

GENERAL

TOTAL GROSS AREA = 57.8 ACRES ±

TOTAL NET AREA = 52.1 ACRES ± (EXCLUSIVE OF PUBLIC STREET AND DRAINAGE EASEMENTS)

THIS DEVELOPMENT IS PROPOSED TO CONTAIN 42.1 NET ACRES ± OF LIGHT COMMERCIAL ZONING AND 10.0 NET ACRES ± OF "AA" ZONING.

GENERAL PROVISIONS

- 1.) ACCESS CONTROL: ACCESS TO DOUGLAS SHALL BE LIMITED TO TWO (2) OPENINGS FROM PARCEL ONE (1), THE EAST ENTRANCE SHALL BE LIMITED TO "IN" TRAFFIC ONLY, THE SECOND OPENING (TWO-WAY) SHALL BE LOCATED IN THE WEST ONE HUNDRED (100) FEET. ACCESS TO WEBB ROAD SHALL BE LIMITED TO SEVEN (7) OPENINGS; TWO (2) OPENINGS FROM PARCEL ONE (1) (ONE OPENING IF DEVELOPED WITH APARTMENTS), THREE (3) OPENINGS FROM PARCEL TWO (2), AND TWO (2) OPENINGS FROM PARCEL THREE (3); ONE (1) OPENING TO PARCELS TWO (2) AND THREE (3) TO WEBB ROAD SHALL BE CONSTRUCTED TO MAJOR ENTRANCE STANDARDS.

THERE SHALL BE COMPLETE ACCESS CONTROL TO BONNIE BRAE ALONG THE WEST AND NORTH BOUNDARIES OF PARCELS SIX (6) AND SEVEN (7). OTHER ACCESS CONTROLS ARE AS INDICATED ON THE PLAN.

- 2.) ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.

- 3.) DRAINAGE: DRAINAGE SHALL BE IN ACCORDANCE WITH THE APPROVED DRAINAGE PLAN ON FILE WITH THE ENGINEERING DIVISION OF THE CITY OF WICHITA; HOWEVER, REVISION MAY BE MADE TO SAID PLAN AS LONG AS THE DIFFERENCE BETWEEN DEVELOPED 100 YEAR STORM WATER RUNOFF AND UNDEVELOPED 100 YEAR STORM WATER RUNOFF SHALL BE DETAINED IN THE FLOODWAY AND RELEASED AT A RATE NOT TO EXCEED THE UNDEVELOPED 100 YEAR STORM WATER RUNOFF.

- 4.) BUILDING SETBACKS: MINIMUM BUILDING SETBACKS SHALL BE AS INDICATED ON THE PLAN, WITH THE FOLLOWING EXCEPTIONS:
 - A. SHOULD PARCEL ONE (1) DEVELOP AS RESIDENTIAL IN EXCESS OF 55 FEET IN HEIGHT, THE BUILDING SETBACK FROM DOUGLAS SHALL BE INCREASED AT THE RATIO OF 1.5 FEET FOR EVERY 1 FOOT OF BUILDING HEIGHT IN EXCESS OF 55 FEET. THE BUILDING SETBACK FROM WEBB ROAD SHALL BE INCREASED AT THE RATIO OF 1.0 FOOT FOR EVERY 1 FOOT OF BUILDING HEIGHT IN EXCESS OF 55 FEET.
 - B. SHOULD ANY OF THE PROPOSED USES IN PARCEL TWO (2) BE DEVELOPED IN EXCESS OF 55 FEET IN HEIGHT, THE BUILDING SETBACK FROM WEBB ROAD SHALL BE INCREASED AT THE RATIO OF 1 FOOT FOR EVERY 1 FOOT OF BUILDING HEIGHT IN EXCESS OF 55 FEET.
 - C. THE 30-FOOT BUILDING SETBACK LINES FROM THE DRAINAGE EASEMENTS AS SHOWN IN PARCELS TWO (2) AND THREE (3), MAY BE REDUCED TO "0" FEET UPON SUBMISSION TO AND THE APPROVAL OF A DEVELOPMENT PLAN BY THE DIRECTOR OF PLANNING.
 - D. IN THE EVENT THAT PARCELS TWO (2) AND THREE (3), OR FIVE (5) AND SIX (6) ARE DEVELOPED UNDER THE SAME OWNERSHIP, THE SETBACK BETWEEN PARCELS WILL NOT BE REQUIRED.

- E. IN THE EVENT THAT THE LOCATION OF THE INGRESS/EGRESS EASEMENT AS SHOWN IN PARCEL SIX (6) SHOULD CHANGE, THE MINIMUM BUILDING SETBACK FROM THE SOUTH LINE OF SAID PARCEL SHALL BE 30 FEET. NO BUILDINGS SHALL BE CONSTRUCTED CLOSER THAN 20 FEET TO THE INGRESS/EGRESS EASEMENT.
- 5.) PARKING RATIO SHALL BE IN ACCORDANCE WITH THE APPROPRIATE CODE OF THE CITY OF WICHITA OR AS INDICATED IN THE PARCEL DESCRIPTION.
- 6.) SIGN REGULATIONS: ADVERTISING SIGNS AND IDENTIFICATION SIGNS SHALL BE IN ACCORDANCE WITH SECTION 28.04.139 OF THE CODE OF THE CITY OF WICHITA; WITH THE FOLLOWING EXCEPTION: NO BILLBOARD ADVERTISEMENT, OR PORTABLE SIGNS SHALL BE ALLOWED ON ANY PARCEL.
- 7.) APPROPRIATE FIRE LANE EASEMENTS FOR ALL PARCELS WILL BE DEFINED PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S). SAID FIRE LANES SHALL BE HARD SURFACED, AND TWENTY-FOUR (24) FEET MINIMUM IN WIDTH AND CONSTRUCTED WITH A 3-1/2-INCH ASPHALT BASE WITH 1-1/2-INCH ASPHALT SURFACE, OR THE EQUIVALENT THEREOF. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANE, ALTHOUGH IT MAY BE USED FOR PASSENGER LOADING AND UNLOADING.
- 8.) INGRESS AND EGRESS TO PARCELS FOUR (4), FIVE (5), SIX (6), AND SEVEN (7) WILL BE PROVIDED VIA THE INGRESS/EGRESS EASEMENT (CORPORATE HILLS DRIVE) AS SHOWN, OR ALTERNATE THERETO. THE ROADWAY IN SAID INGRESS/EGRESS EASEMENT SHALL BE HARD SURFACED AND TWENTY-NINE (29) FEET MINIMUM IN WIDTH TO PARCEL SIX (6) AND TWENTY-FOUR (24) FEET MINIMUM IN WIDTH THROUGH PARCEL SIX (6) TO PARCEL SEVEN (7) AND CONSTRUCTED WITH A 3-1/2-INCH ASPHALT BASE WITH 1-1/2-INCH ASPHALT SURFACE, OR THE EQUIVALENT THEREOF. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANE, ALTHOUGH IT MAY BE USED FOR PASSENGER LOADING AND UNLOADING.
- 9.) AN AGREEMENT PROVIDING FOR THE MAINTENANCE OF THE ROADWAY AND INGRESS/EGRESS EASEMENT SHALL BE SUBMITTED WITH THE PLAT(S) FOR PARCELS THREE (3), FOUR (4), FIVE (5), SIX (6), AND SEVEN (7).
- 10.) A HOMEOWNERS ASSOCIATION AGREEMENT PROVIDING FOR THE MAINTENANCE OF NONPUBLIC COMMON AREAS, PARKING AREAS, PRIVATE DRIVES, COMMUNITY FACILITIES, ETC., SHALL BE SUBMITTED WITH THE PLAT(S) FOR PARCELS ONE (1) AND SEVEN (7) IF IT IS PROPOSED THAT EACH DWELLING UNIT WILL BE INDIVIDUALLY OWNED.
- 11.) SCREENING AND LANDSCAPING: A 25-FOOT LANDSCAPE AREA AS INDICATED IN PARCEL ONE (1), SHALL INCLUDE A COMBINATION OF TREES, GRASS, SHRUBS, AND LANDSCULPTURING, AND MAINTAINED IN SUCH A MANNER AS TO NOT CONSTITUTE A TRAFFIC HAZARD. A 10-FOOT PLANTING STRIP AS INDICATED IN PARCEL SIX (6) SHALL BE PROVIDED WITH TREES, GRASS, AND LOW SHRUBBERY. FAILURE TO PROPERLY MAINTAIN THE PLANTING AREAS SHALL BE CONSIDERED A VIOLATION OF THE C.U.P., AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND SUPERINTENDENT OF CENTRAL INSPECTION.

THE LANDSCAPE STRIP IN PARCEL ONE (1) SHALL BE REPLACED WITH A SOLID OR SEMI-SOLID WALL AT LEAST FIVE (5) FEET, BUT NOT MORE THAN EIGHT (8) FEET HIGH, CONSTRUCTED OF BRICK, STONE, MASONRY, ARCHITECTURAL TILE OR OTHER SIMILAR MATERIAL IF THE STORAGE AREA, SERVICE AREA, OR REAR OF THE BUILDING(S) FACE DIRECTLY INTO THE RESIDENTIAL DISTRICT TO THE NORTH.

- 12.) A LANDSCAPE PLAN PREPARED BY A LANDSCAPE ARCHITECT FOR THE PLANTING STRIP INDICATING THE TYPE, LOCATION, AND SPECIFICATION OF PLANT MATERIAL AND METHOD OF PROVIDING WATER TO THE PLANT MATERIAL, SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S) FOR PARCELS ONE (1) AND SIX (6).

A FINANCIAL GUARANTEE FOR THE PLANT MATERIALS APPROVED IN THE LANDSCAPE PLAN SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.

- 13.) THE C.U.P. DOCUMENT IS GENERAL IN CHARACTER AND WILL REQUIRE SUBMISSION OF A DETAILED SITE PLAN AND A LANDSCAPE BUFFER PLAN WHERE REQUIRED FOR EACH PARCEL OR PORTION THEREOF. THIS SITE PLAN WILL REQUIRE ADMINISTRATIVE APPROVAL AT THE PLAN REVIEW STAGE PRIOR TO ISSUANCE OF A BUILDING PERMIT. THE PLAN SHALL SHOW LAND USE RELATIONSHIPS, ACCESS POINTS AND/OR CONTROL, SETBACKS, INTERIOR CIRCULATION, PARKING, SCREENING, AND OTHER SIMILAR DESIGN CONSIDERATIONS WHICH MAY AFFECT ADJACENT PROPERTY OR THE GENERAL HEALTH AND WELFARE OF THE PUBLIC. THE PLAN SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING FOR REVIEW AND APPROVAL.
- 14.) THE MAXIMUM NUMBER OF BUILDINGS FOR PARCELS TWO (2), THREE (3), FIVE (5); AND SIX (6) SHALL BE LIMITED TO THREE (3), PROVIDED THAT THE ADDITIONAL BUILDINGS MAY BE ADDED AFTER A SITE CIRCULATION PLAN HAS BEEN REVIEWED AND APPROVED BY THE DIRECTOR OF PLANNING.
- 15.) THE HEIGHT LIMITATIONS SHOWN ON EXHIBIT A ARE BASED UPON CHAPTER 28.08 OF THE CODE OF THE CITY OF WICHITA THAT WAS ADOPTED ON OCTOBER 25, 1955.

PARCEL DESCRIPTIONS

PARCEL ONE

PROPOSED USE - FINANCIAL, OFFICE AND/OR HIGH-RISE APARTMENTS.
NET AREA - 177,675 SQUARE FEET ± OR 4.08 ACRES ±
MAXIMUM BUILDING COVERAGE - 30 % OR 53,302 SQUARE FEET ±
FLOOR AREA RATIO - .50 FOR FINANCIAL OR OFFICE
MAXIMUM GROSS FLOOR AREA - 38,837 SQUARE FEET FOR FINANCIAL OR OFFICE
MAXIMUM BUILDING HEIGHT - 60 FEET

DENSITY - 30 D.U.'S/NET ACRE OR 120 D.U.'S
PARKING RATIO (RESIDENTIAL) - 1.5/D.U.
PARKING RATIO (FINANCIAL OR OFFICE) - AS PER SECTION 23.04.141 OF THE CODE OF THE CITY OF WICHITA

PARCEL TWO

PROPOSED USE - HOTEL/MOTEL, SHOPPING CENTER, FINANCIAL, OFFICE, PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.
NET AREA - 388,825 SQUARE FEET ± OR 8.93 ACRES ±
MAXIMUM BUILDING COVERAGE - 30% OR 116,647 SQUARE FEET ±
FLOOR AREA RATIO - .50
MAXIMUM GROSS FLOOR AREA - 194,412 SQUARE FEET ±
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A" BUT NOT TO EXCEED 120 FEET (A MAXIMUM OF 55 FEET FOR SHOPPING CENTER, CONVENIENCE AND SERVICE ORIENTED RETAIL)
MAXIMUM NUMBER OF BUILDINGS - THREE (SEE GENERAL PROVISION 14)

PARCEL THREE

PROPOSED USE - HOTEL/MOTEL, SHOPPING CENTER, FINANCIAL, OFFICE, PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.
NET AREA - 186,945 SQUARE FEET ± OR 4.30 ACRES ±
MAXIMUM BUILDING COVERAGE - 30% OR 56,083 SQUARE FEET ±
FLOOR AREA RATIO - .50
MAXIMUM GROSS FLOOR AREA - 93,472 SQUARE FEET ±
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A"
MAXIMUM NUMBER OF BUILDINGS - THREE (SEE GENERAL PROVISION 14)

PARCEL FOUR

PROPOSED USE - POST OFFICE
NET AREA - 161,549 SQUARE FEET ± OR 3.7 ACRES ±
MAXIMUM BUILDING COVERAGE - 30% OR 48,464 SQUARE FEET ±
FLOOR AREA RATIO - .40
MAXIMUM GROSS FLOOR AREA - 64,620 SQUARE FEET ±
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A"
MAXIMUM NUMBER OF BUILDINGS - ONE

PARCEL FIVE

PROPOSED USE - MOTEL, SHOPPING CENTER, FINANCIAL INSTITUTIONS, OFFICE, PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.
NET AREA - 261,153 SQUARE FEET ± OR 6.0 ACRES ±
MAXIMUM BUILDING COVERAGE - 30% OR 78,347 SQUARE FEET ±
FLOOR AREA RATIO - .50
MAXIMUM GROSS FLOOR AREA - 130,579 SQUARE FEET ±
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A"
MAXIMUM NUMBER OF BUILDINGS - THREE (SEE GENERAL PROVISION 14)

PARCEL SIX

PROPOSED USE - HOTEL/MOTEL, RESTAURANTS, OFFICE, RECREATIONAL FACILITIES,
PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.
NET AREA \pm 655,688 SQUARE FEET \pm OR 15.0 ACRES \pm
MAXIMUM BUILDING COVERAGE - 30% OR 196,706 SQUARE FEET \pm
FLOOR AREA RATIO - .50
MAXIMUM GROSS FLOOR AREA - 327,844 SQUARE FEET \pm
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A" BUT NOT TO EXCEED 120
FEET; 35 FEET FOR THAT PORTION LYING SOUTHWEST OF THE INGRESS/EGRESS
EASEMENT AS SHOWN
MAXIMUM NUMBER OF BUILDINGS - THREE (SEE GENERAL PROVISION 14)

PARCEL SEVEN

PROPOSED USE - APARTMENTS OR TOWNHOUSES AND ASSOCIATED COMMUNITY
FACILITIES.
NET AREA - 435,600 SQUARE FEET \pm OR 10.0 ACRES \pm
DENSITY - APARTMENTS = 5.0 D.U.'S/NET ACRE OR 50 D.U.'S
TOWNHOUSES = 2.7 D.U.'S/NET ACRE OR 27 D.U.'S
(NET LAND OUT OF THE FLOODWAY IS 2.7 ACRES \pm)
PARKING RATIO - 2.0/D.U.
MAXIMUM BUILDING HEIGHT - 35 FEET

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

September 21, 1981

TO Robert B. Feldner, Superintendent of Central Inspection
Paul Graves, Chief Engineer
✓Mike Lindebak, Program Development Engineer

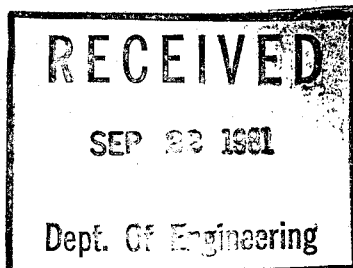
FROM Arthur D. Chambers, Senior Planner

SUBJECT DP-116 - MAXWELL'S Commercial and Residential C.U.P.
Generally located on the west side of Webb Road, in
an area south of Central.

We have received a proposed C.U.P. at the above referenced location. The C.U.P. includes approximately 42 acres of office and commercial uses and 10 acres of residential uses. We would appreciate receiving any comments you might have regarding access, drainage, etc., by Tuesday, September 29, 1981. If you have any questions, please call.

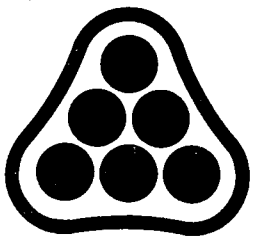
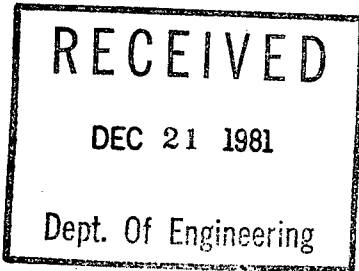
Arthur D. Chambers
Arthur D. Chambers
Senior Planner

ADC:el



DIRECTORS

- C. O. KNOP, P.E.
- R. B. PEUGH, P.E.
- C. J. FREUND, P.E.
- W. H. KELTNER, P.E.
- R. D. PLETCHER, P.E.
- F. D. MIDDLETON, JR., P.E.
- D. E. MALTBIE, P.E.
- M. D. SCHOMAKER, P.E.



**PROFESSIONAL
ENGINEERING
CONSULTANTS**
LAND DEVELOPMENT
DIVISION
PROFESSIONAL ASSOCIATION

December 17, 1981

Mr. Chris Breitenstein, P.E.
Drainage Engineer
City Hall - 7th Floor
455 N. Main
Wichita, Kansas 67202

RE: Hugh Maxwell Property
PEC File No. 36-78414-1-1014

Brown

Dear Mr. Breitenstein:

As per our meeting on December 16, this letter will serve as a "Preliminary Drainage Concept" for the referenced project. Enclosed for your reference is a sketch of the subject property with a possible drainage system.

To date, we have analyzed the existing drainage basin for the 100-year storm and have developed the peak runoff. This includes drainage from tributary areas at Beech, Pizza Hut headquarters, Forest Hills Addition, and the Kellogg-Webb Road intersection area including development on the northwest corner of that intersection. The peak runoff expected after development of the subject property will also be determined. This could be done at this time, but we feel that a more accurate determination would be accomplished when more definite land uses and layouts are known during the platting phase.

The difference in the pre-developed and post-developed runoffs will be temporarily stored in a detention-retention pond system. These ponds will be similar to those shown on the enclosed sketch. Floodways and easements platted in the subject property and in P.H.I. Addition may be utilized for this purpose.

We trust that this is sufficient information for your review at this time. We request that all detailed designs, layouts, and calculations be performed during the platting phase. Please advise in writing if this is acceptable or if any additional data is needed.

Thank you for your consideration in this matter.

Very Truly Yours,

Charles S. Brown
Charles S. Brown, P.E.
Project Engineer

cc: Gary Snyder/Phil Ruffin

LOCATED AT:
355 ELLIS
WICHITA, KANSAS 67211
(316) 263-1107

FORWARD ALL MAIL TO:
1440 EAST ENGLISH
WICHITA, KANSAS 67211
(316) 262-2691

THE CITY OF WICHITA

OFFICE OF ENGINEERING DEPARTMENT
Design

DATE January 5, 1982




TO Robert Lakin Director of Planning

FROM Chris Breitenstein Drainage & Flood Control Engr.

SUBJECT Hugh Maxwell Property

I have been informed by Charlie Brown of Professional Engineering Consultants that the Planning Commission, at the time a zoning change was requested for subject property action was delayed and more engineering was requested to be conducted. Mr. Brown has submitted a letter and map stating in effect that the difference in pre-developed and post developed runoff would be detained on site. He would like to know if this is sufficient information at this time. I am attaching a copy of his letter for your information.


Chris J. Breitenstein P.E.
Drainage & Flood Control Engineer

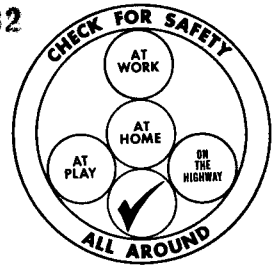
CJB gk

Attachment

cc: Charlie Brown
Professional Engineering Consultants
1440 E. English
Wichita Kansas 67211

THE CITY OF WICHITA
OFFICE OF ENGINEERING

DATE FEBRUARY 9, 1982



TO ROBERT LAKIN, DIRECTOR OF PLANNING
FROM CHRIS J. BREITENSTEIN, DRAINAGE & FLOOD CONTROL
ENGINEER
SUBJECT MAXWELL'S C.U.P.

The proposed Drainage Concept (the detention of the difference between Pre and Post Development on Site) is approved at this time. At the time of platting, detailed Drainage Plans and Guarantee's will be required.

Chris J. Breitenstein, P.E.
Drainage & Flood Control
Engineer

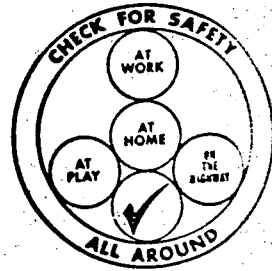
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cc: R.W. Linn, P.E.C.
Carmenieto Prieto, CPO Staff

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE April 7, 1982



TO Jack Galbraith, Chief Planner, Current Plans

FROM Clemencia L. Prieto, Administrative Aide III

**SUBJECT DP-116 and Z-2388: Southwest
Corner of Douglas and Webb Road**

At a special meeting on Monday, March 29th and at its regular Monday, April 5th meeting, CPO Neighborhood Council Area "H" considered the captioned request for approval of the Maxwell Commercial C.U.P. and the related zone change request for "BB" Business District and "LC" Light Commercial, on property currently zoned "AA", Single Family.

At the March 29th special meeting Gary Snyder, Dick Linn, Gary Wiley and Brent Remsberg appeared before the Council to describe the changes made in the C.U.P. Twenty-five people attended the meeting on the cases. At the April 5th regular meeting Gary Snyder was present representing the applicant. Three area residents were present concerning the cases.

The Council voted 6-0 to recommend approval of the proposed Commercial C.U.P. and the associated zone change subject to the Planning Department staff suggestions and findings of fact and to incorporating the following recommendations in the Maxwell Commercial C.U.P.:

1. Traffic

- The adoption of improvement Plan A.
- The adoption of the Traffic Engineer's recommendations, as outlined in his letter of March 26th to Brent Remsberg of Professional Engineering Consultants. (MAPC members have received copies of the letter).
- Complete access control west of parcel 6 and 7 to Bonnie Brae.
- Parcels 2,3,4, and 5 having no access to Douglas Avenue.
- Parcel 1 having only one access to Douglas.

2. Sanitary Sewer Service

The development should only use the 30" diameter War Industries Sewer. As indicated by the Sanitary Engineer, this sewer is the only one that has capacity for the ultimate development of the Maxwell C.U.P.

3. Fire Protection

The adoption of the Fire Department's recommendation for a "Looped" system and additional hydrants.

- 4. Two parking spaces per dwelling unit in Parcels 1,6, and 7, regardless of ownership.
- 5. Limit the number of buildings in Parcel 3 to three. Include parcel 3 under general provision number 15.

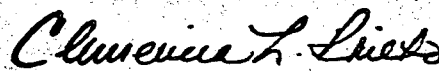
Jack Galbriath, Chief Planner, Current Plans
DP-116 and Z-2388
April 7, 1982 - Page 2

6. In Parcel 5 all personal services shall be incorporated under one building.
7. Incorporate under general provision number 6 that no portable signs should be allowed.
8. Provide a planting strip of 25 feet instead of 10 feet in parcels 1 and 6 regardless of residential or financial development. This recommendation would amend general provision number 11.
9. Amending general provision number 14 to read that Traffic Improvement Plan A should be accomplished prior to the development of more than 300,000 square feet.

Area "H" also requests that the MAPC consider the following suggestions and concerns:

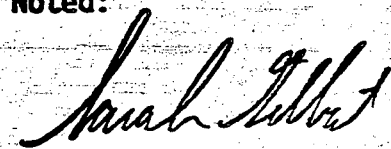
- a) The development's impact on the Rock Road and Douglas, and Harry and Webb intersections. Signalization required.
- b) Uniformity of architectural design for the development.
- c) Area residents and the Council are opposed to the establishment of service stations and fast food restaurants in the area.
- d) In residential areas it was considered that building height of 120 feet was excessive.
- e) No changes in the Capital Improvement Program should be made to accommodate improvements needed on Webb Road.
- f) The need for additional resources to provide basic police service to the new development.

Please provide copies of this memorandum to the members of the MAPC and City Commission when this case is considered by them.


Clemencia L. Prieto
Administrative Aide III

CLP:dm

Noted:


Sarah Gilbert
CP Coordinator

cc: Gary Wiley

MES
4-27-82

Maxwell CUP

Shotgun Estimate for Webb Rd
for MPD

Assume $\frac{3}{4}$ mile 4 lane arterial
with 1 sidewalk

$$\frac{49 \text{ ft b-b}}{9} \times \$35 \text{ sq yd} \times 5280 \frac{\text{ft}}{\text{mi}} \times .75 \text{ mi} \times$$

$$1.03 \times 1.15 \text{ Drainage} = \$893,823$$

$\therefore \$1,000,000$

$$\text{Signal} = \$50,000$$

\$950,000

const eng 15%

\$142,500

\$1,042,500

$$\text{Local Share} = .25 \times \text{const} + 15\% \text{ const Eng}$$

$$= \$237,500 + 142,500$$

$$= \$380,000$$

$$\frac{1}{2} \text{ City} = \$190,000$$

$$\frac{1}{2} \text{ Points} = 190,000$$

April 27, 1982

Board of City Commissioners
(through E. H. Denton, City Manager)
Robert A. Lakin, Director of Planning

Webb Road, South of Douglas to North of Kellogg -
CIP Amendment

Background

Before the Maxwell C.U.P., this department, together with the various County departments, undertook at the direction and request of the Board of City Commissioners, the preparation of a County Capital Improvement Program. Prior to this, the City and County entered a joint State design contract for a safety project for the Kellogg and Webb Road intersection. This design work is now underway with Poe and Associates. Last year, the County rebuilt Central and Webb Road. This leaves a remaining section between Central and Kellogg which needs to be improved to urban standards including channelization and signalization at Douglas and Rock Road.

Webb Road is a boundary with the Wichita City Limit on the west and the Beech Industrial District on the east. With the foregoing as background, the County CIP Administrative Committee, chaired by myself, included and approved a CIP project which was suggested to be funded as a City-County project on a 50-50 basis. It was suggested that Beech dedicate needed right-of-way and that the City assess a portion of the cost to the land south of Douglas which was to have direct access.

Maxwell C.U.P. In November, the MAPC heard and deferred a request for a 44 acre development south of Douglas and west of Webb Road known as the Maxwell tract. This project, with some 900,000 square feet of nonresidential use, was required to prepare a traffic study to help assess the development's impact on Webb Road and Douglas.

This study was reviewed in February and revised in March. On April 8, it was presented to MAPC. On that day, the MAPC approved the C.U.P. subject to Improvement Plan A (channelization, raised medial, accel-decel lanes, and signalization at the major entrance) of the traffic study and subject to platting and a number of other conditions. As with many other major developments, if approved by the Board of City Commissioners, we would secure petitions or other guarantees to insure the implementation of Plan A at the time of platting. It is assumed that the costs of such work would be assigned to the development with the cost of the basic arterial (Webb Road) being handled in a "normal manner".

Problem

The issue is then one of coordination, timing and financing. The County has a 50-50 Webb Road project in their CIP. The City does not. The developer is being asked to add to what will be a regular urban arterial.

To take advantage of a joint project possibility, the City is asked to amend their CIP to provide for design in 1982 and construction in 1983.

To assist in financing this project, Mr. Shelor identified unused Urban Aid System money which has been unused by the County the last two years and which can be allocated (the last 18 months and the next 18 months) to a project of this type. This must be matched with 25 percent local money. Thus the maximum exposure for the City and County of the normal four-lane improved section would be 25 percent of total construction and administration cost of the project. Thus on a 50-50 basis, the City has an exposure of 12-1/2 percent. Assuming a 3/4 mile project at \$950,000, this would be a \$120,000 cost to the City. Since the City would normally assess the cost of a residential street to the Maxwell property, the special assessment can be used to reduce the money needed to meet the 25 percent match. Add to this the other improvements required of Maxwell (accel-decel, channelization) the SA portion may be sufficient to cover all local match except the cost to local governments for the State to administer the project (15%). Thus it would seem to be a very low dollar project depending on State approval of match items in the Maxwell improvements.

The CIP Committee of the City of Wichita has reviewed the above approach and recommended that the CIP be amended.

Recommendation

It is recommended that the City of Wichita CIP be amended to provide for the above described project (assuming Maxwell CIP approval and platting) and instruct the City Manager to negotiate a joint agreement with the County and return the project initiation and final financial considerations to Board of City Commissioners for final approval.

Robert A. Lakin
Director of Planning

Board of City Commissioners
April 27, 1982
Page 3

cc: Board of County Commissioners (3)
City CIP Committee
Robert Finch, Deputy City Manager
Don Anderson, Director, Housing & Economic Development
Russell Brenner, Director of Administration
Glen Dockery, Research and Budget Officer
David Stowe, Director, Operation/Maintenance Department
Ray Bruggeman, Director of Engineering
Claud S. Shelor, Director, County Department of Public Works
Phil Ruffin, P. O. Box 17087, Wichita, KS 67217
Gary Wiley, Professional Engineering Consultants,
355 Ellis, 67211
Hugh S. Maxwell, 2381 Algonquin Road, Schenectady, NY, 12309
CPO Council Area "H"
Jim Gregory, Beech Aircraft Corp., 9709 East Central, 67206

METROPOLITAN AREA PLANNING DEPARTMENT

TO The Board of City Commissioners
(through E. H. Denton, City Manager)

FROM Robert A. Lakin, Director of Planning

SUBJECT DP-116 - Maxwell's Commercial C.U.P. and
Z-2388 -"AA" to "BB" & "LC". Generally located at the
southwest corner of Douglas and Webb Road.

On May 4, 1982, the City Commission considered the above captioned cases. After considerable discussion concerning C.P.O. Council "H" comments outlined in Clemencia L. Prieto's memorandum to the City Manager, dated April 28, 1982 (copy attached), your action was to defer final action for two weeks. You asked staff to meet with the applicant and C.P.O. representatives to discuss and see what items of the C.P.O. comments and recommendations could be agreed to by both parties and identify them relative to the platting process and rezoning/C.U.P. process.

A three-hour meeting was held on May 7, 1982 to discuss the C.P.O. comments and recommendations. The following people were present in addition to City staff: Phil Ruffin, applicant; Gary Snyder, Ruffin Properties; Gary Wiley and Dick Linn, agents for the applicant; Charlotte Kleffner, President of C.P.O. Council "H"; Jake Hartmetz and Sharon Ryan, members of C.P.O. Council "H"; Harold Harp and Jon McKean, area residents; and Jeanette Rees, President of the Bonnie Brae Homeowners Association. There was some discussion about which items needed to be shown on the C.U.P. and what items are considered during the platting process.

We agreed as to which item should be shown on the C.U.P. or required during the platting process. There were also items that were found not to be a part of either the platting or C.U.P. process. The following is a list of the items from the April 28 memorandum as they relate to the platting or C.U.P. process. Beneath each item is the agreement reached at the May 7 meeting.

C.U.P. PROVISIONS

Items agreed to by all parties that should be added to the C.U.P.

- C.P.O. 1a. Complete access control west of Parcel 6 and 7 to Bonnie Brae.

The general provisions in the plan shall be changed to show complete access control to Bonnie Brae along the west and north boundaries of Parcels 6 and 7.

- C.P.O. 1c. The plan shall be changed to show the east entrance to Parcel 1 from Douglas shall be limited to "in" traffic only; the second opening (two-way) to Parcel 1 from Douglas shall be located in the west one hundred feet; and Parcel 4 shall not have an opening to Webb Road.

- C.P.O. 4. Two parking spaces per dwelling unit in Parcels 1, 6, and 7, regardless of ownership.

The plan shall be changed to show 1.5 parking spaces per dwelling unit for Parcels 1 and 6 and 2.0 parking spaces per dwelling unit for Parcel 7.

- C.P.O. 5. Limit the number of buildings in Parcel 3 to three. Include Parcel 3 under General Provision number 15.

The following shall be added to Parcel 3: "Maximum number of buildings - 3 (See General Provision 15)"; and that Parcel 3 shall be added to General Provision 15.

- C.P.O. 7. Incorporate under General Provision number 6 that no portable signs should be allowed.

The General Provision 6 shall be changed to include the prohibition of portable signs.

- C.P.O. 8. Provide a planting strip of 25 feet instead of 10 feet in Parcels 1 and 6 regardless of residential or financial development. This recommendation would amend General Provision number 11.

The plan and General Provision 11 shall be changed to reflect a ten foot planting strip for Parcel 6 and a twenty-five foot landscape area along the north boundary of Parcel 1. The landscaping for Parcel 1 shall include a combination of trees, grass, shrubs and landsculpturing.

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- C.P.O. 9. Amending General Provision number 14 to read that Traffic Improvement Plan A should be accomplished prior to the development of more than 300,000 square feet.

The last sentence in General Provision 14 shall be deleted and the following added: Prior to the development of more than 300,000 square feet, the improvements to Webb Road (as shown in the approved Improvement Plan A of the Traffic Study dated March 1982) shall be under construction.

- C.P.O. 11. Delete Section D of Item 4 in the plan's General Provisions. This section refers to setbacks not being required if Parcels 1, 2, 3, 4, 5 and 6 are developed under the same ownership.

Parcel 1 shall be deleted from General Provision 4d.

- C.P.O. Suggestion d. In residential areas it was considered that building height of 120 feet was excessive.

The plan shall be changed to show a 60 foot maximum building height for Parcel 1 and that portion of Parcel 6 lying southwest of the ingress-egress easement.

Items on which no agreement was reached.

- C.P.O. 1b. Parcels 2, 3, 4, and 5 having no access to Douglas avenue.

The applicant stated that he did not want to lose the flexibility of having an internal circulation system that would have access to Douglas. The C.P.O. representatives stated that they would discuss these items with the entire Council for a final decision and report to the Board of City Commissioners.

C.P.O. Suggestion c. Area residents and the Council are opposed to the establishment of service stations and fast food restaurants in the area.

There was no consensus on how to regulate these uses.

PLATTING

Items agreed that should be added to the zoning approval motion for the MAPC to deal with.

C.P.O. 1a. Complete access control west of Parcel 6 and 7 to Bonnie Brae.

The final tracing of the plat of this site shall show complete access control to the north and west of Parcels 6 and 7.

C.P.O. 1c

C.P.O. 2.

The final tracing of the plat of this site shall show complete access control to Webb Road from Parcel 4 and that the west opening to Parcel 1 from Douglas shall be in the west 100 feet

Sanitary Sewer Service
The development should only use the 30" diameter War Industries Sewer. As indicated by the Sanitary Engineer, this sewer is the only one that has capacity for the ultimate development of the Maxwell C.U.P.

This should be a condition of approval of the final plat for this site.

C.P.O. 10. The developer should incur the cost of improvements in public services (sanitary sewer, drainage, street improvements, traffic signalization etc.) necessitated by the development.

As a condition of approval, at the time of platting the developer shall be required to construct or financially guarantee necessary sanitary sewer, drainage, street improvements, signalization, etc.

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Items on which no agreement was reached

C.P.O. ~~1b~~ and ~~1c~~. See ~~1b~~ and 1c above under C.U.P. requirements.

Items that are not applicable to this project (already taken care of) or agreed, by both parties, to be deleted.

C.P.O. 3. Fire Protection

The adoption of the Fire Department's recommendation for a "Looped" system and additional hydrants.

This will be handled during plan review prior to the issuance of building permits.

C.P.O. 6. In Parcel 15 all personal services shall be incorporated under one building.

There will not be any free standing personal services and is covered by General Provision 16.

C.P.O. Suggestion a. The development's impact on the Rock Road and Douglas, and Harry and Webb intersections. Signalization required.

Agreed to delete. This is a City Commission CIP problem.

C.P.O. Suggestion f. The need for additional resources to provide basic police service to the new development.

Agreed to delete.

Suggestions for discussion agreed not to be required.

C.P.O. Suggestion b. Uniformity of architectural design for the development.

The C.P.O. representatives encouraged the applicant to construct architecturally compatible buildings.

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C.P.O. Suggestion e. No changes in the Capital Improvement Program should be made to accommodate improvements needed on Webb Road.

It was agreed that the proposed amendment to the CIP could be addressed separately by those interested as a separate agenda item at the City Commission meeting.

SUMMARY

The following is a table listing those items from the April 28 memorandum that: should be considered during the platting process; should be included in the C.U.P.; can be deleted; or should be noted. In addition, the table shows which items were agreed to by the participants of the May 7 meeting.

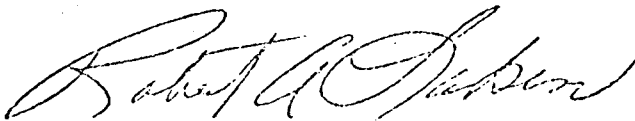
| | <u>Platting</u> | <u>C.U.P.</u> | <u>Delete</u> | <u>Note</u> |
|----------------------|-----------------|---------------------------------------|--|-------------------------|
| Agree as recommended | Items 1a, 2, 10 | Items 1a, 5, 7, and 9 | Items 3, 6 and suggestions "a" and "f" | suggestions "b" and "e" |
| Agree with changes | Item 1c | Items 4, 8, 11, 1c and suggestion "d" | | |
| No agreement | Item 1b | Item 1b, and suggestion "c" | | |

ACTION: The Board of City Commissioners may take any of the following actions.

1. Concur with the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and the C.U.P. subject to the recommended conditions, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or

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2. Concur with the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and C.U.P. subject to the MAPC recommendations, and subject to those changes agreed to by both parties as outlined in the above memorandum and such other changes relating to the C.U.P. deemed appropriate by the City Commission; instruct the Planning Commission to require those conditions set forth in the above memo relating to platting, to be included in the final plat; and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
3. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action.



Robert A. Lakin, Director of Planning

RAL:ADC:el

Attachment

cc: Phil Ruffin, Ruffin Properties, 1725 E. Douglas, 67211
Gary Snyder, Ruffin Properties, 1725 E. Douglas, 67211
Gary Wiley, P.E.C., 1440 E. English, 67211
Dick Linn, P.E.C., 1440 E. English, 67211
Charlotte Kleffner, Pres. CPO Council "H", 8629 Stoneridge,
67206
Jake Hartmetz, CPO Council "H", 234 N. Armour, 67206
Sharon Ryan, CPO Council "H", 8324 E. Morris, 67207
Harold Harp, property owner, 22 Douglas Parkway, 67206
John McKean, property owner, 24 Douglas Parkway, 67206
Jeanette S. Rees, Pres. Bonnie Brae Homeowners Association,
139 Bonnie Brae, 67207
Clemencia Prieto, Citizen Participation Aide III

GENERAL

TOTAL GROSS AREA = 57.8 ACRES ±

TOTAL NET AREA = 52.1 ACRES ± (EXCLUSIVE OF PUBLIC STREET AND DRAINAGE EASEMENTS)

THIS DEVELOPMENT IS PROPOSED TO CONTAIN 42.1 NET ACRES ± OF LIGHT COMMERCIAL ZONING AND 10.0 NET ACRES ± OF "AA" ZONING.

GENERAL PROVISIONS

- 1.) ACCESS CONTROL: ACCESS TO DOUGLAS SHALL BE LIMITED TO TWO (2) OPENINGS FROM PARCEL ONE (1), THE EAST ENTRANCE SHALL BE LIMITED TO "IN" TRAFFIC ONLY, THE SECOND OPENING (TWO-WAY) SHALL BE LOCATED IN THE WEST ONE HUNDRED (100) FEET. ACCESS TO WEBB ROAD SHALL BE LIMITED TO SEVEN (7) OPENINGS; TWO (2) OPENINGS FROM PARCEL ONE (1) (ONE OPENING IF DEVELOPED WITH APARTMENTS), THREE (3) OPENINGS FROM PARCEL TWO (2), AND TWO (2) OPENINGS FROM PARCEL THREE (3); ONE (1) OPENING TO PARCELS TWO (2) AND THREE (3) TO WEBB ROAD SHALL BE CONSTRUCTED TO MAJOR ENTRANCE STANDARDS.

THERE SHALL BE COMPLETE ACCESS CONTROL TO BONNIE BRAE ALONG THE WEST AND NORTH BOUNDARIES OF PARCELS SIX (6) AND SEVEN (7). OTHER ACCESS CONTROLS ARE AS INDICATED ON THE PLAN.
- 2.) ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
- 3.) DRAINAGE: DRAINAGE SHALL BE IN ACCORDANCE WITH THE APPROVED DRAINAGE PLAN ON FILE WITH THE ENGINEERING DIVISION OF THE CITY OF WICHITA; HOWEVER, REVISION MAY BE MADE TO SAID PLAN AS LONG AS THE DIFFERENCE BETWEEN DEVELOPED 100 YEAR STORM WATER RUNOFF AND UNDEVELOPED 100 YEAR STORM WATER RUNOFF SHALL BE DETAINED IN THE FLOODWAY AND RELEASED AT A RATE NOT TO EXCEED THE UNDEVELOPED 100 YEAR STORM WATER RUNOFF.
- 4.) BUILDING SETBACKS: MINIMUM BUILDING SETBACKS SHALL BE AS INDICATED ON THE PLAN, WITH THE FOLLOWING EXCEPTIONS:
 - A. SHOULD PARCEL ONE (1) DEVELOP AS RESIDENTIAL IN EXCESS OF 55 FEET IN HEIGHT, THE BUILDING SETBACK FROM DOUGLAS SHALL BE INCREASED AT THE RATIO OF 1.5 FEET FOR EVERY 1 FOOT OF BUILDING HEIGHT IN EXCESS OF 55 FEET. THE BUILDING SETBACK FROM WEBB ROAD SHALL BE INCREASED AT THE RATIO OF 1.0 FOOT FOR EVERY 1 FOOT OF BUILDING HEIGHT IN EXCESS OF 55 FEET.
 - B. SHOULD ANY OF THE PROPOSED USES IN PARCEL TWO (2) BE DEVELOPED IN EXCESS OF 55 FEET IN HEIGHT, THE BUILDING SETBACK FROM WEBB ROAD SHALL BE INCREASED AT THE RATIO OF 1 FOOT FOR EVERY 1 FOOT OF BUILDING HEIGHT IN EXCESS OF 55 FEET.
 - C. THE 30-FOOT BUILDING SETBACK LINES FROM THE DRAINAGE EASEMENTS AS SHOWN IN PARCELS TWO (2) AND THREE (3), MAY BE REDUCED TO "0" FEET UPON SUBMISSION TO AND THE APPROVAL OF A DEVELOPMENT PLAN BY THE DIRECTOR OF PLANNING.
 - D. IN THE EVENT THAT PARCELS TWO (2) AND THREE (3), OR FIVE (5) AND SIX (6) ARE DEVELOPED UNDER THE SAME OWNERSHIP, THE SETBACK BETWEEN PARCELS WILL NOT BE REQUIRED.

- E. IN THE EVENT THAT THE LOCATION OF THE INGRESS/EGRESS EASEMENT AS SHOWN IN PARCEL SIX (6) SHOULD CHANGE, THE MINIMUM BUILDING SETBACK FROM THE SOUTH LINE OF SAID PARCEL SHALL BE 30 FEET. NO BUILDINGS SHALL BE CONSTRUCTED CLOSER THAN 20 FEET TO THE INGRESS/EGRESS EASEMENT.
- 5.) PARKING RATIO SHALL BE IN ACCORDANCE WITH THE APPROPRIATE CODE OF THE CITY OF WICHITA OR AS INDICATED IN THE PARCEL DESCRIPTION.
 - 6.) SIGN REGULATIONS: ADVERTISING SIGNS AND IDENTIFICATION SIGNS SHALL BE IN ACCORDANCE WITH SECTION 28.04.139 OF THE CODE OF THE CITY OF WICHITA; WITH THE FOLLOWING EXCEPTION: NO BILLBOARD ADVERTISEMENT, OR PORTABLE SIGNS SHALL BE ALLOWED ON ANY PARCEL.
 - 7.) APPROPRIATE FIRE LANE EASEMENTS FOR ALL PARCELS WILL BE DEFINED PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S). SAID FIRE LANES SHALL BE HARD SURFACED, AND TWENTY-FOUR (24) FEET MINIMUM IN WIDTH AND CONSTRUCTED WITH A 3-1/2-INCH ASPHALT BASE WITH 1-1/2-INCH ASPHALT SURFACE, OR THE EQUIVALENT THEREOF. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANE, ALTHOUGH IT MAY BE USED FOR PASSENGER LOADING AND UNLOADING.
 - 8.) INGRESS AND EGRESS TO PARCELS FOUR (4), FIVE (5), SIX (6), AND SEVEN (7) WILL BE PROVIDED VIA THE INGRESS/EGRESS EASEMENT (CORPORATE HILLS DRIVE) AS SHOWN, OR ALTERNATE THERETO. THE ROADWAY IN SAID INGRESS/EGRESS EASEMENT SHALL BE HARD SURFACED AND TWENTY-NINE (29) FEET MINIMUM IN WIDTH TO PARCEL SIX (6) AND TWENTY-FOUR (24) FEET MINIMUM IN WIDTH THROUGH PARCEL SIX (6) TO PARCEL SEVEN (7) AND CONSTRUCTED WITH A 3-1/2-INCH ASPHALT BASE WITH 1-1/2-INCH ASPHALT SURFACE, OR THE EQUIVALENT THEREOF. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANE, ALTHOUGH IT MAY BE USED FOR PASSENGER LOADING AND UNLOADING.
 - 9.) AN AGREEMENT PROVIDING FOR THE MAINTENANCE OF THE ROADWAY AND INGRESS/EGRESS EASEMENT SHALL BE SUBMITTED WITH THE PLAT(S) FOR PARCELS THREE (3), FOUR (4), FIVE (5), SIX (6), AND SEVEN (7).
 - 10.) A HOMEOWNERS ASSOCIATION AGREEMENT PROVIDING FOR THE MAINTENANCE OF NONPUBLIC COMMON AREAS, PARKING AREAS, PRIVATE DRIVES, COMMUNITY FACILITIES, ETC., SHALL BE SUBMITTED WITH THE PLAT(S) FOR PARCELS ONE (1) AND SEVEN (7) IF IT IS PROPOSED THAT EACH DWELLING UNIT WILL BE INDIVIDUALLY OWNED.
 - 11.) SCREENING AND LANDSCAPING: A 25-FOOT LANDSCAPE AREA AS INDICATED IN PARCEL ONE (1), SHALL INCLUDE A COMBINATION OF TREES, GRASS, SHRUBS, AND LANDSCULPTURING, AND MAINTAINED IN SUCH A MANNER AS TO NOT CONSTITUTE A TRAFFIC HAZARD. A 10-FOOT PLANTING STRIP AS INDICATED IN PARCEL SIX (6) SHALL BE PROVIDED WITH TREES, GRASS, AND LOW SHRUBBERY. FAILURE TO PROPERLY MAINTAIN THE PLANTING AREAS SHALL BE CONSIDERED A VIOLATION OF THE C.U.P., AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND SUPERINTENDENT OF CENTRAL INSPECTION.

THE LANDSCAPE STRIP IN PARCEL ONE (1) SHALL BE REPLACED WITH A SOLID OR SEMI-SOLID WALL AT LEAST FIVE (5) FEET, BUT NOT MORE THAN EIGHT (8) FEET HIGH, CONSTRUCTED OF BRICK, STONE, MASONRY, ARCHITECTURAL TILE OR OTHER SIMILAR MATERIAL IF THE STORAGE AREA, SERVICE AREA, OR REAR OF THE BUILDING(S) FACE DIRECTLY INTO THE RESIDENTIAL DISTRICT TO THE NORTH.

- 12.) A LANDSCAPE PLAN PREPARED BY A LANDSCAPE ARCHITECT FOR THE PLANTING STRIP INDICATING THE TYPE, LOCATION, AND SPECIFICATION OF PLANT MATERIAL AND METHOD OF PROVIDING WATER TO THE PLANT MATERIAL, SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S) FOR PARCELS ONE (1) AND SIX (6).

A FINANCIAL GUARANTEE FOR THE PLANT MATERIALS APPROVED IN THE LANDSCAPE PLAN SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.

- 13.) THE C.U.P. DOCUMENT IS GENERAL IN CHARACTER AND WILL REQUIRE SUBMISSION OF A DETAILED SITE PLAN AND A LANDSCAPE BUFFER PLAN WHERE REQUIRED FOR EACH PARCEL OR PORTION THEREOF. THIS SITE PLAN WILL REQUIRE ADMINISTRATIVE APPROVAL AT THE PLAN REVIEW STAGE PRIOR TO ISSUANCE OF A BUILDING PERMIT. THE PLAN SHALL SHOW LAND USE RELATIONSHIPS, ACCESS POINTS AND/OR CONTROL, SETBACKS, INTERIOR CIRCULATION, PARKING, SCREENING, AND OTHER SIMILAR DESIGN CONSIDERATIONS WHICH MAY AFFECT ADJACENT PROPERTY OR THE GENERAL HEALTH AND WELFARE OF THE PUBLIC. THE PLAN SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING FOR REVIEW AND APPROVAL.
- 14.) THE MAXIMUM NUMBER OF BUILDINGS FOR PARCELS TWO (2), THREE (3), FIVE (5), AND SIX (6) SHALL BE LIMITED TO THREE (3), PROVIDED THAT THE ADDITIONAL BUILDINGS MAY BE ADDED AFTER A SITE CIRCULATION PLAN HAS BEEN REVIEWED AND APPROVED BY THE DIRECTOR OF PLANNING.
- 15.) THE HEIGHT LIMITATIONS SHOWN ON EXHIBIT A ARE BASED UPON CHAPTER 28.08 OF THE CODE OF THE CITY OF WICHITA THAT WAS ADOPTED ON OCTOBER 25, 1955.

PARCEL DESCRIPTIONS

PARCEL ONE

PROPOSED USE - FINANCIAL, OFFICE AND/OR HIGH-RISE APARTMENTS.
NET AREA - 177,675 SQUARE FEET ± OR 4.08 ACRES ±
MAXIMUM BUILDING COVERAGE - 30 % OR 53,302 SQUARE FEET ±
FLOOR AREA RATIO - .50 FOR FINANCIAL OR OFFICE
MAXIMUM GROSS FLOOR AREA - 88,837 SQUARE FEET FOR FINANCIAL OR OFFICE
MAXIMUM BUILDING HEIGHT - 60 FEET

DENSITY - 30 D.U.'S/NET ACRE OR 120 D.U.'S
PARKING RATIO (RESIDENTIAL) - 1.5/D.U.
PARKING RATIO (FINANCIAL OR OFFICE) - AS PER SECTION 23.04.141 OF THE CODE OF THE CITY OF WICHITA

PARCEL TWO

PROPOSED USE - HOTEL/MOTEL, SHOPPING CENTER, FINANCIAL, OFFICE, PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.
NET AREA - 388,825 SQUARE FEET ± OR 8.93 ACRES ±
MAXIMUM BUILDING COVERAGE - 30% OR 116,647 SQUARE FEET ±
FLOOR AREA RATIO - .50
MAXIMUM GROSS FLOOR AREA - 194,412 SQUARE FEET ±
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A" BUT NOT TO EXCEED 120 FEET (A MAXIMUM OF 55 FEET FOR SHOPPING CENTER, CONVENIENCE AND SERVICE ORIENTED RETAIL)
MAXIMUM NUMBER OF BUILDINGS - THREE (SEE GENERAL PROVISION 14)

PARCEL THREE

PROPOSED USE - HOTEL/MOTEL, SHOPPING CENTER, FINANCIAL, OFFICE, PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.
NET AREA - 186,945 SQUARE FEET ± OR 4.30 ACRES ±
MAXIMUM BUILDING COVERAGE - 30% OR 56,083 SQUARE FEET ±
FLOOR AREA RATIO - .50
MAXIMUM GROSS FLOOR AREA - 93,472 SQUARE FEET ±
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A"
MAXIMUM NUMBER OF BUILDINGS - THREE (SEE GENERAL PROVISION 14)

PARCEL FOUR

PROPOSED USE - POST OFFICE
NET AREA - 161,549 SQUARE FEET ± OR 3.7 ACRES ±
MAXIMUM BUILDING COVERAGE - 30% OR 48,464 SQUARE FEET ±
FLOOR AREA RATIO - .40
MAXIMUM GROSS FLOOR AREA - 64,620 SQUARE FEET ±
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A"
MAXIMUM NUMBER OF BUILDINGS - ONE

PARCEL FIVE

PROPOSED USE - MOTEL, SHOPPING CENTER, FINANCIAL INSTITUTIONS, OFFICE, PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.
NET AREA - 261,153 SQUARE FEET ± OR 6.0 ACRES ±
MAXIMUM BUILDING COVERAGE - 30% OR 78,347 SQUARE FEET ±
FLOOR AREA RATIO - .50
MAXIMUM GROSS FLOOR AREA - 130,579 SQUARE FEET ±
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A"
MAXIMUM NUMBER OF BUILDINGS - THREE (SEE GENERAL PROVISION 14)

PARCEL SIX

PROPOSED USE - HOTEL/MOTEL, RESTAURANTS, OFFICE, RECREATIONAL FACILITIES,
PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.
NET AREA - 655,688 SQUARE FEET ± OR 15.0 ACRES ±
MAXIMUM BUILDING COVERAGE - 30% OR 196,706 SQUARE FEET ±
FLOOR AREA RATIO - .50
MAXIMUM GROSS FLOOR AREA - 327,844 SQUARE FEET ±
MAXIMUM BUILDING HEIGHT - AS PER ATTACHED EXHIBIT "A" BUT NOT TO EXCEED 120
FEET; 35 FEET FOR THAT PORTION LYING SOUTHWEST OF THE INGRESS/EGRESS
EASEMENT AS SHOWN
MAXIMUM NUMBER OF BUILDINGS - THREE (SEE GENERAL PROVISION 14)

PARCEL SEVEN

PROPOSED USE - APARTMENTS OR TOWNHOUSES AND ASSOCIATED COMMUNITY
FACILITIES.
NET AREA - 435,600 SQUARE FEET ± OR 10.0 ACRES ±
DENSITY - APARTMENTS = 5.0 D.U.'S/NET ACRE OR 50 D.U.'S
TOWNHOUSES = 2.7 D.U.'S/NET ACRE OR 27 D.U.'S
(NET LAND OUT OF THE FLOODWAY IS 2.7 ACRES ±)
PARKING RATIO - 2.0/D.U.
MAXIMUM BUILDING HEIGHT - 35 FEET

ant

CAPITAL IMPROVEMENT PROGRAM
Sedgwick County 1982-1987

EVALUATION OF C.I.P. DOCUMENT AS IT RELATES TO THE FINANCING OF ROADWAYS,
BRIDGES AND PUBLIC BUILDINGS.

The projected six-year road improvement program consists of 36 specific projects requiring an estimated expenditure of \$20,223,000. The financing of the program is predicated upon:

1. The availability of \$13,067,000 in Federal Aid Secondary grants, together with \$7,156,000 in local effort revenue; or,
2. The assumption that if the \$13,067,000 in F.A.S. grants is not forthcoming, projects may be delayed or financial deficiencies satisfied by the issuance of G.O. bonds under K.S.A. (1981 Supp.) 68-584, or satisfied by other (unspecified) sources.

The prospect of raising an additional \$6,959,000 in local revenue over a six-year period is virtually nonexistent. In view of the demise of House Bill No. 2742, any local revenue which might be generated must be generated under and within the County's tax lid. K.S.A. 1981, Supp. 68-584 does not appear to be the proper vehicle to raise funds for highway improvements by the issuance of G.O. Bonds. The statute deals only in improvements to primary arterial highways in the county and connecting links within cities which have been designated as primary or secondary arterial highways. It is doubtful that the provisions of this statute can be liberally construed to cover the broad range of projects contemplated under the Capital Improvement Program. This statute was examined carefully before our introduction of House Bill No. 2742, and was found unsuitable for our purposes. Moreover, 68-584 limits the aggregate amount of bonds issued without an election to 1/2 percent of the County's assessed tangible valuation, and even then, subjects the bond issue to a protest petition of only 2 percent of the County's qualified electors (not a serious challenge for a determined protest group).

*Protest
but 1/2% of
assessed
value*

I submit that it is unlikely that the voters within the corporate limits of Wichita will vote favorably for bonds intended for highway construction or reconstruction within the unincorporated areas of the County. Ad valorem taxes levied upon properties within the City of Wichita comprise more than 70 percent of the total taxes levied by the County, and the deceptive argument that City taxpayers do not receive commensurate benefits from the taxes charged by the County - particularly in the areas of public works and law enforcement - has been used quite effectively by H.O.T. in its effort to defeat our highway and bridge bills. If it could be assumed that the voters would react favorably to a highway bond proposal, we have at our disposal sundry statutes that are better suited for our purposes than is 68-584. Additionally, K.S.A. 68-5,100 authorizes the County to levy up to 5 mills outside the tax lid for highway construction and maintenance - with voter approval, of course.

w/d

The bridge replacement portion of the C.I.P. document acknowledges the County's effort in the Legislature to strike the \$1 million annual limitation on bridge bonds, while offering as an alternative the implementation of the provisions of K.S.A. 68-1135. This statute authorizes an annual 2 mill tax levy for the creation of a special bridge fund. While the 2 mill levy would be exempt from the statutory levy limitations imposed by K.S.A. 1981, Supp. 79-1947, language similar to that contained in this statute may be found in numerous other statutes. It was concluded long ago that such language is irrelevant to the severe tax limitations imposed by the provisions of the Tax Lid Law (K.S.A. 79-5001, et seq.), and the suggested 2 mill special bridge fund levy would not be exempt from those provisions. With respect to existing law and the recent action of the Kansas Senate, it appears that Sedgwick County is limited to \$1 million in bond proceeds annually for the construction and reconstruction of the County's bridges.

It is also suggested in the C.I.P. document that a substantial portion of the proposed public building financing can be accumulated by levying a 1 mill tax annually for the purpose of creating a building fund. Here again, the language contained in K.S.A. 19-15,166 reads: "All such levies shall be in addition to all other levies authorized or limited by law and the tax limitations provided by article 19 of chapter 79 of the Kansas Statutes Annotated shall not apply to such levies" (emphasis supplied). The provision cited refers to the old statutory levy and aggregate levy limitations and in no way is it germane to the aggregate tax limitation imposed by article 50 of chapter 79 (the Tax Lid). Any tax levy for a building fund or for any other purpose authorized by statute is included in taxes levied under the Tax Lid unless the levy is specifically excluded from the Tax Lid's provisions. Conceivably, the construction of a new jail, civil preparedness building or expansion of the Coliseum could be realized under K.S.A. 19-15,166, however, through an intricate combination of bonds and fractional tax levies. Any such proposal would demand careful consideration and scrutiny by both the County's Legal Department and bond counsel.

As researched by:
Lew Korn
Department of Administration