

ACTION

DATE

COMMITTEE

M.A.P.C.

*Approved* 5-29-86

B.C.C./B.C.C. *Approved the* 6-24-86  
*request to delete the cut*



WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 26, 1986

TO: Monty Robson, Superintendent of Central Inspection

FROM: Louise Olivarez, Senior Planner, Current Plans

SUBJECT: Deletion of DP-112, DP-113, and DP-115

On June 24, 1986, the Board of City Commissioners considered requests to delete the three above-referenced C.U.P.'s, all of which are in the Comotara area between 29th and 37th Streets North and between Woodlawn and Webb Roads. Since residential C.U.P.'s are not mandatory, the requests were honored and DP-112, DP-113, and DP-115 are now considered null and void. Development of the properties included within these C.U.P.'s will now have to proceed in accordance with the zoning district regulations. Zone changes have been approved for most of the properties, subject to platting. "R-6" zoning was approved for the Eaglerock Apartments at 37th and Inwood and will be posted to the official zoning maps as soon as the ordinance has been published.

The Planning Commission has initiated a zone change from "A" to "R-5" for the developed portion of Townhomes of Greenbrook located north of 32nd Street North and east of Gouverneur, if extended from the south. They have also initiated a zone change from "A" to "AA" for Willowood. Under DP-113, Willowood was designated for single-family development even though it was zoned "A". It will be several weeks before these two zone changes are finalized.

All copies of DP-112, DP-113, and DP-115 should now be marked "VOID". If you have any questions about these deleted C.U.P.'s, please call.

Louise Olivarez  
Senior Planner

LO:blw

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Commission Meeting  
June 24, 1986

Agenda Report # \_\_\_\_\_

TO: Mayor and City Commissioners

SUBJECT: DP-112 - REQUEST FOR AMENDMENT TO DELETE A RESIDENTIAL C.U.P., LOCATED NORTH OF 29TH STREET NORTH IN AN AREA EAST OF PENSTEMON. (Woodlawn Development Co.)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

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MAPC Recommendation: Approve (6-0)

Staff Recommendation: Approve

Background: On May 29, 1986, the MAPC held a public hearing to consider a request for an amendment to delete DP-112 in its entirety. Two of the six parcels have been platted but no development has occurred yet. No one spoke in opposition. The MAPC unanimously recommended approval of the request.

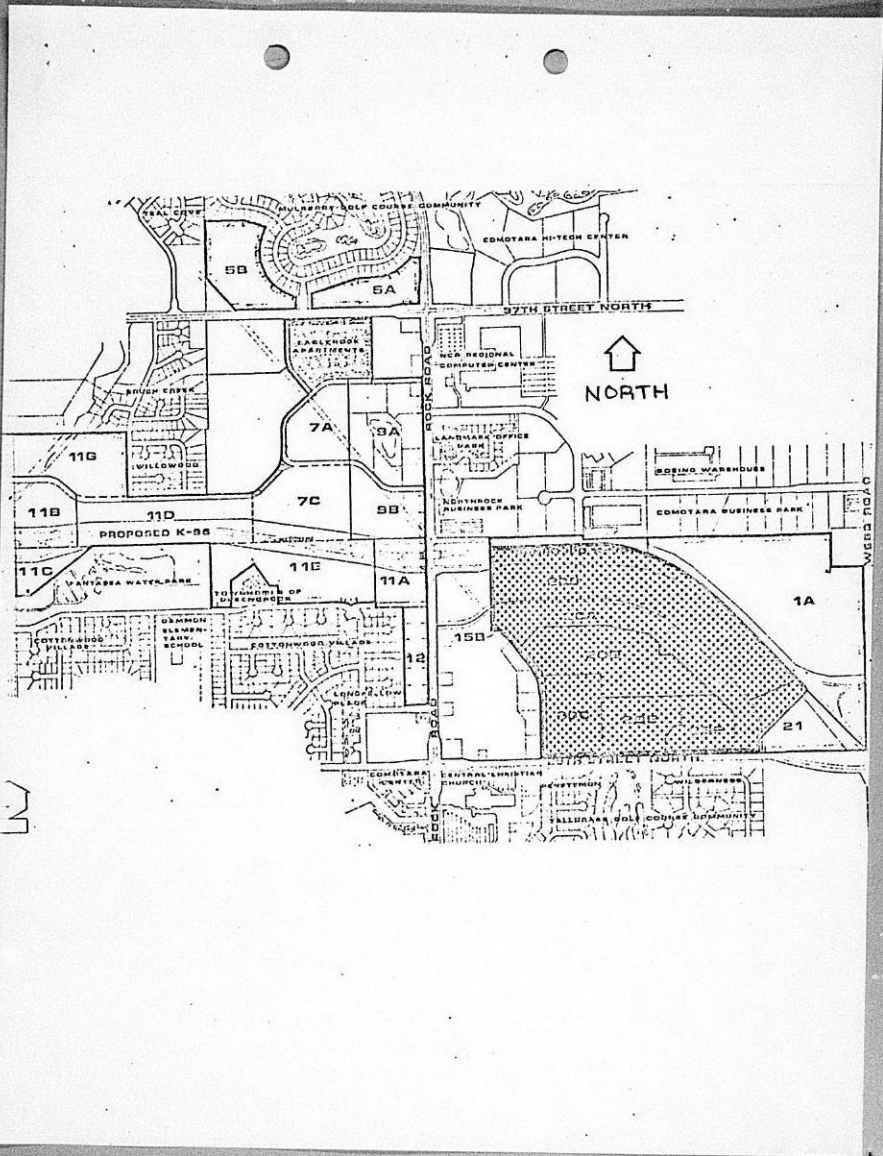
CPO Council "I" deferred action on this request at their special meeting on May 27 but on June 3, they recommended approval.

Analysis: Residential C.U.P.'s are not mandatory and may be deleted after a public hearing in which it is determined that the underlying zoning district regulations are sufficient to guide the development of the area. Upon deletion of this C.U.P., the existing large platted lots will come under the "A" zoning district regulations which limit the number of structures to one per platted lot. Therefore, replatting will be necessary in order to fully utilize the existing platted lots.

The Planning Commission found that the character of the neighborhood, the zoning and uses of properties nearby, the unsuitability of subject site for the uses to which it has been restricted, and the recommendation of staff justified the C.U.P. deletion.

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

Attachments: Area map  
5-29-86 MAPC Minutes  
CPO Memorandum



THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services

DATE May 28, 1986

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT Woodlawn Development Proposals

On Tuesday, May 27, CPO Council Area "I" considered the above captioned proposals.

Council members were provided the notice to adjoining property owners, a map of the area and MAPD comments. The applicant, Donald J. Ablah, and agent, Bill Yung were present to explain the specifics of the numerous requests. Approximately 40 area residents were in attendance.

After receiving input from the presenters and area residents, the Council made the following recommendations:

<u>ITEM #</u>	<u>ZONING/C.U.P.#</u>	<u>RECOMMENDATIONS</u>	<u>VOTE/COMMENT(S)</u>
3	Z-2757	approval	9-0
4a&b	Z-2758/DP-155	disapproval	2-7 /Concern over lacks of controls, too much flexibility
5	Z-2759	approval with modification	6-3 / Parcel 11G to "R-5" & Parcel 11E to "A"
6a&b	Z-2760/DP-156	disapproval	7-2 / Policy #10; a,b,h, & j
7	Z-2761	approval	9-0
8a&b	Z-2762/DP-157	approval	9-0
9a&b	Z-2763/DP-158	approval in part	9-0 /Approve Parcel 12 only/disapproval Parcel 11A
10	Z-2764	approval in part	9-0 / Parcel 20D to "R-5", deferred action on Parcels 20,C,E,& F

Council member left at 10:30 p.m.

11	Z-2765	approval with modifications	8-0 / Parcel 21 to "BB"
12	Z-2766	approval	8-0
13	DP-121	approval	8-0 / Subject to zone changes previously recommended
14	DP-112	defer action	Applicant will return with alternative/s
15	DP-113	approval	7-1 / Subject to zone changes previously recommended
16	DP-115	approval	8-0 / Subject to zone changes previously recommended

Please provide the Council's recommendations to the MAPC and City Commission when these requests are considered.

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

BLC:blc

Noted:

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

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE June 4, 1986

TO Chris Clerches, City Manager

FROM Annie K. Montgomery, CRS Director

SUBJECT Addendum to Woodlawn  
Development Proposals

RECEIVED  
JUN 05 1986  
METROPOLITAN PLANNING  
ROUTE 1

On May 27, CPO Council Area "I" considered numerous zone change requests sought by the Woodlawn Development Co., Inc. (See attached MAPC memo dated May 28).

As noted in the memorandum, the Council deferred action on the following:

DP-112: Amendment to delete a Residential C.U.P., located east of Woodlawn in an area north of 32nd Street North.

This deferral was contingent upon suggested modifications being made by the developer on the following case:

Z-2764: Request for a zone change from "AA" One-family Dwelling District and "A" Two-Family to "R-5" General Residence District and "B" Multiple Family Dwelling District located north of 29th Street North in an area between Rock Road and Webb Road (Parcels 20C, 20D, 20E and 20F).

The applicant, Don Ablah, agreed during the initial meeting, to consider suggestions of both the area residents and Council members and submit a proposal for consideration at the June 3 CPO meeting.

Following a weekend neighborhood meeting, the applicant and the area residents were able to agree to the following modifications:

Z-2764: Parcel 20C would change from "R-6" to "R-5"  
Parcel 20D would remain unchanged  
Parcel 20E would change from "B" (Multiple Family) to "R-6"  
Parcel 20F would change from "R-6" to "R-5"

Z-2765: Parcel 21 would change from "LE" (Light Industrial) to "BB" (Office District)

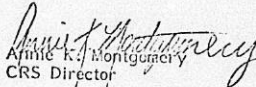
Additionally, the applicant and the area residents are currently negotiating items which will be placed within a Restrictive Covenant.

As a result of the above information, the Council elected to approve both requests pertaining to DP-112 and Z-2764.

Citizen Rights and Services  
Page 2

Both the neighborhood residents and Council members expressed appreciation to the applicant, Don Ablah, for his willingness to compromise.

Please provide the Council's recommendations to the Board of City Commissioners when cases DP-112 and Z-2764 are considered.

  
Annie K. Montgomery  
CRS Director

AKM:dm

cc: Jack Galbraith, Chief Planner, Current Plans

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 29, 1986

LEGAL:

14. Case No. DP-112 - Woodlawn Development Co. requests amendment to delete a Residential Community Unit Plan. Generally located north of 29th Street North in an area east of Penstemon.

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

Background: The applicant is requesting an amendment to delete DP-112 in its entirety. Two of the six parcels have been platted but no development has occurred yet.

Analysis: Staff would prefer that this C.U.P. be amended to delete only the portions being rezoned for non-residential uses, however, residential C.U.P.'s are not mandatory and may be deleted after a public hearing in which it is determined that the underlying zoning district regulations are sufficient to guide the development of the area. Upon deletion of this C.U.P., the existing large platted lots will come under the "A" zoning district regulations which limit the number of structures to one per platted lot. Therefore, replatting will be necessary in order to fully utilize the existing platted lots.

There was no one present in opposition to the application.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the unsuitability of subject property for the uses to which it has been restricted; and the recommendation of staff; I move that we recommend to the governing body that this C.U.P. be deleted. Moore moved, Crockett seconded and it carried unanimously. Miles was not present. Banzer, Goebel and Wilson were absent.

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May 30, 1986

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

Re: DP-112 Amendment to delete.

Dear Mr. Yung:

At its regular meeting on May 29, 1986, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend that the C.U.P. be deleted.

This matter will be forwarded to the Board of City Commissioners for consideration at their regular meeting on June 24, 1986, 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.

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

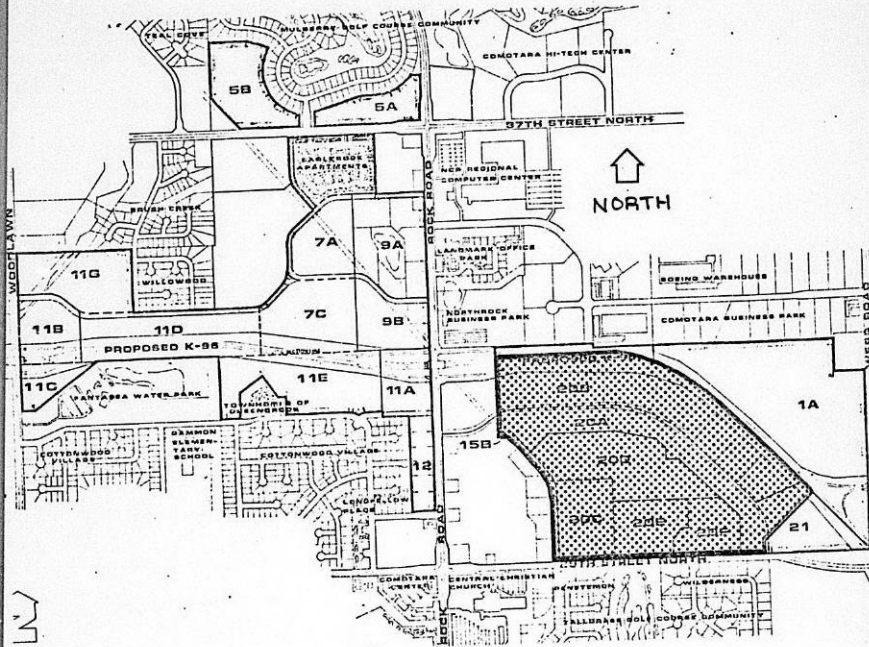
Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG/lw

cc: Woodlawn Development Company, c/o Don Ablah, 151 North Main,  
Wichita, KS 67202  
Killarney Investments, Inc., 8400 Killarney, Wichita, KS 67206

STAFF REPORT



DP-112 - AMENDMENT TO DELETE A RESIDENTIAL C.U.P., LOCATED NORTH OF 29TH STREET NORTH IN AN AREA EAST OF PENSTEMON.

Applicant: Woodlawn Development Co., 151 North Main, Wichita, KS 67202.

Size: 149.9 acres

History: DP-112 and the associated request for "A" zoning (Z-2350) were originally approved in 1981.

Background: The applicant is requesting an amendment to delete DP-112 in its entirety. Two of the six parcels have been platted but no development has occurred yet.

Analysis: Staff would prefer that this C.U.P. be amended to delete only the portions being re-zoned for non-residential uses, however, residential C.U.P.'s are not mandatory and may be deleted after a public hearing in which it is determined that the underlying zoning district regulations are sufficient to guide the development of the area. Upon deletion of this C.U.P., the existing large platted lots will come under the "A" zoning district regulations which limit the number of structures to one per platted lot. Therefore, replatting will be necessary in order to fully utilize the existing platted lots.

CASE NOS. Z-2757 thru Z-2766  
and

DP-155 through DP-158 and DP-121

ABLAH CASES

112 } amendments  
113 }  
115 }

266	"Notices to adjoining property owners mailed on 5-15-86 for MAPC meeting on 5-29-86.
3	One each to Applicants and Agent.
3	One each to CPO, Carl Gipson and Karen Crook.
2	One each to Louise and Glen.
<hr/>	
274	TOTAL

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

May 15, 1986

NOTICE IS HEREBY given that on Thursday, May 29, 1986, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC), at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas will consider a number of applications for changes of zoning districts, approval of four new commercial development plans (C.U.P.'s), amendment to one previously approved commercial development plan, and deletion of three previously approved residential development plans. All applications are in an area between Woodlawn and Webb Road from 29th Street North to  $\frac{1}{4}$ -mile north of 37th Street North as outlined on the accompanying map. All tracts of land in these applications are undeveloped with the exception of the Eaglerock Apartments at 37th Street North and Inwood. Each tract is designated by a number or number and letter. The zone change requests are as follows:

<u>Parcel</u>	<u>Existing Zoning</u>	<u>Proposed Zoning</u>
1A	"AA" Single-family	"E" Light Industrial
5A	"AA" Single-family & "LC" Light Commercial	"LC" Light Commercial
5B	"AA" Single-family	"R-6" General Residence
Eaglerock Apts.	"A" Two-family w/CUP	"R-6" General Residence
7A	"AA" Single-family	"R-5" General Residence
7C	"AA" Single-family	"R-6" General Residence
9A	"AA" Single-family & "BB" Office	"BB" Office
9B	"AA" Single-family & "BB" Office	"LC" Light Commercial
11A	"AA" Single-family	"LC" Light Commercial
11B	"AA" Single-family	"LC" Light Commercial
11C	"AA" Single-family	"LC" Light Commercial
11D	"AA" Single-family	"A" Two-family
11E	"AA" Single-family & "A" Two-family	"R-5" General Residence
11G	"AA" Single-family	"R-6" General Residence
12	"R-6" General Residence	"LC" Light Commercial
15B	"A" Two-family	"LC" Light Commercial
20A	"AA" Single-family & "A" Two-family	"BB" Office
20B	"AA" Single-family & "A" Two-family	"E" Light Industrial
20C	"AA" Single-family & "A" Two-family	"R-6" General Residence
20D	"AA" Single-family & "A" Two-family	"R-5" General Residence
20E	"AA" Single-family & "A" Two-family	"B" Multiple family
20F	"AA" Single-family	"R-6" General Residence
21	"AA" Single-family	"E" Light Industrial

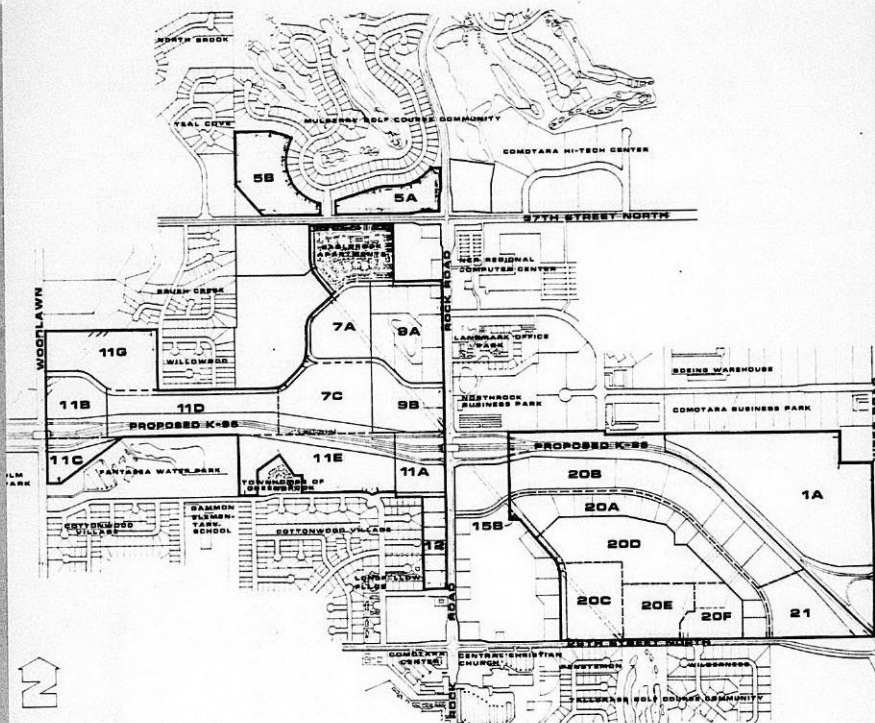
The four new commercial development plans (community unit plans) are designated as follows:

DP-155	(Parcel 5A)
DP-156	(Parcels 11B and 11C)
DP-157	(Parcel 9B)
DP-158	(Parcels 11A and 12)

One previously approved commercial development plan, DP-121, which includes part of Parcels 9A, 9B, 11A, 11E and the tract at the southwest corner of 37th and Rock Road, is being amended to delete all but the corner tract.

Three previously approved residential development plans, DP-112 (Parcels 15B, 20A, 20B, 20C, 20D, 20E, 20F and a portion of 21), DP-113 (including portions or all of Parcels 7C, 11A, 11B, 11C, 11D, 11E, 11G, Willowood, and an unplatted tract east of Willowood), and DP-115 (including Eaglerock Apartments and portions or all of Parcels 7A, 7C, 9A, 9B, 11E and an unplatted tract west of Parcel 7A) are being deleted.

SEE REVERSE SIDE



The full and complete legal descriptions for each Parcel designated on the map plus copies of each development plan referenced above are on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and are available for public information and review during regular business hours.

As provided in Section 28.04.210 of the Code of the City of Wichita, Kansas, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the MAPC as by law provided.

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 Board of City Commissioners. 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 these cases may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

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

DP-112  
DELETE

This is an application for a Community Unit Plan - Planned Development. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

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

- A. APPLICANT Woodlawn Development Company  
ADDRESS 151 North Main, Wichita, KS Zip Code 67202 PHONE 269-4000  
AGENT Bill G. Yung Design  
ADDRESS 8225 E. 35th North, Wichita Zip Code 67226 PHONE 683-5567
- B. APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_  
AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_
- C. APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_  
AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_

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

2. A. The applicant hereby requests <sup>deletion</sup> ~~approval~~ ~~of~~ ~~the~~ ~~plan~~ (circle appropriate word) of a Community Unit Plan on property zoned AA & A and legally described as Lot(s) N/A Block(s) N/A of the N/A N/A Addition.

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

See attached legal description.

- B. There are 151.9 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 6051 B & C Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_ MAPC 5-21-86

T9-330-3

Revised 9/85

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

- A. At the Northeast corner of Rock Road and 29th Street North, OR
- B. On the North side of 29th Street North (Ave.) Street between Rock Road (Ave.) Street and Webb Road (Ave.) Street.

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

D. M. M. CITY IN FAC BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY)  
APPLICANT'S SIGNATURE

\_\_\_\_\_ BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY)  
APPLICANT'S SIGNATURE

\_\_\_\_\_ BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY)  
APPLICANT'S SIGNATURE

OFFICE USE ONLY

This application was received at the Planning Department at 3:30 (AM, PM) on 4-29-86 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 200<sup>00</sup>.

Lewis Olving Name  
Sr. Planner Title



250 Rockborough Building  
260 North Rock Road  
Wichita, Kansas 67206  
316/686-7303

DATE 4-30-81 JOB NO. 80-213-A

PROJECT Parcels 1 - 12 *CWP D.P. 112*

*Page 20*

COPIES TO

TO \_\_\_\_\_

FROM Steve Anderson

REFERENCE \_\_\_\_\_

A tract in the south half of Section 32, Township 26 South, Range 2 East of the 6th P.M. described as beginning at the intersection of the east line of the southwest quarter of said Section 32 and the north right of way line of 29th Street North, said point being 30 feet northerly from the south quarter corner of said Section 32; thence westerly along said north right of way line of 29th Street North bearing S 89° 07' 22" W, 1287.20 feet; thence N 0° 52' 38" W, 902.09 feet; thence along a curve to the left having a central angle of 39° 23' 51", a radius of 335.17 feet and a length of 230.47 feet; thence N 40° 16' 29" W, 736.83 feet; thence along a curve to the left having a central angle of 24° 47' 40", a radius of 317.23 feet and a length of 137.28 feet; thence N 24° 55' 51" E, 416.56 feet; thence N 0° 52' 40" W, 350.00 feet; thence N 89° 07' 20" E, 1112.50 feet; thence along a curve to the right having a central angle of 44° 59' 18", a radius of 1931.93 feet and a length of 1516.94 feet; thence S 45° 53' 22" E, 1616.27 feet; thence S 44° 06' 38" W, 1110.00 feet to the north right of way line of 29th Street North; thence westerly along said north right of way line bearing S 89° 06' 38" W, 1080.00 feet to the point of beginning; containing 151.90 acres, more or less.

\*

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

Roll # 1

\*