

PLAT NO. S/D 72-47 MAP NO. 5945

NAME ROCK PARK ADDITION

LOCATION At the southwest corner of Rock Road and
Skinner

ENGINEER Baughman Company

OWNER Levitt Jewelry Co., Inc.

APPLICATION FILED 5-8-72

SKETCH PLAT FILED none submitted

PRELIMINARY FILED 5-8-72

S/D ACTION 5-18-72 Forward to MAPC

MAPC 6-8-72 deny

FINAL FILED _____

S/D ACTION (Prelim) 7-6-72. approve; (final) 7-22-72

MAPC ACTION 7-27-72 Approved
(Appeal) + authorized the appeal of the applicant

BCC ACTION 6-27-72 only property

BCC 8-22-72 Approve 9-22-72

RECORDED _____

REMARKS _____

ACTION

S/D COMMITTEE (Chair) Forward to MAPC DATE 5-18-72

M.A.P.C. deny 6-8-72
(UPPER) approved the appeal of the applicant & changed the proposed use of said property 6-27-72

S/O (Chair) approved 2-6-72
S/O (final) approved 7-20-72
MAPC ~~approved~~ 7-27-72

B.C.C. 8-22-72 Approved

S/D 72-47 - ROCK PARK ADDITION - At the southwest corner of Rock Road and Skinner
Baughman Company

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

Subdivision Report and Progress

S/D No.: 72-47

Name: ROCK PARK ADDITION

General Location: At the southwest corner of Rock road and Skinner

Owner: Levitt Jewelry Co., Inc. Attn: Wm. Levitt
Address: P. O. Box 18185 S. E. Station 67218 Phone: MU6-6693
Subdivider: _____
Address: _____
Engineer/Surveyor: Baughman Company Phone: _____
Address: 330 Laura 67211 Phone: 262-7271

Application Received 5-8-72
Conf. with Applicant 5-72
Sketch Plat Received none submitted
Present Zoning "AA"
Proposed Zoning "AA"
Letter of Intent none

PREL. PLAT RECEIVED 5-8-72
S/D Comm. Action 5-18-72 - Forward
to MAPP

Dept. Report on Prel. 5-22-72
MAPP: 6-8-72
S/D: 7-72
TRACING PROGRESS: Done
Received 8-16-72
Released 9-6-72
Received _____
Released _____

FINAL PLAT RECEIVED 7-10-72
S/D Comm. Action 7-20-72

Approve
Dept. Report on Final 7-21-72
M.A.P.C. ACTION 7-27-72 Approved
Dept. Report on Final 7-28-72
Letter on Irons Received N.A.
Title/Taxes Rec'd & Reviewed 8-16-72
Final Review 8-17-72
Referral to B.C.C. 6-27-72 Appeal

B.C.C. ACTION APPROVED THE APPEAL OF THE APPLICANT & AUTHORIZED THE PROPOSED USE OF SUBJECT PROPERTY.
BCC
Recorded 9-22-72 Approved

Comments:

8-24-72 - Called Bill Harbor to release tracing for recording.

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

ROCK PARK ADDITION was

filed for record on Sept. 22, 1972

S-2 6-22

81

vh

John Hale
Register Of Deeds

T9-328

January 29, 1973

Ralph C. Eberly, City Clerk
Jack H. Galbraith, Chief Planner

S/D 72-47 - ROCK PARK ADDITION - Irrevocable Letter
of Credit guarantee for water main extension.

The above referred to plat was approved by the Metropolitan Area Planning Commission on July 27, 1972, and by the Board of City Commissioners on August 22, 1972. One of the conditions of the approval was that the applicant guarantee the extension of a water main to serve subject property. An irrevocable letter of credit was submitted from the Union National Bank, in the amount of \$5,000.00, in favor of the City of Wichita, guaranteeing that the water main extension would be completed on or before July 27, 1974.

Our office has now been advised that the water main extension has been completed and that the letter of credit may now be released.

Your office is holding said letter of credit in the amount of \$5,000.00 and said letter of credit may now be released at the request of the applicant, Levitt Jewelry Co., Inc.

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

JHG:rme

cc: William Levitt, Levitt Jewelry Co., Inc.
P. O. Box 18185, 67218

Union National Bank, 104 South Broadway, 67202

THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE January 23, 1973



TO Jack H. Galbraith, Chief Planner
FROM Bill H. Otten, Design & Planning Supt.
SUBJECT -- ROCK PARK ADDITION

The water main extension to the Rock Park Addition has been completed; therefore, our requirements for water service to this area have been fulfilled. The Letter of Credit may now be released.

Bill H. Otten
Bill H. Otten
Design & Planning Supt.

BHO/js

cc: John D. Wynkoop, Operations Chief Engineer



E A S E M E N T

KNOW ALL MEN BY THESE PRESENTS:

That for a good and valuable consideration the receipt of which is hereby acknowledged, Levitt Jewelry Co., Inc., a Kansas corporation, does hereby grant a permanent Avigational Easement to the public authority authorized by law to own and operate public-owned airports in Sedgwick County, Kansas, and to Cessna Aircraft Company, for the use of "Navigable Airspace" as defined by the Federal Aviation Act of 1958, over all of the following described real estate, to-wit:

Rock Park Addition, Sedgwick County,
Kansas.

This easement does not grant or convey any surface rights nor is it to be construed to grant any right to private persons or corporations, except Cessna Aircraft Company.

"Navigable Airspace" means air space above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101 (24) 49 U. S. Code 1301 and shall include air space needed to insure safety in take-off and landing of aircraft.

To have and to hold said easement forever.

IN WITNESS WHEREOF, Levitt Jewelry Co., Inc. by authority of its Board of Directors, has caused this instrument to be executed by its President, and its corporate seal to be affixed, this 22nd day of August, 1972.

LEVITT JEWELRY CO., INC.

By Wm. Levitt
Wm. Levitt, President

ATTEST:

Edith J. Flynn
Secretary

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this 22nd day of August, 1972, personally appeared Wm. Levitt, President of Levitt Jewelry Co., Inc., a Kansas corporation, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and said person duly acknowledged the execution of the same, to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Margaret E. Simmons
Notary Public

My commission expires:

9-15-72

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	72-47	Name	ROCK PARK ADDITION	
Application Filed:	5-8-72	Sketch Filed:	None	
Preliminary Plat Filed:	5-8-72	Approved by S/D:	7-6-72	
Final plat Filed:	7-10-72	Approved by S/D:	7-20-72	
Approved by Metropolitan Area Planning Commission:			7-27-72	

DESCRIPTION

General Location: Southwest corner of
Rock Road and Skinner

Surveyor or Engineer: Baughman Company
Owner: Levitt Jewelry Co., Inc.
Address: P. O. Box 18185, S.E. Station 67218

- | | | |
|--------------------------|----------------|--------------------------------|
| 1. Gross Acreage of Plat | 20 | 5. Lineal Feet of New Streets: |
| 2. Number of Lots: | 1 | a. _____ R/W _____ ft. |
| Residential _____ | | b. _____ R/W _____ ft. |
| Commercial _____ | | c. _____ R/W _____ ft. |
| Industrial _____ | | d. _____ R/W _____ ft. |
| Other _____ | | e. _____ R/W _____ ft. |
| Total Number of Lots: | 1 | TOTAL _____ None _____ ft. |
| 3. Minimum Lot Frontage: | 690.6 ft. | 6. Existing Zoning: "AA" |
| 4. Minimum Lot Area | 871,164 sq.ft. | |

Valid petitions have been submitted guaranteeing the construction of a sidewalk on Rock Road and installation of sanitary sewer to serve subject property. A certificate has also been submitted certifying the petitions. An irrevocable letter of credit has been submitted guaranteeing extension of City water to serve subject property.

Planning Commission Recommendation:

That this plat be approved, subject to:

A. The applicant shall prepare and submit an avigational easement covering the property being platted.

B. The applicant shall prepare and submit restrictive covenants assuring adequate construction standards that will minimize noise pollution within all proposed structures.

C. Recording of the plat within 30 days after approval by the Board of City Commissioners.

NOTE: In addition, in considering the City Commission policy that sidewalks be installed at the time development occurs, it was the action of the Planning Commission to recommend to the City commission that the sidewalk on rock Road not be required to be installed when the building permit is issued.

(KAMEN moved, BLAKEY seconded and it carried unanimously.)

ACTION: Receive and file the irrevocable letter of credit and approve the petition, instruct the Director of Law to prepare the necessary resolution, instruct the City Clerk to file the certificate, covenants and easement with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE August 16, 1972



TO Jack Galbraith, Chief Planner
FROM Bill H. Otten, Design & Planning Superintendent
SUBJECT -- ROCK PARK ADDITION

The platfors of Rock Park Addition have submitted a letter of credit, which is attached, for the extension of a water main to serve this plat. Therefore, all of our requirements for water service to this area have been fulfilled.

Bill H. Otten

Bill H. Otten
Design & Planning Superintendent

BHO/js

Attachment



IRREVOCABLE LETTER OF CREDIT

UNION NATIONAL BANK OF WICHITA, KANSAS
(Name of bank)

Date: August 16, 1972

THE CITY OF WICHITA
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 5,000.00 for the account of City of Wichita

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before July 27, 1974
(Insert date two years from MAPC approval of plat)

1. Funston from east of Longfellow to Rock Road and south in Rock Road to the Rock Park Addition.
- 2.
- 3.

in Rock Park Addition, Sedwick Co., Kansas, a subdivision of the City of Wichita, Kansas.

Acting through the City Engineer, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under _____

Union National Bank, Credit No. 122, dated 8/16/72.
(Name of bank)

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before October 27, 1974.

Very truly yours,

Union National Bank, Wichita, Kansas
(Name of bank)

By: E. G. Garske President
(Authorized signature)
W. C. Garske Vice President

(CORPORATE SEAL)

CERTIFICATE

City of Wichita)
Sedgwick County) ss
State of Kansas)

I, LEVITT JEWELRY CO., INC., owner and plat-
tor of Rock Park Addition, do hereby
certify that petitions for the following improvements have been
submitted to the Board of Commissioners of the City of Wichita,
Kansas:

1. Sidewalk on west side of Rock Road
2. Sanitary sewer
- 3.
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for im-
provements, lots within Rock Park Addition
may be subject to special assessments assessed thereto for the
cost of constructing the above-described improvements.

Signed this 16th day of August, 19 72

Levitt Jewelry Co. Inc
By Edythe S. Flynn
Secy Treas

City of Wichita)
Sedgwick County) ss
State of Kansas)

Be it remembered that on this 16th day of August,
19 72, before me, a notary public in and for said County and State,
came Edythe S. Flynn, Secy. Treas., to me personally
known to be the same person who executed the fore-going instrument
of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and
affixed my notarial seal the day and year above written.

Bernice E. Walker
Notary Public

My Commission Expires:
August 20, 1974

RESTRICTIVE COVENANT

Restrictive Covenant affecting Rock Park
Addition

THIS DECLARATION, made this 16th day of August,
1972, by Levitt Jewelry Co., Inc., hereinafter called the
Grantor.

W I T N E S S E T H:

WHEREAS, Grantor is the owner of all of the Rock
Park Addition to the City of Wichita, Sedgwick County,
Kansas, which property is located near McConnell Air Force
Base and Cessna Aircraft Company's delivery center and is
accordingly subject to considerable noise from the operation
of aircraft, and

WHEREAS, the City of Wichita in connection with
approval of the plat of said addition considers it to be in
the public interest to require any buildings constructed on
said addition to be designed and constructed giving proper
consideration to noise pollution in the area;

NOW, THEREFORE, Levitt Jewelry Co., Inc. hereby
declares that Rock Park Addition to the City of Wichita,
Sedgwick County, Kansas, shall be and the same is subjected
to the following restrictive covenant, to-wit:

Any building constructed on the premises
shall be so designed and constructed as to
minimize noise pollution in any such structure,
giving due consideration to the use for which
such structure is designed and built. This
covenant is for the benefit of said property
and shall run with the land and shall inure to
the benefit of and pass with said property and
shall apply to and bind the successors in interest
and any owner thereof.

EXECUTED the day and year first above written.

ATTEST:

LEVITT JEWELRY CO., INC.

Elyse D. Lynn
Secretary

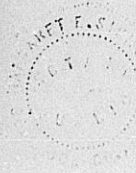
By *Wm. Levitt*
President

STATE OF KANSAS)
SEDGWICK COUNTY) ss.

BE IT REMEMBERED, That on this 16th day of August, 1972, before me, a Notary Public in and for said County and State, personally appeared Wm. Levitt, President of Levitt Jewelry Co., Inc., a corporation, to me personally known to be the person who executed the foregoing instrument as President of said corporation, and such person duly acknowledged the execution of the same as President, for and on behalf of, and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Margaret E. Simmons
Notary Public



My commission expires:
9-15-74

ADDITION

Rock Park Addition

LINE	bearing	DIST.	COSINE	SINE	LATITUDE		DEPARTURE	
					N	S	E	W
					690.4			
West	N 00°	690.4	—	—				
	N 89°35'35"E	1260.36	.00712670	.99997460	8.28		1260.33	
	S 00°5'30"E	690.4	.99993872	.00150000		690.60	1.10	
	S 89°35'35"W	1261.40	.00712670	.99997460		8.22		1261.43
					699.58	699.58	1261.43	1261.43



LAW OFFICES OF
GEORGE W. BALL
635 SUTTON PLACE
WICHITA, KANSAS 67202
Telephone 265-0795
Area Code 316

August 15, 1972

Wichita-Sedgwick County Metropolitan Area Planning Commission
City Building Annex
104 South Main
Wichita, Kansas 67202

Gentlemen: Re: S/D 72-47 - Final Plat of ROCK PARK ADDITION

This is to certify that I have examined the title
to the following described real estate, to-wit:

Rock Park Addition, Sedgwick County,
Kansas,

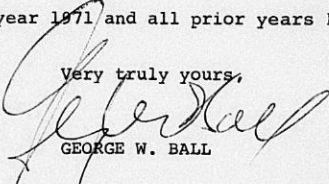
and it is my opinion that title to the above described real
estate is vested in

LEVITT JEWELRY CO., INC.

free and clear of all encumbrances, subject only to power line
easement to the Kansas Gas and Electric Company along the south
and west boundary thereof.

Taxes for the year 1971 and all prior years have been
paid.

Very truly yours,


GEORGE W. BALL

GWB:ms



August 1, 1972

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

Dear Colonel Hendricks:

As a follow-up to your response to my letter of May 12, 1972, advising you of a request of a proposed church to be developed in the section of land directly north of McConnell and to the northeast of the Cessna Development Center, this is to advise you of the outcome of that request. The Metropolitan Area Planning Commission in considering that proposal felt the use was not appropriate for the area and their action was to deny the request. On an appeal, the City Commission approved the use for subject property and therefore the applicant is proceeding to complete the associated plat.

This is provided for your information inasmuch as you were interested in this request. We appreciate your taking the time to respond to the inquiry.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rmc

August 1, 1972

Mr. R. P. Bauer
Senior Vice President
Cessna Aircraft Company
5800 East Pawnee
Wichita, Kansas 67218

Dear Mr. Bauer:

As a follow-up to your response to my letter of May 12, 1972, to Mr. Roskam advising him of a request for a proposed church to be developed to the northeast of the Cessna Delivery Center, this is to advise you of the outcome of that request. The Metropolitan Area Planning Commission in considering that proposal felt the use was not appropriate for the area and their action was to deny the request. On an appeal, the City Commission approved the use for subject property and therefore the applicant is proceeding to complete the associated plat.

This is provided for your information inasmuch as you were interested in this request. We appreciate your taking the time to respond to the inquiry.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rme

August 1, 1972

Mr. William C. Knoepfle
Chief, Airports Division
Central Region
601 East 12th Street
Kansas City, Missouri 64106

Dear Mr. Knoepfle:

As a follow-up to your response to my letter of May 12, 1972, to Mr. Taylor advising him of a request of a proposed church to be developed in the section of land directly north of McConnell Air Force Base and to the northeast of the Cessna Development Center, this is to advise you of the outcome of that request. The Metropolitan Area Planning Commission in considering that proposal felt the use was not appropriate for the area and their action was to deny the request. On an appeal, the City Commission approved the use for subject property and therefore the applicant is proceeding to complete the associated plat.

This is provided for your information inasmuch as you were interested in this request. We appreciate your taking the time to respond to the inquiry.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rme

July 28, 1972

Baughman Company
330 Laura
Wichita, Kansas 67211

Re: S/D 72-47 - Final Plat of
ROCK PARK ADDITION

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on July 27, 1972, the above-captioned plat was considered. It was the action of the Planning Commission to recommend approval of the plat, subject to the conditions as recommended by the Subdivision Committee and as shown in our letter of July 21, 1972.

In addition, in considering the City Commission policy that sidewalks be installed at the time development occurs, it was the action of the Planning Commission to recommend to the City Commission that the sidewalk not be required to be installed when the building permit is issued.

In addition to complying with the conditions recommended by the Subdivision Committee, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for consideration:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- OK 3. Certification by an attorney that fee title is vested in the platlor.
- OK 4. Certification that all taxes due and payable for 1971 and prior years have been paid.

*
make note
on reference
sheet

Page 2 - Baughman Company
July 28, 1972

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: William Levitt
Levitt Jewelry Co., Inc.
P. O. Box 18185 67218

July 21, 1972

Baughman Company
330 Laura
Wichita, Kansas 67211

Subject: S/D 72-47 - Final Plat
of ROCK PARK ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, July 20, 1972, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

A. The location of the floodway shall be adequately indicated in relation to the established lot lines by use of dimensions. The applicant's surveyor shall contact M. S. Mitchell of the Maintenance-Flood Control Office concerning this matter. *→ check w/ Barber on Mon. 8-21-72*

OK B. Due to subject property's location in proximity to aircraft activity and flight patterns in the area, the applicant shall submit an avigational easement covering the property being platted. The Planning Department should be contacted regarding the preparation of the proper easement for approval by the Department of Law.

OK C. The applicant shall prepare restrictive covenants assuring adequate construction standards that will minimize noise pollution within all proposed structures.

OK D. The applicant shall contact the Water Department and make satisfactory arrangements and guarantee for the extension of City water to serve subject property.

OK E. The applicant shall install or guarantee the extension of sanitary sewer to serve subject property.

*→ letter of credit in the amt. of \$5,000.
→ petition delivered to Eng. Div. 8-16-72
returned on 8-17-72*

Page 2 - Final Plat of ROCK PARK ADDITION
July 21, 1972

- OK* The applicant shall install or guarantee the construction of a sidewalk on the west side of Rock Road; the total estimated guarantee construction cost to be in the amount of \$2,070.
→ petition delivered to Eng. Div. 8-16-72
- G.* Recording of the plat within 30 days after approval by the City Commission. *→ returned 8/17/72*

The applicant shall be advised that sidewalk construction will be required prior to final building inspection for lots where the sidewalk has been previously required as a condition of platting.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.

The enclosed "marked" copy of the final plat is for your information and files.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, July 27, 1972, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Very truly yours,

John D. Gist
Principal Planner

JDG:rme

Enclosure

cc: Levitt Jewelry Co., Inc., Attn: William Levitt
P. O. Box 18185, 67218

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 72-47 Name ROCK PARK ADDITION
Date Application Rec'd. 5-8-72 Preliminary Approval 7-6-72
Scheduled S/D Meeting 7-20-72

DESCRIPTION

General Location At the southwest corner of Rock Road and Skinner

Owner Levitt Jewelry Co., Inc.
Surveyor/Engineer Baughman Company
Address 330 Laura Phone 262-7271

1. Gross Acreage of Plat 20
2. Number of Lots:
 - Residential 1
 - Commercial _____
 - Industrial _____
 - Other _____
3. Total Number of Lots 1
4. Minimum Lot Frontage 690.6 ft.
5. Minimum Lot Area 871,164 sq. ft.
6. Existing Zoning AA
6. Proposed Zoning AA
7. Lineal Feet of New Streets:
 - a. _____ R/W _____ ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL none ft.
8. Sidewalk adjacent to all streets? yes X no
9. Public Water Supply Yes (Yes-No), Name _____
10. Public Sanitary Sewers Yes (Yes-No), Name _____
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita X : Three-Mile Area _____ (Yes-No)

STAFF COMMENTS:

- A. The location of the Floodway shall be adequately indicated in relation to the established lot lines by use of dimensions.
- B. Inasmuch as subject property has the flight pattern problem, the applicant shall submit an avigational easement on the entire area. The Planning Department should be contacted regarding the preparation of the proper easement for approval by the Department of Law.
- C. The applicant shall prepare restrictive covenants assuring adequate construction standards that will minimize noise pollution within all proposed structures.
- D. The applicant shall contact the Water Department and make satisfactory arrangements and guarantee for the extension of City water to serve subject property.
- E. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- F. Recording within 30 days after approval by the Board of City Commissioners.

July 7, 1972

Baughman Company
330 Laura
Wichita, Kansas 67211

Subject: S/D 72-47 - Preliminary
Plat of ROCK PARK ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, July 6, 1972, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- OK The 10 foot utility easement indicated adjacent to the north line of the plat shall be extended east to the east line of subject property.
- OK "Access control except for two openings" shall be indicated adjacent to Rock Road.
- C. Inasmuch as subject property has the flight pattern problem, the applicant shall submit an avigational easement on the entire area. The Planning Department should be contacted regarding the preparation of the proper easement for approval by the Department of Law.
- D. The applicant shall prepare restrictive covenants assuring adequate construction standards that will minimize noise pollution within all proposed structures.
- E. The applicant shall contact the Water Department and make satisfactory arrangements and guarantee for the extension of City water to serve subject property.
- OK The applicants surveyor shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to the indication of a floodway on the plat.

Page 2 - Preliminary Plat of ROCK PARK ADDITION
July 7, 1972

- G. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- H. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Enclosed herewith is the "marked" copy of the preliminary plat for your information and files.

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

Enclosure

cc: Levitt Jewelry Co., Inc., Attn: William Levitt
P. O. Box 18185, 67218

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 72-47 Name ROCK PARK ADDITION
Date Application Rec'd. 5-8-72 Preliminary Approval _____
Scheduled S/D Meeting 7-6-72

DESCRIPTION

General Location At the southwest corner of Rock Road and Skinner

Owner Levitt Jewelry Co., Inc.
Surveyor/Engineer Baughman Company
Address 330 Laura Phone 262-7271

- | | |
|--|---|
| 1. Gross Acreage of Plat <u>20</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u> </u> R/W <u> </u> ft. |
| Residential <u>1</u> | b. <u> </u> R/W <u> </u> ft. |
| Commercial <u> </u> | c. <u> </u> R/W <u> </u> ft. |
| Industrial <u> </u> | d. <u> </u> R/W <u> </u> ft. |
| Other <u> </u> | e. <u> </u> R/W <u> </u> ft. |
| Total Number of Lots <u>1</u> | TOTAL <u> </u> none <u> </u> ft. |
| 3. Minimum Lot Frontage <u>690.6</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>871,164</u> sq. ft. | streets? <u> </u> yes <u> </u> no |
| 5. Existing Zoning <u>AA</u> | |
| 6. Proposed Zoning <u>AA</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name _____ | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name _____ | |
| 11. Health Department Approval (where applicable) _____ (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. The Subdivision Committee considered subject preliminary plat at its meeting of May 18, 1972. Inasmuch as the industrial land use plan designated the area for industrial uses and since the proposed use was for a church, the Subdivision Committee forwarded the plat to the Planning Commission for a determination as to the appropriate land use. Also because of the property's close proximity to flight patterns of Cessna and McConnell, the noise factor was also involved. The action of the Planning Commission was to deny the land use, however, upon appeal to the City Commission, the use was approved.
- B. Inasmuch as subject property has the flight pattern problem, the applicant shall submit an avigational easement on the entire area. The Planning Department should be contacted regarding the preparation of the proper easement for approval by the Department of Law.
- C. The applicant shall prepare restrictive covenants assuring adequate construction standards that will minimize noise pollution within all proposed structures.
- D. Since subject property is adjacent to a major street, access control to Rock Road will be discussed at the meeting.
- E. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- F. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

June 29, 1972

Mr. George W. Ball, Attorney
635 Sutton Place
Wichita, Kansas 67202

Subject: S/D 72-47 - Preliminary Plat of Rock Park Addition

Dear Mr. Ball:

As you are aware, the City Commission, at its regular meeting of June 27, 1972, considered the above captioned preliminary plat and the intended use of a proposed church. The action of the City Commission was to approve the appeal of the applicant and authorized a proposed use of subject property. Based on this determination that the proposed use is appropriate for this area, this is to advise you that we have rescheduled consideration of the preliminary plat for the Subdivision Committee meeting of July 6, 1972, at 2:00 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. Inasmuch as the technical requirements were not previously discussed by the Subdivision Committee, this is the purpose for rescheduling the preliminary plat before that body.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Chief Planner

JHG:gw

cc: Levitt Jewelry Co., Inc., P. O. Box 18185 67218
Rev. Dean H. Rutherford, Woodlawn Christian Church,
633 South Woodlawn 67218
Baughman Company, 330 Laura 67211

June 22, 1972

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

S/D 72-47 - Preliminary Plat of Rock Park Addition, generally located on the west side of Rock Road in an area south of Harry (Agenda item for June 27, 1972)

The above-captioned preliminary plat was considered by the Sub-division Committee on May 18, 1972. Since the important issues and questions raised at the meeting dealt primarily with land use and the applicant's intended development, it was the action of the Committee to forward the matter on to the Planning Commission for its consideration.

On June 8, 1972, it was pointed out to the Planning Commission that the plat lies in an area designated for future industrial development, that an industrial land use pattern had already been established in the general area, and that the applicant's intended use as a church was not compatible for the area because of the property's proximity to flight patterns of Cessna and McConnell Air Force Base. Based on the residential and institutional uses permitted in the existing "AA" One Family zoning district, it was the action of the Planning Commission to deny the preliminary plat.

George W. Ball, attorney, on behalf of the applicant, Levitt Jewelry Company, Inc., has notified us of their desire to appeal the action of the Planning Commission to the Board of City Commissioners. Therefore, the applicants have been advised that this matter will be forwarded for scheduling before the City Commission at their regular meeting on June 27, 1972. Attached for the benefit of the Commissioners are copies of the minutes of the Planning Commission covering their discussion and consideration of this matter, and copies of letters received from FAA, Cessna, and McConnell Air Force Base.

JHG:JDC:ber

Attachments

EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 8, 1972:

11. S/D 72-47 - Preliminary Plat of ROCK PARK ADDITION, generally located at the southwest corner of Rock Road and Skinner.

LAKIN reviewed the following staff report which had been submitted to the Planning Commissioners prior to the meeting, and the area of concern was pointed out on the map.

The above-captioned preliminary plat has been submitted and includes a gross acreage of 20 acres, located within the corporate limits of the City of Wichita, and the property is presently zoned the "AA" One-family Dwelling District. The plat lies in an area south of Levitt Industrial Park Addition which was approved for "E" Light Industrial zoning in 1966, and is itself in an area designated for future industrial development.

The applicant has advised that it is intended to sell the 20 acres for development of a church, and that it is also possible that related activities such as a children's day care center and a home for the elderly might be developed in the future. Inasmuch as the Planning Commission has supported this area for industrial development, and because of the property's proximity to flight patterns and aircraft approach zones of Cessna and McConnell Air Force Base, the staff is of the opinion that prior to the land being platted, a determination should first be made as to whether or not the proposed institutional uses are desirable in this area.

The preliminary plat was considered by the Subdivision Committee at their regular meeting on May 18. Since the important issues and questions raised dealt primarily with land use and the applicant's intended development, it was the action of the Committee to forward the matter on to the Planning Commission for your consideration.

This item is scheduled for your regular meeting on Thursday, June 8, 1972. Attached for your information are copies of letters received from FAA, Cessna and McConnell in answer to our inquiry for comments from their agencies.

LAKIN commented that he had talked at length with the minister of the church proposing to relocate and other people involved in the application, and that they have pointed out that there are other residential activities and institutional uses and apartments in the flight cone directly north of Harry; however, LAKIN did not think this should be permitted to happen again.

LAKIN pointed out that since this involves a policy matter, it has been referred to the full Commission for a determination. He said that an industrial land use pattern is being established in this section and he pointed out various industrial plants and operations already in the area. He said that in the area to the east, a residential subdivision has been approved and to the north and east, a quarter

section was approved for a mobile home park.

LAKIN referred to the letters from Cessna Aircraft Company, McConnell Air Force Base, and the FAA Office in Kansas City, all of which felt the proposed use would be incompatible in the area. LAKIN reported also that FAA will no longer provide loans in the second ring for housing because of the potential adverse affect because of noise levels. He said that an A-95 for apartments about 1/2 mile east on Harry, approved by the Planning Commission, was turned down by FAA because of the noise factor.

RISING commented that in this community particularly, the City should be an example of how to plan and use property correctly around airports, and he shared the concern of the agencies who had expressed their concern in regard to what is proposed.

GEORGE BALL, attorney representing Levitt Jewelry, owner of the property, commented that noise on the east side of Wichita is not new, that it has existed for a long time. He said subject property is proposed for the relocation of the church located on the west side of Woodlawn two blocks south of Kellogg, which is a little closer to the center of the noise path than the area under discussion. He said they are thoroughly familiar with what the noise is, the church has been at the present location 16 1/2 years and the majority of the congregation live in the area of the noise, they recognize and realize the flight pattern, and they still think this is the best site they have found for a church. He pointed out that it is not a question of their not knowing the situation.

BALL questioned what can subject property be used for and pointed out that what is proposed is a low density use - the congregation meets twice on Sunday and maybe once during the week at night and the rest of the time there is nobody there but a few members of the professional staff. He could not conceive of any industrial plant that could be built where there wouldn't be more people subjected to the noise. He pointed out that this is not a request for zoning - it is zoned "AA" and they do not need a change of zoning, and are willing to accept the activities related to airport usage in the area.

BALL said what they want is to establish a policy of whether or not they will be permitted to use the property for a church. So far as the possibility of a day care center or home for the elderly, such is not contemplated and the only use would be for the church proper and perhaps a ball diamond.

BALL reviewed present usage of surrounding areas and uses within the approach zone and referred to the second ring of noise contours where there are a number of churches, single-family homes and duplexes. It was his opinion that the noise path covers almost all of the southeast section of Wichita and he felt that the church use is more compatible for subject land than any other use

as there would be less exposure of less people than in an industrial development, and also the people involved are experienced with any noise related to planes and are not worried about such being a nuisance so far as their use of the property for a church. This would not be subjecting them to hazards or noises that they have not already been living with as a church for 16 years and they feel the situation would be improved because they will build with the noise in mind, which was not the case of the present structure.

JACKSON noted the church plans provide for a seating capacity of around 2,000 and asked if the density of so many people at one time had been considered as related to plane crashes. BALL maintained that apparently the experts (FAA, Cessna and McConnell AFB) do not agree, and BALL said Cessna's position was not based on accident possibilities.

REV. DEAN RUTHERFORD, Minister of Woodlawn Christian Church for 14 years, said they have allocated \$5,000 just in the research of finding a new location and the particular type of building desired. They have flown to various cities to find exactly what they want and talked with other church groups and plans for relocation have been going on for over two years. He said the church has grown in membership and they need to relocate to a larger site and building and feel that subject site is the property they want. He said they have looked at every piece of land available east of Oliver because they prefer to stay in the same general area because the majority of the congregation resides east of Oliver. RUTHERFORD said they do not feel that air traffic will be a problem, and that they are aware of the situation, the location is desirable and they do not feel that air traffic is so close that it should jeopardize their opportunity to erect a church. He pointed out again their limited site and the fact that noise at the present location is negligible.

In further discussion, REV. RUTHERFORD indicated he would consider noise a problem in the inner circle and farther north, but that there would be no traffic over the proposed area. He stated that he would be the last one who would want to compete with plane noise and said they will spend over a million dollars at the new site and that they are not ill-prepared or unaware of facts and do not expect to build something that would be a problem, but this site has been chosen after a very careful study.

When questioned, REV. RUTHERFORD said they have seen the letters from Cessna, McConnell Air Force Base and FAA.

RISING said the Commission is really trying to do the right job for the greatest number of people and particularly for the future of Wichita and once a policy is established unless it is believed in and followed, it is no longer effective. He pointed out that history shows that in other places certain uses close to an air pollutant problem such as an airport, has forced the modification of airports or complete relocation, or forced the airport facility to

purchase surrounding property. He said that many times those who locate near an airport facility are aware of the situation at the time, but as time passes they change their minds and register complaints.

REV. RUTHERFORD felt the church of the type proposed would be a great improvement and add to the wholesomeness of the community at large. RISING agreed that the structure proposed appears to be quite desirable.

The question was asked by one of the Commissioners as to the possibility of a day care center. REV. RUTHERFORD indicated such is a possibility in time, but the trend is away from day care centers because of the cost involved, and there definitely is not a plan for a home for the elderly.

JACKSON said the problem is that this area has been designated as low density usage because of the noise pollutant factor, and he asked if consideration had been given to acquiring more property at the present location for expansion purposes. REV. RUTHERFORD said they have expanded at the present location several times, but that it is not feasible to expand further there.

TAYLOR asked if it was known in the consideration of the purchase of subject site that it is zoned "AA" but shown in the Industrial Land Use Plan as being set aside for industrial development. REV. RUTHERFORD said they really did not consider the zoning problem because it is a permitted use under the present zoning. He referred again to the extensive study made by a 20-member committee from the church in seeking a site and that it has been approved by the elders and deacons and congregation of the church, with but few exceptions.

When asked how soon construction was planned for, REV. RUTHERFORD said their present building is being considered by three prospective buyers and that construction would start when the present site is sold. At the suggestion of expanding at the present site, REV. RUTHERFORD said three years ago they spent \$100,000 in expansion there thinking it would last for 20 years.

LAKIN suggested that if the Commission does approve the use of the property for a church, that an avigational easement be required as in similar usage related to the Municipal Airport. REV. RUTHERFORD said they would be agreeable to such.

KAMEN said he understood the congregation and its plans and thoughts and the fact that their plans are well thought out and formulated, but it was still his feeling that the overall policy for the protection of the community in general was desirable.

MOTION: KAMEN moved and BURNETT seconded that based on the industrial land use plan, and the residential and institutional uses permitted in the existing district, that the Planning Commission deny the preliminary plat of Rock Park Addition.

JACKSON commented that the problem is that this area has been designated as proposed for industrial development with the idea of a low density situation around airports. he pointed out that, depending on whether or not the motion carries, the Planning Commission should consider establishing a policy so that it would not have to back up when someone else comes in with the same situation.

HENNESSY commented that subject property has been vacant for a long time, the congregation is aware of the noise factor and is willing to accept the situation and yet by the above motion, the Commission would deny the church the right to be established on the property.

VOTE ON ABOVE MOTION: Motion carried by a vote of 4 in favor (Taylor, Kamen, Rising and Burnett) and 2 opposed (Jackson and Hennessy).

It was pointed out that the applicant has the right of appeal from the above decision to the City Commission, and Mr. Ball said this was his first experience of this nature and he would check into the matter of appeal.

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CENTRAL REGION
601 EAST 12TH STREET
KANSAS CITY, MISSOURI 64106

23 MAY 1972



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

Dear Mr. Galbraith:

In response to your letter of 12 May 1972 concerning possible church and institutional development with the 100-115 CNR contours of McConnell Air Force Base, we strongly support your contention that such location should not be used for this type development.


The only types of development which we would recommend in the 100-115 CNR contours would be commercial, industrial and non-spectator outdoor recreational uses. It is possible that, with proper sound-proofing and construction techniques, such uses as apartment complexes, hotels, motels, and offices could be included in this zone.

It should be understood that noise sensitivity zones should be used only as guides to compatible land-use planning, and not as rigid geographic boundaries. Intelligent and careful interpretation is called for, taking into account possible influences of local terrain and inexactitudes in locating flight paths or in estimating future aircraft traffic trends.

We hope that this will assist you in your decision, and that you will consider all aspects of the situation before changing from a generally acceptable land-use plan to a generally unacceptable plan.

If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,


WILLIAM C. KNOEPFLE
Chief, Airports Division



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



16 May 1972

Mr. Jack H. Galbraith
WSC Metropolitan Area Planning Department
City Building Annex, 104 South Main Street
Wichita, Kansas 67202

Dear Mr. Galbraith

I would like to offer a few comments in reply to your letter of 12 May 1972.

In my opinion, and in the opinion of our engineers, the site marked in red on your aerial photograph would be a very poor location for a church, day care center and home for the elderly. Even industrial users should be aware of the noise level before building on this site.

At this site, residents or occupants will be subjected to reduced noise from low flying aircraft in our landing pattern in addition to the much greater noise levels produced by F-105 and KC-135 aircraft at takeoff power. In my opinion, the departure of heavily loaded KC-135 aircraft will create the greatest problem because of their low altitude when passing this site. Although flights are less frequent at night, prospective users should be aware that flights are possible at any hour of the day or night.

I trust that these comments will be useful in your consideration of the proposal to build on this site.

Sincerely

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



 **Cessna** AIRCRAFT COMPANY

CABLE ADDRESS
CESSCO-WICHITA

Wichita, Kansas 67201

May 16, 1972

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

Dear Mr. Galbraith:

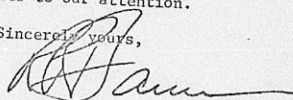
Your letter regarding the use of 20 acres of land north, north-east of McConnell Air Force Base and our Cessna Air Field activity is of interest to us.

We assume you have considered all U.S. Government regulations for land use adjacent to airports, including the latest flight patterns and other considerations. We suggest that the land location and suggested use are not compatible.

We would further suggest that commercial or light industrial use would be much more preferable than institutional or residential use.

Thank you for having brought this matter to our attention.

Sincerely yours,



R. P. Bauer
Senior Vice President

RPB/ab

cc: Mr. Del Roskam



June 13, 1972

Mr. George W. Ball, Attorney
635 Sutton Place
Wichita, Kansas 67202

Re: S/D 72-47 - Preliminary Plat
of Rock Park Addition

Dear Mr. Ball:

We are in receipt of your letter of June 12, 1972 requesting that the above captioned case be forwarded to the Board of City Commissioners for their consideration.

This is to advise you that we will schedule this plat on their agenda for June 27, 1972, at 9:00 a.m. in Room 204 City Building, 204 South Main. If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls

cc Levitt Jewelry Co., Inc., P. O. Box 18185 67218
Rev. Dean H. Rutherford, Woodlawn Christian Church,
633 South Woodlawn 67218

LAW OFFICES OF
GEORGE W. BALL
635 SUTTON PLACE
WICHITA, KANSAS 67202
Telephone 265-0795
Area Code 316

June 12, 1972

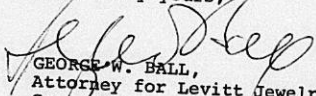
Wichita-Sedgwick County Metropolitan
Area Planning Commission
104 South Main Street
Wichita, Kansas 67202

Re: S/D 72-47 - Preliminary
Plat of ROCK PARK ADDITION

Gentlemen:

Levitt Jewelry Co., Inc. hereby notifies you of its desire to appeal the action of the Planning Commission denying the preliminary plat of Rock Park Addition. Accordingly, please forward the matter for consideration by the Board of City Commissioners in accordance with the appeals procedure applicable thereto.

Very truly yours,


GEORGE W. BALL,
Attorney for Levitt Jewelry
Co., Inc.

GWB:ms

cc - Levitt Jewelry Co., Inc.
The Reverend Dean H. Rutherford
Baughman Company



June 9, 1972

Mr. George Ball, Attorney
Sutton Place Building
Wichita, Kansas 67202

Re: S/D 72-47 - Preliminary
Plat of ROCK PARK ADDITION

Dear Mr. Ball:

The Planning Commission, at its regular meeting on June 8, 1972, considered the above-captioned one-lot preliminary plat in view of the existing "AA" Single-family zoning district. Based on the residential and institutional uses permitted in the existing district, it was the action of the Planning Commission to deny the preliminary plat.

In accordance with Article 10, Section 10-101. Appeals General, of the Subdivision Regulations, should you desire to appeal this action to the governing body, please advise and we will forward it for consideration by the Board of City Commissioners at a later scheduled meeting date of that Commission.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Levitt Jewelry Co., Inc., P. O. Box 18185 67218
Baughman Company, 330 Laura 67211
Rev. Dean H. Rutherford, Woodlawn Christian Church,
633 South Woodlawn 67218
H. P. Bauer, Senior Vice President, Cessna Aircraft Company
5800 East Pawnee 67218
Colonel William T. Hendricks, USAF, Deputy Base Commander,
McConnell Air Force Base 67221

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

June 2, 1972

TO Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM John D. Gist, Principal Planner *JDG*

SUBJECT S/D 72-47 - Preliminary Plat of Rock Park Addition, generally located on the west side of Rock Road in an area south of Harry.

The above captioned preliminary plat has been submitted which includes a gross acreage of 20 acres, located within the corporate limits of the City of Wichita, and the property is presently zoned the "AA" One Family Dwelling District. The plat lies in an area south of Levitt Industrial Park Addition which was approved for "E" Light Industrial zoning in 1966, and is itself in an area designated for future industrial development.

The applicant has advised that it is intended to sell the 20 acres for development of a church, and that it is also possible that related activities such as a children's day care center and a home for the elderly might be developed in the future. Inasmuch as the Planning Commission has supported this area for industrial development, and because of the property's proximity to flight patterns and aircraft approach zones of Cessna and McConnell Air Force Base, the staff is of the opinion that prior to the land being platted, a determination should first be made as to whether or not the proposed institutional uses are desirable in this area.

The preliminary plat was considered by the Subdivision Committee at their regular meeting on May 18. Since the important issues and questions raised dealt primarily with land use and the applicant's intended development, it was the action of the Committee to forward the matter on to the Planning Commission for your consideration.

This item is scheduled for your regular meeting on Thursday, June 8, 1972. Attached for your information are copies of letters received from FAA, Cessna and McConnell in answer to our inquiry for comments from their agencies.

JDG:ls
Attachments 3

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CENTRAL REGION
601 EAST 12TH STREET
KANSAS CITY, MISSOURI 64108

23 MAY 1972



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

Dear Mr. Galbraith:

In response to your letter of 12 May 1972 concerning possible church and institutional development with the 100-115 CNR contours of McConnell Air Force Base, we strongly support your contention that such location should not be used for this type development.


The only types of development which we would recommend in the 100-115 CNR contours would be commercial, industrial and non-spectator outdoor recreational uses. It is possible that, with proper sound-proofing and construction techniques, such uses as apartment complexes, hotels, motels, and offices could be included in this zone.

It should be understood that noise sensitivity zones should be used only as guides to compatible land-use planning, and not as rigid geographic boundaries. Intelligent and careful interpretation is called for, taking into account possible influences of local terrain and inexactitudes in locating flight paths or in estimating future aircraft traffic trends.

We hope that this will assist you in your decision, and that you will consider all aspects of the situation before changing from a generally acceptable land-use plan to a generally unacceptable plan.

If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,


WILLIAM C. KNOEPFLE
Chief, Airports Division



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



16 May 1972

Mr. Jack H. Galbraith
WSC Metropolitan Area Planning Department
City Building Annex, 104 South Main Street
Wichita, Kansas 67202

Dear Mr. Galbraith

I would like to offer a few comments in reply to your letter of 12 May 1972.

In my opinion, and in the opinion of our engineers, the site marked in red on your aerial photograph would be a very poor location for a church, day care center and home for the elderly. Even industrial users should be aware of the noise level before building on this site.

At this site, residents or occupants will be subjected to reduced noise from low flying aircraft in our landing pattern in addition to the much greater noise levels produced by F-105 and KC-135 aircraft at takeoff power. In my opinion, the departure of heavily loaded KC-135 aircraft will create the greatest problem because of their low altitude when passing this site. Although flights are less frequent at night, prospective users should be aware that flights are possible at any hour of the day or night.

I trust that these comments will be useful in your consideration of the proposal to build on this site.

Sincerely

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



 **Cessna** AIRCRAFT COMPANY

CABLE ADDRESS
CESSCO-WICHITA

Wichita, Kansas 67201

May 16, 1972

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

Dear Mr. Galbraith:

Your letter regarding the use of 20 acres of land north, north-east of McConnell Air Force Base and our Cessna Air Field activity is of interest to us.

We assume you have considered all U.S. Government regulations for land use adjacent to airports, including the latest flight patterns and other considerations. We suggest that the land location and suggested use are not compatible.

We would further suggest that commercial or light industrial use would be much more preferable than institutional or residential use.

Thank you for having brought this matter to our attention.

Sincerely yours,



R. P. Bauer
Senior Vice President

RPB/ab

cc: Mr. Del Roskam



May 22, 1972

Mr. George Ball
Attorney at Law
Sutton Place Building
Wichita, Kansas 67202

Subject: S/D 72-47 - Preliminary
Plat of ROCK PARK ADDITION,
generally located on the west side
of Rock Road in an area south of
Harry.

Dear Mr. Ball:

At its regular meeting on May 18, 1972, the Subdivision Committee of the Metropolitan Area Planning Commission considered the above captioned plat. Since the most important issues at hand dealt primarily with "land use" and the proposed development for subject property, it was the action of the Committee to forward the matter on to the Planning Commission for their consideration. This plat will be scheduled before the Commission at their regularly scheduled meeting on Thursday, June 8, 1972, at 1:30 p.m.

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

Very truly yours,

John D. Gist
Principal Planner

JDG:rme

cc: Levitt Jewelry Co., Inc., Attn: William Levitt
P. O. Box 18185, 67218
Baughman Company, 330 Laura, 67218
Rev. Dean H. Rutherford, Woodlawn Christian Church
633 South Woodlawn, 67218
R. P. Bauer, Senior Vice President, Cessna Aircraft Company
5800 East Pawnee, 67218
William T. Hendricks, Colonel, USAF, Deputy Base Commander
McConnell Air Force Base, Wichita, Kansas, 67221

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 72-47 Name ROCK PARK ADDITION
Date Application Rec'd. 5-8-72 Preliminary Approval _____
Scheduled S/D Meeting 5-18-72

DESCRIPTION

General Location At the southwest corner of Rock Road and Skinner

Owner Levitt Jewelry Co., Inc.
Surveyor/Engineer Baughman Company
Address 330 Laura Phone 262-7271

- | | |
|--|---|
| 1. Gross Acreage of Plat <u>20</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u> </u> R/W <u> </u> ft. |
| Residential <u>1</u> | b. <u> </u> R/W <u> </u> ft. |
| Commercial <u> </u> | c. <u> </u> R/W <u> </u> ft. |
| Industrial <u> </u> | d. <u> </u> R/W <u> </u> ft. |
| Other <u> </u> | e. <u> </u> R/W <u> </u> ft. |
| Total Number of Lots <u>1</u> | TOTAL <u> </u> none ft. |
| 3. Minimum Lot Frontage <u>690.6</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>871,164</u> sq. ft. | streets? <u> </u> yes <u> </u> no |
| 5. Existing Zoning <u>AA</u> | |
| 6. Proposed Zoning <u>AA</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name _____ | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name _____ | |
| 11. Health Department Approval (where applicable) _____ (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. This 20 acre one lot plat lies in an area south of Levitt Industrial Park Addition which was approved for Light Industrial zoning in 1966. In consideration of the zoning, it was pointed out that this total area is designated for future industrial development in the adopted Industrial Land Use Plan.
- B. The applicant has advised that it is intended to sell this 20 acres for development of a church. It has also been mentioned that related activities such as a Children's Day Care Center and Home for the Elderly might be anticipated in the future.
- C. Inasmuch as the Planning Commission has supported this area for industrial development, a determination should first be made as to whether or not the proposed institutional use is desirable in this area. The Staff is still of the opinion that low density worker-per-acre uses, without air pollution or electrical interference characteristics, are more compatible with areas in low flight aircraft approach zone than are institutional uses.
- D. We have advised representatives of F.A.A., McConnell Air Force Base and Cessna that consideration of this matter is on your agenda and we have requested any comments they might have.

May 12, 1972

Mr. Del Roskam, President
Cessna Aircraft
5800 East Pawnee
Wichita, Kansas 67218

Dear Mr. Roskam:

This is to advise you that we have received a proposal for the development and platting for 20 acres of land to the northeast of Cessna's Delivery Center and in the Section of land north of the Air Base. The area is outlined in red on the enclosed aerial photograph. The intended use, as stated to us by a representative of the owner, is for a church and possibly in the future, a children's day-care center and home for the elderly. Although I doubt that any serious details have been given at this time as to the design for the church, at one time a church steeple, to a height of 90 feet was mentioned.

This site is located in an area designated for future industrial development in the adopted Industrial Land Use Plan. Inasmuch as the Planning Commission has supported this area for industrial development, we are requesting that a determination be made as to whether or not a proposed institutional use is desirable for this area. The staff is of the opinion that low density worker-pertacre uses, without air pollution or electrical interference characteristics, are more compatible with areas in low flight aircraft approach zones than are institutional uses. We are, therefore, encouraging industrial platting and development rather than residential and institutional uses.

You may also be aware that our department is currently engaged in an airport noise study. One of the items in this study is a map of noise contours for McConnell Air Force Base. Attached is a copy of a map showing the 100 and 115 Composition Noise Rating (CNR) contours supplied by the Air Base in January, 1972. Based on these contours,

Page 2 - Oel Roskam
May 12, 1972

it appears that the proposed site of the church is such that it will be subjected to noise levels that are very close to being unacceptable for churches.

Consideration of this request is scheduled for the Subdivision Committee meeting of the Planning Commission on May 18, 1972. Attached is a copy of the agenda for that meeting.

We would appreciate any comments you have concerning this proposal . If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls
Enclosures

May 12, 1972

Mr. Newton L. Taylor, Chief
Airports Field Branch, CE-670
Federal Aviation Administration
601 East 12th Street
Kansas City, Missouri 64106

Dear Mr. Taylor:

This is to advise you that we have received a proposal for the development and platting of 20 acres of land in the section of land directly north of McConnell Air Force Base and directly to the northeast of the runway at the Cessna Delivery Center. The area is outlined in red on the enclosed aerial photograph. The intended use, as stated to us by a representative of the owner, is for a church and possibly in the future, a children's day-care center and home for the elderly.

This site is located in an area designated for future industrial development in the adopted Industrial Land Use Plan for Wichita. Inasmuch as the Planning Commission has supported this area for industrial development, we are requesting that a determination be made as to whether or not a proposed institutional use is desirable for this area. The staff is of the opinion that low density worker-per-acre uses, without air pollution or electrical interference characteristics, are more compatible with areas in low flight aircraft approach zones than are institutional uses. We are, therefore, encouraging industrial platting and development rather than residential and institutional uses.

You may also be aware that our department is currently engaged in an airport noise study. One of the items in this study is a map of noise contours for McConnell Air Force Base. Attached is a copy of a map showing the 100 and 115 Composition Noise Rating (CNR) contours supplied by the Air Base in January, 1972. Based on these

Page 2 - Newton L. Taylor
May 12, 1972

contours, it appears that the proposed site of the church is such that it will be subjected to noise levels that are very close to being unacceptable for churches.

Consideration of this request is scheduled for the Subdivision Committee meeting of the Planning Commission on May 18, 1972. We would appreciate any comments you have concerning this proposal. If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls
Enclosure

May 12, 1972

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

Dear Colonel Hendricks:

You will recall that on March 10, 1971, you corresponded with the Wichita-Sedgwick County Metropolitan Area Planning Commission relative to proposed development north of McConnell Air Force Base at the intersection of Rock Road and Keillogg. The purpose of this letter is to advise you that we have received another proposal for development for platting 20 acres of land in the section of land directly north of the Air Base, which is outlined in red on the enclosed aerial photograph. The intended use, as stated to us by a representative of the owners, is for a church and possibly in the future, a children's day-care center and home for the elderly.

This site is located in an area designated for future industrial development in the adopted Industrial Land Use Plan. Inasmuch as the Planning Commission has supported this area for industrial development, we are requesting that a determination be made as to whether or not a proposed institutional use is desirable for this area. The staff is of the opinion that low density worker-per-acre uses without air pollution or electrical interferences characteristics, are more compatible with areas in low flight aircraft approach zones than are institutional uses. We are, therefore, encouraging industrial platting and development rather than residential and institutional uses.

You may also be aware that our department is currently engaged in an airport noise study. One of the items in this study is a map of noise contours for McConnell Air Force Base. Attached is a copy of a map showing the 100 and 115 Composition Noise Rating (CNR) contours

Page 2 - William T. Hendricks
May 12, 1972

supplied by the Air Base in January, 1972. Based on these contours, it appears that the proposed site of the church is such that it will be subjected to noise levels that are very close to being unacceptable for churches.

Consideration of this request is scheduled for the Subdivision Committee meeting of the Planning Commission on May 18, 1972. Attached is a copy of the agenda for that meeting.

We would appreciate any comments you have concerning this proposal. If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls
Enclosures

An Airport Noise Study is currently being conducted by a member of the MAPD staff.

One of the items acquired for this study is a mapping of noise contours for Mc Connell Air Force Base. Attachment — is a copy of a map ^{showing} the 100 and 115 Composite Noise Rating (CNR) contours supplied by the Air Base in January, 1972.

These contours were derived upon the basis of F105 and KC135 military aircraft operation.

Consideration was also given to one daytime and one nighttime operation of B52 aircraft from the Base.

These contours have been assumed equivalent to 30 and 40 NEF contours in the Noise Exposure Forecast system of noise annoyance prediction.

Based upon this assumption, the land use compatibility data published by Bolt, Beranek, and Newman, Inc (BBN)

may be used as a guide for new construction.
Attachment — shows the proposed site
for construction of the church to be inside
the 30 NEF contour. The BBN land use compatibility
information indicates that a church should not
be constructed at this location unless a detailed
analysis of noise reduction requirements is
made and needed noise insulation features ^{are} included
in the design and construction of the church.

A report relating to the impact of aircraft noise
from Dallas International Airport on Fairfax County, Va.
(February, 1972) recommends that church construction
be allowed up to the 35 NEF level, ^{However, this recommendation is} made with the stipulation
that the indoor noise intrusion ^{from outside sources} be limited to
35 dBA ^{by acoustic insulation.} This recommendation is ^{also} made upon
the assumption that there will be little or no outdoor
activity associated with the functions of the church.

It has been determined that
the location of the proposed church is ~~the~~
~~such~~ such that it is ^{subjected to noise that is} very close to the
maximum ~~is~~ level acceptable for such land
use.

Map No.: 5945
Section No.: 31
Twp. No.: 27 S
Range: 2 E

S/D No. 72-47

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: ROCK PARK ADDITION

General Location: Rock Road & Skinner SW corner

Name of Property Owner: Levitt Jewelry Co. Inc. Att: Wm. Levitt

Address: Box 18185 S. Ea Station Phone: MU-66693

Name of Subdivider: same Phone: _____

Address: _____ Phone: _____

Name of Agent/Surveyor: Baughman Co.

Address: 330 Laura 67211 Phone: 262-7271

Date of Application: April 27, 1972

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 20 Acres
2. Number of Lots:
 - Residential _____
 - Commercial _____
 - Industrial _____
 - Other _____Total Number of Lots 1
3. Minimum Lot Frontage 690.6 ft.
4. Minimum Lot Area 871,164 sq. ft.
5. Existing Zoning aa
6. Proposed Zoning _____
7. Lineal Feet of New Streets:
 - a. _____ R/W _____ ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.TOTAL none ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply yes (Yes-No), Name _____
10. Public Sanitary Sewers yes (Yes-No), Name _____
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita X Three-Mile Area

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: LEVITT JEWELRY CO. INC.
By Wm. Levitt, President

Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas

Received by _____
Date _____
Fee Submitted _____

79-301B
(2-71)



FORM 223-21

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
Sp. Construction	50.00
<hr/>	
Name	
<hr/>	
Address	
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Type	Due Date
10-407163	
Comments:	
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Date	By
5-22-21	lw