

NOTE :

MISSING FILE

*

DP-126 , DP-127,
DP-128 , DP-129,
DP-130 , DP-131
and DP-132

were missing when
microfilmed.

ACTION

DATE

COMMITTEE

M.A.P.C. *Approved and to* 10-20-83
Construction

B.C.C./B.C.C.T. *Approved and* 11-15-83
Revised

P11

POSTED 9.08.83

Close - Failure to Plot 5-2-86
JW

DP-133 - *See map on page 2 of*
CENTER COMMERCIAL C.P. General
located on the east side of 13th St.
St. East, between Kellough Blvd
and Douglas. On property

Map No. 6347C
Sec. _____
Twp. _____
Range _____

DATA SHEET
COMMUNITY UNIT PLAN

DP - 133
Filed 9-15-83

Associated
Case: Z-2546

APPLICATION REQUEST: Approval of proposed SPRING CREEK FAMILY

GOLF CENTER
(~~Residential~~ Commercial) Community Unit Plan.

1. Applicant William E. Lusk, Jr., et al
Address 207 S. Broadway, 67202 Phone 267-2858
2. Agent Baughman Co., P.A., et al
Address 330 Laura, 67211 Phone 262-7271
3. General Location: East side of 127th St. East, between Kellogg (US 54)
and Douglas.
4. Proposed Use: _____

AREA DATA:

1. Acres: 45.6 (_____ ft. by _____ ft.)
2. Existing Zoning "AA" Proposed Zoning "C"
3. Area (is) (is not) platted. _____ Addition

HISTORY

PROCEDURE DATA

1. MAPC Meeting:

Date
10-20-83

Action
Approved out to conditions

2. Governing Body

Date
11-15-83

Action
Approved & recorded

NOTES:

CASE FILE

LOS ANGELES, CHICAGO, LOGAN, OH
MCKINNON, TX, LOCUST GROVE, GA
USA

S
No. 2-153C

HASTINGS, MN

Map No. 6347C
Sec. _____
Twp. _____
Range _____

DATA SHEET
COMMUNITY UNIT PLAN

DP - 133
Filed 9-15-83

Associated
Case: Z-2546

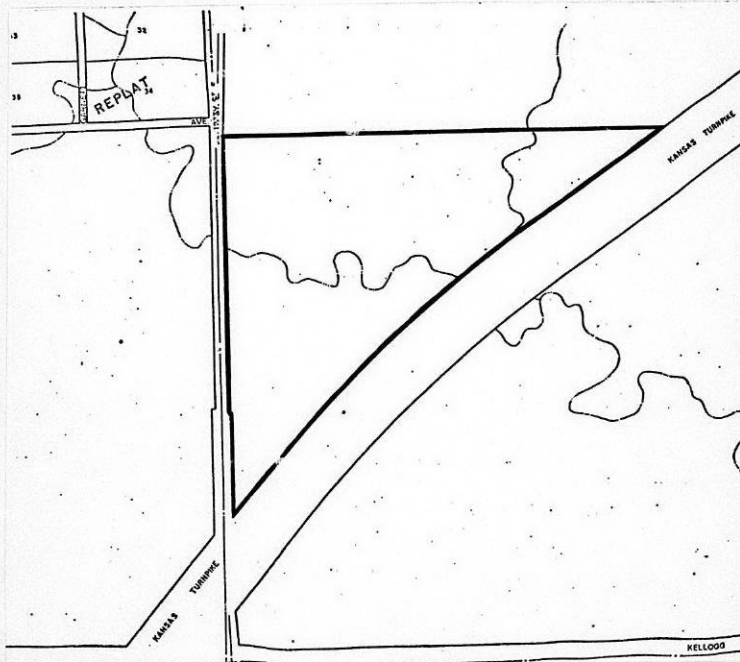
APPLICATION REQUEST: Approval of proposed SPRING CREEK FAMILY
GOLF CENTER
(~~Residential~~) (Commercial) Community Unit Plan.

1. Applicant William E. Lusk, Jr., et al
Address 207 S. Broadway, 67202 Phone 267-2858
2. Agent Baughman Co., P.A., et al
Address 330 Laura, 67211 Phone 262-7271
3. General Location: East side of 127th St. East, between Kellogg (US 54)
and Douglas.
4. Proposed Use: _____

AREA DATA:

1. Acres: 45.6 (2070) ft. by 1400 ft.)
2. Existing Zoning: "AA" "C"
3. Land Use: East VACANT South VACANT
West VACANT North VACANT
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA: Z-2546
Taken by _____ Date _____ Time DP-133



PICTURE SHEET

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 11, 1986

TO: Monty Robson, Superintendent of Central Inspection

FROM: Louise Olivarez, Senior Planner, Current Plans Division

SUBJECT: DP-133 - Spring Creek Family Golf Center Commercial C.U.P.
Generally located on the east side of 127th Street East in an
area between Kellogg and Douglas.

On December 9, 1983, two approved copies of the above-referenced C.U.P. were sent to your office with a memo stating that the City Commission had approved the plan subject to the property being replatted within one year or the case be considered denied and closed. Two platting time extensions were granted but the latest extension expired May 1, 1986, and the plat had not been recorded. Therefore, the C.U.P. file and the related zone change file were marked "denied and closed".

Please mark your copies of DP-133 "VOID". If the property owner still desires to develop this land with commercial uses, a new zone change request and C.U.P. will have to be filed.

Louise Olivarez
Senior Planner

LO:blw

cc: Z-2546 file

October 25, 1984

Baughman Company, P.A.
330 Laura
Wichita, Kansas 67211

RE: Z-2546 - "AA" to "C" - Generally located on the east side of
127th Street East between Kellogg and Douglas.

Gentlemen:

As you will recall, the above-referenced zone change was approved subject to final approval of the C.U.P. (DP-133) and platting of subject property within one year.

The Board of City Commissioners on November 15, 1983, considered the above-captioned C.U.P. and their action was to approve subject to four conditions. Platting of the property was also a condition of approval. The final plat was approved by the Planning Commission on March 8, 1984, subject to the conditions detailed in a letter to you dated March 2, 1984. In addition, three final requirements must be met before the plat can be forwarded to the Board of City Commissioners for consideration. These requirements were detailed in a letter to you dated March 8, 1984.

As the one year time limit is about to expire (November 16, 1984), we would appreciate your contacting us as to your intentions in completing the plat. If you desire an extension of platting time, you will need to let us know before the expiration date.

Please call if you have any questions.

Sincerely,

Terrence T. Smythe
Junior Planner

cc: William E. Lusk, Jr., 207 South Broadway, Wichita, KS. 67202
Terry L. Grabham, % Leisure Tyme, Inc., #7 Cypress, Wichita, KS. 67206

Extension was granted by the Manager to May 1, 1985

December 9, 1983

Robert B. Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-133 - Spring Creek Family Golf Center Commercial C.U.P.
Generally located on the east side of 127th Street
East, in an area between Kellogg and Douglas.

The Board of City Commissioners on November 15, 1983, 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 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.
- c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.
- d. 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 development and be binding upon the present owners, their successors and assigns, unless amended.

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

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

Jack H. Galbraith
Chief Planner

JHG:ADC:el
Attachments

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF CITY COMMISSIONERSREQUEST FOR ZONING APPROVAL OF COMMERCIAL
COMMUNITY UNIT PLANZ-2546 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING DISTRICT
TO THE "C" COMMERCIAL DISTRICT. ANDDP-133 - APPROVAL OF THE SPRING CREEK FAMILY GOLF CENTER COMMERCIAL
COMMUNITY UNIT PLAN. GENERALLY LOCATED ON THE EAST SIDE OF 127TH
STREET EAST, BETWEEN KELLOGG AND DOUGLAS.

The MAPC recommends approval of the zone change request, and approval of the C.U.P. subject to conditions as shown in excerpt from Planning Commission minutes.

Hansen moved, Moore seconded and it carried with a vote of 6 in favor (Hansen, Moore, Bayouth, Crockett, Gardner and Wilson) and 1 opposed (Peters). Goebel was not present. Banzer and Chisholm 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 the first reading when the plat is forwarded to the City Commission; or
 2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

CPO ACTION: CPO Council Area "H" recommended approval of the request by 7-0 vote.

DATA AND MINUTES

MAPC Hearing Date: 10-20-83

BCC Hearing Date: 11-15-83

AREA DATA:

Acres: 45.6

Size: 1400'x2270' (irregular)

Reason: None

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"AA"
North	Undeveloped	"R-1"
East	Undeveloped & KTA	"R-1"
South	KTA	"N/A"
West	Undeveloped	"R-1"

History: None

Applicants: William E. Lusk, Jr., 207 S. Broadway, Wichita 67202
Terry Grabham, & Leisure Tyme, Inc., No. 7 Cypress,
Wichita 67206

Protestors: Jack Gilbert, 12400 E. Douglas; Travis Franklin, 149
Garnett; Harry Wilscam, 151 Garnett; Norman Berschauer, 150 Jackson;
Ruth Dawson, 225 Garnett.

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 20, 1983

- 10a. Case No. Z-2546 - William E. Lusk, Jr., et al requests zone change from "AA" to "C" for All that part of the SW 1/4 of Sec. 23, Twp. 27-S, R-2-E, lying north of the Kansas turnpike. Generally located on the east side of 127th Street East, between Kellogg (U.S. 54) and Douglas.
- 10b. Case No. DP-133 - William E. Lusk, Jr., et al requests approval of the Spring Creek Family Golf Center Commercial Community Unit Plan for All that part of the SW 1/4 of Sec. 23, Twp. 27-S, R-2-E, lying north of the Kansas Turnpike. Generally located on the east side of 127th Street East, between Kellogg (U.S. 54) and Douglas.

COMMENTS:

1. The following items 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 requesting approval of the Spring Creek Family Golf Center C.U.P. that is located on the east side of 127th Street in an area between Kellogg and Douglas. Associated zone case Z-2546 is requesting "C" zoning on the 45.6 acre site. Commercial outdoor recreational uses are first permitted in the "C" Commercial District. The proposed golf center would include a "par 3" eighteen hole golf course, miniature golf course, driving range, clubhouse and associated uses. Other commercial uses and residential uses would not be permitted. Building setback lines, access control and other information regarding future development is shown on the plan.
2. Due to the 700 to 800 foot wide floodplain through this site, it would seem that a golf course would be an appropriate use for this site. With the provisions for shielding lights and the safety screen and the KTA along the southeast side, staff feels that the impacts on adjacent property should be minimal. The landscaping and screening provisions will also help mitigate adverse impacts of the development on future residential development.
3. It should be noted that the C.U.P. shows the proposed North East Circumferential cutting through the site. Although no right-of-way has been purchased, a local engineering firm is working on an alignment plan. Setback lines on the C.U.P. restrict the building of any structures in the area needed for right-of-way. However, the setbacks will move to the southeast property line in 1994 if right-of-way for the North East Circumferential has not been acquired.
4. A recommendation of approval of the zone change by the Planning Commission should be subject to approval of the associated C.U.P. and to the property being platted within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds.
5. 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 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.
- c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- d. The transfer of title of all or any portion of the land included within the Community Unit Plan (CUP) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

CHAMBERS stated that the contract purchaser has indicated on the C.U.P. that he wishes to develop a golf course center. He said that when the applicant started talking to staff, it was pointed out that the outdoor commercial use would take "C" zoning. Staff was not supportive of establishing "C" zoning. However, with the proposed CUP and the restrictions placed on it, staff would be supportive of the zone change and the Community Unit Plan. CHAMBERS said that there was a 700 to 800 foot wide floodway through this site, and at this time a golf course would seem to be the most appropriate use for the site. CPO Council Area "H" recommended approval of the requests by 7-0 vote. He said that staff recommended approval of the requests.

PETERS asked how far does the proposal set back from 127th Street.

CHAMBERS stated that in Parcel 2 there are no buildings permitted, just the 18-hole golf course.

EVERETT FETTIS, attorney representing the applicant, said that he had no comments and that they agreed with staff comments.

JOHN LUNDBLADE, Baughman Company, representing the applicant, stated that they feel that this particular use is good considering the flood plain, the turnpike, and the possibility of the Northeast Circumferential. They do not feel that this would be a great area for a housing development particularly with the amount of area that would be lost due to the flood plain.

JACK GILBERT, 12400 East Douglas, stated that what concerned him about the requests was changing the zoning from one-family residential to "C" Commercial. He was afraid that anything could go in with "C" zoning.

CHAMBERS explained that because it is a commercial-recreation use involving a miniature golf course, driving range, and the golf course itself, "C" zoning is required. The Community Unit Plan restricts the uses to only miniature golf, driving range and the 18-hole par 3 golf course. To put anything else in there, the applicants would have to come back and amend the CUP.

BAYOUTH said that a Community Unit Plan specifies the exact use of that property no matter what the zoning is. He said that

a Community Unit Plan was the best type of zoning in the world. It cannot be changed without coming back before this Commission.

TRAVIS FRANKLIN, 149 Garnett, stated that the 50 mile per hour speed limit in this area should be considered. It was said that the turnpike and the north end would be protected from golf balls. He said that no one lives there. Over to the west there is somebody. They will not be protected from the lights. He added that they have a hard time keeping a decent road now because of the Beech traffic. He said that he was opposed to the applications.

HARRY WILSCAM, 151 Garnett, stated that he has lived in this area for 50 years and has seen a lot happen in the whole area. On 127th Street where there is a flood plain, there is a concrete bridge. In 1976 he almost lost his life there after hitting the bridge because of ice. He said it was his understanding that on the east side of 127th would belong to City, and the west side would be in the County. They have that same situation on Greenwich where the County maintains half of the road and the City maintains the other half. There is the same situation on Douglas, and it is unbelievable how the City and County fight over who is going to maintain the roads. He mentioned that 127th Street has been refinished. It is a narrow street and it is very dangerous right now.

NORMAN BERSCHAUER, 150 Jackson, was concerned about the traffic and vandalism. He said that his family was opposed to this proposal.

RUTH DAWSON, 225 Garnett, stated that they were a quiet residential rural community, and adding this type of facility will change the character of the neighborhood. The plan envisions a parking lot for over 200 cars which means a lot of people out having a good time, but they are the ones who get the noise, traffic and commotion. She said that they would like to preserve their type of neighborhood.

PETERS was concerned about the Northeast Circumferential being close to this development, and the taxes this would incur.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the generally undeveloped character of the general area; the undeveloped residential zoning to the north and west; the turnpike along the southeast and the recommendation of approval by staff; I move that we recommend to the governing body that the zone change request be approved subject to approval of the associated C.U.P. and to the property being platted within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds, and that the C.U.P. 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 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.

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

Hansen moved, Moore seconded.

HANSEN commented that this piece of property is lying adjacent to the Turnpike. There is an excellent chance that a few years down the road, if this golf course does not go in, there will be multiple family dwellings constructed which would make the traffic now seem like a real nice situation. She felt that a golf course would not be a detriment to the area. She said that everywhere in this community that she knew of, living near a golf course was a real plus, and for those reasons she supports these applications.

MOORE commented that he did not think the residents realized what they could end up with if they did not end up with this golf course.

BAYOUTH said that he agreed with Hansen. He did not feel there would be a traffic problem on Douglas.

PETERS felt that there would be a tremendous traffic problem.

VOTE ON THE MOTION: It carried with a vote of 6 in favor (Hansen, Moore, Bayouth, Crockett, Gardner and Wilson) and 1 opposed (Peters). Goebel was not present. Banzer and Chisholm were absent.

October 21, 1983

Jack Gilbert
12400 East Douglas
Wichita, Ks. 67206

Re: Z-2546 & DP-133 "AA" to "C"

Dear Mr. Gilbert:

The Planning Commission at its regular meeting of October 20, 1983, considered the above-captioned cases, and their action was as indicated on the attached letter.

It is my understanding that you have already obtained protest petition forms from our office. This is a reminder that if you and others owning property within 200 feet of the application area desire to submit legal protest petitions, they must be submitted to the Office of the City Clerk no later than 5:00 p.m., Thursday, November 3, 1983.

If you have any questions concerning this matter or if you need additional protest petition forms, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad
Encl.

cc: Travis E. Franklin, 149 Garnett, Wichita 67206
Harry Wilscam, 151 Garnett, Lot 33, Wichita 67206
Ruth Dawson, 225 Garnett, Wichita 67206
Norman Berschauer, 150 Jackson, Wichita 67206

October 21, 1983

Everett Fettis
One Twenty Building
Wichita, Ks. 67202

Re: Z-2546 DP-133 - "AA" to "C"

Dear Mr. Fettis:

At its regular meeting on October 20, 1983, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend that the zone change request be approved subject to approval of the associated C.U.P. and to the property being platted within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds. In addition, the Planning Commission recommended the approval of 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 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.
- c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

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

It is necessary that you submit 10 copies of the C.U.P. to our office by November 4, 1983 so that subject cases can be scheduled for consideration by the Board of City Commissioners at their regular meeting on November 15, 1983, 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.

Notification signs on subject property should now be removed. If you have any questions concerning this matter, please contact our office.

Sincerely yours,

JHG ^{ADC}
Jack H. Galbraith
Chief Planner

JHG:sd

cc: William E. Lusk, Jr., 207 South Broadway, Wichita 67202
Baughman Company, P.A., 330 Laura, Wichita 67211
Terry L. Grabham, & Leisure Tyme, Inc., No. 7, Cypress, Wichita 67206
Jack Gilbert, 12400 East Douglas, Wichita 67206
Travis E. Franklin, 149 Garnett, Wichita 67206
Harry Wilscam, 151 Garnett, Lot 33, Wichita 67206
Ruth Dawson, 225 Garnett, Wichita 67206
Norman Berschauer, 150 Jackson, Wichita 67206

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE October 20, 1983

TO Jack Galbraith, Chief Planner, Current Plans

FROM Clemencia L. Prieto, Administrative Aide III

SUBJECT DP-133 and Z-2546, Spring Creek
Family Golf Center, east side
of 127th Street East, Between
Kellogg and Douglas

At its October 17th meeting, CPO Council Area "H" considered the request for approval of a Community Unit Plan and a zone change at the captioned location.

John Lundblade, Baughman Company, Terry Grabham, Leisure Time, Inc., and Everett Fettis, were present representing the applicant.

Two area residents were present to express concern about the lighting, noise and increased traffic, but noted that they did not have major objections to the request.

The Council voted 7-0 to recommend approval subject to suggestions given by City staff and strict adherence to the C.U.P.

Please provide the Council's recommendations when the MAPC consider the case at its October 20th meeting.

Clemencia L. Prieto
Clemencia L. Prieto
Administrative Aide III

CLP:sm

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

Z-2546 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELING DISTRICT
TO THE "C" COMMERCIAL DISTRICT

&
DP-133 - APPROVAL OF THE SPRING CREEK FAMILY GOLF CENTER
COMMERCIAL C.U.P.
Generally located on the east side of 127th Street East,
between Kellogg and Douglas.

MAPC HEARING DATE: 10-20-83

Acres: 45.6

Size: 1400'x2270' (irregular)

Reason: None

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"AA"
North	Undeveloped	"R-1"
East	Undeveloped & KTA	"R-1"
South	KTA	"N/A"
West	Undeveloped	"R-1"

History: None

Applicants: William E. Lusk, Jr., 207 S. Broadway, Wichita 67202
Terry Grabham, & Leisure Tyme, Inc., No. 7 Cypress,
Wichita 67206

COMMENTS:

1. The following items 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 requesting approval of the Spring Creek Family Golf Center C.U.P. that is located on the east side of 127th Street in an area between Kellogg and Douglas. Associated zone case Z-2546 is requesting "C" zoning on the 45.6 acre site. Commercial outdoor recreational uses are first permitted in the "C" Commercial District. The proposed golf center would include a "par 3" eighteen hole golf course, miniature golf course, driving range, clubhouse and associated uses. Other commercial uses and residential uses would not be permitted. Building setback lines, access control and other information regarding future development is shown on the plan.

2. Due to the 700 to 800 foot wide floodplain through this site, it would seem that a golf course would be an appropriate use for this site. With the provisions for shielding lights and the safety screen and the KTA along the southeast side, staff feels that the impacts on adjacent property should be minimal. The landscaping and screening provisions will also help mitigate adverse impacts of the development on future residential development.

3. It should be noted that the C.U.P. shows the proposed North East Circumferential cutting through the site. Although no right-of-way has been purchased, a local engineering firm is working on an alignment plan. Setback lines on the C.U.P. restrict the building of any structures in the area needed for right-of-way. However, the setbacks will move to the southeast property line in 1994 if right-of-way for the North East Circumferential has not been acquired.
 4. A recommendation of approval of the zone change by the Planning Commission should be subject to approval of the associated C.U.P. and to the property being platted within one year from date of approval of the zone change by the Board of City Commissioners, or the zone case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds.
 5. 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 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.
 - c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
 - d. The transfer of title of all or any portion of the land included within the Community Unit Plan (CUP) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
-

Z-2546)
&)
✓ DP-133)

17 - "Notice to adjoining property owners" (doublestuffed)
mailed 10-6-83 for the MAPC meeting for 10-20-83.

1 of each, including maps - to CPO Office.

1 (zone case) to Don Schneider, Design Engineer

—
19 TOTAL

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

October 6, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, October 20, 1983, 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 SPRING CREEK FAMILY GOLF CENTER COMMERCIAL COMMUNITY UNIT PLAN, for property legally described as follows:

CASE NO. DP-133

All that part of the SW 1/4 of Sec. 23, Twp. 27-S, R-2-E, lying north of the Kansas Turnpike. Generally located on the east side of 127th Street East, between Kellogg (U.S. 54) and Douglas.

A 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 to create a 45.6 acre golf facility that would include a "par 3" golf course, miniature golf course, driving range, clubhouse and associated uses. Associated zone case Z-2546 is requesting "C" Commercial zoning for the same area. Building setbacks, access control and other information regarding future development is shown on the plan.

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

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

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

Robert A. Lakin
Secretary

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

October 6, 1983

NOTICE OF PUBLIC HEARING

Case No.: Z-2546

Location: East side of 127th St. East, between Kellogg (U.S.54)
and Douglas.

Address: N/A

Request: Zone change from "AA" One-Family to "C" Commercial

A public hearing to consider the above noted request has been scheduled before the
Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on

THURSDAY, OCTOBER 20, 1983

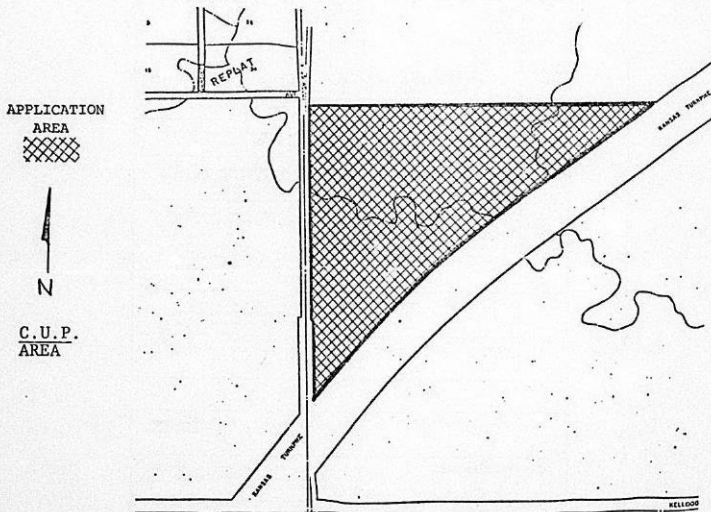
The meeting will begin at 1:30 p.m. in the City of Wichita City Commission Meeting
Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at
the MAPC meeting, either in person or by agent or attorney, to support or oppose
this request. If you have no interest or objection to the requested change, you
have no obligation to appear at the public hearing.

The Citizen Participation Organization (CPO) neighborhood council will consider
this case for the purpose of making a formal recommendation to the MAPC and City
Commission. 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.

If you have any questions or wish additional information, please call 268-4421.

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO CHANGED

CASE NO. Z-2546

Zone Change from the "AA" One-Family Dwelling District to the "C" Commercial District

All that part of the SW 1/4 of Sec. 23, Twp. 27-S, R-2-E, lying north of the Kansas Turnpike. Generally located on the east side of 127th Street East, between Kellogg (U.S. 54) and Douglas.

DISTRICT	NAME OF DISTRICT AND USES PERMITTED (FOR COMPLETE REGULATIONS AND EXCEPTIONS - SEE TEXT OF ORDINANCE)	
AA	ONE FAMILY DWELLINGS	One family dwellings, parks, schools, libraries, golf courses, nurseries, churches
A	TWO FAMILY DWELLINGS	Uses permitted in "AA" district and two family dwellings, care homes (5 or less)
RB	FOUR FAMILY DWELLINGS	Any use permitted in "AA" or "A" districts and four family dwellings
R-5	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 17.5 dwelling units per acre
R-4	GENERAL RESIDENCE DISTRICT	Any use permitted in more restrictive districts and multiple family dwellings. Density: 29 dwelling units per acre
B	MULTIPLE FAMILY DWELLING	Any use permitted in more restrictive districts and multiple family dwellings, boarding houses, medical offices, hospitals, greenhouses, parking lots. Density: 75 dwelling units per acre
BB	OFFICE DISTRICT	Any uses permitted in more restrictive districts any general offices, medical laboratories
OC	OFFICE COMMERCIAL DISTRICT	Offices, limited retail and service uses operated within a building, and residential uses as permitted in the "R-5" district
LC	LIGHT COMMERCIAL DISTRICT	Any use permitted in more restrictive districts and purely retail business operated in a building
C	COMMERCIAL DISTRICT	Uses permitted in more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
E	LIGHT INDUSTRIAL DISTRICT	All industrial and commercial uses except those most offensive because of noise, dust, odors and smoke; and except residential uses
F	HEAVY INDUSTRIAL DISTRICT	Any use, some conditional upon specific approval of City Commission; except residential uses

Special Districts		
D	CENTRAL BUSINESS DISTRICT	Those uses permitted in the "C" district and more restrictive districts and other uses not offensive because of dust, noise, odor or smoke
Q	MOBILE HOME	Mobile home park when complying with Title 26 of the City Code, schools, churches, parks, day nurseries, home occupations
U	UNIVERSITY	Universities, colleges, seminaries and other institutions of learning and related uses
CUP	COMMUNITY UNIT PLAN	Commercial-residential. Permits those uses approved as part of a total development plan

WICHITA - SEDGWICK COUNTY



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

October 5, 1983

Terry Grabham
% Leisure Tyme, Inc.
No. 7 Cypress
Wichita, Kansas 67206

Re: DP-133 - Spring Creek Family
Golf Course Center Commercial
C.U.P.

Dear Mr. Grabham:

After reviewing the above referenced C.U.P. we are generally supportive of the proposed uses for this site. The following comments relate to minor changes that need to be made to the plan. One general comment that the City Engineer's office has made is that there is a 700 to 800 foot wide floodplain through the middle of this site that will have to be addressed at the time of platting. Based on a preliminary analysis of the floodplain, it may be necessary to move the buildings to the north or increase the minimum pad elevation.

ok The proposed K-96 Highway (N.E. Circumferential) should be dimensioned to show width, distance from 127th Street East, etc.

ok In Parcel 2 under letter B, we would suggest that the "east line" setback be changed to the "southeast line" or "setback along KTA". This would also apply to the "south line" in the third paragraph of General Provision No. 3.

ok In regard to the requests for waiving the landscaping and wall requirements we would concur along the KTA. While we would agree that landscaping is not needed along 127th at this time, the plan should state that a landscape plan shall be submitted prior to the issuance of any building permits and that street trees will be planted prior to occupancy. The balance of the landscaping would not be required until the area to the west develops residentially.

WICHITA - SEDGWICK COUNTY

Page Two
Terry Grabham
October 5, 1983

ok The plan should reflect 150 feet of complete access control along 127th Street at the north end of the C.U.P.

As you are aware, you will need to resolve the problem of providing water and sewer services to this site when it is platted. It is our understanding that you intend to use a private sewer lagoon. If that is true, its proposed location should be shown on the C.U.P.

These are all of our comments at this time. We have scheduled the C.U.P. for the October 20, 1983 MAPC meeting and it is necessary that we receive fourteen revised copies of the C.U.P. by Wednesday, October 12, 1983. If you have any questions please call.

Sincerely,

Arthur D. Chambers
Arthur D. Chambers, AICP
Senior Planner

ADC:el

cc: Baughman Co., P.A., 330 Laura, 67211
William E. Lusk, Jr., 207 S. Broadway, 67202

September 29, 1983

R. D. Fogle
Kansas Turnpike Authority
P.O. Box 18007 S.E. Station
Wichita, Kansas 67218

Re: DP-133 - Spring Creek Family
Golf Center Commercial C.U.P.

Dear Mr. Fogle:

Attached for your information and review is a proposed C.U.P. located on the north side of the turnpike on the east side of 127th Street East. The proposed uses include miniature golf, a driving range and a "par 3" golf course that would be located adjacent to the turnpike. Because of the turnpike we thought that it would be beneficial for you to have the opportunity to review the plan. If you have any comments we would appreciate receiving them by Monday, October 10, 1983.

If you have any questions, please call.

Sincerely,

Arthur D. Chambers, AICP
Senior Planner

ADC:el

Attachment

September 29, 1983

Carl Knopp
Professional Engineering Consultants
1440 East English Street
Wichita, Kansas 67211

Re: DP-133 - Spring Creek Family
Golf Center

Dear Mr. Knopp:

Attached for your information and review is a copy of a proposed C.U.P., east of 127th Street East and north of the Kansas Turnpike. The C.U.P. shows the location of the proposed Northeast Circumferential. Buildings would only be permitted west of the proposed circumferential. However, if right-of-way is not acquired prior to 1994 the owners would be permitted to construct buildings to the east.

If you have any comments we would appreciate receiving them by Monday, October 10, 1983. If you have any questions, please call.

Sincerely,

Arthur D. Chambers, AICP
Senior Planner

ADC:el

Attachment

September 20, 1983

Robert B. Feldner, Superintendent of Central Inspection
Mike Lindebak, City Engineer
Bill McKinley, Traffic Engineer

Arthur D. Chambers, Senior Planner

DP-133 - Spring Creek Family Golf Center Commercial C.U.P.
Generally located on the east side of 127th Street,
in an area between Kellogg and Douglas.

Attached is a copy of a proposed commercial C.U.P. at the above referenced location. The proposed uses include a par 3 golf course, miniature golf, practice green and a driving range. Associated zone case Z-2546 is requesting "C" zoning for this site. Setbacks, access control, screening requirements, right-of-way for the proposed N.E. Circumferential are shown on the plan.

We would appreciate receiving any comments you might have by Monday, September 26, 1983. If you have any questions, please call.

Arthur D. Chambers, AICP
Senior Planner

ADC:el
Attachment

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

*DP-133
Spring Creek
Family Subd
C-1
Commercial
CUP
MARC
0520*

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 William E. Lusk, Jr.

Address 207 S. Broadway, Wichita, Kansas Phone 267-2858
67202

Agent Bauchman Company, P.A.

Address 330 Laura, Wichita, Kansas, 67211 Phone 262-7271

b. Applicant Terry L. Grabham

Address c/o Leisure Tyme, Inc., No. 7 Cypress Phone 265-6277
Wichita, Kansas, 67206

Agent Everett Fattis

Address One Twenty Building, Wichita, Kansas Phone 267-7251
67202

c. Applicant _____

Address _____ Phone _____

Agent _____

Address _____ Phone _____

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

2. a. The applicant hereby requests Community Unit Plan approval on property

zoned AA and legally described as Lot(s) _____

_____, Block(s) _____

Addition.

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

OK for legal
All that part of the SW $\frac{1}{4}$ of Sec. 23, Twp. 27-S, R-2-E, lying north of the Kansas Turnpike

2. b. There are 45.6 acres (round to nearest tenth) in the above described property.

map 6347C

*N-R-1
SR-1A LC
E R-1A KTA
W R-1*

3. The general location is (use appropriate section)

a. at the _____ corner of _____
and _____; or

b. on the east side of 127th East (Avenue,
Street) between Kellogg (U.S. 54) (Avenue, Street) and
Douglas (Avenue, Street).

4. 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.

By [Signature]
Authorized Agent (if any)

By [Signature]
Authorized Agent (if any)

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

5. OFFICE USE ONLY

This application was received at the Planning Department at 10:30
(AM, PM) on Sept 15, 1983 (Day, Month, Year). It has been
checked and found to be complete and accompanied by required documents and
the appropriate fee of \$ 353.

200 + \$5/acre for 30.6 acres

[Signature] Name
Sr Planner Title

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
The Southeast Quarter of Section 22-27-2E, except a tract commencing at the southwest corner of the Southeast Quarter; thence east 726 feet; thence north 1320 feet; thence west 726 feet; thence south 1320 feet to the point of beginning, except that part taken for Kansas Turnpike Right of Way.	✓ F. C. McMaster 105 S. Broadway 67202
The southwest Quarter of Section 23-27-2E	✓ Anita M. Lusk 6 West Parkway N. 67206
The Southeast Quarter of Section 23-27-2E	Same as above
The Northwest Quarter of Section 26-27-2E, except highway	✗ K. T. Wiedemann (dec.) ✗ Anna March (dec.)
All that part of the Northeast Quarter of Section 23-27-2E, lying South & East of the center line of Kansas Turnpike as described in condemnation Case #A-54126	✓ Ralfe D. Reber 400 N. Woodlawn 67208
All that part of the Northeast Quarter of Section 23-27-2E lying North & West of the center of Kansas Turnpike as described in condemnation Case #A-54126	Same as above
✗ The East Half of the Northwest Quarter of Section 23-27-2E, except 1.1 acres in the Southeast corner condemned for Kansas Turnpike Authority	✓ Virginia Blake Becker 751 N. Mission Rd. 67206
✗ The West Half of the Northwest Quarter of Section 23-27-2E	✓ First National Bank of Wichita, trustee of Mary C. Blake Trust 105 N. Main 67202
Lot 1, East 54 Addition	✓ Lola Faye Boone 6700 E. 69th St. N. 67226
Lot 1, Block A, Mattingly Addition	✓ Charles D. Mattingly Nancy H. Mattingly 1 Highland Rd. 67208
Lot 34, Gilder's Replat of Lots 19,20,34 & 35, Gilder's Gardens	✓ Marion P. Stevens Nowa T. Stevens 145 N. 127th St. E. 67206
Lot 35, except the north 148 feet of the east 148 feet, Gilder's Replat of lots 19,20,34 & 35, Gilder's Gardens	✓ Jack A. Gilbert Bernice Gilbert 12400 E. Douglas 67206

<u>Property Description</u>	<u>Property Owner</u>
The north 148 feet of the east 148 feet of lot 35, Gilder's Replat of lots 19,20, 34 & 35, Gilder's Gardens	✓ Edith Cecil Yokley Glenn Yokley 147 Garnett 67206
Lot 32, Gilder's Gardens	Marion P. Stevens Nona I. Stevens 145 N. 127th E. 67206
Lot 30, Gilder's Gardens	Same as above
Lot 33, except the east 165 feet of the south 122 feet, Gilder's Gardens	✓ Harry Wilscam Laura M. Wilscam 151 Garnett 67206
The east 165 feet of the south 122 feet of lot 33, Gilder's Gardens	✓ Travis Earl Franklin Anna Mae Franklin 149 Garnett 67206
Lot 31, Gilder's Gardens	✓ Clyde W. Dawson Ruth N. Dawson 225 Garnett 67206

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 1000 foot radius of:

That part of the Southwest Quarter of Section 23, Township 27, Range 2 East of the 6th P.M., Sedgwick County, Kansas, lying North of the Kansas Turnpike Right-of-Way.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 29th day of July, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Isable
Vice President

Order No: 323297
cf

FORM 021

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
	15
	10.00
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

*

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

Roll # 1

*