

DP-44 - EAST SIDE CENTER CUP
At the southwest corner of
Kellogg and Rock Road

#1

POSTED
10/22/71
[Signature]


ACTION

DATE

COMMITTEE

Aggravate subject
to conditions 11/15/71

MAP

B.C.D. /  Aggravate subject 12-2-71
& plat. 4 acres

Map No. 5946
Sec. 30
Twp. 27 S
Range 2 E

DATA SHEET
COMMUNITY UNIT PLAN

DP-44
Z- (1336)
Filed 10-1-71

APPLICATION REQUEST: Approval of proposed planned Commercial CUP
development.

1. Applicant Transamerican Investment Properties, Inc., et. al.
Address 260 North Rock Road 67206 Phone 685-5355
2. Agent Max E. Eberhart
Address 260 North Rock Road 67206 Phone 685-5355
3. General Location At the southwest corner of Kellogg and Rock Road
Address _____
4. Proposed Use _____

AREA DATA

1. Acres 12.7 (_____ ft. by _____ ft.)
2. Existing Zoning "AA" & "LC" Proposed Zoning "LC"
3. Area (is) (is not) platted. _____ Addition _____
4. Existing R/W _____ ft. _____ ft. _____ ft.
_____ St. _____ St. _____ St.
Proposed R/W _____ ft. _____ ft. _____ ft.
_____ St. _____ St. _____ St.

HISTORY

PROCEDURE DATA

1. MAPC Meeting:
Date _____ Action _____
11-11-71 Approve subj to conditions

2. Governing Body
Date _____ Action _____
12-7-71 Approve as recommended - subject
to conditions of platting & screening
& Rec & file letter from Eberhart

NOTES:

October 2, 1972

Mr. Max E. Eberhart
Vice-President & General Counsel
202 North Rock Road
Wichita, Kansas 67218

RE: DP-44 - East Side
Center C.U.P.

Dear Mr. Eberhart:

In response to your letter of September 26, 1972, requesting an administrative interpretation relative to your amending setbacks on Parcels 2 and 5 on the above captioned C.U.P., this is to advise you that I have discussed your request with both Bob Lakin and Robert Feldner, who are the ones who have the authority to approve your request. I have also discussed the extension of the setback on Parcel 5 with the Traffic Engineering Division as it appears that the extension will interfere with the major entrance to Rock Road.

Relative to the adjustment of the setback on Parcel 2, your letter indicates that a 225 foot space will exist between the office building under construction and the west side of the proposed extension. We are interested in your separating these areas by proposing to delete a portion of the buildable area between the existing building and the proposed theatre. Please revise and dimension the area where buildings are not proposed.

Regarding Parcel 5, the Traffic Engineering Department has provided dimensions for the minimum width for a major entrance to Rock Road. The building setback extends too far north and interferes with the minimum width requirement. There should be a minimum setback of 20 feet from the Parcel boundary line if a 41 foot width is satisfactory or 30 feet if the maximum 48 foot width is desired. They also cautioned that it will be

Max E. Eberhart
Page 2

impossible to make left turn movements when entering from Rock Road to turn south along the east side of the proposed motel site. We want you to be aware of this problem and would appreciate your comments.

After reviewing these comments, if you still desire these adjustments in the building setback lines please resubmit your proposal with revised copies to both Robert Lakin, the Director of Planning, and Robert Feldner, the Superintendent of Central Inspection. A marked copy of the entrance to Rock Road is enclosed.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rw

enclosure



TRANS-AMERICAN INVESTMENT PROPERTIES, INC. ROXBOROUGH EXECUTIVE PARK
2000 ROCK ROAD • P. O. BOX 18403 • (316) 886-5355 • WICHITA, KANSAS 67218

September 26, 1972

Metropolitan Area Planning Commission
City Building Annex
104 South Main Street
Wichita, Kansas 67202

Attn: Jack H. Galbraith

Re: East Side Financial Center, C.U.P.

Gentlemen:

We are writing to request an administrative change in the C.U.P. for East Side Financial Center in accordance with the enclosed "Amended Community Unit Plan".

At the time the C.U.P. was first presented our development plans were not complete for the eastern portions of Parcels 2 and 5. They are now. On the western portion of Parcel 2 is an eight story office building, now under construction. Parking for the building is in the western portion of Parcel 5, hence a deletion of building area in Parcel 5. We propose a motel for the eastern portion of Parcel 5 (we already have a franchise) and desire Parcel 5 to be extended to the north to accommodate our building design. We propose a theatre for the extreme eastern portion of Parcel 2 (lease intent is already signed) and desire Parcel 2 to be extended to the east to accommodate our building design and location. Both the motel and theatre are approved uses. As a practical matter there will be approximately 225 feet of open area between the eastern edge of the office building in Parcel 2 and the western edge of the proposed theatre building in the proposed amended Parcel 2.

We propose the building line in Parcel 2 be extended eastward to within 10 feet of the property line (Parcel 4). This would allow at least 20 feet between the theatre building and any building on Parcel 4. There is a 20 foot utility easement that straddles the parcel line on Parcel 4. The theatre would face westward and be serviced from the open area on the south. There would be no service to the rear (east) of the theatre. The only use for the rear of the theatre would be for a fire exit.

We will be happy to answer any questions you may have. We hope you will be able to give our request favorable consideration.

Sincerely,

Max E. Eberhart

Max E. Eberhart
Vice President, General Counsel

Enclosure
MEE:dI



An Affiliate of Jack P. DeBoer Associates, Inc.

December 14, 1971

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-44 - East Side Center CUP - Southwest corner of Kellogg
and Rock Road

The Board of City Commissioners at their regular meeting of December 7, 1971 considered the above captioned CUP. It was the action of the City Commission to approve the request subject to the following conditions:

1. Platting within one year from the date of approval by the City Commission, or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
2. 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.
3. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
4. 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 development and be binding upon the present owners, their successors and assigns, unless amended.

Attached is a copy of the approved CUP for your information and files. If you have any questions, please call.

JHG:ls
Attachment

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

COMMUNITY DEVELOPMENT DIVISION

Public Inquiry Slip

NAME Max Eberhardt DATE 9-26-72
 PHONE _____ PHONE X COUNTER _____
 PROPERTY LOCATION East Side Center C.U.P. MAP # _____

NATURE OF REQUEST:

CITY ZONING X COUNTY ZONING _____ CONDITIONAL USE _____
 PLAT _____ LOT SPLIT _____ BZA _____
 VACATION _____ DEDICATION _____ STREET NAME CHANGE _____

REMARKS: *Max Eberhardt called to say that Mrs. Al Farka (resident adjacent to the south side of the C.U.P. had called his office to complain about the required screening wall 7-9 feet high. She said after seeing the wall being built at 7 ft. height, that the wall was too high and would rather have the wall about 4 feet high. I advised Eberhardt that since the 7-9 ft height was a result of neighborhood protest at the P.C. hearing, a formal hearing for an amendment to the plan to reduce the wall height to the minimum of 5 ft required by ord. would be required.*

ROUTE TO:
 GALBRAITH X GIST _____ SHIRKEY _____ NEWBY X
 LAKIN _____ STOCKWELL _____ RETURN TO X

COMMENTS:



TRANSAMERICAN INVESTMENT PROPERTIES, INC. ROCKBOROUGH EXECUTIVE PARK
ROCKBOROUGH ROAD - P. O. BOX 19403 - (316) 895-5355 - WICHITA, KANSAS 67218

December 7, 1971

Mr. Jack H. Galbraith
Chief Planner
Wichita-Sedgwick County
Metropolitan Area Planning Department
City Building Annex
104 S. Main
Wichita, Kansas 67202

Dear Mr. Galbraith:

Thank you for your assistance in our effort to obtain speedy approval of our zoning and C.U.P. We feel your efforts in coordinating the desires of all parties was extremely significant in keeping the program moving. You are to be commended.

Yours truly,

Max E. Eberhart

Max E. Eberhart
Vice President-General Counsel

MEE/gw



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

December 8, 1971

TO The File

FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT DP-44 and Z-1336 - At the southwest corner of Kellogg
and Rock Road

Inasmuch as the Board of City Commissioners approved the above captioned zone case and CUP with the understanding that at the time of platting, consideration would be given to the vacation of Longfellow Lane, at the time the vacation application is filed, an ownership list should be required for all abutters on Longfellow and a reasonable distance to the south as well as all property owners adjacent to Indianapolis from Longfellow to Rock Road.

JHG:ls

December 7, 1971

Mr. Max E. Eberhart
260 North Rock Road
Wichita, Kansas 67206

Re: Z-1336 - "AA" & "LC" to "LC"
DP-44 - Commercial CUP - South-
west corner of Kellogg and Rock
Road.

Dear Mr. Eberhart:

The Board of City Commissioners at their regular meeting of December 7, 1971, considered the above captioned applications. It was the action of the Commission to approve these applications subject to the conditions of platting and screening.

Inasmuch as you agreed to correct the wall requirements from 6-8 feet to 7-9 feet, please make this correction on the original development plan and submit 3 new copies to our office.

At such time that you are desirous of meeting the conditions of platting, we would recommend a pre-conference so that we can resolve the list of those people who should receive notices and the necessary applications for both platting and vacation of streets.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls

December 6, 1971

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

Z-1336 - Change from "AA" and "LC" to "LC"
~~DE-44~~ - Commercial Community Unit Plan
Generally located at the Southwest corner
of Kellogg and Rock Road

The above-captioned zone change and CUP are scheduled as Item #6, Section I, of the Manager's agenda for the City Commission meeting on Tuesday, December 7, 1971. Attached is an additional letter concerning these cases which we have received from the applicant. As noted in the letter dated December 2, the applicant has requested that this letter, and photographs which we will pass out at the meeting, be made a part of the record prepared for the Commissioners' consideration of their applications, thus hoping to minimize the possibility of a deferral on Tuesday.

Although this material had not been received when agenda items were furnished last Thursday, we are forwarding this letter as requested so that it might be made available to the Commission, either prior to or at the time of the meeting.

JHG:JDG:ber

Attachments

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR ZONINGCASE NO. Z-1336 and
CASE NO. DP-44

CONSIDERED BY MAPC: 11-11-71

REQUEST FOR: Z-1336 - Change from "AA" and "LC" to "LC"
DP-44 - Approval of Commercial CUP

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To uniformly zone a site which has been associated with commercial use. This will permit its needed orderly and attractive development in a manner that will benefit the site and the surrounding area."

GENERAL LOCATION: Southwest corner of Kellogg and Rock Road

LEGAL DESCRIPTION: See attached excerpt of minutes of the Planning Commission meeting of November 11, 1971.

APPLICANT: Gladys H. G. Widemann, et al.

COUNSEL FOR APPLICANT: Max E. Eberhart

PROTESTORS (LIST COUNSEL) IF ANY: Alfred Farha, 554 Longfellow; Mrs. Cleve C. Holland, 7814 East Indianapolis; Mrs. Lowell Farris, 615 Longfellow; James Harris, 7920 East Indianapolis; Joseph Mizenko, 7720 East Indianapolis; and John Moody, 608 Longfellow, spoke in opposition.

SURROUNDING ZONING: To the north is "LC"; east and west
is "AA" and "LC"; south is "AA"

LAND USE: Subject property is a drive-in theater, auto sales agency, restaurant & liquor store; north is service station & undeveloped; east is parking lot for Eastgate Shopping Center, service station & single-family; south is single-family; west is single-family & auto sales agency.

PLANNING COMMISSION RECOMMENDATION:

HENNESSY moved and BURNETT seconded that, inasmuch as the neighborhood residents are willing to have this project enhance their area and because this is the nucleus of East Wichita and would be for the enhancement of the City and community, and inasmuch as drainage problems, access control, dedication of necessary right-of-way for frontage roads and traffic problems on Longfellow and Indianapolis will all be considered fully at the time of platting, the Planning Commission recommend to the City Commission the approval of the zone change request (Z-1336), subject to the approval of the Community Unit Plan; and to recommend the approval of the CUP, subject to the following conditions: (See excerpt from Planning Commission minutes attached for conditions.)

NOTE: 38.2% of the property within 200 feet is represented by valid protest petitions which have been filed as provided by law. Therefore, a 4/5ths vote on the part of the City Commission will be required in order to approve the application.

VOTE OF PLANNING COMMISSION: Unanimous

ACTION: 1. Approve the zone change and CUP as recommended by the Metropolitan Area Planning Commission, subject to the conditions of platting, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or

2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 11, 1971:

- 15a. Case No. Z-1336 - Gladys H. G. Wiedemann, et al. request change from "AA" and "LC" to "LC" for a tract in the NE 1/4 of Section 30, Township 27 South, Range 2 East, described as beginning at a point on the south right-of-way line of U.S. 54 Highway and 150 feet west of the east line of said NE 1/4; thence southeasterly 120.33 feet to a point 65 feet west of the east line of said NE 1/4 and 85 feet south of the south line of said U.S. 54 Highway right-of-way; thence south 713.73 feet to a point 877 feet south and 65 feet west of the NE corner of said NE 1/4; thence west parallel with the north line of said NE 1/4, 100 feet; thence north parallel with the east line of said NE 1/4, 50 feet; thence west parallel with the north line of said NE 1/4, 540 feet; thence north parallel with the east line of said NE 1/4, 752 feet to the south line of said U.S. 54 Highway; thence east 555 feet to beginning except the north 10 feet thereof for service road as recorded in Misc. 468, page 388, together with Block 2, Kellogg Crest Addition, and the 20-foot alley adjacent to said Block 2, and Lots 1, 2, 3, Block 1 and Lots 1, 2, 3, Block 2, Eastridge Eleventh Addition. Generally located at the southwest corner of Kellogg and Rock Road.
- 15b. DP-44 - Gladys H. G. Wiedemann, et al. request approval of a Commercial Community Unit Plan for a tract in the NE 1/4 of Section 30, Township 27 South, Range 2 East, described as beginning at a point on the south right-of-way line of U.S. 54 Highway and 150 feet west of the east line of said NE 1/4; thence southeasterly 120.33 feet to a point 65 feet west of the east line of said NE 1/4 and 85 feet south of the south line of said U.S. 54 Highway right-of-way; thence south 713.73 feet to a point 877 feet south and 65 feet west of the NE corner of said NE 1/4; thence west parallel with the north line of said NE 1/4, 100 feet; thence north parallel with the east line of said NE 1/4, 50 feet; thence west parallel with the north line of said NE 1/4, 540 feet; thence north parallel with the east line of said NE 1/4, 752 feet to the south line of said U.S. 54 Highway; thence east 555 feet to beginning except the north 10 feet thereof for service road as recorded in Misc. 468, page 388, together with Block 2, Kellogg Crest Addition, and the 20-foot alley adjacent to said Block 2, and Lots 1, 2, 3, Block 1 and Lots 1, 2, 3, Block 2, Eastridge Eleventh Addition. Generally located at the southwest corner of Kellogg and Rock Road.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. The applicant presently has approximately 5.5 acres of "LC" zoning and is requesting additional "LC" in order to have a larger site (12.7) acres for commercial and office development. As required under the commercial CUP provisions of the zoning ordinance, the applicant has submitted a development plan for review and recommendation by the Planning Commission. The development plan indicates the required information pertaining to gross area, maximum building heights, maximum building coverage, proposed general uses, maximum curb cuts, sign controls and minimum building setbacks. Proposed uses include an office tower to a height of 175 feet, bank facilities, retail shops, movie theater, club and restaurant, shopping center, motel, service station, and the possible expansion of an automobile sales agency. It is proposed that the existing drive-in theater would be removed.
2. Statement #14 under "General Requirements" concerning screening does not provide for the reduction of the required wall to three feet in height adjacent to the front yard setback of 25 feet on Longfellow Lane. The plan also

does not provide for the required 10-foot planting strip of low shrubbery on Rock Road for that portion of subject property across from "AA" residential lying south of the south line of Orme Street as extended from the east. The required screening must be indicated on the plan and referred to under "General Requirements." The applicant should first determine whether or not the required planting area is permitted within the area designated as a "Continental Pipeline Easement." Should the Company refuse the use of the easement for planting purposes, then the required planting area should be designated west of the pipeline easement.

3. It should also be noted that the Engineering Division has stated that there is a possible need for additional right-of-way for the Kellogg frontage Road and that there may also be a need to abandon and/or relocate several sanitary sewer lines on subject property. These problems as well as drainage will be determined at the time of platting.
5. If the Planning Commission determines that the request for additional "LC" zoning is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's:
 - a. Platting within one year from the date of approval by the City Commission, or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
 - 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 re-submitted 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 does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.
 - e. Under Parcels #1, #2, #3, #4, and #5, change "Maximum Floor Area" to read as "Maximum Gross Floor Area."
 - f. Statement #4 under "General Requirements" shall be amended to read as follows and the same reflected on the face of the CUP: "Screening and Landscaping: A 5'-8' high solid wall, constructed either of stone, brick, masonry, tile or other similar material shall be constructed along the property line adjacent to the residential areas along the south and west sides of Parcel #5 and along the south side of Parcel #1 and #2, said solid wall shall be reduced to 3' in height along the required 25' front yard setback on Longfellow Lane. A planting strip of low shrubbery, not less than 10 feet in width by 140 feet in length, shall be provided along Rock Road.

GALBRAITH stated that there are existing drainage problems which can be resolved in the platting process, and he felt that the required wall along the south property line will assist in preventing water from flowing onto adjacent properties. GALBRAITH also pointed out that a letter from the Deputy Base Commander, William T. Hendricks, Colonel, USAF at McConnell Air Force Base,

indicates that the proposed office tower conforms to the airport zoning ordinance so far as height, but indicated the concern of the Air Base was with respect to noise, and he suggested that the developers be made aware of the potential of severe problems in this respect. The letter suggested that the developers should design their office tower taking into consideration the fact that the Air Force installation activities may at times cause inconvenience to occupants of the building.

GALBRATH said the staff considers the proposed development appropriate for the area and that with minor changes relative to fencing and screening, it is recommended that the application be approved, subject to the conditions as suggested in the staff report.

MAX EBERHART spoke in support of the requests on behalf of the applicants. He said they are a Wichita-based firm and have great faith in the eastern section of Wichita and considered subject location the heart of the eastern growth center. He pointed out that subject site has been utilized for commercial purposes for a number of years (drive-in theater) on a nonconforming basis, except for a few uses which are in the north 300 feet which is already zoned light commercial. He stated that they have a model of the office tower which is proposed on Parcel #2, which will be the first phase of the total development. He stated that it is hoped to enhance the utility of subject property, its value and aesthetics of the entire community.

When questioned as to whether they hire local people or outsiders, EBERHART said they have hired local people and have just opened Rockborough Executive Park which will be completed in March, and they have several other locations which they intend to develop. EBERHART said his statement about this location being the growth center of Eastern Wichita is based on the high traffic volume at this intersection.

EBERHART and the architect, Ronald Spangenberg, displayed a model of the office tower structure proposed for Parcel #2, which is proposed to be 8 stories high with a wing for shops and possibly other offices.

EBERHART referred to Parcel #1 on Longfellow, and indicated that the possible development would be a bank with drive-in facilities. The office tower is proposed to be 125 feet high as illustrated by the model, but he pointed out that it is difficult to pinpoint precisely the height at this time, but it would not be more than 150 feet to 175 feet. The building proposed for Parcel #5 would not be more than two stories, although the plan indicates 60 to 90 feet.

RONALD SPANGENBERG said the office building would contain approximately 80,000 square feet, and that the parking provided would exceed the City Code requirements. He said they have considered various schemes for the remaining parcels of ground - they could be used for a motel, shopping facilities, etc., but it is planned that the total development will result in a very desirable center. When questioned about the investment, SPANGENBERG said the office building represents \$2 1/2 million without the cost of the ground.

As for the noise factor, SPANGENBERG said the firm is in the business of leasing quality office space and they are aware of the planes and noise involved, and they are designing the structure to minimize the noise as much as possible through the use of insulated glass and other methods devised to control the noise.

SPANGENBERG indicated again that the uses for other parcels are indefinite and said that they have shown a child care center because many people have suggested there might be a need for such, but he did not want to mislead anyone that uses listed would be the precise uses developed.

RISING expressed his concern with respect to the noise factor and pointed out that in the Los Angeles area many of the homes are being acquired in the flight cone at a tremendous investment because of the noise nuisance. He said he was pleased at the confidence shown in Wichita by the proposed development; however, RISING continued that it was his suggestion that a planning study be made with respect to noise as he felt it calls for serious creative research and that Wichita, in view of its airport and Air Base, should attempt to develop an ideal solution of noise control. RISING indicated he did not mean to infer that the development proposed would be any more of a problem than homes in the same area.

SPANGENBERG said they propose to use insulated glass and in the roof design and construction, a concrete slab at least 4 inches thick which will reduce noise considerably. He felt there would be less problems with an office building than with residences in the flight cone.

EBERHART stated they have attempted to comply with every request made by the staff and that the use of the property is actually not changing because it has been used for "LC" (drive-in theater) on a nonconforming status for at least the last 20 years. It was his sincere belief that it would be impossible to develop single-family homes on the property and that its best use would be for light commercial.

BURNETT asked if they had made a feasibility study as far as a need for offices in the area and whether or not they would expect to attract offices from the downtown area, or whether their own offices might be located here.

EBERHART pointed out that their offices are already located in the Rockborough Executive Park on Rock Road to the north. He pointed out also that they have no intention of a concerted effort to attract offices from the downtown area, but commented that there are some people who prefer a suburban office location while some prefer a downtown area, and that their intent is to have space available for those who desire the suburban location. He did not consider that they would be competing with the office rental business in the downtown area. He commented also that sometimes people prefer to work closer to their homes which might be an inducement for offices in the suburbs.

HENNESSY brought out the fact that the development proposed would increase traffic on Rock Road which already carries a considerable amount of traffic from Eastgate Center, McConnell Air Force Base and the aircraft plants.

SPANGENBERG pointed out that they have shown their main access on Rock Road opposite the one to Eastgate as it would be easier to control traffic with a single light at this intersection when traffic warrants such installation. The traffic situation and right-of-way width of Rock Road was discussed briefly and it was agreed that the Traffic Engineering Division would have some suggestions in this respect. EBERHART said they have worked closely with the Traffic Engineering personnel and they anticipated problems which would need to be resolved. It was pointed out that Longfellow traffic from the proposed bank would have to travel on the service road to Armour before entering U. S. 54 proper.

TAYLOR referred back to the height of the structure proposed on Parcel #2 and asked what would determine the minimum and maximum height. SPANGENBERG said that economics would be the controlling factor and the absolute maximum would be 10 stories.

HENNESSY said he realized that access control, drainage, right-of-way, etc. would be handled at the time of platting, but in view of the tremendous problems which could be developed he thought it desirable to bring it up at this time.

EBERHART said they were aware of such problems and prepared to work with the City and others toward a resolution.

ALFRED FARHA, 554 Longfellow (northeast corner of Orme and Longfellow), spoke in opposition, stating that many of the residents in the area feel that Longfellow will become a commercial street, but if this is approved, FARHA said he would like to have his property zoned "LC" also and that noise from the present drive-in theater is considerable.

There was discussion about the possibility of deadending Longfellow at Orme and the drainage problems that would result, and it was agreed that property owners to the south would have to be consulted before any consideration of the closing of Longfellow could occur. LAKIN pointed out that Orme east of Longfellow is merely a "paper" street and should be vacated. and would require the consent of all adjacent owners.

There was more discussion about vacating or deadending Longfellow, and it was pointed out that apparently much of the concern is the fact that the Schofield Agency (storing new cars on a portion of subject property adjacent to Longfellow), utilizes the street considerably in their business and to deadend the street would eliminate such traffic in a residential area. LAKIN stated that if there is to be serious discussion about closing the street, adjacent owners and people in the area should be consulted.

MRS. CLEVE C. HOLLAND, 7814 East Indianapolis, related the serious problems so far as traffic and circulation through the area, pointing out the difficulty encountered in entering Rock Road from the west and the fact that much of the frontage road traffic on Kellogg cuts through the residential area to get to Rock Road.

MRS. HOLLAND emphasized the present undesirable traffic conditions and pointed out that the development proposed would generate even more of a problem. She said that Schofields do account for much of the traffic on Longfellow and that often it is transport trucks unloading cars on the residential street. She pointed out the need for the widening of Rock Road and perhaps a medial and signalized intersection. During the discussion, it was agreed that additional right-of-way on Rock Road would be necessary and that it would no doubt eventually be widened to a four lane major street such as already improved north of Kellogg. MRS. HOLLAND felt that a cul-de-sac on Longfellow would surely improve the traffic situation in the residential area.

MRS. HOLLAND indicated she was opposed to some of the uses which might be allowed, such as clubs and motels, because of the late traffic and other possible problems associated with such uses. She said they would be opposed to a building 175 feet in height, but except for the points she has brought out, she would not be opposed to the proposed development. Several other residents of the area in the audience indicated that Mrs. Holland was representing them also.

MRS. LOWELL FARRIS, 615 Longfellow, was opposed to the dead-ending of Longfellow and doubted if the developer would want that because if it is to be a drive-in bank there must be some method of access to and from the facility. She also expressed concern for the narrowness of Rock Road and the volume of traffic it carries and the need for improvement of this situation. She pointed out that the bridge proposed across the drainage ditch by the Holiday Inn will facilitate traffic movement in the area.

HENNESSY pointed out that the traffic problem will be handled by the Traffic Engineering Division at the time of platting.

When asked if she was opposed to the project as a whole, MRS. FARRIS said she was not and that it would be an improvement over the present drive-in theater activities, and she commented that speakers are left on many times and create a nuisance in the residential area.

JAMES HARRIS, 7920 East Indianapolis, said he was not opposed to the plans and welcomed the elimination of the drive-in theater, but stated he would be opposed if an access road is required because

his home is located in what would be required for right-of-way. He also expressed concern for the need to improve traffic problems in the area and indicated that four lanes on Rock Road would not interfere with his home, but if an access road in addition is required, then it would.

LAKIN pointed out that the right-of-way on Rock Road now is 110 feet and he felt that four lanes, plus possibly a medial and a stacking lane could be provided on that right-of-way. He pointed out that the stacking lane width usually tapers back into the normal width at the end of commercial development. He pointed out, however, that definite design of the roadway improvements would have to be decided later.

JOSEPH MIZENKO, 7720 East Indianapolis, said he was not opposed to the plan and felt it would be much more acceptable in the residential neighborhood than the drive-in theater, but he was concerned for the drainage with respect to the runoff from subject property and the fact that homes adjacent to Parcel #5 would be adversely affected by such drainage.

It was pointed out that the drainage problems would be considered at the time of platting and that the developer would be responsible for the proper handling thereof.

As an example of the possible handling of the drainage problem, GALBRAITH pointed out that at The Mall on East Harry, a screening wall was required and catch basins installed in the parking lot to take care of the drainage so that it did not run onto the properties to the south.

HARRIS, with reference to the noise factor, pointed out that it is bad enough without having an echo from the proposed building, and asked if a building could be constructed in such a manner as to absorb the noise rather than reflect it. SOUDERS said that landscaping helps in controlling noise some.

EBERHART agreed that drainage would be resolved during the platting process and that there appears to be a difference of opinion as to closing of Longfellow, which could be considered at a later date.

JOHN MOODY, 608 Longfellow, suggested that there should be more of a study made and various opinions acquired from people in the area before any decision is made concerning the closing of Longfellow.

MOTION: HENNESSY moved that, inasmuch as the neighborhood residents are willing to have this project enhance their area and because this is the nucleus of East Wichita, and would be for the enhancement of the City and community, and inasmuch as drainage problems, access control, dedication of necessary right-of-way for frontage roads and traffic problems on Longfellow and Indianapolis will all be considered fully at the time of platting, the Planning Commission recommend to the City Commission the approval of the zone change request (Z-1336), subject to the approval of the Community Unit Plan; and to recommend the approval of the CUP, subject to the following conditions:

- a. Platting within one year from the date of approval by the City Commission, or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
- 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 re-submitted 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 does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.
- e. Under Parcels #1, #2, #3, #4, and #5, change Maximum Floor Area to read as "Maximum Gross Floor Area."
- f. Statement #4 under "General Requirements" shall be amended to read as follows and the same reflected on the face of the CUP: "Screening and landscaping: A 5'-8' high solid wall, constructed either of stone, brick, masonry, tile or other similar material shall be constructed along the property line adjacent to the residential areas along the south and west sides of Parcel #5 and along the south side of Parcels #1 and #2, said solid wall shall be reduced to 3' in height along the required 25' front yard setback on Longfellow Lane. A planting strip of low shrubbery, not less than 10 feet in width by 140 feet in length, shall be provided along Rock Road. The applicant should determine whether or not the 10-foot planting area can be placed within the Continental pipeline easement and if not, designate the area 10 feet to the west.

The possibility of looking with favor on "LC" for Mr. Farha's property was brought up and HENNESSY said he did not see how the Commission could refuse "LC" if requested. JACKSON indicated he might also look favorably on such a change, but it was agreed that actually such should not be considered at this time.

VOTE ON ABOVE MOTION: BURNETT seconded the above motion and it carried unanimously.

LAKIN said the Air Base Commander had requested that his letter be received and filed and entered into the record of proceedings. CHAIRMAN SOUDERS so ordered, and the letter follows:

10 November 1971

Wichita-Sedgwick County
Metropolitan Area Planning Commission
104 South Main Street
Wichita, Kansas 67202

Gentlemen:

As noted in the October 25, 1971 edition of the Wichita Beacon, the Jack P. DeBoer Associates, Incorporated propose to construct a building in the vicinity of Kellogg and Rock Road.

Of course, the Air Force realizes that the proposed construction does not violate any of the existing airport zoning ordinances. We fully appreciate and realize that this Commission has the great responsibility to determine the appropriate use of land, taking into consideration the growth and development of Wichita and Sedgwick County. The Air Force would not in any way desire to hamper overall plans and programs for development, and our concern lies in the continued effective flying mission accomplishment at McConnell.

Concurrent with our effective mission accomplishment goes our desire not to inconvenience local citizens by reason of noise pollution, aircraft traffic patterns, and personal property loss or damage. McConnell is an active Air Force installation and even though we are taking all possible measures to avoid inconveniencing Wichitans, some such inconveniences are inevitable.

We must assume that all the factors involved in our aircraft operations have been considered by the applicants for this construction. If not, we would be glad to discuss the matter at any time. It would be extremely unfortunate for this construction to be undertaken only to have the ultimate occupants become disenchanted with the operation of McConnell to the eventual financial disappointment of the applicants.

We trust that this communication has not indicated in any way our opposition to the proposed construction. Rather, we as local citizens wish to see Wichita continue to grow and prosper and maintain the outstanding relationship with McConnell Air Force Base that has always existed. Please feel free to call upon me at any time concerning this matter.

William T. Hendricks, Colonel, USAF
Deputy Base Commander.

November 12, 1971

William T. Hendricks, Colonel, USAF
Deputy Base Commander
Headquarters 23rd Combat Support Group (TAC)
McCConnell Air Force Base, Kansas 67221

Dear Colonel Hendricks:

In response to your letter of November 10, 1971 pointing out the concern of the Air Force regarding the noise pollution and the inconvenience that might occur on the proposed development at Rock Road and Kellogg, this is to advise you that the Planning Commission received and filed your letter and made it a part of the permanent record of the meeting. In discussing the problem of noise, the applicant and his architect pointed out that they were aware of the problem and consideration was being given in the design of the structure to minimize the noise affect.

The action of the Planning Commission was to approve their Community Unit Plan request provided that at the time the property is platted the applicant submit his design proposals for review. The Planning Commission also instructed the Department to conduct a study of the noise problem so that development standards could be incorporated in the ordinances of the City which would make development more acceptable in areas of intense noise.

We appreciate your contacting our office and will keep you advised as the study progresses.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 23rd COMBAT SUPPORT GROUP (TAC)
McCONNELL AIR FORCE BASE, KANSAS 67221



10 November 1971

Wichita-Sedgwick County
Metropolitan Area Planning Commission
104 South Main Street
Wichita, Kansas 67202



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Of course, the Air Force realizes that the proposed construction does not violate any of the existing airport zoning ordinances. We fully appreciate and realize that this commission has the great responsibility to determine the appropriate use of land, taking into consideration the growth and development of Wichita and Sedgwick County. The Air Force would not in any way desire to hamper overall plans and programs for development, and our concern lies in the continued effective flying mission accomplishment at McConnell.

Concurrent with our effective mission accomplishment goes our desire not to inconvenience local citizens by reason of noise pollution, aircraft traffic patterns, and personal property loss or damage. McConnell is an active Air Force installation and even though we are taking all possible measures to avoid inconveniencing Wichitans, some such inconveniences are inevitable.

We must assume that all the factors involved in our aircraft operations have been considered by the applicants for this construction. If not, we would be glad to discuss the matter at any time. It would be extremely unfortunate for this construction to be undertaken only to have the ultimate occupants become disenchanted with the operation of McConnell to the eventual financial disappointment of the applicants.

We trust that this communication has not indicated in any way our opposition to the proposed construction. Rather, we as local citizens

wish to see Wichita continue to grow and prosper and maintain the outstanding relationship with McConnell Air Force Base that has always existed. Please feel free to call upon me at any time concerning this matter.

William T. Hendricks
WILLIAM T. HENDRICKS, Colonel, USAF
Deputy Base Commander

WICHITA—SEDDWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 2-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

Mr. Max E. Eberhart
260 North Rock Road
Wichita, Kansas 67206

November 12, 1971

Re: 2-1336 - "AA" and "LC" to "LC"
~~DP-44~~ - Commercial CUP
Southwest corner of Kellogg
and Rock Road

Dear Mr. Eberhart:

At its regular meeting on November 11, 1971, the Metropolitan Area Planning Commission considered the above-captioned zone change request and Commercial Community Unit Plan. After considerable discussion concerning the noise hazard to future tenants due to the location of the proposed office tower in relation with the flight pattern of McConnell Air Force Base, and based upon your assurance that the building would be designed to minimize the noise factor, and inasmuch as drainage problems, access control, dedication of necessary right-of-way for frontage roads and traffic problems on Longfellow and Indianapolis will all be considered fully at the time of platting, it was the action of the Planning Commission to recommend the approval of the zone change request subject to the approval of the CUP. The Planning Commission further recommended the approval of the CUP, subject to the following conditions:

- a. Platting within one year from the date of approval by the City Commission, or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
- 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.

WICHITA--SEDBWICK COUNTY

Page 2 - Mr. Max E. Eberhart
November 12, 1971

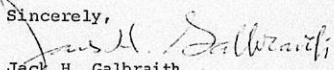
- c. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
- d. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.
- e. Under Parcels #1, #2, #3, #4, and #5, change "Maximum Floor Area" to read as "Maximum Gross Floor Area."
- f. Statement #4 under "General Requirements" shall be amended to read as follows and the same reflected on the face of the CUP: "Screening and landscaping: A 5'-8' high solid wall, constructed either of stone, brick, masonry, tile or other similar material shall be constructed along the property line adjacent to the residential areas along the south and west sides of Parcel #5 and along the south side of Parcel #1 and #2, said solid wall shall be reduced to 3' in height along the required 25' front yard setback on Longfellow Lane. A planting strip of low shrubbery, not less than 10 feet in width by 140 feet in length, shall be provided along Rock Road.

It is necessary that you now determine whether or not you can place the required 10-foot planting area within the Continental pipeline easement and if not, designate the area 10 feet to the west. It is also necessary that you revise statement #4 under General Provisions as well as make the other corrections as shown on the enclosed marked copy.

If we receive the ten corrected copies by 5:00 p.m. on November 29, 1971, these cases will be forwarded to the Board of City Commissioners for consideration on December 7, 1971, at 9:00 a.m. in Room 201 City Building, 204 South Main.

If you have any questions concerning this matter, please contact our office.

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: Gladys H. G. Wiedemann and The Fourth National Bank and Trust Company, Wichita, as Trustees under the will of K. T. Wiedemann, deceased

WICHITA—SEDCWICK COUNTY

Page 3 - Mr. Max E. Eberhart
November 12, 1971

cc: (Continued)

J. W. Shane, Trust Division, 4th National Bank & Trust
Company, 200 East Douglas 67201
Transamerican Investment Properties, Inc., 260 N. Rock Road 67206
Ronald L. Spangenberg, Architect, 260 N. Rock Road 67206
Alfred Farha, 554 Longfellow 67207
Mrs. Cleve C. Holland, 7814 East Indianapolis 67207
Mrs. Lowell K. Ferris, 615 Longfellow 67207
James Harris, 7920 East Indianapolis 67207
Joseph Mizenko, 7720 East Indianapolis 67207
James Moody, 608 Longfellow 67207

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 2-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

November 12, 1971

Mr. Alfred Farha
554 Longfellow
Wichita, Kansas 67207

Re: Z-1336 - "AA" and "LC" to "LC"
~~OP-44~~ - Commercial CUP
Southwest corner of Kellogg
and Rock Road

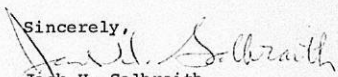
Dear Mr. Farha:

At the regular meeting of the Metropolitan Area Planning Commission on November 11, 1971, the above-captioned zone change request and Community Unit Plan were considered. The action of the Planning Commission was to recommend approval of both requests, subject to certain conditions as shown in the enclosed copy of a letter to Mr. Eberhart, the attorney for the applicants on the above two cases.

If you wish to submit a protest petition with respect to the zone change request, it must be filed in the office of the City Clerk. Inasmuch as the ordinance provides that you have 14 days from the date of our meeting in which to file valid protest petitions, and since the 14th day falls on Thanksgiving Day, it is necessary that protest petitions be filed in the Office of the City Clerk not later than 12:00 noon on Friday, November 26, 1971. A protest petition form is enclosed in case you desire to register a complaint and additional forms are available at our office if you know of others in the area who wish to protest.

If you have any questions concerning this application, please contact our office.

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: Mrs. Cleve C. Holland, 7814 East Indianapolis 67207
Mrs. Lowell K. Ferris, 615 Longfellow 67207
James Harris, 7920 East Indianapolis 67207
Joseph Mizenko, 7720 East Indianapolis 67207
James Moody, 608 Longfellow 67207

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: NOV. 11, 1971

Case No. Z-1336
DP-44

Request: "AA" and "LC" to "LC"
Approval of Commercial
CUP

Location: Southwest corner of Kellogg and Pock Road

Reason: "To uniformly zone a site which has been associated with commercial use. This will permit its needed orderly and attractive development in a manner that will benefit the site and the surrounding area."

Acres: 12.7

Size: Irregular shape

	Land Use	Zoning
Existing	Drive-in theater, automobile sales agency, restaurant & liquor store	"AA" & "LC"
North	Service station and undeveloped	"LC"
East	Parking lot for Eastgate Shopping Center, service station & single-family	"AA" & "LC"
South	Single-family	"AA"
West	Single-family & automobile sales agency	"AA" & "LC"

Necessary street right-of-way
to be acquired at time of platting
History: Z-0045 "B" to "LC"
MAPC: 5-26-60 Approved
BCC: 6-7-60 Approved

Platted: Yes - in part
Sidewalks: No

Comments

- The applicant presently has approximately 5.5 acres of "LC" zoning and is requesting additional "LC" in order to have a larger site (12.7) acres for commercial and office development. As required under the commercial CUP provisions of the zoning ordinance, the applicant has submitted a development plan for review and recommendation by the Planning Commission. The development plan indicates the required information pertaining to gross area, maximum building heights, maximum building coverage, proposed general uses, maximum curb cuts, sign controls and minimum building setbacks. Proposed uses include an office tower to a height of 175 feet, bank facilities, retail shops, movie theater, club and restaurant, shopping center, motel, service station, and the possible expansion of an automobile sales agency. It is proposed that the existing drive-in theater would be removed.

2. Statement #14 under "General Requirements" concerning screening does not provide for the reduction of the required wall to three feet in height adjacent to the front yard setback of 25 feet on Longfellow Lane. The plan also does not provide for the required 10-foot planting strip of low shrubbery on Rock Road for that portion of subject property across from "AA" residential lying south of the south line of Orme Street as extended from the east. The required screening must be indicated on the plan and referred to under "General Requirements." The applicant should first determine whether or not the required planting area is permitted within the area designated as a "Continental Pipeline Easement." Should the Company refuse the use of the easement for planting purposes, then the required planting area should be designated west of the pipeline easement.
3. It should also be noted that the Engineering Division has stated that there is a possible need for additional right-of-way for the Kellogg frontage Road and that there may also be a need to abandon and/or relocate several sanitary sewer lines on subject property. These problems as well as drainage will be determined at the time of platting.
5. If the Planning Commission determines that the request for additional "LC" zoning is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's:
 - a. Platting within one year from the date of approval by the City Commission, or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
 - 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 re-submitted 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 does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

Page 3 - Case No. Z-1336 and Case No. DP-44
November 11, 1971

- e. Under Parcels #1, #2, #3, #4, and #5, change "Maximum Floor Area" to read as "Maximum Gross Floor Area."
- f. Statement #4 under "General Requirements" shall be amended to read as follows and the same reflected on the face of the CUP: "Screening and Landscaping: A 5'-8' high solid wall, constructed either of stone, brick, masonry, tile or other similar material shall be constructed along the property line adjacent to the residential areas along the south and west sides of Parcel #5 and along the south side of Parcel #1 and #2, said solid wall shall be reduced to 3' in height along the required 25' front yard setback on Longfellow Lane. A planting strip of low shrubbery, not less than 10 feet in width by 140 feet in length, shall be provided along Rock Road.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
WICHITA, KANSAS 67202

October 28, 1971

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on November 11, 1971, at 1:30 p.m., The Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, will consider an application for a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "East Side Center", for property legally described as follows:

DP-44 - A tract in the NE 1/4 of Section 30, Township 27 South, Range 2 East, described as beginning at a point on the south right-of-way line of U.S. 54 Highway and 150 feet west of the east line of said NE 1/4; thence southeasterly 120.33 feet to a point 65 feet west of the east line of said NE 1/4 and 85 feet south of the south line of said U.S. 54 Highway right-of-way; thence south 713.73 feet to a point 877 feet south and 65 feet west of the NE corner of said NE 1/4; thence west parallel with the north line of said NE 1/4, 100 feet; thence north parallel with the east line of said NE 1/4, 50 feet; thence west parallel with the north line of said NE 1/4, 540 feet; thence north parallel with the east line of said NE 1/4, 752 feet to the south line of said U.S. 54 Highway; thence east 555 feet to beginning except the north 10 feet thereof for service road as recorded in Misc. 468, page 388, together with Block 2, Kellogg Crest Addition to Wichita, Kansas, and the 20 foot alley adjacent to said Block 2, and Lots 1, 2, 3, Block 1 and Lots 1, 2, 3, Block 2, Eastridge Eleventh Addition to Wichita, Kansas. Generally located at the southwest corner of Kellogg and Rock Road.

This Development Plan has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Code of the City of Wichita. The Development Plan is on file in the office of the Planning Director, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, and is available for public information and review.

The Development Plan on file proposes an approximate 12.7 acre commercial development which will include office tower, bank facilities, retail shops, movie theaters, restaurant and club, shopping center, motel and possible expansion of an automobile sales agency. Included in the Development Plan is information concerning building setbacks, maximum ground coverage by structures, maximum gross floor area, screening, and sign and building height limitations.

(over)

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

DP-44 - 87 NOTICES MAILED 10-28-71 FOR MAPC 11-11-71

October 18, 1971

Transamerican Investment Properties, Inc.
c/o Max E. Eberhart
260 North Rock Road
Wichita, Kansas 67206

Subject: DP-44 - East Side Center
Commercial CUP. Generally located
at the southwest corner of Kellogg
and Rock Road.

Gentlemen:

We have reviewed the above referred to CUP with other members of the Planning Department staff and the Traffic Engineering, Engineering and the Maintenance-Flood Control Divisions of the Department of Public Works. This is to advise you that the development plan as submitted is for the most part acceptable; however, there are some changes and additions which need to be made in the plan prior to the Planning Commission hearing of November 11, 1971.

The notations "unlimited access" indicated adjacent to the Kellogg frontage road should be deleted from the plan as there is to be no access control restrictions along said frontage road and the maximum number and width of access points will be governed by the City Curb Cut Ordinance. The plan indicates that an additional 10 feet of street right-of-way is to be dedicated for the Kellogg frontage road; however, the Engineering Division of the Department of Public Works advises that at least 5 feet of additional right-of-way is needed. The applicant should contact the City Engineer regarding the exact amount of right-of-way needed and the same should then be reflected on the Plan.

A note should be added to the plan which indicates that the 48 foot wide access point to Rock Road will be permitted only if it is designed as a major drive with a median provided. A note also

needs to be added to the plan under general requirements with regards to the Continental Pipeline adjacent to Rock Road and should read as follows: "The property owner shall be responsible for any adjustments of the pipeline which may be required as a result of improvements associated with the CUP and future platting of subject property." It should also be pointed out that the Engineering Division of the Department of Public Works has advised that it will be necessary to abandon and/or relocate several sanitary sewer lines located on subject property at the time of platting.

In addition to the above comments the Maintenance-Flood Control Office has advised that construction of a storm sewer will be necessary to handle the surface drainage from subject property when development occurs, as the nearest drainage channel lies approximately 1/4 mile to the south and west of subject property and that Orme Street and Longfellow Lane are not capable of handling the drainage from subject property.

In addition to these comments, the following additions and corrections are needed:

1. Add a statement under General Requirements as follows: "Drainage problems will be resolved at the time of platting."
2. Add the following statement under General Requirements: "Parking shall be provided as required by the Zoning Ordinance."
3. Statement #1 concerning sign control shall be changed to read as follows: "...subject to the approval by the Board of City Commissioners."
4. Under parcels #1, #2, #3, #4, and #5, change "Maximum Building Area" to read as Maximum Floor Area.
5. Under parcel #1 proposed use add the following: "...expansion for automobile sales agency with Board of Zoning Appeals approval."
6. Under parcel #4, the proposed use should be more specific than "any use permitted in "LC" zoning", as there are some uses permitted in "LC" zoning which may not be compatible with the other types of uses proposed on the CUP.

Page 3 - Transamerican Investment Properties, Inc.
October 18, 1971

It should be noted that the dimension indicated on the plan for the northeast line of parcel #3 and that given in the legal description for subject property on the CUP application do not correspond, and should be checked.

These are all the comments we have at this time. Please submit 14 copies of a revised plan indicating the changes and additions mentioned above by October 26, 1971 in order that we can have the revised plan available for the mailout for the Planning Commission hearing of November 11, 1971. A marked copy is enclosed for your information and files.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls

Enclosure

cc K. T. Wiedemann Trust, Box 1276, Eldorado 67042
J. W. Shane, Trust Division, 4th National Bank & Trust Co.,
200 East Douglas 67202

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public **DATE** Oct. 15, 1971
Works Maintenance

TO Curtis Newby, Planning Analyst

FROM M. S. Mitchell

SUBJECT - DP-44 - Community Unit
Plan of East Side Center

I discussed this site with Mr. Spangenberg, architect for Transamerican Investment Properties, Inc., and advised him that the only problem we foresee was in getting runoff from the site into Armour channel which lies approximately 1/4 mile west. Anticipating high density of buildings and paved parking surfaces, we recommend that he not plan to discharge runoff from the site on to the surface of either Longfellow Lane or Orme Street and consider the cost of building a storm water sewer to serve the site.



M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton, Supt. of Public Works Maint.
DP-44 File

October 5, 1971

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
M. S. Mitchell, Asst. Supt. of Maintenance

Curtis L. Newby, Planning Analyst

DP-44 - East Side Center CUP

Attached for your information and comment is a CUP which has been submitted for property located at the southwest corner of Kellogg and Rock Road.

As the applicants are trying to meet the filing date of October 13, we would appreciate any comments you may have concerning this plan by October 8, 1971, so that we may incorporate your comments in our reply to the applicants.

CLN:ls
Attachment

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

This is an application for a Community Unit Plan - Planned Development. The form must be completed and filed at the Planning Department, Room 402, City Building Annex, 104 South Main, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

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

- a. Applicant ✓ Gladys H. G. Wiedemann and The Fourth National Bank and Trust Company,
Wichita, as Trustees under the Will of K.T. Wiedemann, deceased, Owner
Address 200 East Douglas, Wichita, Kansas 67201 Phone 268-4220
Agent ✓ Mr. J. W. Shane, Trust Division, The Fourth National Bank and Trust Company
Address 200 East Douglas, Wichita, Kansas 67201 Phone 268-4220
- b. Applicant ✓ Transamerican Investment Properties, Inc., Contract Buyer
Address 260 N. Rock Road, Wichita, Kansas 67206 Phone 685-5355
Agent ✓ Mr. Max E. Eberhart
Address 260 North Rock Road, Wichita, Kansas 67206 Phone 685-5355
- c. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____

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

- II.A The applicant hereby requests Community Unit Plan approval on
combination of LC, AA ~~and un-zoned~~
property zoned _____ / _____ and legally described as Lot(s)

_____, Block(s) _____,
_____ Addition.

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

See description attached.

- II.B There are 12.7 acres (round to nearest tenth) in the above
described property.

WILLIAM L. KORBER

OFFICE OF
BAUGHMAN CO.
Surveyors

RONALD G. WAYMIRE

2522 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

Use for Legal

C U P DESCRIPTION

A tract in the NE $\frac{1}{4}$ of Sec. 30, Twp. 27-S, R-2-E, described as beginning at a point on the south right-of-way line of US-54 Highway and 150 feet west of the east line of said NE $\frac{1}{4}$; thence southeasterly 120.33 feet to a point 65 feet west of the east line of said NE $\frac{1}{4}$ and 85 feet south of the south line of said US-54 Highway right-of-way; thence south 713.73 feet to a point 877 feet south and 65 feet west of the N. E. Corner of said NE $\frac{1}{4}$; thence west parallel with the north line of said NE $\frac{1}{4}$, 100 feet; thence north parallel with the east line of said NE $\frac{1}{4}$, 50 feet; thence west parallel with the north line of said NE $\frac{1}{4}$, 540 feet; thence north parallel with the east line of said NE $\frac{1}{4}$, 752 feet to the south line of said US-54 Highway; thence east 555 feet to beginning, except the north 10 feet thereof for service road as recorded in Misc. 466, page 366, together with Block 2, Kellogg Crest Addition to Wichita, Kansas, and the 20 foot alley adjacent to said Block 2, and Lots 1-2-3, Block 1 and Lots 1-2-3, Block 2, Eastridge Eleventh Addition to Wichita, Kansas.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 500 ft of:

Beg at the NE cor NE $\frac{1}{4}$ Sec 30, Twp 27, R 2 E; th West 705 ft; South 827 ft; E 705 ft; N to beg, except Rock Road.


Beg 827 ft S of NE cor NE $\frac{1}{4}$ Sec 30, Twp 27, R 2 E; th West 165 ft; South 50 ft; East 165 ft; N to beg., exc Rock Rd.


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And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)



LOTS	BLOCK	ADDITION	OWNER
1-2-3	1	Eastridge 11th Add	✓ Gladys H.G. Wiedemann & 4th Nat Bank & Tr Co. Trustees of K.T. Wiedemann Deceased. Wichita, Kansas 67202
4	1	" " "	✓ Alfred A. Farha Nancy Farha 554 Longfellow 67207
1-2-3	2	" " "	✓ Gladys H.G. Wiedemann & 4th Nat Bank & Tr Co. Trustees of K.T. Wiedemann Deceased Wichita, Kansas 67202
4	2	" " "	✓ Larry G. Elliott Jean B. Elliott 553 Longfellow 67207
5	2	" " "	✓ Koakish W. Cleaton Jr. Glenysse M. Cleaton 7604 E. Orme 67207
1 & W 2' 2	4	" " "	✓ Eugene O. Schenck Kiyoko Schenck 7503 E. Orme 67207
2 Exc W 2'	4	" " "	Carter Hart Jr. Mozelle W. Hart (unknown) <i>none found</i>
3	4	" " "	✓ Valerian J. Greiving Margaret A. Greiving 7515 E. Orme 67207
4	4	" " "	✓ Olen Allison Thelma C. Allison 7603 E. Orme 67207
5 Exc S 4'	4	" " "	✓ Wesley L. Mahannah Bonita Mahannah 603 Longfellow 67207
S 4' 5 & 6	4	" " "	✓ Robert B. Walker Nadine Walker 609 Longfellow 67207
7 & N 2.5' 8 "	"	" " "	✓ Lowell K. Ferris Katherine L. Ferris 615 Longfellow 67207
8 Exc N 2.5' "	"	" " "	✓ Thomas S. Shireman Corliss J. Shireman 7610 E. Orme 67207


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LOT	BLOCK	ADDITION	OWNER
15	6	Eastridge 11th	✓Richard Reim Cleata F. Reim 7908 E. Gilbert 67207
16	"	" "	✓Roy E. Morlan Agnes M. Morlan 7902 E. Gilbert 67207
17	"	" "	✓Robert Donald Greenberg Norma L. Greenberg 7820 E. Gilbert 67207
18	"	" "	— Derald R. Linn Joan L. Linn unknown <i>none found</i>
19	"	" "	✓Ed L. Sisk Leverne Sisk 101 Morningside 67207
20	"	" "	✓David P. Cook Phyllis M. Cook 724 S. Dellrose 67207
21	"	" "	— Muriel V. O'Connor unknown <i>none found</i>
22	"	" "	✓James F. Chartrau Helen R. Chartrau 7714 E. Gilbert 67207
23	"	" "	— John J. Priestley Audrey G. Priestley unknown <i>none found</i>
✓24	"	" "	✓Linn A. Garrison Ruth Garrison 634 Longfellow 67207
1	7	" "	✓Norvan E. Richards 7503 E. Indianapolis 67207
2	"	" "	✓Donald R. Wasson Lillian J. Wasson 7509 E. Indianapolis 67207
3	"	" "	✓James Robert Nave Rosalie Annette Nave 7515 E. Indianapolis 67207
4	"	" "	✓Thomas Herbert Holland Betty Jean Holland 7603 E. Indianapolis 67207
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LOTS	BLOCK	ADDITION	OWNER
9 Exc W 0.76'	4	Eastridge 11th	✓ Hugh A. Amick LaRita K. Amick 7604 E. Indianapolis 67207
10 & pt 9	"	"	✓ Doyle E. Meade Jeanne S. Meade 7516 E. Indianapolis 67207
1	5	"	✓ Katharina E. Voth Edna S. Voth 7701 E. Orme 67207
2	"	"	✓ John D. Moody Suzanne Moody 608 Longfellow 67207
3	"	"	✓ Dale L. Morss Martha Morss 614 Longfellow 67207
4	"	"	✓ Robert E. Haynes Margaret M. Haynes 622 Longfellow 67207
5	"	"	✓ Vaughan O. Stevens Grace L. Stevens 220 Lochinvar Dr 67207
6	"	"	✓ Joseph Mizenko Mozelle Mizenko 7720 E. Indianapolis 67207
7	"	"	✓ James Parker Resch Jeanette M. Resch 7802 E. Indianapolis 67207
10	"	"	✓ Robert A. Barnes Phyllis Ann Barnes 7820 E. Indianapolis 67207
12	"	"	✓ Eugene V. Moser Carol M. Moser 7908 E. Indianapolis 67207
13	"	"	✓ Steven R. Krueger Patricia J. Krueger 7914 E. Indianapolis 67207
14	"	"	✓ James Russell Harris Ruth R. Harris 7920 E. Indianapolis 67207


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LOT	BLOCK	ADDITION	OWNER
1	6	Eastridge 11th Add	✓Vaughan O. Stevens Grace I. Stevens 220 Lochinvar 67207
2	"	" " "	✓Charles C. Forsyth Garyfallis L. Forsyth 8007 E. Lynwood Blvd 67207
3	"	" " "	✓John Keith Lewis Lorinda Lou Lewis 7715 E. Indianopolis 67207
4	"	" " "	✓Richard L. Cole Elizabeth L. Cole 702 Windsor 67207
5	"	" " "	✓Warren E. Moore Mary Ellen Moore 7803 E. Indianopolis 67207
6	"	" " "	✓Joseph A. Speer Dorothy M. Speer 7809 E. Indianopolis 67207
7	"	" " "	✓Charles F. Lowder Sheryl N. Lowder 7815 E. Indianopolis 67207
8	"	" " "	✓Wayne L. Richardson Florence M. Richardson 7821 E. Indianopolis 67207
9	"	" " "	✓Michael Ray Cope Wynema M. Cope 7903 E. Indianopolis 67207
10	"	" " "	✓Ralph C. Sapp Vera I. Sapp 207 E. Kelley Augusta, Kansas 67010
11	"	" " "	✓Nellie A. Capron 7915 E. Indianopolis 67207
12	"	" " "	✓Victor L. Durrington Wanda L. Durrington 546 Trigg 67207
13	"	" " "	✓Levitt Jewelry Co. Inc. P.O. Box 18185 SE St 67218
14	"	" " "	✓Gary D. Swaney Linda J. Swaney 7914 E. Gilbert 67207


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LOT	BLOCK	ADDITION	OWNER
5	7	Eastridge 11th Add	✓ Harold F. Levine Velva E. Levine 8401 Killarney 67206
6	"	" " "	✓ Bonnie I. Tucker 629 Longfellow 67207
7	"	" " "	✓ David L. Jones Cynthia D. Jones 635 Longfellow 67207
8	"	" " "	✓ Jack B. Herber Lola D. Herber 7608 E. Gilbert 67207
9	"	" " "	✓ George H. Cash Jr Shirley A. Cash 7602 E. Gilbert 67207
10	"	" " "	✓ Neil H. Nave Mercedes B. Nave 8001 Dresden Ln. 67207
12	4	" " "	Sam A. Lessley Mildred J. Lessley Unknown
11	5	" " "	<i>none found</i> Ambrose D. Allison Jacqueline Allison unknown <i>none found</i>
Lots 1 to 7 inclusive	1	Eastmoor Add.	D Levitt Jewelry Co. Inc. ✓ P.O. Box 18185 SE St. 67218
1	2	" "	Floyd J. Finn ✓ Margaret M. Finn Unknown
2	"	" "	<i>none found</i> Larry Lee McKee Nima J. McKee Unknown
3	"	" "	✓ James H. Baugh Ellen Baugh 8013 E. Orme 67207
4	"	" "	✓ Herbert Berger Lila Lee Berger 8019 E. Orme 67207
16	"	" "	✓ Bobby J. Thomas Delores J. Thomas 8015 Mockingbird Ln 67207




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LOT	BLOCK	ADDITION	OWNER
5	2	Eastmoor	✓ Bernard Virgil Fairchild Vicki Sue Fairchild 8025 E. Orme 67207
6	"	"	✓ William H. Smith Kathleen L. Smith 8031 E. Orme 67207
15	"	"	✓ Joseph A. Severt Mary L. Severt 8032 E. Indianapolis 67207
17	"	"	✓ William R. Calhoun Joean Calhoun 8020 E. Indianapolis 67207
18	"	"	✓ John E. Huston Marilyn J. Huston 8014 Indianapolis 67207
19	"	"	✓ Earnest H. Dennison James L. Dennison 6324 Eilerts 67218
20	"	"	✓ Roy D. Flock Nancy J. Flock 8002 E. Indianapolis 67207 ✓
1	3	"	✓ Clifford L. Ferch Helen Ferch 8001 E. Indianapolis 67207
2	"	"	✓ Helen L. Wedel 8013 E. Indianapolis 67207
4	"	"	✓ Galen Lee Young Beverly J. Young 8019 E. Indianapolis 67207
5	"	"	✓ James R. Rabe Sharon A. Rabe 8025 E. Indianapolis 67207
6	"	"	✓ Budd E. Dorsey Phyllis J. Dorsey 8031 E. Indianapolis 67207
16	"	"	✓ Juvencio Lara Elizabeth A. Lara 8026 E. Gilbert 67207
17	"	"	George W. Hottinger Sherrel D. Hottinger unknown <i>none found</i>



LOT	BLOCK	ADDITION	OWNER
18	3	Eastmoor Add	✓Michael K. Russell Joan M. Russell 8014 E. Gilbert 67207
19	"	" "	✓Larry Dean Sharpless Joyce C. Sharpless 8043 E. Indianapolis 67207
20	"	" "	✓Herbert E. Robinson Jessie M. Robinson 9910 E. Chamberlin 67206
All of Block 4		Eastridge 8th	✓Eugene W. Lightner 219 N. Market 67202
Lot 6	2	" "	✓Helen Y. White Lois Tefft 609 Armour Dr. 67206
7	2	" "	✓Lawrence E. Lybarger Helen L. Lybarger 2214 S. Rutan 67218
8	2	" "	✓Sidney L. Foulston Jr. Ruth Helen Foulston 625 Armour Dr 67206
2		Rockwood South 3rd Add.	✓Bob Moore Oldsmobile Inc. 6215 E. No 11035 67218 (Davis-Moore Olds)
S 300' of SE $\frac{1}{4}$ Exc Highway & Exc Rockwood South 1st, 2nd & 3rd Add & Exc W 30 ft			✓Rock Road Imp. Inc. C/O Chrysler Realty Corp Box 1919 Detroit, Mich. 48200
Beg NE cor NE $\frac{1}{4}$ 30-27-2E, W 705 ft, S 827' E 705' N to Beg			✓K.T. Wiedeman Tr. P.O. Box 1276 El Dorado, Ks. 67042
Beg 827' S NE cor NE $\frac{1}{4}$ 30-27-2E, W 165' S 50' E 165' N to POB.			Same.
Lot 1 Rockwood South 2nd Add.			✓Reproco Inc. ✓ 1st Nat Bank Bld Bertlesville, Okla. 74003
Lot 1 Rockwood South 2nd Add.			
Lots 2 & 3 Clemons Addition.			✓Fred D. Clemons Nona C. Clemons 60 S. Stratford Road. 67207
Lot 1 Clemons Add			✓Irwin Kallman #3 Hills Point Lane Port Chester N.Y. 10573


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Lot 1 Block 2 Kellogg Crest Add.

D.K.T. Weideman Trust ✓
P.O. Box 1276
Eldorado, Ks. 67042

Lot 1 Replat of Pt Block 1 Kellogg Crest.

D.K.T. Weideman Trust ✓
P.O. Box 1270
Eldorado Ks. 67042

Lots 2 & 3 in Replat of Pt Kellogg Crest

Robert S. Lightner ✓
219 N. Market
67212



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Dated at Wichita, Kansas this 27th day of Sep. 1971
at 7:00 A.M.

FIDELITY TITLE COMPANY INC.

By C. E. Bud Fidler
vp

No. 11552



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