

DP-113 - Woodlawn Development Co.
Proposed REVISION of the plat
on the east side of Woodlawn be-
tween 32nd and 35th Streets North

ACTION

DATE

COMMITTEE

M.A.P.C. *Approved as instructed
to limit the interchange
on Willowwood* 5-25-86

B.C.C./B. O.C.T. *Approved to
delete the curp as
recommended* 6-24-86

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-113 - REQUEST FOR AMENDMENT TO DELETE A RESIDENTIAL C.U.P., LOCATED EAST OF WOODLAWN IN AN AREA NORTH OF 32ND STREET NORTH. (Woodlawn Development Co.)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

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-113. Two of the parcels have been partially platted and developed (Willowood and Townhomes of Greenbrook). No one spoke in opposition. The MAPC unanimously recommended approval of the request.

CPO Council "I" voted 7-1 to recommend approval.

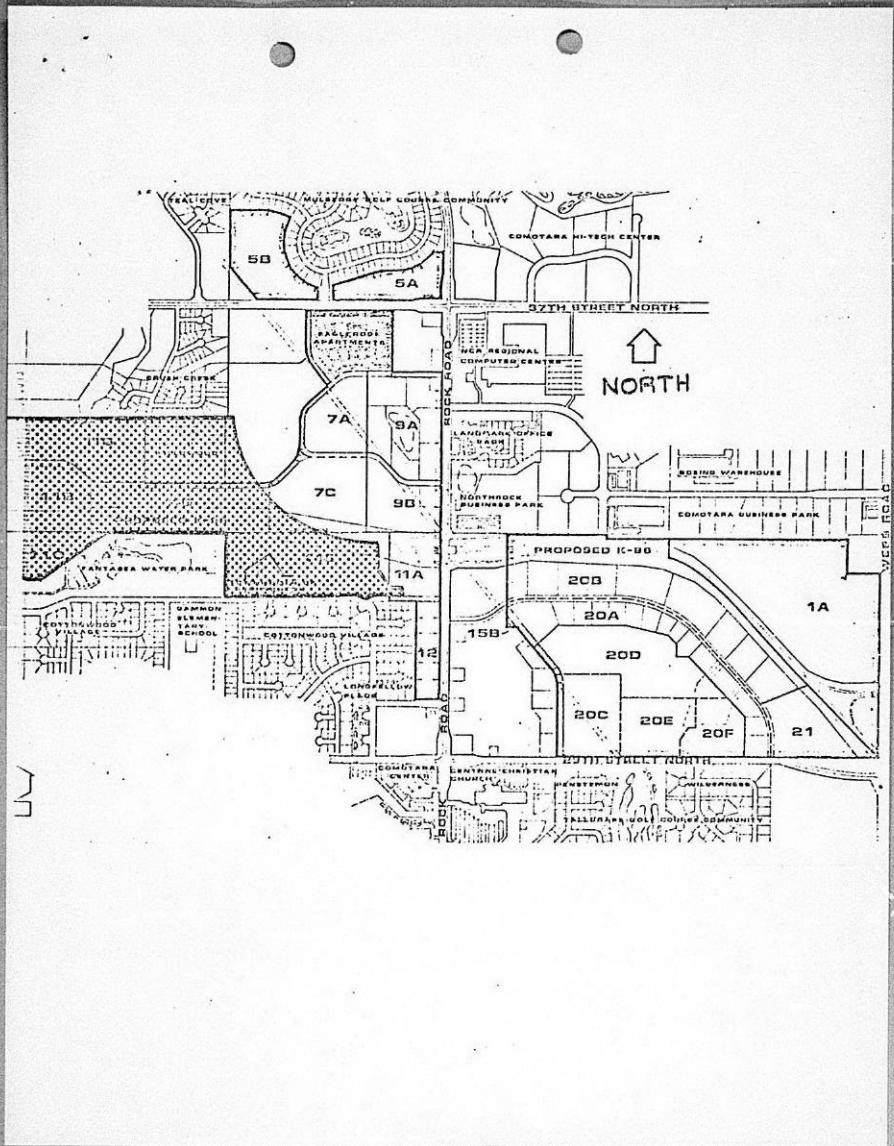
Analysis: DP-113 has an overall permitted density of 14.5 du/acre which requires the "A" zoning district. The two platted areas have "A" zoning but the C.U.P. limits Willowood to single family development while permitting townhomes in the Greenbrook area. In order to protect existing homeowners in Willowood from the possibility of having duplexes constructed on the now-undeveloped lots once the C.U.P. restrictions are deleted, the Planning Commission has authorized initiation of a zone case to rezone Willowood from "A" back to "AA" if this C.U.P. is deleted.

The townhouses in Greenbrook have been developed at a density of approximately 10.5 du/acre which requires "R-5" zoning if there is no sharing of densities as within a C.U.P. So as not to create a use which does not conform to the zoning density regulations, the Planning Commission has authorized initiation of a zone case to rezone Townhomes of Greenbrook from "A" to "R-5" if this C.U.P. is deleted.

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 (*see Z-2757*)



EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 29, 1986

LEGAL:

15. Case No. DP-113 - Woodlawn Development Co. requests amendment to delete a Residential Community Unit Plan. Generally located east of Woodlawn in an area north of 32nd Street North.

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-113. Two of the parcels have been partially platted and developed (Willowood and Townhomes of Greenbrook).

Analysis: DP-113 has an overall permitted density of 14.5 du/acre which requires the "A" zoning district. The two platted areas have "A" zoning but the C.U.P. limits Willowood to single family development while permitting townhomes in the Greenbrook area. In order to protect existing homeowners in Willowood from the possibility of having duplexes constructed on the now undeveloped lots once the C.U.P. restrictions are deleted, the Planning Commission should initiate a zone case to rezone Willowood from "A" back to "AA" if this C.U.P. is deleted.

The townhouses in Greenbrook have been developed at a density of approximately 10.5 du/acre which requires "R-5" zoning if there is no sharing of densities as within a C.U.P. So as not to create a use which does not conform to the zoning density regulations, the Planning Commission should initiate a zone case to rezone Townhomes of Greenbrook from "A" to "R-5" if this C.U.P. is deleted.

COMMENTS:

OLIVAREZ stated that in deleting the C.U.P. which covers the townhomes of Greenbrook, the applicants would be left with "A" zoning, and although the density at which the townhomes are developed sits in "A" zoning, they could only have one duplex per platted lot and not townhouses as already built. She said that if this C.U.P. was deleted, staff should be instructed to start a zone change request for that parcel to the "R-5" zoning district.

OLIVAREZ commented another request for rezoning was for Willowood. It is zoned duplexes, but the existing C.U.P. restricts development on that parcel to single family, and the people who have bought in that development know that it is single family and they have built single family homes. To assure that the vacant lots are not developed with duplexes, OLIVAREZ said that it should be downzoned to the single family district in accordance with the current C.U.P. regulations. This would be a protection for the existing homeowners in Willowood.

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

5-29-86
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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 the C.U.P. be deleted and that applications be initiated to rezone Willowood from "A" to "AA" and the Townhomes of Greenbrook from "A" to "R-5". Moore moved, Crockett seconded and it carried unanimously. Miles was not present. Banzer, Goebel and Wilson were absent.

May 30, 1986

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

Re: DP-113 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 and they instructed that cases be initiated to rezone Willowood from "A" to "AA" and the Townhomes of Greenbrook from "A" to "R-5".

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,

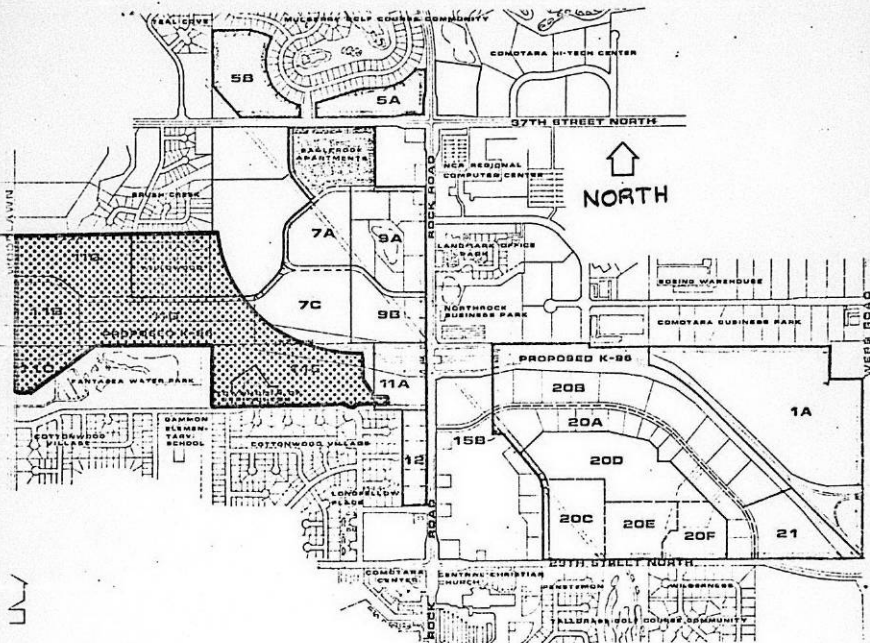
Jack H. Galbraith
Chief Planner

JHG/lw

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

MAY 29, 1986

STAFF REPORT



DP-113 - AMENDMENT TO DELETE A RESIDENTIAL C.U.P., LOCATED EAST OF WOODLAWN IN AN AREA NORTH OF 32ND STREET NORTH.

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

Size: 122.2 acres

History: DP-113 and the associated request for "A" zoning (Z-2391) were approved in 1981.

Background: The applicant is requesting an amendment to delete DP-113. Two of the parcels have been partially platted and developed (Willowood and Townhomes of Greenbrook).

Analysis: DP-113 has an overall permitted density of 14.5 du/acre which requires the "A" zoning district. The two platted areas have "A" zoning but the C.U.P. limits Willowood to single family development while permitting townhomes in the Greenbrook area. In order to protect existing homeowners in Willowood from the possibility of having duplexes constructed on the now-undeveloped lots once the C.U.P. restrictions are deleted, the Planning Commission should initiate a zone case to rezone Willowood from "A" back to "AA" if this C.U.P. is deleted.

The townhouses in Greenbrook have been developed at a density of approximately 10.5 du/acre which requires "R-5" zoning if there is no sharing of densities as within a C.U.P. So as not to create a use which does not conform to the zoning density regulations, the Planning Commission should initiate a zone case to rezone Townehomes of Greenbrook from "A" to "R-5" if this C.U.P. is deleted.

CASE NOS. Z-2757 thru Z-2766

and
DP-155 through DP-158 and DP-151

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.

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 1/2-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

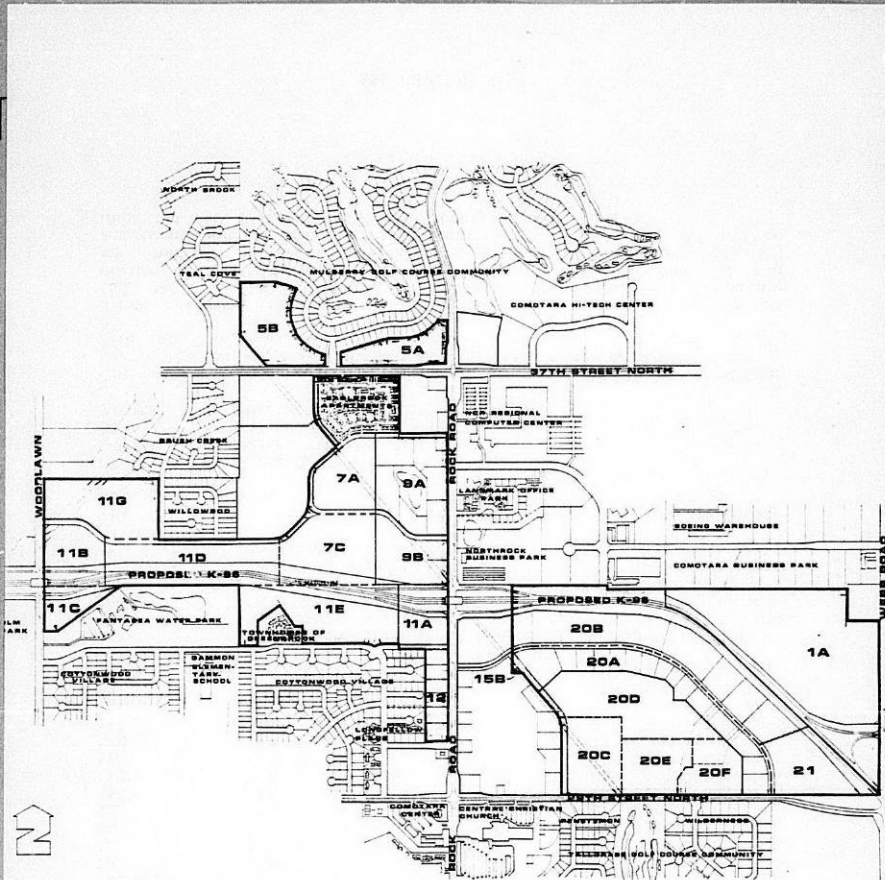
The four new commercial development plans (community unit plans) are designated as follows:

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.

DP-113
DELETE

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

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

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

- A. APPLICANT 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 ^{deletion} ~~approval~~ ~~DP-113~~ (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 125.4 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5951 AB, Zoning (N) _____ (S) _____ (E) _____ (W) _____ MAPC 9-29-86
T9-330-3 CID Revised 9/85

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

A. At the N/A corner of N/A and N/A, OR

B. On the East side of Woodlawn (Ave.) Street between 32nd Street North (Ave.) Street and 35th Street North (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. ATTORNEY IN FACT 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 _____ (AM, PM) on _____ (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ _____.

Name

Title



**Van Doren
Hazard
Stallings**

Architects • Engineers • Planners

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

DATE 9-24-81 JOB NO. _____
PROJECT C.U.P. - Parcel 11-22
D.P. 113
TO Art Chambers
FROM Steven E. Anderson
REFERENCE _____

COPIES TO:

Beginning at the intersection of the north line of the southwest quarter, Section 31, Township 26 South, Range 2 East of the 6th P.M. and the east right of way line of Woodlawn, said point being 50 feet easterly from the west quarter corner of said Section 31; thence northerly along the east right of way line of Woodlawn bearing N 0° 48' 29" W, 1328.99 feet; thence N 88° 59' 00" E, 2509.93 feet; thence along a curve to the left having a radius of 1675.65 feet, a central angle of 82° 40' 34", a length of 2417.92 feet, and a chord 2213.54 feet long bearing S 49° 36' 33" E; thence S 0° 56' 50" E, 250.00 feet; thence S 45° 56' 50" E, 299.31 feet; thence N 89° 04' 12" E, 219.59 feet; thence S 0° 55' 48" E, 170.00 feet to the north line of Cottonwood Village Fourth Addition, an addition to Wichita, Sedgwick County, Kansas; thence westerly along the north line of said addition bearing S 89° 04' 12" W, 400.00 feet; thence along a curve to the left having a radius of 127.15 feet, a central angle of 45° 00' 00", and a length of 99.86 feet; thence N 45° 55' 48" W, 18.00 feet; thence along a curve to the left having a radius of 170.36 feet, a central angle of 45° 00' 00", and a length of 133.80 feet; thence S 89° 04' 12" W, 1072.93 feet; thence along a curve to the left having a radius of 681.64 feet, a central angle of 11° 28' 48", and a length of 136.57 feet; thence S 77° 35' 24" W, 27.24 feet; thence along a curve to the right having a radius of 620.44 feet, a central angle of 11° 19' 37", and a length of 122.66 feet; thence S 88° 55' 01" W, 200.39 feet to the west line of the southwest quarter, said section 31; thence northerly along said west line bearing N 0° 58' 40" W, 767.67 feet to the center of said Section 31; thence westerly along the north line of the southwest quarter of said Section 31 bearing S 89° 03' 12" W, 1345.31 feet; thence along the northerly line of Fantasea, an addition to Wichita, Sedgwick County, Kansas bearing S 56° 45' 10" W, 1037.72 feet; thence S 88° 55' 00" W, 200.00 feet to the east right of way line of Woodlawn; thence northerly along said right of way line bearing N 1° 14' 30" W, 595.00 feet to the point of beginning; containing 125.404 acres, more or less.