

ACTION

DATE

COMMITTEE

M.A.P.C.

Approved 5-29-56

R.C.C./B.C.C.

*Approved Also 6-24-56
action is recommended*

DATA SHEET

Z- _____
 SCZ- _____
 CU- _____
 DR- _____
 DP- 115

Amend
 Case Filed: 4-29-86
 Associated Case: _____

APPLICATION DATA: Map No. 5951 A

1. General Location: South of 37th Street North in an area west of Webb Road
2. From _____ to _____
3. Proposed Use: _____
4. DP Name: W.D.C. PARCEL 7 COMMERCIAL COMMUNITY UNIT PLAN
5. Applicant: Killarney Investments, Inc.
 Address 8400 Killarney, Wichita, KS. 67206 Phone 685-1415
6. Agent: BILL C. Yung Design
 Address 4912 East 29th Street North, Suite One, Wichita, KS. 67220 Phone 683-5567

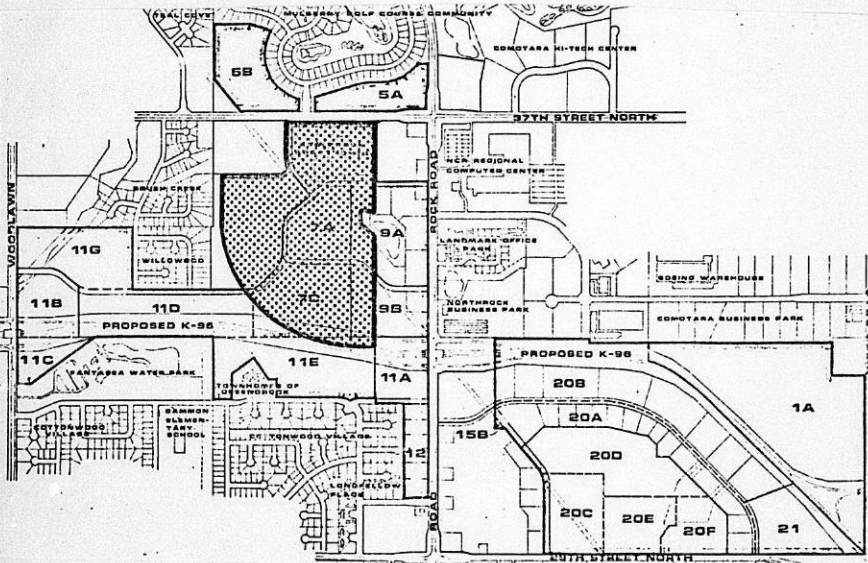
AREA DATA:

1. Acres: 97.2 (_____ S _____ ft. by _____ W _____ ft.)
2. Adjoining Zoning: N _____ S _____ E _____ W _____
3. Land Use: North _____ East _____
 South _____ West _____

PICTURE SHEET

PHOTO DATA:

Taken by _____ Date _____ Time _____



NOTES:

T9-214-2

Standard
 No. 2153C
 PLANNING FOR
 LOS ANGELES, CHICAGO, LOS AN, OH
 McNEESON, TX, LOCUST GROVE, GA
 USA

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-115 - REQUEST FOR AMENDMENT TO DELETE A RESIDENTIAL C.U.P., LOCATED SOUTH OF 37TH STREET NORTH IN AN AREA WEST OF ROCK ROAD. (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-115. One of the parcels has been platted as 37th Rock Addition and has developed with the Eaglerock Apartments. No one spoke in opposition. The MAPC unanimously recommended approval of the request.

CPO Council "I" unanimously recommended approval.

Analysis: DP-115, as approved, permits 1256 dwelling units on 87 acres of land. Each parcel within this C.U.P., including the developed parcel (Eaglerock Apartments), is requesting the zoning district necessary for independent development. If "R-6" zoning is granted as requested for the Eaglerock Apartments, then deletion of the C.U.P. requirements for all areas included within DP-115 would appear to be appropriate.

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-0757)

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 29, 1986

LEGAL:

16. Case No. DP-115 - Woodlawn Development Co. requests amendment to delete a Residential Community Unit Plan, Generally located south of 37th Street North in an area west of Rock Road.

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-115. One of the parcels has been platted as 37th Rock Addition and has developed with the Eaglerock Apartments.

Analysis: DP-115, as approved, permits 1256 dwelling units on 87 acres of land. Each parcel within this C.U.P., including the developed parcel (Eaglerock Apartments), is requesting the zoning district necessary for independent development. If "R-6" zoning is granted as requested for the Eaglerock Apartments, then deletion of the C.U.P. requirements for all areas included within DP-115 would appear to be appropriate.

COMMENTS:

OLIVAREZ stated that this is a request which includes the Eaglerock apartments as well as some of the other parcels south of the site. She said that Eaglerock apartments are the only ones that have developed to date. One of the Planning Commission's previous actions on an earlier case was to grant "R-6" zoning for that parcel so that it would be in conformance with its developed density with the deletion of this C.U.P. She said that staff recommended approval of the request, and there would be no conditions of approval.

DON SCHRAG, attorney for Eaglerock, stated that the owners of that tract have only received notice, and it was his understanding that they have not signed the zoning change or C.U.P. deletion request. He said that he was not authorized at this time to say that they will sign. They do not object to anything that has been requested today, and he anticipated that they would be willing to sign.

OLIVAREZ commented that if the residents of Eaglerock do not sign the request, the Planning Commission should initiate a zone change to give the apartment site "R-6" zoning.

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 the C.U.P. be deleted. Gardner moved, Crockett

5-29-86
Page 2

seconded and it carried unanimously. Miles
was not present. Banzer, Goebel and Wilson
were absent.

*Jack & Schrag
He will check with owner
to know if he is a legal owner
then he try to get the Survey
by 6/10/86.*

June 2, 1986

262-2671

Donald Schrag
Morris Laing Evans Brock & Kennedy
200 W. Douglas
Wichita, KS 67202

RE: Z-2759 and DP-115

Dear Mr. Schrag:

The Planning Commission, at its regular meeting of May 29, 1986, considered the above-captioned cases and their action was as indicated on the attached letters. Since you represent the owners of the Eagle Rock Apartments parcel which is included in both of the above-referenced cases, I am forwarding to you a copy of the applications in hopes that you can sign the applications as authorized agent. We had previously been told that Elton Parsons of Landmark Communities had sent to the owners the applications which he expected to be signed and returned any day.

As you discussed with Louise Olivarez of my staff last week, the "R-6" zoning district which permits 29 dwelling units per acre is needed for the Eagle Rock development if the existing community unit plan (DP-115), which permits a borrowing of density from other parcels, is deleted. If "R-6" zoning is not applied for and granted, the development would be legal but non-conforming under the existing "A" zoning district which permits 14.5 dwelling units per acre. The density of Eagle Rock is now approximately 20 dwelling units per acre.

If your client objects to deletion of the community unit plan, its provisions could be retained for the Eagle Rock parcel but the other parcels may be deleted upon approval by the Board of City Commissioners. In this case, "R-6" zoning would still be needed because there would be no other parcels from which to borrow density.

There will be no costs charged to your client for these applications as Woodlawn Development Company has paid the fees as part of their application. If you wish to discuss this matter further or have any additional questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG/LO/lw
Enclosures

May 30, 1986

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

Re: DP-115 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,

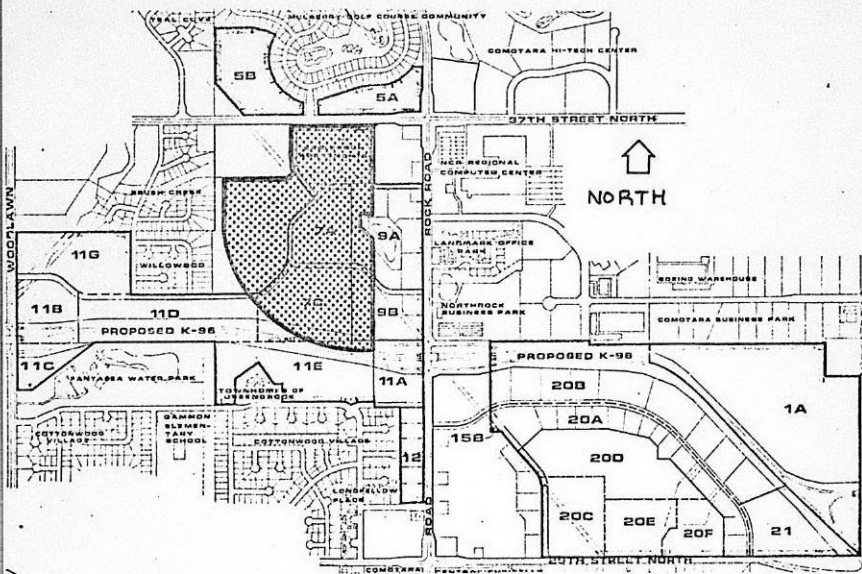
Jack H. Galbraith
Chief Planner

JHG/lw

cc: Woodlawn Development Company, c/o Don Ablah, 151 North Main,
Wichita, KS 67202
Killarney Investments, Inc., 8400 Killarney, Wichita, KS 67206
Franklin Eagle Rock Association, c/o Franklin Realty Group, Inc. Four
Sentry Parkway, Blue Bell, PA 19422
Donald Schrag, Morris Laing Evans Brock & Kennedy, 200 W. Douglas,
Wichita, KS 67202

MAY 29, 1986

STAFF REPORT



DP-115 - AMENDMENT TO DELETE A RESIDENTIAL C.U.P., LOCATED SOUTH OF 37TH STREET NORTH IN AN AREA WEST OF ROCK ROAD.

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

Size: 87 acres

History: DP-115 and the associated request for "A" zoning (Z-2380) were approved in 1981.

Background: The applicant is requesting an amendment to delete DP-115. One of the parcels has been platted as 37th Rock Addition and has developed with the Eaglerock Apartments.

Analysis: DP-115, as approved, permits 1256 dwelling units on 87 acres of land. Each parcel within this C.U.P., including the developed parcel (Eaglerock Apartments), is requesting the zoning district necessary for independent development. If "R-6" zoning is granted as requested for the Eaglerock Apartments, then deletion of the C.U.P. requirements for all areas included within DP-115 would appear to be appropriate.

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.

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 1/4-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

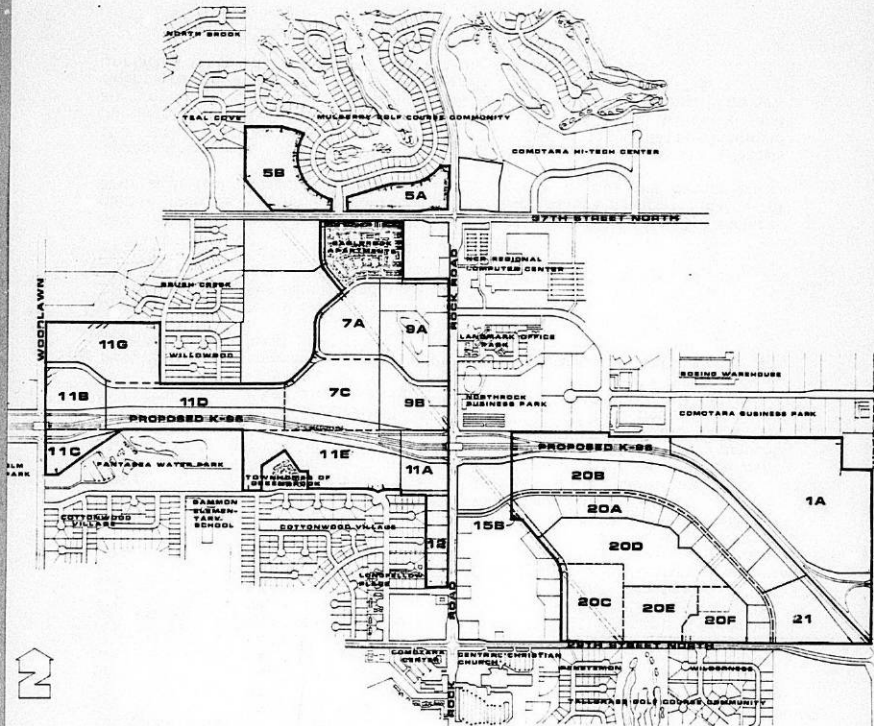
The four new commercial development plans (community unit plans) are designated as follows:

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-115

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 Killarney Investment, Inc.
ADDRESS 8400 Killarney, Wichita, KS Zip Code 67206 PHONE 685-1415
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} ~~an amendment~~ (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 97.2 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5951A Zoning (N) _____ (S) _____ (E) _____ (W) _____ MAPC 5-29-86

T9-330-3

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 West side of Rock Road (Ave.) Street between 29th Street North (Ave.) Street and 37th Street North (Ave.) Street.

South of 37th St. North in an area west of Rock Road

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.

Virginia S. Altek Co.
APPLICANT'S SIGNATURE

BY _____ AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE _____

BY _____ AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE _____

BY _____ AUTHORIZED AGENT (IF ANY)

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 \$ 200⁰⁰.

Louise Olway Name
Sr. Planner Title

All of the northeast quarter of Section 31, Township 26 south, Range 2 east of the 6th P.M. except existing public right of way and except the three following described parcels:

Beginning at the north quarter corner of Section 31, Township 26 south, Range 2 east of the 6th P.M.; thence easterly along the north line of the northeast corner of said Section 31 bearing N 89° 18' 12" E, 950.00 feet; thence S 0° 58' 40" E, 350.00 feet; thence S 45° 00' 00" W, 672.90 feet; thence S 89° 18' 12" W, 466.13 feet to the west line of said northeast quarter; thence northerly along said west line bearing N 0° 58' 40" W, 820.00 feet to the point of beginning.

The east 425 feet of the north 1150 feet of the northeast quarter of Section 31, Township 26 south, Range 2 east of the 6th P.M. except public right of way.

Beginning at the east quarter corner of Section 31, Township 26 south, Range 2 east of the 6th P.M.; thence westerly along the south line of the northeast quarter of said Section 31 bearing S 89° 03' 11" W, 725.00 feet; thence N 1° 05' 19" W, 585.00 feet; thence S 89° 03' 11" W, 580.00 feet; thence N 1° 05' 19" W, 600.00 feet; thence N 45° 0' 0" E, 639.13 feet; thence S 45° 0' 0" E, 172.41 feet; thence east parallel with the north line of said northeast quarter bearing N 89° 18' 12" E, 725.00 feet to the east line of said northeast quarter; thence southerly along said east line bearing S 1° 05' 19" E, 1502.32 feet to the point of beginning, except existing public right of way

Net Acreage: 97.18 acres, more or less.