

DP-74 - Gens M. Campbell, et al.
Commercial Community Unit 71A -
BRIARWOOD - NE corner Mt. Vernon
and Woodlawn.

Poster
7-23-75
[Signature]

ACTION

DATE

COMMITTEE

M.A.P.C. *appeal and to Plotting* 8-22-75

B.C.C./B. CO. C. *Appeared* 9-16-75

Closed - 10-17-75

Map No. 5945
Sec. 31
Twp. 27S
Range 2E

DATA SHEET
COMMUNITY UNIT PLAN

DP 74
Z- 1725
Filed 7-18-75

APPLICATION REQUEST: Approval of proposed planned commercial development.

1. Applicant Gene M. Campbell
Address 3560 S. Broadway Phone 524-5311
2. Agent R. C. DesMarteau
Address 260 N. Rock Rd. Phone 683-6537
3. General Location NE corner Mt. Vernon and Woodlawn
Address _____
4. Proposed Use _____

AREA DATA

1. Acres 9.9 (_____ ft. by _____ ft.)
2. Existing Zoning AA Proposed Zoning 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: 8-28-75

Date	Action
<u>8-28-75</u>	<u>MAPC - Approved sub. to Platting</u>
<u>9-16-75</u>	<u>BCC Approved sub. to conditions</u>

2. Governing Body BCC

Date	Action
<u>9/16/75</u>	<u>Approved sub. to conditions</u>

associated with Z-1725 which was closed 10-17-75

MARTIN, BRIDGES & ASSOCIATES
LOCAL, OH - INDIANAPOLIS, IN U.S.A.

Smith
No. 2453C

March 3, 1980

All memos, plans & other
material concerning landscaping
for DP-74 Briarwood C.U.P. have
been placed in amended file
#1. - 1

Arthur D. Charles

August 20, 1979

Robert B. Feldner, Superintendent of Central Inspection

Robert A. Lakin, Director of Planning

DP-74 Briarwood C.U.P. Request for Administrative Interpretation as to Whether Residential Storage Warehouses and Commercial Warehousing is Permitted on Parcel 1.

You are in receipt of a letter from Gene G. Baker, representing D and B Properties, requesting administrative permission to locate residential storage warehouses and commercial warehousing on Parcel 1 of the Briarwood C.U.P. One of the conditions of approval of the original C.U.P. which offers limited flexibility to the developers and leasees is as follows:

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.

After reviewing the request, it is my opinion that this request does not substantially affect the intent of the plan since "contractors plant or storage" is permitted on both Parcels 1 and 3 and the level of activity for Parcel 1 being used for storage warehouses will not be significantly greater than the level of activity possible under the original proposed uses. In addition, this site is located such that existing buffer zones to the south of Parcel 3 (Kansas Turnpike) and to the north of Parcels 1 and 3 (221.6 foot drainage easement) increase the attractiveness of the site for storage warehouses. The apartment complex to the south of Parcel 1 is buffered by a 10 foot planting strip.

In order to further protect the residents of the apartment complex and to insure compatible development of this site with surrounding properties the following should be imposed as conditions of final approval of the request for Parcel 1:

1. Storage on the property shall not be permitted outside of an enclosed building.
2. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.


Robert B. Feldner
August 20, 1979
Page Two

In addition to the above conditions it should be noted that the C.U.P. provisions state that building coverage of Parcels 1 and 3 shall not exceed 30%; and the maximum number of buildings permitted on Parcel 1 is 3. These provisions, as well as the other provisions of the C.U.P., are still in force and the development of Parcels 1 and 3 shall be in compliance with them.


There is an amendment currently on file for the Briarwood C.U.P. According to the letter from Mr. Baker this amendment will be withdrawn if this request is approved. After your review and concurrence with this memorandum, the amendment will be withdrawn and the file closed.

Upon your review of this memorandum your signature will indicate that you concur that this request is within the intent and purpose of the original C.U.P. provisions and that tentative approval of the request should be granted. Final approval will be granted provided that a site plan of the proposed development is submitted for our review and approval. In addition, a revised landscape plan outlining the provisions for serving that portion of Parcel 3 abutting Parcel 2 with water needs to be submitted for review and approval. After these conditions have been met a letter granting final approval will be distributed.

APPROVED:


Robert A. Lawin, Director of Planning

APPROVED:


Robert B. Feldner, Superintendent of Central Inspection

RAL:AC:gb

cc: D and B Properties, 6572 E. Central, Suite 102, 67206
Marlin Penner, Sutton Place, 209 E. William, 67202
Keith Anderson, 1175 South Rock Road, 67218

D & B Properties

6572 E. CENTRAL SUITE 102
WICHITA, KANSAS 67206
316/681-3681

August 10, 1979

Mr. Robert Lakin
Director of Planning
Metropolitan Area Planning Dept.
455 North Main
Wichita, Kansas 67202

Mr. Robert B. Feldner, Supt.
Central Inspection
455 North Main
Wichita, Kansas 67202

RECEIVED

AUG 13 1979

METROPOLITAN PLANNING
ROUTE

Re: Request for Interpretation
Briarwood C.U.P., Wichita, Kansas

Good Morning Messrs. Lakin and Feldner...

A Community Unit Plan approved in 1975, covering Lot 1, Block 1, Briarwood Addition, calls out the following permitted uses:

Parcel 1

"Office, Contractor's Plant or Storage (Provided that no outside storage of equipment or materials is permitted) and service-orientated retail that does not include carry-out food service as the principal business."

Parcel 3

"Residential Storage Warehouses, Commercial Warehousing and contractors plant or storage (Provided that no outside storage of equipment or materials is permitted)."

It is our desire to obtain approval for the development of Parcel 1 with storage warehouses as is already approved for Parcel 3.

If your interpretation of Parcel 1 permitted uses is ruled to include storage warehouses, then it is our desire to withdraw an amended C.U.P. for Briarwood Addition applied for in 1977.

Messrs. Lakin and Feldner

-2-

August 10, 1979

Your assistance in this matter is most appreciated.

Sincerely,

Gene A. Baker
D & B PROPERTIES

Talked to
Penny +
8-3-79

Bramwood

- Settler requests interpretation
+ Site Plan
- 2nd CUP requested to be
withdrawn and closed
- Revised Landscape Plan
 - + provision for serving the area with water
 - + finish guarantee at time of
occupancy permit request if landscaping
is not in.
- No outside storage
- 30% coverage
- not exceeds 3 bldgs on Parcel 1

11/21/77

To amend CUP

- Locate all existing structures
Provide information on existing
number of dwellings
- Indicate proposed quarters
- Revisit screening area
and information to between
Parcels 1 and 3
- Check landscaping with
approved plan to see if
planted.

Dec 7 closing
Jan 5 Hearing MAPC
Jan 31 BCC
Jack H. Galbraith

Nov.24,1975

Robert Feldner, Superintendent Central Inspection

Jack H. Galbraith, Chief Planner

DP-74 - Briarwood Commercial Community Unit Plan

The Board of City Commission at its regular meeting on September 16, 1975, considered the above captioned C.U.P. along with a zoning change request to "C" Commercial. The action of the City Commission was to approve the zone change and the C.U.P. subject to several conditions.

On this date, Robert DesMarteau, the applicant, requested that we advise your office that such plan has been approved as he was anxious to obtain a building permit, therefore, we are hand-delivering a copy of the approved C.U.P. to Dolores of your office.

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

Jack H. Galbraith
Chief Planner

JHG:el

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR ZONING
AND COMMUNITY UNIT PLAN

CASE NO. Z-1725 and DP-74 CONSIDERED BY MAPC: 8-28-75

REQUEST FOR: Change from "AA" to "C", and approval of
commercial community unit plan

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"For the development of a commercial area as
per Associated Community Unit Plan."

GENERAL LOCATION: Northeast corner of Mt. Vernon and Woodlawn

LEGAL DESCRIPTION:

See attached excerpt from Planning Commission minutes
of August 28, 1975.

APPLICANT: Gene M. and Barbara J. Campbell, et al.
3560 South Broadway 67216

COUNSEL FOR APPLICANT: Gary Wiley, Oblinger-Smith Corporation, Agent

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north and east is "AA" and "C"; south
is "AA"; west is "LC"LAND USE: Subject property and that to the west is undeveloped; north
is drainage dedication and Plant Kingdom; east and south is
undeveloped and Kansas Turnpike

PLANNING COMMISSION RECOMMENDATION:

That Z-1725 be approved and that DP-74 be approved, subject to the
following conditions: (See attached excerpt from Planning Commis-
sion minutes of August 28, 1975 for conditions.)
Bayouth moved, Gragg seconded and it carried unanimously.
Hennessy was absent.

-
- ACTION**
1. Approve the zone change and CUP as recommended by the Metropolitan Area Planning Commission, 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
 2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 28, 1975:

- 17a. Case No. Z-1725 - Gene M. and Barbara J. Campbell, et al. request change from "AA" to "C", and
- 17b. Case No. DP-74 - Gene M. and Barbara J. Campbell, et al. request approval of a Commercial Community Unit Plan, both requests relating to property legally described as follows:

Beginning at a point 50 feet east of the southwest corner of the NW 1/4, Sec. 31, Twp. 27S, R2E of the 6th P.M., thence north parallel to and 50 feet east of the west line of said 1/4 Section, a distance of 435.77 feet+, to the south line of Plant Kingdom Addition; thence northeasterly along the south line of Plant Kingdom Addition, 1,215.24 feet+; thence south with an interior angle of 77°06'30", a distance of 95.08 feet+ to the westerly right-of-way line of the Kansas Turnpike; thence southwesterly along the westerly right-of-way line of the Kansas Turnpike, 1,006.6 feet+ to the south line of the NW 1/4 of Sec. 31; thence west along the south line of the NW 1/4 of Sec. 31; 382.63 feet+ to the point of beginning. Generally located at the NE corner of Mt. Vernon and Woodlawn.

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

Comments

1. The applicant has requested a change to the "C" Commercial District on approximately 10 acres of land and in accordance with Section 28.04.190 (CUP regulations) of the Code of the City of Wichita, has submitted a preliminary development plan for review. The development plan indicates the required information pertaining to gross area, maximum building heights, maximum building coverage, proposed general uses, maximum curb cuts, sign controls, minimum building setbacks and screening controls.
2. The development plan proposes apartments on Parcel 2, commercial and residential storage warehouses on Parcel 3 and a general range of uses from offices to contractor storage and various retail activities on Parcel 1. The applicant has also submitted a two-lot plat in which Parcels 1 and 3 are platted as one lot.
3. After consultation with the representatives of the Fire Department and the Office of Central Inspection, it has been suggested that the large drainage ditch on the north, and the Kansas Turnpike on the south and east mitigates the need for a 30-foot building setback on the north lines of Parcels 1 and 3 and the south line of Parcel 2, if adequate interior circulation is provided. The applicant proposes a 10-foot building setback in those areas, but the Subdivision Committee of the MAPC, in consideration of a preliminary plat of Briarwood Addition on April 21, 1975, required a 15-foot drainage access easement adjacent to the north line of Parcels 1 and 3; it is suggested that the 10-foot building setback on the CUP be increased to coincide with the plat. The Superintendent of Central Inspection advises that turnarounds are needed for the apartment parking lots in Parcel 2.
4. It should be noted that although Parcel 2 will be zoned the "C" Commercial District should this application be approved, the multiple family density proposed for Parcel 2 is usually found in the "B" Multiple Family District. The applicant has modified his plans to provide some of the amenities associated with "B" zoning, such as a 20-foot landscaped area adjacent to Woodlawn on Parcel 2 and a sign limitation on Parcel 2 which is identical to that found in the "B" district.

5. In 1974 an application for "C" Commercial zoning on a portion of subject property was denied and the "LC" Light Commercial District was approved (Z-1618). The use proposed at that time, storage warehouses, is permitted in the "LC" District, subject to approval of an "exception" by the Board of Zoning Appeals; however, it should be noted that the present application is associated with the Community Unit Plan which provides development standards and use limitations and offers far better protection to the area than would approval of the Commercial District without a CUP.
6. If the Planning Commission determines that the request for "C" zoning is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's.
 - a. Platting within one year of the date of approval by the Board of City Commissioners; or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
 - b. The applicant shall provide turnarounds in the parking lots in Parcel 2 to the satisfaction of the Fire Department and the Office of Central Inspection.
 - c. The 10-foot building setback line adjacent to the north line of Parcels 1 and 3 shall be increased to 15 feet.
 - 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 and residential 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 resubmitted to the Planning Commission and City Commission for their consideration.

GALBRAITH said a letter had been received from Russell W. Meyer, Jr., Chairman of the Board of Cessna Aircraft Company, asking that at the time of platting, an avigational easement be provided for their protection inasmuch as this proposed development is within their flight approach. It was pointed out that such has been required in other developments in the general area.

GARY WILEY, Oblinger-Smith Corporation, on behalf of the applicant and contract purchaser, said there would be no objection to providing such avigational easement, and the reason for starting the platting procedure prior to zoning was to possibly speed up the construction, since financing is available now.

VINCENT MOORE, Secretary of Cessna, offered no objections, and in line with Mr. Meyer's letter, he asked that the avigational easement be provided.

No one appeared in opposition.

MOTION: That the Planning Commission recommend to the City Commission that Z-1725 be approved and that DP-74 be approved, subject to the following conditions:

- A. Platting within one year of the date of approval by the Board of City Commissioners; or the application be denied, and that the ordinance effcutating the zone change not be published until the plat has been recorded with the Register of Deeds.
- B. The applicant shall provide turnarounds in the parking lots in Parcel #2 to the satisfaction of the Fire Department and the Office of Central Inspection,
- C. The building setback line adjacent to the north line of Parcels 1 and 3 shall be corrected to correspond with the 10 and 15-foot access easements recommended for approval on the associated plat.
- 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 and residential 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 resubmitted to the Planning Commission and City Commission for their consideration.

Bayouth moved, Gragg seconded and it carried
unanimously. Hennessy was absent.

August 29, 1975

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

Re: E-1725 - "AA" to "C", and
DP-74 - Residential Community
Unit Plan - Northeast corner
of Mt. Vernon and Woodlawn

Dear Mr. Wiley:

At the regular meeting of the Metropolitan Area Planning Commission on August 28, 1975, the above-captioned applications were considered. The action of the Commission was to recommend the approval of the zone change request and the CUP subject to the following conditions:

- A. Platting within one year of the date of approval by the Board of City Commissioners; or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
- B. The applicant shall provide turnarounds in the parking lots in Parcel #2 to the satisfaction of the Fire Department and the Office of Central Inspection.
- C. The building setback line adjacent to the north line of Parcels 1 and 3 shall be corrected to correspond with the 10 and 15 foot access easements recommended for approval on the associated plat.
- 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 and residential development and be binding upon the present owners, their successors and assigns, unless amended.

Page 2 - Gary Wiley
August 29, 1975

- 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 resubmitted to the Planning Commission and City Commission for their consideration.

Regarding the request from Cessna Aircraft Company for an avigational easement regarding navigable airspace, this is to advise you, and those receiving copies of this letter, that such requirement will be recommended as a condition of platting.

The above applications are scheduled for forwarding to the Board of City Commissioners for consideration on September 16, 1975, the meeting to be held in Room 201 City Building, 204 South Main, starting at 9:00 a.m., however, it is necessary that you furnish us nine amended copies of the CUP by 5:00 p.m. on September 10, 1975.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Gene M. and Barbara J. Campbell, 3560 South Broadway 67216
Charles H. and Marilyn E. Campbell, 3560 South Broadway 67216
Oblinger-Smith Corporation, 625 1st Nat'l Bank Bldg. 67202
R. C. DesMarteau, Heartland, Inc., 260 N. Rock Road, Suite 210 67206
Russell W. Meyer, Jr., Chairman of the Board,
Cessna Aircraft Company 67201
Vince Moore, Secretary, Cessna Aircraft Company 67201
City Manager's Office

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: August 28, 1975

Case No: Z-1725 DP-74	Request: "AA" to "C" Approval of Commercial CUP
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Location: Northeast corner of Mt. Vernon and Woodlawn

Reason: "For the development of a commercial area as per Associated Community Unit Plan."

Acres: 9.9	Size: 435 feet by 1215 feet (Irregular)
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	<u>Land Use</u>	<u>Zoning</u>
Existing North	Undeveloped Drainage dedication; Plant Kingdom	"AA" "AA" & "C"
East	Undeveloped and Kansas Turnpike	"AA" & "C"
South	Undeveloped and Kansas Turnpike	"AA"
West	Undeveloped	"LC"

Existing R/W: 30 feet Woodlawn (half)
Proposed R/W: 50 feet Woodlawn (half)
History: Z-1618 "AA" to "C"
MAPC: 3-28-74 - Deny "C";
Approve "LC"
4-16-74 - Approve "LC"
subject to platting.
5-25-75 - denied and
closed; failure to plat.

Platted: No - Being
platted as S/D 75-59-
Briarwood Addition.
Sidewalk: No

Comments

1. The applicant has requested a change to the "C" Commercial District on approximately 10 acres of land and in accordance with Section 28.04.190 (CUP regulations) of the Code of the City of Wichita has submitted a preliminary development plan for review. The development plan indicates the required information pertaining to gross area, maximum building heights, maximum building coverage, proposed general uses, maximum curb cuts, sign controls, minimum building setbacks and screening controls.

2. The development plan proposes apartments on Parcel 2, commercial and residential storage warehouses on Parcel 3 and a general range of uses from offices to contractor storage and various retail activities on Parcel 1. The applicant has also submitted a two lot plat in which Parcels 1 and 3 are platted as one lot.
3. After consultation with the representatives of the Fire Department and the Office of Central Inspection it has been suggested that the large drainage ditch on the north, and the Kansas Turnpike on the south and east mitigates the need for a 30 foot building setback on the north lines of Parcels 1 and 3 and the south line of Parcel 2 if adequate interior circulation is provided. The applicant proposes a 10 foot building setback in those areas but the Subdivision Committee of the MAPC in consideration of a preliminary plat of Briarwood Addition on August 21, 1975 required a 15 foot drainage access easement adjacent to the north line of Parcels 1 and 3; it is suggested that the 10 foot building setback on the CUP be increased to coincide with the plat. The Superintendent of Central Inspection advises that turnarounds are needed for the apartment parking lots in Parcel 2.
4. It should be noted that although Parcel #2 will be zoned the "C" Commercial District should this application be approved, the multiple family density proposed for Parcel #2 is usually found in the "D" Multiple Family District. The applicant has modified his plan to provide some of the amenities associated with "B" zoning such as a 20 foot landscaped area adjacent to Woodlawn on Parcel #2 and a sign limitation on Parcel #2 which is identical to that found in the "B" District.
5. In 1974 an application for "C" Commercial zoning on a portion of subject property was denied and the "LC" Light Commercial District was approved (Z-1618). The use proposed at that time, storage warehouses, are permitted in the "LC" District subject to approval of an "exception" by the Board of Zoning Appeals however, it should be noted that the present application is associated with a Community Unit Plan which provides development standards and use limitations and offers far better protection to the area than would approval of the Commercial District without a CUP.
6. If the Planning Commission determines that the request for "C" zoning is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's.

- a) Platting within one year of the date of approval by the Board of City Commissioners; or the application be denied, and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
 - b) The applicant shall provide turnarounds in the parkings lots in Parcel #2 to the satisfaction of the Fire Department and the Office of Central Inspection.
 - c) The 10 foot building setback line adjacent to the north line of Parcels 1 and 3 shall be increased to 15 feet.
 - 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 and residential 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 resubmitted to the Planning Commission and City Commission for their consideration.
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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE
August 4, 1975

RECEIVED

AUG 4 1975

Central Inspection Division

TO Robert Feldner, Superintendent of Central Inspection
FROM Jack H. Galbraith, Chief Planner
SUBJECT DP-74 - Information on Fire Lanes and Access Easements on
Briarwood Commercial Community Unit Plan

Attached for your information and review is a copy of a commercial CUP located on the east side of Woodlawn just north of Mt. Vernon. It is proposed that Parcel 2 will be developed with apartments and that Parcels 1 and 3 will have various commercial activity including storage warehouses. In my earlier contact with the applicant I advised that I felt the CUP provisions required at least a 30-foot rear yard or service drive and access easements on the perimeter of the site. The applicant has objected to this and has indicated only a 10-foot setback along the drainage ditch along the north side of Parcels 1 and 3 and only a 10-foot setback adjacent to the Kansas Turnpike and the property to the south on the south side of Parcel 2.

Please review the location of the proposed apartments on Parcel 2 with your Fire Inspector to determine whether or not the spacing and circulation meets the provisions of the access easements for fire purposes. I would appreciate your comments as to whether or not you feel the 10-foot setback is adequate or is the traditional 30-foot setback necessary. I would appreciate your comments at your earliest convenience.

Jack H. Galbraith
Jack H. Galbraith
Chief Planner

JHG:js

cc: John Riddel, Plans Examiner

Feldner advises that parking lots for apartments need turn-a-rounds. That if adequate interior circulation is provided on Parcels 1 and 3 that it is not necessary to have a 30' access easement along the north. This is dependent, however, on the proposed location of Bldgs. Also spacing of Bldgs along the north need to be adequate to accommodate the use of hand lines. Interior fire plugs necessary

*8/14/75
JHG*

Bob

The apt in Parcel #2 need a turn around or another entrance to each parking lot on east & west sides.

We also ~~we~~ need the 30' fire lane access easement to continue into Parcel #3 & Parcel #1 if needed.

The 30' setback would be desirable if possible as we need as much room as we can get to keep fire from spreading, however we are only getting 10' ~~between~~ between the apt.

Pellitt

DP-74 - 19 notices mailed to adjacent property owners 8/13/75 for the MAPC
meeting for 8/28/75

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

NOTICE TO ADJOINING PROPERTY OWNERS

August 14, 1975

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 August 28, 1975, at which time you may appear either in person or by agent or attorney, if you so desire.

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, AUGUST 28, 1975, at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, will consider an application for a COMMUNITY UNIT PLAN-PLANNED COMMERCIAL DEVELOPMENT, known as "BRIARWOOD" for property described as follows:

DP-74 - Beginning at a point 50 feet east of the southwest corner of the NW $\frac{1}{4}$, Sec. 31, Twp. 27S, R2E of the 6th P.M., thence north, parallel to and 50 feet east of the west line of said $\frac{1}{4}$ Section, a distance of 435.77 feet \pm , to the south line of Plant Kingdom Addition; thence, northeasterly along the south line of Plant Kingdom Addition, 1,215.24 feet \pm ; thence, south, with an interior angle of 77 $^{\circ}$ -06' -30", a distance of 95 08 feet \pm to the westerly right-of-way line of the Kansas Turnpike; thence, southwesterly, along the westerly right-of-way line of the Kansas Turnpike, 1,006.6 feet \pm to the south line of the NW $\frac{1}{4}$ of Sec. 31; thence, west along the south line of the NW $\frac{1}{4}$ of Sec. 31; 382.63 feet \pm to the point of beginning. Generally located at the NE corner Mt. Vernon and Woodlawn.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department Office, 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 3.78 acre garden apartment development, the density of which will not exceed 31 dwelling units per net acre or a total of 117 dwelling units. Also proposed on the development plan is an approximate 6.1 acre commercial development with a maximum gross floor area of 106,461 square feet. In addition to indicating the proposed building locations for the proposed garden apartments, the development plan indicates setbacks for structures, screening and landscaping, sign limitations,

CASE NO. DP-74 - Page 2

means of ingress in and through the area, proposed parking ratio, maximum building coverage and maximum building heights.

The hearing of this Development Plan, as provided in Section 28.04 190 of the City Zoning Ordinance of the City of Wichita, is to be held and the same will there be discussed and considered by said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at that time.

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

August 4, 1975

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

DP-74 - Information on Fire Lanes and Access Easements on
Briarwood Commercial Community Unit Plan

Attached for your information and review is a copy of a commercial CUP located on the east side of Woodlawn just north of Mt. Vernon. It is proposed that Parcel 2 will be developed with apartments and that Parcels 1 and 3 will have various commercial activity including storage warehouses. In my earlier contact with the applicant I advised that I felt the CUP provisions required at least a 30-foot rear yard or service drive and access easements on the perimeter of the site. The applicant has objected to this and has indicated only a 10-foot setback along the drainage ditch along the north side of Parcels 1 and 3 and only a 10-foot setback adjacent to the Kansas Turnpike and the property to the south on the south side of Parcel 2.

Please review the location of the proposed apartments on Parcel 2 with your Fire Inspector to determine whether or not the spacing and circulation meets the provisions of the access easements for fire purposes. I would appreciate your comments as to whether or not you feel the 10-foot setback is adequate or is the traditional 30-foot setback necessary. I would appreciate your comments at your earliest convenience.

Jack H. Galbraith
Chief Planner

JHG:js

cc: John Riddel, Plans Examiner

July 29, 1975

Mr. R. C. DesMaeteau
Heartland, Inc.
260 North Rock Road, Suite 210
Wichita, Kansas 67206

Re: Briarwood Commercial Community
Unit Plan - Northeast corner
of Mt. Vernon and Woodlawn

Dear Mr. DesMarteau:

We have reviewed the Commercial Community Unit Plan for the proposed 9.9 acre tract located at the northeast corner of Mt. Vernon and Woodlawn and the following are our comments as well as comments of other departments of the City concerning this project.

There are several minor problems with this CUP, but most of them can be resolved through text changes on the face of the CUP. The primary issues relate to building setback lines and the land uses proposed for Parcel #3.

As you are aware, the CUP provisions of the zoning ordinance (Section 28.04.190), set forth certain conditions which must be complied with for CUP approval, and Article 5 of that Section requires a 35-foot building setback adjacent to residential zoning districts, as well as requiring a 30-foot rear yard, service drive or alley. We have determined that, although the south line of subject property abuts a residential district, the presence of the Kansas Turnpike and the residential uses proposed for Parcel #2 mitigate the need for the 35-foot building setback. However, the minimum 30-foot circulation drives and fire lanes are necessary on the north lines of Parcels #1 and #3, the east line of Parcel #3, those areas of Parcels #2 and #3 adjacent to the Kansas Turnpike and the west line of Parcel #3; because there is a 10-foot planting screen adjacent to a portion of the west line of Parcel #3, a 40-foot building setback line will be necessary in that area in order to provide the required 30-foot circulation drive. In addition, the west 20 feet of Parcel #2 adjacent to Woodlawn should be landscaped with no paving or parking permitted, as would normally be required under the "B" Multiple Family zone, where these types of residential uses are generally found. These setback lines have been depicted on a copy of the CUP which we are enclosing for your reference.

Another problem relates to the proposed use of Parcel #3 for "contractors plant or storage as permitted by code." This type of use can be rather obnoxious adjacent to an interstate highway, particularly when the highway is on a higher elevation than subject property and there is no way to adequately screen the use from view. It is our suggestion that contractor's storage be eliminated as a proposed use for Parcel #3 or a provision be added that no outdoor storage be permitted in association with the proposed use. In addition, consideration might be given to providing additional screening around any outdoor contractor's storage to be permitted in Parcel #1.

There is some conflict in general provision #9 in that the "C" Commercial District permits off-site signs but the CUP provisions of the ordinance prohibits such uses. Certain types of signs are also not compatible with the residential uses proposed for Parcel #2, and it would be preferable to limit the signs permitted on Parcel #2 to those allowed in the "B" Multiple Family District. We have suggested some text changes to remedy this situation.

The CUP provisions of the zoning ordinance also require landscaping of low shrubbery of not less than ten feet in width when the planned commercial development is adjacent to a residential district, but separated by a street. Although this provision would require such screening on the south line of Parcel #3 adjacent to the Kansas Turnpike, it is our opinion that said requirement can be waived if there is a waiver provision in the general provisions of the CUP. Another text change we would like to see is that the number of buildings proposed for each parcel should be listed.

In addition to these comments, the following additions or changes should be indicated on the plan:

1. The following setback lines shall be indicated on the plan.
 - a) A 30-foot building setback line shall be indicated adjacent to the north line of Parcels 1 and 3.
 - b) A 30-foot building setback adjacent to the Kansas Turnpike.
 - c) A 30-foot building setback on the west line of Parcel #3 where it abuts Parcel #1 and a 40-foot building setback on the west line of Parcel #3 where it abuts Parcel #2.
 - d) A 20-foot landscaped area with no paving or parking permitted adjacent to Woodlawn on Parcel #2.
2. General provision #9 shall be amended to read as follows:

Page 3 - Mr. R. C. DesMarteau
July 29, 1975

"Signs on Parcels 1 and 3 shall be as permitted by the zoning district and the CUP provisions with no off-site signs (billboards) permitted. Signs in Parcel #2 shall be as permitted in the "B" Multiple Family District (Section 28.04.139.d.1 of the Code of the City of Wichita)."

3. The following statements shall be added to the general provisions of the CUP:
 - "10) Parcel #1 and Parcel #3 shall be platted as one lot."
 - "11) The approval of the CUP shall constitute a waiver of the landscaping requirement on the south line of Parcel #3 adjacent to the Kansas Turnpike."
4. The phrase "contractor's plant or storage as permitted by code" shall be deleted from the proposed uses for Parcel #3 or the phrase shall be amended to read: "Contractor's plant or storage provided that no outside storage of equipment or materials is permitted."
5. The number of buildings proposed for each parcel shall be listed in the parcel description.

These are the comments we have at this time. We have tentatively scheduled this item to be considered by the Planning Commission at their regular meeting of August 28, 1975, to be held in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at 1:30 p.m. It is necessary that we receive 13 copies of the amended CUP by Friday, July 31, 1975 in order for this item to be heard at the August 28 meeting. Enclosed is a "marked copy" of the CUP for your information and review with your consultant.

If you have any questions concerning this matter, please do not hesitate to call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:MM:ber

cc: Gary Wiley, Oblinger-Smith Corp., 625 1st Nat'l Bank Bldg. 67202
Gene Campbell, 3560 South Broadway 67216

July 21, 1975

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
M. S. Mitchell, Asst. Supt. Public Works/Maint.
Jack H. Galbraith, Chief Planner

Z-1725 - Zone change from "AA" to "C" and DP-74
Commercial Community Unit Plan

We have just received an application for a zone change from "AA" to "C" zoning and a commercial community unit plan known as Briarwood. Subject area is located at the northeast corner of Mt. Vernon and Woodlawn. A plan has been proposed for apartments on Parcel 2, commercial and residential storage warehouses on Parcel 3 and a general range of uses from offices to contractor storage and various retail activities on Parcel 1. You should be aware that the applicant has advised that he proposes to plat this as two lots; Parcel 2 being one lot and Parcels 1 and 3 being the second lot. Based on this platting arrangement we are of the opinion that there is no need for an east-west public cul-de-sac.

We would appreciate you advising us by July 23 of any comments you have concerning this plan so that these cases can be advertised and considered by the Planning Commission on August 28.

Jack H. Galbraith
Chief Planner

JHG:js

Monday July 28 - talked with Bill McKirley and he said that Traffic Engineering had no comments on this C.U.P. - MM

July 28 - Advised by Dean Sellers that no problems except that a rather long sewer extension is necessary

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 GENE M. and BARBARA J. CAMPBELL
Address 3560 South Broadway 67216 Phone 524-5311
Agent Heartland, Inc., - R. C. Des Marteau
Address 260 N. Rock Road - Suite 210 67206 Phone 683-6537
- b. Applicant CHARLES M. and MARILYN E. CAMPBELL
Address 3560 South Broadway Phone 524-5311
Agent Heartland, Inc., - R. C. Des Marteau
Address 260 N. Rock Road - Suite 210 Phone 683-6537
- c. PLANNER OBLINGER - SMITH CORPORATION - Gary Wiley
Address 625 First National Bank Building Phone 262-0451
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 "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 SHEET

- II.B There are 9.9 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) 1900 Block of South Woodlawn

The general location is (use appropriate section)

- a. at the Northeast corner of Mt. Vernon
and Woodlawn; 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.

By *R. C. J. Monteau* _____
Authorized Agent (if any) By _____
Authorized Agent (if any)

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

V. OFFICE USE ONLY

This application was received at the Planning Department at
1:45 (AM, PM) on July 18, 1975 (Day, Month,
Year). It has been checked and found to be complete and accom-

panied by required documents and the appropriate fee of

\$ None required

E. Lynn Shirkley Name
Jr. Planner Title

LEGAL DESCRIPTION

Beginning at a point 50 feet East of the Southwest corner of the Northwest $\frac{1}{4}$, Section 31, Township 27 South, Range 2 East of the Sixth P.M.,

Thence, North, parallel to and 50 feet East of the West line of said $\frac{1}{4}$ Section, a distance of 435.77 feet \pm , to the South line of Plant Kingdom Addition;

Thence, Northeasterly along the South line of Plant Kingdom Addition, 1,215.24 feet \pm ;

Thence, South, with an interior angle of $77^{\circ} - 06' - 30''$, a distance of 95.08 feet \pm to the Westerly right-of-way line of the Kansas Turnpike;

Thence, Southwesterly, along the Westerly right-of-way line of the Kansas Turnpike, 1,006.6 feet \pm to the South line of the Northwest $\frac{1}{4}$ of Section 31;

Thence, West along the South line of the Northwest $\frac{1}{4}$ of Section 31; 382.63 feet \pm to the point of beginning;

All in Sedgwick County, Kansas and containing 9.89 acres.

OK for
legal

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
 SEDGWICK COUNTY)

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

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, All of the owners within 500 feet of:

Beginning at the SW corner of the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 31, Township 27, Range 2 East of the 6th P.M., thence North along the West line of said $NW\frac{1}{4}$, 212.3 feet; thence with an angle to the right of 77 degrees 15 minutes to the Westerly right of way line of the Kansas Turnpike; thence SWly along said Kansas Turnpike to the South line of said $NW\frac{1}{4}$, thence West to beginning.

Tract of land in the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 31, Township 27, Range 2 East, described as beginning at a point 424.6 feet North of the SW corner thereof, said point being the SW corner of Plant Kingdom Addition Wichita, Kansas; thence South along the West line of said $NW\frac{1}{4}$, 212.3 feet, thence with an angle to the left of 102 degrees 45 minutes to the Westerly right of way line of the Kansas Turnpike; thence NELY along said Kansas Turnpike right of way to the East line of the $W\frac{1}{2}$ of said $NW\frac{1}{4}$; thence North along said East line to the SE corner of said Plant Kingdom Addition; thence Southwesterly to beginning, Sedgwick County, Kansas.

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

<u>TRACT DESCRIPTION</u>	<u>OWNER & ADDRESS</u>
GRILLOT ADDITION, Reserve A	✓ City of Wichita City Building Annex Wichita, Kansas 67202
Plant Kingdom Addition, Wichita, Kansas, A Replat of a portion of Lot 21, Lincoln Hills 3rd Addition and described as commencing at the SW corner of $NW\frac{1}{4}$ of Section 31, Twp. 27, Range 2 East; thence N along W line of said $\frac{1}{4}$ Section 424.6 feet for a place of beginning; thence with an angle to the right of $77^{\circ} 15'$, 1265.88 feet to the E line of the $W\frac{1}{2}$ of said $NW\frac{1}{4}$, thence North along said East line 491 feet to the centerline of Gypsum Creek; as platted in Golf Park Addition; thence Westerly following the meanderings of the center line of said Creek to a point	✓ Gene M. & Barbara J. Campbell 4701 Ida Avenue Wichita, Kansas 67216 ✓ Charles M. & Marilyn E. Campbell 2445 Greenwood Avenue Wichita, Kansas 67216 ✓ Luis A. & Vera J. Casado 14 English Avenue Wichita, Kansas 67207 ✓ Jesse L. & Ina L. Graham 1403 Harding Avenue Wichita, Kansas 67208

(cont'd)



TRACT DESCRIPTION

OWNER & ADDRESS

550 feet East of the West line of said NW $\frac{1}{4}$; thence North parallel with the West line of said NW $\frac{1}{4}$, 100 feet to a point 50 feet North of the SW corner of Lot 21, Lincoln Hills 3rd Addition; thence SWly 134.47 feet to the SW corner of said Lot 21; thence West parallel with and 1550 feet South of the North line of said NW $\frac{1}{4}$, thence South 674.48 feet to the place of beginning.

Lot 9, Block C, Replat of BUILDERS 8TH ADDITION to Wichita, Kansas, Sedgwick County, Kansas.

Charles V. & Carol J. Thom
1868 Windsor Court
Wichita, Kansas 67218

Lot 10, Block C, Replat of BUILDERS 8TH ADDITION to Wichita, Kansas, Sedgwick County, Kansas.

James D. & Betty F. Carson
1864 Windsor Court
Wichita, Kansas 67218

Lot 11, Block C, Replat of BUILDERS 8TH ADDITION to Wichita, Kansas, Sedgwick County, Kansas.

Samuel C. & Thelma Voshell
1860 Windsor Court
Wichita, Kansas 67218

Lot 12, Block C, Replat of BUILDERS 8TH ADDITION to Wichita, Kansas, Sedgwick County, Kansas.

Lewis M. & Jean Gail Smith
1856 Windsor Court
Wichita, Kansas 67218

Lot 13, Block C, Replat of BUILDERS 8TH ADDITION to Wichita, Kansas, Sedgwick County, Kansas.

Donald D. & Patty M. Waits
1852 Windsor Court
Wichita, Kansas 67218

Lot 14, Block C, Replat of BUILDERS 8TH ADDITION to Wichita, Kansas, Sedgwick County, Kansas.

Bradley A. & Sharon G. Maasjo
3232 South Clifton Avenue, Lot 28
Wichita, Kansas 67218

Lot 15, Block C, Replat of BUILDERS 8TH ADDITION to Wichita, Kansas, Sedgwick County, Kansas.

Jeffery E. & Ramona E. Farmer
1839 South Woodlawn Blvd.
Wichita, Kansas 67218

Block G, Replat of BUILDERS 8TH ADDITION to Wichita, Kansas, Sedgwick County, Kansas.

Builders Inc.
1000 Park Lane, Room 306
Wichita, Kansas 67218



TRACT DESCRIPTION

OWNER & ADDRESS

Tract of land in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, Township 27, Range 1 East of the 6th P.M., described as follows: Beginning at the NE corner of said SE $\frac{1}{4}$, of said Section 36, thence South along the East line of said SE $\frac{1}{4}$ of said Section 36, a distance of 326.92 feet more or less to the North right of way line of the Kansas Turnpike Authority; thence SW along said right of way 1646.42 feet more or less to a point 15 feet East of the West line of said NE $\frac{1}{4}$ of said SE $\frac{1}{4}$, of said Section 36; thence North parallel to the West line of said NE $\frac{1}{4}$, of the SE $\frac{1}{4}$ of said Section 36, to the North line of said NE $\frac{1}{4}$, of the SE $\frac{1}{4}$ of said Section 36, a distance of 1324.37 feet; thence East 1308.40 feet to the point of beginning, containing 24.80 acres more or less.

The Board of Park Commissioners
of the City of Wichita, Kansas
City Hall Annex
104 South Main, 5th Floor
Wichita, Kansas 67202



Southwest Quarter of Section 31, Township 27, Range 2 East of the 6th P.M., except that part condemned by the Kansas Turnpike Authority, and also except the tract in the Northwest corner which lies North and West of the Right of Way of the Kansas Turnpike Authority, Sedgwick County, Kansas.

Cessna Aircraft Company
5800 East Pawnee Road
Wichita, Kansas 67218

Dated at Wichita, Kansas, this 7th day of July, 1975, at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By *Orita Gray*
Asst. Sec.

Tracer No. 29056



*

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

Roll # 1

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