past, they would not appreciate Mr. Sanborn's remarks. The City has tried for the last 25 years to solve the drainage problem. He said that as far as he was concerned on this zoning case it would be an improvement, and felt that the overall design that the engineers had come up with, and which he has faith in, for the ponding of the water would improve the situation and not hurt it.

SHOOK stated that a comment was made in regard to the best use of this land was for a park, and Lakin indicated that this was not economically feasible. He asked how that kind of suggestion fits in with the Open Space Master Plan.

LAKIN stated that the Master Plan was not that precise to say that additional land was needed or required on this site.

Speaking to Mr. Sanborn, GARDNER stated that he appreciated the summary sheet that was provided to the Commission in the form for consideration of the various elements that were pertinent and had bearing, and the sum of the facts as Mr. Sanborn perceived them. He said that he was impressed with the reluctance of the Association to consider the potential for the improvement of the situation predicated upon the strong feeling that it was impossible to improve at all. GARDNER said that he did not mind considering the impact and feels the responsibility to do so, but felt that when a future situation was anticipated, it behooves one to consider the fact that changes can be wrought.

SANBORN said he figured that what was permitted now under its present zoning was a park, church and single family residences. He said that words and not a plan exist to take care of the drainage. No solution had been developed in any way because they don't have a solution.

GARDNER asked Mr. Sanborn if in his analysis of the site, had he determined a greater density than that presently allowed would have any feasibility whatsoever.

SANBORN said that that analysis should have been presented to the Commission on facts. That burden was on the proponent to present the analysis to the Commission and they did not do so. He said that if the density was increased it would increase the runoff and it was unacceptable.

Considerable discussion ensued between Commissioner Gardner and Mr. Sanborn regarding the drainage situation.

A ten minute recess was called by the Chairman due to physical distress suffered by Mr. Sanborn. The meeting reconvened with Commissioner Shook not present.

HENNESSY asked if there presently was a policy pertaining to development upstream.

LAKIN said that the City Commission has indicated in previous proceedings that staff should advise them of anything that will affect runoff in the Dry Creek area. The Planning Commission has not made such a statement or policy.

HOWARD BOYS, 3415 East Skinner, speaking in opposition, stated that the problem and the fear of the people was that in the past they had been told one thing and it had not come to pass. He said that when this was first presented there were inaccuracies and errors about what was going to be. He pointed out that when the wall last fell down on Mr. Butler's property, he was told that it would be redesigned and rebuilt and he understands that it had been corrected.

KELLOGG stated that in response to the need for housing, he submitted to the Commission correspondence from the Chamber of Commerce which says that in this particular area of the City, based on many factors, there is a strong need for additional housing units in southeast Wichita.

DICK LINN, Manager of Land Development for Professional Engineering Consultants, speaking to the drainage, stated that he was familiar with the problems in the area, and was familiar with the site and a retention-detention policy that they have attempted to establish with the City of Wichita. He said that retention-detention offers a concept that provides for either retaining or detaining water on the site to attenuate downstream flow. He said that it was a method that could be used through a system of ponding, to contain water at a location and release it at a slower rate to reduce peak flow. The proposed requirement on the C.U.P. would require this site to provide a drainage system that would retain runoff for the 100-year frequency storm. That would require 2 acre feet of water to be stored on the site.

GOEBEL asked if a big percent of this would be in lawn rather than in parking.

LINN stated that there was a requirement on the C.U.P. that not more than 50 percent of the area could be developed into buildings, parking lots and drives.

GARDNER asked Linn if it was his professional opinion that a detention system could be devised, and was it feasible. LINN said that it could be done. GARDNER asked that if in the platting process the figures and the concept would be developed to a further degree and submitted to the Engineering and Flood Control Departments of the City who will apply their standards to it and it would have to be certified to a particular performance level that the City would find acceptable. LINN said yes, they would have to prepare first a drainage concept with the preliminary plat, and before the final plat could be submitted to the Sub-division Committee, they would have to have an approved drainage plan.

GOEBEL stated that Commissioner Shook had to leave the meeting and was concerned about the density. He asked if it was possible that they could get by with a little less density.

KELLOGG responded that "R-6" allows the 29 dwelling units, and that was what they were asking for. He said that he was not prepared to say that they could get by with less. They would like to have the flexibility to develop this or to sell the property to a developer who would have the ability to develop up to the 29 units.

GARDNER asked if the "R-6" density had been a fairly common density on most of the larger garden apartments in town, and have they generally built to within ten percent of the density where it was viable.

LAKIN said that many of them has been but that it was difficult to categorize.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood, the zoning and uses of properties nearby, the unsuitability of the subject property for the uses to which it has been restricted, and taking into account staff recommendations; I move that we recommend to the governing body that the zone change request be approved subject to the platting of subject property within one year of the date of approval by the Board of City Commissioners or the application be considered denied and closed; and the ordinance establishing zoning shall not be published

until the plat has been recorded with the Register of Deeds, and that the associated C.U.P. be approved subject to the following conditions:

- a. Platting of subject property within one year of the date of approval by the Board of City Commissioners or the application be considered denied and the cases closed.
- b. The following shall be added to the first paragraph of General Provision No. 11: One point of pedestrian access may be permitted in the west 200 feet of the south property line, provided that written approval is obtained from the Wichita Park Board, Unified School District No. 259 and the Director of Planning. Pedestrian access may be permitted to the east with written agreements between the Park Board and the Developer (owner).
- c. Complete vehicular access control shall be granted, and shown on the C.U.P., along the west boundary where adjacent to the "IC" zoning district.
- d. Amend Parking Ratio to read: "Parking Ratio - 1.5/DU for Garden Apartment, 2.0/DU for Townhouses.
- e. 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.
- f. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns, unless amended.

Bayouth moved, Gardner seconded.

JONES commented that he would have to vote against the motion for probably some of the same reasons that the rest would vote for it. Although it specifies that the Commission was supposed to find evidence of fact, they have heard over and over again that it was a suggestive judgment, and he could not help but remember the picture of 4040 Countryside, and being from Derby, he was hesitant to be critical of City officials and enforcements, but assumed that when the Mall was built, that 4040 Countryside had the same problems that these residents nearby were having now. He said that he has first-hand familiarity with the traffic situation on Harry Street, and felt that the density should be more than it is now, but did not think it should be allowed to be 570 units.

BAYOUTH said that he could sympathize with the people on Countryside, and if it was poor workmanship that caused the wall to collapse, then he felt the Mall should be responsible. He said that we need these types of developments in the City, and he could not find a better use for this property than "R-6". He said that he was sure that as valuable as the park and golf course was, that this company, whoever it may be, was certainly not going to build junk there, and that it would be very nice apartments that Wichita would be proud of.

MARTENS commented that we are a recommending body and looking at a tract of ground and its location, and taking into account his personal feelings and his knowledge of the area, he sincerely believes that what unanswered questions that now remain would be worked out to the satisfaction of the neighborhood through the platting process.

AMENDMENT TO THE MOTION:

GARDNER asked the motion maker if he would accept the following statement to his motion. In regard to the four items listed in comment no. 1 of the staff report, the Commission has considered the value of the buildings, the character of the property adjoining the area included in the subject plan, and based on the letter read by Kellogg, have concluded that they will not be adversely affected. The Commission has heard the previous City Engineer state that it was his opinion that a development could be created that would satisfactorily address the drainage difficulty and the adversity that the neighborhood would otherwise be subject to. The Commission has been informed by Traffic Engineering that they feel the street is capable of accommodating the additional flow. The impacts on the value of buildings and property were addressed by Mr. Paul Brown and that he does not feel the surrounding neighborhood would suffer adversely. Bayouth as motion maker accepted the foregoing as a part of the original motion. GARDNER said that he believed that those factors have been satisfactorily met. He also believed that it would be an improvement to the neighborhood.

GOEBEL commented that on the plan, the narrow portion that was next to single family dwellings is to be utilized for tennis courts. He pointed out that with the tennis court set aside in that area it would move the 2-1/2 story buildings back further from the 8-foot fence adjacent to the residential area. He still felt the density was too high, but did not feel that "R-5" density would be high enough to make it feasible. He recommended to the developer that they hold the 2-1/2 story buildings further away from the single family development at the rear corner of the lot.

VOTE ON THE MOTION: It carried with a vote of 6 in favor (Bayouth, Gardner, Goebel, Martens, Hennessy and Lofton), and 1 opposed (Jones). Savina and Shook were absent. Cole resigned.

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March 28, 1980

Mr. Mendell Butler  
4040 Countryside Plaza  
Wichita, Kansas 67213

Re: DP-100 Meadowlark Residential  
CUP and Z-2200 "AA" to "R-8"

Dear Mr. Butler:

The Planning Commission at its regular meeting of March 27, 1980, considered the above-captioned cases, and their action was as indicated on the attached letter.

This is to advise you that if you or other property owners who live within 200' of the application area desire to submit protest petitions, they must be submitted to the Office of the City Clerk no later than 5:00 p.m., Thursday, April 10, 1980. We are enclosing six copies of the protest petition forms as I understand Mrs. Sanborn previously obtained protest petition forms from our office. If additional copies are needed, they may be obtained at our office.

If you have any questions concerning this matter, please call.

Sincerely yours,

Arthur D. Chambers, AICP  
Junior Planner

ADC:sad

Encl:

cc: Ronald Davis, 3420 East Pawnee, Wichita 67218  
James A. Duncan, 4301 East Mt. Vernon 67218  
Keith Sanborn, 2008 Reed, Wichita 67218  
Howard Boys, 3415 East Skinner, Wichita 67218

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
COMMISSION

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

March 28, 1980

Mr. Darrell Kellogg, Attorney  
200 West Douglas  
Wichita, Kansas 67202

Re: DP-100 Meadowlark Residential  
CUP and Z-2200 "AA" to "R-6"

Dear Mr. Kellogg:

At its regular meeting on March 27, 1980, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend approval of the zone change request subject to the platting of subject property within one year of the date of approval by the Board of City Commissioners or the application be considered denied and closed; and the ordinance establishing zoning shall not be published until the plat has been recorded with the registrar of deeds. The action of the Planning Commission was to also recommend the approval of the associated C.U.P. subject to the following conditions:

- a. Platting of subject property within one year of the date of approval by the Board of City Commissioners or the applications be considered denied and the cases closed.
- b. The following shall be added to the first paragraph of General Provision No. 11: One point of pedestrian access may be permitted in the west 200' of the south property line, provided that written approval is obtained from the Wichita Park Board, Unified School District No. 259 and the Director of Planning. Pedestrian access may be permitted to the east with written agreements between the Park Board and the Developer (owner).
- c. Complete vehicular access control shall be granted, and shown on the C.U.P., along the west boundary where adjacent to the "LC" zoning district.

WICHITA - SEDGWICK COUNTY

- d. Amend Parking Ratio to read: "Parking Ratio - 1.5/DU for Garden Apartment, 2.0/DU for Townhouses.
- e. 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.
- f. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.

It is necessary that the above corrections be made on the C.U.P. and 10 revised copies submitted to our office by April 11, 1980 for subject cases to be scheduled for consideration by the Board of City Commissioners at their regular meeting of April 22, 1980. 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.

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

Sincerely yours,

Arthur D. Chambers, AICP  
Junior Planner

ADC:sad

cc: Commonwealth-Slothower Theatre Corporation, 215 West 18th Street,  
Kansas City, Mo. 64108  
Clark R. Nelson, 200 West Douglas, Suite 630, Wichita 67202  
Gary Wiley, Professional Engineering Consultants, P.A., 1440 East  
English, Wichita 67211  
Dick Linn, Professional Engineering Consultants, P.A., 1440 East  
English, Wichita 67211  
Mendell Butler, 4040 Countryside Plaza, Wichita 67218  
Ronald Davis, 3420 East Pawnee, Wichita, Kansas 67218  
James A. Duncan, 4301 East Mt. Vernon, Wichita 67218  
Keith Sanborn, 2008 Reed, Wichita 67218  
Howard Boys, 3415 East Skinner, Wichita 67218

DP 100  
28800

# Paul R. Brown & associates, inc.

102 Colorado Derby Bldg. / Wichita, Kansas 67202 / (316) 264-0394

Paul R. Brown  
Earl G. Teubner  
Betty M. Spingler

March 24, 1980

Robert H. Curry  
Ronald W. Guerns  
John P. Hawkins, CPCU  
Wm. E. Howse  
Robert H. Howse  
Robert E. Israel  
Roger P. Turner

Mr. Clark R. Nelson  
Kahrs, Nelson, Fanning, Hite & Kellogg  
Attorneys at Law  
Suite 630  
200 West Douglas Avenue  
Wichita, Kansas 67202

Re: Valuation Impact of Proposed  
Multi-Family Project at  
Meadowlark Drive-In Land on  
Adjacent Residences

Dear Mr. Nelson:

Pursuant to your request, we have reviewed the proposed Community Unit Plan on the above-captioned property for the purpose of giving you our opinion as to the effect the proposed Community Unit Plan would have on adjacent property owners. It is our opinion that normal value diminution which might occur to adjacent residential property owners is not present in this site.

Heavy traffic conditions, loud noise and increased litter certainly should be decreased from the present use as a drive-in theatre. Properties located south of the site should not experience increased traffic or noise pollution. Water drainage appears to be adequately handled in the C.U.P. The density requested and site plan permit good site utilization and it is not incompatible with existing projects found throughout the neighborhood vicinity.

The site, in our opinion, is so isolated from major residential areas that its influence on them is miniscule.

Respectfully,

*Paul R. Brown*  
Paul R. Brown, MAI, SRPA

PRB:tp

Insurance ...



Real Estate ...



Management



... Appraisals

March 21, 1980



**WICHITA**

AREA  
CHAMBER  
OF  
COMMERCE

Mr. Clark Nelson, Attorney  
200 West Douglas, Suite 630  
Wichita, KS 67202

Dear Mr. Nelson:

During the past two years, Wichita's housing needs have increased significantly. The lack of a sufficient quantity of suitable housing, especially rental housing, has become more and more evident with the rapid growth of our work force and efforts to attract additional labor to the area.

In August, 1979, the vacancy ratio for Wichita garden apartments dropped to .19%. Although this situation has eased somewhat, the vacancy ratio for the city is still low. As of March 18, 1980, and according to Fidelity Investment Company, the southeast quadrant has the lowest vacancy ratio in the city and has consistently exhibited lower vacancy rates than the city-wide average.

These factors, plus the concentration of growth motivated industry in the southeast area, would indicate a particularly strong need for additional housing units in southeast Wichita.

Sincerely,

Jim Schwarzenberger  
Assistant Manager  
Business & Industrial Development

JS:pl

- WHEREAS: The proposed project will increase surface water run-off into the Dry Creek Drainage Plain, accelerating the erosion problems now being experienced in this area.
- WHEREAS: The proposed project will put further pressure on existing sewers in the district which might necessitate construction and damage to unique environmental resources.
- WHEREAS: The proposed project will diminish the value of private residential dwellings and park, and the character of the property adjoining this area plan.
- WHEREAS: The 19.5 acres available do not meet the minimum 20 acres required by law for a community unit plan.
- WHEREAS: The proposed project is not consistent with the intent and purpose of this chapter (28.04.190.A) to promote public health, safety and the general welfare.
- WHEREAS: The proposed project will, according to Bill McKinley, city traffic engineer, increase by 5,710 cars per day (2,084,000 additional traffic movements) in the vicinity of already congested Harry Street.
- WHEREAS: The damage to the property in the vicinity will be greater than the benefit to the community.
- THEREFORE, be it resolved that Dry Creek Association go on record to being apposed to Metropolitan Area Planning Department approval of change of zoning: DP - 100, Z-2200 Residential C.U.P. zone change from AA to R-6, located on South Side of Harry Street between Roosevelt and Oliver.

Signed Keith Sanborn  
Keith Sanborn, President

Katherine Pennington  
Katherine Pennington, Secretary-  
Treasurer

File DP-100

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

DATE March 20, 1980

TO Art Chambers, Junior Planner, Current Plans

FROM Gail Williams, CPO Administrative Aide

SUBJECT Z-2200 and DP-100: Meadowlark  
Zoning and Community Unit Plan

At its meeting of March 17, 1980, CPO Council "F" considered the captioned cases, and voted 4-3 to "go on record as not approving the (Meadowlark) Community Unit Plan as presented."

Attorneys and engineers for the applicant were present at the meeting to review the CUP and answer questions from the Council and guests. Six residents of the neighborhood were present who objected to the proposed development on the grounds of density, traffic congestion, and loss of privacy.

The maker of the motion explained that he felt that more information, such as traffic counts, the size of the proposed dwelling units, and the anticipated population of the development, was needed for the Council to make a positive recommendation on the plan.

Although a separate vote was not taken on Z-2200, for "R-6" zoning for the subject property, the proposed twenty-nine dwelling units per acre was termed an inappropriate density for this location, during discussion.

Please advise the Planning Commission of the Council's action regarding these cases when they are considered on March 27.

*Gail Williams*

Gail Williams  
CPO Administrative Aide

GW:ml

**RECEIVED**

MAR 20 1980

METROPOLITAN PLANNING

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

CITIZEN PARTICIPATION ORGANIZATION  
NEIGHBORHOOD COUNCIL AREA "F"

Minutes

Monday, March 17, 1980

Chairman Boys called the meeting to order at 7:05 p.m.

Members Present

Wilma Baker  
Howard Boys  
Wayne Dalrymple  
Chuck Harris  
Doug Horstman  
Pat Moran  
Aileen Ward

Members Absent

Wanda Fuller (excused)

Others Present

Dick Linn, Professional Engineering Consultants  
Gary Wiley, Professional Engineering Consultants  
Darrel Kellogg, Kahrs, Nelson, Fanning, Hite & Kellogg  
Clark Nelson, Kahrs, Nelson, Fanning, Hite & Kellogg  
Paul Quinn, 2311 S. Terrace  
Fon Bramhall, 4045 Countryside  
M.F. Butler, 4040 Countryside  
Peggy Grillot, 3511 Elmwood  
Wade Bilbrey, Jr., 4208 Menlo  
Wanda Sanborn, 2008 Reed Drive  
Ron Marnell, Cablevision  
Ralph DeCarmo, Cablevision  
Ernie Logan, Aquarius Corporation  
Belle Borum, 3340 Elmwood Drive

The minutes of the March 3 meeting were approved as written.

It was noted that Fuller was out of town, and her absence excused.

"Discussion of Human Resources Task Force Recommendations" was added to the agenda, at the Aide's request.

Motion by Horstman (Moran) to accept the February 26 and March Central Council minutes as printed, pending any remarks by the Delegate. Boys noted that he had questions concerning Park revenues. Motion carried 7-0.

Discussion of Cable TV Transmission Line Installation was deferred pending the arrival of Cablevision representatives.

SECRETARIAT AGENDA

Z-2200 AND DP-100: MEADOWLARK ZONING AND COMMUNITY UNIT PLAN

Darrell Kellogg, attorney for the applicant, noted that a CUP places demands on the developer as to drainage, fencing, access controls, etc., and provides assurances to the surrounding neighborhood that these matters will be handled as set forth in the CUP text.

Kellogg stated that his client's intentions are to reduce runoff from the theatre property, provide accel-decel lanes, and not place excessive demand on the sewer, all of which were concerns of the neighborhood and Council in the past. He pointed out that an eight foot high solid or semi-solid fence has been added to the CUP screening provision, in response to residents at the southeast corner of the proposed development. Kellogg added that the developer has not yet been determined.

Dalrymple asked what size the apartment units would be. Kellogg said there would be one and two bedroom units, with a maximum building height of 35 feet (2 1/2 stories).

CPO Council Area "F"  
Minutes - Page 2  
Monday, March 17, 1980

Z-2200 AND DP-100: MEADOWLARK ZONING AND COMMUNITY UNIT PLAN cont'd...

He reminded the Council of the CUP provision that sidewalks, parking and building area will not exceed 50% of the total net area. The exact location of the buildings, however, will not be determined until the time of platting.

Harris asked whether the sewer system is adequate for the proposed development. Dick Linn explained that the 8-inch sewer on the site has .8 million gallon per day (MGD) capacity. At 2 persons per dwelling unit, the maximum population of the development would be 1140, times 250 gallons per day, the demand on the sewer would be .3 MGD, with the ability to handle morning and evening peaks. The 30-inch main through the golf park was replaced less than 10 years ago, Linn said, and has adequate capacity and condition for the proposed development. The sewer problems to which neighborhood residents refer involve infiltration and surcharge, downstream from Mt. Vernon and Bluff, and the proposed development represents less than .6% of the population of the 3,000 acre sewer district which feeds into the line. Linn presented a letter from the City's Sewer Department administrator, stating that the systems necessary for the development are adequate.

Gary Wiley described "garden apartments" as being the type most prevalent in Wichita, less than 3 or 4 stories, and usually featuring balconies or patios. "Townhouses" are row-type structures, usually with living space on the ground level and bedrooms upstairs.

Boys reported that the aircraft plants plan to hire experienced, skilled labor, and that the housing shortage involves family housing rather than apartments. Moran noted that the developer will study the market before proceeding.

Kellogg explained to a resident that the only access to the development would be from Harry; the proposed fencing would prevent pedestrian traffic.

Dalrymple observed that the current proposal addresses concerns previously raised by the Council.

Linn presented a sketch of the detention system, which will involve holding water on the parking lots and driveways, with runoff controlled by means of pipes. Additional storage could be provided at the southeast corner of the property.

Frank Butler and Peggy Grillot described the drainage problems resulting from construction of the Mall. Horstman pointed out that the Meadowlark proposal is designed to produce no more peak runoff than if the site were undeveloped, which is an improvement over the existing gravel/asphalt surface. The Aide noted that the wording of the proposed drainage provision in the CUP text will be amended to address lesser rainfall than 100 year storms, which is the intent of the system and the applicant.

Butler and Grillot described current traffic congestion in the neighborhood, and noted that adjacent residences will suffer a loss of privacy.

CPO Council Area "F"  
Minutes - Page 3  
Monday 17, 1980

Z-2200 AND DP-100: MEADOWLARK ZONING AND COMMUNITY UNIT PLAN cont'd...

Motion by Boys (Ward) to "recommend that the MAPC return the proposed CUP to the applicant with the suggestion that the size of the dwelling units be more suited to the needs of families with children." Horstman said the CUP addressed the major concerns of the Council from an earlier case. Motion failed 2(Boys, Ward) to 5(Moran, Horstman, Baker, Harris, Dalrymple).

Belle Borum noted that the proposed "R-6" zoning, at 29 dwelling units per acre, is too dense for this location.

Motion by Harris (Baker) to "go on record as not approving the CUP as presented." Harris noted that the motion was not a formal recommendation to approve or disapprove the CUP, but an expression of his dissatisfaction with the information available to the Council and neighborhood. He identified a traffic count on Harry, the size of the dwelling units, and the population of the development as questions which he felt needed to be answered. Baker said that 29 dwelling units per acre is too dense, and expressed her skepticism of the detention system's reliability. Motion carried 4(Harris, Baker, Boys; Horstman, Silent vote) to 3(Moran, Dalrymple, Ward).

Horstman explained that although the CUP addresses his concerns regarding drainage and access, he had voted in support of the neighborhood.

A five-minute recess was declared.

PUBLIC AGENDA

CABLEVISION TRANSMISSION LINE INSTALLATION

Ernie Logan presented a map of the areas in southeast Wichita in which underground cable installation will soon begin. Ron Marnell described the installation procedure by which the cable will be buried at a depth of 18 inches in the utility easements. Efforts will be made to avoid disturbing tree roots, and damaging other improvements. An agreement is available for instances in which it is necessary to bury cable outside the easement in order to miss landscaping or structures.

Marnell added that an explanatory brochure is delivered to affected properties 2 weeks in advance of the work, followed by door-hangers and personal contacts to make the arrangements for working on the property. The presentation was received and filed.

SECRETARIAT AGENDA cont'd

ALL COUNCIL MEETING COMMITTEE

Council members suggested that Wanda Fuller may want to serve on the committee.

CPO Council Area "F"  
Minutes - Page 4  
Monday, March 17, 1980

INTANGIBLES TAX INFORMATION

Council members had been provided with background information on the intangibles tax, prepared by the City's Budget Office. Boys distributed a statement from Home Owners Trust, and expressed concern about the wording of the question on the ballot. The Aide noted that the wording was mandated by KSA 79-3109. The information was received and filed.

RAILROAD CROSSINGS

The Aide reported that copies of the defect notices and any response had not yet been obtained. The item was deferred to a later meeting.

COUNCIL VACANCY

Dalrymple introduced Paul Quinn, 2311 S. Terrace, as a candidate for the Council vacancy. Quinn noted that he is interested in Council issues, and had extensive experience with board and committee meetings in his work as director of the Beech Employees' Club.

Motion by Moran (Dalrymple) to nominate Paul Quinn for appointment to Council "F". Motion carried 7-0.

HUMAN RESOURCES DEPARTMENT REPORT

Copies of the March 6 Human Resources Department Task Force minutes were distributed, for discussion on April 7. Horstman pointed out that there are four CAA representatives in the group. Discussion was deferred.

VISITOR

Wade Bilibrey explained that he may apply for a grant to finance bike-path construction in east Wichita, for commuting and possibly as part of a "linear park" system. He may bring such a proposal for Council review in the future.

There being no further business, the meeting adjourned at 10:15 p.m.


Respectfully submitted,

*Gail Williams*

Gail Williams  
CPO Administrative Aide

GW:ml

THE CITY OF WICHITA

  
DEPARTMENT OF WATER  
AND WATER POLLUTION CONTROL  
OFFICE OF THE DIRECTOR  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

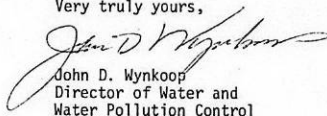
March 17, 1980

R. W. Linn, P. E.  
Manager- Land Development  
Professional Engineering Consultants  
1440 East English  
Wichita, Kansas 67211

Dear Mr. Linn:

This is to inform you that both City water and sanitary sewer  
service is available to serve the proposed Meadowlark C. U. P.

Very truly yours,

  
John D. Wynkoop  
Director of Water and  
Water Pollution Control

JDW/b

3-27-80

*Otho Bascom - This indicates distance from  
not the efficiency of service*

WICHITA PUBLIC SCHOOLS  
SCHWEITER SCHOOL BUILDING  
1400 George Washington Drive  
WICHITA, KANSAS 67211

RECEIVED

FEB 14 1980

METROPOLITAN PLANNING  
ROUTE  5  
 art

Division of School Plant Planning  
and Operation Services

February 12, 1980

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

Dear Jack:

Our Department of Elementary Education has reviewed the plan that you sent for an apartment development on the Meadowlark Drive-in site, east of the Mall.

We concur that it would be desirable to have access to the school site in the manner you show on your aerial photograph. Since we do not have any information regarding the numbers of children that might be housed in the development, we cannot assess the impact of the development on the school; however, the enrollment at Griffith Elementary School has been in a state of decline for some years. In all likelihood, we can accommodate additional children that would materialize from this development by more fully utilizing our existing facility.

If I can provide additional information, please let me know.

Sincerely,

*Richard L. Holstead*

Richard L. Holstead  
Director  
School Plant Planning and Operation Services

RLH:vc

WICHITA PUBLIC SCHOOLS  
SCHWEITER SCHOOL BUILDING  
1400 George Washington Drive  
WICHITA, KANSAS 67211

February 1, 1980

Division of School Plant Planning  
and Operation Services

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

**RECEIVED**  
FEB 5 1980  
METROPOLITAN PLANNING  
ROUTE  *Art Fido*

Dear Jack:

I am referring your letter of January 22, 1980, to our Department of Elementary Education.

On the surface, it appears to me that it would be desirable to have a pedestrian easement from the proposed apartment development to the site of Griffith Elementary School.

I will ask the Department of Elementary Education to assess the impact of such a development on the school. We will be in touch with you at a later date.

Sincerely,

*Dick*

Richard L. Holstead  
Director  
School Plant Planning and Operation Services

RLH:vc  
cc Dr. Ralph Walker

RECEIVED



FEB 24 1980

MEMO

METROPOLITAN PLANNING		PROJECT NO. <u>30-79151-1081</u>
DATE <u>2/13/80</u>	TO: <u>D. R. BRUNER</u>	PROJECT: <u>Meadowlark C.V.P.</u>
COPIES TO: <u>Art Chambers, MARD</u>	ATTN:	DATE: <u>2/13/80</u>
	FROM: <u>R. W. Linn</u>	
	REFERENCE:	

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

Attached is a copy of the above referenced C.V.P. with the existing 8" sanitary sewer which serves the site. The sewer should be telescoped between its connection to the new 30" main in Clapp Park & Mt. Vernon. The 8" has adequate capacity for the proposed development.

We would appreciate your evaluation of the proposed development in the sewer main capacity. Reference has been made to the problems at Mt. Vernon & Bluff.

RJK

Feb 8, 1980

Re DP100 Meadowlark C.V.P. #2-2200

Clark Nelson called me yesterday and requested that these cases be deferred from Feb 28 to March 13 MAPC. They have been advertised.

Nelson also said that, in response to my letter they were going to talk to Darrell Brewer, Lendebak, etc, today & early next week. Then he would like to have a meeting with us to discuss the cases. Meeting is tentatively scheduled for Weds. Nelson will give me a call to set up a time.

I can brief you whenever you wish.

Art

**THE CITY OF WICHITA**

**OFFICE OF** Central Inspection Division

**DATE** January 25, 1980

**TO** Jack Galbraith, Chief Planner

**FROM** James H. Jorgensen, Plans Examiner

**SUBJECT** D.P. 100

I have no comments regarding the referenced Community Unit Plan.

*James H. Jorgensen*

James H. Jorgensen,  
Plans Examiner

JHJ:bg

**RECEIVED**

JAN 25 1980

METROPOLITAN PLANNING

ROUTE

WATER DEPARTMENT  
WATER POLLUTION CONTROL DIVISION  
CIVIL ENGINEERING SECTION  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

February 29, 1980


R. W. Linn  
Professional Engineering Consultants  
1440 East English  
Wichita, Kansas 67211

Dear Mr. Linn:

As you requested on February 13, 1980, we have televised the sanitary sewer lateral which serves the Mead wlrk Theatre, from manhole station 5 + 84.5 to its' junction with the Dry Creek Sewer. Enclosed you will find copies of the T.V. Logs which were made of this lateral. This lateral is in good condition; it has many offset joints, but they are only small offsets. There are 4 cracks in the pipe, only one of which is severe, but it is located next to the inside drop of the manhole connection to the Dry Creek Sewer.

The Dry Creek Sewer, which this lateral discharges into, is currently overloaded under wet-weather conditions and experiences surcharging at those times. There is currently a project under way which is attempting to get E.P.A. funding for the corrections of this condition, but E.P.A. has not decided on the funding of this project as of this date, so this condition can be expected to occur for an indefinite time into the future. If we can provide you with any other information, please let us know.

Very truly yours,

  
Jerry Blain  
Civil Engineer III

JB:te

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 3-27-80

Case No. EP-100 Request: Approval of Residential C.U.P.  
Z-2200 Zone Change from "AA" to "R-6"

Location: On the south side of Harry between Roosevelt and Oliver.

Reason: Garden Apartments or Townhouses

Acres: 20+ Size: 660' x 1284'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Nonconforming Drive-In Theatre	"AA"
North	Restaurant & Mini Mall	"LC"
East	Golf Course	"AA"
South	Golf Course	"AA"
West	Single-family & Shopping Center	"AA" & "LC"

Adequate street right-of-way will be secured at time of platting.

Platted: No History: Z-2073 "AA" to "R-6"  
MAPC 9-14-78 Denied  
Withdrawn by applicant  
10-10-78

COMMENTS:

1. As permitted under the Residential CUP provisions of the zoning ordinance, the applicant has submitted a residential development plan for review and recommendation by the Planning Commission. In order for the Planning Commission to recommend approval of a residential CUP, it must find specific evidence and facts showing that the proposed development plan meets the following conditions.
  - a. That the value of the buildings and the character of the property adjoining the area included in such plan will not be adversely affected.
  - b. That such plan is consistent with the intent and purpose of this Chapter (23.04.190.A) to promote public health, safety, morals and general welfare.

- c. That the buildings shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas, garages and community activities, including churches; and provided that an "LC" district can be established through the regular channels.
  - d. That the average lot area per family contained in this site, exclusive of the area occupied by streets, shall be not less than the lot area per family required by the district in which the development is located.
2. The C.U.P. proposes a one parcel development of garden apartments or townhouses. A density of 29 dwelling units per net acre (maximum of 570 units) is being proposed if the site is developed with garden apartments or a density of 10 dwelling units per net acre (maximum of 197 units) if developed with townhouses. The development plan proposes to limit access to two openings along Harry, with one opening to be constructed to major entrance standards (ie divided opening). The C.U.P. states that construction of the major entrance and an accel/decel lane will be guaranteed at the time of platting.
  3. One problem that has been discussed in this area is the impact of stormwater runoff on properties downstream. The applicant is aware of this problem and has proposed to retain stormwater on the site and release it at a rate equal to the rate of runoff of an undeveloped, grass covered site. This will result *in a* runoff rate less than the current runoff. The retention would be designed to handle the runoff from a 100 year storm. In addition to the retention, the applicant is proposing to limit ground coverage (buildings, streets and parking areas) to 50%, or less, of the site.
  4. A five foot high fence of wood or woven wire is to be constructed along the east and south property lines in order to prohibit pedestrians access directly onto Clapp Golf Course. An eight foot wooden fence is proposed for the south portion of the west property line where the site abuts the "AA" district. It may be desirable at some time to provide a means for school aged children to get from this site to Griffith Elementary School so they would not have to walk through the mall area. This would require approval from the Park Department, the Board of Education and MAPD. Access between the Golf course and the project may also be appropriate on the east, but should be with the approval of both parties.
  5. The staff is supportive of residential development for this site as opposed to commercial uses. However, staff is concerned that the proposed density may be high for this location. The addition of traffic from 570 dwelling units into an area already impacted with major uses such as The Wichita

Mall and St. Joseph's Hospital and many smaller commercial uses will increase the congestion in the area. It is recognized however, that other projects such as Normandy, Park Plaza and others seem to operate onto arterials fairly successfully. Additional information including traffic counts will be available at the meeting.

6. Should the Planning Commission determine that the requested zone change is appropriate approval should be subject to the platting of subject property within one year of the date of approval by the Board of City Commissioners or the application be considered denied and closed; and the ordinance establishing zoning shall not be published until the plat has been recorded with the registrar of deeds.
7. Should the Planning Commission determine that the proposed C.U.P. is appropriate and find that the four conditions listed in comment No. 1 have been satisfied, the following are recommended conditions of approval:
  - a. Platting of subject property within one year of the date of approval by the Board of City Commissioners or the applications be considered denied and the cases closed.
  - b. The following shall be added to the first paragraph of General Provision No. 11: One point of pedestrian access may be permitted in the west 200 feet of the south property line, provided that written approval is obtained from the Wichita Park Board, Unified School District No. 259 and the Director of Planning. Pedestrian access may be permitted to the east with written agreements between the Park Board and the Developer (owner).
  - c. Complete vehicular access control shall be granted, and shown on the C.U.P., along the west boundary where adjacent to the "LC" zoning district.
  - d. Amend Parking Ratio to read:  
"Parking Ratio - 1.5/DU for Garden Apartment, 2.0/DU for Townhouses.
  - e. 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.

Page 4  
DP-100 & Z-2200  
MAPC AGENDA  
3-27-80

- f. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- g. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial and residential development and be binding upon the present owners, their successors and assigns, unless amended.

Z-2200 & ) 88 "Notice to Adjoining Property Owners" mailed 3-13-80 for  
✓ DP-100 ) the MAPC meeting For 3-27-80

1 (including map) to CPO Office

—  
89 TOTAL OF EACH CASE.

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

March 13, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, March 27, 1980, said meeting beginning at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for approval of the MEADOWLARK RESIDENTIAL COMMUNITY UNIT PLAN, for property legally described as follows:

DP-100 - The east half of the north half of the west half of the northeast quarter of Section 35, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located on the south side of Harry, between Roosevelt and Oliver.

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

The Development Plan now on file proposes an approximate 20 acre garden apartment development, the density of which will not exceed 29 dwelling units per net acre or a total of 571 dwelling units. Zone Case Z-2200 is associated with this Community Unit Plan and is changing the zoning from "AA" to "R-6" in order to permit apartment development. No commercial development is proposed in the Community Unit Plan. In addition to indicating proposed building location, the development plan indicates setbacks for structures, sign limitations, means of circulation into and through the area, proposed parking ratio, maximum building coverage and maximum building heights.

The hearing of the proposed amendments to this Development Plan, as provided in Section 28.04.190 of the City Zoning Ordinance of the City of Wichita, is to be held and the same will there be discussed and considered by said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at that time.

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and BCC. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 268-4516.

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

Robert A. Lakin  
Secretary

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

March 13, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on Mar. 27, 1980, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. Z-2200

Zone Change from the "AA" One Family Dwelling District  
to the "R-3" General Residence District

The east half of the north half of the west half of the  
Northeast Quarter of Section 35, Township 27 South,  
Range 1 East of the 6th P.M., Sedgwick County, Kansas,  
except the north 36.5 feet thereof condemned for road  
purposes in Sedgwick County District Court Case No.  
C-22706. Generally located on the south side of Harry,  
between Roosevelt and Oliver.

The following is a sequence of events in the processing of a request for zone change: Notification of adjoining property owners (this notice); then Neighborhood Citizen Participation Organization CPO meeting; then Metropolitan Area Planning Commission (MAPC) meeting (scheduled above); and then Board of City Commission (BCC) meeting to concur with MAPC action, defer, or refer back to MAPC. On a return of the case to the BCC, they may approve or deny or modify the change requested.

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and BCC. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 268-4516.

It should be noted that the MAPC meeting constitutes the 'Public Hearing' on this matter, and therefore the City Commission has adopted the following policy with regard to consideration of zoning change requests:

"All applications for change of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's Agenda (by 5:00 p.m., on the Wednesday preceeding the scheduled Tuesday BCC hearing). In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

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

Robert A. Lakin  
Secretary

SUMMARY DESCRIPTION OF CITY OF WICHITA ZONING DISTRICTS

- "AA" One-Family Dwelling District  
Permits one-family dwellings, parks, schools, libraries, golf courses, nurseries, churches and home occupations.
- "A" Two-Family Dwelling District  
Permits two-family dwellings and uses permitted in "AA".
- "RB" Four-Family Dwelling District  
Permits three and four-family dwellings, and uses permitted in "AA" and "A".
- "R-5" General Residence District  
Permits multiple-family dwellings at a density of 12.4 dwelling units per acre, off-street parking areas and uses permitted in "A".
- "R-6" General Residence District  
Permits multiple-family dwellings at a density of 29 dwelling units per acre, and uses permitted in "R-5".
- "B" Multiple-Family Dwelling District  
Permits multiple dwellings, off-street parking areas, apartments, boarding houses, cemeteries, medical offices and uses permitted in "AA", "A" and "RB".
- "BB" Office District  
Permits apothecaries, clinics, hospitals; medical, business and professional offices; hotels and motels under certain conditions; and all residential uses.
- "LC" Light Commercial District  
Permits all purely retail businesses conducted within enclosed buildings; service stations; all residential and office uses.
- "C" Commercial District  
Permits all commercial uses and residential and office uses and some fabrication uses.
- "D" Central Business District  
Permits all commercial, office, wholesale, manufacturing and residential uses. Prohibits those which constitute a hazard or nuisance from smoke, dust, odor or fire danger.
- "E" Light Industrial District  
Permits all manufacturing activities which do not constitute a hazard or a nuisance; and all office and commercial uses. Residential uses are prohibited.
- "F" Heavy Industrial District  
Permits all office, commercial and manufacturing uses. Most objectionable manufacturing uses are subject to conditional approval. Residential uses are prohibited.
- "G" Mobile Home District  
Permits mobile home parks and associated uses.
- "U" University District  
Permits Universities, Colleges, Seminaries and other institutions of learning and related uses.

February 28, 1980

Keith Sanborn  
2110 East Douglas  
Wichita, Kansas 67214

Re: DP-100 - Meadowlark Residential  
CUP and Z-2220 - "AA" to "R-6"

Dear Mr. Sanborn:

This letter is to inform you that Clark Nelson has requested that the above cases not be heard on March 13, 1980. The cases have been deferred until the March 27, 1980 MAPC meeting.

If you have any questions regarding these cases, please call.

Sincerely,

*ADC*  
Arthur D. Chambers, AICP  
Junior Planner

ADC:el

KAHRS, NELSON, FANNING, HITE & KELLOGG  
ATTORNEYS AT LAW

W. A. KAHRIS  
H. W. FANNING  
RICHARD C. HITE  
DARRELL D. KELLOGG  
RICHARD L. MCNEYMAN  
LARRY WITHERS  
GARY A. WINFREY  
CLARK R. NELSON  
HARKER E. RUSSELL  
STEVEN D. GOUGH  
ALAN L. RUPE

SUITE 630 - 200 WEST DOUGLAS AVENUE  
WICHITA, KANSAS 67202

AUSTIN M. COWAN (1985-1948)  
ROBERT H. NELSON (1904-1977)

AREA 316  
265-7761

STEVEN R. SMITH  
SCOTT J. GUNDERSON  
RICHARD J. McDONALD  
ROBERT D. STEIGER

February 28, 1980

RECEIVED

FEB 28 1980

METROPOLITAN PLANNING

ROUTE  1st

Mr. Arthur D. Chambers  
Junior Planner  
Metropolitan Area Planning Dept.  
City Hall, Tenth Floor  
455 North Main  
Wichita, Kansas 67202

Re: DP-100 - Meadowlark Residential  
C.U.P., and Z-2200 - "AA" to "R-6" -  
on the south side of Harry, between  
Roosevelt and Oliver

Dear Mr. Chambers:

Pursuant to our discussion by telephone on behalf of the owner, we hereby request that the above captioned matter be deferred for hearing before the Metropolitan Area Planning Commission until March 27, 1980.

Although we discussed the reasons for additional time by telephone, I will again indicate to you that we have not completed the amended copies of the plan at this time. We have several persons from out of state that must be consulted which necessitates additional time. We are confident at this time that we shall be prepared for the March 27, 1980 meeting.

Your consideration in this matter is very much appreciated.

Yours very truly,

*Clark R. Nelson*

Clark R. Nelson  
KAHRS, NELSON, FANNING,  
HITE & KELLOGG

CRN:cm

February 26, 1980

Keith Sanborn  
2110 East Douglas  
Wichita, Kansas 67214

Re: ✓ DP-100 - Meadowlark Residential  
C.U.P. and  
Z-2200 - "AA" to "R-6"

Dear Mr. Sanborn:

In response to your letter of February 22, 1980, I am forwarding to you a copy of the application for DP-100 - Meadowlark Residential Community Unit Plan (C.U.P.); a copy of the application for the associated zone case (Z-2200) requesting "R-6" Multiple Family zoning; and a copy of a memo to Clark Nelson relating to the C.U.P. Unfortunately, we only have one copy of the proposed C.U.P. and are unable to furnish you a copy at this time. We are to receive additional copies for distribution to the Planning Commission this week. The copies are to reflect the revisions suggested in our letter to Clark Nelson on February 4, 1980 and will be available for public review in our offices.

I have also enclosed a copy of the provisions of the C.U.P.. They are generally self-explanatory in setting forth the various conditions that will govern development within the C.U.P. If you have any questions or would like to review the file, please contact Art Chambers of my staff. Since I live within 1000 feet of the proposed C.U.P., I have declared a conflict of interest and have stated that I will not discuss advantages or disadvantages of the case.

Art had originally scheduled this case for the February 28, Planning Commission meeting, but after receiving our letter, Clark Nelson requested that the cases be deferred until March 13, 1980. Your name has been added to the notification lists for the C.U.P. and the zone change.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ADC:el  
Enclosures

**SANBORN, HOLLINGSWORTH & ARBUCKLE**

ATTORNEYS AT LAW  
2110 EAST DOUGLAS  
WICHITA, KANSAS 67214

KEITH SANBORN  
R. K. HOLLINGSWORTH  
BARRY ARBUCKLE

February 22, 1980

TELEPHONE: A.C. 316  
262-6461

Mr. Jack Galbraith  
Metropolitan Area Planning Commission  
City of Wichita  
City Building  
455 North Main  
Wichita, Kansas 67202

Re: Meadow Lark Drive-In Theatre Property

Dear Mr. Galbraith:

I have been advised that there is some application filed requesting a change of zoning again for the Meadow Lark Theatre property which is non-conforming use. People in our area are quite concerned about this matter, and I would appreciate your sending me a copy of any preliminary applications or memoranda or data or documents involving this matter. We would appreciate having some kind of a notice so that we can respond and we would like to have all the documents so we know where the matter stands.

Thank you.

Yours truly,

  
Keith Sanborn

KS/sf

**RECEIVED**

FEB 25 1980

METROPOLITAN PLANNING

ROUTE    3  

\_\_\_\_\_

WICHITA-SEDGWICK COUNTY

DATE

January 29, 1980

**METROPOLITAN AREA PLANNING DEPARTMENT**

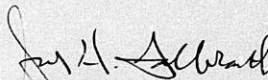
**TO** Robert A. Lakin, Director of Planning

**FROM** Jack H. Galbraith, Chief Planner

**SUBJECT** Conflict of interest associated with  
DP-100 - Meadowlark Residential C.U.P.; and  
Z-2200 - "AA" to "R-6" - South side of Harry,  
between Roosevelt and Oliver.

Although I am not within the 750 foot notification area, my home is within 1000 feet of the application area, and the proposed C.U.P. and zone change may either favorably or adversely affect my property. Therefore, I prefer to declare a conflict and will not discuss the case with anyone or influence the staff position on these cases.

I am further requesting that you review and approve the staff report being prepared by Chambers.

  
Jack H. Galbraith  
Chief Planner

JHG:e1

cc: Arthur D. Chambers, Junior Planner

2-1-80  
Noticed + agreed to RSC.

Chambers - advise me of meeting date. Brief me on project  
JR

February 4, 1980

Clark Nelson  
Suite 630  
200 West Douglas  
Wichita, Kansas 67202

Re: DP-100 - Meadowlark Residential  
C.U.P., and  
Z-2200 - "AA"to"R-6" - on the  
south side of Harry, between  
Roosevelt and Oliver

Dear Mr. Nelson:

We have reviewed the Residential Community Unit Plan for the proposed 20 acre tract at the above location and the following are our comments, as well as comments by other departments of the City concerning this project.

Generally, we find the C.U.P. acceptable but we are still concerned about the appropriateness of the maximum density in the "R-6" zoning district at this location. The proposed 571 dwelling units could possible generate up to an additional 4600 trips per day on Harry. This stretch of Harry is already impacted by the Wichita Mall, St. Joseph's Hospital, and various other retail stores. During earlier discussions of the C.U.P. we had mentioned, and hoped, that although "R-6" zoning was being requested, the proposed density would be less than 29 dwelling units per acre. I would again suggest that a reduced density of 20-25 dwelling units per acre would be more appropriate for this site.

In a related matter, I would suggest that if you or your client feel that the 29 dwelling units per acre density is needed, the total number of dwelling units should reflect the actual number planned for the site, rather than the odd number as proposed.

Drainage of this area will probably become the major point of discussion. I realize that you are aware of the problem and your proposal to retain runoff on the site should be satisfactory, but specific answers will be requested by those in opposition. The Park Department has commented that they are assuming that you are

Page Two  
Clark Nelson  
February 4, 1980

planning to convey all storm water runoff from the C.U.P. through a storm sewer, constructed at your expense, across park property to Gypsum Creek. I would suggest that you develop a drainage concept plan for the site, which would include on site retention and the location(s) of easements across the golf course. In the development of the drainage concept plan, you should talk to Tom Allen of the Park Department regarding easements and Mike Lindbak of the Engineering Division regarding site drainage and retention. Then at the Metropolitan Area Planning Commission hearing you would be able to answer questions regarding drainage.

Paul Johnston of the Flood Control and Landfill Division has indicated that the condition of the existing 8" sanitary sewer line, running southeast from the projection booth, is unknown. Mr. Johnston also noted that there is a problem with infiltration and surcharging of sanitary sewers resulting in water backing up and creating problems for property owners at the northeast corner of Mt. Vernon and Bluff. Although drainage for the Meadowlark site may be handled satisfactorily, problems may be aggravated for property owners downstream. You should contact the Public Works Department (Mike Lindbak) in order to resolve any problems with the sanitary sewers in this area. In addition, you should add the following phrase to General Provision #3:

Prior to the issuance of any building permits, the applicant shall submit a plan outlining the steps to be taken to reduce surcharging on existing sanitary sewers to the Department of Public Works for review and approval.

Another area that needs to be addressed is pedestrian access control. In order to restrict pedestrian access to and from the east and south, some type of fencing should be provided along the east and south property lines. The fence should be 5 feet to 8 feet in height with no openings. Since there is a golf course to the east and south, I see no reason for constructing a screening fence. In fact, a woven wire fence would provide pedestrian access control without impairing the visibility of the park land.

In order to incorporate the above suggestions, you should indicate along the east and south property lines that there is to be no pedestrian access, and the location of the fence. Additionally, a general provision should be added as follows:

A five foot to 8 foot high fence shall be constructed along the east, except for the north 25 feet, and south property lines. The fencing may be of woven wire, wood or similar materials, provided that it is constructed in such a manner that pedestrian access is prohibited.

Page Three  
Clark Nelson  
February 4, 1980

It is my understanding that you intend to remove the existing fencing on the west property line. If the fencing is removed, there would be no screening between your site and the Wichita Mall. Although the Mall was not required to construct a masonry screening wall, I believe that they did put up the wooden fence. You may wish to contact the Mall to see if some arrangement could be worked out concerning fencing and pedestrian access control. The type and location, as well as pedestrian openings, should be reflected on the plan.

One other item you may wish to consider is a 10 foot landscaping strip along the north. This would provide some screening of the commercial areas on the north side of Harry. If a landscape strip is proposed, you should add a general provision reading as follows:

Prior to the issuance of any building permits, a landscape plan for the area indicated on the plan shall be submitted to the Director of Planning for review and approval.

In addition to the above comments, it is suggested that General Provisions 10 and 11 be combined into one provision to read as follows:

At the time of platting, right-of-way shall be dedicated for a deceleration lane at the major entrance to Harry. Additionally, at the time of platting, the construction of the deceleration lane shall be guaranteed.

General Provision #8 should be reworded as follows:

A Homeowners Association agreement providing for the maintenance and improvement of drainage facilities, non-public common areas, parking areas, private drives, community facilities, etc., shall be submitted with the plat(s) for Parcel One (1) if it is proposed that each dwelling unit will be individually owned.

These are our comments which we have at this time. We have scheduled this item for consideration by the Planning Commission on February 28, 1980, and it is necessary that we receive fourteen

Page Four  
Clark Nelson  
February 4, 1980

(14) amended copies of the plan by Tuesday, February 12, 1980.  
If you have any questions, please call.

Sincerely,

Arthur D. Chambers  
Junior Planner

ADC:el

cc: Commonwealth-Slothower Theatre Corporation  
215 West 18th St., Kansas City, Mo. 64108

Art C

**THE CITY OF WICHITA**

**OFFICE OF** Flood Control and Landfill Div. **DATE** January 30, 1980

**TO** Jack Galbraith, Chief Planner, MAPD

**FROM** Paul Johnston, Flood Control Engineer

**SUBJECT** DP-100, Meadowlark C.U.P.

Reference is made to your memo of January 18th submitting subject C.U.P. for review and comments. After review of the material submitted, I have the following comments:

1) Drainage

As mentioned in your list of general provisions, detention of any additional runoff as a result of this development must be planned for. Although the area represents less than 1% of the drainage basin, the Dry Creek Association is against allowing any upstream development which might increase the runoff to Dry Creek.

The Homeowners Association Agreement should be worded such that the maintenance and improvement of any required detention areas are addressed.

Along with the required detention, it will be necessary to secure prior approval and make the necessary arrangements to secure adequate easements for conveying the storm water south to Dry Creek. This should be at no cost to the City.

2) Sanitary Sewer Service

Several areas need to be addressed concerning the sanitary sewer service. Among these are:

1. Presently an 8" line runs southeast from the projection booth and/or concession stand. Is it being proposed to utilize same or run a new line? The condition of the existing line is unknown and it appears that same will lie under three of the proposed buildings. Difficulty has been experienced in the past when the sewer maintenance crew attempted to locate this line within the Meadowlark area. The matter should be addressed.
2. Until such time as the Dry Creek Interceptor line is installed, problems will exist with the sanitary sewer during wet periods. At the vicinity of Mt. Vernon and Bluff is a diversion manhole. This has been baffled to allow a specified amount to proceed west in Mount Vernon due to problems in the past pertaining to flooded basements. The remaining flow is directed south along Dry Creek.

**RECEIVED**

JAN 31 1980

METROPOLITAN PLANNING


ROUTE

Jack Galbraith  
Subject: DP-100 Meadowlark C.U.P.  
January 30, 1980  
Pg. 2

The diversion manhole operates under a head condition. With wet weather, excessive infiltration/inflow causes the line to surcharge, backing up to create problems for the property owners at the northwest corner of Mt. Vernon and Bluff.

Elevations are such as not to cause the Meadowlark Addition problems; however, during wet seasons the additional discharge generated by this project would be a handicap for the property owners downstream, just north of the Diversion.

If there are any further questions, please advise.

  
Paul Johnston, *ME*  
Flood Control Engineer  
Flood Control and Landfill Division

PJ/glm

cc: Meadowlark C.U.P.

January 29, 1980

Robert A. Lakin, Director of Planning

Jack H. Galbraith, Chief Planner

Conflict of interest associated with  
✓ DP-100 - Meadowlark Residential C.U.P.; and  
Z-2200 - "AA" to "R-6" - South side of Harry,  
between Roosevelt and Oliver.

Although I am not within the 750 foot notification area, my home is within 1000 feet of the application area, and the proposed C.U.P. and zone change may either favorably or adversely affect my property. Therefore, I prefer to declare a conflict and will not discuss the case with anyone or influence the staff position on these cases.

I am further requesting that you review and approve the staff report being prepared by Chambers.

Jack H. Galbraith  
Chief Planner

JHG:el

cc: Arthur D. Chambers, Junior Planner

**THE CITY OF WICHITA**

**OFFICE OF Board of Park Commissioners    DATE January 25, 1980**

**TO** Jack H. Galbraith, Chief Planner

**FROM** Thomas P. Allen, Jr., Director

**SUBJECT** DP-100 Meadowlark C.U.P.  
and Z-200 Zone Change from  
"AA" to "R-6"

If our assumption is correct, that the developer will plan to carry all storm water runoff from the property through a storm sewer to be constructed at the developer's expense, across the park property to Gypsum Creek, then we have no concerns regarding the subject C.U.P. or the zone change.

*Thomas P. Allen, Jr.*  
Thomas P. Allen, Jr.  
Director

TPA/s

**RECEIVED**

JAN 28 1980

METROPOLITAN PLANNING

ROUTE

*Art Chambers*

THE CITY OF WICHITA  
OFFICE OF CITY TRAFFIC ENGINEER

DATE January 23, 1980

DP#00

TO Art Chambers, Junior Planner/M.A.P.D.

FROM Bill McKinley, Assistant Traffic Engineer

SUBJECT PROPOSED MEADOWLARK C.U.P.

The proposed developer of this property has provided everything that Traffic Engineering requested in the preliminary discussion with him. This included the major entrance and the decel lane along Harry. Also, we did allow him 2 points of access. The decel lane and the major entrance should be guaranteed at the time of platting. It should be noted that the proposed 571 garden apartments could possibly generate up to and between 6 and 10 trips per day, depending upon the type of apartments they are. Of course, the 10 trips per day would result in 5,710 additional trips in the vicinity of Harry and the Harry Street Mall.

*Bill McKinley*  
Bill McKinley  
Assistant Traffic Engineer

BM:jt  
cc: R. W. Bruggeman, Director of Public Works

RECEIVED  
JAN 25 1980  
METROPOLITAN PLANNING  
ROUTE  Auto  
 \_\_\_\_\_

January 22, 1980

Dr. Richard L. Holstead  
Unified School District No. 259  
428 South Broadway  
Wichita, Kansas 67202

Re: Z-2200 - "AA" to "R-6"; and  
✓DP-100 - Meadowlake Residential  
Community Unit Plan - South side  
of Harry, between Roosevelt and  
Oliver.

Dear Dr. Holstead:

We have received a request for a zoning change from "AA" to "R-6" for the Meadowlark Drive-In site. The associated Community Unit Plan (C.U.P.) shows the entire site being developed with a maximum of 571 apartments. We do not know at this time whether the apartments will be restricted to adults, or if children would be permitted. We have discussed with the applicant the possibility of providing a pedestrian opening at the southwest corner of the site (see attached map) to reduce the walking distance for school aged children using Griffith Elementary.

Any comments you would have regarding the opening, or any other matter, would be appreciated at your earliest convenience.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ADC:el

Attachment

January 18, 1980

Robert B. Feldner, Superintendent of Central Inspection  
Dean Sellers, Acting City Engineer  
Paul B. Graves, Traffic Engineer  
Max Greene, Flood Control and Landfill Director  
Tom Allen, Park Department Director

Jack H. Galbraith, Chief Planner

✓ DP-100 Meadowlark C.U.P. Generally located on the south side of Harry between Roosevelt and Oliver; and  
Z-2200 - Zone change from "AA" to "R-6"

Attached is a copy of a proposed residential C.U.P. for the area comprising the existing Meadowlark Drive-in. The proposed C.U.P. would allow 29 dwelling units per acre, or a maximum of 571 garden apartments. At the time of platting, additional street r-o-w is to be dedicated and the construction of an accel/decel lane is to be guaranteed. The applicant is proposing to retain storm water runoff on the site in the areas marked on the attached plans.

We would appreciate any comments which you might have regarding curb cuts, drainage, sanitary sewer service, etc., by January 30, 1980.

Jack H. Galbraith  
Chief Planner

JHG:ADC:el

Attachment



November 13, 1979

Dean Sellers, Acting City Engineer  
Paul B. Graves, Traffic Engineer  
Max Greene, Flood Control and Landfill Director  
Robert B. Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

✓ DP-100 - Meadowlark C.U.P. Generally located at the southeast corner of Terrace and Harry.  
Z-2200 - Zone change from "AA" to "R-6"

Attached is a copy of a proposed residential C.U.P. for the area comprising the Meadowlark Drive-in. It is proposed to rezone the entire site to "R-6" with no commercial rezoning. At this time, the applicant has no plans to develop the site.

We would appreciate any comments which you might have regarding curb cuts, drainage, sanitary sewer service, etc., by November 23, 1979.

Jack H. Galbraith  
Chief Planner

JHG:AC:el

Attachment

NEVER  
SENT

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 16, 1979

TO "THE FILES"  
FROM Art C. Chambers, Junior Planner  
SUBJECT DP-100 - Meadowlark C.U.P.; and  
Z-2200 - Zone change from "AA" to "R-6"

On November 13, 1979 Clark Nelson, agent for Commonwealth-Slothower Theatre Corporation, called in regard to DP-100 and Z-2200. He said that he was involved in negotiations for the area and that since the original applications may be amended, I should not process the cases any further until he has notified MAPD staff.

Processing was halted at 3:00 p.m., November 13, 1979.

*Art D. Chambers*  
Art D. Chambers  
Junior Planner

ADC:el

*Received revised plans  
Jan 17, 1980  
Processing resumed  
ADC*

DP-100  
Assess 2.2200

5145  
35  
1875  
R/E

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

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

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

- a. Applicant Commonwealth-Slothower Theatre Corporation  
64108  
Address 215 West 18th St., Kansas City, Mo. Phone \_\_\_\_\_  
Agent Clark R. Nelson  
Address Suite 630 - 200 W. Douglas, Wichita Phone 265-7761  
Kansas 67202
- b. Applicant \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_
- c. Applicant \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

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

II.A The applicant hereby requests Community Unit Plan approval on property zoned AA and legally described as Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_ Addition. (If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

*Dr. M  
1/29/62*

The East Half of the North Half of the West Half of the Northeast Quarter of Section 35, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Note the North 36.5 feet thereof condemned for road purposes in Sedgwick County District Court Case No. C-22706.

II.B There are 20 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) 4445 E. Harry, Wichita,  
Kansas  
The general location is (use appropriate section)

- a. at the \_\_\_\_\_ corner of \_\_\_\_\_  
and \_\_\_\_\_; or
- b. on the south side of Harry (Ave.,  
Street) between Roosevelt (Ave., Street) and  
Oliver (Ave., Street).

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

Commonwealth-Slothower Theatre Corporation

By Clark R. Nelson By \_\_\_\_\_  
Authorized Agent (if any) Authorized Agent (if any)  
Clark R. Nelson

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

V. OFFICE USE ONLY

This application was received at the Planning Department at  
2:50 (AM, PM) on Nov. 7, 1977 (Day, Month,  
Year). It has been checked and found to be complete and accom-  
panied by required documents and the appropriate fee of  
\$ 400.<sup>00</sup>.

Arthur D. Chamber Name  
Junior Planner Title

September 13, 1979

Metropolitan Planning Department  
455 North Main  
Wichita, Kansas 67202

Dear Mr. Lakin:

An opinion has been requested concerning the ability to file a Residential Community Unit Plan (Planned Development) for property located within the limits of the City of Wichita, Kansas. Specifically, an opinion has been requested as to whether a landowner owning land of not less than twenty (20) acres, but a portion thereof being subject to the right-of-way easement, thereby making the land not subject to the right-of-way easement less than twenty (20) acres, is entitled to file a Residential Community Unit Plan.

Section 28.04.190(A) of the Code of the City of Wichita, Kansas, provides for a Residential Community Unit Plan as follows:

"The owner or owners of any tract of land comprising an area of not less than twenty acres may submit to the superintendent of central inspection of the City a plan for the use and development of all such tracts of land for residential purposes. . . ."

It is my opinion that the owner or owners of any tract of land comprising an area of not less than twenty (20) acres may submit an application for a Community Unit Plan whether or not a portion of said tract of land is subject to a right-of-way easement. The zoning ordinance of the City of Wichita does not make any such restriction other than the total tract of land shall comprise an area not less than twenty (20) acres.

I have been further specifically requested as to whether or not the owners of the following tract of land should be entitled to file an application for a Residential Community Unit.

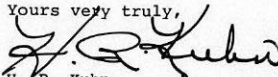
The East half of the North half of the  
West half of the Northeast Quarter of Section  
35, Township 27 South, Range 1 East of the  
Sixth Principal Meridian, Sedgwick County,  
Kansas.

Metropolitan Planning Department  
Page 2  
September 13, 1979

The North 36.5 feet of said property was condemned for road purposes in Sedgwick County District Court Case No. C-22706. Pursuant to the Petition for Proceedings in Eminent Domain in the above-captioned matter filed July 21, 1971, and the Order entered therein on July 11, 1972, the City of Wichita, Kansas, acquired a right-of-way easement only for road purposes.

Assuming that the entire tract of land referred to above comprises an area of not less than twenty (20) acres, including that portion subject to the right-of-way easement, it is my opinion that the owner or owners thereof may submit a Residential Community Unit Plan pursuant to the City of Wichita, Kansas, Ordinance No. 28.04.190(A).

Yours very truly,



H. R. Kuhn  
City of Wichita Legal Department

HRK:cc

September 13, 1979

Metropolitan Planning Department  
455 North Main  
Wichita, Kansas 67202

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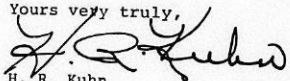
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Metropolitan Planning Department  
Page 2  
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Yours very truly,



H. R. Kuhn  
City of Wichita Legal Department

HRK:cc

OWNERSHIP LIST

*Same list for 2-2200  
and DP. 100  
add Keith Sanborn, 2008 Reed,  
67218  
Property Owner*

Tract		
The east half of the north half of the west half of the NE $\frac{1}{4}$ of Section 35-27-1E except the north 36 $\frac{1}{2}$ feet for street		Commonwealth-Slothower Theatre Corporation 215 West 18th St. Kansas City, Mo. 64108
The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35-27-1E except the north 552.2 feet of the west 552.2 feet		Board of Park Commissioners 455 North Main 67202
The north 552.20 feet of the west 552.20 feet of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35-27-1E except the west 25 feet for street		Board of Education 428 South Broadway 67202
The NE $\frac{1}{4}$ of Section 35-27-1E, except the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ , except the south 16 acres of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ said Section 35, and except row for Harry Street and Oliver Street		Board of Park Commissioners 455 North Main 67202
All of the SE $\frac{1}{4}$ of Section 26-27-1E lying east of Hilltop Manor except the south 420 feet of the east 152.855 feet		Hilltop Manor Mutual Housing Corporation 1411 South Oliver 67218
Block 1	Wood Plaza	George P. Consolver 7531 Rockwood Road 67206
		James L. Consolver 614 Courtleigh Drive 67218
		Beal G. Consolver 3620 Country Club Place 67208
		Walter C. Hilke 147 North Bleckley Drive 67208
lot 1	Mor-Ell Addition	Firestone Tire & Rubber Co. 3938 East Harry 67218
lot 1	Randy's 2nd Addition	H. Stan Chilton 300 South Main 67202
lots 1, 2 and 3	Randy's Addition	H. Stan Chilton 300 South Main 67202
lot 1	Rall's 2nd Addition	Long John Silvers Inc. 4206 East Harry 67218
lot 2	Same	S & M Land Enterprises c/o Harvey Sorensen 700 Fourth Financial Center 67202
lot 3	Same	Ralsco Inc. 135 N. Hillside 67214

Lot	Addition	Property Owner
lot 1	A.R.B. Addition	Mid Kansas Federal Savings and Loan Association 4000 East Harry 67218
lot 1, Block 3	Grandview Heights	Barbara Ann Hanley 1765 South Bluff 67218
lot 1, Block 4	Same	Wylie S. Ernatt & Pamela Sue 3921 Countryside Plaza 67218
lot 20, Block 4	Same	Donald E. Fisher & Jessie Lea 3926 East Funston 67218
lot 1, Block 8	Same	Denys G. Fredrickson and Marjorie L. Fredrickson 3923 East Funston 67218
lot 1 and west 20 ft lot 2	Consolver First Addition	N. C. Consolver & Jean G. Address Unknown
The east 40 ft lot 2 West 13.33 ft lot 3	Same	Merlin K. Meisinger & Lois Jean 4010 Countryside Plaza 67218
East 46.67 ft lot 3 West 6.67 ft lot 4	Same	Willis B. Muth & A. Leona 4016 Countryside Plaza 67218
lot 4 except west 6.67 ft	Same	Lawrence A. Schippers & Joann 4022 Countryside Plaza 67218
lot 5	Same	Clydus J. Johnson and Annabel Johnson 4028 Countryside Plaza 67218
lot 6	Same	Harland D. Basta & Margaret W. 4034 Countryside Plaza 67218
lot 7	Same	Mendell F. Butler & Betty 4040 Countryside Plaza 67218
lot 8	Same	Joseph D. Nuzzi & Sharon K. 4063 Countryside Plaza 67218
lot 9	Same	Lawrence A. Bechtold and Geraldine L. Bechtold 1106 South Governour 67207
lot 10	Same	Ralph E. Kimzey & Margeen 4051 Countryside Plaza 67218
lot 11	Same	Fon J. Bramhall & Mary Lou 4045 Countryside Plaza 67218
lot 12	Same	Richard L. Justice & Darlene B. 4039 Countryside Plaza 67218
lot 13	Same	Claude E. Oyler & Patty A. Address Unknown

Lot	Addition	Property Owner
lot 14	Consolver First Addition	Marion W. Wimmer & Anne Marie 4027 Countryside Plaza 67218
lot 15	Same	Morris J. Engelstad & Marion E. 4021 Countryside Plaza 67218
lot 16	Same	Byron C. Hatcher & Joyce A. 4015 Countryside Plaza 67218
lot 17	Same	Clarence J. Mattal & Susan C. 4009 Countryside Plaza 67218
lot 18	Same	David W. Axton & Mildred D. 1770 South Bluff 67218
lot 18, Block F	Hilltop Manor	Rufus B. Squirrel & Lena D. 4338 Wilma 67218
lots 23 and 29 Block F	Same	Carl Coover & Catherine S. Trustees of Carl Coover Revocable Trust 6027 Grace Lane 67208
lot 24, Block F	Same	Leora B. Potts 4372 Wilma 67218
lots 25 & 26 Block F	Same	Lawrence Lusk & Marilyn J. Address Unknown
lot 27, Block F	Same	Albert P. Guerra & Reva 706 North Main 67203
lot 28, Block F	Same	Mark M. Suellentrop & Jalaine G. 632 Seville 67209
lot 30, Block F	Same	Lloyd L. Edwards & Jean 1201 Cretchen 67206
lot 31, Block F	Same	W. K. Dodson & Martha A. Address Unknown
lot 32, Block F	Same	Arthur E. Wood and Opal 4320 Wilma 67218
lot 33, Block F	Same	Bill L. Elder, 222 West Aley 67204
lot 34, Block F	Same	Jesse Paul Jones & Lonie G. 4382 Wilma 67218
lot 35, Block F	Same	Same
lot 36, Block F	Same	Lowell T. Gaulding & Cleo E. 4386 Wilma 67218
lot 37, Block F	Same	Margaret M. Lies & Marie Lies 959 S. Bleckley, Apt. 209 67218

Lot	Addition	Property Owner
lot 38, Block F	Hilltop Manor	John C. Beach & Elaine M. 918 Bluffview 67218
lot 39, Block F	Same	Eldon L. Hunt and Mary E. Hunt 155 Van Arsdale, Haysville Ks. 67060
lot 40, Block F	Same	Leo L. Reed and Mary 1414 South Terrace Drive 67218
lot 41, Block F	Same	Charles A. Maltbie & Estella H. 727 Joann 67203
lot 42, Block F	Same	James H. Benson & Geraldine 1101 S. Terrace Drive 67218
lot 43, Block F	Same	Everett E. Reno & Audrey L. 1428 South Terrace Drive 67218
lot 44, Block F	Same	Patrick H. Frazier & Velma O. 1756 South Yale 67218
lot 45, Block F	Same	Harold E. McCubbins & Geraldine 1821 S. Old Manor 67218
lot 46, Block F	Same	Vincent J. Lovett & Betty Lou Address Unknown
lot 10, Block G	Same	Marie Lies, 959 S. Bleckley Apt. 209 67218
lot 11, Block G	Same	Charles A. Maltbie & Estella H. 727 Joann 67203
lot 12, Block G	Same	Wayne M. Smith & Berniece F. 1010 Meikle Road 67217
lot 28, Block G	Same	Mr. & Mrs. Orin G. Carter 1464 Bluffview 67218
lot 29, Block G	Same	Harold L. Kerbs & Georgia M. 1456 Bluffview Drive 67218
lots 30,31,32 Block G	Same	Walter H. Corfman & Margaret L. 4006 Wilma 67218
lot 33, Block G	Same	Margaret E. Zeisset 1450 Bluffview Drive 67218
lot 34, Block G	Same	Donald E. Russell & Kim U. 1420 Bluffview Drive 67218
lot 51, Block G	Same	Burt T. Akers & Gladys G. 4230 Menlo Drive 67218
lot 52, Block G	Same	Helen M. Jeck 4239 Menlo Drive 67218

Lot	Addition	Property Owner
lot 53, Block G	Hilltop Manor	Louie R. Howell & Colleen M. 5751 East Central 67208
lots 55 and 56 Block G	Same	Roger L. Messman and Thomas J. Morris Jr. 1560 Willow Road 67208
lot 57, Block G	Same	Charlene K. Swinson 1413 South Terrace Drive 67218
lot 58, Block G	Same	James W. Gilmore & Mildred I. Address Unknown
lot 59, Block G	Same	Marie Lies & Margaret Lies 959 S. Bleckley, Apt. 209 67218
lot 60, Block G	Same	Harry G. Varble & Iva D. 4403 East Lincoln 67218
lot 61, Block G	Same	Thurman Wamble & Mareair Address Unknown
lot 62, Block G	Same	Don Russell, 1420 Bluffview 67218
lot 63, Block G	Same	Fern Warhurst & James Knox Grimsley, 614 S. Brookside 67218
lot 64, Block G	Same	Roy F. Dyas & Esther M. Dyas 4206 Wilma 67218
lots 65 and 66 Block G	Same	Roger L. Messman and Thomas J. Morris Jr. 1560 Willow Road 67208
lot 67, Block G	Same	Kenneth Allison, Address unknown
lot 68, Block G	Same	Glenn N. Olson & Frances L. Address Unknown
lot 69, Block G	Same	Dirse H. Merriman Jr. and Helen McCart Merriman 1239 Waverly Drive 67218
lot 70, Block G	Same	Lloyd L. Edwards & Jean Edwards 1201 Gretchen Lane 67206
lot 71, Block G	Same	Alfred R. Edwards & Bessie L. 510 Oakwood 67208
lot 72, Block G	Same	Roy C. McFeeters & Ruth L. 4108 Wilma 67218
lot 73, Block G	Same	Walter H. Corfman & Margaret L. 4006 Wilma 67218

Lot	Addition	Property Owner
lot 74, Block G	Hilltop Manor	Freddie J. Leep & Vada Gay Address Unknown
lot 75, Block G	Same	Roger L. Messman and Thomas J. Morris Jr. 1560 Willow Road 67208
lot 76, Block G	Same	Geraldine Cox, address unknown
lot 1, Block H	Same	H. Stan Chilton, 300 S. Main 67202
lot 20, Block H	Same	James M. Hagan, address unknown
lot 21, Block H	Same	H. Stan Chilton, 300 S. Main 67202
lot 22, Block H	Same	Bobbie Lee Shelton & Tressie Nadine Shelton, 4101 Wilma 67218
lot 23, Block H	Same	Lloyd L. Edwards & Jean 1201 Gretchen Lane 67206
lot 24, Block H	Same	Herbert L. Horne, address unknown
lot 25, Block H	Same	Raymond C. Tronsgard and Phyllis J. Tronsgard 2001 South Old Manor 67218
lot 26, Block H	Same	Leo J. Scott & Agnes B. 4131 Wilma 67218
lot 27, Block H	Same	H. Stan Chilton, 300 S. Main 67202
lot 28, Block H	Same	Olas W. James & Merel L. Address Unknown
lot 29, Block H	Same	Dolph M. Doyle & Guinn S. 401 Anita Drive, Haysville Ks. 67060
lot 30, Block H	Same	Larry D. Schneider & Shirley G. 3501 W. Fairhaven Road 67217
lot 31, Block H	Same	H. Stan Chilton, 300 S. Main 67202
lot 32, Block H	Same	Dale F. Gilbreath & Thelma Jean 1505 S. Terrace 67218
lot 4, Block I	Same	Helen D. Fuller 1506 S. Terrace 67218
lot 16, Block I	Same	Lester H. Riling & Wilma M. 4381 Wilma 67218

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 750 foot radius of: the east half of the north half of the west half of the NE $\frac{1}{4}$  of Section 35-27-1E, except the north 36 $\frac{1}{2}$  feet for road

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 12th day of September, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Curtis O. Simmons*

Vice President

Order No. 281319  
wh

FORM 20-021

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

\*

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

Roll # 1

\*