

**STAFF REPORT**  
**(One-Step Final Plat)**

**CASE NUMBER:** SUB 2000-108 -- WHISPERING BROOK COMMERCIAL 2<sup>ND</sup> ADDITION

**OWNER/APPLICANT:** Laham Development, Attn: Ross Tidemann, 150 N. Market, Wichita, KS 67202

**SURVEYOR/ENGINEER:** PEC, P.A., Attn: Rob Hartman, 303 S. Topeka, Wichita, KS 67202

**LOCATION:** Southwest corner of 37<sup>th</sup> St. North and Woodlawn

**SITE SIZE:** 11.7 Acres

**NUMBER OF LOTS**

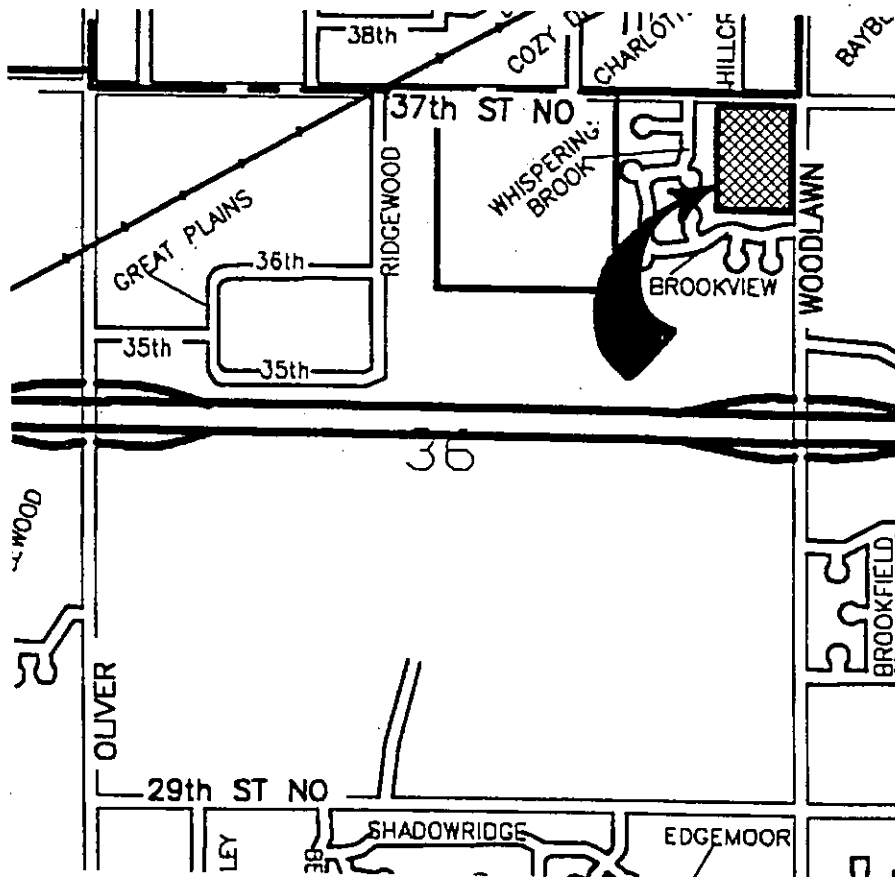
Residential:	
Office:	
Commercial:	4
Industrial:	-
Total:	4

**MINIMUM LOT AREA:** 26,250 Sq. Ft.

**CURRENT ZONING:** LC, Limited Commercial

**PROPOSED ZONING:** Same

VICINITY MAP



**Note:** This is a replat of Whispering Brook Commercial Addition. This site has been approved for an Amendment to the Whispering Brook C.U.P. (CUP 2000-30, DP-203 Amendment #1).

**STAFF COMMENTS:**

- A. Municipal services appear to be available to serve the site. City Engineering needs to comment on the need for any guarantees or easements.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan.
- D. Traffic Engineering needs to comment on the access controls. In accordance with the C.U.P. Amendment approval, the plat proposes two access openings along 37<sup>th</sup> St. North and two access openings along Woodlawn. The final plat tracing shall revise the platlor's text to reflect these platted access openings.
- E. The joint access openings shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- F. In order to assure internal access among the lots, a cross-lot circulation agreement should be provided.
- G. In accordance with the C.U.P. Amendment approval, the following traffic improvements were required: extension of the center left-turn storage lane on Woodlawn to Brookview, extension of the center left-turn storage lane on 37<sup>th</sup> St. to the west property line, and provision of continuous accel/decel lanes with appropriate engineering standards to serve openings to all lots.
- H. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP Amendment (referenced as CUP 2000-30, DP-203 Amendment #1) and its special conditions for development on this property.
- I. On the final plat tracing, a note shall be placed on the face of the plat indicating that this Addition is subject to the conditions of CUP 2000-30, DP-203 Amendment #1.
- J. The signature line for the County Clerk needs to be revised to reference "Don Brace".
- K. The applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

**SUB 2000-108 -- One-Step Final Plat of WHISPERING BROOK COMMERCIAL 2<sup>ND</sup> ADDITION**  
**November 30, 2000 - Page 3**

- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- T. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- U. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.



## SEDGWICK COUNTY PUBLIC WORKS

1144 S. SENECA  
WICHITA, KANSAS 67213-4443  
(316) 383-7901  
FAX: (316) 263-9241

David C. Spears, P.E.  
Director/County Engineer

June 27, 2001

RECEIVED

ROUTE TO

~~JOHN~~  
VICKY

2001

ENGINEERING

Professional Engineering Consultants  
303 S. Topeka  
Wichita, KS 67202

Attn: Rob Hartman

Re: Whispering Brook Commercial Additio

TAKEN TO THE  
APPROPRIATE PLAT  
FILE

Dear Mr. Hartman:

Per our recent telephone conversations concerning  
of 37<sup>th</sup> St. North and Woodlawn, we have found

1er

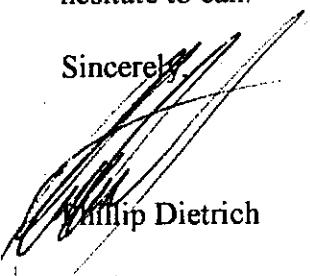
1. The billboard is owned by Eller Media and is clearly in public right of way as dedicated by the above referenced plat. Eller Media's contact person is Dave Mollhagen (Ph. 838-0871). Mr. Mollhagen had their firm's attorney, Mr. Paul McCausland (Ph. 265-7841) contact me. Mr. McCausland advised there is apparently a long term lease with the original owners of the land to allow placement of the billboard.
2. Be advised that Sedgwick County is no longer in charge of maintenance of this portion of road. The City of Bel Aire has annexed to the south line of 37<sup>th</sup> St. North and has now assumed maintenance. You will need to contact them as to the disposition of the billboard. The contact person is Mr. Richard Gale, City Administrator (Ph. 744-2451). I have called Mr. Gale and advised him of the situation.

From our research, it appears the sign may have been in place on private property at the time of the dedication of the right of way by the owners of the land. If this is the case, it would seem the owners should have made some arrangements with the billboard owners at the time they dedicated the right of way. Apparently this was not done. From the preliminary plat in our files, there seems to be no indication if the billboard was there. However the plat was within the City Limits of Wichita, and they may have additional information through the various levels of plat submittals. Or you may want to contact the individual or firm that prepared the preliminary plat to see if they would have any information of its existence. We have enclosed a photograph of the billboard for your use.

Rob Hartman  
Page 2  
June 27

We hope this will be of some assistance and if you should have any questions, please do not hesitate to call.

Sincerely,



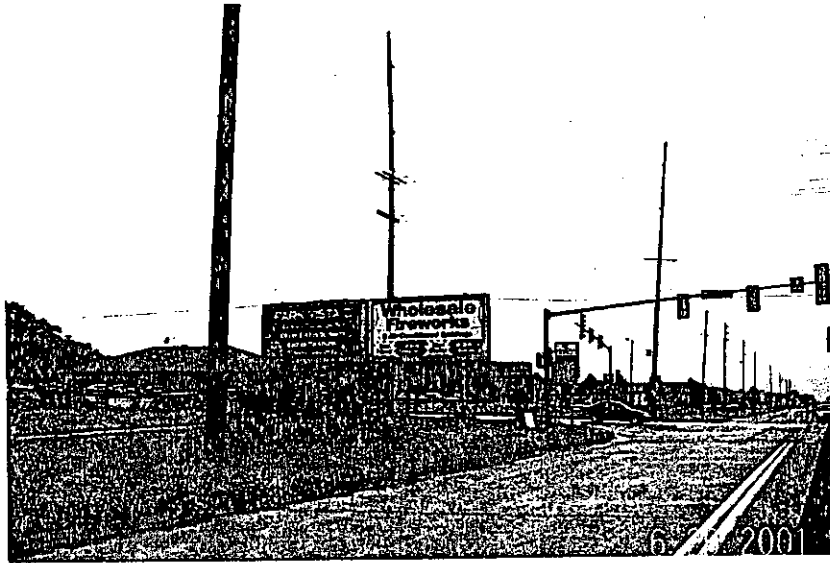
Phillip Dietrich

Enclosures

cc: David C. Spears  
Jim Weber  
Richard Gale, Bel Aire City Administrator  
✓ Gene Rath, City of Wichita  
Neal Strauhl, MAPD  
Paul McCausland, Young, Bogle, McCausland, Wells & Blanchard

Signs owned by Eller Media  
Attn: Dave Mollhagen

Attorney for Eller  
Paul McCausland 268-7541



Looking North @ Billboard on the South-  
west corner of 37th and Woodlawn



Looking South @ Billboard on the South-  
west corner of 37th and Woodlawn this is  
a Eller Sign

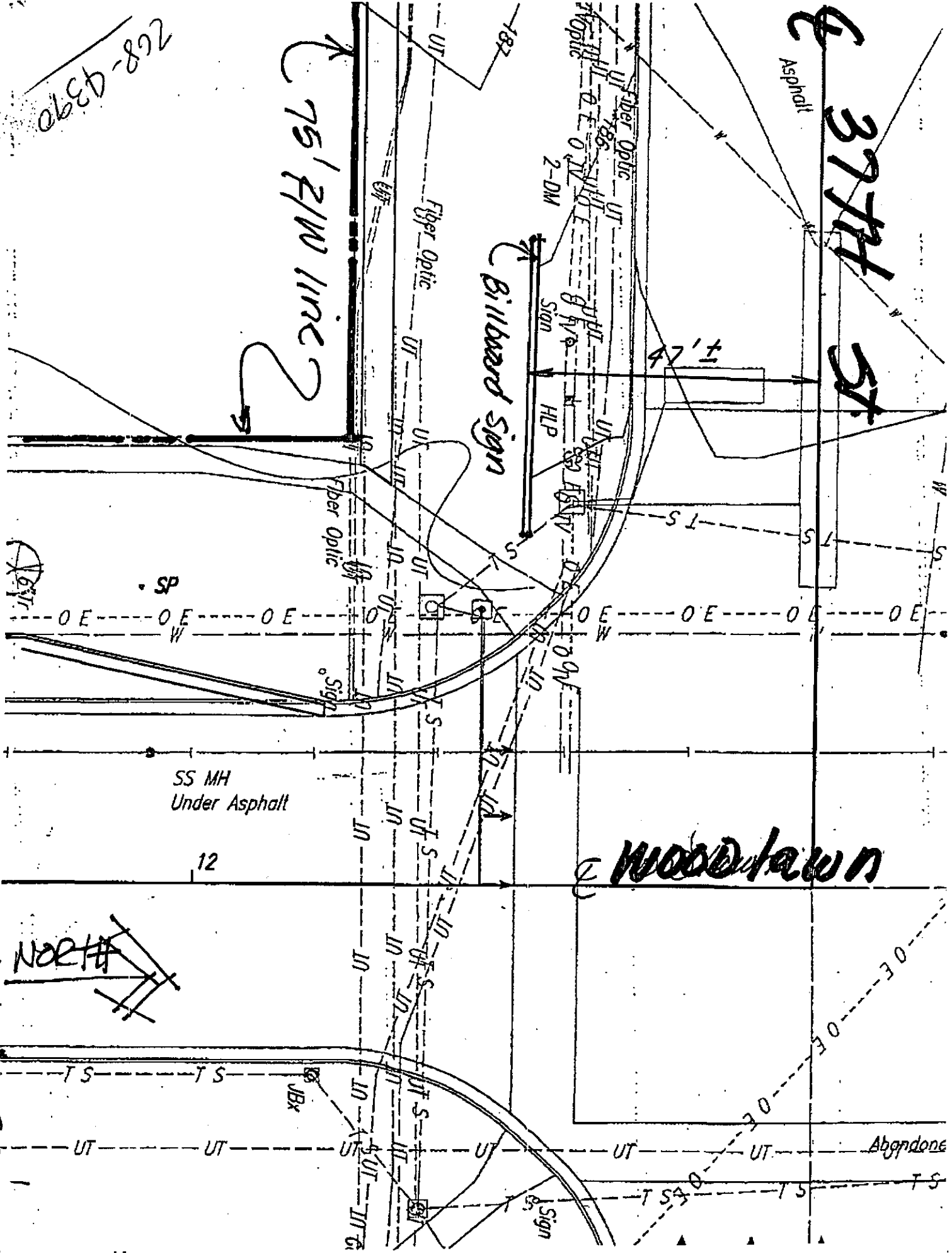
**E 37th St**  
Asphalt

**75' R/W line**

268-4390

**Billboard sign**

**Woodlawn**



SCALE: 1" = 20'  
NORTH

(First Published in the Ark Valley News  
on the \_\_\_\_ day of \_\_\_\_\_, 2001.)

THE CITY OF BEL AIRE, KANSAS

ORDINANCE NO. 341

AN ORDINANCE ANNEXING AND INCORPORATING  
CERTAIN LAND WITHIN THE BOUNDARIES OF THE CITY  
OF BEL AIRE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE,  
KANSAS:

Section 1. Annexation

The following described land that abuts property on its North side which is within the corporate limits of the City of Bel Aire, Kansas and meets one or more of the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed and incorporated within the corporate limits of the City of Bel Aire, Kansas, to-wit:

The South half of the roadway and adjacent right-of-way to the South of said roadway of 37<sup>th</sup> Street North located in Sedgwick County, Kansas, between the centerline of Oliver Street and the West right-of way of Woodlawn Street.

Section 2. Effective Date

This Ordinance shall take effect and be in force thirty (30) days from and after its publication in the official city newspaper.

Passed by the City Council this 17th day of April, 2001.

Approved by the Mayor this 17th day of April, 2001.

SEAL

*Gary O'Neal*  
MAYOR, GARY O'NEAL

ATTEST:

*Sherryl L. Cutter*  
CITY CLERK, SHERRYL L. CUTTER

FINAL BOUNDARY CLOSURE  
FOR WHISPERING BROOK COMMERCIAL 2ND ADDITION

- 4 North: 4925.1562 East : 4925.0000  
Line Course: S 00-00-00 W Length: 175.00'
- 5 North: 4750.1562 East : 4925.0000  
Line Course: S 08-31-41 E Length: 101.15'
- 6 North: 4650.1246 East : 4939.9999  
Line Course: S 00-00-00 W Length: 550.00'
- 7 North: 4100.1246 East : 4939.9999  
Line Course: N 89-52-50 W Length: 615.00'
- 8 North: 4101.4067 East : 4325.0012  
Line Course: N 00-00-00 W Length: 840.00'
- 9 North: 4941.4069 East : 4325.0010  
Line Course: S 89-52-50 E Length: 325.00'
- 10 North: 4940.7294 East : 4650.0002  
Line Course: S 81-21-09 E Length: 101.15'
- 11 North: 4925.5210 East : 4750.0004  
Line Course: S 89-52-50 E Length: 175.00'
- 4 North: 4925.1562 East : 4925.0000

Perimeter: 2882.30' Area: 509,624 sq.ft. 11.70 acres

**FINAL BOUNDARY CLOSURE**  
**FOR WHISPERING BROOK COMMERCIAL 2ND ADDITION**

4 North: 4925.1562 East : 4925.0000  
Line Course: S 00-00-00 W Length: 175.00'

5 North: 4750.1562 East : 4925.0000  
Line Course: S 08-31-41 E Length: 101.15'

6 North: 4650.1246 East : 4939.9999  
Line Course: S 00-00-00 W Length: 550.00'

7 North: 4100.1246 East : 4939.9999  
Line Course: N 89-52-50 W Length: 615.00'

8 North: 4101.4067 East : 4325.0012  
Line Course: N 00-00-00 W Length: 840.00'

9 North: 4941.4069 East : 4325.0010  
Line Course: S 89-52-50 E Length: 325.00'

10 North: 4940.7294 East : 4650.0002  
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Perimeter: 2882.30' Area: 509,624 sq.ft. 11.70 acres

First Published in the Wichita Eagle on \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ 765690

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING OF DECEL LANE AND LEFT TURN LANE IN WOODLAWN FROM 37TH STREET NORTH TO BROOKVIEW AND DECEL LANE AND LEFT TURN LANE IN 37<sup>TH</sup> STREET NORTH FROM THE NORTHWEST CORNER OF LOT 4, BLOCK 1, WHISPERING BROOK COMMERCIAL 2<sup>ND</sup> ADDITION TO WOODLAWN (SOUTH OF 37<sup>TH</sup> STREET, WEST OF WOODLAWN), 472-83329, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING DECEL LANE AND LEFT TURN LANE IN WOODLAWN FROM 37TH STREET NORTH TO BROOKVIEW AND DECEL LANE AND LEFT TURN LANE IN 37<sup>TH</sup> STREET NORTH FROM THE NORTHWEST CORNER OF LOT 4, BLOCK 1, WHISPERING BROOK COMMERCIAL 2<sup>ND</sup> ADDITION TO WOODLAWN (SOUTH OF 37<sup>TH</sup> STREET, WEST OF WOODLAWN), 472-83329, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 01-086 adopted on February 27, 2001 and Resolution No. 01-298 adopted on July 24, 2001, are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct decel lane and left turn lane in Woodlawn from 37th Street North to Brookview and decel lane and left turn lane in 37<sup>th</sup> Street North from the northwest corner of Lot 4, Block 1, Whispering Brook Commercial 2<sup>nd</sup> Addition to Woodlawn (south of 37<sup>th</sup> Street, west of Woodlawn), 472-83329.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Three Hundred Ninety-Two Thousand Dollars (\$392,000.00)**, exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 1, 2002**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**WHISPERING BROOK COMMERCIAL 2<sup>ND</sup> ADDITION**

Lots 1 through 4, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That said Lots 1 and 2, Block 1 shall each pay 9/100 of the total cost, Lot 3 shall pay 5/100 of total cost and Lot 4, Block 1, Whispering Brook Commercial 2<sup>nd</sup> Addition shall pay 77/100 of the total cost payable by the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.