

WISCONSIN INVESTORS CORP
Commercial CUP - On the
corner of Webb Road &

WISCONSIN

ACTION

DATE

COMMITTEE _____

M.A.P.C. *Deferred* 11-27-72
Approved subject to 3-17-73
conditions

~~B.C.C./B.C.C.C.~~ *Approved as* 1-2-73
recommended

Map No. 6047
Sec. 20
Twp. 27
Range 2E

DATA SHEET
COMMUNITY UNIT PLAN

DF- 48
Z-
Filed 10/19/72

APPLICATION REQUEST: Approval of proposed planned commercial development.

1. Applicant First National Investors Corporation, Inc.
Address 4004 East Kellogg, Wichita, Ks. 67218 Phone 685-1361
2. Agent _____
Address _____ Phone _____
3. General Location Northwest corner of Webb Road and U.S. 54
Address _____
4. Proposed Use Office, motel, service station

AREA DATA

1. Acres _____ (_____ ft. by _____ ft.)
2. Existing Zoning "LC", "C", "AA" Proposed Zoning LC & C
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 11/27/72 Action Deferred
12/14/72 Approved subj. to conditions
2. Governing Body: BCC
Date 1-2-73 Action Approved as recommended

NOTES:

Associated zone case Z-1460

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

November 9, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m. on November 27, 1972, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-48 - A tract of land in the Southeast Quarter of Section 20, Township 27 South, Range 2 East described as: Beginning at a point on the South line of the SE/4 of Section 20, which is a distance of 1,462.25 feet west of the southeast corner of said quarter section; thence North parallel with the West line of said quarter section a distance of 61.2 feet; thence Northeasterly making an interior angle of 74 Degrees 55 minutes 30 seconds, a distance of 549.21 feet; thence North parallel with the West line of said quarter section to the North line of the South half of the South half of the Southeast quarter of said section; thence East along the North line of said South half of the South half of the Southeast quarter of said Section 20, a distance of 1,313 feet more or less, to the Northeast corner of the South half of the South half of the Southeast quarter of said Section 20; thence South along the East line of the said S/2 S/2 SE/4 of said Section 20, a distance of 663.7 feet, more or less, to the Southeast corner of the Southeast quarter of said Section 20; thence West along the South line of the Southeast quarter of said Section 20, a distance of 1,462.25 feet; to the point of beginning in Sedgwick County, Kansas; except therefrom the right-of-way of U.S. Highway 54 and except that part condemned for Kansas Turnpike in District Court No. A-55770. Generally located on the Northwest corner of Webb Road and U.S. 54.

This Development 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 7.4 acre commercial development which will include a service station,

office park, motel and restaurant. The Development Plan proposes perimeter setbacks of 35 feet, a maximum gross floor area of 132,400 square feet, a maximum building height of 80 feet, and the required landscape areas.

This hearing is to be held as provided in Section 28.04.190 of the Code of the City of Wichita and the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at this time.

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.

Robert A. Lakin
Secretary

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

November 9, 1972

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This hearing is to be held as provided in Section 28.04.190 of the Code of the City of Wichita and the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at this time.

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.

Robert A. Lakin
Secretary

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

COMMUNITY DEVELOPMENT DIVISION

Public Inquiry Slip

NAME Colin Hissen (Architect) DATE 8/29/72
PHONE _____ PHONE COUNTER _____
PROPERTY LOCATION N.W. corner of Webb Rd MAP # 60 47
and U.S. 54.

NATURE OF REQUEST:

CITY ZONING COUNTY ZONING _____ CONDITIONAL USE _____

PLAT _____ LOT SPLIT _____ BZA _____ C.U.P. _____

VACATION _____ DEDICATION _____ STREET NAME CHANGE _____

REMARKS: Hissen called this date and inquired about the necessity of a CUP for over 6 acres at the above location. Cautioned him that a C.U.P. is required and that part of the tract is "AA" zoning. He advised that O.S. would submit the C.U.P. Platting is also required. Flisist cone of Beech and total acres to U.S. 54

ROUTE TO: _____
GALBRAITH JLS GIST JS SHIRKEY JLS NEWBY Hewley 9-17-72
LAKIN _____ STOCKWELL _____ RETURN TO Dint

COMMENTS:

March 4, 1977

Mr. Gary Wiley
Oblinger-Smith Corporation
625 First National Bank Building
Wichita, Kansas 67202

Re: DP-48 - Approval of
Commercial Community
Unit Plan

Dear Mr. Wiley:

At their regular meeting on March 3, 1977, the Planning Commission considered the above-captioned case. The action of the Planning Commission was to recommend the approval of the amendments to the C.U.P. subject to the standard three conditions listed in the staff report. It is necessary that you submit ten copies of the C.U.P. to our office by March 16, so that subject case can be scheduled for consideration by the Board of City Commission at its regular meeting on March 29, 1977, this meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, at 9:00 a.m. We would call your attention to the fact that planning items are considered after all other matters of business.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:bh
cc: First National Investors Corporation, 4004 E. Kellogg, 67218
Kane, Bills & Bender Const. Co., P.O.Box 13183, 67201
Coler Hissem, Architect, 211 E. First Street, 67214
City Manager's Office

April 30, 1973

Robert Feldner, Supt. of Central Inspection
Jack H. Galbraith, Chief Planner

DP-48 - F.N.I.C. CUP

At its regular meeting on January 2, 1973, the Board of City Commissioners considered the above-captioned case. The action of the City Commission was to approve the CUP, subject to the following conditions:

- a. 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.
- b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- c. 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 residential development and be binding upon the present owners, their successors and assigns, unless amended.

It should be pointed out that the applicant is in the process of platting subject property (S/D 72-135, F.N.I.C. ADDITION) which was considered in final form by the ~~Subdivision Committee~~ on April 24, 1973. It will be necessary that this plat be filed with the Register of Deeds prior to the issuance of any building permits.

JHG:GLS:rw

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 27, 1972:

19. Case No. Z-1460 - First National Investors Corporation, Inc., requests change from "AA" and "LC" to "LC" for a tract of land in the Southeast Quarter of Section 20, Township 27 South, Range 2 East described as: Beginning at a point on the south line of the SE/4 of Section 20, which is a distance of 1,462.25 feet west of the southeast corner of said quarter section; thence north parallel with the west line of said quarter section a distance of 61.2 feet; thence northeasterly making an interior angle of 74 degrees 55 minutes 30 seconds, a distance of 549.21 feet; thence north parallel with the west line of said quarter section to the north line of the south half of the southeast quarter of said Section; thence east along the north line of said south half of the southeast quarter of said Section 20, a distance of 1,313 feet more or less, to the northeast corner of the south half of the south half of the southeast quarter of said Section 20, thence south along the east line of the said S/2 S/2 SE/4 of said Section 20, a distance of 663.7 feet, more or less, to the southeast corner of the southeast quarter of said Section 20; thence west along the south line of the southeast quarter of said Section 20, a distance of 1,462.25 feet, to the point of beginning, in Sedgwick County, Kansas; except therefrom the right-of-way of U.S. Highway 54 and except that part condemned for Knsas Turnpike in District Court No. A-55770 and also except that portion east of a line 600± feet west and running parallel to the east line of the south 1/2 of the south 1/2 of said southeast 1/4 of Section 20. Generally located at the northwest corner of Webb Road and U. S. 54.
20. Case No. DP-48 - First National Investors Corporation, Inc. request approval of Commercial Community Unit Plan for the following tract:

A tract of land in the southeast quarter of Section 20, Township 27 South, Range 2 East described as: Beginning at a point on the south line of the SE/4 of Section 20, which is a distance of 1,462.25 feet west of the southeast corner of said quarter section; thence north parallel with the west line of said quarter section a distance of 61.2 feet; thence northeasterly making an interior angle of 74 degrees 55 minutes 30 seconds, a distance of 549.21 feet; thence north parallel with the west line of said quarter section to the north line of the south half of the southeast quarter of said Section; thence east along the north line of said south half of the south half of the southeast quarter of said Section 20, a distance of 1,313 feet more or less, to the northeast corner of the south half of the southeast quarter of said Section 20; thence south along the east line of the said S/2 S/2 SE/4 of said Section 20, a distance of 663.7 feet, more or less, to the southeast corner of the southeast quarter of said Section 20; thence west along the south line of the southeast quarter of said Section 20, a distance of 1,462.25 feet; to the point of beginning in Sedgwick County, Kansas; except therefrom the right-of-way of U.S.Highway 54 and except that part condemned for Kansas Turnpike in District Court No. A-55770. Generally located on the Northwest corner of Webb Road and U. S. 54.

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

Comments

1. The applicant presently has approximately 5.1 acres of "LC" and "C" zoning at the northwest corner of Webb Road and U.S. 54 Highway and is requesting additional "LC" zoning making a total of 7.4 acres.

2. As required by the CUP provisions of the zoning ordinance and where a tract of land contains more than 6 acres proposed for commercial development and is under a single control, a development plan has been submitted for review and approval by the Planning Commission.
3. The proposed development plan titled "F.N.I.C. Community Unit Plan" proposes a three-parcel development plan with uses including a motel, restaurant, service station, office park, private club and retail or service uses. The plan indicates the required information on net area, maximum building heights, maximum ground coverage by buildings, proposed general uses, maximum curb cuts, sign controls, building setback lines and screening controls. The plan also makes provision to resolve a serious drainage problem that exists in the northeast portion of the application area by means of either an open ditch or underground storm water sewer at the time of platting.
4. It should be pointed out that a portion of Parcel 3 lies within the approach zone of the northeast-southwest runway of the Beech Aircraft Corporation. Based on calculations set forth in the Airport Zoning Chapter of the Code of the City of Wichita, the maximum building height of 80 feet indicated for Parcel 3 would not be permitted.
5. Upon the determination as to the appropriateness of the zone change request and the proposed development plan, approval should be subject to consideration of the following recommended conditions:
 - A. The maximum building height under Parcel 3 shall be changed to read as follows: "As permitted by Chapter 28.08, Code of the City of Wichita."
 - B. The Cities Service Gas Company easement indicated along the west side of Webb Road shall be dimensioned.
 - C. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.
 - D. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 - E. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, 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.
 - F. Any major changes in this development plan being submitted to the Planning Commission and City Commission for their consideration.

BILL YUNG, representing Paul Mann, the applicant, said the only problem raised by the staff apparently is the concern for height limitation. He stated that in working with the architect they have developed some design alternatives which will allow them to work within the airport zoning ordinance and that they are prepared to accept the limits established in that ordinance.

RISING asked what had been done about sound pollution.

YUNG said apparently the runway most involved is used very little, and he doubted if there would be any more sound pollution than already exists from the traffic on Kellogg.

DALE FAIR, attorney representing Beech Aircraft, emphasized the extreme urgency in upholding the airport zoning ordinance, and he pointed out that the airport has been there 50 years and Beech for 40 years and even a 65-foot high building along Kellogg is likely to create an air traffic hazard in the area. He urged that any new structures be kept just as low as possible.

KAMEN asked if planes actually flew over subject area or to the side of it, and FAIR indicated there were flights over subject area from the existing grass strip. RISING said he has personally landed and taken off on the runway of concern directly over subject property. As for any plans to develop the grass runway, FAIR said the only long range plan he was aware of could possibly involve one corner of subject ground.

RISING said he has seen plans under development for this runway and that while no decision has been made, it is being considered and a decision could directly affect the problem being discussed.

KAMEN asked Mr. Fair if he was opposed to the height under the airport zoning ordinance. FAIR said they strongly protest any action which would not adhere to the ordinance and recommended keeping the height down for the entire area for the sake of general air safety.

The suggestion was made that the applicant and developer confer with Beech to reach a compromise, and KAMEN said they have already stated they would comply with the airport zoning ordinance. BURNETT suggested the compromise relate to the runway as well as possible lowering of the maximum height and that the applicant work not only with the City regulations but also coordinate their development with Beech and long range plans of that Company.

When asked if a deferral of two weeks would create a problem for his client, YUNG said it is difficult for him to answer, and that while they are not interested in doing anything that violates the interest of Beech Aircraft, they thought that by complying with the City airport zoning ordinance that would be all that would be required, and their plans have been developed with that in mind. He felt that a deferral would be a disadvantage to some phases of the development plan, that much beyond two weeks would create quite a lag in their schedule.

The question was raised whether or not Beech could give a definite answer in two weeks as to their long range plans for the runway, and RISING indicated they could.

MOTION: That these two cases be deferred until December 14, 1972, to give the applicant an opportunity to meet with representatives of Beech Aircraft Corporation to discuss their future plans and to determine the appropriate height limitation on the Community Unit Plan. Burnett moved, Jackson seconded and it carried unanimously as to those voting. Rising abstained.

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 14, 1972:

- 25a. Case No. Z-1460 - First National Investors Corporation, Inc. requests change from "AA" and "LC" to "LC" for A tract of land in the Southeast Quarter of Section 20, Township 27 South, Range 2 East described as: Beginning at a point on the south line of the SE/4 of Section 20, which is a distance of 1,462.25 feet west of the south-east corner of said quarter section; thence north parallel with the west line of said quarter section a distance of 61.2 feet; thence northeasterly making an interior angle of 74 degrees 55 minutes 30 seconds, a distance of 549.21 feet; thence north parallel with the west line of said quarter section to the north line of the south half of the south

half of the southeast quarter of said Section; thence east along the north line of said south half of the south half of the southeast quarter of said Section 20, a distance of 1,313 feet more or less, to the northeast corner of the south half of the south half of the southeast quarter of said Section 20, thence south along the east line of the said S/2 S/2 SE/4 of said Section 20, a distance of 663.7 feet, more or less, to the southeast corner of the southeast quarter of said Section 20; thence west along the south line of the Southeast quarter of said Section 20, a distance of 1,462.25 feet, to the point of beginning, in Sedgwick County, Kansas; except therefrom the right-of-way of U.S. Highway 54 and except that part condemned for Kansas Turnpike in District Court No. A-55770 and also except that portion east of a line 600 $\frac{1}{2}$ feet west and running parallel to the east line of the south 1/2 of the south 1/2 of said southeast 1/4 of Section 20. Generally located at the northwest corner of Webb Road and U. S. 54.

- 25b. Case No. DP-48 - First National Investors Corporation, Inc. requests approval of Community Unit Plan for the following described property:

A tract of land in the southeast quarter of Section 20, Township 27 South, Range 2 East described as: Beginning at a point on the south line of the SE/4 of Section 20, which is a distance of 1,462.25 feet west of the southeast corner of said quarter section; thence north parallel with the west line of said quarter section a distance of 61.2 feet; thence northeasterly making an interior angle of 74 degrees 55 minutes 30 seconds, a distance of 549.21 feet; thence north parallel with the west line of said quarter section to the north line of the south half of the south half of the southeast quarter of said Section; thence east along the north line of said south half of the south half of the southeast quarter of said Section 20, a distance of 1,313 feet more or less, to the northeast corner of the south half of the southeast quarter of said Section 20; thence south along the east line of the said S/2 S/2 SE/4 of said Section 20, a distance of 663.7 feet, more or less, to the southeast corner of the southeast quarter of said Section 20; thence west along the south line of the southeast quarter of said Section 20, a distance of 1,462.25 feet; to the point of beginning in Sedgwick County, Kansas; except therefrom the right-of-way of U. S. Highway 54 and except that part condemned for Kansas Turnpike in District Court No. A-55770. Generally located on the northwest corner of Webb Road and U. S. 54.

GALBRAITH pointed out the area on the map and again briefly reviewed the staff report (see minutes of November 27, 1972). He said this case was deferred previously so that the applicant could confer with Beech Aircraft Company officials with respect to the height of a building proposed for Parcel 3 of the CUP. The applicant has agreed to comply with the Airport Zoning Ordinance, but it was suggested the conference might be desirable to be certain that there would be no conflict with operations of the Beech Aircraft Company so far as their long range plans for the grass northeast-southwest runway.

GALBRAITH said it was his understanding that the applicant is willing to relocate the proposed building on Parcel 3 so that it would not conflict with the flight cone and would comply with the height requirements of the Airport Zoning Ordinance.

HENNESSY pointed out that Beech Aircraft contributes considerably to the economy of the City and he would not want to see its activities hindered in any way, and he asked if there would be something in writing to assure the agreement.

DALE FAIR, attorney for Beech Aircraft, said they met with the applicant's representative a few days ago and they were assured that the Airport Zoning Ordinance would be complied with, which is what Beech desires. He said also that they have a verbal agreement that if FAA should require them to have some warning light on top of the building, they would be happy to provide that. So all they are interested in is that the Airport Zoning Ordinance be followed.

BILL YUNG, representing the applicant, said they would comply with the ordinance as stated at the previous hearing and that they did meet with Beech officials and he had nothing further to add since the previous hearing.

MOTION: That the Planning Commission recommend approval of Z-1460, and approval of DP-48, subject to the following:

- A. The maximum building height under Parcel 3 shall be changed to read as follows: "As permitted by Chapter 28.08, Code of the City of Wichita."
- B. The Cities Service Gas Company easement indicated along the west side of Webb Road shall be dimensioned.
- C. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.
- D. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- E. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission; 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.
- F. Any major changes in this development plan being submitted to the Planning Commission and City Commission for their consideration.

Kamen moved and Jackson seconded.

RISING referred to the change made at the last meeting with respect to the height of the proposed structure from 80 feet to 65 feet and asked if there is assurance that the structure will be no more than 65 feet.

GALBRAITH said the plan does propose an 80-foot structure, but in accordance with the flight cone of Beech it could not be built where it was originally proposed, but it could be 80 feet high beyond the flight cone, so with a change of wording they would comply with the Airport Zoning Ordinance. There was more discussion about the height and location of such a structure, and FAIR pointed out that the Airport Zoning Ordinance sets out how many feet of height is permitted a certain distance from the end of the runway and as it flares out, a greater height is permitted. He did not consider it necessary to refer to any specific number of feet - but only that it complies with the ordinance.

YUNG said they only want to build to a height of 65 feet and are not going to build an 80-foot structure and that it will be positioned in such a way that it will not conflict with the activities of Beech.

RISING said that is the way they would like to see it go in the record - that no structure would be higher than 65 feet.

VOYE ON ABOVE MOTION: Carried unanimously as to those voting. Rising abstained.

December 15, 1972

Mr. Bill Yung
Oblinger-Smith Corporation
625 First National Bank Building
Wichita, Kansas 67202

Re: E-1460 - "AA" and "LC" to
"LC" and DP-48 - Commercial
Community Unit Plan - North-
west corner of Webb Road and
U.S. 54 Highway

Dear Mr. Yung:

At its regular meeting on December 14, 1972, the Metropolitan Area Planning Commission reconsidered the above-captioned zone change and Community Unit Plan applications. The action of the Commission was to recommend the approval of the zone change and approval of the CUP subject to the following conditions:

- A. The maximum building height under Parcel 3 shall be changed to read as follows: "As permitted by Chapter 28.08, Code of the City of Wichita."
- B. The Cities Service Gas Company easement indicated along the west side of Webb Road shall be dimensioned.
- C. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.
- D. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- E. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central

Page 2 - Mr. Bill Yung
December 15, 1972

Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

F. Any major changes in this development plan being submitted to the Planning Commission and City Commission for their consideration.

It is necessary that Conditions A and B be complied with on the CUP and that ten revised copies be submitted to our office by 5:00 p.m. on December 27, 1972, so that this matter may be forwarded to the City Commission for their consideration at their regular meeting on January 2, 1973, such meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

If you have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:ber

cc: First National Investors Corp., Inc. 4004 East Kellogg 67218
Dale Fair, Attorney, Page Court 67202

November 28, 1972

Mr. Bill Yung
Oblinger-Smith Corporation
625 First National Bank Building
Wichita, Kansas 67202

Re: Z-1460 - "AA" and "LC" to "LC"
DP-48 - Commercial CUP
Northwest corner of Webb Road
and U.S. 54 Highway

Dear Mr. Yung:

At the regular meeting of the Metropolitan Area Planning Commission on November 27, 1972, the above cases were considered. It was the action of the Commission to defer consideration of these cases to their next regular meeting in order to give the applicant an opportunity to meet with representatives of Beech Aircraft Corporation to discuss their future plans and to determine the appropriate height limitation on the Community Unit Plan. We would recommend that you contact the applicant's attorney, Mr. Dale Fair, and set up a meeting with him to discuss the problems associated with height of structures in this area.

The above applications will be rescheduled for hearing by the Planning Commission on December 14, 1972, the meeting to start at 1:30 p.m. in Room 401 City Building Annex, 104 South Main.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: First National Investors Corp., Inc., 4004 East Kellogg 67218
Dale Fair, Attorney, Page Court 67202

NICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: NOV. 27, 1972

Case No. Z-1460
Case No. DP-48

Request: "AA" and "LC" to "LC"
Approval of a Commercial
Development Plan

Location: Northwest corner of Webb Road and U.S. 54 Highway

Reason: Service Station, Motel and Office Complex.

Acres: 7.4

Size: Irregular shape

	Land Use	Zoning
Existing	Undeveloped	"AA", "LC" & "C"
North	Undeveloped	"AA"
East	Beech Aircraft Corporation	"E"
South	U.S. 54 and Turnpike	"AA"
West	Turnpike	"AA"

Adequate street rights-of-way to be acquired at the time of platting.

History: SCZ-0109 - "LC" to "C"
MAPC: 10-20-60 Approved
Bd.Co.C: 10-27-60 Approved

Platted: No
Sidewalk: No

Comments

1. The applicant presently has approximately 5.1 acres of "LC" and "C" zoning at the northwest corner of Webb Road and U.S. 54 Highway and is requesting additional "LC" zoning making a total of 7.4 acres.
2. As required by the CUP provisions of the zoning ordinance and where a tract of land contains more than 6 acres proposed for commercial development and is under a single control, a development plan has been submitted for review and approval by the Planning Commission.
3. The proposed development plan titled "F.N.I.C. Community Unit Plan" proposes a three-parcel development plan with uses including a motel, restaurant, service station, office park, private club and retail or service uses. The plan indicates the required information on net area, maximum building heights, maximum ground coverage by buildings, proposed general uses, maximum curb cuts, sign controls, building setback lines and screening controls. The plan also makes provision to resolve a serious drainage problem that exists in the northeast

portion of the application area by means of either an open ditch or underground storm water sewer at the time of platting.

4. It should be pointed out that a portion of Parcel 3 lies within the approach zone of the northeast-southwest runway of the Beech Aircraft Corporation. Based on calculations set forth in the Airport Zoning Chapter of the Code of the City of Wichita, the maximum building height of 80 feet indicated for Parcel 3 would not be permitted.
 5. Upon the determination as to the appropriateness of the zone change request and the proposed development plan, approval should be subject to consideration of the following recommended conditions:
 - A. The maximum building height under Parcel 3 shall be changed to read as follows: "As permitted by Chapter 28.08, Code of the City of Wichita."
 - B. The Cities Service Gas Company easement indicated along the west side of Webb Road shall be dimensioned.
 - C. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.
 - D. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 - E. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, 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.
 - F. Any major changes in this development plan being submitted to the Planning Commission and City Commission for their consideration.
-

Z-1460 and DP-48 - 5 Notices to Property Owners sent 11/9/72

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

November 9, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m. on November 27, 1972, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-48 - A tract of land in the Southeast Quarter of Section 20, Township 27 South, Range 2 East described as: Beginning at a point on the South line of the SE/4 of Section 20, which is a distance of 1,462.25 feet west of the southeast corner of said quarter section; thence North parallel with the West line of said quarter section a distance of 61.2 feet; thence Northeasterly making an interior angle of 74 degrees 55 minutes 30 seconds, a distance of 549.21 feet; thence North parallel with the West line of said quarter section to the North line of the South half of the South half of the Southeast quarter of said section; thence East along the North line of said South half of the South half of the Southeast quarter of said Section 20, a distance of 1,313 feet more or less, to the Northeast corner of the South half of the South half of the Southeast quarter of said Section 20; thence South along the East line of the said S/2 S/2 SE/4 of said Section 20, a distance of 663.7 feet, more or less, to the Southeast corner of the Southeast quarter of said Section 20; thence West along the South line of the Southeast quarter of said Section 20, a distance of 1,462.25 feet; to the point of beginning in Sedgwick County, Kansas; except therefrom the right-of-way of U.S. Highway 54 and except that part condemned for Kansas Turnpike in District Court No. A-55770. Generally located on the Northwest corner of Webb Road and U.S. 54.

This Development 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 7.4 acre commercial development which will include a service station.

office park, motel and restaurant. The Development Plan proposes perimeter setbacks of 35 feet, a maximum gross floor area of 132,400 square feet, a maximum building height of 80 feet, and the required landscape areas.

This hearing is to be held as provided in Section 28.04.190 of the Code of the City of Wichita and the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at this time.

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.

Robert A. Lakin
Secretary

October 30, 1972

First National Investors Corporation, Inc.
4004 East Kellogg
Wichita, Kansas 67218

Subject: DP-48, Commercial Community Unit Plan. Generally located
at the Northwest corner of Kellogg and Webb Road.

Gentlemen:

We have reviewed the above referred CUP with the Engineering, Traffic Engineering and Flood Control - Maintenance Divisions of the Department of Public Works. From their comments, there appears to be one major problem and that is concerned with drainage across Parcel 1. The Maintenance-Flood Control Office advises that there is a drainage structure under Webb Road which drains from the east a large area of highly developed industrial ground. The flow then has to be carried across the northeast corner of the CUP to a structure draining north and south under the K-Mart access road. It has been pointed out that there will need to be an easement across the northeast corner of the CUP or other satisfactory arrangements made to handle the drainage. You and your agent should make an appointment with that division and discuss the problem prior to submitting revised plans.

In addition to the above, it should be pointed out that the 10 foot screening strip indicated on the plan is not required adjacent to the east line of the property and may be deleted from the plan. Also the Cities Service Gas Company easement indicated along the west side of Webb Road should be dimensioned on the plan.

There are several minor adjustments that you should consider marked on the enclosed copy. There is no need for a "height" statement under "general provisions" when the maximum height is indicated for each parcel. Regarding the indicated 80' under Parcel 3, you should determine that this proposed height does not violate the

First National Investors Corporation, Inc.
Page 2

Beech flight cone as regulated under Chapter 28.08, Airport Zoning of the City Code.

In our initial review of this plan with the land planner, we questioned the indication of the minimum 35' setback from Webb Road. Every effort should be made to keep buildings back from this major street. Usually, with a motel, you would expect to see off-street parking in front of the motel, and the 35' setback would not provide sufficient space for the planting strip, circulation space and parking. A minimum 75' or 100' would appear to be more logical.

These are most of the comments we have at this time. Twelve copies of the revised plan should be submitted to our office no later than November 13, 1972, in order for us to forward copies with our staff report to the Planning Commission for their meeting on Monday, November 27, 1972.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

cc: Oblinger and Smith, 1st National Bank Building, Wichita 67202

JHG:rw
enclosure



THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public
Works Maint.

DATE Oct. 26, 1972

TO Jack Galbraith, Chief Planner

FROM M. S. Mitchell

SUBJECT - FNIC CUP,
Webb Road and Kellogg

With reference to review of subject CUP, we wish to point out a serious drainage problem completely overlooked on the plans. There is a drainage structure under Webb Road which drains from the east a large area of highly developed industrial ground. The flow then has to be carried across the northeast corner of the CUP to a structure draining north and south under the K-Mart access road. There will need to be an easement across the northeast corner of the CUP or other satisfactory arrangements made to handle the drainage.

Please contact me if you have any questions.

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

MSM/MG/glm

cc: G. H. Wilton
FNIC Com. Plan Addn. File

October 19, 1972

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
M. S. Mitchell, Ass't Supt. Public Works Maintenance
Jack H. Galbraith, Chief Planner

FMIC CUP

Attached is a copy of a Community Unit Plan received this morning which is located at the Northwest corner of Webb Road and U.S. 54. We would appreciate your reviewing this plan, taking into consideration drainage problems, access points to Webb Road and whether or not there are adequate streets rights-of-way. I would appreciate your comments by Thursday, October 26, so that we can advertise this case for the second meeting in November.

Please contact me if you have any questions.

JBS:rw
attachment

DP-48

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 ^{Some envelopes used as 2-1460} First National Investors Corporation, Inc.

Address 4004 East Kellogg, Wichita, Ks. 67218 Phone 685-1361

Agent _____

Address _____ Phone _____

b. Applicant _____

Address _____ Phone _____

Agent _____

Address _____ Phone _____

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 property zoned C, LC, AA and legally described as Lot(s)

_____, Block(s) _____

_____ Addition.

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

See attached description. There are approximately 7.4 acres.

II.B There are 7.4 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) Webb Road & Kellogg.

The general location is (use appropriate section)

- a. at the ~~Southwest~~ Northwest corner of Webb
and Kellogg; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

IV. I (we), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (we) realize that this application cannot be processed unless it is completely filled in and accompanied by a current abstractor's certificate as required in the instruction sheet.

First National Investors Corporation, Inc.

By *Paul Damm* By _____
~~Authorized Agent (if any)~~ Authorized Agent (if any)
PRESIDENT

By _____ By _____
Authorized Agent (if any) Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
11:00 (AM, ~~PM~~) on 10/19/72 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$ 20.00.

James H. Salbreath Name
Chief Planner Title

A tract of land in the Southeast Quarter (SE/4) of Section 20, Township 27 South, Range 2 East described as:
BEGINNING at a point on the South line of the SE/4 of Section 20, which is a distance of 1,462.25 feet west of the southeast corner of said quarter section;
~~THENCE North parallel with the West line of said quarter section;~~
THENCE North parallel with the West line of said quarter section a distance of 61.2 feet;
THENCE Northeasterly making an interior angle of 74 degrees 55 minutes 30 seconds, a distance of 549.21 feet;
THENCE North parallel with the West line of said quarter section to the North line of the South Half of the South Half of the Southeast Quarter (S/2 S/2 SE/4) of said section;
THENCE East along the North line of said South Half of the South Half of the Southeast Quarter of said Section 20, a distance of 1,313 feet, more or less, to the Northeast corner of the South Half of the South Half of the Southeast Quarter of said Section 20;
THENCE South along the East line of the said S/2 S/2 SE/4 of said Section 20, a distance of 663.7 feet, more or less, to the Southeast corner of the Southeast Quarter (SE/4) of said Section 20;
THENCE West along the South line of the Southeast Quarter (SE/4) of said Section 20, a distance of 1,462.25 feet, to the point of beginning, in Sedgwick County, Kansas;
Except therefrom the right-of-way of U. S. Highway #54 and except that part condemned for Kansas Turnpike in District Court No. A-55770.

OK for legal

OWNERSHIP LIST

Same envelopes used as for 2-1760

Description

Property Owner

The N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of
Sec. 2-, Tp. 27 S., Rg. 2 E

✓ Mary Margaret Maxwell
1747 S. Broadway
Wichita, Kansas, 67211

A tract in the SE $\frac{1}{4}$ of Sec. 20, Tp. 27 S., Rg. 2 E, described as follows: Beginning at a point on the S. line of the SE $\frac{1}{4}$ of Sec. 20, which is 1462.25 feet W. of the SE corner of said $\frac{1}{4}$ Sec. thence N. parallel with the W. line of said $\frac{1}{4}$ Sec. a distance of 61.2 ft., thence Northeasterly making an interior angle of 74° 55' 30", a distance of 549.21 ft., thence N parallel with the W. line of said $\frac{1}{4}$ Sec. to the N. line of the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Sec., thence E. along the N. line of said S $\frac{1}{2}$ of S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 20, a distance of 1313 ft. more or less to the NE corner of the S $\frac{1}{2}$ of S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 20, th. S. along said E. line S $\frac{1}{2}$ of S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 20, a distance of 663.7 ft. more or less to the SE corner of SE $\frac{1}{4}$ of Sec. 20, thence W. along the S. line of said SE $\frac{1}{4}$ of Sec. 20 a distance of 1462.25 ft. to the point of beginning, except therefrom the right of way of U. S. Highway #54 and except that part condemned for Kansas Turnpike in District Court Case No. A-55770

✓ First National Investors Corporation,
Inc., 4004 E. Kellogg
Wichita, Kansas, 67218

SW $\frac{1}{4}$ of Sec. 21, Tp. 27 S., Rg. 2 E.,
except right of way of Highway 54

✓ Beech Aircraft Corporation
9709 E. Central Ave.
Wichita, Kansas, 67206

The W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 28, Tp. 27 S., Rg. 2 E, Except that part platted as Paul Burnett Addition and except beginning 409.1 ft. S. of the NW corner of said Sec. 28, th. S. along W. line of Sec. 28, a distance of 100 ft., thence E. 1323.87 ft. to a point in the E. line of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 28, & 511.9 ft S. of N line of Sec. 28, thence N along E. line of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 28, a distance of 100 ft., thence W. parallel with the N line of said Sec. 28, a distance of 558.76 ft., thence W. a distance of 765 ft. to the point of beginning

✓ Gladys H. G. Wiedemann, P.O. Box 1276
Eldorado, Kansas, and
Fourth National Bank and Trust Company
of Wichita, 200, East Douglas
Wichita, Kansas, 67202, as co Trustees
under the Last Will and Testament of
K. T. Wiedemann, Deceased

Continued page 2

Description

Property Owner

Beginning 409.1 ft. S. of the NW corner of Section 28, Tp. 27 S., Rg. 2 E, thence S. along the W. line of Sec. 28, a distance of 100 ft., thence E. 1323.87 ft. to a point in the E. line of $W\frac{1}{2}$ of $NW\frac{1}{4}$ of Sec. 28 and 511.9 ft. S. of the N. line of Sec. 28, thence N along the E. line of $W\frac{1}{2}$ of $NW\frac{1}{4}$ of Sec. 28, a distance of 100 ft., thence W. parallel with the N line of said Sec. 28, a distance of 558.76 ft., thence W. a distance of 765 ft. to the point of beginning

Sarah T. Ramsey
361 N. Elizabeth
Wichita, Kansas, 67203

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 500 foot radius of the following property to-wit:

A tract in the $SE\frac{1}{4}$ of Section 20, Township 27 South, Range 2 East, described as follows: Beginning at a point on the South line of the $SE\frac{1}{4}$ of Sec. 20, which is 1462.25 feet West of the Southeast corner of said Quarter Section, thence North parallel with the West line of said Quarter Section a distance of 61.2 feet, thence Northeasterly making an interior angle of $74^{\circ} 55' 30''$ a distance of 549.21 feet, thence North parallel with the W. line of said Quarter Section to the North line of the $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of Said Sec., thence East along the N line of said $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 20, a distance of 1313 feet more or less to the Northeast corner of the $S\frac{1}{2}$ of $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 20, thence South along said East line of $S\frac{1}{2}$ of $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 20, a distance of 663.7 feet more or less to the Southeast corner of $SE\frac{1}{4}$ of Section 20, thence West along the South line of Said $SE\frac{1}{4}$ of Section 20, a distance of 1462.25 feet to the point of beginning, except therefrom the right of way of U. S. Highway No. 54 and except that part condemned for Kansas Turnpike in District Court Case No. A-55770

as shown by the last deeds of record in the Office of the Register of Deeds of Sedgewick County, Kansas, on this 13th day of October, 1972 at 7:00 o'clock A. M.

The Security Abstract and Title Company, Inc.

By

Curtis Simmons

Vice President

Order No. 195552

*

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

Roll # 1

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