

DP-104 - OAK CLIFF ESTATES - at
the northwest corner of Maple and
Maine.

Posted
3-11-80
Approved
5-18-80

ACTION

DATE

COMMITTEE

M.A.P.C. *Report to redesign*

B.C.C./B-00 *Approved on*
removal with annual survey for

MAPC *Agreed out to*
condition

3/27/80

2-1-80

6-5-80

Map No. 4747
Sec. 19
Twp. 27S
Range 1W

DATA SHEET
COMMUNITY UNIT PLAN

DP - 104
Z-
Filed 2-26-80

ASSOCIATED CASE: Z-2228

APPLICATION REQUEST: Approval of proposed planned OAK CLIFF ESTATES
development. Residential & Commercial CUP

1. Applicant Inland Investment Co., Inc.
Address 200 Douglas Building, 67202 Phone 263-3201
ENGINEER: P.E.C., P.A. (Gary Wiley) 1440 E. Enclish, 67211 262-2691
2. Agent Larry Chambers, Vice President
Address 200 Douglas Bldg., 67202 Phone 263-3201
3. General Location at the northwest corner of Maple and Maize.
Address _____
4. Proposed Use Commercial & Residential C.U.P.

AREA DATA

1. Acres 29.0 (_____ ft. by _____ ft.)
2. Existing Zoning "R-6"&LC 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

copy of MAPC Minutes of 6-5-80 given to Mr. Wallace.

1. MAPC Meeting:
Date 6-5-80 Action Approved sub to condition
2. Governing Body
Date 7-1-80 Action Approved as recommended with amended rules given

SMITHSONIAN INSTITUTION
WASHINGTON, D.C. 20540
No. 2-153C

For
Will
Add

Map No. 4747
Sec. 19
Twp. 27S
Range 1W

DATA SHEET

DP-104

OAK CLIFF ESTATES CUP
(Residential & Commercial)

Filed 2-26-80

ASSOCIATED CASE: Z-2228

APPLICATION DATA:

1. Applicant: Inland Investment Co., Inc. (AGENT: Larry Chambers, V.P.)
Address 200 Douglas Bldg, 67202 Phone 263-3201
2. ~~XXXX~~ Engineer: P. E. C. P. A. (Gary Wiley)
Address 1440 E. English, 67211 Phone 262-2691
3. General Location: Northwest corner of Maple and Maize
Address _____
4. Proposed Use: _____

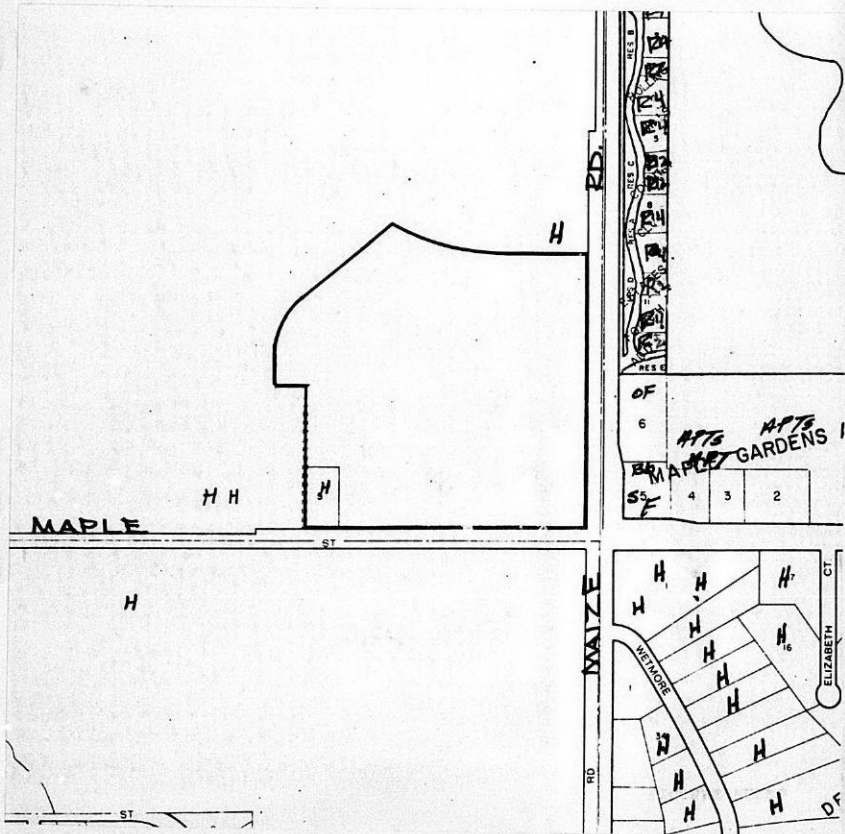
AREA DATA:

1. Acres: 29.32 (1000 ft. by 1204 ft.)
2. Existing Zoning: "R-6" & "L-C"
3. Land Use: East MULTI FAM South SINGLE FAM UNDEVELOPED
West SINGLE FAM North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted. _____

DP-104

PHOTO DATA:

Taken by _____ Date _____ Time _____



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

May 22, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, June 5, 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 a revised application for the OAK CLIFF ESTATES COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN, for property legally described as follows:

DP-104 - A parcel of land in the S.E. 1/4, Section 19-27S-R1W, of the 6th P.M., described as follows: Beginning at the S.E. corner of said Section 19; thence North $00^{\circ} 04' 42''$ East a distance of 1090.65 feet; thence North $89^{\circ} 55' 18''$ West a distance of 488.32 feet to the P.C. of a curve to the right, said curve having a radius of 561.0 feet, a central angle of $50^{\circ} 00' 00''$, an arc length of 489.56 feet and a chord bearing of $25^{\circ} 00' 00''$ West; thence along the arc of said curve a distance of 367.61 feet, a chord length of 361.07 feet, having a bearing of North $18^{\circ} 51' 02''$ West; thence along a line bearing South $50^{\circ} 04' 42''$ West a distance of 399.53 feet to the P.C. of a curve to the left, said curve having a radius of 329.0 feet, a central angle of $50^{\circ} 00' 17''$, an arc length of 287.12 feet and a chord length of 278.09 feet having a bearing of South $25^{\circ} 04' 33''$ West, thence along the arc of said curve a distance of 287.12 feet to the P.T. of said curve; thence South $00^{\circ} 04' 25''$ West a distance of 74.70 feet; thence North $90^{\circ} 00' 00''$ East a distance of 119.34 feet; thence South $00^{\circ} 06' 48''$ West a distance of 625 feet; thence North $90^{\circ} 00' 00''$ East a distance of 1134.79 feet to the point of beginning. Generally located at the northwest corner of Maple and Malze.

The revised Development Plan of this area has been resubmitted 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 revised Development Plan now on file proposes the following:

1. A redesign of the C.U.P. which includes the substitution of residential uses for the originally proposed commercial activities on the north half of the C.U.P. and extending commercial activities west along Maple.
2. Total gross area of the revised C.U.P. is 29.32 acres with 13.78 acres of light commercial zoning, 12.51 acres of "R-6" zoning and the balance in street right-of-way.
3. Building coverages, floor area, building heights, setbacks and densities are also covered in the provisions of the C.U.P.

The hearing of the proposed 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

August 10, 1982

Donald C. Gisick, City Clerk

Forrest L. Nagley, Junior Planner

Release of letters of credit associated with Northwest Village Addition and Oak Cliff Estates (Credit Numbers 776, 747 and 749).

The letters of credit guaranteeing construction of major entrances for the above-referenced plats may be released. They are no longer required as an administrative adjustment has been granted on the associated Community Unit Plans which provides for construction of the major entrances at the time of site development.

The original letters of credit are to be returned to the bank with their copy of this memorandum.

Forrest L. Nagley
Junior Planner

FLM:bb

cc: Fourth National Bank and Trust Co., Attention: Marilyn B. Pauly,
or Tom Boas, 100 N. Broadway, Wichita, Kansas 67202

Inland Investment Co., Attention: Larry Chambers, 200 Douglas
Building, Wichita, Kansas, 67202

Mike Lindabak, City Engineering

Oak Cliff Estates File
Northwest Village File
DP-184 File ✓
DP-186 File

July 22, 1982

Robert B. Feldner, Superintendent of Central Inspection

Robert A. Lakin, Director of Planning


Administrative Adjustment to DP-104 - Oak Cliff Estates, C.U.P.
Re: Guarantee of major entrances.

We have received a letter (copy attached) from Larry Chambers, representing Inland Investment Co., Inc., requesting that we grant an administrative adjustment to that portion of General Provision 1 requiring the guarantee of the major entrances at the time of platting. Specifically, Mr. Chambers is requesting that the requirement be changed to provide that the major entrances will be constructed prior to the issuance of an occupancy permit. The change would allow us to release the current letters of credit.

After reviewing Mr. Chambers' letter and based on current City policy of not requiring guarantees for that portion of major entrances on private property, I feel that the requested adjustment is not a substantial deviation of the intent and purpose of the C.U.P. provisions. I feel that we will have sufficient control to insure that the major entrances are constructed under the proposed change and since that portion of the major entrances on public right-of-way were included in the street petitions.

Your signature of approval will indicate that you concur that the requested adjustment is not a substantial deviation from the intent and purpose of the C.U.P. The adjustment is granted subject to that no occupancy permits shall be issued for Parcels 2 and 3 until that portion of the major entrance(s), on private property, is constructed.

I will inform the City Clerk that based on our joint action the letters of credit may be released. In addition, Mr. Chambers will be notified of our joint action. If you have any questions, please call.



Robert A. Lakin
Director of Planning

APPROVED:

Robert B. Feldner
Superintendent of Central Inspection

RAL:ADC:el

Attachment

cc: Larry Chambers, Inland Investment Co., Inc., 200 Douglas Bldg. 67202

July 16, 1982

Inland Investment Company, Inc.
Attention: Larry Chambers
200 Douglas Bldg.
Wichita, Kansas 67202

Re: Letter of Credit guaranteeing the construction of major entrances
to 13th Street North and Tyler Road on Lot 4, Northwest Village
Addition, (Credit Number 770).

and

Letters of credit guaranteeing the construction of major entrances
to Maple and Main Road on Lots 2 and 3, Block 20, Oak Cliff
Estates (Credit Number 747 and 749).

Dear Mr. Chambers:

We are in receipt of your July 13, 1982, letter outlining Inland Investments Company's desire to obtain the release of the above-referenced letters of credit and pursue an alternate method for assuring that the required major entrances will be constructed. Since the time frame for development of the affected lots is unknown, and further, since those portions of the required major entrances within public rights-of-way were included as part of the associated deceleration lane petitions, we agree that an alternate method for assuring the construction of the private property portions of the entrances should be worked out.

I have talked this matter over with senior staff and it is our opinion that the most appropriate way to proceed is to administratively adjust the associated Community Unit Plans to include an additional provision which ties construction of the major entrances to parcel development. The exact wording of the provisions will be worked out at a later date.

If it is acceptable to Inland Development, we will view your July 13, 1982, letter as a request for the above-described administrative adjustment. We will begin the administrative adjustment process after we receive verification from you that this is the way Inland Investment wishes to proceed. Once the administrative adjustment has been made, I will instruct the City Clerk to release the subject letters of credit.

Should you have any questions about this matter, please call me at 268-4421.

Inland Investment Company, Inc.
Attention: Larry Chambers
July 16, 1962
Page 2

I am looking forward to hearing from you regarding this matter.
Sincerely,

Forrest L. Magley
Junior Planner

FLM:bh

cc: Mike Lindbak, City Engineering
DP-104 File
Oak Cliff Estates File
Northwest Village File
DP-106 File
Marilyn B. Pauly, 4th National Bank, 100 N. Broadway, 67202

INLAND INVESTMENT CO., INC.
200 DOUGLAS BUILDING, WICHITA, KANSAS 67202
316 / 263-3201

July 13, 1982

RECEIVED

JUL 14 1982

METROPOLITAN PLANNING
ROUTE Nagley

Mr. Forrest L. Nagley
Junior Planner
Metropolitan Area Planning Department
455 North Main
Wichita, KS 67202

Dear Mr. Nagley:

We are in receipt of your letters of July 1 and 2, 1982 regarding the expiration of letters of credit guaranteeing the construction of major entrances to Lots in Northwest Village Addition and Oak Cliff Estates.

Pursuant to our previous telephone conversation I am writing this letter to request permission for an alternative approach to renewing the referenced letters of credit. It is my understanding that the present policy of the Planning Department is to not require letter of credit guarantees at the time of platting for construction of major entrances onto private property. At the time our above-mentioned properties were platted (approximately two years ago) we were required under provisions of the applicable Community Unit Plans to guarantee construction of the major entrances by means of the letter of credit. Since present policy is not to require the letter of credit guarantees for the private property portion of major entrances, I would like to offer the alternative approach of making the construction of the major entrances a requirement for issuance of an occupancy permit. The logic being that the major entrances will be built in conjunction with the development of the affected Lots. I would be happy to write a letter to Planning and Central Inspection stating that we agree, in return for release of the letters of credit, to have construction of the major entrances be made a condition for issuance of an occupancy permit. If you have any other suggestions for an alternative to the letters of credit, I would like to discuss them with you.

I might add that the letters of credit referred to in this letter total approximately \$35,000 which amount impacts upon our line of credit with our bank. Thus, it would be beneficial for us if we can devise an alternative approach which would replace the need for the letters of credit. Since the time frame for development of these properties is unknown, a method for tying the construction of the major entrances to an occupancy permit would also relieve Planning from the burden of monitoring the renewal of letters of credit.

I look forward to hearing from you on this matter.

Very truly yours,

Larry A. Chambers

Larry A. Chambers, President

LAC:dmf

cc: Marilyn B. Pauly, Fourth National Bank

March 9, 1982

Robert B. Feldner, Superintendent of Central Inspection
Robert A. Lakin, Director of Planning

Administrative Adjustment to DP-104 - Oak Cliff Estates C.U.P.

We have received a letter from Larry Chambers, representing Inland Investment Co., Inc., requesting that the parking ratio be reduced from 1.5 spaces per dwelling unit to 1 space per dwelling unit. A copy of a site plan was also inclosed showing how a four-plex would sit on a lot with the garages on the 25 foot front yard setback. In order to provide the six required off-street parking spaces, two spaces would have to be placed on the sides of the four-plex.


After reviewing the C.U.P., the original proposal was for garden apartments and the proposal of 1.5 parking spaces per dwelling unit was desirable. We have since administratively authorized the development of four-plexes on individual lots (see our memo dated February 24, 1981). The applicant believes that they should not be required to provide more parking spaces than other four-plex developments in the City. Based upon our original concurrence in the changing of housing types, I believe that it is appropriate to now approve a reduction in parking spaces to 1 per unit.

One item that should be pointed out is that the two double driveways will reduce the amount of on-street parking even though the street was designed to have two parking lanes (39 foot pavement). It would seem that the driveway approaches could be designed in such a manner that would reduce the width of the driveway opening which would reduce the amount of pavement while increasing the amount of on-street parking.

Your signature of approval will indicate that you agree that the request to reduce the required parking from 1.5 spaces per dwelling unit to one space per dwelling unit is not a substantial deviation from the intent and purpose of the C.U.P. provisions. By copy of this letter Larry Chambers, and others, will be notified of our joint action to grant the requested adjustment.


Page Two
Robert B. Feldner
March 9, 1982

If you have any questions, please call.



Robert A. Lakin
Director of Planning

APPROVED:



Robert B. Feldner
Superintendent of Central Inspection

RAL:ADC:el

cc: Larry Chambers, President, Inland Investment Co., Inc.
10300 W. Central, Wichita 67212
Gaylan W. Nett, Sr., NETCO, 1629 S. Meridian, 67212

March 4, 1982

Mr. Robert Lakin, Director
Metropolitan Area Planning Department
10th Floor, City Hall
455 N. Main
Wichita, Kansas 67202

RE: DP-104 Oak Cliff Estates C.U.P.
Parcel #4

Dear Mr. Lakin:

The above-referenced Parcel #4 was approved for apartments and townhouses with R-6 zoning classification. Your memo dated February 24, 1981 approved our request for an Administrative Adjustment to permit Parcel #4 to be developed with duplexes, triplexes, or fourplexes.

The Parcel has been replatted as Oak Cliff Estates 2nd Addition. The street right-of-way widths (64' and 66') provide for 36' and 34' paving widths and on-street parking. The C.U.P. provisions require 1.5 or 2.0 parking spaces per dwelling unit.

Please consider this letter as our request for an Administrative Adjustment to the approved C.U.P. to permit a revision in the parking space requirement to 1.0 space per dwelling unit. This will be consistent with the requirements for this type of development in other zoning classifications.

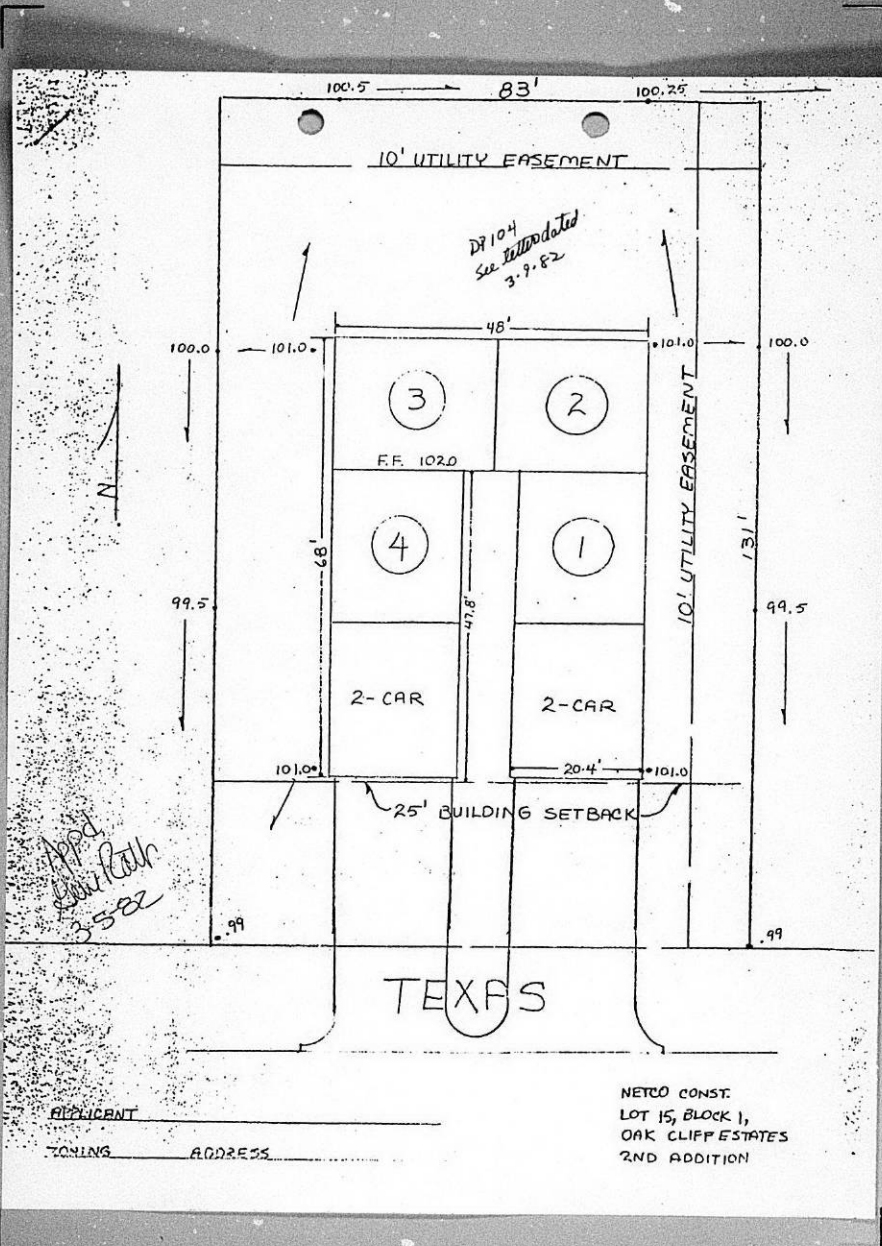
If additional information is desired, please advise.

Very Truly Yours,

Inland Investment Co., Inc.

by Larry A. Chambers
President

cc: Robert Feldner, C.I.D.
Gary Wiley, P.E.C.



83'

83' (min.)

83'

The Netco Prod. Co. plan provides for one on-street parking per lot. This meets the intent of the current ordinance to same as split driveways.

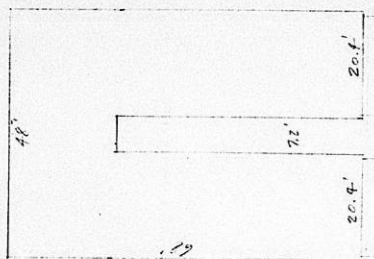
DP104
See memorandum 3-9-82

Conventional

131'

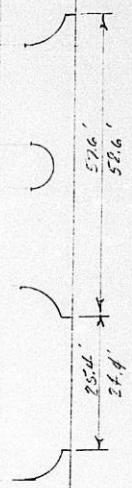
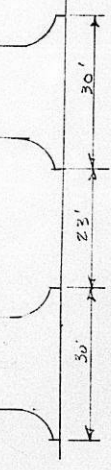
175'

175'



18'

11'



TEX 115

February 24, 1981

Robert B. Feldner, Superintendent of Central Inspection

Robert A. Lakin, Director of Planning

DP-104 - Oak Cliff Estates C.U.P. Generally located at the northwest corner of Maple and Maize. Request for Administrative Adjustment for Parcel 4.

We have reviewed a letter and site plan from Larry Chambers, representing the owners of the above referenced C.U.P., requesting an administrative adjustment to permit Parcel 4 to be developed with duplexes, triplexes or fourplexes. A copy of the letter and site plan have been sent to you by Larry.

The site plan shows 32 lots that could be developed with buildings containing two, three or four families. In addition, there are to be seven lots fronting on Lark that would be restricted to duplexes. After replatting there would be thirty-nine lots with a maximum of 142 dwelling units as compared to 325 dwelling units permitted by the current C.U.P.

Due to the large amount of concern and discussion from the residents on the east side of Maize, I had Art Chambers of my staff contact the Rolling Hills Country Club Estates Home-owners Association. Art sent a letter to those people in the Association who had spoken at the Planning Commission meetings when the C.U.P. was considered. He stated that if we had not heard from the members of the Association by Monday, February 23, 1981, we would assume that there was no objection. We have not been contacted by any member of the Association as of this date.

Upon your review of this memorandum and the proposed site plan, your signature of approval will indicate that the proposed request for an administrative adjustment is in keeping with the intent and purpose of the C.U.P. provisions and is not a substantial deviation of the Plan. The requested administrative adjustment is granted subject to the following conditions:


1. There shall be a maximum of 14 dwelling units on the 7 lots fronting on Lark and a maximum of 128 dwelling units on the remaining 32 lots.
2. Replatting the area to provide public streets, utility easements, drainage, and setbacks.

Page Two
Robert B. Feldner
February 24, 1981

By copy of this memorandum, the applicant and others are notified of our joint action on the request to develop Parcel 4 with duplexes, triplexes and fourplexes and our determination that the requests are in keeping with the spirit and intent of the C.U.P. provisions.


Robert A. Lakin
Director of Planning

APPROVED:


Robert B. Feldner
Superintendent of Central Inspection

RAL:ADC:el

cc: Larry Chambers, Inland Investment Co., 200 Douglas Bldg.
104 South Broadway, 67202
Gary Wiley, Professional Engineering Consultants
1440 E. English, 67211

February 9, 1981

Mr. Robert Lakin, Director
Metropolitan Area Planning Department
10th Floor - City Hall
455 N. Main
Wichita, Kansas 67202

RE: DP-104, Oak Cliff Estates C.U.P.
Parcel #4

Dear Mr. Lakin:

The above-referenced Parcel #4 is approved for apartments and townhouses. It is our desire to develop the property with 2, 3, and 4 family dwelling units on individual platted lots with public streets. Attached is a sketch of the proposed replat of the property.

Please consider this letter as our request for an Administrative Adjustment to the approved Community Unit Plan to permit our proposal.

If additional information is desired, please advise.

Very Truly Yours,

Inland Investment Co., Inc.

by *Larry A. Chambers*
Vice President

cc: Robert Feldner, C.I.D.
Gary Wiley, P.E.C.

February 18, 1981

Jack Kowalski
156 South Maize Road
Wichita, Kansas 67209

Re: DP-104 - Oak Cliff Estates, C.U.P.
Generally located at the northwest
corner of Maple and Maize.

Dear Mr. Kowalski:

We have received a request for an administrative adjustment to permit Parcel 4 (southwest corner of Douglas and Maize) to be developed with duplexes and fourplexes instead of garden apartments. I have enclosed a copy of the proposed site plan for Parcel 4 for your information and review. If you have any questions or comments regarding this matter, I would appreciate being contacted by Monday, February 23, 1981. If I have not heard from you by then, I will assume that you have no objections to the proposed adjustment.

Sincerely,

Arthur D. Chambers, AICP
Senior Planner

ADC:el
Enclosure

cc: Jim Aronis, 156 South Maize Road, 67209
Donald Johnson, 156 South Maize Road, 67209
Merlyn Hatcher, 156 South Maize Road, 67209
Mrs. Mary Belle Boyd, 156 South Maize Road, 67209


August 11, 1980

Robert Feldner, Superintendent of Central Inspection
Jack H. Galbraith, Chief Planner, Current Plans Division

DP 104 - Oak Cliff Estates CUP--Generally located at the northwest
corner of Maple and Maize Road

I have attached two revised copied of the above referenced CUP
for your information and files. The only change is the addition
of General Provision No. 11 relating to right-of-way for a decel
lane. At the time of platting the City Engineer representative
required a decel lane to serve the major entrance to Parcel No.
4. Since the applicant did not want to fix the location of the
major entrance by dedicating the decel lane, it was agreed to add
General Provision No. 11 and submit five revised copies of the
CUP to the Planning Department.

If you have any questions please call.



Jack H. Galbraith, Chief Planner

JHG:ADC:vn
Attachments (2)

July 15, 1980

Robert B. Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-104 - OAK CLIFF ESTATES C.U.P. Generally located at the northwest corner of Maple and Maize.

The Board of City Commissioners on June 5, 1980, considered the above captioned C.U.P. Their action was to approve the C.U.P. subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. The plan shall be revised to reflect a 40-foot maximum building height on Parcels 2 and 3.
- c. The word automotive in the parcel descriptions shall be deleted and replaced with more specific uses such as, Tire, Battery and accessory establishment, service station, etc.
- d. The plan shall be revised to reflect: 1) one opening to Maple and one opening to Maize for Parcel 1, unless the parcel is developed with a service station and then two openings per street will be permitted; 2) a total of four openings to Maple for Parcels 2 and 3; and 3) one opening to Maize Road for Parcel 4.
- 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.

Page Two
Robert B. Feldner
July 15, 1980

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

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

Jack H. Galbraith
Chief Planner

JHG:ADC:el
Attachments

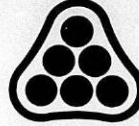
DIRECTORS

C. O. KNOP, P.E.
R. B. PEUGH, P.E.
C. J. FREUND, P.E.
W. H. KELTNER, P.E.
R. D. FLETCHER, P.E.
P. D. MIDDLETON, JR., P.E.
D. E. MALTBY, P.E.
M. D. SCHOMAKER, P.E.

RECEIVED

JUL 1 1980

METROPOLITAN PLANNING
ROUTE



PROFESSIONAL
ENGINEERING
CONSULTANTS
PROFESSIONAL ASSOCIATION

June 30, 1980

Mr. Robert Lakin
Director of Planning
Metropolitan Area Planning Department
Tenth Floor - City Hall
455 N. Main
Wichita, Kansas 67202

RE: Oak Cliff Estates C.U.P. (DP-104 and Z-2228)
PEC File No. 30-79283-1120

Dear Mr. Lakin:

A meeting was held in my office this morning with Thurman Smith and Larry Chambers regarding the concerns of the Planning Department and Planning Commission to the number of curb cuts proposed in Oak Cliff Estates C.U.P.

It was their decision to request that the number of curb cuts to Parcel One (1) from Maple and Maize Road be limited to Two (2) opening per side if Parcel One (1) is developed as a service station and One (1) opening per side if developed as any other use.

In addition to the above, it was decided to request that the number of curb cuts to Maple Street from parcels Two (2) and Three (3) be reduced from Five (5) openings to Four (4) openings and that the number of openings to Maize Road from Parcel Four (4) be reduced from Two (2) openings to One (1) opening.

We would appreciate you bringing this matter before the Board of City Commissioners when the C.U.P. and zoning is heard on July 1, 1980.

Very Truly Yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

Gary Ailey
Gary Ailey
Land Development

cc: Jack Galbraith
Larry Chambers
Thurman Smith

*Approved by BCC
7-1-80
3-2*

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

LAW OFFICES OF
BLAIR & WALLACE, P. A.
328 NORTH MAIN - SUITE 200
WICHITA, KANSAS 67202

JOHN R. BLAIR
ROYCE E. WALLACE

AREA CODE 316
262-4743

June 25, 1980

Wichita City Commission
455 N. Main
Wichita, Kansas 67202

RE: Oak Cliffs Estate

Sirs:

The undersigned represents the resident members of the Dell Homeowners Association, as president of the association. In this capacity the request of the owner-proponent of the subject development - zoning change has been consistently opposed. The request of the proponents has received favorable majority votes of 6 to 1 by both the CPO and MAPC.

In each instance the reviewing bodies have so voted upon submission of the proponent of the "CUP" plan unsupported by evidentiary material pertaining to:

1. The relative gain to the public health, safety, and welfare resulting from the requested zoning change from "AA" & "LC" to "A", "RB", "R-6" & "LC";
2. The extent to which the requested zoning will detrimentally affect nearby property;
3. The suitability of the subject property for the use permitted by the present zoning;
4. Conformity to the applicable master plan mandated by statute;
5. Public improvement programming applicable to the area including long range plans for financing of resultant public improvement and facilities;
6. The manifest character of the surrounding neighborhood;
7. The zoning and uses of property nearby; and
8. The normal relevant impact projections on traffic, public transportation, public utilities, etc.

Wichita City Commission
RE: Oak Cliffs Estate
June 25, 1980
Page 2

The opponents solicited such evidence at the CPO meeting whereupon the representative of the land owner submitted the simple statement that the requested changes were based upon his opinion of what constitutes "good planning". The same position was maintained throughout the limited hearing before the MAPC.

It is therefore the contention of the opponents represented by the undersigned that the recommendation of the MAPC to the effect the zoning change request be approved is arbitrary and capricious; unsupported by relevant evidence; and is a recommendation in violent conflict with the character and public needs of the surrounding neighborhood and community.

Respectfully submitted,



ROYCE E. WALLACE

REW:lrp

RECEIVED

JUN 25 1980

June 25, 1980

METROPOLITAN PLANNING

ROUTE _____

Hon. Board of City Commissioners
City Building
455 North Main Street
Wichita, Kansas 67202

Re: Oak Cliff Estates C.U.P.
DP - 104
Z- 2228


Gentlemen:

As provided for in the zone change policy adopted by the Board of City Commissioners on August 26, 1969, the Rolling Hills County Club Estates Homeowners Association wishes to go on record as objecting to the completeness of the public hearing conducted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on the above reference C.U.P. and zone case. The specific issues of procedure which were not followed are:

1. The Planning Commission did not fully discuss nor reach conclusions as to the factors which they considered in reaching their decision to grant the zone change and conditions of the C.U.P. as set forth in the Golden vs City of Overland Park Supreme Court case of September 6, 1978.
2. The above factors have now been enacted into law by SB699 and as of July 1, 1980 are required as procedural provisions to be considered in rezoning cases.
3. Section 28.04.19 of the Code of the City regarding C.U.P. regulations has never been properly revised to reflect the provisions of K.S.A. 12-725, et al. The latter legislation permitting Planned Unit Developments contains provisions which better safeguard the concerns of the public and the City and are not being utilized in the review of C.U.Ps.

We will be glad to explain these matters further at the meeting of the City Commission when this case is considered on July 1, 1980.

Very truly yours,



Merlyn Hatcher, Vice-President
Rolling Hills Country Club Estates
Homeowners Association
156 South Maize Road
Wichita, Kansas 67209

cc: Mr. Jack Kowalski, President
R.H.C.C.E.H.A.

RECEIVED

JUN 25 1980

June 25, 1980

METROPOLITAN PLANNING

ROUTE

Hon. Board of City Commissioners
City Building
455 North Main Street
Wichita, Kansas 67202

Re: Oak Cliff Estates C.U.P.

✓ DP - 104

Z- 2228

Gentlemen:

As provided for in the zone change policy adopted by the Board of City Commissioners on August 26, 1969, the Rolling Hills County Club Estates Homeowners Association wishes to go on record as objecting to the completeness of the public hearing conducted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on the above reference C.U.P. and zone case. The specific issues of procedure which were not followed are:

1. The Planning Commission did not fully discuss nor reach conclusions as to the factors which they considered in reaching their decision to grant the zone change and conditions of the C.U.P. as set forth in the Golden vs City of Overland Park Supreme Court case of September 6, 1978.
2. The above factors have now been enacted into law by SB699 and as of July 1, 1980 are required as procedural provisions to be considered in rezoning cases.
3. Section 28.04.19 of the Code of the City regarding C.U.P. regulations has never been properly revised to reflect the provisions of K.S.A. 12-725, et al. The latter legislation permitting Planned Unit Developments contains provisions which better safeguard the concerns of the public and the City and are not being utilized in the review of C.U.Ps.

We will be glad to explain these matters further at the meeting of the City Commission when this case is considered on July 1, 1980.

Very truly yours,



Merlyn Hatcher, Vice-President
Rolling Hills Country Club Estates
Homeowners Association
156 South Maize Road
Wichita, Kansas 67209

cc: Mr. Jack Kowalski, President
R.H.C.C.E.H.A.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

REQUEST FOR APPROVAL OF COMMERCIAL
AND RESIDENTIAL COMMUNITY UNIT PLAN
AND ZONE CHANGE

CASE NO. DP-104 and Z-2228

CONSIDERED BY MAPC: 3-27-80 and deferred
CONSIDERED BY MAPC: 6-5-80

REQUEST FOR: Approval of Commercial & Residential C.U.P. and
"AA" & "LC" to "A", "R-6" & "LC" (as amended)

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To develop the site with duplexes, multiple-family and
commercial activities."

GENERAL LOCATION: Northwest corner of Maple and Maize.

LEGAL DESCRIPTION:

(see excerpt from Planning Commission minutes of
June 5, 1980)

APPLICANT: Inland Investment Co., Inc., 200 Douglas Building.

AGENT FOR APPLICANT: Gary Wiley, Professional Engineering Consultants,
355 Ellis.

PROTESTORS (LIST AGENT) IF ANY: Merlyn Hatcher, 130 S. Maize Rd.; Jack
Kowalski, 156 S. Maize Rd.; C. Bickley Foster, Consultant for Rolling Hills
Homeowners Assoc.; Royce Wallace, resident of the Dell; Louise Shinogle,
336 Wetmore.

SURROUNDING ZONING: North and West, "AA" & "R-1"; East, "AA" & "LC";
South, "R-1" & "LC".

LAND USE: Existing, undeveloped; North, South and West, Single family & undeveloped;
East, Multi-family, convenience store.

CPO RECOMMENDATION:

CPO Council Area "A" recommended 6-1 that the applications be approved.

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 ordi-
nance establishing zoning shall not be published until the plat has been
recorded with the Register of Deeds; and that the associated Community Unit
Plan be approved subject to the conditions as shown in the excerpt from
Planning Commission minutes of June 6, 1980. Gardner moved, Jones seconded
and it carried with a vote of 6 in favor (Gardner, Jones, Goebel, Martens,
Savina and Wright), and 1 opposed (Bayouth). Hennessy, Lofton and Shook were
absent.

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 Commis-
sion for its reconsideration. The City Commission states the following
reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 5, 1980

- 6a. Case No. DP-104 - Inland Investment Co., Inc., et al Request approval of Commercial and Residential Community Unit Plan for a parcel of land in the S.E. 1/4, Section 19-27S-RLW of the 6th P.M., described as follows: Beginning at the S.E. corner of said Section 19; Section 19; thence North 00° 04' 42" East a distance of 1090.65 feet; thence North 89° 55' 18" West a distance of 488.32 feet to the P.C. of a curve to the right, said curve having a radius of 561.0 feet, a central angle of 50° 00' 00" an arc length of 489.56 feet and a chord bearing of 25° 00' 00" West; thence along the arc of said curve a distance of 367.61 feet, a chord length of 361.07 feet, having a bearing of North 18° 51' 02" West; thence along a line bearing South 50° 04' 42" West a distance of 399.53 feet to the P.C. of a curve to the left, said curve having a radius of 329.0 feet, a central angle of 50° 00' 17", an arc length of 287.12 feet and a chord length of 278.09 feet having a bearing of South 25° 04' 33" West, thence along the arc of said curve a distance of 287.12 feet to the P.T. of said curve; thence South 00° 04' 25" West a distance of 74.70 feet; thence North 90° 00' 00" East a distance of 119.34 feet; thence South 00° 06' 48" West a distance of 625 feet; thence North 90° 00' 00" East a distance of 1134.79 feet to the point of beginning. Generally located at the northwest corner of Maple and Maize.
- 6b. Case No. Z-2228 - Inland Investment Co., Inc., et al Request zone Change from "AA" & "LC" to "A", "R-6" & "LC" for a tract of land in the S.E. 1/4, Sec. 19-27S-RLW of the 6th P.M. described as follows: Beginning at a point 1134.79 feet west and 50 north of said S.E. corner of said Sec.; thence North 00° 06' 48" East a distance of 575 feet; thence North 90° 00' 00" West a distance of 119.34 feet; thence South 00° 04' 25" West a distance of 358.30 feet; thence South 90° 00' 00" West a distance of 186 feet; thence North 00° 04' 25" East a distance of 727.69 feet; thence North 90° 00' 00" East a distance of 64.77 feet; thence North 50° 04' 42" East a distance of 542.02 feet; thence South 39° 55' 18" East a distance of 65.0 feet to the P.C. of a curve to the left having a central angle of 50° 00' 00", a radius of 561.0 feet and an arc length of 489.56 feet; thence along arc of said curve a distance of 55.09 feet; thence South 50° 04' 42" West a distance of 391.73 feet to the P.C. of a curve to the left having a central angle of 50° 00' 17", a radius of 395 feet and an arc length of 344.71 feet; thence along arc of said curve a distance of 344.71 feet to the P.T. of said curve; thence South 00° 04' 25" West a distance of 433.08 feet; thence North 90° 00' 00" East a distance of 66.0 feet; thence South 00° 04' 25" West a distance of 216.7 feet; thence North 90° 00' 00" East a distance of 118.9 feet + to the point beginning. AND, A parcel of land in the S.E. 1/4, Section 19-27S-RLW, described as beginning at a point on the east boundary line of said section, said point being 1090.66 feet northerly of the S.E. corner of said Section 19; thence leaving said east boundary North 89° 55' 18" West a distance of 488.32 feet to the P.C. of a curve to the right; said curve having a radius of 561.0 feet, a central angle of 50° 00' 00", an arc length 489.56 feet and a chord bearing of North 25° 00' 00" West; thence along the arc of said curve a distance of 367.61 feet a chord length of 361.07 feet, having a bearing of North 18° 51' 02" West; thence along a line bearing South 50° 04' 42" West a distance of 399.53 feet to the P.C. of a curve to the left, said curve having a radius of 329.00 feet, a central angle of 50° 00'

17", an arc length of 287.12 feet, a chord length of 278.09 feet with a bearing of South 25° 04' 33" west; thence along the arc of said curve a distance of 287.12 feet to the P.T. of said curve; thence South 00° 04' 25" West a distance of 74.70 feet; thence North 90° 00' 00" East, a distance of 1253.75 feet; thence North 0° 04' 42" East along east boundary line of said section, a distance of 465.66 feet to the point of beginning. AND, A parcel of land described as beginning at the SE corner, SE 1/4, Section 19-27S-R1W; thence North 00° 04' 42" East a distance of 625 feet; thence South 90° 00' 00" West a distance of 1134.41 feet; thence South 00° 06' 48" West a distance of 625.0 feet; thence North 90° 00' 00" East a distance of 1134.79 feet to the point of beginning. All generally located at the northwest corner of Maple and Maize.

GALBRAITH pointed out adjacent land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. Additional land has been annexed into the city and included in the C.U.P. The "LC" area now extends west along Maple Street and contains 13.78 net acres compared to 15.06 net acres originally proposed. The "R-6" area now proposed contains 12.51 net acres while the original C.U.P. contained 11.09 net acres. Proposed uses for the "LC" parcels and the "R-6" parcel have not changed. The density of the "R-6" parcel remained at 26 dwelling units per net acre.
2. Staff is generally supportive of the redesigned C.U.P. However, staff does question the need for four openings to Parcel 1, three openings to Parcel 3 and two openings to Parcel 4. These openings could be reduced without substantially affecting the area, while improving the traffic flow.

Staff is also concerned about the potential for strip type uses along Maple and Maize since four free standing buildings are proposed for Parcel 2 and three free standing buildings for Parcel 3. It does not seem necessary to permit seven buildings when a shopping center is being proposed. One other concern is the appropriateness of permitting 55' high buildings in this area. The commission may wish to consider additional conditions of approval reducing the height of buildings and the number of buildings permitted on Parcels 2 and 3.

3. Should the Planning Commission determine that the requested, amended 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.
4. Should the Planning Commission determine that the proposed C.U.P. is appropriate, the following are recommended conditions of approval:
 - a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
 - b. The plan shall be revised to show two openings to Maple for Parcel 3, one opening on Maize and one opening on Maple to Parcel 1, and one opening to Maize for Parcel 4.

- c. The word automotive in the parcel descriptions shall be deleted and replaced with more specific uses such as Tire, Battery and accessory establishment, service station, etc.
- d. 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.
- e. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- f. 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.

GALBRAITH stated that these two cases were before the Commission previously, and were deferred so that the applicants could consider redesigning the C.U.P. and amending the zoning change.

GALBRAITH said that when this case was first considered about two months ago, the applicants had requested light commercial zoning with "R-6", "RB" and "A". After the discussion at the March 27, 1980 MAPC meeting, the Planning Commission requested the applicant to consider "LC" in an east-west orientation rather than north-south across from the Rolling Hills townhouses. He said that the staff still had some concern about the number of free standing buildings, the height of structures, and the number of access points. GALBRAITH pointed out that to facilitate the movement of traffic, the applicants should be encouraged to use the major entrances, and minimize the number of other access points.

GALBRAITH said that earlier the Commission had urged that the applicants consider a reduction of density directly across from the townhouses. He said that CPO Council Area "A" recommended 6-1 that the applications be approved, and urged the reduction of the building height on Parcels 2 and 3.

GARY WILEY, Professional Engineering Consultants, representing the applicants, said that they were agreeable to reducing the building heights in Parcel 2 and 3 to 40-foot. They have talked with staff about changing some wording regarding the term "automotive" to "tire, battery and accessory type stores". He mentioned the curb cuts, stating that they were proposing a deceleration lane adjacent to the commercial on both Maize Road and Maple. They felt that in the past Traffic Engineering had not had objections to the curb cuts as long as a third lane has been proposed. WILEY said that they did not feel that eight buildings in 14 acres was excessive.

MERLYN HATCHER, 130 South Maize Road, member of the Board of Directors of the Rolling Hills Country Club Association, which is comprised of 36 homeowners, stated that they do appreciate the changes made by the applicants from the original C.U.P., and generally agree with the staff recommendations. He said that they were not against progress, but would like to influence the development of this land to make it as desirable as possible in terms of density, people, traffic and aesthetics.

JACK KOWALSKI, 156 South Maize Road, President of Rolling Hills Homeowners Association, felt that equally as important to them as population and density, was access to Maple and Maize Road. He said that they would like to see some type of a fence, trees or shrubbery in front of the proposed building on the Maize Road side.

C. BICKLEY FOSTER, Consultant, representing the Rolling Hills Homeowners Association, stated that it did seem reasonable to have only one opening onto Maize Road from the proposed apartment area. He said that the free standing structures on the commercial areas were a problem. He stated that he had driven Central and he had great difficulty determining where strip commercial ended and the shopping centers started. He felt that the height needed to be reduced, and pointed out that immediately to the northeast there are 15 units per acre in the total area, and the lake area is landscaped. To the east of the townhouses is a golf course. North of the golf course is a park area, and all the rest of the area to the north is single family until one reaches the high density development on Central. To the west is single family, to the north there are two commercial buildings and a farm. He wanted to identify the fact that this area was a very low density area, and it was out of character to try to put in such a large area of apartments. The problem is that 325 units will generate about 1,950 trips per day. They would recommend that the "R-5" would be a much more practical category. FOSTER pointed out that the value of this property had really been created by the area around it, and the developer has not offered one single amenity to this area. He asked that a reduction of density for the apartments be considered.

BAYOUTH asked what did he have in mind as far as landscaping?

FOSTER said that landscaping was not mentioned in the plan, and it is not specifically required.

GARDNER asked if landscaping of similar nature as put in originally by the developer of the townhouses would be adequate?

FOSTER said that he hoped that they would put in more landscaping because of the density they were proposing.

GARDNER said that he was not sure that trees related to people in terms of density per acre. There is a more direct relationship between the number of trees per linear front foot exposure to the street.

ROYCE WALLACE, resident of The Dell, stated that a meeting was called by the Homeowners Association of the Dell to determine if there was a consensus of those residents, with reference to the proposals today. He said that residents of the Dell, approximately 70 in number, considered the zone change request and stated that they were in opposition to expansion of the light commercial area in the request today. He pointed out that on the southeast corner of Maize and Maple, where the Dell is located, the "LC" zoning has been counteracted with a restrictive covenant prohibiting light commercial development by the landowners. He said that the residents of the Dell have not opposed the townhouse concept to the north and the multiple dwelling development of Maple Gardens. WALLACE said that the consensus of the residents was that they prefer not to have the multiple family type of zoning approved at this time. They feel that the entire neighborhood has been developed with single family or the controlled townhouse concept, and that that concept should be maintained and adhered to by the developer.

WALLACE said that the proposed shopping center would be inconsistent with the single family unit concept that has been consistently pursued in the development of this area. He said that in terms of community needs, they have adequate commercial development being offered in the area at this time, which suggests that this requested change does not meet an existing or projected public need. He pointed out that Towne West is being developed to the east, and it is a major development, and the impact of it is unknown as this time. He felt that it did suggest that even without the development that this developer proposes, there would be adequate facilities to serve the needs of the community upon the completion of Towne West. He strongly requested that the zoning request expanding the light commercial be denied.

WALLACE felt that the Commission should consider the length of time that this zoning has existed without being utilized.

MOTION: That the speaker be granted additional time to finish his presentation. Jones moved, Bayouth seconded and it carried unanimously. Hennessy, Lofton and Shook were absent.

WALLACE continued that the landscaping of the area was a valid concern of the residents. He mentioned that the resident in the southeast corner, who was unable to be present because of a business conflict, felt that the short notice he received was a bit unfair and wanted WALLACE to express his displeasure, and that he stoutly opposed the light commercial zoning request.

LOUISE SHINGOLE, 336 Wetmore, pointed out that there was a lot of traffic on Maple and Maize Road, and was worried about the density of "R-6" in the area. She felt that along with the light commercial and the apartments there would be more traffic in the area.

WILEY responding to the questions regarding the landscaping proposed on Parcel 4, stated that it was the intent of the developers to insist that the land would be properly landscaped, but to add that as a provision to the C.U.P. would be abnormal and unwarranted.

GOEBEL said that he did not have as much concern about the access points further from the intersection but was concerned about allowing excessive openings.

BAYOUTH asked if part of this would be screened.

WILEY said that it would be screened, and the developer would be more than happy to give assurance that it would be screened, but to add it to the C.U.P. was not a necessity.

FOSTER commented that the homeowners would prefer that the screening requirement be on the C.U.P. It has been a problem, in the past, to get screening done.

GOEBEL said that if the Planning Commission started requiring screening between one residence and another, as hard as it is to enforce screening today, that adding it to the C.U.P. would be a mistake, because sometimes the developer would put in exactly what was required and nothing else, no matter how it looked.

FOSTER asked who would pay for the installation of the deceleration lane.

GARDNER stated that Traffic Engineering would design to standards that were suitable and acceptable, and the cost would be borne by the developer.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into account the character of the neighborhood, the zoning and uses of nearby properties, the unsuitability of the subject property to be developed with the uses to which it has been restricted and the length of time the subject property has remained vacant as zoned; I move that we recommend to the governing body 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 Register of Deeds; and that the associated Community Unit Plan be approved subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. The plan shall be revised to reflect a 40-foot maximum building height on Parcels 2 and 3.
- c. The word automotive in the parcel descriptions shall be deleted and replaced with more specific uses such as Tire, Battery and accessory establishment, service station, etc.
- d. 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.
- e. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- f. 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.

Gardner moved, Jones seconded.

MARTENS commented that it was commendable that both the developer and the neighborhood had been able to get together and discuss the problems and concerns that each had, and that very positive aspects had come from these meetings. However, he did feel that the modified request was not out of line, and that the area would definitely benefit from the proposed plan.

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

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 27, 1980

- 13a. Case No. DP-104 - Inland Investment Co., Inc., et al requests approval of Commercial Community Unit Plan on a parcel of land in the S.E. 1/4 Section 19-27S-2W, described as beginning at the S.E. Corner of said Section 19, and running N 00° 04' 37" East along the East Boundary of said Section 19, 1094.0 feet; thence leaving said boundary North 90° 00' 00" West, 497.06 feet to the P.C. of a curve to the right; said curve having a radius of 552.21 feet, a Central Angle of 48° 37' 42", and an arc length of 468.67 feet a chord bearing at North 24° 18' 51" W; thence along the arc of said curve a dist. of 348.0 feet + having a chord length of 341.86 feet, having a bearing of 18° 03' 14"; thence along a line bearing South by West a dist. of 417.61 feet to the P.C. of a curve to left, said curve having a radius of 338.88 feet, a Central Angle of 48° 24' 34", chord length of 277.88 feet and a chord bearing of 24° 12' 17"; thence along arc of said curve a dist. of 282 feet to the P.T. of said curve; thence South 00° 08' 41" East a dist. of 397.61 feet; thence South 90° 00' East 274.00 feet; thence South 00° 08' 41" East a dist. of 285.0 feet + to a point on the South boundary of Section 19-27S-2W; thence South 90° 00' 00" East along said south boundary a dist. of 969.70 feet to Point of Beginning. Generally located at the northwest corner of Maple and Maize.
- 13b. Case No. Z-2228 - Inland Investment Co., Inc., et al requests zone change from "AA" & "LC" to "A", "RB", "R-6" & "LC" for a parcel of land in the S.E. 1/4 Section 19-27S-2W, described as beginning at the S.E. Corner of said Section 19, and running N 00° 04' 37" East along the East Boundary of said Section 19, 1094.0 feet; thence leaving said boundary North 90° 00' 00" West, 497.06 feet to the P.C. of a curve to the right; said curve having a radius of 552.21 feet, a Central Angle of 48° 37' 42", and an arc length of 468.67 feet a chord bearing at North 24° 18' 15" W; thence along the arc of said curve a dist. of 348.0 feet + having a chord length of 341.86 feet, having a bearing of 18° 03' 14"; thence along a line bearing South by West a dist. of 417.61 feet to the P.C. of a curve to left, said curve having a radius of 338.88 feet, a Central Angle of 48° 24' 34" chord length of 277.88 feet and a chord bearing of 24° 12' 17"; thence along arc of said curve a dist. of 282 feet to the P.T. of said curve; thence South 00° 08' 41" East a dist. of 397.61 feet; thence South 90° 00' East 274.00 feet; thence South 00° 08' 41" East a dist. of 285.0 feet + to a point on the South Boundary of Section 19-27S-2W; thence South 90° 00' 00" East along said South boundary a dist. of 969.70 feet to Point of Beginning. AND, A parcel of land in the S.E. 1/4 Section 19-27S-2W, described as beginning at the S.E. Corner of said Section 19, and running N 00° 04' 37" East along the East Boundary of said Section 19, 1094.0 feet; thence leaving said boundary North 90° 00' 00" West, 497.06 feet to the P.C. of a curve to the right; said curve having a radius of 552.21 feet, a Central Angle of 48° 37' 42", and an arc length of 468.67 feet a chord bearing at North 24° 18' 51" W; thence along the arc of said curve a dist. of 348.0 feet + having a chord length of 341.86 feet, having a bearing of 18° 03' 14"; thence along a line bearing South by West a dist. of 417.61 feet to the P.C. of a curve to left, said curve having a radius of 338.88 feet, a Central Angle of 48° 24' 34", chord length of 277.88 feet and a

chord bearing of 24° 12' 17"; thence along arc of said curve a dist. of 282 ft. on the P.T. of said curve; thence South 00° 08' 41" East a dist. of 397.61 feet; thence South 90° 00' East 274.00 feet; thence South 00° 08' 41" East a dist. of 285.0 feet + to a point on the South boundary of Section 19-27S-2W; thence South 90° 00' 00" East along said South boundary a dist. of 969.70 feet to Point of Beginning. AND, A tract of land in the S.E. 1/4, Sec. 19-27S-R2W of the 6th P.M. described as follows: Beginning at a point 1124.7 feet + West and 50 feet North of said S.E. corner of said Section Thence 00° 08' 41" West a distance of 235.0 feet; thence North 90° 00' West a distance of 119.0 feet; thence South 00° 08' 41" East a distance of 235.0 feet; thence South 90° 00' 00" East a distance of 119.0 feet to the Point of Beginning. AND, A tract of land in the S.E. 1/4, Section 19-27S-R2W of the 6th P.M. described as follows: Beginning at a point 1309.7 feet West and 266.7 feet North of said S.E. Corner of said Sec.; thence North 90° 00' 00" West a distance of 120.00 feet; thence North 00° 08' 41" West a distance of 740.0 feet +; thence South 90° 00' 00" East a distance of 112.0 feet +; thence North 48° 37' 42" East a distance of 949.0 feet +; thence South 41° 22' 18" East a distance of 78.0 feet to the P.T. of a curve to the left having a Central Angle of 48° 37' 42", a Radius of 552.21 feet, an arc length of 468.67 feet; thence along said arc a distance of 42.0 feet to a point on said curve; thence South 48° 37' 42" West a distance of 406.0 feet + to the P.T. of a Curve to the left having a Central Angle of 48° 38' 34", a Radius of 404.88 feet an arc length of 342.08 feet, a chord length of 332.0 feet; thence along said arc a distance of 342.08 feet to the P.C. of said curve; thence South 00° 08' 41" East a distance of 415.0 feet + to the Point of Beginning. All generally located at the northwest corner of Maple and Maize.

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

COMMENTS:

1. The following should be considered by the Planning Commission in making findings of fact:

In compliance with Section 28.04.190 of the Code of the City of Wichita, an application has been submitted proposing a combined commercial and Residential Community Unit Plan (C.U.P.) located at the northwest corner of Maple and Maize. The proposed C.U.P. is approximately 29 acres in size with 15.06 net acres proposed for commercial development, 11.09 net acres proposed for residential development and the balance for street right-of-way.

Rezoning has been requested from "AA" Single-family, to "LC" for Parcel 3 and a portion of Parcel 2, and to "R-6" for Parcels 4 and 5. In addition to the rezoning requested within the C.U.P., the associated zone case (Z-2228 is proposing "RB" zoning for .6 acres to the south of the C.U.P. and 3.6 acres of "A" zoning to the west.

2. The list of proposed uses includes automotive services, offices and convenience and service oriented retail for Parcel 1; automotive, financial, offices, personal services and sales of retail merchandise for Parcel 2; and a shopping center, offices, personal services, and restaurant/supper clubs for Parcel 3. Fast food/carryout establishments have been

specifically excluded from the list of permitted uses for Parcels 1 and 3.

Parcels 4 and 5 are to be developed with apartments at a density of 26 dwelling units per net acre. This would permit a maximum of 146 units on Parcel 4 and 140 units on Parcel 5. The Parcels may also be developed with townhouses at 10 units per acre.

3. Staff is supportive of some additional "LC" zoning in this area but questions the appropriateness of extending "LC" zoning into an area that would be across from existing single-family attached townhouses to the east and the single-family district to the north. Although the applicant has increased some setbacks and limited the uses and number of buildings permitted on Parcel 3, staff feels that office or apartment development would be more compatible with the existing and proposed developments to the north and east.

Staff also is concerned with the proposed "RB" zoning. If the area would be developed with fourplexes with single-family home to the east of the area proposed for "RB", would be surrounded by high density development. Since it is likely that the lots proposed for "RB" would be sold and developed separately from the lots proposed for "R-6" the single-family home would also face a variety of architectural styles around his property. Duplexes would seem to be more appropriate in that the single-family home would not be isolated from similar type development.

4. The Traffic Engineering Division has indicated that a continuous deceleration lane is needed if there are to be two openings per parcel on Maize and Maple. The C.U.P. proposes to guarantee, at the time of platting, the construction of the deceleration lane, two major openings on Maize and one major opening on Maple.
5. 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.
6. Should the Planning Commission determine that the proposed C.U.P. is appropriate, 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 application be considered denied and the case closed.
 - b. A planting strip shall be required, and shown on the plan, for that portion of the southern boundary of Parcel 2 abutting the residential district to the south. The words "planting strip" shall be substituted for all references to "planting screen" on the plan and in the general provisions.
 - c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of

Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

- d. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- e. 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.

GALBRAITH stated that the staff was concerned about extending light commercial zoning this far north along Maize Road across from the townhouse units. He said that another concern the staff had was fourplexes being developed with single family homes on both sides, and staff would encourage that the proposed "RB" area be amended for duplex. CPO Council Area "A" voted 6-2 for approval of the light commercial, and by a 6-2 vote on the balance of the tract they recommended that the "RB" zoning not be granted, that "A" zoning be granted adjacent to the one single family home.

GARY WILEY, Professional Engineering Consultants, representing the applicant, stated that it was his understanding that the applicant would not like a deferral for a redesign at this time. They don't feel that a redesign of something in the neighborhood of 10 acres of "LC" zoning would be adequate to accommodate the major shopping center that they are proposing for this corner. He said that regarding the multiple family development in this area, it was limited to nothing but single family in the northeast forty of this quarter section. The applicant was agreeable to the "A" Two Family zoning in lieu of the "RB" Four Family zoning. WILEY said that the applicants were presently involved with the platting of some eight quarter sections of land between 21st Street North and Maple, west of Maize Road. In these areas there is no light commercial zoning. This is the corner for the light commercial as they see it. He said that the development will accommodate 3600 dwelling units in this area with no place for a major shopping center. WILEY pointed out that in regard to the condominiums, they have been restrictive as to the use or the types of buildings that will go on Parcel 3. The nearest building to any one of the condominiums would be 325 feet away at the minimum.

VINCE BOGART, attorney representing the Rolling Hills Homeowners Association, stated that his clients own and reside in the condominium residences east of proposed Parcel 3. He said that it was his understanding that this property was just annexed into the City in February, and his clients are still in the County. He said that his clients did not attend the CPO meeting because living in the County, the CPO did not represent his clients, nor do they elect them, and were not familiar with the CPO as those who elected them might be. BOGART said that they had examined the CUP and 45 people unanimously opposed it. One of their main concerns was the light commercial right across the street from them. They feel that that is an unwarranted extension and an excess of "LC" zoning in what is now a residential community with the primary protection being afforded by a proposed screening area that they would have. He pointed out that in checking the present traffic count on Maple and Maize Road, there would be 20 to 100 cars additional for every 1,000 feet of light commercial.

MOTION: That the speaker be granted additional time to finish his presentation. Hennessy moved, Bayouth seconded and it carried unanimously. Savina, Shook and Lofton were absent. Cole resigned.

BOGART pointed out that the staff had recommended against this particular proposal.

JACK KOWALSKI, President of Rolling Hills Homeowners Association, stated that Maize Road was only a two-lane street, and they feel that putting an additional thousand of cars daily in front of their homes would be unacceptable, and especially since they feel it would impede access to their property as well as being a heavily used trafficway, which it currently is. He said that when they purchased their homes, which were single family dwellings and now have a value of 85,000 to 100,000 dollars apiece, they realized the beauty of the wheat field across the road would not last forever, but they never dreamed they would be presented with this. They assumed over the years that single family development would occur on the Dugan property. He pointed out that there was a study underway by the City concerning the water drainage problems associated with Cowskin, which includes the area surrounding Rolling Hills and goes as far east as Tyler Road. KOWALSKI said that as far as having light commercial, even though it is set back 175 feet with a barrier, is not acceptable at this time or at anytime.

JIM ARONIS, 156 South Maize Road, speaking in opposition, said that they were having a drainage problem now with stormwater coming in through Westlink, through the creek area, and as this is further developed with a higher density of people, they will see a bigger water problem.

KEITH JOHNSON, 156 South Maize Road, speaking in opposition, said that they bought their homes there because they liked the surroundings. The area is quiet and less populated. There is no shopping center and they don't mind that. He said that he would rather drive than have the trash that comes with the commercial and the excess trash that is thrown out of cars, and it would be an expense to them. They feel now that what they have worked hard for and enjoy is being threatened.

MERLYN HATCHER, 130 South Maize Road, speaking in opposition, stated that they moved in the condominiums about two years ago because of the lack of development in the area. He said that the only homeowners there live in the condominiums. They do not feel that this area and the population of this area warrants the density of this proposal either in light commercial or residential.

MARTIN BARNARD, 156 South Maize Road, speaking in opposition, stated that had his condominium been adjacent to a light commercial area it would have affected his decision to purchase it. He pointed out that the intersection at Maize and Maple has an incidence of 4.5 reported accidents per year. He said that Maize Road was a high velocity route for north-south vehicles and if it was blocked for any reason whatsoever, they would suffer a major catastrophe. It is also a major snow route and an access road and used in civil defense planning. He asked the Commission to consider that if this development does proceed, to please cut the access points to Maize Road and put them on Maple.

MRS. MARY BELLE BOYD, 120 South Maize Road, speaking in opposition, stated that when the Dugan property sold, they adjusted their thinking to the fact that they would no longer

be looking at wheat fields but would be looking at family dwellings, never dreaming that they were going to put light commercial across from them. She said that if light commercial was put across from undeveloped property, then when that property was developed in the future, they would have the option of facing to or facing away from the commercial area. They, however, have no choice, it would be imposed upon them.

BOGART commented that to dump 16 acres of light commercial and 11 acres of high density residential in the area would be difficult to comprehend. BOGART said that VERNON WILLIAMS, Vice-President of Rolling Hills Country Club, said that he was opposed to the application also.

ROYCE WALLACE, a resident of the Dell, speaking in opposition, said that the restrictive covenants and the development itself prohibit any commercial activity along either Maple to the east or Maize Road to the south so if any attempt was made to do so, it would be a violation of those restrictive covenants. He said that they have enforced those covenants and have just completed a court case compelling the removal of a commercial type building along Maple. He said that the consensus of the Dell residents would be to oppose the change.

ARONIS pointed out that the condominiums of 36 families living on 6-1/2 acres, where in Parcel 3 it was proposed that 26 families per acre be developed. He said that across from the condominiums the density should not be any more than what is in the condominiums.

PAUL and LOUISE SHINOGLE, 336 Wetmore, said that they purchased their home in 1972 because they liked the wide open spaces. One of the reasons they bought in that area was because every home had an acre or more. They said that they were definitely against the light commercial and residential.

MOTION: That the Planning Commission take action to defer subject cases for the applicant to consider amending his application for zone change and redesigning the C.U.P. Jones moved, Bayouth seconded.

WILEY stated that he was just informed that the applicants would be willing to agree to a redesign.

GARDNER stated that several years ago when the condominium project was designed there were some very serious considerations from lending circles as to the viability of the location simply because they recognized that it did have frontage upon a major arterial in an area that would eventually be transitional, and that the wheat field across the street would unlikely remain in pristine condition for an overly long time period. They were told that by that point in time a sufficient amount of screening would likely exist between the condominiums and Maize Road and that when Maize did become a major arterial, the screening would be mature so that it would be unlikely to be a detrimental influence. He said that that obviously has not yet occurred, though some landscaping was maturing and there is some hope. He felt that it was fair to acknowledge that with the Dell being residential, there is not going to be commercial development there, and the commercial around the condominium is of a fairly limited nature. He felt that it was fair to say that this is at an intersection of two major arterials and in an area that is transitional that does have substantial potential for development to the west, and some kind of commercial development is likely to surface in

this location. It is a matter of developing a reasonable plan and felt that the people in the area would have to recognize that they were in a bit of a jeopardized position that was unique and that they may have to develop some screening measures to protect the viability of their site and to allow the development across the way to take the form it may take.

BAYOUTH agreed with Mr. Jones that the Commission was not design experts, and yet they have done some pretty good work in the past. He was sure that between the applicants and the people of the area, they could come up with something they could live with.

HENNESSY commented that he was against the light commercial any further north. He said that he personally was not against the amount of light commercial.

BOGART stated that they did ask for this type of meeting that the Commission is now saying they were going to have, but as far as the Association was concerned, they were not anticipating to make any agreements as far as light commercial across from the condominiums.

VOTE ON THE MOTION: It carried
unanimously. Savina, Shook and
Lofton were absent. Cole resigned.

June 6, 1980

C. Bickley Foster
2818 North Edwards
Wichita, Kansas 67204

Re: DP-104 & Z-2228 - Approval of
Commercial and Residential C.U.P.
Zone Change from "AA" & "LC" to
"A", "R-6" & "LC"

Dear Mr. Foster:

The Planning Commission at its regular meeting of June 5, 1980, considered the above-captioned cases. Their action was as indicated on the attached letter.

This is to advise you that should any of the property owners owning property within 200' of the application area for the zone change, desire to submit protest petitions, they must be filed in the Office of the City Clerk no later than 5:00 p.m., Thursday, June 19, 1980. I have enclosed six protest petitions to you and am forwarding additional copies to Jack Kowalski and Royce Wallace. If you have need for more forms, they may be obtained at our office.

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

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

Encl.

cc: Jack Kowalski, 156 South Maize Road, Wichita 67209
Jim Aronis, 156 South Maize Road, Wichita 67209
Donald Keith Johnson, 156 South Maize Road, Wichita 67209
Merlyn Hatcher, 156 South Maize Road, Wichita 67209
Martin Barnard, 156 South Maize Road, Wichita 67209
Mrs. Mary Belle Boyd, 156 South Maize Road, Wichita 67209
Royce Wallace, Attorney at Law, 328 North Main, Wichita 67202
Paul & Louise Shinogle, 336 Wetmore, Wichita 67209

June 6, 1980

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

Re: DP-104 & 2-2228 - Approval of
Commercial and Residential C.U.P.
Zone Change from "AA" & "LC" to
"A", "R-6" & "LC"

Dear Mr. Wiley:

At its regular meeting on June 5, 1980, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend the approval of the zone change requests 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 Planning Commission also recommended the approval of the associated C.U.P. subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. The plan shall be revised to reflect a 40' maximum building height on Parcels 2 and 3.
- c. The word automotive in the parcel descriptions shall be deleted and replaced with more specific uses such as Tire, Battery and accessory establishment, service station, etc.
- d. 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.

- e. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- f. 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 you submit 10 corrected copies of the C.U.P. to our office by June 20th so that these cases can be scheduled for consideration by the City Commission at their regular meeting on July 1, 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,

Jack H. Galbraith
Chief Planner

JHG:sad

cc: Inland Investment Co., Inc., 200 Douglas Bldg., Wichita 67202
Larry Chambers, Vice President, Inland Investment Co., Inc.,
200 Douglas Bldg., Wichita 67202
C. Bickley Foster, 2818 North Edwards, Wichita 67204
Jack Kowalski, 156 South Maize Road, Wichita 67209
Jim Aronis, 156 South Maize Road, Wichita 67209
Donald Keith Johnson, 156 South Maize Road, Wichita 67209
Merlyn Hatcher, 156 South Maize Road, Wichita 67209
Martin Barnard, 156 South Maize Road, Wichita 67209
Mrs. Mary Belle Boyd, 156 South Maize Road, Wichita 67209
Royce Wallace, Attorney at Law, 323 North Main, Wichita 67202
Paul & Louise Shinogle, 336 Wetmore, Wichita 67209

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 6-5-80

Case No. DP-104
Z-2228

Request: Approval of Commercial and
Residential C.U.P. Zone
Change from "AA" & "LC" to
"A", "R-6" & "LC"

Location: Northwest corner of Maple and Maize.

Reason: To develop the site with duplexes, multiple-family and
commercial activities.

Acres: DP-104 29.32
Z-2228 33.3

Size: 1060' x 1204' (irregular)
1050' x 1380' (irregular)

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"AA" & "LC"
North	Single-family & undeveloped	"AA" & "R-1"
East	Multi-family, convenience store	"AA" & "LC" (County Zoning)
South	Single-family & undeveloped	"R-1" & "LC" (County Zoning)
West	Single-family & undeveloped	"AA" & "R-1"

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

Platted: Being platted as Oak Cliff Estates

History: On March 27, 1980, the Planning Commission considered these cases. The action of the Planning Commission was to defer these requests for redesign of the C.U.P. and amendment of the zoning request. No specific direction was given by the Planning Commission, however, it was suggested that no additional "LC" be granted to the north along Maize Road. If additional "LC" is needed, several commissioners suggested that it be extended west along Maple. The commission encouraged that the area across from the townhouses adjacent to the Polling Hills Country Club be redesigned with medium density residential uses. Commissioners also encouraged the applicant to contact representatives of the adjacent neighborhood.

COMMENTS:

1. Additional land has been annexed into the city and included in the C.U.P. The "LC" area now extends west along Maize Road and contains 13.78 net acres compared to 15.06 net acres originally proposed. The "R-6" area now proposed contains 12.51 net acres while the original C.U.P. contained 11.09 net acres. Proposed uses for the "LC" parcels and the "R-6" parcel have not changed. The density of the "R-6" parcel remained at 26 dwelling units per net acre.
2. Staff is generally supportive of the redesigned C.U.P. However, staff does question the need for four openings to Parcel 1, three openings to Parcel 3 and two openings to Parcel 4. These openings could be reduced without substantially affecting the area, while improving the traffic flow.

Staff is also concerned about the potential for strip type uses along Maple and Maize since four free standing buildings are proposed for Parcel 2 and three free standing buildings for Parcel 3. It does not seem necessary to permit seven buildings when a shopping center is being proposed. One other concern is the appropriateness of permitting 55' high buildings in this area. The commission may wish to consider additional conditions of approval reducing the height of buildings and the number of buildings permitted on Parcels 2 and 3.

3. Should the Planning Commission determine that the requested, amended 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.
4. Should the Planning Commission determine that the proposed C.U.P. is appropriate, the following are recommended conditions of approval:
 - a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
 - b. The plan shall be revised to show two openings to Maple for Parcel 3, one opening on Maize and one opening on Maple to Parcel 1, and one opening to Maize for Parcel 4.
 - c. The word automotive in the parcel descriptions shall be deleted and replace with more specific uses such as Tire, Battery and accessory establishment, service station, etc.

- Page 3
DP-104 & Z-2228
MAPC AGENDA
6-5-80

- d. 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.
- e. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- f. 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.

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE May 7, 1980

TO Arthur D. Chambers, Junior Planner

FROM James H. Jorgensen, Building Plans Examiner

SUBJECT DP-104 Oak Cliff Estates

Comments:

G.P.-1

Only two locations for the guaranteed 4 major entrances
are indicated.

James H. Jorgensen

James H. Jorgensen
Building Plans Examiner

JHJ:bg

RECEIVED

MAY 7 1980

METROPOLITAN PLANNING
ROUTE *act*

THE CITY OF WICHITA

OFFICE OF Flood Control and Landfill Div. DATE

May 9, 1980

RECEIVED

MAY 12 1980

TO Art Chambers, Jr. Planner, MAPD

METROPOLITAN PLANNING

FROM Paul Johnston, Acting Director

ROUTE art

SUBJECT - DP-104 - Oak Cliff Estates
Commercial & Residential C.U.P.

Reference is made to your memo of April 29th requesting review and comments on subject above. I have reviewed subject plans and make the following comments:

The area in question has drainage problems which need to be addressed as indicated by the letters forwarded to Professional Engineering Consultants from this office (copy attached) and from Yash Desai dated March 5, 1980, of which Jack Galbraith was carboned in on.

The drainage presently flows southeasterly with a combination storm sewer and earth channel being proposed to convey this runoff from the site across the southern edge of Maple Gardens and through The Dell. Additions.

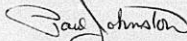
The light commercial areas will be located at a collection point for the drainage and will abutt an open channel. It had been suggested previously that some of this area might serve as a detention area. This issue has not been resolved. Being adjacent to an open channel will necessitate installing expensive structures to pass Q100-Q5, therefore any access should be kept to a minimum.

When the flow calculations are finalized, if same cannot be contained within the available roadside dedication, it may be necessary to increase same.

The 10 foot planting strip shown along the southerly edge of Parcel 3 may require being adjusted to insure sufficient access for maintenance purposes along the north side of the mentioned channel abutting same.

Any proposed change which has a tendency to substantially increase the runoff should be seriously looked at unless a drainage plan can be supplied for this area which will handle same.

If there are any questions, please advise.



Paul Johnston
Acting Director
Flood Control and Landfill Division

PJ/glm

cc: Phil Dietrich/County
Chris Brennenstuhl/PEC
Oak Cliff Estates Addn. Plat File
attach. - 1 (Letter 3/5/80/Flood Control)

~~XXXXXX~~ 268-4591

March 5, 1930

Professional Engineering Consultants
1440 E. English
Wichita, Kansas 67211

Attn: Chris Brennenstuhl

Subject: Oak Cliff Estates Addn. - Drainage Concept

Dear Mr Brennenstuhl:

Reference is made to the Drainage Concept plan for subject Addition submitted to this office February 20, 1930. I have reviewed the plan and due to existing drainage problems occurring just east and southeast of subject plat in areas known as Maple Gardens and The Bell, the following comments are submitted pertaining to the drainage of subject plat.

- 1) Due to existing elevations at the Intersection of Maize Road and Maple, same would be topped prior to utilizing the available capacity of the 7'x3' RCBC in Maize just north of Maple. Based upon these elevations, it appears that the box structure could pass only 133 cfs versus the 210 cfs being proposed.
- 2) The construction of the Maple Gardens ditch was not completed as designed - to drain directly east to the Cowskin Creek. Obstructions by way of constructed manholes from the Southwest Interceptor sewer existed within the proposed drainageway. This necessitated the regrading of the channel to drain south across Maple by way of an existing 48" pipe which had been placed to drain the opposite direction.

Based upon the difficulties experienced in the past when an attempt was made to construct the channel north of Maple, it might be expected that similar problems will present themselves in any proposed construction. The situation merits close consideration.

- 3) Recent field shots provided by the County on the existing ditch east of Maize, north of Maple indicates a capacity of 178 cfs.
- 4) It appears that the 48" pipe crossing Maple east of Maize has a capacity of 115 cfs.

March 5, 1980

- 5) Drainage is presently hindered from flowing east to Cowskin on the north side of Maple by means of the constructed berms and weirs associated with an existing pond.
- 6) Considering the existing problems it is recommended that the majority of the drainage be directed north to Cowskin Creek and/or detention be provided.
- 7) Minimum pad elevation exists for Lots 1 - 13, Block 18.
- 8) The northeasterly section, Lots 22 - 24; Block 2; Lots 1 - 6, Block 10; Lots 13 - 14, Block 9 and other portions are located within the flood plain. Same should be classified as Floodway Reserve.
- 9) Minimum pad elevation will be required for lots adjacent to the flood plain.
- 10) An additional 40 acres is being drained into a proposed conveyance system or channel leaving Westlink Village 18th Addn. by way of a 4x4' RCBC crossing Maple. Previously the flow leaving Westlink Village 18th Addn. was not addressed or designed to pick up this additional area. Need to analyze what affect this additional runoff may have on Hidden Lakes just south of same. Need information on conveyance and backwater calculations.
- 11) Need drawing or schematic showing boundary areas of sub-basins called out in page 7 of calculations submitted February 22nd for southeast area.
- 12) Information was not provided for the drainage system indicated on the westerly section and the flows involved with same. Request submittal of same.
- 13) Unable to follow drainage calculations due to several inlets being unmarked. Request marking of appropriate nodes.
- 14) Need information on length, slope and flow line of Q2 storm sewer going east. As mentioned previously, problems may be experienced.

The items most likely to affect the layout of the preliminary plat would be the northeastern section where a floodway reserve should be provided and any area which might be required for detention.

Yours truly,

Paul Johnston, Acting Director
Flood Control and Landfill Division

PJ/glm

cc: Yash Desai
Bill Bizzich
Louise Olivarez
Oak Cliff Estates Addn. Plat File

cc 5-8-80 Art Chambers, Planning

Z-2228 & }
✓DP-104 } 63 "Notice to Adjoining Property Owners" mailed 5-22-80 for
the MAPC meeting for 6-5-80 (Notices were doublestuffed)

1 of each (including maps) to CPO Office
1 " " " " Karen Crook

—
65 TOTAL

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

May 22, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, June 5, 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 a revised application for the OAK CLIFF ESTATES COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN, for property legally described as follows:

DP-104 - A parcel of land in the S.E. 1/4, Section 19-27S-R1W, of the 6th P.M., described as follows: Beginning at the S.E. corner of said Section 19; thence North $00^{\circ} 04' 42''$ East a distance of 1090.65 feet; thence North $89^{\circ} 55' 18''$ West a distance of 488.32 feet to the P.C. of a curve to the right, said curve having a radius of 561.0 feet, a central angle of $50^{\circ} 00' 00''$, an arc length of 489.56 feet and a chord bearing of $25^{\circ} 00' 00''$ West; thence along the arc of said curve a distance of 367.61 feet, a chord length of 361.07 feet, having a bearing of North $18^{\circ} 51' 02''$ West; thence along a line bearing South $59^{\circ} 04' 42''$ West a distance of 399.53 feet to the P.C. of a curve to the left, said curve having a radius of 329.0 feet, a central angle of $50^{\circ} 00' 17''$, an arc length of 287.12 feet and a chord length of 278.09 feet having a bearing of South $25^{\circ} 04' 33''$ West, thence along the arc of said curve a distance of 287.12 feet to the P.T. of said curve; thence South $00^{\circ} 04' 25''$ West a distance of 74.70 feet; thence North $90^{\circ} 00' 00''$ East a distance of 119.34 feet; thence South $00^{\circ} 06' 48''$ West a distance of 625 feet; thence North $90^{\circ} 00' 00''$ East a distance of 1134.79 feet to the point of beginning. Generally located at the northwest corner of Maple and Maize.

The revised Development Plan of this area has been resubmitted 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 revised Development Plan now on file proposes the following:

1. A redesign of the C.U.P. which includes the substitution of residential uses for the originally proposed commercial activities on the north half of the C.U.P. and extending commercial activities west along Maple.
2. Total gross area of the revised C.U.P. is 29.32 acres with 13.78 acres of light commercial zoning, 12.51 acres of "R-6" zoning and the balance in street right-of-way.
3. Building coverages, floor area, building heights, setbacks and densities are also covered in the provisions of the C.U.P.

The hearing of the proposed 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

May 22, 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 June 5, 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-2228

Zone Change from the "AA" One Family Dwelling District
to the "A" Two Family Dwelling District

AND

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

AND

Zone Change from the "AA" One Family Dwelling District
and the "LC" Light Commercial District
to the "LC" Light Commercial District

SEE LEGAL DESCRIPTION ATTACHED HERETO

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 17.4 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.

CASE NO. Z-2228

Zone Change from the "AA" One Family Dwelling District
to the "A" Two Family Dwelling District

A tract of land in the S.E. 1/4, Sec. 19-278-R1W of the 6th P.M. described as follows: Beginning at a point 1134.79 feet west and 50 north of said S.E. corner of said Sec.; Thence North 00° 06' 48" East a distance of 575 feet; thence North 90° 00' 00" West a distance of 119.34 feet; thence South 00° 04' 25" West a distance of 358.30 feet; thence South 90° 00' 00" West a distance of 136 feet; thence North 00° 04' 25" East a distance of 727.69 feet; thence North 90° 00' 00" East a distance of 64.77 feet; thence North 50° 04' 42" East a distance of 542.02 feet; thence South 39° 55' 18" East a distance of 65.0 feet to the P.C. of a curve to the left having a central angle of 50° 00' 00", a radius of 561.0 feet and an arc length of 489.56 feet; thence along arc of said curve a distance of 55.09 feet; thence South 50° 04' 42" West a distance of 391.73 feet to the P.C. of a curve to the left having a central angle of 50° 00' 17", a radius of 395 feet and an arc length of 344.71 feet; thence along arc of said curve a distance of 344.71 feet to the P.T. of said curve; thence South 00° 04' 25" West a distance of 433.08 feet; thence North 90° 00' 00" East a distance of 66.0 feet; thence South 00° 04' 25" West a distance of 216.7 feet; thence North 90° 00' 00" East a distance of 118.9 feet + to the point of beginning. AND

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

A parcel of land in the S.E. 1/4, Section 19-278-R1W, described as beginning at a point on the east boundary line of said section, said point being 1090.66 feet northerly of the S.E. corner of said Section 19; thence leaving said east boundary North 39° 55' 18" West a distance of 488.32 feet to the P.C. of a curve to the right; said curve having a radius of 561.0 feet, a central angle of 50° 00' 00", an arc length 489.56 feet and a chord bearing of North 25° 00' 00" West; thence along the arc of said curve a distance of 367.61 feet a chord length of 361.07 feet, having a bearing of North 18° 51' 02" West; thence along a line bearing South 50° 04' 42" West a distance of 399.53 feet to the P.C. of a curve to the left, said curve having a radius of 329.00 feet, a central angle of 50° 00' 17", an arc length of 287.12 feet, a chord length of 278.09 feet with a bearing of South 25° 04' 33" West; thence along the arc of said curve a distance of 287.12 feet to the P.T. of said curve; thence South 00° 04' 25" West a distance of 74.70 feet; thence North 90° 00' 00" East, a distance of 1253.75 feet; thence North 0° 04' 42" East along east boundary line of said section, a distance of 465.66 feet to the point of beginning. AND

Zone Change from the "AA" One Family Dwelling District
and the "LC" Light Commercial District
to the "LC" Light Commercial District

A parcel of land described as beginning at the SE corner, SE 1/4, Section 19-278-R1W; thence North 00° 04' 42" East a distance of 625 feet; thence South 90° 00' 00" West a distance of 1134.41 feet; thence South 00° 06' 43" West a distance of 625.0 feet; thence North 90° 00' 00" East a distance of 1134.79 feet to the point of beginning. All generally located at the northwest corner of Maple and Maize.

May 16, 1980

Gary Wiley
Professional Engineering Consultants
1440 East English
Wichita, Kansas 67211

Re: ✓ DP-104 - Oak Cliff Estates
Commercial C.U.P.; and
Z-2228 - "AA" & "LC" to "A", "R-6"
& "LC". Generally located at the
northwest corner of Maple & Maize

Dear Gary:

We have reviewed the revised development plan for Oak Cliff Estates and the following are our comments, as well as those of other City Departments, regarding the project.

The revised plan is an improvement since it relocates the commercial area along Maple. Staff still questions the need for an additional 15 acres of commercial zoning in this area. However, the conditions listed in the parcel descriptions should reduce the impacts of the commercial activities. In regard to the residential parcel, staff would have preferred to see the density reduced along Maize, but we do not strongly object to the illustrated layout.

Paul Johnston, Flood Control Engineer, has made several comments regarding drainage of this area. A copy of his comments was sent to Chris Brennenstuhl of P.E.C. You may wish to discuss the comments with Mr. Johnston so that drainage problems can be resolved prior to platting.

There is some confusion as to the location of the major entrances for Parcels 2 and 3 to Maple, and Parcels 2 and 4 to Maize. I would suggest that the major entrances be depicted on the plan and General Provision #1 be changed as follows:

" . . . of which one opening to Parcel 2 and one opening to Parcel 3 to Maple be constructed to major entrance standards . . . of which one opening to Parcel 2 and one opening to Parcel 4 to Maize Road be constructed . . ."

Page Two
Gary Wiley
May 16, 1980

References to "professional" in the parcel descriptions for
Parcels 2 and 3 should be deleted. You may wish to add
"Restaurants" to the list of proposed uses for Parcels 2
and 3. In addition, "Shopping Center" should also be added
to indicate the type of development proposed for the site.

These are our comments at this time. We have scheduled this item
for consideration by the Planning Commission on June 5, 1980, and
it is necessary that we receive fourteen amended copies of the
plan by May 22, 1980. If you have any questions, please call.

Sincerely,

Arthur D. Chambers, AICP
Junior Planner

ADC:el

cc: Larry Chambers, Inland Investment Co., Inc.
200 Douglas Building, Wichita, Ka. 67202

April 29, 1980

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

Arthur D. Chambers, Junior Planner

✓ DP-104 - Oak Cliff Estates Commercial & Residential C.U.P. and
Z-2228 - "AA"&"LC" to "LC", "R-6" & "A". Generally located at
the northwest corner of Maple and Maize.

This Community Unit Plan was forwarded for comment on February
27, 1980 and was heard by the Metropolitan Area Planning Commis-
sion on March 27, 1980. At that time the Planning Commis-
sion deferred the cases so that the applicant could redesign
the C.U.P. A copy of the redesigned C.U.P. is attached for
your review and comment.

I would appreciate receiving any comments you might have
regarding access, drainage, density, etc., by May 7, 1980.

ADC
Arthur D. Chambers
Junior Planner

ADC:el
Attachment

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

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

March 28, 1980

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

Re: DP-104 & Z-2228

Dear Mr. Wiley:

At its regular meeting on March 27, 1980, the Metropolitan Area Planning Commission considered the above-captioned case. After considerable discussion the action of the Planning Commission was to defer subject cases for the applicant to consider amending his application for zone change and redesigning the C.U.P. Although no specific direction was given by the Planning Commission, several encouraged that no additional "LC" be granted to the north along Maize Road. Several commissioners suggested that if additional "LC" zoning was needed it be extended to the west along Maple with appropriate buffers to protect existing single-family homes to the west.

For the area indicated as Parcel 3 across from the townhouses adjacent to the Rolling Hills Country Club, the Commission encouraged that that area be redesigned for medium density residential uses.

The Commission also suggested that in consideration in redesigning the C.U.P. that you contact representatives of the adjacent neighborhoods who were at yesterday's meeting. At such time as you amend both applications, it will be necessary that they be readvertised and scheduled for a new hearing.

If you have any questions concerning procedure or have any questions on amending your applications, please contact me or Art Chambers.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

WICHITA - SEDGWICK COUNTY

cc: Inland Investment Co., Inc., 200 Douglas Bldg., Wichita 67202
Larry Chambers, Vice-President, Inland Investment Co., Inc.,
200 Douglas Bldg., Wichita 67202
Vince Bogart, Attorney at Law, P. O. Box 1801, Wichita 67201
Jack Kowalski, 156 South Maize Road, Wichita 67209
Jim Aronis, 156 South Maize Road, Wichita 67209
Donald Keith Johnson, 156 South Maize Road, Wichita 67209
Merlyn Hatcher, 156 South Maize Road, Wichita 67209
Martin Barnard, 156 South Maize Road, Wichita 67209
Mrs. Mary Belle Boyd, 156 South Maize Road, Wichita 67209
Royce Wallace, Attorney at Law, 328 North Main, Wichita 67202
Paul & Louise Shinogle, 336 Wetmore, Wichita 67209

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE March 25, 1986

TO Jack Galbraith, Chief Planner, Current Plans

FROM Gail Williams, CPO Administrative Aide

SUBJECT Z-2228 and DP-104: Oak Cliff
Estates, Maple and Maize Road

On March 19, CPO Council "A" considered the captioned cases and voted 6-2 to recommend approval of the proposed commercial-residential CUP, on the condition that a planting strip be added to the plan for the southern boundary of Parcel 2 abutting the residential district to the south. The Council also voted 6-2 to recommend approval of "A" Two Family zoning for the adjoining property, identified with case number Z-2228.

The majority of Council members felt that the growth of west Wichita justifies the proposed commercial development. They also felt that the setbacks, limitation on the number of buildings and restricted uses proposed for Parcel 3 will provide the desired protection of adjacent residential properties. The Council members who opposed the motion felt that additional commercial development cannot be justified, given the number of existing shopping-and-office centers and the amount of existing "LC" zoning in west Wichita.

The majority of Council members also felt that multi-family housing would be appropriate for the property to the west and southwest of the proposed commercial/apartment development, but felt that two-family structures would be more compatible with the existing single-family residences than the proposed four-family units.

Please advise the Planning Commission of the Council's recommendation when the cases are heard on March 27.

Gail Williams
Gail Williams
CPO Administrative Aide

GW:rs

Noted: *Sarah Gilbert*

Sarah Gilbert
Assistant CP Coordinator

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 3-27-80

Case No. DP-104 Request: Approval of Commercial C.U.P.
Z-2228 Zone Change from "AA" & "LC"
to "A", "RB", "R-6" & "LC"

Location: Northwest corner of Maple and Maize

Reason: To develop the site with duplexes, fourplexes, multiple-family and commercial activities

Acres: DP-104 29.0 Size: 119' x 1210' (irregular)
Z-2228 33.3 1200' x 1400' (irregular)

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"AA" & "LC"
North	Single-family & undeveloped	"AA" & "R-1"
East	Multi-family, convenience store	"AA" & "LC" (County Zoning)
South	Single-family & undeveloped	"R-1" & "LC" (County Zoning)
West	Single-family & undeveloped	"AA" & "R-1"

Adequate street Right-of-way will be obtained at time of platting.

Platted: Being platted as Oak Cliff Estates History: None

COMMENTS:

1. The following should be considered by the Planning Commission in making findings of fact.

In compliance with Section 28.04.190 of the Code of the City of Wichita, an application has been submitted proposing a combined commercial and residential Community Unit Plan (C.U.P.) located at the northwest corner of Maple and Maize. The proposed C.U.P. is approximately 29 acres in size with 15.06 net acres proposed for commercial development, 11.09 net acres proposed for residential development and the balance for street right-of-way

Rezoning has been requested from "AA" Single-family, to "LC" for Parcel 3 and a portion of Parcel 2, and to "R-6" for Parcel 4 and 5. In addition to the rezoning requested within the C.U.P. the associated zone case (Z-2228 is proposing "RB" zoning for .6 acres to the south of the C.U.P. and 3.6 acres of "A" zoning to the west.

2. The list of proposed uses includes automotive services, offices and convenience and service oriented retail for Parcel 1; automotive, financial, offices, personal services and sales of retail merchandise for Parcel 2; and a shopping center, offices, personal services, and restaurant/supper clubs for Parcel 3. Fast food/carryout establishments have been specifically excluded from the list of permitted uses for Parcels 1 and 3.

Parcels 4 and 5 are to be developed with apartments at a density of 26 dwelling units per net acre. This would permit a maximum of 146 units on Parcel 4 and 140 units on Parcel 5. The Parcels may also be developed with townhouses at 10 units per acre.

3. Staff is supportive of some additional "LC" zoning in this area but questions the appropriateness of extending "LC" zoning into an area that would be across from existing single-family attached townhouses to the east and the single-family district to the north. Although the applicant has increased some setbacks and limited the uses and number of buildings permitted on Parcel 3, staff feels that office or apartment development would be more compatible with the existing and proposed developments to the north and east.

Staff also is concerned with the proposed "RB" zoning. If the area would be developed with four-plexes the single-family home, to the east of the area proposed for "RB", would be surrounded by high density development. Since it is likely that the lots proposed for "RB" would be sold and developed separately from the lots proposed for "R-6" the single-family home would also face a variety of architectural styles around his property. Duplexes would seem to be more appropriate in that the single-family home would not be isolated from similar type development.

4. The Traffic Engineering Division has indicated that a continuous deceleration lane is needed if there are to be two openings per parcel on Maize and Maple. The C.U.P. proposes to guarantee at the time of platting, the construction of the deceleration lane, two major openings on Maize and one major opening on Maple.
5. 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.

6. Should the Planning Commission determine that the proposed C.U.P. is appropriate, 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 application be considered denied and the case closed.
 - b. A planting strip shall be required, and shown on the plan, for that portion of the southern boundary of Parcel 2 abutting the residential district to the south. The words "planting strip" shall be substituted for all references to "planting screen" on the plan and in the general provisions.
 - c. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - d. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
 - e. 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.

March 10, 1980

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

Re: DP-104 - Oak Cliff Estates Commercial
CUP; and Z-2228 - "AA" & "LC" to "A", "RB",
"R-6" & "LC" Generally located at the
northwest corner of Maple and Maize

Dear Gary:

We have reviewed the proposed C.U.P. for the above location and the following are our comments, as well as those of other city departments, regarding the project.

We can support the proposed uses for Parcels 1, 2, 4 and 5, but I have reservations about the need and desirability of extending "LC" zoning into Parcel 3. One reason we cannot support "LC" zoning is that the C.U.P., as submitted, does not provide sufficient restriction on uses that may have a negative impact on the residential properties to the east and north. The proposed uses for Parcel 3, as written, would allow almost any use permitted in "LC" zoning, some of which would not be suitable in this location.

In order to reduce the possibility of negative impacts on neighboring properties, the proposed uses for Parcel 3 should be made more restrictive. At a minimum, "automotive uses" should be deleted. Other potential uses that are definitely not suitable, and should be specifically excluded, are "fast food" establishments. Although apartments or offices would be preferential uses for Parcel 3, by acting as a buffer between commercial and residential areas, we may change our opposition to commercial uses if additional restrictions are included.

These restrictions should indicate that the development of Parcel 3 is to be of a "shopping center" nature. As the parcel description reads now, the parcel could be platted as three lots which could result, in conjunction with development on Parcel 2, in "strip" development. Another method of indicating the type of

Page Two
Gary Wiley
March 10, 1980

development would be to increase the setback along Maize Road. I would suggest that you confer with your client about a more restrictive permitted use list. In addition, you may wish to talk to me or Art Chambers about appropriate uses for Parcel 3.

The Traffic Engineering Division has requested that access openings be limited to one per parcel along Maize Road and one per parcel along Maple. I concur with the Traffic Engineering Division that one major entrance to each parcel on Maple and Maize would be beneficial in controlling traffic circulation around the site. Six openings along Maize Road in approximately 1000 feet is not conducive to efficient circulation of traffic. General Provision #1 should be changed to reflect one opening per parcel on Maple and one opening per parcel on Maize Road. In addition, it appears that a line was inadvertently left out of General Provision #1 relating to the stipulation that the entrances be constructed to major driveway standards.

Paul Johnston, Flood Control Engineer, has indicated that crossing the proposed open drainage channel along the south boundaries of Parcels 1, 2 and 5 with multiple structures may interfere with the efficiency of the channel. He suggested that a single opening of sufficient size be provided instead of multiple openings. Any proposed drainage ways should be reflected on the plan.

One other item in General Provision #1 that should be changed is the second paragraph. The existing wording is somewhat misleading as to the location of the deceleration lanes along Maize and Maple. The paragraph should be changed to read:

Construction of the major entrances, three (3) total, and a continuous decel lane along the eastern boundaries of Parcels 1, 2 and 3 and the southern boundaries of Parcels 1 and 5 shall be guaranteed at the time of platting.

According to Section 28.04.190 paragraph 5, relating to minimum yard requirements for C.U.P., all main buildings and structures shall set back from all street right-of-way lines a distance of not less than 35 feet. Additionally, a 35 foot rear yard setback is required under the same paragraph. The plan should be corrected to reflect the required setbacks.

General Provision #9, the first paragraph, should be changed to read as follows:

Page Three
Gary Wiley
March 10, 1980

A landscape plan prepared by a landscape architect for the planting screens, indicating the type, location and specification of plant material, and method of providing water to the plant material, shall be submitted to the Planning Department for their review and approval prior to the issuance of building permit(s) on Parcel Three (3).

These are our comments at this time. We have scheduled this item for consideration by the Planning Commission on March 27, 1980, and it is necessary that we receive fourteen (14) amended copies of the plan showing the revised setbacks, access controls, etc., by March 13, 1980. If you have any questions, please call me or Art Chambers.

Sincerely,

Jack Galbraith
Chief Planner

JHG:ADC:el

cc: Larry Chambers, Inland Investment Co., Inc.
200 Douglas Building, Wichita, Ks. 67202

Art:

Bill McKinley called
to say that the access
controls as shown on
the Oak Cliff CUP are
OK since there will
be a continuous decel
lane on both Maple and
Maize and since there
will be 2 major entrances
on Maize and 1 on
Maple.

Louise

3-12-80

3:40 pm

THE CITY OF WICHITA

OFFICE OF Flood Control and Landfill Div. DATE March 3, 1980

RECEIVED

MAR 5 1980

METROPOLITAN PLANNING

ROUTE 12

TO Jack Galbraith, Chief Planner, MAPD

FROM Paul Johnston

SUBJECT - Oak Cliff Estates Commercial and Residential CUP.

Reference is made to your memo of February 27th regarding subject CUP requesting review and comments. I have reviewed the plan and data you submitted with the memo and have the following comments concerning drainage and access.

Drainage:

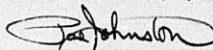
Drainage problems presently exist just east and southeast of the designated plat through the area known as Maple Gardens and the Dell. It is anticipated that with the proposed development and the addition of light commercial zoning, additional problems might be experienced. This could occur unless a majority of the area was design to drain north to the Cowskin Creek or detention facilities provided.

During construction of the Maple Gardens ditch an obstruction was encountered. This was in the form of a turn manhole for the 30" Southwest Interceptor sewer line constructed in the same area as the proposed ditch. This necessitated regrading the ditch so that it might flow south across Maple by way of an existing 48" pipe which had been placed to drain the opposite direction.

The drainage plan for Oak Cliff Estates proposes to use a combination of a channel and a 60" storm sewer pipe. Due to the difficulties experienced in the past, it might be expected that similar problems will present themselves in the construction necessary to convey the drainage to Cowskin Creek. If this is the case, some detention or redesign may be necessary.

Access:

With an open channel system being proposed for drainage, any crossing of same will require an adequate structure. The proposed access for Parcel 1 indicates two openings both to Maple and to Maize. This will necessitate multiple structures crossing the drainage channel hence interfering with the efficiency of the drainage ditch and the maintenance of same. It is suggested that a single opening of sufficient size be provided to grant access to Maple and Maize versus the two being proposed.



Paul Johnston,
Acting Director, Flood Control and Landfill Div.

FJ/glm

cc: Oak Cliff Estates Addn. Plat File

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION

DATE March 4, 1980

TO Jack Galbraith, Chief Planner

FROM Robert B. Feldner, Superintendent of Central Inspection

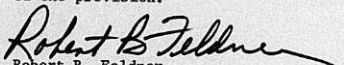
SUBJECT DP-104-OAK CLIFF ESTATES Commercial
and Residential CUP and Z-2228-
"AA" & "LC" to "LC", "R-6", "RB" & "A"

Generally located at the northwest
corner of Maple and Maize

General Provision No. 1 states that "Access to Maize Road shall be limited to six (6) openings, two (2) each to Parcels one (1), two (2) and three (3) to Maize Road shall be constructed to major entrance standard." Access to Maple also provides for one (1) opening constructed to major entrance standard.

Has a sentence been omitted or is it intended that all six (6) openings to Maize Road be constructed to major entrance standard?

The second paragraph of General Provision No. 1 calls for the guarantee of three (3) total major entrances. There appears to be a contradiction in the wording of the provision.


Robert B. Feldner
Superintendent of Central Inspection

RBF:DM:mm1

RECEIVED

MAR 5 1980

METROPOLITAN PLANNING
ROUTE *JS*

*Additional
manual comments
re drainage etc*

Preliminary plat
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 80-1 Name Oak Cliff Estates
Date Application Rec'd. 1-4-80 Preliminary Approval _____
Scheduled S/D Meeting 3-6-80

DESCRIPTION

General Location Northwest corner of Maple and Maize Road

Owner Inland Investment Co., Inc.
Surveyor/Engineer Professional Engineering Consultants
Address 1440 E. English Phone 262-2691

- | | |
|---|---|
| 1. Gross Acreage of Plat <u>150+</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>58'</u> R/W <u>8650</u> ft. |
| Residential <u>349</u> | b. <u>64'</u> R/W <u>7110</u> ft. |
| Commercial <u>3</u> | c. <u>66'</u> R/W <u>4950</u> ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>352</u> | TOTAL <u>20710</u> ft. |
| 3. Minimum Lot Frontage <u>65' at setback</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>X</u> no |
| 4. Minimum Lot Area <u>9600+</u> square ft. | |
| 5. Existing Zoning <u>R-1 and LC</u> | |
| 6. Proposed Zoning <u>"AA", "LC", "R-6"</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u>N/A</u> (Yes-No) | |
| 12. City of Wichita <u>X</u> ; Three-Mile Area _____ | |

STAFF COMMENTS:

- A. The representative from the City Engineer's office should be prepared to comment on the status of the applicant's drainage plan.
- B. A Community Unit Plan shall be submitted for the proposed commercial area. The applicant's engineer has advised that in addition to filing a C.U.P. for the proposed commercial area, present plans involve including the proposed multiple family area also in the required C.U.P. No final plat shall be submitted until the associated C.U.P. has been approved.
- C. A major concern of Planning Department staff is the amount and configuration of the proposed light commercial zoning. (Lots 1, 2, and 3, Block 20). Staff cannot support commercial zoning directly across the street from the Rolling Hills Country Club condominiums, nor can we support 15-plus acres of commercial zoning at this location.
- D. The applicant has filed an associated zone case requesting "AA" and "LC" to "RB", "R-6", "A" and "LC". Approval of this preliminary plat should be subject to the approval of the associated zone case.
- E. The applicant shall guarantee the extension of sanitary sewer and City water to serve all lots being platted.
- F. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in any habitable structure constructed on subject property.
- G. The applicant shall guarantee the following roadway improvements:
- T9-303 Paving of all interior streets.

(Over)

2. Construction of a decel lane for both Maple Street and Maize Road. If the associated C.U.P. requires a third continuous deceleration lane on these streets adjacent to the proposed commercial area, the applicant shall guarantee these improvements and they shall be indicated on the final plat.
 3. Construction of those major entrances to serve the proposed multiple family and commercial development as required by the approved C.U.P.
- H. For the proposed multiple family developments (Lots 4 and 5, Block 20), if it is proposed that each dwelling unit will be individually owned, a Homeowners Association Agreement shall be submitted which provides for the maintenance of non-public common areas, parking areas, private drives, community facilities, etc.
- I. In accordance with the City sidewalk ordinance, sidewalks shall be guaranteed at the following locations:
1. Both sides of Douglas/1st Street (collector).
 2. Both sides of Parkdale (collector).
 3. East side of Stony Point between Douglas and Maple (multiple family zoning).
- J. Building setbacks for Lots 1-5, Block 20 shall be per the building setback requirements of the associated Community Unit Plan.
- K. Access control from Lots 1-5, Block 20 to adjacent streets shall be per the access control requirements of the associated Community Unit Plan. However, in this regard, the following access controls are recommended:
1. "Access control except 1 opening" across the east line of Lot 3, Block 20 to Maize Road.
 2. For the north line of Lot 3, Block 20 to Douglas Avenue:
 - a. East 40 feet - "Complete Access Control."
 - b. West 100 feet of the east 140 feet - "Access control except for 1 opening."
 - c. Remaining frontage to Douglas - "Complete access control."
 3. "Access control except 1 opening" across the south line of Lot 5, Block 20 to Maple Street.
 4. "Access Control except 1 opening" across the south line of Lot 2, Block 20 to Maple Street.
 5. "Access control except 1 opening" across the east line of Lot 2, Block 20 to Maize Road.
 6. For the south line of Lot 1, Block 20 to Maple Street:
 - a. East 40 feet - "Complete access control."
 - b. Remaining frontage to Maple - "Access control except for 1 opening."
 7. For the east line of Lot 1, Block 20 to Maize Road:
 - a. South 40 feet - "Complete access control."
 - b. Remaining frontage to Maize - "Access control except for 1 opening."

(Continued)

- L. North of the northeast corner of this plat is an ownership which has its access to Maize Road interrupted by the Cowskin Creek. The Committee, Advisory Board members and the applicant's engineer should be prepared to discuss the feasibility of providing access for this ownership through either this plat or through Westlink 17 to the west.
- M. The applicant shall submit a covenant which provides for four off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street.
- N. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- O. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Z-2228 & }
✓ DP-104 } 67 "Notice to Adjoining Property Owners" mailed 3-13-80 for
the MAPC meeting for 3-27-80

1 (including map) to CPO Office

—
68 TOTAL OF EACH CASE.

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

NOTICE TO ADJOINING PROPERTY OWNERS:

March 13, 1980

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 OAK CLIFF ESTATES COMMERCIAL COMMUNITY UNIT PLAN, for property legally described as follows:

DP-104 - A parcel of land in the S.E.¼ Section 19-27S-2W, described as beginning at the S.E. Corner of said Section 19, and running N 00° 04' 37" East along the East Boundary of said Section 19, 1094.0 feet; thence leaving said boundary North 90° 00' 00" West, 497.06 feet to the P.C. of a curve to the right; said curve having a radius of 552.21 feet, a Central Angle of 48° 37' 42", and an arc length of 468.67 feet a chord bearing at North 24° 18' 51" W, thence along the arc of said curve a dist. of 348.0 feet + having a chord length of 341.86 feet, having a bearing of 18° 03' 14"; thence along a line bearing South by West a dist. of 417.61 feet to the P.C. of a curve to left, said curve having a radius of 338.88 feet, a Central Angle of 48° 24' 34", chord length of 277.88 feet and a chord bearing of 24° 12' 17"; thence along arc of said curve a dist. of 282 feet to the P.T. of said curve; thence South 00° 08' 41" East a dist. of 397.61 feet; thence South 90° 00' East 274.00 feet, thence South 00° 08' 41" East a dist. of 285.0 feet + to a point on the South boundary of Section 19-27S-2W, thence South 90° 00' 00" East along said South boundary a dist. of 969.70 feet to Point of Beginning. Generally located at the northwest corner of Maple and Maize.

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 residential and commercial development on an approximately 29 acre site. There is to be 15 acres of light commercial zoning and 11 acres of "R-6" residential zoning (associated case Z-2228). Proposed uses for the commercial parcels include automotive, financial, office, professional, personal services and sales of retail merchandise. The density proposed for the residential parcels is 26 dwelling units per acre, or a total of 286 dwelling units. Other provisions of the community unit plan include setbacks, building coverage, landscaping and screening and access control.

The hearing of the proposed 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-2223

Zone Change from the "AA" One Family Dwelling District
and the "LC" Light Commercial District
to the "LC" Light Commercial District

SEE LEGAL DESCRIPTION ATTACHED HERETO

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 preceding 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.

CASE NO. Z-2228

Zone Change from the "AA" One Family Dwelling District
and the "LC" Light Commercial District
to the "LC" Light Commercial District

The east 700 feet of the following described tract:

A parcel of land in the S.E. ¼ Section 19-27S-2W, described as beginning at the S.E. Corner of said Section 19, and running N 00° 04' 37" East along the East Boundary of said Section 19, 1094.0 feet; thence leaving said boundary North 90° 00' 00" West, 497.06 feet to the P.C. of a curve to the right; said curve having a radius of 552.21 feet, a Central Angle of 48° 37' 42", and an arc length of 468.67 feet a chord bearing at North 24° 18' 51" W, thence along the arc of said curve a dist. of 348.0 feet + having a chord length of 341.86 feet, having a bearing of 18° 03' 14"; thence along a line bearing South by West a dist. of 417.61 feet to the P.C. of a curve to left, said curve having a radius of 338.88 feet, a Central Angle of 48° 24' 34", chord length of 277.88 feet and a chord bearing of 24° 12' 17"; thence along arc of said curve a dist. of 282 feet to the P.T. of said curve; thence South 00° 08' 41" East a dist. of 397.61 feet; thence South 90° 00' East 274.00 feet, thence South 00° 08' 41" East a dist. of 285.0 feet + to a point on the South boundary of Section 19-27S-2W, thence South 90° 00' 00" East along said South boundary a dist. of 969.70 feet to Point of Beginning. AND

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

The following described tract, except the east 700 feet:

A parcel of land in the S.E. ¼ Section 19-27S-2W, described as beginning at the S.E. Corner of said Section 19, and running N 00° 04' 37" East along the East Boundary of said Section 19, 1094.0 feet; thence leaving said boundary North 90° 00' 00" West, 497.06 feet to the P.C. of a curve to the right; said curve having a radius of 552.21 feet, a Central Angle of 48° 37' 42", and an arc length of 468.67 feet a chord bearing at North 24° 18' 51" W, thence along the arc of said curve a dist. of 348.0 feet + having a chord length of 341.86 feet, having a bearing of 18° 03' 14"; thence along a line bearing South by West a dist. of 417.61 feet to the P.C. of a curve to left, said curve having a radius of 338.88 feet, a Central Angle of 48° 24' 34", chord length of 277.88 feet and a chord bearing of 24° 12' 17"; thence along arc of said curve a dist. of 282 ft. to the P.T. of said curve; thence South 00° 08' 41" East a dist. of 397.61 feet; thence South 90° 00' East 274.00 feet, thence South 00° 08' 41" East a dist. of 285.0 feet + to a point on the South boundary of Section 19-27S-2W, thence South 90° 00' 00" East along said South boundary a dist. of 969.70 feet to Point of Beginning. AND

Zone Change from the "AA" One Family Dwelling District
to the "RB" Four Family Dwelling District

A tract of land in the S.E. ¼, Sec. 19-27S-R2W of the 6th P.M. described as follows: Beginning at a point 1124.7 feet + West and 50 feet North of said S.E. corner of said Section; thence North 00° 08' 41" West a distance of 235.0 feet; thence North 90° 00' West a distance of 119.0 feet; thence South 00° 08' 41" East a distance of 235.0 feet; thence South 90° 00' 00" East a distance of 119.0 feet to the Point of Beginning. AND

Zone Change from the "AA" One Family Dwelling District
to the "A" Two Family Dwelling District

A tract of land in the S.E. ¼, Sec. 19-27S-R2W of the 6th P.M. described as follows: Beginning at a point 1309.7 feet West and 266.7 feet North of said S.E. Corner of said Sec.; thence North 90° 00' 00" West a distance of 120.00 feet; thence North 00° 08' 41" West a distance of 740.0 feet +; thence South 90° 00' 00" East a distance of 112.0 feet +; thence North 48° 37' 42" East a distance of 494.0 feet +; thence South 41° 22' 18" East a distance of 78.0 feet to the P.T. of a curve to the left having a Central Angle of 48° 37' 42", a Radius of 552.21 feet, an arc length of 468.67 feet; thence along said arc a distance of 42.0 feet to a point on said curve; thence South 48° 37' 42" West a distance of 406.0 feet + to the P.T. of a Curve to the left having a Central Angle of 48° 38' 34", a Radius of 404.88 feet an arc length of 342.08 feet, a chord length of 332.0 feet; thence along said arc a distance of 342.08 feet to the P.C. of said curve; thence South 00° 08' 41" East a distance of 415.0 feet + to the Point of Beginning. All generally located at the northwest corner of Maple and Maize.

February 27, 1980

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

Jack H. Galbraith, Chief Planner

✓ DP-104 - OAK CLIFF ESTATES Commercial and Residential C.U.P.
and Z-2228 - "AA"&"LC" to "LC", "R-6", "RB" & "A"
Generally located at the northwest corner of Maple and Maize

A C.U.P. application has been filed for an approximately
29 acre site at the above location. Of the 29 acres, 15 are
to be commercially developed and 11 acres are proposed for
residential development with 26 dwelling units per acre.
This area has recently been annexed and a plat, Oak Cliff
Estates, for the quarter section has been filed.

I would appreciate receiving any comments you might have
regarding access, drainage, density, etc., by March 5, 1980.

Jack H. Galbraith
Chief Planner

JHG:ADC:el

amended legal for file

DP-104

A parcel of land in the S.E.; Section 19-27S-2W, described as beginning at the S.E. Corner of said Section 19, and running N 00° 04' 37" East along the East Boundary of said Section 19, 1094.0 feet; thence leaving said boundary North 90° 00' 00" West, 497.06 feet to the P.C. of a curve to the right; said curve having a radius of 552.21 feet, a Central Angle of 48° 37' 42", and an arc length of 468.67 feet a chord bearing at North 24° 18' 51" W. thence along the arc of said curve a dist. of 348.0 feet + having a chord length of 341.86 feet, having a bearing of 18° 03' 14"; thence along a line bearing South by West a dist. of 417.61 feet to the P.C. of a curve to left, said curve having a radius of 338.88 feet, a Central Angle of 48° 24' 34", chord length of 277.88 feet and a chord bearing of 24° 12' 17"; thence along arc of said curve a dist. of 282 ft. to the P.T. of said curve; thence South 00° 09' 41" East a dist. of 397.61 feet; thence South 90° 00' East 274.00 feet., thence South 00° 08' 41" East a dist. of 285.0'± to a point on the South boundary of Section 19-27S-2W; thence South 90° 00' 00" East along said South boundary a dist. of 969.70 feet to Point of Beginning.

*amended
legal*

Map 4747
Sec 19
T27S
R1W
DP 104

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.

Assoc 2-2228

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

a. Applicant Inland Investment Co., Inc.

Address 200 Douglas Building 6720x Phone 263-3201

Agent Larry Chambers Vice-President

Address Same Phone _____

b. Engineer Professional Engineering Cons., P.A. (Gary Wiley)

Address 1440 E. English 67211 Phone 262-2691

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 "LC & R-6" and legally described as Lot(s)

_____, Block(s) _____,

_____ Addition.

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

See Attached Sheet

ok for legal close

II.B There are 29.0 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) _____.

The general location is (use appropriate section)

- a. at the Northwest corner of Maple
and Maize Road; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

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

Inland Investment Co., Inc.

By Larry A. Chambers By _____
Authorized Agent (if any) Authorized Agent (if any)
Larry Chambers-Vice President

By _____ By _____
Authorized Agent (if any) Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
100 (AM, PM) on Feb. 29, 1980 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$ 0.

Larry A. Chambers Name
Junia Placor Title

A parcel of land in the S.E.¼ Section 19-27-2W, described as beginning at the S.E. Corner of said Section 19, and running N 00° 04' 37" East along the East Boundary of said Section 19, 1094.0 feet; thence leaving said boundary North 90° 00' 00" West, 497.06 feet to the P.C. of a curve to the right; said curve having a radius of 552.21 feet, a Central Angle of 48° 37' 42", and a arc length of 468.67 feet a chord bearing at North 24° 18' 51" W. thence along the arc of said curve a dist. of 348.0 feet + having a chord length of 341.86 feet, having a bearing of 18° 03' 14"; thence along a line bearing South by West a dist. of 417.61 feet to the P.C. of a curve to left, said curve having a radius of 338.88 feet, a Central Angle of 48° 24' 34", chord length of 277.88 feet and a chord bearing of 24° 12' 17"; thence along arc of said curve a dist. of 287 feet to the P.T. of said curve; thence South 00° 08' 41" East a dist. of 397.61 feet; thence South 90° 00' East 274.00 feet., thence South 00° 08' 41" East a dist. of 285.0'+ to a point on the South boundary of Section 19-27S-2W, thence South 90° 00' 00" East along said South boundary a dist. of ~~989.70~~ 969.7 feet to Point of Beginning.

OWNERSHIP LIST

2-2228 and
 DP-104
 (Identical lists)

Tract

Property Owner

The SE $\frac{1}{4}$ of Section 19-27-1W, except the north 238.83 feet of the east 486.45 feet of said SE $\frac{1}{4}$; except a tract beginning 238.83 feet south of the NE corner of said SE $\frac{1}{4}$ of said Section 19; thence south along the east line of said SE $\frac{1}{4}$ of Section 19, a distance of 100.00 feet; thence NWly 186.51 feet to a point 238.83 feet south and 158.00 feet west of the NE corner of said SE $\frac{1}{4}$ of Section 19; thence East parallel with the north line of said SE $\frac{1}{4}$ of Section 19, a distance of 158.00 feet to the point of beg.; also except a tract beginning at a point in the east line and 1541.38 feet north of the SE corner of said Section 19; thence west at right angles 488 feet; thence south at right angles 384.72 feet; thence east at right angles 488 feet to the eastline of said Section 19; thence north 384.72 feet to the point of beginning; also except one square acre in the SE corner of the SW $\frac{1}{4}$ of said SE $\frac{1}{4}$ of Section 19; also except a tract beginning 208.70 feet west of the SE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19; thence north 208.70 feet; thence west 125.00 feet; thence south 208.70 feet; thence east 125.00 feet to the point of beginning

Inland Investment Co., Inc.
 c/o Larry Chambers
 200 Douglas Bldg. 67202

One square acre in the SE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19-27-1W

John J Shumaker and
 Kathleen Sue Shumaker
 10810 West Maple 67209

A tract in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19-27-1W beginning 208.7 feet west of the SE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence north 208.7 feet, west 125 feet, south 208.7 feet, east 125 feet to the point of beginning

Leo W. Kraus and Rosemary
 10920 West Maple 67209

A tract beginning at a point in the east line and 1541.38 feet north of the SE corner of Section 19-27-1W, thence west at right angles 488 feet; thence south at right angles 384.72 feet; thence east at right angles 488 feet to the east line of said Section 19; thence north 384.72 feet to the point of beginning

Dugan Investment Inc.
 2707 West Douglas
 67213

Lot 5, Blk 2 Western Sky Village

Raymond Mertes & M. Mertes
 251 Dugan Ridge Road
 67209

Lot	Addition	Property Owner
The west 1000 feet of the SW $\frac{1}{4}$ of Section 20-27-1W, except: Maple Gardens, Maple Gardens 2nd Addition, Rolling Hills Country Club Estates 4th Addition		Rolling Hills Country Club Inc. 223 South Westlink 67209
The North 1000 feet of the NE $\frac{1}{4}$ of Section 30-27-1W	<i>returned - no other add -</i>	Pauline L. Klein and Matilda V. Lightenburger 10823 West Maple 67209
Lot 1, Block 1, Maple Gardens, and the north 57 feet of lot 3, Block 1, except the west .11 feet		City of Colwich 330 West Colwich Colwich, Kansas 67030
lots 2,4,5 Block 1	Maple Gardens	Garden Park, a partnership c/o James Sanders 1214 Kevin 67208
lot 3, Blk 1 except N 57'	Same	Same
south 85 ft of north 115 ft of lot 6, Blk 1	Same	Maple Gardens Office Building Venture c/o Max Eberhardt 1400 Vickers K.S.B. & T. 67202
north 30 ft lot 6, Blk 1	Maple Gardens	Garden Park, a partnership c/o James Sanders 1214 Kevin 67208
lot 1, Blk 1	Maple Gardens 2nd Addition	Garden Park, a partnership c/o James Sanders 1214 Kevin - 67208
lot 2, Blk 1	Same	Charles R. Ford, M.D.P.A. 1301 North West Street 67203
	Rolling Hills Country Club Estates 4th Addition 156 South Maize Road 67209	
Apt. 1		Charles Robert Bonnell Harriette J. Bonnell
Apt. 2		Carole B. Kelly
Apt. 3		Jack L. Benjamin & Aldine L.
Apt. 4		James B. Clark and Una Maxine Clark
Apt. 5		Alfred J. Giardina and Mary D. Giardina
Apt. 6		Wendelin Herman & Donna F.

Rolling Hills Country Club Estates
Fourth Addition
156 South Maize Road 67209

Apt. 7	Merlyn L. Hatcher & Carole R
Apt. 8	Jack W. Kowalski and Sybil I. Kowalski
Apt. 9	William G. Allen and Yvonne W. Allen
Apt. 10	Darold Yates & Carrol
Apt. 11	Donald M. Hill and Sharron A. Hill
Apt. 12	Zane R. Boyd and Mary Belle
Apt. 13	Willard L. Gettle and Patricia A. Gettle
Apt. 14	Nina Lee Collins
Apt. 15	City Wide Investments Inc.
Apt. 16	Eugene A. Brooks and Eleanor L. Brooks
Apt. 17	Donald Keith Johnson and P. Joy Johnson
Apt. 18	Virginia Ruth Payer
Apt. 19	G. Gordon Dotzour Betty Jo Dotzour
Apt. 20	Maxine Casey
Apt. 21	Wayne A. Kinney and A. Kathleen Kinney
Apt. 22	Martin J. Barnard and Jeannette A. Barnard
Apt. 23	V. J. Johnson
Apt. 24	Reta Earlene Lefler
Apt. 25	Thomas J. Carter & Jean E.
Apt. 26	Hiway Apartments Inc.
Apt. 27	Robert E. Deeds & Teresa M.
Apt. 28	Christopher W. Merchant Donna Ray Merchant

Rolling Hills Country Club
Estates 4th Addition
156 South Maize Road 67209

Apt. 29		James T. Aronis & Sydney
Apt. 30		Dorothy B. Wapple
Apt. 31		Robert T. Manning and Jane Bell Manning
Apt. 32		Artie E. Vaughn and Patricia A.
Apt. 33		Edward N. German and Jimmie Anne German
Apt. 34		Jay W. Russell and Pamela
Apt. 35		Roger L. Harter
Apt. 36		Eugene A. Nelson & Frances J.
Lot 1, Blk A	The Dell	Mary Lou Kletchka 341 Wetmore Drive 67209
lot 2, Blk A	Same	James M. O. Gallagher and Kathryn E. Gallagher 412 South Maize Road 67209
lot 3, Blk A	Same	Benny Lee Trowbridge Patricia Ruth Trowbridge 434 S. Maize Road 67209
lot 33, Blk A	Same	Daniel M. Malone and G. Jeanne Malone 9715 West 3rd 67212
lot 34, Blk A	Same	Edwin McCrillis and Elizabeth McCrillis 407 Wetmore Drive 67209

That part of lot 1, Block B, in The Dell, described as beginning at the NW corner of lot 1, Block B, in the Dell, thence south along the west line of said lot a distance of 280.35 feet to the SWly corner of said lot 1, thence SEly along the SWly line of said lot 1, being a curve to the right having a radius of 148 feet, for a distance of 119.89 feet more or less, to a point 25.08 feet NWly of the most southerly corner of said lot 1; thence NEly parallel with and 25 feet distant from the SEly line of said lot 1, a distance of 150 feet, thence NWly a distance of 297.42 feet to a point in the north line of said lot 1; thence west 60.0 feet to the point of beginning

Paul R. Shinogle and
Louise V. Shinogle
336 Wetmore 67209

Lot	Addition	Property Owner
The SEly 25 ft lot 1, all lot 2 Block B	The Dell	Jacob W. Lorenz Jr. and Elva M. Lorenz 342 Wetmore Drive 67209
<p>That part of lot 1, Block B, in The Dell, described as beginning at a point in the north line of lot 1, Block B, in The Dell and 254 feet east of the NW corner of said lot 1; thence SEly a distance of 202.3 feet to a point in a line parallel with and 25 feet distance from the SEly line of said lot 1, said point being also 235 feet NE of the SWly line of said lot 1, thence NEly parallel with the SEly line of said lot 1, a distance of 300 feet more or less to a point in the Easterly line of said Lot 1; thence north 28.66 feet to the NE corner of said Lot 1, thence west a distance of 300 feet more or less to the point of beg.</p>		Donald M. Ely & Betty B. 10211 West Maple 67209
<p>That part of Lot 1, Block B in The Dell described as beginning at a point in the north line of lot 1, Block B, in The Dell, and 60.0 feet east of the NW corner of said lot 1; thence SEly a distance of 297.42 feet to a point in a line parallel with and 25 feet distant from the SEly line of said lot 1, and 150 feet NE of the SWly line of said lot 1; thence NEly and parallel with the SEly line of said lot 1 a distance of 85.0 feet; thence NWly a distance of 202.3 feet to a point in the north line of said lot 1; thence west 194.0 feet to the point of beginning</p>		Dean A. Fechner and Elreisa Mae Fechner 10325 West Maple 67209
lot 3, Blk B	The Dell <i>Returned - the other address.</i>	<i>By 273 N. Ward Parkway Hayward 67660</i> Arch G. Cousins & Betty J. Address Unknown
lot 4, Blk B	Same	William F. Hayes & Ima Jean 356 Wetmore Drive 67209
lot 5, Blk B	Same	Edwin W. Merchant and Karoline H. Merchant 404 Wetmore Drive 67209
lot 6, Blk B	Same	Clayton Hunter and Mary M. 410 Wetmore Drive 67209
lot 7, Blk B	Same	Fred J. Young and Vera M. 418 Wetmore Drive 67209
lot 16, Blk B	Same	Roland W. Preboth 357 Wagon Wheel 67209
lot 17, Blk B	Same	Richard C. Taylor and Jo Anne M. Taylor 309 Wagon Wheel 67209

Lot 1, Blk D The Dell

Charles Decker & Jo Ann
312 Wagon Wheel 67209

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

*Don't
look*

A 1000 foot radius of: A parcel of land in the SE $\frac{1}{4}$ of Section 19-27-1W, described as beginning at the SE corner of said Section 19, and run north 00°04'37" East along the East boundary of said Section 19, 1094.00 feet; thence leaving said boundary North 90°00'00" West, 497.06 feet to a point on a curve concave to the right; thence on an arc of said curve 348.14 feet, said curve having a radius of 517.66 feet, central angle of 38°32', a chord of 341.62 feet and a chord bearing of North 19°16' West, 417.61 feet to a point on a curve concave to the left; thence on an arch of said curve 282.22 feet, said curve having a radius of 330.00 feet, central angle of 49°00', chord of 273.70 feet and a chord bearing of South 24°21'19" West, thence South 00°08'41" East, 397.61 feet; thence south 90°00'00" East, 244.00 feet; thence south 00°08'41" East, 285.00 feet to a point on the south boundary of Section 19-27-1W; thence along said south boundary south 90°00'00" East 999.70 feet to the point of beginning *78*

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 4th day of February, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Kable

Vice President

Order No. 285195
wh

*

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

Roll # 1

*